

A submission to the:
**Australian Department of Communications
and the Arts**

Authorised by:
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Introduction

Everyday, **yourtown** sees the breadth and scale of online harms on children and young people in Australia. Our Kids Helpline (KHL) counsellors in particular provide considerable support, advice and referral to young people distressed by online interactions. Indeed, as a result of its rise as a concern amongst children and young people, we expanded KHL data collection to gather information specifically on the prevalence of cyber safety issues, with the aim of informing and improving our counselling and advocacy work on this issue. In 2019, 2,808 counselling contacts were made relating to an online safety issue. We therefore welcome the opportunity to provide our insight in relation to the proposed Online Safety Act.

The cyber safety concerns that children and young people present with to KHL are wide-ranging and most typically involve cyberbullying, unsafe online relationships and grooming, sexting and image-based abuse, blackmail and manipulation, gaming addiction, and addiction to or exposure to pornography. Often expressing high levels of anxiety, depression, isolation, humiliation or shame about their online experiences, they tell us that they subsequently do not want to go to school and that their grades are deteriorating, that their relationships with their family and others are suffering, and that they are no longer interested in the hobbies they formerly enjoyed. They may feel hopeless and powerless, and most tragically, sometimes even suicidal. Some 12% of young people who contacted our counsellors about an online safety issue in 2018 were experiencing suicidal thought at the time. Of notable concern, 35% of those were aged just 10-14 years old.

Whether as the victim, bystander or perpetrator of harm, children and young people contact KHL asking for advice about how to resolve their concerns, guidance about how to approach and respond to peers, family, teachers or strangers, information about the law and whether they might get in trouble due to their actions or whether it might help protect them. Hence, although they may be experts in the technical use of the internet and social media apps, it is clear from our KHL contacts that many children and young people are highly vulnerable to online harm, and – given their developmental immaturity – are not equipped to effectively manage the complexities and repercussions of online interactions and content.

Yet we also know it is not just our youngest generations that are struggling with engaging online in a safe, healthy and appropriate way. Adults are also exposed to its risks including, for example, of cyberbullying. The internet seems to be rampant with adults – from many walks of life – verbally abusing and bullying others¹ in light of their views, their appearance or some aspect of their life. It often feels like the internet is lawless, where social norms have yet to be instilled, and where many people aggressively vent their frustrations at others. Indeed, even heads of social media and internet providers are now calling for regulation of the industry themselves in response to growing harms and lack of government presence in this area.¹

Furthermore, the extent of the power of the internet, knowing few limits given its borderless reach, and ways in which it can be used, to carry out harm are still being realised. Recent events and news show how it can swiftly shape elections and the political direction of nations, how it can convincingly

¹ <https://www.bbc.com/news/technology-51518773>

present fake news as real news and challenge the accepted order and basis of our democracies, and how it can even be an accomplice to the most heinous crimes. Whilst the internet has many positives, it is clear that it also provides a platform for individuals to engage in harmful behaviours that target individuals and communities. Given its widespread infiltration into every aspect of our lives, our governments must urgently and collectively act to ensure that appropriate measures are in place to protect all citizens from harm, and particularly our most vulnerable.

We therefore strongly welcome the Federal Government's continued focus on seeking to develop policy solutions in this area, building on the Online Safety Charter and the Safety by Design principles. As we outline in our submission, there are many aspects of the proposed Online Safety Act that we support. For example, we particularly welcome increasing the powers of the eSafety Commissioner in this area and strongly support options that mandate – rather than simply ask – a wider range of online providers to more promptly takedown online harms.

However, we do feel that some key areas have been overlooked in the Act. First and foremost, we believe that child protection principles should underpin the overall objectives and every safety measure encompassed in the Act. It is now clear that the scale of harm that the internet and online providers can cause children and young people is unprecedented, whether that be through being victims of abuse hosted on the internet or through engaging with its content. This new Act presents an opportunity for Government to systematically implement robust regulatory measures that minimise, pre-empt and manage online risks and close loopholes. Whilst acknowledging that a global response is required to most effectively keep our children safe, we believe that Australia has an opportunity to lead by example by taking a child safe approach in the Act's development and implementation.

