




Speech By
Tim Nicholls

MEMBER FOR CLAYFIELD

Record of Proceedings, 13 February 2019

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

 **Mr NICHOLLS** (Clayfield—LNP) (2.18 pm): It is always a challenge and a great pleasure to follow the member for Mermaid Beach. I have to say that after listening to the last four minutes of that very erudite, in-depth and well-resourced and investigated contribution there has been a heck of a lot of talk about members but not a lot of action. It is always interesting to hear his contribution on matters of technology.

Mr Deputy Speaker, you also raised the issue of the changes in technology, as has the member for Chatsworth, in relation to what we might euphemistically say were the good old days—in the days when someone had to get out a camera, load film into it and take a snap. It was restrained very much by the fact—unless they were a photographer or a home expert—that one had to take the shots down to the chemist or the local film processing place to get something published. That sort of restraint is not in place these days with the speed at which photos are taken and distributed around people's social networks and those sorts of things.

The world has indeed changed for the better in the vast majority of cases, but these changes need a response as well and a response to those circumstances and to technology. Here today we have a short bill that has led to a very lengthy debate, and I think that indicates the importance that members in here place on this legislation and on the protection of the community. That is a good thing.

Much has been said about this bill over the last two days, and I have had an opportunity to look at some of the contributions that members have made and their compelling support for this bill. The members for Ninderry, Nicklin and Macalister all referred to their experience in the Queensland Police Service. They all provided their good and thorough experiences and the frustrations they felt in many cases at not being able to prosecute people and deal with charges, particularly those charges relating to children—recognising that children and young adults perhaps act more impetuously and with less consideration than those of us who have been around a little longer. Having said that, there are some of us who have been around a little longer who have been caught in photographs that they wish they were not in as well. I can say from some experience that I have been in some of those—although not of the nature of those contemplated by this bill. Let me make that abundantly clear to members of the House. It would be horrendous for anyone to receive a photo like that in any event. It is important to reflect on the contributions made by those members about their experiences.

I also reflect on the contribution made by the member for Mansfield as a teacher. I can remember visiting one of the private schools in my electorate some years ago—probably seven or eight years ago—and the principal spoke with me about the issues that she was confronting and she said to me, 'Tim, the biggest issue we are confronting at the moment is the issue of cyberbullying amongst kids who have phones.' It was not just the transmission of sexually explicit photographs, although that was a part of it, but the whole gamut of actions. As we know, kids—both girls and boys—can be incredibly

cruel, not realising perhaps how cruel they can be, although there are other times when they are very much aware of what they are doing. We have seen this come through. With all of the benefits of technology, there are responses needed.

I read the member for Gaven's speech. She claimed to be one of the few people in this place who grew up with technology and went to high school with technology, and she referred to MySpace. I reckon if I asked my 16-year-old daughter what MySpace was she would say, 'I've got no idea.' How long ago did that fly out to the end of the universe? As members know, I have three kids aged 18, 19 and 16 and I can say that Facebook is old news to them. They do not want anything to do with it. They are elsewhere. I say to the member for Gaven that it does not take long in this place for time to catch up with you and sometimes pass you by. I read the member for McConnell's comments in relation to her daughter, Ally, who I think I have met at an event somewhere, and how she brought this issue to her.

I was struck by the comments made by the member for Miller, the Minister for Transport and Main Roads, a man who I consider has some considerable expertise. He said—

Technology is amoral; it can be used appropriately and well, and of course it can be used unethically and maliciously to cause great damage and distress to others.

I thought, yes, there speaks the voice of experience. He went on to say—

Today we live in a hyperconnected world. Today's technology provides us with broad opportunities to communicate and create; however, with those opportunities come great responsibilities—

The member for Miller had the responsibility to record his emails and to maintain them in accordance with the requirements of the Public Records Act—not to communicate in contravention of the Premier's directions in regard to the use of private emails. I thought the member for Miller had finally seen the light and come through. It was an interesting contribution from the member for Miller.

Ms Grace: I think this is a bit more serious than just emails.

Mr NICHOLLS: It is very serious indeed, and I have indicated the seriousness of it—as it was serious indeed for the member for Miller to maintain proper records of his communications with organisations, particularly those ones.

Mrs D'ATH: Mr Deputy Speaker, I rise to a point of order. The member has had his fun. The fact is that it is not relevant to the bill and he should be brought back to the bill.

Mr DEPUTY SPEAKER (Mr Stevens): Member for Clayfield, could you guide your remarks back to the bill at hand.

Mr NICHOLLS: I was indeed swerving back to the right lane. I was just responding to the interjection from the member for McConnel. If it had not been raised, I would not have been able to speak about it.

Ms Grace: I told you to get serious and get back to the bill.

Mr NICHOLLS: And I responded appropriately.

Mr DEPUTY SPEAKER: Members! The member for Clayfield has the call. Please stop the discussion across the chamber.

Mr NICHOLLS: As I was saying, this is a serious matter. Today we see so many opportunities for others to act in ways that offend, shock, hurt, humiliate and harm. It is not just limited to those who are less able to deal with it or who have inadvertently shared or who have been caught out in a situation that I think the Deputy Premier described as a power situation—where someone is exerting power over someone else, particularly women. Inevitably, they are the situations that have the greatest effect.

This also happens to some of the most powerful and richest people in the world. We have seen in only the last 48 hours how Jeff Bezos, the founder of Amazon, a man worth billions of dollars, has been allegedly, according to him, almost blackmailed by the publishers of the *National Enquirer*, which led to that spectacular headline that ran in the *New York Post* that said 'Bezos Exposes Pecker', because Pecker is the editor of the *National Enquirer*. It happens around the world, and it is happening everywhere now, and I think it is important to recognise that.

In my own case, I have experienced similar issues with one of my children who had extraordinarily threatening and upsetting pictures sent to them with demands that pictures be sent back to the person who sent them. The police did investigate and finally found someone hiding behind a Facebook page—an adult—who was using those services and the connections that kids make at school and through friendships to try to get effectively sexually explicit pictures from a 13-year-old. It was incredibly distressing. The police did a fantastic job in taking action immediately and I want to acknowledge that. We know it is out there and we know there are unscrupulous people out there.

Obviously, this legislation will get the support of the House. Obviously, we want to see it work. Obviously, it will need to be updated as technology updates—no-one is disputing those things. There are issues around consent and those sorts of things, and they will be dealt with.

Importantly, over and above the legislation—as important as it is, as important as the penalties are, as important as it is that the police and the courts have the powers—is the importance of education. My wife and I have attended a number of school briefings about what goes on. I went to one where the expert who was providing the training did a scan of all 1,500 kids who were at the school the day before she turned up. It is amazing what you do not know your own kids have out there on the net. It is shocking. The way they talk to each other is eye-opening, as is the way they behave thinking it is secure communication—in the same way that we might have thought it was secure communication talking to a mate or a friend somewhere else. They do all of that over the internet. We have to bring that education up to speed. Many schools do it. The system does it. This is one part of it. Education and the parents' responsibility has to be the other part of it.