Inquiry into Sexting
Victorian Law Reform Committee
June 2012
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Executive Summary

The Macedon Ranges Local Safety Committee (MRLSC) makes this submission to the Victorian Law Reform Committee Inquiry into Sexting. MRLSC is a network of service agencies consisting of diverse members. With an extensive reach to community members across the Macedon Ranges Shire, MRLSC is well placed to identify local safety issues and respond to these issues in a collaborative manner.

MRLSC has elected to respond to each of the Inquiry Terms of Reference. We do this by firstly putting the issue of ‘sexting’ in the context of our work. The issue of ‘sexting’ was tabled with MRLSC in 2009 and has remained on its agenda since. It was relevant then to present the case study that bought the issue to the MRLSC attention. Through exploration and analysis of the case study and other local reports, anecdotal evidence, opinions and ideas, we highlight our understanding of the issue, the extent and effectiveness of our own prevention and intervention programs, and the impact of existing legal frameworks. This process of exploration has also revealed those things we don’t know and some of the reasons for this lack of knowledge.

The process taken by MRLSC in identifying the issue, identifying the barriers to addressing the issue, and the subsequent responses, may provide valuable insight to the learning of this Inquiry.

Finally, MRLSC makes four (4) recommendations to the Committee. These recommendations align with our own learning experience of ‘sexting’ as an issue that affects young people and the work that we do.
Macedon Ranges Local Safety Committee (MRLSC)

MRLSC is a network of representatives from diverse local agencies and services including; police, local government, education, and health. The Committee recognises that each of the individual partner agencies has a unique intent, purpose and method in its delivery of service to the community. The agenda of MRLSC as a network is to facilitate the relationships and collaboration between partners so as:

“To identify and influence key safety and crime prevention issues in the Shire, with a particular focus on prevention through networking, partnership and collaboration”. (MRLSC, 2012)

This foundation provides a shire wide approach to safety that:

- Enables a holistic recognition and response to issues of common concern to all network partners.
- Ensures that responses by network partners are informed, cohesive and consistent.

MRLSC and issues concerning young people

Data from the 2011 Census (Australian Bureau of Statistics, 2011) reveals that 4368 young people aged 12-18 are living in the Macedon Ranges. This figure represents adolescents as 10.4% of the Shire wide population.

A number of issues concerning the safety of adolescents have been tabled at MRLSC across time. MRLSC believes its response to these issues is best guided by principles that consider what it means to be a young person, and the interactions they may have within the broader community.

These principles are as follows:

- Encourage young people to explore and express self-identity and relationships in a way that is safe.
- Empower young people to develop the capacity for decision making that will lead to behaviour that brings no harm to self or another.
- Enable, protect and support young people who have become victims of any abuse, violation or exploitation by ensuring their awareness and access to appropriate support systems and legal resources.
- Ensure perpetrators of any abuse, violation or exploitation are prevented from reoffending.
- Advocate for greater support to enable the systems with which young people interact to have the knowledge, resources, and means with which to deliver the most appropriate and relevant form of prevention or intervention for identified safety issues.
• Ensure a consistent and cohesive community response to the safety issues that impact on young people.

These principles are considered when MRLSC determines priority areas in its annual Action Plans.

In the ‘Community Safety and Crime Prevention Partnership Plan, ACTION PLAN 2012’ (MRLSC, 2012) there are three ‘priority areas’ that are considered most relevant to particular safety issues associated with adolescent sexual behaviour:

- ‘Safe Places and Spaces’,
- ‘Safe and Secure Women’
- ‘Mental and Physical Wellbeing’

These priority areas are identified in blue, red and green on the inner circle of the diagram on page 15 of this submission.

**MRLSC, ‘Cyber’ Culture, and Young People**

MRLSC acknowledges that ‘cyber’ culture presents a unique means in which young people can explore and express sex and sexuality. As such, MRLSC is interested in how ‘cyber’ culture may present barriers to delivering safety outcomes in the priority areas identified. The potential for ‘cyber’ related issues to impact on the health, wellbeing and safety of young people has been noted by MRLSC since 2009. Interestingly, it was a ‘sexting’ incident that occurred in the Macedon Ranges that year that triggered widespread community concern and bought the issue to the foreground of discussion at MRLSC.

Some aspects of the Macedon Ranges incident and response were similar in nature to that of the example shown in teacher and student DVD-Rom resource ‘Photograph’ (Centacare Sandhurst Loddon Mallee Cyber Safety Project, 2010). The Macedon Ranges incident is explained in case study format on the following pages.
Macedon Ranges ‘Sexting’ Case Study

(Part 1)

A teenage boy took a sexually explicit photograph of himself on his mobile telephone and sent it to his teenage girlfriend after having discussions of a sexual nature with her. The girl responded by recording a sexually explicit video of herself on her mobile telephone and sent this to her boyfriend.

