

Telephone:

Reference:

Committee Secretary
Senate Standing Committees on Environment and Communications

Via email:

Dear Committee Secretary

The Queensland Family and Child Commission (the Commission) welcomes the opportunity to comment on the Online Safety Amendment (Strengthening Enforcement for the Social Media Minimum Age) Bill 2026. The Commission is the regulator under the *Child Safe Organisations Act 2024* (Qld) and hosts the Child Death Review Board (the Board). These functions require the Commission to maintain a cross-portfolio, systems-level view of how regulation, information sharing and oversight intersect to protect children.

This submission builds on concerns raised in the Commission's submission to the *Online Safety Amendment (Social Media Minimum Age) Bill 2024* (**attached**), particularly regarding circumvention, platform accountability, and the risk that children may move towards less visible or less regulated online environments. The proposed replacement of section 63G would strengthen the eSafety Commissioner's ability to compel persons who hold relevant information or documents, including entities beyond regulated social media platforms, to provide evidence relevant to compliance with the minimum age obligation. The Commission supports this amendment as a reasonable and proportionate strengthening of the eSafety Commissioner's evidence-gathering capability. The Commission notes that Part 15 of the *Online Safety Act 2021* already provides pathways for the eSafety Commissioner to disclose information to certain authorities. The strengthened information-gathering power should be accompanied by confirmation that these pathways apply effectively to information obtained under section 63G and are sufficiently broad to include relevant Commonwealth, state and territory child safeguarding regulators and oversight bodies.

The Board's *In Plain Sight* review found that effective child safeguarding requires enforceable duties and consequences to apply consistently across all parties with a role in protecting children. It also identified fragmented, single-agency information holding as a recurring and preventable barrier to child safety. This is reflected in Transformational Recommendation 5, which calls for the Commonwealth laws to embed enforceable corporate duties of care for child safeguarding, with significant penalties for organisations, boards and leaders where safeguarding failures occur, analogous to existing work health and safety duties. Relevant information-sharing recommendations include:

- Operational Recommendation 4: a legislated Child Safeguarding Intelligence Network for cross-agency information sharing; and

- Operational Recommendation 9: police sharing investigation-derived information with safeguarding authorities, including where a matter does not proceed to prosecution.

Operational Recommendation 17 identifies online environments and digital grooming as research priorities, reinforcing the need to identify and respond to emerging online risks. The *In Plain Sight* recommendations are **attached** for reference.

These findings are directly relevant to how information obtained under section 63G is used. Safety-relevant information held by a single body, without an effective pathway to reach those responsible for safeguarding children, can result in missed opportunities to identify and act on risk.

The Commission recommends that the Bill clarify the application of Part 15 of the *Online Safety Act 2021* to information obtained under section 63G and that consideration be given to whether the authorities listed in section 212 are sufficiently broad to include relevant Commonwealth, state and territory child safeguarding regulators and oversight bodies. Where the existing provision does not clearly extend to these bodies, an express disclosure pathway should be established for information indicating a serious or systemic risk to children, including patterns of circumvention or emerging online harm.

Disclosure should be reasonably necessary for the recipient authority to perform a child safeguarding function and subject to appropriate privacy, security, use, retention and onward-disclosure safeguards. Consistent with section 217 of the *Online Safety Act 2021*, where practicable, systemic or de-identified information should be used in preference to identifiable personal information.

The Commission supports the strengthened information-gathering provisions in the Bill and recommends that they be accompanied by a clear and appropriately safeguarded pathway for sharing information that indicates serious or systemic risks to children. The Commission would be pleased to provide further information or evidence to assist the Committee, drawing on its regulatory role under the *Child Safe Organisations Act 2024* and its systems-oversight functions.

If you have any questions or wish to discuss further, please do not hesitate to contact me directly on XXXX XXX XXX or via email at xxx@qfcc.qld.gov.au.

Yours sincerely

Luke Twyford

Principal Commissioner

Queensland Family and Child Commission

July 2026

Attached:

- Attachment One: Submission to Online Safety Bill 2024 – PCMR
- Attachment Two: In Plain Sight - Review into System Responses to Child Sexual Abuse - Recommendations