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RESPONSE TO PUBLIC CONSULTATION ENHANCING ONLINE SAFETY FOR CHILDREN

MARCH 2014

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ENHANCING ONLINE SAFETY FOR CHILDREN

We acknowledge that incidences of cyber bullying (and in fact all forms of bullying) are distressing to both victim and parent, and the few cases that have resulted in suicide are saddening. However, The Australian Sex Party believes that existing legislation can deal with this issue effectively. We do not need government creating additional red tape when there are already dedicated resources regulating online content. We need to treat online activities that same way we deal with real life activities.

Whilst there is considerable fear in the community about online safety for children, we are of the view that this can be addressed through education of both children and parents. Young people are at the forefront of technological advances, and in many cases, are more 'tech-savvy' than their parents/guardians and teachers. To therefore educate both is to empower all parties with effective tools for self-regulation and responsibility.

We do not support the creation of a Children's e-Safety Commissioner and believe that the existing Federal Children's Commissioner (Ms Megan Mitchell) already provides this overseeing and advocacy role. The crux of this issue is about respecting and upholding the rights of children.

RECOMMENDATIONS

1. Implement education programs for parents and children that:
 - Promotes e-safety with respect to 'stranger danger', online privacy, and the classification of electronic games and other online content (refer to Attachment A);
 - Outlines existing social media tools to report/block content and/or users;
 - Gives attention to the Australian Communications and Media Authority's complaints process;
 - Includes sex and relationship education in schools that that teaches how to hold healthy peer relationships (refer to Attachment A); and
 - Informs parents of parental control features of smart phones and/or internet browsers.

2. Review provisions and resources within existing legislation and government departments and statutory authorities (refer to Attachment B).
 - There is no need to establish a separate Children's e-Safety Commissioner given that there already exists a National Children's Commissioner.
 - The Australian Communications and Media Authority already has:

- responsibility with respect to regulating internet content;
- an existing complaints process regarding offensive online content; and
- a strong relationship with the Australian Federal Police to deal with child abuse material.¹

3. Implement remedies to cyber bullying that do not involve criminalising the activities of persons under the age of 18, including:

- Schools to work with parents/guardians and children involved with bullying; and
- Provide access to social/psychological counselling services to both victim and perpetrator of bullying including cyber bullying.

¹ <http://www.acma.gov.au/theACMA/working-together-to-fight-online-child-abuse-material>

Australian Sex Party

Federal Education Policy (extract)

National Sex Education Curriculum

Develop a national sex education curriculum providing comprehensive, accurate, developmentally appropriate information from kindergarten (prep) to final school year.

- Includes information for people of all sexual orientations on issues such as sexual decision-making, emotional aspects of sex, consent, sex and gender diversity, homophobia, assertiveness, respect and peer pressure;
- Removes taboos, shame, isolation about sexuality and gender identity, and help young people make safe, proud, respectful and informed choices;
- Employs a holistic approach towards eliminating gender based harm and sexual violence/reducing vulnerability to abuse; and
- Caters to different learning abilities and methods among students.

Internet Safety

1. Develop a national internet education scheme for parents.
2. Educate students on safe use of information and communication technologies.

Secular Education

Call for the complete cessation of chaplains in government schools and mandate that counsellors possessing psychology qualifications be available to all students.

Overview of Existing Legislation

I. Australian Human Rights Commission Act 1986 (Cth)

Section 46MA establishes a National Children's Commissioner.

Section 46MB outlines the functions of The Commissioner, including:

(1) (b) to promote discussion and awareness of matters relating to the human rights of children in Australia;

(1) (c) to undertake research, or educational or other programs, for the purpose of promoting respect for the human rights of children in Australia, and promoting the enjoyment and exercise of human rights by children in Australia; and

(4) In performing functions under this section, the National Children's Commissioner may give particular attention to children who are at risk or vulnerable.

II. Australian Communications and Media Authority Act 2005 (Cth)

Section 10 outlines the functions of Australian Communications and Media Authority (ACMA), including:

(1) (a) to regulate broadcasting services, Internet content and datacasting services in accordance with the Broadcasting Services Act 1992

III. Broadcasting Services Act 1992 (Cth)

Section 3 outlines the purposes of the Act, including:

(1) (k) to provide a means for addressing complaints about certain internet content;

(1) (l) to restrict access to certain internet content that is likely to cause offence to a reasonable adult; and

(1) (m) to protect children from exposure to internet content that is unsuitable for children.