Some time later, the teenage girl attended a party and informed another teenage boy that she had a sexually explicit video of herself on her mobile telephone. The teenage boy asked to see the video. The girl declined. Whilst the girl was distracted, the boy stole her mobile telephone, located the video and “blue toothed” it to his mobile telephone. This boy then sent the video to a number of other boys who then sent it on to other peers.

The matter came to the attention of the secondary school at which the girl and the boys attended. The school elected to deal with the incident “in house” by speaking with the students involved and taking “statements” from them.

On becoming aware of the incident and school response, a concerned parent of a friend of the girl in the video reported the incident to police.

Police Response

Police commenced an investigation and approached the school to ascertain what the incident was. There was some information provided by the school but there was a reluctance to provide statements and notes that had been obtained by the school during their investigation. This resulted in police having to resort to executing a search warrant on the school to obtain any evidence that was in their possession.

The girl in the video and her parents were approached with regard to formalising a police response. The girl disclosed issues of self-harming, which elevated the police response to ensure that the impact on her as a victim was minimised.

Subsequent to the formal investigation, police identified eight main students involved in the transmission and possession of the video. This resulted in these students being interviewed by police in the presence of their parents/guardians. They were interviewed for offences related to Possession of Child Pornography.

Known outcomes and follow up

Seven of the boys were dealt with by way of the police child caution program. The other boy was charged with Possession of Child Pornography owing to a previous caution for similar behaviour. This young person subsequently pleaded guilty at the Children’s Court and was placed on a ‘Ropes’ program without conviction.
The victim was referred to counselling at school and local health service providers to work with her regarding her distress as a result of the incident, her part in the incident, and to work with her in relation to other mental health issues.

(Part 2)

Approximately four months after the initial incident had been resolved the same girl produced a second video of herself performing a sexual act on her mobile telephone and forwarded this to a different boy at his request. The boy forwarded the video to other students at a different school. Information about the incident was brought to the attention of police by a parent of one of the boys who had been involved in the first incident.

Police Response

A police investigation was commenced as a matter of urgency to prevent the video from going “viral”. The girl was interviewed in relation to Produce Child Pornography. The boy who received the video was also interviewed in relation to Possessing Child Pornography.

Known Follow up and Outcomes

Both the girl and boy received a caution for their behaviour. Police made the girl aware of the seriousness of her behaviour and the risks associated with it. There have been no further reports of the same behaviour from this young person.

Case Study Analysis/Issues

MRLSC analysis of this case study highlighted a number of issues and points of interest:

- The initial exchange of photographs and video between the boy and the girl was consensual in nature. Both the boy and girl were of sexual consent age, and both consented to the initial activity.

- The actions without consent were those that violated the girl in this case. Interestingly, this type of offence was one where the victim was one of the last to know that a violation had occurred against them. This may have been one of many reasons why it was not the victim herself, but a third party who reported the incident to police.

- The victim was traumatised by the violation (in Case Study Part 1) and was reported to be in a vulnerable mental health state. It seemed unusual then that she would continue with this behaviour (in Case Study Part 2).

- Police felt they had no other legislative option in which to interview offenders, and that the most relevant offences were those related to child pornography.
• The initial reluctance of the school to cooperate with police was likely due to the nature of the offence their students could be charged with. Possible repercussions may have been perceived as damaged reputation to the school itself.

• Peers receiving and sharing the image, spoke of doing so with the intent of “harmless fun” and one quoted “we knew what we were doing was wrong but didn’t stop until the police did something about it”.

• Those who were interviewed for the offence and their families were shocked and upset at the possibility of Child Pornography charges.

• Some young people involved in the case study spoke of reduced levels of trust in parents, school, and police because of the way the incident was dealt with.

This case study, and others of a similar nature, suggested to MRLSC that there was a lack of education and awareness in relation to the current laws surrounding this type of behaviour. It was evident that there was also a lack of awareness regarding the social consequences. This lack of understanding and awareness extended to young people, families, police, schools, and other social systems.

Identifying these gaps was central to MRLSC formulating a collaborative and ongoing response to the prevention and intervention of violations associated with ‘sexting’.
Response to terms of reference

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

MRLSC acknowledges that young people may engage in ‘sexting’ at multiple and diverse levels. As with other sexual behaviours, there may be aspects of ‘sexting’ that explore and express self-identity and relationships in a way that has reasonable intent and consent. MRLSC also acknowledges that as with other sexual behaviours, there are associated risks. The nuances of exploration and expression through technology appear to amplify particular risks.

