



## Australian Government

# Australian Government response to the Senate References Committee on Environment and Communications report:

## Harm being done to Australian children through access to pornography on the Internet

March 2017

### Background

#### Senate Committee Report

On 2 December 2015, the Senate referred the harm being done to Australian children through access to pornography on the Internet to the Senate Standing Committee on Environment and Communications (the Committee) for inquiry and report. This inquiry lapsed at the dissolution of the Senate on 9 May 2016.

On 13 September 2016, the Senate agreed to the Committee's recommendation that this inquiry be re-adopted in the 45<sup>th</sup> Parliament. The Committee resolved not to call for new submissions but to refer to the evidence received during the 44<sup>th</sup> Parliament. All correspondence and evidence previously received for the inquiry was made available to the new Committee.

Terms of reference for the inquiry were for the inquiry to examine and report on:

- (a) trends of online consumption of pornography by children and their impact on the development of healthy and respectful relationships
- (b) current methods taken towards harm minimisation in other jurisdictions, and the effectiveness of those methods
- (c) the identification of any measures with the potential for implementation in Australia, and
- (d) any other related matters.

The Committee's final Report, *Harm being done to Australian children through access to pornography on the Internet*, was tabled and released on 23 November 2016. The report includes four recommendations that the Committee considers will help address the harm being done to Australian children through access to pornography on the Internet.

## Response Methodology

The Department of Communications and the Arts has coordinated the development of this response, with input from Commonwealth agencies including the Department of the Prime Minister and Cabinet, the Office of the Special Adviser to the Prime Minister on Cyber Security, the Attorney-General's Department, Department of Social Services, the Department of Education and Training, the Office of the Children's eSafety Commissioner and the Australian Federal Police.

## Preamble

The Australian Government strongly agrees that all children deserve a safe and happy childhood and that society has a responsibility to protect them from harm. Australian children are increasingly immersing themselves in the online world. Even at the earliest age, they are regularly using social networking sites, online games, smartphones and tablets, which leaves them vulnerable and exposed to readily available harmful content such as pornography, violence, non-consensual sharing of intimate images, and cyberbullying.

It is the role of any Government to ensure that all children and young people are well equipped with the knowledge and skills that they need to protect themselves from harm on the Internet, and that education for parents, teachers and carers is readily available. Research indicates that without these skills there is a chance that our children will not grow up knowing how to develop healthy, respectful and happy relationships and that this would have a deep impact on our society as a whole; potentially increasing family or relationship violence, sexual crimes and depression.

The Australian Government appreciates and acknowledges that the vast amount of evidence provided to the Senate Standing Committee on Environment and Communications Inquiry into harm being done to Australian children through access to pornography on the Internet, by a diverse audience who provided submissions, resulted in a comprehensive discussion of the issues surrounding this topic. This included trends in the consumption of pornography by children, the impact on the development of healthy and respectful relationships due to this consumption and harm minimisation methods used in other jurisdictions.

Submissions included personal accounts, submissions from individuals expressing their personal views on the issue and submissions drawing the Committee's attention to detailed research. In addition to these submissions, a large number of form letters and short statements were also submitted.

Having the right public policy settings and programs in place is critical in such a complex and emotive social policy area. It is for this reason that the Government has already acted decisively to fund and deliver a number of initiatives and programs targeted at reducing the risks of harm to children and young people on the Internet. These include:

- the establishment of the Children's eSafety Commissioner
- the establishment of the Online Safety Consultative Working Group
- actions under the Third Action Plan of the National Plan to Reduce Violence against Women and their Children 2010–2022, and
- actions under the National *Framework for Protecting Australia's Children 2009–2020*.

In July 2015, the Australian Government established the Office of the Children's eSafety Commissioner (the Office) to take a national leadership role in online safety for Australian children. A key function of the Commissioner is to administer a complaints system to quickly remove cyberbullying material that is targeted at, and harmful to, an Australian child from social media sites. The Commissioner is also responsible for administering the Online Content Scheme. The Online Content Scheme is set out in the *Broadcasting Services Act 1992* and regulates prohibited, and potentially prohibited, online content in Australia based on the National Classification Scheme. Prohibited content hosted in Australia includes pornography and is subject to take down notices.

Additionally, the Commissioner develops educational resources to assist parents, guardians and educators with keeping children safe online. In particular, the Commissioner has developed the iParent portal to educate parents about potential online risks and how to help their children manage negative situations online. Further information on the Commissioner's resources can be found at [www.esafety.gov.au](http://www.esafety.gov.au).

Since the establishment of the Office, the Australian Government has conferred additional responsibilities on the Children's eSafety Commissioner in relation to women's online safety, including the non-consensual sharing of intimate images, and online safety for older Australians. The *Enhancing Online Safety for Children Amendment Bill 2017*, which seeks to formally expand the functions of the Children's eSafety Commissioner, was introduced in the Autumn 2017 sittings.

