
Select Committee on Cyber Safety Inquiry into and report on options for addressing the issue of sexting by minors

Prepared by BoysTown



BoysTown

Fresh start.
New hope.

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Overview

The consequences of sexting behaviour for minors can include humiliation, fractured friendships, harassment and criminalisation¹. When sexting occurs between minors or between a minor and a person over 18 years of age, it is a serious matter under Federal Child Pornographic laws. BoysTown confronts and responds to these issues, daily, through its counselling, accommodation and employment services for Australian youth and families. Kids Helpline, which is BoysTown's national child and youth counselling service, responds to over 285,000 contacts from Australian children aged 5 – 25 years each year. This service operates 24 hours, seven days a week to provide information, support, referral and counselling. Consequently, Kids Helpline is critical in providing support for minors and other young people who are affected by sexting.

Kids Helpline datasets provide a unique source of information to assist government in developing responses to the contemporary issues impacting on the lives of minors in Australia. Using our 2012 dataset we can report on self-help behaviour, information-seeking and counselling contacts by youth and their families seeking assistance about sexting issues. We can report on the age and gender, preferred methods for seeking assistance from Kids Helpline and also the number of contacts reporting suicidal thoughts or self harming behaviours as a result of their sexting experience.

Sexting is a complex, multifaceted and normative behaviour engaged in by young people. Whilst there is a high degree of interest in it as a topic there appears to be a low appreciation by young people of the risks involved. The risks are serious and can be pervasive when sexting "goes wrong", yet there are real or perceived barriers that young people experience when seeking assistance as a result of troublesome or disturbing sexting experiences. Options for addressing the issue of sexting and minors must reflect the complex and multi faceted nature of the phenomenon and we believe include, legal, educational and research approaches. Our recommendations follow overleaf.

Options for addressing the issue of sexting by minors

1. Legal

Recommendation 1.1: That National and State laws arrive at a consistent response to consensual and non-consensual sexting in line with recommendations 6, 7, and 9 of the Victorian Parliament Law Reform Committee Inquiry into Sexting.

The Victorian Parliament Law Reform Committee in its recent report found that sexting is often an impulsive, risk taking behaviour engaged in by young people which is also sometimes linked to an experimentation of their emerging sexual identity. Consequently the Committee considered it to be inappropriate for these young people to be treated as sexual offenders with respect to Commonwealth and State child pornography laws. It was considered that consensual sexting between youth who were under 18 but over the age of consent or by minors aged between 16-18 with another person no more than two years older, should best be

¹ BoysTown (2012). Inquiry into Sexting. A submission to the Law Reform Committee. Parliament of Victoria, June 2012. p.1

dealt with by community education responses designed to inform youth about the risks associated with this behaviour. However in cases of non-consensual sexting, where a party has distributed a sexual image or text without the other party's consent, it was considered that a new summary offence should be introduced. This was based on the finding that non-consensual sexting can have wide ranging and adverse impacts on the young person who is the subject of the sexual image or text.

2. Social Marketing Campaign

Young People: Communication and Education Strategy

Recommendation 2.1: That Governments increase investment in education responses to sexting to divert young people from this behaviour and to also encourage them to seek assistance if sexting begins to negatively impact on their wellbeing and behaviour.

These strategies need to involve:

2.1.1 Purposeful education that aims to:

- Reduce the prevalence of sexting
- Assist young people to understand the risks of sexting
- Direct young people towards appropriate channels for seeking assistance when sexting occurs

2.1.2 Age appropriate educative and marketing tools as well as youth friendly technologies e.g.

- The language utilised in educational and marketing materials needs to be normative, and consistent with the developmental stages of the young people it targets.
- Web based and online material needs to include user interactivity; be expressed in a less formal, more conversational tone; use youth-focused concepts; provide empowering messages; offer an opportunity for peer-based learning and support.
- Marketing tag lines must be appealing and memorable to young people as, for example was the case with the "1 punch can kill" campaign.

Adults/Parents/Carers: Communication and Education Strategy

Recommendation 2.2: Adequately-funded initiatives to increase the knowledge, understanding, skills and confidence of parents and carers in fostering a safe digital communications culture among children and young people are provided².

