

CORRECTED VERSION

LAW REFORM COMMITTEE

Inquiry into sexting

Melbourne — 18 September 2012

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Ms S. Walker.

The CHAIR — Welcome, Shelley. This is a cross-party committee that is set up by Parliament to inquire into areas that need investigating in terms of law reform. This is the third inquiry we are doing. We have called for submissions. We have a lot of written submissions in, and we have asked people to come in and give some oral evidence as well so we can ask questions. Thank you very much for taking up the invitation to come in today to help us with our inquiry. At the end of it we do a report which goes to government, and then they will accept or reject the recommendations in that report. Everything you say in the committee room is protected by parliamentary privilege but not outside the room, so bear that in mind as well. If you could start with your name and professional address for the purposes of Hansard, and then talk us through your submission.

Ms WALKER — I am Shelley Walker, and I have just completed a masters by research in primary health care at the Department of General Practice at the University of Melbourne, and the topic of my thesis is sexting and young people. My thesis is currently under examination. I know you have a copy of it. I do not know if people have looked at that, but you have a copy of that. Hopefully I will find out very soon how I went. My professional address is 200 Berkeley Street, Carlton.

I have prepared a presentation — a 15-minute talk, that is — an overview of some of the key findings of my research that I think relate to the objectives of the inquiry. First I was going to just give a little bit of an overview of the research that is available worldwide to date about sexting and young people, because that really gives a context to my study and why the findings of my study are important. So should I just start?

The CHAIR — Yes.

Ms WALKER — As you are probably aware there is limited research about sexting and young people, and of course one of the reasons is because it is a new phenomenon.

The CHAIR — When did you start researching?

Ms WALKER — I started researching in 2009, and at that time I was not aware of any others. There was nothing available in any academic journals about the phenomenon. The first investigation that we know about worldwide was actually a study conducted here in Australia by Australian *Girlfriend* magazine. There were 588 young women who participated, and it reported that 40 per cent of young women who had been involved in the study had been asked to send a naked or semi-naked image, which was a very high figure.

That figure was reported worldwide, and it created quite a media furore. The thing about that study is that it was not population representative, and I have actually tried to source the results of the study and it is not able to be found anywhere that it is quoted. The results of the study are quoted in the media and in many published articles, but I have spoken to the editor of the magazine and they are not able to find the results. So its credibility needs to be questioned.

To date I am aware of about 13 studies or investigations that have been conducted about sexting. Of those, less than a third are Australian. Most of the studies have been from the US, a couple have been from the UK, and only three of those investigations have been published in academic journals. Of those investigations more than 85 per cent have been about prevalence, but of those investigations most have not been population representative, and with the rates that have been reported that we are hearing about it is very difficult to compare them because the age of the participants in those studies has varied. Some of the studies have been about young women, and probably the most important thing is that the way sexting is defined is very, very complex and across each of those investigations it has been defined in different ways.

So the rates that we have been hearing about are from 4 per cent to 40 per cent of young people being reported to be involved in sexting. A couple of studies that were population representative reported very low rates of sexting. One of the studies reported that 4 per cent of young people have been involved, and one of the concerns I have about the results of that study is that young people were interviewed over the phone. They were US studies, and in order to participate in the study parents or guardians were required to give consent for the young person to participate. As a result, my concern is that young people might not have felt comfortable to actually disclose honest information if a parent or guardian was there in the home with them.

What I am saying about prevalence is that we do not have accurate prevalence data and we need that, but it is going to be a really difficult thing to gather because of the complexities of the phenomenon. Most of the prevalence investigations or studies have addressed motivations for involvement in the behaviour and the nature

of this phenomenon called sexting, and I feel very strongly that if we are to address the harms, it is not necessarily sexting that is the issue, it is the harms resulting from the behaviour.

In order that we address those harms we really need to have a sense of why this thing is happening in terms of prevention. So I suppose I am really interested in prevention.

The CHAIR — You say that kids do not use the term ‘sexting’?

Ms WALKER — No, and I will get to that. My study really was interested in developing an understanding of the phenomenon from the perspective of young people themselves, so it was a qualitative study, and I wanted to know about how they define it, why they are doing it, what the roles are of those involved, particularly why it is happening and what their motivations are, a little bit about the implications and what we should do.