While significant progress has been made to increase the protection for vulnerable Australians on the Internet more can always be done. The Government is committed to further consultation and research to ensure that our future policy responses can be even more effectively and efficiently targeted. This will start with the release of a discussion paper by the Department of Communications and the Arts on the non-consensual sharing of intimate images in the first half of 2017.

During the consultations on the Third Action Plan of the *National Plan to Reduce Violence against Women and their Children 2010-2022* (the National Plan) participants raised the theme of increased accessibility of pornography and its impact on young people and their relationships. While the National Plan previously recognised sexual violence as a significant issue, the Third Action Plan has identified it as a key priority area for action over the next three years. In addition, the Third Action Plan includes specific actions to counter the impact of pornography on young people and promote positive, healthy relationships. Further detail on the actions being taken by both the Australian Government and state and territory governments under the Third Action Plan can be found at <http://plan4womenssafety.dss.gov.au/the-national-plan/third-action-plan/>.

The protection of children from online harms requires a whole of government approach, including education and prevention programs. The Government provides a range of these programs through the Office of the Children's eSafety Commissioner, through the AFP's ThinkUKnow program, and through the Department of Education and Training's Student Wellbeing Hub. However there is also a very important role for schools to play in this space.

The Foundation to Year 10 Australian Curriculum sets the standards for what all students should be taught. The Digital Technologies learning area provides students the opportunity to learn to apply safe and ethical practices to protect themselves and others as they interact online for learning and communicating. Safety and social contexts are taken into account as students progress through the learning area and develop their digital literacy skills.

The Australian Curriculum also includes general capabilities, which teachers incorporate into teaching and learning content, where relevant. For instance, ethical understanding, one of the general capabilities, assists students to engage with the more complex issues that they are likely to encounter in the future, and to navigate a world of competing values, rights, interests and norms.

Students develop this capacity as they begin to understand and apply ethical and socially responsible principles when collaborating with others and using technologies.

While the Australian Government plays a leadership role in areas of national education importance, the delivery of education programs in schools, including those that relate to sex education and online safety programs, is the responsibility of the state and territory government and non-government education authorities. This allows schools and teachers to meet the needs of their students and communities.

The Australian Government acknowledges the vast range of issues arising and will ask its Online Safety Consultative Working Group (OSCWG) to consider the issues raised by this Report, and to report back to the Government on strategies to inform an effective policy response to ensure that we all do our best to help protect children from any potential harm.

### Summary of Government Response to Recommendations

The submissions to the inquiry identified three broad areas for Government attention. These areas were research, education and filtering technology. Although submissions noted that there is a need for some form of Government action to address this issue, and there was a broad range of views on the need for additional policy and legislative remedy, the Committee only made recommendations relating to both research and education. While no recommendation was made in relation to filtering, the Report contained a comprehensive discussion of filtering technologies and their efficacy.

Recommendation	Response
<p><b>Recommendation 1</b></p> <p>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.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 2</b></p> <p>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.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 3</b></p> <p>The Committee recommends that state and territory governments consider the adequacy of:</p> <ul style="list-style-type: none"> <li>• their current policies on, and responses to, allegations of sexual abuse perpetrated by children within schools, and</li> <li>• the training on children protection matters provided to individuals employed in, or preparing for employment in, roles that could involve children.</li> </ul>	<p><b>Noted</b></p>

<b>Recommendation</b>	<b>Response</b>
<b>Recommendation 4</b> The Committee recommends that the Australian government consider how 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.	<b>Supported</b>

# Australian Government Response to Recommendations

## Recommendation 1

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.

The Australian Government supports this recommendation.

The Government agrees that robust, quality research is essential in informing an evidence-based response to the Recommendations made by the Committee.

Acknowledging the conduct of such research is complicated due to a number of factors, not the least of which are moral and ethical obligations to ensure that any such research does not cause any harm to children, the Government will consider how any further research under this Recommendation might be conducted.

In a related measure, the Department of Social Services (DSS) has engaged the Australian Institute of Family Studies (AIFS) to produce a report on the effects of pornography on children and young people. The AIFS report involves a desktop review of available research evidence to support the implementation of a \$3 million commitment under the Third Action Plan of the *National Plan to Reduce Violence against Women and their Children 2010-2022 (the National Plan)* aiming to understand and counter the impact of pervasive pornography and promote positive, healthy behaviours of young people negotiating relationships.

The scope of the AIFS desktop review of available evidence includes the impact of exposure to, and consumption of, online pornography on children and young people. The research findings will be shared with the Expert Panel formed under Recommendation 2 to inform its deliberations of possible policy measures.

