Cyberbullying of children

by Chris Angus

1. Introduction

The Internet, mobile phones, and other technological innovations have become entrenched in Australian life. These technologies create far-reaching benefits for youth, as explained in a 2014 discussion paper by the Commonwealth Department of Communications:

> The ability for young Australians to use online tools effectively provides both a skill for life and the means to acquire new skills. The internet provides children with a means through which they can exchange information, be entertained, socialise, do school work and conduct research.[1]

Nevertheless, these technologies have also introduced a tranche of online bullying behaviours known as cyberbullying, adding to the longstanding challenges associated with traditional school bullying. Cyberbullying has been an identified issue since at least the early 2000s;[2] however, the issue has gained greater attention as more Australian children use social media and communication technologies more frequently.

Cyberbullying can cause immense distress to young victims, including long term psychological and mental health damage, and in some cases suicide. Stopping this harmful behaviour has become a matter of high priority for authorities, and Australian schools in particular.

While adults can be cyberbullied, or engage in cyberbullying, the focus of this e-brief is on children. The paper outlines cyberbullying's prevalence in Australia and its impact on individuals and schools. It discusses key government responses at the Commonwealth and State level, and international reviews of the effectiveness of anti-bullying programs.

2. What is cyberbullying?

2.1 Definitions of bullying and cyberbullying

Generally, bullying is defined as the repetition of behaviour by a perpetrator with the intent to cause harm to a victim, in the context of a power imbalance that favours the perpetrator.[3] In this respect, cyberbullying is a form of traditional bullying extending into the digital world. According to the Office of the

Children's eSafety Commissioner, cyberbullying involves "the use of technology to bully a person or group with the intent to hurt them socially, psychologically or even physically".[4]

Although various alternative definitions of cyberbullying exist in other jurisdictions,[5] the eSafety Commissioner definition of cyberbullying is used for the purposes of this e-brief.

While cyberbullying and traditional bullying overlap in many respects, cyberbullying has a number of characteristics that set it apart from traditional bullying. These are outlined in a 2013 journal article by Srivastava, Gamble and Boey:

> [Cyber]bullying is more pervasive and more insidious [than traditional bullying]; it does not require the culprit or the victim to share the same physical space; it can occur at any time and place; an audience can grow exponentially from a single recipient to an indeterminate number in a (viral) heartbeat; the perpetrator(s) can be (and remain) anonymous; and, perhaps most damaging, the offending communication can be read and/or seen repeatedly.[6]

Crucially, the ability to quickly and easily share content using modern communication technologies, as well as the permanence of this content, means that acts of cyberbullying can "augment the propensity for long-term, private suffering from peer bullying."[7] Nevertheless, as discussed in a 2014 UNSW synthesis report on cyberbullying commissioned by the Commonwealth Department of Communications, it is challenging to precisely define cyberbullying for several reasons:

- It is not a simple or single construct
- It can be overt, covert, direct, indirect, social, or relational in manner
- Although there is agreement that, like 'traditional' bullying, cyberbullying involves intentionality and a power imbalance between the bully and the victim, there continues to be debate about whether cyberbullying must involve repetitive behaviour, and if so, how repetition can be defined in the online context
- There are overlaps between cyberbullying and traditional bullying and between bullying behaviour and victimisation
- The threshold for 'bullying' is difficult to determine: at the lower end of severity, bullying can be confused with cyber aggression and normal robust teenage language and behaviour. At the higher end some cyber offences such as blackmail, 'grooming' by paedophiles, and other coercive sexual behaviour, are not normally categorised as bullying either by young people or authorities.[8]

2.2 How cyberbullying is committed

Srivastava, Gamble and Boey have identified common types of cyberbullying behaviour, including "text-based name-calling, use of coarse language, profanity and personal attacks (which may include racist or sexist attacks), 'flaming' (overt attacks), harassment or denigration, cyber-stalking, 'outing' of gays or sending humiliating photos or video messages."[9]

A 2014 paper in the *Flinders Law Journal* outlined eight common cyberbullying behaviours, which are defined in the following table:

Table 1: Main types of cyberbullying[10]	
Harassment	Repeatedly sending offensive messages to a target.
Cyberstalking	Intense harassment and denigration that includes threats or creates significant fear in the victim. Harassment becomes cyberstalking when a victim fears for their personal safety.
Denigration	Making derogatory comments about a target. This can occur using words or can involve the dissemination of a derogatory, sexual or non-sexual image.
Happy slapping	The filming of a physical assault on a victim and the subsequent distribution of the film to humiliate the victim publically.
Exclusion	Purposely excluding a victim from entering online domains such as a chat room discussion group.
Outing and trickery	Situations where a perpetrator manipulates the victim into disclosing information that the perpetrator then publicises in order to humiliate the victim.
Impersonation or masquerading	Involves a perpetrator pretending to be the victim and sending an offensive message that appears to come from the victim.
Indirect threat	A form of cyberbullying related to cyberstalking in that it refers to an online communication of impending physical harm. Unlike cyberstalking, this form relates to a single threat of physical harm made indirectly in the public online domain.

Like the types of behaviour that constitute cyberbullying, the platforms through which cyberbullying occurs are diverse. The 2011 Joint Select Committee on Cyber-Safety's inquiry report, *High-Wire Act: Cyber-Safety and the Young*, listed a range of mediums that can be used for cyberbullying, including:[11]

- The Internet, through personal websites or blogs, email, or discussion groups;

- Message boards, online personal polling sites, chat services, instant messaging (IM), or social networking websites;

- Mobile phones, through use of SMS or multimedia messaging services (MMS); and

- Online games, where perpetrators can abuse or threaten other players, or lock victims out of games.

