

Draft exposure Online Safety Bill 2020

Submission

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Contents

Background.....	3
Cyberbullying.....	4
Take-down requirements	5
Child-friendly communication	6
Online grooming.....	6

The Queensland Family and Child Commission acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians across the lands, seas and skies on which we walk, live and work. We recognise Aboriginal and Torres Strait Islander people as two unique peoples, with their own rich and distinct cultures, strengths and knowledge. We celebrate the diversity of Aboriginal and Torres Strait Islander cultures across Queensland and pay our respects to their Elders past, present and emerging.

Queensland Family and Child Commission

PO Box 15217

Brisbane City East QLD 4002

qfcc.qld.gov.au

For any information about this submission please contact

Senior Advisor, Policy and Advocacy Leadership

Email: policy@qfcc.qld.gov.au

Phone: 07 3900 6000

Reference: F21/99



Background

The Queensland Family and Child Commission (QFCC) is pleased to provide a submission to the exposure draft Online Safety Bill to improve Australia's online safety legislation.

The QFCC was established on 1 July 2014 by the *Family and Child Commission Act 2014* to:

- promote the safety, wellbeing and best interests of children and young people
- promote and advocate the responsibility of families and communities to protect and care for children and young people
- improve the child protection system.¹

The QFCC works collaboratively to influence change so Queensland is a safe place where children, young people and their families thrive in supportive communities. The QFCC's purpose is to respect, advocate for and protect young Queenslanders' rights, wellbeing and safety and to improve the services that support them.

Our young people are the most connected generation ever, with the overwhelming majority of children aged four years and above now using the internet in Australia.²

The digital environment can bring a sense of belonging and community to children. However, this environment can also introduce increased risk into their lives and many young people and families do not have the strategies to deal with these risks.

The QFCC welcomes the introduction of enhanced online safety measures to protect children and young people online.

An enhanced cyberbullying scheme for children, accompanied by consistent take-down requirements for a range of harmful online content ensures children and young people are given appropriate protection when navigating the online world, and the trauma associated with harmful online content is minimised.

The QFCC notes that every organisation involved in a child's online interactions should take a proactive role in ensuring the safety of children is paramount especially online platforms/services.

By establishing proper protections to help keep children and young people safe online, we can in turn help them to realise the important benefits that come from using the internet.

¹ *Family and Child Commission Act 2014* (Qld), s 4.

² Australian Centre to Counter Child Exploitation, February 2020, Online Child Sexual Exploitation: Understanding Community Awareness, Perceptions, Attitudes and Preventative Behaviours, https://www.accce.gov.au/data/assets/pdf_file/0018/60246/ACCCE_Research-Report_OCE.pdf, p. 12.

Cyberbullying

Summary

- The QFCC supports the proposed introduction of an enhanced cyberbullying scheme for children and young people.
- Cyberbullying remains a serious and pervasive issue for children and young people in Queensland.
- Strategies to address cyberbullying should consider the increased vulnerability of particular groups of children.

The QFCC welcomes the proposed introduction of an enhanced cyberbullying scheme for children and young people. Cyberbullying remains a serious and pervasive issue for children and young people, and it is important that online providers take proactive steps and act quickly to minimise the trauma experienced by children and young people who are experiencing cyberbullying.

The QFCC has heard of the pervasiveness of cyberbullying directly from children and young people across Queensland. Through *Growing up in Queensland* (GUIQ), the QFCC gathered insights from more than 7,000 Queenslanders aged 4 to 18 on a number of issues including cyberbullying.

The GUIQ survey found that 30 per cent of respondents had been cyberbullied in the past three months,³ and 56 per cent identified cyberbullying as the 'most important' issue for them.⁴

The QFCC notes that strategies to address cyberbullying should take into account the increased vulnerability of particular groups of children, including girls, children with a disability, children with cognitive impairments and Aboriginal and Torres Strait Islander children.⁵

³ State of Queensland 2019, *This Place I Call Home: the views of children and young people on growing up in Queensland*, Queensland Family and Child Commission, https://www.qfcc.qld.gov.au/sites/default/files/This-place-I-call-home-report_FULL.pdf, accessed 4 February 2021, p 68.

