



Speech by

Dr Alex Douglas

MEMBER FOR GAVEN

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CRIMINAL CODE (FILMING OR POSSESSING IMAGES OF VIOLENCE AGAINST SCHOOLCHILDREN) AMENDMENT BILL

Dr DOUGLAS (Gaven—LNP) (8.38 pm): I endorse the member for Gregory's comments. Honourable members, we have a new world order staring us in the face. Most adults do not even realise the serious challenge cyberbullying poses to the bonds linking our citizens as a community and as a society. I do not believe that is an overstatement.

Cyberbullying is defined by three core elements (1) a deliberate attempt to harm; (2) a power imbalance between victim and aggressor; and (3) often repeated behaviour. This is really a salient issue that can be going on for weeks without parents' knowledge, affecting their children and others' children. It is unique that it specifically refers to the transmission of hurtful messages and images by SMS, email or internet used to cause psychological and social harm to others.

The extent of the problem has been recently documented by Megan Price, who was sponsored by BoysTown in 2010 to do this study. She found that 25 per cent of the offences occurred in Queensland, it starts at age five and diminishes by age 25, the maximal age is between 10 and 14, and there is a strong female bias. The effects of cyberbullying also are quite dramatic: 85 per cent of reported cyberbullying had some negative effect on their life; 65 per cent lose their confidence and self-esteem; 30 per cent have their school grades affected; and 30 per cent experience confusion, anxiety, guilt and betrayal. Queensland is falling behind other states both in addressing the problem and in running preventative programs in schools, despite what has been said tonight, and our children are suffering because of it.

Former Chief Justice of the Family Court of Australia Alastair Nicholson stated at the 2010 Melbourne bullying conference that one in 10 children is a victim of cyberbullying. The nature of the images and the texting are so threatening that there are reported suicides. He stated—

Children are our present—

which has been said multiple times—

The future of any society is determined by how it nurtures, educates and protects its children.

And critically, he believes that there is a strong argument that it be considered a specific offence. That is what the former Chief Justice of the Family Court of Australia believes—and he was long-serving.

This bill is an amendment to the Criminal Code. The amendment adds a new chapter 22AA, 'Filming or possessing images of violence against children'. The shadow minister has carefully stated what he is proposing in the way of penalties for the offence. What is at issue is that the education minister, when confronted with the issue of serious cyberbullying, urgently appeared to push through regulation in July 2010 that was added to the Education (General Provisions) Regulation, and he blindly believes that the Labor government therefore has addressed the issue. It has not, since it has not been consistent with wider best practice, advice from experts and specific direction—and that is from Nicholson down. Only legislation can deal with these problems, especially regarding the criminal offences as detailed by the shadow minister, the member for Moggill. I heard what the member for Cook said particularly about his own experience of childhood, but I think it is a wider problem than people may realise.

These matters are now common. They are serious, criminal and secretive matters and they are doing our children and communities a lot of harm. I do not accept government members' position on this. To think that this private member's bill sat in the minister's in-tray from March until July and then the minister just made a minor amendment by subordinate legislation! That is beyond weak, shallow and meaningless since there are no teeth to the minor amendment. The action of the minister and his department is possibly contemptuous, lacking scholarship and, I would say, unprofessional. I would ask him, as he is a legally trained member, to pause for reflection and peruse the leading reports released from the cyberbullying conferences held in Melbourne this year and in Canada.

Does the minister have any idea how serious these matters are when a child cannot regard their home as a sanctuary from bullies once that sanctuary is lost? The bullying often begins in their own homes. I say to the minister that it is not just children and adults bullying their peers; it is also adults terrorising children and adolescents. There is ample available evidence to support this. Why has the minister not immediately referred this to an advisory committee for advice if he does not know what to do? These children and adolescents need to be urgently reassured that these bullies can do them no harm and that the harm will stop and, furthermore, that we will protect them using strict regulations by legislation that only the Criminal Code can deliver. The incident that occurred at MacGregor High last year is salient and provides a template for what must be prevented. A serious assault was staged and subsequently used to threaten young adults following the assault. This problem is a malignancy.

Bill Belsey, president of a bullying association called Bullying.org—www.bullying.org is the web address; it is the world's most visited reference website—presented the keynote speech at the National Centre Against Bullying conference in Melbourne. He made the following observations about cyberbullying (1) it affects youth far more than adults; (2) the internet encourages disinhibition because there is no direct contact between bully and the victim; (3) the speed at which it occurs; (4) the audience is as large as the internet itself; (5) the bullies believe they can hide behind the anonymity; and (6), an interesting one, children do not like to be a dobber—in fact, a dobber is probably the worst thing a teenager can be called.

It is about children, people and relationships; it is not about technology. This problem is widespread and has infected all of our schools, institutions, homes and just about anywhere there are young people and children and a mobile phone. Australia has almost universal mobile phone take-up, embarrassingly so.

Bill Belsey also made the clear statement that children and adolescents now no longer need a computer. Mobile phones should not be thought of as phones anymore; they are mobile multimedia, internet-ready computers, hand-held and easily hidden when combined with texting and text-speak—a new language which is called 'new pidgin' or 'just text-in' SMS. What this means is that when families think they have introduced boundaries to restrict activities to minimise or stop connecting, it will be routinely occurring largely without parents' knowledge.

All the information I have found suggests, too, that many children can defeat all controls if they have access to a mobile phone. We have suggested that many parents and schools have to limit what computers are used for, when they are used and how much time should be spent on them. These controls need to continue because it appears that children and adolescents will use whatever tools they can get their hands on to do this. That is how this issue of cyberbullying occurs. Even interactive TV is now thought to be the next site that is going to challenge us all. Every home has multimedia technology in modern First World homes. Even with all the controls that Facebook has been claiming to have, including what they call a monitoring system, it has not been able to defeat the paedophile network. This system inherently exposed its users to electronic assault. This is not to criticise Facebook but merely to demonstrate that the social network is not a new paradigm; it is a new world order and we must adapt to it, not try to beat it.

In conclusion, this opposition bill is about doing something to prevent criminal electronic bullying against children and adolescents. This is modern-day, urban, electronic warfare. It is systemic. It has many flavours and it occurs in many cases in the individual's own home. The private member's bill that has been put forward by the member for Moggill, the shadow minister, should be supported because it is well thought through, it takes a scholarly approach and it addresses the issue of criminality in the manner that has been suggested by all people involved in this area.

The challenge for everyone here is to do something for all of our constituents. I urge this weak government to 'suck it and see' and embrace the legislative step that is both fair and appropriate—and I would say it is also proportionate. We cannot go backwards and we should implement all of the suggestions of Alastair Nicholson and Bill Belsey. The evidence from elsewhere shows that tangible results are delivered, and we all might just see a situation where texting on mobile phones and Facebook return to being both useful and positive personal social networking devices that children and young adolescents can enjoy safely without the threat of being terrorised in their own homes.