

Environment and Communications References Committee

Inquiry into Internet Search Engine Services Online Safety Code

Formal submission by

Greg Tannahill

in his capacity as an individual

Position

The federal government should abandon plans to limit access to search engines in Australia, or any subset of features of search engines, on the basis of age, on the basis that such a policy is:

- (a) oppressive of the rights of young people;
- (b) oppressive of the rights of Australians generally;
- (c) unlikely to achieve the stated aims of the policy;
- (d) technically unfeasible;
- (e) unsupported by evidence;
- (f) actively harmful to young people; and
- (g) likely to open the door to further impacts on the rights, safety and freedoms of a range of vulnerable minorities.

Further, while I acknowledge it is outside the scope of this inquiry, the Federal Government should abandon plans to age-gate any portion of the internet via age assurance or identity verification, whether by use of industry codes or any other measure, for the reasons given above.

Specific submissions

(1) Reliable age verification is technically unfeasible.

The consistent advice of experts, and of the government's own investigations and trials, is that no technology exists that can reliably verify age to within any reasonable degree of accuracy without relying on formal ID paperwork. All existing technology comes with an unacceptably high level of false negatives and false positives, which will result in unfair and unjustified impacts upon Australians wishing to exercise their right to access content.

(2) Age verification is a security and privacy nightmare.

Any form of age verification which requires, or incentivises, online businesses to seek or retain personal information of Australian citizens – including the use of metadata for “age inference” – creates a privacy and security hazard. Long experience has shown that over a long enough timespan this information **will** be hacked, or shared, or misused. Even for technologies which claim to not transmit user data, such as client-side age assurance, the requirement to normalise the use of cameras and other surveillance technologies in access content creates a generally less safe and more exploitable online environment for Australians.

(3) The policy is not supported by evidence.

There is no evidence anywhere in the world supporting the claim that age verification can work, can operate without unreasonably impacting the rights of Australians, or can achieve the intended policy outcomes. Nor has the government been able to cite any evidence supporting the idea that its policy will achieve its outcomes. In fact, the overwhelming weight of international experience, particularly in the UK and US, suggests that age verification policies have been unworkable, unpopular, prone to unintended consequences, and have resulted in no measurable increase in the safety of children or anyone else.

(4) The alleged harms the policy aims to prevent are not supported by evidence.

Many of the “harms” the policy is intended to prevent – such as exposure to pornography – are not based in evidence. Despite extensive research, there is no evidence suggesting that people of any age experience measurable harms from self-initiated exposure to pornography in the absence of either (a) a grooming adult or (b) a toxic sex-negative cultural background. Nor does the evidence support the idea exposure to pornography creates or supports toxic attitudes to women or to sex – in fact, consumers of pornography have reliably been found to have significantly better attitudes to feminism, safe sex and consent than those who deliberately abstain from pornography.

(5) The policy impacts the constitutional right of young people to freedom of political expression.

The inevitable result of gating young people from sections of the internet is to impinge upon their ability to become politically informed and engage in political speech – including to advocate on issues affecting them and their rights, like age-gating policy. This infringes upon the implied constitutional right to freedom of political speech. Political speech has generally been interpreted broadly, and may include sexual speech or speech on topics of sex and sexuality which age gating may otherwise prevent. This constitutional right is not limited by age, and Australians aged 14 to 16 have the same rights in this regard as anyone else.

(6) The policy is discriminatory against LGBTIQ+ Australians.

It is impossible to separate sex from sexuality. Regardless of what age we feel it is appropriate for young people to have sex or engage with sexual content, the reality is that LGBTIQ+ Australians may be aware of their sexual identity from a young age, and struggle with questions around sexuality, sexual attraction, and sexual identity. The overwhelming weight of evidence suggests the health outcomes of young LGBTIQ+ Australians are greatly increased by having free access to reliable sexuality information (without necessarily needing to seek their parents' approval for that information) and by being able to find and engage with LGBTIQ+ peers around topics of sexuality and sexual identity.

Queer culture, and discussion of sexuality, by its nature includes sexual content and sexual discussion. There is no way to separate young people aged 14-16 from sexual content without also separating them from the people, resources and communities they need to understand and be safe within their sexuality, to organise politically and culturally as communities, and to find appropriate supports to protect them from bigotry and from predators.

This policy **will** have impacts upon the health and outcomes of queer Australians, and there will be suicides that could have been prevented had this policy not been in place.

(7) The policy poisons relatively safe online institutions and will drive young people and others to darker and less regulated sites.

