



Speech by

**Andrew Powell**

**MEMBER FOR GLASS HOUSE**

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

**Mr POWELL** (Glass House—LNP) (9.16 pm): I, too, rise to speak to the Criminal Code (Filming or Possessing Images of Violence Against Schoolchildren) Amendment Bill. Bullying has been present as long as mankind has existed. Kids Helpline usefully defines bullying as deliberate psychological, emotional and/or physical harassment of one person by another or a group occurring at school or in transit between school and home. It includes exclusion from peer group, intimidation, extortion and violence. Its most brutal and obvious manifestation is and has been physical bullying where a physically intimidating or successful individual—usually a male—would use their size and/or popularity to tease, persecute or hurt others.

Possibly because physical violence is more obvious to teachers, Kids Helpline is thankfully reporting that in recent years it has declined while the more indirect types of bullying have grown. By 'indirect' I refer to the growing range of subtle bullying tactics such as avoidance, exclusion, rumour spreading and of course cyberbullying. The victim may not display the classic physical wounds we have come to associate with bullying, but the mental and emotional impacts can be as dire. As the Parliamentary Library identified in its research brief No. 2008/18, *Fighting the bullies—what can be done?*, the availability of technology has provided new weapons of choice for students to bully others. Sending hostile or abusive text messages to a victim's mobile phone or email box and posting malicious or private information about a classmate in blogs are sadly becoming more common. Some proponents use internet chat rooms and social networking sites, while some apparently establish websites designed to ridicule victims. There have been reports of such a website that targeted a teenage girl in Queensland and allowed users to post photographs and comments. In June 2007 a fight amongst Brisbane Grammar school students outside the school grounds but while in uniform was filmed on a mobile phone and uploaded to the internet.

Unfortunately, such occurrences have been on the increase and my colleagues in this chamber this evening have elaborated in detail on some of these terrible events. Suffice to say, the statistics are horrifying. A study led by Associate Professor Judy Drennan of the Queensland University of Technology investigated the occurrence of bullying via mobile phones on 218 high school students. The results of the study suggest that experience of such bullying is widespread among high school students. Of the 218 respondents, 93.6 per cent of them reported experiencing at least one incident of this type of bullying.

Another study commissioned by the Australian government and conducted by the Child Health Promotion Research Centre at Edith Cowan University illustrated just how young covert—that is the spreading of rumours or attempts at socially excluding others—and cyberbullying starts. I recognise that the member for Caloundra has already mentioned these statistics, but it is worth mentioning them again. Sixty-five per cent of year 4 students experience covert bullying, with this number decreasing to 35 per cent of year 9 students. Up to 10 per cent of students in year 4 to year 9 reported having been cyberbullied in the previous term, with older students in this age category reporting a higher rate of victimisation than younger students. The studies suggest that the increase in cyberbullying and subsequent decrease in covert bullying as students get older can be attributed to students maturing and becoming more independent and competent in their use of new technologies. The hidden nature of covert and

cyberbullying practices makes them difficult for teachers and school administrators to prevent or stop. Perhaps as a consequence, students reported a reluctance to inform teachers of incidents. This is particularly concerning, given the potential ongoing social and psychological issues that can result for both students who have been bullied and those who have engaged in bullying behaviour.

In response to this alarming rise in cyberbullying, a range of strategies have been suggested to schools and parents to combat it. They include developing collaborative whole-of-school policies, training for parents and teachers, clear communication with students around what is permitted and what is not, basic bullying and harassment training for students, emphasising positive peer group roles, banning the use of personal technologies while at school and confiscating such equipment when such bans are breached. This bill will address the last element: confiscating such equipment when such bans are breached.

The bill makes it an offence to film, possess or distribute cyberbullying images. As the shadow minister said in his speech, a legal process around such activity is laborious and ineffective in protecting the community. Like hooning, there is a need to act quickly to prevent the distribution of such images. As the study that I referred to earlier identified, actions such as banning student use of personal technologies while at school have been found to reduce the prevalence of cyberbullying as students fear having their mobile phones or laptops confiscated. This bill will offer an even greater deterrent and should therefore deliver an even greater reduction in incidents of cyberbullying. I note and appreciate that the shadow minister has responded to initial Scrutiny of Legislation Committee concerns and has gone as far as to ensure that receipts for confiscated devices will be provided.

In conclusion, I echo the comments of the shadow minister and call on the government, in the interests of protecting our children from this growing and insidious form of bullying, to support this bill.