The adequacy of existing offences in the Commonwealth Criminal Code and of state and territory criminal laws to capture cyberbullying

A submission to the:
Senate Legal and Constitutional Affairs Committee

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Introduction

yourtown strongly welcomes the extensive work that the Australian Government has undertaken in recent years in relation to better understanding, preventing and addressing cyberbullying and commends this current inquiry into the adequacy of current legislation. Cyberbullying is a complex social issue that is affecting increasing numbers of children and young people, and there is still a lot to learn about its prevalence and its impact on victims, perpetrators and bystanders.

Undoubtedly the law plays a fundamental role in framing and underpinning Australia's societal, social and moral standards, and **yourtown** sees that it has an important part to play in our nation's response to cyberbullying too. Nonetheless, we believe that any strengthening of punitive criminal laws to help tackle cyberbullying should be limited to addressing the most serious cases of cyberbullying only.

Whilst recognising the significant emotional impact that cyberbullying can have on children and young people – including its links to victims' suicide – we believe that a public health or multi-tiered approach to tackling cyberbullying is more appropriate, more realistic in terms of implementation and ultimately will be more effective given the developmental immaturity of cyberbullying perpetrators under 18 years.

In addition, we believe that streamlining and simplifying federal and state legislation on, and developing a nationally consistent legislative approach to, cyberbullying would support more efficient and effective legal address of serious cyberbullying crimes by the police and other legal agencies. It is also likely to help better position relevant legislation as a deterrent to cyberbullying through supporting an increased understanding of the law by children, young people and stakeholders.

Given the range of services we deliver to children and young people (see 'About **yourtown**'), **yourtown** is directly aware of the nature of cyberbullying and its effects on children and young people. Notably, information from our confidential, counselling Kids Helpline (KHL) service provides us with significant insight on the lived experiences of children and young people. Subsequently, in our submission we use this rich data, analysis and case studies from contacts to Kids Helpline in 2016. By doing so, we have aimed to deliver further real life evidence about the nature and effects of cyberbullying to the Committee to help support its assessment of appropriate legal responses to prevent and address cyberbullying.

Adequacy of existing offences in the Commonwealth Criminal Code and of state and territory criminal laws to capture cyberbullying

Submission 6

About yourtown

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

yourtown provides a range of face to face and virtual services to 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*
- *Accommodation responses to families with children who experience homelessness and 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 counselling service for parents and carers'*
- *Expressive Therapy interventions for young children and infants who have experienced trauma and abuse or been exposed to violence*
- *Employment programs and social enterprises, which support young people to re-engage with education and/or employment, including Aboriginal and Torres Strait Islander specific services.*

Kids Helpline

Kids Helpline 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 a real-time web platform. Kids Helpline is staffed by a professional workforce, with all counsellors holding a tertiary qualification.

Since March 1991, young Australians 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 2016, Kids Helpline counsellors responded to over 180,000 contacts from children and young people across the nation.

Defining cyberbullying

yourtown understands cyberbullying as an extension of traditional bullying as far as it describes targeted and persistent behaviour that is intended to demean, intimidate, embarrass or harass a victim. However, given the nature of the digital world and constantly new and emerging technologies and online behaviours, cyberbullying is a constantly evolving concept. Its definition as a persistent behaviour also diverges from traditional bullying carried out by a specific bully or group of bullies since anyone online can contribute to cyberbullying by making or forwarding harmful comments.[1] Once bullying behaviour has been committed online, repetitive bullying is no longer solely at the instigation of the original bully or bullies.

In addition, evidence suggests that the detrimental impact of cyberbullying can be more severe and long-lasting to its victims than traditional bullying. It is thought that cyberbullying can do more harm due to its wider reach – with cyberbullies having access to a global audience – and due to the facts that it no longer remains in the playground but can occur in the safety of victims' own homes, can take place 24/7, be carried out anonymously and can remain online in a number of different forums and be repeatedly relived.[2]

The difficulty in defining cyberbullying makes understanding, measuring and effectively addressing it difficult. In this way, developing consistent federal and state legal terms to define cyberbullying would undoubtedly help all stakeholders more easily monitor cyberbullying and identify targeted solutions.

