

## Consolidated Industry Codes of Practice for the Online Industry (Class 1C and Class 2 Material)

Collective Shout  
November 25, 2024

### Introduction

We are pleased to contribute our recommendations on the draft Industry Codes designed to help protect children from exposure to online pornography. Collective Shout has led advocacy on this issue for more than a decade.

Late last year, Collective Shout spearheaded an Open Letter signed by leading women's safety and child protection experts and prominent Australians. The letter called for an Age Verification pilot to act as one obstacle in the way of children being exposed to pornography.<sup>1</sup> In line with moves elsewhere, for example the UK<sup>2</sup> and France,<sup>3</sup> we strongly recommended the Australian Government follow suit. We therefore welcomed the Federal Government's announcement of a trial and recent appointment of the Age Check Certification Team to conduct it.<sup>4</sup>

Our recommendations in response to the draft Codes are supported by our own research, global data and the collation of personal accounts of large numbers of students, teachers and parents around the country.

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<sup>1</sup> Collective Shout (19 Sept 2023). Open Letter: Women's Safety and Child Protection Experts call for Age Verification Pilot. [https://www.collectiveshout.org/open\\_letter\\_age\\_verification](https://www.collectiveshout.org/open_letter_age_verification)

<sup>2</sup> Figueiredo, P. (7 Nov 2024). UK pornography platforms must comply with age guidelines from January, says regulator. MLex. <https://www.mlex.com/mlex/articles/2258010/uk-pornography-platforms-must-comply-with-age-guidelines-from-january-says-regulator>; McConvey, JR (15 Oct 2024). French regulator releases technical reference on age verification for porn. Biometric Update. <https://www.biometricupdate.com/202410/french-regulator-releases-technical-reference-on-age-verification-for-porn>

<sup>3</sup> Facia (17 Oct 2024). France's Arcom has announced the latest age verification for adult sites. <https://facia.ai/news/frances-arcom-has-announced-the-latest-age-verification-for-adult-sites/>

<sup>4</sup> Alison, Coralie (6 May 2024). WIN! Gov announces commitment to age verification trial. Collective Shout.

[https://www.collectiveshout.org/gov\\_announces\\_commitment\\_to\\_age\\_verification\\_trial](https://www.collectiveshout.org/gov_announces_commitment_to_age_verification_trial);

Australian Government (15 Nov 2024). Tender awarded for age assurance trial. Department of Infrastructure, Transport, Regional Development, Communication and the Arts.

<https://www.infrastructure.gov.au/department/media/publications/tender-awarded-age-assurance-trial>

## Summary of Recommendations

1. Age assurance processes should be implemented for all online services and Tier 1 and Tier 2 equipment that Australian end-users engage with.
2. Operating system providers and device/equipment providers should be required age estimation technologies to provide the highest level protections for child users.
3. Messaging services should prohibit Class 1C and Class 2 materials and the Codes should require these services to scan/remove these materials.
4. Industry Codes must be technology-neutral to allow for new developments and research to be quickly implemented.
5. Industry Codes require services that prohibit high impact online pornography to still implement age assurance measures to limit the risk of child end-users accessing or being exposed to high impact online pornography.

## Supporting Evidence

Collective Shout wishes to provide the following information with respect to the stated goals of the Draft Phase 2 Codes:

1. Protect and prevent children in Australia from accessing or being exposed to class 1C and class 2 material.
2. Provide end-users in Australia with effective information, tools and options to limit access and exposure to class 1C and class 2 material.

## Industry reluctance to take preventative measures in the best interests of children

We cannot help but be circumspect about the Digital Industry drafting its own Codes. We have documented a litany of failures on the part of social media platforms to enforce their own Terms of Use.<sup>5</sup> We note that in the process of drafting the Codes,

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<sup>5</sup> Roper, Caitlin (15 Apr 2024). AI images of little boys in fetish gear on Instagram “not actionable”, says eSafety. *Collective Shout*. <https://www.collectiveshout.org/ai-images-of-little-boys-in-fetish-gear-on-instagram-not-actionable-says-esafety>; Collective Shout (12 Sep 2022). Man tweets child rape desire - eSafety dismisses complaint. <https://www.collectiveshout.org/esafety-dismisses-csatweet-complaint>; Collective Shout (10 Nov 2022). Meta failing young girls: Our investigations in the media. <https://www.collectiveshout.org/meta-failing-children-inews>; Collective Shout (25 Jan 2023). Instagram slammed for ‘fuelling’ the sale of child-like sex dolls.

the eSafety Commissioner had to go back to the industry and demand a re-write, as the original versions were too weak.<sup>6</sup> (Key child protection stakeholders and women's safety specialists should be provided further opportunity to comment on final draft codes given weakness in draft codes to date).