⁴ State of Queensland 2019, *This Place I Call Home: the views of children and young people on growing up in Queensland*, Queensland Family and Child Commission, https://www.qfcc.qld.gov.au/sites/default/files/This-place-I-call-home-report_FULL.pdf, accessed 4 February 2021, p 67.

⁵ Katz, I., Keeley, M., Spears, B., Taddeo, C., Swirski, T. & Bates, S., *Research on youth exposure to, and management of, cyberbullying incidents in Australia*, https://www.sprc.unsw.edu.au/media/SPRCFile/Youth_exposure_to_and_management_of_cyberbullying_in_Australia_Synthesis_report.pdf, accessed 9 February 2021.

Take-down requirements

Summary

- The QFCC supports the proposed consistent approach in take-down requirements for image-based abuse, cyber abuse, cyberbullying and seriously harmful online content, requiring online service providers to remove such material within 24 hours.
- Harmful online content should be taken down as quickly as possible to minimise the harm encountered by children and young people.
- Given the large number of children and young people playing online games, the QFCC supports the extension of the eSafety commissioner's take-down powers to include online gaming platforms.

The increase of children and young people accessing the internet has seen a corresponding upward trend in cases of online child sexual exploitation, including image-based abuse and online grooming.⁶

In addition, the ongoing occurrence of COVID-19 has also seen an alarming increase in image-based abuse in Australia. Since the first case of COVID-19 was detected in Australia in early March, reports to the eSafety Commissioner of image-based abuse (the sharing of intimate images and videos without consent) have almost doubled.⁷

The QFCC supports the proposed consistent approach in take-down requirements for image-based abuse, cyber abuse, cyberbullying and seriously harmful online content, requiring online service providers to remove such material within 24 hours of a request from the eSafety Commissioner.

Harmful online content has the power to dramatically affect the lives of children and young people, and it is imperative that harmful content is taken down as quickly as possible.

Research has suggested that the technology industry has previously responded reactively to online child sexual abuse and is seemingly motivated by the desire to avoid reputational damage caused by adverse media reporting.⁸ It is therefore important that technology companies acknowledge the role they have in mitigating the adverse impacts that are directly and indirectly associated with using their online services and platforms.

The draft bill also proposes extending the eSafety commissioner's take-down powers to other online forums, such as online gaming platforms. Given the large number of children and young people playing online games, the QFCC supports this extension of the eSafety commissioner's take-down powers.

⁶ Australian Centre to Counter Child Exploitation 2020, *Online Child Sexual Exploitation: Understanding Community Awareness, Perceptions, Attitudes and Preventative Behaviours*, https://www.accce.gov.au/data/assets/pdf_file/0018/60246/ACCCE_Research-Report_OCE.pdf, accessed 9 February 2021, p. 7.

⁷ eSafety Commissioner 2020, *COVID-19: Online risks, reporting and response* [online blog], accessed 5 February 2021, <https://www.esafety.gov.au/about-us/blog/covid-19-online-risks-reporting-and-response>.

⁸ Independent Inquiry Child Sexual Abuse 2020, *The Internet: Investigation Report*, <https://www.iicsa.org.uk/key-documents/17805/view/internet-investigation-report-march-2020.pdf>, accessed 5 February 2021, p. 3.



Recent research from the Australian Centre to Counter Child Exploitation (ACCCE) shows that when it comes to the types of online activities children and young people are engaging in, more than half of male children reportedly played interactive online games (54%).⁹

Child-friendly communication

Summary

- All new functions of the draft Online Safety Bill 2020 should be communicated to children and young people in a child-friendly and accessible way.

The QFCC stresses the importance of the eSafety Commissioner providing accessible, child-friendly communication on how young people can access their rights under the draft Online Safety Bill 2020.

