

REPORT OF PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE No. 2

INQUIRY INTO BULLYING OF CHILDREN AND YOUNG PEOPLE

At Sydney on Monday 22 June 2009

The Committee met at 10.15 a.m.

PRESENT

The Hon. R. M. Parker (Chair)

The Hon. A. Catanzariti

The Hon. G. J. Donnelly

The Hon. M. A. Ficarra

Dr J. Kaye

Reverend the Hon. G. K. M. Moyes

The Hon. C. M. Robertson

The Hon. H. Tsang

CHAIR: Welcome to the third and final public hearing of the inquiry into the bullying of children and young people by General Purpose Standing Committee No. 2. The Committee has decided to hold this inquiry because of the lifelong impact that bullying can have on children and young people. We are looking at established forms of face-to-face bullying as well as emerging threats such as cyber bullying. The aim of the inquiry is to establish best practice approaches to reduce the bullying of children and young people. We are looking for successful approaches to address bullying in Australia and examples from overseas and the evidence base for those approaches. As part of this inquiry and part of our consultation with children and young people we are seeking to ascertain their views on bullying and how they think we can best address the issue.

There are some procedural matters that I will deal with first. The guidelines for broadcasting are on the table at the door. Members of the media must take responsibility, as always, for what they publish or the interpretation they place on anything that is said. Members of the media should also know who can be filmed. People in the public gallery should not be the primary focus of that filming. Messages should be delivered through the Committee's staff. I ask everyone to turn their mobile phones off or to silent. If you are receiving data on your phone please keep it away from the recording equipments as it interferes with Hansard's recording.

I welcome our first witnesses representing the New South Wales Police: Sergeant Chris Cotter, Senior Constable Dave Browne and Superintendent Adam Whyte.

CHRIS COTTER, Sergeant, State Coordinator, School Liaison Police Program, New South Wales Police Force;

ADAM WHYTE, Superintendent, Commander of Policy and Programs, New South Wales Police Force; and

DAVE BROWNE, Senior Constable, School Liaison Officer, School Liaison Program, Fairfield, sworn and examined.

CHAIR: There is an opportunity for a brief opening statement if you would like to make one.

Mr WHYTE: We will take up that opportunity. We would like to thank you for the invitation to appear here today. Bullying and harassment in schools can lead to criminal activity and antisocial behaviour on a wider scale. It should be noted that the South Wales Police Force is not the lead agency in the prevention and treatment of bullying, given its core function of crime prevention and reduction. As bullying can lead to crime, New South Wales Police will assist these lead agencies in addressing the issue, primarily through the School Liaison Police program [SLP] and the Youth Liaison Officer program [YLO]. Additionally, the New South Wales Police Force has established and built upon relationships with other agencies, in particular with the Department of Education and Training. Since 2000 the School Safety and Response Unit has been a joint initiative of the New South Wales Police Force and the Department of Education and Training. This unit is staffed both by police and Department of Education and Training personnel.

Bullying is not defined as a criminal offence but rather a combination of behaviours, which aims to intimidate, harass, or cause fear or exclusion among children and young people. It is very hard to quantify with statistics the level and impact of this behaviour as the New South Wales Police Force Computerised Operational Policing System [COPS] does not identify bullying as an incident. Anecdotal evidence however suggests that most children and young people would certainly experience some form of bullying within their school, community and perhaps even within the family home. This is evident due to the many requests by school staff to the School Liaison Police and the Youth Liaison Officers to provide education and awareness to students about bullying, which is but one aspect of the range of education and training packages available to the SLPs and the YLOs. On average five to eight bullying workshops would be held per term.

The incidence of bullying is somewhat underreported by children and young people. Generally it is only reported after several incidents of bullying have taken place or it has reached a stage where it is either witnessed or escalates into behaviour that is readily identified. Minor incidences of bullying are often ignored or accepted without seeking assistance due to large school numbers and other circumstances. This is why continued education awareness and student accessibility to the SLPs and YLOs within school is a vital prevention strategy. Bullying has entered a new phase with the increase in cyber-style bullying due to the ease with which children and young people have adopted the computerised medium.

In recent years bullying has been addressed within school policies and is covered by Commonwealth legislation relating to communication devices. State legislation is also relevant when a matter escalates or an offence is committed. The New South Wales Police Force contributes to the safety and wellbeing of all school-aged children and young people by investigation and prevention of these types of crimes. The SLP program addresses cyber bullying by delivering crime prevention workshops in consultation with the Department of Education and Training. The SLPs have developed PowerPoint presentations and scenario-based examples to better illustrate that information. In 2008, 745 crime prevention workshops were delivered by the SLPs.

The positive aspect of this conferencing model addresses bullying and antisocial behaviour within schools. The model is based on the restorative justice model and builds upon existing packages delivered in schools. It seeks to provide young people with the advantage of a conferencing opportunity as an early intervention and path to prevention of further bullying, especially where it may amount to an offence. Currently the SLPs also conduct face-to-face meetings with students, parents and school staff to address issues of bullying and cyber bullying. During 2008, the SLPs made 5,537 high school visits and addressed in excess of 76,000 students. The information provided to parents is based around supervision of and awareness relating to computer access, and outlines tips and information to undertake this at home.

When bullying is identified within a school, the school initiates the action that is to be taken. It may involve the mediation of the situation with the affected student and reported. If it continues the matter is escalated to the parents, the SLIP or the YLO, and then further action is taken. The matter is investigated and the application of the Young Offenders Act or other relevant legislation is undertaken. Additionally, the awareness and education package may be revisited or undertaken out of cycle if deemed appropriate for that school, in particular, if the issue involves more than one student.

The New South Wales Police Force, through the School Liaison Police and Youth Liaison Officer programs, is committed to working with the Department of Education and Training and its other partner agencies in identifying, addressing and actioning incidents of bullying of children and young people. When I referred earlier to SLPs I meant the School Liaison Police Program and the YLOs are youth liaison officers. We are terrible for shortening words.

CHAIR: Our Committee will be conducting online consultation with young people using the very medium with which they are involved. During Education Week I attended a high school on Careers Day, which was attended also by the police liaison officer. The year 9 group went around various career sections. Obviously the police liaison officer was there to talk about great employment opportunities within the New South Wales Police Force but she took that opportunity to spend a couple of minutes with each group to tell them about the legalities of sexting. After sitting and watching that presentation it was clear to me that these young people had not really thought about the legalities or otherwise of sexting. We have heard the same sort of evidence: that very few people who engage in online bullying and harassment are aware of the fact that they are breaking the law and leaving themselves open to prosecution. Do you think young people would change their behaviour if they were aware of the legal consequences of online bullying?

Mr WHYTE: I think to a great degree they would. One of the things we try to approach when we present in the schools, in relation to cyber bullying in particular, is to go through the legalities component of it—both the Commonwealth legislation and the State legislation. We get them to do role plays in relation to how the person would feel if he or she were being bullied. One of the big problems with bullying is actually defining it. A lot of kids do not even realise that they are being bullied. However, we try to highlight it and we try to send a positive message. In our packages we steer clear of identifying some of the behaviours in case people copycat and commence undertaking those behaviours.

We present a crime prevention workshop module specifically for bullying and cyber bullying. A lot of the SLPs have catered to individual schools because there may be a particular issue within that school. There is a fair bit of flexibility and the package is robust enough to enable us to bring into play some localised examples. One of the big things with cyber bullying is that a lot of them do not even realise that some of the things they are doing are placing them at risk. We talk to them about those risk factors and about how not to place themselves at risk—how to avoid it and minimise it. Again, there is the component for parents as well in relation to better supervision. We give them tips and hints about the location of the computer within the home and how to monitor what they are up to without being too intrusive.

CHAIR: Even with the sort of awareness program you are doing there still seems to be an increase in bystander participation, with filming fights and the like. Do you think there is enough awareness of the legalities, or are there other ways in which we could be making that awareness more obvious?

Mr WHYTE: We are addressing the issue of fights or the bystander filming separately as that presents a range of other issues relating to other crimes that can be applied to that behaviour, in particular, if they are vocalising their support for the fight, or inciting it. We can look at a whole range of other offences that are outside cyberbullying or bullying. It being somewhat of a relatively hot topic for the school liaison police, they have been targeting behaviour relating to those sorts of YouTube incidents, for want of a better word. We are working with the school safety and response unit in relation to those specific offences. However, there is always more we can do, for example, in relation to cyberbullying.

Every day we think we have nailed down a particular issue it progresses into a new arena. Young people and children are so proficient at these technologies. Unfortunately, I think we are still playing a bit of catch up. However, I think we are now ahead of the game in primary schools and secondary schools where we run programs about bullying using that sort of technology with little kids in primary school. We trying to start selling the message all the way through and people are starting to realise that it is all about behaviours. We try to identify the positives. It has to be good behaviour and it is not just about, "How is it making people feel? How would you feel? It is all right to be different." We are trying to go through all those boundaries as well.

The Hon. MARIE FICARRA: Given that technology has moved on at such a rapid rate—and as you said young people are into these technologies—is there adequate resourcing from the police department's point of view? As there are many elements of crime prevention with which you have to deal do you believe that, given that potential, you will need more resources in the future?

Mr WHYTE: Currently we have 40 school liaison police, plus a couple of extras in the command structure, and we have 80 youth liaison officers. Every command has a youth liaison officer and there are 40 SLPs, which essentially are all coordinated through my command. If it is a more serious grooming-style offence, the State Crime Command runs a component relating to monitoring that side of things. There is a second tier of monitoring and supervision that is undertaken by State Crime Command. However, it is resource intensive as 40 SLPs do not easily go into 2,000 schools. However, not all of those schools need somebody there at all times.

We have a quite effective risk assessment strategy where we identify and schedule packages that we roll out because a lot of the packages do not need to be rolled out in the same week. We can actually stagger it. However, some of the areas are far more resource intensive. Recently we have introduced a mobile supervisor for the School Liaison Police. They are out there assisting those busier areas. Sergeant Cotter, the State coordinator, also goes out. That is twofold: It is to quality assure and supervise and also to provide assistance. All the packages are centralised through the Department of Education and Training so that we are trying to push a consistent message statewide.

That is fairly important that the kids are being told the right things. But as technologies change perhaps we will not have to pay as much attention to some of our older crime prevention strategies as we move into the more computerised and comprehensive. One of the biggest problems with the cyber bullying is that although we have offences to utilise it is actually a question of getting the evidence and the proof of those offences because there can be quite a complex web—no pun intended—in relation to establishing what is going on with the providers. There are a lot of providers, and sometimes there is a significant cost associated with obtaining some of that information. We have to weigh all that sort of stuff up.

Dr JOHN KAYE: Are you saying it is hard to find out who is the Internet service provider hosting the offending material or who posted it to that site?

Mr WHYTE: Sometimes it is who is posting it because quite often, in the case of bullying in particular, they do not use their own names and they create an account.

Dr JOHN KAYE: Sure, but the service provider or the host would be fairly obvious, would it not?

Mr WHYTE: Yes. You can find it through their ISP. The problem is obtaining the information for court level, to get it to the next level. It is not so much identifying; it is actually getting it to the point where we can identify and utilise it in court as evidence.

The Hon. MARIE FICARRA: If an incident at a particular school became obvious what flexibility have you in the system to respond to that incident or growing number of incidents?

Mr WHYTE: If it was reported, which is an issue, we can respond almost immediately. We have a very good relationship with the School Safety and Response Unit. Generally they are contacted before the New South Wales police are. We actually have three officers who work in that office. They contact us. Sergeant Cotter would go out himself if it was a major incident or deploy the SLP if they are available. If not, we could utilise neighbouring SLPs, or actually go back to the command and use the YLOs. If it is an urgent response general duties police obviously are able to respond to any triple-0 incident. I cannot stress enough the importance of the relationship that we have with the Department of Education and Training in relation to the School Safety and Response Unit. Not only do we have access to their systems in relation to deployment and identification of incidents; they also have access to ours. Having those police officers working with the officers from the Department of Education and Training has made life so much easier. We have a very good memorandum of understanding in relation to the sharing of information and our abilities to respond. It has really significantly improved our ability to deal with matters that occur in schools because we can see it from the school's perspective as well as from a policing perspective.

The Hon. MARIE FICARRA: The Chair touched on the lack of awareness amongst young people in that they may be committing an offence or participating in one. You also talked about notification. Is there a case for increasing public awareness? Domestic violence particularly has had a very good campaign—I am talking about in our movie cinemas and magazines—to alert young people to what is an offence and where they can go if they notice something happening. Is there a need for more of that public awareness campaign?

Mr WHYTE: I think so. We have a youth-targeted website that does not actually depict anything from the New South Wales Police Force; there are no logos for us on that website. It is called mynite.com.au. Mynite has a whole section called "Busted" and it is in relation to youth speak about what happens when you come into contact with police—how you can avoid coming into contact with police—by talking about the legalities surrounding parties and things of that nature. Again, bullying and cyber bullying are included in that information. In addition, I suppose we do weigh up what we have out in the public domain because sometimes too much loses its message. But the School Liaison Police, for example, when they do their crime prevention workshops do modules about public space, shoplifting, offensive behaviour, stealing, vandalism and arson, graffiti, weapons and prohibited articles, driving offences, drugs, alcohol and tobacco, harassment and assault, crime avoidance, the Young Offenders Act, gangs and groups, fire lighting and arson, safe use of public transport, safe parties, which is where Mynite comes in, Crime Stoppers, cyber crime, and animal cruelty. They are just the standard modules. If a particular incident arises in a school to a particular offence they actually will do a workshop based on that incident so that we get some information. So there is a fairly large scope within the SLP and the YLO programs to cater to any reported need within the schools.

Dr JOHN KAYE: You spoke before about the interface between police and the education department and said that was working very well. I would like to take you to a subtly different idea: the boundary between police and teachers. Would you comment on when a matter properly goes from being one that teachers should deal with in the school to a matter that is handed over to police? Do you think that boundary is in the right place? Would you advocate moving that boundary back towards the teachers having more responsibility or forward towards the police having more responsibility?

Mr WHYTE: I think at present it is somewhat of a grey area, and it is a grey area probably for very good reason: each situation needs to be judged on its merits. Quite often a descriptive line can actually push certain kids over the line into police action and other kids under the line. What we currently have is where matters are initially dealt with by the school and notified to us. It might be through something like Positive Choices, which is a trial at the moment about, like, a restorative model of conferencing where we might actually deal with a matter in tandem. We still currently participate in a lot of incidents that occur within the school that are dealt with by the school but the School Liaison Police or the YLO may participate in, "Let's talk about what's wrong with this" and "What was the impact?" and "What could have possibly happened if it had have been a little bit worse?"

One of the big things we find is that you really need a victim and quite often with school matters nobody really wants to take it to the policing level. So, quite appropriately, they are dealt with in schools. However, sometimes from the outside looking in there is a bit of a question about the appropriateness of that. But sometimes if they were to come into our arena under the Young Offenders Act they would be entitled to a whole range of warnings, cautions and conferencing prior to entering the judicial system. It is just sometimes

that that is undertaken as a warning within us, but there is a little bit more action taken at the school, which is involving the parents and is quite appropriate. But I still think it needs to be a little bit grey because I think if we get too prescriptive we will see too many kids getting sent into the system that should not be and a lot of kids missing out on going into the system that should be. I do not know—what do you think, Sergeant?

Mr COTTER: I think in regards to this it is when it is a clear intention by the same perpetrator to continue that behaviour. That is where we are usually called upon from the school: they have been speaking to the parents, they have had some different interventions about the school, whether it is short suspension, those things are being resolved. So then if it is brought to our attention we would get together and probably put together something like the Positive Choices conference to look at that and give the victim a voice and to get them involved too with the parents' support.

I think it is an appreciation by everyone involved in that incident to actually hear from each other as to what is happening and how it affects them. Until this time, especially in the court system, it did not allow the victim to say too much. This will be encouraging for the victim, having their family and other culturally based support networks in place there, especially in the indigenous community we have out west and some of our cultural people that we have throughout our community. So it gives that flexibility while there is conferencing, a community sort of confidence within the school system.

Dr JOHN KAYE: What is your role as a police officer in that conferencing process?

Mr COTTER: Our role would be more in the lead, the chair for the conference. We would go through the conference stages itself. We would be going through maybe a little bit about what happened with the incident when asking each member of the conference to actually say how it has affected them, or the actions that took place, and how are things: are they coping at home with that victim? It also gives the offender the opportunity to say why he did it. That is another big issue: taking responsibility for their actions. That is something that has brought out in that conference process also.

Dr JOHN KAYE: The point of having you there to some extent is as a facilitator.

Mr COTTER: Yes.

Mr WHYTE: A convenor.

Dr JOHN KAYE: I say this with all due respect to the Police Force, with the idea that if it does not work out, then the next step is the more heavy interaction with the criminal justice system.

Mr COTTER: Yes. In the formal process under the juvenile justice system of conferencing, we model this similar to that, but it removes the opportunity for them to go—instead of having a conference one step before being charged, we have brought it right to the front of the process of having it done in the school before cautioning or conferencing takes place. We have taken those models and ideas and then put it to the schooling arena to see if we can work out things within the school, and raise an awareness of the offences and the impact on the victim and the perpetrator.

Mr WHYTE: It is a very early diversion rather than a later diversion. One of the big things is identifying the underlying causes. It may well actually be that in company with education, we identified that there is an issue within the family. Then they can make inappropriate referrals in relation to that component.

Mr COTTER: The supporting of the parents is a big idea too.

Mr WHYTE: Yes.

Mr COTTER: Having the police officer there in that little conferencing session allows the parents to see that it is not just the schools are aware of it. The police are aware of it and we are working together with that student to support the victim. Our uniform itself has a real effect on people.

Dr JOHN KAYE: Sure. A salutary effect?

Mr COTTER: Yes.

The Hon. MARIE FICARRA: We know that.

Reverend the Hon. Dr GORDON MOYES: You officers would be more aware than anybody else in this room of the current affairs program that showed two girls fighting in a school recently, and a mother apparently intimidating one girl and encouraging her own daughter. The police were called, on my understanding. Although I am not going to talk about that issue—I want to talk about principle—the police were called and indicated that they were taking no action. Subsequently, possibly because of publicity and so on, they decided they would take some action. Leaving that aside, my questions are: Does the school liaison team emphasise that they will be supporting the victim, and that action will be taken?

Mr WHYTE: We do. One of the big things with the school liaison program is we really try not to have them embarking upon any prosecutorial role. We try to utilise the local police because the whole aim of the program is to establish a rapport within the school.

Reverend the Hon. Dr GORDON MOYES: Good relationships, yes.

Mr WHYTE: So that the kids are able to come to those officers, knowing that action will be taken. In relation to the incidence of, for example, the YouTube-style assaults, or those other incidences involving the filming of assaults, it is something that we would generally perhaps be notified of via the school liaison officer, but that would go to the local area commander and be investigated through that command.

The role of the school liaison police would be to support both the victim and the person of interest [POI], if they were at that school, and that would be assisting educationists. For example, a suspension may have been imposed, so therefore we then have a responsibility to support the HSLOs, the high school liaison officers. We would support them as well. We have a dual role in that. But I would see the role of the school liaison police [SLP] perhaps being detecting, initially reporting, but then handing it over to the local area command.

Reverend the Hon. Dr GORDON MOYES: Unfortunately when that happens, sometimes the local area command indicates that no action will be taken. That really undermines all that you have been trying to do. Is this something that you have to work out within the police?

Mr WHYTE: With that incident—like, I am not aware of the details of that particular incident—but what is quite often the case is the matter of "It's all in the explanation". In relation to when we are doing an investigation of crime, it may well be the case that we do not have sufficient evidence to present and successfully prosecute a matter. If we are doing our job correctly, we are imparting the reasons why we are doing exactly what we are doing, and we would be hoping that the victims would understand.

Not everybody is going to be 100 per cent happy all of the time in relation to the manner in which we prosecute or do not prosecute. However, we do really need to make sure that we keep everybody informed. It is all part of a new customer service charter in relation to maintaining victim contact, victim support. SLPs have been doing that for quite some time before the change.

Reverend the Hon. Dr GORDON MOYES: Thank you for that. I will take it one step further. What guidelines are you giving concerning, if I might use the word, the criminality of cyberbullying?

Mr WHYTE: Of the criminality?

Reverend the Hon. Dr GORDON MOYES: Yes.

Mr WHYTE: We actually present it in the lectures. We talk about the criminality. We talk about the Commonwealth legislation and the implications of that. We also talk about the State legislation. Although bullying itself is not an offence as such, the behaviour quite often is. We discuss with the kids and the young people what constitutes an assault because everybody thinks an assault means a physical assault, when in actual fact it does not have to be physical at all. So we go through all of that, but we also talk to them about the impact on the victim, the impact on the family, and the impact on the offender, and talk about the behaviour generally, about what is acceptable and what is not acceptable.

Reverend the Hon. Dr GORDON MOYES: And of the limitations on filming and then displaying on YouTube, or Facebook?

