

REPORT OF PROCEEDINGS BEFORE

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

INQUIRY INTO SEXUALISATION OF CHILDREN AND YOUNG PEOPLE

At Sydney on Thursday 7 April 2016

The Committee met at 9.30 a.m.

PRESENT

Ms M. R. Gibbons (Chair)

Legislative Council

The Hon. G. J. Donnelly
The Hon. P. Green
The Hon. B. Taylor

Legislative Assembly

Ms J. E. Harrison
Mr M. J. Johnsen
Mr D. F. Tudehope

Mr DAMIEN TUDEHOPE: The Chair will be here shortly; in her stead I declare the first public hearing of the Committee on Children and Young People's inquiry into sexualisation of children and young people open. Today the Committee will be taking evidence from the advertising industry as well as groups and individuals representing families and young people. All of these witnesses share a concern about the safety and wellbeing of children and young people. I note that the Committee has resolved to authorise the media to broadcast sound and video excerpts of these public proceedings. Copies of the guidelines governing the coverage of proceedings are available. If the media does wish to take photographs then those photographs are not to include any of the papers or material in front of any of the witnesses or members of the Committee, and I remind everyone of the media guidelines relating to that. I now welcome our first witnesses: Ms Katie Acheson and Ms Jacqui McKenzie from Youth Action.

KATIE ACHESON, Chief Executive Officer, Youth Action, sworn and examined:

JACQUELINE McKENZIE, Policy and Advocacy Manager, Youth Action, affirmed and examined:

Mr DAMIEN TUDEHOPE: You have prepared a submission to this Committee?

Ms McKENZIE: Correct.

Mr DAMIEN TUDEHOPE: You are aware that that submission has been published on the Committee's website?

Ms McKENZIE: Yes.

Mr DAMIEN TUDEHOPE: I propose to adjourn for a short period as the Chair is expected to arrive shortly.

(Short adjournment)

CHAIR: I apologise for being delayed. Before we commence with questions does either of you wish to make a brief opening statement?

Ms ACHESON: I do. Do you mind if I read it?

CHAIR: Not at all.

Ms ACHESON: Thank you for inviting Youth Action here today. As the peak body for the 1.25 million young people and the services that support them in New South Wales, we urge the Committee on Children and Young People to keep young people at the centre of its work. Healthy sexuality is an essential component of an individual's mental and physical wellbeing. Young people should have the freedom to experience their individual sexual development at their own pace and in a way that is clearly led by independent and informed thinking. The influence of the media can be beneficial to a young person in contemporary society and, as the Committee is grappling with, can also be harmful.

States do have the obligation to protect young people from harm and this must be balanced with the need to provide young people with the information and education necessary for their development and evolving capacities, including their sexual identity and their health. It is not a simple thing that this Committee is trying to do, and we acknowledge that. In our submission Youth Action has highlighted some important points that must be grappled with here—for example, access to pornography, an increased number of young people sexting and concerns regarding cyber bullying and revenge porn. These have an impact on how young people develop sexually but the research is not clear. It is correlated currently but it is not clearly evidence yet.

I think the starting point to the changes that must come from this inquiry must first and foremost include young people—what do they think, what is their current reality and how do they experience that? If we fail to take this into account we will make rules that are ineffective because they are not relevant to the people they are trying to protect and govern. So Youth Action asks today that young people have access to age appropriate and relevant information in education, that there is the development of a sensitive and ethical research program that helps to unpack some of these issues, particularly for young people in our State, and where there is evidence that something is harmful that we regulate and review the laws that apply to this and that review guides our response. I am really grateful to be here and I welcome all questions. Thank you.

CHAIR: Ms McKenzie, do you wish to make a statement?

Ms McKENZIE: No. We like to write things together.

CHAIR: You spoke about "age appropriate". Everyone has different views on what is appropriate and what is not. How do we determine what "age appropriate" should be?

Ms ACHESON: There is a lot of research about development—and I would not like to speak on behalf of the medical and psychological associations that have a better understanding and can do that—but we have

already made laws appropriate to that. So if you look at criminal legislation and what you can and cannot be charged with at certain times, we have made a distinction at 16 about consent for sexual activity. We drew that line about sexual consent at 16. In some ways as a State we have already made some lines about age appropriateness, but there is a lot of work to be done.

I think, particularly when you are looking at new forms of sexual expression like we are seeing now on the internet, we need to do some more up-to-date research on what is age appropriate. Although we might say to a 12-year-old it is not appropriate that they access particular kinds of porn, for example, for them having access to understand sexual development and what is sex and how to understand what is safe sex is part of their process; it just needs to be done at appropriate times. I think the answer to your question is that there are definitely points to age appropriateness. As to what they should be I think we actually need to look specifically at what they are accessing and what that would mean and then make age appropriate steps.

The Hon. BRONNIE TAYLOR: Thank you for your submission. It was clearly set out and easy to read. In talking about age appropriateness I would like to flesh out the issue of regulation versus education. In your submission you said if some things do not work then perhaps regulation is an option. I have two daughters—one is almost 20 and the other almost 18. As much as regulation would say to them, "You can't look at that", we have the changing cultural values evolving around boys and pornography online, which is very concerning. We can say, "We do not want you to have access to this" but in reality they can get access to anything online. Young people are quite phenomenal in being able to navigate sites and getting into things. Is it really regulation or is it more about saying, "You have the right to choose whether to look at this or not and these are the consequences." Does there need to be more fundamental change around education for young people? Am I making myself clear?

Ms ACHESON: Let's look at education. One of the things often talked about within sexual development or sexuality for young people is this idea of prohibition. It is like we are imposing adult ideas about sexuality onto young people, particularly onto children. That is very problematic I think because that is not exactly what they are experiencing. Young people can access a lot more information than they used to in the past; however, this discussion about access to porn or imagery or access to explicit information has been going on for thousands of years.

I hate to say it but you are not the first group of people to try and tackle this, and you will not be the last—we will probably do this next week and the week after. We will continue to do this throughout time because it is like: What do we think is appropriate? What is ethically and morally okay for us as a society? Our young people are the first place we look to deem what that is. I think it is a good question to ask. What is important I think in the education space is the acknowledgement that young people do have access to these things. You can Google anything essentially. They can look for information about what is going on for them or what they are curious about.

What we would recommend is that we look at the systems that are already in place, like sex education, which is really well spread throughout the State and goes into most schools, and ask how we can allow young people the space that is age appropriate, according to the grade they are in and how it is talked about, to be able to talk openly and freely about what is available for them and then to have discussions about what is healthy sexual development for them so that they can do it in a safe space and that they get information from people who actually know what they are talking about and not just necessarily like *www.doctorsex.com*. We want to see young people actually be encouraged to explore their sexual identity in a healthy way. We can do that in a State-based thing because we already have a system in place that allows us to have these conversations with young people. We just need it to be relevant to what they are experiencing.

At the moment we are still talking about sexuality in sort of a defined, small way and we are not looking at the bigger, broader sense and we are not dealing with these harder issues like sexting and revenge porn. The complexity of sexual fluidity that we see these days and gender identity and how that affects young people is very different to what it was five years ago. If we have a curriculum from five years ago it is not going to be responding to their needs today. So it needs to be almost, like I would say, an annual review. How is this changing for young people? How can we keep them safe? Research shows that good sexual education helps young people to explore sexual identity and healthy sexual expression and then they are likely to prolong before sexual activity and make better choices.

There is really good research that says sex education does work for making healthy safe choices and understanding consent but we first have to make sure it is relevant and it is actually good sex education. Just

because we can tick the box doesn't mean that it is real. We also need to help parents—there are a lot of parents who come and say that—because it is a whole new world for all of us. What do I do with my 12-year-old who has got this picture from a friend of theirs? What does that mean? What do I say? It is a hard conversation for all of us to have in society. Talking about sex is—we write songs about it, we find it difficult to articulate and get all fumbling. We can do things to help parents to know how to have those conversations and do it in a modern way that is relevant to what their children are experiencing.

Ms JODIE HARRISON: In your opening statement you said it is really important that we keep the young person at the centre of what we are considering here and to consider young people's views. You also said we are now in a very different environment to what we were five years ago as far as sexualisation of children and young people. How have you determined that and what input have you had from young people about that?

Ms ACHESON: First and foremost, in answer to young people we actually have an internship program that we do with our policy and advocacy space and young people wrote it. I cannot remember how old they were.

Ms McKENZIE: They were 22, I think.

Ms ACHESON: But we spent quite a lot of time consulting with young people on many different issues. Regarding this, it was a long conversation with lots of different organisations working with young people in general and saying what are some of the things that are coming up, so we track how that goes. This issue has been coming up consistently time and time again: How do we in youth services respond to new social media interactions like Snapchat or cyberbullying? It is not something that is just contained in the family home. Services, schools—everyone—are trying to grapple with this. So we have had a lot of ongoing conversation with young people about this.

This was just a preliminary submission, so we did not actually do any focus groups or consultations and I do think that there is real scope to do some really good work on that. Time did not allow us to have that specific group. We just took information we had over the years and current information we had heard from services, and particularly young people, to have this conversation. I do take your point. I think the question is: Where are young people's fingerprints on any of the stuff that we do? It is very important for us at all times to bring it back to the young person and say, "We are assuming this. Is it right?" and testing the assumptions as well.

Ms McKENZIE: Can I also say that the topic of sexualisation is a very broad topic. I think this is the first step for us to look at: How do we define sexualisation and what are the critical issues that you want to look at? I feel like that is the step where we go, "Right, we really need to understand what the day-to-day experience is for young people and how we can both support and protect them in that environment." I feel there is that strong call as the process moves on as we look at our research agenda that that is the first thing we always think of at every point along the way.

Ms ACHESON: And in response to the five-year changing scope, if you look five years ago and look at the prevalence of the social media platforms that young people are accessing, they are very different five years later. For example, Facebook started out being for college- or university-aged young people, then dropped all of a sudden to 14- or 15-year-olds and then has moved up and is now the 35-, 40- and 50-year-olds. We are pushing up; it is the parents' space now. We are seeing things like Twitter, which five years ago was very prevalent, and particularly from research, in America Twitter was much more prevalent than it was in Australia with young people, but that has really dwindled to be the 20s and 30s, so there is a changing scope of the platforms that young people are accessing.

You might have heard of Snapchat, which a lot of parents were really concerned about because the picture goes up and then it disappears, which is an amazing opportunity for young people to express themselves in a non-confronting way. You could do something like, "I am going to take this picture of me making a goofy face that is embarrassing, but it does not appear to be there forever; it is just five seconds or six seconds on a friend's phone and then it is gone". Five years ago that was just starting and then we saw the prevalence of the permanency of Snapchat things and the concerns parents had that their children were doing things that they did not have an understanding of the consequences of.

Some of these discussions about what happened five years ago to now really did change. I think you have about a six-month turnover of what the platform is that is being utilised, particularly by the younger

generation. We really need to start doing some better Australian research into what does this trend look like, what are young people looking for on particular platforms and how can we bring the right advice and keep them safe in those spaces? It is so quick and fast turning that the legislation is hard; it is hard to keep up.

The Hon. PAUL GREEN: What you have said so far has been brilliant. Technology is moving faster than anything that we know in terms of these young children being able to express themselves in every area of their life and unfortunately one of those areas where they express themselves online is sexually. I want to talk about revenge porn, because it is devastating in terms of the long-term outcomes. Do you think the way we are going about it is the right way in dealing with legislation for revenge porn? Are we on the right track or should the Government be looking at a different way? Do you have a comment about revenge porn and the way forward with that?

Ms McKENZIE: Revenge porn is difficult because it is something that starts off as a young person expressing themselves. It is consensual, but then things do go wrong. It is really, really upsetting and it is permanent for some young people. We do need to look at the ways that we manage that. There was a recent inquiry in New South Wales into privacy and this came up there. One of the things we would like to see is that when it comes to revenge porn it depends on the goodwill of the individuals, websites or companies to respond to that person's anguish and take it down and we think that at least, as one little step forward, we could give the police powers to issue take down notices.

So when that does go up, when it is distressing to a young person, when the police have been notified, they can take some steps. When these things happen, when young people because of sexting do come into contact with the law, we need to have a range of options available to address that. It should not necessarily always be the courts and it should not necessarily always be the police. Sometimes it is about parents and sometimes it is about the social context of the young person, and a youth work organisation might be the best place to support them through whatever is happening to them. It does require a bit more.

The Hon. PAUL GREEN: Should that be grassroots fed or should that situation be fed through once a complaint has been made about a revenge porn case? For instance, something happens at a local school, the local school handles it, or are you suggesting perhaps it should go to whoever is in charge of that particular issue of law and they would then say, "Really, the person's immaturity is beyond comprehension" or they are incredibly angry because their parent had died and their world is breaking up. Are you suggesting that should be controlled or grassroots fed and then work out how significant the issue is?

Ms McKENZIE: I guess what I am saying is you would have to start from the young people and their context and work our way up and there needs to be a range of options.

The Hon. PAUL GREEN: So grassroots up?

Ms McKENZIE: Yes, sure.

The Hon. PAUL GREEN: So parents, schools, whatever the organisations might be that they are working from?

Ms McKENZIE: It is going to be contextual. So if it is very serious, if there is a really large age gap; all these sorts of things are at play. I think it is also something that the legal community needs to weigh in on and look at the range of options; also their experience of what cases have been brought forward, the circumstances of the cases and what we can learn from them. That would be my response.

Ms ACHESON: Also looking at the laws you have in place. We would never say you should get rid of them. There is good legislation about good things and it should be applied. If a criminal act happens—in this case it is not about revenge porn, it is about a criminal act, so it is separating some of those things. The challenge is that what was a consensual activity then is shared in a non-consensual way, so it is posted and the young person has not given their permission to do so or they are under the age of consent so therefore the State would say they do not have the ability to do that. Lines are already drawn and we can play with those boundaries as they are; we just need to allow the police or a regulator to be able to ask, particularly when it comes to social platforms, for them to be taken down because at the moment it really is ad hoc.

It depends on whether the provider wants to take it down. If something has a lot of hits, that is how they get their money. The better the content is, the better their viewership is and they want to keep those good things.

The point is that it is not about whether they want to or not; it is about the safety and the wellbeing of that young person saying they did not give consent for that to go up and we need to take that into consideration. I think it is the ad hoc stuff that we need to keep in mind; that there should be some ramifications for people to make a complaint and the police to have jurisdiction.

The Hon. PAUL GREEN: For them to have discretion?

Ms ACHESON: It is bits and pieces, and it is discretionary.

The Hon. BRONNIE TAYLOR: It is a big jump from a situation that is very serious to the only option then being to go to the police, for an 18-year-old girl who is having some real issues via someone doing something very unpleasant like revenge porn. I was on that inquiry so I am really interested. I think that idea of a take-down is a lovely in between rather than an apprehended violence order [AVO] if that is not what they want to do because that is a pretty big thing for an 18-year-old. That is a really good point.

Ms McKENZIE: What plays into this conversation as well is how supported young people are to come to the place if something is being shared. At the moment if you take a photo of yourself and text it to someone else you are creating and distributing child pornography by our laws. New South Wales says one thing, but it is different to the Federal legislation. How we support young people who have had an instance to take action is something that is part and parcel of that conversation.

Ms ACHESON: And the police are really good. They have worked really hard to be sensitive, and to work with young people and marginalised groups. They have some really good ideas in place and some great teams that could do supportive work that is not just doing the letter of the law but saying, "What is actually going on here? Was it consensual? What happened? How can we work with the people involved in the case? We might be talking about two teenagers and one of the teenagers did something that the other teenager did not want them to do. They are still both young people who are just working out this sexual space and their sexual identity, and they make sometimes good and bad decisions together so we need to make sure that how we regulate and legislate things reflect a positive development of that and support them through that. Drawing a line and criminalising young people's sexual activity is not always the way; we know it does not work well.

The Hon. PAUL GREEN: That is that safe space you are talking about, sort of having a safe space to make some errors and grow healthily?

Ms ACHESON: Absolutely, which is what we do with a lot of other laws about young people. We allow that space to say, "If you commit a crime within this particular age group, we recognise that it is a progressive capacity understanding, so we will make your punishment related to that" and I think we can do the same with this area.

The Hon. GREG DONNELLY: The issue of consent has been commented on a few times this morning and also in your submission. I am wondering how we fully grasp consent. I think we have a good understanding—I do not think it is really disputed—that with respect to the development of the child brain or the brain of children and young people, it is a process that takes some time and it is generally understood that the frontal lobe, the part at the front for judgement and decision-making, is not fully mature until almost the mid-20s, so there is quite a space of years in there.

The Hon. PAUL GREEN: It is 31.

Ms JODIE HARRISON: Only for males.

The Hon. GREG DONNELLY: Some might say that males take longer than females. Seriously, medical science tells us that the development of the human brain, particularly the frontal lobe, enables consideration, examination of issues and thought to make good judgements and decisions. That being the case, as long as there is consent associated with decisions, that is all right, the individual is consenting. We have consent laws with respect to sexual relationships between males and females at a particular age. As we go below that, we are dealing with a number of issues, for example, sexting by people who are much younger than 16 years of age. What do you say to the proposition that it is very hard to know with any certainty that consent is being given? How do you define consent of a 12-year-old or a 13-year-old, or someone younger, who is texting a sexual image, known as sexting?

Ms ACHESON: The first place to start is to talk about respectful relationships. There has been a move in recent years that rather than just talking about sex in biology, such as here are your parts, this is what happens, this is how babies are made, to what do relationships mean, what is a healthy choice, what is your place in this, what is another person's place in this? What does it all mean? There should be a discussion about what is consent, because it is a complicated thing. I have talked to 20-year-olds who have said, "I did not really understand that until I was 18", but that does not mean that they were not sexually active before that or engaging in sexual activities before that.

It is a progressive thing to fully understand what I am consenting to and what the ramifications are. However, the conversation should be allowed to start with a 12-year-old because we know that young people's sexual identities start around 10 or 12 years of age. They are expressing themselves, they are flirting, they are looking at who they are, who they are attracted to. Maybe they are attracted to people they were not expecting to be attracted to. That is something we need to help them work through. The question about consent and drawing that line is a very challenging one. It is obviously contextual as well, because you cannot just say it is at 16 that everybody's brain is fully developed and capable of understanding—

The Hon. GREG DONNELLY: We know it is not.

Ms ACHESON: Exactly, but nor can we say that a 14-year-old who is not very mature but who has made serious choices and decisions is less capable than an 18-year-old when it is about that young person's development. However, as a rule, we have to draw a line somewhere. We have said 16 for consent. The fluidity of your question and how we deal with that—

The Hon. GREG DONNELLY: It is not fluid at all. It is a specific question.

Ms ACHESON: Sorry, the fluidity of how people express consent is a challenging question that we have to grapple with and I do not think there is a clear line.

The Hon. GREG DONNELLY: In your recommendation No. 3, you say that New South Wales laws be reviewed and amended to allow for a more appropriate range of responses for young people, especially in instances of mutually consensual sexting that is age appropriate. The issue of consent is fundamental to this because you are making a definitive statement that is not just anticipated, it is actually agreeing with the proposition that sexting can be consensual. That is what you are implicitly saying. How can you be sure that there is consent, for example, of a 12-year-old or a 10-year-old or a 13-year-old?

Ms McKENZIE: I think that recommendation is particularly about the range of responses that law can undertake. If it is a 13-year-old who is sexting a 13-year-old, maybe it is mutually consensual. Is it age appropriate? That is the question we have to ask ourselves. If we find that it is not age appropriate, that they have not truly consented because they do not understand what they have consented to, then what is the response to that? Is it that they have support in their family to work through that? It is not just about the hard and fast rule of law, it is about when these things happen, what is the age appropriate response that can be backed up by law rather than putting them straight through a court.

The Hon. GREG DONNELLY: What do you say in the submission of the organisation about what is the appropriate response, for example, if a pair of 12-year-olds or 13-year-olds are sexting?

Ms ACHESON: It is having a conversation with those young people and talking through it. That is the hard thing about not drawing a hard and fast rule. You have to have that conversation. You cannot just say everybody at this point because the questions to the 12-year-old are, "Did you intend to do that? What did you think was happening? Who were you sending it to? Did you want it to go to that person?" and then having the exact conversation with the other young person. There is a sensitivity that we need to take that is appropriate to a 12-year-old or a 13-year-old. Yes, absolutely, there are young people who are choosing to send images or explicit texts to a friend, other people that they have met—however they have met them. They are making that choice. The question for us, for parents and for the community is: How do we support them to know how to make a safe choice and to know what the ramifications for that might be?

CHAIR: I will interrupt because I want to ensure that everybody gets to ask questions.

Mr DAMIEN TUDEHOPE: I am interested in the response. Clearly lawyers would have a view on consent when considering anything, certainly images. The consent that attaches to sending an image involves

understanding all the consequences related to sending an image or a text. What is implicit in Mr Donnelly's question is because the scope of the consideration is not available to a young person under 16 then we cannot equate consent in those circumstances. Would you agree with that as a proposition?

Ms ACHESON: Could you repeat the last part of that?

Mr DAMIEN TUDEHOPE: I am suggesting to you that because of the breadth of considerations, what Mr Donnelly is suggesting is that a 13-year-old may not take into account the fact that they are being the subject of coercion in relation to sending an image.

Ms ACHESON: Absolutely.

Mr DAMIEN TUDEHOPE: Because they are not capable of doing that, we cannot attribute consent. They might be on the phone and get asked, "Send me a photo." They consent to do it, they take the photo and send it, but they do not do it in the full knowledge of the wide range of implications relating to that.

Ms ACHESON: That is a question for all society, not just the 12-year-old. This exact same question could be asked of a 30-year-old or a 40-year-old: Did you understand what you were doing and how it would impact?

The Hon. GREG DONNELLY: That is different. At that age you have someone who effectively has a fully developed brain in respect of capacity versus a child.

Mr DAMIEN TUDEHOPE: The person who is over 16 would be deemed to have the power to give consent, whereas the law currently says that the person under 16 is deemed not to have the power to give consent. I must say, the answer probably ranges in better education facilities about the dangers attached to sexting and the like.

Ms ACHESON: I would also say healthy expressions of sexuality, the dangers of sending that and what it means. Also, if you want to express yourself, how can you do that in a way that is safe? If we are saying that sending a text is a danger, they are expressing themselves in this way. Young people are actively seeking ways to work out their sexual identity. It is part of our development; it is part of what we do. We are concerned about the mechanisms that they are doing it through. The fact that there is this picture that has gone somewhere else and there is a permanency to it and what does the consent mean? We have had conversations about showing our parts—you show me yours, I will show you mine.

In a similar way, this has been a way that young people have learned to express themselves. What does it look like? What do you look like? What is going on for me? It is part of their sexual expression. Now they have a different avenue that we are not au fait with, it is scary and it is challenging. We need to ask some challenging questions. We are worried about consent; we are worried about the capacity of a 12-year-old. What do we need to do because we know they are doing it? What are the ramifications for them? Where is the research? Let us look at how it affects them and their ability to consent, and then talk about this openly with them at school, in the home and in the community.

Mr DAMIEN TUDEHOPE: You make reference in your paper to a large body of material from a report by the American Psychological Association. In fact, you adopt the definition of sexualisation that appears in that report. That report makes particular reference to the sexualisation of girls, and the vast and unfavourable outcomes for girls principally in relation to sexualisation—generally, sexualisation and academic performance; sexualisation and mental health; sexualisation and health considerations, including bulimia, anxiety and the like. That report was conducted in 2007. Do you say that there has been any improvement in the outcomes for girls since 2007 and now as a result of increased education about sexualisation and awareness of sexualisation?

