

22 November 2024

Committee Secretary

Senate Environment and Communications Legislation Committee

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Dear Secretary,

Inquiry into the *Online Safety Amendment (Social Media Minimum Age) Bill 2024*

The Australian National University Law Reform and Social Justice Research Hub ('ANU LRSJ Research Hub') welcomes the opportunity to provide this submission to the Inquiry into the *Online Safety Amendment (Social Media Minimum Age) Bill 2024* ('the Bill').

The ANU LRSJ Research Hub falls within the ANU College of Law's Law Reform and Social Justice program, which supports the integration of law reform and social justice principles into teaching, research and study. Members of the group are students of the ANU College of Law, who are engaged with a range of projects with the aim of exploring the law's complex role in society, and the part that lawyers play in using and improving the law to promote justice.

Recommendation

We recommend that the Parliament reject the Bill.

Submissions

Objections to the Bill

We recognise the serious harms caused by social media and other digital platforms to young people. However, we are concerned that the bill has not been subject to significant debate or analysis. We know from personal experience that social media represents an extension of the public sphere where political and social debate takes place, and to remove young people from this part of the public sphere is to limit their expression and political freedom. We believe that young people should have all the political freedoms of adults, except those which are incompatible with not being an adult. We refrain from making direct recommendations on the content of the bill - after all, how could we, given the consultation period? - but are concerned these considerations have not been adequately considered.

Duration of consultation

We condemn in the strongest terms the decision of the Committee to provide a one-day consultation period. First, it is entirely unapparent that this Bill is urgent other than as demanded by the government's election interests. Second, a one-day consultation period provides an artificial veneer of consultation and due-process where there is none. Third, a one-day consultation period disproportionately advantages large, prepared civil society organisations who have been following this Bill and preparing research. Earlier this month, the *Joint Select Committee on Social Media and Australian Society* [emphasised the need](#) to involve young people in the design of solutions for online harms. A one-day consultation period excludes less resourced interests - as young people almost always are - and represents a stark deviation from this recommendation. A one-day consultation period is, in our view, an abuse of process.

This is part of a concerning and undemocratic trend in Australian parliamentary process during this term of parliament. On major pieces of legislation, such as the *Combatting Misinformation and Disinformation Bill*, the *Electoral Reform Bill* and on this Bill, the Parliament has reduced consultation periods to an unacceptable extent. None of these bills deal with such an urgent issue that they warrant dispensing with the long-held democratic tradition of consulting the communities they represent. We urge the Committee to reflect deeply on the harm which this habit is doing to Australian democracy.

Conclusion

We recommend the Committee reject the Bill and engage in greater consultation. Both of these actions will strengthen Australian democracy.

We are available to appear before the Committee if we can assist any further with our submission.

Yours faithfully,

Ben Yates, Daniel Marns and Felix Archibald

ANU Law Reform and Social Justice Hub