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

Synthesis report

Prepared for:
Australian Government Department of Communications
June 2014

Ilan Katz, Matthew Keeley, Barbara Spears, Carmel Taddeo, Teresa Swirski, Shona Bates

Suggested citation

Katz, I., Keeley, M., Spears, B., Taddeo, C., Swirski, T., & Bates, S (2014). *Research on youth exposure to, and management of, cyberbullying incidents in Australia: Synthesis report (SPRC Report 16/2014)*. Sydney: Social Policy Research Centre, UNSW Australia.

Australian Government

Department of Communications

This research has been prepared for the Department of Communications.

Disclaimer

The material in this research paper is of a general nature and should not be regarded as legal advice or relied on for assistance in any particular circumstance. In any important matter, you should seek appropriate independent professional advice in relation to your own circumstances.

The Commonwealth accepts no responsibility or liability for any damage, loss or expense incurred as a result of the reliance on information contained in this research paper.

This research paper has been prepared for research purposes only and does not indicate the Commonwealth's commitment to a particular course of action. Additionally, any third party views or recommendations included in this discussion paper do not reflect the views of the Commonwealth, or indicate its commitment to a particular course of action.

Copyright

Other use

The use of any material from this publication in a way not permitted or otherwise allowed under the *Copyright Act 1968*, may be an infringement of copyright. Where you wish to use the material in a way that is not permitted, you must lodge a request for further authorisation with the Department.

Contact details

This report can be viewed online at www.communications.gov.au/publications. For more information about the Department and to view other publications visit www.communications.gov.au

If you would like additional information on the report, please contact:

Manager, Cyber Safety Programs
Department of Communications
GPO Box 2154
Canberra ACT 2601, Australia
Phone: 1800 254 649 (free call) or 02 6271 1000 (international +61 2 6271 1000)
Email: enquiries@communications.gov.au

Research Team

Acknowledgements

Contents

Abbreviations

CBO	Cyberbullying Offence
CER	Civil Enforcement Regime
NCYLC	National Children's and Youth Law Centre
SNS	Social Networking Site
SPRC	Social Policy Research Centre

1.Background

The Australian Government 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 Cooperative Research Centre, to research youth exposure to, and management of, cyberbullying incidents in Australia.

Cyberbullying has become a significant issue for young people as they interact increasingly through social media. Yet for many stakeholders the legal status of cyberbullying is unclear. There is also little empirical, longitudinal evidence to inform policy makers in this area. This research aims to fill an urgent gap by summarising and appraising the current empirical evidence and by adding to it through analysis of new primary and secondary datasets, as well as through consultations with key informants.

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. The research involves three parts:

> **Part A**:The estimated prevalence of cyberbullying incidents involving Australian minors, based on a review of existing published research including how such incidents are currently being dealt with.

> **Part B**:The estimated prevalence of cyberbullying incidents involving Australian minors that are reported to police, community legal advice bodies and other related organisations, the nature of these incidents, and how such incidents are currently being dealt with.

> **Part C**:An evidence-based assessment to determine, if a new, simplified cyberbullying offence or a new civil enforcement regime (CER) were introduced, how such an offence or regime could be implemented, in conjunction with the existing criminal offences, to have the greatest material deterrent effect.

This summary report synthesises the research findings undertaken for Parts A, B and C.

The synthesis provides information on the most effective ways to support the introduction of a new cyberbullying offence or CER, including options for maximising the deterrent effect of any new laws, and options for how to effectively spread awareness of these legal changes to the intended target audiences. This report should be considered in conjunction with the three-part series of reports researching the youth exposure to and management of cyberbullying incidents in Australia. The research used mixed methods, including literature reviews, surveys, interviews, workshops, to address each question. Each method is outlined in the detailed reports.

2.Key findings

2.1   The prevalence of cyberbullying in Australia

Recent Australian studies provide victimisation rates for cyberbullying ranging from around 6 per cent to over 40 per cent of young people.

Determining the prevalence of cyberbullying, however, is very challenging as findings are highly dependent on the definition of cyberbullying used, the timescale, frequency, sample selection, and the mode of surveying the participants (e.g. face-to-face, telephone or online). Thus, all findings should be treated with caution. In addition the nature of cyberbullying changes according to the technologies and devices available and the behaviours associated with them

Taking into account the methodology and timing of the various studies, the best estimate of the prevalence for being cyberbullied 'over a 12 month period' would be in the vicinity of 20 per cent of young Australians aged 8–17.

