

# Chapter 3

## Potential policy responses

3.1 The previous chapter outlined the key potential harms to children and young people arising from the availability of online pornography. This chapter presents the evidence received regarding whether a case exists for government action beyond any current measures or policies. Following this, the evidence received regarding specific policy proposals is examined.

3.2 On the specific policy proposals, across all submissions three broad areas of recommendations are evident: research, education and filtering technology. These are discussed in turn. Other suggestions that do not fit in these categories are outlined at the end of the chapter.

### **Does the available evidence warrant government action?**

3.3 Among submitters, there is general agreement that action of some form is needed or would be useful, but views differ on the nature and extent of this action. Some submitters call for further research, while others want more immediate and decisive government policies and legislative remedies. This section briefly outlines some of the key stakeholder positions.

#### *Justifications for intervention*

3.4 Government and government agency submissions highlighted some of the existing work relating to the issue of children and young people's exposure to online pornography.

3.5 The Office of the Children's eSafety Commissioner, which is a Commonwealth independent statutory office, advised that in December 2015, the Children's eSafety Commissioner's Online Safety Consultative Working Group met to discuss this issue, with representatives from industry, government and non-government organisations participating at the meeting.<sup>1</sup> The Office also noted that it provides information for parents about exposure to inappropriate content on the eSafety website: [www.esafety.gov.au](http://www.esafety.gov.au).<sup>2</sup>

3.6 The Northern Territory government's submission noted that 'mandatory reporting of child abuse and neglect is required by law for all Northern Territory residents'.<sup>3</sup> The submission added that the Department of Children and Families 'is often made aware of a child's exposure to pornography through a child protection

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1 Office of the Children's eSafety Commissioner, *Submission 74*, p. 2.

2 Office of the Children's eSafety Commissioner, *Submission 74*, p. 6.

3 Northern Territory Government, *Submission 255*, p. 1.

report or through the course of a child protection investigation'. In addition, the Northern Territory Department of Education advised that it 'has a filtering system in place that blocks all inappropriate material such as pornography in the Northern Territory schools network'.<sup>4</sup>

3.7 In light of the various harms many submitters consider are linked to exposure to pornography, however, arguments were presented to the committee supporting further government action. For example, the Australian Catholic Bishops Conference's Bishops Commission for Family, Youth and Life submitted the following statement:

Children have a right to be children, away from the pressure applied by advertising and other images on television and the Internet for them to dress and act as mini-adults. Bombarding children with sexualised images can hurt their normal development...Allowing children to be exposed to pornography is a form of abuse. The Church has its own shameful history of child abuse and, particularly because of that terrible experience for victims, does not want to see other forms of abuse of children such as the harms from the increased availability of pornography.<sup>5</sup>

3.8 Submitters outlined practical difficulties with the responses currently available to parents and guardians for protecting their children from exposure to online pornography. Given this, it was argued that specific government measures should target children's and young people's ability to access to pornography. For example, the Australian Council on Children and Media (ACCM) submitted that 'it is not enough to rely on parents to regulate their own children's access to pornography':

Unlike many aspects of parenting which are a matter of individual, private choice, regulating children's access to media (of all kinds, but especially pornographic content) is a highly socially significant activity. It is appropriate for society, through its representatives in government, to take action at the societal level for the prevention of a societal problem...[M]edia use is one call that should not be left completely up to parents; and this is an idea that has traditionally been accepted, as expressed for example through the institution of the National Classification Scheme for publications, films and computer games.<sup>6</sup>

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4 Northern Territory Government, *Submission 255*, pp. 1, 4.

5 Australian Catholic Bishops Conference: Bishops Commission for Family, Youth and Life, *Submission 84*, p. 3.

6 Australian Council on Children and Media, *Submission 73*, pp. 3–4.

3.9 Professor Freda Briggs, who focussed on responses to child-on-child abuse in the school environment seemingly inspired by pornography, argued that the current responses are inadequate. Professor Briggs submitted:

- When faced with allegations, schools often 'try to "shove the problem under the carpet" to avoid facing parents and avoid a reduction in enrolments'.<sup>7</sup>
- Teachers, kindergarten staff and parents of perpetrators dismiss sexual abuse as normal sexual experimentation/curiosity.<sup>8</sup>
- Teachers, police and social workers do not appear to be trained to take these behaviours seriously and respond appropriately, and that teachers have been 'instructed not to ask questions because of the risk that they may "contaminate the evidence"', although police are often not interested in pursuing the allegations.<sup>9</sup>
- When schools act, they can encounter resistance. For example, primary school principals advised Professor Briggs that when they confiscate children's phones until the end of the school day, 'parents lodge formal complaints and verbally attack them'.<sup>10</sup>

3.10 Professor Briggs further noted that when perpetrators are expelled from one school, 'these children invariably enrol at another school where, because of "the child's right to privacy", staff may not be aware of their histories'. Professor Briggs stated that the behaviour is likely to continue unless effective therapy is provided.<sup>11</sup>

### *Counterarguments and other issues*

3.11 Although Dr Flood is of the view that pornography has 'demonstrable, undeniable, effects on attitudes and behaviours', he cautioned against 'simplistic and deterministic claims regarding its effects', which he noted are often made in the media and elsewhere. Dr Flood emphasised that pornography's influence is not 'all-powerful and determining of individuals' behaviour', does not have homogenous effects, and is not 'the single most important risk factor for children's or adults' sexually coercive or problematic behaviours'. In relation to the perpetration of sexual violence, Dr Flood described pornography as 'one risk factor, among many', adding that '[i]t is the

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7 Emeritus Professor Freda Briggs AO, *Submission 2*, p. 6.

