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UNICEF Australia submission to the Online Safety Amendment (Social Media Minimum Age) Bill 2024

UNICEF Australia appreciates the opportunity to provide a submission on the Online Safety Amendment (Social Media Minimum Age) Bill 2024. Guided by the United Nations Convention on the Rights of the Child (CRC) and informed by our work in over 190 countries improving the lives of children, including in digital environments, our aspiration is to make Australia the safest place in the world for children to go online.

In the introduction of this bill into Parliament yesterday, UNICEF Australia was encouraged to hear the Government acknowledge that this legislation will not be a silver bullet for solving online harms for children and young people. From the outset, UNICEF Australia has emphasised the risks of social media bans pushing children into increasingly covert and unregulated online spaces, as well as preventing them from accessing aspects of the online world essential to their rights and wellbeing. In this context, we find the short consultation period for this bill alarming and would like to express the implications of this, along with our concerns for the proposed bill:

1. Short consultation period

Online safety is an incredibly complex issue, and we are deeply concerned about the extremely short consultation period provided for this bill. Given the extent, complexity, and impact of the bill on a large section of the population, it effectively excludes young people from being genuinely consulted and engaged in this decision. Young people engage with digital environments, particularly through social media, at comparatively high rates compared to other age groups, so changes to these environments will have a comparatively greater impact on them. The lack of adequate consultation undermines the democratic process and fails to consider the voices of children and young people who will be most affected by the legislation.

2. Implications for children's rights

The proposed bill has significant implications for children's rights. Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) states that every child and young person under 18 has the right to participate and have their opinions included in decision-making processes that relate to their lives. Whilst we appreciate the intent behind this legislation is to better protect some children's rights (including to safety), it is a very blunt instrument that also has the effect of significantly impairing other key rights enshrined in the UNCRC including opportunities for participation, development, and learning. Restricting access to social media platforms can impede children's ability to exercise their rights to freedom of expression, access to information, and participation in public life. It is crucial that Australia upholds its obligations under international law to ensure that any legislation affecting children accounts for and upholds their spectrum of rights as enshrined in the UNCRC.

3. Implications for children's wellbeing

Banning children from social media risks severing their access to information, resources and connection vital for their wellbeing. Every day, children use the internet to learn, to play, and to access information crucial to their physical and mental health. Many young people also rely on online platforms for support, information, and connection with peers, particularly in times of crisis. Removing this access through social media bans could leave children without these essential support networks and exacerbate mental health issues. From UNICEF Australia's research, the general sense from young people is that whether it is social media, news media, or videogames, these various aspects of the online world are having a positive influence on their lives.¹ Young people often emphasise the positive community building role that digital platforms play in their lives, enabling them to build positive connections with peers who share common interests. We hear this regularly from young Australians who live in rural and remote locations, where

¹ UNICEF Australia (2024), Protecting children in the online world: Reshaping the digital world for Aussie kids

digital connectivity plays a vital role in countering social isolation. Aboriginal and Torres Strait Islander children are also much more likely to make new friends or contacts online than the national average (37% compared with 20% overall) meaning the ban could disproportionately impact the wellbeing of these children.²

4. Privacy and security risks

Population-wide age verification raises serious concerns about data security and privacy. We know that data is the currency of the online world, and children's data - where it's collected, traded and sold on mass scales - is considered a big business. Implementing the measures under the proposed bill would require the collection and storage of sensitive personal information, increasing the risk of data breaches and misuse. It is imperative to consider the potential privacy implications and ensure robust safeguards are in place to protect children's data.

5. Enforceability and safety risks

We remain unconvinced of the enforceability of age bans and are concerned about the additional risks such measures may pose to children and young people. The value and efficacy of age assurance mechanisms as blanket and arbitrary measures to protect children from exposure to harmful material is unclear. Children under 16 will inevitably bypass restrictions, landing in unregulated, darker spaces. This not only undermines the effectiveness of the legislation but also exposes children to greater risks online. It is essential to develop more effective and realistic approaches to online safety that do not drive children to unsafe environments.

6. Lack of accountability on platforms

Evicting children from social media platforms absolves these platforms of their responsibility to create safe, well-designed services for young users. Instead of banning children, we should hold social media companies accountable for providing age-appropriate, secure, and supportive online environments. This approach ensures that platforms prioritize the safety and well-being of all users, including children.

Earlier this week, the Joint Select Committee on social media and Australian Society's final report demonstrated the complexity of this issue and the importance of prioritising privacy reforms and embedding safety-by-design principles into all social media platforms. If we want to see real change for children and young people, the commitments of government to legislating a 'Duty of Care' under the Online Safety Act, a Children's Online Privacy Code, and enhanced powers for the eSafety Commissioner must be actioned. Children in Australia have told us they desire a much more positive online world than the one that currently exists and our efforts to do so must be in line with their best interests.

UNICEF Australia is committed to ensuring that children can actively participate in a safe and inclusive digital environment and supports striking a balance between protecting young people from harm and enabling their participation and inclusion in the digital world. We urge the government to reconsider the proposed Online Safety Amendment (Social Media Minimum Age) Bill 2024 – this includes ensuring a more inclusive consultation process, a focus on upholding children's rights, and the development of effective, enforceable, and privacy-conscious measures to enhance online safety for young people.

Warm regards,

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² eSafety Commissioner. (2023). *Cool, beautiful, strange and scary: The online experiences of Aboriginal and Torres Strait Islander children and their parents and caregivers*. Australian Government. https://www.esafety.gov.au/sites/default/files/2023-03/Cool_beautiful_strange_and_scary_report.pdf