Research on youth exposure to, and management of, cyberbullying incidents in Australia

Part C:
An evidence-based assessment of deterrents to youth cyberbullying
Appendix B: Findings of research with adult stakeholders

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Abbreviations

CER	Civil Enforcement Regime
SPRC	Social Policy Research Centre
PTP	Principal Teacher Parent Survey
SPRC	Social Policy Research Centre
UniSA	University of South Australia
UWS	University of Western Sydney

1.Introduction

The Australian Government, as represented by the Department of Communications, commissioned the Social Policy Research Centre (SPRC) at UNSW Australia, the University of South Australia, the University of Western Sydney, and the Young and Well CRC to research youth exposure to, and management of, cyberbullying incidents in Australia.

The research aims to provide the Australian Government with evidence relating to the desirability of whether to create a new, separate cyberbullying offence and in its consideration of a new civil enforcement regime for instances where the victims and cyberbullies are Australian minors at the time of the incidents.

The research methods employed were designed to maximise stakeholder reach and engagement, and capitalise on the collective expertise and experiences of a wide range of stakeholders. A number of adult stakeholders were surveyed and engaged (through interviews and workshops) to develop the evidence-base to determine if a new, simplified cyberbullying offence or a new civil enforcement regime were introduced, how such an offence or regime could be implemented, in conjunction with the existing criminal offences, to have the greatest material deterrence effect.

This appendix presents the detailed methodology and findings from engaging adult stakeholders in support of the Part C Report: *An evidence-based assessment of deterrents to youth cyberbullying.* The findings of the youth engagement component of this research are presented separately in Appendix C to the report.

The rest of this appendix is set out as follows:

- Section 2 describes the methodology of this research, including recruitment and data collection
- The detailed findings are presented in Section 3
- A summary is presented in Section 4
- Sections 5 to 9 provide the different survey instruments and information and consent forms used in this part of the research.

2.Methodology

The research methods employed were designed to:

- Maximise stakeholder reach and engagement as part of the public consultation process
- Capitalise on the collective expertise and experiences of stakeholders
- Provide opportunities for stakeholders to unpack the complexities and advantages of the options proposed by the government in a semi-structured exploratory discussion format
- Obtain comprehensive feedback and facilitate engagement with descriptive and numerical data to inform future government directions associated with implementing measures that will effectively enhance online safety for children in Australia.

Qualitative research methods adopted were designed to explore in depth the diversity of stakeholder's perspectives and attitudes towards the various issues highlighted in the Commonwealth Government's discussion paper: *Enhancing Online Safety for Children*.

Stakeholders included representatives from the following sectors:

- Industry: media and communications
- Legal
- Not-for-profit
- Government
- Youth support services
- Mental health services
- University academics/researchers
- Indigenous education

2.1   Qualitative methods

A range of qualitative data collection methods were employed:

Face-to-face and telephone interviews (n=17): A semi-structured format was adopted as it enabled replication of the interview with multiple interviewers, whilst still providing opportunity for more open-ended discussion. To minimise interviewer bias and to facilitate consistent delivery of questions and coverage of themes, researchers identified interview protocols, including guiding questions as part of the interview framework.

Focus group/workshops/roundtable (Connect 2014: n=9; Industry and Expert Roundtable n=17): A semi-structured exploratory method, using guiding questions,

was used to initiate and generate discussions on identified themes. The format provided the opportunity for interactions to occur between participants rather than solely with the researcher, thereby enabling an interactive discussion.

2.2   Quantitative methods

The quantitative research method utilised an online survey, namely a principal, teacher and parent survey. This provided an opportunity to gain a deeper understanding of the target sample's opinions, attitudes and perspectives. The survey was a self-administered questionnaire completed over the internet. The items in the survey were closely aligned with the questions proposed in the *Enhancing Online Safety for Children* discussion paper and were designed to elicit the views and opinions of principals, teachers, pre-service teachers and parents.

In the development phase, the online survey underwent a comprehensive iterative process of refinement and were trialed by a small group of individuals who had expertise in either content knowledge or survey design methods. The survey was open for just over two weeks and hosted on the Qualtrics survey platform.

The survey instrument, used in this component of the research, aimed to examine and measure principal, teacher and parent perspectives related to:

- Demographics
- What is known about cyberbullying
- How to deal with cyberbullying
- Education/information campaigns
- Penalties and impact of social and legal consequences
- Social media response to cyberbullying

In the final section of the survey, respondents had the opportunity to provide further comment.

In addition to the items for demographic and contextual data, dichotomous scales (including yes/no options) and Likert scales were used to measure participants' responses. Specifically, the Likert scale was incorporated to capture extent of impact.

Text boxes of unlimited length were also included for qualitative responses and to provide participants with opportunities to elaborate and clarify their responses if needed.

2.3   Recruitment and sampling

Maximum variation sampling, which is a non-probability purposive sampling, was employed as it enabled recruitment of participants with wide ranging experiences and backgrounds to provide input into the research. With maximum variation sampling, the goal is not to establish a random and generalisable sample, but rather

aims to tap into broad experiences and knowledge base from a range of stakeholders. This type of sampling approach is designed to achieve comparability through the contrast principle and the constant comparative technique. This approximates representativeness and achieves data saturation through various methods. Data saturation is achieved when no new information is presented.

2.3.1 Principal Teacher Parent survey

Organisations across the education sector were invited to support this research by promoting the online Principal Teacher Parent (PTP) survey via avenues available to them. Promotion generally occurred via the organisation's website, social media pages or via their email distribution lists. Organisations that supported the study included:

- Parents Victoria
- Australian College of Educators
- Independent Education Union SA
- Independent Education Union Australia
- Australian Council of State School Organisations
- University of South Australia (School of Education).

2.3.2 Professionals and policy makers

Young and Well CRC project partners and parent associations were invited to participate in a pre-conference workshop and/or interviews. Invitations, information and consent forms were distributed by email distribution lists. Adult participants in the Young and Well CRC are already voluntary and professional collaborators who are active contributors to research in this domain.

2.3.3 Industry and Expert Roundtable

An existing industry/expert roundtable was approached to be part of the study. An outline of the proposed discussion points was submitted to the Chair and Co-Chair of the Roundtable and approval to conduct the focus group in March 2014 was granted. Stakeholders included representatives from government departments and regulatory bodies, mental health and wellbeing service providers, youth leadership organisations, non-government organisations, and university researchers.

2.4 Data collection

Data collection occurred over a three-month period.

- Two workshops (Connect 2014, and an Industry and Expert Roundtable), plus seventeen interviews (16 individual interviews and 1 paired interview) were conducted between 19 February 2014 and 1 April 2014.

- The Principal, Teacher and Parent (PTP) online survey was opened on 17 March 2014 and closed on 27 March 2014.

2.4.1 Principal Teacher Parent survey (n=83)

The University of South Australia project team members set up the PTP survey on the Qualtrics survey platform. The consent process was incorporated in the first page of the survey. Participation was voluntary and those who consented progressed through the remainder of the survey, whilst those who did not consent were screened out and directed to the end of the survey.

Demographic and contextual data was collected and dichotomous (including yes/no options) and Likert scales were used to measure participants' responses. Specifically, the Likert scale was incorporated to capture extent of impact. Open ended textboxes were included to capture qualitative responses and to provide participants with the opportunity for commentary. The survey design and items were very closely aligned to the policy statements, *Enhancing Online Safety for Children* discussion paper (Australian Government Department of Communications, 2014) and research aims to collect the data required by the Department of Communications.

2.4.2 Face-to-face and telephone interviews (n=17)

A semi-structured interview format was employed. Researchers formulated interview protocols, including guiding questions to facilitate consistency in approach and delivery of questions. Whilst providing a focus this format also provided the opportunity for participants to contribute additional insights into themes that may not have been originally identified in the interview protocol.

2.4.3 Focus group/workshops/roundtable: (Connect 2014: n=9; Industry and Expert Roundtable n=17)

A semi-structured exploratory approach was adopted for the focus groups, workshops and roundtable. Guiding open-ended questions were formulated and used to initiate and generate discussions on identified themes. This facilitated a focused, interactive discussion.

3. Findings related to adult stakeholders

The predominately descriptive findings presented in this section have been organised under the following headings and align with the survey instrument to facilitate readability:

- Principal Teacher Parent Survey
- Professionals and policy makers (Connect 2014)
- Industry and expert roundtable
- Interviews

3.1 Principal Teacher Parent Survey

The following section details the findings from the Principal Teacher Parent survey.

3.1.1 Participation

The characteristics of the participants are detailed in Table 1:

- The majority of respondents were from South Australia and were female
- Approximately one-third were a parent or caregiver of at least one child under the age of 18
- Approximately 30 per cent were principals, assistant/deputy principals, teachers or counsellors.

Table 1 Sample demographics[1]

Characteristic	Total %	(n=)
State or Territory (n=81)		
Australian Capital Territory	2.5	2
New South Wales	1.2	1
South Australia	95.1	77
Victoria	1.2	1
Gender (n=81)		
Female	79.0	64
Male	21.0	17
Parent or caregiver of at least one child under the age of 18 (n=81)		
Yes	30.9	25
No	69.1	56
Occupation (n=81)		
Teacher	14.8	12
Principal	6.2	5
Deputy/Assistant Principal	6.2	5
Counsellor	2.5	2
Other[2]	12.3	10
Pre-service Teacher[3]	58.0	47
Schooling context (n=24)		
Primary	37.5	9
Secondary	50.0	12
Other[4]	12.5	3

3.1.2 What is known about cyberbullying?

- The majority of respondents have not dealt with any cyberbullying incidents in their setting over the past 12 months
- Harassment, abusive language, lies, hurtful comments and name-calling were reported as common characteristics of cyberbullying
- The following behaviours were reported in a small number of examples:
  - Death threats
  - Blackmail
  - Sexting and the distribution of sexually explicit or suggestive photographs
  - Using other's devices or hacking and sabotaging social media accounts of another person
- Two-thirds of the respondents had at least some understanding about the legal consequences for young people who cyberbully
- Approximately a quarter had not accessed any training in cyberbullying and the law

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[1] Sample demographics relate to survey questions 2 to 9
[2] The category 'Other' was inclusive of school personnel and education advisors
[3] Of the pre-service teachers, 39% were in the first year of their degree, 9% were in the second year; 22% were in the third year and 30% were in the final year of their 4 year degree.
[4] The category 'Other' included combined primary secondary, Early Learning Centres to Year 8 and Early Learning Centres to Year 12.

- Most training accessed was from sessions/conferences or university courses/tutorials
- The majority of respondents were unsure if cyberbullying was an offence under any existing laws
- A number of respondents described that law enforcement officers were involved in responding to cyberbullying incidents to communicate the possible legal consequences and seriousness of the incident

Question 10: In the last 12 months, approximately how many cyberbullying incidents involving young people under the age of 18 have you had to deal with in your setting?
Of the 58 per cent (n=48) of the sample who responded to the item, the majority (32 per cent) indicated that they had not dealt with any cyberbullying incidents in their setting.

The categories of prevalence reflect the numbers reported in the text based responses to this question. Approximately 10 per cent indicated they had dealt with one or two incidents, 11 per cent had indicated three to 10 incidents and 2 per cent reported dealing with 10 to 12 incidents. Approximately 2 per cent indicated that they had dealt with incidents much more regularly, with 1 per cent reporting that they dealt with cyberbullying incidents almost on a daily basis in their setting.

Question 11: Please provide an example of the most severe cyberbullying incident involving young people under the age of 18 that you have dealt with in the last 12 months.
40 respondents provided a response to this item. 35 per cent (n=14) indicated that they had not dealt with cyberbullying at all or that the question was not applicable.

Approximately 52.5 per cent (n=21) provided an example of the most severe cyberbullying incident they had dealt with. There were 7.5 per cent (n=3) of respondents who indicated that, whilst they personally had not dealt with a cyberbullying incident, they had heard or were aware of incidents and reported on those from a third person perspective. One respondent reported they had not had to deal with any cyberbullying incidents, as students appeared to manage their engagement with social media with school support and education. One response could not be interpreted.

The descriptions highlighted that harassment; abusive language, lies, hurtful comments and name-calling were common to the cyberbullying incidents described.

In a very small number of cases, death threats or blackmail was a characteristic of the cyberbullying incident. Some descriptions mentioned particular apps or websites, such as Kik, Instagram, Snapchat, ask.fm and Facebook, on which the cyberbullying had occurred.

A small number of respondents highlighted that sexting and the distribution of photographs, some including naked or semi-naked images of young students had occurred. Using other's devices or hacking into the social media accounts of another and sabotaging the account with insulting and degrading posts of the owner were also reported by a small number of respondents. In one instance a youth suicide was mentioned.

Question 12: What level of understanding do you have about the legal consequences for young people (under the age of 18) who cyberbully?

Table 2 Understanding of the legal consequences for youth who cyberbully by total PTP sample

	Total % (n=59)			
What level of understanding do you have about the legal consequences for young people (under the age of 18) who cyberbully?	Limited or little understanding	Some understanding	A good understanding	Very good understanding
	35.6	39.0	16.9	8.5

Results (Table 5.2) showed that almost two-thirds (64.4 per cent) of those who responded to the survey item had at least some understanding about the legal consequences for young people (under the age of 18) who cyberbully.

The data was examined across occupation and parent/carer status and no differences were statistically significant.

Question 13: Please tell us about any training/professional development you have had in this areas, or any experience dealing with cyberbullying and the law.
Of those who provided a response (n=45), 29 per cent reported they had not had any training/professional development in the area of cyberbullying and the law. 11 per cent described that their training had been through University courses/tutorials. 24 per cent indicated that they had either participated in sessions/conferences that had addressed aspects of cyberbullying and the law, though not necessarily explicitly.

A very small number had driven their own learning in the area by following media reports, reading publications on the topic and accessing online resources.

A small number had also reported that their learning had come from guest speakers, mostly law enforcement officers who had conducted information sessions at schools.

Question 14: Please tell us about any experience you have had dealing with the law and young people under the age of 18 years who cyberbully.