In addition, we would like to see the Act respond to the lack of education amongst communities about online harms and safety. Such education should target not simply our youngest and most vulnerable members of society but the whole community, reflecting that online harm is a public health issue affecting every one of us, which requires a public health response so that we can all play a role in preventing it.

We also welcome the greater onus in the proposed provisions for social media providers to be more accountable for their actions through activities such as transparency reporting. With this in mind, to better understand how different populations of society are affected by online harm, we would also urge the Government to mandate social media providers to provide usage data to researchers so we can fully uncover and understand both the benefits and potential dangers of social media.

We are greatly encouraged by the Government's continued efforts both nationally and internationally to make the online world a safer place for all members of society. However, there is more to be done and we maintain that the Government must continue to work with governments across the world and international organisations to agree on and embed best practice policy. It must also seize the opportunity that its suite of initiatives – the Online Safety Act, Online Safety Charter and Safety by Design principles – present in designing and implementing a regulatory framework that appropriately and rigorously addresses online child abuse,

technology assisted domestic and family violence, addiction and terrorism; undoubtedly some of the most serious harms confronting our society today.

yourtown services

yourtown is a national organisation and registered charity that aims to tackle the issues affecting the lives of children and young people. Established in 1961, **yourtown's** mission is to enable young people, especially those who are marginalised and without voice, to improve their life outcomes.

yourtown provides a range of face-to-face and virtual services to children, young people and families seeking support. These services include:

- Kids Helpline, a national 24/7 telephone and on-line counselling and support service for 5 to 25 year olds with special capacity for young people with mental health issues
- Employment and educational programs and social enterprises, which support young people to re-engage with education and/or employment, including programs for youthful offenders and Aboriginal and Torres Strait Islander specific services
- Accommodation responses to young parents with children who are at risk and to women and children seeking refuge from domestic and family violence
- Young Parent Programs offering case work, individual and group work support and child development programs for young parents and their children
- Parentline, a telephone and online counselling and support service for parents and carers'
- Mental health service/s for children aged 0-11 years old, and their families, with moderate mental health needs
- Expressive Therapy interventions for young children and infants who have experienced trauma and abuse or been exposed to violence.

Kids Helpline

Kids Helpline (KHL) is Australia's only national 24/7, confidential support and counselling service specifically for children and young people aged 5 to 25 years. It offers counselling support via telephone, email and via real time webchat. In addition, the Kids Helpline website provides a range of tailored self-help resources. Kids Helpline is staffed by a paid professional workforce, with all counsellors holding a tertiary qualification.

Since March 1991, children and young people have been contacting Kids Helpline about a diverse group of issues ranging from everyday topics such as family, friends and school to more serious issues of child abuse, bullying, mental health issues, drug and alcohol use, self-injury and suicide.

In 2018, Kids Helpline counsellors responded to over 140,000 contacts from children and young people across the nation, with an additional 843,753 unique visitors accessing online support resources from the website. During 2018, Kids Helpline made its 8 millionth contact response.

yourtown submission

In our submission, we respond to specific questions set out in the Discussion Paper on which we have feedback.²

Components of proposed new Act

2. Is the proposed statement of regulatory policy sufficiently broad to address online harms in Australia? Are there aspects of the proposed principles that should be modified or omitted, or are there other principles that should be considered?

yourtown would like to see the following additions to the Act's proposed statement of regulatory policy.

- **Child Protection.** Given the serious nature and unprecedented risk of harm that the digital world presents to children, we ask that the Act and all of its regulatory measures are underpinned by a set of Child Safety Standards tailored to the online context. We would therefore like the proposed statement of regulatory policy to include the design and development of online Child Safety Standards. We would also like specific acknowledgement in the statement that the regulatory system should aim to ensure that every aspect of the online world employs safety by design principles to minimise, pre-empt and effectively manage the potential harms to children, not simply react to them when they arise.
- **Sharing of usage data by social media and internet providers.** Social media and internet providers create and manage a significant amount of data which can provide considerable insight into the positive and negative effects on, and use of, these services by their users, including different populations of users.

