

# APS Submission to the Select Committee on Cyber Safety

Inquiry into and report on options for  
addressing the issue of sexting by minors

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## **Executive Summary**

Sexting by minors is often an issue discussed from a legal, sociological or technological point of view. This submission by the Australian Psychological Society (APS) will examine this issue from a psychological point of view.

### *Defining sexting*

There is currently no agreed definition as what constitutes 'sexting'. The term is often used loosely by adults to cover a broad range of activities of varying degrees of potential harm to young people; however 'sexting' is rarely used by young people to describe the taking and sending of sexually explicit images.

Underpinning the broad concept of sexting is a number of dimensions that are not easily captured by a single definition. Some important primary dimensions appear to be: content of the communication, use of the communication, role of the participants, intent of the communication, and age of the participants. Because of the multiplicity of factors involved in sexting, it is imperative that approaches to protecting and minimising harm to young people are able to be flexible and responsive to these dimensions.

### *The potential for harm*

Children and young people are still in the process of developing the ability to assess risk and manage the consequences of their decisions. Adolescents can also be particularly susceptible to peer pressure.

Adolescence is generally viewed as a time of identity formation where young people develop a sense of values, self and relationship to the outside world. Young people in early to mid-adolescence are developing an interest in relationships, romance and sex. Adolescent sexual feelings, urges, and curiosity are a normal part of this development.

In summary, while sexting by minors can be a benign activity, children and adolescents can also place themselves at risk of potential and actual harm.

### *Implications of harmful digital communication*

Harm can occur in the form of threats to privacy and confidentiality as an unfortunate consequence of what was initially sexting in the context of normal adolescent exploratory behaviour. However, there is also the potential for intentional harm by others, as in the case of cyber bullying, harassment, sexual abuse, and pornographic use of the images.

#### a) Risks to privacy and confidentiality

The online environment offers young people an opportunity to express their individuality by posting personal information and images. Young people often post or send personal and/or identifying details without thinking of the consequences. Once this material has been made available on the internet, it

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can be very difficult, if not impossible, to remove. Protection of privacy is often overlooked in favour of wanting to stand out to others online.

b) Peer pressure

As part of adolescence, young people can experience significant pressure to conform to group norms and behaviours, which can now play out in unique ways because of the 'always on' nature of smart phones and mobile internet. Young women may feel pressured to produce images for young men and young men may feel pressured to distribute these amongst their friends.

c) Cyber bullying

The potential for sexting to move away from sexual exploration to escalate to cyber bullying is a major concern. Cyber bullying, in the context of sexting, involves non-consensual sending or forwarding of sexually explicit messages or images with the intention of causing harm.

Bullying has many negative impacts on the victim, including: impaired social and emotional adjustment; poor academic achievement, anxiety, depression and suicidality; poorer physical health; higher absenteeism; and increased loneliness and low self esteem. Emerging evidence suggests that bullying (and potentially cyber bullying) is implicated in the suicide of young people.

d) Gender based violence and harassment

Research has shown that media technology and social networking sites are often used as vehicles in the perpetration of gendered sexual violence targeting women.

e) Potential for criminal acts

If sexting involves abuse in relation to children, there is the potential for this to be considered criminal activity associated with child pornography.

f) Harm to children's development

Most experts agree that despite their ability to effectively use online technologies, children and young people still need protection from content that exploits their immaturity and could harm their development.

g) Vulnerable groups

Young people are not a homogenous group and some researchers and practitioners have highlighted the particular vulnerabilities faced by young people who already face life difficulties and/or are marginalised. There is potential for disproportionate harm to children and young people with disabilities or those who are lesbian, gay, or trans-gender.