People prevented from accessing content through large, relatively safe sites will not simply stop seeking that content. They will instead access it via methods that are less transparent, less accountable, and less safe. The policy actively makes the internet a less safe place for Australians, and undoes decades of work aimed at encouraging the largest tech platforms to have strong trust and safety investment.

(8) The policy is discriminatory against a range of other vulnerable communities.

Evidence shows that many age verification technologies have significantly increased rates of error when it comes to people of colour.

Many communities who we would wish to have access to the internet may have trouble producing formal identification documentation that matches their appearance and customary name, including people in controlling and abusive relationships, undocumented migrants, and trans folk.

(9) There are a range of good reasons that Australians should be able to access the internet without being tied to a specific verifiable identity.

A range of people accessing the internet will find it onerous, unsafe, or undesirable on legitimate grounds to verify a specific identity that matches legal documentation, including sex workers and adult performers, pseudonymous writers (such as of romance books) or other creators, business or organisational accounts operated by multiple people, and people who have been the target of online harassment or threats.

(10) The government's consultation has been rushed and not conducted in good faith.

Consultation on age assurance has been extremely poor and key sections of the community have not been consulted. Almost no one in Australia was aware of an intention to apply age verification to search engines prior to its announcement. It was not an election policy.

The Age Assurance Stakeholder Advisory Board did not include any representation from:

- People of colour;
- People with a disability;
- Young people;
- LGBTIQ+ Australians; or
- Sex workers or adult industry.

The eSafety Commissioner's various consultation rounds do not appear to have included any direction representation from young people, and the Commissioner has routinely refused at all stages to consult with sex workers or adult industry.

The Environment and Communications Legislation Committee's inquiry into the Social Media AgeProvisions, conducted in November 2024, was only open for 48 hours for submissions, and it clearly had not even read, let alone considered, the majority of the thousands of submissions it received prior to delivering its report.

(11) The lobbying for age assurance includes a significant proportion of bad-faith actors.

While many people supportive of age assurance policies have a good-faith interest in protecting children (even though I submit their views are misinformed and not supported by evidence), it must be understood that large part of the age assurance lobby are not acting in good faith.

The reality is that these laws and policies developed out of far-right activist groups with religious fundamentalist or misogynist leanings, such as the National Centre on Sexual Exploitation (NCOSE), formerly known as Morality in Media. The aim of these groups is not ultimately to protect children, but rather to suppress sex and sexual speech, to criminalise sex work, to regulate the rights and sexuality of women, and to oppress and criminalise LGBTIQ+ folk. Age assurance is explicitly a step in their plan to prevent access to a wide variety of sexual and political speech for all Australians.

It should worry the Australian government that age assurance schemes have been previously deployed by the most conservative and repressive Western governments, at the behest of political forces which Australians would generally regard as extremist, or even fascist.

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Further Reference

I further refer the committee to my submission made to the Environment and Communications Legislation Committee's inquiry into the Social Media Age Provisions, included for your convenience as Attachment A.

If the committee would be assisted by further elaboration on any of the points in my submission, or by hearing from me in person, I would be delighted to assist.

With thanks,

Greg Tannahill

21 September 2025

Online Safety Amendment (Social Media Minimum Age) Bill 2024 [Provisions]

Environment and Communications Legislation Committee Inquiry

Formal Submission

Name: Greg Tannahill

Capacity: Private Citizen

Text of Submission

The Online Safety Amendment (Social Media Minimum Age) Bill 2024 should be wholly rejected in principle, for the following reasons. If it is not rejected, its provisions should be wholly deferred pending the result of the age assurance trial and further community consultation, particularly with young people.

You cannot stop young people accessing social media; you can only stop them accessing it safely.

Regardless of what this bill provides, young people will gather and socialise online. Some will return to platforms they are banned from through back doors, or by purchasing adult-verified accounts in illicit transactions, or possibly simply by VPN, and those platforms will be less safe for them, because the assumption will now be that Australian users on those platforms will be adults, and the platforms will have less incentive to design the substance of their platforms in child-safe ways.

Others will congregate on other platforms and forums that are less transparent, less regulated, and inherently less safe.

It is far better for young people to be engaging on large, publicly accountable and publicly visible platforms like Facebook and Instagram than for them to be exclusively restricted to less well-known outlets.

There is no evidence supporting this bill.

In citing evidence supporting this bill, the Communications Department and government ministers have referred to a UK study by Andrew Przybylski and others, and to a warning by the US Surgeon General. However, Andrew Przybylski is on record as saying that his study does NOT support an age-

based ban on social media, and the US Surgeon General's advice is based entirely on the Przybylski study. No further scientific evidence supporting this policy has been offered.