8 Professor Briggs added: 'Other common explanations for ignoring the behaviour are "Maybe he's seen pornography" or, "Perhaps he's seen his parents having sex". Even if this were true, if a child is so psychologically harmed that he is replicating what he experienced, this constitutes reportable child abuse and intervention is essential'. See *Submission 2*, pp. 5–6, 9, 13.

9 Emeritus Professor Freda Briggs AO, *Submission 2*, p. 5.

10 Emeritus Professor Freda Briggs AO, *Submission 2*, p. 1.

11 Emeritus Professor Freda Briggs AO, *Submission 2*, pp. 8–9.

confluence or interactive combination of these risk factors which has the strongest predictive power'.<sup>12</sup>

3.12 Dr Flood added:

In focusing on children and pornography, there is a related danger of assuming that the task is to protect children from sex. Instead, the task is to protect children from sexual harm. In fact, maintaining children's sexual ignorance fosters sexual abuse. Young people who know their sexual rights and responsibilities are more likely to speak up when they are being forced into sex, and they are less likely to abuse others.<sup>13</sup>

3.13 The Burnet Institute emphasised that further research is needed, as although 'there are associations between pornography and some harms in young people...there is as yet no clear evidence that pornography causes these harms'. The Institute added that many 'adolescents and young adults enjoy watching pornography and have described positive effects of pornography use' and that 'young people should not be shamed or alienated for being interested in sexuality'. The Institute urged responses to be based 'on evidence rather than anecdote'.<sup>14</sup>

3.14 It was noted that 'sexually explicit material online can include useful material that informs young people in older age groups about sexuality and assists them in negotiating their own emerging sexual identity'. The joint submission advancing this point emphasised that care should be taken to respect 'young people's agency in exploring their sexual identity' and 'the importance of diversity and difference in the range of sexual identities affirmed in media and culture' acknowledged.<sup>15</sup>

3.15 Professor Brian McNair argued that 'the harms allegedly caused to young people by exposure to pornography are elusive'. He submitted:

If sexual etiquette and ethics are changing in our time, it is often for the better, and away from the brutally sexist standards of the past. Far from pornography generating a 'rape culture', as is sometimes claimed, twenty years after the internet became a mass medium, the incidence of rape and sexual violence in general in western societies are at historic lows. As a society Australia is making great progress in identifying and policing sexual misconduct from whichever source it comes, and today's children will grow up in a world where their sexual rights and responsibilities are

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12 Dr Michael Flood, *Submission 250*, p. 18. Dr Flood cited GM Hald, C Seaman and D Linz, 'Sexuality and pornography', in D Tolman, L Diamond, J Bauermeister, W George, J Pfaus and M Ward (eds), *APA handbook of sexuality and psychology: vol. 2 contextual approaches*, 2014, p. 22.

13 Dr Michael Flood, *Submission 250*, p. 26.

14 Burnet Institute, *Submission 61*, pp. 1, 4–5.

15 Professor Lelia Green, Professor Catharine Lumby and Professor Alan McKee, *Submission 88*, p. 16.

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much better understood and respected than in their parent's and grandparents' time.<sup>16</sup>

3.16 Professor McNair also noted that failures to deal with children accessing pornography because of dysfunctional parenting 'long predates the era of online porn...and there is no evidence that its incidence is increasing'. Conversely, 'it can be argued that parents today are much more aware of and equipped to deal with these issues than previous generations'. Nevertheless, Professor McNair acknowledged that:

...the desire and right of parents and policy-makers to protect children from age-inappropriate sexual content and exposure in all platforms including the internet is valid, and digital tools pose special challenges to that exercise of parental authority.<sup>17</sup>

### **Calls for further research**

3.17 There is a significant amount of support for further research into how children and young people access pornography, the types of pornography accessed and the implications of this access for healthy development.

3.18 Ms Maree Crabbe submitted that there 'has been no substantial Australian research into children and young people's experiences of pornography and its impacts'.<sup>18</sup> Ms Crabbe added:

Given young people's high rates of exposure and access, the nature of the pornography to which they are exposed, and the related harms and potential harms identified, significant further research into young people's pornography exposure and access and its impacts is critical

Quality research can assist us to understand the extent and nature of the issues, and how they may be addressed effectively

It is critical that research into pornography's impact on young people is shaped by appropriate frameworks, particularly by a critical understanding of gender, inequality and aggression.<sup>19</sup>

3.19 Ms Crabbe's submission provides a detailed outline of areas that, in her view, would benefit from further research.<sup>20</sup>

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16 Professor Brian McNair, *Submission 55*, p. 3.

17 Professor Brian McNair, *Submission 55*, pp. 3–4.

18 Ms Maree Crabbe, *Submission 340*, pp. 4–5.

19 Ms Maree Crabbe, *Submission 340*, pp. 4–5.

20 See Ms Maree Crabbe, *Submission 340*, pp. 18–19. Ms Crabbe advised that the list was developed in consultation with Dr Michael Flood.

