

# CORRECTED VERSION

## LAW REFORM COMMITTEE

### Inquiry into sexting

Melbourne — 10 December 2012

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Ms J. Garrett  
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Mr R. Northe  
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#### Witnesses

Mr G. Gebhart, Senior Trainer, Cybersmart Outreach,  
Ms A. Wright, Acting General Manager, Digital Economy Division,  
Ms J. Ritter, Executive Manager, Citizen and Community Branch,  
Mr D. Byrne, Acting Executive Manager, Security, Safety and e-Education Branch, and  
Ms S. Trotter, Manager, Cybersmart Programs Section, Australian Communications and Media Authority.

**The CHAIR** — Thank you, everybody, for coming today. My name is Clem Newton-Brown. I am the chair of the Law Reform Committee. This is a cross-party committee which is set up by Parliament to investigate matters of law reform. There are about a dozen or so committees within Parliament that do similar sorts of work. We get given terms of reference. We call for submissions — thank you very much for responding to that call — and then we invite people to come in to give us evidence as well so we can ask questions as they go through their submissions.

Everything you say here is covered by parliamentary privilege, but there are some journalists who are here today and if they ask you questions outside the room, you do not have that parliamentary privilege. Once you have concluded we transcribe your evidence. Within a couple of weeks you will get that transcript and you can check to see if it is an accurate reflection of your evidence. We will be reporting on this early in the New Year. We make recommendations to government as to changes to the law, and they may or may not be accepted. The government generally has a few months to respond to our recommendations.

Thank you very much for your attendance today. Do you have a plan as to how you are going to present?

**Ms WRIGHT** — Yes. We would like to take advantage of your invitation to make a brief opening statement, and then we will be very happy to answer your questions.

**The CHAIR** — All right. Great.

**Ms WRIGHT** — First of all I would like to say that we welcome the opportunity to meet with you today and discuss what I am sure we all consider to be a very important issue and to draw on our experience. In fact the Australian Communications and Media Authority's role in online safety dates back to the year 2000. Formal remit actually started on Y2K day, which had a certain irony at the time. We have had a role under the Broadcasting Services Act since that time where we investigate complaints about prohibited and potentially prohibited material. Since that time in fact we have investigated more than 21 000 complaints about prohibited and potentially prohibited online content as it is set out in the Broadcasting Services Act.

Our regulatory role in relation to online content is important, but it is not the only role that we undertake in helping Australians to address online risks. Our strategic goal as an organisation is to make communications and media work in Australia's public interests. The phrase that we use to portray our focus and action is, 'Communicate, facilitate and regulate', and this also I think describes the levers that are at our disposal.

With regard to matters relating to sexting, much of our work actually utilises the 'communicate' and 'facilitate' levers. I think this work has a particular relevance to your second term of reference, which relates to awareness and education measures. We have been particularly active in this area since 2009, and since that time we have created a comprehensive range of information and resources under the brand name Cybersmart. These resources are designed to equip Australian citizens, and particularly young people, with the skills, knowledge and behaviours that they need to manage the range of online risks with confidence and safety.

Our materials and resources are distributed widely, and they are provided free of charge. We have full details of these materials in the pack that we will leave with your secretariat today.

I think, as the previous witness said, education needs to cover the whole spectrum of online risks, and we do that, but sexting is an important component of the resources we provide. Most recently, in fact this week, we are releasing and publicising messages for parents and teenagers to help manage sexting and make sure that they are aware of the range of other programs and facilities that are there to support them should they need that type of assistance.

One of the key programs we have is our outreach program. This works through schools throughout Australia, and it has a two-pronged approach. First of all we do general internet safety awareness presentations for teachers, students and parents. The second strand is the full-day workshops that we provide for professional development for educators, and these are accredited throughout Australia by all the education authorities.

I will just give you a feel for the reach of this program since 2009. Over 639 000 teachers, parents and key stakeholders have attended a face-to-face Cybersmart presentation or professional development workshop. In Victoria for the full-day workshops for educators I think we are well over 5000; in fact my people told me late last week we have reached 5288 teachers. They have done the full-day professional development workshops for

teachers, and over 208 000 teachers, students and parents have attended 1-hour presentations. We note that there has been very strong engagement in Victorian schools with our programs. We think that the Australian Catholic education area and the education departments have really been getting behind these programs and making sure that teachers attend. We can tell you more about that subsequently.

