



alannah & madeline
foundation



Online Safety (Age Restricted Social Media Platforms) Rules 2025

Submission by the Alannah & Madeline Foundation

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Executive summary

The Alannah & Madeline Foundation (the Foundation) welcomes the opportunity to take part in the Australian Government's consultation on the exposure draft 'Online Safety (Age Restricted Social Media Platforms) Rules 2025'.

Our response is high-level due to the consultation's tight timeframes, which were disappointing.

We strongly welcome the Australian Government's commitment to addressing threats to children in the digital environment through systems-level interventions. This represents an important step away from the historical approach of pushing responsibility for online safety back onto individual children, parents and teachers – a situation which was always inadequate, unfair, and inherently limited in terms of ensuring children's online safety and privacy

The approach proposed in the discussion paper – of exempting online gaming, YouTube, (some) messaging apps, and health and education apps from the under-16s social media ban – seems broadly appropriate. These services are used by children in many positive ways and there is evidence that a number of online risks occur less frequently on these services than on social media.

However, this does not mean the above services are 'safe' for children. Various risks and harms do occur there, as well as in other digital products and services not addressed by this reform process. Many of these problems have their roots in a commercial model for digital platforms which exploits and monetises children's time, attention, behaviour, emotions and privacy.

This is why we call for safer and more age-appropriate design of digital products and services, limits on what providers may do with children's personal information, and requiring providers to anticipate, prevent and address threats to children. Such steps are needed on platforms for gaming, messaging, entertainment, health and education, as well as on social media platforms themselves – which will continue to be used by children aged 16-17, and by any younger children who bypass the age assurance mechanism.

Meanwhile, other actions are needed to address the high risks to children posed by some other products and services, including 'nudify' apps and pornography. Emerging risks posed by age assurance products themselves must also be addressed.

Our submission is a response to the discussion paper's questions 1.1, 1.2, 2.1, 2.2, 3.1, 3.2, 4.1, and 4.2.

About us

The Foundation was established the year after the Port Arthur tragedy, by Walter Mikac AM in memory of his two young daughters, Alannah and Madeline. Our vision is that all children and young people are safe, inspired and have freedom to flourish.

Over the last 27 years our work has grown and evolved but our purpose remains the same. We have three program streams:

- **Safe and Strong: recovering and healing from trauma.** Linked to our origin story, we have a specialist trauma recovery and therapy service for children who have experienced significant trauma. This has grown in recent years to include working with early childcare providers, kindergartens, and now primary schools to help them build their trauma informed capability and practices. Most of our work in trauma healing and recovery is Victorian based, with our therapists and consultants working from our client's homes and places of work.
- **Safe and Strong: building positive digital citizens.** The Foundation supports schools, educators, families and communities nationally to build digital skills and competencies to develop a generation of safe and strong digital citizens. For over 12 years the Foundation has delivered eSmart, an initiative

designed to empower children (3-18 years) to be safe and responsible online. It encompasses a range of learning tools and resources to help students build essential digital and media literacy skills, so they can thrive online.

- **Safe and Strong: bringing children's rights to life.** As a rights-based organisation, this is our policy and advocacy work. Since inception, we have advocated for firearms safety, and we convene the Australian Gun Safety Alliance. In other key policy matters related to our programs, we work closely with the Office of the eSafety Commissioner, the Prime Minister's National Office for Child Safety and other major agencies such as the Australian Federal Police.

In 2018, we partnered with Kate and Tick Everett, after the tragic suicide of their daughter, Dolly. With them we worked to establish Dolly's Dream.

- **Safe and Strong: Dolly's Dream, changing the culture of bullying.** The purpose is the same, but the programs and services (Parent Hub, telephone help line, school, and community workshops etc.) are specifically designed for remote, rural, and regional families and communities, to meet their unique needs and contexts.

