

**INQUIRY INTO IMPACTS OF HARMFUL PORNOGRAPHY
ON MENTAL, EMOTIONAL, AND PHYSICAL HEALTH**

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NSW Government Submission

Legislative Council Standing Committee on
Social Issues inquiry into the impacts of
harmful pornography on mental, emotional,
and physical health

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Introduction

The NSW Government welcomes the opportunity to make a submission to the Legislative Council Standing Committee on Social Issues' inquiry into the impacts of harmful pornography on mental, emotional, and physical health.

The submission is not a statement of Government policy. It is made to provide Committee members with factual background and information on issues relevant to the inquiry.

Summary

This submission provides information on relevant legal frameworks and programs across various portfolios in NSW (Communities and Justice, Education, and Health) including:

- the existing criminal law framework in NSW addressing criminal conduct related to pornography, including acts of “revenge porn,” deepfake pornography using artificial intelligence (**AI**), and police enforcement,
- statewide tertiary services delivered by NSW Health for children who have displayed problematic and harmful sexual behaviours (**PHSB**) and young people who have engaged in harmful sexual behaviour towards others, and their parents and caregivers,
- sexual assault services delivered by NSW Health in over 50 locations across NSW, providing counselling, medical and forensic care to adult and child sexual assault victim-survivors,
- NSW Health programs and frameworks that strengthen the public health response to harmful behaviours, in which exposure to pornography is a contributing factor,
- respectful relationships education in the NSW school curriculum, developed by the NSW Education Standards Authority (**NESA**), which is an important part of student development, aiming to equip students with knowledge, attitudes, and skills to foster equality, respect, and responsibility,
- intervention initiatives by Youth Justice NSW to address the misuse of pornography by young people, and
- NSW Government initiatives to address sexual violence, noting that exposure to violent pornography is among factors that increase a person’s likelihood of experiencing or perpetrating sexual assault.

This submission also outlines some of the relevant legal and policy frameworks in place at the Commonwealth level including:

- the national regime for online safety under the *Online Safety Act 2021* (Cth) (**Online Safety Act**) administered by the Commonwealth’s eSafety Commissioner to protect Australians from harmful content online (note: an independent statutory review of the Act is currently underway with the final report due 31 October 2024),
- the National Classification Scheme for films, computer games and publications noting reforms to the Scheme are currently being considered, including the appropriateness of the Guidelines for the Classification of Films 2012 for X18+ and Refused Classification in relation to harmful pornography,

- the National Plan to End Violence against Women and Children 2022-2032, which establishes a framework for a shared national commitment to preventing gender-based violence and supporting the women and children who experience it, and
- recent amendments to the *Criminal Code Act 1995* (Cth) to introduce offences that specifically address “revenge porn”.

Finally, Attachment A to the submission outlines findings from relevant research considered by NSW Government agencies on this issue **noting this is not regarded as a comprehensive summary of all available research on the issue.** The attachment covers topics such as:

- exposure to pornography among young Australians,
- the link between pornography and sexual violence and risky sexual practices,
- other negative health impacts of pornography, including stress, anxiety, and depression, and
- the contribution of pornography to reinforcing harmful gender norms and stereotypes.

NSW Government Submission

Relevant NSW frameworks and programs

NSW criminal law framework and enforcement

In NSW, criminal conduct related to pornography is addressed through robust and wide-ranging offences within the *Crimes Act 1900* (**Crimes Act**) including:

- *Intimate image offences* (Part 3, Division 15C): these offences cover recording or distributing intimate images of another person without their consent, or threatening to do so (including conduct known as ‘revenge porn’). The definition of ‘intimate images’ includes circumstances where an image has been altered. This means these offences are applicable to the growing issue of deepfake pornography and the use of AI to generate new fake images and videos of real people, usually women, without their consent. Maximum penalties for offences under this Part are 100 penalty units, imprisonment for 3 years, or both.
- *Offence of publishing indecent article* (Section 578C): this offence criminalises publishing an indecent article, including videos, or possessing an indecent article for that purpose. Maximum penalty: 100 penalty units, 12 months’ imprisonment, or both (individual); or 200 penalty units (corporation).
- *Child abuse material offences* (Part 3, Division 15A): child abuse material offences cover a range of conduct, including producing, disseminating, or possessing child abuse material, using a child for such material or use of digital platforms for such material. The maximum penalties for offences under this Part range from 10 to 20 years, depending on the conduct and whether the offence was committed in circumstances of aggravation.
- *Offences involving exposure of a child to indecent material* (Section 66EB(3)): this offence covers exposing a child to indecent material as part of grooming a child under 16 for unlawful sexual activity. Maximum penalty: 12 years imprisonment if the child is under 14 years and 10 years imprisonment in any other case.
- *Offences related to bestiality or animal crush material* (Section 547E): this offence covers producing, disseminating, or possessing such material. Maximum penalty: 5 years imprisonment, or the maximum penalty for the offence of serious animal cruelty under section 530 of the Crimes Act, whichever is greater (producing or disseminating) or 3 years imprisonment (possessing).
- *Offence of advertising or displaying products associated with sexual behaviour* (Section 578E): for persons conducting a business selling products (other than printed matter) associated with sexual behaviour, it is an offence to advertise the nature of the business or exhibit or display products to non-consenting persons, or in a way that they can be seen by members of the public outside the business premises. Maximum penalty: 100 penalty units, imprisonment for 12 months, or both (individual), or 200 penalty units (corporation).