To ensure that governments are fully aware of the scale and breadth of online harms and of which cohorts are most vulnerable to them, we would like to see the Act mandate the provision of usage datasets by social media and internet providers so that research can fully understand how and what material service users are accessing, when and for how long and how they are interacting with others and who is most vulnerable to online harm. This research would help government policy move away from being purely reactive in the face of emerging new online harms to support the development of more pre-emptive, preventative and timely policy solutions.

We would therefore include that the Act is seeking to “better understand social media and internet usage and the development of online harms to provide a responsive and flexible approach to online safety”.

² <https://www.communications.gov.au/have-your-say/consultation-new-online-safety-act>

- **Education and prevention.** The objectives set out in the proposed statement of regulatory policy relate to responding to online harms once they have occurred. If Australia is to effectively manage online harms then a public health approach that includes significant education and prevention responses is required. The online world is exposing children, young people and adults to a range of different risks that few of us are well-equipped to deal with, and as a result, unhealthy behaviours and relationships are being developed. For our most vulnerable, the online world can expose, target and exploit them in a number of different ways including child and sexual abuse, (family) violence, addiction, self-harm and suicide. Indeed, some online harms are increasingly being normalised rather than addressed or challenged, such as the proliferation of aggressive pornography that has been found to be shaping the sexual behaviours and development of young people,³ or that young people engage and meet with strangers online with whom they then develop romantic relationships.

As a community-wide issue and as children and young people are likely to mimic the behaviours of the wider online community including their parents and other adults, a nation-wide suite of ongoing – rather than one-off and piecemeal – education programs and campaigns is required targeting children, young people, parents, teachers, schools and the media on how to stay safe online and respond to online harm.

We would therefore like to add that the Act is seeking to “provide ongoing and collaborative education to all service users, gatekeepers and the wider community on how to stay safe online, how to seek help, how to interact respectfully with others online and how to report inappropriate content”. Such education must also be tailored to best meet the needs of the end user.

- **Greater responsibilities for online providers.** We would like to see reference to an expectation (not simply “empower and encourage”) that the online services sector develop “effective” solutions for online safety risks, and that the sector should “commit to developing evidence-based platforms that are child safe and do no harm”. Whilst we understand that risk of online harm cannot be eradicated, services can be better designed and developed to reduce it and we believe this should be a key consideration for all online providers when developing their services.

Related to this issue is the balance between safety and user privacy. We are currently particularly concerned with the imminent move by Facebook to follow its Whatsapp messenger service and provide end-to-end encryption. Whilst end-to-end encryption has obvious benefits for user privacy such as protecting user personal and financial information and allowing the free flow of sensitive information (e.g. medical, political, journalistic information) to be shared with others online, in the current legal context, it is likely to assist online criminal activity.⁴ End-to-end encryption would make it impossible to recover

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https://www.yourtown.com.au/sites/default/files/document/inquiry_into_the_harm_done_to_children_through_access_to_pornography_on_the_internet.pdf

⁴ <https://theconversation.com/facebook-push-for-end-to-end-encryption-is-good-news-for-user-privacy-as-well-as-terrorists-and-paedophiles-128782>

evidence from online platforms, leaving those who use the internet to traffic, abuse, groom, exploit children and other vulnerable people, coordinate terrorist attacks, commit image-based abuse, cyberbullying, stalking, fraud, harassment and incitement of suicide, difficult to detect and convict. The Act must consider how to ensure that end-to-end encryption does not leave the police and our legal agencies powerless to collect and use evidence against online criminals.

- **International policy and cooperation.** We would like mention of the important work in the proposed statement that the eSafety Commissioner and Australian Government are undertaking on an international level with other nations to develop international policy and solutions. Online harm and safety are borderless issues and require international responses and we believe that it is important to recognise this and the intention for the Australian Government to lead global policy development in this area.

2. Is the proposed statement of regulatory policy sufficiently broad to address online harms in Australia? Are there aspects of the proposed aspects that should be modified or omitted, or are there other principles that should be considered?

