

Submission to the Online Safety Amendment (Social Media Minimum Age) Bill 2024

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Executive summary

We ask the Australian Parliament to reject the *Online Safety Amendment (Social Media Minimum Age) Bill 2024* (henceforth, the Bill).⁵ The Bill is a poorly developed policy that is heavy-handed in its mechanisms and opens the door to further excessive interference in the public's media choices. This will not make the internet safer for children and will lead to harms that will be felt by all people in Australia. Alternatives exist, and these should be explored before bans are implemented.

We represent academics in scholarly disciplines with expertise on these topics. Each author has over ten years' experience in studying digital online media systems and services in terms of their impacts on end users. This includes expertise on phone bans, digital media use by children and young people, online bullying and harassment, gendered and race-based harassment, and media policy. Below, we offer three broad domains that we see as centrally justifying the rejection of the Bill in current terms: process concerns regarding the Bill; harms caused by the Bill, both incipient and future; and alternative paths forward.

Process concerns

1. The Bill's public inquiry process appears to be designed to limit expert testimony. Submissions to the public inquiry on the Bill were opened on 21 Nov, 2024, and will close on 22 Nov, 2024.⁶ Notice of the submissions was only announced on 21 Nov, and the Bill webpage notes a limit of 2-3 pages on submissions. We would further note that the Bill's explanatory memoranda, which is crucial for interpretation, was not made available until 15:50 AEDT on the 21st of November.⁷ These constraints would indicate that the government is seeking to restrict genuine response to Bill by limiting notice, timeline, and length of response. Detailed, evidence-based commentary from experts is far more constrained by these limits than individual political support. Given these limits, we can only understand that the government is not sincere in its engagement with research and is likely already aware of the lack of support for its Bill from academic experts.

2. The Bill as presented to the public does not sufficiently engage with current scholarly research. Its current justifications are not based on scholarly consensus, and instead have cherry-picked scholarly materials that are notable either because the authors have rejected the government's interpretations of their research, or because the research itself has been broadly condemned. Our colleagues have noted the ineffectual nature of social media bans,⁸ however, these insights are notably absent from the government's public consultation process. In particular, we are concerned that the policy is being driven by news coverage of young people's media use, which our research shows have been historically consistent in terms of their hostility to media and technology use by young people.⁹ Direct engagement with scholarship related to the Bill is limited and uncited, however as journalist Cam Wilson has noted¹⁰ the Minister's justification of the Bill¹¹ appears to reference an article in *Nature Communications*¹² and when approached for comment by Wilson, one author of the paper stated that "I do not agree that it provides the justification for this policy".¹³

We are especially concerned that the evidentiary basis for the Bill is largely driven by the marketing strategies for a book by Jonathan Haidt. Haidt has no peer-reviewed publications that study children in any capacity and his book has been roundly repudiated in the relevant scholarly circles.¹⁴ Writing in *Nature* Candice Odgers (Professor of Psychological Science and Informatics, University of California, Irvine; highly-lauded developmental psychologist) notes that Haidt's claims about large negative impacts are not supported in the scholarly evidence from hundreds of individual peer-reviewed research papers.¹⁵ Chris Ferguson (Professor of Psychology, Stetson University; notable media

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⁵ Parliament of Australia. *Online Safety Amendment (Social Media Minimum Age) Bill 2024*.

<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillhome%2Fr7284%22>

⁶ Parliament of Australia. *Online Safety Amendment (Social Media Minimum Age) Bill 2024* [Public Inquiry Portal].

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/SocialMediaMinimumAge

⁷ Parliament of Australia. *Online Safety Amendment (Social Media Minimum Age) Bill 2024* [Explanatory Memoranda].

<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillhome%2Fr7284%22#ems>

⁸ Bruns, A. & Rodriguez, A. "An age ban on social media is unworkable – what are the alternatives?" Australian Association of the Humanities, October 2024.

<https://humanities.org.au/uncategorised/an-age-ban-on-social-media-is-unworkable-what-are-the-alternatives/>; Meese, J., et al. *ADM+S Submission to the Joint Select Committee on Social Media and Australian Society*. 28 June 2024. https://apo.org.au/sites/default/files/resource-files/2024-06/apo-nid327649_0.pdf.

⁹ Duffy, G., Fordyce, R., & Mannell, K. 2024 Digital Child Working Paper 2024-03, *Analysing Australian news media reporting about the role of digital technologies in children's lives*. ARC Centre of Excellence for the Digital Child, Brisbane, Australia. DOI: <https://doi.org/10.26187/x49-e574>

¹⁰ Wilson, C. "The communications minister cited a study in support of a teen social media ban. Its co-author disagrees" Crikey, 20 Nov, 2024.