The NSW Police Force (**NSW Police**) including the Sex Crimes Squad and the Cybercrime Squad is responsible for enforcing these offences. In terms of broader arrangements for enforcement:

- *Removal of deepfake pornography and child sexual abuse material:* NSW Police work with the Commonwealth's e-Safety Commissioner to remove deepfake pornography and child sexual abuse material (**CSAM**) online. The volume of CSAM globally is significant and can present challenges for law enforcement agencies to manage.
- *Rescue of children depicted in child abuse material:* the NSW Police Child Exploitation Internet Unit works with the Australian Federal Police (**AFP**) Australian Centre to Counter Child Exploitation (**ACCCE**) and international agencies to identify and rescue children who are depicted in child abuse material (**CAM**). The AFP ACCCE is the national coordination point for law enforcement agencies in relation to child exploitation, coordinating across Australian jurisdictions and international law enforcement agencies.
- *Child protection matters:* the national Serious Organised Crime Coordination Committee is advised on child protection matters by the national coordination group, Operation GRIFFIN. NSW Police and all Australian police jurisdictions are a party to this Committee.

Drawing from operational experience, the NSW Police identifies a range of issues in relation to detection and enforcement of offences related to pornography:

- *Access to pornography:* it is difficult to limit access to pornography, as:
 - some pornography websites with age restrictions do not have age verification requirements and there is limited to no monitoring of user age on these websites, and
 - many applications that produce deepfake or AI-generated pornography currently operate without restriction.
- *Deepfake and AI-generated pornography:* some applications utilise AI to create graphic pornography (such as 'Ainude' and 'Nudify'). The production of deepfake or AI-generated CAM has implications for law enforcement agencies as it requires consideration of whether the child depicted is an actual child or AI generated content.
 - While this distinction makes little difference in relation to NSW Police charging people for the production, dissemination or possession of CAM, the lack of clarity around whether the CAM is real, a deepfake or AI-generated means it is challenging to identify who the real child victims are. If a real child is depicted in CAM, NSW Police will exert resources to identify that child, their whereabouts and commence a rescue operation to remove the child from harm.
 - In matters where the distinction between 'real' and 'AI generated' children in CAM is less clear, this can result in NSW Police expending resources to identify potential child victims who do not exist, thereby diverting resources being focused on real children who remain at risk of ongoing harm. Further complications arise from the fact that offenders are also able to make CAM abusing real children and use an AI generator to make it appear as if the material is AI.
- *Type of pornography:* the NSW Police has observed a dramatic increase in recent years in the detection of images and chat rooms dedicated to bestiality, zoosadism and animal crush mixed with CAM.

NSW Health programs, services, and strategies

Pornography can have negative impacts on the health system and the population, particularly children and young people (see **Attachment A**). While not all pornography is necessarily harmful, prolonged exposure to pornography (particularly violent or extreme pornography) can have harmful impacts on children, young people, and adults.^{1 2} Harmful pornography also increases the demand for extensive health services to address the complex needs of children and young people with PHSB and victim-survivors of sexual violence and abuse and their families.

NSW Health delivers a range of programs and services and has developed a number of strategies to address the negative health impacts of harmful pornography.

