

SEXTING and PORN on Phones in a Boarding Residence

Update policies and procedures to reflect how you will prevent and handle incidents of sexting and pornography on student phones in the Residence:

- Have a clear policy detailing all the **complex** action to be taken
- All staff be familiar with this policy
- Parents and pupils be made aware of it (can get parents to sign off)
- In this policy, decide how the residence/school will:
 - respond to and support a child whose image has been shared
 - respond to and support a child possessing an image
 - handle a device with explicit images on it (will the device be searched? who will search it?)
 - limit the impact of an incident
 - manage student reactions
 - involve parents - when and how?
 - involve police (prevention and postvention)

Sexting is illegal under Australian Commonwealth and state laws. The producing and distribution of child pornography is unacceptable in any form in State, Territory, and federal laws.

Sexting is:

Images (photos, pics, selfies) or videos of a sexual nature or indecent, shared by internet or phone, taken or sent:

- **by** children under the age of 18,
- or
- **of** children under the age of 18

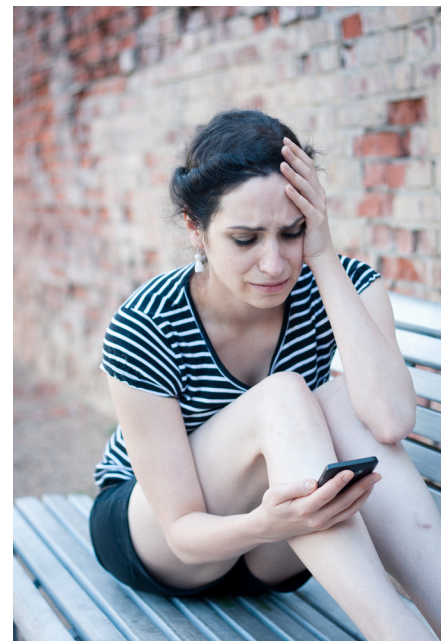
Part 10.6 of the Criminal Code Act 1995 makes it an offence to access, transmit, publish, possess, control, supply, or obtain **child pornography**:

i.e. a picture of a young person (under 18) who is:

- showing their private parts
- posing in a sexual way;
- doing a sexual act; or
- in the presence of someone who is doing a sexual act or pose.

***Can include real pictures, photo-shopped pictures, videos, sculptures and cartoons.

Commonwealth law bans sexting for anyone under 18.



In NSW section s 91H(2) of the *Crimes Act 1900* (NSW) makes it an offence to send, supply, transmit or communicate material of a person who appears to be, or is implied to be a child who is engaged in, or appears to be engaged in a sexual pose or activity.



In WA, it is illegal to take a sexually explicit photograph or image of a person under the age of 16 years

State and Commonwealth child pornography laws **aren't avoided on the basis that both parties are the same age, or in a consensual relationship.** (SA and Victoria are working on a proposal to take a national approach on the issue.)

Authorities say sexting has been on the rise across Australia, with more Queensland children charged with pornography offences than in any other state. In the past five years the number of SA children charged with pornography offences has risen from 18 annually to 44.

The numbers were in the hundreds last year, while a different policing approach in New South Wales meant charges seldom were pressed unless the offending was malicious. (ABC news, 11 April 2014)

The important thing for teenagers to be aware of is that anyone who has in their possession a naked, or even a partially naked photo of a person under the age of 18 on their phone or computer, can be guilty of an offence, along with the producing and distributing of the image or video to other parties.

Once an image or video is posted online, it's there forever. (The FindLaw Team)

If a student discloses they have sent or received an inappropriate image:

- **Always put the welfare of the young person first**
- Handle very sensitively
- Never search a device in response to an allegation or disclosure
- Follow your procedure and/or notify HoB / Manager
- Don't investigate details without Management being aware
- Is there a threat? Are they feeling at risk? How are you supporting them?

Attention all students

If you receive unwanted pictures or requests for pictures:

- NEVER forward these images on to other people
- Its NOT ok, even if you hide your face!
- Tell someone you trust eg Boarding staff
- You can speak to Kids Helpline on 1800 55 1800
- Make a report to the mobile phone company
- Send a Lawmail to Lawstuff. They can explain options. National Children's and Youth Law Centre www.lawstuff.org.au
- Contact police if you feel unsafe or threatened
- Police have discretion not to charge victims of unwanted sexting
- If possible, isolate the images and turn off the device



Below the Belt: Sex, Selfies and Cyberbullying" app

A new, free smartphone app to help understand laws of sexting, cyberbullying and the age of consent;

- launched in Melbourne, by Victorian Legal Aid,
- provides legal information for every state and territory.
- includes a diary to keep track of bullying
- allows the user to store offensive texts and posts
- can also send e-card to a person who has sent an offensive message, letting that person know they feel disrespected

Pornography



- Estimated that 80% of 15-17 year olds in Australia have had multiple exposure to hard-core pornography (Choo, 2009)
- Accidental exposure is common.
- Children are more likely to develop sexually risky behaviour and become sexually active at a younger age.
- Researchers have suggested... porn has the capacity to normalise sexual violence (Wolak, Mitchell, & Finkelhor, 2009) and provide new ways of sexual offending (Powell, 2009).

Schools should take the lead in educating students on the use of the Internet:

- familiarising with filter software, methods for safer Internet use, the use of hotlines to report offensive material, and where to find useful and age-appropriate web-sites.
- Filter software is only partially successful
- Pornographic sites are being produced at the rate of about 1,000 new sites every three or four weeks, (The Head of Information Technology in Victorian Government schools(Doherty 2001).
- *“open communication with children is considered a far more effective means of prevention, rather than policing” (research - Iannotta 2001)*

(part of a workshop presentation by J. Florisson, August 2014)