Prevalence of cyberbullying

Thanks to the work of the Australian Government in relation to cyberbullying over recent years, we are learning more about the prevalence of cyberbullying nationally. This includes the extensive research undertaken by the University of New South Wales which found that 463,000 children and young people - or 20 per cent of young Australians - were victims of cyberbullying in 2013.[3] It also includes the work of the Office of the E-Safety Commissioner, which now monitors the prevalence of cyberbullying and most recently revealed that 8% of children, and 19% of teenagers reported that they had been cyberbullied.[4]

Cyber safety has become an increasingly notable issue to which **yourtown**, and in particular our team of over 100 Kids Helpline counsellors, has had to respond and to develop support resources. Indeed as a result of its rise, in 2016, we expanded our Kids Helpline data collection system to gather information specifically about the prevalence of cyber safety issues, with the aim of informing and improving our counselling practices and advocacy work in the area.

To government commissioned research and data, **yourtown** can therefore add insights from our Kids Helpline to support and help elucidate existing findings in relation to demographics and the types of cyberbullying issues Australian children and young people are dealing with and their effects on their health and wellbeing. It is worth noting, however, that KHL contacts often reported cyberbullies used many different types of cyberbullying in their interactions with them, including cyberbullying alongside more traditional forms of bullying. Indeed, a recent study of over 120,000 children and young people in England revealed that of the 30% who reported being bullied, only 1% reported being cyberbullied only.[5] This insight will be helpful when considering the development and targeting of interventions to support victims and to

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[1] Katz, I, Kelley, M, Spears, B, Taddeo, C, Swirski, T and Bates, S (June 2014) Research on youth exposure to, and management of, cyber-bullying incidents in Australia: Synthesis report prepared for the Australian Government Department of Communications.
[2] Ibid
[3] Ibid
[4] Research insights: Teens, kids and digital dangers - https://esafety.gov.au/about-the-office/research-library
[5] Przybylski, S and Bowes, L (2017) *Cyberbullying and adolescent well-being in England: a population-based cross-sectional study.* The Lancet.

educate victims, bullies, bystanders and other stakeholders about the issue, and bullying and relationships more widely.

KHL data and case studies

yourtown Kids Helpline data system hosts a wealth of data and information about the lived experiences of children and young people in Australia today. It provides invaluable insight on how our children and young people feel about, view and navigate the world and the range of issues and risks that confront them.

However, a few caveats or qualifiers must be considered when examining this data:

- *The data represents analysis of the number of contacts – and not necessarily individuals – made to KHL;*
- *The case notes that we have analysed are not complete pictures of the lives and experiences of the contacts but rather notes counsellors have felt important to record. This means that the prevalence of issues we present may not be fully reflective of all the complexities of each contact's story.*
- *More of KHL contacts are from females (73% of KHL contacts are from females, and 26% are from males).*

All case studies in our submission are based on the experiences of the children and young people who have contacted Kids Helpline and help to illustrate the diverse nature of cyberbullying. All identifying information from case studies presented in this submission has been removed to protect client privacy.

An overview of KHL contacts on cyberbullying

In 2016, 823 contacts were made nation-wide to Kids Helpline by children and young people who were seeking counselling about issues relating to cyberbullying. In addition, KHL tip sheets on cyberbullying issues were looked at 23,183 times in 2016, with 7,226 accessing parent and teacher tip sheets on the issue.

Of those contacts, 80% were made by females and 20% were made by males. These figures are in keeping with the fact that more females contact Kids Helpline each year. In 2016, 73% of contacts were female and 26% were male. Nonetheless, 7% more female than male contacts were made about this issue, which may reflect that this is an issue affecting females more notably and detrimentally, supporting existing research findings.[6] It may also be a reflection of how boys and girls socialise differently online, with more girls using social media and messaging apps than boys, and more boys using interactive multiplayer games.[7] That said, as will be seen in KHL case studies, children and young people experience cyberbullying through all three of these online networks.

To establish an idea of the scale of KHL cyberbullying contacts by age, the table below provides a breakdown of contacts by age groups.