Recommendations

1. Using the parameters outlined in the discussion paper, we support the exemption from the under-16s social media ban of online gaming services, YouTube, services solely or primarily dedicated to messaging, and services that function primarily to support health and education.
2. However, Australia must promptly pursue other measures to lift safety standards for children under 18 across the broader digital environment. Key steps should include:
 - (i) Support and align with the creation, implementation and enforcement of the Children's Online Privacy Code.
 - (ii) Ensure the age assurance trial to examine options for protecting children from exposure to pornography proceeds in a timely fashion, recognising the seriousness of the issue.
 - (iii) Support the development of a regulatory scheme for the accreditation and oversight of age assurance providers to promote privacy, security, strong governance, transparency, trustworthiness, fairness, and respect for human rights, as outlined by eSafety.¹
 - (iv) As recommended by the review of the Online Safety Act 2021 and committed to by the Australian Government, adopt a 'Digital Duty of Care'. This must require all digital providers to take reasonable steps to anticipate, identify, prevent and mitigate threats to children's safety on and via their products and services.
 - (v) As recommended by the Online Safety Act review, explore how best to prohibit search engines and app stores from surfacing, selling or distributing 'nudify' apps and undetectable stalking apps, recognising the dangers these items pose to children.

Seeking balance between protection and participation

The discussion paper which accompanies the exposure draft proposes that certain services be exempt from the coming requirement that social media platforms will prevent Australians under 16 from holding an account. Exempt services would be messaging services, online gaming services, services that function primarily to support the health and education of end-users, and YouTube.

The Government recognises the many benefits these services provide to children: communication with family and friends, access to support for their health and learning, and enjoyment of popular entertainment.

The Foundation sees merit in this approach, which can be viewed as an effort to balance children's rights to be protected from abuse, exploitation and invasions of privacy, with children's participatory rights to things like freedom of expression and association, education, recreation and cultural participation.

However, simply banning under-16s from social media while exempting some other services will not be enough to deliver a digital environment that is safe and appropriate for children.

Risks inherent to the data / attention economy

Nowadays, digital technologies are ever-present in most families. By the ages of 10-13, more than half of Australian children have their own phones and almost two-thirds have their own laptop or tablet.² Children use 'edtech' products in school and 'smart devices' at home. New technologies bring many benefits, but they also create new problems which laws and regulations must evolve to address.

The visible concerns of the digital environment include bullying, 'sexting', scams, pornography, misinformation, violent content, and harm to children's attention, relationships and wellbeing. These immediate threats have led to a national push for change.

However, public debates often miss the greater part of picture: the tech 'engine' systems like predictive analytics, algorithm design, infinite scroll; and the fuel that drives these engines – data and digital providers' handling of children's personal information.

As the influential report by the Hon. Robert French AC about banning children's access to social media recognised, the technological landscape is 'data driven'.³ When children go online, they enter a space where many providers make their profits by handling individuals' personal data eg. by collecting specific and intimate information about individuals and sharing it with other parties such as advertising companies.

Historically, children and their parents have had almost no real control over the handling of their personal information online. Data-handling is often maximised by default and privacy policies tend to be very difficult to understand – plus terms and conditions tend to be presented as 'take it or leave it', negating true choice.⁴

Moreover, to maximise the commercial handling of personal information, many digital providers have developed products and services which are highly attractive, distracting, provocative and hard to stop using, and which encourage and reward active engagement eg. having lots of 'friends', sharing lots of content.

Heavy user engagement is encouraged through algorithms and recommender systems, predictive analytics and individual profiling, and by design features such as frequent notifications, autoplay, low default privacy settings, weak age-gating for adult products, ephemeral content, location tracking, and the 'infinite scroll'.⁵

These high-risk features can lead to negative consequences, such as disruptions to children's concentration, mood and sleep, contact with strangers, and exposure to age-inappropriate content. All the while, children's personal information is being monetised on a vast scale.

Social media services are notorious for these features. However, similar features are equally present in many other products and services, including ones likely to be exempt from the under-16s social media ban. We do not call for these services to be banned, but we urge that the risks be addressed elsewhere, promptly.

The case for excluding some services from the social media ban

We do not want children to lose access to the benefits of online gaming services, educational and health services, entertainment platforms, or messaging services.