In its 2014 discussion paper on children's online safety, the Commonwealth Department of Communications explained how cyberbullying occurs through social media platforms:

> On social media sites cyber-bullying can be content-driven, such as posting embarrassing or harmful photos, videos, or rumours relating to an individual. These are often exacerbated by other social media features (such as 'comments', 'shares' and 'likes') which serve to actively promote and spread the harmful content at a rapid rate, and to a wide audience.[12]

In 2014 IRIS Research conducted a survey of 384 Australian schools on behalf of the Commonwealth Department of Communications. In its report, IRIS Research identified the most common social media and communication platforms through which cyberbullying occurred:

For these [case studies], Facebook was identified as being the network most used in the reported cyber-bullying incident. Facebook was used in 55.6% of the case examples given for creating hate websites and/or social media pages and 58.4% of the case examples of creating fake internet and/or social networking accounts.

Instagram was identified from the case studies as the next most popular network used for cyber-bullying behaviours, with 20.6% of the case examples for private and/or personal information being posted on blogs using this network. This was followed by posting inappropriate images or video and/or inappropriate image tagging (including false tagging) where Instagram was used in 19.4% of the case examples.

Facebook (35.3%) and SMS/instant messaging (11.8%) were identified as the main networks used for the case examples provided for sexting resulting from coercion, intimidation, blackmail or sharing revealing images and video without authorisation of victim.[13]

2.3 Why youth are vulnerable to cyberbullying

The increasing number of ways in which people can connect to one another online has increased the potential for cyberbullying to occur. However, this risk is further increased due to a generational shift in how today's youth view and use technology. The 2011 Joint Select Committee on Cyber-Safety explained how young people are dependent on technology as part of their day-to-day lives:

Unlike their parents/carers, most young people use technology 'holistically': communicating, learning, socialising, playing, researching, and doing homework, so that their online lives blend seamlessly with their offline lives. There are some young people who do not have a clear demarcation between the online (virtual) world and the offline (real) world. For them, the two worlds exist symbiotically.[14]

Changes in how youth approach modern technology arguably began with the so-called Generation Y (youth born between 1980 and 1994).[15] In the Australian Law Reform Commission's (ALRC) 2008 report on privacy, *For Your Information*, the Commission described Generation Y as completely adept at using communication technologies, and living in an online "global village" where they can instantaneously communicate with virtually anyone around the world.[16]

Dependence on communication technologies has continued through to Generation Z, defined by the ALRC as youth born between 1995 and 2009.[17] In a 2015 journal article, Turner outlined the extent to which Generation Z has embraced technology as part of everyday life:

Generation Z youth have been reared in the first truly mobile era. The amount of media use of respondents aged 8-18 reached epic proportions, as evidenced by surveys of 2,000 Generation Z youth. The Rideout, Foehr, and Roberts study conducted for the Kaiser Family Foundation reports that Generation Z youth are exposed to media more than to any other activity besides sleeping, with a 67 minutes per day increase in the amount of time spent by participants consuming and interacting with media in 2009, as compared to 2004. When accounting for multitasking, this number is now approaching 8 hours of total electronic multimedia exposure daily.[18] [footnotes omitted]

Despite their status as "digital natives", there are concerns that young people use technology in risky ways that leave them vulnerable to cyberbullying. According to Nilan et al, this is because "online technologies thrive on collapsing public and private boundaries", which in turn can exacerbate existing traditional bullying:

> … private confidences offered online can suddenly be disseminated to a vast audience of peers for their amusement. Similarly, adversarial peer relations at school can easily relay into cyberspace harassment and back again into escalated conflicts at school. Similarly, peer conflict that starts on social media can extend into the face-to-face realm in the schoolyard and even get physical.[19]

In its 2008 report, the ALRC reported that 16 per cent of youth posted their home address online, while 78 per cent posted photographs that were often unflattering or "sexy".[20] In a 2014 journal article, Seiler and Navarro also reported that children who used social networking sites daily were at greater risk of both being cyberbullied online, and bullied offline.[21]

However, Seiler and Navarro noted that restricting the use of these technologies is an unworkable proposition, as children often cannot compartmentalise their online social lives and offline social lives:

> … previous research has found that, while youth still engage in face-to-face communication for the majority of their time with friends, electronically mediated communication supplements face-to-face communication in a very meaningful way. To prohibit the utilization of SNS [social networking sites] or Internet access, in general, would cut off a significant method of communication among youth and would be a completely unrealistic approach to combatting the problem.[22] [footnotes omitted]

While some observers may argue that youth should simply "switch off" their devices to avoid cyberbullying,[23] this course of action will likely be seen as unthinkable by many young people; equivalent to asking their parents to cut the television cord, throw out the radio, and disconnect the phone.

3. Prevalence and consequences of cyberbullying

3.1 Prevalence in Australia

While existing research shows that rates of traditional bullying remain higher than rates of cyberbullying, evidence also indicates that cyberbullying has increased as children make greater use of social networking platforms.[24]

However, the exact number of Australian children who experience cyberbullying remains uncertain. The UNSW synthesis report explained the challenges in obtaining exact cyberbullying figures, and suggested that any findings that are made should be treated with caution:

> Determining the prevalence of cyberbullying, however, is very challenging as findings are highly dependent on the definition of cyberbullying used, the timescale, frequency, sample selection, and the mode of surveying the participants (e.g. face-to-face, telephone or online). Thus, all findings should be treated with caution. In addition the nature of cyberbullying changes according to the technologies and devices available and the behaviours associated with them.[25]

