

25 October 2019

Committee Secretary  
House of Representatives Standing Committee on Social Policy and Legal Affairs  
PO Box 6021  
Parliament House  
Canberra ACT 2600

The Victorian Aboriginal Child Care Agency (VACCA) welcomes the opportunity to provide input into the Inquiry into Age Verification for Online Wagering and Online Pornography by the House of Representatives Standing Committee on Social Policy and Legal Affairs. Our submission addresses the benefits of age verification requirements for access to online pornography, directly addressing the following Inquiry terms of reference:

1. its potential as a mechanism for protecting minors online;
2. the potential benefits of further online age verification requirements, including to protect children from potential harm, and business and non-government organisations from reputation, operational and legal risks

VACCA's submission is based on our unique position as an Aboriginal Community Controlled Organisation (ACCO) and the lead Aboriginal child and family welfare agency in Victoria, with 40 years of experience and expertise in leading and delivering services that meet the needs of Aboriginal and Torres Strait Islander children, families and communities through a framework of self-determination, healing approaches and cultural safety.

VACCA delivers over 50 different programs which include out of home care and child and family services to support children, families and adults experiencing vulnerability, especially in parenting and family violence. VACCA also runs reunification services to the Stolen Generations, through Link Up Victoria, and from 2013 to mid-2018 VACCA provided the Royal Commission into Institutional Responses to Child Sexual Abuse Support Service. Through Ngarra Jarra Noun (Redress Support Service), VACCA is also funded to provide culturally safe support to Aboriginal survivors of institutional child sexual abuse as they apply to the National Redress Scheme

Our purpose is supporting culturally strong, safe and thriving Aboriginal communities. Fundamental to our work is the commitment to provide programs and deliver services in an Aboriginal way, reflecting the priorities and needs of the community.

We believe in the principle of the right of Aboriginal people to self-determination and the rights of the child and we commit to upholding Victorian Aboriginal cultural protocols. We strive to achieve this vision by providing programs that are focused:

- On human rights;
- Keeping children safe;
- Empowering and strengthening Victorian Aboriginal families and Community;
- Drawing on culture to promote healing and build resilience;
- Utilising and embedding kinship systems of care and Aboriginal child rearing practices;
- Providing an Aboriginal trauma-informed approach

VACCA believes that all children have a right to feel and be safe and to live in an environment that is free from abuse, neglect and violence. This right to safety includes the right to be safe online. This submission expresses our concerns around the current ease of accessibility of online pornography and the harmful impact of widespread exposure to pornography online on vulnerable Aboriginal children and young people. Broadly, we take the position that mandatory and universal age verification for access to online pornography is an effective and much-needed child protection measure for the online environment, which:

- Takes a primary prevention approach by implementing supply-side, population level regulations to protect vulnerable children from exposure to harmful products and content. Proof of age requirements are widely used in the regulation of other industries and products, such as in the sale of alcohol, tobacco and gambling products and the sale of pornography in other media formats (DVDs, print);
- Is one of the key harm minimisation approaches that the Australian Government and non-government organisations can take to address the impacts of online pornography on Aboriginal children and families and the broader Australian community, sitting alongside existing effective interventions such as education and resources for children, parents, carers and teachers;
- Aligns federally with the Safety by Design initiative under development by the Office of the eSafety Commissioner, and the Victorian Government Child Safe Standards to protect Aboriginal children from harm;
- Aligns with expert findings from the Royal Commission into Institutional Responses to Child Sexual Abuse around the importance of preventing the exposure of children to pornography; and
- Aligns with emerging best practice measures internationally.

### **The problem: online pornography and its harms to children**

Children and young people make up approximately 30 per cent of internet users globally.<sup>1</sup> With the rapid expansion of use of devices, children and young people are more likely than ever to be accessing the internet on the go, and without direct supervision by adults. According to Australian Communications and Media Authority (ACMA) data, just over 80 per cent of 14 to 17 year olds are online three or more times a day<sup>2</sup>. Of these young people, 66 per cent are using their smartphones to access the internet.<sup>3</sup> Increasingly, children and young people are using their devices to go online outside of daytime hours, with nearly a third of teenagers accessing the internet between 10pm to midnight in 2015.<sup>4</sup>

Australian and international research and expert consensus shows that with the growing use of tablets and smartphones, children and young people are being exposed to online pornography at an ever-increasing rate. According to two studies in the UK, the average age of first exposure to online pornography is 11 years of age<sup>5</sup> and in 2016 approximately 65 per cent of children in the UK had viewed online pornography by the age of 15.<sup>6</sup> In a 2010 Australian survey,<sup>7</sup> nearly 1 in 4 Australian children aged between 9 to 16 years had viewed sexually explicit images online. These figures are all higher than the average for the 25 other countries included in the survey as a reference point.

