

Chapter 4

Next steps

4.1 Children and young people growing up today have access to a range of digital devices and services that provide entertainment, support their education and creativity, and help facilitate their social communication. Compared to individuals born earlier in the internet age, it appears that children today are going online at younger ages and accessing online material more frequently. Children and young people are expected to be savvy users of digital technologies and are taught to be digitally literate. Most children and young people are likely to have positive experiences online.

4.2 Accompanying these developments, however, are growing concerns about harm to children and young children caused by aspects of their online activity, including concerns about their safety, privacy and the type of content they access. Digital devices are ubiquitous in society, but in general there are significant divergences between age groups regarding the use of these devices and knowledge about popular media platforms. With younger generations eager to engage with digital technology and often understanding it better than adults, this presents challenges for the ability of parents, guardians and others in key roles to supervise the use of these tools. It also challenges existing government and industry responses that seek to prevent children and young people from being exposed to certain material. In particular, the classification regime is less relevant when material that has been or would be refused classification, or would be subject to restrictions about its distribution, is freely available online.

4.3 Statistics about internet usage demonstrate that pornographic websites are numerous and popular. It is also clear that there are many ways for accidental exposure to pornographic content to occur when online. Furthermore, evidence suggests that, among the range of pornographic material accessible online, extreme content is widely available. Although pornographic imagery is not new—indeed it can be traced back to ancient civilisations—the content readily available now includes violent and shocking material. The widespread use of digital devices by children and young people, and the increasing amount of online activity they undertake, is occurring in this environment. Depending on their age, stage of development and other factors, there are valid concerns about whether exposure to this material influences the healthy development of children and young people, particularly with respect to the formation of respectful relationships and ability to make decisions about sexual activity. Although some children and young people may not be bothered or affected by this material, it is likely that many others would be.

4.4 There are other matters, however, that should be taken into account. One, for instance, is the wide range of other sexual-themed content in society to which children and young people can be exposed. Such content may be present in advertisements, films, television programs, publications, video games and the lyrics of popular songs. Some of this material includes violent sexual content and presents other troubling messages about gender roles and respect for women. There are also related concerns about the sexualisation of children by advertisers, broadcasters and manufacturers. Pornography is one source of inappropriate material that may influence children and young people; however, it is not the only source.

4.5 It is also apparent that moral panic about particular media corrupting youth occurs regularly between generations. Concerns about certain types of music (over various decades) and the content of video games are some examples. In addition, it should be noted that concerns about children being exposed to online pornography are not new; for example, in legislation that was ultimately found to be unconstitutional, the United States Congress first attempted to prohibit the 'the knowing transmission over the internet of obscene or indecent messages to any recipient under 18 years of age' in 1996.¹ In the twenty years that have followed, the internet has become more prevalent, yet successive groups of children and young people reached adulthood and enjoy happy and respectful relationships.

4.6 These other considerations do not lessen concerns about the harm pornography may cause children and young people. Further, the Australian, state and territory governments have a clear role in enacting laws, developing policies and showing leadership in efforts to protect and care for children. This includes ensuring that children:

- are not exposed to material they are not capable of dealing with; and
- have the knowledge and skills necessary to build healthy and respectful relationships.

4.7 This policy area is complex and involves a topic that is emotive and makes adults uncomfortable. This provides an impediment to openly discussing whether a problem exists or the extent of the problem. Unlike many other public policy issues, there are also clear ethical issues that make it difficult to obtain the information needed to inform evidence-based responses. It is important, however, that consideration of this matter continues. Legislators and policymakers have an obligation to understand more about how children and young people are being exposed to pornographic material and whether this harms their development, and if so, to take any effective action that can alleviate such harm.

1 *Ashcroft v American Civil Liberties Union*, 535 US 564, 567 (2002).

4.8 The committee emphasises that an evidence-based approach must be pursued. Emotional perspectives and individual accounts of harm have been presented, including accounts that are deeply distressing, particularly cases of child-on-child abuse apparently linked to exposure to pornography. However, the committee cannot endorse particular policy proposals based on a relatively small number of cases. Proceeding on that basis presents a grave risk of introducing measures that are poorly-targeted, otherwise ineffective or disproportionate.