We ground all the work we do in this area in research, which we either conduct or commission, and we are mindful of other research that is done both here and internationally. We do have Australia-wide research underway at the moment looking at young people's use of social networking, and it does include questions about sexting. I have just heard you refer to a reporting time early in the new year. We will have our material at about that time. We will be very pleased to make it available to you if that is before your deadline.

Another crucial input into our program development, in addition to that formal and wide-reaching research, is, we think, the information that we get at the coalface via our outreach education trainers, such as Greg Gebhart, who is here today. There is that engagement with young people on real issues which gives us early alerts to developing trends and things that are of concern to young people and to those who are responsible, such as teachers and parents. I feel our trainers such as Greg have engagement that is invaluable to us.

Long before we commission formal research we are mindful of the type of information that is coming back to us. We workshop it together, and we work out with our trainers what the best response will be on message that we can give and employ. Our trainers I think have that backing of having thought through the issues and being able to discuss with others and advise accordingly. We try to keep this cohesive and comprehensive for our trainers.

It is trainers such as Greg who are hearing about real kids' problems. They are brought face-to-face with kids' experience of peer pressures and the emotions of young children as they are navigating their path to maturity in a digital world. In crafting our resources we are very keenly aware of the impact that sexting can have and the need for schools to have policies in place to address cybersafety effectively in Australian schools.

Before closing I would also like to mention two other highlights that are relevant to the committee's remit from what is an extensive range of Cybersmart programs. Face-to-face programs are complemented by the comprehensive range of online resources available on our Cybersmart website. This website was launched in July 2009. Since that time we have received over 2.2 million visits and over 18 million page views. The site includes targeted advice on sexting for teachers, parents and young people. Most importantly it also contains links to the Cybersmart online helpline, which offers free and confidential counselling online for young people impacted, for example, by sexting and cyberbullying.

Our short film *Tagged* and its accompanying suite of lesson plans and in-character reflection interviews specifically focus on cyberbullying, sexting and issues associated with digital identity. This resource compendium, if you like, has been available to schools this year, and we are finding that there is strong domestic demand for this suite of programs and also growing international recognition. We are proud to say that *Tagged* has won three major international film awards this year, starting at the New York International Film and Television Festival. Perhaps most important to us was the award we won just last month on the home front, when the Australian Teachers of Media named *Tagged* Best Secondary Education Source.

It is very important to us that our program have the ability to raise awareness and generate behavioural change. I think the days of just having brochures that are binned are long since passed. You need to be able to engage with young people on their own terms if you are to influence them in a positive way.

**The CHAIR** — How long is that movie?

**Ms WRIGHT** — It is approximately 20 minutes. The in-character interviews for a couple of the characters are additional, and then we have the lesson plans as well. We also evaluate our programs. We have an independent evaluation being undertaken on that program at the moment. We are hearing from teachers, for example, that they might show the film in one lesson plan and have an initial discussion and then set aspects from the education resources to re-engage subsequently or for other teachers in other areas of the curriculum to pick up those points. So it does not necessarily have to be played out just in one lesson; it can be spread and give the young people time to engage, think it through and bring their experiences to bear. We think that is important.

Finishing our introduction on that note, I am very happy to answer your questions.

**The CHAIR** — Before we go into that, there has been a request to film the proceedings. Does anyone have any objection to that — the committee or the witnesses? No? Okay.

**Ms RITTER** — What is the purpose of the filming?

**The CHAIR** — I presume it is the media news.

**Mrs PETROVICH** — Should we check that?

**The CHAIR** — All right. Questions?

**Mr CARBINES** — One question I had was on the campaigns around *Tagged* and ThinkUKnow. What sort of assessment do you do of the effectiveness of those campaigns, independently of ACMA?

**Mr NORTHE** — Did you want to accept the proposition that has been put?

**Mrs PETROVICH** — It is Channel Nine News; are you comfortable with that?

**Ms WRIGHT** — Yes.

**Mr NORTHE** — Do not feel you have to. We are probably only going to see the back of your heads anyway.

**Mr GEBHART** — It will be on Facebook in an hour — or YouTube!

**Ms WRIGHT** — ThinkUKnow is a program that is undertaken by the Australian Federal Police, so they are probably best able to speak to what they do in that space. For *Tagged*, as for many of our other Cybersmart programs, we commission an independent evaluation. That means we follow the Commonwealth government tendering processes.