Mr WHYTE: We do not actually talk about the YouTube component in that lecture. We talk about capturing of images and sexting and things like that. In relation to the fighting component, that is a whole different basic workshop where we sit down with the kids and tell them it is not acceptable. We tell them about the criminality assigned to each, about inciting such behaviour, filming such behaviour and all this. But it is a separate thing. It is not under the cyberbullying.

The Hon. CHRISTINE ROBERTSON: How much of your liaison work is actually being taken up by the issue of bullying? I will add to that a bit. Is cyberbullying overtaking or an extension of general bullying behaviour within the school system?

Mr WHYTE: It would vary from school to school in relation to what—if bullying is the big issue, or—

The Hon. CHRISTINE ROBERTSON: I am sorry, of which kind?

Mr WHYTE: It would just depend on the school. It would depend on the demographic of the school. It would depend on other things are happening within the school. In relation to bullying and cyberbullying, I think cyberbullying is very much an extension of bullying. It is the current medium. Face-to-face is obviously no longer the way this generation operates. They like to do it third person and through the Internet and through text messages and other of these arenas, chat rooms, et cetera. There has been a significant increase in that style of bullying compared to more traditional, for want of a better word, styles of bullying, which is why we are actually starting to cater to it. But I think that you only have to look around, especially in school. The phones—they are always on the phones texting, and they live out their communication via their text message. There is no communication any more. But I think that it is just an extension. It is just a different facet—a new version of bullying.

The Hon. CHRISTINE ROBERTSON: The young people that we consulted recently informed us that quite often the cyberbullying process extends into the schoolyard the next morning.

Mr BROWNE: Yes.

Mr WHYTE: Yes. Quite often it is. Sometimes more than a single-pronged approach, too. Generally it can be a turning of the group against an individual; it can be the spreading of inappropriate information or incorrect information. It can be even completely made up for the purpose of alienating or excluding somebody. I do not think the actual behaviours about bullying have changed; I just think the medium has changed. The problem with the medium is that mobile phones 10 years ago were not as readily available and school-age children certainly did not have them whereas now most of them do have them. So they have a new means of entering into the bullying arena. But quite often it is the case that they are not even aware that they are bullying. Quite often kids are not even aware that they are being bullied, especially if it is based on exclusion from a group. So it is about getting the message to the kids what is bullying and what is acceptable and what is not acceptable behaviour.

The Hon. CHRISTINE ROBERTSON: So the clever bully is often the baiter who actually does not ever get caught and registered. In your programs, what sort of skills do you give the young persons to identify, first or all, a baiter, and not to react to the bait process? Is it possible?

Mr WHYTE: We do role-plays and we go through about what is bullying behaviour. We get them to play out some of those. There are a number of different role-plays. They are both based culturally—new kids at school, kids with slightly off centre, or what would be considered off centre, interests that would be perhaps more prone to bullying; and how to deal with that bullying; how to avoid being bullied, and that it is not acceptable; to report that bullying. As I said in my opening, quite often it is the case that kids do not initially report bullying. They just accept that they are going to be bullied to a great degree. Whereas that in itself promotes further bullying so we are trying to get that—

The Hon. CHRISTINE ROBERTSON: But the baiting might create a bullying reaction.

Mr WHYTE: A person who is baiting?

The Hon. CHRISTINE ROBERTSON: Yes.

Mr WHYTE: By showing them the behaviours of a bully we would go through and hopefully they would be able to identify and report. Generally, it is quite amazing within schools. It is not that difficult for them to identify who the problem is, and then it may be the case that we escalate it quite quickly in relation to that particular individual. That is one of the important roles of the SLPs having that rapport within the school and with the school staff, not just the kids.

The Hon. CHRISTINE ROBERTSON: Yes, there is coordination between the two organisations.

Mr WHYTE: So we are selling the same message as the teachers, and one of the biggest things about these workshops is they are presented in company with a teacher and they are done in a lesson plan. They are done very professionally.

The Hon. CHRISTINE ROBERTSON: Can you give us some sort of guideline or outline on the status of your program in relation to school liaison in comparison with the other States in Australia and where they stand? Are you a wonderful beacon or are you up with them? How evidence based is your practice? Exactly where are you at as far as the other States?

Mr WHYTE: Of course New South Wales Police is the premier agency. A number of the other States do have school liaison programs. I think Queensland does. I do not think anyone has a program similar to ours. I think there is all a significant variation which would make it very difficult to compare them. However, our program is relatively new and it is a very successful program. It is integrated very well. It is well resourced. Each of the officers has a car, a laptop and a phone. Their laptop is enabled to access both the police and DET systems. So they can work in the field They do not necessarily have to come back to a police station. We are currently trialling some of the officers working in schools. I think there are two officers that are working out of actual schools, where they are actually in the school.

The Hon. CHRISTINE ROBERTSON: The British model.

Mr WHYTE: And there is a Canadian model as well. There is a very good Canadian model, where all the high schools—they have much larger high schools.

CHAIR: Are they in uniform?

Mr WHYTE: Yes, they are in full uniform, providing they are able to be in uniform. There are one or two who are not in uniform. But most of them are in uniform. They are fully marked cars.

CHAIR: The ones in school are in uniform.

Mr WHYTE: Yes, and they have cars that say "SLP" so the kids know what car is what, which is why we try to move away from infringements because they will know that they are all right, they are the SLPs.

Mr COTTER: Trying to draw away from the enforcement side of it. We are trying to build that relationship side, give the kids an opportunity to come forward with this information. You are talking about identifying victims and perpetrators. We are trying to get that message across, and Constable Browne works out in the field. If there is that friendly face they feel comfortable coming forward with that information and saying, "Can I speak to you privately?" The opportunity of them being in the classroom and after class, a lot of kids would come and see them and say, "Can I speak to you about something later?" That is the beauty of it. If we do not go to them, and if we are relying on them to go sometime waiting for their parents to take them, it would never happen in some of our communities. So by us working in the schools gives them access to police. That is a big one. If we are there, we are accessible and if we are accessible the support is there.

The Hon. TONY CATANZARITI: In your experience, when does the bullying start? Is it in primary school? Is it in secondary schools and then it goes back to the primaries?

Mr WHYTE: It is in primary.

Mr COTTER: From the start, you can even see it is preschool. There is some form of bullying—

The Hon. CHRISTINE ROBERTSON: Play group.

Mr COTTER: Yes. It even starts as young as that. We still have our youth liaison officers going to those preschool facilities, talking about lecturing and about police and about accepted behaviours. Throughout, even with the YLOs, even at the primary schools we are talking about what is an accepted behaviour. What harm does it cause? These are the things that are followed through. I would say bullying comes to the fore in probably years 5 to 6, in those transitional years before high school. I have encouraged the school liaison police, who predominantly work in high schools, to go to the primary schools with year 5 and 6 to assist there also to upskill them about some of the things that will happen in high school because I think it is a little bit more prominent in high school but I think it has traits back to early childhood.

Mr BROWNE: In relation to what age does it start, I was just lucky enough to do a presentation on cybercrime in a primary school. The first questions I ask in my presentation for cybercrime is: Show me your hands who owns a mobile phone? Out of that audience I guarantee there is almost 99 per cent who own a mobile phone. My second question is: who uses the Internet? I guarantee it is 100 per cent in high schools. I ask those same questions in a primary school. The third question I ask is: Now put your hand up if you know if there are any rules or any laws—because that what a law is; it is just like a set of rules—that govern or control what you do with your mobile phone or your Internet? I assure everybody sitting here there is probably no more than five in that targeted audience of that presentation who will have any knowledge about a law or a rule. When I did this presentation in a primary school recently it started at year 4. Year 4 was using mobile phones. Year 5, probably about 60 per cent of that year 5 were using mobile phone and Internet. By the time we got to year 6 it was almost the entire class.

The problem we have with social networking sites, Bebo, MySpace, Facebook, all those, the minimum age to use them is 13. Those kids in primary school are not even of legal age to be using them. However, their parents are allowing access to them, not knowing because it is usually the child sets up the account. There is a little box where you have to tick. It is a licensing agreement that you have to tick on each of those sites, and the parents are not aware of that. The child ticks it, the parent gives the nod, yes okay, and suddenly they have access to a site that they are legally not entitled to be on. Unfortunately these sites are run from another country.

CHAIR: A point we have been sort of coming to is who takes responsibility for YouTube, MySpace, Bebo and all those other sites in terms of duty of care because anyone can post anything on those sites. Should there be more legislation in terms of those sites?

Mr WHYTE: The problem with controls with the Internet is the ability to monitor those controls. It is quite problematic. For example, Facebook started as a university chat room at Harvard; now it has 60 million users. What was the original intent of some of these sites has progressed way past probably even the people who set up the sites anticipated. The problem is it is very difficult to control information in that cyberspace. Again, yes, I think legislation may be appropriate—yes, offences, et cetera. It is the enforcement and identification of those offences, because all of a sudden are you making a rod for your own back, saying that we will do A, B and C but then not be able to actually do it?

We are now in preschool with an emergency helpers program with the ambulance and the fire brigade, where we actually have a penguin that talks to the kids about behaviour. Some of the behaviour that they talk about is getting them ready to be handed over, Charlie the penguin hands them to the YLOs and the YLOs hand them to the SLPs. So we are trying to get this progressive handover so that they are aware and comfortable with talking to the police but aware of what is acceptable behaviour and what is not acceptable behaviour.

The Hon. TONY CATANZARITI: My next question is related to mobile phones. Should there be emphasis placed on trying to keep them out of the school system, at least for part—

Mr WHYTE: Most schools do not actually allow the phones to be utilised during lessons or that but unfortunately if they are in the bags I think—the problem is that most children are given the phone on the premise that it is for emergency use.

The Hon. TONY CATANZARITI: Yes, I know, and it goes back to: We did not have them so why should children now have them? In your opinion could the bullying, whatever level it might be, be cut out to a certain extent if mobile phones were banned from schools until at least secondary school?

Mr WHYTE: I do not know because I think the bulk of it probably occurs after school hours anyway. I think it is when the kids are together socially or not together socially that this actually occurs.

Reverend the Hon. Dr GORDON MOYES: On school buses, trains—

Mr WHYTE: Buses, trains, shopping centres. I think that most definitely mobile phone use and possession should be streamlined within schools. There should be particular rules and I think they are in existence in a great many schools. However, I would believe that the bulk of the problem occurs after school, before school, in the transport corridors or elsewhere. So as to whether or not that would be of any effect, I do not know.

The Hon. TONY CATANZARITI: I think that should be carried further. Are the programs being carried out in country areas? Is it as good as you want it to be?

Mr WHYTE: Every country command has a YLO but the difference in country commands, for example, at Barrier, Broken Hill, there is one YLO that does the whole of Barrier. The difference in rural areas is that the officers quite often will interchange. There would be nothing stopping the lock-up keeper at Menindee doing some YLO duties in the Menindee area. There is a school liaison police officer at Broken Hill and they are all over the country.

The difference with the country ones is instead of having more schools they have more distance to travel. The distance can quite often be a problem and affect our immediate response times, particularly in the greater far west. However, the coverage and the break-up of the schools, yes, it could be better but at present the program is working quite well. It is quite solid. We have not had any major issues out in the west. In fact, I think in rural areas it is probably a little bit easier to identify for the community ties in the rural areas with the community support.

The Hon. GREG DONNELLY: Is the message to girls and the message to boys different in the work and presentations you make to schools or is it a message to young people? In other words, the Committee received evidence that the intrinsic nature of the bullying amongst girls is somewhat different from the ways in which boys conduct bullying? Is that your experience? If so, does that mean you present it to girls differently from the way you present it to boys?

Mr WHYTE: Not really. We have a generic package that can be catered to the different audiences. So there may be some variations but the messages are still the same. These packages were prepared in conjunction with the Department of Education and Training so it is actually teaching children. All our SLPs have been taught how to talk to kids basically so that the kids pick it all up. We have this massive book that my friend is flipping around, and CDs

Mr COTTER: There is a short two-minute DVD and an acting-out of what bullying might be. In all those different modules there is a spiel before we actually deliver the lecture, so that is an advantage also.

Mr WHYTE: We try to call on recent events within the school that they are all aware of because their gossip network is well in tact within schools. But the whole package is based to be generic, but there are areas for which they can be catered. For example, Dave might deliver it slightly different to Chris. There might be some variations from either experience or particular incidents that are within a particular school. So there is the flexibility. They are robust enough to be amended. However, the core message is always the same because we find by amending the message the kids get confused. But in cyber bullying we do talk about what the abbreviations mean and what to look for and things like that. If one part of a group picks that up—because not everybody is into it, not everybody is into the technology—and obviously I think girls have a higher interest in it. However, we think if they are at risk, they are at risk if they are boy or girl, so that the program is pretty much generic.

The Hon. GREG DONNELLY: Do you do work across the public, independent and Catholic-specific schools in this State?

Mr WHYTE: And private institutions such as international schools, as well. So that the SLPs in that arena would do orientation week at universities and they also do it with the YLOs and if it is a particular language school or something like that we also do safety presentations for the international students. So it is all learning institutions. We have an agreement in our memorandum with the Department of Education and Training for the Catholics and private schools. They sit on like a management panel.

The Hon. CHRISTINE ROBERTSON: So they are involved in the organisation?

Mr WHYTE: Yes, so it is independent Catholic schools, private schools and there is another group.

Mr COTTER: Association—

Mr WHYTE: Some association of schools as well. They all sit on the management group of both school safety response and the SLPs. We have just been independently reviewed through the Charles Sturt University as well.

The Hon. CHRISTINE ROBERTSON: I was going to ask what is your review process.

CHAIR: I have written down "evaluation".

The Hon. CHRISTINE ROBERTSON: Is your review public?

Mr WHYTE: It is not finalised.

Mr COTTER: Some draft issues have been going out but so far the reviews have shown that 98 per cent of the principals interviewed—and there were about 30-odd high school principals—loved the program, want it to continue and are very supportive of the school liaison program.

The Hon. CHRISTINE ROBERTSON: When will that be available?

Mr COTTER: It will be coming out very shortly.

Mr WHYTE: It is in the final stages now. It was quite interesting as after the second report—there are two or three reports—and prior to us receiving it, it identified a number of structural issues in relation to the coordination of the SLPs. As a side issue, we had just put in for a restructure. When the reviewers came out at the conference, which was late last year, we had launched the new structure and they were quite happy because it is pretty much almost along their recommendations in relation to the coordination. So we were quite happy with it.

CHAIR: Could you provide us with some feedback?

Mr WHYTE: Yes. It was undertaken by Professor Isabel Theron-something or other from the Charles Sturt University at Goulburn.

The Hon. CHRISTINE ROBERTSON: We could wait until August.

Mr WHYTE: It is due. I think they are doing the final pull together at the moment.

CHAIR: It would be useful information for the committee prior to finalising our report.

Mr WHYTE: I think it was commissioned by the Department of Education and Training but we will be able to sort something out, I am sure.

CHAIR: Would someone correspond with the committee in relation to the timetable and the likelihood of receiving that information?

Mr WHYTE: I will undertake to do that; that is fine.

CHAIR: Does the evaluation also record statistics and time lines?

Mr WHYTE: Yes, it looked at visits. It broke it down. It is interaction, so it is actual visits because quite often a SLP will do multiple things on a particular visit. There are all the statistics, for example, 7,213 visits in 2007. It goes through our presentations, incidents and operations because we run a joint operation with the Department of Education and Training on truancy as well, called Operate Omega. It incorporates that component as well—that is, us going around doing truancy, because the kids see that all the time.

The Hon. MARIE FICARRA: I may have misunderstood your introduction but I thought you said that incidents of bullying are not recorded as an incident. Why? Logistically why is that so?

Mr WHYTE: It is not an offence. Our system is based obviously on offences. The school safety and response unit will have a data base in relation to the number of incidents that occur within a school. The incidents we are referring to are incidents that we have had to take action or be involved in, so the incidents obviously are far lower than that of our attendances because we may only be performing a coordination or a convening role, rather than actually taking action, referring action, or reporting the incident. But we operate through the data base system, which is through the Department of Education and Training and we also operate through COPS.

CHAIR: Evidence has been given to the committee that children and young people often do not report because they are afraid of their access to the Internet being refused or their mobile phones taken from them. Do you receive that evidence?

Mr WHYTE: Yes, if it is identified early, we actually instruct them in the workshops how to bar somebody and how to take action to cut those people off on the Internet so that it does not turn into anything more sinister. We go through that so they may talk about it in the workshop. However, we do push the message that if it continues, you should be talking to your parents about it. That is why we incorporate the parent component because the computer has to be somewhere where it is visible or be able to monitor what is happening on line. So that either the parent can report it or that the child then realises "Oh well, maybe I should have reported that." That is a whole part of it, by identifying that this is not acceptable behaviour. This is what you have got to report. But a lot of it is an awareness campaign at the outset to get that awareness up so that they know they should be reporting it.

CHAIR: Do school portals have that information on them as well? Students are going to be coming home with laptops soon. When children log on to the portal for their school is there information that tells them about legalities, who to go to and that sort of thing?

Mr WHYTE: I am not sure. I dare say there would be something.

Mr COTTER: The Department of Education and Training website has information on how to keep themselves safe on the Internet. There are different facts sheets available for students to go into and download.

CHAIR: But is it in their face every time they log on?

Mr BROWNE: In relation to the social networking sites, there is a body called the Virtual Global Taskforce, which is overseen by the Australian Federal Police as well, and the Virtual Global Taskforce has many members. On all of their sites there is a "report use" link. So if the students or kids are going on to these sites and feel that they are victims, there is a link on every page that they can just click on and report abuse to the service provider—because many of them are overseas, as I said—and they will take steps to do what they can to assist as well.

Mr WHYTE: And with the Keeping Them Safe strategies that are pending, one of the components is about cyber-bullying, but it is more at the sinister end of the bullying and there is going to be a component for kids done as well that we are getting done externally.

Dr JOHN KAYE: Senior Constable Brown, you said that they will take steps. Is it your experience that they do take steps when they are notified? Are we actually seeing the social networking sites doing things to stop bullying happening through their sites?

Mr BROWNE: My own experience is with the social networking sites it is very difficult for me, as a police officer, to obtain information from those places. I have tried. I have contacted Bebo support and I am happily told by them in an email, "We like working with law enforcement; send us a warrant and we will give you the information." Unfortunately, a warrant from New South Wales Police has no jurisdiction in the United States. We are not the account holder, so the information we give to the children is, "You can, being the account holder, report the abuse to them, tell them exactly what is happening and the identification of the person that is doing whatever they are doing to you, and then they will identify them through their own systems and take steps to stop it." It does happen and it is something that we cannot check on, it is usually only through feedback from

the student on a return visit when they come and say, "Look, I did that and things are under control now". We can only provide advice on those technologies.

Dr JOHN KAYE: Anecdotally do you think that the operators of these sites are behaving responsibly?

Mr WHYTE: Well, they do have hosts. How the system works, they have hosts that go in and monitor and they can exclude people, but that is also another form of bullying, where you go online and say a person is doing something that they are not and they are excluded from the chat room. That actually can constitute the bullying by exclusion. So people are excluded, people have their accounts terminated and the like, but there is nothing to stop them reapplying under a slight variation of the name.

Mr COTTER: If I could comment on that, we had a school safety response unit and when incidents were reported to us by the principal we contacted the networking sites and they took them down within a couple of hours, so it is a pretty good response, depending on the incident, but whenever we have made representations it has come down pretty quickly.

The Hon. CHRISTINE ROBERTSON: In a crisis situation?

Mr COTTER: Yes.

Mr WHYTE: And consent is important because if some things go on site without consent and they are unaware of it, once they are aware of it they will pull it down because they do not want follow-up legal issues.

CHAIR: Thank you for your presentation today and for the work that you are doing, which we really appreciate.

(The witnesses withdrew)

(Short adjournment)

JOAN LEMAIRE, Senior Vice President, New South Wales Teachers Federation, 23-33 Mary Street, Surry Hills, 2010, affirmed and examined:

CHAIR: Welcome to our second session. Would you like to make a brief opening statement before we ask questions?

Ms LEMAIRE: Thank you. I will make a very brief opening statement. Bullying is a community problem. It is not located only in schools. It can happen in workplaces and sporting teams and throughout our community. The Department of Education and Training requires all schools to develop and implement an anti-bullying plan. Schools develop these plans in consultation with students and parents so that there is a shared ownership of the school-based procedures. The plans define bullying in simple terms easily understood by students. They also identify bullying behaviours and how to deal with them.

I have one example with me today, which I think goes beyond just defining bullying and behaviours and outlines strategies for both the alleged bully and the students in simple terms. It says that the aim is to make students who are bullies accept responsibility for their actions. It talks about a simple strategy of "stop, think and do", asking the bullies to think about what they are doing, and hopefully prevent them doing it. There is also a need for the students who are victims of bullying to report that bullying, and the strategy talks about them ignoring the behaviour so there is not an immediate and sometimes violent response. It asks the students to warn the person who is bullying them that the behaviour is unacceptable and they will do something about it. The last thing it asks them to do is to tell somebody. It advises that it is not dobbing if they tell a teacher but that it sets up the process of dealing with the complaint.

