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Committee Secretary
Legal and Constitutional Affairs References Committee
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600
AUSTRALIA

Dear Committee Secretary

Thank you for your invitation to make a submission to the Committee's inquiry into the adequacy of existing offences in the Commonwealth Criminal Code and of state and territory criminal laws to capture cyberbullying. I apologise that this response is after the deadline for submissions.

Cyberbullying is a complex issue and education plays an important role in an holistic response to reducing and preventing cyberbullying. The Australian Federal Police (AFP) is dedicated to preventing all Australians from becoming victims of online crime, including cyberbullying, by empowering them to use technology safely and responsibly.

One of the primary ways the AFP contributes to the safety young Australians online is through ThinkUKnow. ThinkUKnow is a partnership between the AFP, Commonwealth Bank, Microsoft and Datacom and delivered in partnership with all State and Territory police and Neighbourhood Watch Australasia. ThinkUKnow cyber safety presentations sensitively cover a range of topics including sexting, cyberbullying, online child exploitation, online privacy and importantly what to do when something goes wrong. Presentations are aimed at parents, carers and teachers and young people from grades 3-12. Additional materials are available on the ThinkUKnow website: <http://www.thinkuknow.org.au>.

Recently, during the Stay Smart Online Week, ThinkUKnow released new resources including the 'SOS Guide to Cyber Safety' which provides information on what young people SEE, SAY and DO online, the challenges they may face including cyberbullying, sexting and grooming and importantly, how to take action if things go wrong. A copy of the SOS Guide is attached to this letter, as well as the ThinkUKnow Cyberbullying Fact Sheet.

The AFP's partnership with the Alannah and Madeline Foundation was also formalised recently, during National eSmart Week (a week dedicated to building cyber safe communities). The Alannah and Madeline Foundation is dedicated to protecting children from violence and, among other things, works to reduce the incidence of bullying, cyberbullying and other cyber safety risks. The AFP and the Alannah and Madeline Foundation will collaborate on a range of initiatives, including ThinkUKnow, the National Centre Against Bullying biennial conference and National Child Protection Week.

While not all instances of cyberbullying are criminal offences, serious online harassment and bullying behaviour may be an offence under Commonwealth, State and Territory legislation. Reports of cyberbullying as a criminal offence can be made to the AFP or State/Territory Police (either directly or through the Australian Cybercrime Online Reporting Network (ACORN)). Under current arrangements, State and Territory police have primary carriage for investigating cyberbullying matters.

There are also mechanisms to have the offending material removed, through direct contact with the social media service provider or with the assistance of the eSafety Commissioner. The eSafety Commissioner also has a role to resolve complaints about cyberbullying where the material is likely to seriously threaten, intimidate, harass or humiliate an Australian child under the age of 18.

I trust that this information is of assistance to you. The AFP would of course be happy to appear before the Committee as part of this inquiry.

Yours sincerely

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Deputy Commissioner Operations