Chalmers et al referred to studies which estimated that between 10 to 14 per cent of Australian children were impacted by cyberbullying. However, the authors also cited a more recent study that found approximately 20 per cent of youth to be affected by this behaviour.[26]

Other estimates, such as those cited in the 2014 UNSW synthesis report, give victimisation rates ranging from as low as 6 per cent to over 40 per cent of young Australians. The UNSW report itself estimated that 463,000 youth aged between 8 and 17 years old have been victims of cyberbullying in Australia, but cautioned that this figure could vary, depending on the definition of cyberbullying and other survey assumptions, from 100,000 fewer to 200,000 more victims.[27]

Australian research corresponds to findings in other jurisdictions. For example, Nilan et al cited studies that found that 10 to 33 per cent of American youth aged 11 to 19 years reported being bullied online, while 25 per cent of Canadian junior high students had been cyberbullied.[28]

Nevertheless, cyberbullying rates may be even higher than currently recorded due to underreporting.

A 2016 survey that interviewed 600 young girls and women aged 15 to 19 years old reported that 44 per cent of respondents did not feel comfortable reporting incidents of abusive online behaviour.[29] Also, a 2013 *Alternative Law Journal* article by Dwyer and Easteal estimated that "up to 90 per cent of victims claim not to tell an adult of their experience, often due to a fear of reprisal or uncertainty about the identity of their attackers".[30]

3.2 Age and gender differences

In its 2013 *Like, post, share* survey, the Australian Communications and Media Authority (ACMA) found that a range of factors, including age, gender and socio-economic status, affected rates of cyberbullying:

> The proportion of respondents who reported being cyberbullied ranged from four per cent of eight to nine year olds up to 21 per cent of 14-15 year olds. While not statistically significant, there appeared to be a slight decline in cyberbullying for the 16-17 year olds, at 16 per cent.
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> For the majority of respondents, the cyberbullying had taken place in the last year – particularly for the younger children (eight to 13 years).
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> There were some demographic differences evident amongst the 12-17 year olds:
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> - Females were more likely than males to report that they had been cyberbullied (21 per cent versus 14 per cent respectively);
> - Teenagers from higher income households ($100K+) were less likely than others to have been cyberbullied;
> - Teenagers from English speaking households were more likely to say they have been cyberbullied than those from non-English speaking households (18 per cent versus four per cent respectively), with the latter more likely to say they don't know if they have been (eight per cent).[31]

Other sources, such as the 2014 UNSW synthesis report, noted that gender findings are inconsistent both in Australia and overseas, with different studies showing more male cyberbullies and others more female

cyberbullies.[32] However, as explained by Nilan et al, gender influences the type of cyberbullying behaviour that occurs:

> Male bullies often assert their masculinity in physical terms. In contrast, young women are more likely to use covert and discriminatory ways to assert dominance over female peers and over males deemed inferior. … Young women may also spread slander and "gossip." Another common feature of girls' bullying is through "bitchiness," defined as "maintaining power or status through the use of malevolence by virtue of being malicious, spiteful or nasty in order to cause emotional harm".[33] [footnotes omitted]

3.3 The impact on victims

Whatever the exact rate of cyberbullying, evidence shows that both traditional bullying and cyberbullying have lasting effects on individuals and their families, including low self-esteem, mental health problems, depression, anxiety and suicidal ideation.[34]

A 2009 literature review undertaken by the Alannah and Madeline Foundation commented that, overall, the level of distress from being cyberbullied is similar to that from being bullied offline. However, it is possible that in some cases cyberbullying could result in more harm that its offline counterpart:

> Victimised young people experience the same feelings of powerlessness and humiliation whether they are bullied offline or cyberbullied. There has been speculation that this sense of powerlessness and humiliation may be more extreme in some situations of cyberbullying, especially those that that are complex multi-step campaigns involving the posting or transmission of images. However, Ybarra et al. note that the impact of cyberbullying relative to offline bullying is still very unclear.[35] [footnotes omitted]

This view was mirrored in the 2011 Joint Select Committee on Cyber-Safety's inquiry into cyber-safety, which quoted evidence indicating that cyberbullying's covert nature may cause more psychological harm than that caused by traditional bullying:

> [B]ecause it 'mirrors and magnifies' traditional bullying, it often has severe effects on the mental, social and academic well-being of victims. In the short term, in addition to anxiety and depression, it can impact on school work and cause a sense of helplessness. In the longer term, they have a higher likelihood than their peers of experiencing bad health and problems with social adjustments.[36]

In some cases bullying, including cyberbullying, can lead victims to commit suicide. This is illustrated in Table 2, which lists several recent incidents where Australian teenagers took their own lives after experiencing cyberbullying:

Table 2: Youth suicide caused by bullying	
Year	**Victim**
2009	17 year old Allem Halkic took his own life by leaping from Melbourne's West Gate Bridge after receiving a series of text messages from a former friend over a 24 hour period. Messages included "I'll put you in hospital. Don't be surprised if you get hit sometime soon" and "You're a f…ing b…h. I'll put you in hospital. It's payback time".[37]
2012	14 year old schoolgirl Sheniz Erkan committed suicide after being bullied

	online and at school. The bullying was unknown to her parents, and her brother told the media that her friends who knew something was wrong did not speak out.[38]
2013	13 year old Sydney student Madeleine Milne took her own life on Anzac Day after being bullied over several months. According to the NSW Child Death Review Team, Madeleine is the youngest NSW resident to commit suicide: her parents still do not know exactly what form the bullying took.[39]
2013	15 year old Tasmanian schoolgirl Chloe Whitehill took her own life after being both bullied and cyberbullied. Two days before her death, Chloe was king-hit from behind, kicked, and the assault filmed on a phone camera by the attacker's accomplice. The video was then posted to Facebook that night.[40]
2014	18 year old Jessica Cleland committed suicide after two teenage boys "bombarded" her with nasty messages across social media platforms the night before. These messages accused Jessica of being a "f...ing sook", and stated that she was hated by those she considered friends.[41]

