




Speech By
Hon. Grace Grace

MEMBER FOR MCCONNEL

Record of Proceedings, 12 February 2019

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

 **Hon. G GRACE** (McConnel—ALP) (Minister for Education and Minister for Industrial Relations) (4.30 pm): I rise to support the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. The bill proposes to amend the Criminal Code in order to implement a 2017 election commitment to create a new offence related to non-consensual sharing of intimate images, known as 'revenge porn'. I start by congratulating the Attorney-General and I take the words of the member for Gaven where she said that this is what happens when we have a balance of gender in this House. We bring these issues forward, we address them and we bring legislation like this before the House. I congratulate the Attorney-General, the parliamentary committee and all involved in bringing this piece of legislation forward that will hopefully end this kind of terrible behaviour.

As technology develops we have a responsibility to address emerging threats posed by its misuse. At this point I want to thank my daughter, Ally. The first time I was alerted to revenge porn was through my daughter, Ally—I can see the Attorney-General nodding. I was not that aware of it. I knew about sexting and the different things that people could be threatened with, but it was Ally, my daughter, who was so distressed when she knew a victim who had had a photo placed on a terrible website and she rang her distressed, asking about what she could do. My daughter alerted me, as a member of parliament, and asked, 'Mum, what can she do in relation to this?' Of course, my advice was go to the police and see what could be done. Ally then showed me this website. We did not go into the photo out of respect for the victim, but she showed me the list of all of the things you could click on that people had placed on this particular website—photos and images, the vast majority of which were of young women, that had been placed on that site to somehow embarrass, humiliate and obviously distress them.

I immediately had a conversation with the Attorney-General about that. As both of us are mothers of daughters, we realised that this needed to be addressed. I thank the Attorney-General so much for bringing this forward. I thank my daughter for bringing this forward too, because from then I had a number of constituents who also came to see me. They raised distressing incidents where they had found themselves unable to take a lot of action against the people who used those images against them. It was a terrible set of circumstances. Constituents who came to see me were humiliated. They were distressed. They felt completely powerless to do anything about it. I am so happy to be here today supporting this bill as it will address all of those instances.

Often these images are acquired—and there are many ways they are acquired. It is incredible because, as we know, with mobile phones and the devices that we have, we are probably the most photographed generation in the history of the world. I think we are photographed more every day using these devices, mobile phones, than any other human beings in history. Consequently, legislation has to keep pace with this.

I remember the time when one particular constituent came to see me and she was not even aware that the photograph had been taken as she had apparently been asleep. She was not aware that her partner at the time was taking photographs of her when she was asleep, because she said, 'If I had known, I would have destroyed them or done something.' They are often not even aware that they are being photographed.

I believe that images can be acquired by hacking or being shared around. As the member for Macalister said, various photographs can even be doctored—heads can be put on different images and those kinds of things. It is amazing what we can do with technology these days.

I welcome the fact that the threat to distribute such images which can provoke fear or be used to threaten somebody else is also covered in the bill. I think that is important. Often victims do not even know whether there is material. I think this particular victim had no idea she had been photographed while she was asleep. The threat that this image had been placed on some website—which she eventually saw—distressed her immensely. She did not know whether it was legitimate. She could not remember it happening.

A lot of members in this House who have spoken have talked about the numbers of people involved. In my view one victim is one victim too many, and this bill will hopefully address that. There is no doubt in my mind that this is bullying in its worst form and it is harassment in its worst form. Humiliating another human being by making such threats is something we need to stop. I believe this bill goes a long way to doing that.

My Ministerial Student Advisory Council allows me to hear firsthand from our students what they think the solutions are to issues that affect them including bullying and cyberbullying and in some cases the elements that are being outlawed in this bill. It was great that those 16 students from very diverse backgrounds—we meet twice a year—were very supportive of anything that would eliminate this kind of despicable behaviour.

The three main elements of the bill which I support include a new offence prohibiting the distribution of intimate images without consent, two new offences prohibiting threats to distribute intimate images or prohibited visual recordings, and rectification orders that will empower sentencing courts to direct offenders to remove or delete intimate images or prohibited visual recordings. I very much agree with this. There are definitions in the bill in relation to this.

I think the bill strikes a balance. There is a new offence, as I said, prohibiting the distribution of intimate images without consent. The bill will criminalise threats to distribute intimate images. I think this is an excellent bill and is the right step. We need to make sure that we dot all of the i's and cross all of the t's. I really support that. In three years we are going to review this bill to see how it has worked: do victims feel more empowered by the ability to take action against perpetrators; are the courts streamlined; is it working? If we can improve on this bill then I would support that as well.

Before I stood up to speak I texted my daughter. I said, 'Darling, I'm about to get up and speak about the bill in the House to make revenge porn a criminal offence.' She texted me back and said, 'OMG, Mum! That's incredible. Congratulations. That makes me feel very happy and emotional. Let me know how it goes. I'm so happy this is happening.' Ally, my darling, this is for you. I commend the bill to the House.