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[6] E.g. Katz, I, Kelley, M, Spears, B, Taddeo, C, Swirski, T and Bates, S (June 2014) Research on youth exposure to, and management of, cyber-bullying incidents in Australia: Synthesis report prepared for the Australian Government Department of Communications and https://esafety.gov.au/about-the-office/research-library
[7] https://esafety.gov.au/about-the-office/research-library

KHL contact ages	Cyberbullying contacts made in 2016 by age[8]	Breakdown of age by gender[9]	
		Female	Male
5-11 years	8%	10%	8%
12-14 years	44%	53%	42%
15-17 years	27%	30%	36%
18-25 years	8%	8%	15%

The youngest contact to KHL about sexting was 5 years old and the oldest contact was 25 years old. The highest numbers of contacts were made by 12-14 year olds, and then 15-17 year olds, supporting findings from the E-Safety Commissioner and previous KHL research findings that cyberbullying most commonly occurs during the transitional stages between primary and secondary school and during puberty.[10] [11] It is interesting to note the differences in frequency by age group and gender, with older males contacting KHL as a percentage, and more females contacting KHL between the ages of 12-14. Understanding the differences in when these experiences and help-seeking behaviours occur can help inform and tailor the design of interventions for different target groups.

In the vast majority of cases, it was one of the children or young people who had been the victim of cyberbullying seeking help through KHL although in some cases a friend or sibling who was concerned for someone who was/had been cyberbullied called or emailed KHL. In a few cases, it was the cyberbully who contacted our counsellors.

A notable number of our contacts about cyberbullying discussed many other issues that were affecting them including issues relating to child protection, familial relationship problems and events, mental health, body image and physical appearance, sexual identity and different types of disability. Whether these issues were the causes of bullying or affected the resilience of our contacts is not known but clearly many individuals who are victims of cyberbullying can have a number of issues which make them particularly vulnerable and emphasises the importance of effective solutions to preventing and addressing cyberbullying.

KHL insights: The nature of cyberbullying

The nature of cyberbullying reported to KHL counsellors reveals a number of different scenarios and behaviours carried out over a number of days or several years by known and anonymous cyberbullies. Reported incidences include the following different types of cyberbullying as outlined by the Finders Law Journal in 2014[12]:

- *harassment – repeatedly sending offensive messages to a target*

Many KHL contacts reported that they are being harassed by certain individuals, or groups sometimes for identifiable reasons (e.g. in response to Youtube videos they may have made, being jealous of an attribute of the victim or criticising their appearance in some way) but most often there seemed to be no obvious or reported motivation.

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[8] 13% of contacts did not report their age
[9] Total is over 100 per cent due to rounding
[10] https://esafety.gov.au/about-the-office/research-library
[11] **yourtown** (2009) *Cyberbullying. Experiences, impacts and coping strategies as told by young people. Summary of research findings.* https://kidshelpline.com.au/upload/22882.pdf
[12] As presented by NSW Parliamentary Research Service (March 2016) *Cyberbullying of Children*, e-brief 2/2016

> **KHL insights – Case study**
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> *Jon, 13 is being bullied by a number of students from his school via his mobile phone, who have been verbally insulting him and swearing through texts and repeatedly dialling his mobile and hanging up. He has told his school and one of the cyberbullies has been identified and given a detention. Jon is worried about taking action with the police in case the students retaliate and things get worse.*

- *cyberstalking – intense harassment and denigration that includes threats or creates significant fear in the victim. Harassment becomes cyberstalking when a victim fears for their personal safety*

Many callers said they were scared as a result of the cyberbullying, and there were a significant number of cases where the cyberbullying experienced was reportedly incessant and intensive, with physical threats being made including threats to kill the victim or their family.

> **KHL insights – Case studies**
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> *Sara, 15, said that she has been experiencing extreme cyber bullying from a group of people from her current school and her old school. She said that it had begun to get really 'bad' last December following her Instagram account being hacked, her profile photo was photoshopped and a 'hate page' created about her. Sara regularly receives verbal abuse and threats via text and online. Often she is told she should kill herself and she fears for her safety. Her parents and the police are aware of the abuse.*
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> *Craig, 10 said that he continues to be bullied online on ooVoo by a number of people he does not know who he has blocked. However, he can't block the main person who has hacked into his account and/or Ipad. He indicated that this person knows his name and what he looks like, and can see who he is calling - including Kids Helpline and his friends- and the hacker says KHL won't help and his friends hate him. The hackers have told Craig that they killed someone and Craig is very scared. He has made a complaint through the eSafety website after his second call to Kids Helpline. He said he is not comfortable telling his parents about what has been happening online.*

- *denigration – making derogatory comments about a target. This can occur using words or can involve the dissemination of a derogatory, sexual or non-sexual image.*

Derogatory comments from trolls or people known to the victim online were commonly reported by KHL contacts, often as part of a larger cyberbullying campaign. One individual reported that a derogatory post about her received 500 likes on Facebook. Photos were often used to denigrate the victim, and might be sexts sent to previous partners who felt jilted or wanted revenge, or photo shopped photos of the victim either sexual or non-sexual.

