

Online Safety Charter

A submission to the:
Department of Communications and Art

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Prepared by:
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Introduction

Online safety has become an increasingly notable issue to which **yourtown**, and in particular, our team of over 100 Kids Helpline (KHL) counsellors has had to respond and to develop resources to support children and young people. Indeed in 2016, as a result of its rise as a concern amongst children and young people contacting KHL, we expanded KHL data collection to gather information specifically on the prevalence of cyber safety issues, with the aim of informing and improving our counselling and advocacy work in the area. In 2018, 2,701 counselling contacts were made relating to an online safety issue. We therefore welcome the opportunity to provide our insight in relation to the development of an Australian Online Safety Charter.

The cyber safety concerns that children and young people present with to KHL are wide-ranging and most typically involve cyberbullying, sexting, image-based abuse or blackmail, or exposure to pornography. Often expressing high levels of anxiety, depression, isolation, humiliation or shame about their online experiences, they tell us that they subsequently do not want to go to school and that their grades are deteriorating, that their relationships with their family and others are suffering, and that they are no longer interested in the hobbies they formally enjoyed. They may feel hopeless and powerless, and most tragically, sometimes even suicidal. Some 12% of young people who contacted our counsellors about an online safety issue in 2018 were experiencing suicidal thoughts at the time. Of notable concern, 13% of those were aged just 5-12 years old.

Whether as the victim, bystander or perpetrator of harm, children and young people call KHL asking for advice about how to resolve their concerns, guidance about how to approach and respond to peers, family or teachers, information about the law and whether they might get in trouble due to their actions or whether it might help protect them. Hence, although they may be experts in the use of the internet and social media apps, it is clear from our KHL contacts that many children and young people are highly vulnerable to internet harm, and – given their developmental immaturity – are not equipped to effectively manage the complexities and repercussions of online interactions and content.

Yet we also know it is not just our youngest generations that are struggling with engaging online in a safe, healthy and appropriate way. Adults are also exposed to its risks including, for example, of cyberbullying. The internet seems to be rampant with adults – from many walks of life – verbally abusing and bullying others in light of their views, their appearance or some aspect of their life. Indeed, it often feels like the internet is the new ‘wild west’, where social norms have yet to be instilled, and where many people aggressively vent their frustrations at others.

Furthermore, the extent of the power of the internet, and ways in which it can be used, to carry out harm are still being realised. Recent events and news show how it can swiftly shape elections and the political direction of nations, how it can convincingly present fake news as real news and challenge the accepted order and basis of our democracies, and how it can even be an accomplice to the most heinous crimes. What is clear is that the internet has enormous potential to do harm to individuals, communities and nations, and given its widespread infiltration into every aspect of our lives, that our governments must urgently act to ensure that appropriate measures are in place to protect all citizens from harm, and particularly our most vulnerable.

We therefore strongly welcome the development of an Online Safety Charter, and its intention to act as community-led standards for industry to protect citizens. The lack of regulation of social media and internet providers is a notable gap and we welcome acknowledgement that, as providers of the platforms for user interaction and access of information, they have a key role to play in controlling what is available on the internet and who can access it. The Charter would be an important step to building community standards and social norms – like those that exist outside the web – to regulate online behaviour and the use and access of online content.

We also particularly note and welcome acknowledgement that children and young people are especially vulnerable to online harm and the clauses set out to protect them. We would encourage government to work directly with children and young people in the development of this Charter, and its regular review, and we would encourage industry to work with and hear from children and young people in its implementation. We would also like to see included in the Charter a list of rights that Australian citizens can expect when accessing the internet, with a specific list of rights for children and young people, developed with them.

In our submission, we identify an additional area that we feel industry has a responsibility on which it should act. This would build on the first of the two fundamental principles; that standards of behaviour online should reflect the standards that apply offline. To this end, we believe that internet and social media providers have a duty to provide education – both online and through other channels – to children and young people about how to stay safe online and how to seek help. As advocated in our extensive work in relation to cyberbullying,¹ this would be part of a broader socio-ecological approach to tackling the risks of online harm, acknowledging it as a community-wide issue, which requires a long-term, multilevel and multipronged approach by government, communities, families and industry to prevent it.

Finally, we emphasise therefore that the Online Safety Charter is just one of many interventions necessary to help build a safer online world. Indeed, as with keeping children and young people, and the wider community safe on the streets, some new legislation will be necessary to ensure that industry effectively regulate their activities and who accesses their services. Legislation will also be required in terms of national harmonisation of different laws acting in this area, such as the legal definition of children in relation to age, which currently varies from state to state, agreement on definitions of online harm (e.g. cyberbullying) and current legal responses to breaches of the law.

We see the Online Safety Charter as an important step to protecting Australia's children and young people and look forward to working with government to ensure that it plays a robust role in our communities and helps children, young people and families interact and access the internet in safe, respectful and community-accepted ways.

