



**QUEENSLAND COUNCIL  
FOR  
CIVIL LIBERTIES**

*Protecting Queenslanders' individual rights and liberties since 1967*

Committee Secretary  
Senate Standing Committees on Environment and Communications  
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Canberra ACT 2600

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**Dear Madam/Sir**

**Inquiry into the Internet Search Engine Services Online Safety Code and the under 16 social media ban**

Thank you for the request to make a submission to the above inquiry.

The QCCL opposes the proposal to ban children under 16 from accessing social media.

Under the law social media platforms will be required to verify the age of all platform users by whatever means they choose.

The purpose of the law is to reduce what is alleged to be harm or potential harm to children from access to social media.

**Is there a problem?**

The first question to ask is whether there is a problem that needs to be addressed.

There have been panics about the effect of technology on children since antiquity, extending to recent examples such as radio, television and comic books.

Today we all agree that literacy is a good thing. In the 17th and 18th centuries, however, some people considered literacy's spread subversive or corrupting. The expansion of literacy to the general population scared a lot of people. It meant that people could read radical tracts such as Thomas Paine's *Rights of Man*.

We should be careful not to fall into the same trap.

Much of the concern about social media seems to be traced to Jonathan Haidt's book *The Anxious Generation*

The well-known expert on children's media Patricia Edgar comments on that book as follows<sup>1</sup>:

Haidt is fixated on 2010 when smartphones were introduced as the marker for the increase in mental sickness among children. This generation were raised during the aftermath of the GFC (2008) when many of their parents, in all Western countries, suffered serious economic disadvantage with consequences continuing today. As

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<sup>1</sup> Pearls and Irritations 12 August 2025



well COVID seriously disrupted their lives. It crippled their social development and ability to interact, form friendships and learn to socialise. For many of them their social and educational interaction with others was online during the COVID years; they were sequestered, and the social media world was a refuge. COVID brought an unprecedented disruption to early development.

Other experts<sup>2</sup> also find no basis for the idea that banning kids from social media is a silver bullet.

They find that:

Around 98% of Australian 15-year-olds use social media. Platforms such as TikTok, Snapchat and Instagram are where young people connect with friends and online communities, explore and express their identities, seek information, and find support for mental health struggles

A lot of concern about children on social media seems to rest on a romantic view of the childhood of adults, where the best childhood sounds like a modern version of Huckleberry Finn.

No doubt in person interaction has benefits over virtual interaction but virtual interaction brings a different set of benefits including the ability to interact with people on the other side of the world. A thing possible in the past only by snail mail.

## **Rights at issue**

This legislation impinges on two rights. The first thing we discuss is freedom of speech.

In our modern era, social media is absolutely essential to freedom of speech. Both children and adults have a right to freedom of speech. No doubt the right of children to speak is not as broad as that of an adult. No doubt, children are entitled to protection from some of the harms that might flow from freedom of speech. But they do have a right to access social media to communicate with their friends and to seek information.

But of course, the problem in trying to protect children from the adverse impacts that they might experience from social media or any other form of media, has always been the same: protecting children cannot result in the reduction of adults to the same level as children.

In the past of course protecting children from obscene material or pornography was relatively simple. The material was made available only in certain restricted places or at certain times where or when adults only were permitted. Or material was sold under covers, which made its content invisible to the passer by. These sorts of measures protected children, allowed those adults who were interested in the material to get access to it and did not impinge upon the rights of other adults who were offended by it.

This legislation clearly restricts the rights of all adults to obtain access to social media. It is not tailored to the purpose of protecting children. By requiring social media providers to exclude under 16-year-olds from social media the consequence must be to require adults to

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<sup>2</sup>Chhabra and others “*Banning young people from social media sounds like a silver bullet. Global evidence suggests otherwise*” Conversation 16 May 2025

gain access to social media to handover identifying information or to allow the social media entities access to other forms of information from which they can verify a person's age. This of course brings into play the right to privacy.

