

Chapter 2

What is cyberbullying?

2.1 Cyberbullying, like other forms of bullying, can cause severe harm to the victim and to others around them.

2.2 Many submitters emphasised that cyberbullying is a complex problem.¹ As Professor Marilyn Campbell, Founding Member of the Australian Universities' Anti-bullying Research Alliance (AUARA) argued, '...all forms of bullying are a very complex problem. As such, they are deeply embedded in our society, and you can't have one simple solution for such a complex problem.'²

2.3 Moreover, cyberbullying can occur in many forms and contexts. As the Tasmanian Government submitted:

Cyberbullying covers a broad range of conduct, relationships, motivations and means of distribution. Cyberbullying can be used to coerce, control, abuse, blackmail, humiliate, intimidate or harass another person.³

2.4 The wide-ranging nature of cyberbullying was demonstrated by the breadth of evidence received by the committee. In particular, the committee heard that cyberbullying between children is often very different to cyberbullying targeting adults, although the two are not entirely distinct.

2.5 This chapter outlines evidence received by the committee regarding:

- the nature of cyberbullying between children;
- the nature of cyberbullying targeting adults, and
- working toward a consistent and national definition of cyberbullying.

Cyberbullying between children

The prevalence of cyberbullying between children

2.6 The Tasmanian Government highlighted that '[t]he use of modern technology has contributed to the prevalence of cyberbullying and the ease with which a person can access and distribute offensive material.'⁴

2.7 The Office of the eSafety Commissioner (eSafety Office) stated that approximately one in five Australian children are cyberbullied.⁵ The eSafety Office also provided data from its research, which indicate that:

1 See, for example, Australian Universities Anti-bullying Research Alliance (AUARA), *Submission 1*, p. 6; Office of the eSafety Commissioner (eSafety Office), *Submission 13*, p. 1; Tasmanian Government, *Submission 19*, p. 2;

2 Professor Marilyn Campbell, Founding Member, AUARA, *Committee Hansard*, 9 February 2018, p. 1.

3 Tasmanian Government, *Submission 19*, p. 2.

4 Tasmanian Government, *Submission 19*, p. 2.

[i]n the 12 months to June 2016, 8% of children and 19% of teenagers were cyberbullied, and we saw a 63% increase in complaints about cyberbullying between 2015-16 and 2016-17.

Further, research indicates that girls are cyberbullied more frequently than boys, although an increasing number of boys were targets over 2016-17.⁶

2.8 In addition, the eSafety Commissioner, Ms Julie Inman Grant, recently said that '[w]e have seen a 133 per cent spike in cyberbullying reports from young people over the first two weeks of February when kids have been going back to school.'⁷

2.9 yourtown cited figures from the Kids Helpline, stating that:

[i]n 2017 alone, Kids Helpline had over 3,000 contacts about cybersafety, with over 950 contacts concerned about cyberbullying. A significant proportion of these—some 44 per cent—were made by children aged only 12 to 14, revealing that cyberbullying is common in transitional years between primary and secondary school and during puberty.⁸

2.10 Moreover, '[Kids Helpline] tip sheets on cyberbullying issues were viewed 23,183 times in 2016, with 7,226 accessing parent and teacher tip sheets on the issue.'⁹

2.11 The Queensland Family and Child Commission submitted that cyberbullying is most prominent among young people aged 10–15 years.¹⁰ Mr Jeremy Blackman, Senior Advisor, Cybersafety at the Alannah & Madeline Foundation, stated that cyberbullying can be particularly high around 'transition to secondary school'.¹¹

2.12 Although these figures show cyberbullying to be fairly widespread, the committee heard that it is merely one type of bullying.¹² Professor Campbell of AUARA highlighted that '[f]ace-to-face bullying is shown still to be much more prevalent than cyberbullying. We really need to look at the problem as a whole.'¹³

2.13 The Queensland Family and Child Commission also submitted that measures against cyberbullying 'should take into account the increased vulnerability of some

5 eSafety Office, answers to questions on notice, 9 February 2018 (received 7 March 2018); also see, for example, yourtown, *Submission 6*, p. 4; Tasmanian Government, *Submission 19*, p. 2.

6 eSafety Office, *Submission 13*, p. 2.