3.20 The Gold Coast Centre Against Sexual Violence highlighted how research into pornography usage could focus on 'its influence on young people in shaping sexual expectations and practice'.<sup>21</sup> The Salvation Army noted that it 'is highly probable that there would be a link between the exposure to pornography and the perpetration of domestic and family violence; however, there is limited research in this area'. The Salvation Army submitted that it supports 'further research into the linkages between the objectification of women through the exposure to and consumption of pornography and the attempted control of women through violence'.<sup>22</sup>

3.21 The Brisbane Women's Club advised that it 'supports further research conducted within Australia to create a research base'.<sup>23</sup> The Alannah and Madeline Foundation also supports 'longitudinal research to demonstrate the full extent of exposure to pornography over time'.<sup>24</sup>

3.22 On research on the effects of exposure to sexualised media content more broadly, the WA Commissioner for Children and Young People commented this issue in a literature review provided with its submission. The Commissioner noted government inquiries and studies have 'recognised the need for further empirical research to evaluate the potential harmful impacts of sexualised media, advertising and products on children and young people'. The submission advised that the Commissioner 'supports further research in this area'.<sup>25</sup>

3.23 Organisations that argued the existing evidence supports the implementation of particular policy measures—these proposals are discussed later in this chapter—nonetheless acknowledged the benefits further research could provide. For example, despite advocating for policy action, the Centre for Excellence in Child and Family Welfare submitted that 'further research is needed to show the full impact of exposure to pornography on children and young people over time'.<sup>26</sup>

3.24 Researchers cautioned, however, that study of this topic is difficult. For example, the Burnet Institute recognised that 'further research is required to fill significant gaps in our understanding of the potential adverse outcomes of children and young people's exposure to online pornography'. However, it added that this 'is not a straightforward task'. The Institute explained:

It is inherently complicated due to the ethical, moral and logistical constraints of researching the impact of pornography use on sexual and social attitudes and how this plays out in the lives of children and young

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21 Gold Coast Centre Against Sexual Violence, *Submission 77*, p. 5.

22 The Salvation Army Australia Southern Territory, *Submission 282*, p. 7.

23 Brisbane Women's Club, *Submission 80*, p. 3.

24 The Alannah and Madeline Foundation, *Submission 89*, p. 10.

25 Commissioner for Children and Young People (WA), *Submission 14*, Attachment 1, p. 4.

26 Centre for Excellence in Child and Family Welfare, *Submission 13*, p. 4. See also Salt Shakers, *Submission 94*, p. 1.

people. However, the recommendations below provide a starting point for addressing these issues by using evidence informed and participatory approaches.<sup>27</sup>

3.25 In their joint submission, Professors Lelia Green, Catharine Lumby and Alan McKee also emphasised the ethical difficulties in undertaking research in this area. They wrote:

...it is almost inconceivable that any university-based research would be able to directly interview children (under 18) about their experiences with online pornography. Such a research project is unlikely to be approved by any Human Research Ethics Committee at an Australian university. Further, researchers in this field know that they should not introduce problematic concepts to children and thus would never ask a child directly about pornography unless that child had raised the term first.<sup>28</sup>

### Education proposals

3.26 Many submitters noted the utility of education for addressing the potential harms from pornography. The following extract from the Burnet Institute's submission sums up this view well:

...if our young people are looking primarily to pornography for their understanding of sex and sexuality, what does this say about the quality and relevance of our formal sex education?<sup>29</sup>

3.27 Similarly, the Gold Coast Centre Against Sexual Violence linked pornography to deficiencies in the approach to education provided to young people:

In the absence of conversations/education from parents and schools about real intimacy and sex, the porn industry has begun to fill the void. This misinformation is setting up unrealistic expectations for young people about sexual relations and relationships.<sup>30</sup>

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27 Burnet Institute, *Submission 61*, p. 12.

28 Professor Lelia Green, Professor Catharine Lumby and Professor Alan McKee, *Submission 88*, pp. 4–5. The submission noted that when faced with this problem, the EU Kinds Online research project, which was conducted with 9–16 year olds, approached the topic by asking respondents the following question: 'In the past year, you will have seen lots of different images—pictures, photos, videos. Sometimes, these might be obviously sexual—for example, showing people naked or people having sex' (citation omitted).

29 Burnet Institute, *Submission 61*, p. 12. Similarly, the Gold Coast Centre Against Sexual Violence stated: 'In the absence of conversations/education from parents and schools about real intimacy and sex, the porn industry has begun to fill the void. This misinformation is setting up unrealistic expectations for young people about sexual relations and relationships'. *Submission 77*, p. 2.

30 Gold Coast Centre Against Sexual Violence, *Submission 77*, p. 2.

3.28 The Australian Human Rights Commission (AHRC) highlighted the benefits associated with education-based strategies when it advised that its past research emphasises that 'the key drivers of behavioural change among children and young people are peer support and educative approaches, rather than simply legislative prescription'.<sup>31</sup>

3.29 The WA Commissioner for Children and Young People referred to a national survey of secondary students on sexuality education that indicated a greater emphasis on 'consent, decision making and relationships' would be useful.<sup>32</sup> The Australian Psychological Society advised that '[s]ome excellent programs have been developed in Australia to help parents, schools and welfare agencies address pornography and reduce the harms for young people'. The programs it highlighted were:

- *Reality & Risk: Pornography, young people and sexuality*—a program developed by researchers Maree Crabbe and David Corlett in Victoria in 2009; and
- various resources produced for schools by the South Eastern Centre Against Sexual Assault.<sup>33</sup>

3.30 Submissions that suggested educational strategies generally favoured education over other possible responses.<sup>34</sup> Several submitters also emphasised the importance of involving young people when developing proposals in this area.<sup>35</sup>

3.31 Recommendations relating to education can be separated into: (a) education of children and young people; (b) education of parents, teachers and others involved with children; and (c) community outreach strategies. The following paragraphs examine these matters in turn.