4.9 To ensure that an evidence-based approach to this issue can proceed, the committee considers further research is required in an Australian context. Although the committee is aware of various studies that have been undertaken, these vary in the age groups and issues considered. There are considerable ethical problems associated with researching this topic, which likely explains why evidence presented to the committee suggests a correlation between exposure to pornography and harm, but not causation. To the extent possible, further information needs to be obtained on the number of children and young people in specific age groups who are exposed to pornographic material. For each age group, information on the following additional matters would also be of value:

- how children and young people are first exposed to this material;
- the types of pornographic material to which children and young people are exposed, and to what extent this includes violent or otherwise extreme content;
- how exposure to this material commonly occurs, including access online using various devices and distribution from one child or young person to another; and
- to what extent the exposure is accidental, deliberate or following persuasion by, or pressure from, others.

4.10 Following this, expert advice can be obtained about the implications of the results for the healthy sexual development of children and young people at different ages and different development stages. This expert advice could also identify whether online pornography is the most pressing problem, or whether other sources of explicit material are more concerning. A better understanding of these factors will influence the policy discussion that would follow. Whether exposure is accidental or deliberate, for example, will likely influence views on whether a technology-based measure will be effective.

4.11 In the committee's view, the next steps are for the Australian government to commission comprehensive research into the exposure of Australian children and young people to online pornography and other pornographic material. Following this, an expert advisory panel should be formed to analyse the commissioned research, other research that may be available, and to consider the merits and viability of particular policy proposals.

4.12 It is likely that the matters raised will involve both the Commonwealth and the state and territory governments. For example, concerns about communications regulation are a matter for the Australian government; however, education and issues within schools are primarily matters for each state and territory jurisdiction. Given this, and depending on the findings of the expert panel, it may be appropriate for the Australian government to convene either a multi-jurisdictional ministerial council or another forum, such as a dedicated national summit, to build consensus on whether a problem exists that warrants government intervention, and if so, the policy options that should be pursued.

4.13 On a separate matter, after considering evidence received about accounts of child-on-child sexual abuse in schools, the committee urges state and territory governments to consider the adequacy of current policies on, and responses to, allegations of sexual abuse perpetrated by children within schools. This should include the adequacy of child protection training provided to individuals employed in, or preparing for employment in, roles that could involve children.

4.14 The committee recognises that the next steps it has outlined are not as decisive as some submitters would like. The committee agrees with those submitters that society has a responsibility to protect children and young people from harm. Society also needs to ensure that children and young people are equipped with the skills needed to develop healthy relationships. To ensure a topic as important as this is addressed properly, however, it is important to proceed methodically with proposals that are supported by clear evidence. Across the submissions from key stakeholders, there was broad support for further research. Commissioning Australian research will provide a firm footing for further evidence-based policy development, the results of which can be widely accepted within the community.

Recommendation 1

4.15 The committee recommends that the Australian government commission dedicated research into the exposure of Australian children and young people to online pornography and other pornographic material.

Recommendation 2

4.16 Following completion of the research referred to in recommendation 1, the committee recommends that the Australian government commission an expert panel to make recommendations to the government regarding possible policy measures. The panel should include experts in a range of relevant fields, including child protection, children's online safety, education, law enforcement and trends in internet usage.

Recommendation 3

4.17 The committee recommends that state and territory governments consider the adequacy of:

- their current policies on, and responses to, allegations of sexual abuse perpetrated by children within schools; and
- the training on child protection matters provided to individuals employed in, or preparing for employment in, roles that could involve children.

Recommendation 4

4.18 The committee recommends that the Australian government consider the adequacy of the information available to parents, guardians and teachers on how to keep children safe online, including whether existing resources such as the Office of the eSafety Commissioner's iParent website can be promoted more effectively.

Senator Larissa Waters
Chair