*Protecting young people from possible harms from sexting*

There are many ways of helping children and young people to be safe in cyber space including:

a) Education of young people in online safety, respectful relationships, role of bystanders

Involving young people in discussions about cyber safety and how to balance technology, sexuality and privacy is crucial. Young people need to be

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assisted to be able to identify what constitutes personal information and encouraged to understand the difficulty in controlling or removing content from mobile phones and the internet which can contribute to deeply embarrassing and harmful consequences for them in both the short and long term.

b) Role of parents

Parents who provide children with good supervision and who set boundaries, while at the same time granting their children a level of psychological autonomy, enhance the development of protective social skills among their children.

c) Age-appropriate limiting of access

For young people, limiting their access to online technologies can be a helpful cyber safety strategy. Parents and schools need to play an active role in monitoring and boundary setting for young people in relation to cyber safety, but this must be done in conjunction with trusting and respectful relationships.

d) Role of schools

The challenge for schools is embracing new technologies as positive tools for teaching, learning and building relationships whilst at the same time identifying and addressing the safety risks attached to their use. To address cyber safety, schools need to:

- Implement and use an *acceptable use* internet (cyber safety) policy;
- Monitor students' online activity and take action against threatening or unsafe online behaviour;
- Increase the skill and confidence of teachers to deal with cyber safety issues;
- Use filters and blocks (without depending upon them);
- Learn the language and interact with young people on their turf;
- Involve parents by disseminating education about use of internet and internet filtering technology;
- Implement consistent and appropriate techniques for managing peer relationships, such as restorative justice, method of shared concern, and support group approach, with more limited application of punitive approaches.

e) Cyber safety education

Addressing cyber bullying should be considered part of a schools broader approach to developing respectful relationships between students and addressing bullying and discrimination more generally. Teaching positive relationship strategies, empathy skills, the importance of bystander intervention and conflict resolution skills in schools is part of a whole school approach to effectively addressing cyber safety.

f) Role of legislation

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The APS is concerned that the legal implications surrounding sexting by children and young people should not lead to a solely legal solution to the issue. Informed parenting, school-based practices and educational approaches offer the most productive way forward. When the circumstances are extreme, some legal response may be necessary. For example, the implementation of an offence related to harmful digital communication, as used in New Zealand, may be worthy of consideration in Australia.

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## Recommendations

The APS recommends the following for the Committee's consideration:

1. That a common set of definitions of sexting be agreed on throughout Australian jurisdictions, with input from various expert stakeholder groups including young people themselves.
2. That the multiple dimensions involved in sexting activity be incorporated into definitions of sexting.
3. That in developing a definition, a clear distinction be made between sexting and child pornography.
4. That strategies to address the issue emphasise education and information provision. Children and adolescents must be invited to take part in the development and implementation of these strategies.
5. That a nationally consistent strategy is developed and agreed to by all jurisdictions in increasing community awareness on the risks associated with online activity, including sexting.
6. That parents and guardians be supported to undertake open communication with children and young people about cyber safety.
7. That schools be required to develop cyber safety policies, in conjunction with young people, and to implement best practice strategies to address cyber safety and cyber bullying.
8. That teachers and principals be required to undertake education and awareness training about whole-school approaches to bullying of all types, including cyber bullying, as well as cyber safety.
9. Legislative measures should be seen as a last resort to protect against extreme and dangerous practices.
10. That consideration be given to developing an offence related to harmful digital communication, as implemented in New Zealand, for instances of extreme cyber bullying.

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## **Introduction**

The Australian Psychological Society (APS) welcomes the opportunity to make a submission to the Select Committee on Cyber Safety. Sexting by minors is often an issue discussed from a legal, sociological or technological point of view. The submission by the APS will examine this issue from a psychological point of view, hoping this will assist the Select Committee's considerations, report and recommendations.

The APS appreciates that sexual exploration by young people is a feature of normal development and a source of ambivalence for society. However, the advent of technologies such as smart phones and mobile internet has increased the complexities of this issue. The ease, anonymity and speed by which images can be taken, transmitted and shared has meant that young people are not only more connected than ever before, but they are also exposed to situations of risk more often than before, both in frequency and magnitude. The APS contends that society has an obligation to protect young people from harm and risks associated with digital communication. It will approach this from a psychological viewpoint and endorse risk reduction strategies such as education around respectful relationships, comprehensive cyber safety education in schools, and raising community awareness.

