



Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

To Whom It May Concern

Enhancing Online Safety for Children Bill 2014 [Provisions] and the Enhancing Online Safety for Children (Consequential Amendments) Bill 2014 [Provisions]

The Youth Affairs Council of Western Australia (YACWA) is the peak non-government youth organisation in Western Australia. We have a membership of over 300 youth service organisations, community organisations, academics, individuals and most importantly young people themselves. Established in 1980, we have worked tirelessly for over 30 years to deliver high-level representation and advocacy for the Western Australian youth sector and young people.

YACWA is thankful for the opportunity to provide to this important inquiry. Bullying, and specifically cyber bullying, are issues that continue to negatively impact the lives and infringe upon the rights of children and young people in Australia. The cost, both financially and emotionally, of these behaviours is substantial, with recent research linking cyber bullying with self-harm and suicidal behaviours.

Everyone has the right to be respected, safe and free from violence, harassment and bullying. We believe that Government has a positive duty to ensure that young people are kept safe from these behaviours, and support the intent of this Bill to increase safety online. We have commented briefly on some of the relevant key policy provisions below.

Children's e-Safety Commissioner

YACWA supports the creation of a Children's e-Safety Commissioner and the functions of this role as outlined in the Bill. However, we are cautious of any possible duplication of roles and powers. This is directly in relation to the role of the National Children's Commissioner, who would appear to have the requisite capacity to deal with complaints pertaining to bullying. We ask Government to consider the appropriateness of enacting this legislation under the existing role of the National Children's Commissioner.

Complaints system

One of the main issues relating to online safety has been the removal of cyber-bullying material from online spaces. As such, YACWA supports the two-tier complaints system as created in the Bill. This method will hopefully ensure that social media services are compliant with domestic law or at least their own standards, and will result in the removal of most

harmful content quickly. YACWA recommends that Government continue to engage with social media service providers and the wider community to ensure the consistent development of strategies and ideas within this space.

Communicating with end-users

Whilst being supportive of end-user notices when contacting young people who have posted cyber-bullying material, YACWA holds caution with regards to the manner by which a young person who posts cyber-bullying material is contacted by the e-Commissioner. For children and young people under the age of 18, it is reasonable to conclude that being contacted by a Federal Commissioner may cause some emotional panic or harm. Thus it is vital for some safeguards to be introduced to ensure that any communication with an end-user is appropriate and done so in a sensitive manner.

It is also important to note that current laws are not adequately dealing with dissemination of cyber-bullying material, which does not appear to be within the scope of the e-Commissioner. The sharing and forwarding of second-hand material can cause great amounts of harm to victims involved. We recommend that the e-Commissioners end-user powers be extended to include notices regarding dissemination and distribution of harmful content.

Evidence-based education programs

YACWA supports the intent of the Bill to ensure quality assurance of online safety programs offered in schools. We further recommend that nationally standardised online safety programs be provided to all children and young people in Australia.

We believe that it is vital to also educate key stakeholders with regards to online safety. Children, young people, parents and other adults, youth workers, teachers, school administrators, politicians, business leaders, social service providers, any person working with young people and other stakeholders, all have roles to play in reducing and ultimately mitigating bullying. YACWA recommends that the e-Commissioner strongly advocates for, and ensures a whole-of-community approach to the creation of online safety education strategies and programs.

If you require further comment on any of the issues raised in this letter, please do not hesitate to contact us.

Regards

 Craig Comrie
CEO

9 JANUARY 2015