BoysTown believes that most parents are concerned about their children's digital communications safety, but many of them may not be well-equipped to back up

² Ibid

their concerns with meaningful actions. Evidence shows that a gap exists between children's real experience with Information Communication Technologies (ICT) and adult awareness of these experiences³. Since the digital world is a user-driven environment and that positive experiences depend on young people's behaviour toward each other and how well their use of ICT space is supervised, it is crucial that parents and carers are supported in providing appropriate ICT mentoring to children and young people as well as promoting responsible behaviour.

3. Research Needed

Recommendation 3.1: That an in-depth, possibly long-term and nationally-representative study involving Australian children and young people to increase understanding of sexting behaviour is undertaken⁴.

Research on 'sexting' is still in its infancy in Australia. Since it has been identified as an emerging concern among young people at both an international and Australian level, only a handful of reliable studies have been conducted, and none on Australian youth. Inconsistencies between studies to date make it challenging to understand the depth and width of its prevalence and to generate a comprehensive response.

3 ChildNet International. (n.a.). Know IT All for Parents. Retrieved from: <http://www.childnet.com/kia/parents/> on 21 November 2011.

4 BoysTown (2013) Invitation to contribute to the development of the Digital White Paper. A Response to the Department of the Prime Minister and Cabinet: Minister for Broadband, Communications and Digital Economy. January 2013.

Introduction

BoysTown

BoysTown is a national organisation and registered charity which specialises in helping disadvantaged young people and families who are at risk of social exclusion. Established in 1961, BoysTown's mission *is to enable young people, especially those who are marginalised and without voice, to improve their quality of life*. BoysTown believes that all young people in Australia should be able to lead hope-filled lives, and have the capacity to participate fully in society.

BoysTown currently provides a range of 'face to face' and virtual services to young people and families seeking primary and secondary intervention and crisis support services. These services are provided at a local community level in Queensland, New South Wales, South Australia and Western Australia. BoysTown services include:

- Kids Helpline, a national 24/7 telephone and on-line information support and counselling service for five to 25 year olds with special capacity for young people with mental health issues. Kids Helpline responded to over 285,000 contacts from children and young people in 2012
- Parentline, a telephone counselling service for parents and carers in Queensland and the Northern Territory. Each year Parentline provides approximately 11,000 telephone and email counselling sessions to Queensland parents and carers
- Accommodation responses to homeless families and women and children seeking refuge from Domestic/Family Violence
- Parenting Programs offering case work, group work support and child development programs for young parents and their children

BoysTown recognises that multi-systemic services are required to increase the levels of social inclusion of marginalised youth. Consequently BoysTown also delivers a range of labour market programs including:

- Employment placement and support services through Job Services Australia. BoysTown is one of only a few national youth specialist providers in this network. BoysTown's average monthly caseload in this program is just over 4,000 participants
- Paid employment to more than 120 young people at any one time in Intermediate Labour Market (social enterprises) programs that prepare long term unemployed youth with a wide range of issues including mental health, minimal educational qualifications and offending behaviours, for transition to the mainstream workforce
- Training programs that develop the vocational and social skills of young people allowing them to re-engage with education and/or employment

BoysTown is also an experienced provider of community engagement and development services as demonstrated by:

- Performing the role of Facilitating Partner for the Communities for Children initiative in Deception Bay

- Working with peoples from the remote Indigenous communities of the Tjurabalan in Western Australia
- Indigenous community, parent and carer links to schools through the Parental and Community Engagement (PaCE) program

Kids Helpline

Kids Helpline is Australia's only national 24/7, confidential support and counselling service specifically for children and young people aged 5 to 25 years. It offers counselling support via telephone, email and a real-time web platform. Since March 1991, young Australians have been contacting Kids Helpline about diverse issues ranging from everyday topics such as family, friends and school to more serious issues of child abuse, bullying, mental health issues, drug and alcohol use, self-injury and suicide.

In 2012 a quarter (71,298) of all interactions for the year were with children who had concerns requiring a counselling response or were in crisis. These young people often know what they want and are able to ask for what they need. Others may be facing less critical concerns and are seeking help to consider their positions or simply to talk things through. These interactions or counselling sessions involve identification of a concern, assessment of the young person's issues and the delivery of tailored counselling interventions.

Children and young people have direct access to a counsellor and can choose to speak with either a male or female counsellor. They are also able to arrange to call back and speak with the same counsellor to work through their issues. No other organisation speaks with as many young Australians each year.