### ***Education for children and young people***

3.32 There is a significant amount of support in submissions for efforts to improve the quality of education about sexuality and healthy and respectful relationships in schools.

3.33 The Burnet Institute called for 'a national, comprehensive sex education curriculum in Australia', which would involve adults talking 'openly to children and young people about sex and sexuality, not merely about the mechanics of reproduction and contraception'. It stated:

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31 Australian Human Rights Commission, *Submission 261*, pp. 5–6.

32 Commissioner for Children and Young People (WA), *Submission 14*, p. 10.

33 Australian Psychological Society, *Submission 347*, pp. 9–10.

34 For example, see Association of Heads of Independent Schools of Australia, *Submission 87*, p. 12.

35 See Burnet Institute, *Submission 61*, pp. 12–13; Commissioner for Children and Young People (WA), *Submission 14*, pp. 1, 8–9; and Australian Psychological Society, *Submission 347*, p. 14.



Discussing pornography and the types of images that are represented within explicit content can be confronting and challenging for parents and educators, but without these discussions young people are less likely to gain the skills to navigate real life sexual relationships or to develop a critical awareness of pornography as fantasy.<sup>36</sup>

3.34 The Alannah and Madeline Foundation argued that age-appropriate sexuality and relationship education should commence 'before young children begin to get interested in sexuality and continuing through adolescence' and 'taking account of children's developmental stages and needs but encouraging moral and ethical growth as well as resilience'.<sup>37</sup> Dr Michael Flood reasoned that school curricula should 'foster healthy relationships, media literacy, and related skills and which increase young people's resistance to sexist and violence-supportive themes in pornography'.<sup>38</sup>

3.35 In its contribution to the Northern Territory government's submission, the Department of Children and Families, outlined education measures that could be implemented regarding internet safety, noting that increased education 'may also help with other risks associated with internet use'. The following suggestions for educating children that could be considered for a trialled implementation were provided:

- offering children computer programming courses 'so they learn how vulnerable they are when being active on the internet and chat rooms and using mobile devices';
- developing targeted education packages 'where children are made aware of the dangers by speaking with victims or reformed predators first hand'; and
- school curriculums 'to offer mandatory child safety internet/multimedia education'.<sup>39</sup>

3.36 The AHRC identified a leadership role for the Australian government, working with the state and territory governments, 'to ensure critical discussion of pornography forms part of effective, age-appropriate education about healthy and respectful relationships and sex, delivered in schools, with parental support and reinforcement'.<sup>40</sup>

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36 Burnet Institute, *Submission 61*, p. 12. Similarly, the Victorian Commission for Children and Young People submitted that schools and parents need to 'offer well-informed sexuality and health education that is engaging, interactive and bold enough to answer students' questions'. See *Submission 78*, p. 3.

37 The Alannah and Madeline Foundation, *Submission 89*, pp. 10–11. Similarly, Bravehearts called for 'developmentally appropriate sex education for schools, inclusive of positive and healthy relationships, consent issues and awareness of the online environment'. *Submission 129*, p. [7].

38 Dr Michael Flood, *Submission 250*, p. 4.

39 Northern Territory Government, *Submission 255*, p. 4.

40 AHRC, *Submission 261*, p. 4.

3.37 Education on respectful sexual relationships was widely supported.<sup>41</sup> The Centre for Excellence in Child and Family Welfare suggested that education on respectful relationships in schools should encompass 'awareness of rights and responsibilities in sexual relationships'.<sup>42</sup> The WA Commissioner for Children and Young People advised that the WA program *Growing and developing healthy relationships* includes components on relationships and respect 'and may be instructive in framing' recommendations regarding the inclusion of information on respect, consent, and relationships in sexual education in schools.<sup>43</sup> Professor Briggs recommended that children protection programs should be a compulsory part of the health curriculum in all states to ensure children 'know what constitutes wrong, reportable behaviour and to whom it should be reported'.<sup>44</sup>

3.38 Submissions also focused on teaching about safe internet and mobile device use. For example, the Australian Medical Association submitted that education for children and young people on safe internet navigation is important.<sup>45</sup> The Royal Australasian College of Physicians (RACP) stressed that education should cover 'the importance of respectful interactions with potential sexual partners both in person and over the internet, including combatting gendered power relationships'.<sup>46</sup> In addition, the RACP argued that age-appropriate information on sexting should be provided.<sup>47</sup>

3.39 The Centre for Excellence in Child and Family Welfare called for efforts to improve the ability to 'critique information presented on the internet, including pornographic imagery'.<sup>48</sup> This 'porn literacy' approach was described by the Burnet Institute as encouraging 'a critical reading of pornographic content within formal sex education'. Although this approach has been 'widely advocated', the Institute suggested that further research to evaluate its effectiveness is required.<sup>49</sup>

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41 See Professor Brian McNair, *Submission 55*, pp. 4–5.

42 Centre for Excellence in Child and Family Welfare, *Submission 13*, p. 3.

43 Commissioner for Children and Young People (WA), *Submission 14*, pp. 10–11.

44 Professor Briggs advised that only SA state and Catholic schools currently include this topic as a component of the curriculum from preschool upwards, although Queensland has an optional program. *Submission 2*, pp. 24–25.

