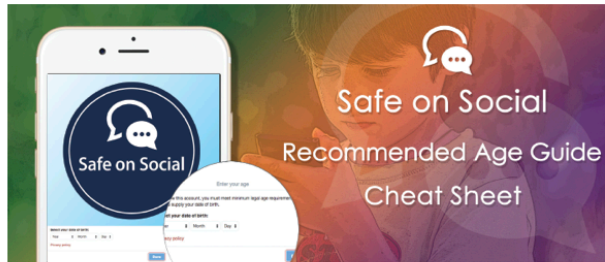


Parenting at the speed of light

April 8th, 2018 - Safe on Social Media Pty Ltd

It's not illegal



Social Media

	Terms of Use - Minimum Age Requirements
ASK.fm	13+
Club Penguin Island	9+
Facebook	13+
Facebook Messenger	13+
Flickr	13+ (for users 13-17 years there are restrictions on the content they can both access, and who they can allow to view their material)
Google+	13+
Instagram	13+
iTunes	13+ (though younger children may access this through the Family sharing feature)
Kik	13+ (age of majority)
LinkedIn	16+ (with parental permission to 18)
Minecraft	All ages (parental permission required to create an account if user is under 13 yrs)
Moshi Monsters	All ages (directed at 6 - 12 year olds. If user is under 13, parent's email is required)
Musical.ly	13+ (with parental permission up to 17 yrs)
Reddit	13+

Pandora	15+ (in Australia)
Peek Video	13+
Pinterest	13+
Playstation Network	18+ (younger children may play on a sub account, an adult must first set up a Master Account with parental controls)
Roblox	13+
Sarahah	17+
Skype	18+ (13 - 17 years with parental permission)
Snapchat	13+
Steam	13+
Tinder	18+
Tumblr	13+
Twitter	13+
Vimeo	13+ (13 - 17 years with parental permission)
WhatsApp	13+ (13 - 17 years with parental permission)
YouTube	13+ (with content further restricted with parental controls)
Yellow/Yubo	17+ (13 - 17 years with parental permission)

Time to clear something up that parents tell us is often used in talks about staying safe online.

We're talking about the age recommendations provided for social media apps, and children possessing accounts well below the 13+ suggestion.

The refrain is constant. It's "illegal" for kids to have these accounts. Except it's not.

It's not illegal.

It's may be foolish because of the impact it has on a child's digital footprint, and it may affect the mental health of your child by being exposed to things they are not emotionally ready for, but possessing a social media app when you are below thirteen will not see any parties involved being arrested.

Almost all social media apps have a recommended age attached to them. Most of these hover around the 13+ mark, but some are 17+, some 14+, it varies. You should familiarise yourself with these in the terms and conditions of use rather than what the app store says.

An age recommendation reflects the minimum age that a potential account holder should be. Content and concepts that appear within the app are therefore not considered suitable for a younger user.

These recommendations are the BARE minimum that the developers of the apps can get away with. It's an extraordinarily easy thing to lie on social media sign-up details when providing a DOB. There is a common misconception that these age recommendations have some kind of legal tie in. That someone can be prosecuted in some way for having an account on an app in breach of the recommendations provided. For a child, this is not the case.

While Australian law is set up to deal with R+ and X + rating movie and gaming content, and can prosecute for children being exposed to such content - this does NOT apply to social media age recommendations.

Let's use Instagram as an example.

There are an enormous number of kids well under the age recommendation of 13+ holding accounts on this app in Australia.

Safe on Social Media regularly see children in Year 2, happily providing their full name, age, additional social media addresses, and too much information in the bio area on Instagram on a public account – supported and sometimes even encouraged by Mum and Dad.

It's incredibly risky to let your tween/child loose on this social media app before they are mature enough to manage it. And the rationale that "everyone else has it" is no excuse anymore parents. Get smart in this sphere and protect your child.

Choosing followers, using privacy settings, and determining what sort of content is appropriate to post is beyond the level of maturity these children possess, but it's NOT illegal.

What is illegal, are the shots an underage child takes and posts on social media, those ones when they are in their underwear or less, or posing provocatively. That falls under the category of self-generated child pornography (posing in a sexual way). Sending that image onwards? That's distribution of child pornography. These are serious crimes and it might seem like an impossibility that a child under the 13yr age recommendation could be guilty of such. Yet that is the technical reading of the law.

Currently Federal Child pornography laws found in the Criminal Code 1995 (Cth) state that it is illegal to take, share, keep and distribute images of a sexual nature (AND this includes the individual if they are sending images of themselves) if the person involved is under 18, by phone or online. The most relevant section is s474.19 – Using a carriage service

for child pornography material. The offence lists the following criteria to prove guilt in an individual. An offence is recorded if a person:

- Accesses material or causes material to be transmitted to himself/herself
- Transmits, makes available, publishes, distributes, advertises or promotes said material
- Asks for material.

Now what IS illegal is out of the way, underage accounts are not recommended. What this underage use is doing is encouraging is lying and deceptive behaviour.

Lying about their age online is a bad idea, due to the digital footprint left behind. In later years of life, it may be possible to determine that a prospective job applicant chose to lie about their age repeatedly in their digital life. This may show a pattern of deceit and bad character unattractive for a future employee, and is a very negative addition to an individual's digital footprint. Worse, this lying is condoned and encouraged by parents.

Supervise your child's activities on devices to make sure they aren't downloading these apps without your knowledge, or that they are not creating a joint account with a friend that is allowed to use it.

You can prevent it, you should not encourage it, and it definitely isn't cute. Children get into a lot of trouble on these accounts, cyberbullying, porn is everywhere, paedophiles are real, and the lessons taught by Instagram that popularity, beauty, money and perfection are the only things of importance provide no benefit to your child.

The penalties for an "underage user" on social media arenothing. There is no legal remedy or punishment under Australian law.

The options are to report to Instagram (or other social media app) that the account holder is underage, and the account will eventually be deleted if the relevant form is filled out correctly.

This is how that can be done for Instagram

https://help.instagram.com/contact/723586364339719?helpref=faq_content

- Using Instagram >
- Managing Your Account >
- Troubleshooting and Login Help >
- Privacy and Safety Center >
- Instagram for Businesses >

Report a user on Instagram who is underage

If you believe that someone using Instagram is under the age of 13 or is impersonating your child who's under 13, please use this form to report their account.

Username of the account you'd like to report

Full name of the person you'd like to report

Date of birth of the person you'd like to report

[+ Add year](#)

Your relationship to this person

Parent

If you're reporting a child's account that was made with a false date of birth, and the child's age can be reasonably verified as under 13, we'll delete the account. You will not get confirmation that the account has been deleted, but you should no longer be able to view it on Instagram. Keep in mind that complete and detailed reports (example: providing the username of the account you're reporting) help us take appropriate action.

If the reported child's age can't reasonably be verified as being under 13, then we may not be able to take action on the account.

Want to add a caption to this image? Click the Settings icon.

That is the penalty if someone chooses to act. The removal of the account.

No fines, no charges, no safeguarding investigations for holding such an account – nothing. That these juvenile account holders have broken a law is a misconception.

It is not illegal. Age restrictions or recommendations are not enforceable under law.