

# Recommendations

## Recommendation 1

**5.4** The committee recommends that the Australian Government consult state and territory governments, non-government organisations, and other relevant stakeholders, to develop and publicise a clear definition of cyberbullying that recognises the breadth and complexity of the issue.

## Recommendation 2

**5.7** The committee recommends that Australian governments approach cyberbullying primarily as a social and public health issue. With this in mind, the committee recommends that Australian governments consider how they can further improve the quality and reach of preventative and early intervention measures, including education initiatives, both by government and non-government organisations, to reduce the incidence of cyberbullying among children and adults.

## Recommendation 3

**5.12** The committee recommends that the Senate not legislate to increase penalties for cyberbullying offences committed by minors beyond the provisions already in place.

## Recommendation 4

**5.13** Noting the serious harms that cyberbullying can cause, the committee recommends that Australian governments ensure that:

- the general public has a clear awareness and understanding of how existing criminal offences can be applied to cyberbullying behaviours;
- law enforcement authorities appropriately investigate and prosecute serious cyberbullying complaints under either state or Commonwealth legislation, coordinate their investigations across jurisdictions where appropriate, and make the process clear for victims of cyberbullying, and
- consistency exists between state, territory and federal laws in relation to cyberbullying.

## Recommendation 5

**5.15** The committee recommends that the Australian Government consider increasing the maximum penalty for using a carriage service to menace, harass, or cause offence under section 474.17 of the *Criminal Code Act 1995* from three years' imprisonment to five years' imprisonment.

## **Recommendation 6**

**5.22 The committee recommends that the Australian Government:**

- ensure that the Office of the eSafety Commissioner is adequately resourced to fulfil all its functions, taking into account the volume of complaints it considers;
- promote to the public the role of the Office of the eSafety Commissioner, including the cyberbullying complaints scheme;
- consider improvements to the process by which the Office of the eSafety Commissioner can access relevant data from social media services hosted overseas, including account data, that would assist the eSafety Office to apply the end-user notice scheme, and
- consider whether amendments to the *Enhancing Online Safety Act 2015* relating to the eSafety Commissioner and the cyberbullying complaints scheme would be beneficial, and in particular, consider:
  - expanding the cyberbullying complaints scheme to include complaints by adults;
  - expanding the application of the tier scheme by amending the definitions of 'social media service' and 'relevant electronic service', and
  - increasing the basic online safety requirements for social media services.

## **Recommendation 7**

**5.27 The committee recommends that the Australian Government place and maintain regulatory pressure on social media platforms to both prevent and quickly respond to cyberbullying material on their platforms, including through the use of significant financial penalties where insufficient progress is achieved.**

## **Recommendation 8**

**5.28 The committee recommends that the Australian Government legislate to create a duty of care on social media platforms to ensure the safety of their users.**

## **Recommendation 9**

**5.31 The committee recommends that the Australian Government consider requiring social media platforms to publish relevant data, including data on user complaints and the platforms' responses, as specified by the eSafety Commissioner and in a format specified by the eSafety Commissioner.**