

Canberra Times

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## 'Sexting' Canberra children charged with porn offences

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Growing problem: The ACT will keep an eye on Victoria's new "sexting" laws to see if similar laws could work in the territory. Photo: Glen Mccurtayne

Canberra police have warned young people of the consequences of "sexting" after figures revealed they charged 27 children with child pornography offences in the past five years.

ACT Policing data showed 25 boys and two girls aged between 10 and 17 were charged with offences related to possessing, producing or sharing child pornography since 2009.

Of those, eight were charged in the two-and-a-half years to July 2012, while 19 children have been charged in the period since.

There have already been three children charged with child pornography offences in the first three months of this financial year.

The most common offence was possessing child pornography, which accounted for eight of the 27 charges laid.

The growing problem prompted police to warn children of the dangers of "sexting", which refers to sexually explicit images being sent electronically.

Children who are convicted of a child pornography offence risk being placed on the ACT's Child Sex Offenders Register, which keeps tabs on the territory's paedophiles.

Victoria became the first jurisdiction in Australia to introduce separate "sexting" offences under new laws which started on Monday.

Anyone who maliciously or deliberately spreads intimate images of another person – or threatens to do so – faces prosecution and up to two years' jail under two new offences.

The new laws also introduced exceptions to child pornography offences so those under 18 will not be prosecuted or placed on the sex offenders' register for consensual, non-exploitative sexting.

There is currently no provision in the ACT for children involved in "sexting" be excluded from the relevant laws.

The decision to prosecute for child pornography offences rests with police and the Director of Public Prosecutions.

An ACT Policing spokeswoman said there were several factors which would determine whether police would prosecute a child involved in an incident of "sexting" for an offence of distribution, production or possession of child pornography.

"A major consideration is the welfare of all children involved," the spokeswoman said.

"Other factors include any malicious or vindictive intent, abuse of trust and any other offences also involved.

"ACT Policing strongly suggests youths think before sending sexualised or inappropriate text messages that they would not like to be out in the public domain.

"Not only could you be charged with child pornography offences, but that image can never be deleted and it could end up anywhere: on the internet, emailed to your parents or even in the collections of online sex offenders."

A spokesman for Attorney-General Simon Corbell said the territory government would watch the introduction of the new offences in Victoria with interest and continue to monitor whether similar laws were justified in the ACT.

The spokesman said "sexting" was considered at recent national meetings of state and territory attorneys-general and was also being looked at nationally.

"In September 2014 cabinet agreed to the drafting of the Crimes Legislation Amendment Bill to include amendments to several acts to address criminal justice issues including introduction of new offences on voyeurism.

"These new offences will address issues that have arisen in the ACT around taking intimate images of people, including young people, without their consent."

"A national approach to this issue is appropriate given the nature of the behaviours which may cross state and territory borders through images shared via the internet, mobile phones and social media."

Canberra Rape Crisis Centre chief executive Chrystina Stanford believed increased use of technology and social media was behind a growing number of reports of sexual violence from young women.

Women aged between 15 and 25, many of whom were victims of sexual assault coupled with "sexting" or other offences related to social media, were the largest group of clients the service helped in the 2012-13 financial year.

"Technology has grown at such a rapid rate that laws haven't been able to keep up.

"Images are distributed from friends all over the place and young people have no control over where those images go."

Ms Stanford said any law reform related to "sexting"-type offences needed to revolve around the concept of consent.

