



November 21, 2024

Dear Senators,

I am writing to express my deep concerns regarding the proposed "Online Safety Amendment (Social Media Minimum Age) Bill 2024" under consideration by the Senate, which involves a significant shift in the regulation of online safety for children. While the intent to protect minors from predators and cyberbullying is commendable, the approach taken by this amendment raises several critical issues that necessitate its complete rejection, rather than mere modification.

Vagueness and Overreach in Definitions:

The Bill's approach to defining what constitutes an "age-restricted social media platform" is excessively broad:

- **Broad Definition:** The Bill describes these platforms as services where "the sole purpose, or a significant purpose, is to enable online social interaction between 2 or more end-users." This definition captures not just traditional social media but potentially any online service allowing user interaction, from forums to gaming platforms, which might not primarily be social media. This broadness could lead to unintended regulation of numerous digital spaces, which are not designed with the same risk profile as major social media networks.
- **Future Legislative Rules:** The Bill's reliance on future legislative rules to refine these definitions only exacerbates the uncertainty. This approach essentially gives a blank cheque to future regulators to decide what falls under this category, without current safeguards or specifics, potentially leading to overreach or misinterpretation in application.

Ambiguity in Implementation:

The phrase "reasonable steps to prevent" is notably vague:

- **Unclear Enforcement:** What constitutes "reasonable steps"? Would merely asking for a birthdate suffice, or is the expectation for a robust, verified digital identity system? This ambiguity leaves room for interpretations that could infringe on privacy rights, particularly for children.
- **Determination of Reasonableness:** Without clear criteria, who decides what "reasonable" looks like? This could result in inconsistent or biased application, undermining the democratic process by allowing undefined future regulations to dictate policy.

Parental Rights and Responsibilities:

The amendment seems to sidestep the role of parents in managing their children's online activities:

- **Abdication of Parental Responsibility:** By shifting the burden entirely to legislative or corporate entities, this policy potentially absolves parents of their responsibility to guide and protect their children online. This not only undermines family autonomy but also sets a precedent for state overreach in child-rearing aspects.





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Enforcement Over Legislation:

Rather than crafting broad, vague laws, we should enhance the enforcement of existing laws to deter predators and bullies:

- **Focus on Enforcement:** Strengthening law enforcement's capabilities to monitor, investigate, and prosecute online crimes against children would be a more direct and effective approach. This would respect privacy while ensuring safety.
- **Education and Awareness:** Instead of legislative ambiguity, there should be initiatives for educating both children and parents on safe internet practices. Awareness campaigns could be more effective in preventing harm without compromising privacy or freedom.

Privacy Concerns:

The amendment risks turning into a tool for pervasive surveillance under the guise of child protection:

- **Privacy Erosion:** Such policies could lead to widespread collection of personal data from minors, setting a dangerous precedent for privacy in a digital age.

Conclusion:

The "Online Safety Amendment (Social Media Minimum Age) Bill 2024" should be rejected due to its potential for overreach, its vague definitions that leave too much to future regulations, and its approach which could erode parental responsibilities and privacy. Enhancing enforcement, coupled with educational initiatives, would protect children more effectively while respecting individual rights and freedoms.

Thank you for considering these points in your deliberations.

Sincerely,

David Pengelley

