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22 November 2024

Committee Secretary

Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

By submission:

https://www.aph.gov.au/Parliamentary_Business/Committees/OnlineSubmission/Submit

RE: Online Safety Amendment (Social Media Minimum Age) Bill 2024

The Internet Association of Australia (**IAA**) thanks the Senate Standing Committees on Environment and Communications (**Committee**) for the opportunity to respond to its inquiry into the recently tabled *Online Safety Amendment (Social Media Minimum Age) Bill 2024* (**Bill**).

IAA is a member-based association representing Australia's Internet community. Our membership is largely comprised of small to medium sized Internet Service Providers (**ISPs**), but also does include digital platforms, some of which would fall under the category of 'age-restricted social media platform'. While our response is in representation of the Internet industry, it is also in promotion of Internet for the broader public benefit. We note that our response is not exhaustive of the issues raised by the Bill but noting the time constraints raises select key matters for the Committee's consideration.

Overall, while we recognise the risks and real harms associated with children and young people accessing social media, we do not think that the Bill is the appropriate solution. In particular, we are gravely concerned about the rushed nature in which the Bill has been introduced with poor consultation efforts leading up to its drafting and introduction to Parliament, and therefore the lack of time given to industry, children and the general public to respond to the Committee's Inquiry. We strongly believe that this process does not reflect best practice when it comes legislative reform, and we are concerned that this will set a poor precedent for future legislation making. Such a hasty approach often results in poorly drafted legislation that can result in unintended adverse consequences.

We are concerned this is the case for this Bill. There are many key provisions that are too vague and have not been properly considered in conjunction with industry. It is vital that industry be given the opportunity properly evaluate and assess the technical and practical implications for requiring age-restrictions to social media platforms so that it can prevent age-restricted users from having accounts in any effective manner. It has been long pointed out that this will not be practically effective for various reasons, including the ability of age-restricted individuals to circumvent the

restriction, as well as driving such young people to underground platforms that will be even less regulated.

It is also not clear what the record keeping requirements are to ensure social media platforms are properly adhering to their obligations, and how this interacts with the privacy provisions in Division 3. We are also concerned that these privacy provisions are too vague. For example, the proposed subsection 63F(3) does not explicitly specify when the entity must destroy personal information.

In addition, while we understand the government's legislative intent is not to include messaging services and services that provides products with educational purposes, we do not think that this is properly reflected in the extremely broad definition provided at section 63C. Furthermore, we believe that the demarcation between what should be an age-restricted social media platform, versus what is not, has not been thoroughly considered, and therefore makes it less clear what the objectives of the Bill are. For example, we understand that messaging apps are intended to be exempted from the obligations. However, we note that these platforms can, and often are, used for bullying and harassing behaviour amongst children and young people. Moreover, in general, in the interest of a healthy and thriving Internet community, we believe that the government's approach should be to work with community, schools and industry to devise other solutions than a blanket ban. Children should be encouraged and taught to interact online in safe, acceptable and appropriate ways.

To that end, we are disappointed that the Bill has been hastily introduced despite the various relevant regulatory work currently underway to improve the safety of digital platforms. We note the ongoing work of the eSafety Commissioner in collaboration with industry to develop practically feasible codes and standards to protect users, with a great emphasis on children, online. We also note that the *Privacy and Other Legislation Amendment Bill 2024* also being considered by Parliament will introduce a mandate on the Office of the Australian Information Commissioner to develop a Children's Online Privacy Code, again, following proper consultation with children and industry. The establishment of such a Code will be relevant in not only reducing some of the harms and risks associated with young people's online activities, but should interact with the Bill, especially when it comes to its privacy provisions. Furthermore, we note that the government's age assurance trial is also still in development.

Thus, in light of the above response, we strongly recommend to the Committee that it does not support the Bill, and that it refers the Bill back for further meaningful consultation with industry, children and the broader public.

We thank you again for the opportunity to respond to the Committee's Inquiry.

ABOUT THE INTERNET ASSOCIATION OF AUSTRALIA

The Internet Association of Australia (IAA) is a member-based association representing the Internet community. Founded in 1995, as the Western Australian Internet Association (WAIA), the Association changed its name in early 2016 to better reflect our national membership and growth.

Our members comprise industry professionals, corporations, and affiliate organisations. IAA provides a range of services and resources for members and supports the development of the Internet industry both within Australia and internationally. Providing technical services as well as

social and professional development events, IAA aims to provide services and resources that our members need. IAA is also a licenced telecommunications carrier, and operates on a not-for-profit basis.

IX-Australia is a service provided by the Internet Association of Australia to Corporate and Affiliate members. It is the longest running carrier neutral Internet Exchange in Australia. Spanning six states and territories, IAA operates over 30 points of presence and operates the New Zealand Internet Exchange on behalf of NZIX Inc in New Zealand.

Yours faithfully,

Narelle Clark
Chief Executive Officer
Internet Association of Australia