Draft industry codes appear to be moving away from relying on Terms of Use and parental controls to protect children. For too long, these have been pushed by the tech sector as a way to evade responsibility for the harms on their platforms. For example, in January 2024, Meta proposed that Apple and Google be responsible for making parents approve kids and teens downloading potentially risky apps like Facebook and Instagram.<sup>7</sup> Apple strongly disagreed. This scenario, played out in Louisiana in the USA, showed that Meta and Apple prefer to fight age assurance and shift blame.<sup>8</sup>

The Digital Industry continues to profit significantly, primarily from advertising and data mining. Every click means more advertising revenue. It has, further, been beneficial to Big Tech platforms to facilitate the proliferation of sex industry businesses. The Industry has shown significant reluctance to take preventative measures in the best interests of children as its profit margins have been prioritised.<sup>9,10</sup> Our small non-profit is now commenting on Industry Codes prepared by, among others, multi-billion dollar well-resourced companies such as Google, TikTok, Meta, Snap, Spotify, and X, all contributors to the harms we are now trying to address.

The global pornography industry has been found complicit in monetising, distributing and advertising child sexual abuse, rape, and human trafficking.<sup>11</sup> Throughout the

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<https://www.collectiveshout.org/instagram-slammed-for-fuelling-the-sale-of-child-like-sex-dolls>; Kennedy, Lyn (10 Nov 2022). We reported 100 pieces of child exploitation content to Instagram - they removed just three. *Collective Shout*.

<https://www.collectiveshout.org/100-reports-of-child-exploitation-instagram>.

<sup>6</sup> <https://www.esafety.gov.au/industry/codes/background-to-the-phase-1-standards>

<sup>7</sup> Perez, S. (31 Jan 2024). Mark Zuckerberg says Apple and Google should manage parental consent for apps, not Meta. *Tech Crunch*. <https://techcrunch.com/2024/01/31/mark-zuckerberg-says-apple-and-google-should-manage-parental-consent-for-apps-not-meta/>

<sup>8</sup> Christoffel, R. (3 Sept 2024). Meta lobbied for child safety bill to blame Apple, but Apple's own lobbying got it off the hook. *9to5Mac*. <https://9to5mac.com/2024/09/03/meta-lobbied-for-child-safety-bill-to-blame-apple-but-apples-own-lobbying-got-it-off-the-hook/>

<sup>9</sup> Collective Shout (Jan 2022). Submission to Select Committee on Social Media and Online Safety. <https://www.collectiveshout.org/submission-social-media-online-safety>; Collective Shout (5 Feb 2022). Bring social media companies to account for harms to young people: CS appears before social media inquiry. <https://www.collectiveshout.org/hearing-evidence-social-media-inquiry>

<https://www.collectiveshout.org/hearing-evidence-social-media-inquiry>

<sup>10</sup> For example, Meta generated USD \$119 billion by end of 2023 in Facebook advertising. Google projects an increased advertising revenue from \$250 billion in 2023 to \$340 billion in 2027. Faria, Julie (23 Oct 2024). Digital advertising revenues of major internet companies worldwide in 2023 and 2027. <https://www.statista.com/statistics/1285405/revenues-digital-ad-major-internet-companies/>

<sup>11</sup> Collective Shout (23 Mar 2021). Submission to Canadian Parliamentary Ethics Committee: Protection of Privacy and Reputation on Platforms Such as Pornhub. *Collective Shout*. <https://www.collectiveshout.org/submission-ethi-mindgeek>; Kolhatkar, S. (13 June 2022).

The Fight to Hold Pornhub Accountable. *The New Yorker*.