<https://www.crikey.com.au/2024/11/20/teen-social-media-ban-michelle-rowland-study-question-time/>

¹¹ The Honourable Michelle Rowland, Communications Minister. "Question Time Response - Social media age limit legislation" 18 Nov, 2024.

<https://minister.infrastructure.gov.au/rowland/speech/question-time-response-social-media-age-limit-legislation>

¹² Orben, A., Przybylski, A.K., Blakemore, S.J. et al. Windows of developmental sensitivity to social media. *Nat Commun* 13, 1649 (2022). <https://doi.org/10.1038/s41467-022-29296-3>

¹³ Wilson, C, *ibid*.

¹⁴ Lee, S. "Jonathan Haidt Started a Social-Media War. Did He Win?" Chronicle of Higher Education. 1 Nov, 2024. <https://www.chronicle.com/article/jonathan-haidt-started-a-social-media-war-did-he-win>; Odgers, C. "The panic over smartphones doesn't help teens: It only makes things worse." 21 May 2024

<https://www.theatlantic.com/technology/archive/2024/05/candice-odgers-teens-smartphones/678433/>

¹⁵ Odgers, C. "The great rewiring: is social media really behind an epidemic of teenage mental illness?" *Nature Book Reviews*. 29 March, 2024.

<https://www.nature.com/articles/d41586-024-00902-2>

psychologist) in a meta review of scholarly material indicates that there is no causal evidence that social media produce harm, specifically that “meta-analytic evidence for causal effects was statistically no different than zero.”¹⁶ Evidence of large negative effects by other scholars have been repudiated, with the evidence suggesting that young people who have experience of mental health issues in online spaces are continuing their experiences of mental health issues in offline spaces.¹⁷

3. The Bill has poorly constructed the problem of young people’s use of social media. The proffered solution is overbroad and misaligned to this problem. ‘Social media’ is an extremely broad and vague categorisation of media use and established scholarly evidence notes that all media are ‘social’ in some sense. The vagueness of this definition is present in the existing definitions established in section 13 of the *Online Safety Act 2021*¹⁸ which can be approximated as ‘any service that allows online social interaction between two or more people, at least one of which is in Australia, and which is not specifically for business purposes.’ The amendments to this Bill do not significantly improve this definition, nor does the Explanatory Memorandum. The arbitrary selection of business that have been publicly identified as subject to this Bill¹⁹ does not inspire confidence that the definition will be expanded to other services, especially given that several highly visible platforms with similar functionality and equivalent or greater use are apparently exempt from the Bill.

4. We question the focus on young people’s use of social media as a harm, when other media harms are clearly present, such as gambling advertising. Australia is the world leader in gambling losses per person,²⁰ and young people – especially young men – are the group most at risk of developing problem gambling.²¹ This issue is relevant to media policy as the government has already indicated, but has performed poorly in terms of advancing genuine policy solutions.

Additionally, it is unclear how the age of 16 was arrived at for the ban, in terms of what practical benefits this has for young people, what practical benefits this has above the age of 13 for reducing harms. This age is not aligned to significant social changes, and does not align with any existing media standards for access to content that might inform such decisions. We note that the only source that we are aware of that suggests 16 as the appropriate age to begin social media use comes from Haidt’s work. In proposing this age, Haidt freely admits is a ‘conversation starter’ that is based on ‘even year birthdays’ not on any research developments, and delivered with prevarications and caveats, notably a concern over ‘safetyism’ that prevents children from taking on risks.²² Children need to learn to manage risk in digital spaces in the same way they learn to manage risk when crossing the road or going to the beach – by being taught in developmentally appropriate ways over time, with increasing degrees of responsibility.²³ There are risks in online spaces, but children do not suddenly become competent at negotiating those risks at a specific age. Rather than implementing a ban, families and young people need support for children’s competence in managing risks online.

Harms

1. The Bill will remove mental health support from vulnerable young people. There is a substantial body of research showing that online spaces have become important resources that children and young people use to seek support and cope with stress. This is especially true for those from disadvantaged or marginalised backgrounds, such as LGBTQI+ teens and teens from low SES backgrounds.²⁴ These young people are less likely to access other kinds of support services and may not have other safe spaces to independently seek help. Queer young people, for example, suffer disproportionate rates of suicide and mental illness.²⁵ However, studies have repeatedly shown digital communication tools, including social media, provide them with valuable sources of emotional support,²⁶ friendships²⁷ and informal learning,²⁸ and are ultimately linked to improved mental health.²⁹ Cutting young people off from the places they independently access mental health support is far from a risk-free policy – something that Australia’s leading mental health organisations have themselves emphasised in the statement they put out about the ban.³⁰

