



Commissioner for Children and Young People
Western Australia

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Ms Judi Dawton
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Department of Communications
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Dear Ms Dawton

Enhancing Online Safety for Children – Public Consultation

Thank you for the opportunity to contribute to the public consultation on Enhancing Online Safety for Children.

Role of the Commissioner for Children and Young People

In December 2013 I was appointed Acting Commissioner for Children and Young and People pursuant to the *Commissioner for Children and Young People Act 2006* (the Commissioner's Act). The role of Western Australia's Commissioner for Children and Young People (the Commissioner) is one of broad advocacy: the Commissioner has a responsibility to advocate for, and promote and monitor the wellbeing of, the half million Western Australian's under the age of 18 years, and to monitor and review written laws, draft laws, policies, practices and services affecting the wellbeing of children and young people.

The Commissioner is required to have regard to the United Nations Convention on the Rights of the Child (UN Convention), and the best interests of children and young people must be the paramount consideration. Priority and special regard must also be given to the interests and needs of Aboriginal and Torres Strait Islander children and young people, and to those who are vulnerable or disadvantaged for any reason.

The Commissioner's Act also sets out guiding principles which must be observed, the following of which are particularly relevant:

- children and young people are entitled to live in a caring and nurturing environment and to be protected from harm and exploitation;
- the views of children and young people on all matters affecting them should be given serious consideration and taken into account;

Caring for the future growing up today

- parents, families and communities have the primary role in safeguarding and promoting the wellbeing of their children and young people and should be supported in carrying out their role.¹

As Commissioner, I support measures to address bullying in all forms. Bullying was one of the prevalent concerns of children and young people raised in this office's research on the wellbeing of children and young people. In that research, around 60 per cent of respondents in an online survey indicated that they had been bullied at some point. Data from this survey and from qualitative research confirmed that children and young people are bullied in a range of environments, including school and online spaces.^{2 3}

These reports are available from my website, www.ccyp.wa.gov.au.

This office has previously made public submissions on issues of cyber-safety, in particular in 2010 to the Joint Select Committee on Cyber-Safety. In responding to that inquiry, former Commissioner Michelle Scott emphasised the need for children and young people to have the opportunity to have input on matters relating to their wellbeing.

Commissioner Scott said:

Directly involving children and young people in decisions that impact on them and taking their views into account in the development of laws, policies and programs results in better outcomes for children and young people. This is true for all areas that impact on children and young people but is especially the case when considering their engagement with technology and the online environment – no one knows more about the ways they are engaged, the issues they face and, therefore it follows, solutions that are most likely to work for them.

Of particular note, Commissioner Scott reported that children and young people who were consulted on wellbeing were concerned about bullying in general, seeing cyber-bullying as one way in which bullying could take place.

It is vitally important that children and young people are able to have their say on matters that affect them, and to have those views considered and taken into account in developing responses and strategies. There are a number of consultative mechanisms which could be used to gather the diverse views of children and young people, including organisations such as the Inspire Foundation, the Young and Well Cooperative Research Centre, and the Youth Advisory Council of WA (YACWA).

In 2012 Commissioner Scott appeared before the House of Representatives Standing Committee on Regional Australia, giving evidence to the Inquiry on Fly-in Fly-out work practices. In the course of that hearing, the Chair referred to Commissioner Scott's submission, in which she recommended that the Committee consult with children and young people themselves. The Chair remarked that the input from children and young

¹ Section 4, *Commissioner for Children and Young People's Act 2006*.

² Commissioner for Children and Young People 2010, *Speaking out about wellbeing: the views of Western Australian children and young people*, Commissioner for Children and Young People.

³ Commissioner for Children and Young People 2010, *Research Report: Speaking out about wellbeing: the views of Western Australian children and young people*, Commissioner for Children and Young People, pp.49-51 and 84.

people on the effects of fly-in fly-out work practices had been very informative as to the effects on the communities in which they lived.⁴

My office has published guidelines for enabling children and young people to participate effectively in consultations on matters which affect them. These guidelines are available from my website, www.ccyp.wa.gov.au.

Professor Donna Cross, currently at the Telethon Institute for Child Health Research and formerly of the Child Health Promotion Research Centre at Edith Cowan University, is a leading researcher on bullying in online and offline environments, and has researched and published extensively on bullying reduction and addressing bullying behaviours in schools. I suggest that the further development of any policy concerning online behaviour should include reference to Professor Cross' extensive work in the area, and draw on the extensive evidence base built in her research.


I invite you to contact my office if you require any further details or comment on this matter.

Yours sincerely



JENNI PERKINS

A/Commissioner for Children and Young People WA



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⁴ The transcript of evidence is available at <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;adv=yes;db=COMMITTEES;id=committees%2Fcommrep%2Fdb38268b-e9bf-4ce1-9fd8-73b197a4ff11%2F0001;orderBy=customrank;page=0;query=fifo%20Content%3Afifo%20Date%3A18%2F04%2F2012%20Dataset%3Ahansardr,hansardr80,comRep;rec=0;resCount=Default>