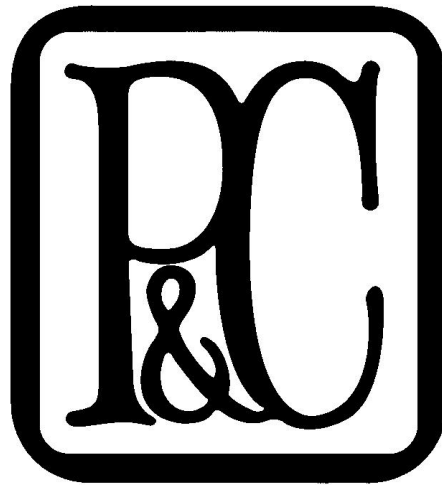# Federation of Parents and Citizens' Associations of New South Wales

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Submission to the Joint Select Committee on Cyber-Safety

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The Federation is committed to a free public education system which is open to all people, irrespective of culture, gender, academic ability and socio-economic class and empowers students to control their own lives and be contributing members of society.

This commitment is based on the belief that:

- All students have the capacity to learn;
- The Government has prime responsibility to provide an education system open to all, which is free and secular;
- Schools should be structured to meet the needs of individual students and should respect the knowledge those students bring to school and build on that knowledge to foster their understanding about the world.

Parents as partners in the education process, have a right and a responsibility to play an active role in the education of the children.

P&C Federation and its representatives share a responsibility of ensuring representative decision making for the benefit of all students.

Introduction

The Federation of Parents and Citizens' Associations of New South Wales would like to welcome the creation of a Joint Select Committee on Cyber-Safety and wish to lend our support to the Committee's work where appropriate. The Federation is thankful for the opportunity to provide input on the Committee's Terms of reference.

- **the online environment in which Australian children currently engage, including key physical points of access (schools, libraries, internet cafes, homes, mobiles);**

Australian children have many opportunities to engage in activities in the online environment. These places include: at school, at the local public library, internet cafes, at home and on their mobile phones. The Federation of Parents and Citizens' Association has numerous concerns regarding the issue of providing a safe environment for our children in this new arena where the links they have are not just local but statewide, national and even on an international basis. These concerns include, but are not restricted to,

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[1] Preamble of Federation of Parents and Citizens' Associations of NSW. *2008 P&C Handbook* (6)

cyberbullying, abuse of children online, the emerging problems of sexting and the level and availability of legal and Police support for issues that may arise.

• abuse of children online, particularly cyber-bullying;

The ongoing development of technology has provided an opportunity for children to be targeted by individuals who have used the anonymous nature of the medium to approach, engage and subsequently abuse children in many forms. The range of abuse has included the distribution of child pornography and grooming of children using chat rooms and other social networking sites. The ramifications of such abuse can range from children feeling uncomfortable to the extreme case of 18 year old Nona Belomesoff who was murdered after she befriended individuals on the social networking site 'Facebook' . These abuses are not restricted by borders at a national or an international level and thus the legal implications are complicated by jurisdictional responsibilities.

Cyberbullying is often perceived as a differing form of abuse as it incorporates situations which are not age restrictive nor defined by boundaries. There have been significant increases in the cases of cyber-bullying reported (especially in the media) over the last few years, particularly by peers within a school setting. Bullying of any form is never acceptable. Schools have a responsibility to provide a safe and supportive environment that protects the emotional and physical well-being of students. It is important that schools address all forms of anti-social behaviour, including cyber bullying. A failure to take action may place the wellbeing of students at risk, and could have legal implications for the school.

This responsibility is highlighted in the **National Safe Schools Framework (NSSF)** endorsed by all Ministers for Education in 2003. The NSSF outlines a nationally agreed set of guiding principles aimed at assisting schools achieve a shared vision of physical and emotional safety and wellbeing for all students in all Australian schools. It is a collaborative effort by the Australian Government and State and Territory government and non-government school authorities to address issues of bullying, harassment, violence, child abuse and neglect.

Some schools have reportedly buried their heads in the sand with regards to the issues around online bullying and its repercussions. They have suggested that, as the incident didn't happen at school, the school is not accountable and shouldn't get involved. However, where children are bullied, using any form of technology, the repercussions are often felt the following day at school. Schools have developed and implemented a mobile phone policy in an effort to reduce the level of cyberbullying within the school environment. But the availability of such policies must be supported by mechanisms and programs which identify the antecendents to problem situations, the probable consequences and the support structures available to minimize or negate such consequences.

Parents may be involved and have knowledge of their child's social media activity but schools may not have the same knowledge even when the contact happens during the day. With the advent of smart phones, students are using Facebook and Twitter and text messaging other students, during school hours, and within the school grounds.

The Federation would like to raise the issue of whether school staff have the knowledge of dropping filters to efficiently monitor the use of the online environment during school hours.