Services for children and young people with problematic and harmful sexual behaviour

NSW Health delivers two statewide tertiary services for children and young people who have displayed PHSB or who have engaged in harmful sexual behaviour towards others, and their families and caregivers. A key priority of these services is to address children and young people's access to pornography:

- Safe Wayz program
 - Supports children under 10 years who have displayed PHSB, and their families and carers.
 - While percentage data is not yet available, clinical staff report significant presentations of children with high levels of exposure to, and engagement with, pornography, particularly in children aged 8 to 9 years.
- New Street Services
 - Provides therapeutic services for children and young people aged 10 to 17 years who have engaged in harmful sexual behaviours towards others and provides support to their families and caregivers.
 - The model involves working with the whole family unit and engaging with other agencies and community services to sustain and support interventions.
 - Nearly all (95%) of the program population have engaged in pornography with a high presentation (60-90%) of children and young people living with a cognitive and other developmental disability (neurodiversity). Young people who have a cognitive and other developmental disability (neuro-diverse) are particularly vulnerable to negative impacts of pornography and require a broader range of NSW Health service responses.
 - A substantial part of the service involves the management of access to pornography, processing trauma related to exposure, and delivering alternate information regarding sexual behaviour, intimacy, and relationships.

The Sydney Children's Hospital Network provides clinical advisory services to Safe Wayz and New Street state-wide. Based on their clinical experience, the Network's experts note that the problem of children and young people being exposed to pornographic material has worsened over the years, with increasing numbers of children being affected, and at increasingly younger ages. They also note that harmful pornography likely affects priority populations disparately. Limited parental supervision and education, multigenerational trauma (including physical, emotional, and sexual abuse) and psychosocial vulnerability can further compound the impacts. These children and young people may access care through mental health, child protection, drug and alcohol and family-oriented services, as well as specific tertiary clinics.

Sexual assault services

NSW Health is the main provider of sexual assault services in NSW and is one of the key service systems responding to adults and children who have experienced sexual violence, including child sexual abuse and revenge pornography.

Sexual assault services are delivered in over 50 locations in metro, regional and rural areas across NSW. Each local health district has at least one service providing 24/7 integrated psychosocial, medical, and forensic crisis responses to adult and child sexual assault victims. These safe, integrated, and free sexual assault services help manage the impact of trauma, support recovery, and promote long-term health and wellbeing. Despite having an extensive network, NSW Health Sexual Assault Services experience significant demand and waitlists.

These services also enable the collection of forensic evidence in a trauma-informed way with patient consent as an adjunct to health care and to support criminal investigations and prosecutions of perpetrators of sexual assault, reducing any delays and loss of evidence. This public health approach to sexual assault in NSW – where NSW Health services provide integrated counselling, medical and forensic care - is considered best practice across Australia.

Child and adolescent mental health services

NSW Health delivers Child and Adolescent Mental Health Services (**CAMHS**) in local health districts that provide specialised assessment, treatment and referral pathways for young people experiencing mental health issues related to pornography use, including addiction-like behaviours.

Broader strategies and policies for children and young people

The current *NSW Youth Health Framework* (available online) supports NSW Health to consider the health and wellbeing of young people aged 12 to 24 years when planning and delivering services. NSW Health is developing a new Strategy for Young People's Health and Wellbeing to replace the Framework which is due for release in early 2025.

The NSW Government policy framework, *Children First 2022-2031* (available online), identifies exposure to pornography as a key contributing factor to PHSB by children and young people and outlines the NSW Government multi-agency, public health approach for preventing and responding to PHSB displayed by children and young people. The *Children First* framework is supported by the NSW prevention action strategy *Talking About It* (available online), and sets out the vision and priorities for supporting children and young people who have displayed or been affected by PHSB. In relation to pornography, the *Children First* framework identifies that:

- the lack of access to reliable information about sexual development can result in young people turning to online social media content and pornography for information, which does not provide safe or appropriate guidance; and
- effective primary prevention of PHSB involves providing access to evidence-based information and advice about sexual behaviours for children and young people, including specific support to limit exposure to pornography.

Broader programs addressing violence, abuse and neglect

NSW Health is implementing the *NSW Health Violence Abuse and Neglect (VAN) Redesign Program* (available online), a program of reform, redesign and quality improvement, to strengthen the public health response to violence, abuse and neglect, including domestic and family violence, sexual assault, all forms of child abuse and neglect, and PHSB.

The *Integrated Prevention and Response to Violence, Abuse and Neglect (IPARVAN) Framework* (available online) provides the overarching strategic platform under the VAN Redesign Program for NSW Health to respond to violence, abuse and neglect. It promotes an integrated public health approach to preventing and responding to VAN and outlines guiding principles and key priorities alongside detailed guidance for NSW Health's specialist VAN services.

The *NSW Health Integrated Trauma-Informed Care Framework: My story, my health, my future* (available online) provides guidance on how to better embed trauma-informed responses into services, and how to improve the capability to deliver trauma-informed services at an individual and organisational level. It aims to improve the experiences not only of patients and clients, but also of the workforce.

