This research has been prepared for the Department of Communications.

Disclaimer

The material in this research paper is of a general nature and should not be regarded as legal advice or relied on for assistance in any particular circumstance. In any important matter, you should seek appropriate independent professional advice in relation to your own circumstances.

The Commonwealth accepts no responsibility or liability for any damage, loss or expense incurred as a result of the reliance on information contained in this research paper.

Research Team

Contact for follow up shona.bates@unsw.edu.au or ilan.katz@unsw.edu.au.

Social Policy Research Centre
Professor Ilan Katz (Chief Investigator), Matthew Keeley (Deputy Chief Investigator),
Shona Bates, Melissa Wong

University of South Australia
Barbara Spears, Carmel Taddeo, Tony Daly

University of Western Sydney
Teresa Swirski, Philippa Collin

Young and Well Cooperative Research Centre
The Young and Well Cooperative Research Centre (Young and Well CRC), through
Dr Michelle Blanchard, provided in kind support to this research by helping the
research team engage with young people and those who care for them in the
project, as well as providing access to its participant organisations through a
workshop held ahead of the Young and Well CRC's Connect 2014 Conference and
through the promotion of surveys.

National Children and Youth Law Cen,8m   [(T)18.5Tj   0.283 0 Td   ( )Tj   EMC   /P <3/MCID

Contents

1.Introduction

The Australian Government, as represented by the Department of Communications, commissioned the Social Policy Research Centre (SPRC) at UNSW Australia, the University of South Australia, the University of Western Sydney, and the Young and Well CRC to research youth exposure to, and management of, cyberbullying incidents in Australia.

The research aims to provide the Australian Government with evidence relating to the desirability of whether to create a new, separate cyberbullying offence and in its consideration of a new civil enforcement regime for instances where the victims and cyberbullies are Australian minors at the time of the incidents.

The research methods employed were designed to maximise stakeholder reach and engagement, and capitalise on the collective expertise and experiences of a wide range of stakeholders. A number of adult stakeholders were surveyed and engaged 98ineoldertffs wlies sucere sunvber o7(o-)11(r)-6(es)l(93-2(v)9(belTJ _-1er)-6f)pp1(i)14(m)- we t-6(a)11(t) (through interviews and workshops) to develop the evidence-base to determine if a new, simplified cyberbullying offence or a new civil enforcement regime were introduced, how such an offence or regime could be implemented, in conjunction with the existing criminal offences, to have the greatest material deterrence effect.

This appendix prese.-11(a)11o283 0 Tces, to hTw 0.7n5ffyoug337 0 Th(es)-2entermplpliC to reserng oes

was used to initiate and generate discussions on identified themes. The format provided the opportunity for interactions to occur between participants rather than solely with the researcher, thereby enabling an interactive discussion.

2.2 Quantitative methods

The quantitative research method utilised an online survey, namely a principal, teacher and parent survey. This provided an opportunity to gain a deeper understanding of the target sample's opinions, attitudes and perspectives. The survey was a self-administered questionnaire completed over the internet. The items in the survey were closely aligned with the questions proposed in the *Enhancing Online Safety for Children* discussion paper and were designed to elicit the views and opinions of principals, teachers, pre-service teachers and parents.

In the development phase, the online survey underwent a comprehensive iterative process of refinement and were trialed by a small group of individuals who had expertise in either content knowledge or survey design methods. The survey was open for just over two weeks and hosted on the Qualtrics survey platform.

The survey instrument, used in this component of the research, aimed to examine and measure principal, teacher and parent perspectives related to:

- x Demographics
- x What is known about cyberbullying
- x How to deal with cyberbullying
- x Education/information campaigns
- x Penalties and impact of social and legal consequences
- x Social media response to cyberbullying

In the final section of the survey, respondents had the opportunity to provide further comment.

In addition to the items for demographic and contextual data, dichotomous scales (including yes/no options) and Likert scales were used to measure participants' responses. Specifically, the Likert scale was incorporated to capture extent of impact.

Text boxes of unlimited length were also included for qualitative responses and to provide participants with opportunities to elaborate and clarify their responses if needed.

2.3 Recruitment and sampling

Maximum variation sampling, which is a non-probability purposive sampling, was employed as it enabled recruitment of participants with wide ranging experiences and backgrounds to provide input into the research. With maximum variation sampling, the goal is not to establish a random and generalisable sample, but rather

aims to tap into broad experiences and knowledge base from a range of stakeholders. This type of sampling approach is designed to achieve comparability through the contrast principle and the constant comparative technique. This approximates representativeness and achieves data saturation through various methods. Data saturation is achieved when no new information is presented.

2.3.1 Principal Teacher Parent survey

Organisations across the education sector were invited to support this research by promoting the online Principal Teacher Parent (PTP) survey via avenues available to them. Promotion generally occurred via the organisation's website, social media pages or via their email distribution lists. Organisations that supported the study included:

- x Parents Victoria
- x Australian College of Educators
- x

- The Principal, Teacher and Parent (PTP) online survey was opened on 17 March 2014 and closed on 27 March 2014.

2.4.1 Principal Teacher Parent survey (n=83)

The University of South Australia project team members set up the PTP survey on the Qualtrics survey platform. The consent process was incorporated in the first page of the survey. Participation was voluntary and those who consented progressed through the remainder of the survey, whilst those who did not consent were screened out and directed to the end of the survey.

Demographic and contextual data was collected and dichotomous (including yes/no options) and Likert scales were used to measure participants' responses. Specifically, the Likert scale was incorporated to capture extent of impact. Open ended textboxes were included to capture qualitative responses and to provide participants with the opportunity for commentary. The survey design and items were very closely aligned to the policy statements, *Enhancing Online Safety for Children* discussion paper (Australian Government Department of Communications, 2014) and research aims to collect the data required by the Department of Communications.

