

Enhancing Online Safety for Children

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Summary: Handling online safety issues for children needs a new legislation. E-safety Commissioner for Children shall be an independent person, similar to the current President of the Australian Human Rights Commission, armed with the required powers to handle the electronic safety issues relating to our kids both amicably and legally. He/she is answerable only to the Parliament though the appointment should be made by the Minister for Communications in consultation with the Attorney-General and Minister for Education. The Commissioner should be allowed to deal with complaints handling matter with the help of relevant stakeholders.

Introduction: I welcome the opportunity provided by the Department of Communications to respond to the Discussion Document, Enhancing Online Safety for Children as part of the Coalition government election promise to the Australian people, implementing a range of measures to enhance the online safety of children in Australia, with particular reference to:

- the establishment of a Children's e-Safety Commissioner;
- developing an effective complaints handling system, backed by legislation, to get harmful material down fast from large social media sites; and
- examining the existing Commonwealth legislation to determine whether to create a new, simplified cyber-bullying offence.

This submission is based on my knowledge on the subject matter for which I have naturally developed a passion and ICT industry experience in many capacities including leading the telecom industry working committees in developing the Australian National Standards and my continued thirst to understand the intricacy relating to the merger of telecom-media-internet technologies.

Basic Assumptions: Personally, I am a strong believer in technological innovation for the benefit to mankind and therefore I think the Australian government should carry out its moral duty considering the consequences of such technological advancement. I consider the measures enumerated in the discussion document-Enhancing Online Safety for Children are purely based on the following assumptions:

- The right to access to internet is a basic right to our kids;
- Privacy of our kids is utmost importance in dealing with cyber space offences;
- Kids should be able to use the internet to enhance their knowledge and broaden their individual personality both at schools and home;
- The use of internet should be allowed to cultivate good manners in the freedom of expression without offending others;
- Our government may not unreasonably restrict to access to online activities in the name of electronic safety for kids; and

- Initiatives should be taken for marginalized and disabled children in our country to enhance the confidence in accessing internet;

Nature of Internet: The Internet has developed into a vast and complex network that has had great impact in the modern society. There is no doubt that the Internet has become an indispensable part of our life. Despite all the development in technology and applications associated with the Internet, the question of how to legislate for a safe and responsible Internet usage has made small movement in comparison to its growth. This is mainly due to the question of ownership of internet network. The Internet does not belong to any government or governing body. As a result there are struggles to control the content that it provides to the world society. Further, it has given aid to new types of crime and unethical abuse. Children safety is amongst the highest profile issues concerning the Internet and its volatile state faced by policy makers.

Intrinsic Risks of Internet: The capabilities of internet arguably possess much greater risk and danger to our kids than that of television, movies and music. The primary reason for this is that these other influential media are often subjected to rigorous censorship legislation before they are in the grasp of our children.

We should be mindful to the fact that the content of the Internet is widely unrestricted in what it offers or consists of. There is no age certification advertised on Websites and there is no prior deletion or censorship of information or material before it is published as a page. In essence any person can create a page and publish it immediately without any intermediary checks. The interactive nature of the Internet also distinguishes its dangers from traditional media. Communications can be held with different people from all walks of life, whether it is ethical or unethical.

Stakeholders Responsibility: A variety of tools for assisting in Internet safety are available on the market to parents and educational institutions. Within the context of a family home, these tools can offer a degree of safety for unsupervised Internet access for children or security against a parent's lack of understanding of Internet usage by children. The tools are predominately devices or software packages that can help reduce or prevent a child from exposure to indecent material or experiences on the Internet.

Having said, I personally would like to remind the responsibilities of the stakeholders, viz Internet Service Providers(ISP), Mobile Network Operators, Multi-national companies involved in the creation of technologies and marketing such technologies, modern social media sites, interested community groups and most importantly the parents. Naturally, parents should always play the lead role in providing safe online experience for our kids. As part of their social responsibility, the ISPs and mobile operators should incorporate all the necessary capabilities in enhancing the online safety for our kids. Vendors or multi-national technological companies should endeavour to assist the ISPs and mobile operators in this regard. I expect these stakeholders should behave ethically in discharging their business obligations with a view to ensuring a safer internet access.