In the case of *Tagged*, the evaluation that is being done at the moment consists of focus groups, both with teachers and with young people. We had to work very hard to find both students and teachers who were not aware of *Tagged*, because we wanted a fresh perspective. I think the research focus group started with a series of questions that the research company asked the teachers in the case of their groups and the young people in the case of their groups, and showed them the film. Then there was, I gather, a structured discussion for teachers on how it might fit into the curriculum, whether they thought it would resonate with young people and whether they felt comfortable incorporating that into the work that they do. For young people I guess it is more direct because they will tell you whether it relates to them or not. In one group one of the teachers said, ‘The kids will like the currency of this. As soon as they think something is a bit last year, they just tune out’.

**Mr NORTHE** — Andree, can I just interrupt you on that point? In terms of your development, whether it be for *Tagged* or other educational material, do you work with a particular youth organisation to develop it?

**Ms WRIGHT** — We have close relationships with a number of stakeholders. In the case of *Tagged* I should say that at script development stage, and even with the first cut of that material, we engaged directly with young people through the minister’s youth advisory group in schools to see where it was resonating and how it was resonating.

Usually the approach we take with the initial research is that as we develop the resource we pilot it, test it and modify it. As I said, it is important to know it resonates; otherwise you need not be there. Then after the program has been rolled out we assess it again, with the view from the feedback we get to having, I guess, the latest information on where stakeholders are at and what we need to take the next suite of resources forward. We are very lucky that we have access to the youth advisory group, which is convened by the minister and covers schools throughout Australia.

We also have access to schools where we do both professional development and outreach programs. We also work with other organisations, both here and internationally, particularly NGOs — for example, in Australia the Alannah and Madeline Foundation, in New Zealand NetSafe and in the UK Childnet International. When we

first started working with those international bodies we would look to learn from their wisdom to see how we could use it here.

We felt *Tagged* was a turning point for us because both NetSafe New Zealand and Childnet International want to use those resources in their own countries, and we have agreed to that. In fact I think fairly recently we have even been getting requests to have it subtitled into Scandinavian languages so it might be used there. So I think the fruits of a broad range of stakeholders that we can draw on and work with have paid off.

**The CHAIR** — Is *Tagged* something the students are actually seeking out themselves, or is it something that is going down well when it is presented in a school setting? I suppose the Holy Grail of marketing for kids is getting something to go viral — it costs nothing and it gets to a massive number of people. A good example of something being successful in that space is the Metro YouTube movie called *Dumb Ways to Die*. I do not know if you have seen it, but it is a funny little 2 or 3-minute song with cartoon characters. I first heard about it when my kids were running around the house singing, ‘Dumb ways to die’, so it was working. Is connecting in that sort of way appropriate and what you are seeking to do as far as the sexting issue goes?

**Ms WRIGHT** — Before I ask Sharon Trotter to answer that, I think something that goes to that point is that we distribute *Tagged* in DVD form, but it is also available online, and I think Sharon may well have the figures at her fingertips.

**The CHAIR** — I think *Dumb Ways to Die* has had 25 million hits so far.

**Ms WRIGHT** — And we have also just launched a new series of short videos on the Cybersmart Facebook page called *The Cloud: Dream On*, and one of those relates to sexting too. Taking up your point we do not just work through the schools; we endeavour to go where young people are in all sorts of ways, and it is important to engage them. Sharon, do you have some statistics on it?

**Ms TROTTER** — That is right; yes, I do. We have distributed 13 000 of the hard copy *Tagged*, and we are coming up to just over 91 000 YouTube views, so we are not up there with the figure that you quote.

**The CHAIR** — That is still pretty good.

**Ms TROTTER** — But I think those figures indicate that it is not just being used in the school network, but it is also being used by teenagers and they are checking it out. As Andree mentioned, the Facebook campaign has a series of short videos. That has only just been launched, so it is early days for it yet, but in that kind of material we would really seek to emulate that type of success.

**The CHAIR** — What are the key messages that you are trying to get out to the kids about sexting?

**Ms WRIGHT** — Perhaps I could ask Greg to answer this, because he has had a very interesting engagement. He has seen this sort of start and evolve and move through mobile phones through applications. You are regularly in a position where you need to advise, and I am sure the committee would like to hear what you say.

**Mr GEBHART** — I think one of the things we have seen is as the technology evolves so the kids’ practices change, and the hardest part is to keep on top of it. A new app comes out and the apps go viral, as you were saying before. To give an example, with Instagram, while it is not ProPhoto, it is being used for sexting. We have seen massive uptake in the last two to three months of not just secondary children but primary. Again, it has an age-13 content rating on there, so the apps become extremely popular, and they shift very quickly. Probably the one we are seeing at the moment with secondary children is the Snapchat application. I was speaking just this week at a number of venues. Some of those were sporting groups, which were also saying they are having issues with young kids in large numbers. I guess that is the hard part, because there are apps that have not been created yet which will be an issue for us in the next 6 to 12 months. Keeping up with that part is quite difficult.