During consultations, young people have advised the QFCC they can find government websites difficult to navigate, and that it can be hard to locate information on how to make a complaint.

It is important for the proposed Online Safety Bill 2020 and any new functions to address online harms be strongly promoted and communicated in clear, child-friendly language. The QFCC suggests engaging and hearing directly from children and young people in order to deliver targeted communications strategies that effectively promote and create awareness of these new measures.

Online grooming

Summary

- The draft Online Safety Bill 2020 does not incorporate the subject of online grooming.
- The QFCC urges the Department of Infrastructure, Transport, Regional Development and Communications to consider regulating online platforms when it comes to online grooming.
- The QFCC is committed to protecting children and young people in Queensland from online grooming.

The QFCC notes that the issue of online grooming is not covered by the draft Online Safety Bill 2020.

Recent research has found that there has been a rapid escalation in the number of children being groomed on the internet, with social media platforms Facebook, Snapchat and Instagram being the most common platforms where grooming takes place.¹⁰

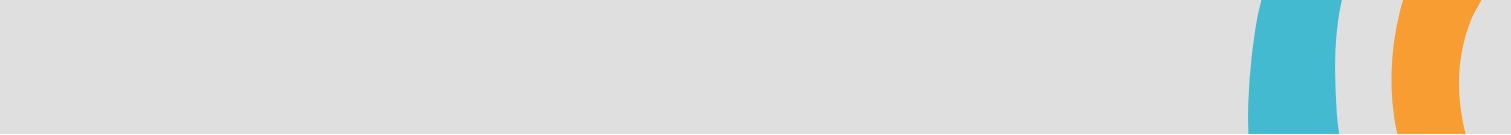
There is a significant overlap between online grooming and other forms of online child sexual abuse including image-based abuse, and there is also an overlap between the platforms used by online groomers.¹¹

The QFCC has recently re-established the Out of the Dark program (OotD) to protect and educate young Queenslanders about the dangers of online grooming. This program was initially established in response to the

⁹ Australian Centre to Counter Child Exploitation 2020, *Online Child Sexual Exploitation: Understanding Community Awareness, Perceptions, Attitudes and Preventative Behaviours*, https://www.accce.gov.au/_data/assets/pdf_file/0018/60246/ACCCE_Research-Report_OCE.pdf, accessed 9 February 2021, p. 7.

¹⁰ Independent Inquiry Child Sexual Abuse 2020, *The Internet: Investigation Report*, <https://www.iicsa.org.uk/key-documents/17805/view/internet-investigation-report-march-2020.pdf>, pp. 54-55.

¹¹ Independent Inquiry Child Sexual Abuse 2020, *The Internet: Investigation Report*, accessed 5 February 2021, p. 54.



2015 *Queensland Organised Crime Commission of Inquiry* (Byrne Report) to address internet-related child sexual abuse.

Due to ever-advancing technology, protecting children and young people from online sexual exploitation requires a multi-layered approach.

In 2019, the QFCC collaborated with the Queensland Police Force's Task Force Argos, the Department of Education, the Queensland Government Chief Information Officer, the Office of the eSafety Commissioner and Bravehearts to develop the #doiknowu campaign.¹²

The campaign includes digital and online marketing across social media and website channels, aiming to build community awareness and promote behaviours that prevent, recognise and respond to online grooming.

Given the escalating number of children experiencing online grooming through online platforms, consideration should be given to including specific provisions in the Online Safety Bill 2020 to require platforms to seek to prevent opportunities for grooming and respond where it occurs through their services. This would complement the work being done by the QFCC and others to educate the community about risks and strategies to prevent online grooming, helping to protect children and young people from harm while they navigate online spaces.

¹² Queensland Family and Child Commission, *Out of the Dark: Protecting kids from the dangers online*, <https://www.qfcc.qld.gov.au/keeping-kids-more-safe/out-dark-protecting-kids-dangers-online>, accessed 10 February 2021.