There are a range of harmful and abusive behaviours committed by users of the internet. Due to the rapid evolution of technology, there is significant ambiguity in both the law and the community concerning the definitions of what constitutes illegal and harmful internet behaviours. For example, the defamation, harassment and bullying of individuals on social media has been connected to incidences of suicide. However, whilst the criminal code in some jurisdictions makes the use of a carriage service to incite someone to take their own life a criminal offence, it is unclear whether these legal provisions are applicable to actions undertaken on online services or platforms.

Furthermore, the federated system of government in Australia has led to legal and definitional inconsistencies between federal, state and territory jurisdictions relating to harmful online behaviours. Consequently, we believe that the eSafety Commission needs to investigate and develop criteria of what constitutes harmful and/or illegal behaviours. This will inform the further development of standards relating to harmful activities and has the potential to provide all parties, including social media providers, with clearer guidelines as to what is offensive, harmful and illegal. Given the continuous development of technology, the constant monitoring and review of legal definitions and guidelines that concern harmful behaviour is required.

Basic online safety expectations (BOSE)

3. Is there merit in the BOSE concept?

yourtown welcomes the approach as set out in the Discussion Paper, and particularly those providing the eSafety Commissioner with significant powers to apply sanctions to support the proposed safety measures and transparency reporting.

However, we do have reservations in the decision to take a voluntary or non-compliance approach initially as we believe that the seriousness and scale of online harms now necessitate a more direct approach and should mirror the legislation we have in place to avoid vulnerable populations being exposed to equally inappropriate material and substances, such as alcohol, tobacco, gambling and pornography, in the physical world. Hence, a mandatory approach, supported by appropriate sanctions, is needed to ensure online providers react and respond to prevent and reduce exposure to harm in a timely manner.

5. What factors should be considered by the eSafety Commissioner in determining particular entities that are required to adhere to transparency reporting requirements (e.g. size, number of Australian users, history of upheld complaints)?

It is important to note the viral/trending nature of online platforms, products and services and how this can change the online landscape in a relatively short space of time. Hence, the size, scope and reach of one entity may be dramatically altered very quickly due to increased popularity. Therefore, to some degree, reporting needs to be considered from the outset and be flexibly scaled according to the numbers of users/impact on Australians over time.

Cyberbullying scheme

7. Is the proposed expansion of the cyberbullying scheme for children to designated internet services and hosting services, in addition to relevant electronic service and social media services, appropriate?

Over the years, around 1 in 20 counselling contacts - roughly 3,500 contacts a year - to Kids Helpline concern bullying, with bullying being the top issue about which teens most frequently access Kids Helpline self-help website resources (resources designed for teens were accessed 368,855 times in 2019). Children and parents are also concerned about bullying as evidenced by 27,527 views of website bullying resources for under 12s and 20,296 views of resources for parents in 2019.

At the same time, cyberbullying has increasingly been flagged as a component of concerns raised by the young people with whom we work, reflecting how today children and young people live their lives on and offline seamlessly. Our own research has shown that cultures of bullying are seen online with 716 out of 1,264 (57%) young respondents to our survey telling us they have been cyberbullied, 96% that they have witnessed it and 62% that they have perpetrated it, of whom

53% have been cyberbullied too.⁵ Responding to these concerns, we have developed a KHL cyberbullying resource portal and recruited a cyberbullying consultant to help educate parents.⁶

As we know, bullying is not harmless or a 'normal' part of growing up; it is a serious public health issue. Children and young people see it as inherently unfair and with far-reaching detrimental impacts on mental and physical health - views that reflect the research, which points to the considerable negative effects bullying has not only on its targets, but also on those who bully, with both groups having poorer life outcomes.

For those who are bullied, bullying can result in poorer social, educational and employment outcomes and long-term mental health conditions. It is a high risk factor associated with adult depression, and is even linked to suicide. For those who bully, in addition to poor mental health, there are associations with involvement in criminal activity and other risky behaviours.

