

# **SUBMISSION:**

## **Inquiry into current and proposed sexual consent laws in Australia**

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### **AUSTRALIAN CHRISTIAN LOBBY**

#### **About Australian Christian Lobby**

Australian Christian Lobby's vision is to see Christian principles and ethics influencing the way we are governed, do business, and relate to each other as a community. ACL seeks to see a compassionate, just and moral society through having the public contributions of the Christian faith reflected in the political life of the nation.

With around 250,000 supporters, ACL facilitates professional engagement and dialogue between the Christian constituency and government, allowing the voice of Christians to be heard in the public square. ACL is neither party-partisan nor denominationally aligned. ACL representatives bring a Christian perspective to policy makers in Federal, State and Territory Parliaments.

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***ACL Submission to Inquiry into current and proposed sexual consent laws in Australia***

**Senate Legal and Constitutional Affairs References Committee**



**7 March 2023**

Dear Sir/Madam,

On behalf of the Australian Christian Lobby (**ACL**), I welcome the opportunity to make a submission to the Legal and Constitutional Affairs References Committee's (**Committee's**) [Inquiry](#) into current and proposed sexual consent laws in Australia (**Inquiry**), including regarding the [Discussion Paper](#) (**Paper**).

The ACL's submission discusses two topics relating to changing 'sexual consent culture', namely:

1. the negative influence of pornography, particularly for children; and
2. the inclusion of explicit content in 'consent education' at schools.

We make the following submissions to urge the Government to consider measures to complement sexual consent laws and better address the prevailing culture around, and negative influence of, pornography use in Australia. The Government should also ensure that vulnerable children are protected from both pornography exposure and explicit content in 'consent education' as much as possible.

We would appreciate an opportunity to meet with the Committee to discuss this submission.

Yours Sincerely,

**Wendy Francis**

National Director of Politics

## **ACL Submission to Inquiry into current and proposed sexual consent laws in Australia**

### **EXECUTIVE SUMMARY**

The ACL has an interest in this Inquiry as it has engaged in advocacy regarding the sexualisation of society (such as regarding pornography, sexualisation of children, and sexual offences) for many years.

Our submission is directed towards the following Terms of Reference (TOR)<sup>1</sup> (**bold emphasis ours**):

*“Current and proposed sexual consent laws in Australia, with particular reference to...  
f. impact of consent laws on **consent education**; ... and  
h. **any other relevant matters.**”*

Our submission also relates to the following specific question in the Paper (**bold emphasis ours**):<sup>2</sup>

*“**How can sexual consent culture be changed? What topics should be covered by consent education in schools? When and how should this education be delivered?**”*

Essentially, our submissions discuss two factors relating to changing ‘sexual consent culture’, namely:

1. **Pornography:** Pornography is a vital consideration in terms of changing ‘sexual consent culture’. Pornography use proliferates Australian society, and may influence how many people perceive the dynamics of consensual sex. Unfortunately, pornography often depicts aggression, coercion and physical violence. It is also degrading to women generally and primes men to assume or misunderstand consent. As such, it detracts from a healthy understanding of sexual consent in Australian society and works against the culture which sexual consent laws seek to create. Pornography is particularly damaging to a healthy understanding of sexual consent by children.
2. **Explicit content in school ‘consent education’:** In seeking to improve ‘sexual consent culture’, ‘consent education’ in schools should not entail young children being taught explicit sexual content. This may encourage early sexualisation among students, and potentially even contribute to problems regarding ‘sexual consent culture’.

### **Recommendations:**

The ACL recommends that:

1. To complement sexual consent laws, the Government should consider measures to better address the prevailing culture around, and negative influence of, pornography use in Australia. In particular, the Government should consider how it may better prevent the exposure of children to pornographic material as far as possible.
2. The Government should review (and if necessary revise upwards) the relevant age or grade thresholds at which explicit ‘consent education’ is being taught to young children.

Our submission is discussed in more detail below.

### **SUBMISSIONS**

1. **Pornography is a vital consideration in terms of changing ‘sexual consent culture’. Pornography use proliferates Australian society, influencing how many people perceive the dynamics of consensual sex. Pornography often depicts aggression, coercion and physical violence. It is degrading to women generally and primes men to assume or misunderstand consent. It detracts from a healthy understanding of sexual consent in Australian society and works against the culture which sexual consent laws seek to create. Pornography damages children’s healthy understanding of sexual consent.**

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<sup>1</sup> At [this link](#).