Respectful relationships education in NSW schools

The NSW school education curriculum developed by NESA supports the teaching of respectful relationships education. The curriculum covers topics such as consent, coercive control, pornography or offensive online material and protective strategies in an age-appropriate way.

Respectful relationships education is embedded in the mandatory Personal Development, Health, and Physical Education (PDHPE) syllabuses for students in Kindergarten to Year 10.

Specifically, in Years 7 and 8, students are provided with learning opportunities to understand and apply online and social protocols to enhance relationships and protect their own safety and wellbeing, including recognising and responding to offensive online material.

In Years 9 and 10, students evaluate influences on ethical behaviour across a range of relationships, including online and offline relationships, sharing material on social media and exposure to offensive online material.

In Years 11 and 12, students explore safe and ethical behaviour in relation to intimate or sexual relationships. This includes the influence of pornography or explicit imagery on the attitudes, beliefs, and behaviours of young people.

In addition to PDHPE, the NSW Department of Education provides Life Ready, which is a mandatory 25-hour course that all public schools implement across Years 11 and/or 12 and addresses this learning content. The focus of this learning is on developing the knowledge, understanding and skills for students to protect and support themselves and others.

The rights of parents and carers to guide their child's development are paramount in all NSW public schools. Families have the primary role in teaching their children values and attitudes towards respectful relationships.

Youth Justice NSW intervention initiatives

Youth Justice NSW helps young people aged between 10 and 18 years, that have come into contact, or are at a risk of coming into contact, with the criminal justice system. Youth Justice administers court imposed custodial and community supervised orders, as well as intervention programs to help prevent young people from offending.

Youth Justice currently provides two avenues of intervention to specifically address the misuse of pornography and harmful sexualised behaviours by young people:

Preventative work with young people who are subject to supervised legal orders who may be at particular risk of influence from pornography

Currently, the program 'Let's Get Relationship Ready' focuses on supporting young people to identify and understand unhealthy and healthy behaviours and ideas about relationships and

sexuality; and promotes a young person's ability to engage in and build on healthy behaviours now and into the future.

Research indicates that young people that are educated and supported to understand consent and healthy behaviours within their family, community and offline spaces are more likely to know how to determine what is harmful or wrong in the online context.

Assessment and responsive intervention with young people who have been before the Court for harmful sexualised behaviours

Research indicates that pornography is linked to sexual crime perpetrated by adolescents, and this is particularly true for young people with cognitive or other disabilities. Accordingly, Youth Justice psychologists and case workers work together to assess the influence of pornography on young people and develop strategies for healthier day-to-day behaviours as well as cognitive restructuring to diminish the risk of reoffending and promote healthier lifestyles and consensual relationships.

In addition to the above initiatives, Youth Justice provides Harmful Sexualised Behaviour workshops for Case Workers, Youth Officers, and Youth Track staff. These training workshops provide staff with material that is both preventative and responsive to harmful sexualised behaviours.

NSW Government initiatives to address sexual violence

There is substantial research indicating a link between exposure to pornography and acts of sexual violence (see **Attachment A**) and this is reflected in NSW Government initiatives to address sexual violence.

NSW Sexual Violence Plan 2022-2027

The NSW Government's *NSW Sexual Violence Plan 2022-2027* (available online) recognises that exposure to violent pornography is among factors that increase a person's likelihood of experiencing or perpetrating sexual assault. The Plan includes four cross-agency actions that specifically refer to pornography:

- a review of the PDHPE mandatory syllabus to ensure delivery of consistent, age-appropriate education on safe, healthy, and respectful relationships, including consent, coercive control, and pornography, as part of NSW Curriculum Reform (in progress),
- strengthening delivery of programs that address respectful relationships, coercive control, consent education and pornography for children and young people within and outside educational environments (in progress),
- developing resources to assist parents and caregivers in having conversations with children and young people about in-person and online sexual violence, respectful relationships, coercive control, consent, and pornography (in progress), and
- identifying strategies to address the role of pornography in contributing to harmful sexual behaviours and reinforcing stereotyped attitudes among children and young people (not yet commenced).

The Plan also includes actions that indirectly address the potential risks associated with exposure to harmful pornography.