## **Definition of sexting**

There is currently no agreed definition as what constitutes 'sexting'. The recent Victorian Government report on sexting defined the activity as:

*creating, sharing, sending or posting of sexually explicit messages or images via the Internet, mobile phones or other electronic devices by people, especially young people* (Parliament of Victoria, 2011; p.1).

Salter, Crofts and Lee (2013, p. 301) define sexting as:

*emails, text messages and other forms of electronic communication that contain sexual material, such as suggestive or provocative text or images of people who are nude, nearly nude or that are sexually explicit.*

Other definitions abound. A further complexity to consider when seeking to define sexting is that what limited research is available suggests that the term is not used by young people to describe the taking and sending of sexually explicit images (Albury, Crawford, Byron & Mathews, 2013). This highlights an important disconnect between the perceptions of young people and the adults who seek to protect young people from harm and risks associated with digital communication.

It is evident that the term 'sexting' is often used loosely by adults to cover a broad range of activities of varying degrees of potential harm to young people. For example, sexting can be used to describe consensual sharing of digital images or text between young people as well as non-consensual taking and sharing of intensely sexually explicit images. This lack of precise definition is a source of considerable confusion and has the potential to lead

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to simplistic solutions and the creation of policies that are potentially psychologically harmful to young people.

### **Dimensions of sexting**

Underpinning the broad concept of sexting are a number of dimensions that are not easily captured by a single definition. Some important primary dimensions appear to be: content of the communication, use of the communication, role of the participants, intent of the communication, and age of the participants. Because of the multiplicity of factors involved in sexting, it is imperative that approaches to protecting and minimising harm to young people are able to be flexible and responsive to these dimensions.

The APS would encourage the Committee to develop a dimensional approach to understanding the issue of sexting. To this end, the following aspects or dimensions of sexting activity are highlighted:

#### *a) Content of the communication*

The various definitions of sexting generally make reference to the actual content involved in the electronic messages or images. Content can be text and/or images and appears to vary across numerous dimensions. Some commentators have distinguished between content that is sexually suggestive, nearly nude, and nude. Sexts may contain material that ranges from non-abusive images to those that are intensely sexually explicit, those that are abusive and those that present with serious legal concerns (i.e. classifiable as pornographic). While sexting is sometimes equated with child pornography, there appears to be general consensus within the legal profession that to be defined as pornographic, the images must be "... more than just pictures" and include "the abuse of actual child victims" (Commonwealth Attorney-General's Department, c.f. Crofts & Lee, 2013, p.102).

#### *b) Use of the communication*

The distribution or use of the images is frequently considered to be a critical issue in sexting but usage also varies across a number of dimensions. That is, images and messages can be:

- Taken by an individual of themselves and not shared with anyone;
- Taken and shared consensually between people in a relationship, or between friends;
- Conveyed by one or both parties to a broader audience with some level of consent between the parties;
- Conveyed by one party to a broader audience against the wishes of the other, or unknown to the other;
- Conveyed to a broader audience by a third party without the consent of one or either of the original participants (e.g., by accessing



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someone else's mobile phone or laptop, or through other forms of cyber related crime).

One of the unique features of the creation of electronic images and messages is the ease and speed with which they can be shared, and the longevity of the images beyond the control of the original party/ies (see below).

*c) Role of participants*

Another unique aspect of sexting is the need to distinguish between the producer, sender/s and receiver/s of the material. Once sent, the original producer and sender will have limited control over the future distribution of the sext. Equally, the recipients of sexts may have limited control over the receipt of such material. Such forced receipt of sexts may constitute harassment and cyber bullying.

*d) Intent of the communication*

A number of factors need to be examined regarding the sender's intent when sexting. The intent of the original and future communications may or may not be benign. Was the sext sent to others without the subject's consent? Was the sext used as a form of bullying, blackmail or other forms of harmful digital communication? Contextualising the intent of the act in this manner would assist in assessing the potential harm of sexting.