<sup>2</sup> See page 4 of the Discussion Paper: [This link](#).

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A research study published in 2017 profiling pornography users in Australia [here](#)<sup>3</sup> involved a representative sample of people aged 16 to 69 years across all Australian states and territories. It found that most men (84%) and half of the women (54%) had looked at pornographic material. Three-quarters of these men (76%) and more than one-third of these women (41%) had looked at pornographic material in the past year. Similarly, the Burnet Institute published [this article](#) in 2017 confirming that pornography is “the norm” for young Australians. Its study into their use of pornography showed “an extremely high prevalence”, leading it to specifically recommend that pornography be addressed in Australian secondary school sexuality education programs. In fact, all of the young men in the study said they had seen pornography, as did the majority of women.<sup>4</sup> The study [here](#), confirms that 100% of young men and 82% of young women (aged 15–29 years) surveyed in 2015 reported having ever viewed pornography.<sup>5</sup> Around 80% of young men watched weekly, and among women who watched pornography, nearly two-thirds viewed at least monthly.<sup>6</sup>

Sadly, many young children are also exposed to pornography. Bravehearts published a research report in 2017 stating that even “children, pre-teens and teenagers are proven statistically to be exposed to and to have access to pornography at incredibly high rates”.<sup>7</sup> One study found that in Australia, 93% of males between 13 and 16 and 62% of females have viewed internet pornography. A high percentage of the young population have been exposed to and had access to pornographic material, approximately after the age of ten.<sup>8</sup> A research snapshot published [here](#) in 2017 by Australian Institute of Family Studies (AIFS) (an Australian Government entity) about the effects of pornography on children and young people<sup>9</sup> found that nearly half of children aged between 9 to 16 have regular exposure to sexual images.

### **The relevance of pornography to ‘sexual consent culture’**

When considering sexual consent laws, pornography is a vital cultural influence to consider. The nature of pornography itself highlights its relevance to ‘sexual consent culture’. It explicitly depicts sexual behaviour, including instances of non-consensual sex, potentially influencing the perceptions of most Australians.

### **Depictions of aggression, coercion and physical violence in pornography**

Pornography does not positively influence ‘sexual consent culture’. Studies suggest that it often depicts aggression, coercion and physical violence, particularly against women. A study published in 2010 [here](#)<sup>10</sup> analysed the content of popular pornographic videos in the USA. Its findings indicated “high levels of aggression in pornography in both verbal and physical forms”. Of the 304 scenes analysed, “88.2% contained physical aggression, principally spanking, gagging, and slapping”. Other physically aggressive acts recorded included hair pulling, choking and bondage or confinement. 48.7% of scenes also contained verbal aggression (insulting, threatening and using coercive

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<sup>3</sup> Rissel, C., Richters, J., de Visser, R. O., McKee, A., Yeung, A., & Caruana, T. (2017). A Profile of Pornography Users in Australia: Findings From the Second Australian Study of Health and Relationships. *Journal of sex research*, 54(2), 227–240. DOI: <https://doi.org/10.1080/00224499.2016.1191597>. See [this link](#).

<sup>4</sup> Burnet Institute, 2017: [This link](#).

<sup>5</sup> Lim, M. S. C., Agius, P. A., Carrotte, E. R., Vella, A. M., & Hellard, M. E. (2017). Young Australians' use of pornography and associations with sexual risk behaviours. *Australian and New Zealand journal of public health*, 41(4), 438–443. DOI: <https://doi.org/10.1111/1753-6405.12678>. See [this link](#).

<sup>6</sup> Burnet Institute, 2017: [This link](#).

<sup>7</sup> Bravehearts, 2017: [This link](#). See page 4.

<sup>8</sup> Bravehearts, 2017: [This link](#). See page 9.

<sup>9</sup> Australian Institute of Family Studies, 2017: [This link](#).

<sup>10</sup> Bridges, A. J., Wosnitzer, R., Scharrer, E., Sun, C., & Liberman, R. (2010). Aggression and sexual behavior in best-selling pornography videos: a content analysis update. *Violence against women*, 16(10), 1065–1085. DOI: <https://doi.org/10.1177/1077801210382866>. See [this link](#).