Of those who provided a response (n=37), 70 per cent indicated they had not had any experiences of dealing with young people who cyberbully and the law, 8 per cent reported that the response to the incident involved school suspension or expulsion. Further, 19 per cent reported that police had been involved in responding to the issue to communicate the seriousness of the incident and to discuss the possible legal consequences, and 3 per cent described the incidents as more about a breach of acceptable usage agreements rather than illegal behaviour.

In some circumstances the police delivered a warning to those involved in the incident. In all instances described, no formal legal action had been taken, even though in some cases there were grounds where the response could have escalated through legal system.

Question 15: Do you think that cyberbullying can be considered an offence under any existing laws?

The majority of respondents (53.6%) reported they were unsure about where cyberbullying sits within the existing legal frameworks; 42.9 per cent indicated that cyberbullying could be considered an offence under existing laws whilst 3.6 per cent reported that cyberbullying could not be considered an offence under existing laws.

Seventeen of the 24 participants who indicated that cyberbullying could be considered an offence under existing law provided further information about the laws they thought could apply to cyberbullying. This included stalking, defamation, privacy, harassment or assault laws.

Only one respondent mentioned specific laws.

One participant indicated that in instances where a cyberbullying incident resulted in a death, then the cyberbully could be charged with manslaughter or homicide.

One participant reported that whilst cyberbullying is not specifically mentioned in Australian laws, sexting is an offence.

Another indicated that the laws that the same laws that apply to other activities that occur in the general public also apply to cyberbullying. One respondent highlighted that although not law, common human rights need to be respected and should apply to everyone.

When asked about the penalties that could be incurred by young people under 18 for cyberbullying, 20 of the 24 respondents provided a response.

Seven respondents indicated they were unsure of the penalties that could apply.

Two respondents reported that a fine could be incurred and seven respondents thought that jail or juvenile detention was a potential penalty, with one respondent reporting that a cyberbully, if convicted, could face up to 10 years in jail.

Three suggested there were either no penalties or very limited penalties that could be incurred.

One respondent indicated a cyberbully would be denied access to school. Some suggested that formal warnings from law enforcers could apply, whilst others noted that the penalties would depend on the severity of the bullying.

One respondent suggested the importance of documentation and to amass evidence of the bullying action if needed by police or lawyers as supporting evidence in any prosecution.

3.1.3 How participants deal with cyberbullying

This section summarises the findings from Section 3 of the survey which asked how participants deal with cyberbullying.

Current laws and amending current laws to specifically mention cyberbullying

- The majority of respondents felt that young people are not adequately informed about the laws related to cyberbullying
- Education critical in improving young people's understanding of the current laws
- Important to educate the educators, parents and the community
- Education should
    - o Focus on the legal consequences
    - o Use real life examples
    - o Incorporated as part of the school curriculum
- Information should utilise social and traditional media
- Law should be:
    - o Framed in a clear concise manner and
    - o Be viewed as a deterrent
    - o Relevant and current, to reflect up-to-date terminology and contexts
- Approximately half of the respondents think the current penalties are appropriate for discouraging young people from cyberbullying
- Two-thirds felt that specifically referring to cyberbullying in current laws would more effectively discourage young people from cyberbullying
- Specific mention of cyberbullying would help to clarify and reduce misinterpretation
- Approximately half of the respondents indicated that existing laws should not be left unchanged

- Young people do not have the cognitive capacity to comprehend the consequences of their behaviours
- Not criminalising children and a common-sense approach needed to support first offenders
- Support for victims and merit in restorative practices, support and counselling
- Cyberbullying needs to be taken seriously.

Question 18: Do you think that young people know enough about the current laws relevant to cyberbullying?
The majority of respondents (86.8%, n=46) reported that they did not think young people are adequately informed about the laws relating to cyberbullying, whilst 7.5 per cent responded yes and a further 5.7 per cent were unsure.

Question 19: If no was selected, respondents were asked to suggest how young people's understanding of the current laws could be improved.
The majority of respondents strongly endorsed the importance of education. Many suggested the education should occur in schools as part of the curriculum.

Interestingly, educating the educators, parents and the community was considered by some to be very important. Inviting guest speakers to schools, in particular law enforcement officers, was considered an effective way to convey information about cyberbullying and the law.

The importance of focusing on the legal consequences, rather than the effects of cyberbullying per se was highlighted and using real life examples as part of authentic learning was considered important.

Social media campaigns were seen as a way of delivering information, as was the use of traditional media.

One respondent called for greater engagement from social media sites to adopt an educative role.

The role of the law as a deterrent was noted and a suggestion proposed for laws to be drafted in a clear concise language so that the majority of people can easily interpret them.

Current laws and amending current laws to specifically refer to cyberbullying to discourage young people from cyberbullying

Table 3 Current penalties and laws by total PTP sample

	Total % (n=53)		
	Yes	No	Unsure
Question 20: Do you think the current penalties including the possibility of a criminal record and going to a juvenile detention centre are appropriate for discouraging young people from cyberbullying	50.9	28.3	20.8
Question 21: If the current laws did refer specifically to cyberbullying, would they more effectively discourage young people from cyberbullying?	66.0	13.2	20.8
Question 23: Do you think that the existing laws should be left unchanged?	9.4	50.9	39.6

Twenty-eight respondents provided reasons why they felt that specifically referring to cyberbullying in current laws would discourage young people from cyberbullying. Respondents felt that specific mention of cyberbullying would:

- Help to clearly define boundaries and minimise misinterpretation of the law by law enforcement officers
- Help to improve adults' and young peoples' understanding about the potential legal consequences
- Demonstrate that any cyberbullying behaviours are considered to be serious
- Make it easier to communicate information about cyberbullying and the law
- Enable young people who are already familiar with the term cyberbullying, to highlight its relevance to them, enabling young people to draw connections between cyberbullying and legal consequences
- Potentially deter young people from engaging in cyberbullying

Seven respondents provided reasons why they felt that specifically referring to cyberbullying in current laws would not discourage young people from cyberbullying.

A strong theme from these responses highlighted the belief that young people do not have the cognitive capacity to fully understand the consequences of their actions for either themselves or their victims.

One participant proposed that 'bullying is bullying' regardless of the way in which the bullying occurs or is delivered and, as such, cyberbullying should not need to be mentioned in isolation.

Another respondent stated that the law should be the last resort and should be there for persistent offenders to demonstrate to young people that persistent behaviours can lead to legal consequences.

The importance of a common-sense approach to dealing with first offenders and taking into account age, intent and other behaviours etc. was suggested.

Merits in restorative practices, support and counselling in helping to discourage cyberbullying behaviours were reported.

One responded highlighted the importance of allowing young people to learn from their mistakes in a 'way that values their worth in the community and as a person first'.

Five respondents who indicated they were unsure whether specifically referring to cyberbullying in current laws would discourage young people from cyberbullying provided reasons why they felt this way:

• It was noted that young people generally are not informed about laws, but 'publicity' would help to raise awareness
• 'Rehabilitation' would be more effective
• Young people 'think they are invincible and won't get caught'
• Young people need to know about the law regardless of whether cyberbullying is specifically mentioned

Respondents (n=4) provided the following reasons why existing laws should be left unchanged

• Children should not have a criminal record and a criminal conviction would not benefit the bully or the victim
• Support and assistance for both the bully and victim is required to ensure the wellbeing of both is being addressed and to better understand the motivation behind the bullying
• One respondent suggested that young people need to learn about the consequences of cyberbullying and more advertising on traditional media about the associated sentences for cyberbullying would be useful
• Two participants highlighted that, whilst the current penalties are too harsh and cannot be meaningfully applied to reduce the number of offences committed, they can in reality be used for very extreme cases.

Respondents (n=20) provided the following reasons in support of why existing laws should be changed:

• A recurring theme across a number of responses revolved around the importance of laws being relevant and current, to reflect up-to-date terminology and contexts in an increasingly connected world

- Another strong theme highlighted the importance of taking cyberbullying seriously; some noted the devastating effects of cyberbullying and the need for laws to be directly applicable to cyberbullying
- Some respondents highlighted that whilst judges knew what was required, the existing laws and how they apply was ambiguous and needed clarification
- Some noted that lower level sanctions could more effectively be implemented to reduce cyberbullying and in this way would be more relevant and appropriate for young people

Some respondents (n=7) reported they were not familiar with existing laws and were therefore unsure whether they should be left unchanged.

One respondent, whilst acknowledging that laws exist as they are for a reason, noted that they could be more effective if they were changed.

Another highlighted that inconsistency in applying the law occurred on several levels, in the home, at school and in the courts.

The role of the home and schools in educating young people about cyberbullying and its legal consequences was identified, whilst it was noted that the law should only apply for repeat offenders.

Introduction of a new, simplified offence to discourage young people from cyberbullying

- Approximately two-thirds of respondents indicated that a new, simplified cyberbullying offence would discourage young people from cyberbullying
- A new law could incorporate age-appropriate consequences and worded to be more easily understood by youth and as such could be a more effective deterrent
- Youth may not consider the proposed consequences a strong enough deterrent
- Young people may not have the developmental capacity to fully understand the impact of their behaviours
- Important to consider:
    - family as role models of positive relationships
    - human relationships
    - self-esteem
- Importance to consider education, particularly campaigns for the younger/pre-teen age group
- For schools, a new cyberbullying offence could:
    - provide clarity
    - make it easier to teach about the consequences of cyberbullying
    - provide teachers with greater leverage
    - impact on teacher training requirements
- For the wider community a new cyberbullying offence could:
    - help to communicate the seriousness of cyberbullying

- o reduce incidents of cyberbullying, and indirectly lead to benefits such as a reduction in adverse mental health outcomes caused by cyberbullying
  - o empower victims and parents/careers
  - o provide an opportunity to increase understanding through education.
- Appropriate penalties for young people included:
  - o a suite of penalties, dependent on severity of the cyberbullying behaviour, previous incidents/offences and the age of the bully
  - o community service
  - o counselling, restorative justice
  - o a digital citizenship program and information sessions
  - o serious warning by law enforcement officers
  - o fines
  - o banning cyberbullies from social media
- Whilst some felt a criminal record would be a suitable penalty, others felt that it would be counterproductive

Survey participants were provided with some background information about this proposed option and asked if they felt that the introduction of a new, simplified cyberbullying offence would discourage young people from cyberbullying in Question 25.

Of the 47 participants who provided a response, 68 per cent felt it would discourage young people from cyberbullying; 15 per cent said no and 17 per cent were unsure.

A number of participants (n=23) provided reasons why they felt a new, simplified offence would deter young people (Q 26). These reasons included that the law could be more easily understood and, as such, would be a more effective deterrent and it would reduce uncertainty about the legal consequences of cyberbullying.

Additionally, the introduction of a new law could provide an opportunity to incorporate more age-appropriate consequences and be worded in language more suited and tailored for youth. One participant highlighted that consequences which were not age-appropriate were unlikely to be taken seriously by youth, because in reality it would be unlikely that the penalties would be applied to young people as minors. Using fines as a penalty was considered one way to show young people that their actions could affect others, in that parents would most likely be responsible for paying the fine, and this could subsequently lead to parents taking a greater interest in cyberbullying.

A small number of respondents (n=5) provided reasons why they did not think that a new simplified offence would discourage cyberbullying.

Some suggested that youth would not consider the proposed consequences enough of a deterrent, and in some cases youth 'have no fear of consequences'.

Others highlighted that young people do not think about what they are doing and they do not consider themselves to be bullies. This suggests that, developmentally, young people may not have the capacity to fully understand the consequences and impact of their behaviours.

One respondent strongly endorsed education as the most effective strategy in reducing cyberbullying. Some of these themes were also evident in the responses (n=6) of those who were unsure whether a new simplified offence would deter young people from cyberbullying.

The importance of education, particularly campaigns for the younger/pre-teen age group was reported, as was uncertainty regarding the effectiveness of proposed consequences. One respondent suggested that bullying/cyberbullying is more about the 'phenomenon of human relationships and self-esteem issues and frustration' and proposed that young people are not reflecting on the law during an act of cyberbullying. Another discussed their concerns about age-appropriate consequences, suggesting the law should apply for young people aged between 15 and18 years, but not for those under 14 because of their limited capacity to understand the severity of their actions.

The importance of family as role models of positive relationships was also highlighted, whilst one respondent suggested legislation was needed to make parents more accountable for their children's behaviour.

Question 27: What impact, if any, do you think a new, separate cyberbullying law might have on organisations such as schools?
Key themes extracted from the 37 responses included:

- Improved clarity would make it easier to teach about the consequences of cyberbullying and would provide teachers with greater leverage when speaking to students of all ages
- Would more effectively deter young people because, when teaching about cyberbullying, it can be identified as a criminal offence
- The introduction of a new separate simplified law might encourage schools to be more proactive in addressing cyberbullying and would provide an opportunity for schools to inform students about the changes to the law with regard to cyberbullying
- It would provide schools with a clear structure to follow for severe cases of cyberbullying, including when the bullying occurs outside of the school setting. The information could also be incorporated into school policies
- Some noted that the implications of a new separate cyberbullying law could filter through to teacher training requirements and it could possibly require additional personnel to review, liaise, educate and respond to incidents of cyberbullying
- One respondent noted that it would not assist schools at all, because a law would not address the reason why the bullying is occurring in the first instance.

In Question 28 respondents (n=34) provided insights into what impact, if any, a new, separate cyberbullying law might have on the wider community.
Some felt that it would help to communicate the seriousness of cyberbullying and possibly lead to a safer community.

Some felt that it could reduce incidents of cyberbullying, which might then lead to additional benefits including a reduction in adverse mental health outcomes caused by cyberbullying.

Others felt it could empower victims and parents/careers to be able to do something if their child was been cyberbullied.

The introduction of a new offence was also seen as an opportunity to increase awareness through education. A small number felt that a new separate cyberbullying offence would have no impact at all on the wider community.

Question 29: What sort of penalties do you think would be appropriate for young people (aged under 18) under a new, simplified cyberbullying offence?
Many respondents suggested a suite of penalties that could be applied, depending on the severity of the cyberbullying behaviour and the age of the bully.

Community service featured very strongly in participants' responses.