Although bullying is not a specific criminal offence in Australian law, criminal and civil laws may apply to aspects of bullying behaviour. Some cyber bullying activities could be criminal offences under a range of different Commonwealth, State and Territory laws. For example, using a carriage service (such as a mobile phone) to make a threat, to menace, harass or cause offence could be a criminal offence under the Schedule to the Criminal Code Act 1995 (Cth)

• inappropriate social and health behaviours in an online environment (e.g. technology addiction, online promotion of eating disorders, drug usage, underage drinking, gambling and smoking);

Inappropriate social and health behaviours are said to have increased with easier access to the online environment. Online blogging, social media pages and chat rooms allow for people to discuss their interests and to share their experiences and ideas.

Unfortunately, some web pages and sites encourage eating disorders, drug usage, underage drinking, gambling, smoking and in some cases suicide. There appears to be little self-monitoring of such sites by providers and they will often abrogate their responsibility by promoting individual choice and decisions regardless of the age of the user. In the physical world, laws restricting usage by age have assisted in providing some level of protection to vulnerable children and teenagers around drug (alcohol/ tobacco/ medication), gambling and purchase of videos/ games.

When used correctly, social media sites and web pages can be very useful for promoting and informing people about a new product or cause. However, providing and promoting inappropriate social and health behaviours to vulnerable young people can have a very negative impact.

• identity theft & breaches of privacy;

Identify theft online is a major issue especially considering the fact that the online environment does not just mean internet usage in Australia. The Internet allows for information to flow across many channels around the world. Children and many adults are vulnerable to the scams and criminal activities that could result from a simple form being filled out online providing sensitive, identifiable information. If this information falls into the wrong hands, problems arise including the misuse of the information to develop and use a persons identity for illegal purposes.

Children and adolescents are often not even aware of the meaning of identity theft. They may fill out a profile on the internet pretending to be another student from their class or use another student's photograph without realizing the potential harm that they may cause. It is essential to educated people about possible risks especially with the many pathways available to access the online environment.

• Australian and international responses to these cyber-safety threats;
Australia
Recently the Alannah and Madeline Foundation completed its National Pilot of a framework for increasing cybersafety and reducing the incidence of bullying, including cyber-bullying, in schools across Australia.

The three-month pilot of a world-first cyber safety and wellbeing initiative was launched in February. It has been developed and conducted by The Alannah and Madeline Foundation and funded by the Federal Department of Education, Employment and Workplace Relations. More than 150 government and non-government schools from urban, rural and remote regions across Australia have been participating in the project. Under the pilot project the schools have put policies and practices in place to support the smart, safe and responsible use of technology. The initiative aims to:
- make cyber safety an integral part of student wellbeing practices in schools
- improve the curriculum in relation to cyber safety
- increase the skill and confidence of teachers to confront cyber safety issues
- Help schools work with parents the community to keep children safe
- promote the smart and effective use of communications technology by students and teachers.

Additionally, the NSW Department of Education and Training provides information for parents and students about cyber-bullying regularly through the School Parent and Click publications which are available online. Media releases are also provided by the Department to schools and those on the recipient lists with current information about issues occurring. The Federation also provides information to parents and citizens' of public schools across NSW via E-bulletins and the quarterly P&C Journal.

The Australian government, through the Australian Communications and Media Authority have developed resources that can be used to address the cyber safety issue. One example is the website www.cybernetrix.com.au which is a flexible, interactive resource that can be used across the secondary school curriculum. Students explore a range of internet safety issues using real-life scenarios. Cybernetrix deals with a wide range of cyber safety themes – keeping safe online, cyber bullying, avoiding spam and scams, identity theft and keeping your computer secure.

At a National level the **National Safe Schools Framework (NSSF)** endorsed by all Ministers for Education in 2003 outlines a nationally agreed set of guiding principles aimed at assisting schools achieve a shared vision of physical and emotional safety and wellbeing for all students in all Australian schools. It is a collaborative effort by the Australian Government and State and Territory government and non-government school authorities to address issues of bullying, harassment, violence, child abuse and neglect.
Although this information is available online and basic steps have been taken, more needs to be done to ensure that these guidelines are enforced and applied.[2]

International responses to Cyber-safety threats
There are numerous cooperative organizations around the world working together to respond to the Cyber-safety threats occurring online. Some of these include:

Child Online Protection (COP) - COP has been established as an international collaborative network for action to promote the online protection of children worldwide by providing guidance on safe online behaviour in conjunction with other UN agencies and partners including the United Nations Children's Fund and the International Criminal Police Organization (Interpol).[3]

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[2] Australian Government ; Australian Communications and Media Authority; 2008 Cyberbullying A whole-school community issue Cyber smart
[3] http://www.itu.int/osg/csd/cybersecurity/gca/cop/happening.html

The Family Online Safety Institute works to make the online world safer for kids and their families by identifying and promoting best practice, tools and methods in the field of online safety, that also respect free expression. The Family Online Safety Institute has developed public policy, technology, education and special events to promote Family Online Safety. FOSI is a trusted convener, bringing together leaders in government, industry and the nonprofit sectors to collaborate and innovate new solutions in child safety.[4]