45 Australian Medical Association, *Submission 11*, p. 3.

46 Royal Australasian College of Physicians, *Submission 112*, p. 2.

47 Royal Australasian College of Physicians, *Submission 112*, p. 2.

48 Centre for Excellence in Child and Family Welfare, *Submission 13*, p. 3.

49 Burnet Institute, *Submission 61*, p. 12.

3.40 In addition, the Centre for Excellence in Child and Family Welfare argued that targeted sex education and respectful relationships education is needed for children and young people in residential care settings, as they 'often have limited access to positive role models and information about sex and respectful relationships'.<sup>50</sup>

### ***Education for parents, teachers and others who work with children***

3.41 Professor Briggs argued that education of parents 'is essential given that most exposure to pornography and most sexual abuse occurs in the family setting'.<sup>51</sup> Professor McNair suggested that 'anxieties of parents and others responsible for the welfare of children around the impact of online sexual content' could partly be addressed by education 'of adults and parents on media literacy and mediated sexuality, and the importance of supervising the online usage of children in their care'. He added that this needs to 'include discussion of the potential benefits as well as harms of sexualised culture, such as the increased emphasis on female sexual agency and responsibility'.<sup>52</sup>

3.42 Submitters argued that schools should provide parents and carers with information about managing their children's technology use, with resources and tuition on internet proficiency made available for parents through schools or other organisations in the community.<sup>53</sup>

3.43 The need to provide training for teachers and others who work with children was also discussed. Collective Shout and Ms Maree Crabbe suggested that pre-service teacher training should cover the influence of pornography and how to address it through the respectful relationships and sexuality curriculum. Existing school staff also should have access to quality professional support and resources on these issues.<sup>54</sup> Ms Crabbe further submitted that a 'workforce with specialist expertise on pornography's impact on young people' should be developed to build capacity in workforces that deal with children, such as teachers, youth works, doctors and the police, among others.<sup>55</sup>

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50 Centre for Excellence in Child and Family Welfare, *Submission 13*, p. 4. Similarly, the Royal Australian and New Zealand College of Psychiatrists argued that 'generalised approaches to children who are exposed to pornography should sit alongside more targeted, specialised supports for children who are in a high risk group, such as those in out of home care, or who have experience neglect or violence'. *Submission 96*, p. 2.

51 Emeritus Professor Freda Briggs AO, *Submission 2*, pp. 24–25.

52 Professor Brian McNair, *Submission 55*, pp. 4–5.

53 For example, see Ms Maree Crabbe, *Submission 340*, p. 30; The Alannah and Madeline Foundation, *Submission 89*, p. 11.

54 Collective Shout, *Submission 288*, p. 13; Ms Maree Crabbe, *Submission 340*, p. 30.

55 Ms Maree Crabbe, *Submission 340*, p. 30.

3.44 Professor McNair also suggested educating teachers and other people who work with children about the risks and benefits of the digital environment. He added that this approach 'must include sex education, linked to the recognition that many children will indeed be exposed to sexually explicit material of a type rarely available to that age group pre-internet'.<sup>56</sup>

3.45 As part of the Northern Territory government's submission, the Department of Children and Families advised that efforts to increase computer literacy for parents and carers 'could be a powerful mechanism to address the issue of children accessing online pornography'. The department noted that, as part of a trialled implementation, access to training could be provided for counsellors, teachers, parents, carers and case managers regarding 'how to address, monitor, report and educate youth especially vulnerable youth' regarding the issue of children accessing online pornography and other risks associated with internet use.<sup>57</sup>

3.46 On child-on-child abuse and other problematic behaviours, Professor Briggs submitted:

The committee should join Royal Commissions, coroners and CEOs of education and child protection services in demanding comprehensive practical and relevant child abuse-related training for all human service TAFE and university graduates whose work could involve children. This should include recognising and handling child-on-child abuse and identifying and responding to problem sexual behaviours that indicate the influence of pornography or suggest that the child is acting out abuse. Most university courses only include mandatory reporting instructions.<sup>58</sup>

3.47 The Victorian Commission for Children and Young People argued that schools 'need to be required to comply with their obligations to provide a duty of care in protecting students from the physical and emotional harm that pornography presents' and that governments 'must ensure that schools have the mandate and resources to do this effectively'.<sup>59</sup>

### ***Community-focused strategies***

3.48 The Centre for Excellence in Child and Family Welfare called for community-focused strategies that 'address how pornography perpetuates rigid gender roles and reinforces attitudes that condone violence against women'. The Centre also called for national strategies relating to gender inequity to recognise harmful effects of pornography on young men.<sup>60</sup>

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56 Professor Brian McNair, *Submission 55*, pp. 4–5.

57 Northern Territory Government, *Submission 255*, p. 4.

58 Emeritus Professor Freda Briggs AO, *Submission 2*, pp. 24–25.

59 Commission for Children and Young People (Victoria), *Submission 78*, p. 2.

60 Such as the *National plan to reduce violence against women and their children 2010–2022*. Centre for Excellence in Child and Family Welfare, *Submission 13*, p. 4.