4. Bullies, bystanders and schools

4.1 Cyberbullies

In terms of prevalence of cyberbullies, ACMA's 2013 survey reported that while only 1 per cent of 8 to 9 year olds engaged in the cyberbullying of others, this figure rose to 12 per cent among 14 to 15 year olds.[42]

Like traditional bullying, the victims of cyberbullying can also turn into perpetrators. The UNSW synthesis report noted that "[a]s with 'traditional' bullying, there is a large crossover between victimisation and cyberbullying behaviour, with around a quarter of victims estimated to also engage in cyberbullying."[43]

While victims are obviously the group most affected by cyberbullying, participating in cyberbullying is associated with long term, negative consequences for perpetrators and the wider community. The 2011 Joint Select Committee on Cyber-Safety elaborated on these impacts:

> Young people who are regular perpetrators [of bullying] are more likely to engage in anti-social behaviour, criminality, have problems with substance abuse, demonstrate low academic achievements and be involved in child/spouse abuse later in life.[44]

4.2 Bystanders

Bystanders are defined by Al-Alosi, Vidhata and Maurushat as "individuals who observe an act of violence or problematic behaviour, but who are not its direct perpetrator or victim." While the authors note that bystanders may not intervene when observing bullying for a variety of reasons, one significant consequence of non-intervention is the "bystander effect": the situation where individuals in crowds choose not to act, thus reducing the likelihood that other witnesses will intervene.[45]

While bystanders to cyberbullying act in similar ways to their offline counterparts, Al-Alosi, Vidhata and Maurushat note several major differences between offline and online bystanders, including:

- the number of people who may witness an incident;
- the number of those who can be determined to have witnessed it;
- a stronger sense of dissociation; and
- online bystanders can be considered to have been present at distinctly different parts of an incident rather than for its entire duration.[46]

Bystanders to cyberbullying appear to be very common. ACMA's 2013 survey, *Like, post, share*, reported that the majority of young social network users witnessed some cyberbullying on at least some occasions:

> Older teenagers were more likely to have witnessed cyberbullying than the younger teenagers; around three in five 12-13 year olds (62 per cent), around three in four 14-15 year olds (74 per cent) and even more 16-17 year olds (78 per cent) have witnessed at least some cyberbullying on social networking services.

> While the majority who have witnessed cyberbullying report it has occurred only sometimes or rarely, between five and 12 per cent say they have witnessed it frequently. The 14-15 year olds were the most likely to say they have witnessed cyberbullying frequently.[47]

In terms of responding to acts of cyberbullying, Figure 1 shows that only a small proportion of surveyed children made frequent attempts to stop cyberbullying that they observed. Nevertheless, the vast majority of children did not join in cyberbullying:

Figure 1: Respondents to ACMA survey who have witnessed cyberbullying[48]
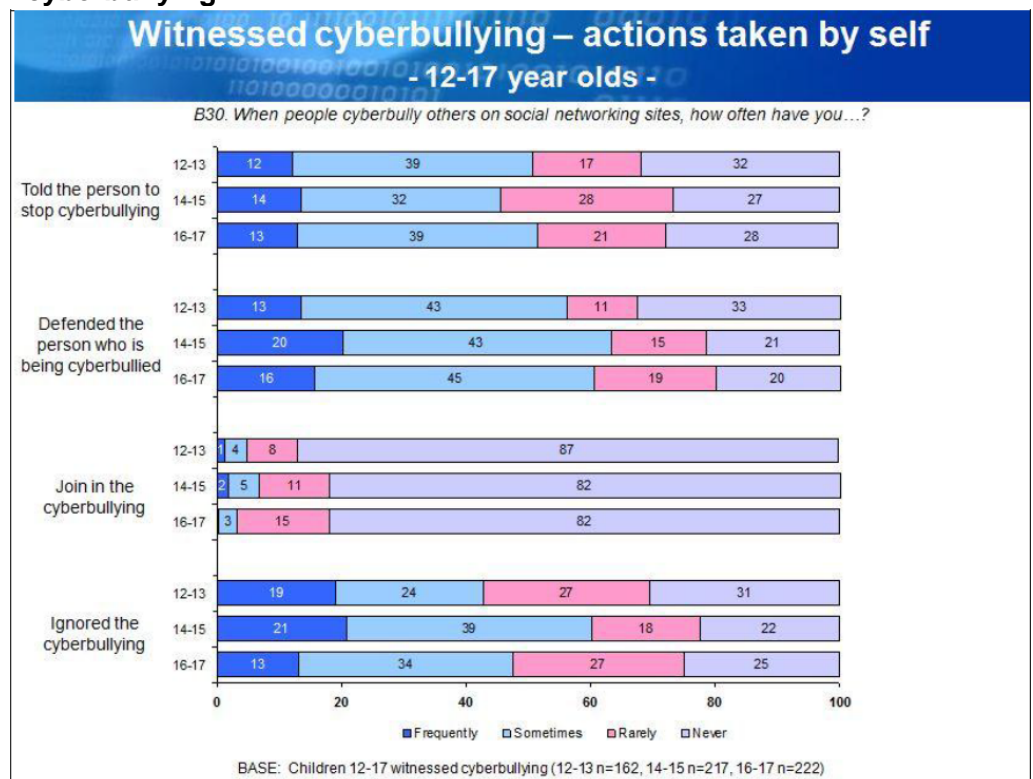
Given the significant number of witnesses to cyberbullying, focusing responses purely on cyberbullies and their victims fails to assist those who are often in the best position to stop cyberbullying: the victim's peers.[49] The

benefit of helping bystanders help victims of bullying was explained in the 2011 Joint Select Committee on Cyber-Safety's inquiry report:

> Confident bystanders are important because bullies like an audience, whether it is online or at school, but they are most likely to stop when peers show disapproval. Evidence suggests that, when a peer or bystanders do intervene, bullying stops 'within ten seconds': much more quickly than if an adult does the same thing. Education is required so that bystanders can be defenders, stand up for victims, or, if that is not possible, walk away to deprive the bully of attention.[50]

4.3 Schools

Cyberbullying also takes its toll on schools and their staff, with the Joint Select Committee on Cyber-Safety reporting significant increases in the time school senior executives and welfare officers spend on cyber-safety issues, including cyberbullying. Indeed, the Committee emphasised that, if restorative justice programs are included, "[t]he time that can be spent counselling young people appropriately can be 'extraordinary'".[51]

According to a 2014 Daily Telegraph article, increasing numbers of cyberbullying complaints have begun to affect the ability of NSW teachers to perform their duties:

> SCHOOL principals and teachers are so swamped with cyber-bullying complaints they are losing hours of valuable teaching time each week.
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> …
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> [Then Parliamentary Secretary for Communications Paul Fletcher] said the problem was so bad, principals and teachers often spent Mondays intervening in a social media stoush that had erupted between students over the weekend.[52]

As with the difficulties in determining the prevalence of cyberbullying, it is hard to accurately determine rates of cyberbullying in schools. IRIS found that 72 per cent of Australian schools had at least one incident of cyberbullying reported to them in 2013, with schools receiving an average of 8.7 reports each that year.[53] The research provided the following details of specific cyberbullying incidents reported to Australian schools:

> The number of reports made to schools was highest for the behaviours of: students receiving threatening, abusive and/or bullying emails, social networking messages, telephone call and/or SMS/instant messages (2.4 per school); and cyberbullying behaviour where the offender is anonymous (including websites or social networks that allow anonymous posting and emails and/or other messages from an unknown person) (1.3 per school).[54]

Australian teachers have raised concerns over their ability to respond to these often complex cyberbullying issues. This was evident in the responses to the 2009 Australian Covert Bullying Prevalence Study:

> The majority of staff (67%) felt other teachers at their school needed more training to enhance their skills to deal with a range of issues related to covert bullying, such as dealing with incidents or addressing covert (including cyber bullying) within the curriculum.[55]

As with traditional bullying, if schools fail to address issues of cyberbullying they may be held liable for common law damages in negligence. However,

proving negligence in the case of cyberbullying can be challenging for two reasons. First, because cyberbullying does not occur in the "real world", there may be difficulties in demonstrating a nexus between school and victim. While it is reasonable for a school to be held liable for cyberbullying if it occurs on school grounds or through school-owned technologies, schools do not have the power to regulate communication occurring after school hours, off school premises and through non-school technology.[56]

Second, the plaintiff must establish the existence of a recognised psychiatric illness in order to be held to have suffered damage, with "fright, distress or embarrassment" inadequate to establish negligence. Moreover, there are limitations to the amount of compensation that can be recovered for purely psychiatric injury; and as a result, even though cyberbullying can cause more harm to children than traditional bullying (see chapter 3.3), the likelihood of high damages awards is low.[57]

5. Government responses to cyberbullying

This chapter focuses exclusively on non-punitive responses to cyberbullying, outlining the function of key authorities and anti-bullying policies at both Commonwealth and State level. While all Australian jurisdictions have a patchwork of generic criminal offences that can be used to deal with most cyberbullying conduct,[58] police generally do not pursue criminal action for cyberbullying in schools or between youth. As noted in the UNSW synthesis report:

> Police only acted on the more serious cases and always used non-punitive approaches in the first instance such as warning the bully or using diversionary approaches such as juvenile justice conferences. Police avoided investigating low level matters involving juvenile offenders unless they had committed a relatively serious offence. Police preferred the less serious cases to be dealt with by schools or other agencies.[59]

5.1 The Commonwealth Children's eSafety Commissioner

The Children's eSafety Commissioner is an independent statutory office created within the Australian Communications and Media Authority by the *Enhancing Online Safety for Children Act 2015*. In passing the Act, the Commonwealth Government aimed to implement two policy responses to cyberbullying:

1. Education and awareness raising measures to better explain the application of existing offences; and

2. Creation of a separate cyberbullying notice regime.[60]

According to the Office of the Children's eSafety Commissioner:

> The Commissioner has the power to investigate complaints and conduct investigations into cyberbullying material as he thinks fit. This includes balancing a person's right to freedom of expression to the extent necessary with the rights or reputation of the child at whom the material is targeted.

> What action the Commissioner will take will depend on each individual case.

> The Commissioner will look to equip children and school communities with strategies and practical advice on how to respond appropriately when confronted by cyberbullying. This also includes advice and guidance on appropriate online behaviour. The Commissioner will work closely with

schools, enforcement agencies and other key stakeholders to best achieve this.[61]

Under the *Enhancing Online Safety for Children Act 2015*, a complaint to the Commissioner can be made by an Australian child who is (or was) the target of cyberbullying material, or their parent/guardian. Individuals may make a complaint to the Commissioner up to 6 months after they turn 18 years old.[62] Cyberbullying material is defined under s 5(1)(b) of the Act as material provided on a social media service or relevant electronic service that an ordinary reasonable person would conclude does the following:

    (i)   it is likely that the material was intended to have an effect on a particular Australian child; and

    (ii) the material would be likely to have the effect on the Australian child of seriously threatening, seriously intimidating, seriously harassing or seriously humiliating the Australian child.[63]

Following an investigation, should the Commissioner be satisfied on the balance of probabilities that cyberbullying has occurred, the Commissioner can use one of two complaint resolution schemes to resolve the matter: the Tier scheme, or the end-user notice scheme.