In particular, bullying is seen as a 'warm-up' to long-term relationship problems,⁷ with those who bully being 3.5 times more likely to commit partner violence.⁸ Indeed, increasing research is exploring how bullying is on a continuum of aggression, with bullying found to have links to the use of homophobic insults, sexual harassment and teen dating violence in later school years. Certainly, the concerns children and young people raise to Kids Helpline counsellors about cyberbullying and online abuse reveal how gendered stereotypes are rife and being perpetuated on the internet, supporting research that online harm has a gendered perspective with extremely serious consequences for the safety and life outcomes of girls and women.⁹

Given the seriousness of cyberbullying, **yourtown** strongly agrees with the rationale for, and proposal to, broaden the range of service providers covered by the mandatory removal notices, in recognition that cyberbullying is not confined to large social media platforms. We also support the eSafety Commissioner being given additional tools to address cyberbullying, where social media service or end-user notice arrangements are not effective. The Act must provide the eSafety Commissioner with the flexibility to employ a range of tools to respond to new and emerging issues in relation to this issue given how quickly the industry, new technology and behaviours evolve online.

⁵ Collyer, B. (2018). Cyberbullying, Cyber Aggression and Help-Seeking: A Survey of Young Australians' Experiences. Brisbane: **yourtown**.

⁶ <https://kidshelpline.com.au/cyberbullying>

⁷ Pepler, D. and Craig, W. (2007). Binoculars on Bullying: A New Solution to Protect and Connect Children. Voices for Children: Speaking Up for the Well-being of Ontario's Children and Youth.

⁸ Alannah and Madeline Foundation (2018) *The Economic Cost of Bullying in Australian Schools*. Accessed here: <https://www.ncab.org.au/research/the-cost-of-bullying/>.

⁹ For example:

<https://www.parliament.nsw.gov.au/committees/DBAssets/InquiryReport/ReportAcrobat/6088/Sexualisation%20of%20Children%20and%20Young%20People%20-%20Report.pdf>

8. Is the proposed take-down period of 24 hours reasonable, or should this require take-down in a shorter period of time?

Given how quickly posts online can be widely shared and disseminated on a range of different online platforms but also that a further time delay is incorporated in the process since the complainant to the ESafety Commissioner must demonstrate in the first instance that they have complained to the relevant social media provider and given them time to review and respond to their complaint (up to 48 hours), we would like to see a shorter take-down period than the proposed 24 hours. We understand that 24 hours is in keeping with international practice, however, Australia can be a leader in this area and, as the eSafety Commission has already demonstrated, can show the rest of the world that more prompt responses are possible.

10. What other tools could the eSafety Commissioner utilise to effectively address cyberbullying in the circumstances where social media and end-user notices are not well suited to the particular service upon which the cyberbullying has occurred?

As previously mentioned, **yourtown** believes that a public health approach is required to reduce and prevent online harms, including cyberbullying. With this in mind, a key part in effectively addressing cyberbullying is education and support, for those who are cyberbullying targets, those who cyberbully and those who are bystanders.

Hence, we would like to see continued inclusion of a well-resourced **education role** for the eSafety Commissioner that includes oversight, coordination and accreditation for education programs administered by schools and social media and internet providers online.

The Esafety Commissioner's education role would include:

- **Providing education about how to react and respond to cyberbullying**

Children, young people and adults require easily accessible education information about what to do when they are being cyberbullied or witnessing cyberbullying. This should not only include tips on taking screenshots of abuse, blocking and reporting those who are cyberbullying but also how to respond when cyberbullying incidents arise including ways of deescalating the issue and of seeking support.

In relation to the latter point, the eSafety Commission could support through research grants the creation, testing and implementation of 'messenger Bots' on different platforms that are triggered when identified words, phrases, GIFs memes and other forms of digital communications (such as voice) are used that appear to be of a cyberbullying nature. A Bot can help prompt the user to question the intent of their online interactions and make changes to their behaviour if unaware. Application of a messenger Bot will allow potential perpetrators, time and space to question their intent, whilst ignoring the message could be used as evidence that a perpetrator had malicious intent.

- **Educating children and young people to embrace diversity and to empathise with people different to them**

Our research on cyberbullying echoes the findings of other research about bullying: that some groups of children are at higher risk of bullying than others. Girls, children and young people with a disability, young people who identify as LGBTI, CALD or First Australian are all more likely to be the targets of bullying. At the same time, low educational achievers and high educational achievers have been found to be at greater risk of bullying, as well as those who take part and do well in activities that do not fit convention (e.g. girls playing rugby). In the workplace, it is casual employees, young employees, apprentices and trainees, new employees, employees in a minority group (due to ethnicity, religion, disability, gender or sexual preferences) and injured employees who more frequently find themselves subjected to bullying. It seems that bullying often attacks or 'polices' characteristics that do not fit the norm.