In the Macedon Ranges case study for example, despite the purpose of the girl sharing the image most likely being for intimate and private reasons, there was a significant risk taken by creating and sending the image. The risk related to the person to whom the image was intended, or third parties, perhaps misunderstanding, misrepresenting, or not respecting the girl’s original intent. There was also a risk that at some point after her original action, she would become unaware or unable to revoke consent on actions concerning the product of her own action. The outcome for this girl was that her act of intimacy was, without her knowledge, shared amongst others to the point where her privacy was violated in an extremely humiliating and degrading manner.

This chain of events highlights the very real problem of lumping together different types of actions and defining them all as ‘sexting’. It is evident that this case did not consist of only one type of action. Rather, there were numerous types of actions by multiple people. Each action likely had a different intent, consent, risk, and impact. The actions with the most impact occurred at a time when the young girl no longer could revoke her consent, thus resulting in her being violated.

Both the action and impact of ‘sexting’ and the potential for associated violations should therefore be considered in the following contexts:

**Sex: Intent and Consent**

MRLSC urges the Inquiry to make the following important distinction with regard to the nature of ‘sexting’:

- The act of ‘sexting’ (at the points of creation, sharing, sending, posting) between adolescents can be an act that is consensual, and at any point the action may have an intent that is not offensive, malicious, menacing, abusive, or exploitative.

- The act of ‘sexting’ (at the points of creation, sharing, sending, posting) between adolescents can be an act that is not consensual, and can have an intent that could be construed as either/and/or: offensive, malicious, menacing, abusive, or exploitative.

This helps to clarify that the problem with ‘sexting’ is not the act itself, but the unconsenting act.
According to MRLSC, non-consensual acts of ‘sexting’ could include, but are not limited to any of the following:

- Using the image for any purpose other than that consented to by both parties.
- Refusing to delete the picture when asked.
- Passing on an image to any third party that is not agreed to by both parties.
- Any of those third parties passing on the image to any other parties without consent or any third party refusing to delete the image when asked to.
- Threats by any party to ‘do something’ with the image that the other party would not want.
- Any sexual image of a child under the age of consent.
- Using images to degrade or harass another person (i.e. sending unwanted images).

These guidelines can be taken from the same sorts of guidelines that we have to understand any other sex act. Culturally and legally we understand sex as something that happens between consenting adults. If either of those consenting adults no longer continues to want to engage in the sex act they can withdraw their consent and the sex act must then stop. If the sex act occurs without consent or if one party does not stop when another party wants it to, we legally and culturally understand this as sexual assault or rape. ‘Sexting’ can and should be understood similarly.

Particularly problematic then is the fact that we use the same word – ‘sexting’ – to describe both the consensual sex act as well as the sexual violation. There is no other sex act we do this with. For example, we have different words for both ‘sex’ and ‘rape’ although they involve the same physical activity. The fact that there is only the one word – ‘sexting’ – to describe both the sex act and the violation has led to confusion about; the appropriateness of ‘sexting’, the legality of ‘sexting’, and how to prevent or respond to ‘sexting’.

**Gender: The Impact of Cultural ‘norms’ and Stereotyping**

Issues related to the gendered nature of ‘sexting’ have been at the centre of some debate within MRLSC. A diverse spectrum of expertise, opinions and anecdotal evidence have been discussed with regard to who the offenders and victims are likely to be, the differences in intent with regard to violations, and the difference in impact on both offenders and victims.
MRLSC is aware of cases concerning both boys and girls as victims and offenders. Most relevant to the argument however, is that it appears that gender stereotypes can have a significant influence on; who or why someone is an offender or victim, how offenders and victims are perceived or treated, or how the victim or offender may respond to the incident.

The cultural impact on girls appears evident. As with the Macedon Ranges case study mentioned, there are other local reports of ‘sexting violations’ in the Macedon Ranges that predominantly feature girls as the victims. This is of concern to MRLSC, given its prioritisation of issues concerning violence against women.

MRLSC recognises that in instances where sexually explicit images are used in any way that a girl or woman has not consented to them being used, we understand this as a sexual violation of that girl or woman. MRLSC further acknowledges that ‘sexting’ occurs within a culture where objectification and sexualisation of girls and women is extensive. As argued by authors including Crabbe & Corlett (2010, pp. 1-6) this type of sexualisation leads to widespread gender inequality and violence against women.