Kids Helpline has a unique capacity to act as a safety net for vulnerable children and young people at risk of suicide. These young people often reach out when other services are closed or when suicidal thoughts become too much for them during the isolation of late night and early morning. For this reason, other agencies often include Kids Helpline in safety plans for their young clients.

Professionally trained counsellors respond to the concerns of children and young people by gently building trusting relationships, conducting risk assessments, identifying existing supports, discussing possible referrals and liaising with those referral agencies on behalf of clients, offering ongoing counselling relationships with the same counsellor and conducting 'wrap-around care' in conjunction with other agencies in the young person's life. Often, extensive advocacy is carried out on behalf of young clients to ensure specialist mental health services become/remain involved when it is clear either a mental illness exists or symptoms are emerging.

Kids Helpline has an extensive referral database of more than 9,500 community based services. This database is used to assist children and young people to connect with local support services.

A Definition of Sexting

A definition of sexting has been evolving since 2005 when the term was first coined to refer specifically to sexually explicit text messaging on mobile phones. Based on the research literature available from Australia and overseas as well as

the direct feedback from young people, BoysTown defines sexting as the distribution or receipt of words, images or video clips involving sexual activities and / or nude photos of self or others, using mobile phones or other online mediums. For the purposes of this submission minors refers to young people under 18 years of age.

When sexting occurs between minors under the age of 18 years or between a minor and a person over 18 years of age it is a serious matter under current Federal and State child pornographic laws.

Kids Helpline sees components of cyber behaviour (including mobile phone use and sexting) in a wide range of problem areas for which children and teens contact the service for assistance. For example cyber behaviour was an element in 19% of contacts about partner relationship issues; 17% of contacts concerning peer relationship problems; and 23% of contacts about bullying.

In summary cyber behaviour, including sexting occurs across a number of different primary problem areas such as:

- Bullying,
- Dating and partner abuse,
- Sexual violence / offending acts,
- Addictive behaviours (unrelated to drugs / alcohol),
- Emotional wellbeing,
- Physical and sexual development,
- Self-injury and suicide-related concerns
- Sexual harassment
- Sexual activity

Because sexting is interwoven with such a range of issues, like others, we find it challenging to determine an exact prevalence from our data. There are also inherent challenges when drawing on current research.

Current Research

Four different Australian research studies conducted between 2007 and 2012, reported on in the Victorian Parliament Law Reform Inquiry into Sexting, attempted to understand the phenomenon⁵. However, inconsistencies between the surveys make it challenging to interpret the prevalence and impact of sexting by minors. In the Australian surveys the reported rates of sexting vary greatly. From international studies among similar Western cultures we have data, however even this is widely inconsistent, ranging from rates of sexting at around 5% to almost 33% in the samples involved.

Inconsistencies in the research which provide challenges to policy makers and educationalists when attempting to make sense of and generate responses to the phenomenon of sexting include:

1. Incomparable representative groups or groups that are non-representative of the general population of minors. (Some surveys include 18 – 25 year olds; others include only 14 – 17 year olds and exclude younger children; some data, as in the case of Kids Helpline data, represent only children seeking assistance about sexting).

⁵ Parliament of Victoria, Law Reform Committee (2013). Inquiry into Sexting. May 2013. pp 31- 33

2. Some results from these surveys are not publically available and therefore the credibility of the research cannot be verified.
3. The research uses different parameters.
4. Disparities in the definition of sexting used across studies
5. The ethical issues involved in asking young people to talk about their sexual behaviours, which poses challenges for researchers.

With the different stages of sexting that young people may engage in, either by choice or inadvertently when a picture is sent without consent to them, there are different degrees of risk.

Finally, attempts at formulating responses to sexting vary from promoting harm minimisation as seen in some research literature⁶ to calls for young people to refrain, similar to the US war on drugs approach in the late 80s and 90s, which coined the phrase "Just say NO"⁷. Whilst research into the phenomenon of sexting has been underway for a number of years there are problems for researchers in drawing conclusions from meta-analysis when sample groups are not comparable and widely different parameters apply.

Kids Helpline data on sexting has been analysed since 2010 and more recently new coding has been included to enable us to track sexting more specifically.

