




Speech By
Michael Berkman

MEMBER FOR MAIWAR

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

 **Mr BERKMAN** (Maiwar—Grn) (5.20 pm): I rise to speak in support of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. This is an important bill as it is an important acknowledgement that our current laws are failing people in this state, most often women, when it comes to image based sexual exploitation and violence. Although these acts of exploitation and violence are often dubbed revenge porn, we know that revenge is certainly not the only motivation for perpetrators. Other motivations include control, intimidation, sexual gratification, monetary gain and social status building. Whatever the perpetrator's motivation, the acts that this bill seeks to address are a disgusting violation of trust and privacy. They are acts that are designed to humiliate and intimidate.

Both the act and the threat that this bill seeks to address are an extreme form of privacy invasion and abuse of power. As was highlighted in a number of excellent submissions, this unauthorised sharing of images can be a particular issue for women who are victims of domestic violence and who often also face technology facilitated stalking and abuse. Even when women are physically removed and physically protected from these perpetrators of violence, the perpetrators continue to perpetrate the violence online and the offence that this bill will create is an important step in addressing this issue.

The Greens and I agree wholeheartedly that this legislation fills an important gap in the current legislative framework and we support that step. It is important to stress, as others have in this debate, that the bill alone is not enough to prevent and address these acts. If we are to properly address the issue, prevention strategies, education and cultural change must come with this bill. In the world today digital technology is ubiquitous. In parallel with that, our concepts of and expectations around consent are changing and evolving. There is the potential for great harm when those two changing landscapes intersect. As others have mentioned, as legislators, it is vitally important that we remain live to the changes in that landscape and maintain a vigilance about further change that might be required. Importantly, a lot of submitters recognised the nuance that exists within the concept of consent. That is one issue for us to focus on in the future.

I want to also highlight the point made by many submitters, including R4Respect and Micah Projects, that these new laws must be accompanied by community education and mandatory respectful relationships education. That education could include strategies, particularly for young people, to challenge image based abuse rather than simply being a bystander.

Whether intimate images of this nature are being taken or shared by an intimate partner, ex-partner, friend, family member or stranger, consent to the way in which the material is used is the crucial element. This facet of the bill is to be applauded. As highlighted by a number of submissions by abuse survivors and DV support services, it is important that consent lies at the heart of the new offence that this bill will create. Promoting a culture of consent and respect in the digital age will take more than this bill alone.

As is the case with most forms of abuse and discrimination, it is worth noting that some groups are subject to this abuse more than others and the patterns of abuse mimic the experience of marginalised groups more generally. The 2017 research that we have heard much about suggests that one in two Australians with a disability—more than that; 56 per cent—report being a victim of image based abuse. One in two first nations people report image based abuse and victimisation and one in three people aged 16 to 19 years report being a victim of this kind of abuse. Therefore, education and support programs must acknowledge and cater to the different experiences of our diverse community.

The bill also comes at a time when violence and abuse against women across-the-board in this country remains despicably high. There is an urgent need to address this issue. The bill draws attention to one act of violence and fills that void in the framework. It is one terrible way that modern technology can be used and manipulated to perpetrate age-old crimes.

As I noted, the patterns of image based exploitation are gendered in a similar manner to other forms of violence and abuse where both men and women are most likely to experience abuse from male perpetrators and where women are more likely than men to experience abuse from an intimate partner, or ex-partner. It is crucial to highlight that female victims of revenge porn are significantly more likely than men to report feeling in fear of their safety as a consequence of the act of sharing images and, given more broadly the context of the national domestic violence crisis that we are facing and the despicably high rates of physical violence and murder perpetrated against women in particular, these are vitally important factors to bear in mind.

We should all hope that the mechanisms contained in this bill are an effective tool to address and end this behaviour and are an important piece of the puzzle in ending domestic violence more broadly in our community. I commend the bill to the House.