




Speech By
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MEMBER FOR MACKAY

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

 **Mrs GILBERT** (Mackay—ALP) (5.04 pm): I rise to make a contribution to the debate and speak in support of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. This bill is not large in volume but is hugely significant for vulnerable people who find intimate images of themselves being shared or threatened to be shared. I cannot imagine the angst and distress any person would feel if they found intimate images of themselves posted on the internet or what it would be like to live under the cloud of a former partner threatening to post intimate images as revenge for a relationship breakdown.

This bill was a Palaszczuk government election commitment and a commitment to our community that I am very proud of. The digital age is changing at a rapid rate, so it is necessary that we keep our legislation relevant and current to capture crimes evolving in modern media. Unfortunately, the internet and social media can easily be used for cyberharassment and cyberstalking. It is appalling that there are those out there who do not have the moral compass to know that the non-consensual sharing of intimate images through social media or to family and friends would cause considerable distress to the person depicted in the images.

I am pleased that this bill not only covers the distribution of images but also contains offences which specifically prohibit threats to distribute intimate images. The new offences will operate alongside and complement existing Criminal Code offences that may already apply to criminalise the non-consensual distribution of intimate images.

Revenge porn has been widely spoken about in the community—a new way of stalking and harassing a former partner or someone a person has an obsession with. The sharing of intimate images is a cruel breach of trust in a way that the perpetrator knows will cause severe anxiety and harm to the victim. Whether the images were made with the knowledge of the person in the images or not, it is wrong to distribute those images without consent. The passing of this bill will also make it illegal, with very strong penalties.

This bill defines 'intimate image' broadly to ensure the offences have wide-reaching application, subject to other elements of the offences being satisfied. The definition includes moving or still images that depict a person engaged in an intimate sexual activity that is not ordinarily done in public or that depict a person's genitalia, whether covered or not covered by underwear, or that depict the bare breasts of a female, transgender or intersex person who identifies as female. The definition explicitly extends to images that have been altered to appear to depict any of the above or that have been digitally altered to obscure the thing depicted but continue to show a person in a sexual way. A new offence will prohibit the distribution without consent of an intimate image of another person in a manner that would cause distress reasonably arising in all of the circumstances. A maximum penalty of three years imprisonment will apply, which is certainly welcomed.

This bill provides that where the image is of a child under the age of 16 that child is incapable of giving consent. The application of two defences will provide additional certainty to the operation of the offence. New powers will allow the court to order removal or retraction of distributed images upon conviction of the new offences. Failure to comply with such an order will be an offence, with a maximum penalty of two years imprisonment. I commend the bill to the House.