So just to give you an understanding, it was a qualitative study involving 18 young women and 15 young men, it was posted sampling, so young people were selected from 15 different schools and universities in the outer east of Melbourne. They were recruited through health services and some educational settings. And in relation to your question, Clem, about what did they call it, they did not use the word ‘sexting’ and there was not really one word that young people used, but some of the things they called it were ‘noodz’, ‘dirty pics’, ‘sexy pictures’, and some young men said, ‘Isn’t it the same as pornography?’, so a range of different terms were used.

The CHAIR — ‘Selfies’ — is that a term that is used? I read that somewhere.

Mrs PETROVICH — ‘Selfies’ is when you take pictures of your face.

Ms WALKER — Maybe. I have not heard that.

The CHAIR — I read that somewhere — that there were Facebook sites with selfies.

Ms WALKER — It would not surprise me, Clem. It is changing all the time. So in terms of the nature of sexting, we talk about images, and sometimes we think images are just still images; obviously when I talk about sexually explicit images I mean videos or still photos. The photos and videos they talked about included individual images or video of an individual, of couples doing sexual things together, and there were stories about young people in groups.

As I give you some of the findings I will share some quotes, because the direct quotes of young people are really powerful — the voice of young people. So the ways they were distributed were by text message and posting on social networking sites. When I started back in 2009 I do not think it was as prevalent that it was happening. I work in youth health. I worked in a local community health service, and that is really why I decided to look at this issue — because we were hearing through the Victorian Police child sexual assault and child abuse unit stories from principals and teachers about lots of young people being involved in the behaviour of sexting, potentially unaware of the consequences, and we were hearing stories of young people potentially being charged with criminal offences.

So they were posted on social networking sites, and the other thing that I heard a lot about that I had not previously, until I was doing the research, was young people showing other people — ‘Check this out on my phone’ — and groups of young people looking at an image. In terms of prevalence data, I am not sure that we have captured that one in prevalence data because prevalence studies tend to ask, ‘Did you distribute an image? Did you receive an image?’. But that does not actually capture those moments when young people have been standing over someone’s computer and seen an image.

In terms of the images — whether they were videos or still images — of the stories young people shared with me most were of girls, and of the images of girls they were more likely to be in compromising poses, I suppose. There were some stories of self-produced sexually explicit images of boys. Most of the images were of their penises, and most of the stories of images of penises being sent to girls were in order for the girl to send an image back. So girls were talking about receiving images from what they termed ‘a random’; so a boy they might not necessarily know, but they know through someone or through Facebook, and they get the image and say, ‘Here you go; send me one back’. Most of the girls said ‘Eugh! Why would a boy send a photo of his penis anyway? I didn’t really want to see that’.

The CHAIR — What were the compromising poses? Were they naked pictures of the girls, or — —?

Ms WALKER — Naked, semi-naked, doing sexual things. I will just read you a quote first about the boys: 'Most guys will get a girl to send them something with the promise they'll send something back, or they'll send something to them first to try and get the girl to warm up to it a little more'. One 17-year-old young woman said, 'I've seen pictures of girls giving blow jobs at parties when there's like five other people doing the same thing in the same spot, that kind of stuff, and they're like 15 or 14'. Most of the young people in my study talked about a concern for those younger teens. My study involved 15 to 20-year-olds, but most of the young people said we need to be talking to 10, 11 and 12-year-olds and work through the stories of concerns about young people in those age groups.

One 20-year-old young woman said: 'There's this one story. He was going out with this girl, and there was a video. I'm pretty sure it was just him coming on her face, and she wasn't really impressed with it. Then they broke up'. Those are some of the more extreme, explicit stories, I suppose.

I said before that many of the stories were about images posted on social networking sites. Facebook was obviously the biggie — that is the biggest social networking site young people are using. However, they talked about sites like — I do not know if people have heard of it — Rate My Ex-Girlfriend and another site called —

The CHAIR — Is that a website or a Facebook page?