7 Ms Julie Inman Grant, eSafety Commissioner, in Jake Evans, 'Fake Instagram accounts being used by kids to "destroy reputations", eSafety Commissioner says', *ABC News*, 16 March 2018, <http://www.abc.net.au/news/2018-03-16/children-using-fake-instagram-accounts-to-bully-others/9553548> (accessed 16 March 2018).

8 Ms Laura Clarke, Advocacy and Policy Lead, yourtown, *Committee Hansard*, 9 February 2018, pp. 20–21.

9 yourtown, *Submission 6*, p. 5.

10 Queensland Family and Child Commission, *Submission 8*, p. 2.

11 Mr Jeremy Blackman, Senior Advisor, Cybersafety, Alannah & Madeline Foundation, *Committee Hansard*, 9 February 2018, p. 23.

12 Professor Campbell, AUARA, *Committee Hansard*, 9 February 2018, p. 4.

13 Professor Campbell, AUARA, *Committee Hansard*, 9 February 2018, p. 6.

groups of children, including girls, Aboriginal and Torres Strait Islander children, children with a disability and children with cognitive impairments.¹⁴

Causes of cyberbullying between children

2.14 Many submitters argued that cyberbullying between children is linked with other bullying, often within the school environment.¹⁵ The Attorney-General's Department called cyberbullying '...a modern manifestation of "traditional" bullying behaviour.'¹⁶ Similarly, the eSafety Office stated that:

[i]n many instances, cyberbullying is an extension of bullying or conflict occurring within the school. In reports to eSafety about cyberbullying, victims often note that the harassment they experience online mirrors their experience at school. Further, the perpetrators are in many instances the same.¹⁷

2.15 Mr John Dalglish, Head of Strategy and Research at yourtown, explained:

In our data, what 400 young people have said to us in the last week is that 85 per cent knew who was cyberbullying and two-thirds of those who were being cyberbullied knew that it was the bully that was doing it in a face-to-face situation.¹⁸

2.16 The Australian Human Rights Commission submitted that children tend not to distinguish between the physical and digital world:

Consultations with children by the National Children's Commissioner reveal that most children do not see a clear distinction between the online and physical world and report that bullying usually occurs in both physical and online settings.¹⁹

2.17 Mr Dalglish of yourtown also explained that '...from our research and our service experiences, a child can be bullied, be the bully and be a bystander to bullying at any time in their life.'²⁰ Ms Lesley Podesta, Chief Executive Officer of the Alannah & Madeline Foundation, provided some data on this point:

14 Queensland Family and Child Commission, *Submission 8*, pp. 2–3.

15 See, for example, Queensland Family and Child Commission, *Submission 8*, p. 2; Mental Health Commissions of Australia, *Submission 9*, p. 2

16 Attorney-General's Department, *Submission 20*, p. 4.

17 eSafety Office, *Submission 13*, p. 3; also see, for example, Queensland Family and Child Commission, *Submission 8*, p. 2; Mental Health Commissions of Australia, *Submission 9*, p. 2; Professor Campbell, AUARA, *Committee Hansard*, 9 February 2018, p. 4.

18 Mr John Dalglish, Head of Strategy and Research, yourtown, *Committee Hansard*, 9 February 2018, p. 26.

19 Australian Human Rights Commission, *Submission 16*, p. 2.

20 Mr Dalglish, yourtown, *Committee Hansard*, 9 February 2018, p. 22.

...there are nearly 900,000 bullying incidents of children in Australia a year. Approximately one-third of those are children who are victims and perpetrators. There's a significant crossover between the groups.²¹

2.18 Dr Kerrie Buhagiar, Director of Service Delivery at ReachOut Australia, posited a reason for cyberbullying having become normalised among young people:

I think the primary reason is the prevalence, because they see it happening all around them in their everyday lives, online and offline. So, it has I guess become perceived as a normal part of teenage behaviour.²²

2.19 Mr Blackman of the Alannah & Madeline Foundation stated that bullying behaviours are '...generally recognised as a learned behaviour' and also that '...the trauma of going through bullying or cyberbullying can, in many cases, lead to that person becoming a perpetrator of that same behaviour.'²³

2.20 Ms Laura Clarke, Advocacy and Policy Lead at yourtown, posited that, given the cyberbullying conducted by adults, children who cyberbully '...can simply be seen to be modelling the behaviour of their elders and the wider community.'²⁴ yourtown also provided several case studies of cyberbullying perpetrators contacting the Kids Helpline, and explained that '...young cyberbullies can be motivated to bully for a series of reasons...',²⁵ including:²⁶

- for fun or entertainment, as a joke, or because they are bored;
- because they feel powerless, unheard, or frustrated, and cyberbullying is a way to get attention or vent their anger;
- because they see others doing it, wish to model others' behaviour, or feel peer pressure;
- to maintain their popularity; or
- because they may have been a victim of cyberbullying themselves and are seeking justice.