Within this age range there is some variation. Australian and international studies suggest that there is 'an inverse U pattern' with few incidents occurring for children under 10, the prevalence rapidly increasing after this age, and then decreasing slowly for young people over 15. However, the prevalence rates for younger children are more difficult to estimate because there is far less research with this age group due to the practical difficulties of research with younger children.

The estimated number of children and young people aged 8–17 who have been victims of cyberbullying in Australia is around 463,000, of whom around 365,000 are in the peak age group of 10–15 years old. The estimate could range from 100,000 less to around 200,000 more, depending on the definition of cyberbullying and other assumptions made when extrapolating from survey samples.

Most victims are cyberbullied once or twice in a twelve month period, with much lower numbers being bullied on a regular basis.

This estimated prevalence rate for Australia and the age range is also consistent with international research evidence which indicates that cyberbullying is most prominent among young people aged 10–15 years. However, Australia does appear to have higher levels of internet use by children compared to many other developed countries.

Most recent studies report lower rates for cyberbullying than for 'traditional' bullying in schools; however there is a significant overlap between cyber and traditional face-to-face bullying. The prevalence of traditional bullying does appear to be falling in some countries, and remaining stable in others. The prevalence of cyberbullying has rapidly increased since it first emerged as a behaviour.

This is probably a result of increasing numbers of children and young people having access to the internet and to smartphones and their increasing propensity to use online methods to communicate. Other factors could also be influencing changes in prevalence, including the perception that cyberbullying is more difficult to detect and that bullies are less likely to face consequences for cyberbullying and lack awareness of the potential effects of cyberbullying on victims. What is not known, however, is whether this pattern is still continuing or whether it will continue to increase, stabilise or decrease.

Gender findings are inconsistent, internationally and nationally with regards to cyberbullying behaviour, with some studies showing more male cyberbullies and others more female cyberbullies. Gender seems to be a function of the type of cyberbullying behaviour. Boys tend to be more likely to post offensive material on social media pages, send abusive emails and indulge in coercive sexting, whereas girls were more likely to exclude people from social media groups and to spread false rumours about others, reflecting the more preferred styles of relational, social and indirect forms of bullying.

In Australian cyberbullying studies, girls were generally more likely to be victims reflecting the nature of their peer relationships.

Internationally and in Australia, there is significant harm associated with cyberbullying. Several studies have now ascertained that it is more than just hurtful name calling but that it can lead to serious psycho-social and life problems. Some studies indicate that cyberbullying can have more serious effects than 'traditional' bullying, perhaps because it is likely to involve more exposure and humiliation, can last longer, and is more difficult to escape from.

As with 'traditional' bullying, there is a large crossover between victimisation and cyberbullying behaviour, with around a quarter of victims estimated to also engage in cyberbullying. It is also not clear whether 'traditional' bullying is being superseded by cyberbullying or whether cyberbullying is of a somewhat different phenomenon, which would mean that some cyberbullies are young people who would not have engaged in 'traditional' bullying but are motivated by different factors. This has significant implications for appropriate responses to cyberbullying.

It appears that some groups of children are more vulnerable than others to cyberbullying. These groups include, for example, children with disability, Indigenous children, and children with cognitive impairments. There is very little research which quantifies the differential prevalence for these groups and is something that needs exploration with future research.

The literature highlights several issues and concerns with definition, which attest to the difficulty of operationalising and measuring this phenomenon:

- It is not a simple or single construct

- It can be overt, covert, direct, indirect, social, or relational in manner
- Although there is agreement that, like 'traditional' bullying, cyberbullying involves intentionality and a power imbalance between the bully and the victim, there continues to be debate about whether cyberbullying must involve repetitive behaviour, and if so, how repetition can be defined in the online context
- There are overlaps between cyberbullying and traditional bullying and between bullying behaviour and victimisation
- The threshold for 'bullying' is difficult to determine: at the lower end of severity, bullying can be confused with cyber aggression and normal robust teenage language and behaviour. At the higher end some cyber offences such as blackmail, 'grooming' by paedophiles, and other coercive sexual behaviour, are not normally categorised as bullying either by young people or authorities.