3.49 Other submissions called for the government to consider public awareness campaigns aimed at reducing the harmful impacts of pornography on children and young people.<sup>61</sup> However, the WA Commissioner for Children and Young People noted that a similar program has been implemented previously, and discontinued (the Australian government's NetAlert package, which was funded between 2007 and 2010).<sup>62</sup>

### **Internet filtering**

3.50 Filtering pornographic content to make it inaccessible for children and young people was a policy option canvassed in many submissions. Some of these submissions called for both education strategies and internet filtering. Others emphasised internet filtering as a policy solution on the basis that 'the greater focus should be towards preventing children's access to pornography in the first place'.<sup>63</sup> Submitters discussed both existing commercial filters and proposals for default internet filters at the internet service provider (ISP) level.

#### ***Commercial filters***

3.51 The Communications Alliance explained that industry codes require Australian ISPs 'to make available an accredited internet content filter (Family Friendly Filter) at or below cost price'.<sup>64</sup> The Office of the Children's eSafety Commissioner also noted the range of parental control tools and commercial filters available in Australia, including those offered by ISPs such as Telstra; filters offered by search engines and social media platforms such as YouTube Kids and Google SafeSearch; and the parental control options on iTunes, the App Store and the Google Play Store.<sup>65</sup> The Office noted that it promotes the use of these tools, although greater awareness of them 'through improved industry cooperation and campaigns could assist Australian families in managing internet use at home'.<sup>66</sup>

3.52 Various submitters expressed support for parental and school filtering technologies. There were also calls for improvements in such technology to be developed, including that industry should lead these developments.<sup>67</sup>

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61 Ms Maree Crabbe, *Submission 340*, p. 31; Australian Psychological Society, *Submission 347*, p. 3.

62 See Commissioner for Children and Young People (WA), *Submission 14*, p. 11 (citation omitted).

63 Australian Christian Lobby, *Submission 285*, p. 10.

64 Communications Alliance, *Submission 93*, p. 6.

65 See Office of the Children's eSafety Commissioner, *Submission 74*, p. 6.

66 Office of the Children's eSafety Commissioner, *Submission 74*, p. 6.

67 See Professor Brian McNair, *Submission 55*, p. 5; Burnet Institute, *Submission 61*, pp. 12–13; Centre for Excellence in Child and Family Welfare, *Submission 13*, p. 3.

3.53 It was suggested, however, that internet filters in the home and at school can protect children from unwanted exposure, it 'is not feasible to rely on filters and parental supervision for young people in older age groups, who can evade filters and access online material in multiple situations and on multiple devices'.<sup>68</sup>

3.54 The Burnet Institute also suggested that filtering software may help prevent accidental exposure, but otherwise it appears 'to be ineffective at stopping young people from accessing pornography online'. It explained:

Filtering software often makes one of two types of errors: over-blocking (blocking a page that should not be blocked) and under-blocking (failing to block a page that should be blocked). In a survey of American teenagers, 50 of 51 participants stated no problems circumventing filters to access pornography. An Australian study found no correlation between parents installing internet filters and children's exposure to violent and sexual material. Furthermore, filters often block legitimate health, educational or other materials.<sup>69</sup>

3.55 In addition to young people's ability to circumvent filters or parental monitoring of their internet usage, the Burnet Institute suggested that such techniques can also 'backfire' by making young people 'reluctant to talk to their parents about risks or problems encountered online', including because of 'fear that their parents will remove [their] internet access'.<sup>70</sup>

### ***ISP-level filtering***

3.56 Many submissions favour the introduction, or further consideration, of an ISP-level default clean feed to prevent children and young people from accessing pornographic websites.<sup>71</sup> Other submitters who anticipated that this proposal would be put forward presented arguments against the introduction of a filter.<sup>72</sup> This section outlines the arguments presented to the committee relating to this proposal.

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68 Professor Lelia Green, Professor Catharine Lumby and Professor Alan McKee, *Submission 88*, p. 16. Some submissions discussed how children can get around these filters—see *Submissions 4, 93* (p. 8) and 227.

69 Burnet Institute, *Submission 61*, p. 10 (citations omitted).

70 Burnet Institute, *Submission 61*, p. 10.

71 These include the Gold Coast Centre Against Sexual Violence, the Bishops Commission for Family, Youth and Life of the Australian Catholic Bishops Conference, Sydney Anglican Diocese, The Alannah and Madeline Foundation, Salt Shakers, the Church and Nation Committee of the Presbyterian Church of Victoria, Presbyterian Church in Australia in the state of NSW, Bravehearts, Australian Christian Lobby, FamilyVoice Australia, Youth Wellbeing Project, Family Council of WA, Catholic Women's League Tasmania, Collective Shout, the Dads4Kids Fatherhood Foundation, Australian Council on Children and the Media and many individuals.

72 Such as the Communications Alliance, Electronic Frontiers Australia, Scarlet Alliance, Brisbane Women's Club and several individuals.