NSW Sexual Violence Project Fund

The NSW Government is also delivering the NSW Sexual Violence Project Fund (details available online), which includes five projects that may contribute to reducing the risk of harm associated with exposure to pornography:

- the delivery of youth-led sexuality and gender diversity workshops by Consent Labs Ltd in partnership with University of Sydney to combat reductive gender norms,
- the delivery of a trauma-informed respectful relationship education program co-designed with victim-survivors by the National Association for the Prevention of Child Abuse and Neglect in partnership with Institute of Child Protection Studies to build the capability of targeted workforces engaging with children and young people who have experienced sexual violence,
- the delivery of sex and sexuality awareness education, peer-informed and accessible resources by the Northcott Society for people with disability, and training for disability support workers,
- the development of resources, training, and assessment and screening tools by Women’s Health NSW to raise awareness of the risks of non-fatal strangulation, acquired brain injury, and sexual choking, and
- the delivery of capacity building for workers by Rosie’s Place to identify the early signs of child sexual exploitation and develop strategies and resources to prevent escalation and further sexual harm.

Pathways to Prevention: NSW Strategy for the Prevention of Domestic, Family and Sexual Violence 2024-2028

The NSW Government has also committed \$38 million for the implementation of the prevention strategy, *Pathways to Prevention: NSW Strategy for the Prevention of Domestic, Family and Sexual Violence 2024–2028* (available online). Under the strategy, the NSW Government has committed to supporting young people to develop healthy relationships through respectful relationships education in schools and early childhood education and care settings. This is important because the Commonwealth’s report published in February 2020, *Protecting the age of innocence: Report of the inquiry into age verification for online wagering and online pornography* (available online) noted that educating young people on healthy sexual relationships, behaviours and sexuality is one strategy that can help counter the negative impacts of pornography.

Relevant Commonwealth frameworks

National regime for online safety administered by the eSafety Commissioner

The Online Safety Act, administered by the eSafety Commissioner, is the key regulatory framework for keeping Australians safe online.

The Act applies to social media platforms, electronic messaging services, search engines and internet service providers, and confers substantial powers on the eSafety Commissioner to protect Australians from harmful and toxic behaviour and content online. In relation to pornography, the Act addresses the following key issues:

- *Image-based abuse scheme*: complaints and objections may be made to eSafety in relation to intimate images (Part 3 Division 3); and the eSafety Commissioner may seek the removal of intimate images or videos (including altered images) shared online without the consent of the person shown (Part 6 Division 3).
- *Online content scheme*: complaints may be made to eSafety about material that is equivalent to RC, X-18+, R18+ and Category 1 and 2 restricted under the National Classification Scheme (Part 3 Division 5) and the eSafety Commissioner may seek the removal of illegal and restricted online content (Part 9).

- *Industry codes and standards*: the eSafety Commissioner must ensure that all segments of the online industry register an industry code and an industry standard (Part 9 Division 7). Matters that may be dealt with by an industry code and standard include:
 - promotion of awareness of safety issues and the procedures for dealing with harmful online content on their services,
 - online service providers telling parents and adults who are responsible for children how to supervise and control children’s access to material they provide on the internet,
 - online service providers tell users about their rights to make complaints, and
 - online service providers follow procedures for dealing with complaints in line with their company policies.
- *Basic Online Safety Expectations (BOSE)*: The BOSE Determination made under section 45 sets out the Commonwealth’s expectations for online service providers, including social media services, to protect Australians from unlawful and harmful material.
 - These establish a benchmark for providers to be proactive in how they protect people from abusive conduct and harmful content online and encourage the tech industry to be more transparent about their safety features, policies, and practices.
 - The eSafety Commissioner may seek information from online services to understand how they are complying with the BOSE Determination through periodic reporting (Part 4 Division 3).
 - A new BOSE Determination was made in May 2024 and includes additional expectations such as user safety in the design and operation of generative AI and proactively minimising the extent to which online services are used to produce or facilitate unlawful or harmful material (including deepfake non-consensual intimate images).

Statutory review of the Online Safety Act

An independent statutory review of the Online Safety Act is currently underway. The Terms of Reference for the review were released on 13 February 2024 and the final report was due by 31 October 2024.

The review is a broad-ranging examination of the effectiveness and operation of the Online Safety Act, including its existing regulatory schemes, penalties and enforcement, and any gaps in the Act. The review will consider international developments in online safety regulation, including whether the law should be amended to impose a new duty of care on platforms towards their users.

The review will also consider the need for further protections to address online harms stemming from new and emerging technologies like generative AI (including deepfakes). An issues paper was released in April 2024 and stakeholder submissions closed on 21 June 2024.