Despite frequent reference to the "harms of social media" there is actually a profound lack of evidence that social media causes any such harms, as opposed to the surrounding social context in which it exists. However, what we **do** know is that teens who are **prevented** from accessing social media **do** suffer harms to their mental health, social development, and overall safety, and particularly if they're an LGBTIQ+ teen, or from a marginalised group, or living in an unsafe or controlling household.

No jurisdiction anywhere in the world has successfully implemented a scheme of this sort, let alone reported positive outcomes from it.

Given that this bill severely and significantly limits the basic rights of a large section of the Australian population, it simply isn't acceptable to pass this bill without significant scientific reason to think that there are real identifiable benefits which significantly outweigh the harms.

The standard for limiting rights

Putting aside Australia's censorship regime, there are three key activities where Australia limits the participation of young people by legislation: driving, alcohol and tobacco.

In each of these cases, the evidence of significant harm to young people by participation is *overwhelming*. And in each of these cases, the harms caused by the legislative intervention are incredibly mild, and mostly borne by businesses and government regulatory services.

Compared to these, the case for limiting social media use simply doesn't pass the pub test.

One suspects the government is doing this simply because they **can**. If it were proposed to limit the rights of any other section of the Australian population in this way, there would be a massive and overwhelming public outcry. But, of course, young people are not represented in parliament, and have comparatively little access to advocacy and media to defend their rights and interests.

(And I note that this bill will have the effect of further restricting the ability of young people to argue in their own interests on the public forums where Australian political speech occurs.)

Vagueness of scope

Even at the time of introducing this bill, the government were not clear about what sites would be covered by the legislation. Clearly Facebook, Instagram and Twitter. But not messaging apps or gaming. There was some suggestion that the dividing line was to do with platforms that algorithmically push content to users.

However, it was suggested that YouTube would not be included, which is surely one of the worst offenders in algorithmically pushing inappropriate content to children. Whereas Reddit **would** be included, which has almost no algorithmic content recommendations.

Parliament simply cannot pass legislation without understanding who will be impacted by that legislation, and why.

Technical feasibility

At this stage it is unclear how platforms will comply with the provisions of this bill, or whether it is even possible to do so. Experts say that it is not – that there **is** no technology to accurately verify age without overwhelming privacy issues.

The legislation should not be passed until the conclusion of the government's age assurance trial – which is likely to result in a conclusion that safe age verification is technically unfeasible.

Impact on adults

An age verification scheme for young people is, by default, an age verification scheme for every Australian.

Australian has **long** rejected the idea of Australians having to provide identity information before engaging in the political process. We do not have to show ID to vote.

Australians of any age should not have to identify themselves before participating on forums of public speech. The bill imposes an unreasonable burden, and limitation of rights, on the entire Australian population.

The government's own regulator does not support this legislation

The eSafety Commissioner, who will be administering the provisions of this bill, has on many occasions advocated that an age-based restriction on social media is not good policy, and has not offered any support for the current bill.

Insufficient consultation and support

The government simply has not consulted properly on this bill – particularly with young people. Groups that represent or advocate for young people have consistently said that young people do not want this legislation, do not understand it, and do not believe it will benefit them. The rushed nature of this very committee inquiry, and the extraordinary 24-hour turnaround for submissions, is evidence that this is a rushed and flawed process.

Discriminatory harms to unsafe and marginalised Australians

The reality is that not every Australian can safely provide age verification identity data online, and this bill discriminates against them. Those who are discriminated against by this bill include:

- People living in abusive and controlling home environments, who may not have safe access to their identity documents.
- People fleeing unsafe and abusive environments.
- Creators and performers, including in adult industry, who work under stage names and pen names.
- Trans Australians, and others whose commonly used name may not match their identity documents.
- Migrants, including illegal migrants, who may have incomplete or missing identity documentation, or who may not be able to access approved forms of Australian ID.
- Disabled Australians, including those with mental disabilities, or mental health issues, which may cause them difficulties in engaging with bureaucratic processes.
- Political whistleblowers and other anonymous political accounts who have long been an important part of the Australian online political landscape.

Summary

For all of the above reasons, this bill should be rejected, and fundamentally reconsidered, as an unworkable, rushed, discriminatory piece of legislation that does not achieve the goals that purportedly justify it, and which causes significant harms to all Australians.

With thanks,

Greg Tannahill

22 November 2024