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language), primarily name-calling (eg. 'bitch' and 'slut'). Perpetrators of aggression were usually male, whereas targets of aggression were overwhelmingly female (94.4%). Targets most often (95.1%) showed pleasure (encouragement or sexual moans) or responded neutrally (no change in facial expression or interruption to actions) to the aggression.

This mitigates against pornography consumers having a healthy understanding of sexual consent. Rather, it evidences that pornography normalises physical and verbal aggression during sex, including acts of bondage or confinement, which place one partner in a position of domination over another and are unlikely to be naturally conducive to a respectful obtaining of consent. The routine use of insulting, threatening and coercive language is also concerning. The fact that perpetrators of such acts in pornography are usually male also highlights that pornography is degrading to women generally. That most women show pleasure or neutral responses to acts of aggression, violence and coercion in pornography fundamentally primes men to assume or misunderstand consent. It may influence viewers to think that most females enjoy being degraded or violently treated during sex.

AIFS acknowledges that pornography contains problematic content. In its 2017 research,<sup>11</sup> AIFS state that pornography "may strengthen attitudes supportive of sexual violence and violence against women". It also confirmed that "the most dominant, popular and accessible pornography contains messages and behaviours about sex, gender, power and pleasure that are *deeply* problematic". This includes the "physical aggression (slapping, choking, gagging, hair pulling) and verbal aggression such as name calling, that is predominantly done by men to their female partners". AIFS confirmed that pornography may "reinforce double standards of an active male sexuality and passive female receptacle". It also pointed out that pornography is embedded within a broader sociocultural context of social scripts and discourses about men, women and sex, eg. "once aroused, men cannot control themselves", "women say no when they mean yes", "women often play hard to get", "it's men's role to pursue women", etc.

It is not surprising then, to find studies highlighting the fact that pornography users may replicate acts from pornography in their own lives. [This](#) 2020 study (discussed further below)<sup>12</sup> expressly noted that "the replication of acts from pornography is not unusual, even among the general population". This is "coupled with the increasing positioning of pornography as a "cultural authority" on sexuality". It also pointed to an Australian study which found that "59% of respondents reported that they had applied something they had seen in pornography in their own sex lives".<sup>13</sup>

### **The potential link between pornography and sexual violence**

The link between pornography and sexual violence or attitudes supportive of it is not surprising. In the 2020 study mentioned above,<sup>14</sup> researchers noted that "although the debates about correlation and causation with regard to pornography and sexual violence are complex, it is also important to note that many pornography users self-report mimicking pornography".

The specific data discussed in the 2020 study also highlighted concerning links between women's experiences of intimate partner sexual violence (**IPSV**) and pornography generally. Its data was collected as part of a qualitative study of 38 women living in Australia aged 18 years or older, who

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<sup>11</sup> Australian Institute of Family Studies, 2017: [This link](#).

<sup>12</sup> Tarzia, L., & Tyler, M. (2021). Recognizing Connections Between Intimate Partner Sexual Violence and Pornography. *Violence against women*, 27(14), 2687–2708. DOI: <https://doi.org/10.1177/1077801220971352>. See [this link](#) and [this link](#).

<sup>13</sup> Reference in the study: McKee A., Albury K., Lumby C. (2008). *The porn report*. Melbourne University Press.

<sup>14</sup> Above note 12.

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self-identified as having experienced unwanted or non-consensual sexual experiences in relationships. Where pornography was mentioned, it was driven by the participant.

The researchers categorised the interview data into three main themes:

1. **Pornography as a sex manual:** Nearly 1 in 5 women said their partner wanted to “try out” different sexual acts or scenarios he had seen in pornographic films or on the internet. Some participants felt that the consumption of pornography drove their partners to desire increasingly violent or graphic sex acts to become aroused.
2. **All about his pleasure:** Beyond the specific connections made by the participants with regard to pornography and IPSV, “the majority of the women described their sexual relationships as being focused, almost exclusively, on their male partner’s pleasure, with their role as servicing his sexual demands”. This was “usually at a significant cost to them, not just their own pleasure but their well-being and safety”. The study quotes examples from women whose partners, for example, “didn’t care if I was crying or he didn’t care if I was asleep, or if I was saying no”, and who “finished inside of me against my wishes”. For “many” of the women, “sex became a site of power and domination, and sometimes part of the sexual turn-on was the woman’s reluctance”.
3. **Dehumanizing and devaluing:** Several women identified the problematic nature of pornography leading to women being devalued and dehumanized in society. They “described how they were treated as objects to be used sexually, rather than as human beings”. Through sex, their male partners “sought to degrade them, including filming them”.

