



New sexting laws in SA to spare children from facing child pornography charges

By James Hancock

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Children who share sexual images of themselves will avoid being charged with child pornography offences under legislation being drafted by the South Australian Government.

Under current laws, minors who 'sext' could face child porn pornography charges.

But under the changes, a new filming and sexting offence would be created for those under the age of 17 to prevent minors from potentially being listed on the Child Sex Offender Register.

The offence would attract a maximum fine of \$20,000 or four years imprisonment.

South Australia's Attorney-General John Rau said the proposed legislation would also include a crackdown on so called "revenge porn", or those who threatened to send a sexual image of another person.

"Young people in particular need to understand that if they take a naked selfie and share it with one person, that image might be shared with hundreds, possibly thousands of other people," he said.

"These images can all too often be used as a means of bullying and harassment, as once an image enters cyberspace it is there forever."

Under the changes, children or adults who threaten to send such images would face up to two years in jail or a \$10,000 fine if convicted.

"It's a no brainer really," Mr Rau said.

"If you're a young person, you should ask yourself this question, 'do I want to see the image I'm about to send to somebody on the front page of the newspaper?'

"If the answer to that is 'yes', go ahead and send it. If the answer to that is 'no', don't send it."

Mr Rau said it was up to the police to decide whether or not to prosecute.

"I don't expect all of these things to go into the courts," he said.

"If they [police] come to the view that the matter is trifling or is of a minor nature they have a discretion about whether it is in the public interest to prosecute."

He said no child had been listed on the Child Sex Offenders Register for a sexting related offence but that was more "good luck than anything else".

A discussion paper on the draft legislation will be released early next year.

Teens 'should not' be punished under child porn laws

The state's District Court judges have previously expressed concern about teenagers being punished under child pornography laws for such behaviour.

In 2014, a 21-year-old South Australian man was convicted of child sex offences for taking consensual semi-naked photos of his then 16-year-old girlfriend.

The Victorian Government recently introduced similar 'sexting' legislation and Mr Rau said he would continue his push for uniform national laws.

Opposition spokeswoman Vickie Chapman expressed support for the proposed changes.

"We would support some relaxation to ensure that those who are young — they're not innocent but they're certainly immature — should not have the same risk of penalty as adult offenders."

Topics: law-crime-and-justice, crime, crime-prevention, digital-multimedia, sa

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