Dealing with bullying behaviour actually takes a considerable amount of time and commitment from teachers. I have an example of how much work is involved and I would say this is common across the board. It talks about a bullying incident report package. The bullying incident is reported to a teacher who then reports it to a year adviser. This is in a high school. The year adviser informs the deputy. The year adviser handles the situation or passes the matter to a conflict resolution adviser, which is sometimes a student-led peer mediator group. The year adviser then must interview the person who is complaining of bullying and the person who is the aggressor. They then have to hold a resolution meeting to resolve the situation and send a letter to both parents. If it is not resolved at that level it needs to be taken to the executive. As you can see, that would be quite a time-consuming process.

Many schools also develop a number of preventative strategies in relation to bullying. They do this by trying to have a statement that is easily understood by students rather than a code of conduct. It says, "Our classroom is a place where we don't have to all be the same, we don't all have to think the same, we don't all have to act the same, we don't all have to talk the same." It says that they can accept people being different without putting them down for that behaviour. Many schools also develop training for their students to resolve problems by way of peer mediation, but they also deal with assertiveness training so that people can feel confident that they can make a complaint and confident about how the complaint process will go.

In dealing with bullying behaviour there is not only sometimes consequences through the discipline system but also a discussion with the person about the unacceptability of the behaviour and an attempt to get them to understand that their behaviour leads to negative consequences. Some schools give students advice about how to make and keep friends and encourage them not to exclude people. So there is the response to the bullying behaviour and also a considerable amount of work on preventing the behaviour by trying to create a positive climate within the school.

In relation to cyber bullying, there is possibly less cyber bullying within schools in that there are programs for dealing with it, and I think you have just heard evidence about that. However, schools are concerned about the impact and provide considerable advice to parents about how they should monitor their students' access to social networking sites. The department also has sent out information to parents on "sexting", which is texting sexually explicit photographs, and warns parents again, in a similar way to the cyber bullying information, about how they can deal with that. I am aware from one of the schools telling me that in Warwickshire, England, the local education authority provides free downloads of a cyber sentinel to parents of schoolchildren, which aims at blocking some access by students to social networking sites. It will block the site if references to certain types of behaviours or certain key words pop up. That probably is a positive step that could be thought about here.

CHAIR: That is a good point at which to leave it because of where we are heading with some of our questions relating to teachers—that is, where the duty of care begins and ends. We know that cyberbullying rarely occurs in the school environment but it has an impact on it. We heard evidence from the National Centre Against Bullying, which said that the school's duty of care should be expanded to encompass cyberbullying. Do you think that schools should be responsible for addressing cyberbullying?

Ms LEMAIRE: It depends on what you mean by "addressing" it. I think we need to provide parents with information about strategies that they can use. But the extent to which schools could move into homes I think would be something people would be quite concerned about. We should certainly provide information and follow up things as they impact on schools. I think parents also have a responsibility to respond to advice given, to monitor the student's access, and to take it up if it is a school-based problem coming to the school. But mostly it is an external thing that might impact on the school.

CHAIR: We have heard evidence from young people to suggest that the portal they log onto—I guess it is called the school intranet—should have more information about cyberbullying. Some schools do but it is not applied across the board. What is your view on that?

Ms LEMAIRE: The department could facilitate people by providing that information. I am not aware of the extent to which information is available on each and every portal. Obviously the young students would have a better idea of that. I know, for example, that the department has issued a leaflet on sexting. Perhaps those sorts of strategies would be helpful.

CHAIR: I refer to intensive training teachers. We heard evidence from Ken Rigby—a key expert who is often quoted—who said he felt there needed to be more information on training teachers how to deal with bullying—anti-bullying training for prospective teachers as well as ongoing information and training. What is your view on that? Do you think sufficient information is given to teachers initially and also throughout their careers?

Ms LEMAIRE: There is a fair bit of information. However, often the department does not provide sufficient opportunities for training and it does not release people to get training. A lot of schools take up the opportunity and train teachers and students, but sometimes at a cost to the school. Perhaps providing more training opportunities would be a good thing. I am aware that a lot of schools provide training at a range of levels for staff and for students. Training for students is also important because you need to empower them to make complaints and you need to give them an understanding about what a positive school climate should be.

CHAIR: We have heard that restorative justice techniques are effective. Teachers can use a number of tools rather than the complicated system you have discussed, that is, reporting, et cetera.

Ms LEMAIRE: The school I am talking about has a version of restorative justice, often in the resolution phase. But there still should be reporting of and a method of dealing with bullying. I am not aware whether all the restorative justice systems are the same, but there is some process for resolution or restorative justice in the school that I talked about.

CHAIR: Do you think it is rolled out across the board comprehensively, or do some schools see it as a focus and others do not? Is it dependent upon the leadership of the school?

Ms LEMAIRE: I would have to take that question on notice. I am not sure of the full extent of it. I understand that a number of schools have taken it up; I am just not sure of the broader picture and I could not really say.

The Hon. MARIE FICARRA: I refer to the culture within organisations. The police department has embraced what has come its way and what will grow in the future with the greater use of the Internet and social networking. Do you believe enough of an emphasis has been placed on the training of new teachers and current teachers to identify behaviours in the schoolyard and in the schoolroom to prevent the escalation of bullying or the initial signs of it? Often they can be trained to pick up the interaction between pupils who either are under their control or are being supervised by them in the schoolyard. Are we are putting enough of an emphasis on picking up those behaviours and preventing bullying from the beginning?

Ms LEMAIRE: Clearly, there is a level of helping people to identify behaviours. In a busy school day a whole range of things have to be considered. It could point to the need for more support in schools, with school counsellors and things like that. Often people feel that they are not supported enough in dealing with a range of issues. You might not be looking only at bullying behaviour; you might be looking also at problems that a student might be having with learning. It could depend on a whole range of things. When teachers focus on noticing the behaviours of some students it could be difficult in the context of trying to do a range of other things. Having a bit more support and training would be good, but there is a whole range of priorities within the school.

The Hon. MARIE FICARRA: A lot is asked of teachers. I know that whenever we have inquiries and we talk to teachers there is a level of frustration with what is being asked of them and what resources are being provided to them. On the other hand we know that in the formative years much can be done to influence positive behaviours and to stop negative behaviours. As you said, you require increased resourcing. Is that something the Teachers Federation is moving towards as we are going into electoral cycles and so forth? Obviously the problem will not get easier; it will get harder.

Ms LEMAIRE: The federation is arguing for more resources for schools. A number of years ago the Vinson report pointed to the need for an increased number of school counsellors and, I think, a number of other support positions. There is a need in schools to assist students with a range of disabilities such as mental health issues. We certainly ask for more resources, and demands for smaller class sizes would also assist in that area. With smaller class sizes you can give students more individual attention. It makes the job of identifying behaviours as well as teaching much easier to have smaller class sizes and more resources to support students.

The Hon. MARIE FICARRA: What sort of feedback are you getting from your members and parents? I know that there is a range of behaviours and responses. From the early stage of a child's enrolment in a school should we outline the responsibilities of that child's parents as well as their rights in supervising a child's Internet access and issues such as that in the home and when they are out of the school environment?

Ms LEMAIRE: I think many schools are trying to address that but whether or not they can enforce more activity is a difficult thing. You do not always have all parents coming to the school. In my experience of teaching sometimes the parents that you would have liked to talk to about a particular student did not come on parent-teacher nights and they did not come on other occasions. While I think the schools would like that, it is still a difficulty. I think that is why there is probably also a need for resourcing. I think in society there are some homes where there are significant problems that would be difficult. Some places would not have Internet access.

Dr JOHN KAYE: Do you think that the policy on homophobia, which is now 10 years old, is up to the task of addressing homophobic bullying in schools?

Ms LEMAIRE: I think there certainly needs to be a focus on that. There is federation policy that we believe there has not been sufficient focus on homophobia. I think there is probably also a problem with sex-based harassment that was dealt with more in the 1980s perhaps than it is now. Certainly resources and promoting the need to actually address homophobia is one of the federation's policies and something I believe there needs to be a clear focus on in relation to bullying in particular.

Dr JOHN KAYE: Are you aware of the Victorian Department of Education and Early Childhood Development's policy supporting sexual diversity in schools?

Ms LEMAIRE: I am afraid I am not. I am sorry.

Dr JOHN KAYE: Is the federation's position that more needs to be done to address homophobic bullying in schools?

Ms LEMAIRE: Certainly, yes.

Dr JOHN KAYE: My next question relates to the position of teachers in schools with endemic bullying behaviour. Do you think early-year teachers in schools with endemic bullying behaviour are under stress as a result of the amount of bullying?

Ms LEMAIRE: Bullying between students?

Dr JOHN KAYE: Student-to-student bullying? Teachers being, as it were, the meat in the sandwich between the students, parents, the school, police and so on?

Ms LEMAIRE: Certainly I believe there needs to be a lot more resourcing to support beginning teachers. This would be a key problem in a number of areas, not sufficient training; but also support in terms of time. When I talked about the previous resolution process, it takes time, even if the beginning teacher was not working through the resolution, to actually respond to, as you say, maybe parental complaints and things like that. We have had difficulty in terms of beginning teachers that we did achieve some relief for beginning teachers of an hour a week. There are some beginning temporary teachers who are working full time for a year, the same as other teachers. They have not received that one hour and we are fighting for that. So, it is a major push to try to give those beginning teachers more time to actually get on top of these issues, get training and actually focus on the work they are doing.

Dr JOHN KAYE: How many mentoring teachers are there in New South Wales? Am I correct in saying that the figure is 50?

Ms LEMAIRE: It is about 50 and I think it is proposed that there will be an increase, but it is not a huge number, no.

Dr JOHN KAYE: How many public schools are there in New South Wales?

Ms LEMAIRE: There are approximately 2,200.

Dr JOHN KAYE: Would a substantial increase in the number of mentoring teachers or teacher mentors help beginning-year teachers who are caught in a situation where there was a lot of bullying going on?

Ms LEMAIRE: Certainly. I think being able to have someone to talk through strategies with and receive a range of support would be very helpful.

Dr JOHN KAYE: We have been told that every school has an anti-bullying policy?

Ms LEMAIRE: Yes.

Dr JOHN KAYE: Is it your members' view that those policies actually are put into action or is there a widespread case that those policies in general are not put into action because of the stress on the school day and the amount of other things that happen?

Ms LEMAIRE: I would have to say that I have not had it reported a lot to me. I do know in discussions I have had with teachers in schools that there certainly are anti-bullying plans. Possibly some schools take more action in terms of perhaps the one I discussed, for example, which actually had an anti-bullying week and a bigger focus on it. So I think possibly in some cases there would be more focus than others. But I would believe that the majority of schools would have an anti-bullying plan and would work to resolve bullying situations as they can, but I think probably some places do a bit more and have more of a focus on it.

Dr JOHN KAYE: Could you tell the Committee the role school counsellors play in reducing the incidence of bullying and in addressing instances of bullying when they occur?

Ms LEMAIRE: I could talk about the role they could play, I guess.

Dr JOHN KAYE: That is what I meant, yes.

Ms LEMAIRE: Under the pressure that they have for diagnosing a whole range of other problems students have, I think there is a lot of pressure on school counsellors, which is why one of the things I talked about earlier was perhaps more school counsellors. But certainly they could play a role in two ways, in terms of the target or the victim. They could help discuss the issues with them, go through some of the things I talked about: assertiveness training, about feeling confident to raise their concerns about the unacceptable behaviour, and also with students who are the alleged bullies, talk about anger management and a whole range of other strategies to try to get them to understand the consequences of their behaviour to the other person but also that there will be consequences for their behaviour within the school. So they could play a very key role, but the pressures on our school counsellors are immense in terms of playing a whole number of roles.

Reverend the Hon. Dr GORDON MOYES: Can you give me an idea of the level of reporting by teachers to the New South Wales police of bullying that has been going on in schools?

Ms LEMAIRE: I am afraid I have not really got that information. I am aware, just by talking to a few teachers, that police are involved in some cases of cyber bullying and things like that, but I would not really have a figure.

Reverend the Hon. Dr GORDON MOYES: Is there somewhere you can get a better idea of the level of reporting from teachers to the police?

Ms LEMAIRE: If I could take that on notice?

Reverend the Hon. Dr GORDON MOYES: Yes.

Ms LEMAIRE: I certainly do not have that knowledge, but somebody else in my organisation might. So I will take that on notice.

Reverend the Hon. Dr GORDON MOYES: We have heard a great deal over the years of the significance of peer support groups in schools.

Ms LEMAIRE: Yes.

Reverend the Hon. Dr GORDON MOYES: Can you give the Committee any information about how closely the peer group support monitors such things as bullying in schools and reports them to school authorities?

Ms LEMAIRE: I think the systems may be different in different schools. I know in some schools it is not so much on reporting bullying but assisting in resolving bullying situations. Again, I am afraid I do not have the full knowledge of all of that. If I could just say, I am very new to this position and I am not necessarily across it.

Reverend the Hon. Dr GORDON MOYES: If you could do some homework for us?

Ms LEMAIRE: Yes, I certainly will.

Reverend the Hon. Dr GORDON MOYES: Would you report to us on the two issues of reporting to police by teachers—I have special reason for questioning whether that is really happening as effectively as it ought to be—and whether peer support actually is working effectively on the issues of bullying?

Ms LEMAIRE: Yes.

The Hon. CHRISTINE ROBERTSON: Throughout this inquiry there has been a very high expectation that schools, teachers and the school community actually are responsible for addressing this bullying issue. If I could make this statement: Bullying is a societal community-type issue. Do teachers feel it is a bit of an impost or do they feel it is their place to try to intervene with this process? I just want to understand what the teachers feel as we have had evidence from school principals.

Ms LEMAIRE: I think different teachers would have slightly different views. Generally I think probably the key problem is the amount of workload and the amount of time, not that they would not and do not have genuine concern about the students and about the behaviours. But what is difficult in terms of what I said about the resourcing is that it is not an impost in dealing with the problem between the students. It is difficult when it is another thing on top of the very difficult days sometimes, and high level of workload, to be doing all of these sorts of things. So it certainly is a societal problem. As I said at the beginning, I think perhaps schools more than even some workplaces are putting the focus on bullying that sometimes workplaces do not.

The Hon. CHRISTINE ROBERTSON: So the individual teachers perceive it is a function of the school environment, do you think?

Ms LEMAIRE: When it is happening in the school. I think it is more difficult when it is happening outside the school because clearly there have to be some boundaries. To get the students to learn, you do need to promote an environment where people can, so to that extent certainly. But I think your point is correct. It can feel like quite an additional workload on top of all the other things.

The Hon. CHRISTINE ROBERTSON: So we are asking the school system—I am not saying it is wrong—to change value sets for the entire society. It is a question. I did not mean it to be a statement.

Ms LEMAIRE: I would suggest the entire society's value set, even if it might not be the reality, would be that bullying is an unacceptable thing. I think society does say that the values around treating people with courtesy, dignity and respect are an important thing in our society, although I recognise that the reality sometimes is quite different. I do not think they are inventing values. I think they are promoting the values of tolerance, dignity and respect that society says it wants.

The Hon. CHRISTINE ROBERTSON: Yes. Okay. That is good. Another issue came up with the young people that we spoke to regarding something you mentioned a little earlier. You were talking about systems to control certain sites if key words came up. The young people we talked with actually let us know that if such systems started to be implemented, they would just quickly go and find some other place that did not do it to them because they wanted the freedom of full access. They were highly articulate, educated young humans who were letting us know that it would not work.

Ms LEMAIRE: No. I think I was speaking about Warwickshire in England where that was an attempt at least to get that into some homes. I agree with you. Some of these students would be far more techno-savvy than me, particularly.

The Hon. CHRISTINE ROBERTSON: And all of us, I reckon.

Ms LEMAIRE: And would find a range of ways of dealing with it. But to not do anything could also be an issue. I think you have to try to put some strategies in place within schools, but it is what then happens at home that is an issue.

The Hon. CHRISTINE ROBERTSON: These are the sort of questions—such as that the issue needs to be dealt with as a relatively politically important, in inverted commas, issue to be dealt with, but working through the directions it should go that have some evidence of outcome in relation to our reporting process—that are difficult?

Ms LEMAIRE: Yes. I am not sure what you mean by "our reporting process".

The Hon. CHRISTINE ROBERTSON: The inquiry's report. We have the terms of reference and what committees like us, hopefully, are actually delivering on are recommendations to assist the Government in future directions for this process.

Ms LEMAIRE: I think it is very important and I think hearing from students as you have and teachers, it is important to inquire into how more can be done. As you say, it is a societal problem. If we can change some things at an early time, that can improve outcomes all the way through.

The Hon. CHRISTINE ROBERTSON: Filter through, yes.

Ms LEMAIRE: So I think it is worth considerable investment in both having an inquiry but also in investing resources to actually hopefully carry out the recommendations.

The Hon. GREG DONNELLY: From the Teachers Federation point of view and in terms of understanding the processes or procedures for understanding the issue of the incidence of cyberbullying, has the federation over a period been collecting information or surveying members, or discussing with members this issue of cyberbullying?

Ms LEMAIRE: The issue has come up. We have not necessarily surveyed members. Members have not necessarily asked us to survey them. In some ways, and I think with the earlier question too, perhaps that should more the role of the Department of Education and Training because they are the people who can get more direct results. I think our members ask us to do surveys on different things—perhaps workload and things

like that—but it is not to say that they are not interested in cyberbullying, but more interested in their students. But I guess it has not come up.

The Hon. GREG DONNELLY: I was just wondering because one of the challenges that I am finding with this inquiry is actually trying to grasp an understanding of the size of the problem. Obviously we hear from time to time some celebrated examples, which get into the public domain particularly through the popular media. Most if not all witnesses who have come before the inquiry have identified it as an issue. I am just wondering, from the federation's point of view whether your membership has been reflecting back to you as an organisation that this is an issue which they, as teachers in public schools, are having to confront and try to deal with on a more regular basis?

Ms LEMAIRE: I think they would report that there are a number of issues that they are dealing with. It guess it goes to the definition of bullying. Is bullying violent behaviour? What level of bullying is there? I think there is a range of concerns about violent and aggressive behaviour reported. It might be reported as that, not as bullying. It is difficult, I guess, to put it down to a fine point on what that is. But I think there is more demand for support on a range of issues about students with special needs and assisting other students that I think would have something to do with the bullying behaviour, but it is not necessarily coming up as that.

The Hon. GREG DONNELLY: Just put cyberbullying aside for the moment and just talk about the issue of bullying more generally. Is it something that the federation is concerned has been an issue that has been increasing in frequency over a period, generally speaking? Are we finding that things are generally today like they were perhaps five years ago or 10 years ago? Is there any sort of understanding of the size of the problem?

Ms LEMAIRE: Again, I do not know that we have had any method of measuring the size of the problem. But I think we would find that schools are being more proactive in implementing things than perhaps a number of years ago. I guess in saying that bullying is a societal problem, there is some question raised about the level of bullying in workplaces, and that is not necessarily bullying coming from students or other people. It has not come up to the same extent as perhaps some other things.

The Hon. GREG DONNELLY: Some of the witnesses have spoken about the importance of families and parents and being able to bring some influence over the behaviour of children, and in fact their own children. I am just wondering, in terms of looking at the dynamic at school where at least from time to time parents do come to school and interface with teachers, and perhaps other people inside the framework of the school to discuss with them matters directly involving their child or children and related matters, do you see that that might be a particular interface where this issue of bullying and perhaps cyberbullying can be raised and discussed with parents?

Ms LEMAIRE: I think it certainly can. There are also circumstances where parents coming into schools may be exhibiting bullying behaviour themselves. It is sometimes the case that in raising the behaviour of a student with the parent who has exhibited extremely bullying behaviour back to the teacher, which kind of sanctions the behaviour of their son or daughter, it can be very hard to address that bullying behaviour if it is somehow sanctioned by mum or dad when the student sees that their response is that that is just a natural thing or their child is not in the wrong. In some cases it has been reported to me, too, that sometimes when there has been an allegation that a student has bullied another student, that student might make allegations back that they were bullied and then it becomes a very complex situation, and the parents on both sides there would seem to say, "That's not a problem." So certainly teachers try to work with parents and ask them to take some responsibility with their students and everything. I am certainly not saying that it is all parents—it is not. It is only a small number. But there are difficulties sometimes in actually making the parent aware that there is some responsibility on their son or daughter to behave in certain ways and not to portray everything as that student is a victim themselves but to understand that there are acceptable and unacceptable behaviours in schools and that is what we have to promote.

The Hon. GREG DONNELLY: On the issue of mobile phones in schools, would you like to make any general comments about the issue of the use of mobile phones while young people are at school? We appreciate that some of the unacceptable behaviour associated with the texting or a range of other things is done outside school hours—they might be travelling to and from school, at home or whatever the case may be—but while at school obviously there are policies in place about not using mobile phones at school. But I think we all probably appreciate the challenges associated with having policies like that enforced in any absolutely rigorous way. Do you have any general comments about the issue of mobile phones being used for different purposes during school hours?

