



Background

The Queensland Family and Child Commission (QFCC) recognises that online safety continues to evolve in response to the ever-changing landscape of the internet and internet-facilitated activity and provided a submission to the consultation process in February 2020 to support the drafting of the current Act.¹ This submission included the views and opinions of the QFCC's Youth Advisory Council (YAC) members. The Youth Advocates are Queensland children and young people aged from 14-25 years who provide their views and lived experiences to shape the work of the Commission. The QFCC acknowledges the insight that young people in the community provide to these conversations and emphasises the importance of youth perspectives in discussions which impact the safety and wellbeing of children, young people, families and communities. In developing the current submission, the QFCC consulted with Youth Advocates who provided their input with consideration to the terms of reference provided.

Across the board, the Youth Advocates expressed that there needs to be greater responsibility from government to regulate online content, to hold social media platforms to account for online behaviours and to strike the right balance between censorship and protection from harmful material, behaviour and experiences. The Youth Advocates noted key issues of concern as non-consensual sharing of intimate images, sexting, deep-fake material, grooming, and online child sexual abuse and exploitation. The perspectives provided by the Youth Advocates give the QFCC greater understanding of online behaviours and the experiences of children and young people as internet users. The QFCC would like to stress the importance of consultation with children and young people during all stages of the review process.

While the QFCC applauds the connectivity and communications the online world brings to children and young people in certain contexts, we must recognise the harms that are possible, and the impacts of digital exclusion as a driver of inequality.² The QFCC hosts a suite of online resources titled *#doiknowu* and *Out of the Dark* for staying safe online via our Youth Space³ and Information for Educators⁴ webpages. These resources were created through collaboration with other key Queensland agencies and organisations.

The QFCC agrees that digital platforms and the online service industry clearly need to do more to improve safety for all users however emphasise that children and young people should be considered a major priority due to their vulnerability and likelihood of experiencing online harms. Evidence of this risk and vulnerability is supported by eSafety findings and other research highlighted in the 2022, *House of Representatives Select Committee on Social Media and Online Safety* report.⁵ eSafety identified that almost two thirds of young people aged 14-17 years have been exposed to negative content such as drug taking, suicide, self-harm, and violent material, with seven in ten having seen sexual images online, and almost half having received sexual messages online. A similar

¹ QFCC (2020), *Online Safety Legislative Reform – Consultation on a new Online Safety Act Discussion paper* (submission) [Online Safety Legislative Reform - consultation on a new online safety act - discussion paper \(qfcc.qld.gov.au\)](https://www.qfcc.qld.gov.au/online-safety-legislative-reform-consultation-on-a-new-online-safety-act-discussion-paper)

² UNICEF (2020). *Two thirds of the world's school-age children have no internet access at home, new UNICEF-ITU report says*. [Two thirds of the world's school-age children have no internet access at home, new UNICEF-ITU report says](https://www.unicef.org/australia/news/2020/02/two-thirds-of-the-worlds-school-age-children-have-no-internet-access-at-home-new-unicef-itu-report-says)

³ QFCC (2019), *Protection children from online danger* [Information and resources | Queensland Family and Child Commission \(qfcc.qld.gov.au\)](https://www.qfcc.qld.gov.au/information-and-resources)

⁴ QFCC (2019), *Out of the Dark: Information for educators* [Out of the Dark: Information for educators | Queensland Family and Child Commission \(qfcc.qld.gov.au\)](https://www.qfcc.qld.gov.au/out-of-the-dark)

⁵ House of Representatives Select Committee on Social Media and Online Safety (2022), *Social Media and Online Safety* [2. You Have A New Notification – Parliament of Australia \(aph.gov.au\)](https://www.aph.gov.au/parliamentary_business/committees/select_committees/social_media_and_online_safety)



study noted in the report identified that more than seventy per cent of vulnerable children and young people have witnessed harmful content online, such as violent or explicit content. The rapid changes in technology and growth of disturbing content now present on the internet requires a coordinated and robust approach to confront and address the significant impacts on children and young people, some of the effects which may not yet be known.