Kids Helpline Data

Self-help information sheets

Kids Helpline has experienced increased webpage views of 'Hot Topic' information sheets on cyber bullying and sexting during 2012. Hot Topic information sheets are written for young people to assist them in their information seeking, and cover the main concerns that young people contact Kids Helpline about. Hot Topic information sheets are available on the three micro sites on the Kids Helpline website. The three individual micro sites provide information and tools specifically for children, youth, and for parents/adult carers. During 2012, there were more than 359,700 views to the self-directed, help-seeking tools section which constituted a 50% increase in views when compared to 2011. Specifically, the sexting Hot Topic has received 25,065 visits from teens in the past three years.

The table below shows that in 2012, for teens and adults, cyber bullying was the most sought after tip sheet on the Kids Helpline website, and for teens sexting was the second highest.

⁶ Albury K, Crawford K, & Byron P Young People (2013). Sexting in Australia: Ethics, Representation and the Law. University of NSW and ARC Centre of Excellence for Creative Industries sand Innovation. April 2013

⁷ http://en.wikipedia.org/wiki/Just_Say_No

The Ten Most Viewed Hot Topics by Target Audience in 2012

Kids	# of views	Teens	# of views	Adults	# of views
Bullying	2,346	Cyber bullying	16,511	Cyber bullying	27,705
Online safety	1,342	Sexting	8,627	Cross- cultural differences	14,371
Homework	1,257	Bullying	8,047	Body image	8,774
Family Relationships	1,174	Body Image	6,547	Respectful relationships	5,663
Feeling sad	1,097	Leaving Home	6,437	Transitioning	4,801
Respectful relationships	982	Loneliness		Self-harm	4,431
Fights with friends					
Family fights	977	Depression	4,059	Alcohol and other drugs	4,356
Internet safety	838	Self-harm	4,051	Exam stress	4,142
Loneliness	813	Partying safely	3,865	Anxiety	4,080
	779	Dating	3,740	Being resilient	3,802

In a separate micro-site on Kids Helpline developed in partnership with Optus in 2010, labelled 'Making Cyberspace a Better Place', an additional 1,204 page views have been recorded on the teens sexting information sheet and 7,233 page views on the sexting information sheet targeted to parents and carers. This site is an online social awareness campaign to promote cybersafety in schools via teachers providing young people with information packs on a number of cybersafety issues including sexting.⁸

Direct Contacts

Analysis of Kids Helpline 2012 contact dataset revealed that at least 159 contacts were from minors seeking help about a sexting-related concern. These concerns were from children ranging in age from 11 to 17 years. While the vast majority of these sexting-related concerns were presented by children between 13 and 17 years of age (93%), the most common age for clients seeking help about these concerns were 14 and 15 year olds (58% of sexting-related concerns).

When the 159 sexting-related contacts from 11- 17 year olds were compared to the general data set for that period there were no significant differences in help-seeking rates by gender and no significant difference in rates of assessed suicidality or self harm in those minors seeking assistance for a sexting concern.

There was however a difference in the way sexting-related contacts sought assistance with more using real-time web and email counselling than land or mobile phones. A reason for this can be posed: firstly that there is a degree of shame and embarrassment associated with sexting when it "goes wrong" and using online methods to seek assistance is less confronting.

In conclusion, it appears from current research that generally, as age increases, the chances of a minor experiencing a sexting episode also increases. Kids Helpline data reflects only those young people who are seeking assistance because they are troubled or upset. We are unable to make conclusions as to gender prevalence in situations when sexting becomes problematic.

Finally, the data does not reflect sexting events with children who have not been harmed and who participate in sexting as a normative aspect of their own sexual discovery and development. So therefore based on the literature review and our own service experiences we have to conclude that no reliable and consistent prevalence data for Australia exists as yet.

⁸ <http://www.kidshelpline.com.au/getting-help/cyberspace>

The Nature of Sexting

An understanding of the nature and impacts that sexting behaviour can have on Australian children and young people has been informed by an analysis of 2012 Kids Helpline client case notes and consultation with counselling staff⁹. In most cases, it was a young person who had been involved with the sexting who was seeking counselling while in other instances the client was a friend or sibling concerned for someone who was / had become engaged in sexting behaviour.

The nature of sexting reported to counsellors reveals a number of scenarios, including the transmission of still images, online video streaming and (less commonly) the transmission of sexually-suggestive text messages. Sexting was most commonly reported to have occurred with either a romantic partner or a friend well known to the 'sexter'. At the other extreme, some young people reported sexting with a stranger known to them only via the Internet¹⁰.