For us, we do talk to the kids about the legal content of sexting, but more importantly I think we have shifted across to how it impacts on your personal life and what it means to you. The message we found with children in anything in internet safety is: if you are going to get them to change, it has to be personal to them. There are figures to say that many children know most of the key messages about cybersafety, but do they put those into

place? The answer is they can run the whole line, 'Never talk to a stranger', but they still do that sort of thing. When it becomes personal, you get those changes.

For us, we have been focusing on the behaviours and the impact it has not just on your personal life but on your family. It is important for kids to understand that if those images do go beyond where that level of trust is, you have no idea who may come across them. Then there is the embarrassment that if the school calls you in, how do you deal with that with teachers and how do you deal with that with your parents? How do you tell your parents you have been involved in sexting and how do you deal with the fact that you have been brought into school?

We have tried to work on that personal thing about behaviours and talk about choices, and also to talk about the amount of peer pressure that is out there, not just from within themselves but as groups, to be involved in this sort of thing because it is okay to do, and the personal impact that would have on your life.

**Mrs PETROVICH** — On the legal implications, in your submission you say the reporting issue seems to be a myth. It worries me a little. It suggests that sexting is more a myth than an epidemic.

**Ms WRIGHT** — I am not sure that is our evidence.

**Mrs PETROVICH** — My goodness — I am on the previous page!

**Mr GEBHART** — You had me going there for a minute.

**Mrs PETROVICH** — The point of my question was around reporting. I think one of the significant issues — and I am hoping you have got some statistics on this — is that there is very little wriggle room in the reporting issue now. We see in many cases — and I have heard this from other submissions, regardless of the previous page — that there is a limited amount of reporting, and that is not what we see in the community. There is a large amount of sexting going on; it is the way children and young people communicate. Given the implications that we have of that reporting, do you think that the threat of the sex offenders register is limiting reporting, and is that something that your group has done some work on? Do you have statistics around that issue?

**Ms WRIGHT** — It is fair to say that our role is more confined than that because, as I said, we are in the communicating and facilitating space. I think Greg will be able to tell you that we mentioned that there are possible legal ramifications, but we do not have a role to report, for example, formally anything that Greg might have students talk to him about in the schools.

**Mr GEBHART** — Because of our time in the schools our role is not to go in and try to find out how many sexting cases or cyberbullying cases there are. Basically the other information we get is anecdotal, when a teacher will come up and say, 'We have that issue in the school'. It is more likely that a school will say to us afterwards, 'We have had an occurrence of that', rather than before, 'This is a major issue in our school'. I think that is a little bit about how they manage it within their organisation. But certainly I would say many in secondary schools have said to us that at some stage they have had to deal with some particular issue in here, but as far as the data, it is something we are unable to collect.

As far as the thing on the sex offenders register goes, I think it is one of those things that when you talk to kids about it their belief of whether they will get caught and whether something will happen to them varies from school to school.

**Mrs PETROVICH** — Do you think it is at the front of their mind that they may end up on the sex offenders register when they send a message?

**Mr GEBHART** — I think every kid would think differently because of their personal background, family values and things like that. For some children they may and for others it may not be an issue. I think it is really hard to collect the data because of the different socioeconomics and the upbringing of many children.

**Mrs PETROVICH** — So the information that you are sending out does not highlight the fact that children or young people may end up on the sex offenders register?

**Mr GEBHART** — One of our slides says that there is a possibility, but we do not mention that as the main thing. The main thing we have been focusing on is how this will impact on your life, because we really want to change the kids' behaviours, and that is really important.

**Mrs PETROVICH** — Sure. That is good.

**Mr GEBHART** — Really the key part for us is not about technology, it is about behaviours and values, and we need to change that.

**Ms WRIGHT** — If you are looking at *Tagged*, you will find that there is a reference to it there in the way it is played out. When one of the characters who has been cyberbullied then sends on some images of his former girlfriend and then this is reported, there is a scene in the car with his father where his father says, 'Have you ever thought of these ramifications and what this might mean?'. So we do cover it, but again, that was in the context in *Tagged*.

One of the things that we felt resonated with young people when they saw the film was as much the breakdown of the friendship circle of the kids in the film because of the results of their behaviour as much as that reference to the sex offenders register and that possibility.