¹ <https://www.yourtown.com.au/sites/default/files/document/Prevention%20and%20reduction%20of%20cyberbullying%20of%20young%20people.pdf>

About yourtown

yourtown is a national organisation and registered charity that aims to tackle the issues affecting the lives of young people. Established in 1961, **yourtown's** mission is to **enable young people, especially those who are marginalised and without voice, to improve their quality of life.**

yourtown provides a range of face to face and virtual services to young people and families seeking support. These services include:

- Kids Helpline, a national 24/7 telephone and on-line counselling and support service for 5 to 25 year olds with special capacity for young people with mental health issues
- Accommodation responses to young parents with children who experience homelessness and women and children seeking refuge from domestic and family violence
- Young Parent Programs offering case work, individual and group work support and child development programs for young parents and their children
- Parentline, a telephone counselling service for parents and carers'
- Expressive Therapy interventions for young children and infants who have experienced trauma and abuse or been exposed to violence
- Employment programs and social enterprises, which support young people to re-engage with education and/or employment, including Aboriginal and Torres Strait Islander specific services.

Kids Helpline

Kids Helpline (KHL) is Australia's only national 24/7, private support and counselling service specifically for children and young people aged 5 to 25 years. It offers counselling support via telephone, email and a real-time web platform. Kids Helpline is staffed by a paid professional workforce, with all counsellors holding a tertiary qualification.

Since March 1991, young Australians have been contacting Kids Helpline about a diverse group of issues ranging from everyday topics such as family, friends and school to more serious issues of child abuse, bullying, mental health issues, drug and alcohol use, self-injury and suicide.

In 2018, Kids Helpline counsellors responded to over 140,000 contacts from children and young people across the nation, with an additional 843,753 unique visitors accessing online support resources from the website.

Our submission

In our submission, we respond to specific sections of the consultation document about which we have insight to share, rather than specific consultation questions.

Scope

We understand that the Charter applies to a broad range of providers and, as a result in their implementation, that standards will need to be tailored to particular services. However, we do believe that in relation to children and young people that are set of agreed standards, principles and/or rights can be applied to the services that they access or are specifically designed for them.

For example, standards that can be applied across the spectrum might include:

- The age at which services can be accessed.

In relation to rights that children and young people should be able to enjoy when accessing internet services, they might include:

- The right to not be exposed to age-inappropriate content
- The right to not be approached by predatory adults
- The right to not be abused or stalked online
- The right to be able to freely choose how and when to access services
- The right to verifiable information

In addition, the consultation paper's acknowledgement that the digital landscape is not static is important. New services and platforms continue to emerge, and importantly, children and young people devise new and innovative ways to engage with them. Given that, at times, the ways in which children and young people engage with technologies can be harmful, it is critical that technology firms not only work with children and young people in the development of their services but also monitor and provide timely responses to the way in which they use their services to ensure they continue to be safe. For this reason, we support the eSafety Office's Safety by Design approach, but would emphasise that how use of services evolves over time needs to be considered and integrated into this approach so that products continue to be used safely.

Outline of the draft Charter

In relation to the second fundamental principle, it is important to consider that some people view content that is educative as harmful to children and young people, such as in relation to sex education or issues around gender identity. We would strongly urge government to ensure that children and young people have access to age-appropriate information sources about such issues and that mechanisms are found in the implementation of standards to, for example, ensure that whilst minors are unable to access pornography, that they can access educative and help-seeking

information about the detrimental impact of pornography given they are likely to encounter it as minors regardless of age-content filters.

yourtown would also add online user education as an additional area to the draft Charter. We believe that technology providers have a responsibility to educate children, young people, parents and the wider community about the risks involved in using their services, how and where to seek help when harm is committed and where to report harm. This should include educative information hosted on service platforms in interesting and age appropriate ways, and which include educating parents and guardians about what their children are able to do when using the service. In addition, we believe that technology firms should have to financially contribute to education delivered at school (independent of technology firms) about the internet, including, for example, on how to verify information, what are healthy relationships, how to stay safe and how to seek help.

I. Control and responsibility

I.3 Content removal

We would like to see this standard supported by legislation so that technology firms are legally bound to remove illegal content proactively and within minimum timeframes, and to prevent its reappearance on their platforms. The technology exists to support this approach and hence there should be no excuse for platforms, for example, hosting verbal abuse of children and young people, child pornography or live footage of atrocities being committed. A time delay to live-streaming could be an easy way to minimise access to inappropriate and harmful live videos.

2. Improving the user experience

We particularly welcome the standards set out in this section, including recognition that terms of use and community standards need to be designed to be accessible and understood by the youngest of users. We also strongly support the comprehensive user support mechanisms that are listed in the document, particularly the provision of referrals to mental health and other support services.

2.3 Account and device control

Parental controls on the Apple iOS operating system and Xbox are effective in terms of regulating when a child can access devices. Similar controls do exist on other platforms to varying degrees of effectiveness. However, children can circumvent some controls by, for instance, changing the time on their phone. We would strongly support measures which provided ongoing education and prompts regarding these loopholes. This might include ways to alert parents to changes of phone settings, for example.

We believe that parental controls for those under 16 is a good idea but these controls should be adjustable by age (e.g. there might be a different default setting option for children aged 13). We also support parents' involvement in registering for accounts for children under 16 years old.

3. Built-in child safety

3.1 Default privacy settings and age guidance

We support the government's expectation that child users should be given special protection in terms of default restrictions. Default settings should be automatically higher in relation to restricting access to certain sites and content for children and young people.

Google/Gmail is an example of a provider that has default restrictions for children under 13 years old, allowing parents to set up a child account with restrictions that can be modified by the parent. When the child turns 13 the parent or carer is sent a reminder and notification that settings will automatically change and their child is now effectively in charge of their own account. However, loopholes exist and these need to be factored in when designing defaults.