



Ms Delia Rickard PSM  
c/o Director – Strategy and Research  
Online Safety, Media and Platforms Division  
Department of Infrastructure, Transport, Regional Development, Communications and the Arts  
via [OSAReview@communications.gov.au](mailto:OSAReview@communications.gov.au)

Dear Ms Rickard

The First Nations Digital Inclusion Advisory Group (Advisory Group) welcomes the opportunity to provide input to the 2024 Statutory Review of the *Online Safety Act 2021* (the review). The Advisory Group would like to thank you for your engagement with us to date.

As you may know, the Advisory Group was established by the Minister for Communications to provide advice on supporting progress towards Target 17 of the National Agreement on Closing the Gap, which aims for equal levels of digital inclusion for First Nations people by 2026. Target 17 underpins Outcome 17 of the National Agreement, which is focused on ensuring that First Nations Australians have access to information and services enabling informed decision-making regarding their own lives.

In October 2023, the Advisory Group published its initial report, which is available here: [Initial Report | First Nations Digital Inclusion Advisory Group](#). The report recommends practical measures to address access, affordability and digital ability, as well as improve the collection of data to measure the digital divide. These recommendations helped inform funding of \$68 million in the 2024-25 Budget, which will be used to implement \$40 million for the roll-out of free community Wi-Fi in remote communities, \$22 million to establish a First Nations Digital Support Hub and a network of digital mentors, and \$6 million to expand the Australian Digital Inclusion Index (ADII).

A key focus of our report and ongoing work is ensuring that First Nations Australians have the digital skills they need to be safe online. While we recognise the enormous benefits that can come from being online in terms of economic opportunity, access to services, and connection to culture and family, we are also aware of the increasing prevalence and impact of harms such as cyberbullying and scams.

Many **First Nations Australians are more vulnerable to online harms** due to lower levels of digital ability and limited access to support to mitigate these harms. In 2023, the ADII found that First Nations peoples recorded a digital ability score of 60.7. This was 4.3 points lower than the national average (65.0). This score widened with remoteness, with First Nations people living in very remote areas scoring 46.1 compared to 63 for non-First Nations people in remote areas.

Addressing the incidence and impact of online harms is a critical part of supporting digital inclusion for First Nations Australians, and will be part of the design considerations for the First Nations Digital Support Hub and the network of digital mentors announced in the 2024-25 budget. However, to help complement and support these measures, it is our view that there needs to be **stronger regulation of online content and environments** to mitigate the potential risks and harms to which First Nations Australians are exposed.



This could include strengthening online safety expectations of service providers beyond the current core expectations to include more proactive identification and moderation of material which is harmful, including misinformation that is racially motivated. More broadly, it is important that the review consider the **effectiveness of current approaches to online hate** and potentially consider strengthening the provisions within the Online Safety Act for its definition and regulation. Stronger penalties for non-compliance with these expectations should also be considered.

One of the key issues that we have heard from stakeholders is the importance of **protecting and supporting First Nations Australians who have encountered online harms**. We have heard that even where there are protections in place, many First Nations Australians lack awareness of their rights or avenues of redress. We note the discussion paper raises the option of an expanded complaints-based scheme for addressing online hate and would encourage you to explore this option further, with a specific focus on how such a scheme could be designed to support First Nations Australians.

As part of this, consideration should be given to ensuring information on the complaints process is translated in First Nations languages and communicated in culturally appropriate ways. We strongly recommend that targeted communication with First Nations communities, using First Nations media and broadcasters. Without an effective communications campaign using First Nations media and broadcasters, there is a significant risk that this message and information will not be effectively received by communities.

In addition to the general comments above, we would like to draw your attention to some specific issues that should be considered in your review:

- **data collection:** social media use and experiences in First Nations communities is still under-researched, and current research presents mixed results. We recommend you consider the need to fund research and data collection to inform future reviews.
- **technology-facilitated abuse:** First Nations women report high levels of online threats, including harassment and stalking. We recommend you consider how the *Act* can help address this abuse, including the unique circumstances in First Nations communities related to the reliance on shared mobile phones and on community Wi-Fi which may only be available in public areas.

The Advisory Group would be happy to expand on the comments made in this submission. If you would like to accept this offer please contact [firstnationsdigitalinclusion@infrastructure.gov.au](mailto:firstnationsdigitalinclusion@infrastructure.gov.au).

Yours sincerely

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