Ms ACHESON: I would have to take it under advisement to look at some of the statistics to compare those dates. It is a good question. Recently I was looking at the rates of chlamydia in Australia. It has doubled in that exact period. We would have to question whether the improved discussions on sexual education—if that is what we are basing this question on—has improved knowledge. If we were to look at that statistic about safe sex, particularly in relation to how chlamydia is transferred, the statistics would say no.

Mr DAMIEN TUDEHOPE: It is a lot deeper than that. If I wish for my daughters to be achievers, it appears to me from the material contained in the report conducted in 2007 on sexualisation of girls that the

impact of sexualisation on girls is significantly more evident than it is on boys, and the dropout rates, for example, in relation to being involved in math courses. They attribute a lot of that to the impact of sexualisation on girls and coercion of girls in that period. If we are effectively saying or the submission is that we need to educate better, what has happened since 2007 and now that we have not achieved that?

Ms McKENZIE: We have made progress in some areas. I am not sure about the specific time frame, and again we will need to look at the statistics if that is information you want us to explore, but we have made progress in respect of the use of contraception when people have sex for the first time, we have made progress with things like HIV and other sexually transmitted diseases. But it is clear from the focus on domestic and family violence in our community at the moment that gender equality is a big issue and that is something we need to address. That is something that can be addressed through respectful relationships in primary school and high school, and gender equality comes into a lot of different things like sexting. Young women tend to be the ones who—

Mr DAMIEN TUDEHOPE: Are coerced.

Ms McKENZIE: —have their images shared after they have sent it to a partner. There is a gendered aspect to it, which we have explored in some parts. There is a really strong evidence base for a particular type or model of respectful relationships. In America, a program was put in place that reduced sexual violence between 50 to 90 per cent. It was a randomised control really. I think it was an empirical, evidence-based research project. It is happening in Victoria and we want to see it come into play in New South Wales because it is about modelling gender equality, it is about modelling respectful relationships and about having it across the curriculum and having any teacher being able to discuss it and support young people through this.

Mr MICHAEL JOHNSEN: I have been listening to the questions and the responses. Mine is short and sharp. You mentioned giving police, for example, the power to make take down orders through internet service providers. Do you think that it would be reasonable to legislate and have supporting regulation to give that control to the individuals and/or their parents, guardians and authorities?

Ms ACHESON: To involve the individuals in the—

Mr MICHAEL JOHNSEN: To create a level of compulsion. If the individual said, "I've made a mistake, I require you to take that down," there would be a level of compulsion to do that. Do you think that is reasonable?

Ms ACHESON: Yes, I think that in any legislation you always want to bring the people into the forefront because you do not want the police to feel like they have to act on their own without that. There is an individual responsibility when we are talking about people who are doing it, parts of the consequences and the benefits of doing these things is knowing how to respond to that end result. If I am a 14-year-old and I send a sext and I put it up and then I realise, "Wait a second, I didn't know what I was doing," having the ability first of all to know how to take that down—it is imperative that that goes to young people so that they and their families and the schools know exactly what the process is through which they can do that, in addition to the police having some sort of supporting role for that space because you need somebody to help with that.

We need to make sure that if we are going to do that and give the individual responsibility, or at least part of the responsibility, we need to make sure that they are informed about exactly how they can do that. Often our missing gap is that there might be a way of getting something removed or retribution or things like that and young people particularly are not given that information and are not aware of their rights and responsibilities in these sorts of cases. I think compulsion would be an interesting addition to that as long as that information was clearly articulated to the group that we were targeting, like young people and their families. That would take quite a bit of education and information and would probably best happen from the youth sector and schools who are working with those people directly.

Mr MICHAEL JOHNSEN: We all make mistakes. We make a lot of them while we are growing up and some of us still make them. There is a lot of discussion in your submission about freedom of information, freedom of expression and human rights. On the other side of the scale it talks about providing some limitations on certain aspects such as pro-anorexia and pro-bulimia sites. I am not asking you particularly but how do you reconcile that they fit? My point going beyond that is if we were to put the power completely and utterly into the hands of the individual and/or their parents or guardians and had that supported by police, for example, would you think that was reasonable—that is, there is a request to take it down, it must come down and that is it?

Ms ACHESON: I would like to see how that would work and see how that would be appropriately accessed. There is always a role particularly for State bodies, for governments, to have a responsibility to protect their citizens and particularly the vulnerable ones. We make rules about where those lines are, and we were talking about it before. I think that there would need to be additional things in place. Certain communities would do really well with that. They would just go, "Yeah, I've got it," and they would get the information and be fine. Other communities would need extra support and information. It is not an equal, across-the-board thing to say if every single individual had the ability to make that complaint they would know how to do it or they would be able to do it or they would feel comfortable to do that. That could be particularly if it was their current boyfriend and they did not want to upset them and they did not have any extra supports to know what that meant.

There are some additional things that we need to consider in this space because it is young people and because the range is so big. We are talking about people who are 12 to 25 years old. It is such a large range of young people across a very diverse community that we have in New South Wales. I think we need to really consider that carefully. One of the benefits of having someone like the police involved is that they understand the breadth of the community and they have some sensitivity and they have an understanding of legislation and rights, so there can be support. They can say to a young person, "You might not want to make this complaint but we are going to do it for you because you have asked us to," and there is an intermediary, which makes it a bit safer to make that complaint. Saying that it is within the young person's ability if you gave them the right to have a take down thing and they would all pick it up, I do not think that would be the case. We would have to look at how that would work.

Mr DAMIEN TUDEHOPE: Can you take that on notice, because exploring that issue is quite complex, including the relationship with internet service providers to compel them to take that down. I am interested in exploring how we can improve the relationship between people who have made a mistake or find material on the internet and do not want it there anymore.

Mr MICHAEL JOHNSEN: That is right.

Ms ACHESON: I would highly suggest asking that question of the legal centres because the legal centres are much better placed to understand the distinction. There have been a lot of examples that we could take from different industries where they have looked at this similar sort of case about personal responsibility and legislative responsibility and how we switch between the two. I think it is a question that we need to ask. I would say that an organisation like mine is probably not best in light of the legislative requirements and how that would work, but I am happy to work alongside that.

Mr DAMIEN TUDEHOPE: But in principle you would agree with it?

Ms ACHESON: Absolutely, yes.

The Hon. BRONNIE TAYLOR: Could you provide us with a link to the Victorian model you spoke about?

Ms McKENZIE: Absolutely.

CHAIR: We could keep asking you questions all day because you are giving us some impressive information. To start like this is really helpful; you have got us all thinking already. Thank you for appearing before the Committee today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Ms ACHESON: Absolutely.

(The witnesses withdrew)

SIMONE BRANDON, Director, Policy and Regulation, Australian Association of National Advertisers, affirmed and examined:

FIONA JOLLY, Chief Executive Officer, Advertising Standards Bureau, and

SIMONE CARTON, Legal Manager, Advertising Standards Bureau, sworn and examined:

Ms JOLLY: I should mention I am also the acting convener of the Classification Review Board but I am not appearing in that capacity today.

CHAIR: Do you have any questions concerning the procedural information sent to you in relation to being a witness or the hearing process?

Ms JOLLY: No.

CHAIR: Before we proceed with questions do you have a brief opening statement to make?

Ms BRANDON: I am here on behalf of the Australian Association of National Advertisers [AANA] and I am the director of policy and regulatory affairs. The AANA is the peak body for advertisers and has represented national advertisers for over 85 years. It represents the common interests and obligations of the companies across all business sectors involved in the advertising, marketing and media industry. Our members come from a range of industries including automotive, financial services, telecommunications, retail, media, alcohol, and food and beverages. They represent some of Australia's most iconic and well-recognised brands.

The AANA has a strong ongoing commitment to self-regulation. The AANA designed and delivered the self-regulatory component of regulation controlling advertising and marketing communication in Australia. Our mandate is to maintain and evolve the advertising codes which underpin the system of self-regulation in Australia. In developing these industry codes of conduct the AANA safeguards the rights of advertisers to commercial free speech and protects consumers by providing an ethical benchmark against which advertisers are held to account. The AANA together with the Advertising Standards Bureau [ASB] represent two halves of advertising self-regulation. Complaints under the AANA codes are adjudicated by the independent Advertising Standards Board. The self-regulatory system operates at no cost to government or the consumer. The AANA is funded by its members and the ASB is funded by a levy on industry.

The self-regulatory regime is a national system of restrictions which apply across State borders and to all media including TV, outdoor, company-owned websites and the internet more broadly. This includes all social media and user-generated content over which an advertiser has reasonable control. The AANA codes apply to all advertisers whether or not they are members of the AANA. We continue to adapt and evolve the codes to ensure they align with community expectations. For example, the definition of advertising and marketing communication has evolved so the material can be considered even if no payment has been made to the media owner. Similarly, the codes apply to any medium, including new and emerging technologies. We have recently amended the codes to ensure that consumer public relations material can be covered, given that public relations materials are often now communicated directly to consumers.

In terms of the topics of key interest to this inquiry, the AANA Advertising to Children Code was enhanced in both 2008 and 2014 following public consultation and contains prohibitions in relation to the use of sexual appeal, sexual imagery and enhancements of sexuality. In 2009 the AANA developed a practice guide for managing online images of children and young people in consultation with industry and a number of child advocacy groups. In addition, the AANA Code of Ethics was amended in 2012 following public consultation and parliamentary inquiries to include an overarching prohibition in advertising and marketing regarding the use of sexual appeal which is exploitative and degrading. Where images of children are used, sexual appeal is not acceptable and will always be regarded as exploitative and degrading. This Committee has received submissions that the AANA codes do not go far enough and the protection against the use of sexual appeal only applies to advertising that is directed to children. As I have mentioned, the Code of Ethics contains a clear prohibition on the use of sexual appeal where images of children are used regardless of the audience of the material.

It is important to note that the Australian Association of National Advertisers [AANA] codes apply in the same way across all platforms so that members of the community can expect the same standards regardless of the media used. This committee has also received submissions that the codes do not take children into

account as part of the audience in terms of outdoor advertising. The code of ethics contains a requirement to treat sex, sexuality and nudity with sensitivity to a relevant audience and the practice note makes it clear that a broad view of audiences should be taken by the Advertising Standards Board for the purposes of assessing advertisements in public places. The Advertising Standards Board will take into consideration that children are a part of the audience for outdoor advertisements and, in addition, strong or obscene language is to be avoided in all advertising and marketing, whatever the media. As I mentioned, consumers complain about advertising to the Advertising Standards Bureau, and Ms Jolly from the ASB can take you through the complaints handling system and the application of community standards.

Ms JOLLY: Just before we launch into questions I just wanted to make clear that the ASB submission addresses, and we are really only here to answer questions within, our area of expertise and they relate to areas 1, 2 and 4 of your terms of reference only. Thank you for the opportunity to address the Committee's inquiry into sexualisation of children and young people. Our submission is quite lengthy, but basically our position is that the complaint resolution process for advertising, which is managed by the Advertising Standards Bureau, is an effective and efficient way to respond to consumer concerns about advertising across all media—traditional, new and social media. This view has been supported in previous inquiries held by the Federal Government and most recently in Queensland.

The complaint process that we run is quick, transparent and accessible to all consumers, with easy-to-follow steps, and support throughout the process provided by the bureau staff. The bureau resolves consumer complaints within an average of 36.5 calendar days, with the majority resolved more quickly, and that is from the very first time the complaint comes into our door through the website to the time that it becomes public knowledge. The vast majority of advertising and marketing communications in Australia complies with the relevant codes and is not complained about. The majority of those ads that are complained about are not found to be in breach of the codes and that is because we have a board of 20 members of the community that judges the complaints against relevant community standards, and most advertising—even that complained about—does not breach those standards.

However, where our board finds that there is a breach, the bureau has a record of over 99.5 per cent compliance by industry with our decisions, which demonstrates the commitment of the vast majority of advertisers to the system and to maintaining high standards of advertising. The work of the bureau and our board is based on the values that we hold very strongly of being responsible, accessible, effective, transparent, making robust decisions and, of course, operating at no cost to government or to the community. Over a five-year period there has been an overall decline in the percentage of total complaints raising issues under the categories of relevance and interest to this committee. Sex, sexuality and nudity are consistently one of the most complained about issues in advertising. In the past four years complaints have gone down from more than 32 per cent to 27 per cent; discrimination and vilification from 20 per cent to 15 per cent; and, quite significantly, complaints about images being exploitive and degrading from a high of 14 per cent to less than 4 per cent.

Complaints about advertisements appearing in the outdoor space, which of course is relevant to the concerns raised in some submissions about the impact of outdoor advertising, has reduced very, very significantly over a five-year period from more than 30 per cent of complaints being in relation to outdoor advertising to now less than 3 per cent. It is a massive reduction in complaints. We can talk about that in more detail, but there has been very significant work done by the outdoor advertising industry to bring images in line with what the community thinks is reasonable.

The Advertising Standards Board takes its responsibility regarding complaints about all forms of advertising very seriously and it gives very careful consideration to all complaints, but particularly to issues around sexualisation of children and young people. Consistent with the nature of a self-regulatory body made up of community representatives, the Standards Board takes into account changing community perceptions towards issues covered by the codes and, because of its self-regulatory nature, is able to be responsive to changing community standards. We inform our board and its decisions are informed by research that we conduct every year into whether the board decisions align with broader community views.

The self-regulatory system works well; it covers all media forms, traditional and new. Publicity, we find, is generally given to a small number of cases where there are differing views of acceptability. The reality is that there are very different views about what is acceptable and the community has wide-ranging views, from very conservative to very liberal. It is the standards board's difficult job to find a community view on what is acceptable and what meets the provisions of the code. We are committed to continuous improvement of the complaint resolution process and we welcome any relevant feedback that will come out of this inquiry. Finally,

Australian governments are required to consider the regulatory impact of any proposals around regulatory decisions and we urge you to ensure that you give due consideration in the form of any regulatory impact assessment to recommendations, if you make any, around regulatory intervention in the advertising self-regulatory system.

Mr MICHAEL JOHNSEN: I appreciate you coming along to this hearing and your submissions. Ms Brandon, you mentioned in your opening statement that the Australian Association of National Advertisers looks to reflect community standards. What comes first, community standards or expectations, or advertising and media exposure, and is advertising not intended to influence?

Ms BRANDON: From our perspective, in terms of the development of the codes what we aim to do with the standards that are set out there is to reflect what is required for responsible advertising. So yes advertisers want exposure for their brand, but they have undertaken, by participating in the self-regulatory system, to do that in a responsible way.

Ms JODIE HARRISON: My question is directed to Ms Jolly or Ms Carton, whoever wishes to answer. In your submission you consider that the low level of complaint numbers is not a reflection of a low level of awareness of where to complain, rather it shows a low level of concern. If that is the case, why are we holding a parliamentary inquiry and why are we constantly talking about and why is there such interest in the role of advertising in sexualisation of young people?

Ms JOLLY: In terms of ASB decisions we get a lot of interest from the media because people are interested in advertising and it makes good stories. That is all I can say on that. In terms of the level of awareness of ASB, we do a lot of work to raise awareness within the community of the fact that there is an independent complaints resolution system and somewhere that consumers can have a voice, and we have more than 70-something per cent prompted awareness of where to complain. If you google "advertising complaint" or "advertising standards", ASB and the online complaints system is the first place that comes up. So we have a very accessible system. That is all I can say really.

Ms JODIE HARRISON: You do not think that advertising plays any part in the sexualisation of children and young people in New South Wales at the moment?

Ms JOLLY: I am not a child psychologist or a developmental specialist so I cannot make any comment on the effect of advertising on people. What I can tell you is that we have a system where if people are concerned about advertising they can make a complaint and they can have their concern judged by an independent panel of people about whether the ad they have concerns about meets community standards as set out in the code.

The Hon. PAUL GREEN: From when someone starts the complaint off, can you just walk us through the worst-case scenario of how far that complaint can go?

Ms JOLLY: The worst case for the complainant or for the advertiser?

The Hon. PAUL GREEN: For the advertiser in real terms.

Ms JOLLY: More than 90 per cent of our complaints now come through our online complaint form, which is fantastic because it shows a high level of accessibility. A complaint comes in; we have a triage step where we assess whether the complaint is within our jurisdiction or not and if it is not then we refer the complainant to something else. For example, if the complaint is about too many ads or the sound of a television ad, we refer people to the broadcaster because it is not really something that is within our jurisdiction. If it is a complaint within the scope of any of the codes we administer—and we administer seven codes for three different industry associations—then the first thing we will do is identify who the advertiser is, who has been complained about. Our staff then contact the advertiser and will forward them a copy of the complaint so they can see the issue that has been raised, and it only needs to be one complaint. Provided the issue that is raised is something that is within one of the codes, that is enough to kick the process off.

The advertiser then has seven days to provide us with their assessment of why their ad meets the requirements of the code and the advertiser has to address all of the provisions of the code, not just the issue that has been complained about. The advertiser provides us then with a written submission on why they think their ad meets the provisions of the code and also provides us with copies of the advertisement. That is collated in a

typical secretariat fashion and provided to the board for its next board meeting. The board meets in a set fashion twice a month—once face to face up in Sydney and once two weeks later by teleconference—but we can meet more quickly if we think there is something that is blatantly in breach or looks like it needs serious consideration more quickly. If we have to—and we do not do it a lot because it obviously bypasses natural justice for the advertiser—we can call a meeting within 48 hours.

At the board meeting the board will consider a number of cases—maybe 20 or 30 in the meeting; they will look at all the complaints that have been received and at the advertiser's response; they will view the advertisement or listen to the advertisement, whatever format it is in, and they then will discuss whether in their view the ad meets the standards of the codes or not. That can sometimes be a very short discussion; it can sometimes be a very long discussion. As you can imagine with between 12 and 20 people sitting around a table discussing whether there is too much boob being shown to be appropriate for the late-night television audience, there are quite a lot of different views.

If the board decides that the ad meets the standards of the code, the advertiser is informed of that a couple of days later and they are free to keep doing what they do. If the board decides that the ad breaches the code then we get on to the advertiser basically the next day and tell them the ad breaches the code, here is a rough idea of why, we will send them the written reasons within a couple of days, and then they have five days to reply. But we do expect them, within those five days, to have the ad removed from whatever media it is shown in. So in television, for example, things can be taken down the next day; if it is a large billboard on the M5 that can take more days because you have to shut down the road and there are all sorts of logistical issues apparently.

Mr DAMIEN TUDEHOPE: Has that happened?

Ms JOLLY: Oh yes, indeed. That is what happens. So in more than 99.5 per cent of cases the ad is removed from the media basically as soon as it physically can be. The advertiser has the option to modify the ad and then re-show it, and it can be subject to complaint again if people still are offended by it—

The Hon. PAUL GREEN: They do not need to get reapproval; they just modify the ad—take that offending part out or whatever?

Ms JOLLY: Some ads you can do that. If you have a little image in the background of someone riding past on a bicycle without a helmet you can cut that out easily, but if the whole concept of the ad is tainted by whatever the problem is then that is an in-the-bin expensive mistake. As soon as the advertiser has replied we make the case public, and it is free for everyone to see on our website and we do publicise decisions as needed.

The Hon. PAUL GREEN: In light of all that they do, can the board also amend the advertising code?

Ms JOLLY: No. The board's role is to administer the codes as provided to us by the industry associations.

The Hon. PAUL GREEN: Who amends the code?

Ms JOLLY: The codes are amended by the code owners. So in terms of the Code of Ethics it's the AANA, we have a motor vehicle code that is looked after by the Federated Chamber of Automotive Industries, which deals with safe images of car advertising, and we also have a number of codes that we look after that are developed by the Australian Food and Grocery Council.

Ms JOLLY: I will hand over to Simone.

Ms BRANDON: In relation to code evaluations and code review we have a regular process for doing that in terms of looking at the codes as a whole. However, if there were, for example, feedback from the ASB that over a period of time a significant number of issues are being raised on topic X, and it felt that the code did not adequately address that or could be improved then they would provide that feedback to us and we would consider whether something needed to be done. There may be a parliamentary inquiry like this that makes a recommendation that the code should address a particular issue and then, as I mentioned in my opening statement, with changes that have been made on that basis, there may be community sentiment or alignment with international standards. We are very mindful of what is going on and what might be about to happen so that we can proactively evolve the codes if that needs to happen as well.

The Hon. PAUL GREEN: What is the minimum time that a code can be changed or amended? One month?

Ms BRANDON: If there were a particularly strong issue that we needed to look at, and there was alignment within the members and industry about what the code should say on that point, yes then obviously it would not just be me typing in the new code, but it would go to the board for approval. If it were a larger issue or something that came out of an inquiry we may want to do public consultation on that and get feedback from a range of different people before deciding where the code should go. I guess the benefit of the way the codes are is that they set standards, but they allow the Advertising Standards Board to not only interpret the letter of the code but also the spirit. Advertisers are expected to meet the spirit of the code. It is not like a hard and fast legislative standard where you need to prove each element of the offence, or something like that. The board is very mindful of community standards and applies prevailing community standards at the time the material is published. In that way, even though the provision of the code might have said the same thing for three years, the board can interpret what that now means for society when the complaint comes in.

Mr DAMIEN TUDEHOPE: Ms Brandon, will you look at clause 2.2 of your code?

Ms BRANDON: Yes.

Mr DAMIEN TUDEHOPE: If I include the word "objectification" in that definition would that, in fact, make that provision more forceful?

Ms JOLLY: Can I respond?

Mr DAMIEN TUDEHOPE: No, I am coming to you.

Ms BRANDON: I guess it would depend on what definition you would then attach to objectification. The practice note gives guidance on the meaning of "exploitative" and the meaning of "degrading". So if I were to insert "objectification" into the definition then I would anticipate we would have an explanation as to what that means.

Mr DAMIEN TUDEHOPE: There would be a flow on?

Ms BRANDON: And what that would give over and above what we already have here.

Mr DAMIEN TUDEHOPE: The Committee heard from the Youth Action Group about the definition of "sexualisation" that it relied upon for the purposes of identifying what "sexualisation" means and it includes a concept of objectification of young people, including children. Is there scope within that code for including objectification as one of the criteria because when the bureau has to consider the code in relation to assessing a complaint it may give a different result?

Ms BRANDON: Yes, I hear what you are saying. I expect what Fiona is going to say is that the board takes into account a broad view of this terminology. As I said, you could write in "objectification" and provide the guidance as to what that means and then the board would be looking at whether there was a difference between exploitative, degrading and objectification. I will pass to Fiona because I should not anticipate what she is about to say.

Mr DAMIEN TUDEHOPE: I take the answer relating to that. In 2014, on page 6 of the report, you dealt with a number of case studies relating to Target, Pacific Brands Holdings and Myer Grace Bros. You found in relation to complaints concerning the sexualisation of children, in particular, mode of poses, clothing choice, make-up worn by children et cetera the board determined that the images were not sexualised or inappropriate. If, in fact, objectification had been included within the definition or clause 2.2 may there have been a different result in relation to those determinations?

Ms JOLLY: I think not. Clause 2.2 came about partly because of feedback that the ASB gave AANA in terms of objectification. "Objectification" is one of those terms that will have different meanings to different people. The view I have of objectification is, like many things, like sexualisation, there is a wide range of objectification. Some people will find that the use of a woman in a bikini to advertise a car is objectification, which it is but is it an objectification that is against community standards? So section 2.2 was brought in to

outlaw what I call untechnically the high end of objectification, so not just irrelevant use of an attractive woman or man but exploitative and degrading images of a woman or a man in advertising. Where that clause came from is a subsection of objectification. It is the high end of objectifying images that are now banned. In my view adding objectification into that, on a very broad view of objectification, yes would probably result in more images being banned. What it would also result in, though, is the outlawing of any use of an attractive person in an ad where that image is not necessarily relevant and I am not sure that is something that the community would think-

Mr DAMIEN TUDEHOPE: Just for the terms of reference of this Committee, though, if objectification related back to a concept of sexualisation of young people then for the purposes of the work of this Committee there may be some force in the argument that objectification should be used— ?

