

Wednesday 19  
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Dear Director, Australian Department of Communications and the Arts,

Please find below our submission response.

Re: Online Safety Legislative Reform Discussion Paper, December 2019

Regards,

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## **Introduction**

*Mindframe* welcomes the opportunity to provide a response to the Online Safety Legislative Reform Discussion Paper, December 2019. The following response has been prepared by *Mindframe*.

## **Recommendations Summary**

*Mindframe* recommends the Online Safety Act include detailed action on suicide content including interventions at all levels for removal and notification methods to protect Australians from harmful suicide and self-harm content from Australia and from international sources, including protection from pro-suicide and self-harm content from and details of method and location of suicide, Australia and Internationally. *Mindframe* also recommends additions to the blocking measures for terrorist and extreme violent material online to include material related to suicide and self-harm.

As such *Mindframe* recommends a unified approach between the mental health and suicide prevention sector, eSafety, online service providers and social media providers to develop amendments to extend the remit of '*promoting online safety for Australians*' to include suicide and self-harm related behaviours and see appropriate funding allocated.

This proposal highlights the evidence and importance of addressing suicide and self-harm content in the Online Safety Act and outlines *Mindframe's* recommendations under the following components of the proposed new Online Safety Act:

1. Basic online safety expectations
2. Cyberbullying scheme and establishing a new cyber abuse scheme for adults
3. Addressing illegal and harmful content online
4. Ancillary service provider notice scheme
5. Role of the eSafety Commissioner

## **Background**

### **Everymind**

**Everymind** is a leading national Institute dedicated to reducing mental ill-health, reducing suicide and self-harm and improving wellbeing. **Everymind** is a self-funding non-for-profit Institute based in Newcastle NSW, which has been conducting research and delivering best-practice mental health and suicide prevention programs for over 25 years.

### ***Mindframe***

*Mindframe* is funded by the Australian Government's Department of Health under the National Suicide Prevention Leadership and Support Program and has been managed by **Everymind** since 2002. *Mindframe* encourages responsible, accurate and sensitive representation of mental illness and suicide in the Australian media (i.e. online, print, broadcast and stage and screen). *Mindframe* involves building collaborative relationships with the media and other sectors that influence the media. Program activities include national leadership, resource development and national dissemination, as well as ongoing contribution to the evidence base.

### **Key Aims**

- provide national leadership on safe and effective reporting and professional communication
- build the capability of targeted sectors to apply best practice principles for reporting and communication
- innovate and disseminate, using technology to increase the reach of *Mindframe* and link national and regional approaches
- increase research to understand initiative impacts.

### **Target sectors**

- **Media (news and social media)** - This includes peak media bodies, media organisations (print, radio, television and online, including Indigenous and CALD media) and media professionals developing stories about suicide and mental illness.
- **Mental health and suicide prevention sector** - This includes health, mental health, and suicide prevention organisations, services and professional bodies (government and non-government) and individual professionals within those organisations who may have a role in media portrayal of mental illness and suicide.
- **Universities** - This includes universities (both lecturers and students) that offer relevant programs in journalism and public relations.
- **Australian Film, television and theatre** - This includes screenwriters, story departments, filmmakers and other key stakeholders involved in the development of Australian film and television.
- **Police and courts** - This includes jurisdictions in all states and territories and relevant officers within those sectors that may have a role in media portrayal of suicide and mental illness.

## Media reporting of suicide and self-harm

Extensive evidence exists which suggests that media reporting of suicide and self-harm can lead to imitative suicide and self-harm behaviour. This is most likely to occur if the reports contain detail about method and location of a suicide, are prominent and are about individuals who people who are exposed to that media can relate to or identify with (Pirkis et al., 2018a; Sisask and Varnik, 2012).

*Mindframe* guidelines outline helpful and harmful ways to communicate, based on the available evidence on the impacts of communications on suicide with input from a reference group that included representatives from a range of media organisations. These aspects of these guidelines are now incorporated into codes of practice and editorial policies. More information on the guidelines and harmful and helpful communications can be found here: [www.mindframe.org.au](http://www.mindframe.org.au)

A majority of research into impacts of suicide communications has been conducted on news and information media, however findings for this can be translated to communications of this nature on online services. The critical review found 'mounting support' for a causal association between exposure to suicide-related material and/or participation in suicide related online activity on the internet and actual suicidal behaviour (Pirkis et al., 2018a).

The internet poses a new means for user engagement with suicide material and as such there is a need to further explore the effects of this. As highlighted in the Online Safety Legislative Reform Discussion Paper, the internet allows for new methods for searching and procuring content on methods of suicide, of disclosing ideation and connecting with other individuals (through social media and forums). This online environment has also allowed for a means for broadcasting suicide acts. Due to the evolving online landscape and the available evidence on the association with suicide, *Mindframe* has constructed this submission to address the need for support for Australians in this space.