In addition to the above projects, through the Australian Research Council's National Competitive Grants Program (NCGP), the Australian Government funds research which has included funding for research projects involving issues relating to the use of pornography, including research aimed at the implementation of mechanisms to prevent online viewing of inappropriate images, informing law reform, strategic interventions and improving public debate and policy outcomes in this area.

## Recommendation 2

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.

The Australian Government strongly supports this recommendation and notes that this recommendation is already being addressed in part by the Government's Online Safety Consultative Working Group (OSCWG). Engagement with stakeholders in the fields of child protection, children's online safety, education, law enforcement and internet and social media providers currently occurs through the OSCWG. The Government is of the view that rather than establishing a new panel, the Government will ask the OSCWG to consider the issue and report back to Government on strategies to inform an effective policy response.

The OSCWG was established under the Australian Government's policy to *Enhance Online Safety for Children* and provides advice to the Government on improving the safety of Australian children online. The OSCWG is chaired by the Children's eSafety Commissioner (the Commissioner) and meets twice yearly.

It is anticipated that the Commissioner, Ms Julie Inman Grant, will undertake a review of existing OSCWG arrangements to meet the Office's current range of responsibilities. This may include establishing expert panels and sub-committees to better consider the range of functions performed by the Commissioner, including the formation of an Expert Panel for the purposes of this Recommendation.

### Recommendation 3

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 children protection matters provided to individuals employed in, or preparing for employment in, roles that could involve children.

The Australian Government notes this recommendation. While the Australian Government believes that the protection of children is a shared responsibility, the consideration by state and territory governments of these issues are a matter for state and territory governments.

The Government is currently working towards delivering on the intent of this recommendation. At the National level, the *National Framework for Protecting Australia's Children 2009-2020* (the National Framework), is a long-term approach to ensuring the safety and wellbeing of Australia's children and aims to deliver a substantial and sustained reduction in levels of child abuse and neglect over time. The National Framework was endorsed by the Council of Australian Governments (COAG) in April 2009.

Under the National Framework, Commonwealth, State and Territory governments, non-government organisations, service providers and individuals with an interest in ensuring Australia's children are safe and well work together to achieve the following outcomes:

- children live in safe and supportive families and communities
- children and families access adequate support to promote safety and intervene early
- risk factors for child abuse and neglect are addressed
- children who have been abused or neglected receive the support and care they need for their safety and wellbeing
- indigenous children are supported and safe in their families and communities, and
- child sexual abuse and exploitation is prevented and survivors receive adequate support.

The Third Action Plan 2015-2018 under the National Framework includes a specific strategy focused on organisations responding better to children and young people to keep them safe. The strategy is designed to drive implementation of a child safe culture across all sectors. Activities undertaken as part of the strategy are aimed at reducing the risk of a child being harmed and foster environments that empower children and young people to speak up, and recognise and respond appropriately to threats to children. Commonwealth and State and Territory Ministers have agreed to the development of National Statement of Principles for Child Safe Organisations to be endorsed by COAG. A National Statement of Principles for Child Safe Organisations will be used as a benchmark

for cross-sectoral jurisdictional child safety policy making, funding and investment decisions, and legislation and compliance regimes.

The Government also notes the work that the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) is doing in this area. The Royal Commission's Terms of Reference provide for it to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters. In particular the Royal Commission's Terms of Reference provide for it to inquire into what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts.

In September 2014 the Royal Commission issued a research report: *Child Exploitation Material in the Context of Institutional Child Sexual Abuse*. The Royal Commission's final reporting date is 15 December 2017.

## Recommendation 4

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

The Australian Government supports this recommendation. While extensive resources have been developed by the Office of the Children's eSafety Commissioner, the Department of Education and Training and the Australian Federal Police, the Australian Government recognises its responsibility to ensure the information it makes available to children and young people, and to parents, carers and teachers, remains of a high quality, relevant, and easily accessible.

By committing to continually looking for new and creative ways to meet the needs of Australian parents and carers, acknowledging that support is required by both families and schools to protect children online, the Australian Government is actively delivering on this recommendation. Additionally, the Government is committed to improving education outcomes through quality education and by assisting whole school communities in supporting young people to reach their full potential.

The Australian Government provides a range of information and resources to children, teachers, parents and carers, including through the measures below.

### Office of the Children's eSafety Commissioner

The Office of the Children's eSafety Commissioner (the Office) has created *iParent* on its esafety website ([www.esafety.gov.au](http://www.esafety.gov.au)) as a resource hub. This site provides parents and carers of young people with practical advice on a wide range of online safety and digital content issues. Useful tools are offered to help parents and carers assist children to explore the online environment safely.