<https://www.newyorker.com/magazine/2022/06/20/the-fight-to-hold-pornhub-accountable>

evolution of Australia's Online Safety laws, we have consistently pointed out that mainstream pornography, also known as Class 2A material, routinely depicts violence, degradation and dehumanisation of women and girls, and thus most should be considered Class 1A material.<sup>12</sup>

Online pornography is recognised as a threat to children in General Comment 25 of the United Nations Convention on the Rights of the Child.<sup>13</sup> The Organization for Security and Cooperation in Europe (OSCE) also recommended "implementing age verification technologies with a view to limiting the access of children to pornographic websites."<sup>14</sup> The Federal Government acknowledges the role pornography plays in violence against women, in its *National Plan to Address Violence Against Women and Children (2022-2023)*.<sup>15</sup>

It appears from previous submissions that the sex industry does not want Government regulation and denies that pornography exposure harms young people.<sup>16</sup> In our view, the vested interests of the sex industry undermine the goals of child sexual abuse prevention and healthy sexual development.

## Harms of Pornography to Children

Children and young people who are exposed to pornography acquire information about sexual activity which may normalise violent or coercive behaviours.<sup>17</sup>

A UK nationally representative survey of young people aged 16-21 found that many young people *expect* sex to involve physical aggression, and that they believe girls

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<sup>12</sup> Mickelwait, Laila (Feb 2020). Shut down Pornhub and hold its executives accountable for aiding trafficking. <https://traffickinghubpetition.com/>; *Collective Shout*. Pornhub commits crimes against women and girls (Content warning; Images blurred but still confronting and may be upsetting).

<sup>13</sup> United Nations (2 Mar 2021). General comment No. 25 (2021) on children's rights in relation to the digital environment. <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-25-2021-childrens-rights-relation>

<sup>14</sup> Hollabaugh, A. (22 Dec 2017). Helsinki Commission Report: New OSCE Ministerial Decision Builds on OSCE PA Best Practices to Fight Child Trafficking and Other Sexual Exploitation of Children. Commission on Security and Cooperation in Europe. <https://www.csce.gov/wp-content/uploads/2017/12/Report-Ministerial-Decision-Design-Final.pdf>

<sup>15</sup> Australian Government Department of Social Services (17 Oct 2022). The National Plan to End Violence Against Women and Children 2022-2023. <https://www.dss.gov.au/the-national-plan-to-end-violence-against-women-and-children/the-national-plan-to-end-violence-against-women-and-children-2022-2032>

<sup>16</sup> Scarlet Alliance (21 June 2024). Submission to Statutory Review of the Online Safety Act 2021. <https://scarletalliance.org.au/wp-content/uploads/Scarlet-Alliance-Submission-to-Online-Safety-Act-Review.pdf>; Scarlet Alliance (20 Sept 2021). Letter to eSafety Commission. [https://www.esafety.gov.au/sites/default/files/2021-09/Scarlet%20Alliance%20RAS%20submission%20%28September%202021%29\\_0.pdf](https://www.esafety.gov.au/sites/default/files/2021-09/Scarlet%20Alliance%20RAS%20submission%20%28September%202021%29_0.pdf)

<sup>17</sup> Ey, L. A. and McInnes, E. (2020). Harmful Sexual Behaviour in Young Children and Pre-Teens. Routledge, London. <https://doi.org/10.4324/9780429400452>

*expect or enjoy* physical aggression such as strangulation or slapping (42% of 16-21 year old respondents), more than boys (37%).<sup>18</sup>

Exposure to violent pornography is the strongest predictor of sexual violence among males and females<sup>19</sup> and has a significant association with attitudes supporting violence against women.<sup>20</sup>

In addition, early exposure to pornography is:

- Linked to risky sexual behaviours - early sexual debut, unsafe sex, unwanted or unsafe sexual acts (such as anal sex), and using alcohol and drugs before sex.<sup>21</sup>
- A predictor of viewing child sexual abuse material as an adult.<sup>22</sup>
- A predictor for children engaging in harmful sexual behaviour.<sup>23</sup>
- Significantly related to a younger age of committing sexual offences.<sup>24</sup>

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<sup>18</sup> Children's Commissioner, UK (Jan 2023). "A lot of it is actually just abuse." Young people and pornography. <https://www.childrenscommissioner.gov.uk/resource/a-lot-of-it-is-actually-just-abuse-young-people-and-pornography/>

<sup>19</sup> Upton, J., Hazell, A., Abbott, R. and Pilling, K. (Feb 2020). The relationship between pornography use and harmful sexual behaviours: A primary research report prepared by The Behavioural Architects for the Government Equalities Office.