In line with contemporary research¹¹, the most commonly reported reasons for engaging in sexting behaviour (specifically, the sending of sexually explicit images) were identified by young people contacting Kids Helpline as being:

- Expression of affection to an existing partner;
- Pranks or game-playing;
- A flirtatious attempt to start a relationship (by getting the attention of the other person);
- Peer pressure from a partner and/or peers;
- Risk taking behaviour under the influence of alcohol and/or drugs;

Of particular concern is the fact that young people reported that their sexting behaviour was often in response to a request by the intended recipient for explicit images of themselves and/or illicit messages to be sent. Furthermore, young people who had engaged in the sexting behaviour often saw the behaviour as a normal and common practice among their peers. It was not the sexting behaviour itself that was typically seen to be a problem; rather young people perceived the problem to be the negative outcome that could occur.

The following case studies, based on young people who have contacted Kids Helpline, help illustrate the diverse nature of sexting. Note that identifying information from all case studies presented in this submission have been removed to protect client privacy¹².

⁹ BoysTown (2012) Inquiry into Sexting. A submission to the Law Reform Committee, Parliament of Victoria. June 2012

¹⁰ Ibid

¹¹ Sex and tech: results from a survey of teens and young adults / The National Campaign to Prevent Teen and Unplanned Pregnancy http://www.thenationalcampaign.org/sextech/PDF/SexTech_Summary.pdf accessed on 11 July 2013.

¹² BoysTown (2012) Inquiry into Sexting. A submission to the Law Reform Committee, Parliament of Victoria. June 2012

The Nature of Sexting

Case Study 1

Josh (16y/o) reported that his friend, a girl, received a 'sext' which shocked and upset her. Josh, however, expressed that he thought the 'sext' was nothing different to what he sees at the beach during summer. He did however express concern for his friend.

Case Study 2

Tim (17y/o) met a female online, chatted for hours and then exchanged mobile phone numbers. He exchanged numerous text messages the morning before his contact to Kids Helpline and by that afternoon, Tim reported that the female was already sending him photos of herself without any clothes on, including close-up photos of her face, neck and breasts, her back, and naked pictures from the waist down.

Case Study 3

Claudia (14y/o) contacted Kids Helpline on behalf of her friend who was being harassed by a 16 year old male classmate through 'sexting'. Her friend was receiving threats that the boy would distribute semi-nude photos that he had taken of her without her consent when she was getting ready for her 'costume' presentation in class. Claudia expressed concern and desire to help her friend but didn't know what she could do.

Case Study 4

Amy (13y/o) reported that her friend was being pressured by her 15 year old boyfriend to take a picture of her breasts and send it to him. While Amy was sure her friend wouldn't do this, she expressed concern that this boy might hurt her friend if she didn't, as he had been hurtful in the past.

Case Study 5

Peter (17y/o) was on a video chat site talking to a person who he thought was a female. Peter stripped naked to show 'her' his abs and thighs, but when 'she' started laughing a couple of minutes later he realised that 'she' was actually a male the same age as Peter. When the male told Peter he would upload the video onto YouTube, Peter became worried sick that people he knew would see it and he would be humiliated.

Case Study 6

Stacey (16y/o) reported being threatened by her 'online' boyfriend. He wanted her to 'go all the way' with him using her webcam and when she refused he got angry. He told Stacey he has pictures of her in her underwear which he could share with others if she didn't comply.

Kids Helpline undertook a qualitative analysis of information provided in 73 sexting contacts made by minors in the first half of 2012. Most of the contacts were about a picture or sexually explicit message, either already circulating, or its circulation being contemplated or threatened. Some young people's contacts were concerns about peer pressure on them as a way of obtaining explicit content, or being pressured into sexting e.g. being asked several times or worrying the other person will reject them or harm them if they do not comply (coercion). Deception and coercion are sometimes not recognised by the young person until they make contact with a counsellor. Other contacts included concerns that a family member may be sent the image or they are being threatened that the image will be sent.

Legal/criminal issues predominantly pertained to young people seeking information about ways in which the police could provide them with protection (e.g. where pictures had been circulated without permission, or where they were being threatened or coerced), to concerns that the young person had unknowingly engaged in an illegal activity and was in trouble with the law.

