

# Submission to the Joint Select Committee on Social Media and Australian Society

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## Executive Summary

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, UNICEF Australia welcomes the opportunity to provide a submission to the Joint Select Committee on Social Media and Australian Society.

The current generation of children are the first true digital natives. They will never know a world without smartphones. Constant connectivity is their norm. They will have an online presence almost immediately after birth, and they already disproportionately occupy online spaces more than any other group, meaning the design 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 envisions an online world which minimises risks and harms to children's safety and wellbeing, at the same time as providing all the positive benefits that allow children to thrive in an increasingly digital world. Our own [research](#) has revealed that whether it comes to the social media, online safety, or their data and privacy, Australian children desire a much more positive online world than the one that currently exists, and recognise that some kind of significant change needs to take place.<sup>i</sup> UNICEF Australia shares this desire and the multiple digital reforms currently active across Australia, including this Joint Select Committee, present an opportunity to do just this.

To this end, we offer a series of recommendations in this submission to improve Australia's approach to social media and the online world at large. Front of mind at the moment is age verification which has a role to play as one of several measures that can be used to better protect children, but this needs to be proportionate to risk and balanced with the other rights that children have. The Government's planned age verification pilot is an opportunity to get this right and should be seen through, overseen by an independent advisory group.

Age verification and social media though are just one small part of a much larger digital reform picture in Australia. The ongoing reforms to both the *Online Safety Act* and the *Privacy Act* present an opportunity to make significant changes to better protect Australia's children and allow them to thrive in an increasingly digital world. Key initiatives to pursue in these reforms include the introduction of an overarching duty of care towards users in the *Online Safety Act*, and the creation of a Children's Online Privacy Code under the *Privacy Act*, backed by appropriate resourcing for our independent regulators to fulfil their role in Australia's strengthened digital framework.

Across all of this work, the rights of children are both a pressing priority and helpful guide, particularly the voices of children whose innate sense for the online world can help ensure the solutions we devise actually make a positive impact. From civil society to governments and the private sector, UNICEF Australia is eager to work with all involved to help realise our vision and make Australia the best place in the world for children to go online.

## Summary of Recommendations

### 1. Social media and age verification in Australia

- *Undertake a pilot of age verification technologies to determine the best way forward for Australia, overseen by an independent advisory group.*

### 2. Strengthening online safety and privacy protections for children in Australia

- *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.*
- *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*

### 3. Children's rights across Australia's digital reforms

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

- *Ensure alignment across concurrent reforms in digital policy in Australia, always opting for the highest level of protection for children possible without unduly limiting their rights.*

## Detailed Recommendations

### 1. Social media and age verification in Australia

The impact of social media on children is receiving increased attention in Australia at the moment. One suggested measure is raising the age that children in Australia can access social media to 16, to better protect them against harms they may face online and to provide greater support to parents worried about their child's safety and wellbeing.

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 and tangible 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>ii</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.

While the intention of raising the age of social media access is to protect children, it may effectively reduce the benefits of social media use for young people, while still leaving harms available for them to find elsewhere online like on websites and in messaging apps. At age 16, someone opening social media for the first time would still be met with the same online dangers currently faced by children and young people – it wouldn't remove them. And in the face of prohibition, young people may seek out more covert and unregulated online spaces and communities or access social media without their parent's awareness, which may present even greater risks to their safety.

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 (preventing or allowing access to platforms and content based on age) 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.

This is especially so given the evidence for action in this area is still unclear. There undoubtedly needs to be more focus on the mental health of young people in Australia which research shows is declining.<sup>iii</sup> But while social media is often attributed as the *cause* of this youth mental health crisis, evidence says that the reality is much more complex.<sup>iv</sup> Some research suggests a correlation between social media use and mental ill-health, but causation is unclear given young people with mental ill-health may use social media more often or in less healthy ways than their peers,<sup>v</sup> and that is before we even consider the protective factors that social media can provide for mental health. Mental health is complex and influenced by a multitude of factors in a young person's life, and studies across the globe have yielded conflicting results as to the associations between youth mental health and social media use.<sup>vi</sup>

While we need to do more to protect children and young people online, our primary focus should be on changing the very design of digital environments, by implementing a safety-by-design approach, and having stronger regulations in place that shape and govern those online platforms. In this regard, both the tech sector and governments have a responsibility to step up and help make Australia the best place in the world for children to go online. We also know that this is an issue front of mind for many Australian parents who are looking for help. We need to better equip both children and parents to respond to the challenges they face in the online world.

The Australian Government already has plans underway to conduct a pilot of age verification technologies in Australia which has now been expanded to consider the application of these technologies to social media. UNICEF Australia supports this initiative and believes that Australia should see it through to determine the best way forward for the deployment of age verification in Australia as it relates to various aspects of the online world. To give it the best chance for success, the pilot should also be overseen by an independent advisory group comprising experts in children's rights, privacy, child protection and digital safety.

#### **Recommendation**

*Undertake a pilot of age verification technologies to determine the best way forward for Australia, overseen by an independent advisory group.*

## **2. Strengthening online safety and privacy protections for children in Australia**

Age verification is just one small part of a much larger digital reform picture in Australia at the moment. With regards 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**

*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>vii</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>viii</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>ix</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>x</sup> - children are less able to understand the long-term implications of consenting to their data being collected.<sup>xi</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 Australian Government has already committed to implementing a Children's Online Privacy Code amongst other positive measures, and it is imperative that they are implemented with urgency to better safeguard Australia's children.