<https://www.gov.uk/government/publications/the-relationship-between-pornography-use-and-harmful-sexual-behaviours/the-relationship-between-pornography-use-and-harmful-sexual-attitudes-and-behaviours-literature-review>; Ybarra, M. L., & Thompson, R. E. (2018).

Predicting the Emergence of Sexual Violence in Adolescence. *Prevention science: The official journal of the Society for Prevention Research*, 19(4), 403–415.

<https://doi.org/10.1007/s11121-017-0810-4>; Dawson, K., Tafro, A. and Štulhofer, A. (2019).

Adolescent sexual aggressiveness and pornography use: A longitudinal assessment.

*Aggressive Behavior* 45(6):587-597. <https://doi.org/10.1002/ab.21854>; Tomaszewska, P., &

Krahé, B. (2018). Predictors of Sexual Aggression Victimization and Perpetration Among Polish University Students: A Longitudinal Study. *Archives of sexual behavior*, 47(2), 493–505. <https://doi.org/10.1007/s10508-016-0823-2>.

<sup>20</sup> Upton, J., Hazell, A., Abbott, R. and Pilling, K. (Feb 2020). The relationship between pornography use and harmful sexual behaviours: A primary research report prepared by The Behavioural Architects for the Government Equalities Office.

<https://www.gov.uk/government/publications/the-relationship-between-pornography-use-and-harmful-sexual-behaviours/the-relationship-between-pornography-use-and-harmful-sexual-attitudes-and-behaviours-literature-review>

<sup>21</sup> Rivas-Koehl, M., Valido, A., Espelage, D. L., & Lawrence, T. I. (2023). Adults and Family as Supportive of Adolescent Sexual Development in the Age of Smartphones? Exploring Cybersexual Violence Victimization, Pornography Use, and Risky Sexual Behaviors. *Archives of Sexual Behavior*, 52(7), 2845–2857. <https://link.springer.com/article/10.1007/s10508-023-02618-2>

<sup>22</sup> Napier, S.S., Seto, M.C., Cashmore, J. and Shackel, R. (2024). Characteristics that predict exposure to and subsequent intentional viewing of child sexual abuse material among a community sample of Internet use. *Child Abuse and Neglect* 156. <https://doi.org/10.1016/j.chiabu.2024.106977>

<sup>23</sup> Hollis, V. and Belton, E. (2017). Children and Young People Who Engage in Technology-Assisted Harmful Sexual Behaviour: A study of their behaviours, backgrounds, and characteristics. NSPCC Learning. <https://learning.nspcc.org.uk/research-resources/2017/children-young-people-technology-assisted-harmful-sexual-behaviour>

<sup>24</sup> Mancini, C., Reckdenwald, A., Beauregard, E., and Levenson, J. S. (2014). Sex industry exposure over the life course on the onset and frequency of sex offending. *Journal of Criminal Justice*, 42, 507-516. <https://doi.org/10.1016/j.jcrimjus.2014.09.002>



- Associated with more invasive sexual acts committed against other children.<sup>25</sup>
- Related to committing more violent and humiliating sexual crimes for sexual offenders.<sup>26</sup>
- Linked to giving a substantial minority new ideas they wanted to try out.<sup>27</sup>
- Correlated with high risk of mental health issues.<sup>28</sup>

A systematic review of 20 years of research into pornography and violence found that violent content in pornography may serve to legitimise violence through knowledge transmitted among men.<sup>29</sup>

- The use of violent pornography (specifically sadomasochistic content) is associated with an increased tendency to demonstrate aggressive behaviour.
- Pornography use is associated with (and even predictive of) sexual aggression, teen dating violence, and experiences of sexual victimisation.
- Exposure to pornography has been linked to sexual coercion, as well as higher levels of rape-supportive beliefs, peer approval of forced sex, and a high number of sexual partners.
- Men who watched mainstream pornography scored significantly higher on self-reported likelihood of raping.

In its just released report, titled 'Impact of pornography on young people' report' (Nov 2024), Our Watch warns that "violence and abuse often depicted in online pornography can shape harmful views and attitudes and can lead to violence.