*e) Age of the participants*

Although this Inquiry is only focused on the issue of sexting *between minors*, the APS believes it is important to highlight that age of the participants must be seen as an important issue when discussing sexting behavior. The issues raised in this Submission are much less problematic when the sexting is between adults, primarily because of their greater capacity to evaluate risk, foresee the consequences of their behavior, and provide informed consent. Sexting from an adult to a minor needs to be considered from yet another stance that is likely to invoke a legal response.

**The potential for harm**

Adolescence marks a key period of development in the human life-cycle. It is generally viewed as a time of identity formation where children develop a sense of values, self and relationship to the outside world. Young people in early to mid-adolescence are developing an interest in relationships, romance and sex. Adolescent sexual feelings, urges, and curiosity are a normal part of adolescent development. Part of this exploration of self is an aspiration to be attractive and desired by one's peers.

Young people are also increasingly reliant on the internet and other communication technologies in their everyday lives. Digital technology is

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increasingly providing an important space in which young people are exploring their identity and creating/undergoing rites of passage. The online environment and associated technologies, more broadly, have enabled unique opportunities for learning, connection, and communication and play a particularly central role in the lives of children and young people.

While it appears that much access to this technology is positive and beneficial, there are concerns regarding the potential for harm. Given that children and young people are still in the process of developing the ability to assess risk and manage the consequences of their decisions, they are particularly vulnerable to the risks of cyber threats and associated technologies. The instantaneous nature of such technologies only heightens such risks.

In summary, while sexual exploration is a normal aspect of adolescence, there are instances where sexting can be associated with varying degrees of potential and actual harm. Harm in the form of threats to privacy and confidentiality can be an unfortunate consequence of what was initially sexting in the context of normal adolescent exploratory behavior. However, there is also the potential for intentional harm by others, as in the case of cyber bullying, harassment, sexual abuse, and pornographic use of the images. The following section sets out the potential for harm to young people as a result of sexting behaviours.

### **Implications of harmful digital communication**

#### *a) Risks to privacy and confidentiality*

Adolescence is a period of identity formation whereby young people often seek to fit in with the peer group and be accepted. Identity development can include increased impulsivity and risk-taking behaviour. Part of adolescence is also about individuality and self-expression, and the online environment offers young people an opportunity to express their individuality by posting personal information and images.

Young people often post or send personal and/or identifying details without thinking of the consequences. For example, ACMA (2010) found that seventy-eight per cent of young people claimed to have personal information, such as a photograph of themselves, on their social networking profile pages. If children are chatting to people online whom they know (or think they know) and trust while in the safety of their own home, they will often let down their guard or try new things. Children and young people can also post or send material, for example a sexual photo of themselves, that can then be very easily and widely circulated beyond their control (McGrath, 2009). Once this material has been circulated and made available on the internet, it can be very difficult, if not impossible, to remove. Actions to protect their privacy online are often overlooked in favour of wanting to stand out to others online (ACMA, 2010), without fully comprehending the long term consequences of their actions.

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### *b) Peer pressure*

As part of adolescence, young people can experience significant pressure to conform to group norms and behaviours. Peer pressure is a normal part of adolescence but can now play out in unique ways because of the 'always on' nature of smart phones and mobile internet. Australian research has suggested that peer pressure may play a role in sexting behaviour (Walker, Sancu, & Temple-Smith, 2013). Young women may feel pressured to produce images for young men and young men may feel pressured to distribute this amongst their friends. Peer pressure can increase the risk that young people may fail to protect their privacy leading them to be coerced into certain actions such as sexting, with the concomitant potential for harm.

### *c) Cyber bullying*

The potential for sexting to move away from sexual exploration to escalate to cyber bullying is of major concern to the APS. Cyber bullying can be seen as a mutation of the bullying that has long pre-dated the internet, albeit with some different features (McGrath, 2009). Willard (2006) defines cyber bullying as "being cruel to others by sending or posting harmful material or engaging in other forms of social cruelty using the internet or other digital technologies" (cited in McGrath, 2009, p. 24).