Operation and effectiveness of statutory schemes

Cyberbullying material targeted at children

In earlier consultations on the development of the Act, the QFCC supported specific elements such as the expansion of the cyberbullying scheme to protect children being bullied in all online environments, not just on social media. The QFCC made a recommendation at the time for the Act to be designed and operated in a way that considers the circumstances particularly vulnerable cohorts of children and young people such as girls, children with disability and/or cognitive impairment⁶, Aboriginal and Torres Strait Islander children, and children who identify as LGBTIQ+.⁷ The QFCC also supported halving the timeframe in which providers must act to remove cyberbullying material to 24 hours.⁸ In the QFCC's February 2020 submission, Youth Advocates noted the importance of being able to have awareness of and access their rights under the cyberbullying scheme, including the complaints process, noting that the eSafety Commission website was difficult to navigate and the need for responses to cyberbullying to respond to both victim and perpetrator.⁹

The QFCC maintains that the mechanisms for making complaints about cyberbullying need to be designed to be youth-friendly and accessible. Further, there needs to be support for those who engage in bullying online to address their behaviour in an insightful and meaningful way. Current information noted in the Issues Paper developed by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Issues Paper) from the eSafety Commission advises that in the 2022-23 financial year, 1,969 complaints were received with approximately thirty-two per cent responded to by way of informal requests (without formal notice) to remove child cyberbullying material, and an eighty-four per cent success rate in having the material removed. This is considered by eSafety to be more appropriate to expedite removal of harmful material and can be preferred where children are directly involved. Less than one per cent of complaints were issued formal end-user notices. This indicates that there is still a lot of work to be done to respond to the number of complaints received.

Mental health concerns are a significant health issue for Queensland's young people. The QFCC *Annual Report on Deaths of Children and Young People Queensland 2022-23* identified that suicide is the leading cause of death by age in both the 10-14 (2.1 per 100, 000) and 15-17 (9.5 per 100, 000) age groups with a slowly increasing trend in the rate of youth suicide evident over time.¹⁰ In the current consultation, QFCC Youth Advocates noted concerns relating to children and young people suiciding from cyberbullying. The QFCC *Growing up in Queensland* (GUiQ) report published in 2023, identified that young Queenslanders are concerned about bullying in general. This includes cyberbullying, with data identifying internet-facilitated bullying as the third most frequent type of

⁶ QFCC (2021), *Online Safety Bill 2021* (submission) [Online Safety Bill 2021 - QFCC Submission](#).

⁷ QFCC (2020), *Online Safety Legislative Reform – Consultation on a new Online Safety Act Discussion paper* (submission) [Online Safety Legislative Reform - consultation on a new online safety act - discussion paper \(qfcc.qld.gov.au\)](#)

⁸ QFCC (2020), *Online Safety Legislative Reform – Consultation on a new Online Safety Act Discussion paper* (submission) [Online Safety Legislative Reform - consultation on a new online safety act - discussion paper \(qfcc.qld.gov.au\)](#)

⁹ QFCC (2020), *Online Safety Legislative Reform – Consultation on a new Online Safety Act Discussion paper* (submission) [Online Safety Legislative Reform - consultation on a new online safety act - discussion paper \(qfcc.qld.gov.au\)](#)

¹⁰ Queensland Family and Child Commission (2023), *Annual Report: Deaths of children and young people Queensland 2022-23* [Queensland Family and Child Commission :: Annual Report: Deaths of children and young people Queensland 2022-23 \(qfcc.qld.gov.au\)](#)

bullying experienced overall, after physical and social bullying.¹¹ This reflects a continuing trend, noting five years ago in 2019, thirty per cent of young people stated they had been cyberbullied, and fifty-six per cent identified cyberbullying as the ‘most important’ issue to them.¹²

Non-consensual sharing of intimate images (image-based abuse)

In earlier consultations on the development of the Act, the QFCC supported the strengthening of the image-based abuse scheme via the broadening of the definition of image-based abuse.¹³ The QFCC highlighted the strong connection between image-based abuse and the practice of online grooming, noting the implementation of both the *Out of the Dark* program and #doiknowu campaign to address internet-related child sexual abuse in Queensland.¹⁴

In the February 2020 submission, the QFCC called for:

- the image-based abuse scheme and response identify and address the particular risks borne by children in this space, rather than treating the matter as a criminal issue alone
- the expansion of penalties under the civil penalties scheme for image-based abuse not disproportionately impact children and young people.¹⁵

“There should be a lot more teaching around porn. The age of access to porn is getting lower, it is highly accessible, and provides very negative and violent portrayals of sex (breaking down concepts of consent), of relations (affecting understanding of violence and toxicity in relationships), and most importantly affects perceptions and thoughts surrounding women and gender equity, supporting misogynistic ideals and training new generations to do the same.”