In conclusion, sexting as an aspect of cyber behaviour occurs across a number of primary problem areas about which young people make contact with Kids Helpline. These include bullying, dating and partner abuse, sexual violence/offending acts, addictive behaviours (unrelated to drugs / alcohol), emotional wellbeing, physical and sexual development, self-injury and suicide-related concerns, sexual harassment and sexual activity. Research into the Kids Helpline 2012 data set has enabled us to understand the nature of sexting, to generate a definition, to understand who is mostly troubled by it and how it affects them, and the methods they prefer to use in seeking assistance. A finding from this analysis is that non-consensual sexting i.e. those situations where a young person's image has either been circulated without their consent or where they are being coerced into engaging in sexting or being threaten regarding the circulation of sexual material that they were involved in producing is the issue of primary concern for young people seeking assistance. As the next section will outline, these situations also have the most negative impact on a child's emotional health.

Impact of Sexting

When 'sext' images become public, the impacts can be multi-faceted and significant. Young people can find themselves the victims of humiliation, bullying, harassment, threat, punishment (from school and/or parents) and criminalisation. The flow on from these events can also be severe, impacting on young people's wellbeing, health, school, employment, family and peer relationships¹³.

A thematic analysis of notes recorded by Kids Helpline counsellors during 73 sexting related contacts in 2012 reveals a number of impacts. While this analysis included some young people 18 years and over it is indicative of the range of concerns affecting minors as well:

- Emotional distress (anxiety, anger, sadness etc.) of the person themselves or of others (parent, friend etc.) resulting from potential or actual consequences of sexting
- Family conflict and or punishments (e.g. being grounded, being forced to leave home)
- Fear of legal consequences
- Fear of others finding out or of it becoming public knowledge (family /friends /peers finding out or being sent an image)
- The sexting material being discovered by parents, siblings, friends
- Having images used against the sender by the receiver (e.g. threats to upload to the internet)
- Suicidal ideation/behaviour
- Self injury - either urges or actual behaviour)
- Contact with the police – as a victim who needs protection or assistance
- Safety issues – whether fear of or actual physical or sexual assault
- Peer judgement or rejection
- Fear of rumours being spread

¹³ Ibid

- Trouble with the police – being questioned, cautioned or charged
- Trouble with other authorities – such as school
- Circulation of the material without the sender's permission
- Being contacted or used by a child sex offender
- Leaving or wanting to leave school
- Relationship breakdowns.

Kids Helpline counsellors tell us that while the consequences of sexting depend largely on the victims' resilience, they can include poor self-esteem and self-image; isolating behaviours; truancy or avoidance of school; eating disorders; self-harming behaviour; and suicidal thoughts.

This advice is in line with the findings of BoysTown's cyberbullying research where sexting was reported in some instances to be both a contributing factor and/or form of cyberbullying¹⁴. In reference to the broader issue of cyberbullying, participants of the study reported having experienced many or all of the abovementioned impacts. Additional impacts of sexting-related cases of cyberbullying are also illustrated in the following quotes provided by young people through the research. These case studies highlight the blurred line between sexting, cyber-bullying and sexual harassment.

Impacts of Sexting: Direct Quotes

Case Study 1

"Someone i knew quite well had passed away, some people online in the community had found out about it and more online bullying occurred...As well as every sort of bullying you could imagine pretty much happened... death threats, rumours, insults to myself, my friends and other close relationships, insults to my looks physically, some guys tried to send me pictures of genital areas, etc etc...i withdrew from most of my friends at school, not wanting them to know what was happening at home (online)...I seemed to be depressed often which was causing fights at home as i didnt really want to be involved with my family."

Case Study 2

"I lost my virginity at a party, I decided i was going to get drunk and forget about everything that was going on at home (parents Divorce) anyway i passed out in bed and had pics taken of me on mobile phones, which were then sent around my school...(It affected my friendships) because my mates thought i was a slut."

