

Senate Standing Committee on Environment and Communications
Answers to Senate Estimates Questions on Notice
Supplementary Budget Estimates Hearings November 2014
Communications Portfolio
Department of Communications

Question No: 98

Program No. 1.1

Hansard Ref: In Writing

Topic: eSafety Commissioner

Senator Urquhart asked:

1. In the Budget papers, the Government has allocated \$2.4 million over 4 years to create the Office of the eSafety Commissioner with a further \$7 million for research and education around online safety. This amounts to around \$600,000 per annum for the Commissioner. Is this correct?
2. In research commissioned by the Department and published in June of this year, the Department estimates that there are between 460,000 and 560,000 cyberbullying instances happening in Australia each year. Is this correct?
 - a. How many is this a day?
 - b. Is the Government and the Commissioner committed to addressing all these instances of cyber-bullying?
 - c. Based on the funding announced for this program how much money is allocated per cyber-bullying complaint identified by the Department's research?
 - d. Will the Government require more funding to be budgeted for to address these complaints?
3. The Government has repeatedly stated that its intention is to apply its complaint handling scheme only to large social media sites. How does the Government/Department define a "large social media site"?
 - a. Please provide examples of what would be considered a "large social media site"
 - b. Recently, tens of thousands of Snapchat images were reportedly hacked and leaked online (<http://mashable.com/2014/10/13/the-snapping-photos-videos-posted/>) and both the Victorian and the NSW Police have been warning since 2013 that "Online grooming, cyber bullying, sexting are rife" on the Kik instant messenger app <http://news.smh.com.au/breaking-news-national/pedophiles-coercing-kids-using-phone-app-20130327-2gu3a.html>. Will smaller services such as Snapchat and Kik be covered by the Government's online safety scheme?
 - c. If not, why not?

Answer:

1. Funding for the Commissioner's activities will amount to around \$11m per annum. This includes \$10 million over 4 years, announced in the 2014-15 Budget, as well as other funding made available from the Department of Communications and the Australian Communications and Media Authority.
2. Yes. The report suggested that a conservative prevalence for being cyberbullied would be in the vicinity of 20 per cent of children aged 8-17 years in a 12 month period. This equates to roughly 460,000 to 560,000 children or 1200-1600 children involved in cyberbullying per day, on average.

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Supplementary Budget Estimates Hearings November 2014

Communications Portfolio

Department of Communications

These numbers relate to the prevalence of cyberbullying rather than the prevalence of complaints. From the research it is clear that incidents of cyberbullying are dealt with in a variety of ways, including most commonly involving teachers and family members, and blocking or ignoring the cyberbully. Large social media services also have reporting mechanisms and terms of use which allow them to remove material on a range of grounds, including cyberbullying.

The complaints system, to be administered by the Commissioner, is designed to complement the existing processes of the large social media sites. A cyber-bullying complaint will only be referred to the Commissioner if it has not been adequately resolved by the social media service first. The Commissioner will act as key contact point, triaging complaints, and where necessary referring behaviour that meets a criminal standard to the police. The cost per complaint to the Commissioner will only be known once the complaints system is fully operational.

3. The Government's policy focuses the operation of a complaints scheme, backed by legislation, on 'large social media services' – that is, services which have a large number of users in Australia, for example Facebook, Twitter and Yahoo!7.

Large social media services are more likely to have employees and advertising revenue in Australia, and to have a substantial reputation in Australia. For both legal and corporate reputational reasons, such services can be expected to comply with an Australian regulatory scheme.

It is not possible to legislate in a way that will be enforceable against small services, based overseas, that do not have a connection with Australia. With smaller services the Government will be pursuing an informal, rather than a strict legal approach.

The Government expects that the Children's e-Safety Commissioner will develop informal relationships with such services and communicate the expectations of the Australian Parliament that social media services accessible to Australian children will have terms of use that ban cyber-bullying; a means by which complaints can be made to the service to request the removal of cyber-bullying material; and a contact point for the Commissioner to engage with.

Smaller social media services, such as Snapchat and Kik, do set out standards that people must adhere to when using their services. For example, Snapchat provides its Community Guidelines and Kik also has an Acceptable Use Policy. Snapchat has mechanisms for reporting harassment, abuse or other safety issues.

By building relationships with overseas-based services, the Commissioner is likely in many cases to be able to achieve the desired policy intention –without the need for formal legislative power.