QFCC Youth Advocate

The QFCC emphasises the need for action in response to image-based abuse, particularly given data included in the Issues Paper that the scheme has seen a significant rise in the number of reports relating to sexual extortion (‘sextortion’), the majority coming from young men aged between 18-24 years. This worrying trend is corroborated by QFCC Youth Advocates who advised of the growing level of gender-based and image-based violence that occurs online and a concern that this behaviour also crosses over into real life situations is not addressed adequately, for example young men who may go on to perpetrate both verbal and physical abuse, stalking behaviours and sexual crimes.

The Issues Paper notes that from the 9,060 complaints made to the Commissioner in the 2022-23 financial year, the Commissioner requested removal of intimate images from more than 6,500 locations, which resulted in an eighty-seven per cent success rate via informal request. Although these are promising outcomes there is still a lot

¹¹ QFCC (2023), *Growing Up in Queensland – A story of child and family wellbeing* [Growing Up in Queensland \(qfcc.qld.gov.au\)](https://growingupinqueensland.qfcc.qld.gov.au)

¹² QFCC (2018), *Growing Up in Queensland – This Place I call Home* [2018 GUHQ: This Place I Call Home | Queensland Family and Child Commission \(qfcc.qld.gov.au\)](https://2018GUHQ:ThisPlaceICallHome|QueenslandFamilyandChildCommission/qfcc.qld.gov.au)

¹³ QFCC (2020), *Online Safety Legislative Reform – Consultation on a new Online Safety Act Discussion paper* (submission) [Online Safety Legislative Reform - consultation on a new online safety act - discussion paper \(qfcc.qld.gov.au\)](https://online-safety-legislative-reform-consultation-on-a-new-online-safety-act-discussion-paper/qfcc.qld.gov.au)

¹⁴ QFCC (2021), *Online Safety Bill 2021* (submission) [Online Safety Bill 2021 -QFCC Submission](https://online-safety-bill-2021-qfcc-submission).

¹⁵ QFCC (2020), *Online Safety Legislative Reform – Consultation on a new Online Safety Act Discussion paper* (submission) [Online Safety Legislative Reform - consultation on a new online safety act - discussion paper \(qfcc.qld.gov.au\)](https://online-safety-legislative-reform-consultation-on-a-new-online-safety-act-discussion-paper/qfcc.qld.gov.au)

of work to be done to respond to the total number of complaints received. Furthermore, as the complaints process for this type of abuse is the same as for child cyberbullying, the QFCC notes the same concerns for children and young people who are victims of image-based abuse with mental health and wellbeing being a concern.

“In the LGBTQIA+ community, particularly among gay men and teenagers, there is a greater more normalised rate of online grooming that underage teenagers are exposed to in order to feel accepted and wanted. This can lead to mental health concerns and self-harm, and in some instances assault and rape if the online chatting gets to the point of meeting up in person”.

QFCC Youth Advocate

Grooming

In earlier consultations on the development of the Act, the QFCC observed that the *Online Safety Bill 2021* did not incorporate the subject of online grooming and urged the *Senate Environment and Communications Legislation Committee* to consider regulating online platforms, noting the significant overlap between online grooming and other forms of online child sexual abuse (including image-based abuse), and the overlap between platforms used by online groomers.¹⁶ The QFCC recommended the Act to include specific provisions to require platforms to prevent opportunities for grooming and to respond when identified through their services. The QFCC maintains this recommendation noting there is no provision stipulated in the Act and nil mention of this topic in the Issues Paper or Terms of Reference.

