

Increased Policing of Child Pornography Bill 2023

A Bill for an Act to establish the Independent Victorian Policing of Child Pornography (IVPCP) board. The Board shall oversee and implement the stricter policing of child pornography. This policing includes implementing stricter laws on creating child pornography and the distribution of child pornography, increasing the penalties for child pornography, and increasing the difficulty of uploading child pornography.

This Bill aims to combat the production, distribution, possession, administration and accessing of child pornography by introducing tougher penalties. It also outlines stricter regulation of social media platforms to further prevent the spread of child pornographic material. This Bill also aims to eliminate ambiguous defences that perpetrators may use to justify their actions. This Bill was written under the notion that the production and possession of child pornography material shall be discouraged through various measures, and aims to discourage the perpetration of crimes regarding child pornography and appropriately penalise offenders.

A Bill for an Act relating to Increased Policing of Child Pornography.
To be enacted by the Y's Victorian Youth Parliament.

PART I—Preliminary

Clause 1 Purpose

The main purposes of this Act are;

- (a) To discourage and prevent the production and possession of child pornography material;
- (b) To outline stricter penalties on the production and possession of child pornography;
- (c) To increase regulation in relation to social media to prevent the spread of child pornography;
- (d) To prevent wrongdoers from using outdated defences for the possession and production of child pornography.

Clause 2 Commencement

This Bill shall commence upon receiving assent from the Youth Governor of Victoria.

Clause 3 Definitions

In this Bill;

- (a) **Administer** means the building, developing and maintaining of a website, but does not include hosting the website;
- (b) **Bot** means an autonomous program on the internet or another network which can interact with systems or users;
- (c) **Child** means any person who is under the age of 18 years;
- (d) **Child pornography** means pornography that unlawfully exploits children for sexual stimulation. It may be produced with the direct involvement or sexual assault of a child or it may be simulated child pornography;
- (e) **IVPCP** means the Independent Victorian Policing of Child Pornography Board;

- (f) **Porn bots** means a form of message spam that sends pornographic photos and videos, links to pornography sites and explicit text;
- (g) **Pornography** means printed or visual material containing the explicit description or display of sexual organs or activity, intended to stimulate sexual excitement;
- (h) **Social Networking Service (SNS)** means a type of online social media platform which people use to build social networks or social relationships with other people who share similar personal or career content, interests, activities, backgrounds or real-life connections. This also includes the production and distribution of pornography on the internet;
- (i) **State of Emergency** means when a disaster or an emergency occurs in the State of Victoria, and the response required is beyond the capabilities of normal emergency services;
- (j) **Virtual Private Network (VPN)** means an arrangement whereby a secure, private network is achieved using encryption over a public network, typically the internet.

PART II—Establishment

**Clause 4 Establishment of the Independent Victorian Policing of Child
Pornography (IVPCP) Board**

- 4.1 The Independent Victorian Policing of Child Pornography (IVPCP) Board shall be established.
- 4.2 The IVPCP Board shall oversee;
- (a) The administration and enforcement of the Increased Policing of Child Pornography Bill in conjunction with Victoria Police;
 - (b) The database which stores the identification of individuals and binds this information to their social media accounts;
 - (c) Distribution of mental and/or physical health professionals to victims of child abuse material;
 - (i) After the initial appointment, victims shall receive 10 free mental and/or physical health appointments at the victim's discretion.
- 4.3 The IVPCP Board shall consist of;
- (a) Representatives of Victorian Police;
 - (b) Professionals who are specialised in the field of child protection;
 - (c) Trained paediatric mental health physicians;
 - (d) Trained paediatric physical health physicians;
 - (e) Advocates for child protection;
 - (f) Representatives of SNS companies;
 - (g) Government members;
 - (h) Trained information technology professionals.
- 4.4 The IVPCP Board shall meet once a month, unless;
- (a) A matter of serious importance arises, requiring the IVPCP Board to meet more frequently;
 - (b) A state of emergency is declared;
 - (i) Frequency of meetings shall then be under the discretion of the Victorian Government.