Ms LEMAIRE: It is a matter for each school to determine their policy and what they see as acceptable and what the consequences should be. I think most schools do that and enforce it as they can. We are all aware that mobile phones can be quite small and quite difficult to track down, but I think there has to be a level of the school developing a policy that they understand students have an ownership about what should and should not happen. But certainly it would be very hard to just have a blanket ban on mobile phones. I think it would be extremely difficult to enforce, even though it could prevent those behaviours while at school. I guess if there are clear consequences for unacceptable texting and things like that, that might have more effect but again actually working your way through all of those things can be quite difficult.

The Hon. GREG DONNELLY: Do you think there is room for some policy change in terms of this issue inside schools that the Government should be looking at, given your insights into how it is operating in the field at the moment?

Ms LEMAIRE: There could be but I think you will find it is operating differently in different schools because they work out what is acceptable to them. I think there is a need to let the schools determine certain things but then get the support to implement those policies. I think you will find that some schools have slightly different policies and things than other schools and perhaps that is best if that is what they have discussed with students and parents and it is acceptable at that school. The school itself, I think, would have difficulty trying to implement a policy if parents said, "I need my son or daughter to have a phone for this particular purpose". If it is a jointly owned policy then that should be easier to implement.

(The witness withdrew)

CHRISTINE LUCAS, Director, Student Engagement Section, Department of Education, Employment and Workplace Relations, PO Box 9880, Canberra, Australian Capital Territory, and

TINA CONNOR, Project Officer, Student Engagement Section, Department of Education, Employment and Workplace Relations, PO Box 9880, Canberra, Australian Capital Territory, affirmed and examined:

CHAIR: There is a capacity for a brief opening statement if you choose to. I note that we have already submitted some questions to you to get some advice from the Department of Broadband, Communications and the Digital Economy. Would you like to make an opening statement?

Ms LUCAS: I formally thank the inquiry for the opportunity to come and speak at the hearing. The department is pleased to be representing the Commonwealth at this important inquiry. As we outlined in our submission, the Commonwealth believes that student wellbeing and safety are essential to academic development and engagement with education and the community. As I am sure you are aware, some of the components of our submission were marked as confidential but we are pleased to say that this information is now publicly available as the two reports in question have been released. That is, firstly, the "Australian Covert Bullying Prevalence Study" and, secondly, "Behind the Scenes: Insights into the Human Dimensions of Covert Bullying" are both available on the web.

These reports have attracted a lot of interest and provide essential information to both State and Territory education authorities, as well as the Commonwealth. These studies were commissioned in response to a growing concern about the prevalence of covert bullying behaviours, including cyber bullying, which is a relatively new phenomenon. Many schools have commented on their need for further guidance on these issues as the line of responsibility is now more complex with cyber bullying also occurring in the home. We commend both these reports to the committee as part of this inquiry.

We would like to also table a document, once I finish my brief introduction, prepared by Professor Donna Cross following her appearance at your inquiry in May. She has kindly compiled a summary of the New South Wales data from one of those covert bullying reports which compares to the Australian average for the committee, which I am sure you will be interested in. In addition to the research recently completed, the Commonwealth has always commissioned a review of the National Safe Schools Framework, which commenced in late April 2009. This process was approved by all government education authorities through the Australian Education Systems Officials Committee, also known as AESOC.

Aramis International has been commissioned to undertake the review and has convened the first reference group meeting, which was held on 17 June. I can provide the committee with a full list of the membership should you wish. Among other issues, the review will examine cyber bullying issues as these have arisen since the development of the original framework which was written in 2002 and endorsed by MCEETYA in 2003. We feel that bullying is a serious issue that is deserving of the attention of this inquiry, as well as all governments across Australia. It is pleasing to tell you that there is a collaborative process already underway through the safe and supportive school communities working group, from which I understand you have also received a submission. It is important for us all to work together to tackle this issue and share good practice with each other so that the mental and physical wellbeing of Australia's children is protected.

CHAIR: Thank you for providing that very useful information.

Ms LUCAS: I should also say that the comments from the Department of Broadband, Communications and the Digital Economy are not ready for submission today. They apologise for that and hope to have those comments ready for you very shortly.

CHAIR: I will leave those questions. Will they provide that information to the Committee by way of a written document?

Ms LUCAS: Yes.

CHAIR: That would be fantastic. In terms of the Federal Government's responsibility and the rollout of laptop computers, the Committee has been talking about issues in relation to duty of care. Will students be restricted in their access to programs or services via those laptops? What is the duty of care of schools with regard to the use of those laptops, particularly their inappropriate use?

Ms LUCAS: The rollout of the laptops to which you refer is currently part of the Digital Education Revolution [DER]. That is a major part of the Government's education revolution. As part of implementation of the DER the Australian Government developed the "Better Practice Guide" ICT to help schools with their decisions about the deployment of information and communications technology under the National Secondary School Computer Fund, which also involves the rollout of the laptops. This guide provides advice on planning, implementation and post-implementation. It is the expectation that schools will have policies in place to deal with that. We know that there are safeguards in place through State-based or Territory-based policy, which could include the blocking of certain sites such as MySpace or Facebook. That detailed policy approach would be more at a State level, if not at a school level. But certainly the Commonwealth has developed the "Better Practice Guide" ICT as a way to help schools make that policy.

CHAIR: It is up to each individual State?

Ms LUCAS: I want to reiterate that the Australian Government developed a better practice guide to help schools with their decisions about ICT deployment and information and communications technology. So there was a Commonwealth guide which hopefully States and Territories are using.

CHAIR: Should it be more than "hopeful" that they use it?

Ms LUCAS: I think there is an expectation that schools would use it but I would have to get back to you on the wording that was associated when that guide was given to States and Territories.

CHAIR: Will you outline what the department was hoping to achieve as a result of that study?

Ms LUCAS: The two covert bullying reports commissioned by the Commonwealth were really an exercise to find out information about this area. When the National Safe Schools Framework was compiled in 2002, which is our major statement on how schools can be safe, cyber bullying was not part of the policy input at that time. We commissioned the two reports on covert bullying which includes cyber bullying and our intention with those reports was in part to gather information. We did not have current Australian information about cyber safety, in particular, and those two comprehensive reports have given us some quite current data as well as some recommendations for our consideration.

CHAIR: You hope to take some action on that? How does New South Wales differ from the rest of the country?

Ms LUCAS: Hopefully, you have in front of you now the extract that Professor Cross has prepared. I will preface my statements about that report by saying that Professor Cross is the author of that report, and she can give a detailed breakdown. I can walk you through some of the highlights of what we have determined that may be of interest to you. It is quite a comprehensive report from Professor Cross and there are quite a number of statistics that you will see in the document she has prepared for you today. I will bring to your attention two components of it, the student survey and some information from the teacher survey. The student survey nationally was 106 schools, comprising 55 primary and 51 secondary schools. In New South Wales it was 11 primary schools and 11 high schools, which is roughly around 23 per cent of the total. In metropolitan locals there was one government primary school and one government high school out of the 22 schools from New South Wales that participated.

In terms of the student survey the key findings from that was that bullying is a significant issue in Australian schools. There was no large degree of variation across broader demographics of gender, sector or geographical area. The information of Professor Cross does allow for some comparison between cohorts, such as between New South Wales and Australia nationally. The New South Wales rates were slightly higher than the Australian average in all forms of bullying, be that overt, covert and cyber collectively, particularly in senior primary years. In the single category of bullying via technology, that is, cyber bullying, New South Wales showed a slightly lower rate of bullying and being bullied than the Australian average which was determined by the study.

In terms of the staff survey there were 126 teachers from New South Wales who responded out of a total of 456 respondents nationally. In terms of teachers who had observed bullying or who had had bullying reported to them, New South Wales was statistically close to the Australian average with 65.9 per cent of New South Wales teachers reporting that they had either observed bullying or had it reported to them, and the

Australian average was 69.5 per cent, so there was 4.0 difference, quite minor. For covert bullying, the national figure was 16.4 per cent and the New South Wales figure was 19.7 per cent.

The Hon. MARIE FICARRA: Touching on the provision of laptops being rolled out by the Federal Government, is there any coordination of restrictions placed on particular students in terms of programs, services or sites that they can access on their Federally-provided laptops? Has the department got any involvement in this aspect of the rollout?

Ms LUCAS: As I tried to indicate earlier, that level of detail of restrictions would be more at a state-based level or at a school-based level. We could go back and get detailed answers to that question if there was a detailed response, but on the information provided to us our understanding is that there was the better practice guide for information and communication technology [ICT] that was developed at a Commonwealth level and given to the States and Territories.

The Hon. MARIE FICARRA: Is there any provision for the Federal Government to ask for feedback and monitor or audit what is happening with usage down the track?

Ms LUCAS: In terms of safety, do you mean?

The Hon. MARIE FICARRA: In terms of access, effectiveness, how they are being used and whether they are being used responsibly. One would imagine taxpayers would want to know that the provision of laptops in fact produces the right outcomes. Whether or not there is State governance, they would imagine that the Federal Government would want to know these things.

Ms LUCAS: We can take that on notice and get back to you.

The Hon. MARIE FICARRA: Thank you. In terms of the study or the outcomes of Professor Cross's research, I notice on page 11 a high percentage of staff across the State indicated that they lacked skills to deal with cyber bullying. I note there are State jurisdictions, but will your Federal department be indicating through the States to up-skill that training aspect? Teachers are obviously crying out that they want more training and more skills to deal with cyber bullying, which is increasing and has come upon them at an alarmingly fast rate. The research seems to indicate that they know that they have to deal with it in a more effective manner. Is that something at the Federal level that you would be recommending to the States and monitoring?

Ms LUCAS: As part of the review of the National Safe Schools Framework, components or issues such as you have just outlined will be taken into consideration and there will no doubt be recommendations made at the completion of the review. The review of the National Safe Schools Framework is due to be completed in May next year.

The Hon. MARIE FICARRA: We are told that each school really collects its own statistics on bullying. Is it true that no one really collates these statistics centrally?

Ms LUCAS: The Commonwealth does not collect data about bullying from the States and Territories. This is an issue for State and Territory education authorities.

The Hon. MARIE FICARRA: I am a taxpayer. One would imagine most would want to know that someone is collecting something centrally. What sort of statistics do you collect at the Federal level given that you issue all the States guidelines and hope that they are going to follow them? What do you do at the Federal level that can give us some indication of what the problem is on a national basis?

Ms LUCAS: The two recently commissioned reports on covert bullying in Australia we believe are a rich source of information on what is happening in terms of covert bullying or cyber safety across the nation. All I can say again is that we do not collect data on bullying incidents in schools. The two reports have a wealth of information, particularly Professor Cross's, and I would refer you to chapter 5 of her report. There is a lot of what we think is fairly recent data in those reports, which gives an overview of each State and Territory in terms of covert bullying statistics.

The Hon. MARIE FICARRA: Is there any desire in the future to have a centralised point of collection of bullying statistics? Given that this is becoming such an issue nationally, is this something that your department will be looking at in the future if it currently does not do it?

Ms LUCAS: I do not want to pre-empt the outcomes of the review of the National Safe Schools Framework. It may be that as a result of this review, which is already underway, there could be recommendations that are developed that say that. There is going to be extensive consultation with stakeholders, so teachers, students, parents and most education authorities are represented on the reference group, so there will be a rich amount of information collected as part of that review and it could be that that will be a recommendation, but certainly this review will determine if there is interest in the line of questioning where your line of questioning is going.

Dr JOHN KAYE: I would like to ask how important the Federal department views homophobia and homophobic bullying in the overall matrix of bullying?

Ms LUCAS: What I would do is refer you, Dr Kaye, to the National Safe Schools Framework and in particular the first and last principles in that framework, which indicate the right of all school community members to feel safe at school, and lastly the National Safe Schools Framework indicates that action should be taken to protect children from all forms of abuse and neglect and unsafe behaviour. I believe that the cohort of students you are talking about would fall within the National Safe Schools Framework. We do not have at this stage in our area an explicit statement on students who experience homophobic bullying, in the same way that we do not have specific statements on students who might experience bullying as a result of a disability or another form of, I guess—

Reverend the Hon. Dr GORDON MOYES: Racial?

Ms LUCAS: I do not want to—

Dr JOHN KAYE: Most bullying is based on some perception of difference.

Ms LUCAS: That is right, thank you.

Dr JOHN KAYE: And homophobia is one of those perceptions, which I guess is what you are saying?

Ms LUCAS: Yes, that is right. There would be a range of students who present with differences in schools and the National Safe School Framework is intended to cover all those different problems of students.

Dr JOHN KAYE: Have you had a look at the anti-homophobia policies of the different States?

Ms LUCAS: I am aware that Victoria has recently released some work in this area, but I am not familiar with it and we will no doubt be coming across those different statements as we do the review of the National Safe Schools Framework because that review will be particularly looking at the different legislations and policies of each State and jurisdiction, so no doubt that will be examined as part of that process.

Dr JOHN KAYE: So you are not in a position to comment on the release of the Victorian policy?

Ms LUCAS: Not today, no.

Dr JOHN KAYE: You may wish to take this on notice: Can you comment on the contrast between the homophobia policy in New South Wales and the recently released Victorian document "Supporting Sexual Diversity in Schools". Moving on, is it the Commonwealth's opinion that the provision of school counsellors is important in addressing bullying both in reducing the incidence in the first place and then addressing events that have occurred?

Ms LUCAS: Consistent with the National Safe Schools Framework we are supportive of methods that are preventative or that proactively seek to build school communities that are robust and will not engage in bullying behaviours. Measures that States and Territories determine to be appropriate to prevent bullying occurring would be encouraged by us, but we are not in a position to dictate to the States and Territories their staffing of school counsellors. That is why I would say we are supportive of measures that assist in the prevention of bullying occurring in schools.

Dr JOHN KAYE: The previous Federal Government, I understand, funded school chaplains for those schools that applied for them. The current Federal Government has changed the definition of that project, as I

understand it and correct me if I am wrong, so they do not have to be chaplains; they can be welfare officers of various kinds. Am I correct in saying that?

Ms LUCAS: My understanding is that that was under discussion. I would have to get back to you on exactly what those officers are now called in schools.

Dr JOHN KAYE: Has consideration been given to Commonwealth involvement in funding of school counsellors given the significance of school counsellors in creating a safe school environment?

Ms LUCAS: Not that I am aware of.

Reverend the Hon. Dr GORDON MOYES: What duty of care do schools have towards students who may suffer as a result of student misuse of the new computers? In the event of a legal action being undertaken by parents where does the buck stop: with the school, with the State education department, with the provider of the computers, or with the Commonwealth?

Ms LUCAS: I am not sure if I understood the middle part of your question, Dr Moyes.

Reverend the Hon. Dr GORDON MOYES: What duty of care do schools have towards students who may suffer abuse through the use of student computers?

The Hon. CHRISTINE ROBERTSON: There is concern about being sued and having legal responsibility.

Reverend the Hon. Dr GORDON MOYES: That is why I am asking where the legal—

The Hon. CHRISTINE ROBERTSON: There is concern amongst principal groups and the school community that they are now legally responsible.

Reverend the Hon. Dr GORDON MOYES: Yes, and parents and citizens groups.

Ms LUCAS: I understood that part. It was when you mentioned parents taking legal action that I was not clear. It is much clearer now, thank you. I will take that on notice.

Reverend the Hon. Dr GORDON MOYES: I particularly want to know where the Commonwealth accepts its duty of care. My suspicion is that they will hand out the computers and do nothing about their duty of care.

Ms LUCAS: The Commonwealth is not inactive in knowing that there is work to be done once the computers go out to schools and that is why I keep referring back to the policy document they prepared around ICT.

Reverend the Hon. Dr GORDON MOYES: "Not inactive" is a good double negative. How would you put that positively?

Ms LUCAS: I would say that in terms of the digital education revolution the Commonwealth has prepared and provided a policy statement on ICT but I would want to take on notice the part that details what should happen should legal action occur.

Reverend the Hon. Dr GORDON MOYES: Thank you. In a similar vein, I understand the computers provided by the Commonwealth will be programmed so that students will not have access to social interactive sites, such as Facebook.

Ms LUCAS: And MySpace, yes.

Reverend the Hon. Dr GORDON MOYES: Is anything planned at all to prevent student-to-student abuse? There are programs available that would pull that up. I am just wondering if the Commonwealth is planning any student-to-student prevention.

Ms LUCAS: There are safeguards in place through State-based policy, which may include the blocking of certain sites. Students can be traced through a school's network so if one student was bullying another student they could be traced. It is possible to find the perpetrator of the bullying.

Reverend the Hon. Dr GORDON MOYES: No potential for any anonymous listings or anything like that?

Ms LUCAS: Not that we are aware of, not if the student is networked. We do acknowledge though that it could be that students will bypass that network by using a wireless network, such as a USB portable device, but if they did that it would mean they were not complying with their own school-based policy and action would be taken at the local school level.

Reverend the Hon. Dr GORDON MOYES: I understand that on some university campuses where there are full student interactions there has been quite a bit of bullying and harassment from student to student in spite of the fact that they are part of the university network.

Ms LUCAS: I am not aware of the university data that you are referring to. Can I add here that the Commonwealth has been quite active through the Australian Communications and Media Authority [ACMA]. ACMA has initiated quite a number of programs suggesting cyber safety in schools and those are being implemented nationally this year. They address cyber safety for families, children, teachers, schools and librarians. There is a whole range of programs that the Commonwealth is implementing through the Australian Communications and Media Authority and they range from the Think U Know program, which is in conjunction with the Australian Federal Police and Microsoft, to some new cyber safety websites with updated advice and resources; rolling out a Cybersmart Detectives online activity for use in the classroom; and working with online communities targeting children or teenagers to ensure that when they network they do so safely. SuperClubsPLUS Australia is an example of that safe network. There is work happening at a Commonwealth level and certainly those ACMA programs are in heavy demand by schools and school communities across Australia.

The Hon. CHRISTINE ROBERTSON: I am very impressed with the quality of your submission in addressing our terms of reference. Thank you very much. When you were reviewing the different jurisdictions was your review based on the Australian Standards? This is terms of reference No. 6. Was it based on the implementation of the National Safe Schools Framework? I know that it is not part of the whole review you are doing but was that what your comments were based on?

Ms LUCAS: We asked the State and Territories for information to assist us.

Ms CONNOR: The Commonwealth represented Australia at an Organisation for Economic Co-operation and Development [OECD] meeting in July 2008 and as part of our submission to the OECD we asked all the State and Territories, as part of the Safe and Supportive School Communities Working Group, to provide information about what they do. That was compiled as one document.

The Hon. CHRISTINE ROBERTSON: Will the outcome of the total report you are doing on the implementation of the framework be more of that sort of information?

Ms LUCAS: There has already been a review of the implementation of the framework, which was undertaken by the Alannah and Madeline Foundation a few years ago.

The Hon. CHRISTINE ROBERTSON: The trouble is that so much has happened.

Ms LUCAS: That is right, which is why we are doing a review of the whole framework itself so that it will be more current with school environments today.

Ms CONNOR: I wish to add to what Christine was saying. There is a good share of information through the Safe and Supportive School Communities [SSSC] working group. It meets once a month via teleconference and basically it shares best practice across the jurisdictions and with the Commonwealth. Most jurisdictions, if not all, would be well aware of what each State and Territory is doing, and hopefully they would try to use best practice in their own jurisdiction.

The Hon. CHRISTINE ROBERTSON: I do not want to pick out States that may or may not be performing well, but in general is participation in the process relatively healthy across Australia?

Ms LUCAS: All States and Territories are active participants in the SSSC committee that you have just had explained to you. We do not collect data.

The Hon. CHRISTINE ROBERTSON: No, it is a different focus from that of the Federal Government.

Ms LUCAS: Our experience through the SSSC—which as you heard meets monthly—is that they all participate, and they participate actively.

The Hon. CHRISTINE ROBERTSON: Who chairs the Consultative Working Group [CWG] on cyber safety? My goodness, what a difficult job!

Ms LUCAS: The Department of Broadband, Communications and Digital Economy chairs that working group.

The Hon. CHRISTINE ROBERTSON: Every interest group that could possibly be involved in this issue is on that working group.

Ms LUCAS: It has broad national representation that is true. Its membership and its terms of reference were announced on 15 May last year. The Australian Government has committed \$125.8 million over four years for a cyber safety plan as part of the 2008-09 budget, and the CWG plays an important role in providing advice to government on measures to protect Australian children from any risk that they might encounter online.

The Hon. CHRISTINE ROBERTSON: From a Federal level do you believe it is possible to enact legislation or some process that will make all young persons safe?

Ms LUCAS: It is the intention of the Australian Government to ensure that children and young people are safe at school.

