



Northern Territory Emergency Response – Fact Sheet

Pornography Bans and Penalties

Changes to the *Classification (Publications, Films and Computer Games) Act 1995* introduced offences for possessing pornography within prescribed areas, and for supplying pornography in and to those areas.

The provisions commenced on 14 September 2007.

Pornography banned in prescribed areas

Level 1 Prohibited Material:

- Category 1 – Restricted and Category 2 – Restricted publications
- unclassified publications that would be likely to be classified Category 1 – Restricted or Category 2 – Restricted
- X18+ films
- unclassified films that would be likely to be classified X18+, and
- prohibited advertisements.

Level 2 Prohibited Material:

- Refused Classification (RC) films, computer games or publications, and
- unclassified films, computer games or publications that would be likely to be classified RC.

Level 1 prohibited material may contain content of a sexualised nature, for example, X18+ films contain real depictions of actual sexual intercourse between consenting adults.


Level 2 prohibited material may depict, express or otherwise deal with matters of sex, cruelty, violence or revolting or abhorrent phenomena in a way that offends against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent it should not be classified. The sale, display or exhibition of RC material is illegal across Australia.

Prescribed areas

The bans apply to prescribed areas which include Aboriginal land under the *Aboriginal Land Rights (Northern Territory) Act 1976*, community living areas, and areas, including those known to be town camps, that the Minister declares to be prescribed areas. Maps and lists of prescribed areas can be found at http://www.facsia.gov.au/nter/legis_areas.htm

Offences

- It is an offence to possess, control, supply or transport banned material in a prescribed area. This ban applies no matter where the material is being supplied from.
- A heavier penalty applies to possession of Level 2 prohibited material.

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- People who supply 5 or more items of banned material could face a \$22,000 fine and/or 2 years imprisonment.

'Supply' is defined as material provided to a person in a prescribed area, regardless of whether there is a commercial aspect to the transaction.

Police Powers

Police may seize and destroy material found within a prescribed area where a police officer suspects, on reasonable grounds, that it is prohibited material.

Police powers to enter and search premises are provided for under the *Crimes Act 1914*, that is, they may do so with a warrant or with consent.

Seized material may be returned to its owner if the responsible police officer, or a magistrate, is satisfied on reasonable grounds that it is not prohibited material. If the material is not returned, it may be forfeited to the Commonwealth for destruction or disposal.

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