2. The Bill will remove important social connections in a context where young people have fewer opportunities for developing independence and socialising outside the home. Even when young people are not facing challenges, social media provides important and genuine social connections. The idea that children need to get off the internet in order to socialise ignores decades of evidence about the

¹⁶ Ferguson, C. J. (2024). Do social media experiments prove a link with mental health: A methodological and meta-analytic review. *Psychology of Popular Media*. Advance online publication. <https://doi.org/10.1037/ppm0000541>

¹⁷ Heffer, T., Good, M., Daly, O., MacDonell, E., & Willoughby, T. (2019). The Longitudinal Association Between Social-Media Use and Depressive Symptoms Among Adolescents and Young Adults: An Empirical Reply to Twenge et al. (2018). *Clinical Psychological Science*, 7(3), 462-470. <https://doi.org/10.1177/2167702618812727>

¹⁸ Australian Government Federal Register of Legislation. *Online Safety Act 2021*. 14 October 2024. <https://www.legislation.gov.au/C2021A00076/latest/text>

¹⁹ The Honourable Michelle Rowland, Communications Minister. “Question Time Response - Social media age limit legislation” <https://minister.infrastructure.gov.au/rowland/speech/question-time-response-social-media-age-limit-legislation-0>

²⁰ Verrender, I. “Australians lead the world when it comes to gambling and this is what’s behind our addiction” *ABC News*. 3 Sep 2024 <https://www.abc.net.au/news/2024-09-03/why-australia-is-addicted-to-gambling/104299376>

²¹ Australian Institute of Health and Welfare. *Gambling In Australia*. 7 Sep 2023. <https://www.aihw.gov.au/reports/australias-welfare/gambling>

²² Haidt, J. *The Anxious Generation*. 2024. Penguin. eBook. See specifically chapters 4, 10 and the Conclusion.

²³ <https://zephoria.substack.com/p/risks-vs-harms-youth-and-social-media>

²⁴ Modecki, K. L., Duvenage, M., Uink, B., Barber, B. L., & Donovan, C. L. (2022). Adolescents’ Online Coping: When Less Is More but None Is Worse. *Clinical Psychological Science*, 10(3), 467-481. <https://doi.org/10.1177/21677026211028983>

²⁵ LGBTQI+ Health Australia. *Snapshot of Mental Health and Suicide Prevention Statistics for LGBTQI+ People*. 13 May 2021. <https://www.lgbtiqhealth.org.au/statistics>

²⁶ Byron, P. (2020). *Digital media, friendship and cultures of care*. Routledge.

²⁷ Ybarra, M. L., Mitchell, K. J., Palmer, N. A., & Reisner, S. L. (2015). Online social support as a buffer against online and offline peer and sexual victimization among US LGBT and non-LGBT youth. *Child abuse & neglect*, 39, 123-136. <https://doi.org/10.1016/j.chiabu.2014.08.006>

²⁸ Fox, J., & Ralston, R. (2016). Queer identity online: Informal learning and teaching experiences of LGBTQ individuals on social media. *Computers in human behavior*, 65, 635-642. <https://doi.org/10.1016/j.chb.2016.06.009>

²⁹ Berger, M. N., Taba, M., Marino, J. L., Lim, M. S., & Skinner, S. R. (2022). Social media use and health and well-being of lesbian, gay, bisexual, transgender, and queer youth: Systematic review. *Journal of medical Internet research*, 24(9), DOI: 10.2196/38449

³⁰ Black Dog Institute. Leading mental health organisations say proposed ban won’t make social media safe. 10 September 2021

<https://www.blackdoginstitute.org.au/media-releases/leading-mental-health-organisations-say-proposed-ban-wont-make-social-media-safe/>

value of online interactions and relationships. Keeping in touch with friends and family overseas,³¹ expanding learning by finding people with shared interests,³² and political organising and activism are all meaningful online interactions that children and young people routinely engage in. These opportunities for independence, socialisation, and civic engagement are especially important given that children have decreasing opportunities for independence and socialisation outside the home.³³

3. The Bill detracts from the fact that many of the harms young people encounter online are not just a consequence of technology. For example, Indigenous young people in Australia face much higher rates of hate speech and harmful content than the national average³⁴ – harms that are a product of racism and can not be addressed solely through a technology-focused solution. The same principle applies for other significant harms, such as gendered harassment and bullying. By framing children’s wellbeing as primarily an issue of social media use, the Bill obscures the very serious social origins of many of the harmful experiences young people have online. The Bill eases the pressure that has been growing on social media companies to improve their services. These improvements would not only serve children but would benefit all users.

