




Speech By
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MEMBER FOR GAVEN

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

 **Ms SCANLON** (Gaven—ALP) (4.17 pm): I rise to speak in favour of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill. I am probably one of the few people in the chamber who went to high school and university with social media platforms such as Myspace, Facebook, Snapchat, Instagram, Tumblr and the list goes on. In fact, I can distinctly remember being in year 7 when the Motorola razr flip phone came out that allowed my friends and I to take photos and text them to each other. There is no doubt that the evolution of technology has created some incredible advances, particularly in the way that we connect with others. However, that connection has been taken advantage of by some people in our community.

The sharing of intimate images seems to be becoming more and more prevalent. I have heard too many stories to mention where young women have been betrayed and humiliated after their partners shared intimate materials with other people in social settings and online without their consent. I am not going to share any of those stories today, because those victims have already been through enough. I will say that I will not tolerate that sort of vile behaviour and this side of the chamber will not tolerate that sort of behaviour. Hopefully, the passing of this legislation will mean that Queenslanders do not need to live in fear of having their privacy and dignity stripped away from them.

During the committee process, the Gold Coast Centre Against Sexual Violence identified the ease with which image based abuse occurs, stating—

It only takes a few seconds to upload a photo and share an explicit image of a person without their consent, robbing them of their privacy and exposing them to potentially millions of viewers.

Little is spoken about the pervasiveness of that digital image and the lifespan it has once it has been uploaded and shared. It is likely that the repercussions will follow that victim for many years after the offence.

In July 2018 Triple J published the results of its What's Up In Your World survey of 11,000 Australians aged 18 to 29 with the results showing that 61 per cent of respondents had sent a naked selfie and two in three respondents had seen a naked selfie that was not intended for them to see. A 2016 national online survey of over 4,000 people conducted by RMIT University found that one in three people aged between 16 and 19 years, so 31 per cent, reported image based abuse.

As the youngest member of this parliament, I am acutely aware of how important this bill is for my generation and for future generations of particularly women and girls. The eSafety Commissioner survey found that while both men and women are victims and perpetrators of image based abuse, women are twice as likely to have their nude sexual images shared without consent than men. Women are more likely to experience image based abuse at the hands of a former intimate partner than men. Experiences of stalking or threatening behaviour are higher amongst women than men, especially amongst young women aged 18 to 34 years.

Despite these numbers, the Centre Against Sexual Violence asserted that blaming women or girls for being involved in intimate photos is rampant. We want to change that culture of victim blaming. This bill sends a strong message to those individuals who send or threaten to send an intimate image without consent that their behaviour is abusive and unacceptable and they will be held to account. Threats to distribute intimate images without consent can cause untold fear and anxiety and in some cruel instances threats can be used to control or coerce a victim. This bill will ensure that this form of gutless behaviour will no longer simply be regarded as immoral, this behaviour will be illegal and treated accordingly.

The bill creates a new offence of distributing intimate images without consent and two new offences of making threats to distribute intimate images or prohibited visual recordings with a maximum penalty for each offence of three years imprisonment. The non-consensual distribution of an intimate image must happen in a way that would cause the person distress reasonably arising in all of the circumstances. The bill also defines that consent must be free and voluntarily given by a person with cognitive capacity to consent.

The Centre Against Sexual Violence broadly supported these reforms, stating during the committee process that this bill will assist as people will no longer have to prove consent or the absence thereof in the production of intimate images. This has always been a fraught area of prosecution. The bill also provides rectification orders that will empower sentencing courts to direct offenders to remove or delete intimate images or prohibited visual recordings.

Tasmania and Queensland are the only states that do not currently have a specific offence targeting non-consensual sharing of intimate images. This was an election commitment that the Palaszczuk government made. I am proud to be standing here today in support of this bill. This is the type of reform we see when a government has 50 per cent of women in cabinet and almost 50 per cent of women in the caucus. Today is just another step forward for the women and girls in Queensland. I commend the bill to the House.