However it is defined, there is increasing evidence that both 'traditional bullying' and cyberbullying have lasting effects on individuals and their families, including self-esteem, mental health, depression, anxiety and suicidal ideation.

2.2 How reports of cyberbullying are currently dealt with

Cases of cyberbullying reported

In 2013, 72 per cent of schools indicated that at least one incident of cyberbullying was reported to their school. It is not possible, however, to accurately identify the percentage of children who are cyberbullied who are reported to schools. The best estimate is that just under 10 per cent (9.1 per cent) of secondary school children were subject to a cyberbullying report in 2013. Given the estimated prevalence of around 20 to 30 per cent of children being victims of cyberbullying, around a third to half of incidents involving secondary school students may be reported to schools.

The incidence of reporting in primary schools was much lower than secondary schools, with only a tenth of the rates of reporting (estimated 1.2 per cent of primary school children reported). As indicated above, prevalence rates for younger children are very difficult to estimate and thus it is not possible to estimate the proportion of primary school students who are reported to schools.

Young people in their early teens (13–15) were most likely to be reported as victims of cyberbullying. Cyberbullying reports reduce for students in their late teens; probably because young people of age 15 or 16 are more aware of their online behaviour and are also more aware of protective behaviours and methods for avoiding or managing cyberbullying. Together these data reflect the inverted 'U shape' for prevalence previously described: starting low, increasing during the early teens, and subsiding during the latter teen years.

The majority of victims of cyberbullying reported to organisations were female, but there were mixed findings on the gender of cyberbullies, with some organisations reporting mainly male cyberbullies, some reporting more female cyberbullies, and others reporting equal proportions of male and female cyberbullies. This is likely to be related to different agencies dealing predominantly with different sorts of cyberbullying.

Schools tended to deal with the majority of cyberbullying incidents within the school context. When schools referred cyberbullying incidents to external agencies, they tended to report to the police rather than community organisations or legal advice centres. However, the research found an apparent discrepancy between the number of cases which schools reported to police and the number of cyberbullying cases recorded by the police. This appears to be a consequence of the way police categorised reports, with cyberbullying not being specifically identified in either the allegation or the Modus Operandi components in police reports, and that police do not appear to record many reports of cyberbullying.

Legal advice centres and other agencies tended to deal with the more complex cases. They received referrals from a wide range of sources including victims and their families as well as other organisations, police and schools.

Different organisations tended to receive different types of reports. Schools reported receiving more complaints about text messages and emails, whereas other agencies received more complaints involving social media. Overall, most cyberbullying incidents reported occurred on social media.

Stakeholder reports of cyberbullying were reported to be increasing, with some organisations seeing sharp increases in reports in the recent past; however, the actual rate of increase is not possible to quantify. This is consistent with the empirical evidence of the prevalence of cyberbullying; with cyberbullying having increased rapidly in the first few years of this century, and then changing its nature as platforms and devices become more socially oriented.

Responses to reports of cyberbullying

Australian young people's response to cyberbullying most commonly includes telling friends, school staff and family members, blocking the cyberbully, and ignoring the cyberbully.

Most schools had a multiple response approach which included contacting parents, discussion/counselling with one or all involved parties, general warnings/class discussions, formal punishment according to school policy, and referral to police of the more serious cases. Overall, the main cyberbullying behaviours where referral to police was part of the approach by schools included; coercive sexting, intimidation, blackmail, sharing revealing images and video without the authorisation of the victim, creating hate websites and/or social media pages, and anonymous

cyberbullying. The vast majority of schools had a policy or code of practice which included cyberbullying, and most included education about cyberbullying as part of the curriculum. The evidence regarding responses suggests that there is a clear need for schools to have qualified professionals (e.g. counsellors and psychologists) working alongside school staff to assist with the multiple responses to cyberbullying incidents. This is supported by evidence from the literature review on the impacts of cyberbullying on mental health and wellbeing.

Police only acted on the more serious cases and always used non-punitive approaches in the first instance such as warning the bully or using diversionary approaches such as juvenile justice conferences. Police avoided investigating low level matters involving juvenile offenders unless they had committed a relatively serious offence. Police preferred the less serious cases to be dealt with by schools or other agencies, again highlighting the need for more in-school or community based professional support services. In more serious cases police sometimes encouraged victims to take out an apprehended violence order (AVO) or request a social media provider to take down offensive material. Very few cases were dealt with by police using criminal sanctions. However, schools, agencies and parents tended to refer to police because they believed that police involvement provides a strong deterrent to cyberbullies.

