

Open Letter to Western Australia Premier Colin Barnett

Please get tougher on child pornography

Dear Premier,

I welcome the move to give children stronger protection through the introduction of the *Child Exploitation Material and Classification Legislation Amendment Bill 2009*. Particularly welcome is the proposed prohibition of a wider range of material involving the exploitation of children, child pornography and cruelty to children.

However, the Bill could be significantly improved by making two changes.

1. In the definition of 'child', increase the age from 16 to 18 years

The definition of "child" in the Bill, currently only "a person under 16 years of age", should be changed to "a person under 18 years of age".

The age of 18 years is used for child pornography offences in the Commonwealth, Victoria, Tasmania, the Australian Capital Territory and the Northern Territory. This age is also used in the national classification scheme for films and publications when material involving offensive depictions of persons under 18 is Refused Classification.

The age of persons covered by child pornography offences should be higher than the age of consent (16) because child pornography involves the exploitation of children, often for commercial purposes, usually by older males. This is like child prostitution and child sexual servitude. For these offences a child is defined as anyone under 18.

A pornographic picture of a 16 or 17 year old girl could be circulated to thousands of men and could remain on the internet for years. Girls and boys in this age range need the protection of the law from exploitation by older adults.

2. Remove the literary or artistic merit defence for child pornography

The Bill currently allows a defence against child pornography offences by an appeal to the "literary" or "artistic" merit of the material. The corresponding Commonwealth and Victorian offences do not allow for this defence and an inquiry has recently recommended that the defence be abolished in NSW law.

The existence of the defence of artistic or literary merit for child pornography suggests that such pornography is acceptable if the material is sufficiently artistic or literary. I do not accept that art or literature can be a valid excuse for child pornography.

Premier, please help protect our children from child pornographers.

Yours sincerely,

SIGNATURE/S:

NAME/S (block capitals: Title (eg Mr/Mrs etc), First Name and Last Name):

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ADDRESS:

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Please return to: FamilyVoice Australia, GPO Box 9894, Perth WA 6848 by 31 March 2010