2.4.2 Face-to-face and telephone interviews (n=17)

A semi-structured interview format was employed. Researchers formulated interview protocols, including guiding questions to facilitate consistency in approach and delivery of questions. Whilst providing a focus this format also provided the opportunity for participants to contribute additional insights into themes that may not have been originally identified in the interview protocol.

2.4.3 Focus group/workshops/roundtable: (Connect 2014: n=9; Industry and Expert Roundtable n=17)

A semi-structured exploratory approach was adopted for the focus groups, workshops and roundtable. Guiding open-ended questions were formulated and used to initiate and generate discussions on identified themes. This facilitated a focused, interactive discussion.

3.Findings related to adult stakeholders

The predominately descriptive findings presented in this section have been organised under the following headings and align with the survey instrument to facilitate readability:

- Principal Teacher Parent Survey
- Professionals and policy makers (Connect 2014)
- Industry and expert roundtable
- Interviews

3.1   Principal Teacher Parent Survey

The following section details the findings from the Principal Teacher Parent survey.

3.1.1 Participation

The characteristics of the participants are detailed in Table 1:

- The majority of respondents were from South Australia and were female
- Approximately one-third were a parent or caregiver of at least one child under the age of 18
- Approximately 30 per cent were principals, assistant/deputy principals, teachers or counsellors.

Table 1 Sample demographics[1]

Characteristic	Total %	(n=)
State or Territory (n=81)		
Australian Capital Territory	2.5	2
New South Wales	1.2	1
South Australia	95.1	77
Victoria	1.2	1
Gender (n=81)		
Female	79.0	64
Male	21.0	17
Parent or caregiver of at least one child under the age of 18 (n=81)		
Yes		

- Most training accessed was from sessions/conferences or university courses/tutorials
- The majority of respondents were unsure if cyberbullying was an offence under any existing laws
- A number of respondents described that law enforcement officers were involved in responding to cyberbullying incidents to communicate the possible legal consequences and seriousness of the incident

Question 10: In the last 12 months, approximately how many cyberbullying incidents involving young people under the age of 18 have you had to deal with in your setting?
Of the 58 per cent (n=48) of the sample who responded to the item, the majority (32 per cent) indicated that they had not dealt with any cyberbullying incidents in their setting.

The categories of prevalence reflect the numbers reported in the text based responses to this question. Approximately 10 per cent indicated they had dealt with one or two incidents, 11 per cent had indicated three to 10 incidents and 2 per cent reported dealing with 10 to 12 incidents. Approximately 2 per cent indicated that they had dealt with incidents much more regularly, with 1 per cent reporting that they dealt with cyberbullying incidents almost on a daily basis in their setting.

Question 11: Please provide an example of the most severe cyberbullying incident involving young people under the age of 18 that you have dealt with in the last 12 months.
40 respondents provided a response to this item. 35 per cent

Question 14: Please tell us about any experience you have had dealing with the law and young people under the age of 18 years who cyberbully.

Of those who provided a response (n=37), 70 per cent indicated they had not had any experiences of dealing with young people who cyberbully and the law, 8 per cent reported that the response to the incident involved school suspension or expulsion. Further, 19 per cent reported that police had been involved in responding to the issue to communicate the seriousness of the incident and to discuss the possible legal consequences, and 3 per cent described the incidents as more about a breach of acceptable usage agreements rather than illegal behaviour.

In some circumstances the police delivered a warning to those involved in the incident. In all instances described, no formal legal action had been taken, even though in some cases there were grounds where the response could have escalated through legal system.

Question 15: Do you think that cyberbullying can be considered an offence under any existing laws?

The majority of respondents (53.6%) reported they were unsure about where cyberbullying sits within the existing legal frameworks; 42.9 per cent indicated that cyberbullying could be considered an offence under existing laws whilst 3.6 per cent reported that cyberbullying could not be considered an offence under existing laws.

Seventeen of the 24 participants who indicated that cyberbullying could be considered an offence under existing law provided further information about the laws they thought could apply to cyberbullying. This included stalking, defamation, privacy, harassment or assault laws.

Only one respondent mentioned specific laws.

One participant indicated that in instances where a cyberbullying incident resulted in a death, then the cyberbully could be charged with manslaughter or homicide.

One participant reported that whilst cyberbullying is not specifically mentioned in Australian laws, sexting is an offence.

Another indicated that the laws that the same laws that apply to other activities that occur in the general public also apply to cyberbullying. One respondent highlighted that although not law, common human rights need to be respected and should apply to everyone.

When asked about the penalties that could be incurred by young people under 18 for cyberbullying, 20 of the 24 respondents provided a response.

Seven respondents indicated they were unsure of the penalties that could apply.

Two respondents reported that a fine could be incurred and seven respondents thought that jail or juvenile detention was a potential penalty, with one respondent reporting that a cyberbully, if convicted, could face up to 10 years in jail.

Three suggested there were either no penalties or very limited penalties that could be incurred.

One respondent indicated a cyberbully would be denied access to school. Some suggested that formal warnings from law enforcers could apply, whilst others noted that the penalties would depend on the severity of the bullying.

One respondent suggested the importance of documentation and to amass evidence of the bullying action if needed by police or lawyers as supporting evidence in any prosecution.

3.1.3 How participants deal with cyberbullying

This section summarises the findings from Section 3 of the survey which asked how participants deal with cyberbullying.

