

5 April 2019

Director, Online Content and eSafety Section
Department of Communications and the Arts

By email: onlinesafety@communications.gov.au

Dear Director,

Re: Online Safety Charter – consultation paper feedback

I am writing in relation to your call for feedback on the draft Online Safety Charter – consultation paper ('the draft Charter'). As South Australia's Commissioner for Children and Young People my mandate under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* (the Act) is to advocate for the rights, interests and wellbeing of all children and young people in South Australia. It is also my role to ensure that the State, at all levels of government, satisfies its international obligations under the Convention on the Rights of the Child (CRC).

During my 2017 Listening Tour I asked children from all across South Australia what was most important to them and one of the things they told me is that the online world is part of their everyday life. One young person told me that online friends can sometimes be more important than we (as adults) might imagine. Another said that, when he was nine years old, he didn't have any friends "so online friends replaced friends [and] gave me a social aspect that I was lacking at school". They also told me that they wanted to know how to engage in an empowered way in this world.

On the basis of these voices, and others, I included the engagement and empowerment of young digital citizens in my strategic plan: all children and young people in SA should be able to engage with the digital world, access its benefits equally, be digitally included and have their rights protected.

Some of my current and future projects in this space include:

1. Child-led practical solutions around online wellbeing

During Youth Week 2019 (commencing 8 April), I am polling children and young people around the online wellbeing issues that young people in South Australia consider to be most important.

The results, plus face to face consultations with focus groups of 14-17 year olds will inform the challenge set by the Department of Premier and Cabinet's ICT and Digital Government's D3 Challenge in 2019. (D3 is a digital design challenge to engage adult innovators and entrepreneurs to create and implement practical digital solutions to

real life problems.) The focus group of young people is planned to determine which digital solution receives partnership funding to become a reality.

2. Child-led awards for businesses getting it right

I am exploring the possibility of partnering with a recognised business awards program to create a child-led award for businesses excelling at respecting the human rights of young people in the digital space.

Depending how the final form of the Charter aligns with the voices of young people in SA we could explore the possibility of these awards working in conjunction with the Charter, as well as in accordance with the general principles of State obligations regarding the impact of business on children's rights.

3. Human rights for young people in the online space

I plan to ultimately work with young people in SA to inform an SA-centric framework to translate human rights to the digital space for children. This will be to increase young users' awareness and powers in their digital world with particular focus anticipated around the right of young users to remove what they post and their right to know what their data is being used for.

Inspiration for the framework includes work being done around how to minimise risk while promoting opportunity. Of particular note are [YoungScot's 5Rights Foundation framework](#) including its [Towards an Internet Safety Strategy](#), the work of [Global Kids Online](#) (an international research project by the London School of Economics and Political Science (LSE), UNICEF Office of Research-Innocenti and the EU Kids Online network), and the proposed [UN General Comment General Comment on children's rights in relation to the digital environment](#).

4. Commissioner's Digital Challenge

One of my 'Front and Centre' agenda aims is to empower young digital citizens via a variety of mechanisms including the ongoing annual Commissioner's Digital Challenge ('the Challenge') which was introduced in January 2019. With around 150 schools already taking part around the state and libraries and community groups involved, the Challenge is designed to expand and evolve over the years. An upcoming digital literacy challenge in the pipeline may look at how the young people of SA can write their own privacy terms to inform a toolkit to be presented to major social companies.

5. How young people feel about gaming

I am running consultations with young people and their families in SA around issues arising around gaming¹. A recurrent theme young people have talked about with me

¹ Gaming in the sense of playing computer games including online games – no reference to gambling.

is that balance is a key ingredient to healthy online engagement and that when the right balance is struck, gaming can be a practical tool to help alleviate other wellbeing issues young people may face in areas such as mental health and social interaction. The findings of my gaming conversations will be consolidated and published in due course.

6. Shared family screen time

Throughout all initiatives, I am looking to raise awareness around healthy internet use with parents, carers and families via the promotion of active shared family screen time. This is about promoting safety by emphasising positive and empowering ways to interact online.

7. Bullying report

A separate area of my agenda centres on prioritising young people in SA who are doing it tough and part of this work has been around bullying. The online wellbeing findings might also be informed by learnings from the extensive bullying consultations I ran around SA in 2018. In these consultations children and young people did not differentiate between online and offline bullying and considered one to be an extension of the other so the solutions provided in the report are for both. Please refer to my Bullying Report.

8. Mechanisms of Trust

I have been speaking with children and young people about feedback mechanisms and characteristics that are important to them. One of the early themes to emerge from these conversations has been the issue of trust in many of the technology firms discussed in the consultation paper. These organisations are early service providers for children and young people. As such, their engagement with them through genuine customer service is important to building trust and young people's understanding of how to engage in the future on a range of topics including safety and privacy. The findings from these conversations will be released later this year.

Although I am working a lot in this space, I have not had many detailed conversations with children and young people about online safety so am not currently able to provide detailed feedback in relation to the draft Charter. I do however wish to express interest in being part of this conversation as it develops and I should be able to provide valuable contributions from the voices of young people in the future.

The draft Charter's first principle (that standards of behaviour online should reflect the standards that apply offline) resonates as it echoes what young people frequently tell me. The online world is simply another part of the world for our young people. There is home, school, university, friends' homes, music venues, sports fields, and online places – they are quite simply other places.

In relation to the draft Charter's second principle (that content that is harmful to users, particularly children, should be appropriately restricted), part of my work is about promoting

online wellbeing. This is a goal that encompasses safety but is balanced with an emphasis on holding space for young people and their families to fully embrace the real opportunities that online empowerment can provide.

A general observation about the draft Charter is that it is entrenched in risk and the mitigation of risk with a view to 'protect' children and young people. However, children and young people are telling me that they want the tools to navigate the digital space and to feel empowered in this space.

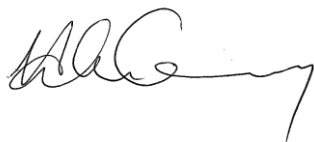
In conclusion

Given the constantly changing nature of this space, this work is not static and requires a future-adaptive perspective. I would therefore be grateful to be notified of any significant developments across this area and am keen to share my findings and outcomes with your office in due course.

The contents of this letter are not confidential.

Many thanks and best regards.

Yours sincerely



Helen Connolly

Commissioner for Children and Young People



A free digital challenge for children in South Australia

COMMISSIONER'S
DIGITAL
CHALLENGE