Ms WALKER — It is a website. There are a few of them.

The CHAIR — That is where people post — —

Ms WALKER — You can post a picture — a naked or semi-naked picture — of someone you are — —

The CHAIR — Your ex.

Ms WALKER — Yes, and people rate it. You can go in and actually put a rating on — —

Mrs PETROVICH — Did you say 'rate' or 'rape'?

Ms WALKER — Rate. Sorry, rate.

The CHAIR — It is still bad, but not quite as bad.

Ms WALKER — Sorry, rate — R-A-T-E. One 15-year-old young man said, 'If you want soft porn, you just go on Facebook if you really want to and search a couple of names and you're away'. A 19-year-old young woman said, 'There's entire websites on the internet where boys can go and post photos of ex-girlfriends that have cheated on them and stuff like that'.

The other is Chatroulette — I do not know if people have heard of Chatroulette — which is a website where you go online with a webcam. You sit in front of the computer and you will get images of other people doing the same thing all over the world. I think amongst young people it might be a thing that has been and gone. Young people talk about it not necessarily being something young people are involved in, but they go and check it out, and there are all sorts of people of all ages doing sexual things there.

Mrs PETROVICH — So is that an area that could be predisposed to predatory behaviour by adults?

Ms WALKER — I suppose so; I would imagine potentially.

Views on origins of sexting: there were lots of different reasons young people talked about why they thought sexting was happening. Some talked about it being fun or a joke. A few young people talked about the involvement of alcohol. Some young people — only a few young people — talked about sexual experimentation, and a few young people talked about the purpose being for those who are in a long-distance, long-term relationship.

One of the really significant findings from the conversations I had with young people — and I know you are aware of this — is that young people talked about the pressure to be involved in the behaviour. There were lots of stories of girls feeling coerced, threatened or bribed by boys to produce and send.

Ms GARRETT — Just on that, was it pressure that this is a cool thing to do and that you are sophisticated? Was that part of it, or was it more, ‘If you don’t do this, we’re going to — —

Ms WALKER — It is a whole lot of different kinds of pressures, I would say — covert and overt kinds of pressures. Sometimes young men are suggesting that they will save an image as blackmail or revenge. This is an example of a 17-year-old young male: ‘The boy asks the girl to send him some images or videos or something. She does that, and he keeps them forever in case of blackmail or whatever he wants to do with the images. Then they have a fight or they break up, and he thinks, “Well, she’s no good anymore. Let’s embarrass her”’. We hear those stories.

There was a young woman who talked about a more covert kind of pressure. She talked about a game that gets played out between girls and boys that ends with the boy asking for the sexually explicit image: ““Just send me a pic”. It starts as a game. It starts out like, when you’re talking to guys about that kind of thing, it’s like you’re trying to dodge the subject, and they’re trying to corner you. It’s full on’. Some young women talked about the expectation for girls to produce and distribute images simply as a result of having viewed an image of a friend of theirs or someone they knew. A young woman said — she was 15 — ‘Kind of like, I don’t know. It makes you feel a bit uncomfortable because it makes you feel like, “Am I expected to do that too?”’.

Ms GARRETT — You mean with girlfriends?

Ms WALKER — Yes. So they have seen a friend or a girl in their class. Some young women said, ‘Does that mean I should be doing that too?’. I suppose the sense is that this thing has become normalised, and it is just — —

Mrs PETROVICH — This seems to be a whole culture around sexualisation of women —

Ms WALKER — Yes.

Mrs PETROVICH — —and the sexualisation of our community.

Ms WALKER — Absolutely. Young people talked about that. From the findings of my study, that is where I feel it is kind of that there is this pressure. It is not just young women; young men also talked about pressure. There were a number of young men who talked about the pressure they experience from one another to request and have the images. Some young men talked about the silent treatment they would get if they were not into it. There were a few young men that talked about how they were ‘gay’ if they did not want to look at the image or if they refused to look at it. There was a sense that their masculinity was in question if they did not ask their girlfriend for the images. There was a 16-year-old male who said, ‘They just do it because they want to brag to their mates, “I got this girl to send me photos” and stuff like that’ — feeling like they need to impress their mates in order to fit in.

