

Fencing the Ocean: Australia's Social Media Safety Bill

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The Australian government is being run ragged in various quarters. When ragged, such a beast is bound to seek a distraction. And what better than finding a vulnerable group, preferably children, to feel outraged and noble about?

The Albanese government, armed such problematic instruments as South Australia's Children (Social Media Safety) Bill 2024, which will fine social media companies refusing to exclude children under the age of 14 from using their platforms, and a [report](#) by former High Court Chief Justice **Robert French** on the feasibility of such a move, is confident of restricting the use of social media by children across the country by imposing an age limit.

On November 21, the government boastfully declared in a [media release](#) that it had officially "introduced world-leading legislation to enforce a minimum age of 16 years for social media." The proposed legislation, known as the *Online Safety Amendment (Social Media Minimum Age) Bill 2024*, is supposedly going to "deliver greater protections for young Australians during critical stages of their development."

The proposed legislation made something of an international splash. NBC News, for instance, [called](#) the bill "one of the toughest in the world", failing to note its absence of muscle. To that end, it remains thin on detail.

These laws constitute yet another effort to concentrate power and responsibilities best held by the citizenry in the hands of a bureaucratic-political class governed by paranoia and procedure. They are also intended to place the onus on social media platforms to place restrictions upon those under 16 years of age from having accounts.

The government openly admits as much, seemingly treating parents as irresponsible and weak (their consent in this is irrelevant), and children as permanently threatened by spoliation. "The law places the onus on social media platforms - not parents or young people - to take reasonable steps to ensure these protections are in place." If the platforms do not comply, they risk fines of up to A\$49.5 million.

As for the contentious matter of privacy, the prime minister and his communications minister are adamant. "It will contain robust privacy provisions, including requiring the platforms to ringfence and destroy any information collected to safeguard the personal information of all Australians."

The drafters of the bill have also taken liberties on what is deemed appropriate to access. As the media release mentions, Australia's youth will still "have continued access to

messaging and online gaming, as well as access to services which are health and education related, like Headspace, Kids Helpline, and Google Classroom, and YouTube.”

This daft regime is based on the premise it will survive circumvention. Children, through guile and instinctive perseverance, will always find a way to access forbidden fruit. Indeed, as the Digital Industry Group Inc [says](#), this “20th Century response to 21st Century challenges” may well steer children into “dangerous, unregulated parts of the internet”.

In May, [documents uncovered](#) under Freedom of Information by *Guardian Australia* identified that government wonks in the communications department were wondering if such a scheme was even viable. A document casting a sceptical eye over the use of age assurance technology was unequivocal: “No countries have implemented an age verification mandate without issue.”

Legal challenges have been launched in France and Germany against such measures. Circumvention has become a feature in various US states doing the same, using Virtual Private Networks (VPNs).

While this proposed legislation will prove ineffectual in achieving its intended purpose – here, protecting the prelapsarian state of childhood from ruin at the hands of wicked digital platforms – it will also leave the apparatus of hefty regulation. One can hardly take [remarks](#) coming from the absurdly named office of the eSafety Commissioner, currently occupied by the authoritarian-minded Julie Inman Grant, seriously in stating that “regulators like eSafety have to be nimble.” Restrictions, prohibitions, bans and censorship regimes are, in their implementation, never nimble.

For all that, even Inman Grant has reservations about some of the government’s assumptions, notably on the alleged link between social media and mental harm. The evidence for such a claim, [she told](#) BBC Radio 5 Live, “is not settled at all”. Indeed, certain vulnerable groups – she mentions LGBTQ+ and First Nations cohorts in particular – “feel more themselves online than they do in the real world”. Why not, she suggests, teach children to use online platforms more safely? Children, she analogises, should be taught how to swim, rather than being banned from swimming itself. Instruct the young to swim; don’t ringfence the sea.

Rather appositely, Lucas Lane, at 15 something of an entrepreneur selling boys nail polish via the online business Glossy Boys, [told](#) the BBC that the proposed ban “destroys... my friendships and the ability to make people feel seen.”

Already holed without even getting out of port, this bill will serve another, insidious purpose. While easily dismissed as having a stunted moral conscience, Elon Musk, who owns X Corp, is hard to fault in having certain suspicions about these draft rules. “Seems like a backdoor way to control access to the internet by all Australians,” he [wrote](#) to a post from Albanese. One, unfortunately, among several.

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