Queensland Family and Child Commission
Submission

To: Senate Legal and Constitutional Affairs References Committee   **Date: 11 October 2017**

Topic: The adequacy of existing offences in the Commonwealth Criminal Code and of state and territory criminal laws to capture cyberbullying

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Submission summary:

The Queensland Family and Child Commission (QFCC) is pleased to provide a submission to the Senate Legal and Constitutional Affairs References Committee inquiry regarding the adequacy of existing offences in the Commonwealth Criminal Code and of state and territory criminal laws to capture cyberbullying.

The QFCC has a statutory responsibility to promote the safety, wellbeing and best interests of children and young people. The QFCC meets this responsibility by educating parents, families, communities and professionals about how they can keep children and young people safe. Accordingly, this submission will address the term of reference, 'other measures used to combat cyberbullying predominantly between school children and young people'.

The QFCC recommends the Senate Legal and Constitutional Affairs Reference Committee consider the benefits of community education programs, such as the 'Out of the Dark' initiative underway in Queensland, to promote awareness of online safety.

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**Queensland
Government**

Other measures used to combat cyberbullying predominantly between school children and young people

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Recommendation

The QFCC recommends the Senate Legal and Constitutional Affairs Reference Committee consider the benefits of community education programs, such as the Out of the Dark initiative underway in Queensland, to promote awareness of online safety.

The views of children and young people should be sought and considered, so programs can be targeted to meet their needs. Messages must also target parents to raise their awareness of risks and protective strategies.

Any programs implemented should also take into account the increased vulnerability of some groups of children, including girls, Aboriginal and Torres Strait Islander children, children with a disability and children with cognitive impairments.

New communications technologies offer great benefits to children and young people, but can also present new risks. Cyberbullying has become a significant concern for children and young people, especially through increasing use of social media and mobile devices. Cyberbullying is most prominent among young people aged 10-15 years, and is known to overlap with traditional face-to-face bullying.

Increasing access to the internet, especially through the rollout of the National Broadband Network (NBN) in regional communities, could increase the risk of online exploitation. If the NBN offers sharply increased speed and access to new technologies, this could increase risks to children who have limited previous experience with the internet, and have limited awareness of potential dangers. This may be of particular concern in regional, rural and remote communities, including Aboriginal and Torres Strait Islander communities.

The QFCC has a statutory responsibility to promote the safety, wellbeing and best interests of children and young people. In part, this role includes educating parents, families, communities and professionals about how they can keep children and young people safe.

Under this responsibility, the QFCC has led the Out of the Dark initiative in Queensland. The project aims to encourage online safety for children, young people and their families, including protecting children and young people from exploitation and bullying online. The scope of the activity to date has focused on ensuring the many existing resources and strategies are available to children and families.

Research

Research has shown 'there is a significant overlap between cyber and traditional face-to-face bullying'.[1] This suggests measures to reduce cyberbullying should be similar to those for bullying in general. This should take into account the increased vulnerability of some groups of children,

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[1] Katz, I., Keeley, M., Spears, B., Taddeo, C., Swirski, T. & Bates, S., *Research on youth exposure to, and management of, cyberbullying incidents in Australia*, https://www.sprc.unsw.edu.au/media/SPRCFile/Youth_exposure_to_and_management_of_cyberbullying_in_Australia__Synthesis_report.pdf, accessed 4 October 2017, p. 3.

including girls, Aboriginal and Torres Strait Islander children, children with a disability and children with cognitive impairments.[2]

Education departments across the country have policies which cover child exploitation, bullying and sexting. There are also policies being implemented allowing teachers to confiscate mobile devices until the end of term if being used in classrooms and until the end of the school year for continued misuse.

Queensland has a dedicated Cybersafety and Relationship Management team, within the Department of Education and Training (DET), focused on education and investigation. Queensland was also unique in providing information about risk factors for online safety on the DET website.[3]

The DET has also developed the *Respectful relationships education program* to align with reforms to end domestic and family violence. It is aimed at students from prep to year 12 and focuses on influencing behaviour change.