Illegal and restricted content (Online Content Scheme)

The QFCC supported the update and implementation of the Online Content Scheme with the provision of industry codes and standards to establish baseline requirements for a broad spectrum of online services to address illegal and seriously harmful online content. The Online Content Scheme has the broadest scope in terms of who can make a complaint, the services regulated, and the basis for making a complaint. The QFCC is pleased to see that the first phase of codes and standards has been developed under the National Classification Code, Class 1 material, which includes Class 1A (child sexual exploitation material, pro-terror and extreme crime and violence material), and Class 1B (crime and violence and drug-related material) and that a second phase of codes is to be developed to address Class 2 material which includes pornography and other high impact material. The QFCC also supports the Government’s current scoping of an age assurance pilot which would complement the development of phase 2 codes.

Child Sexual Exploitation material (Class 1)

The Government has articulated that child sexual abuse material is of great concern, noting global attempts to collectively deal with the question of effective digital platform regulation and how to address emerging risks and harms. The QFCC acknowledges that the Government has recognised recent advancements in the digital world which are reshaping online experiences where the use of new technologies such as generative artificial intelligence are being used to amplify illegal and harmful content. This includes the creation of synthetic child sexual exploitation and abuse material and other forms of extreme content. The Issues Paper notes that in the 2022-23 financial year the Commissioner received 11,636 complaints with 87 per cent relating to child sexual exploitation and abuse, child abuse or paedophile activity. This is staggering and an urgent and earnest collaborative response is needed.

¹⁶ QFCC (2021), *Online Safety Bill 2021* (submission) [Online Safety Bill 2021 -QFCC Submission](#).

Material containing abhorrent, violent content

The QFCC supports formal arrangements to deal with abhorrent violent conduct material provided for in the Act, including the ability of the Commissioner to request or require the blocking of material that promotes, incites, instructs or depicts abhorrent violent conduct such as engaging in terrorist acts, torture and murder. The current timeframe a blocking notice operates can be up to three months, with the ability to issue another notice when the original is due to expire. The Government could consider extending these timeframes or implementing additional measures to complement this process. QFCC Youth Advocates have advised that many younger children when exposed to inappropriate content are not aware of how to properly block or report someone so it would be beneficial for the Commissioner's powers to be strengthened where possible. This material should not be available online where it can be accessed by children and young people.

Suggestions:

1. All complaints-based schemes are, where possible, harmonised and streamlined to reduce any unnecessary regulatory complexity to improve timely access and responses for children and young people.
2. The QFCC continues to support the most effective method of responding to, and expediting the removal and subsequent impacts on children and young people of cyberbullying material, image-based abuse material, illegal and restricted content, and material containing abhorrent, violent content, and would recommend a review of this current process to ensure this is the case. This includes the use of images that have been digitally altered such as deepfakes and photoshopped. Online platforms and services must be compelled to remove images depicting children and young people in any context where harm and other negative consequences may result.
3. Reduction in the timeframe for the Commissioner to remove child cyberbullying material, and image-based abuse material to be less than 48 hours and for the onus not to remain on the individual being targeted to report to the online platform in the first instance.
4. Broadening reporting abilities to include members of the general public; it is understood that a balance needs to be struck between expediting responses to remove material and the level of administrative activity this could potentially generate.
5. Further consideration as to current financial penalties and civil penalties and if these are sufficient to compel recipients into action.
6. Children and young people are provided with the necessary resources so that they feel confident and capable to speak to a trusted adult and/or report a complaint and are reassured that an adequate response will result. This includes providing step by step advice which is child and youth friendly.
7. Inclusion of specific provisions for platforms and service providers to seek to prevent opportunities for grooming online.

