

Senate Standing Committee on Environment and Communications

**Submission to the inquiry into the Internet Search Engine Services Online Safety Code**

UNICEF Australia welcomes the opportunity to respond to this inquiry into regulations aimed at protecting children and young people online. The digital world is already having a profound impact on the lives of children in Australia - 84% of children will have a social media presence by the age of two,<sup>i</sup> and by age 12 every single child in Australia will be online.<sup>ii</sup>

Put simply, the online world is a young person's domain. Given young people today disproportionately occupy online spaces more than any other group, the design and regulation of those spaces will have a greater impact on them and for longer than any other generation before them. This is particularly the case given their unique developmental vulnerability.

UNICEF Australia supports governments and tech platforms alike doing more to protect children in the online world. However, while raising the age that children in Australia can access social media may seem like a sensible measure to take, the reality is actually much more complex. Young people are telling us that being online has become critical to their healthy development and wellbeing, and that being online is fundamental to their lives. In fact, UNICEF Australia's recent research found that 81% of Aussie teens who use social media say it has a *positive* influence on their lives.<sup>iii</sup> In the online world, children and young people access important information and vital support, and it is also where they connect, socialise and express themselves.

We know that children face risks online, be it from bullying or exposure to harmful content, but we need to protect children within the digital world, not prohibit them from using it. We can be alert to dangers without being disproportionately alarmed, and we can reduce risk while ensuring that the benefits of digital participation are maintained. Solutions like age-gating have a role to play as one of several measures which can be used to better protect children, but this needs to be proportionate to risk and balanced with the other rights that children have, like being able to access important information and express themselves.

Social media and age assurance is just one small part of a much larger digital reform picture in Australia at the moment. With regard to children's online safety, the review of the *Online Safety Act 2021* presents a much greater opportunity to provide stronger protections for children, given it dictates the overarching framework for keeping Australians safe online. To this end, implementing changes to the *Online Safety Act* is a pressing priority and UNICEF Australia recently laid out our vision for that legislation in our [submission](#) to the statutory review, which we bring to the Committee's attention.

In short, we call for the introduction of an overarching duty of care towards users in the Online Safety Act, to help reduce risk in the underlying systems of digital platforms, as well as keep Australia ahead of the regulatory curve when it comes to emergent online harms for children. To help realise a duty of care, we call for a series of complementary measures ranging from identifying and mitigating risk, to transparency, accountability and enforcement, backed by appropriate resourcing for our independent regulators to fulfil their role in Australia's strengthened online safety framework.

**Recommendation 1** - *Introduce an overarching duty of care towards users in the Online Safety Act, paired with effective risk identification and mitigation, transparency, accountability and enforcement measures, and backed by appropriate resourcing for Australia's independent regulators.*

If online safety is one half of the digital reform picture, then data and privacy is the other half. While there is a decent appreciation of online safety risks in Australia, data is the currency of the online world and there are risks relating to data and privacy emerging for children including through data monetisation, microtargeted advertising, profiling and automated decision-making.<sup>iv</sup>

The few numbers available are staggering - it is estimated that by age 13, advertisers will have collected 72 million data points on a child.<sup>v</sup> For young children, concepts like privacy can be difficult to understand, and they may unwittingly divulge information to third parties that place them at risk. The digital ecosystem is so complex and seamless that often neither children or their adult guardians are fully aware of how their data is being captured and used, nor what the potential benefits and risks are.<sup>vi</sup> And while an individual's data tends to be treated the same way regardless of who they are, children's data is different<sup>vii</sup> - children are less able to understand the long-term implications of consenting to their data being collected.<sup>viii</sup>

It is appropriate then that Australia revisit its approach to data and privacy and similar to the *Online Safety Act*, this process is already underway through the review of the *Privacy Act*. Again, we bring to the Committee's attention UNICEF Australia's [submission](#) in which we called for a series of improvements to our privacy framework, headlined by the creation of a Children's Online Privacy Code to provide stronger protections for how children's data is collected and used. The development of the Children's Online Privacy Code is already underway, and it is imperative that it and other reforms to our privacy laws are implemented with urgency to better safeguard Australia's children.