Studies such as those by Ringrose, Gill, Livingstone & Harvey (2012, pp. 1-76) demonstrate with examples how gender stereotyping gives different meaning between the sexes to ‘sexting’ images, as in: recipients of the image make meaning of the image based on cultural norms. It is therefore understood that the intent of creating or sharing images may mean one thing to boys, but quite another to girls. This goes some way toward explaining why, in the Macedon Ranges as with other areas, despite hearing stories that both boys and girls are participating in ‘sexting’, when it goes ‘wrong’ it is overwhelmingly girls who are the victims.

However, we must also ask questions regarding why it is that boys are not making informal or formal reports, or why they may be treated differently as offenders. MRLSC has a particular concern about how reporting and under-reporting of offences may detract from the issues that need to be addressed concerning the nature of ‘sexting violations’ where males are the victims.

**Youth Culture**

The gender debate further emphasises that there is much that we *don’t* know about the incidence, prevalence and nature of ‘sexting’ and ‘sexting violations’ that involve young people.

The reason for this low-level awareness in the Macedon Ranges relates to the limited quantity and quality of open discussion of the issue thus far between young people and adults. Walker, Lena Sanci & Temple-Smith’s (2011, pp. 8-16) first phase study on ‘sexting’ and young people suggests that our region is far from alone when it comes to such dialogue, awareness, and understanding.

It is of concern to MRLSC that there is a gap in awareness of:
• Demographics of those young people participating at any level. We have no depth of understanding with regard to intent, participation, victimisation, or the subsequent impacts.

• The range of perceptions that may be held by young people about why they do or don’t participate in ‘sexting’ or ‘sexting violations’, or even how they may define each of those acts.

• What parents of young people do, or do not know about the issue, and if, or how, they talk to young people about the issue.

• What young people are saying to one another about ‘sexting’ or ‘sexting violations’, or more broadly, how the issue is perceived in youth culture.

• The extent to which ‘sexting’ or ‘sexting violations’ affect the mental health and wellbeing of young victims, offenders, peers, and their families.

• How peers, families, schools and other systems interacting with young people on a daily basis respond to anecdotal accounts.

What we can report on is this:

• Since the 2009 Macedon Ranges case study there have been approximately 10 incidents reported to local police that are particular to violations of ‘sexting’. Whilst these reports cannot be quantified at this time, local police have described a general awareness of these cases over the past three years.

• Joe Grbac, local police Youth Resource Officer, estimates having received on average 8 calls per week regarding ‘Cyber’ related issues in the months after the 2009 incident. These calls have dropped significantly over time, with approximately one or two calls per week being received on average per week in relation to ‘cyber’ harassment and one per month regarding ‘sexting’ specifically.

• Annie Rowland, Youth Strategic Development Officer for Macedon Ranges Shire Council and Coordinator of ‘CyberLife’, says that the specific issue of ‘sexting’ is only occasionally brought up by young people during ‘CyberLife’ program sessions.

• One local youth worker reports being aware of a current serious ‘sexting’ violation that remains unreported at an official level.

• Of the Macedon Ranges case study, and other local anecdotal reports, victims have expressed feelings such as humiliation, embarrassment, helplessness and anger.

In addition to anecdotal evidence garnered from adults, a brief survey was conducted on 5 June 2012 with a group of 13 young people (9 male and 4
female) aged 13-16 from the Macedon Ranges. When asked to describe what ‘sexting’ was, the responses varied:

- “sending text messages about sex”
- “texting using dirty words”
- “talking dirty on the phone”
- “sending pictures of yourself naked”

• Of this group:

- Three (3) males and one (1) female said they had been asked to send images of themselves on more than one occasion.

- Out of these four (4) young people, only one (1) of the males admitted to sending images of himself, and further disclosed that he had done so on several occasions.

- Out of these four (4) young people, two (2) males and one (1) female said they had simply refused to comply with the request.

- Two (2) other males in the group of 13 said they had received ‘sext’ messages from girls without having requested an image to be sent to them.

- Of the group of 13, four (4) young people (2 males, 2 females) had been involved in classes at school that addressed the issue of ‘sexting’ in some way, including exposure to: a police presentation, discussion during a ‘CyberLife’ class and/or seeing the ‘Photograph’ DVD at the launch of ‘Live4Life’ 2010.

- Each of the four (4) that had been involved in one or more of these program presentations felt that they knew more about the legal and/or social effect of ‘sexting’ as a result of the information they were exposed to.

- No member of the group of 13 had ever spoken with their parents or close family members about ‘sexting’.