**The CHAIR** — It seems that what we all want to do is educate kids that if they do it they know what the consequences will be and hopefully change that behaviour through education. Do you think that it is necessary to have the really big stick of the potential for child pornography charges and being on a sex offenders register? Do you think that is necessary to get that message across and change that behaviour or to educate them?

**Ms WRIGHT** — Again, the role that we have as the Communications and Media Authority has always been that we will deal with the media or the communications aspect — the image, if you like. If something goes to a crime scene or a crime issue, we have MOUs in place with all police jurisdictions in Australia. So where we might refer some material for them, then it is their expertise and their judgement, so I think we do not have a position as an agency on how it is used; we just know it is there. We know it is something that kids are mindful of, but it is only one of many factors that appears to influence or possibly change their behaviour.

**The CHAIR** — But the fact that, Greg, you mentioned that it is something you mention but it is not a major — —

**Mr GEBHART** — It is not our major point.

**The CHAIR** — That would seem to indicate then that it is not necessarily an effective means of achieving what you want to achieve.

**Mr GEBHART** — Again I think we would have to do research to actually find out from schools themselves and go in with focus groups and find out which was the key part that changed behaviours, and that is possibly a study that someone needs to look at in this area. The other thing with sexting is that we often refer to the child who does the sexting and also the receiver, but with the bystander and the wider spread, particularly if things go viral, you have got to be careful in a presentation to cover every level — a kid who might have exposure to that. So again it is a difficult place to be, and we are also aware with young children that we certainly do not want to educate them about that, so there is a fine balance as to what level of information you give across to children.

**Ms GARRETT** — We have heard evidence from a range of different witnesses that it is really critical to have the educative aspect of this embedded through the curriculum from quite a young age and not just on sexting but on cyber issues and safety. Given your expertise, do you think that Australia's — or Victoria's in particular — education system has embraced that to the extent necessary? Or do we need to do a lot more in this space?

**Ms WRIGHT** — Our program is still relatively young. We have had very good buy-in from Victoria, and in fact over 40 per cent of the teachers who have attended our professional development training have come from Victoria, so it is bought in strongly. We do also chart on our website the various parts of the curriculum in which the material we provide can be used. So we have lesson plans on all sorts of issues, a whole range of sometimes live interactive activities, but we also make available on the Cybersmart website where a teacher can incorporate it, and Sharon might want to make a few comments on some of the opportunities that are there.

**Ms TROTTER** — Yes, that is right. It does fall within different parts of the curriculum and it very much varies from state to state. So I guess our aim is to make it as easy as possible for teachers in each state to work out where it will fit for them at this stage.

**Ms GARRETT** — And on that — because I think what is becoming clear to me is that there is perhaps a lack of coordination and inter-agency cooperation on a range of these issues — do you feel that each state is doing things differently or there is 40 per cent of teachers buying in and 60 per cent not? Do you feel there is enough cooperation between your education departments, your police and your DPPs to actually have a rigorous program that will be rolled out across the state? I know it is new, but is that a way forward?

**Ms WRIGHT** — Yes, and we notice the statistics ramp up very strongly. One of the areas that I would like to mention is that we think it is not enough just to go into schools. We do work formally with the universities in the pre-service teachers programs — so teachers in training. We do not take the view that just because you are young you are going to know how this all works and you teach it. I think that so far — and that is an even younger program — 9000 pre-service teachers have completed that.

We also offer online modules, but the comment that I would make is there is engagement online but in the teaching profession they put a very high value on the face-to-face programs.

**Mr GEBHART** — I think one of the key things we try to do is we do our presentation in the school but we try to ensure that every school has an avenue that they can follow up, because that one-off message, which is once a year, is not enough. That is a case of professional development for teachers so they can run programs and incorporate them into those programs.

One area we are starting to do a lot more work in is policy for schools: what is your policy around sexting and how do you deal with sexting in the schools? That support from leadership is a new area that probably we have just moved into now, and that seems to be really popular in schools in those areas, and then to have a whole suite of resources to go with it.

We have just launched an application for iPad, iPhone and Android for 5- to 7-year-olds. So we have looked at areas of uses, which is one of the big growth areas, and at having those resources and trying to get the message across much earlier. I think in the past we have tended to look at where the problem is rather than saying, 'Let's work two or three years before that occurs', and that is where we have started to move now — the early years — to make sure there are resources for schools and also for parents, because parents' understanding of the technology is quite different to the children's.

**Ms GARRETT** — So would you see this in an ideal world as a mandatory part of the curriculum through primary and secondary school?

