




Speech By  
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**MEMBER FOR GLASS HOUSE**

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**CRIMINAL CODE (NON-CONSENSUAL SHARING OF INTIMATE IMAGES  
AMENDMENT BILL**

 **Mr POWELL** (Glass House—LNP) (2.37 pm): I too rise to speak to the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. Unlike the speaker who preceded me, the member for Mudgeeraba, I am one of those parents who currently has kids growing up in a very electronic world. I have five children—three girls and two boys—three of them teenagers as we speak and two who are not too far off their teenage years. I know already not only from what I have been exposed to through the work I have to do on social media but from watching my eldest two in particular, who are in the workforce, who hang out with mates, who have things posted on social media, that you walk a very fine line as a parent in wanting to be in their pocket the whole time and domineering versus trying to help them navigate what is an increasingly difficult world. I am incredibly grateful that I never had to experience this. It was tough enough as it was when we were kids, but it is so much harder now.

I have seen images when my son has been tagged into posts that, had his boss seen them, could have meant no job. I had to quietly suggest to him that he talk to his mate about untagging him and getting rid of the post altogether. Those kinds of things are certainly happening. The fact that we are now having to have a debate and bring in laws around the non-consensual sharing of intimate images is just tragic—absolutely tragic—but so necessary given what has been occurring. I think it is important that we have a bill that creates new offences that relate to that non-consensual sharing of intimate images and to make sure they apply to not only the sending of such images without consent but also the threat of sending those images without consent. Other speakers before me have talked about the fact that this is often labelled the 'revenge porn bill'. However, it is not just about revenge porn. Revenge does not always form the basis of these kinds of actions.

The committee has produced a great report in relation to this issue. It talks about the fact that other motivations could include control, intimidation, sexual gratification, monetary gain and social status building. The fact is that individuals who are impacted by the non-consensual sharing of intimate images do not always know the perpetrator. Sometimes it is a complete stranger. I am grateful that we are here debating this bill, although it is tragic that it is needed.

It is important to point out that we have been a bit of a slow mover in this space. Other jurisdictions arrived at this point far sooner than we have. Indeed, South Australia led the way back in 2013, when it became the first jurisdiction to create such an offence. They were followed by Victoria the following year, and since then we have seen the ACT, New South Wales and the Northern Territory introduce similar legislation. It is my understanding that the Western Australian parliament currently has a bill before it also, and it is positive to see there is a lot of commonality between the laws. It is good to know that other jurisdictions are addressing this in a similar way to ensure that these kinds of criminal acts can be prosecuted.

For the constituents of Glass House it is important that I read into *Hansard* some of the key definitions contained in the bill which will become law. The bill states—

*Intimate image* of a person means a moving or still image that depicts the person engaged in an intimate sexual activity that is not ordinarily done in public or, that depicts a person's genital or anal region when it is bare or covered only by underwear or, that depicts the bare breasts of a female person or a transgender or intersex person who identifies as female.

It also includes images that have been altered to appear to show any of these things and images depicting a thing mentioned above, even if that thing has been digitally obscured, if the person is depicted in a sexual way. The bill is quite comprehensive in terms of what it will capture. Similarly, a very detailed definition of consent will be inserted into the Criminal Code which states—

*Consent* means consent freely and voluntarily given by a person with the cognitive capacity to give the consent.

I think it is very good to know that it assumes—and rightly so—that children under 16 are incapable of consenting to these new offences. During deliberations at the committee stage the department advised that this is in recognition of the greater vulnerability of young children and is a similar approach to that taken in the majority of other Australian jurisdictions. As a father of five, four of them aged 16 or under, I think that is an incredibly sensible addition to this legislation and I welcome it.

Finally, we need to understand what the penalties are if you are caught and prosecuted for these offences. The bill proposes to increase the maximum penalty from two years imprisonment to three years imprisonment for the offences of distributing a prohibited visual record and observing or recording in breach of privacy. We are going to see a potential term of imprisonment of three years for anyone convicted under these new laws. Whilst that might not sound like a lot, I certainly hope it will become the deterrence that we expect it to be. The kind of activity that we are talking about is despicable. It is disgusting regardless of the motivation, and therefore I applaud this bill and welcome its passing later today.