3.57 The idea of ISP-level filtering in Australia has gained some traction previously. Prior to the 2007 election, Labor committed to requiring ISPs to filter out material that would generally be refused classification or classified as X18+ under the National Classification Code. By 2010, however, further development and implementation of the mandatory filter had been postponed and ultimately it was not pursued.<sup>73</sup>

3.58 Internet filtering is not common in western countries. Nevertheless, ISP-level filtering was recently introduced in the United Kingdom by the government led by the Rt Hon David Cameron. Many submissions to this inquiry, particularly from individuals, support the adoption of the UK policy in Australia.<sup>74</sup>

### *The UK approach*

3.59 The UK filter followed an agreement in 2013 between the government led by Mr Cameron and four large ISPs—BT, Sky, TalkTalk and Virgin Media. The agreement led to the introduction of 'network level filtering for all new broadband users and existing internet users across home internet devices which would allow the account holder to choose to block web-based content that could be inappropriate for children'. The filters are designed to 'block pornography and other sites deemed "inappropriate" for children unless users elect to opt-out'.<sup>75</sup> The filter was extended to existing customers 'through 2014, on an "unavoidable choice" basis; that is, the customer had to choose to implement or opt out of the filter'.<sup>76</sup>

3.60 As at June 2015, between 6 per cent and 40 per cent of customers (depending on the ISP) had 'taken up some level of filtering'.<sup>77</sup>

3.61 The Australian government's Office of the Children's eSafety Commissioner advised that a January 2015 report on the scheme by Ofcom, the UK communications regulator, found that '50% of parents reported being aware of the ISP network level content filters, and only 21% reported using them'. The Office's submission added that reasons indicated for not using the filters include preference for other strategies, such as supervision, setting rules, the use of other tools and trusting their child. The Office noted that Ofcom has not published further research into take-up of the filters.<sup>78</sup>

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73 P Pyburne and R Jolly, 'Australian governments and dilemmas in filtering the Internet: juggling freedoms against potential for harm', *Parliamentary Library Research Paper*, 8 August 2014, pp. 20–28.

74 Other countries where it is government policy to block mainstream pornography include Turkey, Iran, China, Tunisia, and Russia. Office of the Children's eSafety Commissioner, *Submission 74*, p. 4.

75 Office of the Children's eSafety Commissioner, *Submission 74*, p. 3 (citation omitted).

76 Commissioner for Children and Young People (WA), *Submission 14*, p. 11.

77 Commissioner for Children and Young People (WA), *Submission 14*, p. 11.

78 Office of the Children's eSafety Commissioner, *Submission 74*, pp. 3–4 (citation omitted).

3.62 It was also noted that the ISPs 'were asked to introduce a network level filter to cover web-based HTML coded services'.<sup>79</sup> The Office of the Children's eSafety Commissioner noted that in June 2015, over 69 per cent of UK teens used smartphones to access the internet 'including via mobile apps, many of which the ISPs acknowledged would not to be covered by the filter'.<sup>80</sup>

*Calls for the introduction of mandatory ISP-level filtering in Australia*

3.63 The Australian Christian Lobby (ACL) argued that Australia 'needs a universal, by-default, ISP-level "clean-feed"...internet regime, filtering out adult content and thereby protecting children from harmful exposure, for both fixed line and mobile service'. The ACL added that customers could opt out of the regime on request to their ISP or mobile provider.<sup>81</sup> The ACL argued that:

...the effectiveness of the UK system belies the objections which have been raised to a 'clean-feed' internet service in the past. Any system is imperfect, but the UK model has demonstrated that there are no significant technical issues with implementing by-default ISP-level filtering, and that it has the potential to dramatically reduce child exposure to online pornography.<sup>82</sup>

3.64 In advocating for a universal regime, the ACL argued that voluntary commercial filters are not a sufficiently effective solution. It submitted:

Telstra is to be commended for now offering an optional ISP-level adult-content filter (Telstra Broadband Protect). However, this is an extra cost service for subscribers. ACL submits that to be effective in protecting children, an ISP-level internet filtering regime needs to be at no additional cost, universal, by-default, and with the ability of the adult account holder to opt out upon request. A robust age verification system (such as credit card information) should also be introduced to ensure that minors are not able to change the default setting.<sup>83</sup>

3.65 The ACL also emphasised that its proposal does not constitute government censorship. It submitted that the 'technical process of filtering adult content would be left entirely up to mobile providers and ISP', with a mechanism developed for incorrectly blocked sites and sites that should be blocked to be reported.<sup>84</sup>

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79 Office of the Children's eSafety Commissioner, *Submission 74*, p. 3 (citation omitted).

80 Office of the Children's eSafety Commissioner, *Submission 74*, pp. 3–4.

81 Australian Christian Lobby, *Submission 285*, p. 11.

82 Australian Christian Lobby, *Submission 285*, p. 12.

83 Australian Christian Lobby, *Submission 285*, p. 11.

84 Australian Christian Lobby, *Submission 285*, pp. 11–12.



3.66 Several other submissions similarly pre-empted arguments they expected would be mounted against measures that would regulate access to online pornographic content. For example, the ACCM, which advocated for industry to adopt measures that provide children with greater protection from harmful online content and referred to the filters implemented by UK ISPs in its submission, commented:

...it does appear that there are voices in the community that oppose regulation of access to pornographic content, even for the protection of children. Sometimes this is on freedom of speech grounds: whatever impact there is on children's wellbeing is simply the price we have to pay for living in a free society. This is a profound argument that goes to the heart of political morality and we do not propose to attempt to resolve it here. We will say, however, that nearly all people and legal systems recognise some limitations to freedom of speech. Obviously as an organisation we see the protection of children's wellbeing as an important basis for such a limitation; and we believe the broader community sees it that way too.<sup>85</sup>

3.67 On potential technical issues that could reduce the effectiveness of measures intended to regulate access to online pornographic content, the ACCM observed that '[n]o system of regulation is 100% effective, but regulation can help to shape both behaviours and attitudes'.<sup>86</sup>

3.68 Views on the implementation of a clean feed system differed. The ACL called for the Commonwealth to legislate for a clean feed regime.<sup>87</sup> Collective Shout submitted that the government should work with ISPs to establish a scheme, with legislation to impose the scheme required only as a backup if insufficient progress occurs. Collective Shout gave a timeframe of 12 months against which progress could be measured.<sup>88</sup>

#### *Opposition to a universal clean feed and other comments*

3.69 The committee received a small number of submissions that were critical of proposals for an opt out clean feed, generally due to concerns:

- that the proposed regime would not be technologically effective;
- about an impact on personal freedom; and
- regarding 'scope creep'.