Case Study 3

"One time i had to put up with a guy asking for rude pics of me.. after i said no, he wouldn't stop. one day he went to far and send a horrible pic of himself... i have never trusted guys since..i don't trust guys anymore. they will all hurt you "

In addition to short-term impacts, sexting behaviour can also have significant long-term ramifications for young people. As adolescents start applying for jobs and/or meeting potential long-term partners their digital footprint (and any past sexting material) may well be searched and held to account, potentially impacting an individual's reputation and opportunities in life. Images shared on the internet are often irremovable from cyberspace. Kids Helpline expects to receive more contacts in relation to this in the future as today's generation of young people

¹⁴ Price, M & Dalgleish, J (2010) Cyberbullying: Experiences, impacts and coping strategies as described by Australian young people. Youth Studies Australia, 29 (2)

move into the workforce, and we are challenged to provide support to their sexting concerns in ways that they are responsive.

Finally, the confusion created by the Australian legislative environment regarding sexting makes the delivery of consistent, uncomplicated messages about sexting a challenge. Definitions of child pornography in a legal context differ between the states in Australia which leads to complications and ambiguity. One reason for the ambiguity is that the legal definition of a 'child' varies between, and even within jurisdictions. In Australia, child pornography legislation in some jurisdictions defines 'child' as a person under, or who appears to be under 16 (in NSW, Queensland, South Australia, and Western Australia), in others as a person under, or who appears to be under 18 years of age (Commonwealth, Tasmania, Victoria, the ACT and the Northern Territory). Within states there can also be variations. In NSW for example the age of consent generally is 16 but, in the case of child prostitution law, and the law prohibiting the use of children for pornographic purposes a 'child' is defined as a person 'who is under 18 years of age' ¹⁵.

Australia is a signatory to Article 34 of the United Nations Convention on the Rights of the Child, which states that a person is a child if they are under 18 years of age, "unless under the law applicable to the child, majority is attained earlier". The complicating factor is that laws within Australian jurisdictions apply different definitions.

Recommendation 1.1: That National and State laws arrive at a consistent response to consensual and non-consensual sexting in line with recommendations 6, 7 and 9 of the Victorian Parliament Law Reform Committee Inquiry into Sexting.

Challenges in Providing Support for Young People's Sexting Concerns

There are challenges in assisting young people with their sexting concerns which include understanding why young people are hesitant to, or do not seek assistance, and utilising methods that provide assistance in ways that young people prefer and will be responsive to. As well, this assistance must be provided in the confusing legislative environment within which sexting sits.

Similar to what has been found for cyberbullying concerns by Kids Helpline, one of the key challenges in providing support for young people with sexting-related concerns is that often the young people involved are either too scared and/or embarrassed to seek support. This barrier possibly helps to explain why Kids Helpline data shows an increased use of real time web and email contacts for sexting contacts compared to all other contacts and a high numbers of page views to the Sexting Hot Topics.

Of those young people who do reach out and seek support from Kids Helpline, some have cited a fear of being banned from accessing their computer or mobile phone if they tell their parents, and/or a fear of being suspended or expelled if

¹⁵ Griffith, G and Simon, K (2008) Child Pornography Laws. NSW Parliamentary Library Research Service. Briefing Paper No9/08

they tell school authorities. Fears of being laughed at by peers are also a real concern.

Seeking Support for Sexting-Related Concerns: Direct Quotes

Case Study 1

"I didn't want to tell anyone...I didn't want anyone else to get involved with what I probably got myself into in the first place."

Case Study 2

"(If I tell my best friend) she might just laugh and say 'I told you so!'... I don't want to tell mum about this because she would get angry at me. I was supposedly banned from using the internet for 3 months. I don't want to tell the Police either, as I'm afraid that if they arrested him, he would come find me."

Evidence from Kids Helpline cyberbullying research¹⁶ can again provide insight regarding what actions young people, including those impacted by sexting behaviour, take to help them cope with these issues, and how effective these strategies are perceived to be. The study found that despite the reported efficacy of telling a friend or an adult about the issue as a way of coping, these strategies were used by less than half of the participants (39% and 44% respectively). Another bullying study¹⁷ found that as many as 90% of victims claimed to have not told an adult. This issue is greater for males, who are typically less likely to seek help.

Since the issue of sexting has emerged, a number of government departments, industry bodies and youth services have launched campaigns aimed at raising awareness and educating young people and adults about the dangers of sexting¹⁸. Not surprisingly, many of these form part of campaigns focused on the broader issue of cybersafety, given the close link between the issues.