Clause 5 Regulation on the Establishment and Sharing of Material on Social Media

- 5.1 When creating a new account on a social networking service, an individual must provide a form of personal identification. These social networking sites shall include, but not be limited to;
- (a) Facebook;
 - (b) Instagram;
 - (c) Google;
 - (d) Snapchat;
 - (e) Discord;
 - (f) Reddit;
 - (g) TikTok;
 - (h) Twitter.
- 5.2 Identification shall be legally sourced by;
- (a) Local Government;
 - (b) State Government;
 - (c) Federal Government;
 - (d) Other institutions such as;
 - (i) Schools;
 - (ii) Universities.
- 5.3 Identification shall include relevant information about the individual establishing the account, including;
- (a) A surname, a first name and any other known aliases;
 - (b) Date of birth;
 - (c) Photo of the individual's face;
 - (d) Provider of the identification.
- 5.4 A database shall be created that shall bind an individual's accounts across social media platforms to their name, date of birth and photo for easier policing of child pornography distribution;
- (a) This database shall be managed and maintained by the IVPCP Board;
 - (b) All investigations shall be recorded on this database;

- (c) This data shall be stored for 2 years.
- 5.5 Social networking service companies shall work collaboratively with the IVPCP Board to implement these changes effectively and efficiently. This shall be applicable to;
- (a) Facebook;
 - (b) Instagram;
 - (c) Google;
 - (d) Snapchat;
 - (e) Discord;
 - (f) Reddit;
 - (f) TikTok;
 - (h) Twitter.

Clause 6 Penalties on Production, Possession, Distribution, Administration and Accessing of Child Pornography

- 6.1 Individuals suspected of distributing child pornography on social media shall have their account temporarily suspended until the relevant social media company and Victoria Police can investigate the matter;
- (a) The relevant social media company and Victoria Police shall have 60 days to investigate the matter;
 - (b) Penalties shall be incurred on the relevant social media company and Victoria Police if not investigated within the 60 days;
 - (i) The administration of penalties shall be under the discretion of the IVPCP Board.
 - (c) The suspected account shall be informed of the investigation via email and text;
 - (d) If the suspected account is cleared of misconduct, the account shall be unsuspended and returned to the owner.
- 6.2 A person who commits an offence shall be liable to a level 4 imprisonment. That is;
- (a) 15 years maximum imprisonment;

- (b) Or 1,800 penalty units.

Clause 7 Removal of Defences for Possessing Child Pornography

7.1 Material that is of public benefit shall be ruled out as a defence in a court of law, including material that is for;

- (a) A genuine medical purpose;
- (b) Legal purposes;
- (c) Scientific purposes;
- (d) Educational purposes.

Clause 8 Spam and Advertising Bots

8.1 Corporations shall implement strict regulations and strategies to limit porn bots on their platforms;

- (a) Any company that uses advertising, including artificial intelligence bots to advertise any goods or service shall adhere to the regulations;
- (b) Corporations shall implement features to show who the bot is linked to and why they are targeting the recipient;
 - (i) Including company name.
- (c) Stricter verification for creating new accounts to limit the amount of spam bots, including;
 - (i) A surname, a first name and any other known aliases;
 - (ii) Email;
 - (iii) Date of birth;
 - (iiii) Phone number.
- (d) Use a challenge-response test, such as CAPTCHA, to prevent automated account creation and login attempts.

8.2 Those found guilty of creating porn bots or any advertising of child pornography shall be formally investigated by the Board and Victoria Police;

- (a) A subsequent lawsuit shall follow the investigation;
- (b) This lawsuit shall be applicable to;
 - (i) Any sole proprietors;

- (ii) Partnerships;
- (iii) Corporations;
- (iv) Limited liability companies;
- (v) Any person who is found to have created porn bots with the intent to spread illegal content.

8.3 All information regarding porn bots and their advertisement shall be supplied to the Board. Government officials shall also have recorded information;

- (a) All data shall be stored by the company it is associated with for a minimum of 12 months;
- (b) The information shall not be available to the public and shall only become publicly accessible following a judge's approval;
- (c) Companies shall face charges if they fail to provide information to the court, including burying evidence.