15 June, 2012

The Executive Officer
Law Reform Committee
Parliament of Victoria
Spring Street
EAST MELBOURNE   VIC   3002

RE: Inquiry into Sexting

Parents Victoria has been representing and providing support and information to parents and parents clubs in Victorian Government Schools since 1925. We are pleased to be able to provide this submission to the Inquiry into Sexting on behalf of Victorian Government School parents and students. The submission is based on our policy which has been developed democratically over the past 85 years.

On the national platform, Parents Victoria is the sole state affiliate to the Australian Council of State School Organisations (ACSSO).

1. The incidence, prevalence and nature of sexting in Victoria.

There is evidence to suggest that the incidences of sexting have increased significantly over recent years, not only in Victoria but around the nation. The nature of these incidents can be relatively minor, or can be extremely confronting. In either case, students need to be educated about the ramifications, social and legal, of being involved in the practice of sexting.

2. The extent and effectiveness of existing awareness and education about the social and legal effect and ramifications of sexting.

Parents Victoria believe the best way to stop our young people from sexting is through education. Currently some schools touch on the subject, but there needs to be a united, hard-hitting push to educate students about the possible flow on effect sexting can have on their own lives, and the lives of others. Whilst many students may be aware of the effects socially of sexting, we believe that few are aware of the possible legal action they open themselves up to, whether they create, or consent to the creation of inappropriate messages or images.
3. The appropriateness and adequacy of existing laws, especially criminal offences and the application of the sex offenders register, that may apply to the practice of sexting, particularly with regard to the creation, possession and transmission of sexually suggestive or explicit messages and images in circumstances where a person:

a. creates, or consents to the creation of, the message or image for his or her own private use and/or the use of one or more other specific persons.

Unfortunately most young people seem to remain unaware that anything put into cyberspace is public, regardless of how small they believe their audience will be. More education around the fact that once something is put online it is there forever, and accessible by most, is desperately needed. This information needs to start being taught when children are in the latter years of primary school, as even at this age there are cases where inappropriate content is being posted.

It does seem somewhat harsh, however, for children and young adults to have criminal convictions recorded against them when the intent was for the message or image to be a personal one.

b. creates, or consents to the creation of, the message or image and without their knowledge and/or their consent the message or image is disseminated more broadly than the person intended.

If an image or message is disseminated further than the person intended, then the weight of the law should fall upon the person disseminating the image or message, rather than the person whose image or message is sent, as the sending of the offending material could be out of their control.

However, the punishment does need to fit the action, and so being placed on the sex offenders register may not be an appropriate consequence. There should, perhaps, be varying levels of consequences, depending on the action and intent of the person creating and disseminating the message or image. Again, part of this consequence should be educational.

Thank you for the opportunity to make this submission

Yours sincerely,

Sharron Healy
President
On behalf of the Parents Victoria Executive
Parents Victoria Inc.