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The Hon Catryna Bilyk
Senator
Australian Senate
Parliament House
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Dear Senator

Thank you for your letter dated 9 July 2013 to the Northern Territory Chief Minister, the Hon Adam Giles MLA, regarding the Senate Select Committee's inquiry into the options for addressing the issue of sexting by minors. The matter has been referred to me as the Minister with administrative responsibility for the *Criminal Code Act* (NT).

The Senate Select Committee on Cyber Safety has invited written submissions addressing the issue of 'sexting' by minors.

The term 'sexting' whilst not legislatively defined is understood to mean the act of sending sexually explicit messages and/or photographs, primarily between mobile phones.

The *Criminal Code Act* (NT) already creates the offence of 'possession of child abuse material'; section 125B provides that a person who possesses, distributes, produces, sells or offers or advertises for distribution or sale child abuse material is guilty of a crime. The maximum penalty for the offence is ten years imprisonment for an individual, and in the case of a corporation, a fine of 10 000 penalty units.

In section 125A of the *Criminal Code Act* (NT), child abuse material is defined as 'material that depicts, describes or represents, in a manner that is likely to cause offence to a reasonable adult, a person who is a child or who appears to be a child engaging in sexual activity, in a sexual, offensive or demeaning context or being subjected to torture, cruelty or abuse'.

Further, Part 10.6 of the *Criminal Code Act 1995* (Cth) also makes it an offence to 'access, transmit, publish, possess, control, supply, or obtain child pornography'.

It is also understood that the issue of sexting is a matter that has been considered by the Australian Institute of Criminology in the Evaluation Report by the Australian Institute of Criminology on Phase 2 of the Australian Classification Education program.

The Australian Classification Education program was a program funded under the Closing the Gap in the Northern Territory National Partnership Agreement (or Northern Territory Emergency Response) with the aim of increasing awareness among Indigenous people in the Northern Territory about the Australian media classification system, the harms of exposing young people to pornographic, sexually explicit and violent media, and related laws.

The Australian Institute of Criminology's Evaluation Report on the Phase 2 of the Australian Classification Education program is expected to be released by the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs in the near future. The Senate Select Committee on Cyber Safety may wish to consider this Evaluation Report when it is released.

Yours sincerely

JOHN ELFERINK