For the purposes of this Inquiry, the focus is cyber bullying that involves non-consensual sending or forwarding of sexually explicit messages or images with the intention of causing harm. There are, however, many other forms that cyber bullying can take, including but not limited to, harassment and threatening messages, denigration (sending distressing text messages including homophobic, sexist or racist comments), masquerading, impersonation, outing and trickery (sharing private personal information, messages, pictures with others) and social exclusion (intentionally excluding others from an online group).

Cyber bullying differs from traditional bullying in a number of ways, including giving the illusion of anonymity and occurring 24/7 thus being harder to escape. Additionally, it often involves no authority (that is, adults are less aware of cyber bullying as it is nearly always carried out secretly) and can amplify the impact of 'regular' bullying.

Bullying has many negative impacts on the victim, including: impaired social and emotional adjustment; poor academic achievement, anxiety, depression and suicidality; poorer physical health; higher absenteeism; and increased loneliness and low self esteem (Cross, 2009). Emerging evidence suggests that bullying (and potentially cyber bullying) is implicated in the suicide of young people (Gough, 2007).

Those who bully others are also negatively impacted by their bullying behaviour. The effects of bullying others include: anxiety, depression and suicidality; greater risk of delinquent behaviour; and increased alcohol and substance use (Cross, 2009).

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*d) Gender based violence and harassment*

A related issue concerns the harms caused to girls and women in particular, through sexual violation and harassment. When a sexual or intimate image is sent on without consent, women and girls experience this as a sexual violation and humiliation. Research has shown that media technology and social networking sites are often used as vehicles in the perpetration of gendered sexual violence targeting women (Walker et al., 2013).

*e) Potential for criminal acts*

As indicated above, if sexting involves abuse in relation to children, there is the potential for this to be considered criminal activity associated with child pornography.

*f) Harm to children's development*

Most experts agree that despite their ability to effectively use online technologies, children and young people still need protection from content that exploits their immaturity and could harm their development (Biggins & Handsley, 2000). Examples include material that is sexualised or pornographic, or that which endorses inappropriate behaviours or perpetuates negative stereotypes (such as gendered double standards).

Viewing such material may distort children's ideas about what is normal or age-appropriate, create unrealistic and unhealthy attitudes about the self, others and society in general, and expose them to images or practices that may be unsafe or that they are not developmentally ready for. In many situations, it is not the content itself that is concerning, but more that the content should be accessed when a child is developmentally ready to do so including having a better capacity for critical analysis.

Another concern is that the public discourse about sexting reinforces gender stereotypes. Australian research (through focus groups) found that young people observed that gendered double standards were applied to discussions of sexting, and digital self-representation in general (Albury et al., 2013). For example, one group of young women were particularly offended that their self-portraits or 'selfies' were viewed by both peers and adults as 'provocative' while young men's naked or semi-naked pictures were understood as 'jokes'. Whilst this indicates that young girls are more susceptible to the negative consequences associated with sexting, there is a role played here by both young boys and young girls. It is not simply young girls whom should be considered as "responsible to reduce their own risk of victimisation" (Salter, Crofts & Lee, 2013, p. 301).

*g) Vulnerable groups*

Young people are not a homogenous group and some researchers and practitioners have highlighted the particular vulnerabilities faced by young people who already face life difficulties and/or are marginalised. For

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example, Willard (2011) points to young people who are at risk in other areas of their life, such as facing ongoing challenges related to personal mental health, sexuality, school and/or peers, as being more vulnerable to being victims of cyber bullying. This finding may also apply to sexting and the subsequent potential for cyber bullying. Therefore, sensitivity and awareness about the disproportionate potential for harm to children and young people with disabilities or those who are lesbian, gay, or trans-gender, for example, needs to be considered.

### **Protecting young people from possible harms from sexting**

Cyber safety refers to the safe use of the internet, online technologies, and mobile phones. There are many ways of helping children and young people to be safe in cyber space, including education of schools, parents and children themselves, in safe, responsible and ethical online usage, education around respectful relationships, as well as the development of effective legislation protecting individuals from an invasion of privacy, as well as the implementation of a tribunal to hear complaints about harmful digital communications.