There appears to be a general consensus through anecdotal evidence from local police, youth workers, schools, and young people that various forms of ‘sexting’ and ‘sexting violations’ are happening across the Macedon Ranges. Potential violations however are often being addressed only by the young people involved, their parents, or their schools. It appears that it is only when a potential violation poses its greatest risk to a young person, and that the social ramifications cannot be controlled or managed by aware adults, that the issue is bought to the attention of local police.

At this time it is only through these reports to local police, or other substantiated anecdotal accounts, that MRLSC has some insight on how ‘sexting’ or the subsequent violations, may pose a risk or harm to the safety of young people.
It is a result of our own awareness and lack of awareness on the issues stated above that we import this Inquiry to make a commitment that ensures the issue is explored more deeply through relevant research.

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

MRLSC reiterates that any response to any safety issue is done in consultation and collaboration across the network. No one program that responds to any issue is delivered in isolation, they are delivered with reference to all other programs.

For MRLSC, the potential for violations related to ‘sexting’ ultimately does represent a risk to the safety of young people. As MRLSC has a focus on prevention of safety issues it has supported particular programs that are the initiative of network partners. These programs address ‘cyber’ and ‘sexting’ issues in some way, shape, or form.

The diagram on page 15 of this submission shows that these programs can be considered in the context of responding to the three priority areas as identified. The programs are identified in the prevention circle of this diagram:

- Local Police Prevention through Education
- Central Victorian Prevention of Violence against Women in Our Community Project
- Live4Life
- Live4Life Respectful Relationships
- Live4Life CyberLife

United, these programs encompass a wide range of goals that take a proactive approach in addressing the risk and harm that may be associated with behaviour such as ‘sexting’. Each program is well aligned to the principles of MRLSC and its overarching ambition to focus on prevention through collaboration. Together they aspire to deliver the following outcomes:

To young people:

- Promoting healthy moral and ethical decision-making.
- Promoting awareness of the changing nature of privacy.
- Promoting understanding of the changing nature of ‘friendship’ and ‘relationships’ in the digital age.
- Promoting help seeking behaviour.

To young people, families and schools:

- Education regarding safe cyber behaviour.
- Education regarding current legal ramifications.

These programs are listed in further detail on pages 16-20 of this submission.
**Prevention through Education**

Prevention through Education is seen as one piece of the puzzle in addressing ‘sexting’ and similar behaviours. MRLSC’s strong links to the education system influences its ability to deliver presentations and programs in school settings. As a result of this, the presentations and programs over the past three years have reached many hundreds of students, teachers, and families, in the Macedon Ranges.

**Victoria Police Macedon Ranges Youth Resource Officer, Presentation: ‘Phones are not toys and their use is not a game’**

It should be noted that this resource was developed in consultation with MRLSC partners and at the local level as a result of lack of quality resource being available through Victoria Police. In fact, other Youth Resource Officers from across the State made contact with the Macedon Ranges Youth Resource Officer to learn from our experiences and responses to these incidents, with a view to duplicating a similar response and outcomes in their own areas.

This local resource is used in conjunction with programs such as ‘Live4Life: CyberLife’.

On invitation to present at local schools, Youth Resource Officer Joe Grbac conducts a PowerPoint presentation, discussion, and question and answer session. Many hundreds of students, parents, teachers and principals within the primary and secondary school communities in the Macedon Ranges have been addressed, along with Pony Club members across Central Victoria. A new venture, inspired by the success of these presentations, will shortly be trialled with the support of Victoria Country Football League.

The presentation, which has a particular focus on educating and reiterating responsibilities including Duty of Care and legal ramifications when it comes to ‘cyber’ participation, also refers to other resources that may be helpful, including web sites such as http://www.cybersmart.gov.au/

Joe says that all those presented with the material report being more aware of possible legal ramifications, but remarks are also made that “this is something else for me to worry about” and “what do I do about it?”

These types of questions are then addressed in the associated partner programs including Live4Life: CyberLife.

**Central Victorian Prevention of Violence against Women in Our Community Project**

The purpose of this project is to develop and implement new tools and initiatives for the primary prevention of violence against women in the Central Victorian region.

The Prevention of Violence Against Women in Our Community Project views local issues such as ‘sexting’ through a gender lens, meaning that the Project examines
what impact gender has on an issue. It is the opinion of the Project that whilst the violation of ‘sexting’ can occur by a person of any gender to any person of any other gender, the violation of ‘sexting’ is not a gender-neutral activity, and that ‘sexting’ can and does get used as a tool of violence and abuse against women and girls.

To engage in the primary prevention of violence against women, the Project focuses on programs, activities and collaborations that target the underlying causes of violence against women, as defined by VicHealth’s best-practice, evidence-based research. The Project does this by working across a range of different settings, including Council, workplaces, media, arts, sports and recreation clubs, and schools and youth spaces.