Ms JOLLY: No, I do not think so. Anything to do with sexualisation of a child is already banned by the code. The fact that someone has complained about sexualisation of a child does not mean that the board or the broader community would think it was sexualisation. It is the sort of thing I would need to show you in images. We have complaints that any image in a Big W catalogue, for example, of a child wearing a singlet and underpants is sexualisation of children. Now that may be sexualisation for some people but an image of a child standing there in a catalogue for clothing wearing a singlet and age-appropriate clothing, not in a pose which is in any way mimicking an adult pose, is not sexualisation.

Mr DAMIEN TUDEHOPE: I must say that I do not think those cases to which you refer were, in fact, in the category of just standing in a pose in a Big W marketing catalogue. In any event, for the purposes of this Committee is it the case that if, in fact, there were a definition of "sexualisation of young people" included in the code that that would give perhaps greater attention to the obligation of advertisers not to use children in an inappropriate way?

Ms JOLLY: I think it is already very clearly there in the practice note. Certainly when things go to the board it is not a discussion. If a child is in a sexualised pose, that's it, gone.

The Hon. BRONNIE TAYLOR: Ms Jolly, on page 24 of your submission you talk about the system in terms of the board being completely funded by the industry.

Ms JOLLY: The Advertising Standards Bureau is funded by a levy on advertisers.

The Hon. BRONNIE TAYLOR: In the make-up of the board—

Ms JOLLY: Of the ad board? Yes.

The Hon. BRONNIE TAYLOR: Who imposes the code? Who makes those appointments?

Ms JOLLY: The ultimate decision on appointing members of the board is made by my board of directors, which is a board of company directors.

The Hon. BRONNIE TAYLOR: Your board already exists to impose the code?

Ms JOLLY: The ad board—yes.

The Hon. BRONNIE TAYLOR: It decides who is coming on?

Ms JOLLY: No. The terminology in the structure is very poor. We have an Advertising Standards Board, which is 20 members of the community who are there as a panel really to decide whether ads breach the code or not.

The Hon. BRONNIE TAYLOR: Who appoints those 20?

Ms JOLLY: My corporate governance board; my board of directors following public consultation, public advertising. So we put ads on the website, in newspapers, inviting people to apply. We then have a selection process, which is basically I will short-list people and they are interviewed by a member of the ad board, myself and a member of my board of directors, and ultimately are appointed by the board of directors.

The Hon. BRONNIE TAYLOR: To simplify it for me, your board is completely funded by the levy on advertisers?

Ms JOLLY: Our whole organisation is, yes.

The Hon. BRONNIE TAYLOR: Thank you for that clarification. Does a member of your present board have a speciality in issues relating to children and young people?

Ms JOLLY: Of the ad board?

The Hon. BRONNIE TAYLOR: Of the 20 people who implement the code.

Ms JOLLY: Yes. At the moment there is not. We had a child psychologist, who stepped down at the end of the last year. However, everyone on our board, pretty much most of the people now, are all parents. The psychologist who stepped down at the end of last year at the end of her term had been on the board for six years and her area of speciality is child psychology.

The Hon. BRONNIE TAYLOR: I think it is important to have someone like that on your board. I am the parent of two girls. I have survived, but I certainly would not consider myself an expert in terms of being able to look at something like that, and I think you really need an expert. If you do not have that expertise at the moment would you consult with, say, the Advocate for Children and Young People?

Ms JOLLY: You have to come back to the code of ethics. You have to look at the decisions that the board is actually making. There are six clauses in the code. None of those codes really is about making decisions that require—I mean it is helpful to have a child psychologist in the same way it is helpful to have someone with expertise in food or someone who is an expert in gender issues because images of women are the most complained about issue. The code of ethics says: Is an ad discriminatory or vilifying? That is an issue for the board to decide that does not require expertise because it is about the community's view. As a member of this community, would we think that this ad is discriminating against a woman, a man or someone on account of their race or ethnicity? The other decision they have to make is: Is this language appropriate, strong or obscene from a view of the broader community? Is this ad showing material that is unsafe according to community standards?

The Hon. BRONNIE TAYLOR: Would you not say that a broad view is different to the potentiality of an impact? I have sat as a consumer representative on boards, but that was very specific. But when you have someone who specialises in something you get a very different view around a board table that then allows you to have a very educated decision-making process, I would imagine.

Ms JOLLY: Yes. And we have found it very useful when we had Dr David on the board. I have to say, though, it took a long time to find anyone. So while a lot of people say we should do this, we contacted all the relevant peak bodies for psychologists, and child psychologists, and there was no-one willing to come and join the board. There is an ideal of things and then there are actual practicalities.

The Hon. BRONNIE TAYLOR: I understand there are challenges in everything, but I think when we are dealing with really pertinent issues then as a corporate body you find that person.

Ms JOLLY: And we did. We found them useful but not the priority at the moment.

The Hon. BRONNIE TAYLOR: To reiterate for the benefit of Hansard, you said that the board that makes the decision to impose the code found that 99.5 per cent of complaints were compliant.

Ms JOLLY: Do you mean of the cases that were banned?

The Hon. BRONNIE TAYLOR: No, I mean of the complaints that you received.

Ms JOLLY: Of the cases that were banned, over 99.5 per cent of advertisers have complied.

The Hon. BRONNIE TAYLOR: So percentage wise of the complaints that you hear—and you may have said this already so I am really sorry if I am asking you to repeat yourself—what was the percentage of the complaints received by the board that were found to be in breach of the code?

Ms JOLLY: For our upheld rate at the moment I can tell you the percentage but I would have to come back to you with the actual numbers. I think our stats for last year show that 16 per cent of cases were banned.

Mr DAMIEN TUDEHOPE: That is right.

Ms JOLLY: It is actually the highest for quite some time.

Mr DAMIEN TUDEHOPE: I thought it was a lot.

Ms JOLLY: Yes, it is a lot. Sometimes we just get a couple of campaigns that are not related to sexualisation but they get a lot of complaints and show poor judgement.

Mr MICHAEL JOHNSEN: I have a quick follow-up question arising from some of the previous questions. We heard about this group of 20 community members who are on this board. Do you have particular requirements around skill sets, expertise and experience that you are looking for? I understand that you have found it difficult to fill positions.

Ms JOLLY: Yes. The most important criteria is that no-one on the board is a representative of anyone. No-one on the board has any links with or expertise in advertising. And no-one on the board is a representative, on the other side, of any consumer lobby groups. So we have found that people who come from particular groups or representative positions take their view, not the view that the code requires. So everyone on the board is a member of the community.

In terms of what we interview people against it is generic skills and questions such as: Are you active in your community? Do you have a broad community activity—whatever it is, and it might be having four kids and being involved in a heap of sporting activities or it might be being involved in a particular ethnic club. Basically the question is: Do you have people you interact with outside your home so that you can bring a broad community view to the table? The other questions are pretty much around basic teamwork skills. Are you the sort of person who can put your view forward in a group and be heard? Are you able to work in a team? So it is those sorts of things.

In addition we have criteria to make the board as broadly representative of the Australian community as we can. So we have an even gender split and we have a very broad range of ages represented, from 18 up to about 75—I think that is the age of our oldest person at the moment. We have people from different States and different professions. From Sydney at the moment we have someone who has a retail background. We have a Baptist pastor from Brisbane; we have a retired school principal from Western Australia. So we really do have a broad range of people.

The Hon. GREG DONNELLY: I have a question to direct to both organisations here today and I invite you to jump in and answer as you see fit. As I understand it, you have the specific code that deals with children, and there are some very clear statements about the unacceptability of the sexualisation of children, but then you have the general code. I think Ms Brandon said in her opening statement that with respect to the general code children are considered an element of that—in other words, the general code applies to the community at large and obviously within that we have children. Is that correct in terms of meeting the general standards? Let us assume that the advertising is not specifically in regard to a child and sexualising a child but rather just general advertising. So we are looking to see whether or not that meets the general code and children are part of that whole group. Is that correct?

Ms JOLLY: Yes. In terms of the most important thing, the sexualisation, yes. Clause 2.4 of the code says that ads must use sex, sexuality and nudity with sensitivity to the relevant audience. The relevant audience is not the target audience that the advertiser wants to target—for example, 25- to 35-year-old men. The relevant audience is anyone who can see the ad, so anyone who is likely to see the ad really. So when looking at clause 2.4 the board takes very seriously into consideration if it is an outdoor ad, which has a very broad audience that includes children.

The Hon. GREG DONNELLY: Yes, I was thinking specifically of an ad on a bus or at a bus stop.

Ms JOLLY: Yes, absolutely. So with clause 2.4 and the issues around sex, sexuality and nudity, where the ad appears and who is likely to see it is the most important issue in determining whether the ad is okay or

not. Our research shows every year that people do not mind sex and sexual jokes in ads but it has to be appropriate for who is going to see it. So even some billboards with sexual nuance, people do not have a problem with it, if it is innuendo that is not likely to be understood by young children. It is quite different and it can be quite blatant if it is on an MA rated program. That is what our research tells us.

So in clause 2.4 children are absolutely front and centre—it is about who is going to actually be seeing the ad and whether the sex, sexuality or nudity is treated with sensitivity with regard to that audience. Clause 2.2 is the exploitative and degrading provision. The audience is not relevant to that. So if the board decides that an ad uses sexual appeal in an exploitative and degrading way, even if that ad is only seen in, to be stereotypical, a motorcycle magazine, then it is banned. It does not matter where it appears.

The Hon. GREG DONNELLY: I understand that. With respect to the children's code specifically, the submission from the Australian Association of National Advertisers at page 4 under the heading "Sexual appeal and sexualised imagery" says:

Advertising or Marketing Communications to Children:

- (a) must not employ sexual appeal;
- (b) must not include sexual imagery in contravention of Prevailing Community Standards ...

Ms Brandon, could you please explain the relevance of having reference to "prevailing community standards" in the context of a code to do with the sexualisation of children. The implication there surely is that over time community standards with respect to the sexualisation of children could change and therefore this consideration could change. Is that correct? I would have thought that the sexualisation of children is not something that you would want your members to be judging against prevailing standards. I would have thought that there is a pretty firm position to be taking that it is just not acceptable.

Ms BRANDON: And I think that explains the introduction of clause (a) which is above that line.

The Hon. GREG DONNELLY: Yes, I understand clause (a).

Ms BRANDON: The code originally had clauses (b) and (c) in it and as a result of the evolution of the code of ethics clause (a) was added into this code to give that overarching category.

The Hon. GREG DONNELLY: But they are separate issues. Clause (a) deals with sexual appeal, which presumably is alluring type photographs or images either still or live. Clause (b) deals with sexual imagery. I can distinguish those pretty clearly as being quite separate. I do not understand why "prevailing community standards" is tied back to sexual imagery when we are looking at a code for children. Do you understand the point I am making?

Ms JOLLY: I think those last words are obsolete. If there was anything in an ad that was directed to kids for a kids product that had sexual imagery then the board would ban it. I do not think the rest of that phrase adds anything.

Mr DAMIEN TUDEHOPE: So "prevailing community standards" probably should not appear?

Ms JOLLY: Yes, possibly.

Ms BRANDON: I think the expectation is that the current community standards are that sexual imagery would not be appropriate, so the board would apply those.

The Hon. GREG DONNELLY: It begs the question: Is the organisation that you represent keeping the door open for those to change over time, or do you take the position quite firmly and strongly that the sexualisation of children in the context of advertising is just not on?

Ms BRANDON: Correct, and that was the motivation for introducing clause (a). Perhaps then there could have been an opportunity to address what clauses (b) and (c) say so that there was a coherent message coming through that provision. I guess that is the reason why the code of ethics contains that overarching prohibition.

The Hon. GREG DONNELLY: It is not overarching. It is clause (a) but it is one of three. So I do not understand you saying that it is overarching. It just happens to be the first.

Ms BRANDON: I am referring to clause 2.2 in the code of ethics which we have talked about. It would override any of these provisions because it applies to all advertising regardless of whether or not it is directed at children.

The Hon. GREG DONNELLY: I understand that now.

CHAIR: I thank witnesses for appearing before the Committee today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Ms BRANDON: Yes.

Ms JOLLY: Yes, we are more than happy to, and if the Committee needs examples of any of the ads that we have referred to then I am happy to provide those.

CHAIR: That would be very helpful. Thank you for appearing before the Committee today.

(The witnesses withdrew)

JOSEPH JARROD CAROLAN, Research Assistant, Australian Family Association, and

THERESA MARY KELLEHER, Victorian President and National Spokesperson, Australian Family Association, sworn and examined:

CHAIR: Thank you both for appearing before the Committee today. I understand you have travelled from Adelaide. I also understand you have a flight to catch so we are going to keep to time.

Mrs KELLEHER: As long as I am out of here by 12.15 p.m. I should be okay.

CHAIR: Before we proceed, do you have any questions concerning the procedural information sent to you in relation to witnesses or the hearing process?

Mrs KELLEHER: I was just wondering whether—as I have experienced before—I will have the chance to make an opening statement?

CHAIR: That is my very next question. Would either of you like to make an opening statement?

Mrs KELLEHER: I will be as brief as I can, but I would like to say that the Australian Family Association [AFA] is a voluntary non-party political organisation concerned with strengthening and support of the natural family. The sexualisation of children and young people is an issue that deeply affects the family and that is why we have made a submission to this very important inquiry. I would like to quickly summarise our submission to put it squarely within the terms of reference of this inquiry. We have focused on the Safe Schools program because in our submission it is embedding the sexualisation of children and young people in the very school system itself. The other reason is that we thought there would be many submissions to the inquiry about this very serious matter and that those submissions would cover other context in media, advertising and marketing where this issue will also arise. The AFA submits that the Safe Schools program falls within the terms of reference in that it is sexualising children and young people both online and in print; and it is exposing children and young people in New South Wales to sexualised images and content both online and in print.

I will briefly describe how it does so, and our original submission will bear this out in more detail. Safe Schools sexualises children and young people in that its promotional material and content encourage students to question their sexual orientation and gender identity; adopt a label such as gay, lesbian, queer or pansexual; to view all forms of sexual activity as acceptable, normal and safe; experiment with sexual activity and to decide for themselves when they are ready to do so; to connect with lesbian, gay, bisexual and transgender [LGBT] adult groups outside the school; to seek advice from teen sex advice websites such as Scarleteen, which gives advice such as on how to restrain a sex partner with rope, use of sex toys such as dildos and vibrators and how to masturbate using electric tooth brushes and razors; and the New South Wales group Twenty10, which in January held a hands-on workshop including "intro to Kink and BDSM" and "hands-on exploration with toys, tools and safe sex devices".

I hand to the Committee a document that shows the links to these websites we are talking about and these organisations. There is a diagram, which caused some difficulty with the submission. This document sets out the links. The Committee can see clearly from the Safe Schools resources and materials where the link is to these sites and organisations that we are talking about. That was not part of the original submission, but it will make it much easier to read that diagram.

Document tabled.

Safe Schools also sexualises children and young people to believe that gender is fluid and that it is how you feel; not determined by your wibbly, wobbly bits or by your DNA. It seeks to change school policy to allow for boys who identify as girls, for example, to use the girls toilets and change rooms and to wear whatever part of the school uniform they feel comfortable with. A poster shows a young boy in a girl's school dress. Stand Out, which is one of the Safe Schools resources, advises students: "Schools that maintain restrictive policies around uniform, personal records and access to bathroom facilities could be breaking the law". It also sexualises them in that it encourages them to consider experimental gender transition treatment as a valid option.

We submit that Safe Schools is advising children and young people on how they can get around present measures to regulate sexualised imagery and rather than assisting parents to fulfil their responsibility, it is

actually hindering parents from protecting their children from sexualised images or messages. It also has a connection to an article that advises students how to hide their online browsing history so their parents will not necessarily know what they are accessing. On page 18 of Stand Out, a Safe Schools resource, students are asked, "Can you access websites from school computers that give information about gender diversity, same sex attraction or being intersex? Some students don't have access to the internet at home, or it is monitored by their family so having access at school is really important." So it is advising young people to approach a teacher at school and ask to have restricted websites unblocked.

The Safe Schools resource guide to supporting a student to affirm gender transition identity at school states that parental consent is not strictly required for the school to assist a student in their gender transition. It is up to the school to decide "whether it would be appropriate to involve the student's parent(s) or guardian(s)." We say that the Safe Schools program is a "related matter" within the terms of reference, in that it is a program that is delivering a sexualised message and sexualised images to children and young people in schools where they are an even more captive audience than as consumers of advertising—whether on television, social media, smart phone, computer or billboard. We also say that the background on Safe Schools is a related matter and it is dealt with in some detail in the submission—namely, to the research that has come out of the Australian Research Centre in Sex, Health and Society at La Trobe University. We query the 10 per cent figure on which they lobbied and gained government funding in Victoria in 2010 and also the right to implement it into schools in Victoria.

Another related matter is that bullying is a widespread problem in Australian schools but we say Safe Schools is not an anti-bullying program. In fact, one of the main architects of the program, Roz Ward, openly said at the Safe Schools national symposium in June 2014 that it is not about bullying; it is about gender identity, it is about being lesbian, gay, bisexual, et cetera. Another related matter we say is Safe Schools' presentation to children and adolescents of irreversible gender transition treatment as a valid option. We think that is a very serious matter. This is in conflict with the views of leading medical professionals, and again there is more detail in the submission on that issue.

I will make a few brief concluding comments. The Committee would be aware that there have been recent developments in relation to Safe Schools. The Federal Minister for Education and Training, Simon Birmingham, undertook a review. On 18 March he announced that the Federal Government requires the Safe Schools program to be amended in certain respects for the continuation of Federal funding. However, despite the amendments required, we say serious problems remain with the program. I did ring and I was told that I would be able to hand up a supplementary submission. I have a copy of that submission for each Committee member. That will basically give a little more detail of what I have put in here. It is extra to the original submission but it puts it within the context of the terms of reference and also raises these other issues. Also this supplementary submission, which you are being handed now, has slightly revised recommendations in light of the Birmingham review.

We would also like to hand up another document, which gives a bit more detail about the Birmingham review. I have a copy of this document for each Committee member. It does not completely deal with all the serious problems with the Safe Schools. That is relevant because in this State, government schools are the responsibility of the New South Wales Government and, in particular, the Minister for Education. That responsibility is to ensure that children and young people are not being prematurely sexualised in government schools. It is the view of the AFA that the Minister for Education, on behalf of the Government, should examine the Safe Schools program closely as to whether, as the AFA submits, it sexualises children in the very school system itself. The Birmingham review is relevant because the New South Wales Government may think that if those amendments are made then it should be okay for New South Wales schools, but it is our view that it is not. There are still serious problems remaining and there are details as to what those remaining problems are in that handout that we have just passed around. Thank you for your time in having us before this Committee.

The Hon. PAUL GREEN: The Committee is finding that there are muddy waters in terms of the definition of sexualisation. What is your definition of "sexualisation"?

Mrs KELLEHER: It focuses a young person's or a child's attention on sex, on sexuality and on their sexual identity as though the measure of life is sex, one's sexuality and sexual expression. We say that Safe Schools certainly does that; it is not about bullying. It has been publically admitted on the record that it is not about bullying; it is about actually focusing children's attention on all the different gender identities that are possibilities and on what their own sexual orientation is and also on sexual activity—what sort of sexual acts are available. It does tell them about oral and anal sex, and no minimum age is mentioned.

CHAIR: Can you direct me to where it has been publically mentioned on the record that it is not about bullying?

Mrs KELLEHER: It is in the supplementary submission that I have handed up. I did not want to take too much more of your time. I have actually given you the words if you want to Google the YouTube video—it was the national symposium that launched Safe Schools federally or Australia-wide in June 2014.

The Hon. GREG DONNELLY: Can you give us a reference?

Mr CAROLAN: Halfway down the third page of the supplementary submission in brackets it says, "youTube video of her statements—"Aussie 'Safe Schools' leader admits program is about gay activism not bullying".

The Hon. PAUL GREEN: Today children and young people have increased exposure to media that can have problematic or dangerous content. In your view is this a cause for sexualisation? Also, in your view what are the negative or positive impacts of this exposure on children and young people?

Mrs KELLEHER: Exposure to?

The Hon. PAUL GREEN: You mentioned some websites and different things. I am seeking your feedback on that in terms of exposure.

Mrs KELLEHER: Perhaps Mr Carolan can talk about the links to websites, in particular.

The Hon. PAUL GREEN: Or media applications or iPhones.

Mr CAROLAN: Okay. One aspect of sexualising children is that it encourages an early sexual debut. An early sexual debut is a known risk factor for youth suicide. The other risks in exposing children to sexual material, in particular, the specific cases in our submission are that a lot of the sexual material was related to external organisations, adult organisations, so the risk there is that children under the age of consent are being connected to adult sex organisations and essentially there is a risk of those children coming into contact with sexual predators either online or in person through these organisations.

The Hon. PAUL GREEN: In terms of regulatory codes, do you believe that current measures to regulate internet content are adequate?

Mr CAROLAN: No, I do not believe so. I think highly explicit sexual material is very easily available on the internet, with many children from a young age owning smart phones especially, as well as on desktop computers. I think there does need to be regulation so that either this stuff is taken off the internet or there is some sort of age check that only people over 18 can access this material.

Mr MICHAEL JOHNSEN: Thank you for taking the time to come here and for your opening statements and submissions. Clearly the content of your submissions is around the Safe Schools program. Whilst you point to reference material saying that it is not about bullying, would it not be fair to say that further education leads to more tolerance, which leads to less bullying?

Mrs KELLEHER: It depends what education you are talking about. If it is education intolerance rather than education in sexual acts, sexual expression and different forms of sexual attraction, then I would be all for it. There are many bullying programs—in fact, I think I refer to some of them in the supplementary submission—that are available but that is about tolerance for everyone. You do not single out a particular reason for the bullying so that no group of young people is going to be bullied for any reason. It has to be zero tolerance rather than going to the specifics of sexual orientation, gender identity, sexual expression, oral and anal sex, the use of sex toys and all of these sorts of things for young people. Really, I do not see what that has to do with bullying. Then the more sinister aspect is when it actually focuses children.

Mr Green was saying, "I was thinking of maybe saying that they are going to get lots of information through smart phones anyway." That is even more reason to look very closely at this program that is actually in the schools and is therefore drawing their attention to some of these websites. The Scarleteen website suggests, "Would you like a third couple in your relationship?" This is for students who are still at school, so they are

going to be under 18 or 18 at the most and they start at about age 11. My eldest started secondary school at 11. I just do not think that you should give them any more, and it should not be actually embedded in the school system. I think that is quite sinister and the whole program, when you read the submission closely—and it was a very long submission and I pointed it out in the supplementary submission—it alienates young people from their parents as though the parents are not their friends, but rather their parents are someone to hide things from.

Yes, that is something that teenagers will feel and that will work okay as they find their way and they mature, but not if you are actually presenting to them this sexualised material and that is what they are going to hide. It is not as though they just come on it themselves; they are actually being presented with it. I think that adds to what is a fraught time in human development during the teens. I think it is very serious to actually focus young people's attention on this and give them links to this sort of advice. They send them to teen sex advice websites rather than to their parents or their family and I do not think that should be the first port of call.

Now, they might go to a school counsellor and say, "I am going to find it hard to talk to mum about this, but I feel like this" and the counsellor could then mediate. I think it is a very serious thing to, in effect, cut the parents out of the equation. The submission itself talks about gender transitioning, in particular. If you read that guide, which is a Safe Schools resource, it says parental consent may not be needed at all. We could consider this child a mature minor. I think if the child is a mature minor, you have to have someone to at least mediate with the parents so that parents know what is going on.