The legal aid centres, ombudsmen and other service providers also tended to take a restorative justice approach which included providing support to both victims and bullies. This is especially salient given the overlap between victims and bullies. Agencies also provided advice and information to victims about their legal rights and the processes for protecting themselves, e.g. asking social network sites to take down offensive material.

Many organisations have been ill equipped to address the advent of cyberbullying. Agencies have been geared up to deal mainly with face-to-face legal and social issues, and are having to change their working practices and staff profile (e.g. recruiting staff who are themselves users of social media) in order to be able to better understand and intervene in the online environment.

The online environment is itself changing rapidly and is also different for different groups of young people. Young people of different ages, genders, social backgrounds and interests are likely to use different platforms, although Facebook and to a lesser extent Instagram were reported to be accessed by the majority of young people. While the research found high levels of support for greater regulation of all social media websites (not only 'large' sites), this was identified as extremely problematic because of inter-jurisdictional legal issues and the range of sites potentially involved. One of the potential challenges of increasing monitoring and regulation of the major social media sites is that young people will simply move to other platforms.

The most important barrier encountered by police and other agencies in dealing with cyberbullying is the lack of accountability of social media and other service providers, who are reluctant to take down offensive material and are often slow to respond to such requests, even from police. The global nature of the cyber environment makes it very difficult for police or other authorities to take action on behalf of victims when service providers are based overseas. Fewer than half of stakeholders reporting or facilitating reports of cyberbullying to social media sites were satisfied with the outcome. Responses from social media sites that frustrated participants in this research included that material did not violate the community standards and/or that the onus was on the victim to block the bully (rather than the social media site blocking the bully).

There was not a consensus view from stakeholders as to whether and how the existing laws relating to cyberbullying by minors should be changed. However, many participants welcomed the idea of a more simplified legal framework. Most police were not in favour of a new Commonwealth law. It was also pointed out that there is no law against bullying itself, and therefore a law against cyberbullying would be anomalous.

Although the picture of how young people, parents and teachers respond to cyberbullying incidents is becoming clearer, there is little information about the effectiveness of responses to reports of cyberbullying, including those by social networking sites (SNS), police or other stakeholders'.

2.3 Legal responses

With regard to the relationship between the law and cyberbullying, there was little research on the effectiveness of criminal laws in actually deterring or changing behaviours and some indication that they could be counter-productive because they could deter cyberbullies from agreeing to restorative approaches.

Furthermore, young people involved in cyberbullying were unlikely to be impacted by a purely legal approach due to the nature of their impulsivity, their experience that few cyberbullies have been convicted, their belief in their superior knowledge and understanding of technology as compared with adults, their lack of awareness of the relevant laws, and for anonymous cyberbullies, their belief they are unlikely to be caught due to their anonymity.

Thus using the law as a social norm would need the majority of young people to ascribe to the social consensus of upholding it.

Cyberbullying is a global, behavioural and relationship-driven phenomenon. It is similar to traditional bullying and can have far reaching consequences due to the potential size of the audience, levels of anonymity, and the power of the written word and visual imagery to impact beyond the school grounds, in a 24/7 environment.

The review of international approaches to dealing with cyberbullying found that:

- The UK has no specific law against cyberbullying, but does have pre-existing criminal and civil laws which can be applied to cases of cyberbullying; the UK now has specific guidelines on how cyberbullying will be assessed under current legislation, to ensure consistency of approach
- The US has 49 individual State bullying and specific cyberbullying laws, but none at the Federal level and no evaluation of the impact of these laws
- New Zealand introduced the *Harmful Digital Communications Bill 2013* (November), looking to amend and clarify existing legislation regarding digital communications:
    - Causing harm by posting a digital communication, provides that a person found to have committed the offence is liable to imprisonment for up to three months or a fine not exceeding NZ$2000.
    - Individuals may make initial complaints to an Approved Agency, which may then investigate the complaint, resolving it through negotiation, mediation or persuasion.
- Whilst most countries examined are endeavouring to find some legal approach to the management of cyberbullying, often in response to youth-related suicides, most are finding it difficult and complex to do so. What is apparent is that all countries are endeavouring to integrate social and legal responses to ensure the best approaches to countering this negative behaviour and to support those involved. Legislation without support for education campaigns and resources in schools was found to be counterproductive.