Some suggested that counselling, restorative justice, a digital citizenship program and information sessions as part of an educative process were worthwhile options, particularly for first offenders.

Some felt a serious warning by law enforcement officers and fines potentially could be effective. Banning cyberbullies from social media was suggested, if feasible.

Whilst a number or respondents proposed that a criminal record would be a suitable penalty, a small number felt that jail time would be counterproductive. One participant suggested penalties should not be changed and that courts should continue to decide the type and level of penalties.

Question 30: What Information do you think should influence the level and type of penalty handed out if a new, simplified cyberbullying law for under 18s was introduced?

Table 4 PTP perspectives on the influences of the type and level of penalty for cyberbullying

	n	Total %	
		Yes	No
Age of cyberbully	46	78.3	21.7
Type of incident	46	95.7	4.3
Impact on the victim	45	71.1	28.9
Age of victim	45	62.2	37.8
Previous incidents/offences	46	89.1	10.9
Other	19	21.1	78.9

Responses in the 'other' category (Table 5.4) included a consideration of the family context and prior knowledge of the consequences. In addition, the number of people involved in committing the offence or the number of people who were victims of the offence and the ongoing impact on the victim were also proposed as considerations.

A new civil enforcement regime (CER)

- 44 per cent of respondents felt that a civil enforcement regime would discourage young people from cyberbullying, whilst 32 per cent were unsure of its deterrent effect
- Impact of a CER could depend on school structures and context
- For schools, a CER could:
  - o streamline and simplify processes
  - o give schools more say in the response process
  - o help to reinforce that cyberbullying is taken seriously
  - o place increasing demands and pressure on schools/teachers
  - o require dedicated resources
- For the wider community respondents felt that a CER would have either no or minimal impact, but could increase awareness and help promote a sense of accountability across the community
- A CER could be difficult to monitor and mediation processes could be problematic
- Appropriate remedies under a new CER included:
  - o community service
  - o education programs
  - o restorative justice
  - o mediation processes
  - o formal sanctions
  - o removal of damaging material
  - o fines
- 59 per cent of respondents felt a new CER should be introduced
- A CER could provide
  - o an opportunity to build greater awareness

- o more relevant and meaningful consequences for young people
- o clear legal structures
- o an opportunity to focus on positive interventions
- o an opportunity for counselling
- o efficient processes to address cyberbullying
- Some respondents felt that a CER would not provide a strong enough deterrent discourage young people from cyberbullying.

Question 32: Do you think that the introduction of a CER would discourage young people from cyberbullying?

Question 33 Please tell us why.
Participants were provided with background information about the proposed civil enforcement regime (CER) and asked if they felt its introduction would discourage young people from cyberbullying (Q 32), 44 per cent (n=18) said yes; 24 per cent (n=10) said no, and 32 per cent (n=13) said they were unsure.

Some participants reported that the impact would be limited, but could depend on the school context, in particular the existing strategies that a school had in place.

Question 34: What impact, if any, do you think a CER might have on organisations such as schools?
Some respondents felt that a CER could help to streamline and simplify processes, would give schools more say in the response process and would send a message to students that young people would know that a 'higher authority' would be 'watching over cyberbullies'.

A number of respondents felt that a CER would place increasing demands and pressure on schools, teachers in particular, and additional dedicated resources would be required to support this proposed option. One respondent felt that the introduction of another social service could potentially 'serve as another wedge between teachers and students'.

Question 35: What impact, if any, do you think a CER might have on the wider community?
Respondents (n=24) were also asked about the impact a CER would have on the wider community. The majority of respondents felt that a CER would have either no or minimal impact. Some highlighted that a CER could be difficult to monitor and that mediation processes could be problematic. A small number suggested a CER could increase awareness about cyberbullying and could also promote a sense of accountability across the community.

Question 36: What sort of remedies do you think would be appropriate for young people (under 18) under a new CER?
Interestingly, the key themes elicited from responses (n=22) reflected those highlighted in penalties discussed earlier in this section. Community service, once

again featured very strongly throughout respondents comments as an appropriate solution.

> Community service would be a good place to start as so many students operate in a completely insular manner where they never consider others at all. Get them out to do something positive in the local community- clean up rubbish and graffiti, plant trees, weed local parks, clean out ponds and lakes, etc.

> The streets might be cleaner as they spend Saturday cleaning them under correction services guards.

Education programs, restorative justice, mediation processes and formal sanctions, in addition to removing any damaging material were suggested as possible remedies. Whilst some proposed that fines could be applied, others felt that parents would most likely end up paying the fine, but that this in itself could be a deterrent.

> Large fines would not work too well as the parents would need to pay in the end but the mark on the names would be a great deterrent.

Question 37: Do you think a new CER should be introduced which applies to young people under the age of 18 years who cyberbully.

Question 38: Please tell us why.
Findings revealed 59 per cent (n=23) said yes a new CER should be introduced; 15 per cent (n=6) said no; and 26 per cent (n=10) indicated they were unsure.

Eleven respondents elaborated on why they thought a CER would discourage young people from cyberbullying. Three key reasons included that a CER would provide:

- More relevant and meaningful consequences for young people
- Clear legal structures
- An opportunity to focus on positive interventions that were not punitive so that young people did not receive a conviction and criminal record.

Five respondents provided reasons why they felt that a CER would not discourage young people from cyberbullying. The primary reason given suggested that a CER would not provide a strong enough deterrent or deliver a strong enough message to be effective. One respondent suggested that the current law enforcement services could be employed to address cyberbullying.

Respondents (n=4) who provided insights into why they were unsure whether a CER would discourage young people indicated a need for more information or they simply reported that they did not know whether it would make a difference.

Question 39: What benefits or services do you think a CER might offer victims of cyberbullying who are under 18?

Respondents (n=22) provided insights into the benefits or services they thought a CER might offer victims of cyberbullying who are under 18, with an opportunity for counselling featuring as a core advantage.

Greater awareness and potential for open discussion about children's online activities was also highlighted, as were opportunities for greater efficiency in addressing cyberbullying. A small number of these respondents did not feel there were any benefits for young people. It was noted that, whilst it would be unlikely for a young person to approach a Commissioner, a parent or carer could do so on their behalf.

3.1.4 Proposed information/education campaigns

- Majority of respondents (87.5 per cent) felt there was justification for the introduction of a new information/education campaign
- Clear information is needed about:
    - o Definitions of cyberbullying
    - o The potential impacts on victims of cyberbullying
    - o The criminal/civil laws and relevant penalties/remedies
    - o Response structures/options available
    - o Positive relationships
    - o Real life examples
- Delivery of information could occur via:
    - o Schools (working with law enforcement officers)
    - o Social media
    - o Traditional media
    - o Information stands at community events

Question 40: Do you think there is justification for the introduction of a new information/education campaign to communicate information about the legal and social consequences of cyberbullying?

87.5 per cent (n=35) of respondents felt there was justification for the introduction for an information/education campaign, whilst 12.5 per cent (n=5) indicated they did not feel there was any justification for a new information/education campaign.

Question 41: What sort of information would you like to see included in an information/education campaign?

Responses highlighted the need for information relating to:

- Clear definitions of what constitutes cyberbullying
- The potential impacts on victims of cyberbullying
- The criminal/civil laws that exist and what they mean
- Restorative justices, what it is and how it works
- An explanation of escalation structures and processes

- The implications when cyberbullying escalates into criminal law
- Real life examples of misuse of devices and consequences
- Explanation of penalties
- Ways for victims to respond to cyberbullies
- Personalities and relationships – how to be a responsible, courteous citizen
- Current laws.

Question 42: In your opinion, what might be the best way to deliver this information to the community?
Respondents (n=25) provided a number of suggestions including delivery via:

- Schools (by law enforcement officers, guest speakers etc.)
- Social media, including YouTube and online in general
- Traditional media
- Information stands/booths at key community events.

The following section details responses related to penalties and impacts of social and legal consequences.

3.1.5 Penalties and impact of social and legal consequences

- Majority of respondents felt that keeping existing laws unchanged would have little or no impact on cyberbullying
- Introducing a new, simplified law against cyberbullying and designing and delivering a new information/education campaign about the legal consequences of cyberbullying were both equally considered to have a high impact on reducing cyberbullying incidents among young people
- A large number of penalties and responses specified in the survey were considered to be appropriate for young people who cyberbully
- Over 85 per cent of respondents felt the penalties specified in the non-criminal and criminal categories were suitable for young people who cyberbully; however, greater variation in response patterns was evident in the court imposed category
- Responses suggest a holistic approach in addressing cyberbullying and delivering consequences
- Over 90 per cent of respondents felt that both a Children's e-Safety Commissioner and Police should be responsible for delivering consequences to young people who cyberbully
- Approximately one-third indicated that social media websites should not deliver consequences
- Approximately one-quarter felt that schools should not be responsible for delivering consequences
- Respondents felt the following could support student safety and wellbeing:
    - creation of a specific law against cyberbullying
    - using clear wording in existing laws with reference to new forms of cyberbullying

- developing strong partnerships between police, schools and parents
- counselling for victims and bullies
- providing education about cyberbullying.
- Respondents felt the following could support teachers, school leaders and parents to deal with cyberbullying:
  - Creation and/or alteration of existing laws to reflect the changing nature of cyberbullying
  - Engagement of relevant stakeholders and those involved in cyberbullying
  - Improved educative practices around digital citizenship.

Question 43: How much impact do you think the following might have on reducing cyberbullying incidents amongst young people (under the age of 18 years)?

Question 44: Please tell us more.

Table 5 Impact of response options on reducing cyberbullying by total PTP sample

	n	Total %			
		No impact	Little impact	Some impact	High impact
Keep existing laws as they are	38	44.7	34.2	21.1	0
Change existing laws to specifically mention cyberbullying	39	2.6	25.6	38.5	33.3
Introduce a new, simplified criminal law against cyberbullying	39	0	10.3	30.8	59.0
Keep the existing laws and introduce a new Civil Enforcement Regime (CER) with lesser penalties such as a fine	39	5.1	23.1	46.2	25.6
Design and deliver a new information/education campaign about the legal consequences of cyberbullying	39	0	7.7	33.3	59.0

As can be seen in Table 5, whilst keeping existing laws unchanged was considered by many to have little or no impact on reducing incidents of cyberbullying, introducing a new, simplified law against cyberbullying and designing and delivering a new information/education campaign about the legal consequences of cyberbullying were both equally considered to have the highest impact.

The data were examined by parent/carer status. Findings revealed the differences between the two categories were not significant.

Similarly, whilst it appeared that more teachers than pre-service teachers felt that keeping existing laws would have no impact, cell violations again prevented any conclusions from being drawn related to the significance of the difference.

In Question 44 participants were invited to provide insights about the response options. Multiple perspectives were evident, with the importance of being proactive or being educative reinforced by a number of respondents. A multipronged approach to achieve the desired positive impacts was proposed by one participant, whilst another suggested that solutions that allow law enforcement officers and magistrates to exercise power in managing cyberbullying had merit. Some felt that the option of a new law could provide the community with assurance that perpetrators will be punished.

In questions 45, 47 & 49, respondents were asked which of the responses/penalties proposed in the survey they thought might be within the range of appropriate responses or penalties for young people under the age of 18 who cyberbully.

The question specified that any penalties applied in individual cases would depend on:

- The impact on the victim
- Age of the perpetrator at the time of the offence
- Nature/seriousness of the offence
- The seriousness, nature and number of any prior offences committed by the perpetrator
- Any other factors that could be considered relevant (e.g. financial means of the perpetrator).

To facilitate survey readability and data analysis, the responses and penalties were organised into the following response and penalty categories:

- Non-criminal
- Criminal: Police imposed (no criminal record)
- Court imposed

Examination of the response patterns across the non-criminal, criminal; imposed (no criminal record) and court imposed penalties and response detailed in

Table 6, Table 7 and Table 8 suggest that the overwhelming majority of respondents consider a large number of the penalties and responses to be appropriate for young people under the age of 18 who cyberbully.

Table 6 Non-criminal responses/penalties by total PTP sample

Non-criminal responses/penalties	n	Total %	
		Yes	No, never
Parental, school discipline	37	94.6	5.4
Restricted/supervised access to: mobile/digital devices/social media websites	36	94.4	5.6
Legal notice requiring removal of cyberbullying material and/or ceasing behaviour	37	94.6	5.4
Infringement notice (fine) for failure to comply with legal notice	37	86.5	13.5
Restorative justice (negotiation & mediation)	37	86.5	13.5
Civil law action (e.g. warning, law suit, compensation, Apprehended Violence Order)	37	89.2	10.8
Other	10	10	90

Table 7 Criminal responses/penalties: Police imposed (no criminal record) by total PTP sample

Criminal responses/penalties: Police imposed (no criminal record)	n	Total %	
		Yes	No, never
Police informal warning/formal caution	37	97.3	2.7
Youth justice conference and outcome plan	37	83.8	16.2
Other	8	100	0

Table 8 Court imposed by total PTP sample

Court imposed	n	Total %	
		Yes	No, never
Sentencing options without criminal record	36	80.6	19.4
Sentencing options with criminal record	35	62.9	37.1
Sex offender registration (sexting-type offence)	37	48.6	51.4
Other state/territory sentencing options specifically applicable to minors and less serious offences	33	81.8	18.2
Other sentencing options applicable to serious (indictable) offence	33	72.7	27.3
Detention, as a last resort	35	80	20
Other	7	100	0

Interestingly, whilst over 85 per cent of respondents felt that each of the responses outlined in the non-criminal and criminal categories were suitable, greater variation in response patterns was evident in the court imposed categories.

In particular, there was close to an equal distribution of responses between yes and no, never for the 'sex offender registration (sexting-type offence)' item. Whilst 37 per cent of participants did not agree that 'Sentencing options with criminal record' was suitable, 63 per cent did feel it was appropriate.

When interpreting the results for this set of survey items, it is suggested that readers consider the description/clarification provided at the beginning of these survey questions, where it was specified that penalties applied in individual cases would depend on a number of factors, including the nature and seriousness of the offence, age of the perpetrator at the time of the offence.

