



# The Coalition's Policy to Enhance Online Safety for Children

September 2013

## Key Points

The Coalition will do more to help protect our children online.

We have listened carefully to the considered submissions and feedback made by families, schools, individuals, social media experts and providers, as well as other members of the community, to the Coalition's Discussion Paper on Online Safety for Children.

Many parents and schools feel ill-equipped to deal with the challenge of protecting children from online dangers. The Coalition does not support heavy-handed regulation of the internet. But we must do more to address cyber-bullying, predatory behaviour and children accessing age-inappropriate content.

The Coalition will establish a Children's e-Safety Commissioner to take a national leadership role in online safety for children.

We will also ensure there is an effective complaints system, backed by legislation, to get harmful material down fast from large social media sites, and will examine existing Commonwealth legislation to determine whether to create a new, simplified cyber-bullying offence.

We will encourage mobile phone and internet service providers to make available software which parents can choose to install on their own devices to protect their children from inappropriate material.

A fund for Australian-based research and information campaigns on online safety will be set up.

Our Children's e-Safety Commissioner will establish a voluntary process for the certification of online safety programmes to be offered within schools. We will also include a stronger online safety component in the National Safe Schools Framework.

The Coalition will improve the coordination of online safety activities and require greater corporate social responsibility from large social media sites with a substantial Australian presence.

Our policy will increase the support provided to parents and teachers so they are better equipped to manage the online activity of children in their care.



## Introduction

The internet provides immense benefits – including benefits for children and families.

But the internet's freedom, anonymity and relative lack of regulation can make it a dangerous place for children, be that through exposure to age-inappropriate or otherwise damaging content, through falling victim to harassment and cyber-bullying, or through vulnerability to approaches online from those motivated to do them harm.

The past few years have seen marked change in the way the internet is accessed and utilised. The internet is increasingly accessed in many different places from a range of devices, including mobile and personal devices.

The Australian Bureau of Statistics (ABS) reported that at the end of December 2012 there were 12.2 million internet subscribers in Australia, including six million mobile wireless broadband connections.<sup>1</sup> The ABS also reports that at 31 December 2012 there were 17.4 million subscribers with internet access connections via a mobile handset in Australia, an increase of seven per cent from 16.2 million subscribers at the end of June 2012.<sup>2</sup> Of all Australians aged 15 to 65, 73 per cent own a smartphone (internet-enabled mobile phone) according to market research company Frost and Sullivan.<sup>3</sup>

The internet has evidently become more accessible – a welcome development, but also one that allows children to access the internet away from adult supervision or knowledge.

There has also been an explosion in social media activity in the last few years, including among children. Facebook, for example, has over 11 million users in Australia and some estimates suggest more than 90 per cent of Australian high school students have a Facebook account.

The changes in internet access and utilisation point to a marked reliance on more accessible internet platforms centred on wireless and mobile technologies.

These are changes that enhance national productivity. But they also make it much harder for parents, carers and educators to monitor, and advise on, the online content accessed by their children.

<sup>1</sup> Australian Bureau of Statistics, Internet Activity, Australia, December 2012. Accessed at: <http://www.abs.gov.au/ausstats/abs@.nsf/Products/8153.0~December+2012~Chapter~Type+of+access+connection?OpenDocument>

<sup>2</sup> Australian Bureau of Statistics, Internet Activity, Australia, December 2012. Accessed at: <http://www.abs.gov.au/ausstats/abs@.nsf/Products/8153.0~December+2012~Chapter~Mobile+handset+subscribers?OpenDocument>

<sup>3</sup>Frost and Sullivan, accessed at: <http://www.frost.com/sublib/display-press-release.do?searchQuery=Australia+smartphone&ctxixpLink=FcmCtx1&ctxixpLabel=FcmCtx2&id=282630973&bdata=aHR0cDovL3d3dy5mcm9zdC5jb20vc3JjaC9jYXRhbG9nLXNlYXJjaC5kbz9wYWdlU2l6ZT0xMiZxdWVyeVRleHQ9QXVzdHJhbGhhK3NtYXJ0cGhvbmc29ydEJ5PURAfkBTZWfY2ggUmVzdWx0c0B%2BQDEzNzgwODQ5OTE0Mjc%3D>



Children face many risks online. They risk being a victim of child pornography, being groomed by a paedophile, becoming exposed to violent, pornographic or other age-inappropriate content, or being a victim of malicious cyber-bullying.

The community is understandably concerned about the content and experiences children are increasingly exposed to online.

## The Plan

### 1. Improved Coordination of Online Safety Activities

#### *a. The establishment of a Children's e-Safety Commissioner*

The Coalition will appoint a senior Commonwealth official as the Children's e-Safety Commissioner. The Children's e-Safety Commissioner will be supported by relevant resources re-allocated from existing locations within the public service.