2.4   Potential responses to cyberbullying

The combined evidence from the quantitative and qualitative data sets (from young people and stakeholders involved in this research) is summarised as follows:

Knowledge of Cyberbullying

Most adult participants knew about cyberbullying, but had not dealt with it all that often in the past 12 months.

The overwhelming majority of young people were aware of cyberbullying.

Adults described characteristics of cyberbullying as mostly involving harassment, abusive language, lies, hurtful comments, and insulting and degrading posts and name calling behaviours, and only rarely involved death threats, blackmail or sexting.

There was some uncertainty among young people with regard to whether hacking accounts and sabotaging sites was cyberbullying (58 per cent considered it to be cyberbullying).

Current Laws

Most young people felt that they did not know enough about the current laws in relation to cyberbullying. However approximately two-thirds of young people from both youth surveys did think that some forms of cyberbullying could be considered an offence under existing laws.

Just over half of the adult participants were unsure if cyberbullying was an offence under existing laws, and three-quarters reported limited, little or only some understanding of the legal consequences for young people who cyberbully. The nature of any training about this area varied, and included conferences, university tutorials, and courses. Over a quarter (29 per cent) of those who provided a response had not had any training in cyberbullying.

In spite of this, 70 per cent of young people and 50 per cent of adults believed that the current penalties/consequences were appropriate and sufficient to discourage cyberbullying.

Most adults also responded that existing laws were ambiguous and needed clarification to align with current practices, behaviours and technologies, and to reflect the increasingly networked global community. Both adults and young people therefore, felt that keeping existing laws unchanged would be the least effective option to prevent and address cyberbullying, and would have little impact on reducing cyberbullying.

Amending current laws to specifically mention cyberbullying was considered by both young people (77 per cent) and adults (66 per cent) as a more effective solution to discourage cyberbullying. Respondents perceived that an amendment could provide an opportunity to raise the profile of cyberbullying and highlight the consequences; however, it was noted that in reality this might not change the behaviours of bullies.

Young people and adults felt that treating cyberbullying as a crime was 'somewhat harsh'. Adults also considered that young people may not have the cognitive capacity to fully process the consequences of their behaviour, especially when they are spontaneous and act impulsively.

New Cyberbullying Offence (CBO)

While there was moderate support for this option, with around half of the young people (58 per cent) and two-thirds of adults (68 per cent) believing that a new, simplified cyberbullying offence (CBO) would discourage cyberbullying, nearly 30 per cent of young people and 17 per cent of adults remained unsure. These differences relate to the varying perspectives offered.

Of the options proposed, 59 per cent of adults perceived that a new CBO would have a 'high' impact in reducing cyberbullying and 31 per cent indicated it would have 'some' impact.

For others, a new CBO was seen as a way of providing an opportunity to incorporate relevant sanctions with youth friendly language, reducing the uncertainty about the legal consequences of cyberbullying, and as such, making the offence more easily understood leading to a more effective deterrent.

Other stated potential advantages of a CBO included the opportunity to teach about the consequences of cyberbullying and give teachers greater leverage when dealing with students. It could encourage schools to be more proactive in addressing cyberbullying by providing an opportunity to inform students about the law. A new simplified CBO could also provide a clear structure to follow in severe cases, including when it occurs outside of school settings.

Suggested penalties were wide ranging, with some suggesting a suite of penalties that were developmentally relevant and dependent upon the severity of the offence.

Community service featured strongly, with other suggestions including a mix of civil and criminal responses such as serious warnings by police, banning from social media, counselling, restorative justice, and a digital citizenship program for first-time offenders.

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

However, some participants raised concerns about the introduction of a new CBO, again suggesting that young people may not have the developmental and cognitive capacity to fully understand the legal consequences and impact of their behaviours.

Furthermore, those who were negative about this proposal noted that a criminal law would not address the reason why bullying is occurring in the first place and reflected a reactive rather than proactive response to cyberbullying. It was noted that bullying is regarded as a relationship problem and cyberbullying is an online social relationship problem – both require relationship solutions. How the social and legal solutions intersect is therefore of considerable importance when contemplating the role of a potential new cyberbullying offence.