> **KHL insights – Case studies**
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> *Sandy, 15, contacted KHL as she was concerned about a photo of her wearing just a bra that was posted on the Ask FM account of someone she used to be friends with. Sandy has reported the photo a number of times as being 'inappropriate' but has had no response from Ask FM and the photo has not been taken down.*
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> *Donna, 13, reported being bullied every Sunday at her language school. She stated that the bullies take photos of her belongings and make fun of it online. She stated that this has been happening for years and she is feeling really low.*
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> *Grace, 16, stated for most of the year she has been bullied daily by a group of girls who call her fat, follow her around, film her when she gets upset, and upload the videos to Facebook. She has talked to her parents*

> *about the bullying who initially told her to ignore it and that it would stop. More recently, they have said that they didn't want to hear about it anymore.*

- *happy slapping – the filming of a physical assault on a victim and the subsequent distribution of the film to humiliate the victim publically*

There were very few cases reported through KHL contacts of this type of cyberbullying, more commonly contacts reported perpetrators videoing them getting upset and then sharing the footage.

> **KHL insights – Case study**
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> *James, 15, stated that he has been experiencing bullying on and off for the past 5 years but it has intensified in the last month. He explained that he attends an all-boys school and bullies often comment that he is gay as he walks past them. One week ago he was slapped across the face by another student and this was filmed and distributed on Snapchat. James feels that if he reports it to the school the bullying will get worse, and does not feel he can talk to his parents about it.*

- *exclusion – purposely excluding a victim from entering online domains such as a chat room discussion group*

For some victims, being excluded from social activities extends from school life and parties to online social life and is a key part of the bullying they experience.

> **KHL insights – Case study**
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> *David, 17, has been waking up feeling angry over the last couple of weeks. This has coincided with some of his friends removing him from group chat on Facebook and stopping talking to him at school. George said that he still has two friends left in the group but that it is difficult to see the other friends who are not speaking to him at school.*

- *outing and trickery – situations where a perpetrator manipulates the victim into disclosing information that the perpetrator then publicises in order to humiliate the victim*

This issue was frequently reported in relation to sexting, where often girls or young women – though boys and young men are affected too - had been tricked, manipulated or threatened into sending the perpetrator photos, which they then distributed. For more on issues relating to children and young people and sexting, **yourtown** has recently responded to a NSW Department of Justice inquiry into *Strengthening child abuse laws in NSW.*[13]

> **KHL insights – Case study**
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> *Georgie, 14, explained that two days ago she and a friend had been peer pressured into sending naked images of themselves to a boy at school. The boy kept asking her repeatedly for the photos, and telling her how beautiful she looked. He then showed her peers and friends the photos and now she feels everyone at school hates her.*

- *impersonation or masquerading – involves a perpetrator pretending to be a victim and sending an offensive message that appears to come from the victim*

A significant number of callers said that cyberbullies had found a way to hack into their accounts and pretend to be them, or had created accounts in the victim's name and posted abuse to their friends.

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[13] https://www.yourtown.com.au/insights/advocacy

KHL insights – Case studies

Zack, 16, stated that two of his old friends thought it was funny to start posting his address online on Facebook and on online gaming sites inviting people to come to his house and he will fight them. Zack stated that they tag him on Facebook so when they do something like this, he is immediately notified.

Lizzie, 14, reported that a friend of a friend has started an Instagram account in her name. She has posted naked photos on the account and said they are Lizzie's. The cyberbully has found her home telephone number and spoken with her father. The cyberbully leaves derogatory remarks online and has threatened to physically harm her. Her parents want her to ignore it and she tried calling the e-Safety Commissioner to report the concern, but did not want to leave her phone number.

