




Speech By
Stephen Andrew

MEMBER FOR MIRANI

Record of Proceedings, 12 February 2019

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

 **Mr ANDREW** (Mirani—PHON) (3.30 pm): I rise as a member of the Legal Affairs and Community Safety Committee to speak in support of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. I thank the member for Macalister for her contribution, which showed why this bill is needed. I thank the other committee members who have spoken before me. I commend my committee colleagues and the secretariat for the time and effort put into the hearings. I especially commend the many agencies and members of the public who made contributions to help our committee make informed decisions.

I believe that the amendment bill delivers a range of outcomes that will serve to assist in upholding good moral standards for improved behaviour in the wider community going forward. The new offence related to sending or threatening to send intimate material without consent reflects the constantly changing world we live in, where the ability of modern technology to create, store and broadcast material of a deeply personal and private nature is so great.

This bill will need to be reviewed within a short time frame as technology is advancing at a very rapid rate. The way technology is evolving includes ever more varied ways for images and other forms of material to be shared. It is a shame that people, having had a relationship breakdown, would use what was once intimate and should be kept between themselves and indiscriminately share material to hurt and degrade each other through the internet and other technological means long after the actual break-up.

It has also been taken into consideration that schoolchildren have shown elevated susceptibility to sharing intimate images amongst their peers. It should not be treated lightly but the response should include education rather than incarceration, removing the possibility of lasting criminal records for young people under the age of 16 who dabble in this behaviour.

Understandably, these new provisions will allow the court to order the removal or retraction of the distributed images upon conviction of the new offence or offences under existing section 227A. Amendments will provide powers to a sentencing court to issue a rectification order such that the offender should take reasonable steps to remove, retract, recover, delete or destroy intimate images the subject of an offence. We would hope everyone would do that.

I highlight the New South Wales legislation. The default expectation should be that intimate images have a private quality such that an individual would reasonably expect them not to be shared. To allow implied consent focuses on the actions of the victim rather than those of the perpetrator and may lead to further victim blaming. Consent should only apply to the person it was given to, not ongoing consent for that person to continue to share. That came out of information given to us at the public hearings. This should be considered within the bill, as per the New South Wales legislation.

Understanding the importance of the bill in reducing the practice of non-consensual sharing of images to hurt and embarrass people within our society and recognising the fact that cameras are present on almost every phone or tablet in Australia, I commend this bill to the House and to Queensland.