Children's e-Safety Commissioner: Prior to the federal election in September 2013, the Coalition released its *Policy to Enhance Online Safety for Children*, with a view to specifically address the risks in relation to children, so that content and cyber-bullying concerns are handled faster; children can quickly access assistance with online safety concerns; Commonwealth criminal laws relating to cyber-bullying are appropriate, modern and effective; and there is clear and expert leadership in online safety. One of the measures outlined in Coalition Policy Document is the establishment of a Children's e-Safety Commissioner to take the lead across government in implementing policies to improve the safety of children online.

I strongly support the idea of appointing a senior Commonwealth official as the Children's e-Safety Commissioner and the Commissioner shall be supported by the required resources. The Commissioner will be a single point of contact for online safety issues for industry, Australian children and those charged with their welfare and will also take the independent lead across government.

Handling Electronic safety needs a new organisation with required culture. E-safety Commissioner for Children shall be an independent person, similar to the current President of the Australian Human Rights Commission, armed with the required powers to handle the electronic safety issues relating to our kids both amicably and legally. He/she is answerable only to the Parliament though the appointment of the commissioner should be made by the Minister for Communications in consultation with the Attorney-General and Minister for Education. The Commissioner should be allowed to deal with complaints handling matter independently with the help of stakeholders such as operators, vendors, Law Enforcement agencies and School community.

By considering the nature of the tasks that the Commissioner are expected to undertake, I do not foresee any advantages in the other options prescribed the discussion paper.

Formation of CEO Coalition: One of the immediate tasks that need to be carried out by the Commissioner forming "CEO COALITION" with the Industry Stakeholders, seeking strong commitments to implement a series of measures to make the use of internet as safe for our kids similar to the scheme implemented by EU. The details of this EU scheme can be found and we could modify it to suit the local requirements, if required:

<http://ec.europa.eu/digital-agenda/en/news/ceo-coalition-2014-progress-reports-actions-make-internet-better-place-kids>

We should remember that British Prime Minister David Cameron hosted a summit to discuss what is being done to protect children from harmful material online and block child abuse content in September, 2013. UK Prime Minister after hectic lobbying managed to convince Google and Microsoft to step up efforts to remove links to child abuse materials from search results

I consider the CEO Coalition is the best way to encourage regulatory compliance with the participating social media sites that lack the Australia presence with the help of ISPs and mobile operators.

Inter-Agency Coordination Unit: The Commissioner shall have the power to establish an Inter-Agency Coordination Unit, consisting of agencies like ACMA, AFP, AHRC, Department of Health, Attorney-General Department, Privacy Commissioner Office, Department of Foreign Affairs (due to the nature of cyber crimes) and other departments involved in Children affairs and other Cyber Safety agencies. This inter-agency coordination unit shall meet regularly, preferably on a monthly basis to discuss and take appropriate immediate action. The unit needs to be an action oriented rather than a talking shop and it should be coordinated by the Commissioner Office.

The intelligence agencies like ASIO and ASIS need to be part of this Inter-Agency Coordination Unit, particularly to tackle the dark net child abuse materials. We hear the UK intelligence Agency GCHQ has been brought in to tackle the problem of child abuse material being shared on peer-to-peer networks or rather dark net materials.

Internet Watch Advisory Foundation: The Commissioner should establish an Internet Watch Advisory Foundation, comprising of interested school-community groups and the main task of this foundation is to report child sexual abuse materials content hosted in any web sites in the world and at the same time coordinating the activities relating to the safe online education for our kids.

In Summary, the Commissioner should use the resources and approach the cyber space concerns via a three-prong approach as spelled out in the above. The other matters such as what mechanism and technique should be used for online safety including complaints handling process is a matter for the Commissioner to decide in consultation with the Industry Stakeholders.