**Ms WRIGHT** — Ideally we would like every teacher and every schoolchild, every year, to be exposed to this type of material. One of the reasons we are very pleased to be here today is that we think the role of your committee and the work you are doing can only help to build the awareness of programs such as ours and the role that they can play.

**Mr NORTHE** — I am just curious, I guess, in ACMA's role and responsibilities and relationships with the Australian Federal Police, Victoria Police and even the telecommunications and the service providers and how it all works, particularly around the notion of sexting and some of the graphic material that comes out. What is ACMA's role within that if something is brought to your attention? How is it dealt with?

**Ms WRIGHT** — The sort of material that is brought to our attention is less on the sexting front. I mentioned earlier that we do have a remit that relates to what is set down in legislation as prohibited and potentially prohibited, and I mentioned how our work investigating the images is complemented by MOUs with the police, but I think perhaps Jonquil Ritter, who looks after that area, might be best placed to help you.

**Ms RITTER** — Thanks, Andree. We do have, as Andree mentioned, a very specific remit under legislation in this area. But where content is deemed to be sufficiently serious — for example, child abuse material or potentially illegal content — then we refer the content to the Australian police. We have MOUs with the AFP and with various state bodies, and we also have a close relationship with the International Association of Internet Hotlines — INHOPE. We are a member of that group. They now have 43 members across the world,

and we will refer child sexual abuse material to that group so that they can take down that material in their country or refer it to their police bodies as well.

**The CHAIR** — Does that mean that any image of a naked minor is referred, given that it is technically child pornography, regardless of whether the child has created it for himself or herself?

**Ms RITTER** — We work under the national classification scheme, and there are quite specific definitions there of what is prohibited or potentially prohibited material, so it would be refused classification. X 18+, some R 18+ and MA 15+ would be in there, but the elements of sex and nudity could fall anywhere between G or refused classification, depending on the nature of that material.

**The CHAIR** — Although for someone under 16, regardless of the classification, in terms of the act depicted any shot which is of a sexual nature would be criminal, wouldn't it?

**Ms WRIGHT** — If that is hosted in Australia we actually refer it to the classification board, and they will give us a ruling on what its rating is, whether it is G or not. It might just be a family nude picture not in any context, a fashion shot even — we have complaints about the sexualisation of children — and right through. So if we are not sure ourselves, we always refer to the classification board because they are the experts in this area.

There are different definitions across Australia of what you referred to as 'child pornography' — we call it 'child sexual abuse material' — and indeed it is different across different countries around the world, which is why INHOPE is such a useful vehicle for us to refer matters to other countries.

Generally child sexual abuse material, if it is hosted in Australia, which is very rare, will be taken down within two days, and if it is overseas, it is generally also taken down within a few days.

**Mr NORTHE** — Just on that question, previous submissions have I guess suggested to the committee that there have been some difficulties in removing material in a timely manner. Is that not your experience, or what is the sense from ACMA's perspective?

**Ms RITTER** — Where we have issued take-down notices we have had 100 per cent compliance, but as I said, that is material covered by the very specific remit of our legislation.

**The CHAIR** — Sorry, I am still a bit unclear. If a 14-year-old has taken a picture of herself naked and put it on Facebook, that image would be an illegal image — —

**Ms RITTER** — I think I really need to say I am not the law enforcement agency. I am not an expert on what is or is not illegal. We deal within a very specific remit of what is under the Broadcasting Services Act, and that is what we deal with.

**Ms WRIGHT** — So what would happen, because our system is a complaints-based system, is that there would need to be someone who complained to the hotline about the image, and then, as Jonquil says, we would then pass it to the Classification Board to assess. Then the pathway that is open to you, as you have described, varies in Australia. If it is found to be prohibited material, a take-down notice can be employed. If it is prohibited material and it is hosted overseas in one of the 42 countries that Jonquil mentioned, it would be referred to that hotline, which has its own law enforcement contacts.

**The CHAIR** — If, say, a 14-year-old has engaged in sexting and a friend has put it on their Facebook site, would this be a means by which a parent could complain that this image is on Facebook and is of an under-age girl undressed? Would your organisation be able to get that picture taken down on that basis?

**Ms RITTER** — If we got a complaint, we would certainly investigate it, and if it were hosted in Australia — which Facebook would not be — we could take it down. If it were not hosted in Australia, it would all depend on whether it was in fact refused classification. We encourage people to also go straight to social networking sites like Facebook. They have in place their own complaint systems and are often quite quick to take down material which breaches their policies and guidelines, which something like that seems like it would.