4. The proposed bill aligns with similar attempts to ban young people’s access to technology, which have not been proven to work. Comparable projects, such as the bans on video games in Mainland China, are notable for their workarounds. China’s online gaming ban introduced in 2021 has fallen short of its intended goal of reducing the time individuals under 18 spent on online games or safeguarding the physical and mental health of children.³⁵ Children often circumvent the restrictions by using their parents’ or grandparents’ phones for online gaming.³⁶ While tech giants like Tencent and NetEase have implemented facial recognition technology to verify the identity of players, most game developers lack the technical capacity to adapt to such measures. In addition, the gaming ban has given rise to a grey unregulated market of intermediary platforms that rent or sell adult gaming accounts to underage users, enabling them to bypass the restrictions.³⁷ In the Chinese context, the restrictions have been based on age verification systems, which are fraught with a range of problems – raising more issues of harm. It is unclear what verification system the Australian government is imposing, but attempts to automate verification systems are fraught, if not biased, and there are larger privacy concerns associated with outsourcing age verification to third parties.³⁸

Paths forward

1. There is a risk of reduced content moderation efforts by social media companies. We agree that social media companies are the proper site for efforts, as these companies draw revenue from users’ engagement with their services and have full visibility of use and behaviour on their services. However, this significantly eases these companies’ responsibilities to moderating and policing appropriate content on their platforms for all users. We believe that while the media service providers are the best party for assigning responsibility for implementation of media policies, the Bill will reduce their efforts in maintaining a quality experience for Australian users.

2. The Bill has significant compliance impacts on the general public. Despite being focused on a population of 13-16 year olds, the Bill impacts all Australians above the age of 16 through compliance requirements. Such significant impact on users outside the target group should be avoided. We see this as a consequence of the misalignment between the defined policy problem (which we consider to be vague and unfixable in its current terms) and the solution (a nationwide filtering and checking of all users). This will have significant impacts on households without children (which make up 40% of households³⁹), as well as including excessive household governance for both parents and non-parents alike. An effective solution would allow individuals to opt out of the Bill’s oversight either for their devices or their households.

3. Media policy should address the effects of algorithmic content recommendation. The Bill implicitly focuses on types of online content that come from content creators outside young people’s direct social contexts. The only exposure that young people have to this kind of content is due to social media companies using algorithmic content recommendation to surface content that is outside young people’s direct experiences. These companies have a profit incentive to continue doing this for advertising and data tracking purposes, and as such this content represents a great deal of the online material that the Bill seeks to restrict.

Conclusion

In conclusion, if granted more time and more pages we could provide more evidence about why it is necessary to reject the Bill. We assert that the impacts are too broadly felt across the country, the problem too unproven, the claims likely based too much on a non-expert, and starting from assumptions about the problem that make it unfixable. We strongly advise that the Bill be rejected.

³¹ Cabalquinto, E. C. (2019). ‘They could picture me, or I could picture them’: ‘Displaying’ family life beyond borders through mobile photography. *Information, Communication & Society*, 23(11), 1608–1624. <https://doi.org/10.1080/1369118X.2019.1602663>

³² Connected Learning Alliance. *Affinity Online: How Connection and Shared Interest Fuel Learning*. <https://clalliance.org/publications/affinity-online-how-connection-and-shared-interest-fuel-learning/>

³³ Livingstone, S. (2002). The media-rich home: balancing public and private lives. In S. Livingstone (Ed.), *Young people and new media childhood and the changing media environment* (pp.119-165). Sage.

³⁴ eSafety Commissioner (2022). Cool, beautiful, strange and scary: The online experiences of Aboriginal and Torres Strait Islander children and their parents and caregivers. Canberra: Australian Government. https://www.esafety.gov.au/sites/default/files/2023-03/Cool_beautiful_strange_and_scary_report.pdf?v=1732238224430

³⁵ Xing, D. ‘China steps up its war on underage online video gaming and not everyone is happy.’ ABC News. 4 September 2021. <https://www.abc.net.au/news/2021-09-04/china-cracks-down-on-children-online-video-gaming/1004281381>

³⁶ NIKO. ‘China’s three hour rule for young gamers, one year later.’ accessed on 22 November 2024.

³⁷ Yang, Z. ‘China is escalating its war on kids’ screen time.’ MIT Technology Review. 9 August 2023. Accessed on 22 November 2024.

³⁸ Given, L. (2024) Tech solutions to limit kids’ access to social media are fraught with problems, including privacy risks, *The Conversation*. Available at: <https://theconversation.com/tech-solutions-to-limit-kids-access-to-social-media-are-fraught-with-problems-including-privacy-risks-231696>

³⁹ <https://www.abs.gov.au/statistics/people/people-and-communities/household-and-families-census/latest-release>