These platforms play a big part in the lives of many children – for example, 89% of Australian children aged 8-17 have played online games in the past year, while 87% watch videos on platforms like YouTube at least once a week. Between 4 out of 10 and 8 out of 10 adolescents use messaging services.⁶

Overall, children tend to view gaming, messaging apps and YouTube as playing more positive roles in their lives than social media.⁷

Recently, the Foundation conducted digital literacy co-design workshops with 324 young students between Foundation and Grade 3 at four primary schools in three Australian states. Gaming and YouTube were hugely popular: approx. 4 out of 5 students had watched YouTube videos and almost all had played online games like Roblox and Minecraft. Students' views of the digital environment were mostly positive and two-thirds agreed with the statement 'Kids should be allowed to play games online'. Students described using those technologies in enjoyable ways, saying things like 'Games are really fun'; 'I watch Kids YouTube and listen to music'; and 'It [the internet] helps you learn and is very fun.'

Research suggests children have less frequent exposure to certain risks in games, messaging apps and YouTube, compared to social media – risks such as unwanted messages, chatting with strangers, concerns about body image, and exposure to self-harm or suicide content. Some 'compulsion' risks may also be lower. For example, compared to social media, gaming has been linked to lower rates of distraction during school time; messaging apps are linked to lower rates of feeling 'addicted'; and YouTube is linked to lower rates of obsessive focus on metrics such as views, followers, likes and comments.⁸

Thus, there is some alignment between research findings and the Australian Government's decision to treat these services as less risky than social media in relation to the under-16s ban.

Excluded services still contain risks

Despite the benefits of gaming, messaging and YouTube, we do not, however, describe these technologies as 'safe'. While we do not call for them to be banned for under-16s, other steps are needed to address the risks children are experiencing through and on these services.

Risks include:

- Contact risks – for example, it is common for children to play online games with people they have not met in person. While many experiences are benign, 7% of children who play online games say that in the past year another player made them uncomfortable by asking personal questions, being too friendly, or asking them to keep secrets. Nine percent of teen gamers had been sent or asked for nude images or sexual information in the past year.⁹ Meanwhile, a US study found that 48% of teen girls who used messaging apps and 30% who used YouTube had received unwanted messages there.¹⁰
- Content risks – for example, 29% of adolescent girls with YouTube accounts and 29% with messaging apps say they see suicide-related content there at least once a month.¹¹ Meanwhile, 3% of children who play online games say they saw pictures or videos of real-life violence shared there some time in the past year.¹²
- Conduct risks – for example, 32% of Australian children who play online games say they were treated in a negative way by other players some time in the past year, such as name-calling or nasty messages, although not all were upset by it.¹³ Meanwhile, there is a concerning trend of vulnerable teens joining private messaging groups dedicated to self-harm.¹⁴
- Contract risks – for example, a recent UK survey found that 41% of children aged 8-11 who played online games said they had spent quite a lot of money on games once or more in the past six months.¹⁵ There is also an overlap between dysregulated gaming and adolescent gambling.¹⁶
- Compulsion risks – for example, a US study found that 30% of adolescent girls who used messaging apps said they felt often felt 'addicted' to it.¹⁷ When children use their digital devices instead of sleeping at night, the most common things they do (after social media) are gaming and YouTube.¹⁸ A UK study found that one-third of primary school students say they often stay online too long because 'Exciting new videos keep popping up'.¹⁹

During our recent workshops in Australian primary schools, we found that Foundation to Year 3 students were aware of some risks present in gaming, messaging and video platforms. Children mentioned scary videos, hackers, strangers, rude words, mean comments, spending too much time online, and risks of

physically hurting themselves or damaging their devices. Their comments included 'Someone might want to scam me or trick me'; 'We could talk to strangers which is not good'; 'You might drop it [the device] and break it'; 'It hurts my eye sights'; 'It's not that safe because you tell people about your life (in the game)'; 'Scary videos might give them [children] bad dreams'; 'People might be unkind.'

Many children described taking steps to protect themselves, but these were limited by product design and the children's own stage of life. Comments included: 'They [children] can ask an adult, and then when the adult says yes, they can play'; 'You have to be careful of people you don't know when playing online'; 'I just keep dot points about me online'; 'I learned to skip ads. Now it's more fun.'

