




Speech By  
**Michael Crandon**

**MEMBER FOR COOMERA**

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

 **Mr CRANDON** (Coomera—LNP) (3.50 pm): I rise to make a contribution to the debate on the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. The policy objectives and the reasons for them are outlined in the explanatory notes to the bill. There is a great deal of support for this bill, which is reflected in the committee's report. The only recommendation made by the committee in its report is that the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018 be passed.

The committee's report refers to the very thorough review that was undertaken of this bill. Page 4 of the report states that image based abuse is widespread in Australia and refers to a 2017 report by Asia Eaton, Holly Jacobs and Yanet Ruvalcaba titled *Nationwide online study of non-consensual porn victimization and perpetration: a summary report*. The report also refers to a 2017 national online survey of 4,122 people—and, obviously, that is a significant number of people—by RMIT. That survey found that more than one in five Australians—23 per cent—have experienced image based abuse, including sexual or nude images taken without consent; one in 10 Australians have experienced distributing sexual or nude images to others without consent; nine per cent, or nearly one in 10 Australians, have experienced threatening to distribute sexual or nude images without consent; one in two Australians with a disability—56 per cent, which is just a horrific statistic—have reported being a victim of image based abuse; and one in two Indigenous Australians, or 50 per cent, have reported image based abuse victimisation. The survey found further that one in three people aged 16 to 19 years—or 31 per cent, or almost one in three—reported image based abuse; and four in five Australians, or 80 per cent, agreed that it should be a crime to share sexual or nude images without permission. Indeed, it is a crime in Queensland to share sexual or nude images under certain circumstances.

In July 2018 the ABC's Triple J published the results of its What's Up In Your World survey of 11,000 Australians aged 18 to 29 years. That is the age group of people who are most likely to engage in this type of behaviour other than young people. The Triple J survey revealed that 61 per cent of respondents had sent a naked selfie. Surely, that is begging for trouble. In some regards, that is analogous to someone drinking and driving: they know what these things can lead to but, of course, in matters of passion their common sense can go out the window.

The eSafety Commissioner survey found that both men and women are victims and perpetrators of image based abuse but that women are twice more likely than men to have their nude or sexual images shared without consent.

The report on the bill states that the Women's Legal Service advised in its submission that non-consensual sharing or threatening to share intimate images is—

... a common occurrence that our clients face both in circumstances where they were completely unaware of the existence of the materials (ie. It had been undertaken without her knowledge) or if it was with knowledge it was in circumstances that the items were to be shared as a couple and not for wider distribution.

The report also states that in its submission the Centre Against Domestic Abuse Inc. stated—

We believe this amendment will go well toward filling the gap that falls between domestic violence protection order provisions, stalking provisions and the provisions regarding telecommunications/ digital communications contained in the commonwealth criminal code.

I want to bring to the attention of the House some comments that came about as a result of my involvement and that of the member for Mansfield in the Queensland Anti-Cyberbullying Taskforce. That task force travelled throughout Queensland and talked to many people, particularly those aged under 18 years of age, and school principals. Those school principals said that it was not a surprise to them that image based abuse is occurring—in fact, it was quite common, that it was almost part of the culture of young people to take images of themselves, whether they had been coerced or not. The material gathered by the Queensland Anti-Cyberbullying Taskforce showed that it was quite common for young people to take selfies and send them. Of course, those images are then out there for anyone and that had a psychological impact on young people.

The Queensland Anti-Cyberbullying Taskforce report titled *Adjust our settings: a community approach to address cyberbullying among children and young people in Queensland* states—

Sexting—images of young people—while sexting (sharing intimate images) between young people is commonly consensual, it is an offence if the image is of a child (a person under 16). This includes the sharing of images between children.

The report then details the list of offences. This is a caution for all of us. If we do not get the message out very clearly to our young people that, ‘This is not on. You cannot keep doing what you are doing,’ we run the risk of criminalising them. I quote from page 75 of the report—

To limit the impacts of criminalisation of young people, the Queensland Police Service (QPS) advised the Taskforce that, in relation to potential offences under the Criminal Code, police preference cautioning and other techniques rather than charging young people.

It is very important for us to take on board that we need an education program for our young people to make it abundantly clear to them that this is not on, they cannot continue to do this. They cannot think that it is a bit of fun, that it is a bit of ‘ha ha’, because there are very serious consequences particularly given that those images are there forever. They are on social media pages and the internet forever and they can lead to further abuse.