Question 51: Who do you think should be responsible for delivering consequences to young people under the age of 18 for acts of cyberbullying?

Question 52: Please tell us more

Table 9 Attitudes towards responsibility for delivering consequences by total PTP sample

	n	Total % (n=)	
		Yes	No
Criminal court	35	88.6	11.4
A Children's e-Safety Commissioner	34	91.2	8.8
Social media websites	33	63.6	36.4
Home/Family/Caregiver	37	86.5	13.5
School	35	74.3	25.7
Other	11	36.4	63.6
Police	37	94.6	5.4

Response patterns across this survey item suggest that participants generally felt a holistic approach in responding to cyberbullying was suitable, whereby a number of options for delivering consequences should be available.

Over 90 per cent of respondents felt that both a Children's e-Safety Commissioner and Police should be responsible for delivering consequences to young people under the age of 18 who cyberbully. Similar proportions choosing criminal court and home.

The findings (see Table 9) show that for the social media websites and school items the opinion is less one-sided, with just over one-third indicating that social media websites should not deliver consequences and approximately one-quarter reporting that schools should not be responsible.

In question 52, a very small number of respondents elaborated on other options for delivering consequences and these included the community, teachers and television programs.

Question 53: In your opinion, which social and legal responses to cyberbullying might best support student safety and wellbeing?
Three major themes emerged from responses to this question.

The first related to the creation of a specific law against cyberbullying and/or making the language of existing laws clearer and more representative of new forms of cyberbullying.

The second major theme related to the development of strong partnerships between police, schools and parents, in addition to counselling for victims and bullies.

The final major theme from this question relates to an educative component of cyberbullying, which can be characterised by the following response, 'education in digital citizenship for EVERYONE' (participant's emphasis).

Question 54: In your opinion, which social and legal responses might best support teachers, school leaders, and parents to deal with cyberbullying?
The same three major themes emerged in this item.

- Creation and/or alteration of existing laws to reflect the changing nature of cyberbullying,
- The involvement of those involved in the bullying, including the police, and
- The improvement of educative practices around digital citizenship.

3.1.6 Social media response to cyberbullying

The following section presents findings from Section 6 of the survey.

- Majority of respondents felt that social media websites should be required to comply with any Australian cyberbullying laws
- There are challenges associated with monitoring and difficulties in holding social media accountable given inter-jurisdictional boundaries
- Three-quarters of respondents reported that all sites with chat functions should be required to follow any Australian cyberbullying laws
- Need to explore possibility of an international code of conduct to address challenges

Question 55: Do you think that social media websites (e.g. YouTube, Snapchat) should be required to follow any Australian cyberbullying laws?
Analysis revealed the overwhelming majority of respondents (78.9%, n=30) felt that social media websites should be required to comply with any Australian cyberbullying laws, whilst 13.2 per cent (n=5) did not know and 7.9 per cent (n=3) indicated that they should not be required to comply. Data were also examined by parent status and by occupation; and no significant differences were evident in either analysis.

Two major themes were evident in responses, which elaborated on question 67 (n=13).

The first was that all social media sites being used by young people should adhere to laws that prevent cyberbullying. Often this came through clearly in the participant responses, 'all forms of social media must be subject to regulations and controls to protect people'.

The obverse of this was a sentiment that it would be too difficult to hold social media accountable according to local laws, given the inherent global nature of the internet, as evidenced by the following response:

> International sites are always hard to police. They follow the laws of the country they are based in.

A third, albeit minor, theme was evident which suggested that social media should not be bound by law, but they should be compelled (on a moral, social level) to act upon any cyberbullying that occurs on their site. A small number of participants suggested possible sanctions, including e-finger printing to help monitor perpetrators, precluding perpetrators from purchasing media or suspending accounts.

Question 57: Do you think that this should also apply to other sites that have chat functions, including gaming sites (e.g. World of Warcraft, Minecraft)?
Approximately three-quarters of respondents (73.7%, n=28) reported that all sites with chat functions should be required to follow any Australian cyberbullying laws. A further 18.4 per cent (n=7) were unsure and 7.9 per cent (n=3) reported that they should not be required to comply.

Data was also examined by parent status and by occupation and no significant differences were found.

Comments (Q 58) tended to illustrate tension between respondents feeling that 'yes, they should be held accountable' and 'yes, they should be held accountable but it is too difficult to police'. The need for an international code of conduct to address challenges was highlighted as something to work towards, given growing global networks and increasing connectivity.

3.1.7 Other comments

The following section details responses related to Section 7: the final comments section of the survey.

- Need to urgently address cyberbullying
- Need to consider contextual factors
- Multipronged approach rather than a one-size-fits all solution is the proposed way to move forward

Question 59: What other information about this complex issue would you like to give to the Government, researchers and policymakers?

The major theme from responses to this question highlighted the importance and urgency of addressing cyberbullying.

A second theme was a need to be aware of the myriad contextual factors when addressing cyberbullying concerns and that perhaps a one-size-fits-all solution may not be the ideal way to move forward.

3.2   Findings from Connect 2014 focus group

This workshop explored stakeholder perspectives in relation to civil and criminal approaches to the deterrents against cyberbullying amongst minors. Nine inductive codes emerged from the discussion; each of which are described in detail below.

3.2.1 Current understandings

Young people and their behaviour cannot be neatly categorised (inductive code)
Recognising the impulsive responses of children and the importance of not criminalising young people was a strong theme. Moreover it was discussed how a young people's developmental age is not necessarily an indication of how you can determine a young person's understanding of cyberbullying and the law. Young people very much test what is appropriate behaviour and what isn't. It was expressed that responses to youth cyberbullying should be around education/public health – whereas a law can potentially block their capacity to change.

The 'mosaic' of cyberbullying behaviour (inductive code)
There was an awareness of the diverse aspects and contexts of cyberbullying behaviour. For example, the difficulties of addressing anonymity is at one end of the spectrum with cyberbullying victims knowing the person who is cyberbullying at the other. Anonymity was raised as a major issue as to who is held responsible, or accountable. Is it the person who owns the computer? Other children who are present? How is this established? Also, in cases of suicide, cyberbullying can be pinpointed as a factor, but might not be the main factor. While the boundaries of cyberbullying are unclear, there is still a major desire to more fully understand actual cyberbullying behaviours. It was also communicated that there are scales of behaviour, and the need to address behaviour in a way that will change it. Therefore, should there be a different response depending on where the behaviour is on this spectrum? It was noted that it is not necessarily the severity of the bullying, but how the victim manages the cyberbullying; i.e. the impact is about the interpretation of the behaviour by the recipient. That is, there is no linear 'cause and effect' scenario – there are so many areas of grey you often cannot say it is a criminal offence because of the difficulty of establishing behaviours. For example,

there is a risk that something seemingly innocuous can have a very serious impact on an individual.

3.2.2 Possible responses

Benefits of criminalising cyberbullying
Clarifying cyberbullying and the law was seen as somewhat advantageous within the group discussion. It was expressed that a law that clearly targets cyberbullying would have a deterrent impact and makes it easier to talk about. That is, a narrow perspective of the law is to view it as simply a punishment – when it may actually have a deterrent effect. Law can be a deterrent and punitive – it gives messages to the public and when 'push comes to shove' you can enact it. For example, one participant referred to Brodie's Law in Victoria around stalking, and while there are no convictions under cyberbullying – it is viewed as a deterrent.

Limits of criminalising cyberbullying
The inconsistency of how young people respond was also raised – as young people may not necessarily consider their actions in the long-term. The concern was expressed as to whether young people equate laws are there to change their behaviour – and to what extent will the law assist us to address cyberbullying behaviours. This problematises the assumption that law can neatly deter – when children are impulsive and immersed in their everyday practices. One participant communicated how when children enter the criminal justice system their lives change – so do we want to create another entry point where children can enter the juvenile justice system? Furthermore, obviously distressing incidents of suicide may have some evidence of cyberbullying – but there may be other aspects, which may have impacted which could be ignored in attempts to quickly resolve a situation.

It was raised whether a criminal code amendment to the carriage service law would make young people check their behaviour – plus chances of getting caught on that are minimal, and no-one gets caught for a first offence. It was also expressed that navigating the Australian Federal Police system to make a report is difficult. Clearly stated was the idea that law is not a deterrent if it's not enforced – and the likelihood that new or amended laws would not be enforced. It was also identified that a criminal offence is problematic in that it is meant to be seen as a deterrent – but the majority of participants expressed that it was unlikely to be the case. Moreover, race, gender, disability and class might impact on the way a law is implemented e.g. cyberbullying means different things when applying a class lens, or a gender lens. The need to be mindful of this diversity was agreed upon widely.

Operationalising a civil enforcement regime
The CER was viewed by workshop participants as being potentially less problematic than a criminal offence; though practical complexities could arise regarding the management of a CER response. Possibility of identifying a threshold triage mechanism was raised, while escalating mediation/negotiation might not necessarily

be effective because of power imbalance. How to realistically police and manage instances where there is imminent risk was also a concern.

Unpacking the role of an e-Safety Commissioner

Highlighted was the need for there to be a very strict mandate regarding the role of the Children's e-Safety Commissioner. That is, it was expressed that there needs to be a systemic approach about scoping the role and the reporting mechanisms to be put in place – e.g. how realistic is it to investigate every issue as it occurs. One opinion raised was whether it was just a symbolic response from the government – e.g. being 'seen' to do something. Another perspective was that maybe it would send a clear message to the public/community that this is 'where the buck stops'. Though while it may make adults/parents feel okay – does it help young people to feel better?

The need for evidence-based education/information campaigns

For any education/information campaign to be effective, clearly expressed was the need to address behaviour in a way that will change it. For example, one idea raised was an education campaign about the impact of cyberbullying on the recipient. Another idea was for an education campaign about resolution – exploring how we can resolve cyberbullying and equip young people to deal with it. If law is not the most important thing – we need to find out what is.

The need to collect evidence about what works and what doesn't work was also noted – i.e. evaluate what are the motivators for young people – and what are the drivers. Therefore recognising the need to understand more about adolescent behaviours and development – and that it is about risk-taking. Learning from other initiatives was also suggested e.g. reducing motor vehicle accidents – exploring whether it was it one strategy or multiple strategies.

The role of social media: Part of the solution, not the problem

Regulating social media sites was viewed as possible, but given that many are international it was understood to be only a partial capture. Big social media sites are often very responsive – but often the smaller or newer sites are not as quick. A suggestion was that such sites issue a notice that this information is unlawful under Australian laws – and is actionable in Australia. It was recognised that many sites have mechanisms of their own to address cyberbullying but it can still be challenging for victims to navigate how to report or request information to be removed. Also, many schools have a close relationship with their providers as part of managing young people's online behaviours.

Also raised was that there are a number of private providers who are helping to manage online behaviour e.g. creating/issuing notices of 'You are engaging in ... behaviour. This can potentially be considered a criminal offence under the following laws'. This has had a 90 per cent success rate where inappropriate material is immediately taken out. This highlights how a just-in-time flag (for inappropriate

behaviour) is likely to change behaviour – as an immediate response can be potentially effective.

The critical role of schools
Emerging from the discussion was the idea that a focus has to be made in our schools, in our education system – as the majority of cyberbullying occurs/stems from relationships in schools. It was recognised that this would fit in with the National Safe School Framework. It was indicated how there are poorer learning outcomes when young people are unhappy – so it has to rest with schools. In an area of scarce resources it was raised that a school based response may have the most impact.

Sharing responsibilities
The enablers and constraints of interpersonal, professional and national practices about dealing with cyberbullying also emerged from the conversation. For example, the importance of parents and carers to be empowered to help deal with cyberbullying. Also, the idea that 'duty of care' needs to be more thoroughly explored – professional duty of care, schools' duty of care, plus the duty of care to perpetrator and victim. In addition, ideas emerged about a professional mandate, the role of counsellors, as well as good practice guidelines. It was expressed how moving towards a method of 'shared concern' requires breaking down group dynamics. E.g. If a concerted, national approach was required – how would individual states/territories respond?

A multidimensional, collaborative learning approach is required
Key to the workshop conversation was the notion that it was important to recognise that with any response law is not the only option. It cannot have any impact in isolation – for example, *education is also key*. It was expressed that any legal response on its own could be very limiting – and potentially restricting opportunities to intervene. It was stated that laws on their own do not appear to change behaviour – as there is a false dichotomy as to whether something is simply a 'criminal' issue or a 'public health' issue.

Foregrounded throughout the workshop was the idea that there needs to be more than one response to prevention and mitigation strategies. In addition, other avenues to explore were connections to family law/child protection contexts. Also suggested were the lessons to be learnt from other complex areas i.e. where adult and children responses lie – and how the law fits in.

3.3   Findings from industry and expert roundtable

This focus group explored stakeholder perspectives in relation to civil and criminal responses to cyberbullying amongst minors and examined stakeholder views related to the rapid removal of material that is harmful to a child from social media sites.

3.3.1 Establishment of a Children's e-Safety Commissioner

Question 1: What existing programmes and powers should the Commissioner take responsibility for?

Collaboration and Coordination

> Just that collaboration, tying it together because there are so many players now in this space and we are all trying to work to the same goal, but it is just about having that oversight and being able to distribute resources and information at that point.

Participants acknowledged that across the sector a diverse range of high quality resources and expertise was currently available and a need for greater coordination across the sectors to profile, promote, utilise and distribute the large number of resources was identified. The importance of not reinventing the wheel to produce additional resources was highlighted, as was the need to channel efforts into leveraging existing expertise and resources.

Participants indicated that a Commissioner should assume an active leadership role and consult with key stakeholders to bring these sectors together to determine how best to reduce duplication and effectively allocate resources. Collaboration was a strong theme in the discussion on the Commissioner's role.

3.3.2 Proactive not reactive

> I worry that an e safety children's commissioner simply reproduces the fears and concerns of adults and doesn't actually position us to support young people to stay safe online.

Restricting a Commissioner's role to focus predominately on reactively responding to incidents of cyberbullying in Australia was considered a missed opportunity to realise positive change in this area.

