

Youth Affairs Council Victoria (YACVic) submission: Inquiry into the provisions of the Online Safety Amendment (Social Media Minimum Age) Bill 2024

November 2024

Youth Affairs Council Victoria (YACVic) welcomes the opportunity to make a submission to the Environment and Communications Legislation Committee's inquiry into the provisions of the *Online Safety Amendment (Social Media Minimum Age) Bill 2024*. However, we are disappointed and concerned about the extremely short timeframe provided for this inquiry and the lack of genuine consultation with those who will be impacted, particularly the young people and youth sector that YACVic represents.

YACVic is the peak body and leading policy advocate for young people aged 12–25 and the youth sector in Victoria. Our vision is that young Victorians have their rights upheld and are valued as active participants in their communities. We promote active participation of young people in all aspects of decision making and community life and encourage governments to listen to the diverse lived experience of young people themselves – **this means both in defining 'the problem' and in co-designing effective solutions.**

By giving the public one day to prepare submissions into this inquiry and holding only one public hearing in Canberra one business day after the closing date for submissions, there has been virtually no opportunity for YACVic to consult with young people and the youth sector to canvas their views on the details of this bill. We are seriously concerned that the unreasonably short timeframe means the committee will miss out on hearing valuable perspectives from young people and youth organisations, most of whom are not aware this inquiry is happening, let alone have the capacity to produce a submission in a 24-hour timeframe.

We live in an increasingly digitised world, and social media is an important 'third space' for young people. It is a place where they connect, share their experiences, learn new skills, express creativity and self-expression, form communities, and offer and seek support.¹ Also, for many young people, social media is where they access the news and current information about the world around them, and establish a collective voice for advocacy.¹ It is essential young people are supported to have their perspectives included in legislation which limits or restricts their access to online spaces.

We are also concerned a blanket ban of social media for people under the age of 16 will not be effective due to technological work arounds such as VPNs. And, the lack of proven successful age assurance processes. This means we are likely to see young people finding ways to access social media platforms despite the ban.



A blanket ban may reduce the motivation for social media companies to make their platforms safer for young people. This could lead to less regulation and make it harder for children and young people to seek help or know how to do so if they encounter harmful content or behaviour on social media.

Convention on the Rights of the Child Article 12: Meaningful participation from young people

YACVic recognises young people as the experts of their own lives, and is committed to [best-practice youth participation principles](#) of **empowerment, purposeful engagement, and inclusiveness** when advocating with and for young people.

The voices of Australian young people have been largely missing from this vital conversation around online safety and social media's impact on mental health. In order for young Australians to realise their right to be heard on matters that impact them, the Government must actively engage in genuine consultation with them to ensure their experiences and perspectives are included in online safety reform.

Recommendations

YACVic supports young people's call for digital and social media reforms to improve online safety and combat online harms and misinformation.² However, enforcing a 'blanket ban' is not a solution. Removing young people from social media without thorough, meaningful, and evidence-based consultation with those directly affected may cause harm to young people by restricting their right to access and participation.

Initiatives to address the mental health impacts of young people's social media and online engagement must be evidence-based – including identifying the potential risks, such as body image and eating disorders, online harassment, and disinformation.¹ Reforms to online safety standards must incorporate the expertise of youth mental health organisations and young people to identify effective evidence-based interventions to address these issues.³

We support the call from leading mental health organisations ReachOut, Beyond Blue, and the Black Dog Institute for “a public health approach to regulation of social media that is co-designed with users, particularly young people, and rooted in harm minimisation.”⁴

We make the following recommendations to ensure young people are consulted, informed, and supported to actively engage in online safety reform processes:

Recommendation 1: Co-design reforms with young people with diverse lived experience to ensure they are effective and fit-for-purpose.