Such concerns do not erase the many benefits children get from these technologies, but they do point to the need to change the design of digital products and services and tighten what digital providers may do with children's personal information. For example, a recent survey of adolescent girls found that the features of digital platforms the girls most commonly saw as negative included location sharing, public accounts, endless scrolling, appearance filters, and comments sections.²⁰ None of these features are 'essential'.

Similarly, concerns have been raised about extensive and unscrupulous handling of children's personal data by some educational technology ('edtech') providers and / or their third-party stakeholders – for example, the sharing of personal information with advertising companies for targeted marketing. It is our experience that few schools have the expertise or capacity to really understand what happens to their students' data while using edtech.²¹

The need for a comprehensive approach

Besides raising and enforcing the age limit for social media use, other approaches to prevent, reduce and mitigate risks to children online have been advocated by child-rights organisations, and the Australian Government has committed to some of them.

We urge that these solutions be pursued promptly and that they are not lost or delayed in the push to get social media age restrictions live by December 2025. These approaches address risks to children right across the digital environment, not just on social media.

Late last year, we welcomed the news that the Privacy and Other Legislation Amendment Bill 2024 had passed into law, enabling the creation and registration of a Children's Online Privacy Code. If well-designed and -resourced, a Code could force positive changes to digital platforms, for example by requiring that the best interests of the child be treated as a primary consideration in determining what platforms may do with children's personal information.

If such measures had been in place sooner, they might have helped to prevent and address invasions of children's privacy – for example, a recent case where Australian children's photographs were 'scraped' from the web (including from private online spaces) to train popular AI tools without the knowledge of the children or their parents.²²

More recently, the review of the Online Safety Act 2021 recommended the adoption of a 'Digital Duty of Care' to require platforms to anticipate and address threats to young people on or via their products and services. We welcomed the Australian Government's broad in-principle commitment to this approach.²³

A meaningful, enforced digital duty of care might prove especially helpful in relation to new and emerging threats – see for example the evolution of AI-powered chatbots. As of July 2024, over 100 AI-powered applications were known to offer romantic and sexual interactions, and the Google Play store showed 30 million downloads of the 'friend' chatbot Replika and its two main competitors. Many concerns exist about the implications for children's mental health, social skills, relationships and beliefs about consent.²⁴

The Online Safety Act review also recommended that the Australian Government explore how best to prohibit search engines and app stores from surfacing, selling or distributing 'nudify' apps and undetectable stalking apps.²⁵ We support this call, recognising that these apps have been used to facilitate image-based

abuse and child sexual exploitation. At present, the products are prolific and profitable; for example, the social network analysis company Graphika identified over 24 million unique global visitors to 34 'undressing' websites in September 2023 alone.²⁶

Meanwhile, the Australian Government's age assurance trial to address social media access is also meant to examine options for protecting children from exposure to pornography.²⁷ We see this aspect of the work as key. Pornography continues to be easily accessible to children despite strong community concern about the modelling of violent and degrading sexual behaviour; negative impacts on adolescents' mental health, development, body image and relationships; harm to the social fabric of school communities; and risks of compulsive use.²⁸ Longer-term concerns also exist about exploitation – for example, when child viewership helps to enrich the pornography industry which is at the centre of serious concerns about abuse and trafficking.²⁹ Three-quarters of Australian adults support the implementation of age assurance to prevent children's exposure to pornography.³⁰

Finally, we trust the Government will respond appropriately to the risks present in another form of digital technology: age assurance technologies themselves, which are immature but evolving rapidly.³¹ Historically, regulation of age assurance has been poor: a report commissioned by the UK Information Commissioner observed 'These products have emerged largely in a standards lacuna.'³² This creates a new set of risks to children eg. that companies will use age assurance technologies to maximise collection, sharing and use of children's personal information, including in potentially invasive areas like biometrics. With the introduction of the under-16s social media ban due this year, it is vital to address these risks now.

We would welcome the opportunity to discuss any of these matters further. Please contact:

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