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85 Australian Council on Children and Media, *Submission 73*, p. 3.

86 Australian Council on Children and Media, *Submission 73*, p. 4.

87 Australian Christian Lobby, *Submission 285*, p. 13.

88 Collective Shout, *Submission 288*, p. 12.

3.70 Electronic Frontiers Australia (EFA) submitted that it is opposed to 'legislated technological measures that amount to censorship in the name of attempting to restrict the ability of minors to access pornography and other arguably harmful content'. The EFA opposes such measures because it considers they:

- are 'almost always trivial to circumvent for anyone with basic technical knowledge';
- 'inevitably restrict access to entirely legitimate content';
- 'have the potential to harm network performance';
- 'replace parental judgement with bureaucratised or corporate control';
- 'are always subject to scope creep, often very quickly'; and
- 'perhaps most importantly, divert attention and resources away from responses that are likely to be more successful in addressing harm'.<sup>89</sup>

3.71 In relation the restrictions on access to legitimate content and scope creep, the EFA highlighted the example of the Australian Securities and Investments Commission (ASIC) blocking over 250,000 legitimate websites.<sup>90</sup>

3.72 The Burnet Institute argued that ISP-level filtering is unlikely to be successful due to technical issues. Furthermore, the Institute considers another weakness of the filtering approach is that it 'fails to deal with the broader social context in which these materials are produced and widely used'.<sup>91</sup>

3.73 The Communications Alliance noted that website blocking 'has a legitimate place in law enforcement', and under section 313 of the *Telecommunications Act 1997*, the industry assists 'law enforcement agencies with the blocking of sites which are classed as the "worst of" (Interpol blacklist) and other illegal content'. However, the Alliance added that 'website blocking is a relatively blunt tool', which has the potential for 'comparatively easy evasion' and over-blocking. In relation to circumventing a filter, the Alliance noted a range of tools are available, including virtual private networks (VPNs) which are already widely used. The Alliance observed:

As the examples of Netflix and other online streaming providers prior to their official entry into the Australian market have demonstrated, current generations of children are well capable to install and use VPNs to

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89 Electronic Frontiers Australia, *Submission 116*, p. 2.

90 Electronic Frontiers Australia, *Submission 116*, p. 3. In Senate estimates, ASIC advised that although it blocked 'a very large number of sites, around 253,000...the vast majority—in excess of 99.6 per cent—contained no substantive content'. Mr Peter Kell, Deputy Chairman, ASIC, *Senate Economics Legislation Committee Hansard*, 4 June 2013, p. 114.

91 Burnet Institute, *Submission 61*, p. 5.

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circumvent blocking of websites and to access the content that they wish to consume.<sup>92</sup>

### 3.74 The Communications Alliance concluded:

Given the risks and infringements of personal rights and freedoms associated with website blocking, the high costs involved with the execution of site blocking (it requires highly trained technical staff), the ease with which it can be circumvented and given that there are alternative means...which equally or more effectively achieve the objective of protecting children from potentially harmful content, the ISP-based blocking of websites must be considered not meeting any proportionality test and ought to be discarded in the discussion around the protection of children from potentially harmful, but legal, content.<sup>93</sup>

## Other matters

### 3.75 Some of the other matters submitters put forward for consideration include:

- The Australian government should consult with state governments and the community sector on the 'adequacy of current responses in supporting children who have been sexually abused by peers and others and/or in other ways have been adversely impacted by exposure to pornography'. Consideration should also be given to programs for perpetrators for young people affected by pornography who have sexually abused others.<sup>94</sup>
- Noting the discrepancy between the age of consent (16 or 17 years of age) and the classification of explicit material (restricted to individuals aged 18 years and above), the age of access to explicit material should be reduced.<sup>95</sup>
- 'Ethical' pornography—a few submissions suggested that the production of more ethical pornography should be considered. This pornography would be produced with consent and have content that depicts respectful relationships and does not include violence.<sup>96</sup>
- A national summit—the Gold Coast Centre Against Sexual Violence called for a national summit on pornography. It suggested that 'a wide range of stakeholders including researchers, practitioners, doctors, educators, police, lawyers and violence against women services' should be invited to participate in the summit.<sup>97</sup>

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92 Communications Alliance, *Submission 93*, p. 7.

93 Communications Alliance, *Submission 93*, p. 9.

94 Yourtown, *Submission 249*, p. 21.

95 Ms Zahra Stardust, *Submission 287*, p. 12.

96 Dr Flood discussed this in his submission: see *Submission 250*, p. 25. Dr Flood remarked that 'After I have given workshops for parents on young people and pornography, some parents have come up to me and asked, "What pornographic websites *should* my son be looking at?'"

97 Gold Coast Centre Against Sexual Violence, *Submission 77*, p. 5.