National Classification Scheme for films, computer games and publications

The National Classification Scheme is an agreement between the Australian state and territory governments that defines the roles of the Commonwealth, states, and territories in deciding classification ratings and enforcement for films, computer games and publications. The Classification Board, Classification Review Board and approved classification tools can make classification decisions for films, computer games and publications. The National Classification Code (**the Code**) regulates classification decisions.

Any sexually explicit media that is prohibited under the criminal law will automatically be Refused Classification (RC) under the Code including child abuse material and other abuse-based imagery. This is based on the Code stipulating that any media will be classified as RC, if it:

- deals with matters of sex in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified, or
- describes or depicts in a way that is likely to cause offence to a reasonable adult, a person who is or appears to be a child under 18 (whether the person is engaged in sexual activity or not).

Other pornographic media will be classified for films as X 18+ (legally restricted to adults 18 years or over) or for publications as Category 2 (restricted publications). This is based on the Code stipulating these classifications:

- in relation to publications: explicitly depicting sexual or sexually related activity between consenting adults in a way that is likely to cause offence to a reasonable adult, and
- in relation to films: containing real depictions of actual sexual activity between consenting adults in which there is no violence, sexual violence, sexualised violence, coercion, sexually assaultive language, or fetishes or depictions which purposefully demean anyone involved in that activity for the enjoyment of viewers, in a way that is likely to cause offence to a reasonable adult and are unsuitable for a minor to see.

In NSW, the National Classification Scheme is enforced through the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* (NSW) which contains a range of offences, including:

- prohibiting the sale or public exhibition of unclassified, RC or X 18+ films (section 6),
- prohibiting the sale or delivery of a film classified RC or X 18+ or an unclassified film, that would, if classified, be classified RC or X18+ to a minor (section 9),
- prohibiting in relation to Category 2 restricted publications (section 18): their display except in a restricted publications area; delivery to a person who has not made a direct request for the publication; delivery to a person unless it is contained in a package made of opaque material; or publication unless it displays the determined markings, and
- prohibiting the sale or public demonstration of a computer game classified RC or an unclassified computer game (section 27).

Reforms to the Scheme being considered

The Commonwealth is currently working with state and territory governments to consider comprehensive reforms to the National Classification Scheme. Stage 1 of the reforms delivered several improvements to the existing Scheme, including changes to the classification guidelines to limit children's exposure to simulated gambling, and in-game purchases linked to elements of chance in computer games.

Stage 2 of the classification reform work will consider more comprehensive reforms to the Scheme to address gaps in the Scheme and reduce the regulatory burden on the industry. It is also currently considering, as a priority:

- the appropriateness of the existing Guidelines for the Classification of Films 2012 for X18+ and Refused Classification in relation to harmful pornography, and
- exploring an increased role for the Commonwealth in regulating compliance with classification requirements for online content.

As part of this work, the Commonwealth is commissioning a literature review to understand the links between violent pornography and real-world harm.

National Plan to End Violence against Women and Children 2022-2032

The National Plan to End Violence against Women and Children 2022–2032 (**National Plan**) establishes a framework for a shared national commitment to preventing gender-based violence and supporting the women and children who experience it.

The National Plan identifies the link between people’s use of pornography and their attitudes around relationships, sex, and gender roles and identities. The National Plan states that pornography, and its role in perpetuating sexist, misogynistic and degrading views about women, is a serious concern in addressing the drivers of violence against women and children.

The NSW Domestic and Family Violence Plan 2022–2027 and the NSW Sexual Violence Plan 2022–2027 (**NSW Plans**) respond to and align with the National Plan. The NSW Plans are crucial to supporting the NSW Government’s commitment to and implementation of the National Plans.

Other recent Commonwealth measures

In September 2024, the *Criminal Code Act 1995* (Cth) was amended to introduce offences that specifically address “revenge porn”, namely:

- section 474.17A: non-consensual sharing of sexually explicit material online, including material that has been created or altered using technology such as deepfakes, and
- section 474.17AA: related aggravated offences to capture where the person who committed the primary offence also created or altered the offending material or has three or more civil penalty orders made against them for contraventions of the Online Safety Act.

The Commonwealth also introduced the Privacy and Other Legislation Amendment Bill 2024 in Federal Parliament on 12 September 2024. The Bill proposes new offences within the *Criminal Code Act 1995* (Cth) to address ‘doxxing’, which is the malicious publication of personal data online in a way that would be regarded as being menacing or harassing towards those individuals. Personal data is defined under the Bill to include a photograph or other image of the individual.

