




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

 **Mrs LAUGA** (Keppel—ALP) (5.15 pm): I rise to speak on the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. It has never been easier for people to meet others, date and connect online. Apps like Tinder, Bumble, Grindr and Snapchat have made flirting online or on a phone much more common, but sometimes things can go wrong. Sexts might get sent to the wrong person by accident in the heat of the moment, shared with someone who later proves not to be trustworthy or shared with friends or posted online to try to hurt or embarrass someone. A little bit of fun can turn into shame, depression and, in some cases, significant financial loss and even suicide. This is an issue that affects many girls and boys, men and women. Children and adolescents are particularly vulnerable as they explore their sexuality. Curiosity, peer pressure, obliviousness to the consequences and to express love are just a few of the reasons people chose to share intimate images. Sometimes they are shared by mistake.

More young people are choosing to provide intimate photos online and there is a growing expectation that they will share those photos. Research by the Office of the eSafety Commissioner shows that nearly one in three children between the ages of 14 and 17 had experiences with sexting during 2016-17. Leading sexting researchers Dr Nicola Henry from the Social and Global Studies Centre at RMIT University and Dr Asher Flynn, senior lecturer in criminology from Monash University, found in their 2016 survey of over 4,000 Australians aged 16 to 40 years that one in five respondents—almost 23 per cent—reported experiencing at least one form of image based sexual abuse or revenge porn.

The most common types of image based sexual abuse reported were nude or sexual images being taken without the respondent's consent—just over 20 per cent of respondents—and this is a crime under the Criminal Code and I am pleased that the maximum penalty is being increased from two years imprisonment to three years imprisonment to bring the penalty in line with other states. I am particularly pleased with respect to this because I myself have been the victim of image based sexual abuse. At a workplace before I was elected to parliament we found a hidden camera in a staff toilet. It was hidden in a coathanger and it had been recording men and women. We never found the culprit, but the impact on us all in the office was substantial. We all felt that our privacy had been invaded. We do not know if the video recording had ever been shared with anyone, but it is good to know that the retrospective provisions of this bill would mean that if it ever was discovered that the recordings were shared the perpetrator could be sentenced to up to three years imprisonment.

The research also found that, sadly, 10.6 per cent of respondents had nude or sexual images sent on to others or distributed without consent and, finally, 8.6 per cent of respondents experienced threats that a nude or sexual image would be sent on to others or distributed without consent. Upskirting and downblousing were also commonly experienced by women in the survey. Revenge porn and sextortion have significant social, financial, physical and psychological impacts, with some victims reporting post-traumatic stress disorder, anxiety, depression and suicidal ideation.

Although most sexting is done on purpose, sometimes intimate images can be passed on accidentally. It is important to educate and warn young people about the risk of accidentally passing on intimate images. It is a good idea to not send the message to the wrong person by accident. Young people should be careful when syncing their phone and remember to keep their phone locked and safe, because if their phone is stolen the images can be accessed by the thief.

If a person makes the informed decision to send a sexy picture, I think the advice of headspace to make the photo so that the image cannot be identified is sound advice. Headspace recommends people cropping out their face and head and any identifying piercings or tattoos.

I want our young people to know that, if images are shared without their consent, it not their fault; the person who shared it is in the wrong. I urge all parents to have the conversation with their sons and daughters about porn, sharing pictures and rights to privacy and consent. I commend the bill to the House.