Tier scheme: The Tier scheme is used to remove harmful cyberbullying material from participating websites as quickly as possible, within 48 hours in some cases.[64] Young et al explain how the tier scheme works, including its limitations:

> This system specifies that Tier 1 social media sites, which includes Twitter and Flickr, will continue to handle complaints of harassing materials posted on their services according to their own complaints procedures. Where the Commissioner receives a complaint that a Tier 1 service has failed to remove material within 48 hours following a complaint made under the service's complaints scheme, the Commissioner may request the service to remove the material within a further 48 hours. The service is not, however, obliged to comply with this request.
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> …
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> By contrast, Tier 2 services, such as, Facebook and Instagram are subject to direct regulation … Where the Commissioner receives a complaint of cyberbullying material on such a service he/she may give a binding direction to have the cyberbullying material removed within 48 hours, failing which the service may be subject to a civil penalty.[65]

End-user notice scheme: Alternatively, the end-user notice scheme may be used by the Commissioner. This scheme allows the Commissioner to give a notice to the person posting the cyberbullying material (the end-user) to remove the material; refrain from posting material which targets the complainant; or apologise to the victim. While this complaint resolution scheme may take longer than action through the tier scheme, the Office of the Children's eSafety Commissioner commented that in many circumstances referral of an end-user notice to, for example, a school, may be the most effective and proportionate action to resolve a complaint.[66]

In terms of the authority's successes in responding to cyberbullying complaints, the December 2015 *eSafety six month report* provided the following statistics:[67]

- In 6 months, the Office helped resolve 92 complaints of serious cyberbullying;

- There was an eight hour average turnaround period to remove serious cyberbullying content;

- Over 2,500 young people in need of support were referred to Kids Helpline; and

- The Office's trainers educated over 60,000 students, parents, teachers and pre-service teachers face to face, and over 10,000 students through the *cyber(Smart:) Virtual Classrooms* online platform.

5.2 The Commonwealth National Safe Schools Framework

According to Chalmers et al, in 2003 Australia became one of the first countries to provide governmental leadership for cyberbullying through the creation of the National Safe Schools Framework (2003 Framework). The 2003 Framework was developed to help schools reduce bullying behaviour, and promote and improve the social and emotional health of school children, by supporting education authorities in all States and Territories to develop a consistent approach to bullying, violence and child protection in schools.[68]

The National Safe Schools Framework was revised in 2013, and has the following aims and goals:

> The Framework provides a vision and a set of guiding principles for safe and supportive school communities that also promote student wellbeing and develop respectful relationships. It identifies nine elements to assist Australian schools to continue to create teaching and learning communities where all members of the school community both feel and are safe from harassment, aggression, violence and bullying. It also responds to new and emerging challenges for school communities such as cybersafety, cyberbullying and community concerns about young people and weapons.[69]

Table 3 summarises each of the nine elements under the 2013 Framework, including selected actions and practices that should occur to successfully implement this policy:

Table 3: Elements of the National Safe Schools Framework[70]	
Element of the Framework	**Selected actions and practices**
Leadership commitment to a safe school	• Acceptance of responsibility for the development and maintenance of a safe, supportive and respectful learning and working environment for all members of the school community. • Identification and support of key staff with specific responsibilities for student safety and wellbeing. • An awareness of the rights and responsibilities of school leadership in relation to safety issues occurring outside school hours and off school grounds involving or affecting students and staff.
A supportive and connected school culture	• Teaching, staff modelling and promotion of explicit pro-social values and expectations for behaviour in accordance with these values.

	• Positive, caring and respectful student-peer relationships, student-teacher relationships and teacher-teacher relationships.
Policies and procedures	• Whole school, collaboratively developed policies, plans and structures for supporting safety and wellbeing. • Clear procedures that enable staff, parents, carers and students to confidentially report any incidents or situations of child maltreatment, harassment, aggression, violence or bullying. • Clearly communicated procedures for staff to follow when responding to incidents of student harm from child maltreatment, harassment, aggression, violence, bullying or misuse of technology.
Professional learning	• Evaluation of the current level of staff knowledge and skills related to student safety and wellbeing. • Ongoing professional learning about emerging changes in research and technology related to student safety and wellbeing.
Positive behaviour management	• Careful selection of evidence-informed positive behaviour management approaches that align with the school community's needs. • The promotion and recognition of positive student behaviour.
Engagement, skill development and safe school curriculum	• Teaching of skills and understandings to promote cybersafety and for countering harassment, aggression, violence and bullying. • Teaching of social and emotional skills (e.g. listening, negotiation, sharing, empathic responding) in all subjects and across all year levels.
A focus on student wellbeing and student ownership	• Defined structures and strategies for enhancing student wellbeing. • Adoption of strengths-based approaches to student learning and participation.
Early intervention and targeted support	• Effective processes for the early identification of students and families who need, or could benefit from, additional support. • Appropriate early intervention with students requiring support and skill development (e.g. students who exhibit anti-social behaviour or experience peer difficulties).
Partnerships with families and community	• Working collaboratively with parents and carers by providing opportunities for education on issues related to student safety and wellbeing. • Working with the justice system in relation to child maltreatment, aggression, violence and cybersafety issues at both a preventative and legal level.