**Ms WRIGHT** — Something that might also be of interest — Greg, I would ask you to comment — is that often this material never gets to the stage where it is in the sense of the public domain and complained about. It is passed around by emails or texts. Greg, I think we give advice to teachers — and Sharon, you might also have

a view — that therefore there are things they can do within the schools in relation to material when it is being passed around by students.

**Mr GEBHART** — I think what we have seen is the Catholic education department and the Department of Education — because there have been a number of sexting issues occurring in schools, they have started to formulate very strong guidelines on how to deal with that and provide support in the schools. Part of our awareness program for leaders in schools is how to deal with those issues — certainly things like minimising the spread of that sort of content and the wellbeing of the child. Also, making sure that they understand where the support agencies are is pretty important. Again, most of the education groups around Australia now have put things in place in those areas, but it is important that they know where to go when there is an issue. I think if you have never had an issue before, it is a pretty stressful time to deal with a sexting case in a school or even as a parent to find out. That is an important thing we can provide — the appropriate place. One of our brochures very much covers that for parents and what they can do if sexting occurs, which we have a copy of for you.

**The CHAIR** — So schools generally in your experience are dealing with sexting matters internally despite, I suppose, having a situation where there is in effect child pornography on children's phones within their school. The matters are not reported to the police?

**Mr GEBHART** — I think they would contact the appropriate education authority and ask for advice on what to do if they are unsure, and again, it comes back to that classification, because every image is going to be classified differently. I think for many of them they would probably do twofold, either contacting the police as well — again, they have to make an assessment, and sometimes the sexting images that have been dealt with in a school are only hearsay or the teachers have not gone and viewed the content, which is certainly something we would not want them to do. Again, the important thing is that they actually go through those appropriate channels in those areas. Again, for us too it is very important to document everything very clearly so that they have clear — —

**Ms WRIGHT** — And part of the work we do in the professional development program is to draw attention to the fact that it is important for schools to develop a policy and to act on it in this space, whether it is cyberbullying, sexting — all of those types of issues. I think that is increasingly happening, isn't it, Greg?

**Mr GEBHART** — Yes.

**Mrs PETROVICH** — If I may, that was actually going to be my next point. We have heard of varying degrees of understanding and expertise in handling these cases. It seems to me that schools are left to be the focal point of having to deal with many of these issues. Some of them are not as prepared as others, and I am pleased to hear that that is starting to come together. Your program and your role in this is obviously assisting. How far advanced are we in Victoria? How far advanced is our education system in Victoria in dealing with what has been an issue that has really got ahead of us in many respects?

**Mr GEBHART** — I think probably Victoria — we are probably actually doing a bit better than other states, and on the figures that Andree gave you before, we have had greater uptake in Victoria than other states. I think that is probably around the fact that the Ultranet was put out to department schools, so part of their support structure for putting in an online learning platform was to put in some type of cybersafety education, and Catholic Ed with their ICON program have probably taken that step a bit further. Many of the metropolitan schools have received funding from Catholic Ed to release at least three teachers to do our programs, so that has given us, I guess, high exposure. Also, why figures are probably higher is that we actually had in Victoria significant uptake from the education groups to do our programs.

**Ms WRIGHT** — Dominic, do you have some specific figures that we could just talk about for Victoria?

**Mr BYRNE** — Yes, I do, Andree. These are figures, to the end of November 2012, of our professional development workshops for educators. We have had 140 of them in Victoria, and that comprises 28 per cent of those nationally. Of our internet safety awareness presentations, we have had 1886 in Victoria, which comprises 31 per cent of those nationally, and at last count our pre-service teacher program we have had 45 in Victoria, which is 42 per cent of our national total. So proportionately Victoria is highly engaged in this manner.

**Ms WRIGHT** — But we would be very happy if we all did not rest on our laurels.

**Mrs PETROVICH** — Absolutely.

**Ms GARRETT** — We clearly need to get more people on the uptake. Are you working closely with our department down here? Is that what happens, or are you sort of working outside it?

**Ms TROTTER** — We have had good relations with Victorian education, and we certainly do work closely with them around these kinds of initiatives. I think we have found that they have been very responsive, and, as Greg was saying, they have been on the front foot in a number of areas around getting this kind of education going and supporting it.

**Mr GEBHART** — I met with the department earlier in the week, and international Safer Internet Day is on 5 February. We have just organised to do a broadcast to many primary schools in the state on cybersafety. We hope we can get a critical mass in one session with primary schools, and we are going to adopt that program also in a number of other states. So we have those partnerships and relationships happening at the moment.