2.21 Further, yourtown argued that '...an important element of cyberbullying is the nature of the internet', and submitted that:

[t]he internet can be seen to facilitate bullying or be an unwieldy, powerful tool with far-reaching repercussions in the hands of witting or unwitting bullies given that:

21 Ms Lesley Podesta, Chief Executive Officer, Alannah & Madeline Foundation, *Committee Hansard*, 9 February 2018, p. 22.

22 Dr Kerrie Buhagiar, Director of Service Delivery, ReachOut Australia, *Committee Hansard*, 7 March 2018, p. 30.

23 Mr Blackman, Alannah & Madeline Foundation, *Committee Hansard*, 9 February 2018, p. 23.

24 Ms Clarke, yourtown, *Committee Hansard*, 9 February 2018, p. 21.

25 yourtown, answers to questions on notice, 9 February 2018 (received 16 February 2018), p. 3.

26 yourtown, answers to questions on notice, 9 February 2018 (received 16 February 2018), pp. 3–4.

- People can post anonymously, freeing people's normal inhibitions so that they feel they can say whatever they like without consequence
- People feel less empathy or concerned by their actions as they cannot see the hurt that they are causing their friend or stranger
- Complete strangers can cast their opinion on people's posts or pictures, about whom they have no personal knowledge, connection and therefore as a result, no empathy with the individual they may be attacking
- Posts online can be shared to an audience of thousands, and once online, posts can be re-shared and have long-lasting and ongoing effects
- Bullies can now reach their targets in their own homes 24/7, victims cannot escape even at home and even if they come off social media as they can receive personal texts.²⁷

Cyberbullying behaviours between children

2.22 The eSafety Office submitted that:

[t]he most common forms of cyberbullying are social exclusion, name calling, and the spreading of lies and malicious rumours. Our experience shows that children and teens are predominantly bullied online by those in their own peer group.²⁸

2.23 The Alannah & Madeline Foundation noted that '[t]he rapidly changing nature of technology means that the form cyberbullying takes continues to morph as new ways and means of using technology emerge.'²⁹ yourtown listed various types of cyberbullying behaviours:³⁰

- harassment: repeatedly sending offensive messages to a target;
- 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);
- 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;
- happy slapping: the filming of a physical assault on a victim and the subsequent distribution of the film to humiliate the victim publically;

27 yourtown, answers to questions on notice, 9 February 2018 (received 16 February 2018), p. 2.

28 eSafety Office, *Submission 13*, p. 2.

29 Alannah & Madeline Foundation, *Submission 10*, p. 5.

30 yourtown, *Submission 6*, pp. 6–8; also see, for example, Law Council of Australia, *Submission 15*, p. 7.

- exclusion: purposely excluding a victim from entering online domains such as a chat room discussion group;
- outing and trickery: situations where a perpetrator manipulates the victim into disclosing information that the perpetrator then publicises in order to humiliate the victim; and
- impersonation or masquerading: where a perpetrator pretends to be the victim and sends offensive messages to others that appear to come from the victim.

2.24 The eSafety Commissioner has reported that the use of fake accounts to impersonate peers makes up '...about 20 per cent of our complaints.'³¹

2.25 Professor Campbell of AUARA stated that most cyberbullying between children is not anonymous. She said that the notion of anonymous cyberbullying:

...is an adult perception because of trolling of adults, but kids usually only bully people that they know. So they don't troll and just be angry at celebrities; what they do is they pick on the kids at school and then, after they leave school, they send them horrible messages when they get home as well. So they usually know them. There's a very small percentage of kids who don't know them.³²

2.26 While noting the overlap between cyberbullying and other bullying, some submitters highlighted differences between these two behaviours. The eSafety Commissioner stated that:

I think what you saw with the whole idea of COAG coming together today is that state, territory and federal leaders said, 'Hey, bullying isn't a new phenomenon.' I heard the senator say that these are social and behavioural problems playing out in the technological sphere. I absolutely agree. There are some unique characteristics of cyberbullying vis-a-vis bullying. It's much more pervasive. Sometimes anonymity can be involved. With the amplification with multiple people watching or partaking, that can amplify a person's humiliation. With image based abuse and the fast proliferation of images, that's obviously a devastating impact for victims.³³

2.27 The Tasmanian Government also distinguished between cyberbullying and traditional bullying:

Cyberbullying differs somewhat from what is considered to be 'traditional' bullying in that it may involve a single but widely disseminated or indefinitely accessible communication rather than a sustained course of conduct. For example, where an online post is accessible indefinitely or the

31 Ms Inman Grant, eSafety Commissioner, in Jake Evans, 'Fake Instagram accounts being used by kids to "destroy reputations", eSafety Commissioner says', *ABC News*, 16 March 2018, <http://www.abc.net.au/news/2018-03-16/children-using-fake-instagram-accounts-to-bully-others/9553548> (accessed 16 March 2018).

32 Professor Campbell, AUARA, *Committee Hansard*, 9 February 2018, p. 6.

33 Ms Julie Inman Grant, eSafety Commissioner, Office of the eSafety Commissioner, *Committee Hansard*, 9 February 2018, pp. 67–68.

sharing of a post goes 'viral' on social media outlets reaching a large number of people.³⁴

2.28 Similarly, yourtown submitted that '[o]nce bullying behaviour has been committed online, repetitive bullying is no longer solely at the instigation of the original bully or bullies.'³⁵

2.29 yourtown also argued that '...evidence suggests that the detrimental impact of cyberbullying can be more severe and long lasting to its victims than traditional bullying.'³⁶ It explained:

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 on line in a number of different forums and be repeatedly relived.³⁷

The effects of cyberbullying between children

2.30 The Australian Government Department of Education and Training highlighted the harms of cyberbullying:

There is increasing evidence that both face-to-face bullying and cyberbullying have lasting effects on young people, including poor self-esteem and mental health, depression, anxiety and suicidal ideation. Recent tragic events have further generated widespread concern about the issue of cyberbullying.³⁸

2.31 The Tasmanian Government stated that '[t]he harm caused by bullying can be very victim-specific and the consequences vary widely depending on the victim.'³⁹ yourtown painted a detailed picture of the negative effects cyberbullying can have:

Callers contact Kids Helpline expressing high levels of anxiety, depression, isolation, humiliation or shame about cyberbullying. They tell us that they don't want to go to school, that their grades are deteriorating, that their relationships with their families and others are suffering and that they're no longer interested in the hobbies they used to enjoy. They feel hopeless, powerless and, most tragically, sometimes even suicidal. Indeed, some 14 per cent of young people who contacted our counsellors about online safety issues in 2017 were experiencing suicidal thoughts at the time of contact. Of notable concern, nine per cent of those were aged just five to 12 years old. We know therefore that cyberbullying is an increasingly prevalent issue, taking a serious emotional toll on the very youngest

34 Tasmanian Government, *Submission 19*, p. 2.

35 yourtown, *Submission 6*, p. 4.

36 yourtown, *Submission 6*, p. 4.

37 yourtown, *Submission 6*, p. 4.

38 Australian Government Department of Education and Training, *Submission 2*, p. 4.

39 Tasmanian Government, *Submission 19*, p. 2.

Australians, with long-lasting and, at times, devastating consequences for the health and wellbeing of our children.⁴⁰

2.32 In addition to victims, perpetrators can also be negatively affected by cyberbullying. yourtown stated that Kids Helpline hears from:

...cyberbullies who ring us severely distressed, remorseful and worried about their future. These young cyberbullies urgently need appropriate support and education to help them more positively navigate their online worlds, including mental health support services targeted to meet their specific needs.⁴¹

2.33 The eSafety Office noted that the harms of cyberbullying extend even beyond victims and perpetrators:

The consequences are often felt well beyond the perpetrator and victim involved, impacting families, friends and local communities. Schools are often adversely impacted, as are service providers such as out of home care organisations. In some cases, police become involved.⁴²

2.34 Some submitters questioned the extent of any *direct* link between cyberbullying and suicide. The National Mental Health Commission stated:

The real-world consequences of bullying in children and young people include the risk of developing a mental health condition, including either depression or anxiety, or both, and it can also lead to an increased risk of the use of drugs and alcohol as well as self-harm, suicidal ideation and suicide attempts.