The Hon. CHRISTINE ROBERTSON: That is good. The kids themselves said that if they got cut out or something they would go and find something that did not cut them out.

The Hon. GREG DONNELLY: Thank you for your detailed submission. We appreciate you coming before the Committee today and talking to your submission. Forgive me if this issue has been covered in your submission but I could not pick it up. One of the questions on notice to you relates to the Commonwealth Government's regulatory influence—to the extent that it has any regulatory influence—over social networking sites such as Facebook and MySpace. Does the Commonwealth have any regulatory influence at all over the likes of Facebook and MySpace?

Ms LUCAS: That is a question the Department of Broadband, Communications and Digital Economy could answer for you. We could take that question on notice. I know you have asked the department that question. No doubt in a few days time when it submits its written answer to that question you will receive a comprehensive answer.

The Hon. GREG DONNELLY: That is fine. Perhaps we should wait to see what is supplied. If we need to follow up that question we will. I refer to the work being done by the Commonwealth. Are you able to assure us that it is being applied across all schools, whether we are talking about public schools or private schools such as Catholic systemic schools and independent schools?

Ms LUCAS: Yes.

The Hon. GREG DONNELLY: The program has been implemented and it is working across the whole system?

Ms LUCAS: Yes. The three sectors that you just mentioned are all represented in our reference group for review within the National Safe Schools Framework.

CHAIR: Prior to the announcement of the rollout of the laptop computer programs was your department asked for advice on the implications of that relating to covert bullying and cyberbullying?

Ms LUCAS: I take it from your question that you want to know whether it would lead to a possible increase?

CHAIR: Yes.

Ms LUCAS: I will have to take that question on notice.

CHAIR: Did you provide any information? Were you asked for any information about the potential implications of providing laptops to students?

The Hon. CHRISTINE ROBERTSON: Especially poor students who could not afford computers.

CHAIR: Were you asked for any information?

Ms LUCAS: I will have to take that question on notice and ask the digital education revolution area to provide an answer to it.

CHAIR: It would be great if it could tell us what advice it was asked for and what advice it provided. Thank you very much for your attendance today. We look forward to receiving answers to our questions on notice.

(The witnesses withdrew.)

SUSAN MICHELLE McLEAN, Cybersafety Advisor, 9 Corsican Avenue, East Doncaster, Victoria, sworn and examined:

CHAIR: In what capacity are you appearing today?

Ms McLEAN: I am here as a private citizen, as a cyber safety adviser.

CHAIR: Would you like to make a brief opening statement?

Ms McLEAN: Thank you. Just so that people are aware of my background and what brings me here today, for the past 27 years, up until 16 March this year, I was a member of Victoria Police. Since 1990 I have specialised in working with young people exclusively, both as part of the Police Schools Involvement Program and then as a youth resource officer. In 1994 I took a call from a year 8 coordinator at a high school who requested my assistance with some year 8 girls. What he needed assistance with were some issues of technology in the form of cyberbullying. In 1994 I was excited that I could send an email. I thought technology was fabulous and I did not realise it could be misused. Victoria Police were not connected to the Internet at that stage. But these girls had gone online, they had posted another girl's private details into an adult sex chat room and they had offered her to the world for free sex.

So from 1994 onwards I became aware of the need to make sure that I was upskilled, since I was working with young people, and that culminated in 2006 when I went to America on a study tour. I did some courses that were arranged by the FBI in relation to protecting children online. I worked with the Dallas Police Department's Internet Crimes against Children Task Force team. Then I returned to Victoria, where I led the Victoria Police Cybersafety project, which researched the issue of cyberbullying in young people and adults with an intellectual disability. I have since completed, in my own time, a university certificate in child safety on the Internet from the University of Central Lancashire in the United Kingdom, and on 16 March this year I resigned from Victoria Police to work full time in the area of cyber safety education around Australia.

CHAIR: When you were working for the police in Victoria were you in uniform? Do police go out to schools in Victoria in uniform?

Ms McLEAN: The Police Schools Involvement Program, which started in 1990, was a uniform based, school-based police, similar to what they have in New South Wales. So you went in uniform, unless you were playing sport with the kids and you wore a tracksuit. Primarily it was to put a human face to the police force. We covered a lot of things, very similar to what New South Wales do in that we talked about risk-taking behaviours, how to be a good citizen, drug and alcohol education, road safety and consequences. In about 2005 that program was scrapped in Victoria. All school-based police were removed, and they implemented a program which was called the Youth Resource Officer Program, which basically put police in a position of a youth officer. So while they had responsibility for schools and it was aligned with local government areas—you had one per local government area—whilst you could go into school, the proactive nature of the program was not there any more. You could not go in and go, "Let's talk about this" or "Let's do this" or "We're coming up to the school formal time, we need to talk about alcohol consumption and safe partying." We were only allowed to go into schools based on a reactive approach. So if a school invited us in because they had a problem we could come in and chat about it but we could not be proactive. We also had responsibility for youth within the community. Youth was defined up until the age of 25.

CHAIR: Was there a reduction in the numbers?

Ms McLEAN: A slight reduction in the numbers, but interestingly enough many people who were part of the Police Schools Involvement Program chose to apply to be a youth resource officer. A large majority of those have since resigned from Victoria Police because I think they felt they were not being supported, and we did not have a proactive role any more. We were back to what you would do on the divisional van—you run around and pick up the pieces rather than try to prevent.

CHAIR: Your interest in cyber bullying in your role with, most recently, Generation Next information to parents and teachers, I guess, is about informing parents of responsibilities and some of the issues and how they can talk to their children about some of those issues. Do you think that there is a broad understanding of the issues from the point of view of parents and teachers and responsibilities?

Ms McLEAN: No, not at all, and even police around Australia are ill-equipped to deal with these sorts of new crimes because each State and Territory police are not upskilling their members. I get emails and often calls from police all around Australia after they have met me at different presentations seeking advice and assistance. One of the things that our research found was that 87 per cent of Victoria police officers did not have the skills or the knowledge to deal with these sort of crimes and were calling out for knowledge. Parents and teachers are in the same boat. It is the only area in today's society where an adult cannot call on their own previous experiences to deal with it because it did not exist when they were young.

Even if you bake a cake really badly or fall off your bike all the time you could at least impart some knowledge to your children. When it comes to cyber safety and technology there is no base knowledge. The problem is that even if you have got a tech-savvy parent—someone who might use an email at work or use a computer—they are using it as a tool. Young people do not view technology as a tool: it is just there. It is almost like a third appendage; it is part and parcel of who they are. We know that parents, in particular, often get their information from the media. There is rarely a good news story about technology so parents tend to threaten to disconnect if there is a problem. We know from international research that in excess of 80 per cent of young people will not tell a parent if they are bullied or harassed online for fear of losing access.

I suppose that one of the key messages to parents is: Never, ever punish your child because of what someone else has done to them online. But for parents who have no idea it is so much easier to just rip the thing out of the wall or take the mobile phone away, and that will solve the problem. But obviously that is not the way to go about it. Teachers are ill equipped. Interestingly, over the past few years people would say, "When we get new teachers—new young teachers—we will be fine." Victorian police actually took that approach a little bit: "When we get the young recruits in we will be fine." The average age of a police recruit in Victoria is 35, so that has gone out the door.

Young teachers are coming in tech savvy but bringing with them a whole range of other problems because they are, I suppose, too engrossed in technology. They add students as friends on Facebook. They interact with them online, which breaches all the professional guidelines. So whilst they have got the technical skills that perhaps an older teacher does not have, they do not have the ability, the life experience or the knowledge about how to handle that. One of the emerging problems in schools now is that teachers, in particular, are interacting with students via technology and that is leaving them open to rumour and innuendo, and disciplinary action.

CHAIR: You have raised so many matters. Having listened to a number of witnesses it is confusing who has duty of care in terms of the use of the Internet by school students, in particular because cyber bullying occurs often outside the school environment. The Federal department has talked to the committee and did not seem to be imposing responsibilities from a Federal level. It seems to be hazy in terms of State responsibility. No-one seems to know where the duty of care lies. Indeed, it certainly seemed that they had taken it on notice about whether they provided information about those issues when the rollout of the laptops was announced in the first instance. Where do you think that duty of care lies?

Ms McLEAN: In relation to the rollout of the laptops, I think that is sadly lacking. I think that schools have been lumbered with laptops, one for each child, and then it is basically "See you later". I know from the phone calls that I take from principals that are just screaming out, "What do I do now?" There was no money for professional development. There was nothing provided to those schools in order to ably assist both the students and the parents to become good cyber citizens. There is a huge issue between the Federal Government and the States because, for whatever reason, they do not like each other—they do not talk and they do not cooperate when it comes to this particular issue. That occurs right around Australia. It is left primarily to the States, I think, to come up with a bit of an idea about what they think should happen.

The way that I see it in particular is, "Okay, most of the bullying will occur at night or on the weekend." Schools really have moved away from, "It's not my problem"—or most of them have—simply because they have had to deal with the aftermath of the fallout at school the next day. So they have to work out who said what to whom—the fact that Mary is in tears every day and Sally does not talk to somebody else. So it does become a school problem. You cannot just basically say "It happened last night; too bad, can't deal with it". They have to deal with it. It gets down to their policy development. Many schools now have wording along the lines of, "Any action that negatively impacts upon a member of our school community at any time will be subject to the rules of the school". So that covers the parent who might say, "Butt out. It's none of your business; it happened on the weekend"—when, in fact, it clearly is.

We know that each education department is coming up with its own rules and guidelines. In South Australia, recently the education department issued a set of guidelines—very clear and written in black and white—that basically said that any school principal who believes a mobile phone or other device has been used to cyber bully can seize that phone immediately and hand it to the police. It was written in black and white for principals, rather than having to wade through 750 pages of different regulations. The New South Wales education department, I believe, has put out a brochure on sexting. I have seen a copy of that and I am not overly impressed with it. I think it has come off the Internet from America; that would be my opinion. I think we can do better. The Western Australian Government is in the process of doing its sexting considerations at the moment in relation to cyber bullying and using naked images of people. I know that because I have been asked to consult on it.

CHAIR: It is ad hoc?

Ms McLEAN: It is very ad hoc, and it should not be. It is not a simple issue but it is an issue that is the same in every State, in every jurisdiction and in every type of school. So we do not need the Catholic version, the independent school version, the State school version and the Victorian version. We do not. It is one thing that we could have a really cohesive coordinated approach to, and we do not.

The Hon. MARIE FICARRA: That is very informative—you obviously have a lot of experience behind you. We are conducting a State parliamentary inquiry. From what you have said, and looking at jurisdictions statewide, do you believe we need some very urgent national coordination of information and regulation?

Ms McLEAN: I think we do, but often State legislation is quicker to get happening than Federal. For example, in Victoria every police jurisdiction can use Commonwealth legislation as well as State but no-one really wants to use Commonwealth legislation if the State legislation does equally the same. We have got these gaps. Victorian crimes legislation, when it comes to cyber bullying, harassment, stalking and all those offences, is actually quite good. Western Australia's is fairly pathetic. So you have got Western Australia relying heavily on Commonwealth legislation, which is not ideal to have to use. Technically, the Federal police should be involved, but do they really care about Johnny being mean to Sally? Probably not.

You have got different crimes. For example, in Victoria if I went online and set up a Facebook profile pretending to be you, that is a crime. But if I were to do it in Western Australia, it is not. So we do not have consistency in legislation. Even in America—which has an absolute shemuzzle of States and five different law enforcement agencies in every State—they actually do this quite well. They have these Internet crimes against children task force teams, which are federally funded. They were rolled out as a pilot but have been deemed so successful now that basically if your State asks for the money, you will get it.

It is a multi-jurisdiction approach, so in one area you have the Federal Bureau of Investigation [FBI] working with the local sheriffs and the state police. It is not, "It's your problem, it's your problem, it's your problem". These agencies work together drawing from the area and 50 per cent of their core business is proactive prevention. So 50 per cent is devoted to catching the bad guys and dealing with them and 50 per cent is proactive. I think that having a federal response is paramount, but I also think that just knowing how slow-moving that can be and the fact that states like to own certain things—and I think they do it quite well—it is imperative that states embrace this and really own it pending what happens federally.

I spent five weeks in the United Kingdom at Christmas and I visited and spent some time at the university where I had done my course. They actually have a cyber space research unit—it is a faculty at the university—and interestingly in the United Kingdom it is now mandatory for some safety education to be taught in every primary school, and it is something that schools are marked against, so when the school inspector comes in to check that you have done your physical education and this and that, cyber safety education is part and parcel of that. That has just started this year.

I think that we have to start young, from the minute that children have access to computers. Parents would often say to me, "I don't know how my child knows that—I didn't teach them." No, and I did not teach my children a lot of things either. It is almost inherent in them. They are of a different generation obviously, but technically they are so different. I look at my own family. My daughter is 22—my eldest—and my youngest is 16. They could be from vastly different planets when it comes to their technical skill, even though they went to the same high school, et cetera. At age 13 my son wireless-networked our house, and he did not read a manual.

He just knew how to do it, because that is how he has been brought up. So it is not even a matter of people saying, "I haven't taught that" or, "We don't have a computer at home, so therefore my child is safe." What about when they go to the public library? We do not even have mandatory filtering on library computers. That defies belief.

The Hon. MARIE FICARRA: Is that so?

Ms McLEAN: Yes, you can go into a public library and you can basically look up whatever you like. The librarians' response is that you can do what you want, free speech and all of this, and they say they monitor, but with the ease of access—and forget pornography and child pornography. The ease of access of inappropriate material is now one or two clicks of the mouse away. It is not embedded in the Internet the way it used to be. It used to be hard to find. I look at my 15 years experience hovering around cyber space and I see the difference now as to what is accessible for free whereas for the really revolting stuff you had to pay. Even with the national filtering program and things like that you would never ever block it. You can make a start, but you will never put anything in place that will fix it. Parents believe if they put a filter on they will block out all of the rude words. Well, most of the child pornography sites do not have those words on them. The sites that young people are attracted to that are suicide-assist sites, not euthanasia sites, do not have the word "suicide" in them.

I remember a teacher at a boys Catholic high school who gave his year 8 class a website, which was a Roman history website he had used for two years. "Okay boys, type this in"—and there was mass hysteria in the classroom. The teacher walked over and it was now a gay porn website, because someone had bought the URL. It was a simple matter of telling the administrator and it was blocked, but I know when I was in the police force I would often report to the Australian Communications and Media Authority [ACMA] using the convoluted approach that they have to report inappropriate content and by the time they got back to me, which was probably a few days later, it was gone, but it was there in another guise.

I think a lot of people put it in the too hard basket. They do not really understand what happens. The Internet is not age-appropriate. Everything else that we do with our children is, such as education. We do not give them keys to a car when they are two years of age. Everything we do is either linked to age or development. The Internet is not. So you have four-year-olds going on and seeing stuff that would make the hair of a 50-year-old curl. We also have parents who do not really understand what technology is. I now see 8-year-olds with Facebook because mum and dad says it is okay, because they do not really know what they are doing, or parents who say that instant messaging and social networking are really bad, so you cannot have them, but they are happy for you to play an online game where you are interacting with random strangers all around the world. In a parent's mind a game is something that is fun and safe; therefore an online game must be fun and safe as well. It is a total lack of understanding about what technology is and how it works. We really have a mishmash.

Reverend the Hon. Dr GORDON MOYES: I wanted to get your reflection on the ABC news on Saturday 20 June:

Anonymous abusers are apparently getting away with obscene and violent bullying tactics against teenagers in Western Australia because they are doing the cyber bullying on a US-based website.

Despite spurious and nasty allegations and death threats, the teenagers have been advised to get new phone numbers and a lawyer.

The report goes on:

For 18-year-old Majella Sheppard it is just a form of abuse and harassment.

"There was some threats in there and there's just been another one made recently saying that my family's going to die one by one," she said.

"I wasn't too happy about that when I read it. I took it to the police when it got so severe that they actually threatened to hang my son and the police told me that there's basically nothing that they could do about it because there was no names on there, so just pretty much try and get over it."

Ms McLEAN: Yes. Unfortunately, the police—and I don't hate to admit I was one, but that is a typical response from police. Interestingly, the headlines in Victoria this week on Friday were exactly the same. There was a website called "Who's a Dog" and, as the name indicates, that is what you went onto to make derogatory comments. This one was hosted in Victoria. Hosting in America is not that big a deal because it is one of the easiest countries to deal with. I suppose it depends on the legitimacy of the sites and whether they operate under

any guidelines. If they have guidelines and there are certain things that they can and cannot do, it is a matter of ACMA and the Federal Police dealing with it, but they tend to wash their hands of stuff very simply.

Reverend the Hon. Dr GORDON MOYES: Could I just push a little further along the same lines. Mr Peter Murfitt is the father of a teenager daughter who was targeted on Saturday. He said, "They've called her a slut and a drug user and they have also made threats against us to burn our house down and to kill our children." Mr Murfitt said that if the site is not shut down there is a risk to the man who runs it, indicating that he is going to undertake vigilante action. He said, "If you attack someone's kids enough and you're allowing it, then someone's going to do something about it, aren't they?" It is a pretty stern sort of reply. The head of the Victorian police E-crime squad, Inspector John Manley—

Ms McLEAN: He does not really know his legislation because I have heard him quoted before, but go on.

Reverend the Hon. Dr GORDON MOYES: He said that there is nothing he can do. It is not an offence that they can investigate.

The Hon. CHRISTINE ROBERTSON: There will be a right of reply.

CHAIR: Reverend Moyes, we have to be a bit careful.

Reverend the Hon. Dr GORDON MOYES: I am quoting from the ABC news of last Saturday, 20 June. It is in the public domain.

Ms McLEAN: There are some offences there. That one that the inspector talks about is the Victorian website.

Reverend the Hon. Dr GORDON MOYES: Yes.

Ms McLEAN: There are offences there: use a carriage service to menace, harass or cause offence. It is a Federal offence, so if the website proprietor—and he can be tracked down because he has popped up in public—is found to be using a carriage service, being technology, for the purposes to menace, harass or cause offence, that is an offence.

Reverend the Hon. Dr GORDON MOYES: I would imagine a threat to life?

Ms McLEAN: It is a separate offence; user carrier service to make a threat, so it is a Commonwealth offence as well. Certainly each and every one of the people who have posted to that website have committed in Victoria the crime of stalking, which is section 21A of our Crimes Act. It is not a hard thing to trace people who post to a website. I could not do it but if you have the skill, technically it is not that hard to do. The problem is that Constable Jones at the local police station has no idea and people get fobbed off. Those girls mentioned in that website—and I actually spent some time on it the night before it hit the newspapers—they also have been bullied outside of the site so they have received text messages; they have had phone calls and things like that. They are clearly crimes under Victorian legislation that should have been dealt with.

I forever, even when I was in the police force, used to get calls from people who had been fobbed off at different police stations, seeking advice "where to from here". To be honest, too, until I started to study this I probably had never heard of use a carrier service to menace, harass or cause offence. It used to be the old misuse of telecommunications device, which was the old school bomb threat offence, so most people knew that, but the other offences are not, I suppose, your bread and butter offences.

Victoria Police has the e-crime unit but they are e-crime, "I embezzled \$5 million from your bank account" type investigators. They are not interested in dealing with this sort of stuff. There is also an article that came to me today from the wires through the United States of America. It is a very similar article and in fact the website has been shut down due to public pressure for two reasons. It is exactly the same as that; people went on that they were derogatory, negative publicity, public pressure and the fact that the company that you had to pay to host the site—so this bloke hosts it, but he is obviously paying something.com to do it, basically pulled it because they did not want to be involved in it as well. There are offences involved in that. The trouble is they are convoluted and they are not easy.

Reverend the Hon. Dr GORDON MOYES: Can I push on a little bit further. I have two other points I want to make and I think this is an important part for our cyber bullying. I make the point that Inspector Manley again says the best advice he can give to those targeted in cyber bullying is to get a new mobile number to avoid getting abusive text messages and to take legal action. I am moving away from Victoria now. In the news report it said: "The executive director of cyberspace law and policy centre at the University of New South Wales, David Vale, said that Inspector Manley's advice, [which was about getting a lawyer] is good advice.

There are creative opportunities are not necessarily lawyers but even diligent prosecutors who are investigators to explore possibilities". There is more there but I wanted to say that it seems to me that everybody is aware that crimes are being committed; the police are aware of that; they advise you to take private action through paying for a personal lawyer. Even in New South Wales the director of cyberspace law and policy centre at the University of New South Wales basically says that private action is the way to go with lawyers. Do you feel this is absolutely poor advice and that the community has a duty of care towards people so injured?

Ms McLEAN: Absolutely and it is actually wrong advice because the only way that those records can be obtained are under warrant, so Mr Jones has got absolutely no hope of getting that information from wherever it is because the warrant process is for law enforcement. How you obtain information as to who said what to whom and who posted it is through an Internet service provider [ISP] check. Whilst you can sort of do them online, you cannot actually get them to the point where they would stand up in a court of law, and that is only open to law enforcement agencies through the warrant process.