*A Critical Review, Suicide and the Entertainment Media*, identified 54 studies on suicide portrayals in film and television, music and plays to assess if there is a causal link between entertainment media portrayals of suicide and actual suicidal behaviours and thoughts. More than half of the studies identified suggested evidence of a harmful imitation effect of suicide portrayals in this form of media. Stating that "Sensitive portrayal of suicide that does not glorify or romanticise it and does not provide detail of the exact method is likely to be preferable..." (Pirkis et al., 2018b). The author's acknowledge that online functions do not fit comfortably for the traditional model of media affects and thus the study of the effects of all online activities are in the early stages. As such, it is recommended that any portrayals such as this err on the side of caution and follow guidelines to be safe for vulnerable people.

# Proposal Feedback & Recommendations

## 1. Basic Online Safety Expectations

### Recommendations:

*Question 4. Are there matters (other than those canvassed in the Charter) that should be considered for the BOSE? Are there any matters in the Charter that should not be part of the BOSE?*

We support the basic online safety expectations (BOSE) to be expanded beyond simply the application of the cyberbullying scheme and a new set of expectations around minimum standards for pre-emptive and preventive action. We recommend the addition of expectations around the inclusion of harmful suicide-related content. Harmful suicide related content for the purpose of this report is any communications or portrayal of suicide that includes:

- Method of suicide
- Location of suicide
- Pro-suicide sites and content

It is recommended that a clear expectation document is developed in collaboration with eSaftey and *Mindframe* to clearly define 'harmful suicide related content' and 'seriously harmful suicide related content'. *Mindframe* recommends developing a taskforce to address harmful suicide and self-harm content to expand this document and embed online safety for those who are vulnerable to suicide and self-harm proactively. This taskforce should include *Mindframe*, eSafety, key members of the mental health and suicide prevention sector and representatives from online service and social media providers.

As with the proposed BOSE, it is recommended that the BOSE for suicide and self-harm content focuses on; empowerment of users, transparency of online service providers, upholding integrity of service providers and collaboration with government.

In addition the taskforce may work with online service providers to support the development of guidance on how to provide positive support for suicide and self-harm related content. Such as guidance on when, how and what help-seeking information to provide to end-users, and reporting of problematic conversations to protect vulnerable persons experiencing suicidal ideation.

The taskforce may consider additions to the Online Safety Act to strengthen the eSaftey Commissioner's ability to address/prevent potentially harmful suicide and self-harm content such as:

- Supporting social media platforms to add filters or other means to remove/avoid harmful content.
- Explore social media role in collaborating with experts and building on research
- Seek the removal of harmful suicide and self-harm content from both tier 1 and tier 2 social media services and from online service providers
- An approach to enable mandatory removal notices of harmful suicide and self-harm contact in Australia to be issued to social media services.



- A call for enquiry into suicide and self-harm content of other online service providers such as gaming platforms and messaging applications.
- To establish a similar two-tiered complains scheme for the removal of cyberbullying material targeted at an Australian Child to the removal of harmful suicide and self-harm related material available to the Australian population, to protect those who are vulnerable. This may include an expansion of prohibited and potentially prohibited content to include harmful suicide and self-harm related content
- For harmful suicide and self-harm content hosted outside of Australia, *Mindframe* proposes the right of e-safety to work with social media services to remove harmful content, report to law enforcement if it is of a sufficiently serious nature and advise links to the makers of internet filters.

*Protection of children online:*

- *Mindframe* recommends the development of a working group to determine needs of restrictive privacy and safety settings for online apps, games and services marketed to children to include info related to suicide and self-harm related content.

*Point of purchase information:*

- *Mindframe* recommends the development of guides to help make informed decisions about suicide and self-harm content

**Rationale:**

- Media reporting of suicide can lead to imitative suicide behaviour. This is most likely to occur if the reports contain detail about method and location of a suicide, are prominent and are about individuals who people who are exposed to that media can relate to or identify with (Pirkis et al., 2018a; Sisask and Varnik, 2012).

## **2. Cyberbullying scheme and establishing a new cyber scheme for adults**

**Recommendations:**

Given the proliferation of social media, the new online landscape and the incidences of cyberbullying being related to suicide in Australia such as the death of Dolly Everett, *Mindframe* recommends the inclusion of processes to assist support during and following such incidents in the future. *Mindframe* works closely with the media, eSafety and the mental health and suicide prevention sector, as well as other relevant stakeholders such as schools, to protect vulnerable Australians. We recommend eSafety is enabled to support *Mindframe* and the mental health and suicide prevention sector to review the needs and coordinate a planned response to incidents related to suicide and cyberbullying. This may include developing online resources and responses for supporting suicide prevention, cyberbullying organisations and other stakeholders in the aftermath of such an event.

**Rationale:**

- Imitative suicide is most likely to be associated with media 'reporting' when the suicide is prominent and people in the community can relate to them (Pirkis et al., 2018a; Sisask and Varnik, 2012). This has been the case in a number of cyberbullying and suicide 'stories' in Australia.