There is a quote from some research from the Australian Research Centre in Sex, Health and Society at La Trobe University where a student said, "Teachers broke every rule to keep from my parents that I was leaving school without parental consent for gender transitioning treatment". I do not know, but I am a parent—I am older now and my boys, thank goodness, are young adults, for better or worse—and I really take umbrage at that, to think that I would be locked out or their father and I would be locked out from these very serious issues that they are considering.

Mr MICHAEL JOHNSEN: Would you agree that humans are sexual beings?

Mrs KELLEHER: We have a sexual nature, yes. We are all either male or female.

Mr MICHAEL JOHNSEN: It was mentioned before that there is virtually unlimited access to sexually explicit material now, would you agree?

Mrs KELLEHER: Yes, and that is a problem.

Mr MICHAEL JOHNSEN: Would it not be better to have the dissemination of education and material in a guided fashion?

Mrs KELLEHER: Well yes, but not to actually teach young people about sexual methods; how to perform oral sex and anal sex, and what aids there are.

Mr MICHAEL JOHNSEN: They will see that any time they want and there will be no context to it so would it not be better to have it in some guided fashion?

Mr CAROLAN: I would say the difference is that going down a dark alley on the internet to some porn site, the child knows that what they are doing is wrong. When a school teaches it as if it is something acceptable and normal, that is endorsing this as if it is something good. I think that is very different to a child stumbling upon something on the internet.

Mr MICHAEL JOHNSEN: Teaching people about Hitler and his methods in World War II is not endorsing; it is providing context, information, historical fact.

Mr CAROLAN: Yes.

Mr MICHAEL JOHNSEN: Hopefully with a view to never making that same mistake again. Could you not then take that view?

Mr CAROLAN: I would say that the tone of the Safe Schools program is most certainly endorsing and presenting as accepting these behaviours.

Mr MICHAEL JOHNSEN: Okay.

Ms JODIE HARRISON: There are a number of materials that you refer to in your original submission—I have not had a chance to look at the supplementary submission—the content of which the Australian Family Association has concerns about, materials like "Guide to supporting a student to affirm or transition gender identity at school", "Gender Questioning", "OMG I'm Trans", "Stand Out", "OMG I'm Queer". You also mentioned that when a schoolteacher has certain information it puts a different light on it to a child or young person searching for things themselves. Can you confirm that those materials that you are concerned with are or are not used in the New South Wales curriculum for Safe Schools?

Mrs KELLEHER: The Safe Schools resources and materials are the same Australia-wide.

Ms JODIE HARRISON: No. My question is: Can you confirm that the materials that you have concerns with are or are not used as part of the Safe Schools curriculum in New South Wales schools?

The Hon. GREG DONNELLY: They are on the website.

Mr CAROLAN: I see what you are saying—the actual curriculum. There are two parts to Safe Schools. One part is the All Of Us curriculum. All the other documents are not curriculum, as such. There is one called All Of Us, which is aligned with the Australian curriculum and it is supposed to be taught to year 7 and year 8 students. I have not been in a physical education [PE] room myself where a teacher is using that document. The other part of the Safe Schools program is that it is a program to change the whole culture of the school.

If you look through those materials they are encouraging setting up lesbian, gay, bisexual and transgender [LGBT] student groups, calling in LGBT speakers from outside, putting posters around the school, getting books into the library, having Purple Days, painting rainbows on the front doorstep, all these sorts of things. It is a program to change the whole school culture and specifically the Safe Schools program materials recommend that LGBT issues should be embedded across all subjects, and that is what I have seen in schools; that it is embedded deeply within English especially as a subject and across other school activities.

Ms JODIE HARRISON: Can you confirm that is the case in New South Wales?

Mr CAROLAN: Yes.

The Hon. GREG DONNELLY: Thank you for coming along today to give us an opportunity to ask questions regarding your submission. With regard to the Safe Schools program, a review has been implemented by the Commonwealth Minister and the report that was handed to the Government on 11 March by Professor Loudon contains a number of recommendations and proposed changes or refinements to the Safe Schools program. Are you able to give us any information about the timetable for the implementation of those changes? Let me put it this way: The Safe Schools program, as you correctly identify, operates in a number of schools in New South Wales. That is available from the website—that is in the public domain. There has been a review, which proposes a number of changes. Do you know whether the changes have been implemented or the timetable for the implementation of them?

Mrs KELLEHER: To date, as far as I can tell—that is up until yesterday—no, they have not been. The only indication was when Senator Birmingham announced that the Government would require those amendments on that day or the next day, a spokesperson for Safe Schools said they would be looking at the required amendments. They have not been made, but whether they are in consultation with the Federal Government, I do not know, and I do not know of any timetable for them to be made, but I would make the point that every State has the option of allowing Safe Schools into their schools or not. I think the State should take responsibility for the program, for fully investigating it, to decide whether it is appropriate for New South Wales schools, regardless of whether Safe Schools makes the amendments asked for by the Federal Government.

The Federal funding was dependent on those amendments being made. I understand that the amendments that have been asked for, the current funding could have been cut or will be if they do not agree to make those amendments but, in any case, I believe there will not be any more funding after June 2017 when the current funding runs out, but each State would have the right to negotiate with Safe Schools and require

amendments or require their schools perhaps to tailor the way in which they use and what part of the resources they use.

The Hon. BRONNIE TAYLOR: They do.

Mrs KELLEHER: I would think a State would be best advised to fully investigate the Safe Schools program. The Federal review was very, very short—about three weeks; not nearly enough time to consider this program that has been operating in Victoria since 2010 and nationally only since June 2014 to really get a hold on what the program is based on, and its actual approach and its content.

The Hon. BRONNIE TAYLOR: Mr Carolan, I draw attention to your earlier reference about Safe Schools trying to embed a culture. You used a specific reference to a rainbow and people drawing rainbows. My impression is that that is a visual aid that we use that speaks about tolerance and kindness. It has become symbolic. Could you explain to me why embedding a culture in school would be a negative thing? Would that not be embedding and validating tolerance and unity and embracing diversity?

Mr CAROLAN: We have to go back to what Safe Schools was intended for, which is the prevention of bullying. To essentially be drawing attention within a school constantly to sexual attractions, sexual identity and, as we have discussed, sexual behaviour is inappropriate. I think that embedding LGBT issues across all subjects is not appropriate and in other school activities, for instance, books in the library about LGBT activism, transgender romance, including sadomasochism and also lesbian romance. This constant drawing to sexual orientation, sexual feelings, sexual activity when there are 11-year-olds in the school is not appropriate. For instance, earlier this year at Wollongong High, in the roll notices every day for three weeks there was some message relating to LGBT issues given to all students, including year 7 students, who are 11-year-olds. This is imposing it on children. I do not believe it is appropriate. For instance, one thing that was advertised in the school was Camp Out. It is a queer activist training camp that is being promoted in Safe Schools in New South Wales.

The Hon. BRONNIE TAYLOR: Mr Carolan, my question to you was about the use and symbolism of the rainbow and that that symbolism is about being inclusive, because you directly reference that. Could you just answer my question?

The Hon. GREG DONNELLY: I think he is.

The Hon. BRONNIE TAYLOR: No, we are going on to other specific things at a school.

The Hon. GREG DONNELLY: That is part of the program.

The Hon. PAUL GREEN: When he brought that up it was in the context of three other issues about culture change. I do not think it is specific to the rainbow.

The Hon. BRONNIE TAYLOR: That is fine.

Mr CAROLAN: I was saying that Camp Out is a queer activist training camp, starting on 11 April—coming up next week. It was advertised every day for at least a week at school. The aim of this camp—I will quote from its website:

We aim to create our own world, guided by unanimously agreed upon facets of queer and feminist politics. We aim to create a safe, creative, nourishing and inspiring environment through which The Collective members organise, and project into the Camp itself.

Why are we promoting queer politics within a school? To me, that does not seem appropriate. Queer theory is exactly that—it is a theory. Queer theory is the basis of the entire Safe Schools program, going back to the creators of the program at Latrobe University. There is no evidence whatsoever—there is always talk about evidence base being required for all sorts of programs these days. Queer theory is a theory that attempts to normalise all forms of sexual behaviour and sees everything as relative and simply a social construct. I would hand up a little bit of information about Camp Out that has been advertised in Safe Schools in New South Wales.

The Hon. BRONNIE TAYLOR: So Camp Out is a choice, is it?

CHAIR: It is optional.

Mr CAROLAN: It is most certainly optional.

The Hon. BRONNIE TAYLOR: Does it require consent from parents?

Mr CAROLAN: I do not know. The organisation behind it is Twenty10. They have trained people to run Camp Out. Camp Out refers people to Twenty10. Twenty10 ran a hands-on workshop in sadomasochism and sex toys earlier this year for youth.

The Hon. PAUL GREEN: If a child wants to expose themselves to Camp Out and the parents are not for that, are you aware what assistance the schools give them? Does the school give them any assistance to go to Camp Out?

Mr CAROLAN: If the parents are not aware?

The Hon. PAUL GREEN: The parents may be aware but not of the same opinion. These are some of the issues that are coming through. If the child wants to pursue this and the parents are not of the same view, how does the school react to the situation?

Mr CAROLAN: I have not dealt with any specific situations where that has happened. The only thing I could do was refer back to Safe Schools opinion on transgender issues where it is not necessary to inform parents or to get their permission. I know it is not the same, but that is the only thing I could refer to with their general attitude towards parental knowledge and consent.

CHAIR: I will remind Committee members that our witnesses need to leave shortly. It is five past 12. I know Mr Tudehope has a brief question to finish off.

Mr DAMIEN TUDEHOPE: This inquiry is in respect of sexualisation of children in general and you have sought to focus on the specific issue of Safe Schools and the education of children and the sexualisation of children in relation to that program. Sexualisation of children is occurring in significantly diverse areas, including accessibility to pornography. Why have you chosen not to look at any of that material?

Mrs KELLEHER: Because we had been working on the Safe Schools program. It was of particular interest and concern to us and, as I said in my introductory remarks, we thought there would be a lot of interest in this inquiry and that there would be numerous submissions on the other contexts within which you get sexualisation of children. We thought that it was deserving of the attention of the Committee in such an important inquiry that you realise that here is another context embedded within the schools themselves, and remember children are in school for six hours every day, five days a week, 40 weeks a year.

Mr DAMIEN TUDEHOPE: I understand that entirely. Is it the case, and I am not saying for one moment you agree with any of the content of Safe Schools, but one of the principal objections you have as an organisation relating to this material is that it seeks to cut parents out of the equation of the education of their children?

Mrs KELLEHER: Yes, that is certainly one of the serious concerns we have, and it is imposing views that are not evidence based. It is based on gender theory, which a lot of parents may very well not agree with. I am saying that this sort of information should be sought outside the school system or through counselling, through a school counsellor.

Mr DAMIEN TUDEHOPE: Is it the case that if, in fact, the program was put to the Parents and Citizens Association of a particular school and the parent body was advised of its content and agreed that it was a program that could be introduced into the school that that would be within the province of the parents to agree to?

Mrs KELLEHER: That would be the case. They should make sure that they also put that decision to the whole school community. I understand that a lot of the parents might not take that much interest, but, I suppose, yes.

Mr CAROLAN: Could I add to that? The other aspect is that Safe Schools officially says that LGBT should be embedded across all subjects. The same way that a single parent could exempt their child from scripture, this is quite different. It could not be done when Safe Schools is about changing the whole culture of the school across all subjects, if there was a particular parent who wanted an exemption.

Mr DAMIEN TUDEHOPE: I understand. The nature of Safe Schools is that it is a teacher education program as much as it is a child education program because it is educating teachers how to implement the content across a wide variety of subjects. If, in fact, a school took the view it was appropriate for its school through its parent body, what then?

Mrs KELLEHER: I will think a bit more about my answer to that. I think that every parent should have a vote on it because—

Mr DAMIEN TUDEHOPE: You would anticipate that every parent would have to be fully advised of the content?

Mrs KELLEHER: They would have to be. They should be. I would say if it was just the parent-teacher council, that may not be the case. Logistics are that they are the parents who are willing to be involved and you cannot approach the whole school community on all the issues that they are making decisions on, but that would be a very serious one. I would say, Mr Tudehope, the responsibility I put to this Committee is with the education department and the Minister for Education, in particular, in each State.

Mr DAMIEN TUDEHOPE: I understand that. The problem is, is it not, if there are some parents who object, are they then bullied into having to remove their children from the school?

Mrs KELLEHER: Exactly.

Mr DAMIEN TUDEHOPE: Is that the case?

Mrs KELLEHER: Yes.

Mr CAROLAN: That is right.

Mr DAMIEN TUDEHOPE: That is the issue.

Mr CAROLAN: That has been the only option for at least one parent that I know of who had spoken to the principal and the education department—that was in Victoria. There was no other option. She just had to leave, that was it.

CHAIR: Thank you for appearing before the Committee today. The Committee may wish to send you some additional questions in writing. The replies to these questions will form part of your evidence and be made public. Would you be happy to provide a written reply to further questions?

Mr CAROLAN: Yes.

Mrs KELLEHER: Yes.

CHAIR: Thank you.

(The witnesses withdrew)

ELIZABETH HANDSLEY, President, Australian Council on Children and the Media, before the Committee via teleconference, affirmed and examined:

CHAIR: Welcome and thank you for joining us today. Please state in what capacity you are appearing before the Committee.

Professor HANDSLEY: I am a professor of law at Flinders University in South Australia and I am also the President of the Australian Council on Children and the Media [ACCM].

CHAIR: Do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Professor HANDSLEY: No questions, thanks.

CHAIR: Before we commence with questions, would you like to make a brief opening statement?

Professor HANDSLEY: I will make a brief statement to say I really think the issues that come under the banner of sexualisation are in fact a very complex and interlocking set of issues that relate to broader concerns about children and their place and how they are treated in society. I would really hope that the Committee would be able to address or at least link some of the issues that it is looking at to each other and to the broader issues. That is my main concern about how this debate is going in this country.

The Hon. PAUL GREEN: Most witnesses have spoken about defining the word "sexualisation". Do you have a view on what the definition should be at this point in time?

Professor HANDSLEY: Yes, I do. I have already foreshadowed that in my opening statement, so it is great to see that others are picking up on those same sorts of issues. I think it is really something that needs to be sorted out before we can really progress things. I consider sexualisation as relating to two different things and, as I say, they are separate but interlocking, if you like. One is the way that children are represented to themselves and the way that children are encouraged to view themselves and other children through the representations that they see around them.

The other is the exposure of children to sometimes really quite candid and explicit expressions of adult sexuality. Those are actually quite separate things. The fact that they both have some relationship to sex and sexuality is in many senses incidental. That is because when it comes to the first kind of sexualisation I was talking about it is not necessarily sexuality as such that is being represented, it is the things that we as a culture associate with sexuality. A really good example is if I asked you to imagine an outline cartoon picture of a rabbit's head in profile you would not think there was anything sexual about that. But we know that in our society that kind of image is very strongly linked to a very important company that has been active in the sphere of addressing sexual needs of a certain portion of population for some time.

We need to have that cultural understanding of symbols and clothing and ways of behaving and so on. They are not necessarily sex or sexuality, they are not inherently sex or sexuality, but in our culture they are linked to that. That really needs to be understood. That is why I sometimes say that this issue or this aspect of the issue is better thought of as sexification rather than sexualisation. I hope you can understand what I am saying over the phone. It is really about not what is sex but what is sexy. That might change from culture to culture, society to society and time to time. But the problem is linking childhood with whatever we consider to be sexy at any given time and at any given place is problematic for a range of reasons that we have set out in our written submission and I believe others have as well.

When it comes to the other side of sexualisation there is a danger of appearing to be wowserish and prudish and morally conservative. While there is nothing inherently wrong with being morally conservative I think it can sometimes derail the argument because it is not really about disapproval of sex and it is not about disliking sex or not wanting to talk about sex; it is about the appropriateness of plastering all of our billboards and buses and other things with sex-related discussions and images when children are present and the impact that is going to have on them. There is a bit of a minefield that you go through in addressing that that does not exist as clearly in the other kind of sexualisation.

The other thing I can say is that both sides of sexualisation relate back to two things that I think are very important broader issues in our society. One is the objectification of women and the way that we can link that to very concrete issues about women's lives including violence. We are increasingly joining the dots as a society between objectification of women and violence against women. That is, if women are presented as objects and people in society are encouraged to view women as objects—and I am not limiting that to men; I think women are encouraged to view themselves as objects—then violence against them is not seen as something particularly serious or something that needs to be avoided. I think it is pretty easy to join the dots in that way.

There are also issues to do with women's economic wellbeing and life chances and career aspirations and so on that are all affected by anything in society that encourages people to view them as objects or to place any emphasis at all, really, on their attractiveness or how they look. Then there is also the whole question of how the corporate world interacts with children, the whole question of advertising to children at all. There is a strong argument to say that any kind of advertising to children is unethical. There are countries that have attempted to ban it, with varying degrees of success, but they have really picked it up as a policy issue to say that there is a real problem here and we need to do something. I think it is fairly clear that these issues to do with sexualisation are very much about how far can we as a society let the corporate world and industry go in shaping the world that children live in and in particular the way that they see themselves.

The Hon. PAUL GREEN: On page 5 of your submission in the second last paragraph you say:

Arguably there are no regulatory measures to address sexualisation, except the self-regulatory ones which are manifestly inadequate.

Could you elaborate on that?

Professor HANDSLEY: Certainly. There are a few problems with self-regulation. I am sure I am not the first person to have said this to you but I am happy to add our voice to what is being said. First of all, the whole question of self-regulation is one where advertisers—I will limit my comments to advertisers for the time being—are pretty much allowed to do whatever they want until somebody complains. That is always a big if. Will somebody notice and take the trouble to complain? Then even if there is a complaint and even if the complaint is upheld then the advertiser can only be politely asked to stop doing whatever it is that has led to the complaints. There is no coercive power to require or force an advertiser to stop with a certain kind of advertising.

There are two things there. One is that we know that advertising campaigns generally run for a certain period of time, a number of weeks or possibly months. That is often about how long these processes take. That is, from advertising to complaint to hearing or investigation by the Advertising Standards Board [ASB] to a result, it can often take about that same length of time. In other words, by the time the advertisement has been found in breach the campaign is over anyway so there is really no need to do anything. In that kind of situation and environment you would think it would make a lot more sense to have some kind of coercive power at the end of it and in fact to penalise advertisers for their breaches because that is the thing that would provide the incentive for them to avoid breaching things in the first place.

A few years ago I came across a report of a decision that had been made by the ASB and it was broadly in the area of sexualisation. It was about a pizza shop having used the F word in its window as people walked past. They actually said in their response to the complaint that well, yes, we knew that we were probably going to be held in breach but we got a really good response to this campaign so we do not really mind. You have to wonder how many other advertisers have that kind of attitude. It is quite a rational attitude to have. When you know that there is no actual consequence from having been found in breach you might as well go ahead and breach it. Then you get the rap over the knuckles afterwards but you have had the impact that you wanted to have in the meantime. The whole question of self-regulation has that problem at its core, that there is very little you can achieve with self-regulation for those sorts of reasons I just outlined.

Then we come to the content of what self-regulatory standards we have. I think we have explained in the written submission how inadequate they are to address the actual problem. Now that is not necessarily a criticism because, as we have just been discussing, I think our whole society is still coming to an understanding of this problem. I would hope that at some point in the future where we have defined the problem—or problems, perhaps—to the satisfaction of the society generally that will give the advertising industry an opportunity to address the problem as it is. But for the time being what we have are provisions that basically miss the point or

to the extent that they address the point it is only incidental and perhaps even accidental and therefore not a well-targeted provision that can really play a part in addressing the problem.

CHAIR: I notice you have talked about the Children's Advocate so you are aware of the role of the Children's Advocate in New South Wales. Is that right?

Professor HANDSLEY: Yes.

CHAIR: What role do you see them having in trying to assist children?

Professor HANDSLEY: There may well be a need to introduce some formal changes to the way that that role is defined. This is not just in New South Wales; I think in all of the States the Children's Advocate or equivalent role has been conceived largely as a child protection mechanism rather than as a broader social level thing addressing things like the media, which is a very broad social institution but, as we realise, a very important one. It may well be advisable to introduce changes to the legislation to make that role clearer. I could also say that we as the ACCM and I personally have always seen issues about how children engage with the media and how corporations interact with children through the media as being child protection issues.

There may well be an extreme case where parents are not protecting their children appropriately from inappropriate media content. That at least in some cases could potentially be seen as a form of neglect or even abuse. Then to the extent that corporations interact directly with children they really should be held to some kind of standards in caring for those children's wellbeing, much the same as we would with parents. Because we take the view that everybody who interacts with children has that kind of duty to have their interests in mind.

The Hon. BRONNIE TAYLOR: Thank you for joining us today. We heard earlier from the Advertising Standards Bureau and the Australian Association of National Advertisers who have a board of 20 people that implement that advertising code. I put a question to them: Did they have someone who specialised in issues around children and young people? They said they did but they do not now and they said that it was extremely difficult to find someone with that expertise to sit on a board like this. Has anyone in your organisation ever been approached for their expertise that you know of to assist in some way?

Professor HANDSLEY: The short answer is no, we have not been approached. We have over the years had various kinds of dealings with bodies like the AANA—sometimes quite constructive ones, sometimes not so constructive. But I am fairly confident in saying—bearing in mind the oath I gave before—that we have never been approached to advise on particular decisions or anything like that. I can say also, however, that there have been a number of reviews of particularly the children's code over the years, and over the years I have been involved in this issue, and in the past we have been invited to give submissions.

I know that when the children's code was reviewed in 2008 we did make a submission as an organisation about various things to do with that code and what should be done and I am safe in saying that what was done did not follow what we were suggesting. That is not to say that we were not approached—they were not bound to follow what we were saying—but we were approached in that kind of context. I gather that your question was more about getting somebody who has expertise in children's welfare and child development to be involved in a more hands-on way in their operations. We have never been invited to be involved in that sort of way.

CHAIR: With media regulation being mainly under Commonwealth jurisdiction, what do you suggest State governments can do to reduce early sexualisation or limit its impact on children and young people?

Professor HANDSLEY: That is an interesting question because you might have noticed if you looked me up in any way that I also teach constitutional law here at Flinders, so I do have some insight on that. I think there is an interesting question as to whether there would be a section 109 inconsistency problem if one of the States tried to regulate broadcasting. But not all sexualisation goes on through broadcasting; there are other forms of media that could well be addressed by the States and I do not think that there is any need for a State that has the political will to do something about this to be concerned about treading on the Commonwealth's toes.

The biggest danger would be, of course, that corporate interests that saw themselves as being affected by any decision that a State took might well go to the Commonwealth and try to get the Commonwealth to change the field in such a way that it made it difficult for the States to do so. But obviously that is a political

decision for you folks to make as to whether the issue is important enough, that it is worth running the risk of that kind of thing happening. The other thing that can be done is education both of parents and of children and the other people who deal with children.

Some of what we are talking about here is about the products themselves that are being sold and I come back to that example of the cute bunny with the long ears. There was a well-known jewellery store chain a few years ago that was selling products with that logo on them in their stores which are very popular with young girls. That would be the kind of stuff that a State government could address quite directly without treading on the Commonwealth's toes in any way constitutionally, I would have thought.

Mr DAMIEN TUDEHOPE: Professor, thank you for your very articulate responses. If you were in the place of the AANA and were redrafting their code of ethics, currently clause 2.2 provides: "Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and downgrading of any individual or group of people". How would you amend that?

Professor HANDSLEY: I would really love to take that question on notice.

Mr DAMIEN TUDEHOPE: You can.