#### *a) Education of young people in online safety, respectful relationships, role of bystanders*

Involving young people in discussions about cyber safety is an important part of their development (e.g., awareness of consequences of actions, taking responsibility for choices, learning to treat others with respect). Also, as research has found that young people aged 12-17 years are most likely to discuss internet issues with their friends (ACMA, 2010), the education and involvement of young people in ensuring a safe online environment is essential.

Young people need opportunities to thoroughly discuss and explore how to balance technology, sexuality and privacy. They need to be encouraged to critically evaluate the online environment, including identifying how the material makes them feel, and about the permanency of what they write and share electronically. Young people need to be assisted to be able to identify what constitutes personal information (e.g. telephone numbers, your full name, and school). Young people also need to be encouraged to understand the difficulty in controlling or removing content from mobile phones and the internet which can contribute to deeply embarrassing and harmful consequences for them in both the short and long term. Parents can ask questions such as:

- “Is this photo one that you would be happy to have everyone see?”
- “Will you be comfortable having everyone know this about you in 10 or 15 years?”

As well as education around cyber safety young people also need support to understand ethical relationships as well as the right ways to treat others – partners, friends and even people they dislike – and how others should treat them in return. By encouraging better relationships, young people are better

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able to identify the warning signs when people around them are behaving inappropriately, both on the online environment as well as out of it.

Bullying among children almost never happens in isolation, and while cyber bullying may occur more privately, often other students know about it and thus have the option of intervening (Cross et al, 2009). Spears (2009) argued that young people need “to develop skills and techniques to respond to bullying on the net or by phone as bystanders or witnesses” (p. 13).

It is important that young people are involved in and take partial responsibility for the moderation and monitoring of online activities (Sharples et al, 2009). Similarly, involving children in defining bullying, constructing bullying and harassment policies and being part of the delivery of anti-bullying strategies leads to increased ownership and effectiveness of such policies.

Peer education and interventions are important in reducing the impacts of cyber bullying. The majority of peer interventions have been found to be effective, with the bullying stopping within a short period of time of peer intervention and reconciliation occurring when bystanders intervened (Cross, 2009). Students who are ‘defended’ are better adjusted and report less peer-reported victimisation one year later (Sainio, Veenstra, Huitsing, & Salmivalli, 2009; cited in Cross, 2009).

#### *b) Role of parents*

Parents who provide children with good supervision and who set boundaries, while at the same time granting their children a level of psychological autonomy, enhance the development of protective social skills among their children, and strengthen their capacity to find creative rather than reactive solutions when resolving conflicts (Cross et al, 2009).

A number of parental strategies exist to help protect children from harmful digital communications. These include good communication (explaining why certain material is not appropriate); communication that is not based on fear or punishment (e.g., removal of internet access); active engagement in social networking sites (e.g., parents having their children as “friends” on social networking sites), and setting limits around the use of online technology (e.g., using the internet in sight of parents, charging the phone in lounge area), as well as technological (e.g., internet security software).

Trust building, education and communication are key cyber safety strategies that can help parents to facilitate open discussion with their children about harmful digital communications. Young people need reassurance and a supportive environment in which they can discuss their problems in an open and non-judgmental manner. Parents need to be encouraged to listen to their children’s concerns without judging, interrupting, panicking or criticising.

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*c) Age-appropriate limiting of access*

For young people, limiting their access to online technologies can be a helpful cyber safety strategy, particularly when used in conjunction with the above strategies. Limited access could include delaying access to smart phones for younger children. Parents and schools need to play an active role in monitoring and boundary setting for young people in relation to cyber safety, but this must be done in conjunction with trusting and respectful relationships.

*d) Role of schools*

Schools have a very important role to play in ensuring responsible and safe use of technology. The challenge for schools is embracing new technologies as positive tools for teaching, learning and building relationships whilst at the same time identifying and addressing the safety risks attached to their use (McGrath, 2009).

