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10th November 2026

Committee Secretary
Justice, Integrity and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4001

By email: JICSC@parliament.qld.gov.au

Dear Committee Secretary,

Re: Criminal Code (Non-consensual Creation of Intimate Images and Audio Material) Amendment Bill 2026

Thank you for the opportunity to provide comments on the Criminal Code (Non-consensual Creation of Intimate Images and Audio Material) Amendment Bill 2026 (**Bill**) which relates to the proposed criminalisation of the creation and distribution of intimate images through digital technology without consent. In this submission, we have made comments with respect to the proposed new rectification order framework contained in the Bill and how that may be redrafted in order to achieve better balance given the potentially prejudicial outcomes that might occur in the context of pre-conviction rectification orders which have criminal sanctions for non-compliance.

Preliminary consideration: Our background to comment

The Aboriginal and Torres Strait Islander Legal Service (Qld) Limited (ATSILS), is a community-based public benevolent organisation, established to provide professional and culturally competent legal services for Aboriginal and Torres Strait Islander peoples across Queensland. The founding organisation was established in 1973. We now have 25 offices strategically located across the State. Our Vision is to be the leader of innovative and professional legal services. Our Mission is to deliver quality legal assistance services, community legal education, and early intervention and

prevention initiatives which uphold and advance the legal and human rights of Aboriginal and Torres Strait Islander peoples.

ATSILS provides legal services to Aboriginal and Torres Strait Islander peoples throughout Queensland. Whilst our primary role is to provide criminal, civil and family law representation, we are also funded by the Commonwealth to perform a State-wide role in the key areas of Community Legal Education, and Early Intervention and Prevention initiatives (which include related law reform activities and monitoring Indigenous Australian deaths in custody). Our submission is informed by over five decades of legal practise at the coalface of the justice arena and we, therefore, believe we are well placed to provide meaningful comment, not from a theoretical or purely academic perspective, but rather from a platform based upon actual experiences.

Comments on Bill

Our comments on the Bill relate to the proposed rectification order framework.

We observe that existing section 229AA of the Criminal Code enables courts to make a rectification order upon *conviction* of a relevant offence. Notably, proposed new section 229AA expands the existing rectification order framework to enable rectification orders to be made earlier, i.e., prior to conviction of the offence. Criminal sanctions apply for non-compliance, with a maximum penalty of 2 years imprisonment.

Notably, proposed section 229AA(4) provides as follows:

> *(4) A court may make a rectification order under this section only if satisfied that it is desirable to make the order having regard to—*
>
> *(a) any similar legal obligation currently applying to the person in relation to the images, audio material or visual recordings; and*
>
> *(b) the person's capacity to take the action required by the proposed order; and*
>
> *(c) the collection or preservation of evidence for any proceeding for an offence.*

We acknowledge the rationale for these proposed amendments; however, in consideration of the proposed expansion of the rectification order framework to include pre- and post-conviction orders and the seriousness of the consequences for breach, we respectfully request the Committee to consider the option of redrafting

the proposed rectification order framework to have two tests: one for pre-conviction rectification orders which should adopt a more stringent safeguard; and one for post-conviction rectification orders. The more stringent approach, reserved for pre-conviction rectification orders, could provide that the court may only make such an order if it is satisfied that:

- making the order is necessary to prevent ongoing harm to the affected person;
- the accused has the ability to comply with the order;
- no similar legal obligations currently applying to the person in relation to the images, audio material or visual recordings exists; and
- making the order is in the interests of justice in consideration of relevant matters including the collection or preservation of evidence for any proceeding for an offence.

Thank you for the opportunity to provide feedback in relation to the Bill.

Yours faithfully,

Shane Duffy
Chief Executive Officer