Mrs PETROVICH — I think there is a converse side to that too, though — that a lot of the young women are actually doing it so they can brag to their mates, unfortunately.

Ms WALKER — Yes.

Ms GARRETT — Just a couple of questions. We obviously have the initial circumstance where the picture is taken and sent between, initially, two people. Your evidence is that that is often in a relationship setting but often not, it is in a group setting — ‘Send me a pic’. Is it your evidence from your research that it is very common for the pic to then be viewed by a range of different people?

Ms WALKER — Yes, and I probably did not say that many of the stories I talked about involved images that were distributed to others. That is where the concern is. If the image is between two consenting young people in a long-distance relationship and it stays there — those are not the kinds of things young people were talking to me about, because they do not know about those situations anyway.

Ms GARRETT — It is the cultural distribution.

Ms WALKER — We were talking about sexualised culture. A real concern is that young people believe sexting has become normalised because of the media culture that presents women in sexualised and objectified ways. Lots of young people talked about music videos. They talked about porn. They talked about advertising — both young men and young women. One young man, who was 18, said it was definitely pressure — ‘If they can sext, why can’t you to your girlfriend? But the boyfriends probably get it from the media, thinking that’s normal, but it’s not’.

The topic of pornography use came up. It was not something I ever imagined when I started out on this journey of developing a better understanding, I suppose, of sexting and why it might be happening. I should have probably known, but maybe I was naive. In early interviews with young people the topic of pornography use came up, and young people talked about a connection between the increasing accessibility of pornography — not just the increasing accessibility but the fact that the hard-core edge has shifted, so what was considered hardcore 20 years ago now is considered soft porn.

Young men and women talked about viewing images they had not actually wanted to view. It was not just about young men seeking porn. Because we all have hand-held devices with the internet it is so easy to access those images. One young man, who was 17, said, ‘I feel as though a lot of sexting is because of the easy access of pornographic material and also *Playboy* and a lot of those kinds of magazines, seeing as though they are easy to buy — they are on the newsstands’. A 16-year-old young man said, ‘I guess sexting’s getting bigger for guys because most boys out there use porn. So when you can’t access it, then you go to the sluttiest girl or the very open and outspoken girls. You go to them, and they’re open to send’.

Ms GARRETT — Part of what we are grappling with is whether there is an adequate legal framework to deal with some of the impacts, and your evidence is very telling and interesting. But from your research do you think that people engaging in sexting and sharing images amongst each other consider that what they are doing is unlawful or potentially unlawful or criminal, or is it just seen as a normal thing to do?

Ms WALKER — I asked young people to comment on what they felt about current strategies to deal with the negative consequences of behaviour. I suppose the two responses were the legal response and the educative response, and there is loads of literature about the need for education. I heard Neil saying that we need more education. Some of the young people thought we need to educate parents and that parents need to understand what is going on and they need to have a better understanding of the technology. They said there is definitely a role for parents. Some felt that schools have a role. Some young people talked about — and I know I am not quite answering your question — their schools having provided opportunities to talk about it, and they said that was really useful. But many young people felt that schools did not really deal with it that well, and that is not surprising, because we know that effective sexual health education is something that teachers do not often feel resourced or skilled to deliver.

Some young people thought there was a need for more education about the legal implications. However, most young people felt that knowing about the legal implications did not make any difference, and I have quite a few quotes. An 18-year-old young man said, ‘Young people know a lot about what’s legal and illegal on the internet, and they still break the law regardless. The majority of people I know download music and movies and all that, and it’s considered the norm despite the fact that it’s illegal’. A 19-year-old young woman said, ‘Some people believe if young people knew the consequences, they wouldn’t sext. I don’t think that’s true. I think it’s like you get told, “Don’t drive a car faster than the speed limit”. Everyone knows that if you do, there’s a chance you’ll have an accident, but no-one thinks it will happen to them’.

