The Director, Cyber Safety Policy and Programs
Department of Communications
GPO Box 2154
CANBERRA ACT 2601

11 March 2014

To Whom it May Concern,

Enhancing Online Safety for Children: Public Consultation

The Australian Psychological Society (APS) welcomes the opportunity to make a submission to the Department of Communications *Enhancing Online Safety for Children: Public Consultation.* As discussed with the Department last week, we hope that despite the delay in making our submission, that it will still be considered as part of your review process. We also refer the Department to other relevant APS material , such as our submission to the Joint Select Committee on Cyber Safety and materials developed on racism, media representations, the sexualisation of girls and violence http://www.psychology.org.au/community/public_interest/

The APS is the premier professional association for psychologists in Australia, representing more than 21,000 members. Psychology is a discipline that systematically addresses the many facets of human experience and functioning at individual, family and societal levels. Psychology covers many highly specialised areas, but all psychologists share foundational training in human development and the constructs of healthy functioning.

A key goal of the APS is to actively contribute psychological knowledge for the promotion and enhancement of community wellbeing. Psychology in the Public Interest is the section of the APS dedicated to the communication and application of psychological knowledge to enhance community wellbeing and promote equitable and just treatment of all segments of society.

Drawing on psychological research and practice to enhance online safety
The APS is not in a position to comment on the specific legal nature of the proposals, but is well placed to contribute based on psychological research and best practice as it relates to online safety among children and young people.

Psychological research points to the many negative impacts of bullying, including cyber-bullying on victims, including: impaired social and emotional adjustment; poor academic achievement; anxiety, depression and suicidality; poorer physical health; higher absenteeism; and increased loneliness and low self-esteem (McGrath, 2009; Cross, 2009).

Those who bully others are also negatively impacted by their bullying behaviour. The effects of bullying others include: anxiety, depression and suicidality; greater risk of delinquent behaviour; increased alcohol and substance use (Cross, 2009).

Marginalised young people are at particular risk. Young people who are at risk in other areas of their life, such as facing ongoing challenges related to personal mental health, sexuality, school and/or peers, are reported in the research as being more vulnerable to becoming victims of cyber-bullying (Willard, 2007).

Children and young people with disabilities, as well as those who are lesbian, gay, or trans-gender, or who are perceived to be so, may be at particularly high risk of being bullied by their peers (APA, 2004). For example, Hillier, Turner and Mitchell (2005) have pointed out differences in homophobic bullying to other forms of bullying. They report that homophobic bullying may be more difficult to challenge than other forms of bullying, due to fear of a backlash.

Similarly, those from migrant and refugee backgrounds as well as young Aboriginal and Torres Strait Islander people are at greater risk of experiencing cyber-racism which can range from abusive language to discriminatory treatment to violence motivated by race. It is important that efforts to enhance online safety support these young people and address discrimination online.

A related issue concerns the harm caused to girls and women in particular, when sexual or intimate images are made public or shared online without consent. Research has shown that media technology and social networking sites are often used as vehicles in the perpetration of gendered sexual violence targeting women (Walker et al., 2013).

From a psychological perspective, the APS believe the following are essential components in preventing harm to children and young people online, and

advocate for these to be implemented prior to, and alongside legal measures to address harm:

- While there is the potential for harm, the online environment is associated with unique opportunities for positive learning, connection and communication. The potential of online technologies should be promoted alongside harmful aspects.
- Online safety is most appropriately conceived of as part of a child and adolescent development framework, whereby the development of respectful relationships and building positive relationship skills among young people should be encouraged and supported.
- Enhancing online safety for children and young people therefore involves supporting the development of young people as competent online citizens, promoting online-literacy, and fostering young people's ability to critique information and use socially responsible behaviour in communicating online.
- Parents and guardians need to be supported to confidently and openly communicate with young people about online safety, as well as pass on effective conflict resolution skills. Widespread parent education about the purchasing, monitoring and safety of products, responding to online safety concerns and working with both their children and schools is required.
- Schools need to be supported and resourced to develop whole school, online safety policies, in conjunction with young people, and to implement best practice strategies to address online safety and bullying (e.g., teacher training to deal confidently with e-safety concerns). These policies should be part of a broader student wellbeing and discrimination policy and not seen as separate to these concerns.
- Despite their ability to effectively use online technologies, children and young people will need protection from content that exploits their immaturity and could harm their development.

Responding to the proposed measures

In addition with other measures (as listed above), and in some cases with particular caution (see below), the APS is supportive of most of the proposed measures.

The APS supports the establishment of a Children's E-Safety Commissioner, with the function of:

- coordinating government efforts to enhance online safety,
- acting as a centralised point of contact to deal with online safety,

- working with industry to develop technology that protects children from harm, particularly having the power and authority to work with social media providers to remove cyber-bullying and other harmful related content promptly,
- providing support, resources and funding to organisations (including schools, youth organisations, youth mental health organisations and youth legal services) to prevent and address online harm, and
- establishing a research fund to examine the impacts of the online environment on children and young people, including how young people can be protected from harm while online.

While not in a position to recommend a particular model for the establishment of the Commissioner, in principle the APS supports a structure that enables maximum independence from government and one that is integrated with, and works collaboratively with existing structures and organisations. Providing support and resources for example, to the Australian Human Rights Commission, in particular the National Children's Commissioner may ensure e-safety is framed as a broader child development/rights issue, as well as maximises independence from government, while benefiting from the experience and structure already in place with the current Commissioner model.

The APS, also strongly urges the government to work with existing organisations that are already undertaking some of the functions identified in the discussion paper. For example, the APS is aware that the Alannah and Madeline Foundation has a program called eSmart which is evidence-based and provides a framework approach to help improve cybersafety and wellbeing in Australian schools – see http://www.amf.org.au/eSmartschools/

In addition, the APS recommends that young people are engaged in the development of the model of Children's e-Safety Commissioner, in setting the agenda for this function and in all key decision making processes. Working collaboratively with other government (funded) programs, such as the National Children's Commissioner, will also ensure programs are coordinated duplication is avoided, and government resources are best used.

While not in a position to comment from a legal perspective, the APS supports:
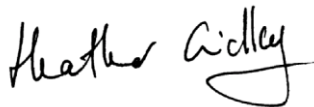- An approach to e-safety whereby legislative measures are seen as a last resort to protect against extreme and dangerous practices

- Any legal framework should have the effect of setting boundaries and providing community education as to the type of conduct that the law regards as unacceptable, as well as providing a degree of deterrence (Alanna & Madeline Foundation).
- The creation of a cyber-bullying offence which protects young people, provides a lesser maximum penalty for young offenders, does not include incarceration and that provides further protection, support and relief for victims of cyber-bulling
- Exploring a cyber-bullying diversion program (as outlined by Youthlaw in their submission to the current discussion paper) rather than or in addition to a fines system (fines are widely recognised as an ineffective punishment or deterrent for young people).
- In line with the submission made by the Hon Nicholson, the establishment of a new offence should aim to 'prevent rather than prosecute', so that directly identifying cyber-bullying as criminal behaviour would hopefully lead to a reduction in the incidence of this behaviour rather than increased numbers of prosecutions.

The APS acknowledges that online harm is a significant individual, community and public health issue. We commend the government for its focus on reducing harm to children and young people. However, we urge caution about using a solely legal framework to address what is a complex psychological and social issue.

We would be happy to provide further comment on this policy should you require it; or for further information about our submission please contact me on 03 8662 3327.

Yours sincerely,

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Manager, Public Interest