




Speech By  
**Hon. Shannon Fentiman**

**MEMBER FOR WATERFORD**

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Record of Proceedings, 13 February 2019

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

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Employment and Small Business and Minister for Training and Skills Development) (12.09 pm): I am incredibly proud to stand in this House and speak in favour of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill. These amendments to the Criminal Code create a new offence that prohibits the distribution of an intimate image of another person without that person's consent. The bill also prohibits threatening to distribute intimate images of another person.

The practice of the non-consensual sharing of intimate images is an insidious form of violence that disproportionately affects women, often by a trusted individual, and today we are criminalising that form of abuse—a weapon used by perpetrators to denigrate, intimidate, coerce or humiliate victims regardless of whether they chose to share intimate images with the perpetrator. These reforms will hold perpetrators to account instead of shaming and blaming victims for the actions of their abusers. We are sending a message to victims across Queensland that we support them and that the violence and threats that they have been subjected to will not be tolerated.

In 2016 a report conducted by RMIT found that one in five Australians have experienced image based abuse, with the majority of these women. Revenge porn is underpinned by the same cultural attitudes as all forms of violence against women, and that is disrespect for women. Our Criminal Code should strive to reflect the expectations of our modern society. The development of technology and the adoption of new methods of communication require new criminal offences and it is crucial that government respond to this changing reality. These amendments are overdue and bring Queensland into line with other jurisdictions that have outlawed revenge porn.

This bill in part came out of an agreement of the Law, Crime and Community Safety Council to have nationally consistent criminal offences relating to the non-consensual sharing of intimate images. An important part of this bill is to criminalise not only the non-consensual sharing of these images but also the threat to share those intimate images. The threat to distribute this material can cause severe psychological distress and, like other forms of abuse, is used by abusers to control and coerce victims. The Centre Against Sexual Violence—an organisation of which I am proud to volunteer my time—noted in its submission that the new legislation has the potential to empower women and children to speak out and seek legal and community support, knowing that they can receive legal support around the non-consensual sharing of intimate images or the threat to do so.

Despite the RMIT survey finding that 80 per cent of respondents believed the non-consensual sharing of an intimate image should be a criminal offence, women are often blamed for the creation of the image. It is an unfair position that I hope these amendments will go some way to addressing. We know that the non-consensual sharing of intimate images or the threat to do so is behaviour that is abhorrent, but now this behaviour importantly will also be illegal and anyone caught engaging in this form of abuse will be held to account. Perpetrators will face significant fines and a maximum of three

years imprisonment if they are convicted of this offence. This legislation sends a clear message to the community that this type of behaviour will not be tolerated and will go some way in changing our culture of victim blaming.

I want to thank my parliamentary colleagues who have shown leadership on this issue and prioritised passing this important legislation. It is an important commitment that the Palaszczuk government is delivering on. Before concluding, I want to note the submission from Women's Legal Service which raised concerns about the potential application of the mistaken belief defence in relation to revenge porn and that it should be explicitly excluded from the bill. Its submission went further and stated also that the Queensland government should develop a sexual violence prevention plan and immediately review the laws on consent and mistaken belief to reflect modern understandings and attitudes.

I want to take the time to acknowledge the advocacy of the Women's Legal Service on this important issue. In the committee report the Department of Justice and Attorney-General outlined that such issues were outside the scope of this bill but did note the calls for a review of Queensland's consent laws and the fact that New South Wales has recently asked its Law Reform Commission to consider these issues, and I know the Attorney-General has written to stakeholders about these issues. I share the views expressed by the Women's Legal Service and the views expressed in this House by the member for Macalister in this debate and I, too, hope that this is also the start of further reform in this area.

During my time as the minister for women criminalising revenge porn and other forms of technology-enabled harassment was a key priority amongst stakeholders and many community groups. I want to thank these groups for the incredible work that they do. They fight tirelessly for reforms like this and they continue to advocate for women in our community. I am incredibly proud to support this bill. I am proud that this bill supports victims and criminalises this awful form of abuse. I commend the bill to the House.