Participants strongly endorsed the need for a Commissioner to be proactive in:

* Supporting equality with regard to technology access
* Promoting prevention, early intervention and best practices associated with managing cyberbullying.

The proposed dual role of a Commissioner was seen as a way to both manage the public's fears and concerns around cyberbullying whilst allowing for a Commissioner to adopt an advocacy role to promote inclusion, the benefits of technology, and a strengths based approach to managing cyberbullying incidents in Australia.

3.3.3 Embedding youth voice and engagement

Participants highlighted the risk of underestimating young people as a resource.

A commitment by a Commissioner to embed youth voice and engagement as a fundamental component of the evidence-base to then inform future directions and any interventions was recommended.

A youth centred approach was considered a critical lever in achieving traction and uptake of any initiative to ultimately achieve sustained attitudinal change.

Peer mentoring or peer education models to deliver educational campaigns were discussed as possible frameworks to underpin reforms.

In particular, as key agents of change in this space, opportunities for youth to lead and work intergenerationally were considered potentially powerful.

A number of participants felt that promoting the benefits of young people's views had the potential to redefine debates and counter some of the hysteria around cyberbullying that can at times hijack public debate.

3.3.4 Rethinking a Commissioner's focus: From cyberbullying to digital inclusion, citizenship and resilience

> Safety has to be thought through much more holistically and again thinking about things like digital inclusion, digital citizenship what digital resilience requires.

The need to think about safety as part of broader pro-social behaviours was highlighted by participants.

Participants also felt that a limitation of the government's Discussion Paper was the treatment of cyberbullying in isolation; it was highlighted that consideration of cyberbullying as a separate and distinct phenomenon from bullying in the more general sense was problematic.

Questions were raised with regard to the merit of legislating against cyberbullying specifically, when research (Ybarra, Diener-West & Leaf, 2007) suggests that those who bully online also often bully offline.

It was noted that bullying is fundamentally about causing harm to others regardless of how or when it is delivered, and that any consequences imposed should take this into consideration,

> … [bullying] is the same behaviour. It doesn't matter where it sits.

> the consequences need to reflect those that are there for offline too.

In acknowledging the very serious nature of bullying, participants strongly advocated for a holistic approach to a solution where technology is removed from the equation and where bullying is considered within the cultural and social context from which it originates.

A number of participants proposed that a Commissioner's title should reflect a broader focus and an example such as 'children's digital inclusion commissioner' was suggested.

Participants noted there were some interesting omissions from the Discussion Paper, and questions were raised about the way other negative online behaviours such as trolling and sexting would be considered under cyberbullying legislation and suggested that additional clarification would be necessary and beneficial.

Question 2: Considering the intended leadership role and functions of the Commissioner, which option would best serve to establish the Commissioner?

> Independent Statutory Authority but any establishment option would need to reflect whether or not a Commissioner had legislative power.

The merits of establishing an independent statutory authority were noted; specifically appointing an independent body was perceived as a way of engendering trust and a level of confidence in the processes employed.

There were concerns raised about the Discussion Paper's proposed option of having a non-government organisation (NGO) with expertise in online child safety assume the role. Concerns related to the stability of an NGO in the role, particularly when changes in government occur and with regard to the way in which the NGO would be perceived in this role.

It was proposed that strong ties and support from a statutory office would be necessary for any NGO that considered undertaking the role.

Ultimately, however, it was suggested the role and functions of the Commissioner would be dependent on whether or not a Commissioner had legislative power and if so, it would then seem logical for the Commissioner to be established from an existing government agency.

3.3.5 Rapid removal of material that is harmful to a child from social media sites

Question 3: Are these definitions of 'social networking sites' suitable for defining 'social media sites' for the purposes of this scheme?

Greater need for definitions that reflect currency and relevancy
The proposed definitions of 'social media sites' in the discussion paper were discussed and a number of participants highlighted the definitions were too broad and were already outdated.

It was also noted that the currency and relevancy of terms and definitions would be further compromised if the scheme was to be legislated, due to the time needed to pass any legislation.

Question 4: Should the proposed scheme apply to online games with chat functions?
The inclusion of gaming sites was considered especially important in any definition, though challenges around defining bullying in gaming genres such as combat games were highlighted.

Monitoring violent and aggressive behaviours in gaming contexts also was considered problematic, as was managing the complexities of legislating across jurisdictions, particularly as gaming can, and does, occur between players in real time in locations around the world.

This was an area that required further investigation in order to achieve a solution/scheme that could realistically and effectively be implemented.

Question 5: What is the best criterion for defining a 'large social media site', and what available sources of data or information might be readily available to make this assessment?
> There are sites that don't require user accounts and sites where the user accounts are anonymous and that is the basis of the platform so it doesn't cover those areas.

The discussion paper suggested that the number of user accounts held in Australia could be used a criterion for categorising large and non-large sites, however some participants noted that this was potentially problematic, primarily because not all sites require registration.

Some participants proposed that in addition to the criterion that considers the number of users of a particular site in Australia, research is also required to establish the sites or type of sites that have the greatest prevalence of cyberbullying incidents. This evidence base could then inform which sites need to be targeted, rather than expect only 'large' sites to be part of a scheme.

Question 6: Is the coverage of social media sites proposed by the Government appropriate and workable?

> The large ones…already have the best reporting features the best privacy settings and are innovating the best technological responses to these issues.

With regard to the terms 'large' and 'non-large' social media sites, a number of participants agreed that those sites which might be considered large, already have processes in place, and continue to show commitment to, addressing aspects such as removal of harmful material and further recognised the benefits of proactively addressing inappropriate online behaviours.

The primary concern was the management of cyberbullying incidents if, and when, they occurred on 'non-large' sites, which were not required to sign up to a scheme.

Placing the onus on smaller sites to commit to the scheme could see a number of smaller sites opt and could potentially lead to gaps and inconsistencies in the management of cyberbullying instances.

It was further noted that a site can become 'large' almost overnight and the speed in which young people adopt new sites and move on from sites was often unpredictable.

The challenge too was that young people in effect often move away from sites that appear to have adult involvement and adult prescribed protocols and may subsequently move away from or spend less time on what are considered as 'large sites' because many of these sites are actively addressing and responsibly responding to some of the key issues around cyberbullying.

> When a government starts dictating how different cultures online work that is a different story and I think there may be some pushback.

Question 7: Should the scheme allow children who are unsupported by adults to be active participants (either as complainants or notice recipients)? Having regard to the vulnerability of children, what procedural safeguards should be in place?

> We are leaving out quite a significant number of people in the entire scheme of things…it doesn't cover for example people all Australians who come from abroad people who don't have English as their first language or may need these are some of the key other demographic which you are missing out on.

Some participants felt the eligible complainant criterion was quite exclusive.

During discussions about the complaints handling processes, it was also considered important to ensure that the complaint did not become the bullying action.

Question 16: What would be the best way of encouraging regulatory compliance by participating social media sites that lack an Australian presence?

> It is very much in [their] commercial interest to get this right.

Participants noted that the proposed scheme would require a commitment and investment of resources, both to implement and maintain. Discussion also addressed whether sites should receive financial contribution for participating in the scheme or if they should be expected to self-fund. Participants noted that it would be in most sites best interest to act in a socially responsible manner.

One participant highlighted that if compliance restricted or imposed controls that impacted on the fundamental purpose of a site then there would likely be opposition to any compliance scheme with the site likely to opt out of the scheme.

> I could see certain large networks saying not interested. Things like Reddit if you start putting those controls over it really cuts to the core of what the organisation's about or site is about, so it is not just going to happen.

3.3.6 Legislating cyberbullying

With regard to legislating cyberbullying, mixed views were apparent.

Whilst some perceived the law as being too stringent as a response option, others noted that the current laws did not reflect the digital world in which we live and acknowledged that the current ambiguity around cyberbullying and the law needed to be addressed.

Consistency and simplifying a legal response to cyberbullying was considered by some to be an important step towards managing cyberbullying and necessary in order to clarify the associated legal consequences for the public and for young people in particular.

Participants who acknowledged benefits of legislative change stressed the importance of viewing the law as a deterrent as opposed to punitive response to criminalise children.

A number of participants did recommended that solutions should incorporate some form of restoration and rehabilitation and whilst it was recognised that restorative practices could be time and resource intensive, it was perceived to be a part of the healing process.

The following quotes reflect some of the key aspects of the discussion on this question. In support of a separate, simplified cyberbullying offence:

> At the moment most people know it is really buried and it can actually mean there's worse outcomes as well.

In opposition to a separate, simplified cyberbullying offence:

> I think I believe we need to be sending strong messages and providing young people with the opportunity to have some sort of form of restoration or rehabilitation or whatever you want to put it but I think a law is too definitive.

In support of restorative practices:

> It is not about throwing kids in jail, it is about working with them to help restore.

In opposition to criminalising young people:

> wouldn't want any incarceration or any significant criminal records for children [it should be] much more about diversionary tactics

3.3.7 General comments

> It is holistic as well, we talk about it's the village that raises the child, it is the school, it is the local library, it is everybody playing their part to get to that generational change where it is just a social norm that we know what we are doing online.

The importance of community commitment in addressing the management of cyberbullying was highlighted.

Educating young people and the community about key issues and possible responses to cyberbullying was supported by participants, as was a holistic approach to an education campaign that clearly communicated information about appropriate and inappropriate online behaviours.

Participants also noted that any education campaign needed to be tailored to suit the target audience, and that different delivery approaches may be required in order to achieve effective messaging and desired outcomes,

> They are completely different audiences, and they consume information very differently so they would need to be distinct, they need to be delivered via different channels.

Building young people's resilience and capacity to respond to, and manage, incidents of cyberbullying as part of the school curriculum was considered to have merit by some participants:

> It is teaching resilience to the child at the school level if it became part of the national curriculum whereby kids could learn the names, to name the certain things going on and to name the actions to take against those things.

It was also noted that the issues around bullying do not pertain only to young people and that adults also have similar issues and needs.

3.4 Findings from interviews

The core themes that emerged from interviews are outlined below. Additional code-reports provide quotes to illustrate the meaning, with a further description of the inductive codes that emerged are provided in Appendix D.

The following topics were discussed and core themes that aligned with each of the key discussion points were extracted from the interview data and are presented in the summaries below.

3.4.1 Current understanding

Participants provided insights into their awareness and understanding of what constitutes cyberbullying and the consequences and impact of cyberbullying. The challenges in defining cyberbullying, and a lack of youth awareness about the consequences of cyberbullying, were among the highlighted themes, which also included:

- Severity and scope of behaviour
- Lack of unified understandings
- Feelings of disempowerment
- Uncertainty and inefficiency of current laws
- Misinterpreting young people's practices
- Legal and social responsibilities
- Overlapping roles and responsibilities

Whilst participants proposed characteristics of cyberbullying, which included repetition and intent to harm, the difficulty in defining cyberbullying as an isolated behaviour became apparent, particularly as participants indicated that the behaviour often transcended both off- and online boundaries. The lack of clarity about the social and legal consequences of cyberbullying and an absence of a common understanding and language around cyberbullying was also identified as an obstacle to addressing cyberbullying. In addition, a lack of confidence in the current laws as an adequate, efficient response to cyberbullying of minors was also evident. Establishing socially acceptable norms and promoting the social, cultural and personal ownership and responsibility for addressing cyberbullying as part of holistic approach was a key theme and proposed as a way forward.

3.4.2 Civil enforcement regime

In exploring the various response options to addressing cyberbullying, participants provided their views on a CER and specifically on a Children's e-Safety Commissioner. A number of themes were evident that highlighted some of the potential limitations and advantages of a CER. Additional themes included:

- Potential pathways of innovation and reflection

- Carefully consider positioning and scope
- Be alert to tensions
- Reassuring point of contact
- Moving from presence to practice
- Understanding limitations
- A restorative and dialogic approach

The importance of reviewing and learning from international practices, aligning adult and youth perspectives and the merit in conducting trials and collecting evidence to ascertain the most efficient and effective solution to inform the implementation of any response was noted. The need to clearly define the scope of a Commissioner's role and how it is positioned in relation to other services and agencies was also highlighted. Concerns were raised about the potentially negative consequences of legislative penalties and the need to encourage positive practices. The capacity of a CER to enforce regulation was challenged and whilst noting that a CER could provide a high profile, recognised and accessible point of contact, the need to realistically consider the expectations of a Commissioner's role was raised. Perspectives shared suggest the need for responses to cyberbullying should be complementary rather than siloed as standalone options, benefits of a collective, sustainable and proactive response with a focus on restorative practices as opposed to a reactive approach was reinforced.

3.4.3 New criminal law

Perceived advantages and disadvantages were also key broad level themes in responses related to the potential impact of a new simplified cyberbullying offence (CBO) and in discussions related to how the offence could be most effectively implemented. Additional themes included:

- Enforcement concerns and extreme cases
- Behavioural focus required
- Consistency of messaging and application
- No effect, or misplaced effect
- Practicalities and new partnerships
- Exploring sequencing, resourcing and priorities

Whilst participants highlighted that a potential new, simplified cyberbullying offence could help to clarify understandings and address perceived existing inconsistencies and gaps, others highlighted the risk that this response could potentially have no impact or result in adverse effects. Although some participants acknowledged the need for laws as a response to extreme cases, this was juxtaposed with concerns about criminalising children and the importance of careful consideration in the positioning of punitive responses and in deciding how and where to invest in resources to achieve required and sustained positive change. The imperative to consider legal reforms alongside behaviour change programs to help establish acceptable positive social norms in this area was also noted theme.

3.4.4 Amendment to existing laws

In discussions about the option to amend existing laws, a need for clarity regarding cyberbullying and the legal consequences and the importance of enhancing awareness and understanding about cyberbullying was highlighted. In addition, responses indicated the need to establish societal norms that strongly convey cyberbullying is not tolerated. The following represent the key themes:

- Increased clarity and messaging
- Potential deterrent and norm-setting
- Nuanced possibilities
- Challenges of change

The option to amend existing laws to specifically mention cyberbullying was considered an opportunity to build understanding and define and communicate societal expectations. Some participants expressed that clearly referencing cyberbullying in existing laws could provide an added deterrent for cyberbullies, however aligning Commonwealth and State laws was perceived by some to be problematic. The challenge for laws to remain relevant and current amidst social and technological change was also highlighted.