It is essential that schools provide students with the assistance and education to enable them to use online technologies for responsible and creative learning. Ensuring schools have an *acceptable use* internet (cyber safety) policy that every single member of the school community needs to sign off on is important, and there needs to be clearly articulated rules and regulations with consequences for breaches of those rules. Working in collaboration with parents and students to develop such a policy, making cyber safety an integral part of student wellbeing practices in schools, and including cyber safety as part of the curriculum will better ensure the relevance and effectiveness of the policy.

Most schools currently have bullying policies and many, but not all, have specific cyber bullying policies. Unfortunately, policies are often not backed up with clear procedures that are consistently followed by teachers, or widely known and understood by teachers, students and their parents/carers. Regardless, policies alone are not sufficient to address the behaviours and should be accompanied by:

- Monitoring students' online activity and taking action against threatening or unsafe online behaviour;
- Increasing the skill and confidence of teachers to deal with cyber safety issues;
- Using filters and blocks (without depending upon them);
- Learning the language and interacting with young people on their turf;
- Developing and advertising acceptable-use policies;
- Focusing on peak times (e.g., school transition);
- Involving parents, including disseminating education about use of internet and internet filtering technology;
- Consistent use of appropriate techniques for managing peer relationships, such as restorative justice, method of shared concern,

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and support group approach, with more limited application of punitive approaches (Carr-Gregg, 2011).

*e) Cyber safety education*

Addressing cyber bullying should be considered part of a school's broader approach to developing respectful relationships between students and addressing bullying and discrimination more generally. Cyber bullying is a reflection of attitudes and behaviours students manifest in the real world, and often accompanies other forms of bullying. Teaching positive relationship strategies, empathy skills, the importance of bystander intervention and conflict resolution skills (anger management, problem solving, decision making) in schools is part of a whole school approach to effectively addressing cyber safety. Cyber safety strategies therefore should not be seen as separate to (or more/less important) than addressing other forms of bullying and discrimination (such as racism, homophobia or sexual violence).

Teacher education and awareness is key to this whole-school approach. Cross et al (2009), for example, found that teachers were less confident in addressing cyber bullying compared to other forms of bullying, and that "young people reported losing faith in reporting bullying behaviour because some teachers and other adults are not taking action or not recognising covert bullying as bullying when they see it or when it is reported, especially via cyber means" (p. xxvii). Staff training, positive classroom management, resources and support for development of appropriate strategies, principal commitment, and reconciliation/restorative techniques are all important as part of teacher engagement in cyber safety. The teaching of values, rights and responsibilities, as well as a commitment from the school leadership team to creating a respectful and caring school culture that is modelled by teachers in their interactions with each other and students, are essential here (Carr-Gregg, 2011).

Some commentators have cautioned against the approach adopted by many schools of preventing access to many online environments (such as social networking sites) in response to worst-case scenarios (Sharples et al, 2009). This approach, in some situations, has prevented teachers from exploring the benefits of the internet for creativity and social learning, and does not encourage young people to take responsibility for making safe decisions about their engagement with online technologies.

Cross et al (2009) conclude that the most promising interventions appear to be those that take a whole-school approach which includes the development of programs aimed at:

- Enhancing a positive school climate and ethos which promotes pro-social behaviours;
- Providing pre-service and in-service training of all school staff to assist them to recognise and respond appropriately to signs of covert bullying;



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- Creating physical environments that limit the invisibility of covert bullying;
  - Increasing the awareness among young people of how group mechanisms work and strengthening their skills in conflict resolution; and
  - Developing anonymous, peer-led support structures for students to access when they feel uncomfortable.

Education must focus on healthy development and the skills to build positive relationships. Strategies need to encourage children to be critical of theirs and others actions when communicating through new technology such as mobile phones with cameras.

The evidence would suggest that informed parenting and school-based practices and educational approaches targeting both young people and the community in general presents the most effective approach to minimising the potential for harm.