However, we do know that suicide is multifaceted, and its causes are complex...Research suggests that most people who die by suicide have underlying risk factors including mental health issues and other social influences.⁴³

2.35 The National Children's Commissioner at the Australian Human Rights Commission, Ms Megan Mitchell, referred to research she conducted in 2014 which:

...found that while bullying was a feature in some of the suicides of children it was rarely the sole factor at play. A multiplicity of risk factors predispose a child to suicide or self-harm. These include, as has been said, mental health problems, substance abuse, child abuse, adverse family experiences, school, stress, body image and a history of intentional self-harm with or without suicidal intent.⁴⁴

40 Ms Clarke, yourtown, *Committee Hansard*, 9 February 2018, p. 21.

41 yourtown, answers to questions on notice, 9 February 2018 (received 16 February 2018), p. 4.

42 eSafety Office, *Submission 13*, p. 1.

43 Ms Vanessa D'Souza, Acting Director, Policy, Analysis and Reporting, National Mental Health Commission, *Committee Hansard*, 9 February 2018, p. 53.

44 Ms Megan Mitchell, National Children's Commissioner, Australian Human Rights Commission, *Committee Hansard*, 9 February 2018, p. 54.

2.36 Dr Buhagier of ReachOut Australia discussed the link between cyberbullying and mental distress, and the link between mental distress and suicide:

The research that we've done with young people would suggest that cyberbullying actually is very closely linked to increased distress, and that can reveal itself in many different ways, around social isolation and around their mood. There are a whole range of issues that young people have identified as a result of cyberbullying, which then link to high levels of distress. I think we know that there's a link between high levels of distress and suicide. Whether you can always necessarily draw that direct line is, I think, a question to be asked.⁴⁵

2.37 Dr Buhagier further explained that '[w]e know that there is a link between A and B and between B and C, but to then directly draw a link from A to C is not always as straightforward as we would like.' However, she also noted that '[i]f you're asking me whether reducing or preventing cyberbullying is positive in terms of mental health outcomes and distress, I would say, "Definitely."' ⁴⁶

2.38 Professor Campbell was particularly clear when questioning the notion of a direct link between cyberbullying and suicide:

There has been no causal link shown between any kind of bullying and anybody dying by suicide. There are always mental health issues involved. A bullying incident might be a trigger. It might be a factor or it might not be, but there are always mental health issues. We know that 30 per cent of children have been bullied in the previous 12 months. They have not died by suicide. So you can't say that there's a link. It is mental health.⁴⁷

Cyberbullying targeting adults

Cyberbullying behaviours targeting adults

2.39 Ms Clarke of yourtown acknowledged that cyberbullying extends beyond children:

Adults are also guilty of cyberbullying. The internet is rampant with adults from many walks of life verbally abusing and bullying others in light of their views, their appearance or some aspect of their life. Indeed, it often feels like the internet is the new Wild West, where social norms are yet to be instilled and where many people aggressively vent their own frustrations.⁴⁸

2.40 The committee heard that cyberbullying of adults is often anonymous trolling where the perpetrator does not personally know the victim. The Media, Entertainment

45 Dr Buhagiar, ReachOut Australia, *Committee Hansard*, 7 March 2018, p. 35.

46 Dr Buhagiar, ReachOut Australia, *Committee Hansard*, 7 March 2018, p. 35.

47 Professor Campbell, AUARA, *Committee Hansard*, 9 February 2018, p. 5.

48 Ms Clarke, yourtown, *Committee Hansard*, 9 February 2018, p. 21.

& Arts Alliance (MEAA) expressed that '[a] great concern is how many cyberbullies hide behind anonymity in order to mount their attacks.'⁴⁹

2.41 The eSafety Commissioner stated that:

I can tell you from my experience working inside Twitter, I have seen the worst and the worst of determined trolls and what they can do to savage and destroy people's lives. Wily trolls will buy a different SIM card every day for the sole purpose of finding a way to menace the same person. So those people do exist.⁵⁰

