

# Child exploitation material

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into our Hobart or Launceston office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

There are very serious consequences for anyone convicted of a crime related to child exploitation material.

## What is “child exploitation material”?

Child exploitation material is any material which describes or depicts a person who is, or appears to be under the age of 18:

- engaged in sexual activity
- in a sexual context
- being tortured or abused.

## What are some illegal acts to be aware of?

- Asking a person who is under 18 for a nude or sexual photo or video
- Taking a photo or video of a person under 18 if they are naked or engaged in a sexual activity
- Sending another person a nude or sexual image or video of a person who is under 18. This may even apply to an image or a video of yourself
- Having a photo or video on your phone or computer that shows a person who is under 18 nude or engaged in a sexual activity
- Looking at nude or sexual photos or videos of a person who is under 18.

## Can I be convicted of a child exploitation offence even though I am under 18?

Yes, you can still be charged with a child exploitation material offence even if you are under 18.

## What should I do if I was sent the material without asking for it?

If you realise that you have been sent child exploitation material you must delete it or contact the police. If you do not delete it as soon as you realise what it is, you will be guilty of possessing child exploitation material and you may receive a serious penalty.

## What is the penalty for a child exploitation material offence?

If you are found guilty of accessing, creating, possessing or distributing illegal photos or videos of people who are under 18, the maximum sentence is 21 years in prison but you can also receive a conviction, fine, community service or a community corrections order.

It is also possible you will be placed on the Community Protection Offender Register.

## What does having a recorded conviction mean?

If you commit a criminal offence you may have a conviction recorded on your criminal record, even if you are under 18.

These convictions may be taken into account by a court if you are found guilty of matters in the future and may potential employers if you are applying for certain roles.

## What is the Community Protection Offender Register?

If you commit any offences involving child exploitation material you can be placed on a special register which is designed to monitor child sex offenders.

If you are placed on the register you must provide them with extensive information for a long period of time usually including:

- your addresses
- the details of any person under 18 you may have direct or indirect contact with,
- all of your employment details
- the details of all vehicles you own or drive
- any tattoos or changes in appearance
- your internet provider details and all email addresses, usernames, and passwords
- all phone, computer and device passwords.

## What are my options if someone has shared an intimate photo or video of me and I am under 18?

If someone has shared or threatened to share a photo or video that shows you nude or involved in a sexual act you should consider making a report to Tasmania Police.

Sharing photos without consent is a serious criminal matter and is even more serious if it depicts someone under the age of 18.

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.