3.4.5 Information and education campaign

Participants discussed the role, need and value of information education campaigns with the following key themes were extracted:

- Fostering behaviour change
- Commercial imperatives
- Building on current resources and knowledge bases
- Language and messaging
- Youth focus and participation
- Cross-sectoral participation
- Indigenous perspectives

Participants highlighted the important role of a 'whole of community' approach and the need to incorporate diverse perspectives, including those from indigenous communities to develop culturally relevant programs that resonate well with its target audience. Collaboration and building partnerships that can help to communicate a united approach in delivering consistent messages and programs to diverse audiences was suggested. The importance of youth participation and combined delivery strategies in both off and online contexts was proposed as a way of maximising reach. In addition, leveraging current resources, expertise and initiatives to avoid duplication was suggested. Participants also proposed that the objective of an information education campaign should be to empower youth with a behaviour change focus.

3.4.6 Role of social media

The complexities related to the social and legal responsibilities of social media sites, was noted among the themes below:

- Aligning social and legal responsibilities
- Territorial complexities
- Commercial imperatives
- Current capacities
- Rapid emergence of new media platforms
- Expectations of consistency
- Exploring alternate options

Whilst consistency in the way social media sites respond to cyberbullying is ideal, and compliance with any scheme could be considered in the best interest of developers of social media sites, challenges associated with aligning social and legal responsibilities and predicting social media trends were noted. In addition, monitoring and managing compliance across jurisdictions was also considered problematic. The need to build on current capacities of social media sites to respond to incidents of cyberbullying and the need to explore possible alternatives that could provide more effective and practical solutions was suggested.

3.4.7 Role of curriculum

Participants' responses suggested that curriculum and education in general provide avenues to build capacity and awareness in addressing and responding to cyberbullying. The following represent the key themes extracted:

- Integrated approach is required
- Fostering youth participation and creativity
- Empowering people and tailoring messaging
- Developing a whole school culture and guidance
- Being mindful of implications for educators

In discussions about the specific role of the curriculum, the need for youth participation to inform content and delivery of any new material was considered fundamental in developing useful and relevant programs. Whilst acknowledging the positive roles that teachers can have in modelling, communicating and delivering positive messages and responses to cyberbullying, participants were mindful of the implications for educators and the existing pressure on teachers to incorporate a range of programs as part of their teaching responsibilities. The merits of an integrated approach that utilises existing resources, contributes to fostering positive values across school communities and helps to build capacity to proactively respond to cyberbullying in a supportive climate could contribute to achieving an holistic school response to cyberbullying.

4. Summary

The following sections provide a summary for each of the components within this part of the study.

4.1   Principal Teacher Parent survey

As part of this study, it was important to obtain insights into the experiences of the sample and how they constructed notions of cyberbullying. Terms respondents used to describe cyberbullying in the PTP survey included: harassment, abusive language, lies, hurtful comments and name-calling. Death threats and blackmail constituted characteristics of more serious cyberbullying incidents. Some participants proposed that treating cyberbullying as an isolated form of bullying was problematic. This tension highlights a need for continued discussions about the definition of cyberbullying to ensure there is clarity to help identify what constitutes cyberbullying, how to respond to incidents of cyberbullying both in a legal and social context and importantly how to deter cyberbullying.

Findings also revealed the majority of respondents did not have any experience of young cyberbullies and the law and whilst the majority of respondents had at least some understanding about the legal consequences for young people (under the age of 18) who cyberbully, there was uncertainty about whether or not cyberbullying can be considered an offence under existing law. This highlighted a need for greater awareness of the legal responses to, and consequences of, cyberbullying.

Whilst the importance of communicating what constitutes cyberbullying and the effects of cyberbullying was highlighted, there was an identified need to extend this to ensure authentic real life examples were part of any information/education campaign. In addition, information about the legal consequences of cyberbullying and explanations about the penalties for cyberbullying were considered to be fundamental inclusions of any information campaign. From a complementary viewpoint, incorporating content that addresses positive relationships and how victims can be empowered to respond to cyberbullies was also considered appropriate, particularly as part of a holistic approach to addressing cyberbullying.

Whilst half of the PTP sample felt that the current penalties were appropriate in responding to cyberbullying, respondents suggested a suite of penalties as alternatives. Community service featured strongly in responses, and alternatives, particularly for first offenders were suggested, with lower level sanctions. This reflected responses, which suggested that the type of penalty should depend on the severity of the cyberbullying behaviour and the age of the bully. Some respondents questioned the likelihood of a criminal conviction contributing to positive outcomes for either the bully or victim and that support would more likely contribute to long-term wellbeing of those involved.

The overwhelming majority of the PTP sample reported that from their perspective young people were not adequately informed about cyberbullying and the law, and the merits of schools delivering information and education campaigns were highlighted, as was the value of schools working together with law enforcement officers to communicate the seriousness of the messages. A range of channels representing both traditional and social media was identified to support the delivery of information related to cyberbullying and the potential legal consequences.

There was strong support for social media and chat sites complying with Australian cyberbullying laws, with the removal of damaging material a suggested remedy. The problematic nature however of enforcing and monitoring compliance was noted and exploring the feasibility of an international code of conduct to address challenges was suggested as a way forward.

In unpacking which response option respondents felt would have the greatest material deterrent effect, mixed perspectives were evident with a range of advantages and disadvantages for each of the response options highlighted. Introducing a new, simplified law against cyberbullying and designing and delivering a new information/education campaign about the legal consequences of cyberbullying however, were both equally considered to have the highest impact, with the overwhelming majority of respondents indicating that both a Children's e-Safety Commissioner and Police should be responsible for delivering consequences.

Currency and relevancy were reinforced as key considerations in this field and whilst there was an importance and urgency to address cyberbullying, employing a one-size-fits-all solution was recognised as not being feasible, given the numerous contextual factors that should be considered, including the stages of development. Engaging in proactive approaches to addressing the issue included recognising the importance of positive role models and relationships.

4.2 Workshops

The summaries of the workshops are outlined below.

4.2.1 Workshop 1: Professionals and policy makers (Connect 2014)

Discussions in this workshop highlighted the following themes pertaining to cyberbullying, youth and the law, revealing:

- Young people and their behaviour cannot be neatly categorised
- Cyberbullying is a 'mosaic' – with no clear definitions, border or boundaries
- Benefits and limits criminalising cyberbullying behaviour
- Unpacking the role of a CER

- The need for evidence-based education/information campaigns
- Social media – part of the solution, not simply the problem
- The critical role of schools
- Sharing responsibilities
- Moving forward requires a multidimensional, collaborative learning approach

4.2.2 Workshop 2: Industry and expert roundtable

Discussions in this workshop highlighted the following themes pertaining to cyberbullying, youth and the law:

- The need for collaboration and coordination
- The importance of being proactive not reactive
- Embedding youth voice and engagement
- Rethinking a Commissioner's focus: from cyberbullying to digital inclusion, citizenship and resilience
- Independent statutory authority BUT any establishment option would need to reflect whether or not a Commissioner had legislative power
- Definitions related to 'social media sites' in the discussion paper were considered too broad and outdated.
- Currency and relevancy of terms and definitions would be further compromised if the scheme was to be legislated, due to the time needed to pass any legislation
- Greater need for definitions that reflect currency and relevancy
- Inclusion of gaming sites was considered especially important in any definition
- Monitoring violent and aggressive behaviours in gaming contexts also was considered though challenges around defining bullying in gaming genres is problematic sites that don't require user accounts and sites where the user accounts are anonymous
- Research to inform which sites need to be included in any scheme is required, rather than expect only 'large' sites to be part of a scheme
- 'Large' social media sites already have processes in place, and continue to show commitment to removing harmful material and addressing cyberbullying
- Concerns shared regarding the management of cyberbullying incidents if, and when, they occurred on 'non-large' sites
- Need to any scheme needs to consider how to manage compliance when sites can become 'large' in a relatively short time frame and young people adopt new sites and move on from sites quickly
- Eligible complainant criterion was quite exclusive
- Need to ensure that the complaint did not become the bullying action
- Proposed scheme would require a commitment and investment of resources, both to implement and maintain
- It is in a sites best interest to act in a socially responsible manner
- Whilst a law was considered too stringent a response option, others noted that the current laws did not reflect contemporary contexts and were ambiguous around cyberbullying

- Those who supported the notion of the law stressed the importance of:
    - Viewing it as a deterrent rather than punitive response to criminalise children
    - Consistency and simplicity to facilitate the management of cyberbullying incidents
- Need for community commitment
- Important to build young people's resilience and capacity to respond to, and manage, incidents of cyberbullying within the school curriculum
- Merit in a holistic approach to an education campaign
- Tailored education campaign needed to suit the target audience,
- Multiple delivery approaches may be required in order to achieve effective messaging and desired outcomes.

4.3   Interviews

Interviews conducted provided the opportunity to explore in-depth insights from a range of stakeholders about cyberbullying. Topics explored during the interviews spanned: current understandings, the Civil Enforcement Regime (CER), proposed new criminal laws, amendment to existing laws – plus the role of information and education campaigns, social media, and the curriculum. Insights from interview participants concerning current understandings about cyberbullying highlighted the wide scope of behaviour related to cyberbullying – plus the lack of unified understandings among young people, communities and stakeholders. Responses in relation to a CER highlighted the need to not rush into any proposed change; that is, much further exploration is required to build a response which is evidence-led, has intergenerational input and widespread community support.

There were mixed comments relating to a potential new, simplified cyberbullying offence – that it could clarify understandings, but also that it could have minimal or adverse effects. The proposition to amend existing laws was viewed as a way of refining societal understandings of cyberbullying – although the processes of legal change were viewed as lagging behind social and technological change. A strong theme among all stakeholders interviewed was the risk that there might be a reliance upon legislative penalties and punitive responses, rather than a more balanced approach which took into consideration the need for behaviour change programs and fostering positive social norms.

Intergenerational, community and cultural approaches in relation to information/education campaigns also emerged as strong themes from the interviews. For example, the critical role young people should have in helping to develop new initiatives, as well as the key part teachers and school communities play in fostering a positive culture was highlighted. Creating more opportunities to raise awareness of cultural diversity and building this into programs was also shared as central to future developments. Collaboration and building partnerships were

identified as key considerations in the design and delivery of future messages and programs.

The tensions of aligning social and legal responsibilities for social media sites to respond to cyberbullying were highlighted, as was monitoring and managing compliance across jurisdictions. The need to build on the current capacities of social media sites as a starting point for developing more comprehensive and innovative solutions was suggested. This was viewed as the foundations of: building on existing resources and capacities, being inclusive and sensitive of cultural and community practices, plus strengthening dissemination across both off- and online contexts.

A strong overall impression from the interviews conducted was: firstly, that there was no singular response to cyberbullying, thereby signalling the need to create multilayered responses (involving proactive, not simply reactive approaches); and secondly, the opportunity exists to build a collaborative approach and common language around cyberbullying which can then inform new programs and future developments in this complex space.

5. Principal Teacher Parent survey instrument: Cyberbullying, youth and the law

Q1 Thank you for taking the time to complete this short survey. Researchers from the Social Policy Research Centre of the University of New South Wales, the University of Western Sydney and the University of South Australia are working together to explore youth exposure to, and management of, cyberbullying incidents in Australia. This research will provide an evidence base for the Commonwealth in its consideration of the implementation of a policy to Enhance Online Safety for Children. By answering the survey questions you will help us to better understand views about cyberbullying and the law. This is your chance to let us know what you think and we value your honest views and opinions.

This survey is concerned with cyberbullying of and by Australian minors (persons under 18 at the time of the cyberbullying). In this survey, when the term "cyberbullying incident" is used, it only refers to a cyberbullying incident or incidents in which:

1. An Australian young person (under 18) is the victim of cyberbullying; and/or
2. An Australian young person (under 18) is the cyberbullying perpetrator.

Your responses will remain confidential and you will not be identified in the analysis. Your participation is voluntary and you have the right to withdraw at any stage. If you have any questions about this study, please contact Dr Barbara Spears from the University of South Australia on (08) 8302 4500 (email: barbara.spears@unisa.edu.au) or Shona Bates from the University of New South Wales: Social Policy Research Centre on (02) 9385 4058 (email: shona.bates@unsw.edu.au). This project has been approved by the University of New South Wales and the University of South Australia's Human Research Ethics Committees. If you have any ethical concerns about the project or questions about your rights as a participant please contact the University of South Australia's Ethics and Compliance Officer, Tel: +61 8 8302 3118; Email: vicki.allen@unisa.edu.au or the Ethics Secretariat at the University of New South Wales, Tel: +61 2 9385 4234; Email ethics.sec@unsw.edu.au

Please note: Once you have opened the survey do not press the back button on your browser, as this may result in a loss of data. If you close your browser window for any reason, you can always go back to the survey by clicking the survey link again. This should take you back to the survey page you were last on.

❍ I agree to participate in this study
❍ I do not agree to participate in this study

If I do not agree to participate... Is Selected, Then Skip To End of Survey

It is a relatively short survey, BUT it is detailed. Importantly, it is Australia's first research on wider organisational responses to different types of cyberbullying incidents. Your participation is greatly appreciated.

5.1 Section 1: About you (this is for research purposes only and is confidential)

Q2 Are you

❍ Female
❍ Male
❍ Other

Q3 Which State do you live in?

❍ ACT
❍ NSW
❍ NT
❍ QLD
❍ SA
❍ TAS
❍ VIC
❍ WA

Q4 What is your postcode?

Q5 Are you a parent or caregiver of at least one child under the age of 18?

❍ Yes
❍ No

Q6 What is your Occupation?

❍ Teacher
❍ Principal
❍ Counsellor
❍ Other
❍ Pre-service teacher
❍ Deputy/Assistant Principal
Answer If Other then Please tell us your occupation

Answer If What is your Occupation? Pre-service Teacher is Selected,

Q7 What year of your degree are you currently in?