There has been recent controversy over a Commonwealth-funded anti-bullying program. Following criticism from Coalition backbench MPs, Prime Minister Malcolm Turnbull requested an investigation into the Safe Schools program, which provides a toolkit for teachers aimed at stopping homophobia in schools and assisting students who are questioning their sexuality and gender.[71]

Despite ongoing criticism from several Coalition MPs, the program has received support from several State Premiers and Governments, including NSW Premier Mike Baird.[72] The program review concluded that the Safe Schools program was consistent with the goals of the national curriculum.[73] Notably, since the Safe Schools program began receiving media attention, 32 more schools have signed up to the voluntary initiative, with only one school withdrawing from the program.[74]

5.3 NSW Department of Education policies

There are a number of NSW Department of Education policies that aim to respond to and prevent bullying of all forms, including cyberbullying. The key anti-bullying policy for NSW public schools, *Bullying: Preventing and Responding to Student Bullying in Schools Policy*, rejects all forms of bullying and emphasises that "[n]o student, employee, parent, caregiver or community member should experience bullying within the learning or working environments of the Department".[75]

The policy not only applies to all bullying behaviour that occurs in NSW government schools and preschools: it specifically includes cyberbullying within its framework, as well as bullying that occurs "off school premises and outside of school hours where there is a clear and close relationship between the school and the conduct of the student".[76]

The policy states that resolving bullying is a shared responsibility of all departmental staff, students, parents, caregivers and members of the wider school community, with all school community members required to model and promote appropriate behaviour and respectful relationships.[77] School principals must implement an anti-bullying plan that, among other requirements: is developed collaboratively with the school community; includes strategies to identify and appropriately respond to bullying; and is promoted and widely available within the school community.[78]

In association with this policy, the NSW Department of Education released guidelines in 2014 that require schools to develop protection, prevention, early intervention, and response strategies for student bullying in NSW government schools. Table 4 details these four strategies further, with example actions that may be taken by schools:

Table 4: Bullying: preventing and responding to student bullying in schools policy[79]	
Protection	Refers to factors that increase the likelihood of positive wellbeing outcomes and buffer against the effects of negative experiences. Strategies include: • Developing a shared understanding of bullying behaviour; and • Maintaining a positive school culture of respectful relationships where bullying is less likely to occur.
Prevention	Builds on the protective factors and refers to strategies specifically designed to prevent bullying behaviour such as: • Developing and implementing programs for bullying prevention; and • Embedding anti-bullying messages into each curriculum area and year level.
Early	Refers to providing support before an issue emerges or escalates such as developing and implementing early intervention support

intervention	for:
	• Students who identified by the school as being at risk of developing long-term difficulties with social relationships; and
	• Students identified as having experienced bullying or engaged in bullying behaviour.
Response	Refers both to the actions of the school when an incident occurs and to the informed development of future protection, prevention, early intervention and response strategies, such as:
	• Empowering the whole school community to recognise and respond appropriately to bullying;
	• Responding to incidents of bullying that have been reported to the school quickly and effectively;
	• Providing support to any student who has been affected by, engaged in or witnessed bullying behaviour; and
	• Identifying patterns of bullying behaviour and responding to such patterns.

With specific regard to electronic communications, the June 2006 policy, *Online Communication Services: Acceptable Usage for School Students*, makes students responsible for reporting inappropriate behaviour and material to their supervisors, and prohibits the following bullying behaviours:

4.1.1 Students will:

• never send or publish:
  o unacceptable or unlawful material or remarks, including offensive, abusive or discriminatory comments.
  o threatening, bullying or harassing another person or making excessive or unreasonable demands upon another person.
  o sexually explicit or sexually suggestive material or correspondence.
  o false or defamatory information about a person or organisation.[80]

The Department of Education also provides information on cyberbullying for school staff. This information includes how to identify cyberbullying; ways of responding effectively and appropriately to stop bullying; and, as quoted below, the need to empower bystanders to help stop bullying:

Most bullying takes place when bystanders are present, although most bystanders do not act to discourage it. When a bystander does act there is a good chance (around 50%) that the bullying will stop. Students who are 'defended' are better adjusted and report less peer victimisation one year later. Reconciliation is more likely when bystanders intervene than when teachers intervene. The majority of peer interventions are effective.[81]

A list of potential interventions to stop cyberbullying is given (see below). The Department of Education further noted that interventions should be matched to the particular incident of bullying, and that more than one intervention may be necessary to effectively respond to certain acts of bullying:

Table 5: Possible interventions to stop cyberbullying[82]	
Bystander training	Train bystander students to behave in a supportive way to students who are being bullied; intervene where feasible; or report an incident to a teacher.
Buddy systems	Can help promote friendship and support between older and

	younger peers through regular collaboration between their classes
Shared concern	Empowering the students with bullying behaviour to assist in resolving the problem through the use of individual and group meetings with the participants.
Mediation	Assisting the students involved in incidents of bullying to resolve their differences and helping them find a peaceful win-win solution or compromise. This is only suitable when the imbalance of power between the students involved is not great and both parties have something to gain and concede.
Restorative practice	Stimulating genuine remorse; helping the student displaying bullying take steps to restore damaged relationships.
Strengthening the victim	Helping and coaching students to confront a student displaying bullying behaviour assertively.
Traditional disciplinary approach	Setting out clear behaviour standards and using punishment to prevent and deter the student from repeating their behaviour.