A great deal of the pornography that children view – whether accidentally or intentionally – contains violent imagery and themes. In a UK study it was found that 100 per cent of 15-year-old boys and 80 per cent of 15-year-old girls in 2013 had viewed “violent, degrading online pornography, usually before they have had a sexual experience themselves.”<sup>8</sup> Young men and boys are also more likely to have viewed online pornography and are more likely to view pornography frequently and more intentionally than young women and girls.

There is a large body of evidence demonstrating that early exposure to pornography is harmful to children and young people. The key harms include:

- The negative impacts of pornography and “porn culture” on young people’s attitudes towards relationships, gender stereotypes, sex and sexuality, including attitudes supportive of sexual aggression/domination<sup>9</sup>
- Emotional distress caused to children from viewing violent and sexually explicit imagery<sup>10</sup>
- Impairing healthy sexual and psychological development, particularly with frequent viewing
- Increasing young men and boys’ support for, and normalising of, sexual coercion and violence against women and girls, and increasing levels of sexual violence within intimate relationships. The risk of boys and young men committing sexual assault increases with greater exposure to violent pornography<sup>11</sup>
- Early sexualisation of girls and young women, which is associated with objectification; greater likelihood of societal responses of victim blaming; greater vulnerability to sexual violence; problems with body shame, low self-esteem, anxiety and depression.

- Increased incidence of harmful sexual behavior between children. As part of the *Final Report from the Royal Commission into Institutional Responses to Child Sexual Abuse*, expert evidence clearly demonstrated that children and young people who are exposed to pornography are more likely to engage in harmful and inappropriate sexual behavior and to display sexually aggressive behaviours.<sup>12</sup>

VACCA is deeply concerned about the impacts of ease of access to online pornography on vulnerable Aboriginal children and young people, particularly those in out of home care. Aboriginal children in care or experiencing vulnerability in their family setting are especially vulnerable to the harmful impacts of exposure to pornography due to a complex range of factors. We know that the majority of Aboriginal children who come into care have an intergenerational history of removal, and issues of poverty and neglect remain the major reasons for child protection involvement with Aboriginal families. Vulnerable Aboriginal children also experience higher rates of exposure to family violence; many of our young people have grown up with experiences of disrupted care and supervision from adults; and many have experienced, or are vulnerable to, sexual abuse and exploitation, which – as highlighted by the RC into Institutional Responses to Child Sexual Abuse - can often involve adults first grooming children by exposing them to pornography.

Exposure to pornography at an early age, and its known harms, compounds the impacts of the trauma that many Aboriginal children and young people have experienced, with serious consequences for psychological and sexual development, the modeling of healthy relationships, and social, emotional, spiritual and cultural wellbeing. We also know that early and repeated exposure to pornography is a risk factor in the development of harmful sexual behavior between children. These risks are particularly magnified in the out of home care context between children with trauma histories.

### **The potential of age verification as a measure for protecting minors online**

VACCA is of the position that age verification for online pornography is a crucial primary prevention measure, and a necessary next step for the Australian Government in protecting the best interests of children and young people. Age verification measures also reflect the voices of children and young people themselves. As highlighted in a 2018 survey of children and young people in New Zealand, 94 per cent of the young people surveyed believed that it is not okay for teenagers to be exposed to pornography, and nearly three quarters said that there should be blocks, filters or age restrictions to prevent under-18s from accessing pornography online.<sup>13</sup>

VACCA is deeply concerned at the lack of regulation and upstream, population-level measures in Australia to prevent harm to children through exposure to pornography online. Free online pornography is readily available via video streaming websites without the need for age verification or credit cards. Pornhub, one of the major free pornography websites, had approximately 33.5 billion visits in 2019,<sup>14</sup> and Australia as a whole ranks 7<sup>th</sup> in the world in online pornography use.<sup>15</sup> Websites displaying pornographic material are easily searchable via any

search engine. We know that currently a large percentage of the mainstream pornographic content widely available online features extreme, shocking and sexually violent and explicit material which is harmful to children and young people.

Compared with the proof of age requirements and regulations shaping other industries, the online pornography industry is significantly unregulated. In most cases, users of websites containing sexually explicit content are only required, at best, to check a tick box stating they are 18 years and over. Only around 30 per cent of websites displaying sexually explicit content contain warnings about the content, and only three per cent of pornography websites currently use digital age verification technology.<sup>16</sup>

Age verification uses technology that effectively confirms the age of the user via reliable sources of information, such as a driver's license.<sup>17</sup> Similar forms of age verification are being rolled out in European countries both in the context of online pornography, and alcohol and tobacco sales online. In the UK, age verification is a component of the proposed legislative changes to improve child safety online under the Digital Economy Act (DEA).

Despite being a social problem requiring primary prevention responses from government, the responsibility for regulating children's access to pornography online is currently disproportionately placed on parents, carers, teachers and organisations responsible for the care of children in Australia. There are relatively few measures in place 'upstream' to regulate the online pornography industry as a whole.

