

Telephone: [REDACTED]

Reference: [REDACTED]

Committee Secretary  
Senate Standing Committees on Environment and Communications  
Via email: [REDACTED]

Dear Committee Secretary

The Queensland Family and Child Commission (QFCC) welcomes the opportunity to comment on the *Online Safety Amendment (Social Media Minimum Age) Bill 2024*. The QFCC has made several submissions recently related to online safety including *Phase 2 Industry Codes under the Online Safety Act*,<sup>1</sup> *Criminal Code Amendment (Deepfake Sexual Material) Bill 2024*,<sup>2</sup> and the *Statutory Review of the Online Safety Act 2021*.<sup>3</sup>

The breadth and opportunity to connect online with others from both similar and different backgrounds, worldviews and locations has never been greater; I acknowledge however this is not without risk. Safeguarding children online is integral. Safe engagement with social media and other digital technologies is a key component of community participation, one of the six critical life domains identified in the Australian Research Alliance for Children and Youth Nest Wellbeing Framework<sup>4</sup>. As adults we all have a role in ensuring children are able to participate in society in a safe way, and also to ensure that our protections enable them to build their own skills in identifying and responding to risk, so they can be safe when they reach independence.

Parents and carers must be equipped with the tools and knowledges to engage in age-appropriate conversations about online safety, addressing the various challenges that come with raising children in the digital age. Approximately 74 per cent of parents and carers feel they can adequately monitor their child's online activities, but more support is necessary. To assist in this effort, accessible education resources akin to guidelines for healthy eating or road safety should be made available. These resources can help parents and caregivers make informed, evidence-based decisions about how to navigate the digital landscape with their children.

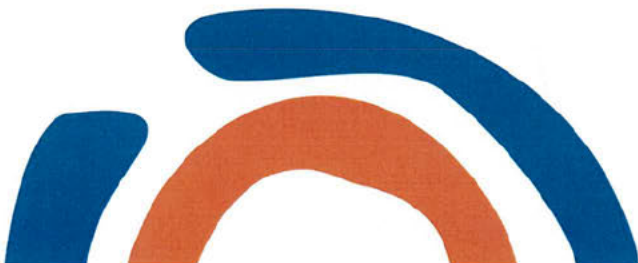
Following announcement of this Bill yesterday, the Queensland Young Person's Council that I run raised serious concerns about the proposed legislation. Young people spoke about how "those who are impacted the least are making decisions for those impacted the most". There

<sup>1</sup> QFCC (2024). Phase 2 Industry Codes under the Online Safety Act. <https://www.qfcc.qld.gov.au/sites/default/files/2024-11/LTR%20-%20Steering%20Group%20of%20Online%20Safety%20Industry%20Associations.pdf>

<sup>2</sup> QFCC (2024). Criminal Code Amendment (Deepfake Sexual Material) Bill 2024. <https://www.qfcc.qld.gov.au/sites/default/files/2024-07/Criminal%20Code%20Amendment%20%28Deepfake%20Sexual%20Material%29%20Bill%202024.pdf>

<sup>3</sup> QFCC (2024). Statutory Review of the Online Safety Act 2021. <https://www.qfcc.qld.gov.au/sites/default/files/2024-07/QFCC%20Submission%20-%20Online%20Safety%20Act%202021.pdf>

<sup>4</sup> Australian Research Alliance for Children and Youth (2024). The Nest Wellbeing Framework. <https://www.aracy.org.au/the-nest-wellbeing-framework/>



was a real feeling that young people were being punished, whilst those that created online risks are being left alone. Young people spoke about this policy victim-blaming young people, rather than requiring adults and platforms that create risks taking responsibility.

Young people explained that they were often the experts within their family on social media and digital device use, and that it was more common that they were the ones pointing out deep-fake, fraudulent and threatening content to their older relatives (particularly their parents and grandparents).

Young people shared that while they acknowledge the negatives of social media, there are lots of positives to sharing and connecting online. Concerns were raised that a blanket ban will isolate children, particularly those from vulnerable cohorts, individuals who are geographically isolated, and those who live with chronic health conditions. For these cohorts, and many others, social media is a source of connection, support and wellbeing. Quoting the eSafety Youth Council, social media is “a great tool for those of us who are developing and validating our identities. It can be a place of refuge where we can safely connect with peers, express ourselves freely and foster a like-minded community”.<sup>5</sup>

Our discussions included the Queensland government increasing the criminal penalties for young people (adult time for adult crime) and the proposed social media ban. Taken together these two approaches were seen as both being contradictory and de-valuing of young people, and their position as legitimate members of our community.