5.4 Other States and Territory policies

The Office of the Children's eSafety Commissioner provides a comprehensive list of State Education Department anti-bullying and technological usage policies for all students and schools. Examples of these policies, including hyperlinks to relevant documents and websites, are provided in the table below:

Table 6: State and Territory Education Department policies[83]	
State	**Policies and resources**
ACT	Countering bullying, harassment and violence in ACT Public Schools (2007). Providing safe schools P-12 (2007). Our School: a Safe and Happy Place for Everyone: A code of conduct to promote respectful interaction on ACT Department of Education and Training Premises (n.d.).
NT	Mobile phones and electronic devices in the school environment (2015).
Qld	The Queensland Education Department hosts a comprehensive cybersafety portal that covers key topics, including specific information for teachers, parents and students. Cybersafety and cyberbullying: A guide for parents and caregivers (2013).
SA	Cyber safety: Keeping Children Safe in a Connected World (2012).
Tas	Social Media Policy (n.d.)
Vic	Bully Stoppers website – provides a range of resources for teachers, students and families on cyberbullying. Building Respectful and Safe Schools (2010).
WA	Safe and supportive schools (n.d.) Student Online Guidelines (2015) Policies for selecting and using online technologies (2016)

6. The effectiveness of anti-bullying programs

There is a significant body of literature on the effectiveness of anti-bullying interventions. However, there is little evidence available as to the impact of cyberbullying-specific interventions, with Fong and Espelage reporting that no systematic review[84] of anti-cyberbullying programs has been attempted.[85]

Anti-bullying program reviews: In order to determine the effectiveness of anti-bullying programs, a number of systematic reviews of programs across multiple jurisdictions have been conducted. A 2011 review of 44 school-based anti-bullying programs by Ttofi and Farrington made the following findings:

> [O]verall, school-based anti-bullying programs are effective: on average, bullying decreased by 20–23% and victimization decreased by 17–20%. Program elements and intervention components that were associated with a decrease in bullying and victimization were identified, based on feedback from researchers about the coding of 40 out of 44 programs.[86]

According to the authors, the aspects of anti-bullying programs most associated with reductions in bullying were:

> [P]arent training/meetings, improved playground supervision, disciplinary methods, classroom management, teacher training, classroom rules, a whole-school anti-bullying policy, school conferences, information for parents, and cooperative group work. In addition, the duration and intensity of the program for children and teachers were significantly associated with a decrease in victimization.[87]

The effectiveness of whole-of-school anti-bullying policies was also reported by Cantone et al, who found that the most effective anti-bullying programs had the whole class as the main target of intervention, and were often accompanied by individually focused responses or family involvement. Anti-bullying programs targeted at changing the behaviour of individual bullies or victims also had a moderate impact on bullying prevalence.[88]

With regard to bystander behaviour, a 2012 review of school-based bystander education programs in the United States and Europe concluded that students who received bystander education were more likely to intervene in bullying situations compared to control groups.[89] However, Ttofi and Farrington reached a different conclusion; they reported that programs involving formal engagement of peers in tackling bullying, such as encouraging bystander intervention, peer mediation, and peer mentoring, were associated with increased levels of victimisation.[90]

Cyberbullying program reviews: A 2015 review by Cantone et al reviewed 17 anti-bullying programs in several European nations, the USA, and Australia, all of which had been the subject of randomised control trial studies. Only one of these dealt with the issue of cyberbullying.[91]

The study, conducted in 2013, reviewed Finland's KiVa Antibullying Program, which uses role-playing games and computer simulations to increase empathy in bystanders, and subsequently increase the likelihood that they will intervene to reduce bullying. The study concluded that KiVa

reduced the frequency of cyberbullying among elementary school students (Grades 4-6), and to some degree among middle school youth (Grade 7-9). The researchers speculated as to the reasons why the program was effective:

> KiVa includes several activities that target cyberbullying directly. For example, current classroom-based activities describe bullying that occurs through ICTs, discuss respect and appropriate behavior in cyber communication, and provide specific ways for students to respond to cyberbullying. The computer game also includes some scenarios involving bullying through ICTs. It is possible that KiVa's indicated actions designed specifically to address ongoing incidents of bullying, including cyberbullying, may have increased teachers' awareness and monitoring of cyber behaviors.[92]

Elsewhere, in 2013 Notar et al conducted a literature review into cyberbullying more generally, rather than anti-cyberbullying programs. From the review the authors concluded that, although it is tempting to respond to cyberbullying through tighter regulation and stricter sanctions, it would be more effective to teach children to protect themselves online, and to support peers who are being cyberbullied.[93]

7. Conclusion

While cyberbullying is in many respects an extension of traditional bullying that has plagued schools since time immemorial, it has several unique characteristics that can exacerbate the harm received by victims, while hindering the ability of authorities to stop this form of bullying. Furthermore, because young Australians are more dependent on technology than ever before, it is becoming increasingly difficult to persuade victims to "switch off" tools widely viewed as crucial for day-to-day social life.

The Commonwealth Government has assumed leadership on school bullying more broadly by creating the National Safe Schools Framework, and the formation of the cyberbullying-specific Children's eSafety Commissioner. Concurrently, the NSW Department of Education has adopted anti-bullying strategies that seek to support victims of cyberbullying, while empowering public schools to address cyberbullying through education and other non-punitive responses where possible.

The NSW strategies appear to be in line with best practice responses to bullying, including wider school community involvement to reduce bullying and the use of bystander training to encourage peers to stop cyberbullying. Nevertheless, in light of the continuing prevalence of both traditional bullying and cyberbullying, it is unclear whether these policies are having the desired effect of reducing bullying in schools. This suggests a need for further research and evaluation in the NSW context.

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