




Speech By
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MEMBER FOR JORDAN

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

 **Mrs MULLEN** (Jordan—ALP) (3.33 pm): I rise to make a short contribution to the debate of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. I begin by congratulating the Attorney-General and our government on tackling this important and growing issue within our community, firstly through the commitment made by Labor at the last election that we would address this serious matter and now through the development of comprehensive criminal laws in this area.

As the Attorney-General stated in her introductory speech, this is about sending a very clear message to those who think sharing or threatening to share an intimate image of another person without their consent is acceptable. This behaviour is not acceptable and will now have serious consequences. The bill creates a new offence that prohibits distribution of an intimate image of another person without that person's consent. This offence will now have a maximum penalty of three years imprisonment.

The bill seeks to define 'intimate image' whilst also capturing images that have been altered so as to appear to depict an intimate image. The bill also creates two new offences of threatening to distribute intimate images or prohibited visual recordings without the consent of the person depicted in the image or recording. I think this is an important element of the legislation. The threat alone to distribute intimate images and prohibited visual recordings can and does cause distress to an individual.

The legal affairs parliamentary committee found through its inquiry that, whilst this behaviour is often labelled 'revenge porn', research shows that revenge is not the only motive underlying the sharing of, or the making of a threat to share, intimate images. Other motivations include control, intimidation, sexual gratification, monetary gain and social status building.

A few years ago, along with the federal member for Oxley, I invited the Australian eSafety Commissioner, Julie Inman Grant, to an informative parenting workshop that focused on the issues of cyberbullying and keeping children safe on the internet. What was shocking through Ms Grant's presentation was the statistics of the number of adult women who were reporting or seeking the assistance of the eSafety Commissioner's office regarding image based abuse.

This seems to line up with the statistics referenced by other members here today of the 2016 national online survey conducted by RMIT University which found that more than one in five Australians have experienced image based abuse including sexual or nude images taken without consent—one in five Australians; distributing sexual or nude images to others without consent—one in 10 Australians; and threatening to distribute sexual or nude images without consent—again, nearly one in 10 Australians. These statistics are truly terrifying, particularly with the knowledge of how easy it is to upload these images.

As the eSafety Commissioner asserted through a submission to the parliamentary committee, the provision of some measure of privacy protection to a person depicted in an intimate image is essential. This is especially so in the context of a growing social acceptance of the taking of intimate images, the pervasive use of social media platforms and the ability for the image to be instantaneously broadcast to a potentially unlimited audience.

The parliamentary committee did recognise that the efficacy of the new laws could be impacted with changing technology. Whilst it is difficult to predict this, the suggestion that the laws be reviewed after three years to ascertain that they are operating as intended is sound.

I also believe that, along with this important legislation, we must continue educating our young people—both girls and boys—on protecting their digital identities in this ever-changing world. I would like to recognise the department of education's Cybersafety and Reputation Management Team, which is doing some fantastic work out in our schools, at both a primary and a secondary level. I was fortunate last year to see a presentation by the team to year 10 students at Springfield Central State High School. The presentation focused on ensuring our young people are developing a positive digital footprint whilst also creating an online personal brand. This was certainly a new concept to me—the need to have a personal brand at 15 years of age—but it showed just how important the online world and reputation management will be for the generations to follow. Ultimately, our education programs are aimed at creating responsible, respectful and respected online citizens—hopefully, citizens who are never captured by the legislation we are debating today but in the knowledge that these laws will be there to protect them should the need arise. I commend the bill to the House.