The program challenges attitudes about violence and gender construction known to lead to violence, while also supporting students to develop pro-social behaviours that lead to equitable and respectful relationships. A strengths-based approach underpins the development of respectful relationships knowledge and skills.[4]

Out of the Dark

The Out of the Dark initiative includes a Steering Committee comprised of experts in online safety, including:
- Cheryl Vardon, Principal Commissioner, QFCC
- Jonathan Rouse, Detective Inspector, Taskforce Argos, Child Safety and Sexual Crime Group, Queensland Police Service
- Cheryl Scanlon, Queensland Police Service
- Hetty Johnson, Founder and Chair of Bravehearts
- Hayley Stevenson, Executive Director, Student Protection, DET
- Julie Inman-Grant, eSafety Commissioner, Office of the Children's eSafety Commissioner
- Andrew Mills, Queensland Government Chief Information Officer, Department of Science, Information Technology and Innovation.

The QFCC has also convened a working group of children and young people from YFS, a service that supports vulnerable children and families, representatives from the Ted Noffs Street University, and representatives from the Queensland Government IT Graduate program. The working group developed a number of online safety products by young people for young people, including a rap and an online game. In addition, the QFCC held a series of design jams with students and graduates from Queensland tertiary institutions, to hear from young people about further activity required to keep young people safe online.

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[2] *Ibid.*

[3] Department of Education and Training, *Protecting students from suspected harm*, http://education.qld.gov.au/parents/school-life/health-wellbeing/student-protection-policy.html, accessed 26 July 2017.

[4] Department of Education and Training, *Respectful relationships education program*, http://education.qld.gov.au/parents/information/respectful-relationships/index.html, accessed 26 July 2017.

The QFCC held an 'Out of the Dark' week of events between 7 and 11 March 2017, designed and facilitated with young people for young people. These events, linking the QFCC to a wide range of individuals and organisations implementing online safety programs, included:

- a Learning Forum for professionals from education and the child protection sector
- a visit by the Principal Commissioner, QFCC, and a Detective from Queensland Police Service to a Brisbane secondary school
- the Out of the Dark Expo, a public event held at the State Library of Queensland on 11 March 2017.

Feedback from these events has been overwhelmingly positive, and has shown the benefits of community education programs to inform children, parents and the community about strategies to promote awareness of online safety.

Community education

Through the Out of the Dark initiative, the QFCC has worked directly with children and young people to develop education and communication strategies around online safety. It is important to hear the views of children and young people, to deliver targeted communications strategies that effectively create awareness and promote safe behaviours.

The QFCC recommends similar approaches be adopted throughout Australia, to promote awareness of online safety to children, parents and the community.

The QFCC's research and consultation with children and young people has shown programs to encourage online safety should:

- focus on sexual harassment from peers
- address research-based risk factors
- address the same issues addressed in offline sexual exploitation prevention efforts, such as assertive behaviour, personal resilience and building a sense of self-efficacy and self-worth
- involve active learning
- include several sessions
- have clear and specific learning objectives
- be delivered on a continual basis, building complexity as it progresses from primary school children to high school students.

Furthermore, some types of educational materials may be successful in promoting behaviour change when embedded as part of a program. These include:

- serious and believable stories presented in short videos
- colourful and brief written materials
- apps that provide humorous ways to respond to solicitations
- peer-to-peer support.

Education initiatives must target adults as well as children and young people. To be successful they need to be part of a co-ordinated response, including messages designed to raise awareness and capacity to respond to risks, targeted education programs delivered from primary school to high school as part of a graduated delivery, and mechanisms to enable people to find more information and report offensive behaviour.

Professionals working with children and young people should understand that the challenge of online safety is not insurmountable. Individuals and groups already talk about and engage in education programs about self-efficacy and resilience, healthy relationships, assertive communication, and protective behaviours in relation to offline bullying and abuse.

Prevention requires increasing the emotional and social wellbeing of children and young people, and building confidence across the sector.