The Project aims to develop a whole-of-community model for the primary prevention of violence against women. An example of this is that in late 2011, The Prevention of Violence Against Women Project collaborated with the Macedon Ranges Shire Council Youth team to develop a model of the Live4Life Program that focuses on respectful relationships, gender equity and non-violent norms. More information about this program is given in the section below “Live4Life: Respectful Relationships”

**Live4Life: A community driven school community partnership initiative**

The Live4Life project is a school and community collaboration that takes an evidence-based approach to providing local secondary schools and the broader community, the strategies and tools to assist with mental health awareness of young people living in the Macedon Ranges Shire.

The initiative evolved and developed based on local school need and is driven by local networks, both school based and community organisations. Prior to the commencement of Live4Life, the five secondary schools involved had never met nor collaborated to address young people’s health and wellbeing.

Live4Life brings together schools, community and families to share the responsibility to raise resilient, resourceful, adaptable and well-adjusted young people, who are connected to their local community.

The needs analysis conducted in late 2009 identified that the five secondary schools in the Macedon Ranges Shire were not in a position to resource mental health education. This is due to the demands of delivering a tight curriculum, the lack of resources in regional schools, together with an understanding that the education and delivery of mental health curriculum is a specialised area. Many of the school teaching staff felt that they did not have the skills necessary to deliver mental health education. As such, the partners of this project have collaborated to improve the general mental health and mental health literacy of our young people, resulting in the Live4Life initiative and creation of Community Educators. The broader Live4Life strategy is based on the VicHealth Mental Health Promotion Framework 2010.

The vision is that the ‘Live4Life’ initiative will have a whole school approach to student mental health and wellbeing that is developed by the school, based on local needs and curriculum capabilities relevant to each school. Community partners, together with the five secondary schools in the Macedon Ranges Shire, agreed to
develop an approach to mental health that focuses on prevention, education and family involvement. The community partners are: Cobaw Community Health, WayOut, Macedon Ranges Health Service, Macedon Ranges Shire Council, Victoria Police, and Child and Adolescent Mental Health Service (CAMHS).

Within secondary schools, Live4Life delivers evidence-based best practice education sessions to increase youth wellbeing, resilience, responsibility and respect. Topics include Essential Skills; Self-Worth; Control; Belonging; Purpose; and Future. Each module contains exercises and reflections on raising awareness of ethical behaviour, developing protective factors and skills in conducting respectful relationships. Essential Skills provides activities on how to recognise and assess problems, where and how to get help, and conflict resolution.

External evaluation of the Live4Life model shows the key outcomes to date as:

• Reported reduction in stigma.
• Increased use of local services.
• Greater collaboration and connection between schools and, between schools and the community.
• Greater capacity for young people to identify and challenge unhelpful thoughts.
• Established network between schools and CAMHS.
• Positive Live4Life brand awareness amongst young people and the community.
• Over 200 local community members trained in Youth Mental Health First Aid (teachers, parents, community and youth workers).

Live4Life has been delivered only to year 8 students (13-14yr olds) in 2010 and 2011. Current restrictions in funding prevent the program from being delivered more extensively.

Following the 2009 Macedon Ranges incident, and subsequent identification by MRLSC of the ‘sexting violation’ issue, the 2010 Launch of Live4Live included the complete presentation of ‘Photograph’ (Centacare Sandhurst Loddon Mallee Cyber Safety Project, 2010). This half-day launch was attended by over 600 thirteen and fourteen year olds.

Following on are other programs delivered within the context of the ‘Live4Life’ model.

**Live4Life: Respectful Relationships**

In 2011, a proposal was put forward to expand Live4Life to include a focus on the primary prevention of violence against women and the promotion of safe and respectful relationships.

This program sought to respond to the identified gap in primary prevention programs in the Macedon Ranges area that target the underlying causes of violence against women including:

• Gender Inequality.
• Rigid gender norms.
• Broader cultural acceptance of violence as a tool to resolve interpersonal conflict.

A number of activities were planned in the delivery of this program, such as classroom-based education sessions focused on respectful relationships including passive/aggressive/assertive behaviours; appropriate communication, and identifying and responding to violent behaviours.

An application for funding through the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs, Gender Equality for Women 2011-12 Program was unsuccessful.

This component of the program therefore remains unfunded and is yet to commence.

**Live4Life: CyberLife**

The CyberLife program embraces technology and recognises the benefits in terms of young people’s access to appropriate information, online support and increasing their capacity to connect with peers and family.