In addition to providing young people with information and support through Kids Helpline's counselling service and website Hot Topics, Kids Helpline is also involved in a number of social awareness campaigns relating to sexting. 'The Line' campaign is one such initiative in which Kids Helpline has partnered with the Department of Families, Housing, Community Services and Indigenous Affairs to promote respectful relationships among teens and young adults via an interactive website¹⁹. Kids Helpline counsellors facilitate youth discussion forums and provide support to young people who engage in the websites' topic-based forums. Young people are also encouraged to contact Kids Helpline for any issues requiring further assistance. While the website is not sexting-specific, sexting has been one of the topics discussed on the forum. Transcripts of the forum discussion show the high level of engagement in this topic from young people, and highlight the many uncertainties and mixed opinions young people have around the storage of images posted on the internet, the moral appropriateness of the behaviour and possible criminal repercussions.

¹⁶ Ibid

¹⁷ Juvonen, J. & Gross, E. (2008). Extending the school grounds? Bullying experiences in cyberspace,. The Journal of School Health, v.78, n.9, p496.

¹⁸ For example, www.thinkuknow.org.au; NSW Department of Communities cybersafety brochure; Cybersmart; and SayNoToSexting (www.whg.org.au)

¹⁹ <http://www.theline.gov.au/>

The 'Make Cyberspace A Better Place' campaign is another sexting-related online social awareness campaign that Kids Helpline delivers in partnership with Optus. The campaign aims to promote cybersafety to school students via teachers by providing them with information packs on a number of cybersafety issues including sexting. The campaign also includes a suite of online resources, including specific resources on sexting²⁰. The sexting resource provides adults with information on what sexting is, why teens are sexting, consequences of sexting, possible protective behaviours, things to look out for in teens who may be experiencing the impacts of sexting and what to do if you know a victim of sexting.

A quick review of the numerous campaigns referenced in this submission highlights the variance in tone, content and level of interactivity between them. While some take a more authoritative tone and/or limit the delivery of information to a one-way dialogue, others appear more conversational, youth-centred and interactive. In 'The Line' campaign for example, young people are encouraged to interact and make their own choices on what is appropriate behaviour after being shown the consequences of various actions. A form of peer-support is also facilitated by allowing young people to share their own stories and experiences with other young people visiting the site.

There is evidence showing the failings of authoritative-style campaigns targeted to young people (such as the 'Just Say No to Drugs' campaign in the United States). Conversely, evidence highlights the effectiveness of engaging young people through interactive websites and user-generated content. Given this, it is BoysTown's belief that sexting-related campaigns targeting young people should learn from this in their own design. Specifically, BoysTown believe that campaigns targeting this cohort should include the following:

- user interactivity;
- less formal, more conversational tone;
- youth-focused concepts;
- empowering messages; and
- opportunity for peer-based learning and support.

These features are key attributes of the Kids Helpline-Optus 'Make Cyberspace a Better Place' campaign across Australian schools.

The recency of most sexting-related campaigns means that evaluative data of these programs are still either in the process of being collected or not yet underway. To help inform the improvement of these campaigns and the design of new ones, BoysTown supports an initiative that could drive and support current and future evaluations and research in this area, and coordinate the sharing of these learnings across the sector ²¹.

Recommendation 2.1: That Governments increase investment in education responses to sexting to divert young people from this behaviour and to also encourage them to seek assistance if sexting begins to negatively impact on their wellbeing and behaviour.

²⁰ <http://www.kidshelp.com.au/grownups/getting-help/cyberspace/>

²¹ BoysTown (2012). Inquiry into Sexting. A submission to the Law Reform Committee, Parliament of Victoria. June 2012

Recommendation 2.2: Adequately-funded initiatives to increase the knowledge, understanding, skills and confidence of parents and carers in fostering a safe digital communications culture among children and young people are provided²².

Recommendation 3.1: That an in-depth, possibly long-term and nationally-representative study involving Australian children and young people to increase understanding of sexting behaviour is undertaken²³.

Conclusion

In conclusion, there are a number of challenges for government, educators, support agencies and parents in providing assistance to young people affected by sexting. These challenges extend from finding ways to facilitate and assist young people in actually seeking assistance in the first instance through to ensuring that legal remedies are consistent and clear as opposed to complicated and ambiguous.

²² Ibid

²³ BoysTown (2013) Invitation to contribute to the development of the Digital White Paper. A Response to the Department of the Prime Minister and Cabinet: Minister for Broadband, Communications and Digital Economy. January 2013.