The latest data cited in the report found that 72% of young people surveyed said porn often showed aggression and violence against women, and 79% believed that porn impacts how women were viewed in real life. Almost a third said they used porn for sex education. The report outlines how harmful and violent porn can negatively affect

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<sup>25</sup> DeLago, C., Schroeder, C. M., Cooper, B., Deblinger, E., Dudek, E., Yu, R., & Finkel, M. A. (2020). Children who engaged in interpersonal problematic sexual behaviors. *Child abuse & neglect*, 105, 104260. <https://doi.org/10.1016/j.chiabu.2019.104260>

<sup>26</sup> Mancini, C., Reckdenwald, A., and Beauregard, E. (2012). Pornography exposure over the life course and the severity of sexual offenses: Imitation and cathartic effects. *Journal of Criminal Justice*, 40(1), 21-30. <https://doi.org/10.1016/j.jcrimjus.2011.11.004>; Mancini, C., Reckdenwald, A., Beauregard, E., and Levenson, J. S. (2014). Sex industry exposure over the life course on the onset and frequency of sex offending. *Journal of Criminal Justice*, 42, 507-516. <https://doi.org/10.1016/j.jcrimjus.2014.09.002>

<sup>27</sup> Martellozzo, Elena; Monaghan, Andy; Adler, Joanna R; Davidson, Julia; Leyva, Rodolfo; Horvath, Miranda A H (2017). "I wasn't sure it was normal to watch it": A quantitative and qualitative examination of the impact of online pornography on the values, attitudes, beliefs and behaviours of children and young people. NSPCC and Children's Commissioner for England. <https://doi.org/10.6084/m9.figshare.3382393.v4>

<sup>28</sup> Lim, M. S. C., Agius, P. A., Carrotte, E. R., Vella, A. M., & Hellard, M. E. (2017). Young Australians' use of pornography and associations with sexual risk behaviours. *Australian and New Zealand journal of public health*, 41(4), 438–443. <https://doi.org/10.1111/1753-6405.12678>

<sup>29</sup> Mestre-Bach, G., Villena-Moya, A., & Chiclana-Actis, C. (2024). Pornography Use and Violence: A Systematic Review of the Last 20 Years. *Trauma, Violence, & Abuse*, 25(2), 1088-1112. <https://doi.org/10.1177/15248380231173619>

young people's attitudes towards gender, sex and relationships. A summary of the report states<sup>30</sup>:

*This is supported by broader research which has found that harmful gender stereotypes and violence against women are prevalent in online pornography, with about 90% of porn on popular platforms depicting violence or abuse of women. Exposure to violent porn and frequency of use is associated with a greater likelihood of men holding disrespectful and derogative attitudes that can lead to violence against women.*

Our Watch CEO Patty Kinnersly said young men and boys who frequently use porn are “more likely to blame a woman for abuse, while acts such as sexual ‘choking’ or strangulation commonly depicted in porn, have become mainstream. More than half of women aged 18 to 35 report being strangled during sex at least once,” Ms Kinnersly said.<sup>31</sup>

In 2024, recorded sexual assaults reached a 31-year high, according to the Australian Bureau of Statistics (ABS).<sup>32</sup> The majority of victim-survivors are women (84%) and most are aged between 10 and 17 years (41%). It is teen girls who are bearing the brunt of this crisis and it is teen boys who are the primary perpetrators. According to ABS data, males in the age group 15-19 years are the largest group of offenders with a principal offence of sexual assault.<sup>33</sup> And according to research published earlier this year in the International Journal of Child Abuse and Neglect, adolescent Australian males are now the largest cohort of sex offenders against children.<sup>34</sup>

## Sexual Harassment and Harmful Sexual Behaviours in Schools

In our Sexual Harassment of Teachers [SHoT] report, published in partnership with author and parenting educator Maggie Dent (eds Maha Melhem and Melinda Tankard Reist),<sup>35</sup> many teachers observed how unfettered access to pornography

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<sup>30</sup> [New report: Porn is shaping young people's views of sex and relationships, education is key](#), Our Watch (Nov 2024)

<sup>31</sup> Ibid.