Unlike in-person identity checks, online age verification exposes every social media user to privacy and security risks. That means it seriously burdens the rights of adults to read, get information, speak and browse online anonymously. Records of personal information tied to details of a person's social media activity could be a goldmine for businesses or be used for blackmail or harassment

The law permits operators to choose their own methodology for proof of identity.

We note that the E-safety Commissioner has issued guidelines to social media entities on how to comply with the legislation.

One method would be to collect a government issued identity or credit card information. The guidelines issued by the government provide the entities cannot use government ID as the sole method of age verification. But whatever proof of age is collected, data will be put at risk if secure processes are not in place. This, in turn, increases the risk that such sensitive data could be stolen, sold, or turned over as part of legal proceedings.

Other operators who choose to verify ages through inference models may increase surveillance and monitoring of users' online activity, such as their content, geographic location, screen time, linked accounts, and browsing history. Subjecting users to such intrusive practices may result in a chilling effect that suppresses online speech and enables the potential collection, use, or sale of user data.

We note that the guidelines say the government is not asking platforms to verify the age of all users.<sup>3</sup>

It also says the government "does not expect platforms to keep personal information from individual age checks" or retain "user-level data". Rather, companies will be expected to keep records that "focus on systems and processes".

However as is usually the case with these things we expect the entities will take a conservative approach to protect themselves from liability and the result will still be many adults having their age verified. Moreover, we expect those entities will want to keep that information both for compliance reasons and for their own purposes.

This concern is supported by the government's own report on age verification which, "found some concerning evidence that in the absence of specific guidance, service providers were apparently over-anticipating the eventual needs of regulators about providing personal information for future investigations. Some providers were found to be building tools to enable regulators, law enforcement or Coroners to retrace the actions taken by individuals to verify their age which could lead to increased risk of privacy breaches due to unnecessary and disproportionate collection and retention of data."

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<sup>3</sup> Lisa M Given Details on how Australia's social media ban for under-16s will work are finally becoming clear <https://theconversation.com/details-on-how-australias-social-media-ban-for-under-16s-will-work-are-finally-becoming-clear-265323>

## Other problems

Tom Crowley reported on the ABC website on 31/8/25 that the same report identified that false positive and false negative rates were both around three per cent for age verification using official documents

He also reported that to assess age based on faces or other traits using an age limit of 16, a "grey zone" of two to three years on either side was identified, and there were some errors found as much as four years on either side.

## Alternatives

Parents already have the tools they need to keep harmful content away from kids. Built-in parental controls allow them to set screen time limits, review app permissions (such as the child's camera, location and contacts), block apps and approve downloads, block sites and filter content.

We observe that parental controls were criticised by the government's report as they may fail to adapt to the evolving capacities of children. But of course, this must be true of anything parents do to protect children as they grow. It is inevitable

In any event we say the mechanism for protecting children is to improve our privacy law.

Privacy law should be amended to require stronger data minimization and limit the ability of companies to use the data they do collect. Proposals for such laws already exist in the recent Privacy Act review. In particular, the recommendation to amend the *Privacy Act* to provide an overriding requirement that the collection and use of information must be fair and reasonable.

Patricia Edgar also recommends our schools be tasked with taking steps to improve the media literacy of children.

The kinds of activities that occur on social media, good as well as bad, have always existed. However, these activities were not visible or accessible to the whole of society. As conversations are collected into large public commercial platforms, they become highly visible to the public. Social media make human interactions hyper-transparent and displace the responsibility for the conduct of some people from the perpetrators to the platform that makes them visible.

Laws like this will absolve social media companies of market responsibility for their decisions and will probably lead them to exclude and suppress even more speech and store and use for their own ends even more personal information.

We trust this is of assistance to you in your deliberations.

Please direct correspondence concerning this letter to [REDACTED]

Yours Faithfully

[REDACTED]

Michael Cope  
President  
For and on behalf of the  
Queensland Council for Civil Liberties  
22 September 2025