Professor HANDSLEY: I would like to give that some more thought because I would enjoy going into that. I have never actually tried to redraft it, but one thing I can say right now is I would make it "exploitative or downgrading". I have not looked this up but I remember from a few years ago there was a decision that said yes it is exploitative but it is not downgrading, or maybe vice versa, I cannot remember. Personally, I find it hard to see how something can be exploitative without being downgrading and vice versa. But if you are going to have both of those words, I would say to have "or" instead of "and". That is my immediate response, but I would be very happy to go away and have a bit more of a think about it and communicate with the Committee in some other way, if that was appropriate.

Mr DAMIEN TUDEHOPE: That is fine. Would it appeal to you at all, and again you can take this on notice, to include the word "objectification"?

Professor HANDSLEY: Yes, thank you for that. That is something else that I would do. I think we mentioned in our submission how this is referred to as the objectification provision but it does not include the word "objectification", because "objectification" does not have to mean sexual appeal. If you really wanted to address objectification you would use that word and you would define it appropriately. That would certainly be a starting point.

The Hon. GREG DONNELLY: Thank you for making yourself available for some questions. Some witnesses today have given testimony, and the same theme appears in some of the submissions, that one of the important ways of trying to deal with this issue of sexualisation of children and young people is to start to talk with children and young people at quite an early age about sex and sexuality because it is within those discussions that matters can be considered and matters can be reflected on and issues talked about. But it strikes me that a paradox—either intended or otherwise—is that going in there, so to speak, and engaging directly particularly with young children, indeed some are suggesting even as young as primary school, about these matters in an across-the-board way is highly problematic, probably for a number of reasons but I just mention a couple.

People mature at different ages—that is an obvious thing to say—and the other thing is, I think importantly, the influence of parents in terms of their wishes as parents to try to bring some influence and thinking on these issues to these children. If I could use the example of taking these matters into the schoolroom and pushing them right down and having these discussions with children and young people, there is an argument that inadvertently you are, in effect, sexualising them by doing that. The other side of the argument is it is best to do it in the schoolroom because it is controlled to some degree. Of course, that beggars the question about the underpinning values behind what is being taught to the children. I am wondering what your thoughts are on that.

Children have access to internet-enabled telephones and tablets and all the things that are available to be able to make judgements about their decisions but, at the end of the day, we are talking about children and what is, in fact, through lack of maturity, a lack of an ability to make real considered judgements and the implications of those judgements. I am wondering what your thoughts are about this potential paradox of going in there and educating but, on the flipside, perhaps opening children up to a whole range of things.

Professor HANDSLEY: A very good question. Thanks for that, Mr Donnelly. I am a bit conflicted on this point. I can understand the logic that says we have this wallpaper through our lives of all this sex-oriented material and we are never going to be able to protect children from it properly. Even parents with the best will in the world and the best filters in the world still cannot control what their children are exposed to in other people's homes or outdoors and so on, so let us get on the front foot and let us balance out those messages that they are getting with positive messages.

I think maybe those messages do not necessarily need to be about sex itself. If we go back to my original delineation of the two aspects of sexualisation, discussions that address the first aspect really do not have to be about sex; they can be about just self-respect, they can be about respect for others, they can be about how we deal with those, how we see ourselves, and they can touch on why it is not appropriate for a little girl to run around in a miniskirt and thigh boots and look like a prostitute. You do not necessarily need to talk about what prostitution is but with young children you can get that message across in some way so you can start to counter what ultimately is damaging about those kinds of messages. There is nothing particularly wrong with a little girl wearing a miniskirt and thigh boots but in our society that has certain cultural resonances, and so we can address the cultural resonances rather than the actual thing itself.

So I think with that side of it we can. With the other side I do not think the same problem arises because it is quite possible for us to do something about the material that is plastered over billboards and bus shelters and buses and other sorts of outdoor spaces that you just cannot keep children away from—there is also, of course, material in other kinds of places and other kinds of media where there are real challenges—but at least to address that material that is just being given the whole of society's imprimatur by virtue of the fact that it is plastered everywhere in public places. That can actually be addressed.

That is where you get the things like erectile dysfunction ads, for example. That is a classic example of the sort of thing that you do not want to go into a primary school classroom and start talking about so that the kids can understand the ads that they see. You are better off just trying to get rid of those ads, to keep those ads in a place where children will not be casually exposed to them and they do not need to know about that kind of stuff until they are ready. So I think you can address it.

I just wanted to make one more comment in response to what you were saying because I recognise that it is a paradox and, as I say, I am conflicted about it myself. I was reminded of when I was in Sweden a few years ago and I gave a presentation about sexualisation of children. Sweden has a very particular, what I think is very constructive, attitude to childhood and also to sexuality. They are well-known for being quite mature about sexuality and having a very different sort of attitude to sexuality than Anglo-based societies. I gave my presentation about sexualisation and the Swedish people who heard it fully understood and agreed with what I was saying; they agreed that the things that I was identifying were real concerns. But the response I got from a couple of different groups separately was something that really bothers me: the fact that we now put swimming costumes on little children.

Traditionally in Sweden young children, say children under five or six, swam naked in public places and they saw it as sexualising to put clothes on the children. That is a really interesting paradox as well, I think, and it goes to show what counts as sexualising can depend very much on your culture and your cultural values and how you respond to things. So whether it is sexualising children to go into a classroom and talk to them openly about sex and sexuality can really depend on the context and how it is done and, as I say, the context in which the child is living and the other kinds of messages about sex and sexuality that they are getting or not getting.

The Hon. GREG DONNELLY: My question relates to the same issue in a sense, that is, consent. How can we apply this notion of consent to children, particularly in areas like sexting between young people who can be quite young, maybe even in primary school years? I am sure you are familiar with that issue. Do you have a view, using your law professor's hat, on how you apply the notion of consent that we normally understand in law to understanding how we apply consent to minors?

Professor HANDSLEY: That is a very, very interesting question. The idea that a child under 16 years, especially a child of primary school age, would be able to give effective consent, the kind of consent that we hope for in law, to the sharing of an explicit photo of that person, I have real doubts about whether that is possible. I am put in mind of Marion's case, that some might have heard of, from the early 1990s where the High

Court held that even a parent cannot consent on behalf a young person with an intellectual disability to a sterilisation procedure; it has to be from a court order.

That to me provides a really interesting precedent to say there are some things that are just so serious and where the relevant interest is so mixed up, conflicting and difficult to sort out that you want to have an independent third party to decide what is in the best interests of that person. I am not suggesting that you have a rule that says, yes, that 14-year-old girl can send a picture of her breasts to a boy as long as she gets a court order saying that she can do so. Clearly that is ridiculous. But I think it points to that idea that there are some areas where we really cannot imagine proper consent being given. We are not confident enough that the consent will be properly thought through in enough of the cases that we are willing to just let it go. In those kinds of situations, as a society and in our legal system we tend to just have a ban on those things. I am not saying that that 14-year-old girl who sends a picture of her breasts should be prosecuted as a child pornographer—

The Hon. GREG DONNELLY: Sure.

Professor HANDSLEY: I think that does need to be addressed. I would have great concerns about our legal system saying "Yes, a 14-year-old girl can give effective consent to other people to see a digital image of parts of her body that are normally covered up." That is precisely because that image cannot be controlled even if it has been sent to one particular person. Even by accident it could be shared by somebody else and then we have the whole problem of when that relationship breaks up how much further can you trust that person. It is such a minefield. It is really something irreversible in the sense that a sterilisation operation is irreversible. So let us think about the parallels between those two situations and draw from some of the analysis that went on there.

Ms JODIE HARRISON: Professor Handsley, I refer to your comment about the Swedish example of the swimming costume and it being considered as sexualisation. In your submission and the terms of reference in relation to the role of the Children's Advocate you talk about ACCM possibly being pleased to work with the Children's Advocate to develop programs around this area. You say that the important thing is that it should be based on research evidence and avoid any overtones of moralism.

Professor HANDSLEY: Yes.

Ms JODIE HARRISON: Will you please expand on that? How could it be done?

Professor HANDSLEY: Sure, that is something that is very fundamental to ACCM and how it deals with the variety of issues that we deal with that we start from research evidence, especially when it comes to sexualisation but it appears that it applies with violence as well. For example, people have a values based response to certain things. There is absolutely nothing wrong with a values base but in our society we tend to leave people's values up to them. But it is when there is actual objective evidence to say certain kinds of material carry a risk of harm in children's development that is where society and institutions like the Parliament are justified in stepping in and doing something.

We have just seen enough situations in the past where there has been a values base compared to a moralistic response to a particular set of issues and then the debate seems to get bogged down in that and it is very easy for others to dismiss the concern. We think from a strategic and political point of view it is really important to base things on objective evidence and research-based evidence rather than a values-based response to particular material.

As I say, there is nothing particularly wrong with a values-based response but to make something effective and to ensure that intervention really is justified then having the research evidence is really important. That has always been the important principle for us, whatever the values we might or might not have about particular kinds of material, that we only get involved where there is strong research evidence to suggest that there is a potential risk for children's development or wellbeing.

CHAIR: Professor, if you think anything in your Swedish presentation may help this Committee's deliberations, would you mind forwarding it to the secretariat?

Professor HANDSLEY: Yes, I am very happy to. I have got any number of presentations I have given on this set of issues. Yes, if you are interested in seeing it, I will forward the PowerPoint presentation to you.

CHAIR: Your submission was very well researched and footnoted, so thank you for that. If you think this Committee would benefit from that presentation we would appreciate seeing it.

Professor HANDSLEY: Yes, no trouble.

CHAIR: The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Are you happy to provide a written reply to any further questions?

Professor HANDSLEY: Yes, absolutely.

(The witness withdrew)

(Luncheon adjournment)

ANN-MAREE ASHBURN, Director, Government Affairs, Family Planning NSW, affirmed and examined:

PROFESSOR ANN BRASSIL, Chief Executive Officer, Family Planning NSW, and

ANNE STUART, Director, Planning, Education and International programs, Family Planning NSW, sworn and examined:

CHAIR: I welcome witnesses from Family Planning NSW. I thank you all for appearing before the Committee today. Do you have any questions concerning the procedural information sent out to you in regards to appearing as a witness or the Committee inquiry process?

Ms STUART: No.

Professor BRASSIL: No.

CHAIR: I invite you to make a brief opening statement.

Professor BRASSIL: On behalf of Family Planning NSW I would like to thank the Committee for the opportunity to appear here today. Family Planning NSW is the leading provider of reproductive and sexual health services in New South Wales. We provide clinical services health information to people throughout New South Wales and provide specialist education and training for doctors, nurses, teachers and allied health professionals. We see about 28,000 clients per year. We provide a telephone information and referral service and we work with marginalised communities including youth and young people.

We are leading researchers in our field through the work of our Sydney Centre for Reproductive Health Research. We are experts in reproductive and sexual health information. Our focus is on providing evidence-based services and information. In particular we seek to provide information and services to assist priority populations, including youth. This includes health information and facts sheets, youth-friendly clinics, and reproductive and sexual health education for schools. We welcome this inquiry into the sexualisation of children and young people and in particular the aim to assist parents and educate children and young people to help protect children.

There is little doubt that mass media contributes to the socialisation of young people and contributes to shaping their sexuality and behaviours. The ubiquity of technology and access to porn is a particular concern. Much pornography is of non-mainstream behaviours or attitudes with content that is devoid of intimacy, tenderness and respect. Issues of safe sex and informed consent are absent. A key measure to assist parents, teachers and children to navigate this cultural environment is age-appropriate comprehensive sexuality and relationships education. Research shows that providing young people with information about reproductive and sexual health results in later onset of sexual activity and increased use of contraception and safe sex practices.

Rather than the limited focus of traditional sex education on the biology of the reproductive system and contraception, what is required is comprehensive relationships and sexuality education that provides young people with information on respectful relationships, affection, intimacy, body image and healthy sexual behaviours. Such comprehensive education would assist in addressing the impact of technology and pornography on the perceptions of young people. We would like to note that the New South Wales Personal Development, Health and Physical Education [PDHPE] syllabus is of a high standard and gives concrete and explicit direction to teachers on sexuality education that includes references to contraception, condoms and reducing the risks of sexually transmitted infections [STIs] for high school students.

However, the results of a survey we undertook in 2015 of 337 New South Wales teachers showed that 54 per cent of teachers felt they needed more support to address pornography and media representations of sex and sexuality. Other topics teachers wanted help with included sexting and social media, how to answer difficult questions, and support to adapt the curriculum to special needs groups including those with disability. So whilst the PDHPE curriculum is comprehensive, what is needed is further professional development and resources to assist teachers to deliver the curriculum, particularly in the area of social media, sexting and pornography. In the survey 100 per cent of teachers agreed that sexual health education should be delivered in schools. That is not to say that it should not be delivered at home as well but schools are important places for that to occur.

We have recently been working with the Department of Education to develop specific training and resources to assist teachers to address the impacts of pornography and sexting within the health and physical education curriculum. We were also working at present to develop sexuality education courses and resources for parents and hope to trial a program in the Nepean Blue Mountains area within the next 12 months. We are doing this in conjunction with the local health district out there. We believe this Committee should recommend that the Government prioritise and adequately fund the further development of training and resources for specific relationships and sexuality education addressing pornography and sexting for both teachers and parents. Further, the Government should ensure this training and these resources are widely available to schools and teachers to help them effectively implement the existing PDHPE curriculum.

The Hon. BRONNIE TAYLOR: Thank you for coming today and thank you very much for all the amazing work that you do. I just want to pick up on some of the points you made around pornography and sexting. One thing that has become a bit clearer for me in this hearing today is that the horse bolts very quickly in this area. It is constantly changing. One of our first witnesses said that really it just had to be reviewed more regularly because things have moved so far ahead. So I suppose you would agree with that. I suppose the other part of my question—and, sorry, I did not mean to answer that for you.

Professor BRASSIL: I will just say yes.

The Hon. BRONNIE TAYLOR: I do not have any sons but I know from my girlfriends who have boys how worried they are about this. They are going to access it. I personally think that no matter how much regulation we put in place these guys are so much cleverer than everybody else that they will be able to access it. It is about giving them the education. As you mentioned, it is actually affecting the relationships that our young people are able to form—and you used words like "intimacy". Could you as professionals in this field offer us some solutions to look at? It is happening and we acknowledge that it is a problem. So what can we do? What are we not doing enough of? If you were to recommend something to us, what would it be?

Professor BRASSIL: I think you are right, it changes rapidly in some respects and in other respects we have seen this coming for a good long while. We have addressed issues about sexualisation of children in other inquiries in relation to other issues that have happened at a community level. So we need to stay on our feet about it and we need to be strong advocates for protecting the rights of children to be able to protect themselves in these environments. But we work with teachers and parents—and we are going to work more with parents. We believe that it is best that kids receive education from people in their environment generally rather than strangers, unless there is some important reason to follow that child up separately.

But this is tricky stuff to talk about. What we need to be making sure is that the curriculum is very current all the time. There needs to be constant review of the PDHPE curriculum in this area so that we are actually dealing with the issues of the day and teachers have been trained to talk about it comfortably. Because these are really hard things to talk about for people who do not have that set of language skills around talking about sex particularly easily. It needs to be done in a way that is very well balanced and has the interests of the kids at heart, which by and large teachers do. We are very committed to recommending that we build in structures that allow the review to happen continuously, as it should, and that it builds in training teachers in capabilities to actually talk about these issues in ways that engage kids. It is not impossible.

I have kids of my own. I remember when my son was going through high school and I decided now was the time for the talk. I said basically, in a long winded way, "Now is the time for a talk." He told me, "No, I know all about that. I saw it on the internet." I work in family planning and I said, "It is great that you are on the internet, but now let's go through it between you and me, because I need to ensure that you have the full picture. It doesn't matter if you get bored with me and if you know all this then that is fine." I am able to talk about these things. Parents should be able to talk about it, teachers should be able to talk about it and kids should be able to have an environment where they can have these discussions in a way that is respectful with each other.

The Hon. BRONNIE TAYLOR: We talk a lot about involving parents, which is very important. To be quite honest my children probably overshare with me. Indeed, people say I am lucky to have such a great relationship.

Professor BRASSIL: Mine too.

The Hon. BRONNIE TAYLOR: Parents absolutely need to be at the core of this, but what about those children who do not have a great relationship with their parents or those who come from situations that do not have that support within their family network? Not everyone comes from a situation where it is a comfortable place to be.

Professor BRASSIL: That is absolutely the case. Kids themselves believe that sex education should be something that happens at school as well as conversations at home, but they do look to their teachers and to important authorities such as general practitioners to be involved in these discussions when they need them. I agree that we should be focusing on the needs of kids to have their needs addressed when it comes to these conversations. With the kids who do not have supportive environments, it is not even just supporting environments—they are the easy ones to target—but many parents have never been taught to have this conversation. So we have got no bar for them to come to; no set of confidence in the skills of talking about it in the general community. That is why we are moving more into parent education.

There are many parents in our society who have not finished school, who did not have the PDHPE curriculum themselves and who come from other communities such as newly arrived core populations. There is example after example of groups that have not even had access to the information around the biology of sex. You would be surprised at how many groups that we work with—because we work in target populations—where the mothers do not even know the basics about their own biology and what is happening to them. We have come to a firm view about this. Particularly in the work we do in disability it became very clear to us that we need to work with the parents of people with disability to get them to be able to talk to their kids. We are really committed now to making offerings to parents, through various structures, if they want to come to talk about the sex education of their teenager or even their younger than teenager in an age appropriate way.

Mr MICHAEL JOHNSEN: Earlier today we were discussing internet service providers and images that were maybe put on the internet. We all make mistakes and from time to time we do things we might regret.

Professor BRASSIL: Are you talking about things that kids might put there?

Mr MICHAEL JOHNSEN: Yes, through Snapchat or Facebook, et cetera. It was suggested that the police be given sufficient powers to give take down orders—whether that is through the internet service provider [ISP] or to another person through sexting, et cetera. What would your thoughts be around any legislative and/or regulatory change to empower the individual, the parent and/or guardian and the regulatory authority to be able to make a request and make it compulsory that the ISPs or Facebook or whoever must take it down?

Professor BRASSIL: My personal view would be that it would be fantastic if images or material that is detrimental to young people is taken down because the consequences for them in their later life—honestly, they do not begin to understand. They are not fully formed adults. It takes a long time in our society for people to become fully formed adults. The caution that I would give is the obvious one—namely, if you do that without engaging the young person in explanations about why you are invading what they consider to be their space—and the internet is one of their spaces—then they might even go further underground. It should be done in a way that engages kids in that. Part of that, again I would say to you, comes through the whole education system. It has to be inculcated that these are disrespectful ways to be treated or to treat other people. Often the kids who have put those images there do those things with those they perceive to be intimate partners and it does not turn out to be that way because they are young.

I think that we need to always continue our responsibility to protect kids, but engage them in the process as much as possible. We have already found through sex education that if we give them information the rates of unplanned pregnancy go down, the rates of contraception goes up and the uptake of actual sexual relations is delayed. These things do not cause problems; they create solutions. So it is about engaging young people in that process as well. It is challenging and all kids are not the same. You need to work out a strategy that is going to be best for as much of the population as you possibly can in that engagement process, but you also need to keep your eyes open for the kids who are falling outside those cracks and have been incredibly rebellious with their parents, for instance, or with the police or whatever their agendas are.

Mr MICHAEL JOHNSEN: Which is quite normal?

Professor BRASSIL: Yes, which is quite normal.

Mr MICHAEL JOHNSEN: Do you think if that legislative and/or regulatory support was there that it would go a long way to empowering individuals and therefore opening the door to engagement?

Professor BRASSIL: I think when kids are humiliated by sexting or by pornography that involves them particularly they feel very trapped and once they work out the consequences of that they feel like it is a never-ending future for them. I am pretty sure that either at that time or with some later thought they will be very appreciative that they are being safeguarded.

Ms JODIE HARRISON: As I see it there are three groups of parents: the parents who are engaged and aware, the parents who are engaged and not aware—they are probably the two groups of parents who are easiest to get involved in how to educate their children.

Professor BRASSIL: That is right.

Ms JODIE HARRISON: What are your thoughts on how to access those parents who are not engaged, those who might not have the faintest idea that sexualisation of children is a problem and who may well be perpetuating it themselves?

Professor BRASSIL: The way that we determine that there are specific needs groups is generally through the data out there, the data on reproductive and sexual health. We know, for instance, down to a local health district and sometimes a local government level where the rates of unplanned pregnancy are higher and where the rates of sexually transmitted diseases are higher. We look at a whole series of indicators as to where the burden of the problem or disease is. When we establish where the priority areas are, that is when we start targeting our services and we work with local networks to try to access the right groups that will mobilise those parents in this instance.

We would not just go and do a mass media campaign or go in without engagement of the whole of the community around that. It is very clear that there are ways that we can do that; I do not feel at all unempowered to do that. There will be sequelae associated with risky sexual behaviour—whether we have to look at young people's domestic violence or whatever. The other take-home message in relation to this is that we should also be collecting data on these things. We should be working out how to collect data—whether it is working out that there is a database of complaints about sexting in different areas or in different suburbs or in different schools. The more information we have about where the problems peak, the better. All parents want to protect their kids; some parents just need more assistance in terms of information to do so. It is very rare that you have a parent who does not care about their children, and the system picks them up mostly.

Ms JODIE HARRISON: So the data would help you determine that?

Mrs KELLEHER: We would work with the local health district or the local community services or the local—

Ms STUART: Women's groups.

Professor BRASSIL: Women's groups, the local education groups. If it is part of a multicultural community there is a whole series of support networks out there. We could work with the clubs if it was a clubbing kind of area. In other areas of sexualisation such as domestic violence we have worked with the big football clubs. We try to determine the best way to enter that community in a way that is going to engage them. So you have to have very targeted strategies and you also need to collect information about it. So you collect information about the size of the problem as best you can and then you collect information when you go into those settings about what their baseline knowledge is. You carry out the programs. It may not seem so programmatic, but from our point of view we do not just go in and do good things; we develop a program that is evidence based and then you measure the impact of that on their knowledge and on behaviour, et cetera, whatever it is you are happy to do. So you are trying to determine whether it is going to work.

The Hon. GREG DONNELLY: I want to ask some questions around the Safe Schools program. Family Planning NSW receives funding through the Foundation for Young Adults, is that correct?

Ms STUART: Foundation for Young Australians, yes.

The Hon. GREG DONNELLY: That funding is for how many staff full-time equivalents?

Professor BRASSIL: That is an interesting question.

The Hon. GREG DONNELLY: How many staff do you have employed working on the Safe Schools program?

Professor BRASSIL: It varies because it was in a start-up phase and then it was in implementation phase, but I would say that we have three full-time equivalent staff at the present time plus managers who support the program integrated into our service, with the ability to flex up to four if there is a need at the school level for the education.

The Hon. GREG DONNELLY: They work out of your office, do they?

Ms STUART: They do.

Professor BRASSIL: And they work according to our policies and procedures.

The Hon. GREG DONNELLY: A review on the Safe Schools program was undertaken at the instigation of the Federal Minister for Education and Training and a report was presented on 11 March. Thus far what effect has that had in terms of you receiving instructions from the Foundation for Young Australians as to issues raised in that review?

Professor BRASSIL: We have not received instructions in relation to the Foundation for Young Australians. I think the reason for that is important—we only supply the ordinary Commonwealth approved resources. We do not supply any of the resources in New South Wales that are outside the approval that may have been endorsed by the Foundation for Young Australians, for instance. So we are already operating within the Commonwealth guidelines for the Safe Schools program. We are part of the program and we have made it very clear to the Foundation for Young Australians that we fully support the recommendations of the Commonwealth, particularly the review of some of the resources to make sure they continue to be more and more appropriate to the schools. But as to instructions, my understanding is that the Commonwealth is working with the Foundation for Young Australians as we speak in a very detailed way to develop an implementation plan.