### 3. Addressing illegal and harmful online content

#### Recommendations:

##### *Principles-based codes for industry to address harmful content*

*Mindframe* recommends the addition of harmful suicide and self-harm related content to the concept of harmful content in the new principles-based codes. Harmful suicide and self-harm related content may include that which details method and/or of suicide and self-harm, pro-suicide and self-harm sites and content and content that suggests that suicide is caused (and/or the natural response to) by just one factor e.g. bullying.

##### *Strengthen the eSafety Commissioner's ability to address serious harmful content*

*Mindframe* recommends that the definition of 'harmful content' (Class 2 content) additionally includes seriously harmful suicide and self-harm related material such as highly accessible pro-suicide and self-harm content, content depicting method and any content intended to counsel or incite suicide and self-harm. As such, *Mindframe* supports the eSafety Commissioner to be provided with the ability to issue takedown notices irrespective if the content is hosted in Australian or Overseas.

##### *Question 22: Is the proposed take-down period of 24 hours for the online content scheme reasonable or should this require take-down in a shorter period of time?*

*Mindframe* recommends the take-down period for serious harmful suicide and self-harm content (Class 1 content) is reduced, due to the risk of contagion of vulnerable persons exposed to the content.

#### Rationale:

- Media reporting of suicide can lead to imitative suicide behaviour. This is most likely to occur if the reports contain detail about method and location of a suicide, are prominent and are about individuals who people who are exposed to that media can relate to or identify with (Pirkis et al., 2018a; Sisask and Varnik, 2012)
- *A Critical Review, Suicide and the News and Information Media* found that the effects of internet content on suicide is particularly comparable for certain portrayals such as online news websites reporting on celebrity suicides (Pirkis et al., 2018). *Mindframe* delivers training for media and media sources on how to communicate about this safely, through proactive training and responsive engagement (along with [SANE StigmaWatch](#)) with services if harmful content is produced by media or consumers. However, there are incidents where the services and *Mindframe* do not have control to support the Australian population. One such incidence was following the death of Robin Williams. An Australian study into suicides in Australia following media reports of the death of Robin Williams found there was an 11% increase in suicides in the 5-month period following Robin Williams' death, largely made up of men aged 30-64 and by the method Robin Williams used to take his own life (Pirkis et al., 2019). A study in America also found a rise in suicides in a population demographic similar to Robin Williams in the months after his death (Fink, Santaella-Tenorio and Keyes, 2018). Along with the needed continued review and updating of the *Mindframe* guidelines and support for Australian media, the authors of the Australian study hypothesised that exposure to reports that did not meet the guidelines from overseas media or social media may have played a role (Pirkis et al., 2019). These American reports were released overnight in Australia and thus the media woke up to online shared content without a chance to remove the harmful content. Thus there is reason to support a unified agreement on guidance to help online service providers prevent international harmful content reaching Australia.

#### 4. Ancillary service provider notice scheme

##### Recommendations:

##### *Recommended additions to the proposal*

*Mindframe* recommends that the new Ancillary service provider notice scheme enables the eSafety Commissioner to request:

- search aggregator services to delist or de-rank websites that have been found by the eSafety Commissioner to be systemically and repeatedly facilitating the posting of seriously harmful suicide content
- digital distribution platforms to cease offering apps or games found by the eSafety Commissioner be systemically and repeatedly facilitating the posting of seriously harmful suicide content

##### *Question 35. Is there merit to making compliance with the ancillary service provider notices mandatory?*

Yes, there is sufficient evidence for the association between seriously harmful suicide content and suicide attempts that it is important that measures are taken to ensure vulnerable Australians are protected from this.

#### 5. Role of eSafety Commissioner

##### Recommendations:

##### *Question 36: Are the eSafety Commissioners functions still fit for purpose? Is there anything missing?*

There are many ways that vulnerable Australians can be impacted online, in addition to the cyberbullying, exposure to suicide and self-harm related content and other illegal/harmful content mentioned in this submission and the Online Safety Legislative Reform Discussion Paper. *Mindframe* suggests consideration is made as to how the eSafety Commissioner can support the reduction of stigma in the online environment and cyberbullying/abuse in the community in a range of areas such as alcohol and other drug use, obesity and body appearance and eating behaviour.

##### Rationale:

- Certain types of media content about alcohol and other drugs can lead to stigmatisation of people using alcohol and other drugs and their families (Kay-Lambkin et al, 2018). People who experience stigma for alcohol and other drug use are less likely to seek timely and appropriate help. (Lloyd, 2013)
- Body appearance a common topic used in cyberbullying and there is an association between bullying and unhealthy eating behaviours in adolescents (Menzel et al., 2010).
- Adolescents with a diagnosis of obesity more frequently experience cyber-bullying than those not in this BMI range. These adolescence may experience lower quality of life, motivation for physical activity and higher avoidance towards health lifestyle than those who aren't victimised. They also have been shown to experience significantly higher suicidal ideation (DeSmet et al., 2018).



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