

PORN AND SEXUAL PHOTOS AND FILM

Young people viewing pornography

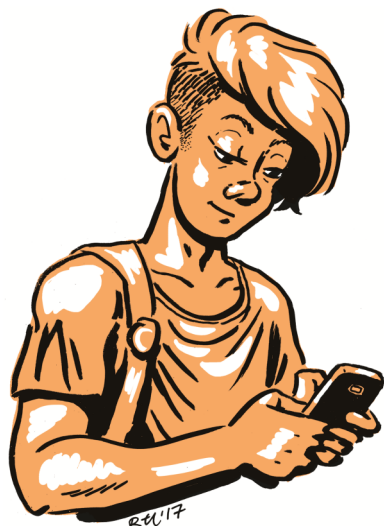
Is it legal to watch porn involving adults if you're under 18?

It is usually legal for someone under 18 to watch porn involving adults engaging in sexual activity. The Australian Communication and Media Authority can request that films on the internet showing people engaged in sexual activity are removed, but it is generally not a crime to watch such films.

It is illegal to watch, make, show or sell pornography involving people younger than 18 or to show or sell indecent or offensive material. Indecent or offensive material includes material that shows violence or cruelty or anything that would offend reasonable members of the community.

Is it legal to show porn to someone who is under 18?

No. It is a crime to send, show or give pornographic films to a person under 18, even if you are in a private place like your house. This means that a young person showing another young person porn could be committing an offence.



Sexually explicit images and films that have young people in them

A sexual image or film involving young people may be child exploitation material.

Under South Australian law, child exploitation material is anything like a film, photo, cartoon or book designed to excite sexual arousal that:

- describes or shows someone under 17 engaging in sexual activity
- contains the image or representation of a person under 17 or their body parts
- involves, or appears to have involved, a person under 17 in its production
- contains the image or representation of a child-like sex doll.

Essentially, any material that is intended to be sexy and contains, or appears to contain, a person under 17 may be child exploitation material.

Under Commonwealth law, child abuse material includes sexual images of anyone who is (or appears to be) under 18. You can be charged under Commonwealth laws in South Australia.

Even if a young person says that they agree to be in the image or film, it is still considered child exploitation material.

It is an offence to make, send, post online, have, or ask someone for child exploitation material.



What other laws apply to sexual images of young people?

It is illegal to use phones or the internet to 'groom' people under the age of 17. This can look like sending sexual images to try to get that young person interested in sexual activity.

If the person doing the grooming is an adult and they are in a position of power or authority over the young person (like a teacher or boss) then the law says that the young person must be 18 or older. It may not be illegal if the young person receiving the communication was 16 and the person who has been charged was under 17 or thought that the other young person was 17 or older.

In most cases, it is illegal to get someone under 17 (or 18, if the older person is in a position of power or authority) to do an 'indecent act' or take photo or film of a young person engaged in an 'indecent act'.

Invasive images and films of others

An invasive image is an image of a person in a place other than a public place:

- engaged in a sexual act not usually done in public, or
- using a toilet, or
- showing their genitals or anal region (including breasts on a female body).

An invasive image can include an image that has been digitally altered.

It is an offence to distribute or share an invasive image of someone knowing they do not consent to the distribution.

It is also a crime to threaten to share an invasive image intending to cause the person fear.

It does not matter that a person under 17 agrees to be in an invasive image or agrees for it to be shared. Sharing invasive or indecent images of a person under 17 is a serious crime.

Under Commonwealth law, it is illegal to share sexual material by phone or internet knowing the person depicted does not consent to it being shared. This can include material altered or entirely created by technology (known as 'deepfakes').

It is an offence to film another person undressed or engaged in a private act (like having a shower) where they would normally expect privacy, or film a person's private region when this would not be expected.

If you are concerned that an image of you or someone you know is being shared inappropriately, you should contact the police.

The Office of the eSafety Commissioner also has the power to have images removed from websites and issue penalties in some cases. Report online at esafety.gov.au/report.

For more information, resources, or a free visit to your school, organisation or group, email cle@lsc.sa.gov.au

To apply for legal aid online, visit www.lsc.sa.gov.au

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