This emphasises the role that community values and cultural norms play in bullying. To reduce bullying and ensure that children and young people value and embrace their own differences and the differences of others, age appropriate and developmentally appropriate socioemotional learning and education programs for children of all ages are required, tailored to their specific communication preferences and needs.

- **Teaching children and young people about respectful relationships**

Many children and young people have access to confronting content online that most adults struggle to deal with, and that most will be unequipped emotionally to understand or contextualise. This includes highly aggressive pornography as well as other sexual videos that may include other young people undertaking highly risky or explorative behaviours and video games that involve activities such as sexual assault and other violence. Viewing this content will have implications for how they view themselves, each other and the wider community and research has found that exposure to such content is negatively affecting the way they view gender roles, romantic relationships and sexual interactions and expectations.

We must ensure that children and young people are able to contextualise the material they wittingly or unwittingly view and are supported to engage in respectful, safe and healthy relationships with their peers, partners and wider community.

- **Providing specific education on good citizenship**

There is an absence of accepted, community-wide codes of conduct and standards about the use of mobile phones and computers and the internet more generally, which has allowed inappropriate and sometimes extremely dangerous behaviour to flourish amongst children and young people. Poor behaviours have also been allowed to be prevalent offline with, for example, road-rage a common response to other road users and aggressive interactions with retail and health staff a too frequent occurrence.

Learning at school and through role-modelling at home about how to become a good citizen both on and offline is key to building the foundations of a safe and healthy community and will help equip children and young people to respectfully engage with their peers and others. Banning digital devices in school may prove to have some merit for a range of reasons (e.g. to support greater student focus) and is an option at the disposal of local communities developing local responses to the issue, but critical to real change is embedding an understanding of good citizenship and how to stay safe on and offline.

- **Equipping bystanders to be ‘up-standers’**

Evidence shows that equipping bystanders to be ‘up-standers’ is an effective deterrent and response to bullying. There are a number of reasons why young people find it challenging to speak up against bullying including fear of reprisal and becoming a new target of bullying, being a friend of the bully and not knowing what to do. However, as bystanders will experience moral distress when witnessing bullying, we also know that providing them with the skills to stand up to bullying is beneficial for their health and wellbeing too. Bystanders have the potential to disrupt the acceptance of bullying and through standing up for others engender a more supportive culture and environment and their views and insight also must be included in policy development.

- **Educating gatekeepers**

Parents need support and educational resources

Our own research with parents about bullying suggested that parents may be overconfident about their knowledge, understanding and abilities to support their children and respond to bullying effectively, or they simply do not know where to access advice and support. Yet, considerable research points to the importance of parents in relation to preventing bullying; indeed, they are seen as vital partners to schools in countering bullying and key to monitoring their children's cyber safety at home.

Parenting style, behaviour and the quality of the relationship that parents develop with their children influences the likelihood that their children will become bullies or be bullied, or seek help as someone who bullies, is bullied or who witnesses it. In addition to government investment in education resources for parents about how to prevent and respond to bullying, it is imperative that schools and parents from all backgrounds work together to develop and implement local responses.

School leaders and teachers require foundational and ongoing education about effective responses to bullying

A strong theme that arises from previous research about effective preventative and reactive responses to bullying is the importance of consistent school leadership and positive teacher relationships with students. Through their leadership and own behaviour, staff are capable of shaping and nurturing a positive school environment that is based on healthy and respectful relationships, and where each and every school community member understands their roles and responsibilities and is willing to support the other. This requires timely and consistent responses to

reports of bullying. To this end, this subject should be a part of all student teachers education at university as well as an area in which they receive regular, ongoing professional development.

Furthermore, as we know some students turn to support within the community – given the lack of parental support at home and/or because they are disengaging from school, community organisations must be provided with the resources to support children and young people and to act as critical partners in the development of school-led anti-bullying policies.