Teachers and the Commissioner: Whilst our children accessing the internet in schools are generally protected by filtering (if allowed to use filtering) and supervision, outside of school, children are using services such as social networking sites, often with very little support, supervision or education about the risks. So the vision of the E-safety Commissioner is to reach the Teachers and the Educational Community at large via Internet Watch Advisory Foundation in order to equip them with the required skills to tackle the cyber bullying menace to safeguard our kids. School Teachers need to be increasingly vigilant and able to understand the various issues around online content and the Commissioner should play a lead role to train them in the early detection and resolution of problems, ensures pupils are safeguarded and that their emotional wellbeing is protected. I strongly believe that Internet Watch Advisory Foundation could play a meaningful role in this regard.

Cyber Bullying is an Offence: Cyber bullying is when someone uses the internet or mobile phones to deliberately upset or intimidate someone else. This is another form of bullying and I do not think any decent human beings should have put up with it. Cyber bullying takes place in the digital environment and therefore it has a 24/7 nature and can make someone feel upset or threatened even in their own home. A positive aspect of cyber bullying is that it is easy to prove it. With normal bullying, it can be one person's word against another's, but with cyber bullying you can save texts or print out emails / instant messages / web pages. This can be used as proof of the bullying and stop them upsetting someone else.

Digital technology facilitates consequence-free communications. Malicious and irresponsible people avail themselves of the freedom of social media platforms to attack and hurt others in a myriad of ways. It is easy to post hateful remarks or pictures or videos online when we know we will never have to look our victim in the eyes. Though social media platforms offer to combat such threats via "report abuse" button I wonder whether it is sufficient. Most platforms aim to remove such abuse materials within 72 hours of receiving such complaints.

Australia has State and Federal laws that can be used to prosecute offensive online behaviour. They include offences in the Commonwealth Criminal Code that cover use of the internet to make death threats or to cause serious harm, menace, harass or cause offence. Having said that, it appears we have NO specific and clear cut laws, dealing with Cyber bullying effectively and efficiently.

Laws always need to be reviewed as our society have evolved and has gone through unprecedented changes. There needs to be consistent appraisal in line with the inevitable shift in public behaviour, along with serious public debate about the cultural shift that has been shaping people's attitudes toward others. My view is that the Australian government;

- Should examine the existing Commonwealth legislation to ascertain the need to create a new, simplified cyber-bullying offence;
- When we develop(as expected) new Federal laws dealing with Cyber bullying offence, we should ensure these laws will be adopted by the various States and Territories due to the nature of cyber crimes; and
- If feasible, bullying, cyber bullying, and related behaviours may be addressed in a single law instead of addressing in multiple laws to ensure consistency.

Cyber Bullying Legislation: The legislation need to rein online tormentors. It should not introduce measures giving police easier access to the metadata that internet service providers and phone companies keep on every call and email violating our individual privacy. However, legislation should ensure that it would give police a greater ability to investigate incidents of cyber menace. Finally, we all should support the Australian government's effort re-establish Australia as a country where those who break the law are punished for their actions, where penalties match the severity of crimes committed, and where the most vulnerable victims our children are better protected.

Conclusion: Today our kids are living in a world where technology is embedded in every aspect of their lives. Therefore, the e-safety issues worry our parents too much. We believe that internet is a fantastic tool for learning and broaden our kids' outlook and through appropriate education the risks can be managed or avoided, providing peace of mind for parents and teachers alike. We should encourage our Children to use a wide range of technologies in exciting and creative ways, both in formal education and at home without any hindrances. Children are more technically savvy than ever and adopt new technologies easily. However they are not always aware of the potential risks they might bring.

The cyber space crimes will always tend to grow and abuse and intimidation would become ubiquitous. I strongly believe the measures enumerated in the discussion document are in the right direction to stem the Cyber menace. Clearly, we urgently need an unambiguous legislation to deal with this growing danger to safeguard our kids. Therefore it is time for all of us to join their hands with the online e-safety Commissioner for Children.

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The views expressed here are my own and not necessarily those of my employers both past and present or any organization with which I am affiliated.