Current laws and amending current laws to specifically mention cyberbullying

- The majority of respondents felt that young people are not adequately informed about the laws related to cyberbullying
- Education critical in improving young people's understanding of the current laws
- Important to educate the educators, parents and the community

- Young people

Current laws and amending current laws to specifically refer to cyberbullying to discourage young people from cyberbullying

Table 3 Current penalties and laws by total PTP sample

	Total % (n=53)		
	Yes	**No**	**Unsure**
Question 20: Do you think the current penalties including the possibility of a criminal record and going to a juvenile detention centre are appropriate for discouraging young people from cyberbullying	50.9	28.3	20.8
Question 21: If the current			

The importance of a common-sense approach to dealing with first offenders and taking into account age, intent and other behaviours etc. was suggested.

Merits in restorative practices, support and counselling in helping to discourage cyberbullying behaviours were reported.

One responded highlighted the importance of allowing young people to learn from their mistakes in a 'way that values their worth in the community and as a person first'.

Five respondents who indicated they were unsure whether specifically referring to cyberbullying in current laws would discourage young people from cyberbullying provided reasons why they felt this way:

- It was noted that young people generally are not informed about laws, but 'publicity' would help to raise awareness
- 'Rehabilitation' would be more effective
- Young people 'think they are invincible and won't get caught'
- Young people need to know about the law regardless of whether cyberbullying is specifically mentioned

Respondents (n=4) provided the following reasons why existing laws should be left unchanged

- Children should not have a criminal record and a criminal conviction would not benefit the bully or the victim
- Support and assistance for both the bully and victim is required to ensure the wellbeing of both is being addressed and to better understand the motivation behind the bullying
- One respondent suggested that young people need to learn about the consequences of cyberbullying and more advertising on traditional media about the associated sentences for cyberbullying would be useful
- Two participants highlighted that, whilst the current penalties are too harsh and

- Some respondents highlighted that whilst judges knew what was required, the existing laws and how they apply was ambiguous and needed clarification
- Some noted that lower level sanctions could more effectively be implemented to reduce cyberbullying and in this way would be more relevant and appropriate for young people

- o provide an opportunity to increase understanding through education.
- Appropriate penalties for young people included:
  - o a suite of penalties, dependent on severity of the cyberbullying behaviour, previous incidents/offences and the age of the bully
  - o community service
  - o counselling, restorative justice
  - o a digital citizenship program and information sessions
  - o serious warning by law enforcement officers
  - o fines
  - o banning cyberbullies from social media
- Whilst some felt a criminal record would be a suitable penalty, others felt that it would be counterproductive

Survey participants were provided with some background information about this proposed option and asked if they felt that the introduction of a new, simplified cyberbullying offence would discourage 2(ed op)11(t)-7(i(f)-17(o)11(r)5(m)-6(c)-2(e)11(m)-6(ent)4(o)11(f)

One respondent strongly endorsed education as the most effective strategy in reducing cyberbullying. Some of these themes were also evident in the responses (n=6) of those who were unsure whether a new simplified offence would deter young people from cyberbullying.

The importance of education, particularly campaigns for the younger/pre-teen age group was reported, as was uncertainty regarding the effectiveness of proposed consequences. One respondent suggested that bullying/cyberbullying is more about the 'phenomenon of human relationships and self-esteem issues and frustration' and proposed that young people are not reflecting on the law during an act of cyberbullying. Another discussed their concerns about age-appropriate consequences, suggesting the law should apply for young people aged between 15 and18 years, but not for those under 14 because of their limited capacity to understand the severity of their actions.

The importance of family as role models of positive relationships was also highlighted, whilst one respondent suggested legislation was needed to make parents more accountable for their children's behaviour.

Question 27: What impact, if any, do you think a new, separate cyberbullying law might have on organisations such as schools?
Key themes extracted from the 37 responses included:

- Improved clarity would make it easier to teach about the consequences of cyberbullying and would provide teachers with greater leverage when speaking to students of all ages
- Would more effectively deter young people because, when teaching about cyberbullying, it can be identified as a criminal offence
- The introduction of a new separate simplified law might encourage schools to be more proactive in addressing cyberbullying and would provide an opportunity for schools to inform students about the changes to the law with regard to cyberbullying
- It would provide schools with a clear structure to follow for severe cases of cyberbullying, including when the bullying occurs outside of the school setting. The information could also be incorporated into school policies
- Some noted that the implications of a new separate cyberbullying law could filter through to teacher training requirements and it could possibly require additional personnel to review, liaise, educate and respond to incidents of cyberbullying
- One respondent noted that it would not assist schools at all, because a law would not address the reason why the bullying is occurring in the first instance.

In Question 28 respondents (n=34) provided insights into what impact, if any, a new, separate cyberbullying law might have on the wider community.
Some felt that it would help to communicate the seriousness of cyberbullying and possibly lead to a safer community.

Some felt that it could reduce incidents of cyberbullying, which might then lead to additional benefits including a reduction in adverse mental health outcomes caused by cyberbullying.

Others felt it could empower victims and parents/careers to be able to do something if their child was been cyberbullied.

The introduction of a new offence was also seen as an opportunity to increase awareness through education. A small number felt that a new separate cyberbullying offence would have no impact at all on the wider community.

Question 29: What sort of penalties do you think would be appropriate for young people and parents?

- more relevant and meaningful consequences for young people
- clear legal structures
- an opportunity to focus on positive interventions
- an opportunity for counselling
- efficient processes to address cyberbullying
- Some respondents felt that a CER would not provide a strong enough deterrent discourage young people from cyberbullying.

Question 32: Do you think that the introduction of a CER would discourage young people from cyberbullying?

Question 33 Please tell us why.
Participants were provided with background information about the proposed civil enforcement regime (CER) and asked if they felt its introduction would discourage young people from cyberbullying (Q 32), 44 per cent (n=18) said yes; 24 per cent (n=10) said no, and 32 per cent (n=13) said they were unsure.