Attachment A

Relevant research

NSW Government agencies have considered a range of academic research relating to the impacts of harmful pornography including in developing their programs, services, initiatives, and frameworks. **This is not to be regarded as a comprehensive summary of all available research on this issue.**

Some of the key findings from this research are highlighted below.

Exposure to pornography

Research shows that exposure to pornography is widespread among young Australians and occurs from a young age. A recent study found that 86% of young males in Australia reported exposure to pornography, with a median age of 13 years for first exposure, and over half of young males surveyed reported accessing pornography at least weekly.³ In 2017, the Australian Institute of Family Studies reported that nearly half of children (44%) aged 9-16 years in Australia experienced regular exposure to sexual images.⁴

Pornography and sexual violence

There is significant research indicating that online pornography has contributed to normalising sexual violence towards women and girls, as well as risky sexual practices.

According to the Commonwealth's eSafety Commissioner⁵, the influence of pornography on the sexual practices and beliefs of young people varies and has been associated with:

- a greater likelihood to pressure and coerce others to perform unwanted, derogatory, and violent sexual acts,
- influencing perceptions of sexual expectations and negatively impacting awareness, attitudes and understanding of consent, and
- increased frequency of watching pornography is associated with a greater likelihood of accessing extreme and violent pornography, and presenting greater levels of sexual aggression, sexual objectification, and sexual coercion. There are factors other than pornography that may also contribute to these attitudes and behaviours.

Research links pornography to a range of harmful attitudes, behaviours, and experiences such as risky sexual practices, acts of sexual aggression, sexual violence, stronger beliefs in gender stereotypes, and more sexualised and sexually objectifying views of women.⁶ Significant links have been identified between pornography and sexual violence, sexual assaults that mirror pornographic content, sexual assault/abuse being filmed and broadcast or otherwise distributed as pornographic content, the increase of strangulation and related harm in both consenting sexual interactions and sexual assault, and image-based abuse.

The depiction of frequent sexual aggression, including non-fatal strangulation, normalises the inclusion of potentially dangerous practices as part of the regular sexual narrative, distorts the perceptions of pleasure and consent,^{7,8} and has associations with intimate partner violence and a 700% increased risk of homicide.⁹

Research has also emphasised concerns around the increasing availability, anonymity, and accessibility of pornography, which is simultaneously increasingly involving violence against women and depicting levels of extreme violence against women in mainstream pornography.^{10 11}

Early exposure to pornography has been linked to several harmful public health outcomes, such as negatively impacting on young people's sexual development by influencing young people's attitudes and expectations about sex, shaping sexual behaviours and practices, and strengthening attitudes supportive of sexual violence and violence against women.¹² Young people's access to pornography, particularly violent pornography, can influence young people's sexual violence and 'may lead to distorted sexual scripts that legitimise sexual coercion and abuse, enhance its likelihood in lived experience, and undermine sexual activity with full, free and voluntary consent'.¹³

An EU study identified a relationship between consumption of pornography and sexual coercion and abuse, but also to the regressive gender norms that justify violent behaviour. The study found boys who regularly consumed pornography displayed an increased probability of having sent sexually explicit messages and were significantly more likely to hold negative gender attitudes.¹⁴

A report by the EU Parliament into the impact of the use of social media on women and girls¹⁵ examined the role of pornography, with survey results highlighting that a concern for girls is that easy access to violent pornography is impacting boys' understandings and expectations of sex.¹⁶

A NZ report highlighted that young people's biggest concerns about pornography are its influence on young men's sense of entitlement. Additionally, it found pornography is increasingly being used as sexuality education by young people which impacts how they form their attitudes and beliefs around sex.¹⁷ Young people felt pornography led men to believe they didn't need to communicate or understand consent in sexual relationships. The same study found young queer people were more likely to have positive attitudes towards pornography compared with their heterosexual counterparts, however, they were still critical of the stereotypes present in pornography.¹⁸

Other negative health impacts of pornography

In addition to its association with sexual violence and risky sexual practices as outlined above, pornography is also associated with significant mental health impacts including increased levels of stress, anxiety, and depression.¹⁹ Vulnerable populations such as children, young people, and individuals with cognitive or developmental disabilities are especially susceptible to these impacts.

Greater access to pornography by young people has also been identified as a factor in the increasing trend of child sexual abuse experienced from other young people.²⁰ The Australian Childhood Maltreatment Study found that 1 in 10 young people²¹ have experienced sexual harassment from another young person, and that child sexual abuse by other children and young people has substantially increased in Australia.²² Recent findings indicate that over half of the childhood sexual abuse reported is experienced from other young people, as compared to adults, a trend that has substantially increased.²³

Pornography and harmful gender norms

There is significant research indicating that online pornography reinforces harmful gender norms and stereotypes, particularly by promoting the idea that women are sexual objects and men should dominate in relationships.