It is a whole community problem. When I go to schools and I talk about the law and things like that, I basically start off with two words: "respect" and "responsibility". I say to the students, the teachers and parents, "If you have respect for yourself and other people and you use technology responsibly, you do not need to worry about whether it is illegal or not because you are not going to get there. You are going to make the good decision beforehand, but if you don't get respect and responsibility, well then the law is there."

The work that I do now has moved from the school environment almost 100 per cent to now I consult for the Australian Sports Commission because they are seeing cyber bullying in sport, different State and Territory governments, and also the AFL Players Association and coaches association have sought my advice and I am doing presentations to them. I know the Australian Sports Commission has had some fairly nasty situations where junior sporting teams have been involved in cyber bullying. It is not just a school problem and is not a problem that just impacts on students or young people, because what we are seeing now is that there is cyber bullying at universities; there is bullying in the workplace. There is always been workplace bullying and now there is cyber bullying in the workplace.

Reverend the Hon. Dr GORDON MOYES: It has even been heard of in politics. I might just finish by saying that the Queensland ALP President, Andrew Dettmer, who has been suffering from cyber bullying, is taking legal action, suing the website designer for defamation, but private action again?

Ms McLEAN: Yes, private action, and the thing is that really is an avenue only open to people with money.

Reverend the Hon. Dr GORDON MOYES: Who can do it?

Ms McLEAN: That is right, or have the knowledge to even start.

The Hon. GREG DONNELLY: Thank you for coming along and providing some additional comment to your submission. Obviously this is a very complicated and fluid situation dealing with the whole question of cyber bullying, with many dimensions to it. It almost begs the question: where does one start? Just your presentation today, not to mention the other people who have provided evidence to the inquiry, has so many dimensions. It almost begs a holistic approach to deal with it, which involves trying to stand above it and look down, but looking down on something that is continually evolving and changing. But even when you think you have of a way of dealing with it, it can quickly morph, through another way or means, to achieve the same thing and you sort of miss it. Have you given any thought to how cyber bullying is holistic approached, given the nature of it?

Ms McLEAN: I think education is the key. We have to move away from being too punitive and we need to make sure that young people in particular are educated in relation to the fact that by misusing technology they are committing crimes. Internet technology allows people to get a false sense of bravado. There

is no risk associated with doing the wrong thing online because they do not believe that they can ever be traced. They do not understand that they can; they do not understand that the Internet is permanent. There is a lot of disinhibition online because they think they can just do what they like.

There is no visible police presence and one of the things that prevents a lot of things going wrong in our society is the fact that you know that just around the corner might be someone in who is going to catch you out, so there is no deterrent at the moment because kids and people know that cyberspace is not policed, especially in Australia. In other countries there are visible police presences online. In Canada in some of the online games they have police stations set up manned by police to keep a bit of a watching brief and also to allow people to visit the net. I think the Ontario Police Department has a recruiting bureau in one of these online communities.

It has to start with education; it has to start at a very, very young age and it has to be built around the same sorts of things that face-to-face bullying is built around—respect, responsibility, empathy, consequences and not just being too punitive. I think Marilyn Campbell from Queensland says that the punitive punishments around bullying are often to appease adults rather than to try to fix the problem that kids are having interacting with each other.

The Hon. GREG DONNELLY: The thrust of your argument is that the way to deal with this is through education, so how is this education best done—through what means?

Ms McLEAN: I think it needs to be part of the school curriculum. It cannot be an optional thing. I do not think it needs to be a standalone subject. Kids now use technology for everything. They are on a computer to do maths and to do their English, so it could be built in whenever they are using technology and into everything they do online. In some of the programs I looked at in the United States kids have to do a cyber safety quiz before they can log on to the computer for the day and get in to do what they want to do. Of course, you have to be creative; it cannot just be one, two and three and it all stays the same because the kids will know which box to click without reading it. You can have those interactive sorts of things. You can have messages come up regularly throughout the time the child is online so that they have to answer some questions. I do not think it has to necessarily be a specific standalone subject but it has to be incorporated into the learning environment.

It is surprising the number of children in schools who are not even taught what a search engine is. We all know it is Google or whatever we are using. You type in the word and press enter and then pick No. 1, because No. 1 one is always the best. No-one tells kids that No. 4 might actually be what they are looking for. No-one has put any thought into it and that is probably because it has evolved so quickly. Teachers cannot keep up; the State and Federal education ministries cannot keep up. I think we need to start somewhere and ideally it should be in primary schools and obviously you would then move forward. In order to do that a lot of money will have to be devoted to professional development for teachers and parents, because if they are not all on the same page then what you say to kids will just go out the window.

The Hon. GREG DONNELLY: A witness put to us earlier today an argument for implementing some of this at the preschool level, the kindergarten level. Do you have a view about that?

Ms McLEAN: If kids are using a computer in a kinder, then they need to have some appreciation of the fact that you just do not do what you want. There have to be rules and consequences and boundaries. If a four-year-old is using a computer in a kinder there has to be something age appropriate. There are some really good programs. One I can think of is called Hector's World, which came out of New Zealand. It is for preschool and primary school-age kids. A lot education on the Internet for younger children involves playing games. Kids love to play games, so they can play a computer game but basically the message is a safety message and they then learn something from playing a game. So, yes, if kids are accessing computers at preschool they need to have it, because if they are accessing them at preschool there is a fair bet that they are accessing them at home.

Parents are just astounded at what their children can do and find online. A four-year-old in the United Kingdom bought a car online because they knew how to do it. I know of seven-year-olds that grabbed dad's credit card to enable them to enter into computer games and buy things, because they know that is how it works. We might have worried about our kids feeding our credit cards into the VCR machine and losing them forever but kids now use them to buy things online. It has to start when they are young.

The Hon. CHRISTINE ROBERTSON: In Victoria were the police involved in an integral and coordinated way with the school system's education on issues in relation to bullying?

Ms McLEAN: When we had the police schools involvement program we had five themes that we used to teach too, so the work we did with young people had to come from one of the five themes.

The Hon. CHRISTINE ROBERTSON: Yes, but was that component integrated with the school system or did you come in and do the sessions as an extra?

Ms McLEAN: It would be both. In some schools we would come in and do some bullying work that would basically piggyback on the bullying program the school was running. In other schools you would be the tick-the-box person. "We've got the police officer in and done bullying for the term, let us move on." It was nothing formal.

The Hon. CHRISTINE ROBERTSON: So it was not a policy—

Ms McLEAN: Not at all. That really went to how the school viewed your interaction.

The Hon. CHRISTINE ROBERTSON: Have you done much work in New South Wales?

Ms McLEAN: I have done some work in schools in New South Wales primarily because a school has contacted me and brought me in. I do not agree with the fly in, fly out, tick-the-box sort of mentality, so I usually work with the school on policy development to make sure that their policies are in place, and work with the students, teachers and parents.

The Hon. CHRISTINE ROBERTSON: Does your program include the National Safe Schools Framework? Does that provide the basis for your program?

Ms McLEAN: Yes. I have looked at that and the work I do in schools fits within that. I am not a qualified teacher or anything like that, but the work I do in schools—

The Hon. CHRISTINE ROBERTSON: It is a philosophical statement.

Ms McLEAN: It works along the lines of empathy and being nice, and respect and responsibility.

The Hon. CHRISTINE ROBERTSON: Another submission discusses the issue of young persons perhaps not having a high degree of empathy these days. Have you found in your work that children and young people do not have as much empathy and therefore the proactive and defensive work is difficult to work through with young persons?

Ms McLEAN: I think over the years the empathy level of children certainly has changed. As a result of the use of technology there is just so much disinhibition online that they do not get to see the response. If I call someone a horrible name face to face and that person dissolves into tears I might get a bit of a pang that I have done the wrong thing. I can see them upset. If it happens online it is impersonal and they do not see the then and there. By the next day there is a bit of an aftermath, so I think that leads to the fact that there is even less empathy now than there used to be. I think that is right through the community. I do not think it is just with young people; it is with adults as well.

The Hon. CHRISTINE ROBERTSON: I have one more question relating to your discussion on access to information in libraries. Have you thought through how hard it would be not to cross the line of censorship whilst protecting young persons from adverse information?

Ms McLEAN: It is very difficult. In some of the states in the United States—

The Hon. CHRISTINE ROBERTSON: They have censorship.

Ms McLEAN: No, not that, they have different computers for the children to use. They are segregated so you do not have someone who may be looking at adult content sitting on the computer next to a young person. It is very hard when it comes down to who should decide what a young person should see, but I think we have to provide a safe learning environment for children to the best of our ability, whether it is at school, at home or at the library. You cannot have a seven-year-old googling willy-nilly without someone supervising and looking at what they are doing. They will either stumble across it, look for it because someone at school has

said, "Check this out tonight", or they will misspell a word and get something inappropriate. The best way to do it and the way that I think would appease most people is to have distinct areas within the library so that children do not have someone viewing inappropriate websites on the computer next to them.

CHAIR: With everyone's indulgence I wish to ask a few more questions. Could you clarify for us later, or give us more information about, those overseas examples you mentioned so that we can follow them up?

Ms McLEAN: The program that is used in the majority of schools in America is one called NetSmartz, which is run by the National Center for Missing and Exploited Children—the peak child protection body in the United States. It has what I believe to be a lot of excellent age-appropriate resources. That is evidenced by the uptake in schools; it is the number one program that is used there. The beauty of it is that it is regularly updated. In the three years since I was there they have had many versions of the stuff because they continually update it, add to it and things like that. It is a really good resource that is accessible online. I recommend to teachers that they have a look at it and use it, as they will not be stealing anything. The material that is online is there to be used.

Another one that I have been using from the United Kingdom is called Let's Fight it Together, which is probably for grades 5 and 6 through to middle high school. It starts off as a video with a boy being cyber bullied. I love it because both boys and girls are involved. A lot of people think it is just a girl thing, but we know that it is not. That is the beauty of that video. That comes with teacher resources, lesson plans, and further information. The other one that they use—the second most popular one in America—is i-SAFE, which is from San Diego, at www.isafe.org. They are similar in that they all have online games, advice and lessons, and it is repetitive and ongoing. The kids love them because they get to play games at school and they are learning a lesson.

CHAIR: Whenever they log onto portal of the Department of Education and Training at school do they have to do something like that first?

Ms McLEAN: Yes. It is slightly different in America because they do not have filtered out a lot of the stuff that we have filtered out here. Most schools here, apart from some private schools, do not have social networking regularly available. You can get them by going in via a proxy, but essentially I cannot go into a State school anywhere here, type in "Facebook" and get it.

The Hon. CHRISTINE ROBERTSON: The same thing applies to us.

Ms McLEAN: However, some independent schools allow that. In America they do not have that; kids can use Facebook and all those things in schools. However, when they log onto the computer to do anything, for the next half an hour they either have a defined "Okay, we are going to use this program," or inter-dispersed throughout their period of logging on will be messages on the screen that they have to get through before they can go on and do what they are really there to do. From my experience it has to be continual. It is almost like drip-feed rote learning.

As I mentioned earlier in my submission, that gets back to the brain development of adolescents. We know that the brain is not fully developed until at least around 20 for a female and much later for a male. The part of the brain that covers decision-making consequences and risk taking is the last part to be developed. We expect kids to make good decisions because we have told them, but the studies have shown that they cannot because the brain is not fully developed. That is why this continual education is vital. We cannot do it once, put a tick in the box and away we go to the next topic.

CHAIR: Thank you. Unfortunately, we have run out of time. However, Committee staff might get in touch with you to clarify anything or ask for some further information.

Ms McLEAN: That is fine.

CHAIR: Thank you for coming today and for the work that you have undertaken. It was much appreciated.

Ms McLEAN: Thank you; it was my pleasure.

Reverend the Hon. Dr GORDON MOYES: Thank you also for your well-written submission.

UNCORRECTED

(The witness withdrew)

IARLA FLYNN, Senior Public Policy and Government Affairs Manager, Public Policy and Government Affairs, Google Australia and New Zealand, Level 5, 48 Pirrama Road, Pyrmont, and

ISHTAR VIJ, Manager, Public Policy and Government Affairs, Google Australia and New Zealand, Level 5, 48 Pirrama Road, Pyrmont, sworn and examined:

CHAIR: Do you wish to make a brief opening statement, or would you like to go straight to questions?

Mr FLYNN: With your permission I might make some brief opening remarks. Everybody has heard of Google—or most people have—and sometimes it is good to try to clarify what we do in our approach to this important issue of bullying and child safety in general. I thank you and members of the Committee for inviting us to come here today. We welcome the opportunity to talk about Google's approach and to hear the views of the Committee on this important issue. It is something that Google takes seriously. As I mentioned, there is a high level of familiarity with Google, and that started through the Google search engine and it has since expanded into many different areas, such as email and instant messaging.

Of particular relevance to the Committee is the YouTube platform, which Google purchased a number of years back. Today we are speaking as both Google and YouTube, and hopefully that will be helpful. I wish to make some comments about the Internet and I echo the comments made by Susan McLean. The Internet is a new form of mass media in the world, yet it has quickly become an important element of our lives. Sometimes we all struggle to figure out how it fits with society and how we do things. This is one area where we see that challenge being presented. We certainly see huge benefits from in the Internet both at a social level and at an economic level. In particular, it has opened up a means of communicating and broadcasting material to everybody.

We can see huge benefits and advantages to that, but obviously there are also risks. It is important that we find a balance between those two competing objectives. The challenge that we see is to try to maximise the benefits offered by the Internet to society while at the same time ensuring that particularly vulnerable users are protected. Sometimes that is an easy challenge, for example, in the area of child abuse imagery. There should be widespread agreement and a law that states it is not allowed, but sometimes issues can be more complex. One person's freedom of expression is another person's hateful material. Sometimes it is difficult to find a balance.

Sometimes we find ourselves in the middle of those battles. We also think there is a significant opportunity to use the Internet to get out positive messages, so let us not regard it as a negative thing, or solely as a negative thing. We can turn the tables and use the capabilities of the Internet and the widespread nature of its adoption to get out positive messages. We are happy to talk about that. If there is time I can talk in a bit more detail about our approach to child safety and, in particular, certain aspects of that. However, I am not sure whether that would be helpful.

CHAIR: That would be good. We have talked a lot about the duty of care and how far that duty of care extends.

The Hon. CHRISTINE ROBERTSON: Who owns it?

CHAIR: Yes. Who has the duty of care when it comes to social networking sites—YouTube or the Internet industry in general?

Mr FLYNN: In general terms, firstly, Google is very committed to protecting children online. We want to provide all our users, whatever service they are using, with a safe and enjoyable experience. We certainly include bullying and harassment of all kinds within that broad frame. Our approach has three main elements. Number one, we want to empower users and parents, give them the tools so that they can protect themselves. Number two, we want to protect children online through partnerships. We can talk in more detail about that—partnerships with police, partnerships with NGOs and various other groups who have a lot of expertise in this area. And number three, we want to educate children and parents and others in how to ensure that their activity online is safe. We think education actually is very, very important because no amount of legislation or regulation, you know, that can only extend so far. Ultimately, there will be individuals who will be accessing material and if we can ensure that they are better educated and understand more what is going on, we think that can be very important.

We do not position ourselves as being the world's experts on child safety. So we do draw on partnerships that I mentioned with a very wide variety of groups. We regard ourselves as being continually in listening mode to ensure that we can understand the issues as well as possible and continually improve the approach we take. So, this is not something that we can ever get 100 per cent right; we must continue to work to improve our approach. YouTube is a platform essentially to allow users to upload and share videos. That is the essential thing. The basic function of YouTube and Google in that is to provide the technology enablers to allow people to do that. However, it is not open season. We have implemented a range of measures where we try to protect the users and try to protect the platform. So, for example, we have on YouTube what we call community guidelines. That is a set of rules, if you like, for what is acceptable and what is not acceptable. So, for example, adult content is not acceptable. Harassment is not acceptable. Hate speech is not acceptable, inciting to violence. There is quite a long list.

The Hon. CHRISTINE ROBERTSON: Do you want to come and monitor our email systems? That sounds like a dream. That's a joke!

Mr FLYNN: Some people believe we do already, but I assure you we do not. But there is another issue, which is the sheer volume of material on YouTube. Every minute, 20 hours of video is uploaded onto YouTube. That is a very significant volume. So, partly because of the volume and partly because we actually believe that YouTube is a user community generated by users for users, we are not pre-screening every video that goes up on YouTube. That does introduce an element of risk that that material will get through; that people will take an irresponsible approach. However, what we have developed is a community policing system. Any time you watch a video on YouTube you will see below the video you can flag the video. You can raise a concern and you are given a set of options. It could be a privacy concern, it could be harassment, it could be any number of concerns. Every video that is flagged would be reviewed by YouTube highly trained review teams and if it breaches the community guidelines it would be taken down.

CHAIR: How long would that process take from flagging to taking it down?

Mr FLYNN: It varies. We do not give an exact timeline for that, but it happens pretty quickly. We have teams around the world. This is being monitored 24 hours a day, 7 days a week and we would generally anticipate it would be taken down pretty quickly.

The Hon. CHRISTINE ROBERTSON: Can you give us an idea what "pretty quickly" means—it does not have to be accurate?

Mr FLYNN: I would say something like an hour or a number of hours. It just depends. Sometimes, for example, a video could be in a particular language that is not as widely supported, for example. But if it is in English, it could be dealt with pretty quickly. So I hope that helps.

Ms VIJ: If I could just jump in, we have smart queues as well that help to assess the nature of the flag, so the reason for the flag, and that helps us triage and helps the review team work out how to prioritise the manual reviews.

Mr FLYNN: Users who continually breach the guidelines will have their account terminated. That is probably a fairly serious penalty for someone who engages a lot on YouTube because their entire set of material will be gone and they would have to start from scratch and build up relationships and whatever again. So, we believe it is a reasonably severe penalty. We have also developed new technologies and we continue to develop new technologies to help that. One technology we did develop was a technology that would spot if a video was being uploaded again having been pulled, and that video would be blocked. So that is something that is automatically built into the system. There is also a range of privacy tools on YouTube. So, if you were uploading a video, for example, you can keep that video as private—it is not available to be viewed publicly; or you can allow your friends to view it only or certain people that you would invite. You can allow comments on your video or you can suspend comments or you can pre-approve comments. We give the user, the person uploading the video in that case, a lot of control over exactly how they want their content to be handled.

Coming back just quickly to the three areas I talked about in terms of empowering users, protecting children through partnerships and education, in terms of empowering users with tools, I mentioned some of the tools in YouTube. We also have, for example, on the search engine a tool called Safe Search whereby somebody can set that they do not want to see links to adult search results when they get their search results presented.

That is something that is quite useful. On YouTube and many other platforms we have sharing controls where you can restrict who can see your material. The second area is education. Across all our services we have safety centres where we try to provide educational material on safety in a very accessible form. So, for example, we use YouTube videos very often to explain safety features of a product. We find that that works very well because a lot of people just do not want to read, you know, the long boring terms and conditions, but sometimes a two- or three-minute video can convey the message much more clearly, we found. So we are continually trying new ideas like that.

CHAIR: Should all social networking sites have that?

Mr FLYNN: It certainly works well for us. There is an interesting dynamic in this area where we are seeing online platforms and social networking sites. Indeed, search engines are effectively starting to compete with each other on the basis of their safety features and their privacy features. For example, Google, Microsoft and Yahoo! have had a situation over the last year or two with the period they retain their search records for. We believe we took a leading role, but the other companies have also followed suit, if that is the right phrase. So, there is an element actually of competition between the different providers. That actually works because if you want people to use your service, then it has to be appealing to them and part of the appeal is that they trust that the service is well run and that there are good rules in place to protect people from bad behaviour.

Finally, in terms of partnerships, we work with a lot of different entities to try to develop and implement a better child safety strategy. Those are at both a global level in the different countries and there are a number of partnerships in Australia that we work very hard on. Some of the names you might be familiar with, but certainly we work very closely with the National Center for Missing and Exploited Children, which is US-based. The previous speaker mentioned that group. We certainly find them to be excellent. We work closely with them. We have some technology partnerships. We have helped them, for example, get material set up on their own YouTube channel to get their message out. So we work with the NCMEC in many different ways. We also work with two UK groups, which I think might be of interest. One is the Centre for Exploitation and Online Protection—CEOP—which is, in our view, highly innovative in this area. Again we have, for example, got them to set up their own presence on YouTube, which is a good example of using the medium to, if you like, turn the tables and get good information out there.

We also worked with a group in the UK called Beat Bullying on a similar project. So, again a channel on YouTube with videos dedicated to getting positive messages out about how to tackle bullying. One of the beauties of the Internet is that even though the material originated in the UK, it is available worldwide. So those are some of the partnerships. In Australia we work with a variety of groups. I mentioned Bravehearts, which you may be familiar with. We work closely with them on a variety of projects. One of the primary projects is their White Balloon Day, which is designed to raise awareness about child abuse. I suppose it is safe to say that there are various other ideas in the pipeline, which maybe we will not go into today, but we are looking to be involved in how we work with Bravehearts.