Some participants reported that the impact would be limited, but could depend on the school context, in particular the existing strategies that a school had in place.

Question 34: What impact, if any, do you think a CER might have on organisations such as schools?
Some respondents felt that a CER could help to streamline and simplify processes, would give schools more say in the response process and would send a message to students that young people would know that a 'higher authority' would be 'watching over cyberbull18mcpergies

- The implications when cyberbullying escalates into criminal law
- Real life examples of misuse of devices and consequences
- Explanation of penalties
- Ways for victims to respond to cyberbullies
- Personalities and relationships –

- o developing strong partnerships between police, schools and parents
- o counselling for victims and bullies
- o providing education about cyberbullying.
- Respondents felt the following could support teachers, school leaders and parents to deal with cyberbullying:
  - o Creation and/or alteration of existing laws to reflect the ch

Similarly, whilst it appeared that more teachers than pre-

Table 6 Non-criminal responses/penalties

Table 8 Court imposed by total PTP sample

The first related to the creation of a specific law against cyberbullying and/or making the language of existing laws clearer and more representative of new forms of cyberbullying.

The second major theme related to the development of strong partnerships between police, schools and parents, in addition to counselling for victims and bullies.

The final major theme from this question relates to an educative component of cyberbullying, which can be characterised by the following response, 'education in digital citizenship for EVERYONE' (participant's emphasis).

Question 54: In your opinion, which social and legal responses might best support teachers, school leaders, and parents to deal with cyberbullying?
The same three major themes emerged in this item.

- Creation and/or alteration of existing laws to reflect the changing nature of cyberbullying,
- The involvement of those involved in the bullying, including the police, and
- The improvement of educative practices around digital citizenship.

3.1.6 Social media response to cyberbullying

The following section presents findings from Section 6 of the survey.

- Majority of respondents felt that social media websites should be required to comply with any Australian cyberbullying laws
- There are challenges associated with monitoring and difficulties in holding social media accountable given inter-jurisdictional boundaries
- Three-quarters of respondents reported that all sites with chat functions should be required to follow any Australian cyberbullying laws
- Need to explore possibility of an international code of conduct to address challenges

Question 55: Do you think that social media websites (e.g. YouTube, Snapchat) should be required to follow any Australian cyberbullying laws?
Analysis revealed the overwhelming majority of respondents (78.9%, n=30) felt that social media websites should be required to comply with any Australian cyberbullying laws, whilst 1

The first was that all social media sites being used by young people should adhere to laws that prevent cyberbullying. Often this came through clearly in the participant responses, 'all forms of social media must be subject to regulations and controls to protect people'.

The obverse of this was a sentiment that it would be too difficult to hold social media accountable according to local laws, given the inherent global nature of the internet, as evidenced by the following response:

> International sites are always hard to police. They follow the laws of the country they are based in.

A third, albeit minor, theme was evident which suggested that social media should not be bound by law, but they should be compelled (on a moral, social level) to act upon any cyberbullying that occurs on their site. A small number of participants suggested possible sanctions, including e-finger printing to help monitor perpetrators, precluding perpetrators from purchasing media or suspending accounts.

Question 57: Do you think that this should also apply to other sites that have chat functions, including gaming sites (e.g. World of Warcraft, Minecraft)?
Approximately three-quarters of respondents (73.7%, n=28) reported that all sites with chat functions should be required to follow any Australian cyberbullying laws. A further 18.4 per cent (n=7) were unsure and 7.9 per cent (n=3) reported that they should not be required to comply.

Data was also examined by parent status and by occupation and no significant differences were found.

Comments (Q 58) tended to illustrate tension between respondents feeling that 'yes, they should be held accountable' and 'yes, they should be held accountable but it is too difficult to police'. The need for an international code of conduct to address challenges was highlighted as something to work towards, given growing global networks and increasing connectivity.

3.1.7 Other comments

The following section details responses related to Section 7: the final comments section of the survey.

- Need to urgently address cyberbullying
- Need to consider contextual factors
- Multipronged approach rather than a one-size-fits all solution is the proposed way to move forward

Question 59: What other information about this complex issue would you like to give to the Government, researchers and policymakers?

The major theme from responses to this question highlighted the importance and urgency of addressing cyberbullying.

A second theme was a need to be aware of the myriad contextual factors when addressing cyberbullying concerns and that perhaps a one-size-fits-all solution may not be the ideal way to move forward.

3.2 Findings from Connect 2014 focus group

This workshop explored stakeholder perspectives in relation to civil and criminal approaches to the deterrents against cyberbullying amongst minors. Nine inductive codes emerged from the discussion; each of which are described in detail below.

3.2.1 Current understandings

Young people and their behaviour cannot be neatly categorised (inductive code)

Recognising the impulsive responses of children and the importance of not criminalising young people was a strong theme. Moreover it was discussed how a young people's developmental age is not necessarily an indication of how you can determine a young person's understanding of cyberbullying and the law. Young people very much test what is appropriate behaviour and what isn't. It was expressed that responses to youth cyberbullying should be around education/public health – whereas a law can potentially block their capacity to change.