CyberLife was established in response to needs identified by MRLSC, youth networks in the Macedon Ranges, schools, and other support services engaged with young people. These agencies were reporting, with increasing concern and frustration, issues arising from young people via their participation and use of social networking sites such as Facebook. Predominant issues identified at the time included bullying and poor online reputation management.

According to Program Coordinator Annie Rowland, CyberLife is essentially a life skills program with a cyber context. The main objective of CyberLife is to increase the responsible and ethical digital citizenship of young people. It also aims to help young people develop the capacity to manage their online reputation.

Annie says CyberLife is designed to offer participants practical skills in staying safe on the internet; enhancing their online relationships; increasing the capacity to manage conflict appropriately and to see the value and power in the choices they make.

Delivery of the CyberLife program includes dialogue between presenter and peers, and workshops on:

- Cyber Safety Facts
- Positives, Privacy and Pitfalls in the Cyber World
- Effective Cyber Communication Skills
- Conflict Resolution Skills
- Responsibility
CyberLife is ideally intended to those young people new to Social Networking. Local evidence suggests that this age group is upper primary and early secondary. Piloted in 2011, CyberLife was delivered to over 120 young people in grades 5, 6, and 7, at Braemar College and Macedon Grammar School.

Since the initial pilot, sessions have been conducted with some variations to the full program according to the needs of schools. These sessions have included delivery to:

- Braemar College, Year 12, 150 students (whole year level) in one session.
- Sacred Heart College, Kyneton, 150 Year 9 students and 150 Year 11 students (whole year levels) in one session each.
- Braemar College, Year 8, 120 students (whole year level) delivered in one session as a part of the Live4Life ‘SenseAbility’ program.

Variations of the CyberLife program will be delivered again this year to 150 Year 12 students at Braemar College, as well as approximately 200 Year 8 students at Gisborne Secondary College.

In addition to classroom sessions for students, over 70 Parents across two sessions conducted in 2011 at Woodend and Kyneton participated in ‘Parenting the Digital Teen’; a CyberLife session that explores practical ways parents can assist their young person to manage the digital terrain successfully.

Whilst each of these programs operates at various levels of the ‘prevention’ spectrum, MRLSC believes it is also important to comment on past and current modes of tertiary intervention.

**Intervention: Holistic response**

The 2009 incident of a ‘sexting’ violation in the Macedon Ranges area was the first of its kind bought to the attention of local police. Detective Sargent Shane Brundell points out: “there was no template for dealing with sexting”. Whilst this is still the case, the experience and learning of MRLSC during and after the incident, was pivotal to influencing to current local modes of prevention and intervention.

It was the experience of the initial tertiary intervention that enabled an identification of gaps and problems that needed to be addressed. This intervention, and media coverage of other similar incidents throughout Victoria, emphasised the need for a united and holistic community response that involved many agencies that interact with young people.

Some of these responses are as follows:
• Local police initiated a forum with Principals from all local schools and the Education Department. This forum enabled conversations in relation to ‘cyber’ and ‘sexting’ incidents, Duty of Care and vicarious liability aspects, the law, reporting protocols, police response and available support networks.

• Local police developed a policy in relation to providing a consistent response to ‘cyber’ and ‘sexting’ incidents. The laws in relation to these types of incidents were then reinforced to local police through training sessions, during which they were also advised of the policy surrounding police response. This training was well received by members, with feedback stating an increase in the knowledge regarding the incidence of ‘sexting’ and how police should respond.

• Local police were interviewed for Centacare Sandhurst Loddon Mallee Cyber Safety Project (2010) development of the educational video resource ‘Photograph’, which was then distributed to schools and Youth Resource Officers across Victoria.

• Local police tabled the issue with MRLSC to look at ways of preventing/minimising future incidents through local youth networks. This has led to crisis response procedures being developed involving MRLSC, health centres, schools and police.

In general, the value of our experiences from the earlier incidents has enabled a more dynamic and definitive response in relation to other incidents that have arisen since (for example, “Gossip” sites on Facebook). Using the relationships developed from the previous incidents, Police have been able to shut these sites down before widespread “damage” was caused to anyone.

There is a sense that local young people are more empowered and informed to do something about this sort of behaviour. There is also a greater understanding of the roles of partnership agencies and the service they can provide in both prevention and intervention. This provides an evolving ability to respond to the ever-changing dynamics of the cyber world.

Owing to the informal protocols between local agencies and police, there has been the ability to intervene in preventing assaults and identifying young people at risk. The downward trend of reported incidents and requests for assistance might in large part be due to the effectiveness of the network of programs that are operating at this local level.