The esafety website is the main promotion vehicle for the Office's online safety resources targeting parents, children and young people. The Office promotes its resources through its established subscriber base, the Cyberzine monthly e-newsletter, significant social media and other media engagement and strong relationships with key stakeholders. The Office actively engages with partners and stakeholders to raise awareness of the Office and its resources, including through promoting and participating in special "days of action" for online safety.

The tools available on the esafety website include:

- Advice about strategies for restricting access to harmful material, such as using child-friendly safe search tools and parental controls. For example the “7 Ways” interactive infographic resource shows parents how they can manage web-connected devices in the home. Further information is available on the Office’s “Online safeguards” page at [www.esafety.gov.au/education-resources/iparent/online-safeguards](http://www.esafety.gov.au/education-resources/iparent/online-safeguards).
- The “Online Risks” page of *iParent* offers targeted information to help parents protect children from inappropriate, offensive or illegal content. This section of the iParent site includes expert advice on how to deal with, and discuss, online pornography. Resources include practical advice from a leading parenting expert, Dr Justin Coulson, discussion starters, videos and links to professional counselling services such as Parentline. Further information is available on the Office’s “Online risks” page at [www.esafety.gov.au/education-resources/iparent/online-risks](http://www.esafety.gov.au/education-resources/iparent/online-risks).

The Office develops new online safety resources on a regular basis to ensure that their resources meet the current needs of Australians. For example, a number of new resources were released for Safer Internet Day which took place on 7 February 2017.

#### The Australian Federal Police

Through the ThinkUKnow initiative, the Australian Federal Police (AFP) works with the private sector to provide a unique industry and law enforcement approach to online safety. ThinkUKnow is a free, evidence-based online safety program that provides presentations to Australian parents, carers and teachers and students. It provides information on the technologies young people use, the challenges they may face, and importantly, how they can be overcome.

ThinkUKnow sessions are available to both adults and students, with student sessions being delivered by State and Territory police. These sessions sensitively explore online challenges such as sexting, inappropriate content, relationships, cyberbullying, grooming, reputation and privacy, and provide advice on where to go for help if something goes wrong.

Volunteers from the AFP, Commonwealth Bank, Datacom and Microsoft present adult sessions which cover what young people SAY, SEE and DO online. This addresses feedback that parents, carers and teachers want to know more about the specifics of what children are doing online and which apps they are using - which is changing constantly. All presentations are designed to ensure adults receive complementary information to assist them in communicating with children and young people about the technology they use.

ThinkUKnow is promoted on its social media platforms, as well as by the AFP and ThinkUKnow partners, and participates in national campaigns such as National Child Protection Week and Stay Smart Online Week. ThinkUKnow sessions are complemented by a website with information and free downloadable resources such as factsheets and online safety guides.

In the past financial year, ThinkUKnow provided online safety education to more than 10,803 parents, carers and teachers and more than 151,899 students.

#### Department of Education and Training

In addition to the above, the Australian Government’s Department of Education and Training released the Student Wellbeing Hub ([www.studentwellbeinghub.edu.au](http://www.studentwellbeinghub.edu.au)) on Friday 14 October 2016, to provide information and resources on student wellbeing for the whole school community, including students and their parents.

The Student WellbeingHub (the Hub) is designed to be responsive to important issues currently affecting schools as they strive to build and sustain positive, respectful and supportive teaching and learning communities. The site includes a wealth of best-practice, curriculum-aligned resources on contemporary topics and issues that impact on the wellbeing of students. Developing positive school environments has many positive impacts for students, including increased confidence, improved academic outcomes and improved attendance allowing students to be happy and engaged and to strive to be the best they can be.

Educators can access targeted support through the Hub, which is designed to promote the resilience and skills required for students to make positive choices as they navigate their school years. These resources include professional learning modules, a school audit survey tool where schools can assess the effectiveness of their policies and procedures in relation to student wellbeing and classroom resources. Parents and carers have access to information and resources to assist them in making their child's school experience a positive one, including through the provision of practical strategies for connecting with their child's school and communicating effectively with teachers and school staff. Furthermore, through the Hub, students can access a range of information, advice and games that build their understanding of issues that may impact on their wellbeing.

The Hub currently features "Online safety" as a key focus area for educators, parents and students. The focus area includes a wide range of freely available resources, including podcasts providing:

- advice on supporting students to manage potentially dangerous online activities
- tips on supporting students to be responsible and respectful digital citizens, and
- a snapshot of what educators need to know about students' safe internet and social media use.

Further information is available on the Hub's "Online safety" page at [www.studentwellbeinghub.edu.au/focus-areas/online-safety#/.](http://www.studentwellbeinghub.edu.au/focus-areas/online-safety#/)