Educating media about responsible reporting principles and protocol development

The media in its widest form, including traditional media and social media providers and other online platforms, undoubtedly have an important part to play in reducing cyberbullying in a number of ways. These include:

- **Responsible reporting of relevant stories.** In our experience, the coverage of cyberbullying by the media can inflame the continuation of the behaviour. To prevent similar situations from occurring in the future, it would be helpful if media organisations committed to responsible reporting of cyberbullying issues.
- **Responsible monitoring and moderation of online discussions and posts.** Online media providers – both traditional and social – must find more effective ways to monitor and moderate the discussions that they host as a result of their website. The aim must be to facilitate positive and healthy debate, whilst having a zero-tolerance approach to bullying and aggressive behaviour.

We are keen to stress that we are not advocating censorship of the media in any of its forms. Instead, we believe that the media has a role and responsibility to play in ensuring that it does not negatively impact on the health and wellbeing of the people and communities that it serves, and that it should be expected to take this role and responsibility seriously and act upon it accordingly. To this end, we would like to see the eSafety Commission lead the development of a cyberbullying media protocol, like Mindframe, covering guidelines about responsible reporting and media conduct in relation to cyberbullying stories and issues as well as about how to manage and respond to cyberbullying and cyber aggression taking place on their platforms.

The Esafety Commissioner's support role should include:

- **Promoting and resourcing help-seeking resources**

As an organisation that supports many children and young people confronted by a range of challenging issues, we know the value of help-seeking and the impact that seeking advice and support has on the wellbeing of children and young people and their ability to effectively deal with these issues. As much bullying will take place out of the view of adults and detection will be unlikely; we also need young people to turn to trusted adults to seek support. Considerable efforts must be made to encourage help-seeking behaviour in relation to bullying and to promote sources of support to which they can turn. Importantly, resources to support those who cyberbully are also required so they can find ways to reengage with those who they have bullied, show remorse and make amends but also so they might find support for the many issues they are likely to be dealing with in their lives which are leading to them engaging in cyberbullying.

Children and young people need to know that it is not an issue with which they should have to deal alone or about which they should be ashamed or embarrassed for seeking help. Our research with children and young people about cyberbullying identified different sources of support they seek and which are the most helpful. For some young people, their parents and teachers are important sources of support, for others, we know that it is important that they can access confidential and online counselling services and online support resources, such as Kids Helpline and its website of tipsheets and other resources.

Establishing a new cyber abuse scheme adults

12. Is the proposed take-down period of 24 hours reasonable, or should this require take-down in a shorter period of time?

As stated in our response to question 8, we would support a shorter take-down period reflecting how quickly and widely posts can be shared.

13. Do the proposed elements of a definition of adult cyber abuse appropriately balance the protection from harms with the expectation that adults should be able to express freely, including robust differences of opinion?

yourtown supports a cyberbullying scheme that is applicable to both children and adults. This is for two key reasons. Firstly, the actions and behaviour of adults online influence the way children and young people behave. If it is seen as acceptable for adults to cyberbully online then children and young people will model this behaviour.

Secondly, the detrimental effects of cyberbullying on adults can be just as damaging and should be considered just as unacceptable as such harassment would be in the physical world. Indeed, we all are likely to know someone or of someone who has been cyberbullied with devastating consequences for their family, their social and professional reputations and the individual's emotional, mental and physical health.

We therefore urge the Government to develop legislation that is designed to keep us all safe online and that deters the perpetration of online abuse by any individual to another, regardless of their age.

14. Should the penalties differ under a cyber abuse scheme for adults and the cyberbullying scheme for children?

Reflecting the difference in developmental maturity between adults and minors, and that children are likely to make unwitting mistakes or not fully understand the repercussions of their actions, we do support a scheme with different penalties for children and adults. To ensure that there is no confusion about who is a minor (given differences in definitions across states and territories), we recommend that a national legal definition of a 'child' is adopted by all legal jurisdictions to avoid unnecessary confusion and complexity in the application of penalties across the country.

In addition, we would like to see the Act clarify legislation across the country in relation to inciting someone to take their life using an online service or platform so that the same penalties apply online and offline in relation to this offence.