A couple of young women actually felt that the potential illegality of the behaviour made it even more appealing. A 17-year-old girl said, ‘It wouldn’t stop them. If anything it could possibly make them do it more, because if it’s illegal, then it’s more rebellious to be doing it. It’s more fun’. A 20-year-old young woman said, ‘I think people kind of want to take a bit of a risk. “I feel like such a bad ass if I do it, because it’s illegal.” It’s the same thing as like going out with fake ID or getting your older brother to buy you alcohol. You just don’t think much of it’.

Whatever the reasons young people gave for involvement in the behaviour, many thought young people did it without thinking through the consequences even though they might be aware of the legal implications. Another 18-year-old girl said, ‘I think a lot of the time it’s an impulse thing. It’s not always the most thought-out idea.

They'll think, "Oh, I want to send this photo, I want to send this message", and they perhaps don't think it through or at the same time things are good so it doesn't seem like it could have a negative outcome'.

I think these responses fit with what we know about young people and risk-taking behaviour and particularly what we know now about the adolescent brain. The adolescent brain is not fully developed for young men until they are in their mid-20s — —

Mrs PETROVICH — At least!

Ms WALKER — At least, yes. For young women it is when they are in their early 20s. The last part of the brain to develop is the frontal cortex, which is the part of the brain that deals with impulse control. I suppose the findings of my study fit with what we know about adolescent development. Education is not the only answer. Despite this, as I said earlier, most of the literature is about how we need to educate young people. If they understood the potential outcomes, then they would not sext. There is a lot of literature and there is a lot of talk about that — if young people knew that they could be charged with producing or distributing child pornography, they would not be involved with the behaviour — and I think my findings actually challenge that view in some way.

The other thing I think is really significant from talking to young people is that there have been many government campaigns and online and video resources developed to educate young people about the potential implications. There is the AFP's ThinkUKnow website. There is The Line, which is an Australian government website that has information about sexting. I asked people what they felt about those resources. Many of them were not aware of them; that was one of the issues, so they were not advertised well enough. But some young people, and this varied, thought, 'Yes, the internet is the place to be educating young people'. Others thought not. We are getting better at tapping into social networking spaces like Facebook that young people are residing in, but some young people said, 'I don't want to hear about this stuff on Facebook. That's my space. That's where I go to do my socialising'. These were some of the comments from an 18-year-old young man who said, 'I'd never go into a government website. They are awfully dorky. Yeah, they could be worded a lot better and, I don't know, be a bit cooler'.

Ms GARRETT — Sorry, can I just ask a question on that? In your research and in your discussions with young people and talking about education and what works and what does not and long-term consequences, what did you feel resonated with young people in terms of what may be an effective strategy for encouraging them not to engage? When you say 'long term', were people aware that, 'If my relationship goes bad and this is out there and then when I am older and people are looking at it — —

Ms WALKER — Young people are not thinking about the future like we do as adults.

Ms GARRETT — So what was your sense of — —

Ms WALKER — Young people live in the here and now. I reflect on my own adolescence, and I think about some of the things I did. It is probably inappropriate for me to say that, but developmentally we know that young people are risk-takers and they do things in the here and now. I wish I had the answer.

Ms GARRETT — That is what we are grappling with, isn't it?

Ms WALKER — One of the things that I think is so important is that we hear from young people.

The CHAIR — Do you know of anybody who has been cautioned by the police on the impacts — —

Ms WALKER — No. I heard from a few people who knew of someone who had had a police person find something — someone had had their computer fixed and there were some images found and they received a caution. I think we really need to involve young people. We need more research, we need to find out about these younger young people, because I do not think we know enough about them. I think there are particular issues for younger teens because of where they are at developmentally and their ability to think through and understand what is going on. There are particular cohorts of young people who might be more involved in this behaviour. At the beginning of my study I talked to young people to help me to design the interview questions. I think there are particular issues for young people with disabilities and maybe in some cultural groups and for

same-sex attracted young people. There are some marginalised groups of young people who we need to be talking to.