The Hon. GREG DONNELLY: An implementation plan of, in effect, achieving what has been dealt with in the review?

Ms STUART: Correct.

Professor BRASSIL: Yes, that is right.

The Hon. GREG DONNELLY: To use the phrase, to bring the program into conformity with the issues raised?

Professor BRASSIL: Particularly the resources is what it focuses on.

The Hon. GREG DONNELLY: I have your fact sheet on the Proud Schools program entitled Safe Schools Coalition New South Wales program?

Professor BRASSIL: Proud Schools is a program we ran well before Safe Schools and we do not run it anymore.

The Hon. GREG DONNELLY: Of course, sorry, that is right. It is not a Safe Schools Coalition New South Wales program. The bottom of the second page deals with some misconceptions and the top deals with chest binding, which gained some coverage in the media—

Ms STUART: Yes.

The Hon. GREG DONNELLY: —that you might be aware of over the weeks leading up to the decision by the Prime Minister to ask the Minister to conduct a review and so on. The chest binding material and

the explicit reference to it is available on the Safe Schools website, if you go to the resources part of the Safe Schools website. Are you aware of that?

Professor BRASSIL: Yes.

Ms STUART: It is no longer available.

The Hon. GREG DONNELLY: That has been removed, has it?

Ms STUART: It has. Only official resources are now on the Safe Schools website.

Ms ASHBURN: And none of that material was distributed by us in New South Wales in any event if it was not approved by the Commonwealth.

Professor BRASSIL: That is right, so there is an important distinction—

The Hon. GREG DONNELLY: Just to be clear, it is not a link. The chest binding part of the chapter is a chapter under the Safe Schools website under Resources?

Professor BRASSIL: So the Safe Schools website includes the Commonwealth approved resources and other resources promoted by the Foundation for Young Australians. The chest binding information was part of the Foundation for Young Australians resources, not the Commonwealth approved resources.

The Hon. GREG DONNELLY: But it was on the Safe Schools website?

Professor BRASSIL: On the Foundation for Young Australians Safe Schools website, but what we and New South Wales only distribute and only support are the Commonwealth resources. We have been very determined about that.

The Hon. GREG DONNELLY: Just so that I can be clear about this, there are two websites that we should be looking at, is that right?

Ms ASHBURN: We do not have a website. You are referring to Safe Schools Coalition Australia?

The Hon. GREG DONNELLY: Correct. That is a website that a lot of people are familiar with and is the one in the public domain that has received the attention.

Ms STUART: Yes.

The Hon. GREG DONNELLY: This is where much of this material has been domiciled.

Professor BRASSIL: Yes.

The Hon. GREG DONNELLY: You are saying there is another website that you rely on?

Professor BRASSIL: No, I am saying—you are talking about Minus 18?

The Hon. GREG DONNELLY: Just explain?

Ms STUART: It was on Minus 18's website.

Professor BRASSIL: Foundation for Young Australians—

The Hon. GREG DONNELLY: But it was on the Safe Schools Coalition Australia's website too under Resources?

Professor BRASSIL: Yes, but we did not distribute those resources in New South Wales.

The Hon. GREG DONNELLY: No, but it was on the website. I am not saying that you distributed resources but obviously out there in the schools where you were working with teachers and others you were

referring surely to the Safe Schools Coalition Australia website. You were drawing that website to their attention because that was the website that was used primarily to present the material as part of the program?

Professor BRASSIL: What I can say to you, Mr Donnelly, is that we have gone as far as we possibly can in New South Wales to make it clear that the resources that we promoted and provided to schools—because it is not just about websites; it is actually going into schools and working with teachers to train them—were all of the approved resources and that we are very pleased the Commonwealth has made these recommendations to have the Commonwealth resources reviewed and other resources not available as part of the Safe Schools Coalition. I have no control over that to this point but I am very pleased and I have made it very clear to the Safe Schools Coalition that I am very pleased that is the case and we will work within the confines of the implementation of this review. I think it is very sensible and wise.

The Hon. GREG DONNELLY: Yes. With respect to what has come about as a result of the net effect of the review, in other words when all of this is fully implemented, is it your position—Family Planning NSW—that the material that is on the Safe Schools Australia website is appropriate for the Safe Schools program?

Professor BRASSIL: Yes, I would agree with that. I would agree that it should be the Commonwealth approved resources.

The Hon. GREG DONNELLY: So what is left on the website, whatever that might be as a result of the implementation of the review, you are satisfied that is suitable?

Professor BRASSIL: I would assume that it would be taken down if it was not approved.

The Hon. GREG DONNELLY: No, that is not my question.

Professor BRASSIL: I am not understanding you, I am sorry.

The Hon. GREG DONNELLY: With respect to Family Planning NSW, once this has been fully implemented and the material that is left, if I can describe it that way, on the Safe Schools Australia Coalition website, you are satisfied that it is suitable and adequate for the conduct of the Safe Schools program?

Professor BRASSIL: Yes, I will say that, and I will also say that it will have to pass my test of being appropriate as well. I will be reviewing it all myself, as well as the relevant senior staff in the organisation who have a close eye to this.

Mr DAMIEN TUDEHOPE: What test do you apply to satisfy yourself?

Professor BRASSIL: Our commitment as an organisation is to represent the needs of the community, and not the needs of organisations, so we will be applying a test that says: Is this information in the interests of protecting the health and wellbeing of children? We use the word "children" advisedly—children and young people. Rather than coming from an extreme view on either side, it should be about protecting the needs of the children. We are here to serve community; we are not here to push a set of values that do not reflect the common views of community.

Mr DAMIEN TUDEHOPE: And you would accept, would you, that there would be some parents who would probably not agree with some of your views from time to time?

Professor BRASSIL: Inevitably.

Mr DAMIEN TUDEHOPE: Inevitably?

Professor BRASSIL: Inevitably, but we want to work with those people.

Mr DAMIEN TUDEHOPE: And appropriately so, but in terms of dealing with that cohort of parents, how do you deal with the children of that cohort where you might have what you perceive to be the best interests of those children and they have a different view?

Ms STUART: Within the recommendations from the Commonwealth there is a greater emphasis on parental consent so it will be up to the principal to get parental consent for us to go into the school and support and provide professional development to the schools. If parents are not consenting, that is their right and those children will not be involved in any of the lessons.

Professor BRASSIL: We will respect the rights of parents.

The Hon. GREG DONNELLY: Is this prospective or retrospective because, as I understand it, up to now with Safe Schools there has not been any issue of raising questions of consent with parents?

Professor BRASSIL: That is actually the responsibility of the schools. It is not our responsibility and never has been, and rightfully should not be because the principal and the school are the brokers of the implementation of the program. What the recommendations make very clear is that the schools need to be more diligent and we will follow that completely. The simple answer is that we will not be able to meet the needs of all of the children in a completely similar way. We will respect the parents in their values, religious views and societal views but we will continue to be advocates for protecting children and if those children are at risk in other ways, then that will come up through other processes at a community and school level. This is not the only safeguard; this is just one of myriad safeguards.

Mr DAMIEN TUDEHOPE: The other guideline that you seem to adopt is that the material should be age appropriate?

Professor BRASSIL: Yes, absolutely.

Mr DAMIEN TUDEHOPE: Clearly in any, for example, year 7 class there is material that is age appropriate for some parts of that year 7 class?

Professor BRASSIL: That is right, an 18 month age difference.

Mr DAMIEN TUDEHOPE: Indeed, and that might be for a whole range of schools. How do you deal with that as an issue when you are educating the personal development, health and physical education [PDHPE] teachers about discriminating to make sure that you do not deliver material that is not age appropriate to some part of the class but is appropriate for others?

Professor BRASSIL: I do not deliver the programs but I am a clinical psychologist and that is where I came from. Our staff work with teachers; that is what they do. They have these conversations and what happens in the State schools program is that teachers are given a range of resources that they cherry-pick or do not use at all. They may, as part of the program, just be in an environment to learn how to talk about these sorts of issues more easily themselves and then they use none of the resources. Teachers have a great deal of skill and experience in applying teaching principles to the kids who are in front of them, so they will continue to use their judgement. There is no situation where they are required to use any material and they should be thinking about the relevance of that material to the kids in front of them and they may break the classes up into different groups for different activities—I do not know—but you would expect that teachers would be thinking about that all the time because they are not there to traumatise children; they are there to help them.

Mr DAMIEN TUDEHOPE: So it is a two-pronged thing. It is respect of parents' values and consent—and this is how you are educating the teachers: to ensure that you respect the values and consent of parents and deal with children in an age appropriate way?

Professor BRASSIL: Correct. I have to say that that is not a big problem for us because teachers do that. I have great confidence in teachers. They are well trained and by and large teachers have the interests and protection of kids at their heart. The work that we do enables them to have these tricky conversations about difficult things more easily and gives them access to a range of resources or teaching aids to choose what is appropriate for the kids in their environment, their class, the age of the kids, et cetera, their cultural circumstances. Nothing is dictated in the Safe Schools program.

The Hon. PAUL GREEN: You are right, the interest is the health and wellbeing of the students. I am the parent of six students.

Professor BRASSIL: That is a lot. I was born one of eight so I understand big families.

The Hon. PAUL GREEN: They are split between private schooling and public schooling. Would you have the view that information that encourages kids to hide websites from parents or to wipe the history of websites is far from satisfactory?

Professor BRASSIL: Yes. Again I say to you that there are important family issues to address in that regard too. It is about opening conversations at a family level about access to the internet and placement of computers in families—where they sit, where the screens face, those sorts of things, and having conversations about that. It is on both sides. We do not want these to be under-the-table conversations; we are encouraging people to have above-the-table conversations about difficult issues, recognising that they are difficult.

The Hon. PAUL GREEN: The Hon. Bronnie Taylor mentioned some of those difficult issues of single-parent families. There is no doubt that the sex talk for a parent is one of the more challenging ones because teenage boys know it all apparently.

Professor BRASSIL: Well, they know more than their parents, that is for sure. They think we know nothing.

The Hon. PAUL GREEN: The Education Act says that the primary responsibility of a parent is the education of their children?

Professor BRASSIL: Yes.

The Hon. PAUL GREEN: So one would think before any sexual education could be given to any student a parent would have to filter it, given the sorts of material we are seeing coming through the Safe Schools system, whether it be third party, first party or second party?

Professor BRASSIL: However that occurs.

The Hon. PAUL GREEN: The issue is that most parents know their children best in a lot of ways, certainly not in the sexual exploitation way—that seems to be a very private personal walk—but you would be of the view that these types of discussions should be between the parent and the child.

Professor BRASSIL: I would like to have more and more engagement of parents. I think it is very interesting that we have come this far and we have forgotten to continue to educate the parents.

Mr DAMIEN TUDEHOPE: I agree.

Professor BRASSIL: Probably one of the most difficult areas is managing puberty and adolescence, and translation through all the time of the hormone tension.

The Hon. PAUL GREEN: Especially with the online systems.

Professor BRASSIL: I would support anything that would engage parents more in that process. As I have said, having focused on the disability segment, we are starting to focus on the development of programs at a community level.

Ms STUART: We support the New South Wales PDHPE curriculum. All the way through from kindergarten onwards they encourage open communication with parents about issues from respectful relationships to sexual behaviour.

The Hon. PAUL GREEN: I can tell you as a dad that my daughters speak very openly about everything. I want to hide, but I do not show that to them. They are very open, which is a good indication that PDHPE has come a long way, and that the children are willing to talk fairly openly. My final point is that you acknowledge that there are different values. Obviously my children have been brought up with a Christian world view. We hold various views on what sexuality is, where it came from, how it originated, the purposes of it. All those things are a fantastic thing to discover through life. Discovery is one of the best things about life. The casualties in this could be those kids who are in this curriculum that is very wide in its terminology and its teachings and kids with a Christian world view—and there might be other religious world views—are exposed

and suddenly they become collateral damage of the system that is trying to expose the sensitivity of these matters. They may become the ones who are going to be bullied as a result of that system.

Professor BRASSIL: By being too conservative?

The Hon. PAUL GREEN: Being too conservative or they have a world view. Some schools are doing their best with the rainbows, Purple Day, and things like that. That is up to the school and its leadership, but it is important that parents have some communication about that and where it leaves conservative families. Do you have a comment about how that can be dealt with more appropriately so those conservative values can be met in such a public system?

Professor BRASSIL: The first thing that needs to happen is that there needs to be open conversations about this, at a community and school level, to understand what is driving the parents in the school. There is never one education delivery system that meets everybody's requirements. Obviously in terms of intelligence—for instance there are 50 ways of teaching math. We have had a unitary view in our community. We go to sex education classes, we sit there and we learn this stuff. We have to be more sophisticated about working with kids and families. The other thing is, there is a great deal of difference, even at an exact age, so if they are both 14 and zero months, one kid will be physically well developed and very in touch with their own sexuality. Their hormones are working away because they went through menarche at eight. Another kid will be undeveloped and shy and struggling. They might also just want to go and kick a ball and play soccer.

We have to focus the education on the needs of the kids at the time. The parents need to be part of that conversation, and parents who are concerned should be heard. We cannot meet the needs of everybody all the time because there are parents who are too far out there. I say that unadvisedly. We work on genital mutilation in kids. We have done a lot of work on training programs for the discovery of and, therefore, the management of people who have had female genital mutilation or issues around relationship violence. There are things that we cannot tolerate and we will actively work against it in any constructive way. We have to understand what the issues are across the community and we need to deliver programs that are appropriate to those communities.

One of the things that I am concerned about, having a Catholic background myself and sending my children to Catholic schools, is that the engagement of the non-government sector is not developed enough. Across the PDHPE curriculum as well, because they are not obliged to follow the New South Wales curriculum, they are obliged to follow the Commonwealth curriculum coming down through the Australian Curriculum, Assessment and Reporting Authority [ACARA], which is not as good as the New South Wales programs. We need to listen and engage with people, and look at what is appropriate for the kids, what is appropriate from their parents' point of view, and we need to make a judgement call on some of that. By and large, everybody is working positively with their kids, and we should accept and respect that.

Ms STUART: To add to that, part of the PDHPE curriculum in the later secondary years is getting young people to not only have enough information about the range of choices they have, but to critically appraise them, and to look at their own values and beliefs and how they impact on decision-making. That is actually part of the curriculum that is implemented within NSW schools in later years.

Professor BRASSIL: That is about building absolute tolerance for difference and respect for individual people's values.

The Hon. PAUL GREEN: Someone spoke about school culture and that Safe Schools is changing the school culture. One of my concerns is all these different views need to be embraced in that culture. By saying we are going to embrace this, you therefore say this is not worthy of consideration.

Professor BRASSIL: Absolutely.

The Hon. PAUL GREEN: We need to be more sensitive that there are conservative people in those schools as much as there are people whose kids are exposed to that level and some of those children have the capacity to embrace that teaching, and other kids are nowhere near ready to embrace those thoughts.

Professor BRASSIL: I would go so far as to say that is one of the reasons we thoroughly support the review of the Safe Schools information, because some of it has a negative spin to it. We would see a much more constructive and inclusive way of communicating those issues.

Ms JODIE HARRISON: I was not going to ask a question about Safe Schools, but I will.

Professor BRASSIL: We talk about Safe Schools a lot.

Ms JODIE HARRISON: Does Family Planning NSW, through the Safe Schools program in schools in New South Wales, use materials or guides to support a student to affirm or transition gender identity at school such as "Gender Questioning", "OMG I'm Trans", "Stand Out" or "OMG I'm Queer"?

Ms STUART: The "OMG I'm Trans" has never been part of the program in New South Wales. It is a resource that is not appropriate in schools. We made a decision four or five months ago to pull the OMG and "Stand Out" resources out and not distribute them to schools, because we had concerns about the content and the tone of the language within those resources. The other resources you talked about that are supporting resources, they are actually for the schools to choose. So they are given to principals and teachers to choose whether or not they distribute them in schools. They are never given to students.

Ms JODIE HARRISON: In your submission you talked about education in safe and respectful relationships. In the submission, you talk about that for primary school years. I am interested in what that would look like as a way of assisting kids to cut through some of the stronger stuff that is on the internet. My question is really about what would constitute safe and respectful relationship education in primary school?

Professor BRASSIL: It has been very well developed over a long period of time and there is a very explicit curriculum under PDHPE that goes into great detail about what that looks like. I have prepared a little bit of a summary by age here. For instance, in kindergarten to year 2, kids are taught to identify people and demonstrate protective behaviours and other actions to keep themselves safe. They learn about the names of their external body parts and the physical differences between the sexes.

For instance, in that area they learn about what is good touching and what is bad touching, and whether it feels good that adults might be doing certain things to you or other kids might be doing things to you and where do you go if somebody is touching you in a way that you feel uncomfortable with, and this is my body and nobody can invade it in a way that you feel incredibly uncomfortable with. So they are really important messages about protective behaviour and it is the beginning of how schools start to teach them about respectful relationships, respecting themselves and respecting others—you know what kids are like—not touching kids in inappropriate ways in the playground, and not playing boys and girls games that were around when we were young.

Ms STUART: What is private and what is not.

Professor BRASSIL: It starts with that and it builds in primary school. In years 3 and 4 they start introducing the concepts of puberty and menstruation, remembering that in our society menstruation and menarche are happening a lot younger. A lot of kids are not prepared for it. The parents are not talking to them about it. It is a terrible thing for a girl to go through and it is a terrible thing for a boy to go through if he sees it happening to a girl and does not know what is happening.

Ms STUART: Also, in year 2 they talk about having the right to say no if they feel unsafe, talking about trusted adults and who to go to, talking about showing respect and starting the concepts of bullying and peer pressure, and getting an understanding of what that is all about.

Professor BRASSIL: There is a lot of information you can get on this, but in years 5 and 6 they start talking about the physical changes that happen with puberty. They go into more detail about that. They also talk about sanitary products and how to manage it, and go into a fair amount of detail about how that is managed. I have to say, my son knew as much as my daughter, which is very good, because it cuts down the embarrassment at home. At that age, they are talking about researching and identifying age appropriate text and web-based information sources. The teachers are starting to introduce the concept that some information is inappropriate and some information is appropriate. They do not wait until they are in high school. Teachers are challenging what is happening in the kids' external environment without having explicitly deep sexual conversations. It is about what is comfortable and what is uncomfortable, what is good information and whatnot.

Ms STUART: They also talk about domestic violence, gender-based violence in respect of concepts, of what is right and wrong. Once again, protective behaviours, who to go to for help if they are concerned.

Professor BRASSIL: This is what we call reproductive and sexual health, and rights. It is integrating the kids' development at appropriate stages with how that integrates into their external environment. As part of that, there are conversations that occur about where to go, as Anne said, and that might be that they go to their teachers, they go to their parents, they go to a trusted other adult if they cannot talk to mum and dad because mum and dad cannot have this conversation, they talk to the general practitioner, they talk to the school counsellor. There are things that the teachers go through about where to go on any issue.

Ms STUART: At the same time, over that primary school period they talk about the qualities of a good friend, what a respectful relationship is all about, and they go from identifying bullying in, say, year 4 to getting the skills in year 6 so that if one of their friends is bullied, they know what they should do to stand up for their friend, so that continues.

Professor BRASSIL: The best I can do is give you a flavour of it. That is the flavour. I would go so far as saying in New South Wales we have the best primary education for reproductive and sexual health at a school level. A number of the States and Territories do not include this at all in their school curriculum, and ACARA, the national curriculum, is not as articulate about these sorts of issues. Because of that, on some of the big indicators we have seen the rates come down. For instance, we have seen the rates of unintended pregnancy in teenagers—let us just say teenage pregnancy rates have come down over the years. Over the past 10 years it has been a steep fall.

Mr DAMIEN TUDEHOPE: In response to one of the questions, you have also indicated that with increased education engaging in sexual activity is also delayed.

Professor BRASSIL: Yes, there is lots evidence of that.

Mr DAMIEN TUDEHOPE: Where do I find that research? Perhaps you can provide that to us on notice.

Professor BRASSIL: Yes.

Mr DAMIEN TUDEHOPE: One of the other things that I raised with a previous witness was the correlation between sexualisation, particularly in girls, and a reduced rate in academic performance, increased issues of anxiety, bulimia, anorexia and those sorts of things. Does your work find any correlation between— ?

Professor BRASSIL: I have never seen any research that draws a hard line between those things. There is more research to do. I have not seen it, but I am happy to see it. I think the more actualised a kid is the more safe they feel, and the more they are able to make decisions about themselves the more competent they are going to be as a person in many ways.

Mr DAMIEN TUDEHOPE: When you commenced talking today you spoke about the increased pressures that kids are under in terms of access to pornography and sexting, and all those sorts of things. It appears to me and the research seems to suggest that there is a correlation between access to those materials and other mental health issues, including reduction in academic performances. I just wondered whether your research was indicating the same thing.

Professor BRASSIL: We actually have not done research on that particular issue, but it is certainly an area I would be interested in pursuing particularly. It would not be that difficult to do it; we would just need to be working very closely with the school around those issues.

Mr DAMIEN TUDEHOPE: It is all about body image and those sorts of things.

Professor BRASSIL: Yes.

The Hon. BRONNIE TAYLOR: But girls are consistently outperforming boys at all levels of academic subjects up to year 12. That is just a fact. They are.

Professor BRASSIL: As a clinical psychologist it is very hard to get accurate information on rates of anorexia and bulimia, for instance. It is an area that is under the radar a lot. But, yes, it would be very interesting to confirm some of that stuff. You do worry about boys too.

The Hon. BRONNIE TAYLOR: That is what I mean. What are we not doing right there? That is a whole other inquiry.

Professor BRASSIL: And there are issues around education performance, I agree. I just think we have so many other indicators to show that it is harmful that I have not really needed to go there. We are just very committed to try to implement systems that protect kids better than we do now. As I say, for us a lot of that means providing the resources so that we can do the right teacher education and increase the amount of parent education.

The Hon. BRONNIE TAYLOR: Education, not regulation.

Professor BRASSIL: Yes, absolutely.

CHAIR: Obviously a lot of this is directed by the Commonwealth, but what do you see that we can do at the State level to help protect children and young people from being exposed to sexualisation too early?

Professor BRASSIL: Some of this is at a Commonwealth level, but the actual delivery of the curriculum does happen at a State level. I think we can encourage our State-based education department to be confident in its continued implementation of the existing PDHPE curriculum and include in it reviews around the resources they are getting to deal with sexting and pornography as the issues of the day and anything further that comes up. I think it would be fantastic to see some community campaigns around people's right to say no to this information and to hear a community voice about concerns that work against the proliferation of this information by certain industries, because it is an industry. I think we need to get smarter on their terms about counteracting that. Schools are one area. I also think that as part of that community campaign we should engage parents in constructive discussions, not shy discussions, with their kids. That is where it goes wrong a little bit. If parents do not feel comfortable then the conversation does not happen properly.

CHAIR: Something that has very strongly come out through your presentation today is the need to better engage parents.

Professor BRASSIL: But, again, I do not think mandating it is going to be as successful as engaging the community in a deeper level of discussion. If you look at countries like Switzerland, they have very high sexual and reproductive health literacy and they have very low rates of STIs and very low rates of domestic violence. There are examples in the world where the more people are articulate about this the healthier the communities are. Just practically, I think some of that involves funding. I think it involves really looking at the resources to the Education Department, which can be pumped. It is under the pump for a lot of reasons. We hear in the media all the time about schools' resourcing.

But this is a very important part of kids' development. Schools are about more than just technical education. They are also about the socialisation and the personal development of children. People often do not say it, but when we send our kids to schools we are expecting a certain kind of environment and a certain kind of inclusiveness and engagement. That takes resources and it takes training. People at Family Planning can talk about sex, but lots of people cannot. I am saying that to my staff all the time. Just because we can talk about it, we really need to go carefully and assess people's literacy with this stuff and then work with them around it. So I think money is important.