The 'mosaic' of cyberbullying behaviour (inductive code)

There was an awareness of the diverse aspects and contexts of cyberbullying behaviour. For example, the difficulties of addressing anonymity is at one end of the spectrum with cyberbullying victims knowing the person who is cyberbullying at the other. Anonymity was raised as a major issue as to who is held responsible, or accountable. Is it the person who owns the computer? Other children who are present? How is this established? Also, in cases of suicide, cyberbullying can be pinpointed as a factor, but might not be the main factor. While the boundaries of cyberbullying are unclear, there is still a major desire to more fully understand actual cyberbullying behaviours. It was also communicated that there are scales of behaviour, and the need to address behaviour in a way that will change it. Therefore, should there be a different response depending on where the behaviour is on this spectrum? It was noted that it is not necessarily the severity of the bullying, but how the victim manages the cyberbullying; i.e. the impact is about the interpretation of the behaviour by the recipient. That is, there is no linear 'cause and effect' scenario – there are so many areas of grey you often cannot say it is a criminal offence because of the difficulty of establishing behaviours. For example,

be effective because of power imbalance. How to realistically police and manage instances where there is imminent risk was also a concern.

Unpacking the role of an e-Safety Commissioner
Highlighted was the need for there to be a very strict mandate regarding the role of the Children's e-Safety Commissioner. That is, it was expressed that there needs to be a systemic approach about scoping the role and the reporting mechanisms to be put in place – e.g. how realistic is it to investigate every issue as it occurs. One opinion raised was whether it was just a symbolic response from the government – e.g. being 'seen' to do something. Another perspective was that maybe it would send a clear message to the public/community that this is 'where the buck stops'. Though while it may make adults/parents feel okay – does it help young people to feel better?

The need for evidence-based education/information campaigns
For any education/information campaign to be effective, clearly expressed was the need to address behaviour in a way that will change it. For example, one idea raised was an education campaign about the impact of cyberbullying on the recipient. Another idea was for an education campaign about resolution – exploring how we can resolve cyberbullying and equip young people to deal with it. If law is not the most important thinr37 TD   (t)-7(.38207 0 T[1 (iw))97wtb=75Tib((o)]T4impot as -7(td4(e t2(h -6(i)3(y)9(t)5(

behaviour) is likely to change behaviour – as an immediate response can be potentially effective.

The critical role of schools
Emerging from the discussion was the idea that a focus has to be made in our schools, in our education system – as the majority of cyberbullying occurs/stems from relationships in schools. It was recognised that this would fit in with the National Safe School Framework. It was indicated how there are poorer learning outcomes when young people are unhappy – so it has to rest with schools. In an area of scarce resources it was raised that a school based response may have the most impact.

Sharing responsibilities
The enablers and constraints of interpersonal, professional and national practices about dealing with cyberbullying also emerged from the conversation. For example, the importance of parents and carers to be empowered to help deal with cyberbullying. Also, the idea that 'duty of care' needs to be more thoroughly explored – professional duty of care, schools' duty of care, plus the duty of care to perpetrator and victim. In addition, ideas emerged about a professional mandate, the role of counsellors, as well as good practice guidelines. It was expressed how moving towards a method of 'shared concern' relnesPs a .earoft

3.3.1

3.3.3 Embedding youth voice and engagement

Participants highlighted the risk of underestimating young people as a resource.

A commitment by a Commissioner to embed youth voice and engagement as a fundamental component of the evidence-base to then inform future directions and any interventions was recommended.

A youth centred approach was considered a critical lever in achieving traction and uptake of any initiative to ultimately achieve sustained attitudinal change.

Peer mentoring or peer education models to deliver educational campaigns were discussed as possible frameworks to underpin reforms.

In particular, as key agents of change in this space, opportunities for youth to lead and work intergenerationally were considered potentially powerful.

A number of participants felt that promoting the benefits of young people's views had the potential to redefine debates and counter some of the hysteria around cyberbullying that can at times hijack public debate.

3.3.4 Rethinking a Commissioner's focus: From cyberbullying to digital inclusion, citizenship and resilience

> Safety has to be thought through much more holistically and again thinking about things like digital inclusion, digital citizenship what digital resilience requires.

The need to think about safety as part of broader pro-social behaviours was highlighted by participants.

Participants also felt that a limitation of the government's Discussion Paper was the treatment of cyberbullying in isolation; it was highlighted that consideration of cyberbullying as a separate and distinct phenomenon from bullying in the more general sense was problematic.

Questions were raised with regard to the merit of legislating against cyberbullying specifically, when research (Ybarra, Diener-West & Leaf, 2007) suggests that those who bully online also often bully offline.

It was noted that bullying is fundamentally about causing harm to others regardless of how or when it is delivered, and that any consequences imposed should take this into consideration,

> … [bullying] is the same behaviour. It doesn't matter where it sits.

> the consequences need to reflect those that are there for offline too.

In acknowledging the very serious nature of bullying, participants strongly advocated for a holistic approach to a solution where technology is removed from the equation and where bullying is considered within the cultural and social context from which it originates.

A number of participants proposed that a Commissioner's title should reflect a

3.3.5 Rapid removal of material that is harmful to a child from social media sites

Question 3: Are these definitions of 'social networking sites' suitable for defining 'social media sites' for the purposes of this scheme?

Greater need for definitions that reflect currency and relevancy
The proposed definitions of 'social media sites' in the discussion paper were discussed and a number of participants highlighted the definitions were too broad and were already outdated.

It was also noted that the currency and relevancy of terms and definitions would be further compromised if the scheme was to be legislated, due to the time needed to pass any legislation.

Question 4: Should the proposed scheme apply to online games with chat functions?
The inclusion of gaming sites was considered especially important in any definition, though challenges around defining bullying in gaming genres such as combat games were highlighted.

Monitoring violent and aggressive behaviours in gaming contexts also was considered problematic, as was managing the complexities of legislating across jurisdictions, particularly as gaming can, and does, occur between players in real time in locations around the world.

This was an area that required further investigation in order to achieve a
sgena-2(a)11(1(r)--6(e 554 Td [(Ti)3(n)11(g)-bai)3(n)11(g)-19(i)3(t)-7(i)37(Ti)3(n)11(g)-p(g)-11(4(i)37(o)

4.Summary

The following sections provide a summary for each of the components within this part of the study.

