



Speech by

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

Mrs STUCKEY (Currumbin—LNP) (7.50 pm): I rise to support the Criminal Code (Filming or Possessing Images of Violence Against Schoolchildren) Amendment Bill 2009, which was introduced into the House on 10 March 2010 by the shadow minister for education and training and honourable member for Moggill, Dr Bruce Flegg. This bill has been introduced following the alarming increase in violence and bullying among Queensland schoolchildren, culminating in the deeply concerning realm of cyberbullying.

This bill seeks to protect children who are the targets of cyberbullying through the confiscation of devices used by bullies to effectively stop the mode and the intent of the offence. It will also create a new section of the Criminal Code to specifically deal with making, possessing and distributing schoolchild-bullying material. Furthermore, it will provide a framework for the forfeiture and seizure of things used to make, distribute or store schoolchild-bullying material. It is a very good start.

It is the intention of this bill to reduce the incidence of cyberbullying in schools by giving police and school principals greater powers to intervene in the causes of cyberbullying, thus sending a clear message that cyberbullying is a serious offence in Queensland. The penalties prescribed in this bill range from a maximum five years imprisonment or 40 penalty units for an adult and one year's imprisonment or eight penalty units for children for making and distributing schoolchild-bullying material to two years imprisonment or 16 penalty units for adults and six months imprisonment or four penalty units for children for possessing schoolchild-bullying material.

The overwhelming bank of evidence points unequivocally to the fact that bullying no longer stops at the school gates. The issue of cyberbullying transports victimisation into the home via personal computers and telecommunication devices. The laws of this state require attention and updating to reflect the changing nature of school-age children's negative interactions with each other both during and out of school hours.

Cyberspace is a borderless entity, stretching farther and wider than the early days of the internet. This space is completely ubiquitous; it surrounds every aspect of children's lives. No schoolchildren in Queensland are exempt from the reach of the digital age; this is an all-encompassing sphere that virtually creeps into their impressionable young lives. Not only incumbent in the private realm, cyberspace is also mobile, able to infiltrate the public in an instant. We are seeing the evidence of mobile technology growing increasingly every day, with school-age children at the forefront of its use. There are dangers in the world of cyberspace that cannot be found elsewhere. Gone are the traditional days in which the enemy could be physically seen and heard. Children are now subject to sexual solicitation, sexual violence and pornography—in addition to bullying—and are viewed as easily approachable targets in cyberspace, where parents and teachers cannot always be wholly observant.

Cyberbullying involves the use of technology to capture, transmit or electronically distribute and store images of violence. It maintains the elements of traditional bullying, including the physical or psychological abuse of a child. However, it also incorporates a level of technological transmission that has

the ability to further scar a child to the point of psychological meltdown. Examples of cyberbullying include hostile and abusive text messages or emails or posting malicious comments on blogs or social network sites—all methods of abuse. Mobile phone cameras, combined with social networking sites such as YouTube, MySpace and Facebook, allow schoolyard bullying to reach global audiences. One *Courier-Mail* reporter said—

CYBER-bullying has been labelled the greatest threat to this generation of teenagers because of the way it leaves the victims with no place to hide.

Likewise, this Labor government can no longer hide behind its policy of complacency when it comes to protecting Queensland schoolchildren from the realities. A 'Say no to bullying' day is a welcome initiative, but what happens on the other 364 days?

As the law currently stands, Education Queensland takes an advisory role in relation to cyberbullying and no penalties exist for offenders. Reforms are requiring schools to review their responsible behaviour plans to include strategies on how to address bullying, including cyberbullying. I noticed recently that the Minister for Education and Training announced a series of Action Against Bullying education seminars to be presented by respected psychologist Dr Michael Carr-Gregg across the state between May and August 2010. I applaud this proactive approach to address bullying. However, the serious level that this endemic behaviour has reached demands more from a legislative level. Queensland police need support through legislation and the authority to serve tougher penalties for these students, who are not only bordering on criminal activity but also actively engaging in it.

In April 2009 a high school in my electorate experienced a sickening case of schoolyard violence that was filmed on a mobile phone and uploaded to a social networking site. The 16-year-old female attacker was sentenced to a month behind bars. The 17-year-old boy who filmed the horrific incident and then posted it on the web was also charged. However, his two-month jail sentence was wholly suspended, allowing him to walk free and later brag about his freedom on the same social networking site to which he posted the material originally.

If the Bligh government had not dragged its feet for so long, the message to the community that cyberbullying will not be accepted in Queensland could have been enforced and perpetrators would not have been allowed to walk free. The proposed amendments to this legislation will provide for stronger intervention through confiscation of electronic devices used for bullying including computers, cameras, video recorders and mobile phones.

Earlier this year Professor Ken Rigby, the government's adviser on bullying, released his report commissioned by the state government in 2009 entitled *Enhancing responses to bullying in Queensland schools*. The Rigby report highlights the failure of current approaches to tackling bullying in schools, particularly in terms of the growing impact of cyberbullying. Professor Rigby found the government's approach to be lacking, that schools need new advice on antibullying measures and that these new methods need to be followed through with the proper level of reporting.

Furthermore, clinical psychologist Dr Michael Carr-Gregg warned that many Queensland schools had ineffective policies in place to deal directly with bullying. Dr Carr-Gregg acknowledges four components of a successful antibullying campaign. It should be drawn up in consultation with the students because adolescents resist the language of control; it needs to be incorporated into the curriculum; staff need training in how to deal with bullying; and the school should provide parents with regular guidelines about bullying and give them an easy way to report it.

Based on these principles, I am delighted to inform the House of an antibullying program that I have sponsored to be implemented in two high schools in my electorate. *Walk in My Shoes* is a film and resource package that was produced by victims of bullying with the help of respected not-for-profit organisation Wesley Mission Brisbane. Produced by young people for young people, it encourages students to speak to someone they trust if they are affected by bullying. It also highlights the various ways that bullying can manifest itself and the damaging repercussions it can have. I have personally committed initial funding for teachers at both my local high schools to be trained in this program, which is being delivered to students in years 8 and 9.

A 2008 study by Associate Professor Judy Drennan from the Queensland University of Technology asked a sample of high school students to comment on the occurrence of cyberbullying through the use of mobile phones. Of the 218 students involved, 93.6 per cent reported having experienced at least one incident of mobile phone bullying, or m-bullying as the study calls it. In addition, research conducted by the Sunrise Foundation in 2009 found that 90 per cent of parents were aware of cyberbullying but 83 per cent admitted to not knowing how to respond if their child was a victim. The study also found that 80 out of the participating 900 students were at risk of self-harm from the direct effects of cyberbullying.

An inquest into the suicide of New South Wales boy Alex Wildman in July 2008 revealed that the 14-year-old took his life after intense bullying at school and on the internet. The coroner's inquest sought to examine the responsibilities of teachers in relation to cyberbullying and assaults outside school hours,

what training teachers were given in dealing with these issues and the interaction between teachers and police on such matters. Bullying expert Professor Helen McGrath revealed to the inquest that the school's handling of Alex's bullying was 'totally and completely inappropriate' and that if police had been involved the loss of this young life could have been avoided.

Both teachers and police need our assistance to help combat this terrible scourge that is happening with cyberbullying. As the law stands, schools and teachers have a duty to protect students from harm. However, considering the boundless nature of cyberspace on social networking sites in particular which permeate the lives of younger generations, the lines surrounding the onus of protection have become severely contestable. This bill seeks to add a stronger layer of protection for our children. By giving school principals and police officers greater powers to confiscate items used for the perpetration of this bullying, there is a significant chance that instances will decrease.