Australian research has found that young people exposed to pornography often adopt views where women are seen as passive and submissive and objects of sexual pleasure, and men as dominant and controlling.^{24 25 26} This reinforces old-fashioned gender roles and sexist attitudes and creates

unrealistic expectations for relationships, with young men more likely to accept violent attitudes towards women, while young women may feel pressured to meet distorted and unhealthy standards.²⁷

A longitudinal study found that adolescent boys who frequently consumed pornography were more likely to adopt gender-stereotypical beliefs, particularly the idea that women should play sexually submissive roles. Over time, these beliefs became more entrenched, affecting boys' attitudes toward women in real-life interactions. The study emphasises the lasting impact of early exposure to pornography on reinforcing traditional and harmful gender roles.²⁸

The *European Parliament Report on Combating Gender Stereotypes* (2013) stressed the importance of challenging harmful media images, including those in pornography, which diminish women's sense of agency.²⁹ Online pornography often shows women as passive and submissive, which erodes their sense of autonomy and reinforces outdated patriarchal values.

Research also indicates that pornography can contribute to negative body image for young people, and young people worry about expectations of partners in relation to sex. They are concerned that partners will expect them to be "good" in bed and that they may not live up to their expectations.³⁰

Conclusion

The above findings from academic research considered by NSW Government agencies support the view that harmful pornography has wide-ranging adverse impacts on the mental, emotional, and physical health of individuals. Harmful pornography is associated with risky sexual practices and sexual violence well as increased levels of stress, depression, and anxiety. It also reinforces harmful gender norms and stereotypes by promoting the idea that women are sexual objects and men should dominate in relationships. **However, this is not to be regarded as a comprehensive summary of all available research on this issue.**

¹ eSafety Commissioner (2023), [Age verification](#). Accessed 17 October 2024.

² Privara M, Bob P. Pornography Consumption and Cognitive-Affective Distress. *J Nerv Ment Dis.* 2023 Aug 1;211(8):641-646.

³ Crabbe, M., Flood, M. and Adams, K (2024). Pornography exposure and access among young Australians: a cross-sectional study, *Australian and New Zealand Journal of Public Health*, Volume 48, Issue 3, <https://doi.org/10.1016/j.anzjph.2024.100135>.

⁴ Quadara, A., El-Murr, A. and Latham, J., 'Online pornography: effects on children & young people', *Australian Institute of Family Studies Research Snapshot*, Australian Institute of Family Studies, Australian Government, 2017.

⁵ eSafety Commissioner (2023), [Age verification](#). Accessed 17 October 2024.

⁶ eSafety Commissioner (2023) [Roadmap for age verification](#). Accessed 1 October 2024.

⁷ Keene, S. (2022). The influence of mainstream pornography on changing sexual practices. *Pathology*, 54 (Supp.1), s12. [https://www.pathologyjournal.rcpa.edu.au/article/S0031-3025\(21\)00589-4/abstract](https://www.pathologyjournal.rcpa.edu.au/article/S0031-3025(21)00589-4/abstract)

⁸ Wright, P.J., Herbenick, D., Tokunaga, R.S. (2023). Pornography Consumption and Sexual Choking: An Evaluation of Theoretical Mechanisms. *Health Communication*, 38(6), 1099-1110.

<https://pubmed.ncbi.nlm.nih.gov/34696638/>

⁹ Quadara, A., El-Murr, A. and Latham, J., 'Online pornography: effects on children & young people', *Australian Institute of Family Studies Research Snapshot*, Australian Institute of Family Studies, Australian Government, 2017.

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¹² Quadara, A., El-Murr, A., and Latham, J. (2017). *The effects of pornography on children and young people: An evidence scan*. Melbourne: Australian Institute of Family Studies.

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¹⁵ [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/743341/IPOL_STU\(2023\)743341_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/743341/IPOL_STU(2023)743341_EN.pdf)

¹⁶ Ibid.

¹⁷ <https://ourarchive.otago.ac.nz/esploro/outputs/workingPaper/Youth-healthy-and-safe-relationships-a/9926478540401891#file-0>

¹⁸ Ibid.

¹⁹ Privara M, Bob P. Pornography Consumption and Cognitive-Affective Distress. *J Nerv Ment Dis*. 2023 Aug 1;211(8):641-646.

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