Overall, the researchers found that the participants “recounted being subjected to a variety of acts that they described as demeaning, devaluing, coercive, and violent”, and the researchers expressly noted that they can “understand these as related to, or informed by, pornography in several ways”:

- Some women made “a clear and direct connection” between pornography and the way their partner perpetrated abuse. Some recognised pornography as an influence on behaviour and norms, while others had direct experiences of coercion with pornography. Some mentioned pornography “being used as a grooming tool” (eg. “using pornography to make me think those things were normal”). Several noted their partner’s use of pornography as influencing them.
- There were also “more diffuse connections between pornography and violence” made by the participants within descriptions of “a sexual relationship in which a male partner’s pleasure took precedence, even at the cost of a woman’s physical or psychological well-being or safety”. Women recounted having partners demand sexual acts they clearly communicated they “hate,” crying during sexual activity, and being raped. Some reflected on such experiences in relation to a sense of men’s sexual entitlement and sexual desire for control or domination, and an expectation that they “service” their male partners. The researchers expressly noted the “eerie similarity” of such accounts to some critiques of pornography.
- The researchers also noted that “in a broader cultural environment where men’s dominance and women’s “service” role is eroticized, it is not surprising that women report feeling devalued or objectified. Some women in the study made connections between pornography and a perpetrating partner’s “sexual norms or sexual scripts”. That is, “they felt pornography was part of the boundary setting for what is considered “normal” and even shaped their own expectations of what was acceptable”. In some instances, the objectification and humiliation they reported in their IPSV, they also saw reflected in pornography.

The researchers noted that perhaps these findings shouldn’t be unexpected and could be understood “within the broader context of pornification, increasing pornography consumption (including near universal consumption among younger men), and the frequently aggressive and violent content of mainstream pornography”. This work includes claims that pornography creates

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and reinforces a culture in which violence against women is permissible, that pornography is part of a continuum of violence against women, and that pornography can be used to directly facilitate IPSV. They were of the view that much of this concern “has been founded on an understanding that pornography frequently contains objectifying and dehumanizing portrayals of women, as well as regularly including aggression, abuse, and violence against women”.

### **How pornography may detract from a healthy understanding of sexual consent**

Even a small snapshot of available literature indicates that pornography negatively impacts social perceptions of sexual consent. As such, to complement sexual consent laws, there is a need to better mitigate the negative cultural influence of pornography use.

Mainstream media also points to a clash between pornography and ‘sexual consent culture’. [This ABC article](#) in 2021<sup>15</sup> discussed ‘Why “consent” doesn’t stand a chance against porn culture’. It points to “overwhelming cultural forces” “overpowering any hoped-for advancement” in terms of ‘consent education’ due to pornography. The article argues that “if we don’t address pornography’s conditioning of boys, which trains them to accept rape myths — that “no” in fact means “yes” — and which normalises aggression, coercion and domination, these girls and all those that follow don’t stand a chance”. An article in The Guardian [here](#) in 2021 also asked, ‘Is pornography to blame for rise in ‘rape culture’?’, pointing out that pornography “undermines the notion of consent”.<sup>16</sup>

### **How pornography may particularly damage children’s understanding**

Pornography is particularly damaging to a healthy understanding of sexual consent by children who are particularly vulnerable to being ‘educated’ or influenced by its themes as they may not have the same ability as adults to dissociate pornography from reality. Many sources point to the negative influences of pornography on minors specifically. In its 2017 research on the effects of pornography on children and young people,<sup>17</sup> AIFS confirmed that pornography “may strengthen attitudes supportive of sexual violence and violence against women”, adding, “there is evidence of an association between consuming pornography and perpetrating sexual harassment for boys”. AIFS stated that adolescents who consumed violent pornography were six times more likely to be sexually aggressive compared to those who viewed non-violent pornography or no pornography.

