




Speech By
Hon. Mark Bailey

MEMBER FOR MILLER

Record of Proceedings, 12 February 2019

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

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (4.48 pm): I rise to support the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill. In doing so, I congratulate the Attorney-General on bringing the bill to the House. I also acknowledge the hardworking advocacy of the Minister for Employment and Small Business and Minister for Training and Skills Development, the member for Waterford, who has been a great advocate for reform in this area.

Technology is amoral; it can be used appropriately and well, and of course it can be used unethically and maliciously to cause great damage and distress to others. The digital distribution of intimate images and the threat to share those images are certainly forms of abuse that have been available to people seeking to control or to harm others. To have personal images taken with the consent of another and then shared in public without permission is a gross breach of trust and consent, two things that do not change when a relationship ends.

When an individual puts images out in a public forum with the intent of causing harm to a person's reputation it is more than a breach of trust: it is absolutely a form of abuse. It is a deliberate act designed to damage and harm a person, and in my view it is a digital form of violence against women which is driven by hatred. Today we live in a hyperconnected world. Today's technology provides us with broad opportunities to communicate and create; however, with those opportunities come great responsibilities to those in our lives or who have been in our lives. That responsibility to each other does not cease at the end of a relationship.

We now live in a world where intimate images can be digitally altered within seconds using free apps on phones and sent out into the world via the web. A vengeful violation of trust puts these images in front of people who clearly should not have access to them. Whether it is one person or a million people who see them, the damage is done. It is not just reputational damage but the psychological damage to the victim that follows such a public violation of trust. Victims of this kind of action may suffer consequences for the rest of their lives. This suffering and loss in the ability to trust others disproportionately affects women and girls, who are most commonly targeted and betrayed in this way. Of course it does affect some men as well.

Often this kind of behaviour is blamed on the end of a relationship and the toxic aftermath of a spurned lover, but the term 'revenge porn' simplifies what this amendment bill seeks to achieve and is in itself an inaccurate term. The term wrongly implies wrongdoing on behalf of the victim and potentially supports victim-blaming attitudes. It is simply a fact that many relationships end. This bill makes very clear what our society expects are minimum standards, both within and after a relationship.

The amendment bill also recognises that the motivation to share intimate images can be non-consensual for the amusement of both the distributor and their audience. Whatever defenders of this kind of behaviour may claim to justify themselves, this act shows no respect or regard for the impact

on the person depicted. This bill makes it clear that those seeking to damage others for those reasons will have to answer for their behaviour before a court. Other Australian states—New South Wales, Victoria, Western Australia and South Australia—already have laws to deal with this issue, and I commend them for doing so. The Palaszczuk Labor government is committed to bringing these laws before the House because we particularly support the equal rights of women and their right to live a life free of harassment, abuse and malicious humiliation in a rapidly changing technological society.

This bill contains the new offences of distributing intimate images without consent and making threats to distribute intimate images or prohibited visual recordings. That will also include threats to distribute intimate images without consent. That last part is an important distinction, as the implied threat that images may be shared can be used as a form of control over someone over time and is also simply another version of the same betrayal of human trust and dignity as the actual act itself. That fear deprives a person of the freedom to live their life in a way that is their basic right.

This bill sends a strong message that this kind of hateful behaviour is not only unacceptable but from now on in Queensland also illegal. It will ensure that those who deliberately set out to harm others by sharing intimate images in the digital world, or doctoring those images to cause distress, or threatening to do those things will be accountable under Queensland law. I commend the bill to the House.