



# **Review of the Online Safety Act 2021**

**Submission by Dolly's Dream**

June 2024

## Executive Summary

Dolly's Dream welcomes the opportunity to have a voice in the review of the Online Safety Act 2021.

At Dolly's Dream, we empower and educate young people and parents to prevent bullying – online, at school, and beyond. Our programs focus on supporting rural, regional and remote communities, helping to start important conversations to change the culture of bullying.

Dolly's Dream was established in memory of 14-year-old Dolly Everett, who tragically took her own life after an extended period of bullying and online bullying. Dolly's Dream exists to change the culture of bullying, reduce its impact on young people's mental health, and ultimately prevent the lives of more young people being lost.

The Online Safety Act 2021 is one of Australia's most significant pieces of legislation to combat online bullying of children and image-based abuse. It does so by legislating for complaints schemes to get such material taken down, and for Basic Online Safety Expectations which require digital platforms to take steps to minimise and enable reporting of child cyber bullying and image-based abuse. The Act also legislates the role of the eSafety Commissioner as an independent regulator responsible for supporting education, research, and community awareness about online safety.

We support these systems enabled by the Act. Without them, there would be less online safety education in schools and communities, and families affected by bullying would have fewer support options. Schools and police cannot resolve every bullying situation, while digital platforms themselves have not always been accessible or accountable.

However, we are concerned that many of the benefits created by the Online Safety Act have not yet been experienced equitably by rural, remote and regional communities. Children and young people in these communities experience many online safety risks at equivalent rates to their peers in major cities, but their access to support services is lower and the voices of their communities have often gone unheard in the creation of relevant legislation and regulation.

We are especially keen for reviewers to hear from experts in rural, remote and regional mental health and wellbeing, given the many different ways participating in the online world can shape these experiences for children and young people.

Ideally, the Act would also recognise the many forms cyber bullying can take in addition to the posting of hurtful content.

Our recommendations respond to questions 9 and 16 in the issues paper:

- 'Are the complaints schemes accessible, easy to understand and effective for complainants?'
- 'What more could be done to promote the safety of Australians online, including through research, educational resources and awareness raising?'

Several of our recommendations focus on resourcing: for online safety education, for the reporting schemes for cyber bullying and image-based abuse, and for geographically disaggregated research. We see such recommendations as relevant to Part 2 of the Act, which lists the many diverse functions of the eSafety Commissioner's role. This role cannot be brought to life without the right resources in place.

## Recommendations

1. Increase support to families in rural, remote and regional Australia, including raising awareness of eSafety's reporting schemes for cyber bullying and image-based abuse. Especially consider children who are socially isolated, mentally unwell or disconnected from school.
2. Ensure eSafety's reporting schemes for cyber bullying and image-based abuse are resourced to respond promptly to rising reports 24/7.
3. Proactively engage rural, remote and regional voices, as well as experts in child and youth mental health.
4. Widen the Act's definition of cyber bullying beyond content risks.
5. Fund research into changing rates and trends in cyber bullying, image-based abuse and other online harms to children over time and the efficacy of interventions, with findings broken down between major cities and rural, remote and regional areas.



1. Increase support to families in rural, remote and regional Australia, including raising awareness of eSafety's reporting schemes for cyber bullying and image-based abuse. Especially consider children who are socially isolated, mentally unwell or disconnected from school.

The eSafety Commissioner found that young Australians in rural areas face online problems at similar rates to their city peers eg. cyber bullying, pornography, sexual messaging, and content promoting violence, self-harm, eating disorders and suicide. When things go wrong online, rural young people have many strengths, such as greater willingness to talk to their parents and confront the individuals responsible. But they are less likely to seek professional support eg. from eSafety, police, a helpline, or the website where the problem occurred.<sup>1</sup>

This occurs in the context of very poor rural access to services in general. For example, per 100,000 population, major cities have roughly five times as many psychiatrists, four times as many psychologists, and twice as many mental health nurses as very remote areas.<sup>2</sup>

At Dolly's Dream, we engage regularly with rural, remote and regional schools, sporting clubs, businesses and community groups. We find deep concern about online safety and a strong appetite for change but low awareness of formal pathways like the eSafety complaints schemes. Many families have told us they didn't realise they could report a problem to a digital platform, let alone to eSafety.

Strengthening engagement with rural communities is especially important now, with more rural families online than ever before and parents struggling to keep up. Between 2020 (when the Online Safety Bill was drafted) and 2023, the rural / metro 'digital inclusion' gap narrowed. Much of this was due to a rise in access, while adult digital skill levels in rural areas still tend to lag behind major cities.<sup>3</sup>

One way eSafety promotes its reporting schemes and other online safety measures is through educational programs for schools. This is very positive, but schools alone cannot fix everything.