MRLSC notes however that this holistic approach needs to be further developed, primarily to educate a broader audience in relation to ethical cyber citizenship, and more importantly, relationships in general. This program development will require a commitment from a multitude of agencies and a need to put in place a sustainable infrastructure rather than “one off” responses. There must be a consistent message and response from all agencies to avoid any confusion. Without a consistent and cohesive approach there may be gaps created whereby young people at risk are neither identified nor supported.
3. The appropriateness and adequacy of existing laws, especially criminal offences and the application of the sex offenders’ register

As with any case, police in the Macedon Ranges 2009 incident were attempting to ensure a just outcome for both victim and perpetrator. The barrier to this was that police had no option to consider charges that appeared to match the offence.

This leads MRLSC to believe that there is a substantial ‘gap’ with regard to criminal law between child pornography offences and any other criminal law that may be considered for the offence. According to MRLSC this is a matter of concern to both victim and perpetrator.

For example, in the Macedon Ranges incident it is most unlikely that the victim perceived herself to be a victim of a child pornography offence. The victim produced the image, but her intent was in no way related to producing child pornography. Nor was it likely the case that her experience of violation was an experience that she would comprehend as this. It is also most unlikely that the intent of the offenders in transmitting the image were related to having the intent to transmit child pornography.

Other concerns of MRLSC relate to the discrepancies across laws between our distinctions of child, adolescent, and adult. These discrepancies are highlighted when one is to consider differences in the ages considered consensual for sex, as opposed to a ‘minor’ when it comes to child pornography.

We are also concerned that ‘cyber’ culture presents a very real issue to how we respond to the personal experiences of our local residents when threats to their safety may be from those that reside outside our area. In other words, it is a concern that the ‘cyber’ world has no jurisdictional boundaries. Therefore, there must be a national approach to tackling the issue. Legislation must be consistent across commonwealth and states.

Any legislation created should also compel improvements to be made to the administration of social media sites such as Facebook. This legislation should facilitate easier contact by law enforcement agencies, thereby enabling a more dynamic response from these sites to identify offenders and remove offensive material quickly.

MRLSC acknowledges that the difficulty confronting law enforcement agents is in large part due to the lack of clarity that surrounds ‘sexting’ and contemporary legal frameworks. This is undoubtedly a result of what Svantesson (2010) describes as often “the case with an activity not contemplated at the time the relevant law was created” (p. 57), or as Detective Leading Senior Constable Alison Manniche-Brown and others state: a time when “technology outruns the crime”.

MRLSC acknowledges that this predicament presents a very real problem to how we ultimately respond to the offence. Currently, legal discourse poses a restriction to how ‘sexting violations’ can be understood. Legislation that is applied is neither adequate, nor appropriate, for distributing justice to either the victim or offender.
Concluding Remarks

The Macedon Ranges case study and other similar offences known to MRLSC highlight the fact that current legislation considered for these types of offences could conceivably result in inappropriate legal ramifications for offenders. However, the potential social effects for victim, perpetrator, peers, and family, in these cases is also of great concern.

‘Sexting violations’ are ultimately violations that present a risk to the safety of individuals. These violations will continue to be of interest to MRLSC for some time to come. MRLSC therefore urges this Inquiry to consider the recommendations as outlined below.

Recommendations

1. MRLSC recommends that a commitment be made to research exploring the incidence, prevalence, and nature of ‘sexting’ and ‘sexting violations’ amongst young people across Victoria.

2. MRLSC recommends that a commitment be made to supporting primary prevention programs in educational settings that promote respectful relationships between young people in, and beyond, cyber settings.

3. MRLSC recommends that new criminal offences relevant to violations associated with ‘sexting’ be recognised. These offences must enable the distinction between consensual ‘sexting’ behaviour and violations arising from non-consensual activities. This may mean that more than one offence is recognised: whatever the new legislations, they must enable the delivery of meaningful and relevant justice to both victim and perpetrator.

4. MRLSC recommends that a commitment be made to supporting resources for a cohesive, consistent, and coordinated law enforcement response to enact new legislation.
References


Macedon Ranges Local Safety Committee (MRLSC). (2012, June 1 – June 16). Sub-Group Interviews conducted with Interviewees:
S. Brundell (Detective Sergeant 25713, Unit Commander - Macedon Ranges CIU, Victoria Police)
J. Cooper (Coordinator for Prevention of Violence against Women in Central Victoria)
J. Grbac (Macedon Ranges Youth Resource Officer, Victoria Police)
A. Manniche-Brown (Detective Leading Senior Constable 26474, Sexual Offences & Child Abuse Investigation Team)
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