Consequences of cyberbullying

The consequences of the cyberbullying experiences reported by our KHL contacts range in their degree of severity (and sometimes entail harmful coping strategies) and included:

The victim feeling:
- *sad*
- *lonely*
- *scared*
- *powerless*
- *depressed*
- *ashamed*
- *humiliated*
- *not trusted by their parents, friends or teachers*

The victim having experience of:
- *avoiding people/situations*
- *skipping school or changing school*
- *giving up hobbies*
- *giving up visiting particular websites or online accounts*
- *being banned by their parents or guardians from their phones or the internet*
- *not being taken seriously or supported by their parents or teachers*
- *skipping training, courses or work*
- *thoughts of suicide (and this often was in conjunction with the victim being told to kill him/herself)*
- *considering or carried out non suicidal self-injury*

KHL insights – Case studies

Jenny, 14, is in foster care and is playing truant at school as she is being bullied at school and online. She has to wear glasses due to a rare eye condition, and her bullies have ridiculed her appearance, asked "what happened to your mum" and told her to "go die". Her school is threatening to suspend her due to her truancy and her foster mother has taken her phone from her and intends to delete her from Facebook and all other social media. She is worried as she has no way of proving what the bullies are doing if her mum deletes her social media accounts. Jenny said that the school knows that she is being bullied and they have spoken to the offenders, but it hasn't stopped.

> *Natalie, 16, is experiencing bullying from girls at her school and on social media. She has spoken to a teacher about it, who arranged for the girls and the parents to have a meeting. However, the bullying is ongoing and she now feels that her parents do not trust her and are cautious about her going out.*

It is important to note the severity of the consequences of cyberbullying, with 11% of callers (12% of female contacts and 8% of male contacts) who contact KHL about cyberbullying mentioning their experience of thoughts of suicide, and 9% of contacts (11% of female contacts and 4% of male contacts) reporting that they self-harm or think about self-harming.

> ### KHL insights – Case Studies
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> *Sophie, 14, female called saying that she doesn't want to live anymore. She reported she is being bullied by her peers at her school who send her derogatory messages and tell her to kill herself. She stated that she didn't want to report them as she is in trouble with the police and that she didn't go to school often so she couldn't tell her teachers.*
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> *Logan, 14 male, stated that he self-harms by choking himself as he has been bullied on an online chat forum, and at school. He reported that he stopped going to school this week and is going to complete his schooling online instead. Logan said that he is gay and that he didn't think he will ever feel proud of this.*
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> *Ben, 13, is being bullied by a girl he dated for a few days last year. She has started a "hate group" against him, and while some people have stopped being part of it when he told them they were making him suicidal, she is still being verbally abusive. Ben has spoken to the school counsellor and music teacher about it but he felt nothing changed as a result. He said that at times he would like to kill himself to show them how badly it is affecting him.*

Preventing and addressing cyberbullying

Undoubtedly the law plays a fundamental role in framing and underpinning Australia's societal, social and moral standards, and **yourtown** sees that it has an important part to play in our nation's response to cyberbullying too. Indeed, given the difficulty in defining cyberbullying and the repercussions this has on understanding, measuring and effectively addressing it, there is a clear need to develop consistent federal and state legal terms to define cyberbullying to thereby help all stakeholders more easily monitor cyberbullying and identify targeted solutions.

In addition, legal reform has already been seen to be effective in tackling this issue with the legal powers that, for example, have been handed to the Office of the E-Safety Commissioner to enhance the online safety of children and young people experiencing cyberbullying. They are and will undoubtedly increasingly be a powerful support mechanism in addressing this issue. Despite this, **yourtown** urges caution when considering whether existing laws in relation to cyberbullying need strengthening for several reasons.

Appropriate legislation

Laws relating to children and young people must be careful not to unduly criminalise them given their developmental immaturity, lack of experience, ability to contextualise and/or their evolving morals and ethical codes. Whilst we are keen not to trivialise the issue of cyberbullying – as we know only too well that its consequences can be devastating on child victims and even lead to self-harm, thoughts of suicide and even suicide – bullying arises as children and young people explore and push social and relational boundaries, and undergo key transitions through school and puberty. During this process, they will make mistakes, misjudge or not fully consider the consequences of their actions, and an excessively punitive response from our legal system would mean these impulsive mistakes and lack of judgement could result in long-lasting impacts on their future lives. For this reason, we support the application of robust criminal legal responses in relation to the most serious or extreme cases of cyberbullying only.

Not only do we believe that broadly strengthening criminal laws to capture cyberbullying is inappropriate given the developmental maturity of children and young people, we also consider that a broad brush approach to criminalising cyberbullying is unrealistic in terms of implementation. Today, we know that stretched police and legal agencies are only able to act on the more serious cases of cyberbullying.[14] To introduce new or strengthen existing offences would require the cooperation and action of already over committed legal and enforcement agencies.