I am not an expert in the law, and it is not an area that I really feel comfortable with. I cannot propose what we need to do in terms of the law, but I do not think the current legislation that deals with sexting around the child pornography laws is appropriate. Child pornography laws were intended to protect young people from sexual predators and paedophiles. Young people involved in sexting are often minors, both the producer and the distributor. It does not recognise the underlying social pressures that young people are experiencing, whether that be the sexualised culture that I talked about. A few young people talked about young people involved in sexting as a form of sexual experimentation. That only a few young people talked about that does not mean that it is not about that. Young people are sexual beings; they are developing their identity and their sexual identity. Potentially some of this sits in there as well. I am sorry; I am not really articulating that very well.

Mrs PETROVICH — I am a little bit worried at this point, because this is a very comprehensive problem when we are talking about sexualised community, a way of communicating, a way of experimenting sexually. While we were talking I was thinking about risk-taking behaviour and all of those other things you have talked about — cultural issues, marginalised groups. Shelley, from the perspective of this committee looking at making some recommendations around where we need to head with this, would it be more appropriate if this is driven from within those groups — from within schools, within those peer groups? Do we need to find a model which talks about all of the things that we are discussing here today? Obviously awareness is not just it; it is about prevention, protection and how we address this form of communication.

Ms WALKER — Absolutely, Donna; I fully agree. There are a number of different frameworks that I suppose could be useful. One is the bystander approach, an approach being used in bullying — engaging with young men as bystanders to challenge the behaviours and attitudes of other young men. It is being used in prevention of violence against women. *A Right to Respect — Victorian Plan to Prevent Violence Against Women* is a really good framework that can be used. I suppose the bystander approach is a newish approach. There is evidence of young men in my study. I do not know if I read them out, but there were a couple of quotes from boys and young men who said, ‘It’s not okay’, and, ‘I told a mate, “Don’t do that”’. Another guy asked to see something, and he said no. Even though I talked about young men having these images on their phones, there are young men out there who are choosing to challenge that behaviour. I think that could be a really useful approach.

There is a sexual ethics framework that has been developed by a woman called Moira Carmody that is being rolled out in some schools that is about providing opportunities for young people to discuss the complexities of relationships with a focus on consent and safety, and encouraging young people to be aware of their own needs but at the same time being respectful of each other. We need to create opportunities for young people to have discussions about the messages young people are receiving from the media.

One young woman talked about it. What did she say? A couple of young people talked about the media: ‘We need to go to the media. We shouldn’t have programs on TV at 7 o’clock at night that have girls sexting each other or some of the ads that are on TV’. A young woman who was 16 was sitting up with mum and dad late at night said, ‘It was so embarrassing; there were all these ads on that were about sexual stuff’. If young people are given the opportunity to talk about things that are meaningful to them, they have a lot to say about these issues. I felt really privileged to have the opportunity to hear — —

Mrs PETROVICH — Do we need to take care in this that we do not perpetuate sexual stereotyping between young men and women and in the wider community out of this inquiry?

Ms WALKER — Yes. The thing about the child porn laws is that if we are using these laws to address this issue, we are potentially doubly victimising young people.

I was very interested in some of the things Neil was saying; I came in at the end of his presentation. The thing is too that it is so complex. There are so many layers to this. We talk about perpetrator/victim. I would argue that even some of the young people who have viewed images that they did not want to view are victims. One young man talked about having viewed an image of a girl he knew who was the girlfriend of a mate of his. Once he had seen this image, which he had not chosen to view, he said, ‘I couldn’t look at her the same way’. It was

awful. He had seen her naked, and he did not really want to. I would argue that he was a victim as well, because in some ways it was an abuse.

The CHAIR — We are coming to the end of the timeslot here. Are there things you have not covered that you want to cover?

Ms WALKER — No. I would like to thank you for allowing me the opportunity to share some of the findings of my study.

Ms GARRETT — No, thank you.

Ms WALKER — I suppose I see myself as an advocate for young people. I am sharing with you what they have told me. It is fantastic that this inquiry is happening. Donna, your suggestion that we really need to be —

Ms GARRETT — This is a big topic.

Ms WALKER — It is a big topic.

Mrs PETROVICH — There are legal aspects, but there are also social, ethical, the ways we communicate, the way society is developing.

Ms GARRETT — The cohort involved — the young, emerging, developing person.

The CHAIR — Thanks very much, Shelley.

Witness withdrew.