Non consensual sharing of intimate images (image-based abuse)

16. Is the proposed take-down period for the image-based abuse scheme of 24 hours reasonable, or should this require take-down in a shorter period of time?

Again, as previously stated, we believe that the take-down time should be shorter than 24 hours.

18. What additional tools or processes, in addition to removal notices, could be made available to the eSafety Commissioner to address image-based abuse being perpetrated across the range of services used by Australians?

As with cyberbullying, we believe that the eSafety Commissioner's role should include oversight, coordination and accreditation of education and support resources to ensure that both children and adults are equipped to engage in healthy and respectful relationships online and know where to turn for support if they have either been a target of image-based abuse or have undertaken it themselves.

Addressing illegal and harmful online content

19. Is the proposed application of the take-down powers in the revised online content scheme appropriate?

We support the proposed revisions to the online content scheme.

21. Are there services that should be covered by the new online content scheme other than social media services, relevant electronic services and designated internet services?

Given that online media/press can be hosts of illegal and harmful content, with significant readership and authority, we ask the Government to consider how to include and work with them in the development and implementation of this scheme.

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?

As previously stated, we believe that the take-down time should be shorter than 24 hours.

Opt-in tools and services to restrict access to inappropriate content

24. To what extent would an expanded accreditation scheme for opt-in tools and services assist parents and carers in mitigating the risk of access by minors of potentially harmful content?

We support the move to an expanded accreditation scheme for opt-in tools and services to assist parents/carers with keeping their children safe online. However, consideration needs to be given to how to balance the ease of use and accessibility in changing a device for adults who-opt out of the child safety precautions, and how to ensure tech savvy teens cannot easily override parental controls.

We also believe that in light of the increasing normalisation of the viewing of increasingly aggressive and unhealthy sexual activities in pornography, that government needs to consider how to provide warnings to all people accessing porn, including adults, about the content. This includes warnings that some content may involve minors, and is therefore illegal and should be reported, as well as resources for support for both adults and minors accessing porn for help with addiction and relationship issues that result from viewing it. Even with increased controls, minors are likely to find ways to access porn and share it amongst peer groups (KHL has contacts from children as young as 10 years old accessing porn) and they must be provided with the education and help-seeking resources they require to manage this.

We would like to see streaming platforms such as Netflix, Amazon and Stan to have opt-in tools and services to assist parents/carers in mitigating against the access by minors of inappropriate programs on these platforms, given the detrimental impact that programs such as 13 Reasons Why have been found to have on self-harm and suicidal ideation and attempts.¹⁰

Blocking measures for terrorist and extreme violent material online

We support the proposed measures as set out in relation to this issue.

Ancillary service provider notice scheme

31. Is there merit in the concept of an ancillary service provider notice scheme?

We support this concept and believe that an ancillary service providers notice scheme would help close loopholes for sharing online harm.

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

We believe that if the government is to provide a consistent and loop-hole free framework for improved online safety that it is appropriate that ancillary service providers must also comply with take-down notices.

¹⁰ <https://www.theguardian.com/tv-and-radio/2019/apr/30/teen-suicides-netflix-13-reasons-why-study>

Role of the eSafety Commissioner

36. Are the eSafety Commissioner's functions still fit for purpose? Is anything missing?

We fully support moves to provide the eSafety Commissioner with greater roles and responsibilities. Another important role that we believe would most appropriately sit with the eSafety Commissioner is that of coordinating research into the area of online harm and safety. We would like to see the eSafety Commissioner be in charge of distributing research grants supporting research to better understand online harms and what segments of society are most vulnerable to them, as well as best practice solutions to reducing, mitigating and responding to them.

In addition to expanding the Commissioner's powers in these ways, much greater promotion of the role of the eSafety Commissioner needs to be undertaken so that more children and adults consult its resources and report online harm.

39. What are the likely impacts, including resource implications, on other agencies and businesses of a new Online Safety Act?

The eSafety Commissioner will require a significant injection of resources to support its increased roles and responsibilities. Government would be wise to work with social media and internet providers and look at ways these providers can financially contribute to the eSafety Commission alongside increased funding from the public purse.