

Media Release

Chiefs of Staff, News Directors

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Criminal, civil and legislative changes recommended in bullying report

Creating a criminal offence to cover common bullying behaviours is one of 15 recommendations in a report released today by the Tasmanian Law Reform Institute.

Instances of suicides attributed to bullying have strengthened community desire to ensure that the seriousness of bullying is reflected in the law.

The Institute's *Final Report No 22, Bullying* considers what role the law should play in responding to all types of bullying behaviours, including cyber-bullying, and questions whether the current legal regime in Tasmania can provide appropriate redress for victims.

The Director of the Institute, Terese Henning, said traditional understandings of bullying are dangerously misconceived.

"Bullying can encompass an extremely wide range of behaviours, including social exclusion, name-calling, cyber-harassment, gesturing, physical contact, the spreading of rumours, teasing, publishing materials relating to the victim and masquerading as the victim online," Ms Henning said.

"It can permeate almost any social environment, and can be perpetrated or experienced by anyone. The same 'bullying' behaviour that has little or no effect on one individual may be incredibly damaging to another."

The report makes 15 recommendations. Together the recommendations are designed to create a tiered response to bullying consisting of:

- **A criminal justice response** reserved for the most serious cases which extends the offence of stalking in the Criminal Code to cover common bullying behaviours. The report also recommends changes to the Justices Act to facilitate applications for restraint orders on the grounds of bullying.

- **A civil justice response** which seeks solutions through mediation and restorative justice practices. The report recommends incorporating a mediation procedure into the restraint order process, or alternatively extending the jurisdiction of the Anti-Discrimination Commissioner to deal with complaints of bullying. Recommendations are also made to ensure that all Tasmanian workers have access to workplace bullying complaint processes.
- **The development of legislative requirements** for schools to implement anti-bullying policies and procedures. Policies should address the best interests of all children involved, whether those children are involved as victims, participants or bystanders.

“The problems of bullying require a collaborative community-wide response and a cultural and behavioural shift in understanding what bullying is and its far-reaching effects,” Ms Henning said.

For a copy of the report, please visit: <http://www.utas.edu.au/law-reform/>