4.1   Principal Teacher Parent survey

As part of this study, it was important to obtain insights into the experiences of the sample and how they constructed notions of cyberbullying. Terms respondents used to describe cyberbullying in the PTP survey included: harassment, abusive language, lies, hurtful comments and name-calling. Death threats and blackmail constituted characteristics of more serious cyberbullying incidents. Some participants proposed that treating cyberbullying as an isolated form of bullying was problematic. This tension highlights a need for continued discussions about the definition of cyberbullying to ensure there is clarity to help identify what constitutes cyberbullying, how to respond to incidents of cyberbullying both in a legal and social context and importantly how to deter cyberbullying.

Findings also revealed the majority of respondents did not have any experience of young cyberbullies and the law and whilst the majority of respondents had at least some understanding about the legal consequences for young people (under the age of 18) who cyberbully, there was uncertainty about whether or not cyberbullying can be considered an offence under existing law en(be c)-2(ons)-2(i)3n   (h)Tpvc 0.007 Tw -35.13 -1.37 Td   [(

The overwhelming majority of the PTP sample reported that from their perspective young people were not adequately informed about cyberbullying and the law, and the merits of schools delivering information and education campaigns were highlighted, as was the value of schools working together with law enforcement officers to communicate the seriousness of the messages. A range of channels representing both traditional and social media was identified to support the delivery of information related to cyberbullying and the potential legal consequences.

There was strong support for social media and chat sites complying with Australian cyberbul

- The need for evidence-based education/information campaigns
- Social media – part of the solution, not simply the problem
- The critical role of schools
- Sharing responsibilities
- Moving forward requires a multidimensional, collaborative learning approach

4.2.2 Workshop 2: Industry and expert roundtable

Discussions in this workshop highlighted the following themes pertaining to cyberbullying, youth and the law:

- The need for collaboration and coordination
- The importance of being proactive not reactive
- Embedding youth voice and engagement
- Rethinking a Commissioner's focus: from cyberbullying to digital inclusion, citizenship and resilience
- Independent statutory authority BUT any establishment option would need to reflect whether or not a Commissioner had legislative power
- Definitions related to 'social media sites' in the discussion paper were considered too broad and outdated.
- Currency and relevancy of terms and definitions would be further compromised if the scheme was to be legislated, due to the time needed to pass any legislation
- Greater need for definitions that reflect currency and relevancy
- Inclusion of gaming sites was considered especially important in any definition
- Monitoring violent and aggressive behaviours in gaming contexts also was considered though challenges around defining bullying in gaming genres is problematic sites that don't require user accounts and sites where the user accounts are anonymous
- Research to inform which sites need to be included in any scheme is required, rather than expect only 'large' sites to be part of a scheme
- 'Large' social media sites already have processes in place, and continue to show commitment to removing harmful material and addressing cyberbullying
- Concerns shared regarding the management of cyberbullying incidents if, and when, they occurred on 'non-large' sites
- Need to any scheme needs to consider how to manage compliance when sites can become 'large' in a relatively short time frame and young people adopt new sites and move on from sites quickly
- Eligible complainant criterion was quite exclusive
- Need to ensure that the complaint did not become the bullying action
- Proposed scheme would require a commitment and investment of resources, both to implement and maintain
- It is in a sites best interest to act in a socially responsible manner
- Whilst a law was considered too stringent a response option, others noted that the current laws did not reflect contemporary contexts and were ambiguous around cyberbullying

- Those who supported the notion of the law stressed the importance of:
  - o

identified as key considerations in the design and delivery of future messages and programs.

The tensions of aligning social and legal responsibilities for social media sites to respond to cyberbullying were highlighted, as was monitoring and managing compliance across jurisdictions. The need to build on the current capacities of social media sites as a starting point for developing more comprehensive and innovative solutions was suggested. This was viewed as the foundations of: building on existing resources and capacities, being inclusive and sensitive of cultural and community practices, plus strengthening dissemination across both off- and online contexts.

A strong overall impression from the interviews conducted was: firstly, that there was no singular response to cyberbullying, thereby signalling the need to create multilayered responses (involving proactive, not simply reactive approaches); and secondly, the opportunity exists to build a collaborative approach and common language around cyberbullying which can then inform new programs and future

5.

It is a relatively short survey, BUT it is detailed. Importantly, it is Australia's first research on wider organisational responses to different types of cyberbullying incidents. Your participation is greatly appreciated.

5.1 Section 1: About you (this is for research purposes only and is confidential)

Q2 Are you

- Female
- Male
- Other

Q3 Which State do you live in?

- ACT
- NSW
- NT
- QLD
- SA
- TAS
- VIC
- WA

Q4 What is your postcode?

Q5 Are you a parent or caregiver of at least one child under the age of 18?

- Yes
- No

Q6 What is your Occupation?

- Teacher
- Principal
- Counsellor
- Other
- Pre-service teacher
- Deputy/Assista989 0 Tw 0.685 0 Td   [(D)C2_0 1 c3incipal

        Q

•53

Q13 Please tell us about any training/professional development you have had in this area, or any experience dealing with cyberbullying and the law.

Q14 Please tell us about any experience you have had dealing with the law and young people under the age of 18 years who cyberbully.

Q15 Do you think that cyberbullying can be considered an offence under any existing laws?

- Yes
- No
- Unsure

Answer If Do you think that cyberbullying can be considered an offence under any existing laws? Yes is Selected
Q16 Please tell us what you know about the laws that you think could apply to cyberbullying instances/behaviours.