CHAIR: That brings us to the end of our time today. Thank you for appearing before the Committee. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Professor BRASSIL: Yes. Thank you for your time today.

(The witnesses withdrew)

MAGGIE HAMILTON, Researcher, sworn and examined:

CHAIR: Welcome, Ms Hamilton. Would you state the capacity in which you are appearing today?

Ms HAMILTON: I am here as an independent social researcher and published author in this area.

CHAIR: Do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Ms HAMILTON: No.

CHAIR: Before we commence with questions, would you like to make a brief opening statement?

Ms HAMILTON: Yes. I really began researching this area a decade ago for a couple of books, which I will leave with you, about girls from birth to the end of their teens and boys. They covered a wide range of areas including sexualisation. Although I consider myself to be a reasonably well informed person, there were a number of trends that were really concerning me then. In the decade since I began those two very big pieces of research and as I have done supplementary research since then I have seen a number of these concerning areas intensify and most certainly I feel sexualisation is one of them. It is a very difficult situation, I think we all appreciate, because on the one hand as a young person grows into their sexuality it is something we want them to be able to feel comfortable with and not shamed, to be informed and so on.

But what I have seen with my research, because I have also done a lot of research into marketing to young people from birth, is that so much of the behaviours we are now seeing are not organic; they are not the kind of usual sexual exploration that any curious kid is likely to take part in. These are attitudes and behaviours that are very much shaped by the marketing machine, which really starts to have its presence felt in preschool and the sort of kindergarten level. This I feel is one of the great worries, because we really often do not pick up on what is happening to these children until their mid to late tweens or into teens. I think the other thing that perhaps we have not considered enough yet is also the long-term implications of kids growing up in this highly sexualised environment, which I see very much dissipates self-esteem, it shapes aspirations and anxieties.

It is creating massive levels of anxiety, which has huge impacts on their developmental abilities because so much time is spent worrying about the right body image, how I am coming across to peers, et cetera, to a level that none of us has ever experienced. There's a socialisation too - to accept highly sexualised situations that often there is a feeling you have to participate in sexual acts because that is what is done. There might not be any pleasure in such acts.

How will this hypersexualised environment impact this generation's adult relationships, their sense of self, their sense of intimacy and empathy and so on? How will this impact their ability to parent in ways that are life enhancing, that uplift the human spirit, and that grow a person's humanity? I see this trend, amongst others, as a diminution of this generation's sense of themselves and their humanity. By that I mean their ability to reach out to others in ways that are meaningful to themselves and to others.

CHAIR: Your submission was one of the more confronting for me to read and I am sure it was for others around the table as well. For me it particularly pointed out where that generation gap has come into play with the introduction of the internet and pornography, and the availability of everything now on mobile phones. How do we help parents to deal with that generation gap and to talk to their children? You have said that some boys are accessing pornography at six or seven years of age. That is scary. Parents are not having conversations like that with their children at that age. How do we help to equip parents to be ready for the modern technology era?

Ms HAMILTON: I think the interventions have to be really at the early primary school level. I have presented to thousands of parents across the country since the books came out and there is a deep sense of gratitude when you do. I present the material and suggest solutions. I do not tell parents that they have to follow everything. What I have never seen in the decade that I have been involved in this area though, is any real buy-in at the primary school level. I think we need to change this view, because this is where we have the gap. But it is not only parents, I think educators and others intersecting with younger kids see the problems. This is not new to them.

You go into any school, you talk to any educator, you talk to child psychologists, et cetera, and they get this. They feel, though, so often with these issues that they are at sea because it is part of a whole raft of other issues they are dealing with. So I think we need good education in schools for parents but also for educators around this new sexualised environment. I think it is really important that when we bring up sexualisation it is not just done in a sexual context, because we are not just sexual beings. I think that often what is missing is a more holistic approach about being a human being, being a girl today and looking at this issue in amongst a suite of other issues that you have to deal with at six, seven or 10.

I am putting together a new paper on the impact of porn on teen girls and I thought you might be interested to see some of the issues, because when we talk about sexualisation it can be a bit nebulous. So I think dealing with sexualisation has to be a more holistic approach. I think when we isolate the issue of sexualisation from wider life experiences, we start to make sex the sort of experience out there, not part of how we intersect with the world and ourselves.

It is interesting when I go to schools—and I am talking about high schools here because that is predominantly my experience—increasingly educators say to me the kinds of experiences they are having, that in the classroom more and more they feel that their experience is one of being life counsellors as much as educators, and I think that is very interesting.

Mr DAMIEN TUDEHOPE: And they are not particularly prepared for that?

Ms HAMILTON: They are not expecting to have to do that level of pastoral care—the time, the effort. It is just the level of issues that they are now dealing with.

These images are of perfume ads and clothing ads. I think it is important that as adults we see this because we think sexting, et cetera, comes left of field.

Also, when we realise how big oral and anal sex is, for instance—talk of these issues rolls off our tongues—it is an intellectual thing. When you see the sorts of ads that these kids can access at any time—and it does not matter whether they are produced here in Sydney or in Dubai or London, whatever, if you like that clothing apparel you are on that site, and these are popular, like American Apparel, that from such images clearly pay homage to oral and anal sex—we look at it and we think that is a rude shot of somebody's derrière or whatever. Kids know what this is homage to, and this is one of the problems we have as adults. We see one thing; the kids read a totally different narrative.

Mr DAMIEN TUDEHOPE: The talks that you are giving in schools, are they mainly to students or to parents?

Ms HAMILTON: To both, and also to teacher development sessions—professional development.

Mr DAMIEN TUDEHOPE: To teachers?

Ms HAMILTON: To teachers, yes.

Mr DAMIEN TUDEHOPE: I suppose the messaging is different to the three different groups?

Ms HAMILTON: Absolutely.

Ms HAMILTON: What I do with the high school kids is I talk about what is happening to little kids because, as you know, teenagers are very resistant to being told—they get plenty of messages about what they are doing wrong. I talk about my concerns for our little kids and the body issues and the anxieties, and they totally get that and they totally buy in and then sooner or later in the sessions we segue into their issues, but they segue, not me. I just find it is a really powerful way to get them on board.

CHAIR: Do you have any thoughts of what we can do at a State level to address some of these situations that you have raised in your submission?

Ms HAMILTON: I think every parent in New South Wales needs to see this material, but with easy to implement solutions at home, because you get parents saying, "What if I kind of put stops on the computer?" and this sort of thing, and certainly for little kids limiting what they have access to on the computer is really

important, but once they start to grow we need to be able to give them the framework through which they view this material, and really the solutions are not hard. I think also the important thing is to grow the emotional intelligence of this generation so that you get them into the feelings of this, "I wonder what that girl felt like if somebody was to do that, if someone was to take a photo, a view like that, and everybody in Bathurst sees it".

CHAIR: To teach them empathy.

Ms HAMILTON: To teach them empathy, but also to teach them how to understand their own feelings, because one of the things that is happening with the marketing is these girls see their bodies as currency and they are really socialised through marketing to objectify themselves, which makes them very vulnerable to sexual behaviours and to suggestibility—highly suggestible—if you have a lack of self-esteem.

Ms JODIE HARRISON: My question is a question that makes me feel really uncomfortable asking. I think it has a lot to do with that point you made about self-esteem in girls. In your submission you talk about rainbow parties.

CHAIR: I googled that.

Ms JODIE HARRISON: I googled it as well. When I googled it I understood what it was and I also found that there was some suggestion that it might not be as prevalent as is suggested. Has there been any research into that?

Ms HAMILTON: No. This is the problem. What is interesting to me is where I get the information on the primary school situation is when I talk at private schools because when I arrive it is like this huge download I get from educational professionals because they know my work; you get the anecdotal material and certainly I get it in parents nights as well at private schools because often parents will not talk in a forum, but they will come and talk to you afterwards. There is a great deal of concern out there about the sexualised behaviour, but there is no data.

Ms JODIE HARRISON: So you are having people come to you saying that they are happening?

Ms HAMILTON: Constantly.

CHAIR: It would be very difficult to get data on something like that, I would imagine.

Ms HAMILTON: In all my research you have to think about the consequences, when you walk away from that kid, about unpacking this kind of material. I always ask them about friends and what is happening in school, not about them, because they are more likely to be open with you.

Mr DAMIEN TUDEHOPE: And if there were a photograph that appeared as a result of them— ?

Ms HAMILTON: Yes.

The Hon. PAUL GREEN: On page 4 of your submission I think you really encapsulate probably where a lot of teen girls are at. You talk about illustrations and in paragraph three you say that when the girl told her teacher about the situation that happened with the car and the mobile phone she had no sense of being violated, that "Girls are terrified of being isolated". I think you hit it on the head there. It is a fate worse than death, is it not; they will do anything to be loved, accepted, or to be accepted into an atmosphere and to not be isolated and to be seen as cool. You said that that was the price a girl is willing to pay to receive that acceptance.

Ms HAMILTON: Yes.

The Hon. PAUL GREEN: It is a pretty high price, is it not?

Ms HAMILTON: It is a very high price.

The Hon. PAUL GREEN: So girls are doing all these sorts of acts in the name of being accepted.

Ms HAMILTON: Yes, and who makes the rules? It goes back to the marketing of products—I am absolutely convinced of it—and it is a high price to pay. Then you extrapolate forward two decades, what are her relationships going to be?

The Hon. PAUL GREEN: That is the problem. We are trying to deal with this now because prevention is meant to be better than a cure. The whole reason for this inquiry is that you get these shattered lives, they cannot hold a relationship together because this the way they have been treated, but they think this is the norm, and it is so far removed from the way that a person is meant to be loved and respected. But they have not even got that as a benchmark.

Ms HAMILTON: No. If you look at the visuals that have just been handed around it is either the second or third one where the girl has lifted up her top. This is where so many of the cues are coming from, from pop culture. One gynaecologist in particular I spoke with—and I cannot remember whether I put it in here or not—talked to me about the number of surgeries he is having to carry out to deal with rectal issues and tears to vaginas and all sorts of stuff. This man I met at a conference—he knew my work and he is a man in his fifties—and he was almost in tears talking to me. He said, "I can almost not bear to do my job anymore". This has huge social impacts and I think the problem is that we get caught up in the nanny State kind of narrative, and I do understand that, but I have to say that when people see these visuals and see the information, and talk to emergency staff and others who are dealing with this, it puts a very different slant on what we are dealing with here.

Mr MICHAEL JOHNSEN: It is a very interesting submission and I am enjoying listening to your answers. On page 3, the second paragraph starts off, "Teen girls are genuinely concerned for younger girls". I read that Whitney, aged 18, makes some comments and Sandi, aged 14, makes some comments and the first thing that came to my mind was a peer-to-peer educational opportunity.

Ms HAMILTON: Wonderful, yes.

Mr MICHAEL JOHNSEN: You agree?

Ms HAMILTON: I do, because it has just sparked something else. When I was doing the research for the girls' book, the kids who seemed to be travelling best were those who were in youth groups because they could talk about stuff with youth leaders, who were probably only about three years older than them. As far as they are concerned, we adults are living on a planet in some far galaxy. Kids are dealing with this stuff, I am not saying daily—I think that would perhaps be a bit dramatic—but it is pretty much in your face. I think peer-to-peer education is a great suggestion.

Mr MICHAEL JOHNSEN: With the indulgence of the Committee, if you can now give some thought to that and maybe send an email through with any ideas that you might have, I think we would appreciate it.

Ms HAMILTON: Yes, I will.

The Hon. PAUL GREEN: On page 5, the first paragraph, you say, "The boundaries have become blurred not just for girls, but their parents, and the whole of society. You can't drive down the street without seeing this material. If these images were put up at work, they'd be seen as sexual harassment, but we constantly see women in pornographic poses on buses and billboards". That is powerful stuff. Do you want to elaborate on that?

Ms HAMILTON: I think the problem is that we are all so busy, stressed and time poor that we're in a boiling frog syndrome. It starts off where you think "That is pretty dreadful", but over time we see this stuff and see it to the point where it has no effect on us. But, of course, we had a very different socialisation growing up. This is the world these kids live in and they have not had the benefit of childhoods like we had where we were not pressured to have bodies looking a certain way and all this kind of stuff so we did grow up with, hopefully, our sense of self intact.

This pressure to be a certain way now starts at preschool. We as adults are seeing one thing when we see ads, kids are seeing them as a way to be. Why wouldn't you? These ads are in a public space, it is up there in big visuals. Kids are looking for cues of how to fit into their tribe, and this gets back to that very deep human need to be loved, to belong, to be acknowledged, which is what you mentioned earlier. That is a powerful, deep

human need. We all have that and the greatest fear is that we will be cast out from the tribe. The deepest human fear, perhaps, yes.

The Hon. PAUL GREEN: That is a really important point. The message that you see in a movie, on the television or in a hit series with what is called acting—it is called pornography, it is called sexual harassment. But what is what? The poor kids.

Ms HAMILTON: Yes, and parents feel very conflicted around this because they too—I bring this up again and again with them when I present—are extremely vulnerable to these messages. It is the cool factor; to be the cool parent. Their gut says, "Don't think little Susie should go to that party. Don't think the parents are particularly vigilant. But everybody else is going. I don't want to look 'not with it'" so they let her go. The line I give parents is that it is time to make uncool parenting supercool. This is not about locking up our children. They have to grow up in the world they are going to inherit, but they have to grow up in a way where there are protections around that. Where we frame the material that is seen so they can see when it is not good and it does not feel good for them. That is the key thing because what so much of the socialisation is doing is getting them not to listen to how it feels inside. Their thought process is, 'I do this to survive. It is what is required of me.'

CHAIR: From where did you get the advertisements you have provided? Are they from Australian magazines or are they internationally sourced?

Ms HAMILTON: They are largely on the net and international magazines. But if you love that brand you are going to be on that internet site looking at those, yes.

CHAIR: They are not on billboards that we would see?

Ms HAMILTON: Those are not billboards that we see in Sydney, no. There would be a few accidents.

CHAIR: Definitely.

Ms JODIE HARRISON: You just talked about measures to provide children with the ability to say that something is not appropriate. You also talked about preschoolers seeing advertising from preschool age. How do you put measures in place to make sure that preschoolers are protected or supported, whichever?

Ms HAMILTON: I think one of the things is to not allow branded materials at preschool. When I first came across the phenomenon of ad placements from a preschool age when I was at the University of Sydney studying the marketing material that tomorrow's marketers were going to use, I had no idea of the impacts of this advertising. I went and talked to preschool professionals and asked them. I said to them, "Are you seeing anything different now than with kids, say, who were going to kindy, et cetera, 10 years or so ago?" I did not give them any sense of what I was looking for. They said they were seeing unprecedented levels of anxiety and the anxiety was, "Do I have the right brand of backpack, lunchbox, et cetera? Do I have the right hair? Do I have the right body?"

They were also seeing a massive drop in imagination, which is not just about a kid becoming an artist, as we know, imagination is about choice and navigating situations and all that. These pre-school professionals were very concerned about it. They said what happens is that those children get very quickly that you need certain branded stuff to belong, and that is where it starts. The belonging is then equated to having the right branded lunch box, et cetera. They have great problems there in early primary when kids have to bring stuff to talk about, because that is most highly prized, to have a new branded item of whatever. To get kids to talk about having been in the bush and picked up an interesting item, or done something unusual, that does not rate, I think if we could make our school zone brand-free for a few hours at least their focus would be on other things.

The Hon. GREG DONNELLY: I have a couple of questions. A number of things have been exercising my mind for a little while, and I still cannot come to grips with why society at large is not quite turning its mind to them. The first is this notion of the precautionary principle. We live in a society, particularly the developed west, where the notion of a precautionary principle certainly when you apply it to matters to do with the environment is articulated regularly. The position is that in terms of our policies, legislation and regulation we err on the side of precaution because if we are not sure, surely it is best to step carefully forward and then make assessments as we go along. You have said that you have been researching, reading, writing and speaking on this matter for 10 years. I agree with you that if you look at what has happened in that time I do not think we can say that things are improving with respect to these matters that we are discussing.

Ms HAMILTON: No.

The Hon. GREG DONNELLY: At best you might say we are holding a line but probably not, and things are deteriorating. What are your thoughts about whether we are able to take this notion of a precautionary approach to these matters? We exercise all around ourselves, and talk in and out of Parliament, in policy development and outside policy development, and apply it to something like this. Surely as a society we should be saying that if we are not sure we should be precautionary about this. That is my first question. Is there a way forward in arguing the case to be more precautionary about this matter in the same way as we are with a number of other matters?

Ms HAMILTON: Most definitely. I think there is a wide range of professionals who would concur with that. All those intersecting with youth I would suspect would make a strong case for it. I think the thing is it has to also be at a more grassroots level as well because policy is a very powerful tool, but we have to reach into each community in a very powerful and productive way. The urgency that I feel that the energy there would be very worthwhile, you know like the peer-to-peer youth initiatives, getting to parents much younger and so forth because we have to have a buy-in. We have to have the public education, and the problem at the moment is with young parents they think they know all this stuff. Let us say you are a 35-year-old parent and you have a five-year-old son or daughter. It is 20 years since they were five. Two decades is like 100 years now and yet because you are 35 you think you know it. This is part of problem. I think we need to really bring parents up to date. I find, particularly when presenting, that the young mothers come and say exactly that to me, "I really thought I kind of knew where things were at and I realise I do not." That is my feeling.

The Hon. GREG DONNELLY: This does not fit popularly with the general narrative in society today because the general narrative is that we should respect difference, that diversity is diversity, that across the whole spectrum they are equally good and not to be judged. On the issues of difference and consent those notions are very powerful in society at large and are seen to be something you must accept, pretty much on face value. You have to respect all difference and if someone says they consent, they consent. If you look, though, at the issues that this Committee is confronting in dealing with children, which I argue are quite vulnerable people, I think that application of just respect difference and just take on face value consent is potentially quite dangerous.

For example, with respect to difference, if we do take the fact that you have children of a particular age there can be a vast difference within their understanding in terms of level of maturity, the exposure to various matters at home from their parents, et cetera. On the issue of consent I really do struggle to accept for a moment that 12- or 13-year-old children can consent to, for example, sexting in the full knowledge of the implications of what they are doing. What are your thoughts about the notion of difference and consent? Should we be a bit careful about how we apply those notions holus-bolus in this area, or do you think we ought to pretty much accept the sort of general societal view that all difference is acceptable and if someone says there is consent, there is consent?

Ms HAMILTON: I think we have to look at the impact of this sexualised material, which is really what I can talk to best on children and young people. To hear preschool professionals talking about radical anxieties and hugely heightened loss of imagination, to have this level of fragility so young, I do not see that as a trajectory that enables free thinking personally. It is a trajectory that makes kids very suggestable, and nobody is suggesting that everybody has to turn out the same in the end. But what I would argue for is to actually create a space where genuine individuality has a chance to have its own voice, not one that is dictated to by a very questionable ethic that we see in the marketing of products and in pop culture generally, which is not an organic process. We know this with the use of cultural anthropologists and psychologists now in major corporations how they mine children's lives, artwork and language to sell products back to them. This is not organic. I would say create a space for individuality to flourish, which is a more genuine way forward, I think for our children, for this next generation to step into adulthood, if that makes sense.

The Hon. GREG DONNELLY: That is good, thank you.

Mr DAMIEN TUDEHOPE: I will share something with you. When my son was in year 3 at school I recall that he was struggling with maths, but he could tell me the brand of sandshoe that every kid in his class wore in terms of being addicted a particular branding.

Ms HAMILTON: You ask an eight or nine-year-old and they can often give you up to 10 characteristics of a brand. I wonder how many native plants they can tell. I wonder how much of our own history they can talk about. I think we are losing the human story. I think this is one of the very powerful impacts of this. Today's kids have acquired story, but not a story about who they are and where they have come from. I think that is quite devastating for any culture to lose your story. Of course, it is not just girls who are vulnerable; I think boys are equally vulnerable. Certainly the clinical psychologists that I talk to in sexual support units attached to hospitals, even though they see young guys having performed most hideous things when stuff goes to court, I am surprised at their lack of anger around these guys because they see that it has been an abusive environment for these guys to grow up in where they think being a predator is okay.

Mr DAMIEN TUDEHOPE: One hundred per cent.

Ms HAMILTON: I think that is something to think about. Often we think that boys can muddle along on their own, but I think that they are equally as vulnerable. I do think this will impact where domestic violence will head in the future, much as I hate to say it.

The Hon. PAUL GREEN: Hurt people hurt people.

Ms HAMILTON: Yes, it will hurt people and it will affect the shape of bullying in the future with sexual coercion of a level we have not seen as yet, I suspect. I hope I am wrong.

The Hon. PAUL GREEN: Could you reflect on the brain science and make a quick comment about that?

Ms HAMILTON: I am actually doing some work at the moment for a new paper. They are showing now that online porn is utterly addictive and that people are getting the same rush of chemicals, dopamine, et cetera, in the body as they would if they were taking hard drugs or alcohol. This is new since I have written the books. There is absolutely no question about it. Also we are now understanding the addictiveness of being online all the time. So we have a double whammy there. I was reading a paper yesterday by an American psychologist, a sex therapist actually, who had used porn as a way of treating sexual dysfunction. She has now thrown that out. One of her clients said to her recently, which just summed it up for her, "I wish I could go back to that space before this (porn use) began."

CHAIR: On that note, thank you for coming and sharing all your research with us.

Ms HAMILTON: It was a pleasure. I will leave my books here for the Committee.

CHAIR: The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Ms HAMILTON: Yes, very happy.

CHAIR: Thank you very much.

(The witness withdrew)

(Short adjournment)

NICOLE JAMESON, Research Assistant, Collective Shout, sworn and examined:

CHAIR: I welcome Ms Nicole Jameson from Collective Shout. Thank you for appearing before the Committee today. Do you have any questions concerning the information sent to you in relation to witnesses and the hearing process?

Ms JAMESON: No, I do not.

CHAIR: I invite you to make a brief opening statement.

Ms JAMESON: I thank the Committee for the opportunity to come in and speak about this important subject today. I understand that this is my opportunity to give a summary of the position of Collective Shout and our response to the call for submissions. If there is one thing that I hope comes through clearly from our submission it is that there needs to be a fundamental change in our approach to the presence of sexualised content in media and marketing, and the way in which this is allowed into the lives of children and young people. Media self-regulators have abused multiple last chances and education programs are essentially a bandaid solution. It is time for us to stop talking about the need for reform of media and marketing regulation, and to take some concrete steps to prevent harm.

It is the opinion of Collective Shout that sexualisation through media and marketing is one of the most underestimated public health issues facing children and young people in Australia today. It is crucial to remember also that when we speak of sexualisation we are not really speaking about sex; sexualisation replaces authentic sexual development and exploration with a cynical corporate version of sex intended to exploit a consumer response. Human beings, primarily women and girls, are fashioned into sexual objects, re-purposed for the use of others, often at the expense of genuine pleasure and intimacy—let alone the space to be an individual. In our media-saturated culture the sexual objectification of women and girls is totally normalised.

Children and young people are growing up as digital natives in a high-tech culture steeped in sexist and hyper-sexualised imagery and messaging. It is not just one billboard here and one TV show there; everywhere they look, practically from infancy, girls are conditioned over and over again to view themselves and others in terms of their appearance and sexual currency. Boys likewise are growing up being conditioned to see the sexual objectification of women and girls as the norm. There is a growing international body of evidence connecting this representation of women and girls to a broad range of social, physical and mental harms.

