The Executive Officer  
Law Reform Committee  
Parliament of Victoria  
Spring Street  
EAST MELBOURNE VIC 3002

Dear Dr Koops

Inquiry into Sexting

Victoria Police refers to its original submission to the Inquiry and notes that a supplementary submission has now been prepared.

This supplementary submission takes the opportunity to clarify a number of points made in the earlier response and provides a set of statistics relating to offences which may include 'sexting' behaviour.

If you have further queries, please contact Acting Commander Neil Paterson on 9865 2940.

Yours sincerely

[Signature]

Ken D. Lay APM  
Chief Commissioner  

14/9/2012
Parliament of Victoria – Inquiry into sexting

Victoria Police Further Response

Victoria Police takes the opportunity to provide a further submission to the Parliamentary Inquiry into Sexting (‘the Inquiry’). This submission is provided following receipt of further advice from organisational subject matter experts and to clarify a number of points made in the initial Victoria Police submission.

1) The incidence, prevalence and nature of sexting in Victoria

Victoria Police notes that ‘sexting’ is a broad term and there is no specific offence which covers all sexting behaviour. However, there are three offences which may include ‘sexting’ in particular circumstances:

- An offence against section 68(1), Crimes Act 1958 (production of child pornography)
- An offence against section 70(1), Crimes Act 1958 (possession of child pornography)
- An offence against section 57A, Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 (publication or transmission of child pornography)

An overview of the annual LEAP statistics for these offences is attached. As indicated in the initial submission, it is not possible to identify which incidents relate to sexting.

In addition to these statistics, it is also noted that according to analysis completed in both October 2011 and August 2012, there are no juveniles (offenders aged under 18) currently on the Sex Offenders Register for any of the aforementioned criminal offences where ‘sexting’ has constituted the offending behaviour.

2) The extent and effectiveness of existing awareness and education about the social and legal effect and ramifications of sexting

In relation to the initial comment regarding plea material, Victoria Police has reviewed its original submission and notes that this advice is provided on the basis of a very limited number of examples.

Further, with respect to Victoria Police’s comment that it does not believe that ‘a punitive legislative response should be the focus’ of any response to sexting; it is clarified that this comment is made in relation to cases where both the child and offender are children (under the age of 18).

3) The appropriateness and adequacy of existing laws, especially criminal offences and the application of the sex offenders register, that may apply to the practice of sexting, particularly with regard to the creation, possession and transmission of sexually suggestive or explicit messages and images in circumstances where person:

a. Creates, or consents to the creation of, the message or image for his or her own private use and/or the use of one or more other specific persons; or

b. Creates, or consents to the creation of, the message or image and without their knowledge and/or their consent the message or image is disseminated more broadly than the person intended.
Victoria Police notes the suggestion in the original submission that the 'judiciary should have discretion to place individuals convicted of child pornography on the sex offenders registry'. Victoria Police seeks to clarify that this comment is made in relation to child offenders and also to note that this suggestion reflects current legislation.

Victoria Police does not support discretionary registration of adult sex offenders.
Parliament of Victoria – Inquiry into sexting
Victoria Police - LEAP statistics

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