Basic Online Safety Expectations (BOSE)

In earlier consultations on the development of the Act, the QFCC provided support for implementation of the BOSE concept which sets out the Governments' minimum safety expectation of online service providers and requires online service providers to take proactive steps to reduce harm.¹⁷ The scheme is noted as more a

¹⁷ QFCC (2020), *Online Safety Legislative Reform – Consultation on a new Online Safety Act Discussion paper* (submission) [Online Safety Legislative Reform - consultation on a new online safety act - discussion paper \(qfcc.qld.gov.au\)](https://www.qfcc.qld.gov.au/consultation-on-a-new-online-safety-act-discussion-paper)

transparency and accountability mechanism that does not apply a legally enforceable duty but holds core expectations for social media services, relevant electronic services and designated internet services to take reasonable steps to, among other things, minimise provision of child cyber-bullying, non-consensual sharing of intimate images, and Class 1 material. Service providers are required to take reasonable steps to prevent access by children to Class 2 material and are to ensure there are clear and readily identifiable reporting mechanisms for end-users to report material provided on the service.

In the February 2020 submission, the QFCC noted specifically:

- the eSafety Commissioner have power to impose sanctions on providers which fail to meet the expectations set out in the BOSE
- information about the BOSE and Online Safety Act should be presented in a youth-friendly way
- the BOSE should include provisions to protect children from the use of their online content by adults without their control or consent.¹⁸

‘Sharenting’ is becoming an increasingly common practice and includes sharing information and photos of children online and in social media. Key platforms such as Meta have been reported to account for 93 per cent of 21.7 million child sexual exploitation (CSE) reports received by the National Centre for Missing and Exploited Children which demonstrates the need for an increased awareness of posting photos of children online and posting information about children publicly online. It also places an onus on social media and online platforms to provide warnings to users of potential harms.¹⁹ The Issues Paper notes that in November 2023 the Minister undertook public consultation on several amendments to the BOSE to address emerging online safety issues with key reforms now under consideration. These include:

- The inclusion that generative artificial intelligence capabilities are designed and implemented to consider user safety, and that services using such capabilities proactively minimise the degree to which it produces unlawful or harmful material.
- That recommender systems are designed and implemented to enable safe use, and that services minimise the extent that such systems amplify unlawful or harmful material.
- The best interests of the child are a primary consideration for services likely to be accessed by children.
- That service providers make available controls to give end-users autonomy to support safe online interactions.
- That service providers respond to complaints and provide feedback to users on actions taken within a reasonable time period.

The QFCC maintains previous recommendations and supports the proposed reforms noting the best interests of the child as a primary consideration

¹⁸ QFCC (2020), *Online Safety Legislative Reform – Consultation on a new Online Safety Act Discussion paper* (submission) [Online Safety Legislative Reform - consultation on a new online safety act - discussion paper \(qfcc.qld.gov.au\)](https://www.qfcc.qld.gov.au/online-safety-legislative-reform-consultation-on-a-new-online-safety-act-discussion-paper)

¹⁹ Minihan S et al. 2024. *Prevalence and predictors of requests for facilitated child sexual exploitation on online platforms*. Trends & issues in crime and criminal justice no. 692. Canberra: Australian Institute of Criminology. <https://doi.org/10.52922/ti77406>

Duty of Care

All QFCC Youth Advocates advised they believed there should be a ‘duty of care’ provision to create another level of responsibility and accountability for internet platforms and for government to ensure children and young people are kept safe online. Content can often be unfiltered and reach children and young people both inadvertently and deliberately via hashtags and profile disguises. Youth Advocates expressed that there appears to be limited accountability from service providers when perpetrators of abuse and harm are able to remain anonymous. Implementing a duty of care would provide more reassurance to children and young people so that they can feel safer online.²⁰

The QFCC supports the implementation of a duty of care requirement which would place a legally enforceable duty of care on social media platforms and other digital services and would shift the onus of responsibility to provide and ensure user safety back onto these platforms.

Penalties

The QFCC agrees that penalties under the Act need to strike the right balance. Youth Advocates advised there needs to be stronger penalties for perpetrators, specifically for cases of cyberbullying, online grooming, revenge porn, image-based abuse, cyberstalking and hate speech. The Issues Paper identifies that the same maximum penalties apply for failing to take down illegal material such as child sexual exploitation material or pro-terror material, and harmful but not unlawful material such as child cyberbullying.

A review should be undertaken to ensure distinct penalties are applied in a measured way to ensure that specific offences, as well as non-compliance with directions, are commensurate to the level of potential harms that can occur to children and young people.