I should also say that we work closely with law enforcement, particularly in the United States, where for example the staff whom we have reviewing videos are given a very high level of training by the FBI and others to understand, number one I suppose, how to judge material in terms of whether a thing is offensive, whether it is hate speech, whether it is an invasion of privacy—those kinds of softer decisions—but also in terms of whether material is just illegal. If material is illegal, we will take the appropriate action, working with police.

CHAIR: You would refer that on? After taking it off the site, you then refer that on to the relevant authorities?

Mr FLYNN: Yes. If it is illegal material and somebody has committed a crime, for example, in uploading that video to YouTube, that is evidence in a criminal matter. We will work appropriately with the police on that.

CHAIR: What about if they have committed a crime that is evident in the video?

Mr FLYNN: Yes. It is interesting that the stupidity of criminals never ceases to amaze.

CHAIR: Like graffiti on trains or something.

Mr FLYNN: Yes.

The Hon. CHRISTINE ROBERTSON: There has been worse than that.

CHAIR: Yes, and other things. You might take that off YouTube. Would you then pass it on to the police?

Mr FLYNN: Yes. In that kind of case, that is what would happen. People would soon realise that if you are committing a crime, one thing you should not do is try to publicise it on the Internet for all, including police, to see. We do cooperate with the police. We respect local laws of the countries in which we operate. I would like to wrap it up there, but I would just say again that we regard our approach as an ongoing evolution. We are continually trying to improve it. We would be very interested to hear ideas or opinions that you might have. We place a very high value on awareness raising and education. We think those are important to empower users to ensure that their experience online is a positive one.

CHAIR: Can I play devil's advocate for a moment and to talk about the education role of YouTube. We were talking with other witnesses about a lack of empathy possibly in young people. By the very nature of people being able to view a YouTube clip, perhaps then you are participating in the process as well.

The Hon. CHRISTINE ROBERTSON: It is decreasing empathy.

Mr FLYNN: In a situation where a clip of someone being bullied was up on YouTube?

CHAIR: Or there is a clip of someone making an idiot of themselves, for example, that is being repeatedly viewed by so many people.

Mr FLYNN: Yes.

CHAIR: You become a bystander in that, I guess.

Mr FLYNN: It is an interesting question. This is one of these issues where I think the way the Internet interacts with society is very interesting. There is a great opportunity in a lot of this for academic research into what is going on here and what is the impact. We try not to make decisions about certain matters of taste. If material is illegal, then it has no place. We also go beyond that to have our own policies of what we think is not acceptable, but if something does not break the law or break those guidelines in terms of being abusive or hate speech, then it is okay to be on YouTube. Certainly we have plenty of instances where content is uploaded that a lot of people do not like or find objectionable, but we have to make a decision, in terms of if it is played, does it break our rules or does it break the law? If it does not, then we do not want to get into the middle of whether material is in bad taste.

CHAIR: You do not want to be the censor.

Mr FLYNN: We do not want to get ourselves into that role. Sometimes we have to make decisions about material, and that can be challenging, but we have to take that responsibility.

CHAIR: If you could set YouTube to be viewed only by certain people so that you can attach privacy to the person uploading, do they get screened? They would not get screened by you, would they?

Mr FLYNN: A video being uploaded would not be screened. If a person keeps it private so that only they can do it, then I suppose they are the only one who can view it and therefore flag it.

CHAIR: Say it is a YouTube clip of a fight that has happened between several people. We have had some instances lately of several clips. They set that to private so that only certain people can view it. That really makes that whole idea of screening clips almost obsolete, does it not?

The Hon. CHRISTINE ROBERTSON: It will not happen unless someone puts in the marker and it goes to the complaints system.

CHAIR: That is right.

The Hon. CHRISTINE ROBERTSON: It is different.

Ms VIJ: A key feature of the flagging system is that anybody in the community, in the YouTube community, or who has rights to access the video, can actually be the person who flags it.

CHAIR: But if no-one flags it, then it could circulate among a group. It could still be part of a bullying exercise, could it not?

Ms VIJ: Yes. The other tool that is actually really important in terms of the way that people interact with YouTube is that, as well as flagging, we have a help and safety tool. That actually allows people to report abuse or report instances of harassment to a dedicated abuse team. If I can take your example one step further, let us say you have a group of five students who are looking at this video, and there is another student who is actually affected. They could go on, and they could use the report abuse tool to contact YouTube directly with a harassment complaint.

CHAIR: Only if they know it is there, though.

Ms VIJ: Only if they know it is there.

The Hon. CHRISTINE ROBERTSON: One of the biggest issues is that you are relying on is the morality on the person who posted the information, is it, or one of the biggest issues of protection and maintaining the controls you have put into place? Madam Chair earlier commented on the issue of a select group that can introduce quite nasty bullying sorts of processes or videos that go to a select group, and maybe do not get marked, but still the damage is occurring to the individual human. I am not saying that Google cannot address this; I am saying that this is an issue we have with things like YouTube, is it?

Mr FLYNN: There is a challenge in that situation, potentially, yes. It is not that we do not see ourselves as experts in bullying at the sociological level or behavioural level. I wonder if a video has been put out whose intention is to bully a particular person but as part of the bullying that person needs to be able to see it all in some way hear about it. If they can see it, then they can take action. If they hear about it, they may also be able to take action. If it is very much held within a closed group who can only see it and do not inform anybody else about it, then in theory, yes, there is that potential issue with the thing being up there.

But the open nature of the platform can make that difficult to sustain over time. Somebody who you invite to look at it may tell somebody else about it, or may show somebody else. It is difficult to keep a secret in that way. If it is, and if it does fall into the flagging net, as I said, that process kicks in. If it is a serious-enough breach, there will be consequences for the person's usage of YouTube in that particular case.

The Hon. CHRISTINE ROBERTSON: I have never used any of these sorts of platforms, but I am very interested in how clear and easy it is to flag a video, or an issue so that you can get it reviewed.

Mr FLYNN: We would be happy to show you separately.

The Hon. CHRISTINE ROBERTSON: I meant you to do that in words for *Hansard*.

Mr FLYNN: Okay. It is displayed in a prominent way, just under the video. We try to make the process is easy as possible. We want people to flag bad material on YouTube because we do not want it on there, so we try to make it as easy as possible. We give people options then as to what kind of material it is because that helps us to understand the context. Sometimes a person will flag a video and if they do not help us in terms of explaining it, it can be difficult for our reviewer to understand what is objectionable in this.

The Hon. CHRISTINE ROBERTSON: What exactly hurt you.

Mr FLYNN: Yes. Whereas, if they do select one of the options, that can be helpful to us. It is pretty prominently displayed and there is the process then that flows automatically from that.

Ms VIJ: We have also done work to help people learn how to use the tools. There is actually a YouTube video that is about how to use the flagging tool and it takes a step-by-step approach to show people, a very short video.

The Hon. CHRISTINE ROBERTSON: So it has a little how-to-use button near the thing. Even I understand that. How much debate do you have within your organisation and within individual countries on the censorship/protection issue?

Mr FLYNN: There is a lot of debate and it goes back to what I said earlier. There is some material which is objectionable to all decent people, like child abuse imagery, and that is illegal in most countries. But there is some material which is more grey. There are a lot of debates in Google, both about the approach we take. I suppose Google, given its origins and the Internet's origins, comes from a pretty strong free speech tradition, and we value that very much and we think the Internet delivers tremendous benefits to people around the world. In the last few days with the elections with Iran, we see the Internet start playing a very positive role in allowing people a voice. But at the same time there are governments in certain countries that do not support free speech and that try to constrain material.

The Hon. CHRISTINE ROBERTSON: Olympics.

Mr FLYNN: That presents us with a difficult situation. There have been a number of fairly prominent examples of situations where we have gone into a particular country, we have had to work with the government. What we try to do is say, "We're trying to get as much information out there as possible." By entering a particular country and working within a particular legal framework, can we achieve that? Can we get more information out there to people? If we can then we will try to go ahead. Another thing we try to do is be transparent about what we are doing. If you are in a country where a particular type of search result, for example, is illegal and you search for that material, we will display on the search result page a notice saying that material has been removed from your search results. We try to be transparent with the user to say that this is going on, and we try to limit that as much as possible.

The Hon. CHRISTINE ROBERTSON: But that would appease the government as well because you are saying it was against the law for us to put this here, would it not?

Mr FLYNN: Some governments are not appeased by that at all. They regard that as very unhelpful.

The Hon. CHRISTINE ROBERTSON: People get angry because they could not get the stuff.

Mr FLYNN: Yes. Sometimes people might just not be aware that they are not getting information. We have tried to at least make them aware that they are not getting the information. We would try to limit the scope of that as much as possible and have in some instances challenged governments in court with various requests for information. It is a constant debate or battle internally and externally for us.

CHAIR: In terms of the information, you said that you partnered with groups like Bravehearts, et cetera. I am thinking about the capacity to have information available, particularly to young people when they log onto a portal through the Department of Education and Training. I also know that when you join a social networking site, or even every time you log on, there is a lot of blank screen and just the log on thing. I am wondering whether, in the groups you have been working with, whether there has been any discussion or likelihood that information in terms of who to go to for young people might be available there as a link or whether information about the legality, rights and responsibilities should be on those log-in pages. Have you had any discussions with anyone about those sorts of proposals?

Mr FLYNN: I would say two things in that regard. One is that in the various products we have, we have safety centres, as Ms Vij referred to, and within those safety centres we are providing a lot of things. We are providing tips about safe use online, we are providing some guidance on what is acceptable and what is not acceptable. We also engage a lot in referring to other organisations because we do not have a monopoly on the wisdom here, so we will include links to groups like Bravehearts or to the police, depending on the particular issue, links to their websites, and we will include typically some of their material within our safety centres. We try to take an inclusive approach to that to draw on the expertise and resources that are there, and that is in YouTube, it is in our blogger product, it is in plenty of products.

The second thing that we try to do is to use the capabilities of Google's advertising operations, because Google's business is online advertising. We have a program called Google Grants, which gives free online advertising accounts to charity groups. In Australia we have quite a number of groups in the child safety realm which are part of that program. The way it works is if you search on *google.com.au* for bullying or child abuse or any number of terms chosen by the individual charity or NGO, an advertisement for their website will appear

in a prominent position. If we have a child or a person who is trying to search and is worried about a particular issue, that gives an opportunity for the group with the positive messages to feature prominently and hopefully then the typical thing is that the person will click and go to that website. So the Google Grants program allows charity groups to attach their advertisements and bring people to their website in reasonably big volumes. We find that works very well. Certainly, the charities' reaction to it is very positive.

CHAIR: We have heard about the Cybersafety consultative working group that is currently run by the Federal Department of Broadband, Communications and the Digital Economy. Google is part of that group. In your view, what progress has been made in terms of developing world's best practice to address issues like cyber bullying? In your view what are the likely outcomes that that group might achieve?

Mr FLYNN: I might say something briefly about the group and I might draw on Ms Vij's expertise. As you have gathered from my accent, I am not a native to Australia and started fairly recently with Google here. We are members of the group and we are very interested in the work it is doing and committed to it. It is dealing with a very broad scope of issues. I think there was an element of the group, if you like, looking around to gather evidence on best practice, and the discussions within the group are finding a lot of good examples from around the world about how to approach these issues. I think certainly its research and the scope of the material that it is drawing on cannot be faulted at all.

Again, to be fair to the group, there is probably an element of phases that you go through with a group like that, and I think there is a sort of change in focus now to start looking at perhaps implementation in Australia, drawing on some of those international examples. I think it is moving in that direction. The other useful function of the group is to provide a channel for the different stakeholders to engage with each other, and that is a useful thing in its own right. It is educational for all involved, and we have certainly found it very useful to be able to hear from NGOs, from government people, from law enforcement. So I think that value is in the group also.

Ms VIJ: I would definitely agree that it has been great because each of the interests in this area have been represented, and it has actually been a great forum for us as well to learn about what other people are doing and to build relationships with different people in the space. So part of the work we have been doing with Bravehearts has grown out of working with them on the CWG. I think everyone is appreciating that opportunity to connect with people in the various stakeholder groups.

(The witnesses withdrew)

(Short adjournment)

MAGGIE HAMILTON, Author, 4 Sutton Street, Balmain, sworn and examined:

CHAIR: In what capacity do you appear before the Committee?

Ms HAMILTON: I am talking about the findings of my latest book, *What's happening to our girls*, which deals with bullying, amongst other things.

CHAIR: Would you like to make a brief opening comment?

Ms HAMILTON: I want to talk not only about *What's happening to our girls* but also my new book on *What's happening to boys* because I finished the girls' book 18 months ago and I have to say I am well into the research for the boys' book. I am extremely disturbed on a number of fronts to see how much in my research in 18 months a whole lot of areas, including the bullying area, have slid quite dramatically, and there are good reasons for this. I would like to provide a wider landscape to the whole bullying question because I feel what our young people are now facing is what I call a new fragility. We are seeing a marked drop in empathy with our young people, which I am sure is not surprising to you, in maturity and also in self-esteem. One of the major reasons I believe for this is the massive consumerisation of childhood to unprecedented levels. When you add this to social fragmentation from the breakdown of community to that of family, it leaves our kids in an incredibly vulnerable place.

Basically our kids have been targeted from six months up, and this is a multi-billion dollar industry across the western world. When I came across this whole consumerisation to the level that I was not aware of I went out and spoke to pre-school and kindergarten teachers. What they said was that they had seen a radical drop in imagination at preschool—this is all leading to bullying, I assure you. We know where there is a lack of imagination, there is a lack of understanding of choices of ways to resolve things, of more creative ways of living basically. Also what they see with this consumerisation now at preschool is a greater sense of concern of our presentation of fear—of not being acceptable and self-loathing.

In the girls' situation the teachers spoke to me constantly about how these girls—and we are seeing it with boys as well—at pre-school are very preoccupied with looks and presentation. So the whole thing of self-loathing—of fear about oneself and, I believe, by extension of the world around you that it is not a safe place—is starting very young. If we fast forward to the fact that most mums and dads in Australia have only had the Internet for the past five or six years, we are now seeing for the first time this year in high schools—and this is very much what my new research is showing—kids who are that much more edgy, that much more out of control than they have ever been. These are the children who have had that consumerisation from birth, and Internet from six and seven. They are the first generation of kids coming through to a level of these experiences that we have not had before.

This self-loathing, this sense of the fragility in the world is intensifying to the tween and 10 years and so what we see alongside that is that these children are growing up in a very narrow world. It is not a world with a rich life of everyday experiences to the extent it was in more traditional childhoods. It is a world where kids are sitting for extended periods in front of DVDs, which you could say are just of the branded licensed products, you could just say ongoing ads of branded toys and so on. They are playing outside. They are not getting out into the community so what we are seeing is we have got the fragility on the one hand, lack of self-esteem, lack of life experiences from which to kind of build as a person. We also know cognitively from babies up that they need a rich, in fact, the traditional kind of childhood in lots of ways. They need to be outside experiencing the world directly from being toddlers right up to be able to grow cognitively. And this is not happening. So we have got a collision of less life experience at this time as well, and that world is narrowing even further through technology.

I am not saying there are not wonderful, wonderful opportunities with the new technologies, but again we have kids sitting in their rooms—I am finding with the boys, for instance, with a game link. We have kids playing hour upon hour. I am talking to teenagers who are not getting to bed until 4.00 in the morning. So we have got a narrowing of the world again for these kids. What we are seeing is an access to a world of information at a time when perhaps our kids have not been so immature ever.

We are having a dilution of the parent and teacher influence because when many of us were growing up the only access to information was those two sources, unless you were really determined and then you might go

off and try to find things, but you would give up in the end. This is not the case now. The parental and teacher authority is greatly eroded.

Susan Greenfield, the international neuroscientist, talks about the infantilising of the brain where we are keeping our kids in a very narcissistic situation in need of constant assurance, in need of instant gratification, which is the hallmark of a small child and which they grow out of, and she is extremely concerned, amongst a number of international experts, that this too is causing problems. She did a study of 11-year-olds in the United Kingdom three years ago to look at their cognitive development and discovered that cognitively they were two to three years behind children only 15 years ago.

This is not the ideal preparation for conflict resolution. I see this as a decline in humanity, the humanity of our kids, not because consumer marketing people are terrible people but just because we have a collision of a whole lot of new social experiences. With the shrinking of community, I see our kids thrown very much into their peer world because there are not the alternatives to deal with where they are judged by looks and possessions. Then we add the reality television factor of immaturity, a lack of life experience, and the kids are actually seeing this as the way to behave because they are not having the wider discussions, the wider life experience, to realise that this is entertainment. They are not getting the fact that it is extremely psychologically cruel. It is an uneasy world of winners and losers, and this is how kids talk all the time—you are a winner or a loser. When I am interviewing kids they tell me very quickly where they are in that pecking order, but we know that the reality television world is also an uneasy world where today you might be the winner and tomorrow you might be the loser.

Bringing this back to the bullying, I believe we have a situation now with our kids where they are in survival mode. I think this is where we are seeing a lot of the spike in bullying is coming from. A lot of the school counsellors, teachers, child psychologists and so on I spoke to for the girls book—and they are reiterating this for the boys book—saw the spike in bullying when reality television came in, but it is not just reality television. If we look at magazines and other forms of media, everything is about that minute kind of taking apart of a person, whether it is a celebrity's make-up or their skin or choice of accessories. This is how they are very much treating each other. We are getting a lot of tests that they are giving each other now to stay part of that group, and of course if you leave the group it is social suicide, so it is that shifting allegiance world where one day you are the victimiser and another day you are the victim. With social network we know that there is a decline in the definition of what we would see as friendship. It is a very superficial thing.

The other couple of things that I wanted to mention briefly are that with new technologies it has become very voyeuristic. One of the things we know from clinical psychology is that so often when people are victimising others it is because they are objectifying them—they are not a person any more. We are seeing some very disturbing trends there, as you would know, with violence. Kids are texting each other, telling them where the set-up is and beating the living daylights out of somebody, and teachers are saying to me with the boys that they have not seen this level of violence before. Usually if a boy was knocked to the ground, that was it. That is now just the beginning. It is filmed, it goes on the net, and then they actually analyse it and there is a chat around how the whole scenario went.

The other area involves inappropriate images and sexting, whether it be video or still photos, and I think this is one of the areas that is most concerning. I spoke to a couple of people who ran different sexual assault units, one at Royal North Shore and one at a hospital in Wollongong, both clinical psychologists, and what they are now seeing with sexting is mainly girls who have allowed themselves or inadvertently had an inappropriate photo taken, and what is happening with peers is that they are then ramping up through blackmail what these kids have to do. They are getting girls coming into their sexual assault units as traumatised as if they had actually been raped. They are experiencing the classic post-traumatic stress symptoms—flashbacks and so on.

One of the things that have come to the fore with bullying that I am most concerned about for the future is pornography. This is the boys' book. We now have children accessing pornography from the ages of five and six. Some of the professionals I have been talking to tell me about children who are grooming other children for sex "way under 10". We had a situation in Brisbane before Christmas where a little girl came home from school bruised and withdrawn and her parents realised there was something going on. They could not get it out of her, but the long and short of it was that this little girl had been forced to perform oral sex on a boy also aged seven at school. He had been beating her up and threatening her with death. It was only because another boy happened on them that this came to the fore. This is one of the new concerning areas with bullying.

I feel a lot of this is because our children do not have a wider sense of belonging. They do not have the resilience because they are very little. They do not have that sense of service that connects them very profoundly to another person, that enables us to connect to another person's humanity. I can talk in great detail about children being groomed for suicide on the Internet and so on but I felt it was so important to look at those wider influences and at how early they are starting. I feel that if we are to tackle this we really have to start when our children are very little.

CHAIR: Thank you. You have raised a lot of issues relating to what we are dealing with but more broadly as well. You refer in your submission to a lack of empathy and other people presenting to our inquiry have also raised that issue. A trend is emerging that our younger people are not displaying the same sort of empathy that previous generations perhaps had. Do you think that is a huge problem?

Ms HAMILTON: Yes.

CHAIR: Then how do we teach empathy to children and young people and who should teach it?

Ms HAMILTON: I think it has to be a joint initiative between schools and parents. There needs to be a lot more parent education and it has to start very young with programs that create service to the community. The Kitchen Garden scheme started by Stephanie Alexander, which I am looking at for the boys' book, is a wonderful case study of drawing in community and parents and engaging migrant children so that they feel a sense of belonging that they did not feel before in their original school. I think there are lots of ways we can do that very creatively.

Reverend the Hon. Dr GORDON MOYES: Can you describe what you mean by the Kitchen Garden scheme?

Ms HAMILTON: This was a scheme started by Stephanie Alexander, the foodie, with a migrant school in Melbourne that had 20 migrant groups, I think, that were not connecting in any way. They grow vegetables.

Reverend the Hon. Dr GORDON MOYES: They all get together and relate because they are growing plants.

