Law faces child sex computer challenge
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LAWS relating to child pornography will need to be crafted to keep pace with the changing nature of the crime, Police Commissioner Mal Hyde has warned.

Mr Hyde said it was doubtful existing laws covered such emerging trends in Internet pornography as the creation of pictures of children using a computer, known as "morphing" and "virtual" images.

They fell into a grey area of law because there was no actual victim portrayed in the images – even though they may be pornographic – creating a potential loophole open to exploitation.

Morphing involves the creation of one image using several images while high-quality virtual or animated images were able to be created with modern software.

The current legislation, which defines a child as a person under or apparently under the age of 16 years, was out of date and did not cater for the problems emerging through the use of the Internet.

"The point about it is it talks about a person, a child," Mr Hyde said. "With the Internet and the new technologies available, images can be put together and this raises the question of whether it is a person who is a child.

"It might be the head of a child on the body of an adult.

"It does raise some issues. It will be an issue in court because the definition refers to a person.

"A good lawyer would not have to try very hard to raise that sort of argument." Police have had discussions with the Attorney-General's Department on those looming problems to ensure new legislation was "technologically neutral" and was not made redundant by advances.

Laws to considerably increase penalties for possessing child pornography were introduced this week to State Parliament.

"We need to keep in mind what might be in the future and try and design the legislation not to cause us problems," Mr Hyde said.

He said the Internet had resulted in a proliferation of images involving child pornography.

"At some point you have victims involved in the creation of these images," he said.

"So, if we are getting a proliferation of images, somewhere in the chain it is highly likely we are getting more victims, more children who are being abused in the development of those images."

There were also concerns if there was not enough affirmative action taken to limit Internet child pornography the activity risked being "normalised.

"If we don't treat it very seriously, if we don't seek to limit the amount of material, we are tacitly sending a signal that it is normal type of behaviour," he said.