#### *f) Role of legislation*

While it is beyond the expertise of the APS to comment in detail on legal matters, it is important to acknowledge the considerations raised by McGrath (2009) regarding legal issues around cyber safety, which include:

- The balance between freedom of speech, the right to privacy and cyber safety
- The potential for criminal charges and/or civil claims.

The APS is concerned that the legal implications surrounding sexting by children and young people should not lead to a solely legal solution to the issue. As indicated above, informed parenting, school-based practices and educational approaches offer the most productive way forward. When the circumstances are extreme, some legal response may be necessary. For example, the implementation of an offence related to harmful digital communication, as used in New Zealand, may be worthy of consideration in Australia (New Zealand Law Commission, 2012). It is the view of the APS that legal options need to be used with caution because of the potential for young people to unwittingly obtain a serious criminal conviction that can define their entire life.

The implementation of a purely legal solution to sexting would also have the unintended consequence of driving the behaviour underground. That is, criminalising all sexting would force many professionals to approach the issue from the point of view of being a mandatory reporter. This would seriously reduce the option for a young person to seek help.

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## **Recommendations**

The APS recommends the following for the Committee's consideration:

1. That a common set of definitions of sexting be agreed on throughout Australian jurisdictions, with input from various expert stakeholder groups including young people themselves.
2. That the multiple dimensions involved in sexting activity be incorporated into definitions of sexting.
3. That in developing a definition, a clear distinction be made between sexting and child pornography.
4. That strategies to address the issue emphasise education and information provision. Children and adolescents must be invited to take part in the development and implementation of these strategies.
5. That a nationally consistent strategy is developed and agreed to by all jurisdictions in increasing community awareness on the risks associated with online activity, including sexting.
6. That parents and guardians be supported to undertake open communication with children and young people about cyber safety.
7. That schools be required to develop cyber safety policies, in conjunction with young people, and to implement best practice strategies to address cyber safety and cyber bullying.
8. That teachers and principals be required to undertake education and awareness training about whole-school approaches to bullying of all types, including cyber bullying, as well as cyber safety.
9. Legislative measures should be seen as a last resort to protect against extreme and dangerous practices.
10. That consideration be given to developing an offence related to harmful digital communication, as implemented in New Zealand, for instances of extreme cyber bullying.

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## **About the Australian Psychological Society**

The Australian Psychological Society (APS) is the premier professional association for psychologists in Australia, representing more than 21,000 members. Psychology is a discipline that systematically addresses the many facets of human experience and functioning at individual, family and societal levels. Psychology covers many highly specialised areas, but all psychologists share foundational training in human development and the constructs of healthy functioning.

Psychologists have been substantially involved in collaborative, multi-disciplinary work on social issues internationally and nationally for decades. They bring their psychological skills and knowledge to enhance understandings of the psychological and systemic issues that contribute to social problems, and to find better ways of addressing such problems.

The APS supports nine professional Colleges that represent specialist areas of psychology: Clinical, Community, Counselling, Educational & Developmental, Forensic, Health, Organisational and Sport Psychology, and Clinical Neuropsychology. A range of Interest Groups within the APS also reflect the Society's commitment to investigating the concerns of, and promoting equity for, vulnerable groups such as Indigenous Australians, gay and lesbian people, minority cultures, older people, children, adolescents and families. The promotion of a peaceful and just society and protecting the natural environment are the focus of other APS Interest Groups.

This submission has been developed through the cross-collaboration of two teams at the APS; Psychology in the Public Interest and Professional Practice.

Psychology in the Public Interest is the section of the APS dedicated to the application and communication of psychological knowledge to enhance community wellbeing and promote equitable and just treatment of all segments of society.

The Professional Practice team develops guidelines and standards for practitioners, provides support to APS members, and liaises with community groups and other professional organisations whose work may impact upon the psychology profession. As part of this team, the APS have an advisor dedicated solely to the support of psychologists in schools. The APS values the work that school psychologists do and is dedicated to providing resources and support to our school psychologist members.

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