Students who have suffered cyber bullying or 'sextortion' are much more likely to tell a parent or a friend than a teacher.<sup>4</sup> Students who are socially isolated, mentally unwell or disengaged from school are less likely than their peers to seek help after being bullied.<sup>5</sup> If we want these vulnerable students to stay safe online, including reporting to eSafety when necessary, online safety education must continue beyond the school gate.

We call for further steps to build knowledge of online safety (including the eSafety reporting schemes) in spaces where families might seek support in rural, remote or regional communities. Key settings could include GP clinics, regional hospitals, mental health workshops, police stations, sporting clubs and youth services. Learnings from the eSafety Women program might be relevant here.

2. Ensure eSafety's reporting schemes for cyber bullying and image-based abuse are resourced to respond promptly to rising reports 24/7.

It is important that eSafety's reporting schemes for cyber bullying and image-based abuse are well-placed to keep up with demand. Reports of child cyber bullying to eSafety increased tenfold between 2015-23. Reports of image-based abuse increased almost thirty-five-fold between 2018-23, with approx. one quarter of reports concerning under-18s.<sup>6</sup>

The growth in reporting is probably due partly to a positive rise in awareness as millions of individuals have visited eSafety's websites and undergone online safety training.<sup>7</sup>

However, some problems are increasing too – for example, a recent spike in 'sextortion' scams.<sup>8</sup> In our workshops in rural, remote and regional communities, we have noticed rising concerns about image-based abuse in a context of high exposure to sexual content and harassment online. For example, eSafety found that in the past year, 45% of rural teens had received a sexual message online.<sup>9</sup>

eSafety assigns the vast majority of child cyber bullying cases to an investigator within 3 business hours.<sup>10</sup> Prompt responses are positive and necessary, but a focus on responding within normal business hours may not match children's help-seeking patterns. Peak call times for Kids Helpline and eheadspace are after hours, and we changed our Dolly's Dream support line to a 24/7 model for the same reason.<sup>11</sup> A rapid response is especially important for children who don't have in-person adult

support when reporting. This could be quite a few; almost half the cyber bullying reports to eSafety are made directly by children themselves.<sup>12</sup>

Resourcing for the reporting schemes must also be sufficient to meet new problems posed by AI, such as 'undressing apps'. Social network analysis company Graphika identified over 24 million unique global visitors to these websites in September 2023 alone, as well as a massive rise in spam promotion of the apps on social media platforms. This form of image-based abuse 'has moved from a custom service available on niche internet forums to an automated and scaled online business' – raising huge concerns for the wellbeing of children and young people.<sup>13</sup>

### 3. Proactively engage rural, remote and regional voices, as well as experts in child and youth mental health.

In our experience, rural, remote and regional communities care deeply about the wellbeing of their children and young people but have limited capacity to engage in formal consultations. This has flow-on effects for legislation and regulation. There seems to have been no participation by rural, remote or regional organisations in the original Online Safety Bill consultations in 2020-21.

Nor did any mental health experts participate in the Online Safety Bill consultations, apart from yourtown. Hopefully engagement will be stronger now, given the debates about the negative and positive impacts of social media use on children's mental health and wellbeing. Mission Australia and the Black Dog Institute describe a 'dramatic rise' in psychological distress in teens aged 15-19 during the 2010s, and almost a quarter of young Australians rank mental health as their biggest challenge.<sup>14</sup> It is important to understand better the place of digital technologies in this picture.

We gather Australia's National Mental Health Commission is due to report on the connections between young people's mental health and digital technologies, considering family life, education, employment, sleep, physical health, relationships, social connections, world view, and content exposure.<sup>15</sup> It would be valuable if the Commission's findings could be shared with this review.

A geographical lens is also needed, given the strong correlation between geographic isolation and suicide risk. Rates of suicide are three times higher in remote Australia than in major cities, and self-harm hospitalisation in remote Australia is twice as high as in major cities. Both risks increase the further a person lives from a major city.<sup>16</sup> Many initiatives funded by federal and state governments are not designed with these communities in mind. This underservicing needs to be understood and addressed in any national conversation around online safety, especially given evidence that rural young Australians are more likely than their city peers to feel sad, angry or bad about themselves after a negative experience online.<sup>17</sup>

We encourage reviewers to engage wherever possible with experts in rural health and wellbeing eg. Royal Far West, National Rural Health Alliance, Rural & Remote Mental Health, Black Dog Institute, and the Royal Flying Doctor Service.

### 4. Widen the Act's definition of cyber bullying beyond content risks.

The Online Safety Act has a strong focus on addressing high-risk content online. For example, the cyber bullying complaints scheme and the cyber bullying components of the Basic Online Safety Expectations are defined in terms of 'material' (eg. text, images, sounds) which has the effect of seriously threatening, intimidating, harassing or humiliating a child. The Act's definition of online safety for children also highlights 'cyber-bullying material'.