A Civil Enforcement Regime (CER)

Sixty-one per cent of young people and 59 per cent of adults believed that a civil enforcement regime (CER) should be introduced. However, approximately one-third of participants were unsure as to its deterrent impact.

The perceived benefits of a CER reported by respondents who supported its introduction included:

- The potential to establish a streamlined and simplified process
- An opportunity to empower schools to respond to cyberbullying incidents
- A clear legal structure, that could be communicated to young people
- More relevant and meaningful consequences
- Opportunities for positive interventions that are less punitive and more tailored to the individual circumstances of the victim and cyberbully
- Potential to offer a range of options for supporting victims that provide reassurance and supported victims' wellbeing.

The need to have a sequential approach of increasing severity was highlighted. Some respondents suggested that the focus of the proposed Children's e-Safety Commissioner should not be simply to respond to complaints, but should encompass a more proactive preventative role.

Those participants not in favour, identified limitations of the CER option, which included:

- The success of the regime would be dependent upon the strategies a school had in place
- A CER would not provide a strong enough deterrent or deliver a clear enough message to be effective to reduce cyberbullying incidents
- A CER would place increasing demands and pressure on schools, teachers in particular
- It would be difficult to monitor
- The complainant criteria should be clearer and more inclusive.

Compliance by social media

Participants strongly endorsed the imperative to act in order to achieve better outcomes and to deter antisocial bullying behaviour online. Requiring social networking sites (SNS) to take down offensive material was considered to be a priority by a range of stakeholders.

It was acknowledged that predicting social media trends was difficult; however, the proposed social media definitions were considered to be inappropriate, out dated and too broad.

A need for research to inform the type of sites that should be included in a rapid response scheme was reinforced. A number of issues were raised with regards to the focus on 'large' social media sites. Research is also needed to help address cyberbullying that is not carried out on social networking sites such as coercive sexting.

Sixty-four per cent of young people and 79 per cent of adults felt that all social media should adhere to Australian law, including gaming and chat sites. However, monitoring and compliance was considered to be problematic. Many respondents were concerned about the difficulties of requiring sites which are not based in Australia to comply. The possibility of exploring an international code of conduct was suggested.

Information/Education Campaign

Many stakeholders, including young people and adults, raised concerns about the low level of awareness of the legal implications of cyberbullying. Many young people also have little knowledge of the potential sources of support available to victims and bullies. The majority of adults and about a quarter of the young people thought an information and education campaign was likely to have a high impact on these issues; most thought that this would have to be an essential component of any change in legislation or new CER.

An education campaign could help communicate the seriousness of cyberbullying, possibly leading to safer communities, and could help to reduce cyberbullying incidents. It could empower victims and parents to be able to respond.

Delivery through schools, social media and television would be the best ways to connect with young people to help them understand cyberbullying. Education around cyberbullying could be incorporated as part of the national curriculum from the age of 10 (the legal age of minors) or even earlier.

Conversely, government websites, health websites and blogs, chat, and print media were perceived to be the least effective means of connecting with them.

The content of any campaign should include:
- What cyberbullying is
- The consequences of cyberbullying for cyberbullies, including legal penalties and the impact of cyberbullying on the victims
- Restorative justice and how it works, the escalation processes and structures
- Real life examples and consequences
- Information about appropriate behaviour and managing relationships online.

Educating the general public, particularly parents, was considered as important as educating young people. In addition, adult stakeholders believed there should be more targeted training for key professionals who provide support to victims and who have a role in preventing cyberbullying, including teachers, counsellors, psychologists, community organisations and the police. The training should focus on best practice in dealing with cyberbullying. Pre-service teachers should also be

specifically trained to deal with bullying and cyberbullying. This should accompany a best practice guide and clear protocols for inter-agency cooperation in this area.

3.Conclusion

Cyberbullying affects a significant proportion of young people in Australia. The prevalence has risen considerably since it first became noticed as a problem, and it may still be increasing as more children have access to the internet.

Any intervention or response to cyberbullying needs to take into account traditional bullying behaviours as well, due to the overlap between online and offline behaviours.

