




Speech By
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MEMBER FOR MOGGILL

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

 **Dr ROWAN** (Moggill—LNP) (12.25 pm): I rise to make a contribution to the debate on the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. We live in an age where, thanks to the ubiquitous and fast-evolving nature of technology, society is more connected than ever before. The potential that modern technology presents to us—to be able to connect instantly with those on the other side of the globe, to have ready access to the world's information at a touch of a button all thanks to a device that fits into our pocket or can be worn on our wrist—is one that, for the most part, is incredibly positive and has progressed society and provided unprecedented opportunities. However, sadly, there are those in our community who seize on this potential and who choose instead to use modern technology to harm others.

Although the non-consensual sharing of intimate images—often at times referred to as revenge porn—is nothing new, what has changed is that over the past decade or more the ease and medium by which such abuse is perpetrated has continued to evolve. At this point, I acknowledge the comments of the member for Macalister about the term 'revenge porn'. Although this activity is colloquially known as that, yesterday the member made the case that, given some of the ways it can be misinterpreted, we should all be trying to avoid that term as much as possible. It is a sad fact that the same incredible device that fits squarely into one's pocket can easily be used—and has been used—to cause immense distress and harm through the non-consensual sharing of intimate images.


I note that, in Australia, in 2013 South Australia was the first state to enact specific laws regarding image based abuse. As we commence 2019, I am pleased to see this parliament enact such laws that will protect Queenslanders, particularly Queensland women, from such abuse. Before I go any further, I would like to take a moment to reflect on the nature of this abuse and echo the statements made by the Legal Affairs and Community Safety Committee in its report No. 20. As I have said earlier, this form of abuse is often colloquially referred to as revenge porn. The committee report noted—

It is also often labelled 'revenge porn' but research has shown that revenge is not the only motive underlying the sharing of, or making a threat to share, intimate images. Other motivations include 'control, intimidation, sexual gratification, monetary gain and social status building'.

That is the important point. Regardless of the intention, which often goes far beyond just revenge, this abhorrent form of abuse is confined to not only the non-consensual sharing of images but also a threat to share. Even the threat to share can cause immense distress and harm. It is rightly seen as a form of abuse in and of itself. Therefore, this legislation will create new offences that address specifically threats to distribute intimate images or prohibited visual records without the consent of the persons depicted, including threats made to distribute an intimate image or prohibited visual recording of another person. As the Attorney-General's department noted, this behaviour may include, for example, an ex-boyfriend threatening a woman's new partner to distribute an intimate image of her. Importantly, this bill will also introduce a new rectification order provision that will allow the court to direct convicted offenders to remove or delete intimate images and prohibited images.

Whilst the Liberal National Party supports the objectives of this bill and as such supports any measures that are aimed at protecting Queenslanders from actual or threatened abuse, particularly when it comes to the non-consensual sharing of images, it must be noted that there are a range of concerns that have been raised with this bill by prominent and respected stakeholders. In particular, concerns have been raised that the definition of 'intimate image' will not go so far as to protect people from audio material and therefore in its current form this bill is starting from a position where it is constrained to some past technologies.

As I have said from the outset, we live in a time marked by ubiquitous and fast-evolving technology. As such, it is only reasonable to expect that our laws make every effort to at least keep pace with or, where possible, anticipate such changes. I would also like to note issues raised with regard to consent that is given. Under this bill consent is defined as freely and voluntarily given by a person with the cognitive capacity to give the consent. Stakeholders, including the Women's Legal Service, have made it clear that they believe this definition is inadequate, with submissions to the committee recommending a provision in the bill that explicitly states that consent given on one occasion does not apply to all occasions.

 **Dr ROWAN** (Moggill—LNP) (12.44 pm), continuing: Time will tell if the government's acceptance of the definition of 'consent' is sufficient for victims of the non-consensual sharing of intimate images. However, as the committee commented on page 31 of its report—

The committee recognises that technology is constantly changing and that this may impact on the efficacy of the new laws. The committee considers that it would be beneficial for the new laws to be reviewed three years after they commence operation to ascertain whether they are operating as intended, in light of continuing technological advances.

At the very heart of this bill are concerns around the granting or lack of granting of consent. I would add that it would be wise to also further consider the definition of consent when these laws are reviewed.

I conclude by reflecting on the remarks of the Office of the Information Commissioner to the committee when it specifically noted the pervasive use of social media platforms. It is a sad reality that these platforms are increasingly being used on a daily basis to bully and harass everyday Queenslanders, often for simply having a different opinion. In the last few years, social media in all its forms has become problematic. We know that there are those who unfortunately harass, bully and intimidate others. Certainly I have seen that in a professional capacity when treating patients who have been the victims of cyberbullying experiences. As all elected members of parliament would know, there are many on Facebook, Twitter and other platforms who set a very bad standard when it comes to public debate. Many of those instances have been investigated by the Queensland Police Service and other agencies.

Unfortunately, that comes down to the standard that is being set in the public context. We all need to set a higher standard. Parliamentarians and members of the community must set high standards so that young people can look to us and to other representatives in the community and say, 'Enough is enough.' Certainly we do not want young people to be the victims of bullying, harassment or intimidation through social media platforms, because many young people do suffer consequences such as self-harm and suicide.

The Anti-Cyberbullying Taskforce, made up of members from both sides of the House, has made some great recommendations. I acknowledge the LNP member of that task force, the member for Coomera. No man, woman or child should ever be the victim of online harassment and bullying, and it is just as important that no-one should ever be a victim of the non-consensual sharing of intimate images. I am pleased that Queenslanders will be afforded protection with the eventual passage of this legislation. As the LNP member for Caloundra eloquently put it, education is the key. It is very important to foster in young people a culture of respect as far as relationships are concerned. Certainly I work with my local schools, parents, principals, teachers and other community organisations to foster that culture of respect. I commend this bill to the House.