Dear Committee Members

INQUIRY INTO SEXTING – PARLIAMENT OF VICTORIA LAW REFORM COMMITTEE
Submission from Youthlaw

Youthlaw thanks the Law Reform Committee for inviting us to make this brief submission to the Inquiry.

Youthlaw is Victoria’s state-wide community legal centre for young people under 25 years of age. Youthlaw works to achieve systemic responses to a range of legal issues facing young people, through casework, policy development, advocacy and preventative education programs, within a human rights and social justice framework.

Youthlaw is a member centre of the Victorian Federation of Community Legal Centres.

TOR 1 - The incidence, prevalence and nature of sexting in Victoria;

Our lawyers advise and/or represent young people on a range of criminal offences, including “child pornography” and also in intervention orders that may involve non-sexual assault.

Unfortunately the database that Youthlaw utilises, Community Legal Service Information System (CLSIS)) does not specifically record “sexting” as a problem type. We are therefore not able to provide specific client statistics regarding the incidence of sexting or child pornography matters.

However we can say generally that the numbers of young people seeking casework advice or legal information regarding sexting, via email or telephone queries are very low.

Over the last 12 months Youthlaw has given casework/advice in only 7 (out of 282) matters that may have involved sexting: 5 advices classified as “sexual assault/related offences” and 2 “other civil violence/restraining orders”. Over the same period Youthlaw lawyers have provided 35 (out of 883) legal information in response to telephone calls or email queries that may relate to sexting being 28 “sexual assault and related offences” and 7 “other civil violence/restraining orders.”
It will be interesting for the Committee to note the statistics provided by other Community Legal Centres and Victoria Legal Aid (who we understand are also providing a submission to the Committee).

We are aware that the Eastern Community Legal Centre (we refer to their submission to the Committee) has a significant number of people accessing their Intervention order duty lawyer service at Ringwood Magistrates Court and raising sexting issues in the context of applications or cross applications for intervention orders.

Other community legal centres such as Hume Riverina Community Legal Service are also reporting sexting matters being raised in the context of family violence/intervention order matters. See an article in their local media at: http://www.bordermail.com.au/news/local/news/general/facebook-abuse-rife-sexting-rising/2171849.aspx.

**Recommendation 1**

Given it appears that data on sexting incidence at best will be sketchy Youthlaw recommends that it is important that the Committee consult directly with young people about their experiences of the prevalence of sexting, as well as what education and awareness-raising programs they believe work well and their ideas for law reform.

If the Committee has time, scope and resources the sector (including Youthlaw, Victoria Legal Aid, the National Children’s and Youth Law Centre, Youth Affairs Council of Victoria (YACVic) would be pleased to help facilitate the involvement of children and young people in upcoming public hearings.

**TOR 2 - The extent and effectiveness of existing awareness and education about the social and legal effect and ramifications of sexting:**

Youthlaw provides community legal education to young people under 25 years, on a range of topical issues including cyber-bullying and sexting. Please find our factsheet attached. We have only conducted a few educative session on the topic in recent times.

We are aware that other community legal centres including Loddon Campaspe Community Legal Centre, the Victorian Aboriginal Legal Service and Victoria Legal Aid have recently provided legal education sessions to young people on the topic of sexting.

While Youthlaw lawyers presenting these sessions can provide information on the legal consequences, ideally any education should cover social impacts of the inappropriateness of sexting and ways to practically prevent incidence of sexting.

We believe there are other educators better placed than a legal centre to provide education of this nature.

We also acknowledge informing a young person that sexting is illegal, of itself is not necessarily going to resonate with young person, or have the effect of reducing incidence of sexting. A more holistic educative approach is required.

Recently Youthlaw partnered with South Eastern Centre Against Sexual Assault (SECASA) in their “Respect me. Don't seXt me” campaign, part of their Respectful Relationship Project. This project focuses on different ways of getting the message to young people about the
negative impact of sexting on respectful relationships. As part of this campaign, SECASA developed an Avant Card postcard. Over 10,000 copies of the post card were printed and distributed. The campaign is now looking at developing posters. (please refer to SECASA’s submission to the Committee)

Recommendation 2
The Victorian Government to support and resource educative campaigns such as “Respect me don’t seXt me” campaign

TOR 3 - the appropriateness and adequacy of existing laws, especially criminal offences and the application of the sex offenders register

Like many youth advocates Youthlaw is concerned about the potential consequences for young people if they are convicted of serious sexual offences in relation to sexting and placed on the sex offenders register.

As you would be aware being on the register carries onerous requirements of reporting to local police and restricts employment and recreational opportunities. It prevents those on the list from working with children and from receiving the working-with-children checks that are now required before people can volunteer with sporting clubs or help in schools.

Recommendation 3
The effect these recommendations is to change the law to replace automatic inclusion in the Register with a process that gives magistrates and judges discretion over whether some offenders should be registered based on individual assessment of the offender. It goes further to recommend that Children’s Court only make a registration order for a child or young person in exceptional circumstances.

We also raise a question about the appropriateness of intervention orders as a way of resolving matters involving sexting, but defer to the more detailed submission on this point from Eastern Community Legal Centre.

If you require any further clarification please contact Tiffany Overall on 03 9611 2422 or via email on tiffany@youthlaw.asn.au.

Yours sincerely

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