**Recommendation**

*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.*

### 3. Children's rights across Australia's digital reforms

The Joint Select Committee on Social Media, along with a series of other concurrent digital reforms happening in Australia, present an opportunity for us to get our approach to the online world right and introduce changes that will actually make a difference.

Children have an innate sense for the online world - 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 CRC, 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>xii</sup> Young people also engage with digital environments, particularly through social media, at comparatively high rates compared to other age groups.<sup>xiii</sup> Therefore changes to those environments stand to have a comparatively greater impact on them.

Given this, children and young people should be afforded every opportunity to influence how digital environments are designed. There is already promising 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, including the review of the *Online Safety Act*, the *Online Safety Codes for Class 2 content*, and the *Privacy Act* reforms, every effort should be made to undertake genuine and meaningful consultation with children and young people.

**Recommendation**

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

The multiple active concurrent reforms on digital policy in Australia undoubtedly present a unique opportunity to strengthen how we govern the online world and put in place greater protections for children. Across these reforms there are already promising proposals being put forward, for example, an incorporation of the child rights best interests principle into Australia's *Privacy Act*<sup>xiv</sup> as well as in the *BOSE Determination*.<sup>xv</sup>

However, these concurrent reforms also present a risk that the rules that govern digital environments become disjointed and misaligned. As an illustrative example, the *BOSE Determination* calls on platforms to set privacy and settings to the most restrictive by default for services used by children,<sup>xvi</sup> but the recently registered Online Safety Codes for class 1A content only carry this similar requirement for younger children under the age of 16.<sup>xvii</sup>

If we leave gaps in our regulatory frameworks, we risk children falling through them and being exposed to risk and harm. Ensuring alignment across all these concurrent reforms, and in doing so, seeking the highest level of protection for children without unduly limiting their rights, should be a priority.

**Recommendation**

*Ensure alignment across concurrent reforms in digital policy in Australia, always opting for the highest level of protection for children possible without unduly limiting their rights.*

## About UNICEF Australia

UNICEF believes in a fair chance for every child and we are the world's leading organisation working to protect and improve the lives of children in over 190 countries. At UNICEF Australia we work to protect and promote children's rights by advocating for the rights of children in Australia and overseas.

UNICEF Australia would welcome the opportunity to expand further on the measures we have outlined in this submission.

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<sup>i</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>ii</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>iii</sup> McGorry, P., Coghill, D., Berk, M. (2023) *Mental health of young Australians: dealing with a public health crisis*, *Med J Aust* <https://www.mja.com.au/journal/2023/219/6/mental-health-young-australians-dealing-public-health-crisis>

<sup>iv</sup> McGorry, P., Coghill, D., Berk, M. (2023) *Mental health of young Australians: dealing with a public health crisis*, *Med J Aust* <https://www.mja.com.au/journal/2023/219/6/mental-health-young-australians-dealing-public-health-crisis>

<sup>v</sup> Odgers, C. (2024) *The great rewiring: is social media really behind an epidemic of teenage mental illness*, [https://internet.psych.wisc.edu/wp-content/uploads/532-Master/532-UnitPages/Unit-11/Odgers\\_Nature\\_2024.pdf](https://internet.psych.wisc.edu/wp-content/uploads/532-Master/532-UnitPages/Unit-11/Odgers_Nature_2024.pdf)

<sup>vi</sup> [https://internet.psych.wisc.edu/wp-content/uploads/532-Master/532-UnitPages/Unit-11/Odgers\\_Nature\\_2024.pdf](https://internet.psych.wisc.edu/wp-content/uploads/532-Master/532-UnitPages/Unit-11/Odgers_Nature_2024.pdf)

<sup>vii</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>viii</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>ix</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>x</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>xi</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>xii</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

<sup>xiii</sup> UNICEF Office of Research – Innocenti (2019), *Global Kids Online Comparative Report*, <https://www.unicef-irc.org/publications/pdf/GKO%20Main%20Report.pdf>

<sup>xiv</sup> Australian Government (2023), *Government Response – Privacy Act Review Report*, <https://www.ag.gov.au/sites/default/files/2023-09/government-response-privacy-act-review-report.PDF>

<sup>xv</sup> Department of Infrastructure, Transport, Regional Development, Communication and the Arts (2024), *Basic Online Safety Expectations amendments to help keep industry accountable*, <https://www.infrastructure.gov.au/departments/media/news/basic-online-safety-expectations-amendments-help-keep-industry-accountable#:~:text=The%20BOSE%20Determination%20sets%20out,the%20Online%20Safety%20Act%202021.>

<sup>xvi</sup> *Online Safety (Basic Online Safety Expectations) Determination 2022*, <https://www.legislation.gov.au/F2022L00062/asmade/text>

<sup>xvii</sup> eSafety Commissioner (2023), *Register of industry codes and industry standards for online safety*, <https://www.esafety.gov.au/industry/codes/register-online-industry-codes-standards>