<sup>32</sup> Australian Bureau of Statistics (27th June 2024). Recorded sexual assaults reach 31-year high. Media Release. <https://www.abs.gov.au/media-centre/media-releases/recorded-sexual-assaults-reach-31-year-high>

<sup>33</sup> Australian Institute of Health and Welfare (2020) Sexual assault in Australia. <https://www.aihw.gov.au/getmedia/0375553f-0395-46cc-9574-d54c74fa601a/aihw-fdv-5.pdf.aspx?inline=true>

<sup>34</sup> Mathews et al. (2024, January) Child sexual abuse by different classes and types of perpetrator: Prevalence and trends from an Australian national survey. *Child Abuse & Neglect*, 147.

<sup>35</sup> Melinda Tankard Reist has previously written extensively on the rise of harmful sexual behaviours in schools. See for example, Tankard Reist, Melinda (2016). Growing Up in Pornland: Girls Have Had It with Porn Conditioned Boys. *ABC Religion & Ethics*; ‘When the Moaning Stops: How porn is damaging young people’, (2022) Eureka Street <https://melindatankardreist.com/2023/07/prns-grooming-starts-young-mtr-eureka-street-essay/>

was contributing to the rise of sexual harassment and harmful sexual behaviours in schools.<sup>36</sup>

The report draws from survey responses from more than 1000 teachers. Key findings include:

- Almost 80% reported a rise of harmful sexual behaviours in their schools.
- Teachers – almost all female – report being subjected to routine sexual harassment. They are propositioned, threatened with rape, subjected to sexist slurs, mimicking of sex acts, sexually moaned, groaned, and grunted at, asked for nudes and intimidated.
- While adolescent males in Years 9 and 10 were responsible for the majority of harmful sexual behaviours, children as young as Kindergarten to Grade 3 were also exhibiting these behaviours.
- Many female teachers said they did not feel safe at work. They were also having to deal with multiple disclosures from adolescent victims of harmful sexual behaviours, including girls in Years 5 and 6 coerced into sending sexual images.
- Survey respondents are seeing more victims of Image Based Sexual Abuse [IBSA]. They report instances of children as young as Year 2 accessing and sharing pornographic content through personal devices or social media.
- Teachers expressed despair about the rapid rise of harmful sexual behaviours which they attributed to early exposure to pornography, the malign influence of social media influencers, and broader societal sexist attitudes. Teachers reported boys as young as Year 7 were making comments about rape in class or making rape ‘jokes’ towards girls.
- Teachers reported that girls in Year 7 were told by boys that they will be raped, other boys are making “violent rape threats”, and “older boys [state] they intend to rape their future partners when they grow up.”
- 23 teachers reported personally experiencing rape threats and 118 reported personally experiencing rape jokes.

## Discussion Questions

### Question 1

*The materials subject to these Codes ( Class 1C and Class 2 materials) is material which should be restricted to users under the age of 18, based on the criteria of the National Classification Scheme, but is primarily lawful for adults to view. These categories include high impact pornography, high impact nudity, self harm material, or material that describes or depicts high impact violence and themes of crime and drug*

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<sup>36</sup> Mowle, A., Ewing, S. and Perry, T. (2024). SHoT: Sexual Harassment of Teachers. Collective Shout. <https://www.collectiveshout.org/shot-report>; Collective Shout (25 Oct 2024). Media Release: Teacher sexual harassment in schools survey reveals widespread and entrenched harmful sexual behaviours in children and young people. *Collective Shout*. <https://www.collectiveshout.org/media-release-teacher-harassment-in-schools-survey>



and alcohol dependency. The Codes have been drafted to differentiate between services based on:

- The extent users would reasonably expect to be able to securely and privately use certain types of service to store/access/share Class 1C or Class 2 materials provided that it is lawful. So for example, the draft Codes do not require file storage (user-managed hosting services) or communication services such as email, messaging services, sms or messaging services to prohibit Class 1C or Class 2 materials or to scan/remove these materials.
- Whether the purpose of the service is to distribute certain Class 1C or Class 2 materials e.g the Codes require pornography sites and generative AI services that are designed to generate high impact pornography to implement age assurance measures.
- Whether the service allows/prohibits 'high priority materials' including pornography and self harm materials, to better align these Codes with international approaches e.g under the UK Online Safety Act e.g social media services that allow high impact online pornography must implement age assurance measures to prevent child end-users from accessing that content whereas social media services that prohibit high impact online pornography are required to implement other appropriate measures to limit the risk of child end-users accessing or being exposed to high impact online pornography, subject to their risk profile.