Needs of Children and Young People

The QFCC notes from the Issues Paper that, except for the Online Content Scheme, all complaints must be made by the individual who has been targeted except where a complaint is made by someone on behalf of the victim, for example where the individual is a child or is mentally or physically incapacitated. For children impacted by cyberbullying, the complainant is required to report to the online platform first in order for eSafety to give a removal notice. As acknowledged in the Issues Paper, this carries a level of risk where a service may respond by acting negatively against the complainant. In responding to a removal notice, it may take up to 48 hours from the lodgement of the complaint for the Commissioner to remove content, during which time harm and impact can escalate. It is also important to recognise that there may be barriers to immediate reporting of cyberbullying by a child to a parent or guardian, including fear or shame, delaying the process of seeking removal or addressing the bullying issue. Young people aged 16 years and over, who can make a complaint individually, may not feel adequately resourced or confident to make the complaint. The process of lodging a complaint with the eSafety Commissioner can create pressure and stress on an already very vulnerable cohort.

In earlier consultations on the development of the Act, the QFCC recommended that all new functions of the Online Safety Act should be communicated to children and young people in a child-friendly and accessible way so that young people are empowered to be able to access their rights. Youth Advocates advised the QFCC that they can find government websites difficult to navigate and can struggle to locate information on how to make a complaint.²¹ This was echoed by Youth Advocates where advice received is that language needs to be in terms

²⁰ House of Representatives Select Committee on Social Media and Online Safety (2022), *Social Media and Online Safety* [Social Media and Online Safety – Parliament of Australia \(aph.gov.au\)](#)

²¹ QFCC (2021), *Online Safety Bill 2021* (submission) [Online Safety Bill 2021 -QFCC Submission.](#)

that children and young people can properly understand. This includes avoiding “policy talk”. One Youth Advocate noted that current information systems are not well known or destigmatised enough to be effective.

Education and resources

“Reach out to youth in a more effective manner on social media. Government accounts often have fewer followers, so there is a need to grow a following through interesting topical content or be reaching out to influencers for assistance or advertisements that examine key issues for young people online. Create a framework that supports their safety. This may include displaying ads before movies, YouTube videos and television”.

QFCC Youth Advocate

Educational resources need to be youth-friendly and created for children and young people and their parents or guardians, to ensure users can better understand the risks of internet activity. Parents and guardians need to have balanced, age-appropriate and informed discussions with their children about how to navigate safely online, without taking absolutist assessments to the internet as a risk-abundant, negative experience. Children and young people, as frequent users, need to be given the tools to effectively manage online content themselves. This should happen early in their education and continue as their exposure and internet usage increases. Furthermore, some children and young people may not recognise certain online behaviours as a crime, so broader campaigns to inform the public of what is considered a crime online would be beneficial. This includes for children, young people and adults who are considered perpetrators. Youth Advocates advised that if access is banned this will only increase the likelihood of children and young people accessing online content without parental supervision.

Vulnerable groups

The needs of very vulnerable groups require specific attention. Youth Advocates identified that young women and girls, LGBTQIA+ and First Nations children and young people are particularly vulnerable as they experience high volumes of online abuse with sexist, homophobic, transphobic and racist sentiment being especially prevalent across the online community. Children and young people with disability or who are neurodivergent were also identified as vulnerable as social media and chat rooms provide the ability for social connection which may not otherwise be available to them. They may also not be able to recognise warning signs or be able to filter information sharing and can be easily manipulated. One Youth Advocate advised that social ostracization, bullying, and feelings of being different and lonely, can lead children and young people to feel as if they are safe to talk about their problems with online personalities who then establish a "relationship" or "friendship" where the child or young person feels as though they (the online individual) are the only person to which they (the child) can talk. Another Youth Advocate highlighted how the more times a child or young person spends online, the more comfortable they become with clicking on links they are not completely sure about which increases the risk of being exposed to unsafe content. All Youth Advocates advised that the mental health impacts to vulnerable groups can be significant. Not only can this include depression, self-harm and suicide, but also the very real risk of coming into contact and subsequent harm from predators in real life. Youth Advocates advised there should be stronger security systems (including multimodal access) in place online noting in particular the greater sophistication of online scams.