Answer If Do you think that cyberbullying can be considered an offence under any existing laws? Yes is Selected
Q17 Please list the penalties that you think can be incurred by young people under 18 for cyberbullying behaviours

5.3   Section 3: How to deal with cyberbullying

Please read the information below (about current laws) before answering the next question.

ngu

Q18 Do you think that young people know enough about the current laws relevant to cyberbullying?

- Yes
- No
- Unsure

Answer If do you think that enough young people know about the current laws relevant to cyberbullying? No is Selected

Q19 Please tell us how you think that young people's understanding of the current laws could be improved.

Q20 Do you think the current penalties, including the possibility of a criminal record and going to a juvenile detention centre, are appropriate for discouraging young people from cyberbullying?

- Yes
- No
- Unsure

Q 21 If the current laws did refer specifically to cyberbullying, would they more effectively discourage young people from cyberbullying?

- Yes
- No
- Unsure

Q22 Please tell us why?

Q23 Do you think the existing laws should be left unchanged?

- Yes
- No
- Unsure

Q24 Please tell us why.

Please read information below about a potential new, simplified cyberbullying offence targeted at young people before answering the next set of questions.

A potential new, simplified cyberbullying offence: Another option to address cyberbullying is to create a new, simplified cyberbullying offence that covers behaviours where the victim is under 18 years of age, with a lesser maximum penalty (such as a fine). A potential new, simplified cyberbullying offence would be

in addition to the current laws, so if the cyberbullying behaviour was bad enough, the more serious laws (with higher maximum penalties could still apply. The benefits of a new, simplified cyberbullying law targeting youth could include: A more effective way to reduce cyberbullying behaviour towards youth. Using language and wording that is meaningful to young people. Making it easier to prosecute serious cyberbullying offences because the proposed penalties would be more appropriate for minors (young people under 18). An opportunity to raise awareness with young people, their teachers and parents about the legal consequences of cyberbullying. The potential limitations of a new, simplified cyberbullying law could include: A new law could lead to more young people under 18 years of age ending up with a criminal record. A potential increase of pressure on the legal system. It won't always be possible to identify the cyberbully or take action against them if they are not in Australia. An increase in reports to police of behaviours that are not covered under the new law.

Q25 Given this information, do you think that the introduction of a new, simplified cyberbullying offence would discourage young people from cyberbullying?

- Yes
- No
- Unsure

Q26 Please tell us why.

Q27 What impact, if any, do you think a new, separate cyberbullying criminal law might have on organisations such as schools?

Q28 What impact, if any, do you think a new, separate cyberbullying criminal law might have on the wider community?

Q29 What sort of penalties do you think would be appropriate for young people (aged under 18) under a new, simplified cyberbullying offence?

Q30 What information do you think should influence the level and type of penalty handed out if a new, simplified cyberbullying law for under 18s was introduced?

Q42 In your opinion, what might be the best way to deliver this information to the community?

5.5 Section S

Q45 Non-criminal responses/penalties:

	Yes	No, never
Parental, School discipline	•	•

Q47Criminal responses/penalties: Police imposed (no criminal record)

	Yes	No, never
Police informal warning/formal caution	•	•
Youth justice conference and outcome plan	•	•
Other	•	•

Answer If Criminal Responses Penalties Police imposed (no criminal record) Other - Yes Is Selected

Q48 Please tell us more.

Q49 Court imposed.

	Yes	No, never
Sentencing options without criminal record	•	•
Sentencing options with criminal record	•	•
Sex offender registration (sexting-type offence)	•	•
Other state/territory sentencing options specifically applicable to minors and less serious offences	•	•
Other sentencing options applicable to serious (indictable) offences	•	•
Detention, as a last resort	•	•
Other	•	•

Answer If Court imposed Other - Yes Is Selected

Q50 Please tell us more.

Q51 Who do you think should be responsible for delivering consequences to young people under the age of 18 for acts of cyberbullying? You can select as many options as you like.

	Yes	No
Criminal court	•	•
A Children's e-Safety Commissioner	•	•
Social media websites	•	•
Home/Family/Caregiver	•	•
School	•	•
Other	•	•
Police	•	•

Answer If Who do you think should be responsible for delivering consequences to young people under the age of 18 for acts of cyberbullying? You can select as many options as you like. Other - Yes Is Selected

Q52 Please tell us more.

Q58 Please comment.

5.7   Section 7: Any other thoughts?

Q59 What other information about this complex issue would you like to give to the Government, researchers and policymakers?

ƒ If so, what would be the role?

ƒ How would info about the role of the e-Safety commission be communicated to the public?

o What are the implications/impact of a e-safety commission for:

ƒ Victims

ƒ Bullies

ƒ Young people in general

ƒ Stakeholders' (stakeholders can apply their own lens/experience/context to this)

o How could a CER best be implemented/ How could information about a CER be disseminated?

b) **A new, separate criminal Cyberbullying law:**

o What does this mean in reality?

o What are the implications/impact of a new, separate CB law for:

ƒ Victims

ƒ Bullies

ƒ Young people in general

ƒ Stakeholders' (stakeholders can apply their own lens/experience/context to this)

ƒ What would be suitable sentencing options, especially when the offender is a minor?

o How could it best be implemented? How could information about a CER be disseminated?

c) **An information/education campaign about existing consequences for cyberbullying**
o Is there a justification for this, if so, what is the

justification?