The Children's e-Safety Commissioner will be a single point of contact for online safety issues for industry, Australian children and those charged with their welfare. This official will take the lead across government in developing and implementing policies to improve the safety of children online.

The Children's e-Safety Commissioner will be responsible for the improved coordination of the content and messages provided to Australian children and those charged with their welfare regarding online safety.

This official will also be charged with facilitating better engagement between government, families and the major internet content providers, particularly social media sites, as well as other elements of the industry which deliver the products and services used by children to access and communicate on the internet.

The Children's e-Safety Commissioner will build on the work already done by existing agencies, including the Australian Communications and Media Authority (ACMA). The Children's e-Safety Commissioner will be advised by the Online Safety Consultative Working Group, which was established by the Howard Government.

#### *b. More research into the use of the internet by children and young people*

The Coalition will establish a fund to support Australian-based research and information campaigns on online safety.

The fund will be established in the first 12 months of a Coalition government and provide \$100,000. It will be coordinated by the Children's e-Safety Commissioner.



The Terms of Reference for the Consultative Working Group, of which the Young and Well Cooperative Research Centre is a member, will be amended to add the provision of advice on research and information campaign funding to the Children's e-Safety Commissioner.

The research to be supported by the fund will include longitudinal studies on the positive and negative effects of internet use on children and young people, as well as how support services can be provided online and how to mitigate the risk of online use to young people.

## **2. An Effective Complaints System, Backed by Legislation, to Get Harmful Material Down Fast**

The Coalition will ensure there is an effective complaints system, backed by legislation, to get harmful material down fast from large social media sites.

Our approach responds to the very clear message received in our community consultations: when children are the subject of harmful material online, it is vital to have a way to get it down fast. Too often that is not available today.

Labor took some initial steps in this direction with its January 2013 announcement of the Cooperative Arrangement for Complaints Handling on Social Networking Sites – evidently in response to the Coalition's Discussion Paper on Enhancing Online Safety for Children published in November 2012. However, Labor's approach relies upon the voluntary participation of large social media sites – and there are no sanctions or consequences for failure to comply.

The complaints system will be backed by legislation. The Coalition will legislate to define a 'large social media site' (by reference to the number of user accounts in Australia, or other objective measures) and to oblige any company which meets the definition to participate in the complaints system.

Australian legislation will be effective to achieve compliance by any company with staff or assets in Australia, or which generates advertising revenue in Australia – and this is likely to be the case for any company which meets the definition of "large social media site".

This approach will capture the sites most commonly used by children, and will be legally effective because it will apply to sites operated by companies with a significant presence in Australia. In addition, the Children's e-Safety Commissioner may request the operator of a site which does not meet the definition of 'large social media site' to join the scheme on a voluntary basis – and may disclose publicly any sites which have been requested to comply but do not.

The specific rules of the scheme will be determined by the Children's e-Safety Commissioner following consultation with large social media sites and other stakeholders (including representatives of those charged with the care of children). This consultation will be completed within six months of the election.



The Children's e-Safety Commissioner will also examine the operation of the complaints scheme which has recently been established in New Zealand to deal with harmful digital communications.

The Coalition envisages that the scheme could operate based on the following principles:

- it would apply to material which met an agreed test – for example, material targeted at and likely to cause harm to an Australian child;
- it would provide for those who wished to make a complaint to go, in the first instance, to the large social media site's established complaints processes – allowing the large social media site's staff to determine whether the test was met;
- there would be a specified period of time for the large social media site to respond (for example, 48 hours);
- in the event of a failure to respond, the Children's e-Safety Commissioner would consider if the material met the test, and, if so, it would have the power to direct that the material be taken down from the large social media site; and
- affected parties, such as the author of the material the subject of the complaint, would have a right of appeal.

### 3. A New, Simplified Cyber-Bullying Offence

The Coalition will examine existing Commonwealth legislation to determine whether to create a new, simplified cyber-bullying offence.

While there are existing laws in Australia covering such conduct – 'such as using a carriage service in a way which is menacing, harassing or offensive' (Commonwealth Criminal Code s474.17) many people would not know what 'using a carriage service' means.

The New Zealand Government recently created a new offence of using a communications device with the intention to cause harm – punishable by up to three months imprisonment or a \$2,000 fine. The offence covers a person who sends a message to another person – for example by text, by posting it online or by email – which is grossly indecent, obscene, menacing or knowingly false and intends the message to cause emotional distress to the recipient.

It is important that Australians clearly understand that such conduct is an offence but that any penalties are appropriate, especially when young people offend. The Coalition would ensure that any legislation includes a broad range of sentencing options where the offender is a minor, such as counselling, restorative justice, community-based orders and probation.