However, online risks go beyond content, encompassing issues of 'contact', 'conduct' and 'contract' too. For example, children subjected to cyber bullying may be pointedly excluded from online activities, impersonated, blackmailed, bombarded with unwanted messages (some minor in themselves but distressing in bulk), or have confidential information shared without their consent.

In the past year, eSafety noted that 11% of the child cyber bullying cases reported to their complaints scheme involved fake accounts or impersonation; 6% involved unwanted contact; 2% involved hacking of social media accounts; and 2% involved doxing. While the numbers are small, they illustrate the different forms online bullying can take beyond hurtful material.<sup>18</sup>

We are confident eSafety works to address this array of behaviours through their complaints scheme, online safety education and work on the Basic Online Safety Expectations and Safety By Design.

However, there is much work still to do in those spaces, and we believe it could be enabled better by clearer recognition in the Act of the many forms online risk can take beyond content.

Measures which may prove helpful range from turning off geolocation tracking by default, setting accounts to 'private' by default, introducing automated functions which encourage children to take a break or reword their comments, and building users' digital literacy skills and knowledge.

Some of these measures could be supported through a Children's Online Privacy Code, which has been promised by the Australian Government.

5. Fund research into changing rates and trends in cyber bullying, image-based abuse and other online harms to children and the efficacy of interventions, with findings broken down between major cities and rural, remote and regional areas.

While surveys from the U.S. and other countries show a rise in child cyber bullying prevalence over time,<sup>19</sup> it is hard to know for certain how things have changed in Australia. eSafety's research is excellent, but there does not seem to be resourcing equivalent to that of the U.S. Cyberbullying Research Centre, which surveys thousands of teens every couple of years to track changes over time.<sup>20</sup>

Mission Australia's annual youth survey does ask teens about their levels of worry about topics including bullying and social media. It has found a slight drop in the percentage of teens feeling very worried about those two issues recently, although it is hard to know whether the problems have decreased, become easier to handle, or been overshadowed by other concerns eg. mental health.<sup>21</sup>

It is also vital to keep building the knowledge base about effective approaches to preventing and addressing cyber bullying and image-based abuse. For example, in their last annual report, eSafety stated they were building capacity to evaluate the effectiveness of their reporting schemes. This would present a great opportunity to build community understanding of the pathways of children affected by cyber bullying and image-based abuse and the best ways to support them.

We would be delighted to discuss any of these matters further with you. Please contact Sally Sweeney, Head of Dolly's Dream, [REDACTED]

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- <sup>2</sup> National Rural Health Alliance, 'Mental Health in Rural and Remote Australia,' Fact Sheet July 2021, <https://www.ruralhealth.org.au/sites/default/files/publications/nrha-mental-health-factsheet-july2021.pdf>
- <sup>3</sup> Australian Digital Inclusion Index, 'Reports,' <https://www.digitalinclusionindex.org.au/download-reports/>
- <sup>4</sup> eSafety, 'Mind the Gap'; Bettina Grüne and Diana Willems, 'Help-Seeking for Bullying Victimization Among Adolescents in Germany,' *Child & Youth Care Forum*, March 2024, [https://www.researchgate.net/publication/379187008\\_Help-Seeking\\_for\\_Bullying\\_Victimization\\_Among\\_Adolescents\\_in\\_Germany](https://www.researchgate.net/publication/379187008_Help-Seeking_for_Bullying_Victimization_Among_Adolescents_in_Germany); Justin W Patchin, 'Student Experiences with Reporting Cyberbullying,' Cyberbullying Research Centre, 2018, <https://cyberbullying.org/students-experiences-with-reporting-cyberbullying>; Justin W Patchin, 'Sextortion: More Insight Into the Experiences of Youth,' 2019, <https://cyberbullying.org/sextortion-more-insight-into-the-experiences-of-youth>
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- <sup>6</sup> eSafety Commissioner, 'Annual Reports,' <https://www.esafety.gov.au/about-us/corporate-documents/annual-reports>
- <sup>7</sup> eSafety Commissioner, 'Annual Reports'
- <sup>8</sup> eSafety Commissioner, 'Annual Reports'
- <sup>9</sup> eSafety, 'Mind the Gap'
- <sup>10</sup> eSafety Commissioner, 'Annual Reports'
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- <sup>12</sup> eSafety Commissioner, 'Annual Reports'
- <sup>13</sup> Graphika, 'A Revealing Picture,' 2023, <https://graphika.com/reports/a-revealing-picture>
- <sup>14</sup> Mission Australia, 'Youth Survey Report 2023,' <https://www.missionaustralia.com.au/publications/youth-survey>; Mission Australia and Black Dog Institute, 'Psychological Distress in Young People in Australia: Fifth Biennial Youth Mental Health Report: 2012-2020,' <https://www.missionaustralia.com.au/publications/youth-survey>
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