

11 March 2014

Attn: The Director, Cyber Safety Policy and Programs
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Dear Director, Cyber Safety Policy and Programs

Re: Enhancing Online Safety for Children – Public Consultation on key election commitments

The AMA is grateful for the opportunity to provide a brief submission in relation to the public consultation on Enhancing Online Safety for Children. As an organisation that represents the interests of medical professionals, and advocates for improved health in the broader community, the AMA is committed to promoting and ensuring the online safety of children and young people in Australia.

The AMA recognises that bullying among children and young people is a significant health and welfare issue. Detrimental health and developmental impacts have been observed in children who participate in bullying, as well as in those who experience bullying. Smart phones, laptops, webcams, tablets, and other electronic devices enable face-to-face bullying to continue well after the school day has finished. Research into the impacts of cyber-bullying is still in its infancy but there is some suggestion that the long-term impacts of cyber-bullying are serious, including a potentially increased risk of suicidal thoughts and suicide.

Given this concern, the AMA developed two resources on child and adolescent bullying in 2012. One of the resources is aimed at children and young people. The other is aimed at medical professionals who are likely to encounter children and young people affected by bullying. These resources are available from the AMA's website.

Not only do many children and young people in Australia have access to the internet, they are also spending large amounts of time online, as evidenced by the statistics referred to in the discussion paper. In terms of safeguards, parents, teachers, and other professionals may be tasked with overseeing children and young people who are on the internet. But, with the growth in mobile devices such as smart phones and tablets, many children and young people may spend significant amounts of time with little or no supervision. This can make cyber-bullying difficult to escape. Bullying and cyber-bullying can result in a number of health consequences. It is of grave concern that cyber-bullying has been implicated as a possible contributing factor in a number of suicides among children and young people.

In the lead up to the 2013 Federal election, the then Government released its *Policy to Enhance Online Safety for Children* with a view to establishing:

- a Children's e-safety Commissioner to take the lead across government in implementing policies to improve the safety of children online;
- an effective complaints system, backed by legislation, to get harmful material taken down quickly from large social media sites; and
- Commonwealth legislation in order to establish a new simplified cyberbullying offence.

Efforts should focus on the prevention of all instances of bullying, including cyber-bullying. This must be done by engaging with children and young people, as well as with parents and teachers and other professionals that children and young people are likely to come into contact with.

The proposal to appoint a Children's e-Safety Commissioner does not appear to recognise the establishment of a National Children's Commissioner, within the Human Rights Commission. The National Children's Commissioner undertakes advocacy around issues impacting on children and young people, including activities relating to bullying and cyber-bullying (such as consultations undertaken with young people in relation to the role of bystander interventions in instances of cyber-bullying).

Should the Government wish to pursue the appointment of a Children's e-Safety Commissioner, the AMA believes that it would not be appropriate to locate the Commissioner within the current Australian Communication and Media Authority's Board (ACMA). In ACMA's response to concerns about the marketing of unhealthy food to children, the Authority declared a lack of resources to deal with issues relating to child health and development, stating that their focus was purely on the regulation of media. Given that bullying and cyber-bullying impact on the health and wellbeing of children and young people in a variety of ways and their lack of resources, it would not be appropriate to source a Commissioner from ACMA unless its resources were significantly expanded.

The rapid removal of harmful online content is an important issue. Recognising the changing dynamics and preferences of children and young people and their engagement with social media, activities in this area should not focus solely on 'large social networking sites'. Recent technology reports have highlighted that large social network sites are becoming less popular for teenagers. An increase in the prominence and usage of niche interest social networks is predicted. These trends should inform any initiatives to address the removal of harmful online content.

The proposed statutory test for Government intervention to remove harmful content is whether 'a reasonable person would consider that the material would be likely to cause harm or distress to a child'. Some children have specific cultural and developmental needs that may not be readily addressed under this test, in which case it would be appropriate for the Commissioner to seek expert advice.

Research has identified that young people may have a reluctance to make a disclosure about cyber-bullying because they fear their access to the internet would be restricted or even

banned. Such concerns are also likely to have an impact on whether children and young people provide consent for a matter to be investigated.

In summary, the AMA stresses that:

- Cyber-bullying, is a significant issue that can impact on the health and development of children and young people;
- The proposal to establish a Children's e-Safety Commissioner should be progressed with caution. It is important that existing efforts are not undermined or duplicated, and that a Commissioner not be located within ACMA unless its resources were significantly expanded, and it seeks appropriate health expertise;
- Efforts to remove harmful online content should extend beyond 'large social networking sites';
- Decision-making processes around the removal of content must be streamlined, but should also take into account the cultural and developmental needs of children and young people;
- Children and young people may be reluctant to disclose, publicly or privately, that they have experienced cyber-bullying. Any processes seeking to remove harmful content must recognise this.

I would like to thank the Commonwealth Department of Communications for undertaking the public consultations on the election commitments contained in *Enhancing Online Safety for Children*. If there are any queries about this submission or if further information is required, please contact Dr Maurice Rickard, Manager, AMA Public Health Section on 02 6270 5400 or mrickard@ama.com.au

Sincerely

A handwritten signature in black ink that reads "Steve Hambleton". The signature is written in a cursive style with a horizontal line extending to the right from the end of the name.

Steve Hambleton