Many countries internationally are introducing new laws or other measures to prevent cyberbullying, support victims and deter cyberbullies. To date there is not enough research to know which of these policy approaches will be successful.

Whilst many participants, both young people and adults, indicated that a new law could be introduced to simplify and clarify the current penalties related to cyberbullying, many concerns and issues were highlighted.

Any new law will be counter-productive if it simply serves to criminalise vulnerable young people who act impulsively or unthinkingly, and who do not have the capacity to process the consequences and impact of their behaviours.

Any variation to existing laws should be introduced as part of a structured approach which deals with offences in a way that is appropriate to the developmental stage of the cyberbully, while also sensitive to the needs of the victim. It should be part of a process aimed at creating safe online environments for children and young people, including having reference the to the Rights of the Child, Child Protection approaches, and the National Safe Schools Framework.

The primary purpose of such a law for minors should be deterrence rather than punishment; the introduction of any new mechanism should be used as an opportunity to raise awareness amongst young people, parents and caregivers, and relevant authorities, about the causes and consequences of bullying and cyberbullying, and the most effective ways of preventing, managing and combating it.

A multi-pronged approach is required to prevent cyberbullying and intervene appropriately when it occurs. This would involve young people and their parents being better educated about appropriate online behaviour, and sanctions being put in place which deter young people from engaging in cyberbullying without being unnecessarily punitive. A potentially promising approach to changing young people's behaviours could be achieved by examining young people's decision-making processes and the motivations behind the behaviours, and developing interventions which would reduce the motivation of young people to engage in cyberbullying.

Investment is needed in resourcing and capacity building. Schools, police, legal advice centres and non-government organisations need to be provided with clarity around their role in preventing, identifying, addressing and referring cyberbullying matters.

It must be emphasised that there is very little empirical evidence for the effectiveness of criminal laws or civil regimes in combating cyberbullying or similar behaviours in young people. The evidence base relating to the effectiveness of awareness campaigns is still unclear.

In the long-term, changes in the criminal law or civil enforcement should become part of a general effort which includes media campaigns and ongoing education. This effort should be aimed at establishing and monitoring appropriate social and behavioural norms across both online and offline environments.

The overall approach to cyberbullying should therefore be preventative and proactive rather than reactive – it should not only rely on apprehending and dealing with cyberbullies, but should be aimed at creating safe and respectful environments for children and young people.

Due to the significant harms that may arise from cyberbullying, a rapid take down approach represents a sensible response, in association with a range of other responses, aimed at preventing and addressing cyberbullying before it escalates to a point which causes significant harm. These responses include talking with parents, school discipline and counselling, and seeking professional supports. Stakeholders considered a youth-centred approach as critical to achieving traction and uptake of any initiative and to ultimately achieve sustained attitudinal change about the acceptability of cyberbullying. In particular, it was recommended that the e-Commissioner works with youth (as they are the key agents of change in this space), and provides opportunities for youth to contribute and work inter-generationally on designing and implementing responses to cyberbullying.

Stakeholders also clearly favoured the creation of a Children's e-Safety Commissioner to oversee rapid take-down and act where a social network site or a cyberbully have not taken down cyberbullying content on request. However, specific aspects of the Civil Enforcement Regime (CER) were not favoured by all participants in this research. These aspects included fining a young person who breaches an infringement or take-down notice (which was considered ineffective and/or discriminatory against young people from low socio-economic backgrounds) as well as mediation and conciliation between cyberbullies and their victims (where there was concern that victims could be re-victimised during this process).

In terms of the prevalence estimates in this study, it is likely that in the first year of operation, the Commissioner could receive a large number of contacts from young people, parents and teachers seeking either rapid take-down, information, advice or referral.

In light of that significant potential volume of work, and of the need to concentrate on establishing child-friendly, child-safe, high quality responses to such contacts, the research team recommends that the Commissioner undertake further, detailed research and consultation with children, teachers and parents in particular into the requirements of an effective CER before establishing such a regime.

In this regard, the strongest inducement that the Commissioner has to encourage a cyberbully to take down cyberbullying content is the power to refer evidence collected on to the police. This might be a more suitable response to breach of an infringement or take-down notice.

A particular gap identified in this research is the need for more clarity for different authorities involved in cyberbullying – schools, police, legal advice centres and NGOs, regarding their role in preventing, identifying, addressing and referring cyberbullying behaviour. Education and training around best practice would be welcomed by all sectors, and could be one of the most effective interventions in this area.