○ Year 1
○ Year 2
○ Year 3
○ Year 4

Answer If What is your Occupation? Teacher is Selected or What is your Occupation? Principal is Selected or What is your Occupation? Counsellor is Selected or What is your Occupation? Deputy/Assistant Principal is Selected

Q8 Please indicate if your setting is…

○ Primary
○ Secondary
○ Other

Answer If Please indicate if your setting is …Other is Selected

Q9 Please briefly describe your setting

5.2   Section 2: What do you know about cyberbullying

For the purposes of this survey, cyberbullying refers to any communication using a digital device or medium (e.g. smartphones and social media sites) with the intent to coerce, intimidate, harass or cause substantial emotional distress to a person. This may include posting embarrassing or harmful photos, videos, or rumours relating to an individual and can include using social media features to actively promote and spread harmful content.

Q10 In the last 12 months, approximately how many cyberbullying incidents involving young people under the age of 18 have you had to deal with in your setting?

Q11 Please provide an example of the most severe cyberbullying incident you have dealt with in the last 12 months?

Q12 What level of understanding do you have about the legal consequences for young people (under the age of 18) who cyberbully?

○ Limited or little understanding
○ Some understanding
○ A good understanding
○ Very good understanding

Q13 Please tell us about any training/professional development you have had in this area, or any experience dealing with cyberbullying and the law.

Q14 Please tell us about any experience you have had dealing with the law and young people under the age of 18 years who cyberbully.

Q15 Do you think that cyberbullying can be considered an offence under any existing laws?

❍ Yes
❍ No
❍ Unsure

Answer If Do you think that cyberbullying can be considered an offence under any existing laws? Yes is Selected
Q16 Please tell us what you know about the laws that you think could apply to cyberbullying instances/behaviours.

Answer If Do you think that cyberbullying can be considered an offence under any existing laws? Yes is Selected
Q17 Please list the penalties that you think can be incurred by young people under 18 for cyberbullying behaviours

5.3 Section 3: How to deal with cyberbullying

Please read the information below (about current laws) before answering the next question.

Some current laws that can apply to cyberbullying: There are some current laws at the Commonwealth, state and territory levels that can be applied to young people (under the age of 18) who cyberbully. For example, under the Commonwealth Criminal Code Act 1995, if a young person used a carriage service to make a threat to harm or kill a person, penalties of up to 10 years in prison can apply. To menace, harass or cause offence, penalties of up to 3 years in prison can apply. State and territory laws covering harassment, intimidation and making threats can be applied to cyberbullying behaviours. Commonwealth and state/territory laws have been used already to respond to cyberbullies who are under 18 years old. Sometimes this results in criminal action. For other cyberbullying incidents, young people are given a warning, their parents and school becomes involved, or they are made to cease the behaviour in another way (e.g. there is an apprehended violence order put in place so the offender isn't allowed to contact the victim). There are a range of potential reasons that the current cyberbullying laws are not appropriate for reducing cyberbullying and punishing cyberbullies. These can include: The laws are too general and do not specifically mention cyberbullying. The laws use language that young people may not understand (e.g. use of a carriage service to harass means using your mobile or the internet to harass). The size of the maximum penalty could be considered too severe for charging some cyberbullying cases, especially for charging teenagers or punishing children. Young people might not know that there are current laws that apply to cyberbullying.

Q18 Do you think that young people know enough about the current laws relevant to cyberbullying?

❍ Yes
❍ No
❍ Unsure

Answer If do you think that enough young people know about the current laws relevant to cyberbullying? No is Selected

Q19 Please tell us how you think that young people's understanding of the current laws could be improved.

Q20 Do you think the current penalties, including the possibility of a criminal record and going to a juvenile detention centre, are appropriate for discouraging young people from cyberbullying?

❍ Yes
❍ No
❍ Unsure

Q 21 If the current laws did refer specifically to cyberbullying, would they more effectively discourage young people from cyberbullying?

❍ Yes
❍ No
❍ Unsure
Q22 Please tell us why?

Q23 Do you think the existing laws should be left unchanged?

❍ Yes
❍ No
❍ Unsure
Q24 Please tell us why.

Please read information below about a potential new, simplified cyberbullying offence targeted at young people before answering the next set of questions.

A potential new, simplified cyberbullying offence: Another option to address cyberbullying is to create a new, simplified cyberbullying offence that covers behaviours where the victim is under 18 years of age, with a lesser maximum penalty (such as a fine). A potential new, simplified cyberbullying offence would be

in addition to the current laws, so if the cyberbullying behaviour was bad enough, the more serious laws (with higher maximum penalties could still apply. The benefits of a new, simplified cyberbullying law targeting youth could include: A more effective way to reduce cyberbullying behaviour towards youth. Using language and wording that is meaningful to young people. Making it easier to prosecute serious cyberbullying offences because the proposed penalties would be more appropriate for minors (young people under 18). An opportunity to raise awareness with young people, their teachers and parents about the legal consequences of cyberbullying. The potential limitations of a new, simplified cyberbullying law could include: A new law could lead to more young people under 18 years of age ending up with a criminal record. A potential increase of pressure on the legal system. It won't always be possible to identify the cyberbully or take action against them if they are not in Australia. An increase in reports to police of behaviours that are not covered under the new law.

Q25 Given this information, do you think that the introduction of a new, simplified cyberbullying offence would discourage young people from cyberbullying?

❍ Yes
❍ No
❍ Unsure

Q26 Please tell us why.

Q27 What impact, if any, do you think a new, separate cyberbullying criminal law might have on organisations such as schools?

Q28 What impact, if any, do you think a new, separate cyberbullying criminal law might have on the wider community?

Q29 What sort of penalties do you think would be appropriate for young people (aged under 18) under a new, simplified cyberbullying offence?

Q30 What information do you think should influence the level and type of penalty handed out if a new, simplified cyberbullying law for under 18s was introduced?

	Yes	No
The cyberbully's age	○	○
Type of incident	○	○
Impact on the victim	○	○
The victim's age	○	○
Previous incidents/offences	○	○
Other	○	○

Answer If What information do you think should influence the level and type of penalty handed out if a new, simplified cyberbullying law for under 18s was introduced? Other - Yes Is Selected

Q31 Please tell us what other information should influence the level and type of penalty.

Please read the information below about a civil enforcement regime before answering the next set of questions.

A new civil enforcement regime: Another option to address cyberbullying could be to keep the current laws, which could be used for the most serious cases of youth cyberbullying, and introduce a new Civil Enforcement Regime (CER). This is a civil (rather than criminal) process, which would be aimed at stopping the cyberbullying and resolving the issues with actions like: Negotiation and mediation between those involved, and if required - dispute resolution. Orders for the cyberbully to take down or delete the harmful content (if the bully is identifiable and based in Australia) And if the bully fails to comply, issuing an infringement notice (e.g. the bully would have to pay a fine) These kinds of penalties may be serious enough to stop, or deter, cyberbullying without leaving youth (under 18s) with a criminal record. If there was a new CER, someone like a Children's e-Safety Commissioner would have the power to take action to enforce the CER. School principals, the police and sometimes members of the public would report serious cases of cyberbullying to the Commissioner for investigation. A Commissioner would be able to refer youth to counselling services when needed and would be able to refer more serious cases of cyberbullying to the police for investigation under the relevant Commonwealth and state or territory laws. Some of the potential benefits of a CER in reducing cyberbullying of young Australians include: Enough of a penalty to make young people think twice before cyberbullying Having a faster process (than going through the courts) and more appropriate penalties for younger people (e.g. a fine instead of imprisonment) Having more appropriate penalties for young people which would be more likely to be used Reducing the pressure on the legal system Some of the potential limitations of the CER might include: Cyberbullying from anonymous bullies might not be able to be stopped A fine not enough of a deterrent to some young people

Q32 Do you think that the introduction of a CER would discourage young people from cyberbullying?

Yes, No, Unsure

Q33 Please tell us why.

Q34 What impact, if any, do you think a CER might have on organisations such as schools?

Q35 What impact, if any, do you think a CER might have on the wider community?

Q36 What sort of remedies do you think would be appropriate for young people (under 18) under a new CER?

Q37 Do you think a new CER should be introduced which applies to young people under the age of 18 years who cyberbully?

Yes, No, Unsure

Q38 Please tell us why.

Q39 What benefits, or services, do you think a CER might offer victims of cyberbullying who are under 18?

5.4   Section 4: Proposed information/education campaigns

If a new CER and/or a new, simplified criminal law were introduced, there would be an information/education campaign about the legal and social consequences of cyberbullying. There could also be an information/information campaign to highlight existing laws relevant to cyberbullying.

Q40 Do you think that there is justification for the introduction of a new information/education campaign to communicate information about the legal and social consequences of cyberbullying?

Yes/No

Answer If Do you think that there is justification for the introduction of a new information/education campaign to communicate information about cyberbullying and the law? Yes Is Selected

Q41 What sort of information would you like to see included in an information/education campaign?

Answer If Do you think that there is justification for the introduction of a new information/education campaign to communicate information about cyberbullying and the law? Yes Is Selected

Q42 In your opinion, what might be the best way to deliver this information to the community?

5.5 Section 5: Penalties and impact of social and legal consequences

Q43 How much impact do you think the following might have on reducing cyberbullying incidents amongst young people (under the age of 18 years).

	No impact	Little impact	Some impact	High impact
Keep existing laws as they are	○	○	○	○
Change existing laws to specifically mention cyberbullying	○	○	○	○
Introduce a new, simplified criminal law against cyberbullying	○	○	○	○
Keep the existing laws and introduce a new Civil Enforcement Regime (CER) with lesser penalties such as a fine	○	○	○	○
Design and deliver a new information/education campaign about the legal consequences of cyberbullying	○	○	○	○

Q44 Please tell us more.

Which of the following do you think might be within the range of appropriate responses or penalties for young people under the age of 18 years who cyberbully others? Penalties applied in individual cases will depend on the impact on the victim, age of perpetrator at the time of the offence, nature/seriousness of the offence, the seriousness, nature and number of any prior offences committed by the perpetrator and any other factors that could be considered relevant (e.g. financial means of the perpetrator).

Q45 Non-criminal responses/penalties:

	Yes	No, never
Parental, School discipline	○	○
Restricted/supervised access to: mobile/digital devices/social media websites	○	○
Legal Notice requiring removal of cyberbullying material and/or ceasing behaviour	○	○
Infringement Notice (fine) for failure to comply with Legal Notice	○	○
Restorative justice (negotiation & mediation)	○	○
Civil law action (e.g. warning, law suit, compensation, Apprehended Violence Order)	○	○
Other	○	○

Answer If Non-criminal responses/penalties: Other - Yes Is Selected

Q46 Please tell us more.

Q47 Criminal responses/penalties: Police imposed (no criminal record)

	Yes	No, never
Police informal warning/formal caution	○	○
Youth justice conference and outcome plan	○	○
Other	○	○

Answer If Criminal Responses Penalties Police imposed (no criminal record) Other - Yes Is Selected

Q48 Please tell us more.

Q49 Court imposed.

	Yes	No, never
Sentencing options without criminal record	○	○
Sentencing options with criminal record	○	○
Sex offender registration (sexting-type offence)	○	○
Other state/territory sentencing options specifically applicable to minors and less serious offences	○	○
Other sentencing options applicable to serious (indictable) offences	○	○
Detention, as a last resort	○	○
Other	○	○

Answer If Court imposed Other - Yes Is Selected

Q50 Please tell us more.

Q51 Who do you think should be responsible for delivering consequences to young people under the age of 18 for acts of cyberbullying? You can select as many options as you like.

Criminal court	○	○
A Children's e-Safety Commissioner	○	○
Social media websites	○	○
Home/Family/Caregiver	○	○
School	○	○
Other	○	○
Police	○	○

Answer If Who do you think should be responsible for delivering consequences to young people under the age of 18 for acts of cyberbullying? You can select as many options as you like. Other - Yes Is Selected

Q52 Please tell us more.

Q53 In your opinion, which social and legal responses to cyberbullying might best support student safety and wellbeing?

Q54 In your opinion, which social and legal responses might best support teachers, school leaders, and parents to deal with cyberbullying?

5.6 Section 6: Social media response to cyberbullying

Q55 Do you think that social media websites (e.g. YouTube, Snapchat) should be required to follow any Australian cyberbullying laws?

Yes, No, Unsure

Q56 Please comment.

Q57 Do you think that this should also apply to other sites that have chat functions, including gaming sites (e.g. World of Warcraft, Minecraft)?

Yes, No, Unsure

Q58 Please comment.

5.7   Section 7: Any other thoughts?

Q59 What other information about this complex issue would you like to give to the Government, researchers and policymakers?

6.Stakeholder workshop guiding questions

Aim: Engage stakeholders to explore possible new criminal or civil remedies to deter cyberbullying

Session 1: Setting the context for the workshop- a bit about the research and why (10 mins)

Session 2: Current understandings (20 mins)

- What does CB look like, sound like, feel like for the bully, victim, bystander & wider community (participants- each group can consider from either bully, victim etc. perspective and report back to larger group)

- What avenues, support services are available currently to respond to CB incidents (participants- again we can group participants and ask to report back)

  o For the victim

  o For the bully

- What is the current status quo re CB and consequences? (workshop presenters input)

Session 3: Teasing out possible responses to CB: (1 ½ hours)

  a) Civil enforcement regime:

  o What is a civil enforcement regime (CER)?

  o What does a CER look like in a CB context?

  o What are the implications/impact of a CER for:

  - Victims

  - Bullies

  - Young people in general

  - Stakeholders' (stakeholders can apply their own lens/experience/context to this)

  o Should an e-Safety commissioner be part of a CER

  - Why/why not?

- If so, what would be the role?

- How would info about the role of the e-Safety commission be communicated to the public?

o What are the implications/impact of a e-safety commission for:

- Victims

- Bullies

- Young people in general

- Stakeholders' (stakeholders can apply their own lens/experience/context to this)

o How could a CER best be implemented/ How could information about a CER be disseminated?

b) **A new, separate criminal Cyberbullying law:**

o What does this mean in reality?

o What are the implications/impact of a new, separate CB law for:

- Victims

- Bullies

- Young people in general

- Stakeholders' (stakeholders can apply their own lens/experience/context to this)

- What would be suitable sentencing options, especially when the offender is a minor?

o How could it best be implemented? How could information about a CER be disseminated?

c) **An information/education campaign about existing consequences for cyberbullying**
o Is there a justification for this, if so, what is the

justification?