The American Psychological Association, the Royal Australian and New Zealand College of Psychiatrists and the Australian Medical Association have all publicly stated that premature exposure of children and young people to adult sexual images and values negatively impacts on childhood development, particularly self-esteem, body image and the understanding of interpersonal relationships. Other studies have connected the consumption of hypersexualised content with increased acceptance of sexual harassment, sexist stereotypes, sexual violence and sexual exploitation.

Adults are overwhelmed by the task of protecting and equipping children to navigate this contemporary media landscape. Parents and carers are being expected to act as gatekeepers against the 24/7 media flood worth billions of dollars globally. At Collective Shout we have long been critical of the self-regulatory system currently favoured in media and advertising that allows free reign to corporate interests while ignoring the rights of children and young people to grow up free from corporate sexual exploitation. We are also concerned about the capacity of current systems to cope with media convergence and the rise of digital platforms.

In our submission we have clearly detailed the ways in which children and young people are essentially living under siege from directly and indirectly sexualising media and marketing. Education and parental supervision are useful, but they cannot take the place of broader high-level actions to reduce the presence and impact of sexual content. In summary, Collective Shout urges the Committee to recognise the rights of children and young people to grow up in an environment free from the imposition of cynical corporate sexuality. There is an opportunity here to fundamentally change our approach to the presence of sexualised content in our society and culture and the way in which this is allowed into the lives of children and young people. We hope to see swift and decisive action and positive change for the next generation.

The Hon. PAUL GREEN: Would you like to make some further comments on how the self-regulatory role could be shaped differently—that is, if you think it could be?

Ms JAMESON: We have made some suggestions in our submission. We are particularly supportive of the model that was suggested in the original Corporate Paedophilia report, which would encompass bringing the regulation of all media and marketing together in one encompassing independent Federal regulator, rather than being an industry self-regulation model. We believe that this new Office of Media Regulation should include a specific division, which is primarily responsible for looking after the interests of children and young people and that this needs to include staff expert in child development. This should also be done on a child's rights-based approach, rather than an approach that currently sees how far we can go before it gets pushed back. Companies should actually be encouraged to build the rights of children into their corporate models—for example, how can we protect them? How good is this for our business? How good is this for the community to be protecting the rights of children? Rather than how far can we go before we are transgressing them.

The Hon. GREG DONNELLY: The advertisers and the industry have essentially established a dichotomy of a general code and a specific code for children. The general code is the man in the street or the community standard considered acceptable at a particular point in time. This can move over time. For example, in summer I could be walking down Martin Place and bikini posters will be on all the billboards. Some people might say, "That is fine; it is advertising a product." At another level young boys are also seeing these types of advertisements on the sides of buses and billboards, et cetera. So we have this tension between what the community regards as acceptable at a particular point in time and the issue we are trying to grapple with—namely, the sexualisation of children.

Do you have a view as to how we can deal with that? For example, I might think that Seafolly bikini posters in Martin Place are not acceptable, but that could be quite different to others who may consider those advertisements no big deal. Indeed, it does not take much imagination to work out what is going through the minds of young boys when they are looking at these sorts of bikini advertisements on the sides of buses, et cetera. It is an interesting paradox that we want to protect the children and when children are being sexualised in advertising and marketing people put their hands up and say that it is not right, but at a much broader level we have this sexualisation going on—and we almost have to accept that it will continue to go on because the community has a level of tolerance for this sort of material.

Ms JAMESON: I think you have drawn out two separate issues there. I will deal with them one by one. The first one is what we have referred to in our submission as "the intent versus impact loophole". Most media regulators have drawn out a separate code dealing with media that is either targeting or featuring children, or the product that they are selling is targeting children. They have set up relatively strict standards, although on analysis of those codes they are not necessarily as strict as they might seem to be. But there is a general understanding that it is not acceptable even within the industry, you know, if you are going to be posing a child then that needs to be done in a childlike manner and you should not be breaching that code or the products need to be acceptable to children. The problem with that is that the media that is targeting children is not the only media that children are consuming. Walking down Martin Place is a perfect example of particularly out-of-home advertising, which is an industry in Australia that has more than half a billion dollars poured into it every year. It cannot be turned off and children cannot avoid that.

That ties into the second issue, which is the way in which advertising is regulated looking at, for example, the product that is being sold and not necessarily the way in which that product is being sold. So if you were to submit a complaint about a particular bikini advertisement and you were to point out that this is a highly sexualised advertisement, one problem is that that advertisement will be taken on its merits as a single add, not as one add that is in a chain of advertisements over time. So, again, it is not one instance; we are talking cumulative harms. But the regulators look at these on a case-by-case basis, which fails to take into account the fact that the way in which we absorb these messages is by no means on a case-by-case basis. Quite frankly, the advertising regulators know this. They know they have set up their systems in a way that enables them to seem like they are meeting their own codes, whereas the codes are actually done in a way that enables them to get their message across in the most effective way with the minimal application of censure to anybody who might be found to transgress the codes.

As far as transgressing the codes go, the application of the codes is highly subjective. There have been cases where the same advertisement has been both found to breach the code and found to be fine. It just seems to be very subjective, as well as, as you said, community standards. What are community standards? If you look at the Advertising Standards Board's own research into what community standards are, it found, for example, that there is a high level of community concern about sexualised content. But for the past year the majority of the 10 most complained about ads were complained about because of sexualised or objectifying content and

only one of those complaints was upheld, so you have to ask these regulators: What is it? Are these the community concerns that you yourselves have identified that you are upholding or are you actually allowing the community to become desensitised so that you can continue to say that there are no complaints about this?

Again this is another problem if the community is not aware—and most community members are not aware—that ads just go into the public space and it is up to the community to complain about them. You get to say that community standards are fine because nobody is complaining about the ads. Why is nobody complaining about the ads? They are not complaining about ads because they did not know about the system because it is too hard to navigate; you have to go to multiple media regulators to complain about ads in different mediums. It is just too hard; it is too complicated and puts too much of a burden on the consumer and they become desensitised and it takes up too much of their time and so the ads proliferate.

Mr DAMIEN TUDEHOPE: Are Australians reluctant to complain anyway? Are we reluctant complainers?

Ms JAMESON: It might depend on where you are in Australia.

Mr DAMIEN TUDEHOPE: Except for Collective Shout?

Ms JAMESON: I do not know that Australians are reluctant complainers. I think that Australians do not necessarily know that they have the right to complain, but also there is a powerful force in that people do not often like to be seen as doing something that is unpopular. Sexualisation and sexual objectification is so normalised that girls and women participate in their objectification all the time. To go against the flow is very countercultural. You are seen as being sex negative; you are seen as being a prude, a pearl clutcher. You are met with all these accusations of being moralistic and uptight. Why would you want to bother? You might quietly think these things, but to actually do it publicly is very difficult. You meet with a lot of resistance.

Ms JODIE HARRISON: Thank you for your submission. I want to pick up on the issue you raised about music performance and music video, and flesh out the impacts of music performance and music video, and the sexualisation of children. You talked about a recommendation to set up a Federal body to monitor and regulate media.

Ms JAMESON: Yes.

Ms JODIE HARRISON: Should that body also have a role in music performance and music video?

Ms JAMESON: You mean both live performance and videos? I guess you do hear parents talking about the videos that accompany the popular music that their children are listening to. It is not just the videos; the lyrics in the music are also generally extremely sexualising in popular music. These are typically regulated within the television codes, so that is why you might see, for example, that some of the television programs will stop—the music video programs only go to a certain time and that might shift. One of the bigger problems with regulation of this—it is something we have identified—is: Where are children and young people accessing music videos? They are not necessarily getting up and turning on the television on a Saturday morning anymore while their parents are having a sleep in. They are looking at them on their mobile device, on a tablet; they are at a bowling alley; they are at McDonald's; they are in family-friendly spaces; they are in the public space.

I was in the airport this morning with my seven-year-old son sitting down for a coffee. I realised that I was sitting across from a Victoria's Secret shop that had a huge screen showing a Victoria's Secret runway show. It is very difficult to regulate that on a case-by-case basis or by doing it the current way by form of media. If you see it on television you have to complain through the television network. If you see it at McDonald's the expectation is that you need to take it to the store and ask them why they are showing it there. It is quite complicated. I have lost my train of thought as to the question.

Ms JODIE HARRISON: When you talked about a Federal body, you would not see that Federal body being involved in regulation review of music video or words of music or do you think it should be the Australian Prudential Regulation Authority [APRA] or whoever regulates it now?

Ms JAMESON: Yes, there is definitely potential for that. I think there are people who are media experts who have probably a far greater grasp of how to do that. I think the Australian Law Reform Commission's review into media regulation had some quite good suggestions and did a bit of analysis about that

kind of convergence of media platforms, but it is very complicated, particularly from the aspect of how much these different things influence them. For example, the case study we gave about *The Voice* where you have primary aged girls who have not necessarily seen a sexually explicit video clip, but they are still being very influenced by that and then they are watching a family television show in which a girl is singing the song, she might be enacting some of the actions from that, and even if that is not happening it is still being absorbed.

I guess that is probably where some of the education stuff comes through so that parents understand what their children are watching and that they are co-watching stuff with their children; that they are helping their children, particularly in online platforms they are accessing—often there are censored or safe versions. There is usually an explicit version and a safe version of an explicit video clip, but that is just for the very explicit ones. It is mainstream. If you were to go to your McDonald's and say, "This is too much for eight o'clock on a Saturday morning when I am taking my kids to sport" you would just get a totally blank look.

Mr DAMIEN TUDEHOPE: In relation to access to pornography, is your perception that girls are accessing pornography on a greater basis and what is the effect of accessing pornography on girls?

Ms JAMESON: Yes, girls are accessing pornography. Statistically there is not necessarily a huge difference in whether girls or boys are accessing pornography. By the time they get to the age of 18 we would talk about it in terms of the percentage of children and young people generally. Probably a bigger question is: How frequently are children and young people accessing pornography? And there would probably be a greater discrepancy between the genders. Girls and boys typically access pornography for different reasons. Girls often access pornography because they are doing it with a partner or they have been asked to by a partner or they have been shown by a partner or they have been told by a partner or a boy in their class that they want them to do something and they have to look it up.

Definitely girls are accessing pornography at increasing levels. In terms of the impact on girls of that, there is not necessarily a huge difference. If you are talking about young people who are in sexual relationships between girls who are seeing something in media and think that is what they need to be acting out versus boys who are seeing something in media and thinking that they need the girls to be acting this out, the consequences are the same: The consequences are what we are seeing—rises in people having sex before they were ready, people talking about regretting having sex before they were ready, feeling pressured, being asked to do acts that are being normalised in pornography. We are hearing about increases in young people performing very explicit acts that are normalised in pornography that they would not necessarily be thinking of doing themselves. Typically if children and young people were experimenting sexually from their own perspective it would look very, very different.

Again, I think one of the concerning things that we keep hearing—and a lot of this is anecdotal because there has not really been a huge amount of formal research into it—is doctors who are on the front line talk about seeing teenage girls presenting with physical injuries that they have sustained during pornographically influenced sex. Another very concerning one is the personal correspondence to Melinda Tankard Reist from a domestic violence counsellor who is linking that to violence in relationships. Particularly sexualised violence is very normalised in a lot of mainstream pornography, so a lot of girls are expected to act out things and whether or not they consent to it and whether or not they enjoy that is not actually relevant to either party, so we have a desensitisation of boys to the fact that girls are participating in sex acts that they do not want to be doing, but girls are not necessarily thinking that they should be wanting to do it in the first place. Whether or not they are taking pleasure from it is not relevant to anyone.

Mr DAMIEN TUDEHOPE: As well as reform of advertising codes, education is the big component of where we would go in relation to the objectification of girls arising out of either advertising or accessing pornography or about relationships generally?

Ms JAMESON: Yes. I think it depends a lot on what the education is. We do not have a lot of education programs that teach children and young people to critically analyse media so to be able to take apart what they are seeing, to be able to talk about it, to be able to differentiate what is going on in this constructed world to reality; that seems to be a very helpful form rather than just education about what pornography is and consent, which is also very useful, but teaching young people to be able to critically analyse media is crucial, not just for everyday media but also for more explicit forms of media.

Mr DAMIEN TUDEHOPE: How would you define sexualisation?

Ms JAMESON: As opposed to one of the expert definitions?

Mr DAMIEN TUDEHOPE: Yes?

Ms JAMESON: I would just summarise it as the imposition of adult concepts of sexuality onto children before they are developmentally ready to handle those concepts.

Mr MICHAEL JOHNSEN: The word "imposition" probably says it all.

Ms JAMESON: Yes.

The Hon. GREG DONNELLY: Where do you think we are with all of this in terms of the trajectory? We have got to this point in 2016, but having been on this Committee, reading and preparing for the inquiry we have a sense of what is out there and what is happening around this issue. Do you think that we are still on a, to use a pejorative term, decline or could it get a lot worse, or are we bottoming out? I am aware of the work of Collective Shout, which does have success in bringing specific examples to the attention of the media in that organisations sometimes succumb to exposure and ultimately make changes. Certainly the way things are at the moment with advertising arrangements it will be a big challenge to get that whole change to take place, if it were at all possible.

Ms JAMESON: Yes.

The Hon. GREG DONNELLY: Where do you think we are? Do we have to travel further down before we bottom out or have we bottomed out? Is there some light at the end of the tunnel? What is your sense?

Ms JAMESON: I would say it is mixed. In terms of bottoming out, what we know, from observing trends in pornography, is that desensitisation leads to the increasing proliferation of explicit and shocking material because what we see, we need to find something that is more and more stimulating, and that happens as well in the advertising world. A lot of what we are seeing now in mainstream advertising imagery is what would have been considered pornographic. That is not necessarily because cultural standards have changed. I would argue that is probably more a sign of our desensitisation and constantly looking for something that is more and more stimulating.

The Hon. GREG DONNELLY: Or that will get our attention.

Ms JAMESON: Or that will get our attention because they have given us a shock and have drawn attention to their product or to whatever they are selling and they have got us talking about it and consuming more and more of it. I do not see anything changing until something pulls back on that, unless there is some kind of incentive for that to change. Culturally, there is a growing sense of frustration and discontent among parents of teenagers who have been now a part of the digital generation from childhood. They are seeing the impacts on their children.

Parents who have felt like they have done all the right things, who have supervised their children's media use, who have been really savvy and have helped their children, who have done all the right things and have gone to all the seminars, they still see their children fall down these rabbit holes. They want a change so they are making more complaints, they are more aware of what their avenues are. People are taking up alternatives. There is a shift in the culture. People are no longer willing to accept what is being handed down to them as formal, but that is still on the fringe. In respect of mainstream acceptance, not really much has changed. It is not that it is completely hopeless.

The Hon. GREG DONNELLY: Is there anything from overseas that we are unfamiliar with in Australia that we can look at that might give us some insights? They might be further down the track and are reacting and pushing back.

Ms JAMESON: Absolutely. In the European Union and the United Kingdom there have been some promising developments. For example, in the United Kingdom there has been a shift towards ISP level filtering of content. Adults have to opt in to adult content. You have to provide proof of your age and who you are in order to be able to access that content. It does not stop adults from accessing explicit content, but it means that families can sign up to a plan, knowing that if mum and dad want to access adult content, they have the password. It is not something kids can crack without phoning up in person and getting the details. That is quite a

significant incentive for change. It means that devices being sold to children do not just have automatic parental controls on them; they are being locked at an ISP level. It makes it harder for children to unintentionally stumble on adult content.

The Hon. BRONNIE TAYLOR: I understand what you are saying. It is great it is happening in the United Kingdom. I have found from personal experience with my own children that they will find a way. In a rage I have taken a phone and confiscated it for a week. I thought I was clever, but my daughter is much cleverer than me because she used someone else's phone. I thought I was clever because I demanded the password. This was years ago. My children are okay. Take Facebook messaging, for example. I found stuff that I was not happy about, so I banned it, and I thought I was a good mother because I knew her password. They just set up another one with a different date of birth. It is great and it is important to have frameworks to work around. I notice you mentioned the YouTube clip with the girl on *The Voice*, or whatever it was. It has to be parental education and for those people to say, "This is enough. We do not want that", or, "We cannot do that". You can put up all the barriers you want, but we live in a society and a world where those barriers are breakable.

Ms JAMESON: That is why we advocate for both of those things to be happening hand in hand. When it comes to education, our primary thought is that currently education is frequently posed as something that is the solution. When it comes to pornography, for example, the sex industry all the time says it is just about education. You need to be educating young people either to not be using this material or to be using it responsibly. It is treated as something that they can keep doing whatever they want. If we educate young people, they can use that responsibly. It is just a palming off. We are fully supportive of education. We think that education does work, particularly education of parents and children. But it cannot happen in a vacuum, and it cannot be the frontline defence. Again, you end up with not only parents being the gatekeepers but also children being expected to live their lives as the gatekeepers. If education is the key, the exposure is still happening and you are being educated on what to do with that. It is not fair to place the burden on young people to be expected to learn how to negotiate it, which is why it needs to go hand in hand.

The Hon. BRONNIE TAYLOR: I know what you are saying. We are at the point where we have to—I will not say. Thank you.

Mr MICHAEL JOHNSEN: Go on. You will feel much better.

The Hon. BRONNIE TAYLOR: No, no. You will not.

Ms JAMESON: I am not afraid of hearing your viewpoints.

The Hon. BRONNIE TAYLOR: I know you are not. This goes back a long way.

Ms JODIE HARRISON: In your submission, you refer to the community concern about the depiction of women in advertising and the impacts on children of sexualising imagery. You mentioned that of the top 10 most complained about advertisements in 2015, only one was found to breach the code.

Ms JAMESON: Yes.

Ms JODIE HARRISON: I have not gone to the link you have provided for the article where that is sourced from, but are you able to share with the Committee the nature of those other ones that were not found to breach the code?

Ms JAMESON: I do not have that with me, I am afraid. It is available in the link. The Advertising Standards Board keeps a good online record of its findings, so it can be searched and it breaks it down by year.

The Hon. GREG DONNELLY: You can take the question on notice.

Ms JAMESON: Yes, I can take it on notice and bring that back to you, or if the link does not provide you with satisfactory answers, I can follow that up for you. One thing to think about in respect of the Advertising Standards Board is when a complaint against an advertisement is upheld, it is not necessarily upheld on the basis of what the original complaint was about. For example, there have been complaints against an ad that was sexually objectifying a woman. It was a deodorant commercial and the complaints were finally upheld against the ad because the boys in the car were not wearing seatbelts. The community standard for seatbelts is high, but sexualisation is fine. Even the fact that an ad is upheld does not necessarily mean anything statistically.

Ms JODIE HARRISON: If you could take that on notice that would be great.

Ms JAMESON: Absolutely.

Mr DAMIEN TUDEHOPE: In fact, you gave three examples. Collective Shout drew attention to a particular ad on a billboard of a strip club that was outside a boys' high school. There was another one that stated, "Nice girls do", which was near a children's play area, and the last ad was for a retailer, which had caption "Wet dreams", all of which had complaints that were not upheld.

Ms JAMESON: Yes.

Mr DAMIEN TUDEHOPE: Why do you say that the complaints about those advertisements were not upheld and what would you do in respect of amending the code so they would have been upheld?

Ms JAMESON: All of them were found to treat sexuality with sensitivity to the relevant audience. Generally the Advertising Standards Board means one of two things: that people who see the ad are not going to be offended by it; and the other one is that they believe that sex is being used in a way that is relevant to the product that is being sold. As far as offence goes, that is one of the biggest problems with the advertising code as it stands. It is on a subjective basis. Objective harms are not considered at all.

Mr DAMIEN TUDEHOPE: You would include objectification as part of the code?

Ms JAMESON: We would argue that the code needs to take into account the objective harms of sexual objectification rather than treating them as a matter of offence because that makes it very subjective as opposed to something that is genuinely doing damage within the community. Again, that becomes a different issue when it comes to this concept of community standards. What community standards can we be expecting advertisers to abide by when it comes to the public health of the community and not just the sense of what the community likes and does not like. They are very different things. Currently, the wellbeing of people who are exposed to advertising is not taken into account at all as far as we can tell.

Typically, when it comes to, for example, sex industry advertising, the complaints are that they are often highly sexualised. The complaints come back as being found to be that the sexual depiction is relevant to the product being sold. So that raises another question altogether. The acceptance of the product being sold, being the bodies of women and girls, and how the advertising uses the bodies of women and girls as objects to sell the physical bodies of women and girls, and the ramifications in the community when women and girls are not treated as human beings but treated as objects. That is when you start seeing sexual violence, increased acceptance of sexual harassment and those higher rates are always against women than against boys.

CHAIR: Can I raise a comment more than a question? You brought up ABC for Kids, that there is now a television station for kids. I need to raise the fact that once it hits 7 o'clock, that stops being a television station for kids and quite dramatically so with programs about sex workers and brothels and sex change operations. Last night, at a couple of minutes to seven it was a G-rated program, followed by an M-rated program at two minutes past seven. If there is a channel for kids, surely it should be a channel for kids so parents can say, "That is your channel", and whatever time a kid wanders in, they can watch their channel. To go to such extremes, from being shows for kids to these heavy shows is opposed to what they were trying to do. It is a comment more than a question. Is that something that your organisation has looked into, how it is being introduced?

Ms JAMESON: Probably one of the reasons that we have not is that ratings for programs have changed only quite recently, so the broadcasting of M-rated programs is allowed from 7.30 p.m. If you saw an M-rated program at 7.02 p.m., you get to make a complaint. You get to call the ABC.

The Hon. BRONNIE TAYLOR: You can test the process.

Ms JAMESON: You get to join the train. One thing I would say about that is even within the time slots that are deemed appropriate for children and preschoolers, a lot of those programs can still contain sexualising and sexist content. Look at the distribution of female to male characters. Look at the shows that are on. How many of those shows have a lead female character? Look at the depiction of the girls. They are always wearing pink. There have been studies looking at children's television shows and the girls are invariably wearing tighter clothing, more sexualised outfits. They are on screen for lesser time. In some cases only 15 to 20 per cent

of the speaking roles are women. Often the girls do not even talk to each other on screen about anything other than a male, and this is in preschool programming. That is possibly where some of the critical analysis and co-viewing comes in.

I am a parent of young children. We do not have family help around; the television is often a babysitter in our house and ABC Kids is probably the most trusted option, but even then I am aware that I need to be helping my kids to deprogram from why was a boy doing that, why was a girl doing that? What can a boy do, what can a girl do? It is important to understand that those things that seem kind of small are actually the building blocks that help children to be more receptive to the sexist and sexualising messages later on because they already think that girls need to be more sparkly, more beautiful and do less. Girls of 10 and 11 years old are already self-limiting and self-objectifying, and they have not necessarily been watching the adult media. It is from the children's programming and children's movies

CHAIR: They also do not produce the female character in any merchandising. The female ones are hard to purchase.

Ms JAMESON: There was a recent study in the United States that analysed toy merchandising. This is something that is true across adult advertising as well. In more than 80 per cent of the cases the female characters were posed as passive whereas the male toys—the toys for boys—were posed as doing something that was active. So the boys are doing something; the girls are decorative. If you look through a magazine and look at the advertisements that is always what is happening. They are the messages you are getting. The girls are sitting draped on a handbag half naked. The boys are on the top of a mountain with the cool watch. The same watch will be on a woman and she will be lying on a couch half naked. That is happening in a two-year-old's television show as well. The boys are going and doing the stuff; the girls are back in the kitchen helping them to do things. So these messages start very early. It is part of a continuum.

CHAIR: Your organisation covers such a broad spectrum of this topic. It has been interesting to have you in and we thank you for your thorough submission.

Ms JAMESON: I wanted to answer it.

CHAIR: You certainly did. Thank you for appearing before the Committee today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Ms JAMESON: Absolutely.

(The witness withdrew)

(The Committee adjourned at 4.32 p.m.)