2.42 Ms Ginger Gorman, Committee Member of Women in Media, described her research on extreme trolling. She explained that some people troll '...for up to 30 hours a week', and that '...they want to hurt people and they take pleasure in it.' She argued that trolling causes terrible consequences:

...trolls are wrecking lives. They're causing people, especially women, to harm themselves, to lose their jobs, as Jenna [Price] has mentioned, and to die by suicide. They deliberately wreck a person's reputation so that the person becomes unemployable. It's essentially a type of economic vandalism.⁵¹

2.43 Ms Van Badham, Media Section Vice President at the MEAA, quoted some extremely violent and vulgar tweets she has received following her public journalistic work. She stated that some of the men who sent these communications to her had enough '...confidence...' to identify themselves with their own names.⁵² She also linked trolling to physically violent incidents that she has also experienced:

...these things are creating a context where violence and harassment is spilling over into real life. Effectively, I have been dehumanised on the internet and represented by these groups of people, sometimes quite deliberately, in a way where they are incited by others towards violence against my person.⁵³

Groups that are particularly affected

2.44 Some submitters argued that cyberbullying is a particular problem for those who work in public-facing media roles.⁵⁴ Maurice Blackburn Lawyers referred to employment expectations for journalists to '...participate in on-line discussions...' and

49 Media, Entertainment & Arts Alliance (MEAA), *Submission 28*, p. 6.

50 Ms Inman Grant, eSafety Commissioner, *Committee Hansard*, 9 February 2018, p. 64.

51 Ms Ginger Gorman, Committee Member, Women in Media, *Committee Hansard*, 9 February 2018, p. 34.

52 Ms Van (Vanessa) Badham, Media Section Vice President, MEAA, *Committee Hansard*, 7 March 2018, p. 12; also see Women in Media, *Submission 26*, pp. 8–11.

53 Ms Badham, MEAA, *Committee Hansard*, 7 March 2018, p. 13.

54 Women in Media, *Submission 26*, p. 5; MEAA, *Submission 28*, p. 3; Maurice Blackburn Lawyers, *Submission 29*, p. 2.

'...express personal opinions...'. It expressed concern that '...these "forced" interactions are exposing media professionals to cyberbullying.'⁵⁵

2.45 The MEAA submitted that '[t]he lived experience of many MEAA members working in the media industry is of being regularly subjected to harassment, abuse and threats on social media...'.⁵⁶ It stated that this can occur at home or at work, 24 hours a day, and that:

...because of the nature of social media platforms and the encouragement they give to others to "engage", others can join in so that the abuse can swell and compound as others join the frenzy.⁵⁷

2.46 Ms Jenna Price, Committee Member at Women in Media, stated that it is not always possible for journalists to block the offending accounts:

I used to be able to be really good at blocking and deleting, but these people find ways around it. They do private messages, and I can't block those because I'm a journalist. I need to be able to speak to people who are regular and well intentioned and have interesting things to say.⁵⁸

2.47 Ms Badham of the MEAA expressed this problem as '...a workplace safety issue that affects women disproportionately...'.⁵⁹ While acknowledging that male journalists also experience cyberbullying, Ms Price stated that '...women journalists receive three times the number of abusive tweets as what men experience'.⁶⁰ Ms Badham referred to a public event she attended with a male colleague, after which she '...received 400 rape and death threats', while her male colleague did not receive any.⁶¹

2.48 Women in Media provided a several reasons as to why a person might cyberbully or troll one of its members:⁶²

- they find it amusing;
- they do not like the other person's ideas or ideology;
- another social media user or media personality has initiated the abuse and they are following suit;

55 Maurice Blackburn Lawyers, *Submission 29*, p. 2; also see, Ms Badham, MEAA, *Committee Hansard*, 7 March 2018, pp. 13–15.

56 MEAA, *Submission 28*, p. 5.

57 MEAA, *Submission 28*, p. 8.

58 Ms Jenna Price, Committee Member, Women in Media, *Committee Hansard*, 9 February 2018, p. 29.

59 Ms Badham, MEAA, *Committee Hansard*, 7 March 2018, p. 16; also see Women in Media, *Submission 26*, p. 5.

60 Ms Price, Women in Media, *Committee Hansard*, 9 February 2018, p. 29–30.

61 Ms Badham, MEAA, *Committee Hansard*, 7 March 2018, p. 12.

62 Women in Media, *Submission 26*, pp. 7–8.

- they don't consider it to be a big deal or illegal, "it's just words";
- they don't believe there will be any consequences to their actions, or
- they feel they are anonymous.