The onus on the individual responsibility of parents, carers and organisations poses some limitations to the protection of children online, as well as risks for organisations when current measures are not sufficient to regulate access to pornography and keep children safe online. While there are internet filtering technologies available via some ISPs as well as downloadable applications that monitor and restrict device use, placing the onus on these end-user measures to regulate children's safety online has limitations, including:

- Limits on the required digital literacy of parents and carers needed to manage children's online safety. This is a particular challenge if parents and carers are experiencing socioeconomic disadvantage and are facing structural inequalities and barriers that limit their digital literacy, education and access to resources which can help them to regulate children's access online. This is an issue of particular concern for the Aboriginal families VACCA works with.
- Children's digital literacy and understanding of how to use technology can often exceed that of parents, carers and any institutional measures currently in place, making it more challenging for adults and organisations responsible for the care of children to competently supervise, monitor and moderate children's online experiences.
- Limits on the sensitivity and specificity of common internet filtering services;

- Limits on the capacity to monitor children's access to the internet outside the home, including exposure to pornography via other children, at school, and through public wi-fi hotspots.

Age verification aligns with widely accepted regulatory measures to reduce harms to children and young people, including age verification for alcohol and tobacco purchase and the National Classification Standards in film and television. Pornography in other media (for example, printed and DVD formats) is also currently restricted by law to people aged 18 and above and requires age identification at point of sale. Given the known harmful impacts of early exposure to pornography on children and young people, the same regulations should be applied to online pornography as an effective measure for protecting children online.

In addition to preventing the viewing and sharing of online pornography by minors, age verification can also act as a barrier against the use of pornography as a tool through which children and young people may engage in grooming behaviours, as part of the spectrum of child-on-child harmful sexual behavior highlighted by the Royal Commission into Institutional Responses to Child Sexual Abuse.

**The potential benefits of further online age verification requirements, including to protect children from potential harm, and business and non-government organisations from reputation, operational and legal risks**

VACCA is of the position that the current and emerging situation in relation to access to online pornography requires urgent societal and whole-of-government action, to address its impacts on vulnerable Aboriginal children and young people and the broader community. Age verification for online pornography is a digital child protection measure that places legal responsibility on the pornography industry to meet classification and age verification standards already in place in other industries.

It is no longer an effective approach to place sole responsibility for the prevention of children's access to online pornography on parents, carers and non-government organisations. We believe that protecting children from the harms of online pornography ought to be a key responsibility of the Australian Government. Age verification is an important part of the regulatory framework required to protect children online. As highlighted by the Australian Council on Children and Media (ACCM):

*Unlike many aspects of parenting which are a matter of individual, private choice, regulating children's access to media (of all kinds, but especially pornographic content) is a highly socially significant activity. It is appropriate for society, through its representatives in government, to take action at the societal level for the prevention of a societal problem....[M]edia use is one call that should not be left completely up to parents; and this is an idea that has traditionally been accepted, as expressed for example through the institution of the National Classification Scheme for publications, films and computer games.<sup>18</sup>*

While mandatory and universal age verification cannot prevent all forms and modes of exposure of children to pornography, it is an important primary prevention measure which sits alongside, and strengthens, existing interventions. The establishment of age verification requirements would also align with the Child Safe Standards and principles established by the Victorian Government, which recognises the increased vulnerability of Aboriginal children and the need for organisations to provide a safe environment for children.

Importantly, age verification aligns closely with the Safety by Design (SbD) initiative under development by the Office of the eSafety Commissioner. Since 2018, the SbD Initiative has identified the crucial need for a preventative approach, to pre-emptively centre safety considerations as standard practice in the development of online services, rather than dealing with user safety concerns only after harm online has occurred. The SbD initiative takes a particular focus on the safety of children online, with the eSafety Commissioner's vision for young people, which specifically identifies the importance of shaping an Australian online industry which "uses developments in technology to identify and minimise exposure to threats, risks, problems or content that is triggering, harmful or inappropriate. These precautions will help prevent harm or abuse, while also ensuring help is provided to those at risk."

Mandatory and universal age verification requirements for online pornography can play a key role in a broad harm minimisation policy response that the Australian Government can take to address the impacts of online pornography on children. This will be of direct benefit to the vulnerable Aboriginal children, young people and families VACCA works with.

## **Recommendations**

VACCA recommends the following:

1. That mandatory and universal age verification measures and legislative requirements for online pornography access are implemented in Australia, for the online safety of all children and young people, in line with existing regulations and standards applied to other industries that impact on child safety online and offline.
2. That age verification is implemented as part of the broader Safety by Design Initiative under development by the eSafety Commissioner.
3. That specific culturally appropriate and trauma-informed strategies and approaches are developed nationally to identify and address the online safety needs and challenges of Aboriginal and Torres Strait Islander children and young people.

VACCA supports the introduction of a legislated age verification scheme for online pornography and looks forward to supporting and working with the Committee for this Inquiry, to ensure this important and necessary reform priority progresses.

For any further information please contact Dr Pauline McLoughlin, Senior Policy Officer, Client Services Practice and Development [paulinem@vacca.org](mailto:paulinem@vacca.org) or 03 9287 8800.

Yours sincerely,



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