Ms HAMILTON: They cook and they get involved with the community.

The Hon. CHRISTINE ROBERTSON: At school?

Ms HAMILTON: Yes, at school. Parents become involved in the garden and providores also become involved.

Reverend the Hon. Dr GORDON MOYES: You are suggesting another level of engagement with each other.

Ms HAMILTON: Yes.

The Hon. MARIE FICARRA: It paints a very bleak picture but it is probably realistic. The older generation have been reminding us that this is happening and years ago we laughed at them. Now we can see the decline in social interaction, skills and humanity. In your books do you offer any positive initiatives that we can take?

Ms HAMILTON: Absolutely.

The Hon. MARIE FICARRA: In terms of the Committee making recommendations to the Government, what sorts of things should we be looking at?

Ms HAMILTON: It is exactly schemes like the Kitchen Garden scheme, which are very easy to implement. I think it is getting back to basics and encouraging parents to sit around the table with their children. This is one of the things that Stephanie found initially. They had to teach the children to sit at the table and relate. We are talking about 8- to 12-year-olds in her program. I think it is really important for kids to be engaged in their communities so they feel there is a wider sense of belonging in terms of who is interested in

their welfare. That was something previous generations enjoyed through shopkeepers and so on. I think there are a lot of really clever ways we can do that.

Although it is dark at the moment and, dare I say it, I think it is getting darker according to my research, the other side is there are always incredible opportunities. I do not think it can all be left to Government. We have to capture the imagination of the general public. Since the girls' book came out last July I have talked to literally thousands of parents across Australia and New Zealand and I have been so heartened about how they really want to engage. They get it once they have the information. They get bits and pieces of what is happening and it is a matter of putting it together into a coherent picture that they can understand and to which they can then respond.

The Hon. MARIE FICARRA: How easy is it to get through to parents about parenting skills and bringing up families and the importance of sharing meals together and communicating? I do not want to sound negative but there are so many dysfunctional families out there. You see it all the time. People are not discussing things; they are all so busy doing their own thing and eating on the run. They are not talking or sharing meals.

Ms HAMILTON: Are we encouraging magazines to run articles on this? It is about capturing the imagination and I think we can use popular culture and reality television in a way that can be profoundly moving and can shift this new generation pretty quickly.

The Hon. MARIE FICARRA: In your discussions with young people and their parents do you find they are beginning to understand that all this new technology, virtual reality and consumerism is not really enjoyable and is not giving them a sense of satisfaction? At the end of it are they thinking, "Gee whiz, there's got to be more to it than this. I am not really enjoying life"? I hope one day people will realise this and go back to fundamentals.

Ms HAMILTON: They are very addicted to their stuff and they are very honest about that. At the same time, there is that profound human need to connect. Frankly, I think they are reflecting our values back to us. I do not mean that in a narrow sense. I think they find the world quite terrifying and alarming sometimes, whether because of terrorism or whatever. I think these are often escapes and we need to engage them in the future in a much more exciting way in the sense of talking about climate problems or whatever it is and exciting them to the fact that they have a role to play in it without putting pressure on them to come up with solutions immediately. So many of them have said to me unsolicited that they feel adults do not care because we are all so busy. They look at our lives and do not find them terribly attractive. So it is up to us as well to reflect the kind of vision of what they would like to be. It is important that we do not lose those people from the system.

The Hon. MARIE FICARRA: Are they finding it too hard?

Ms HAMILTON: Teachers are caught between the parents and the kids, which I think is an unenviable position to be in.

Dr JOHN KAYE: I want to play devil's advocate for a moment and put two propositions to you. First, it has ever been thus. Group pressure is something that we as kids always felt. Some of us were in the in group and some of us were in the out group, but either way many of us felt that pressure—the pressure to conform, the pressure to be the right body shape, and the pressure to be of the right social class. Is it not true that that pressure has always been there?

Ms HAMILTON: Absolutely.

Dr JOHN KAYE: You are saying that that has been amplified through the technology.

Ms HAMILTON: Yes.

Dr JOHN KAYE: And through the type of material that is coming across in the broadcast media?

Ms HAMILTON: Yes and commercialisation. Most of us were not concerned about our appearance, whether our shoes matched our top and whether we had the right hair before we even went to school or could read and write. We are seeing a massive shrinking of childhood. Again, that is something I am seeing with the boys. It is greater now than it was when I finished my research 18 months ago. The marketers are very

sophisticated; they are using social anthropologists, child psychologists and animators—people who know kids far better than do their parents. It is not that suddenly kids cannot have anything; I think it is about a balance.

Dr JOHN KAYE: If we were to truly address that issue we would need to address the commercialisation of society?

Ms HAMILTON: Absolutely.

Dr JOHN KAYE: We would need to undermine the capacity of marketers to push products on young people?

Ms HAMILTON: Yes.

Dr JOHN KAYE: Given the constraints of the Australian Constitution and the desire to maintain a liberal democracy, how would you do that?

Ms HAMILTON: I would do it through a public education campaign.

Dr JOHN KAYE: A public education campaign of whom?

Ms HAMILTON: I would do it directly with parents and through parent-teacher evenings in schools. When I talk around the country I am amazed at how many people turn up and from how far away. By the way, I talk about positive things. I do not wander around the country talking only about doom by any means because I think that is a waste of time. I think people want good information. I would do it with a PowerPoint presentation. Look at what happened with Al Gore and his PowerPoint presentation. I think something like that would be extremely powerful.

Dr JOHN KAYE: By the way, that was not a PowerPoint presentation. It was on a Macintosh, but that is another story.

Ms HAMILTON: Okay. I would do something in that kind of visual way that would enable parents to join the dots and that gave them good and simple solutions, which is what I think you always have to do.

Dr JOHN KAYE: Your solution is to immunise the next generation from the adverse influences of commercial culture by getting to them through their parents—strengthening the parents?

Ms HAMILTON: Yes, and also school programs. But that is already starting to happen. Look at a country like Sweden, which for years has not allowed marketing to children under the age of 12.

Dr JOHN KAYE: Many people would argue that Sweden has a different interpretation of liberal democracy. In fact, it has a social democracy where it is accepted behaviour to restrain the capacity of mass media. Australia, by constitution and by nature, does not wish to go down that path.

Ms HAMILTON: No. However, I think we have to look at things such as censorship, in particular, in the sexual area. From what I have seen with both the girls and the boys, I am concerned that one of the new areas that is burgeoning is sexual pressure, to an unprecedented level. We are not talking about 16-year-olds or 17-year-olds; we are talking about 11-year-olds, 12-year-olds and 13-year-olds.

Dr JOHN KAYE: Does this pressure come through the Internet, through broadcast media, or through cinemas?

The Hon. CHRISTINE ROBERTSON: Or the clothes that mummy and daddy buy?

Dr JOHN KAYE: Exactly.

Ms HAMILTON: It comes through the programs that they are watching and it comes through access to pornography.

Dr JOHN KAYE: Access to pornography on the Internet?

Ms HAMILTON: And access to it in the home. People who are working with risky kids are telling me that so often they go into the home and it is sitting on the coffee table for everybody to look at.

Dr JOHN KAYE: And you are not talking about the *Daily Telegraph*?

Ms HAMILTON: No, I am talking about professionals in the area who are working with at-risk children.

Dr JOHN KAYE: You are talking about hard-core pornography?

Ms HAMILTON: Yes.

The Hon. CHRISTINE ROBERTSON: Dr John Kaye is talking about pornographic material on the coffee table.

Ms HAMILTON: Sorry, not the *Daily Telegraph*. I am talking about DVDs and about live sex.

Dr JOHN KAYE: Do you think it is a lost cause?

Ms HAMILTON: No.

Dr JOHN KAYE: Do you think, for example, in dysfunctional families, that we will not be able to get to them and change behaviour within those families?

Ms HAMILTON: No.

Dr JOHN KAYE: Are there ways in which we can rescue the children from those families through education in schools?

Ms HAMILTON: I think we have to; we cannot abandon them. As we know, if we do not that person will become a problem of the next generation. I do not have that contact at the moment but recently I was rung by somebody in the police department and that person had been rung by a psychologist in Brisbane who had been researching kids under the age of 12 that had been accessing pornography on the Internet. This psychologist found that almost immediately those kids gravitated to child pornography because obviously that is what they can relate to. Almost immediately that normalises what sex is about for them. This psychologist's huge concern is that we could be growing a new generation of abusers on the Internet through their Internet access. There is a lot with which we have to get up to speed.

Dr JOHN KAYE: But there are psychologists who have alternative views to that, are there not?

Ms HAMILTON: Oh yes, absolutely.

Dr JOHN KAYE: There are psychologists who are not promoting pornography on the Internet at all; they are opposed to it. Based on experiments, a body of psychology shows that people's attitudes to sex are not that dramatically changed by what they see on the Internet.

Ms HAMILTON: Absolutely, but from the people I have been talking to who work in the field that does not seem to bear out.

Reverend the Hon. Dr GORDON MOYES: Once again, thank you for your contribution; it has been very helpful. On Friday I visited one of our public schools in connection with another matter. The head of the school told me on that day he had suspended for three days two boys in grade 4 who had been brutalising a couple of other children using broomsticks. These kids, who were new at that school, had been to three other public schools. He said, "I do not know what to do with them. I have taken up the matter with one of the advisers at the Department of Education and Training about what options I have." They play winners and losers. One kid is the greatest loser, they bash up other kids in grade 4, and they become extremely aggressive. How can society start responding to that kind of entrenched aggressive behaviour?

Ms HAMILTON: I think all we can do is intensify the kind of psychological help that these kids are getting, for instance, when we have very young sexual offenders. I do not know what happened to the seven-

year-old boy who was brutalising this young girl sexually but a number of people, for example, Joe Tucci, who runs the Australian Childhood Foundation, said that if they get these kids early enough they could turn them around.

Reverend the Hon. Dr GORDON MOYES: Early childhood intervention is a preventative?

Ms HAMILTON: I believe it is akin to a great many things.

Reverend the Hon. Dr GORDON MOYES: The trouble is in my local public school the teacher of grades 4 is traumatised.

Ms HAMILTON: Yes. One of the difficulties for teachers is that they are at the pointy end of what is happening at the moment. They are still coming to terms with the new things that are happening. They say to me that they have the Monday morning syndrome when all the kinds of crazy, sexual and other things that have happened at the weekend are brought to school and the school councillors and teachers have to deal with the fallout. They say this happens after every school holidays because the kids will not talk to parents. Suddenly the teachers and school counsellors have to deal with this. There needs to be a lot more talk amongst the profession about what is happening and a lot more sharing about what is going on because I think people who are at the coalface feel very much embattled.

Reverend the Hon. Dr GORDON MOYES: The talk in the staffroom on Friday was that this was just a problem of last week's weather: it was so cold and so windy the kids had really become extremely aggressive.

Ms HAMILTON: Plus if you do not have an imaginative life and cannot learn to amuse and entertain yourself 24/7—this sounds so basic it is almost laughable—then naturally you are going to feel very toey. This goes back to the whole imaginative thing, which Ken Robertson talks about brilliantly. We have pushed the whole career thing so much at school that I am not sure that we are totally educating our kids for life, which is ironic when we say that in 10 or 15 years time a lot of the jobs that kids will be doing have not yet been invented. We are not creating that flexibility of mind.

The Hon. HENRY TSANG: Comparing Catholic schools or Christian schools with public schools, is there less bullying in school with a religious background where people teach about love of neighbours? And is Australia similar to Asian countries—the more traditional Confucius system?

Ms HAMILTON: I cannot talk about Australia versus Asia, I am sorry. That was beyond the research that I was doing. As we know, these problems are very much endemic across the western world. In terms of Christian or not, I found that there was still plenty of bullying in Christian and other religious schools. But what I did find interesting was that the kids who were tracking well were kids who went to youth groups that were run by schools. The reason to me it seemed, apart from that ethical spiritual kind of fabric, was that these kids are so attuned to those whom they aspire to be like. Teenagers will listen to those who are in their late teens and early twenties because that is aspirational, and they are the people who are their church group leaders. They can talk to them about stuff that is too embarrassing to talk to mum and dad about. Most of the time they think parents are irrelevant because they can see we are so far behind them. But they can talk to these people whom they aspire to be like, and who they know just left the situation they are in. They can have good discussions around these topics and come up with the kind of script they feel is comfortable to see them through those difficult situations.

If there is a party and somebody offers them a line of something or whatever and they have discussed it, they know how they feel and they have their answer ready. I think this is where as adults we let the kids down. Advertising is giving kids scripts every minute of the day. That is how they are writing the ads now. We are not giving them scripts to deal with these very tricky situations. The other area I found interesting was kids at performing arts schools. They were in a school situation where individuality was prized. They did not have to be the Britney wannabe or Lindsay or whoever it is; their currency was the fact that they were each an individual. Therefore, it was completely different. I actually grilled the kids because I did not know whether they were just giving me the school line. These were kids from different performing arts schools.

The Hon. CHRISTINE ROBERTSON: My question follows on from what Dr John Kaye was saying earlier about time and bullying, the culture of power within our communities, including among children, and the culture of rejection of difference—which is a way for our communities to maintain themselves—if we are to actually get a parental-led revolution. Many families operate in the culture of rejection of difference and feed

that into their young persons, whether it comes from technology, television or whatever. The first day of school a child bashed me on the head with a little car. I became a different person. That was in the 1950s, which is a long time ago. It is certainly not a new issue.

Ms HAMILTON: No, it is not. My parents moved around the world, as you can probably tell by my accent, and I experienced that firsthand. I know what it feels like also.

The Hon. CHRISTINE ROBERTSON: I do not mean to be sobby; I am just saying that it is not new.

Ms HAMILTON: No, it is not new. It is about fear, I think. I just got back from the UK last week. You can feel the heightened tension on the little island: people are pouring in and people feel they are losing their identity. It is a matter of celebrating and learning about how different people operate in a way that is non-threatening. That is a great challenge but also a great opportunity for our communities because that is one of the things that distinguishes Australia from so many other countries: We have this rich multicultural heritage.

The Hon. CHRISTINE ROBERTSON: I am not disagreeing with anything you are saying, but in your mind how does the technical age actually change the power structures of our communities?

Ms HAMILTON: I think we have let technology be led by people who have very narrow consumer interests and other interests. I think there are lots of wonderful ways we can use technology to celebrate difference and to articulate difference.

The Hon. CHRISTINE ROBERTSON: In the 1980s I was working with Aboriginal women in western New South Wales and it took me a week of very intensive working with these persons to discover they perceived they were very ugly because they did not look like the creatures on *Days of Our Lives*. The work I was doing then was spent dealing totally with self-esteem. The only thing they had was the television telling them. Before that they had the white lady who served a cup of tea at the station house. There was always some image about what was better. I am just trying to get a handle on your perception that technology has changed and increased the issue so much.

Ms HAMILTON: It has because that is the world they live in. They are not living in the world of being outside and relating to the local shopkeepers, the neighbours and so on. Technology is their portal and that does not have to be a bad thing, but it is very narrow because it is very celebrity based, it is very consumer based; it is very addictive in a way that narrows perception rather than broadens it. You were talking about the Aboriginal ladies worrying about whether they looked like somebody on soap operas. This is exactly what these kids are worried about all the time, except that trends are changing constantly. It is not as if you can get the look and stay with it. This look you have now is going to be dead in three months. If you want to stay with it, you have to do your homework. It is fascinating, for instance, talking to boys about how they know they have got the right hairdo and the amount of work they have to put in, because there are not boys magazines to get that look. It is extraordinary. This is time that could be spent relating to people and so forth.

The Hon. GREG DONNELLY: Thank you for coming along today and speaking to your submission. I would like to revisit something you have touched on already, that is, this question of sexually inappropriate behaviour at preschool. You say that these trends are intensified during the tween years, which are defined as six years through to 12 years. Can you elaborate on that? In relation to inappropriate behaviour and perhaps exposure to inappropriate material like pornography particularly, there sometimes can be a sense of squeamishness because it is couched in terms of censoring young people as they move towards adulthood, and that is something we should not be doing in a little democracy.

Ms HAMILTON: Yes.

The Hon. GREG DONNELLY: I gather from what you are saying, though, that some of these things by any measure are pretty serious.

Ms HAMILTON: Yes.

The Hon. GREG DONNELLY: Perhaps in some instances, with respect to your comments, bordering on criminal. Would you like to elaborate on some of these matters?

Ms HAMILTON: Again, it is talking to a whole variety of people, including people like Dr Joe Tucci, who runs the Australian Childhood Foundation, where we are seeing behaviour that is extremely coercive. It goes way beyond, "Do you have the same as I have?", and so on—the natural kind of curiosity that kids have—to the point that the kids who have these experiences are having to go into formal counselling as well as those, obviously, who are doing these things.

I think what we have to be clear about is that children are doing these things because they do not understand what they are doing at that age. They do not understand the full implications. They are not aware of people's emotional lives, boundaries, et cetera. I think a very positive thing is that if this is found early enough, something can be done to turn these children around. What is often the case is that they are accessing inappropriate material or having inappropriate situations happening in the family.

The Hon. GREG DONNELLY: Which leads on to this issue of filtering of the Internet, which also is a controversial issue in terms of there being some debate about censorship.

Ms HAMILTON: Yes.

The Hon. GREG DONNELLY: Do you have any particular view on the issue of the filtering of the Internet particularly in the context of public space like libraries or other things like that?

Ms HAMILTON: I think we absolutely have to have that. I think we also have to be aware, though, just how smart kids are and just how easily they can get around these things. I agree: we cannot make that the only, or the major, kind of protection of children; to have that space; to grow up to be psychologically and emotionally mature to then deal with sexual issues and all the things that you do as you grow older. What the sexual issue and what the violence and all the other things flag is that we have to teach children to be self-regulating. Looking at the new material now relating to the way people can access pornography. It is so sophisticated, and increasingly so, that sooner or later kids are going to come across this material.

We do not have to actually get home or be at the library to download this material. You can do it on your phone or you can do it on somebody else's phone. We need to be having those early discussions, about why it is not appropriate and helpful and how harmful it can be and so forth, so that kids can be self-regulating. One of the big challenges for our time is that we can put in place or encourage parents to do this, and even more so in schools. I know there are programs already, but I think even more so because there are so many way in which kids can lead secret lives now that we have absolutely no concept of.

The Hon. GREG DONNELLY: Other witnesses have presented on the importance of values education in schools, perhaps as a way of them acting as a bulwark against some of these things in the sense of providing some framework or some form within the children about what sort of things in terms of behaviour are acceptable and what is not acceptable. Do you have a view about the issues of boundaries education in schools and whether or not it is something that should be an initiative that State governments, for example, or departments of education should be involved with?

Ms HAMILTON: I think it is a really important thing, but what I would say is that in addition to talking about what is not appropriate, I think we need to be giving our kids a much bigger vision for the future. We know the planet, we know communities, we know our nation has many new challenges that we have never had before. As part of that values education, we need to be giving kids a much bigger vision of what life is about.

One of the concerns about sexualisation is not just purely a moral thing, though I think that is extremely important; it is narrowing of the whole focus. We know that consumerisation and marketing uses sex because it is something that is characterised as very glamorous, daring and so on. So that becomes a definition. As part of a values education, we have to give kids a much bigger sense of who they are and what they are capable of. This means that we need to excite them to the possibilities, as I mentioned earlier, of the roles they will play in their community. I think that is something—because there is an awful lot we are dealing with at the moment—that we can end up couching just in defensive terms rather than expanding the focus to give kids a vision of themselves that they might not have thought of. I think that would be the X factor in terms of a values education.

The Hon. CHRISTINE ROBERTSON: When we step into the word "values", on this Committee and at this table at this time there are seven persons who are from the Legislative Council and who all hold very

strong and powerful views on exactly how to define what values should be, and they all are contradictory of each other or totally different. How do you define that?

Ms HAMILTON: That is interesting.

CHAIR: No, no. There is only one.

The Hon. CHRISTINE ROBERTSON: Oh, get out!

The Hon. MARIE FICARRA: Not necessarily.

Ms HAMILTON: I think that is interesting because in talking to community groups—parents and teachers on professional development days and so on from a whole range of backgrounds, socioeconomic, cultural, religious, non-religious—I think there are fundamentals there that lie beyond those often relatively superficial differences.

CHAIR: I think that is actually not a bad point at which to conclude. It is a big challenge for us, working out the recommendations we will come to.

Ms HAMILTON: It is a huge challenge.

CHAIR: In fact, I think that is the biggest challenge of this inquiry.

Ms HAMILTON: Thank you. Could I also say thank you for your time and effort in doing this because it is such a valuable thing and we so need it. I do not envy you putting it all together because it is a big thing, but it needs to be done.

Dr JOHN KAYE: We do not have to do that. Our Committee staff do that.

The Hon. CHRISTINE ROBERTSON: We just fight over it afterwards.

The Hon. GREG DONNELLY: We fight over values.

Ms HAMILTON: Thank you very much.

(The Committee adjourned at 4.36 p.m.)