



10th September 2018

Committee Secretary
Legal Affairs and Community Safety Committee
QUEENSLAND PARLIAMENTARY SERVICE
LACSC@parliament.qld.gov.au.

To whom it may concern

Submission to: Queensland Parliament
Legal Affairs and Community Safety Committee RE:
[Criminal Code \(Non-consensual Sharing of Intimate Images\) Amendment Bill 2018](#)

The Centre Against Sexual Violence Inc. (CASV) is a not-for-profit, community organisation funded by the Queensland State Government. The core business of the organisation is to provide sexual assault counselling, advocacy and support to all women 12 years and over residing in the Logan, Beaudesert and Redlands region who have experienced sexual assault at any time in their life.

The CASV welcomes and supports the proposed new legislation:

[Criminal Code \(Non-consensual Sharing of Intimate Images\) Amendment Bill 2018](#)

that will align Queensland with the majority of other jurisdictions. As a sexual assault counselling and support service that also provides community education in Queensland Secondary schools the CASV has direct experience of clients who have been victimised by the non-consensual sharing of intimate images and with Secondary School Students grappling with uncertainty around this issue.

Clients of the CASV present having experienced various kinds of technology assisted sexual abuse or assault including: sexting, non-consensual sharing of intimate images, pressure to participate in or watch pornography, victimisation on revenge porn sites, cyberstalking and repeated requests for sexualised photographs. This type of victimisation is particularly prevalent amongst younger clients of the service, but technology assisted abuse is increasingly becoming an issue that clients of all age groups are facing. It is essential that legislation keep pace with the realities of technology in Queenslanders' lives. This new legislation will assist as people will no longer have to prove consent or the absence thereof in the production of intimate images. This has always been a fraught area of prosecution.

CASV supports young women and women who have been victimised online including the non-consensual sharing of intimate images. The effects can be devastating and often result in disruption to education, mental pain and anguish, isolation from family and friends, affecting them in their work and professional lives, disruption to schooling or to dropping out of school all together. Victim blaming is normalised in our experience. Judging of young women or women who might have originally been filmed or photographed by consent is often brutal and uncompromising. Victims of sexual assault have traditionally been shamed into silence but with the advent of technology the shaming can be instantly widespread on social media.



Blaming women or girls for being involved in intimate photographs is rampant. Any legislation that seeks to prevent the abuse of all Queensland survivors of technology assisted abuse or limit ongoing victimisation is welcomed. The Queensland Parliament is also giving a clear message that the non-consensual sharing of intimate images is not acceptable and thereby showing support to the victims of this abuse.

The use of technology assisted abuse, harassment and bullying is increasingly prevalent in Australia. Technology is now an intrinsic part of our society. In the Don't Send that Pic (Plan International and Our watch March 2016) Australian girls and young women aged 15 – 19 years reported endemic levels of abuse and harassment online. The 2017 Human Rights Commission report into sexual assault and harassment in Australian Universities found that among university students more than one in five (22%) students experienced technology-based sexual harassment in 2016, including repeated or inappropriate advances on email, social networking websites and internet chat rooms and sexually explicit emails or SMS messages. The report repeatedly highlighted a lack of awareness of rights, or avenues for support for victimised individuals, witnesses or bystanders. The proposed legislation would enhance and clarify the rights of individuals.

The CASV supports the creation of a new misdemeanour that includes the threat to another person to distribute an intimate image or prohibited visual recording. Currently a victim might be less likely to seek help or disclose abuse if a perpetrator threatened to disseminate sexualised photographs of them. The new legislation has the potential to empower women and children to speak out and seek legal and community support; knowing that they can receive legal support around the non-consensual sharing of intimate images or the threat to do so.

The CASV supports the proposal to increase maximum penalties under sections 227A and 227B of the criminal Code to three years to make it consistent with the proposed new offences. We welcome the acknowledgment of the gravity of these breaches of personal privacy and the intention to deter such offending behaviours.

The CASV also supports the power to order the removal or retraction of images and associated offence by the sentencing court. A rectification order is necessary to reduce the ongoing distress and damage that the victim of this crime may suffer.

The proposed new legislation shows a commitment by the Queensland Parliament to support the wellbeing and privacy of individuals, gives a clear message that this type of abuse will not be tolerated and recognises the necessity of legislation that is responsive to the realities of technology assisted abuse. The CASV appreciates the opportunity to provide input and suggestions from the perspective of victims/survivors of sexual assault towards the proposed new legislation. We look forward to the introduction of the new legislation and its potential to make all Queenslanders safer.

Yours sincerely

Katrina Weeks
On behalf of the CASV Association



Reference

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Plan International and Our Watch. 2016. Don't Send Me That Pic, Australian young women and girls report online abuse and harassment are endemic.
<https://www.plan.org.au/~media/plan/documents/reports/dont-send-me-that-pic.pdf>