2.49 In addition to cyberbullying of female journalists, submitters highlighted cyberbullying of women more generally. Victorian Women Lawyers emphasised that:

Australian women and girls are more likely to be the victims of cyberbullying, with young women particularly vulnerable to many forms of cyberbullying including sexual harassment and stalking.⁶³

2.50 The National Council for Single Mothers & their Children stated that '[i]t appears that some of most horrifying abuse and threats are reserved for women who speak out or those deemed to be feminist.'⁶⁴

2.51 The Dr Merrindahl Andrew, Program Manager at the Australian Women Against Violence Alliance (AWAVA), argued that '...cyberbullying is also a manifestation of technology facilitated abuse...', and that:

...it is important to understand that violence and bullying generally are strongly interlinked with dynamics of gender and sexuality. The normalisation of male violence and restrictive expectations about women and girls are some of the key drivers of violence and bullying generally.⁶⁵

2.52 Ms Gorman of Women in Media argued that cyberbullying and trolling '...disproportionately affects women, especially black women, people of colour and transwomen.'⁶⁶ Mr Andrew Jakubowicz argued that some cyberbullying is linked with racism.⁶⁷ Additionally, AWAVA highlighted a recent survey which '...concluded that people with disability, Aboriginal and Torres Strait Islander people and people who identify as LGBTIQ are particularly vulnerable to technology-facilitated abuse.'⁶⁸

A nationally consistent definition of 'cyberbullying'

2.53 Several submitters supported the development of a clear definition of cyberbullying.⁶⁹ The Law Council of Australia submitted that '[t]he definition of "cyberbullying" is not universal and is open to debate.'⁷⁰ It emphasised:

63 Victorian Women Lawyers, *Submission 5*, p. 3.

64 National Council of Single Mothers & their Children, *Submission 7*, p. 1.

65 Dr Merrindahl Andrew, Program Manager at the Australian Women Against Violence Alliance, *Committee Hansard*, 9 February 2018, p. 32.

66 Ms Gorman, Women in Media, *Proof Committee Hansard*, 9 February 2018, p. 34.

67 Mr Andrew Jakubowicz, *Submission 30*, pp. 1–3.

68 Australian Women Against Violence Alliance, *Submission 14*, p. 2.

69 See, for example, yourtown, *Submission 6*, p. 4; MEAA, *Submission 28*, p. 7; Professor Campbell, AUARA, *Committee Hansard*, 9 February 2018, p. 1; Ms Mitchell, National Children's Commissioner, Australian Human Rights Commission, *Committee Hansard*, 9 February 2018, p. 53.

70 Law Council of Australia, *Submission 15*, p. 7.

...the need for common understanding of conduct which constitutes cyberbullying, and the perpetrators involved, as a necessary basis for assessing possible law reform options in this area.⁷¹

2.54 Mr Blackman of the Alannah and Madeline Foundations stated that '[i]n many respects, cyberbullying is still an adult-conceived term.'⁷² His colleague, Ms Podesta, advocated '...bring[ing] together a range of organisations to try to get some agreed, common definition' of cyberbullying:

...we don't believe that we have reached an appropriate definition of cyberbullying, which is why we would issue caution about going down a legislation path now. There isn't an agreed community understanding of what this means. As I think all of us have said today, the issue of 'readily understandable' is critical in this. You can't change behaviours if people don't know what you're talking about.⁷³

2.55 Mr Dalglish of yourtown stated that '[t]he law sets behavioural standards in our community, so we do need some template about what it is we're talking about.'⁷⁴ He also indicated some possible features of a cyberbullying definition when discussing the difference between teasing and bullying:

I will kick off by saying that the difference is two things. It's ongoing, so it's not a one-off; it's an ongoing pattern of behaviour and intent—intent to humiliate or to hurt. Teasing might be in a particular context; it might be a one-off. But, when you see a pattern emerging, when it's an ongoing behaviour with that intent, then, to me, that's when it passes the line to bullying and cyberbullying.⁷⁵