Access to social media and the social connection it provides can be a strong protective factor for all young people, but especially marginalised young people including LGBTQIA+ young people, disabled young people, and young people living



in rural and regional areas.⁵ These positive impacts include improved social connectedness, reduced loneliness, increased self-determination, education and independence, enhanced feelings of control in their lives, and increased emotional support.⁴

Changes to social media access and use must be informed by a broad range of youth perspectives to ensure their access to online safe supports and resources is not restricted.⁶ This is particularly important for young people who are at greater risk of social isolation and/or social exclusion because of diversity or geography.

Recommendation 2: Co-design support and education programs for young people, parents/carers, and educators to ensure young people are supported and confident to engage in online spaces safely.

Young people have a right to digital literacy and engagement.⁷ In an increasingly digital world, it is essential to equip young people with the information and skills they need to access online content safely, to ensure they can remain actively engaged online with minimal risk of online harms. This includes more support to understand the impact of engaging with others online, particularly around privacy considerations, sharing content, and communicating respectfully online.⁷

Young people, parents/carers, and educators must be involved in the design of initiatives supporting young people and communities to understand the online behaviours of young people and how to identify harms online.

Young people have called for clear guidelines about dealing with online safety harms, when to ask for support, and more information about resolving online safety issues.² With 95% of Australian caregivers citing online safety to be “one of their toughest parenting challenges”, it is clear more resources are needed for those supporting young people to access online spaces safely.⁸

Curriculum and education programs must be reviewed and updated to ensure they reflect the needs of children and young people when engaging in online spaces. Programs should provide support for parents/carers and educators in understanding the benefits and risks of online spaces for children and young people, including where they can go for support when an online harm has been identified.

Recommendation 3: Impose Online Duty of Care regulations for online platforms, including preventative and proactive changes to systems to ensure young people’s safety online – such as preventing harmful content, misinformation and infinite scrolling.

We support the Australian Human Rights Commission’s (AHRC) call to improve online safety and increase the accountability of social media companies by placing a legal duty of care on social media companies, requiring them to take reasonable steps to make their products safe for children and young people.⁹

Young people must be consulted in identifying and defining categories of harm applicable to Online



Duty of Care regulations, including harms to young people and harms to mental wellbeing.¹⁰

Recommendation 4: Ensure social media reforms follow the advice of privacy experts.

We are concerned about the lack of detail that has been provided on how age assurance technology and processes will be used to implement this ban. The potential requirement for all Australians to prove their identity and age in order to access social media raises serious concerns about privacy not just for young people but for all Australians.

This concern was raised by over 140 experts in a joint statement coordinated by the Australian Child Rights Taskforce and digital safety and rights organisation, Reset Tech, which highlighted the current lack of effective techniques for age reassurance and resulting privacy concerns.¹¹ This has been echoed by the AHRC which states the ban “may potentially require all Australians to provide social media companies with sensitive identity information, which poses a risk to our privacy rights in light of recent examples of data breaches and personal information being stolen.”⁹

Recommendation 5: Address the underlying and systemic causes of rising poor mental health among young people, including providing funding for place-based mental health supports.

We acknowledge and support young people’s call for greater regulations of online content.² However, a social media ban does not address the root causes of online risk or make platforms safer, and there is a lack of evidence showing social media bans are effective in improving young people’s mental health outcomes.¹¹

We [join Australia’s leading mental health organisations working with young people in their call](#) for the Australian Government to address driving systemic causes of ill mental health, including child maltreatment, climate change, poverty, family violence, the cost of living and housing crisis, and increasing uncertainty about the future.

Conclusion

We invite Government and policy makers to work with key youth organisations and young people to ensure the voices of young people are heard on issues and solutions which impact them, and to develop evidence-based solutions to ensure young people are safe online.

YACVic supports the AHRC’s call that “Where rights are limited to protect children from online harms, any limitations must be lawful, necessary and proportionate. This means using the least restrictive option available to achieve the intended purpose. If there are less restrictive options available to achieve the aim of protecting children from harm, they should be preferred over a blanket ban.”



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