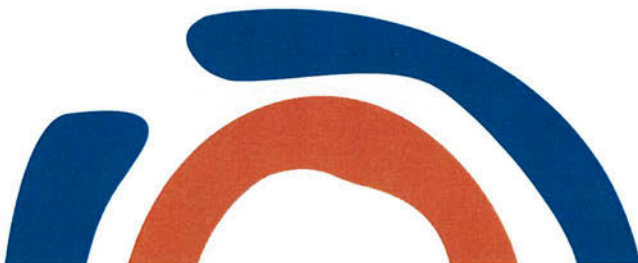
History has taught us a lot about the unintended consequences of prohibition. Young Queenslanders expressed the likelihood that young people may circumvent age barriers and that the introduction of a minimum age for social media platforms will simply remove safeguards, and users will switch to covert platforms with limited visibility or parental oversight and, hence, significantly higher risk of harm. Young people told me they are concerned that where a child or young person has circumvented the age restrictions and found themselves in an unsafe situation, they are less likely to seek support and may instead be in a situation where the fear of getting into trouble will outweigh the fear of the situation itself. This is already a known issue in child sexual exploitation and grooming cases.

Effective age verification methods are still lacking, and there is a very real risk that children and young people will bypass restrictions, potentially exposing them to greater risks without the safety nets provided by regulated platforms.

Equally important is empowering children with the knowledge to use digital and online resources safely. Young people told me the best way to protect children online is to educate them, not exclude them. They want to be educated about the risks they may encounter online, how to mitigate these risks and what actions to take if they find themselves in an unsafe

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<sup>5</sup> eSafety Youth Council (2024). Submission to the Joint Select Committee on Social Media and Australian Society. <https://www.esafety.gov.au/sites/default/files/2024-06/Social-media-influence-and-impact-YC-letter.pdf?v=1732236276424>



situation. Educational resources need to be youth-friendly and created for children by children, guided by expert knowledge and grounded in evidence-based literature.

Governments also play a critical role in holding social media platforms accountable, ensuring that they adhere to robust safety standards. The solution to the risks and harms associated with social media is not a blanket ban, but instead a multifaceted wraparound system of accountability, education, empowerment and regulation. The implementation of a duty of care requirement would place legally enforceable accountability on social media platforms and other digital services and shift the onus of responsibility to provide, and ensure, user safety back onto these platforms.

Young people spoke about the failure of some adults to use social media responsibly. This included parents who have commodified their children as content, as well as parents whose own social media use negatively detracts from their parenting. Upcoming research is showing that parents are spending less time in engaged and nurturing activities and events with their children.

Finally, any reform must be responsive to the ever-changing online landscape and guided by the views and experiences of children and young people. While I note reference to young people's views as part of the Bill's explanatory notes, I am concerned that many such consultations<sup>6,7</sup> exclude the voices of children under 16 years, often quoting ethical and other limitations in surveying younger children. Children and young people should be actively and meaningfully involved in the design, implementation and review of any future reform agendas, noting the importance of leveraging existing expert groups such as the eSafety Youth Council.

If you have any queries in relation to this matter, please don't hesitate to contact me directly on [REDACTED] or via email at [REDACTED]

Yours sincerely

[REDACTED]

**Luke Twyford**  
**Principal Commissioner**  
**Queensland Family and Child Commission**

22 November 2024

<sup>6</sup> Customer Insights, Department of Customer Service (2024). You're your Say: Social media use and impacts. [https://www.nsw.gov.au/sites/default/files/noindex/2024-](https://www.nsw.gov.au/sites/default/files/noindex/2024-10/Have%20Your%20Say%20on%20social%20media%20use%20and%20impacts%20findings.pdf)

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<sup>7</sup> eSafety Commissioner (2023). Roadmap for age verification and complementary measures to prevent and mitigate harms to children from online pornography. [https://www.esafety.gov.au/sites/default/files/2023-08/Roadmap-for-age-verification\\_2.pdf?v=1732236760675](https://www.esafety.gov.au/sites/default/files/2023-08/Roadmap-for-age-verification_2.pdf?v=1732236760675)