2.56 Ms Gorman of Women in Media referred to '...a very good definition that comes out of the cyberbullying centre in the US, which is to do with repetitive attacks with the intent to cause harm using an electronic device, so it's very specific.'⁷⁶ Some submitters also noted that bullying is already defined in a workplace context.⁷⁷

2.57 The eSafety Commissioner stated that '[t]here is a definition of serious cyberbullying in the [*Enhancing Online Safety Act 2015*].'⁷⁸ The meaning of '...cyberbullying material targeting an Australian child...' is set out in section 5 of this

71 Law Council of Australia, *Submission 15*, p. 5.

72 Mr Blackman, Alannah & Madeline Foundation, *Committee Hansard*, 9 February 2018, p. 23.

73 Ms Podesta, Alannah & Madeline Foundation, *Committee Hansard*, 9 February 2018, p. 26.

74 Mr Dalglish, yourtown, *Committee Hansard*, 9 February 2018, p. 24; also see Alannah & Madeline Foundation, *Submission 10*, p. 6.

75 Mr Dalglish, yourtown, *Committee Hansard*, 9 February 2018, p. 26.

76 Ms Gorman, Women in Media, *Committee Hansard*, 9 February 2018, p. 31.

77 Alannah & Madeline Foundation, *Submission 10*, pp. 2–3; Maurice Blackburn Lawyers, *Submission 29*, p. 2.

78 Ms Inman Grant, eSafety Commissioner, *Committee Hansard*, 9 February 2018, p. 62.

Act. Under subsection 5(1), material meets the definition if it satisfies the following conditions:

- (a) the material is provided on a social media service or relevant electronic service;
- (b) an ordinary reasonable person would conclude that:
 - (i) it is likely that the material was intended to have an effect on a particular Australian child; and
 - (ii) the material would be likely to have the effect on the Australian child of seriously threatening, seriously intimidating, seriously harassing or seriously humiliating the Australian child;
- (c) such other conditions (if any) as are set out in the legislative rules

2.58 The eSafety Office explained that:

[w]hether the 'serious' threshold is met under the Act will depend on the facts and circumstances of every individual complaint. The Explanatory Memorandum to the Act makes clear that material must be more than merely 'offensive or insulting' to be considered cyberbullying material. The age and characteristics of the child will also be relevant, as will the sensitivity of the material and the number of times it has been viewed or shared.⁷⁹

2.59 The committee is aware that the interim report of the Australian Parliamentary Joint Select Committee on Cyber-Safety, tabled in June 2011, recommended:

[t]hat the Minister for Broadband, Communications and the Digital Economy invite the Consultative Working Group on Cybersafety, in consultation with the Youth Advisory Group, to develop an agreed definition of cyber-bullying to be used by all Australian Government departments and agencies, and encourage its use nationally.⁸⁰

2.60 The committee also notes the Australian Government's response to that inquiry, dated December 2011, which accepted the above recommendation. It stated:

The Safe and Supportive School Communities (SSSC) is a Working Group of the Australian Education, Early Childhood Development & Youth Senior Officials Committee (AEEYSOC). The Working Group includes nominated representatives of all Australian education jurisdictions - all state, territory and federal education departments as well as national Catholic and independent schooling representatives.

The SSSC working group has developed the following definition of cyberbullying:

"Bullying is repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an

79 eSafety Office, *Submission 13*, p. 4.

80 Joint Select Committee on Cyber-Safety, *High-Wire Act: Cyber-Safety and the Young*, June 2011, p. xxvi.

individual or group towards one or more persons. Cyberbullying refers to bullying through information and communication technologies."⁸¹

2.61 The government response stated that various groups would be consulted on this definition, and that '[t]he definition will be discussed and agreed by state and territory governments through AEEYSOC.' The agreed definition would then be promoted nationally.⁸²

2.62 The committee was not able to identify the current status of this definition. The committee makes a recommendation about the definition of cyberbullying in Chapter 5.

81 Australian Government, *Government Statement of Response: Joint Select Committee on Cyber-Safety Interim Report – High-Wire Act: Cyber-safety and the Young*, December 2011, pp. 5–6.

82 Australian Government, *Government Statement of Response: Joint Select Committee on Cyber-Safety Interim Report – High-Wire Act: Cyber-safety and the Young*, December 2011, p. 6.

