

# Statutory Review of the Online Safety Act 2021 Issues Paper

## – yourtown’s advocacy submission 2024



### What is it about?

The government is conducting a statutory review into the operation of the *Online Safety Act 2021*. The Act must be independently reviewed within three years after commencement; however, the Australian Government has brought forward the review by one year so that the Act can keep pace with today’s dynamic online environment.

### Why is it important?

There has been widespread media attention on restricting social media use for young people under 16 years; however, the voices of young people have been missing in this discussion. Young people have told us that their experiences with social media are not all negative. The main positives include connecting and socialising, keeping informed and learning new things, finding entertainment, and using social media as a distraction from life’s stresses. However, they want some regulation of the online environment so that they can be safe.

### Some of yourtown’s key messages:

#### 1. Applying a child rights-based approach

Children and young people should be able to gain the benefits of digital technology (e.g. education and development, social connection, help-seeking) while their exposure to online risks (e.g. bullying, harmful content) is minimised through safe online environments. Government and providers of online platforms need to work directly with young people in the review of the Act to be consistent with the ‘best interests’ principles of child rights and achieve the appropriate balance safety and rights regarding use of social media services and online platforms.

#### 2. Implementing a statutory duty of care approach and Safety by Design obligations

The responsibility for creating safe online spaces cannot just sit at an individual level with parents and their children. Providers of online platforms, parents, and community all have a role in making a safer online environment. The Act should include enforceable requirements for providers of online platforms to implement Safety by Design principles placing user safety and rights at the centre of the development and delivery of online services. The Act should also include a formal statutory duty of care framework where providers of online platforms are responsible for harm prevention.

#### 3. Prioritising education, research and awareness raising

Setting an overall blanket ban based on age should not be prioritised before providing support and education as there could be unintended consequences and impacts, including loss of connection, access to support, and social interaction. The risks and impacts related to social media use, such as bullying, grooming, and financial abuse, do not just disappear once someone reaches 16 years of age. We need to prepare young people and give them the skills and understanding to manage online interactions appropriately and navigate online environments safely. There needs to be safe spaces for young people to interact online and opportunities provided to assist in the development of the skills and abilities to use social media safely and appropriately. Further, access to social media for young people should always include ensuring that safety principles are understood and set up accordingly, and that parents are well equipped to provide support and supervision.

#### 4. Listening to the voices of young people

Where the Act and any proposed changes impact the rights of young people, it is critical that the government take steps to ensure young people are engaged meaningfully throughout the drafting and implementation process and are supported to engage by experienced facilitators. Government should utilise established youth agencies to gather and actively listen to various cohorts of young people’s views regarding any amendments in the Act that impact them.



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