**Ms WRIGHT** — And we look constantly to build them.

**Ms GARRETT** — In terms of the materials you are preparing and rolling out in your relations with departments across Australia et cetera, are you basing your materials on — obviously you are basing them on research — best practice internationally et cetera? Is that a national approach? Are you finding that departments are off doing their own things or that there is a general consensus about what works and what speaks to children? Is it evolving? How are we approaching this, do you think?

**Ms WRIGHT** — Sharon, do you want to make some observations because you deal — —

**Ms TROTTER** — Yes, and Greg will have something to say as well. My sense is that there is a broad-based agreement around the best kind of advice. Certainly when it comes to issues like this I think people would recognise the importance of having policies in place, the importance of looking after the welfare of the child and so on. So I do not think that every state is going and offering hugely different sets of advice around these kinds of issues.

**Mr GEBHART** — I think one thing that has sort of grown popular in the last 12 months is the eSmart program, which the Alannah and Madeline Foundation pushed out. Because we have a strong partnership with them most of the resources they are recommending for schools to meet that framework — because it is a framework for trying to ensure that your school is cybersafe — come through the ACMA resources site. I think there is a coordinated approach, and I think there are other organisations — I think you know — that do work with us and provide resources and try to put those programs in place for schools. Again, for schools I guess it is a state of readiness. Schools are at different levels as to where they are in cybersafety. That would also depend on the issues they have had in the school, knowledge of the staff and their location.

We sometimes go to schools and do presentations, and I can say that we have never had a problem yet, but we want to be ready for it, and you go to others that have had problems. So there is quite a variety out there. I guess the key thing is that we can provide that service to every school in Australia. We are even doing work in remote Indigenous communities at the moment. That is a new area where we have not been before. We obviously see that there is a need in those communities. That material, which has been trialled in Queensland and Western Australia, will be available for any Indigenous community, and also in Victoria.

**Ms WRIGHT** — There is another resource that you may be interested in. I do not know if you have heard about the Cybersafety Help Button that has been initiated by the Department of Broadband, Communications and the Digital Economy. This has come out of the minister's initiative for his consultative working group for cybersafety. A number of key NGOs and industry groups and government portfolios are represented. What we did with the help button, which is downloaded through schools — and there has been strong support for this on the eastern seaboard — is provide a pathway; if you have got an issue, it helps to direct you. If you wanted to, for example, complain about material for the hotline Jonquil spoke about or if you wanted counselling, there is a pathway for that, or if you are after education resources on a particular thing, it will direct you to get that wide range of advice. That being downloaded and schools encouraging the download of that button, which just sits on your browser or your web page and you can go to it if you have a problem, I think is another important gateway which helps with that more coordinated approach that you are referencing.

**The CHAIR** — We have a few more minutes for final questions.

**Mrs PETROVICH** — Just one more. Just on that point, the Alannah and Madeline Foundation is obviously philanthropically assisting, and you talk about industry support. One of the things that we have heard is that internationally some of the larger companies, some of the larger sites — even Facebook — may have a corporate responsibility with some of these issues. Is this something that is evolving, or is it something that we need to pursue more fully?

**Ms WRIGHT** — My observation is that it is evolving. As I said, I think it is like all these initiatives: you do not want to rest on your laurels, you want to build on what is happening. We noticed, for example, with Safer Internet Day, which we have referenced, that while that is a European Union initiative, the ACMA Cybersmart is the Australian node to coordinate this. We notice every year that we do this that there is more and more buy in from our partners, from the police, from NGOs and from the industry to be very active on initiatives for that international day. I guess that would be my reference point for seeing how it is building. There is always a theme, and the fact that it then plays throughout the world and that increasingly a number of companies that are present in Australia are headquartered internationally or in America and the fact that there is also a safety node in the United States of America are also helping to get that broader international cohesion. If you go back 10 or 20 years, companies tended to be headquartered in your own country. That is a move that has changed. We have put thought into how we can get that more consistent approach throughout Australia and internationally, and Safer Internet Day and those partnerships is one of the ways that we do that.

**The CHAIR** — Thank you very much for coming today; that is very helpful. We will provide you with a copy of our recommendations in due course, probably in the first couple of months of next year.

**Ms WRIGHT** — Thank you. We very much look forward to your report.

**Ms GARRETT** — Thanks very much for your time.

**Witnesses withdrew.**