## 4. Increased Support for Parents

### *a. Improved safety options for smartphones and other devices, and internet access services*

The Coalition believes that keeping children safe online is ultimately the responsibility of parents and others charged with the welfare of children – but they need better support from government and industry.

We will work with mobile phone companies (such as Telstra, Optus, Vodafone and their resellers) and internet service providers (which provide fixed line broadband services to the home) to make available software which parents can choose to install on their own devices to protect their children from inappropriate material.

This is a very different approach to the discredited compulsory filter proposal championed by the Rudd-Gillard Government, which was abandoned as unworkable.

This work will be led by the Children's e-Safety Commissioner, who will establish an expert stakeholder group (including representatives of industry and representatives of groups charged with the welfare of children such as schools, parents, police and youth mental health experts) to assist in this work.

The Children's e-Safety Commissioner will work with industry to ensure that better safety options for smartphones and other devices, and internet access services are available for parents.

### *b. The establishment of an advice platform with guidelines for parents about the appropriateness of individual media items for children*

A key responsibility of the Children's e-Safety Commissioner will be to provide additional advice to parents about the appropriateness of television programmes, films, computer games and websites, including social media websites, across a range of categories.

That is why the Coalition will ensure the Children's e-Safety Commissioner is appropriately resourced to provide this advice. The Coalition believes that the Common Sense Media service in the United States is an example of the kind of service that could usefully be provided in this area.<sup>4</sup>

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<sup>4</sup> Common Sense Media's website is at: <http://www.commonsensemedia.org>



## 5. Increased Support for Schools

### *a. Increased scrutiny of online safety programmes to be offered within schools*

The Children's e-Safety Commissioner will establish a voluntary process for the certification of online safety programmes to be offered within schools.

Such a programme will ensure principals can verify that their online safety programme is appropriate and likely to be effective.

The Children's e-Safety Commissioner will consult with industry in considering the standard that should apply for an online safety programme to be deemed certified.

### *b. The inclusion of a stronger online safety component in the National Safe Schools Framework*

The Children's e-Safety Commissioner will work with the Education Minister to ensure that online safety is appropriately included in the National Safe Schools Framework so that all schools appropriately plan, implement and monitor online safety initiatives.

### *c. Increased funding for the inclusion of online safety programmes in schools*

The Coalition will provide funding from which schools could apply for grants to offer online safety programmes within their schools.

This fund will contribute \$7.5 million over the forward estimates to online safety initiatives and be administered by the Children's e-Safety Commissioner.

Schools will be encouraged to work cooperatively with established groups, such as the Alannah and Madeline Foundation.





## The Choice

The Howard Government recognised that one of the best ways to protect children online is to give parents more control over access to online content by children. This is why the Howard Government provided families with optional filters for individual home computers that allowed parents to determine what online content was appropriate for their children.

The Rudd-Gillard Government abandoned this approach.

Instead, the Rudd-Gillard Government trumpeted a restrictive mandatory filter system that was unworkable, costly and largely beyond the control of individual families. The Government promised this filter would be delivered and that it would guard against illegal and insidious online content directed at children.

The Coalition intends to further extend its approach of offering choice to parents and consumers, but equipping parents with the tools to protect children. That is why we will encourage mobile phone and internet service providers to make available software which parents can choose to install on their own devices to protect their children from inappropriate material.

The Howard Government also introduced a 'co-regulatory scheme' for online content administered by ACMA. Under this scheme, internet service providers, internet content hosts and mobile service providers are required to comply with industry codes of practice, including practices and processes to remove or 'take down' illegal content. This scheme has been continued by the Rudd-Gillard Government.

While this scheme has worked, there are limitations. It can, for example, be very difficult and overly time consuming to have objectionable, offensive, or illegal material removed from the internet. Material hosted overseas is beyond its reach. Content that is detrimental or malicious to a child, but not illegal, may be near impossible to remove.

The recently introduced Cooperative Arrangement for Complaints Handling on Social Networking Sites is a step in the right direction but it is merely a voluntary scheme and does not go far enough.

That is why a Coalition government will establish the Children's e-Safety Commissioner to coordinate a range of measures to address online safety and will ensure there is an effective complaints system, backed by legislation, to get harmful material down fast from large social media sites.

The Coalition believes that more can be done to protect children online without diminishing the freedom, innovation and individual experiences of the internet.



## Cost

The Coalition's *Policy to Enhance Online Safety for Children* will invest \$10 million to ensure better protection for children when they use the internet.



Hope.  
Reward.  
Opportunity.



**THE NATIONALS** *for Regional Australia*

For further details of the Coalition's Plan go to  
[www.realsolutions.org.au](http://www.realsolutions.org.au)