A 2017 Bravehearts [report](#) on the impact of children, pre-teens and teenagers viewing pornography acknowledged that pornography holds “the role of sexual educator” for young people today. It also discussed in detail how viewing pornography can leave a “lasting impact” on young people, including on their sexual lifestyles, practices and attitudes, and impact on their wellbeing, relationships and sexual and psychological development.<sup>18</sup> The report discussed a range of studies<sup>19</sup> including one source which “evidenced that pornography can impact on a young person’s propensity toward sexual violence, their attitudes toward sex, their morals and values, and their sexual behaviours”. Another source supported that pornographic material showcasing violence can influence a young person’s development, noting that in males as young as 14, “a correlation was confirmed between frequent pornography viewing and an accepting stance toward forcing a girl to have sex”. The Bravehearts report noted that “some evidence exists proving that viewing pornography has the potential to increase the likelihood of a young individual committing a sexual crime”.<sup>20</sup> Several other

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<sup>15</sup> ABC, 2021: [This link](#).

<sup>16</sup> The Guardian, 2021: [This link](#).

<sup>17</sup> Australian Institute of Family Studies, 2017: [This link](#).

<sup>18</sup> See page 4 of the Bravehearts research report.

<sup>19</sup> See in particular pages 12 and 13 of the Bravehearts research report.

<sup>20</sup> See page 4 of the Bravehearts research report.



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studies suggest a direct connection with<sup>21</sup> one providing “evidence that violent pornographic material made males more aggressive toward females”, and another finding that a high rate of pornography exposure is related to acceptance of the idea that it is okay to “hold a girl down and force her to have sex”. Other studies quoted in the report found that boys who viewed pornography were significantly more likely to report having “sexually harassed a peer or having forced somebody to have sex”, that men who view a greater amount of sexual violence are more likely to report a likelihood of committing rape, and that viewing pornography has been identified as a common trend among sexual offenders.

### **2. In seeking to improve ‘sexual consent culture’, ‘consent education’ in schools should not include young children being taught explicit sexual content.**

There are good reasons to protect young children from explicit sexual content. We should not lose sight of this even in pursuit of the goal of teaching them about the importance of sexual consent.

#### **‘Consent education’ should not contain explicit material for young children**

We strongly oppose sexual harassment and assault. We fully agree that sexual behaviour must be founded on mutual, freely-given consent. However, we have concerns about ‘consent education’ being taught to Australian students generally, particularly to young children.<sup>22</sup> Firstly, we query whether young children can fully understand the concept of sexual consent. Consent is said to be a decision to agree to sexual activity that is made with adequate knowledge and understanding of the physical, emotional, spiritual, and social risks of engaging in that sexual activity. Can a 12 year-old, 14 year-old, even a 16 year-old child be expected to have that deep knowledge and understanding? If not, then ‘consent education’ could potentially lead young children to think they understand ‘consent’ and to apply their understanding in practice when they may not grasp it fully. ‘Consent’, particularly for teenage girls, is too easily coerced. And after the fact, the parties may have starkly different understandings or accounts.

We also query whether young children may be subtly positioned by ‘consent education’ to see ‘consent’ as the main issue to consider regarding sexual activity. They may not give the same attention to the issue of whether they should be engaging in sexual activity at their age at all. They may be led to assume it is good for them to freely engage in sexual behaviour at any time as long as it is consensual, without properly weighing up other factors. In our view, given the risks of sexual activity for young children, the teaching of abstinence is in their best interests. Abstinence removes the risk of non-consensual sex, and encourages those who do engage in sexual activity to take a cautious approach.

Despite these concerns, we are aware that ‘consent education’ will now be mandatory for Australian school children up to Year 10.<sup>23</sup> Given this fact, we are particularly concerned for age-appropriateness in its content. We<sup>24</sup> emphasise that young children *must* be protected from explicit material.

If young children are encouraged towards early sexual activity by ‘consent education’, this could have the perverse outcome of unintentionally contributing to problems regarding ‘sexual consent culture’. ‘Consent education’ has the potential to do more harm than good if it entails explicit material that contributes to more sexual activity occurring among people who only immaturely understand consent.

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<sup>21</sup> See pages 17 and 18 of the Bravehearts research report.

<sup>22</sup> See our blog about this topic here: [https://www.acl.org.au/blog\\_wf\\_sexualconsent](https://www.acl.org.au/blog_wf_sexualconsent).

<sup>23</sup> See, for example, this article: [This link](#).

<sup>24</sup> 9News, 2022: [This link](#).