**Recommendation 2** - *Introduce a suite of measures in the Privacy Act to more responsibly govern children's data in Australia, including the creation of a Children's Online Privacy Code.*

Finally, it is worth reinforcing that children have an innate sense for the online world unlike many others - we all know a parent who has sought digital help from a child. We can replicate that approach in our digital reform. Put simply, given children know the online world better than anyone, they're the best people to ask for advice about what will actually work for them.

In addition to being the smart thing to do, it is also the *right* thing to do. According to Article 12 of the Convention on the Rights of the Child, 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.<sup>ix</sup>

Given this, children and young people should be afforded every opportunity to influence how digital environments are designed and regulated. There is already promising Australian practice in this regard including the eSafety Commission's Youth Advisory Council. Across the several concurrent reforms in digital policy active in Australia at the moment, every effort should be made to undertake genuine and meaningful consultation with children and young people.

**Recommendation 3** - *Undertake genuine and meaningful consultation with children and young people across all concurrent active digital reforms in Australia, to ensure solutions are effective as possible.*

We would welcome the opportunity to expand on the ideas in this submission and thank the Committee for the opportunity to respond to this inquiry.

Warm regards,

Katie Maskiell  
**Head of Child Rights Policy and Advocacy**  
UNICEF Australia

---

<sup>i</sup> CNN/Mark Milian (2010), Study: 82 percent of kids under 2 have an online presence, <https://edition.cnn.com/2010/TECH/social-media/10/07/baby.pictures/index.htm>

<sup>ii</sup> Bravehearts (2023), Online risks, child exploitation & grooming, <https://bravehearts.org.au/research-lobbying/stats-facts/online-riskschild-exploitation-grooming/>

<sup>iii</sup> UNICEF Australia (2024), Protecting children in the online world: Reshaping the digital world for Aussie kids, [https://assets-us-01.kc-usercontent.com/99f113b4-e5f7-00d2-23c0-c83ca2e4cfa2/6cde226b-23d1-413a-bac3-7f0eafe524d4/UA\\_Digital-Wellbeing-Position-Paper-2024\\_LR\\_FINAL.pdf](https://assets-us-01.kc-usercontent.com/99f113b4-e5f7-00d2-23c0-c83ca2e4cfa2/6cde226b-23d1-413a-bac3-7f0eafe524d4/UA_Digital-Wellbeing-Position-Paper-2024_LR_FINAL.pdf)

<sup>iv</sup> UNICEF (2021), *The Case for Better Governance of Children's Data: A Manifesto*, <https://www.unicef.org/globalinsight/reports/better-governance-childrens-data-manifesto>

<sup>v</sup> Holloway, D. (2019). Surveillance capitalism and children's data: the Internet of toys and things for children. *Media International Australia*, 170(1), 27-36. <https://doi.org/10.1177/1329878X19828205>

<sup>vi</sup> UNICEF (2021), *The Case for Better Governance of Children's Data: A Manifesto*, <https://www.unicef.org/globalinsight/media/1771/file/UNICEF%20Global%20Insight%20Data%20Governance%20Summary.pdf>

<sup>vii</sup> UNICEF (2021), *The Case for Better Governance of Children's Data: A Manifesto*, <https://www.unicef.org/globalinsight/media/1771/file/UNICEF%20Global%20Insight%20Data%20Governance%20Summary.pdf>

<sup>viii</sup> UNICEF (2021), *The Case for Better Governance of Children's Data: A Manifesto*, <https://www.unicef.org/globalinsight/media/1771/file/UNICEF%20Global%20Insight%20Data%20Governance%20Summary.pdf>

<sup>ix</sup> *Convention on the Rights of the Child*, opened for signature 20 November 1989, Treaty Series Vol. 1577 (entered into force 2 September 1990) Art 12