4.Recommendations for future research

This project has highlighted a number of significant gaps in the literature that need to be addressed to inform the development of effective responses to cyberbullying. Particular research gaps include:

- Developing a clear picture of how cyberbullying is dealt with and the outcomes of reports of cyberbullying to schools and other organisations. In particular identifying which reports result in action, and the impact of the response on the level of cyberbullying as well as the victim.

- Developing the evidence-base for the effectiveness of different policy responses, in particular evaluating the effectiveness of criminal and civil responses to cyberbullying and of education campaigns in preventing cyberbullying.

- Exploring methods for prevention and early intervention of cyberbullying, particularly in relation to the early education of younger children and their parents.

- Continuing to track the extent of cyberbullying and its impact on young people as technology and its use change.

Appendix A Methodology

This research brings together a range of different methodologies, which included examination of secondary datasets, primary data collection through online surveys, face-to-face and telephone consultation with key stakeholders, focus groups and reviews of the literature. The research also involved examination of reports and analysis from two surveys commissioned by the Department of Communications for this project. Table 1 provides a summary of the methodologies used in this project and the components to which each method contributed.

Strengths:

- Data triangulation supported by the recruitment of participants from different populations, namely young people, teachers, school leaders, industry stakeholders and parents.

- Together the data provide some insight into the diverse views and complexity of cyberbullying and how it is managed in Australia.

- Maximum variation sampling supported the collection of diverse perspectives. These findings are snapshots and windows into the perspectives of young people and stakeholders views at a point in time.

- Method triangulation is supported by the adoption of five different methods in the data collection phase, namely, online surveys, focus groups, face-to-face and telephone interviews and examination of police datasets.

Limitations:

- The datasets for the teacher, crowdsourcing and stakeholder surveys are small and derived from convenience and purposive sampling. Generalisation is not therefore expected. These findings are snapshots and windows into young people's and stakeholder's views at a point in time.

- Some survey lengths may have impacted on completion rates.

- The literature reviews were narrative and not systematic due to the timeframe for this project, and some literature may therefore not have been reviewed.

Table 1 Summary of research methodologies by research component

Method	Brief description	Research components
Literature review and analysis of Australian surveys of cyberbullying prevalence	Review of international literature and examination of reports and data from the major Australian studies of the prevalence of cyberbullying	Part A
Survey of school principals	IRIS Research surveyed principals across Australia about the nature of reports of cyberbullying, profiles of selected victims and cyberbullies and how reports are dealt with by schools.	Part B
Survey of young people	GFK Australia conducted series of focus groups and a survey of a representative sample of 1019 10-17 year old Australian young people focusing on awareness of cyberbullying and the current legal framework, and views about how changes in the law would affect cyberbullying activity.	Parts C and A
Survey of stakeholder organisations	Online survey of agency responses, distributed to 517 stakeholders, with 105 responses; 41 complete and 64 incomplete but still analysed.	Parts B and C
Case study	Examination of data from the National Children's and Youth Law Centre on the nature of cases involving cyberbullying and the response to those cases.	Part B
Consultations with police forces and examination of police datasets	Submissions from police forces to the Department of Communication of data relating to cyberbullying, and discussions with police liaison officers and data custodians.	Part B
Parent, Principal & Teacher Survey	Short online survey with both quantitative and qualitative (open text boxes) components.	Part C
Crowdsourcing survey of young people	The crowdsourcing site invited young people (15-24) to participate in an anonymous, online survey containing 21 mandatory questions. Short videos and postcards were used to promote the campaign. The initiative was promoted nationwide. A total of 279 respondents were recorded (271 within the correct age range).	Part C
Workshops: 1(Connect 2014) 2 (Industry and Expert Roundtable) 3 (consultation with Anti-Discrimination Commissioners)	Workshops and consultations with a range of stakeholders including NGOs, peak bodies, industry representatives, academics and young people.	Parts B and C
Interviews	Semi-structured interviews (approx. 30 minutes) with 17 stakeholders	Part C
Review of international literature on cyberbullying and the law.	Examination of peer reviewed and grey literature of different national approaches to cyberbullying and the impact of legal responses.	Part C