- o What type of information would you like to see included in the campaign?
  - ƒ Prompt: Youth friendly language (not sure about prompting)
- o What would be the best way to deliver this information?
- o Who should be responsible for delivering the information/education campaign (to achieve the greatest impact on reducing CB)
- o What are the implications/impact of an information/education campaign about existing consequences for cyberbullying for:
  - ƒ Victims
  - ƒ Bullies
  - ƒ Stakeholders' (stakeholders can apply their own lens/experience/context to this)

d) Any other response options?
- o If so, then examine, what it would like and the impact/implications for bullies/victims and stakeholders

Session 4: The role of social media (20 mins)

- o Does social media have a role in this space? If so, what is the role? Question to participants: Potential regulation of social media websites so that they must comply with any new laws??

Session 5: Response to CB preferences and why (20mins)

If participants were to choose one response option to CB, what would it be and why- (perhaps- 10 minutes individual writing time- which is collected as part of the evidence base)

Session 6: Wrapping up (10mins)

8.Interview schedule

Section 1: Explain purpose of interview, protocols etc.

Section 2: Demographics

Gender

      i.   Organisation/School
     ii.   Age
    iii.   State
    iv.   Position and Role

Section 3: Current Understanding

1. How would you describe or define what cyberbullying is?
2. Please tell us what you currently know about CB and any consequences for CB

Section 4: Responses to CB

Explain there a number of possible responses to cyberbullying:

   x **One response to cyberbullying could be a civil enforcement regime**

It is possible to set up a legal framework where victims of cyberbullying can

x **A second response to cyberbullying could be a new cyberbullying law**

A to 8S0 cs 0 scn /TT0 1 Tf 0.004 Tnv004 ewA tponsn op004 Tiue¡ ~ à p@ Ï

      iii. Stakeholders' (stakeholders can apply their own lens/experience/context to this)

x **Do you have any ideas about alternative response options we have not discussed?**
    a) If so, then examine, what it would like and the impact/implications for bullies/victims and stakeholders

Section 5: The role of social media

    a) Does social media have a role in this space? If so, what is the role?
    b) Do you think that social media websites should be regulated so that they must comply with any new laws? Why/why not?

Section 6: Preference: Response to cyberbullying

    a) If you were to choose one of the response options to cyberbullying we have discussed, what would it be and why?

9.Participant information and consent forms

Project title

Research on Youth Exposure to, and Management of, Cyberbullying Incidents in Australia

---

Participation in this research is voluntary.

This means you can decline to participate in this study.

Participant Information Sheet for Adult Stakeholders

This is for you to keep

The Australian Commonwealth Government has funded a consortium to explore Youth Exposure to, and Management of, Cyberbullying Incidents in Australia. This consortium is led by the Social Policy Research Centre of the University of New South Wales, in collaboration with the Young and Well Cooperative Research Centre, University of South Australia and University of Western Sydney.

Invitation

You are invited to participate in:

A 3 hour face-to-face workshop at the Young and Well Cooperative Research Centre, Melbourne, Feb 19th 2014, from 2-5pm to explore issues concerning cyberbullying and its management in Australia

And/Or
b) A 20 minute interview about the potential impact of any new simplified criminal offence and its implementation. This interview would be conducted either at the Workshop (19th Feb) or during the Connect 2014 conference (Melbourne Town Hall, 20th-21st Feb, 2014), should you be in attendance. This will be determined by the researchers in conjunction with participants.

Workshop and/or interview questions

If you agree to participate in the workshop and/or interview, you will be asked about:

• the potential impact of a new, simplified criminal offence and/or enforcement regime
• how this offence or regime could be most effectively implemented

This project has been commissioned to provide an evidence base for the Commonwealth in its consideration of the implementation of its policy to Enhance Online Safety for Children, specifically: the desirability of whether to create a new, separate cyber-bullying offence, including investigating young people's awareness and understanding of the potential criminality of cyber-bullying, appropriate penalties, the range of sentencing options and the deterrent impact of these.

Why should I participate?

Whilst it is expected that there will not be direct personal benefit to you, this is your chance to contribute your voice, expertise and insights to an evidence base for the Commonwealth in its consideration of the implementation of its policy to Enhance Online Safety for Children. There are no risks beyond normal day-to-day living associated with participation in this study.

Who will be involved in the workshop and interviews?

20-25 people will be invited to participate in the workshop to explore the management of cyberbullying in Australia, and up to 10 people will be interviewed for further insights. This will include key stakeholders, such as: parents, teachers, school principals, police, criminologists, other specialists and/or organisations.

Researchers from University of Western Sydney and University of South Australia will be facilitating the workshop and conducting the interviews.

Where will the workshop and interviews take place?

Workshop

19 Feb, 2-5pm

Young and Well Cooperative Research Centre

Unit 17, 71 Victoria Crescent
Abbotsford VIC 3067
AUSTRALIA

Interviews will be conducted either at

Connect 2014: 20–21 Feb

Melbourne Town Hall

100 Swanston Street
Melbourne Vic 3000

Or the previous day (Feb 19) at the

Young and Well Cooperative Research Centre

Unit 17, 71 Victoria Crescent
Abbotsford VIC 3067
AUSTRALIA

Both location and time will be confirmed by the researchers once consent has been obtained.

Do you have Ethics Approval?

An Ethics Application is currently pending approval by the University of New South Wales, Sydney (UNSW HREA Ref 9-14-004).

Questions?

If you have any questions, you can contact the following people and they will be happy to answer them:

You can call:

Shona Bates from the Social Policy Research Centre on 02 9385 4058
shona.bates@unsw.edu.au

Teresa Swirski from the University of Western Sydney on 02 9685 9772

Consent Form

Research on Youth Exposure to, and Management of, Cyberbullying Incidents in

10. References

Australian Government Department of Communications (2014). Enhancing online safety for children, viewed January 2014, <http://www.communications.gov.au/__data/assets/pdf_file/0016/204064/Discussion_Paper_-_Enhancing_Online_Safety_for_Children.pdf