European NGO Alliance for Child Safety Online is a network consisting of 17 children's rights NGOs from across the EU working for a safer online environment for children.
Their mission is to promote and support actions at national, European and international levels to protect children and promote their rights in relation to the Internet and new technologies.
ENACSO's work is based on the 1989 UN Convention on the Rights of the Child (UNCRC) and the Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography.[5]

Childnet International - Childnet International's mission is to work in partnership with others around the world to help make the Internet a great and safe place for children. All its work Childnet seeks to take a balanced approach. Childnet works in 3 main areas of Access, Awareness, Protection & Policy.[6]

- **Access and promoting quality content**
  Helping children and young people to use the net constructively, showcase quality content and enable others to use our resources and develop new projects.
- **Awareness and advice**
  Helping children and young people acquire new "net literacy" skills and giving advice to industry, organisations, parents, teachers and carers about Internet and mobile safety.
- **Protection and policy**
  Working with others to help protect children from being exploited in the online environments provided by new technologies as well as seeking to initiate and respond to policy changes.

The numerous organizations which have formed around the world to respond to the threat of Cyber Safety seem to have a common goal and that is to keep the online environment a safe place for all and especially for vulnerable younger people. However, like many areas of International law the difficulty live within the implementation of these laws and policies.

• **opportunities for cooperation across Australian stakeholders and with international stakeholders in dealing with these cyber-safety issues;**

Cooperation between Australian stakeholders with international stakeholders in dealing with cyber-safety issues will ensure that a more consistent approach is adopted and guidelines are established to identify the laws and rules.

A clear definition of the various types of Cyber-bullying needs to be identified and made uniform across Australia including Cyber-bulling, Cyber-Stalking and inappropriate social and health behaviours. There are numerous perceptions of what Cyber-bullying is and incidents may be dismissed or ignored because the

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[4] http://www.fosi.org/cms/

[5] http://www.enacso.eu/

[6] http://www.childnet-int.org/about/

issues were not classified. Examples such as defining if a student creates a Facebook page and makes a list of all their classmates whom they don't like being the same as distributing a private instant message conversation to the rest of the school need to be addressed.

The online environment is a difficult area to monitor considering there are no definitive lines drawn to identify the boundaries and laws which apply. A child in Australia could be a victim of Cyber-bullying in a chat room by a child from America. The question would be around which enforcement body should be notified and which laws applied.

Cooperation between various International stakeholders in dealing with cyber safety issues could address grey areas of law and regulations and could also identify an enforcement body or information point to contact if a situation arises. Ways to improve the enforcement of existing policies need to be developed to ensure a safer online environment on a national, and an international, level.

• **ways to support schools reduce the incidence and harmful effects of cyber-bullying; and**

The Federation of Parents and Citizens' Association of NSW recommends the introduction of programs to educate and inform students about cyber safety.

This program could be offered at various times in a student's school career and based on age appropriate activities. It could be part of the transition program to High school. This becomes a program to educate students on this area during one of the period when they are vulnerable, as an adolescent. It could be at the end of year 6 or in the first week of year 7, with the Year advisor /school counselor /welfare support personnel or peer leaders involved, as these are the adults with whom the students will have contact during their secondary school years.

A similar, but more extensive, program could be held at the end of Year 10 during the post assessment period, and may incorporate moral, ethical and legal implications of technological use.

In addition, recommendations such as those from the coroner's inquest following the death of a young boy following online bullying, should be adopted. The allocating a school counselor for every public High School in New South Wales to assist with victims of Cyber-bullying, as well as educating perpetrators and other students about the harmful effects of cyber-bullying and bullying in general, also provide support to victims.

It is important to implement a range of supports to schools and students to address the ever present issues around the effect of technology and its abuse opportunities. These supports need to be part of an extended program developed, monitored and constantly reviewed by Education and Training as the primary education provider for NSW public school children.

• **the role of parents, families, carers and the community.**

The role of parents, families, carers and the community is to provide a safe environment for students to be able to use the online environment for their studies and leisure. Online resources enrich the learning experiences of people of all ages. Ensuring that young people are monitored and protected from threats and inappropriate usage of technology, by reporting inappropriate conduct to the relevant authorites and dealing with the problem, needs to remain as a priority. Parent/ carer education on all aspects of

technology will continue to be beneficial as adults often flounder in a world of cyber space that is constantly developing.

The Federation of Parents and Citizens' Association of NSW also recommends that steps be taken to provide clear guidance to students, parents, schools, Police and other authoritative positions indicating their rights and responsibilities with regards to the safe use of present and emerging technologies. These guidelines should include addressing the aspects of bullying and abuse that are currently under the heading of cyber-bullying.

The Federation of Parents and Citizens' Association of NSW acknowledges the resources that are currently available such as safety warnings and education through Media release and articles available to students and families. However, the Federation emphasises the need for these resources to be continually incorporated into student learning to ensure that they remain informed, and reminded, about Cyber Safety.

It is the responsibility of a global community which is embracing technology into all aspects of their life, to protect the most vulnerable individuals within this community; our children.