However, we do recognise that some reform of existing laws is needed to help the police and legal agencies undertake their role in relation to investigating, prosecuting and defending serious cyberbullying charges. Currently, a number of federal, state and territory laws exist that can be used to criminalise cyberbullying behaviours, in addition to a number of definitions of what constitutes a minor across Australia. **yourtown** strongly recommends that federal and state legislation is simplified and harmonised and a nationally consistent legislative approach is developed. This clarity would undoubtedly support more efficient and effective legal address of serious cyberbullying crimes by the police and other legal agencies. It is also likely to help better position relevant legislation as a deterrent to cyberbullying through supporting an increased understanding of the law by children, young people and stakeholders.

A public health approach

Another key reason for our caution on criminalising cyberbullying is our support for a public health approach to preventing and tackling it. As with addressing other cyber safety concerns that confront our children and young people on a daily basis, such as sexting and pornography, government must recognise the importance, impact and potential value of the behaviour and responses of not just cyberbullying victims and perpetrators but also of bystanders, parents, teachers and wider support services.

To date the response to cyberbullying has not been coordinated or system-wide and this means despite initiatives, such as the Student Wellbeing Hub, the eSafety Commissioner or Kids Helpline@School (of which the eSaftey Commissioner is a partner), more investment in resources to better educate children, young people, adults and stakeholders are still required. Through our KHL contacts on cyber safety, we know that children and young people are unsure about what to do and who to turn to for support and action, and feel powerless and isolated. We also know that often they do not feel that their parents or teachers can be confided in or will help them. Hence, there is clearly a need to address these gaps.

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[14] Katz, I, Kelley, M, Spears, B, Taddeo, C, Swirski, T and Bates, S (June 2014) Research on youth exposure to, and management of, cyber-bullying incidents in Australia: Synthesis report prepared for the Australian Government Department of Communications.

To effectively prevent and address cyberbullying, a multi-sectoral and coordinated approach is required, which seeks to prevent cyberbullying through society-wide and targeted education programs, supports victims and perpetrators through adequate counselling, rehabilitation and other support services, and appropriately uses the law to deter and prosecute serious cyberbullying offences as well as placing legal duties, alongside social expectations, on social media providers to remove offensive material in a timely manner and to develop supporting technologies to more effectively deal with harmful and unwanted online use. Without this multipronged approach and investment, the impact of any legal consequences or action will continue to remain minimal, whilst critically, our children and young people will not be equipped, know where to turn or find adequately resourced support services, to effectively deal with their cyberbullying experiences.

yourtown recommendations

In the following section, we set out broad recommendations for the Committee to consider in its assessment of the adequacy of existing laws on cyberbullying:

- *Work towards adopting nationally consistent definitions regarding the definition of cyberbullying so that legislation is clear and unambiguous across the nation, and Australia's children and young people are treated consistently and have access to the same protection from and defence of the law.*

- *Simplify and harmonise federal and state legislation on, and develop a nationally consistent legislative approach to, cyberbullying. This clarity would support more efficient and effective legal address of serious cyberbullying crimes by the police and other legal agencies, and would be likely to help better position relevant legislation as a deterrent to cyberbullying through supporting an increased understanding of the law by children, young people and stakeholders.*

- *Apply discretion and preferably a case-by-case approach to legislation involving young people. yourtown supports the approach being taken by the NSW Government under the new Crimes Amendment (Intimate Images) Act 2017, whereby the Director of Public Prosecutions will be required to approve any prosecution of a child for one of its new offences to ensure they do not over-criminalise activity between children.*

- *Ensure that the legal framework is underpinned by joined-up thinking, with consideration of, for example, how a new civil penalties regime for non-consensual sharing of intimate images that is currently being debated fits in within any new or existing legislation on cyberbullying.[15]*

- *Take a public health approach to protecting children and young people. This requires a multi-sectoral, coordinated approach by government to ensure that all stakeholders are equipped to effectively prevent and address cyberbullying. We advise using current research, as well investing in further research, to ensure interventions and support services are evidence-based and tailored to the specific needs of different age groups, cultures and genders.*

- *Ensure education and support services are available to child and young person perpetrators of cyberbullying to minimise the risk of reoffending. Currently, very few services support children who find themselves subject to the present legislative framework or to help them more effectively navigate relationships with their peers in the future.*

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[15] https://www.communications.gov.au/have-your-say/civil-penalty-regime-non-consensual-sharing-intimate-images