Dr Vaughn Koops  
Executive Officer  
Law Reform Committee  
Parliament of Victoria  
Spring Street  
EAST MELBOURNE 3002

Dear Dr Koops

Thank you for the opportunity to contribute to the Law Reform Committee’s Inquiry into Sexting. We understand the Committee has been asked to inquire into the creating, sharing, sending or posting of sexually explicit messages or images via the Internet, mobile phones or other electronic devices by people, especially young people, known as sexting.

We note the inquiry is seeking submissions on the incidence of sexting, the extent and effectiveness of existing awareness and education about the social and legal effect and ramifications of sexting, and 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. The Department of Education and Early Childhood Development will restrict its submission to describing current education programs and initiatives aimed at raising young people’s awareness of the risks of engaging in this type of activity and a basic outline of the Department’s protocols for responding to sexting and related incidents.

Consistent with the focus on young people in this inquiry, schools continually work with children and young people to educate them about the use of social media and electronic communications devices.

**Existing awareness and education about the social and legal effect and ramifications of sexting in Victorian schools and Department protocols for responding to sexting incidents**

All Victorian schools are expected to run programs to educate children and young people about the appropriate and safe use of electronic media including social networking, mobile phones, and encouraging safe online practices. These expectations are articulated in Building Respectful and Safe Schools (a resource designed by the Department to assist schools develop specific policies that address bullying and cyberbullying), throughout the Learning on Line Department’s sub-site, and in Duty of Care statements. eSmart also reinforces these messages and provides links to the Department’s other national and international curriculum materials.

The Department also provides access to a range of curriculum materials designed to support students to develop an understanding of the behaviours and processes that will help them to act in a safe and responsible manner when using digital technologies. Schools have introduced these programs in recognition of the significant need and responsibility to educate students in how to keep themselves safe in the online environment and to establish safe practices while using technology, including mobile phones and the internet. Sexting can lead to exploitation by paedophiles (individually or by those who are associated with networks both nationally and internationally) who
are on the lookout for posted nude and semi-nude images of children and young people. Some predators may go so far as to actively target and seek out young people involved.

The Department has numerous policies and resources in place that support school communities to take a whole school approach to ensuring and promoting cybersafety. While the Department cannot mandate a whole school approach to cybersafety, the expectation that every government school will commence eSmart by December 2013 demonstrates the expectation that schools will adopt a whole school approach, supporting and promoting cybersafety.

The Department's website provides a range of resources and programs for schools which include:

- **Step-by-step guides for responding to online incidents of inappropriate behaviour affecting students** (including incident response strategies)
- **Learning On Line website** provides clear advice for schools on best practice in educating students to be safe and responsible users of digital technologies and social media tools
- **Acceptable Use Agreements** promoting safe and responsible online behaviours for students and school employees
- **Cyber Teach Toolkit** provides teaching and learning content promoting cyber safety (Year 9 module includes specific information on sexting)
- **Links to national and international curriculum for explicit teaching materials that address sexting**, including ACMA Cyber[smart:] – Units of Work, ThinkUKnowAustralia and Netsmartz NZ.

Additional advice for schools is also provided via the Department’s Student Wellbeing subsite. The Victorian Government has committed $10.5 million to make the eSmart cybersafety framework available to all Victorian government schools. eSmart encourages the promotion of smart, safe and responsible use of digital technology.

eSmart has been developed by the Alannah and Madeline Foundation in collaboration with the RMIT School of Education as an easy-to-use, evidence-based system that assists school communities to manage and deal with cyberbullying.

Participating schools receive an eSmart Framework, complete a self-assessment against the Framework and have access to strategies, resources, case studies and tools that support the implementation of the Framework.

The eSmart system also supports schools with a starter kit, face-to-face and online training and forums, a help desk and regular e-newsletters.

Funding for participation in the program is available for all government schools and nominated Catholic and independent schools.

Implementation of eSmart is through a staged approach, with the first intake from July 2011. It is expected that all Victorian government schools will have commenced working through the eSmart framework by December 2013.

In addition, the Department has engaged Ms Susan McLean, a cyber-safety expert to provide a set of fact sheets for parents, one of which will have an explicit focus on sexting (*Minister's office to approve before release*). These fact sheets will contain comprehensive and practical advice to assist parents in keeping their children safe online and advise them how best to respond if an issue arises.

*From an educational perspective, it is critical that schools continue to work with children and young people teaching them how to keep themselves safe and inform them of the laws and consequences*
around appropriate and inappropriate use of technology, including social networking sites and electronic devices.

When an incident of inappropriate sexting occurs, schools must respond to the incident by:

- providing support and advice to students.
- contacting the Victoria Police Sexual Offence and Child Abuse Investigation Team who are well placed to make a judgement around the 'intent' of the sexting and the potential associated criminality.
- contacting parents to discuss and support their child unless otherwise directed by Victoria Police.
- contacting specialist units within the Department and at regional offices for advice and support.
- providing counselling support as appropriate.

Currently schools must contact Victoria Police should they become aware of a student/s having naked or semi naked images of children under the age of 18 years. It is then the responsibility of the police to determine whether an investigation is warranted or advise the school on an appropriate course of action that will minimise the impact to all students involved, including the removal of the images from phones and/or social networking sites.

**Conclusion**

Schools currently have a key role in educating students on a range of cybersafety practices and issues including sexting, as well as responding to incidents involving students. Text messages and images can lead, and have led, to humiliation for the sender and/or receiver, contributed to mental health issues, and have the potential to expose vulnerable children and young people to the risk of exploitation and abuse.

The Department appreciates the invitation to provide a submission to the Law Reform Committee Inquiry. Officials from the Department are available to the committee should it require further information or clarification of information provided within the submission.

Yours sincerely

[Signature]

Nicholas Pole
Deputy Secretary
Regional Support Group

18/11/2012