- o What type of information would you like to see included in the campaign?
  - Prompt: Youth friendly language (not sure about prompting)
- o What would be the best way to deliver this information?
- o Who should be responsible for delivering the information/education campaign (to achieve the greatest impact on reducing CB)
- o What are the implications/impact of an information/education campaign about existing consequences for cyberbullying for:
  - Victims
  - Bullies
  - Stakeholders' (stakeholders can apply their own lens/experience/context to this)

d) Any other response options?
- o If so, then examine, what it would like and the impact/implications for bullies/victims and stakeholders

Session 4: The role of social media (20 mins)

- o Does social media have a role in this space? If so, what is the role? Question to participants: Potential regulation of social media websites so that they must comply with any new laws??

Session 5: Response to CB preferences and why (20mins)

If participants were to choose one response option to CB, what would it be and why- (perhaps- 10 minutes individual writing time- which is collected as part of the evidence base)

Session 6: Wrapping up (10mins)

7.Industry and expert roundtable

A presentation was made to the industry and expert roundtable providing a background to and goals of the research, and the definition of cyberbullying.

The roundtable was then asked the following:

Children's e-Safety Commissioner:

What existing programmes and powers should the Commissioner take responsibility for?

Considering the intended leadership role and functions of the Commissioner, which of the following options would be serve the Commissioner:

1. Establish an independent statutory authority
2. Establish an independent statutory office, with administrative support from an existing government agency
3. Establish a member of the ACMA as the Commissioner
   a. Appoint an Associate Member of the ACMA as the Commissioner with functions and powers to fulfil the Commissioner's intended purpose
4. Establish a non-government organisation with expertise in online child safety.

Participating Social Media Sites:

Are the definitions of Social Networking Sites suitable for the purposes of the scheme? Should the proposed scheme apply to online games with chat functions?

What is the best criterion for defining a 'large social media site'?

What available sources of data or information might be readily available to make this assessment?

Is the coverage of social media sites proposed by the government appropriate and workable?

Who is an eligible complainant?:

Should the scheme allow children who are unsupported by adults to be active participants (either as complainants or notice recipients)?

Having regard to the vulnerability of children, what procedural safeguards should be in place?

Form of complains:

How would an eligible complainant demonstrate that the complainant has reported the content to the participating social media site?

What should the timeframe be for social media sites to respond to reports from complainants? Is 48 hours a reasonable timeframe, or is it too short or too long?

What is an appropriate timeframe for a response from the social media site to the initial referral of the complaint?

What is an appropriate timeframe for material to be removed?

Penalties and enforcement:

What would be the best way of encouraging regulatory compliance by participating social media sites that lack an Australian presence?

Should the proposed scheme offer safe harbour provisions to social media sites which have a complying scheme, and it so, what should they be?

Impact on business:

What do industry representatives consider are the estimated financial and administrative impacts of compliance with the proposed scheme? How are the estimated impacts derived?

Options for dealing with cyberbullying under Commonwealth legislation

If you were to choose a response option to cyberbullying, what would it be and why?

Information/communication campaign: Content and delivery

What sort of information would you like to see included in an information/education campaign?

What might be the best way to deliver this information to the community?

Who should be responsible for delivering the information/education campaign (to achieve the greatest impact on reducing cyberbullying)?

8.Interview schedule

Section 1: Explain purpose of interview, protocols etc.

Section 2: Demographics

Gender

     i.   Organisation/School
    ii.   Age
   iii.   State
   iv.   Position and Role

Section 3: Current Understanding

1. How would you describe or define what cyberbullying is?
2. Please tell us what you currently know about CB and any consequences for CB

Section 4: Responses to CB

Explain there a number of possible responses to cyberbullying:

- **One response to cyberbullying could be a civil enforcement regime**

It is possible to set up a legal framework where victims of cyberbullying can ask for:

    a) Specific online material to be deleted or removed
    b) The identity of an anonymous cyberbully be released.

A cyberbully can be ordered by an authorised agency to stop specific behaviour and a cyberbully can be issued with a fine.

This framework aims to repair the harm caused by a cyberbully by negotiations and mediation between a victim and the cyberbully and can be called a 'civil enforcement regime'.

Under a civil enforcement regime a cyberbully would not be charged with a criminal offence by the police and will not receive criminal punishment, such as a criminal conviction.

A civil enforcement regime could include someone like an 'e-Safety Commissioner' who receives, investigates, assesses and resolves cyberbullying complaints to try to repair any harm caused. For example, an e-Safety Commissioner would be able to:

- issue notices to have online material removed or deleted,

- or require the cyberbully to stop the particular behaviour.

Where a cyberbully does not comply, a penalty such as a fine may be issued.

Ask interviewee:

a) In their opinion what are the implications/impact of a civil enforcement regime for:

- Victims

- Bullies

- Young people in general

- Stakeholders' (stakeholders can apply their own lens/experience/context to this)

b) Should an e-Safety commissioner be part of a CER
   i. Why/why not?

   ii. If so, what would be the role?

   iii. How would info about the role of the e-Safety commission be communicated to the public?

c) What are the implications/impact of a e-safety commission for:
   i. Victims

   ii. Bullies

   iii. Young people in general

   iv. Stakeholders' (stakeholders can apply their own lens/experience/context to this)

d) How could a civil enforcement regime best be implemented/ How could information about a CER be disseminated?

- **A second response to cyberbullying could be a new cyberbullying law**

  Ask interviewee:

  a) In their opinion what are the implications/impact of a law for:
     i. Victims

     ii. Bullies

     iii. Young people in general

     iv. Stakeholders' (stakeholders can apply their own lens/experience/context to this)

  b) What would be suitable sentencing options, especially when the offender is a minor?

  c) How could information about a new, separate cyberbullying criminal law be disseminated? Who should be responsible for disseminating this information?

- **A third response to cyberbullying could be an information/education campaign about existing consequences for cyberbullying**

  a) In your opinion is there a justification for this, if so, what is the justification?

  b) What type of information would you like to see included in the campaign?
     a. Prompt?? (if needed): Youth friendly language

  c) What would be the best way to deliver this information?

  d) Who should be responsible for delivering the information/education campaign (to achieve the greatest impact on reducing CB)

  e) What are the implications/impact of an information/education campaign about existing consequences for cyberbullying for:
     i. Victims

     ii. Bullies

      iii. Stakeholders' (stakeholders can apply their own lens/experience/context to this)

- **Do you have any ideas about alternative response options we have not discussed?**
  a) If so, then examine, what it would like and the impact/implications for bullies/victims and stakeholders

Section 5: The role of social media

a) Does social media have a role in this space? If so, what is the role?
b) Do you think that social media websites should be regulated so that they must comply with any new laws? Why/why not?

Section 6: Preference: Response to cyberbullying

a) If you were to choose one of the response options to cyberbullying we have discussed, what would it be and why?

9.Participant information and consent forms

Social Policy Research Centre

University of New South Wales

Project title

Research on Youth Exposure to, and Management of, Cyberbullying Incidents in Australia

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Participation in this research is voluntary.

This means you can decline to participate in this study.

Participant Information Sheet for Adult Stakeholders

This is for you to keep

The Australian Commonwealth Government has funded a consortium to explore Youth Exposure to, and Management of, Cyberbullying Incidents in Australia. This consortium is led by the Social Policy Research Centre of the University of New South Wales, in collaboration with the Young and Well Cooperative Research Centre, University of South Australia and University of Western Sydney.

Invitation

You are invited to participate in:

A 3 hour face-to-face workshop at the Young and Well Cooperative Research Centre, Melbourne, Feb 19th 2014, from 2-5pm to explore issues concerning cyberbullying and its management in Australia

And/Or
b) A 20 minute interview about the potential impact of any new simplified criminal offence and its implementation. This interview would be conducted either at the Workshop (19th Feb) or during the Connect 2014 conference (Melbourne Town Hall, 20th-21st Feb, 2014), should you be in attendance. This will be determined by the researchers in conjunction with participants.

Workshop and/or interview questions

If you agree to participate in the workshop and/or interview, you will be asked about:

- the potential impact of a new, simplified criminal offence and/or enforcement regime
- how this offence or regime could be most effectively implemented

- suitable sentencing options, especially when the offender is a minor, such as a fine, counselling, restorative justice, or community-based orders and probation
- changing the language used in the laws so that young people especially understand what constitutes an offence
- potential regulation of social media websites so that they must comply with any new laws
- young people's attitudes and orientations to the practices which are being legislated
- what you view as the response, or impact, of these changes on young people's behaviour

Privacy

Your contributions to the workshop and/or interview will NOT be personally identifiable. Both the workshop and interview will be audio-taped, transcribed and coded for themes, with pseudonyms being provided for all participants. Any artefacts produced from the workshop (e.g. diagrams, concept maps) will also be coded for themes and will not be personally identifiable.

De-identified data may be used in any reporting, publications or presentations. The data will be stored on a password protected UniSA server or password protected private computer drive on the UWS system. Any written data will be kept in a locked filing cabinet at UWS or UniSA, for which only the researcher has the key. All data will be destroyed seven years after the publication of results.

The de-identified information collected will be utilised for a Department of Communications government report, as well as potentially for future academic publications and conference presentations.

Saying No

You can say NO to participating and this will not affect you, your organisation or the research study. If you decide to take part in the research, you are allowed to withdraw whenever you like without any negative consequences.

Complaints

If you have a complaint about this research, you can speak to the Ethics Secretariat at the University of New South Wales. Here are their contact details:

Ethics Secretariat
The University of New South Wales
SYDNEY NSW 2052

Phone (02) 9385-4234; Fax (02) 9385-6648; email ethics.sec@unsw.edu.au

Participant Information – Questions and Answers

Why is this research being done?

This project has been commissioned to provide an evidence base for the Commonwealth in its consideration of the implementation of its policy to Enhance Online Safety for Children, specifically: the desirability of whether to create a new, separate cyber-bullying offence, including investigating young people's awareness and understanding of the potential criminality of cyber-bullying, appropriate penalties, the range of sentencing options and the deterrent impact of these.

Why should I participate?

Whilst it is expected that there will not be direct personal benefit to you, this is your chance to contribute your voice, expertise and insights to an evidence base for the Commonwealth in its consideration of the implementation of its policy to Enhance Online Safety for Children. There are no risks beyond normal day-to-day living associated with participation in this study.

Who will be involved in the workshop and interviews?

20-25 people will be invited to participate in the workshop to explore the management of cyberbullying in Australia, and up to 10 people will be interviewed for further insights. This will include key stakeholders, such as: parents, teachers, school principals, police, criminologists, other specialists and/or organisations.

Researchers from University of Western Sydney and University of South Australia will be facilitating the workshop and conducting the interviews.

Where will the workshop and interviews take place?

Workshop

19 Feb, 2-5pm

Young and Well Cooperative Research Centre

Unit 17, 71 Victoria Crescent
Abbotsford VIC 3067
AUSTRALIA

Interviews will be conducted either at

Connect 2014: 20–21 Feb

Melbourne Town Hall

100 Swanston Street
Melbourne Vic 3000

Or the previous day (Feb 19) at the

Young and Well Cooperative Research Centre

Unit 17, 71 Victoria Crescent
Abbotsford VIC 3067
AUSTRALIA

Both location and time will be confirmed by the researchers once consent has been obtained.

Do you have Ethics Approval?

An Ethics Application is currently pending approval by the University of New South Wales, Sydney (UNSW HREA Ref 9-14-004).

Questions?

If you have any questions, you can contact the following people and they will be happy to answer them:

You can call:

Shona Bates from the Social Policy Research Centre on 02 9385 4058
shona.bates@unsw.edu.au

Teresa Swirski from the University of Western Sydney on 02 9685 9772
t.swirski@uws.edu.au

Barbara Spears from University of South Australia on 08 8302 34500
barbara.spears@unisa.edu.au

Carmel Taddeo from University of South Australia on 08 8302 342012
carmel.taddeo@unisa.edu.au

We thank you for your time.

Ilan Katz

Social Policy Research Centre

You will agree to join in the research if you sign this form.

You will be given a copy of this form to keep.

Consent Form

Research on Youth Exposure to, and Management of, Cyberbullying Incidents in Australia

Participation in this research is voluntary which means you can decline the invitation to participate.

You will agree to join in the research if you sign this form, but you can withdraw at any time.

You will be given a copy of this form to keep for your records.

I AGREE TO participate in the workshop, for it to be audio-recorded – and for notes to be taken	Yes [ ]	No [ ]
I AGREE TO participate in the interview, for it to be audio-recorded – and for notes to be taken	Yes [ ]	No [ ]

………………………………………

Your signature   Your email address

………………………………………

Please PRINT your name   Your mobile number

………………………………………

Date   Your organisation/school and role

The section should be emailed to:

Teresa Swirski
t.swirski@uws.edu.au
Institute for Culture and Society, University of Western Sydney

Withdrawal of Consent Form

Research on Youth Exposure to, and Management of, Cyberbullying Incidents in Australia

I wish to WITHDRAW my consent to take part in this research.

I WITHDRAW MY CONSENT TO participate in this workshop, for it to be recorded – and for notes to be taken	Yes [ ]	No [ ]
I WITHDRAW MY CONSENT TO participate in the interview, for it to be audio-recorded – and for notes to be taken	Yes [ ]	No [ ]

…………………………………

Signature   Date

………………………………………

Please PRINT Name

The section for Withdrawal of Consent should be forwarded via email to:

Teresa Swirski
t.swirski@uws.edu.au
Institute for Culture and Society, University of Western Sydney, NSW 2751, Australia

10. References

Australian Government Department of Communications (2014). Enhancing online safety for children, viewed January 2014,
<http://www.communications.gov.au/__data/assets/pdf_file/0016/204064/Discussion_Paper_ -_Enhancing_Online_Safety_for_Children.pdf