Do you agree with this approach?

## Social media platforms should require age assurance

As we explain in our submissions to the Joint Select Committee on Social Media and Australian Society, social media products have been shown to be intrinsically harmful to children, with exposure to pornography just one of the dangers.<sup>37</sup> Social psychologist Jon Haidt has observed: “By designing a firehose of addictive content that entered through kids’ eyes and ears, and by displacing physical play and in-person socialising, these companies have rewired childhood and changed human development on an almost unimaginable scale.”<sup>38</sup>

In its report *Social Media: the good, the bad and the ugly*, released this month, the Joint Select Committee on Social Media and Australian Society agreed with Collective Shout’s position that that:

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<sup>37</sup> Collective Shout (July 2024). Submission: Joint Select Committee on Social Media and Australian Society.  
[https://www.collectiveshout.org/joint\\_select\\_committee\\_on\\_social\\_media\\_and\\_australian\\_society](https://www.collectiveshout.org/joint_select_committee_on_social_media_and_australian_society)

<sup>38</sup> Haidt, Jonathan (26 March 2024). *The Anxious Generation: How the Great Rewiring of Childhood is Causing an Epidemic of Mental Illness*. Penguin Press.

*Children should not be required to build capacity to keep themselves safe on platforms that are inherently dangerous, and for which children lack the developmental capacity to navigate safely.*<sup>39</sup>

Exposure to pornography is one of the clear dangers of social media for children, along with online sexual abuse, grooming, and sextortion. We already know that many children encounter pornography inadvertently on popular social media platforms and that malicious actors target children through them. A nationally representative survey by the UK's Children's Commissioner (2023) reports that children and young people access pornography not only on pornography platforms, but also on Twitter, Instagram, and Snapchat.<sup>40</sup> Providers cannot simply prohibit 'high priority materials' via their Terms of Use; they have repeatedly failed to stop bad actors and also failed to enforce their own Terms of Use.<sup>41</sup>

Even if these services claim to prohibit high impact online pornography, social media and messaging services should be required to employ age assurance measures to prevent child end-users from being on their platforms. Messaging service providers should be preventing *continually endeavouring to make their platforms safer*.

While the intent of Phase 2 Codes are to protect children from Classes 1 and 2 material, dating services pose specific and severe risks to children, and should also be required to use age assurance. Dating apps are failing to keep kids off their platforms.<sup>42</sup> At least 100 men in the US have faced charges of trying to connect with or sexually assaulting children on Grindr.<sup>43</sup> A fourteen year old child is alleged to have been murdered in Sharon, Pennsylvania, in 2024 by an older man, after

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<sup>39</sup> Joint Select Committee on Social Media and Australian Society (2024) *Social Media: the good, the bad, and the ugly*. Commonwealth of Australia. [https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/RB000524/toc\\_pdf/SocialMediaTheGoodTheBadAndTheUgly-FinalReport.pdf](https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/RB000524/toc_pdf/SocialMediaTheGoodTheBadAndTheUgly-FinalReport.pdf)

<sup>40</sup> Children's Commissioner, UK (Jan 2023). "A lot of it is actually just abuse:" Young people and pornography. <https://www.childrenscommissioner.gov.uk/resource/a-lot-of-it-is-actually-just-abuse-young-people-and-pornography/>

<sup>41</sup> Roper, Caitlin (15 Apr 2024). AI images of little boys in fetish gear on Instagram "not actionable", says eSafety. *Collective Shout*. <https://www.collectiveshout.org/ai-images-of-little-boys-in-fetish-gear-on-instagram-not-actionable-says-esafety/>; Collective Shout (10 Nov 2022). Meta failing young girls: Our investigations in the media. <https://www.collectiveshout.org/meta-failing-children-inews/>; Collective Shout (25 Jan 2023). Instagram slammed for 'fuelling' the sale of child-like sex dolls.

<https://www.collectiveshout.org/instagram-slammed-for-fuelling-the-sale-of-child-like-sex-dolls/>; Kennedy, Lyn (10 Nov 2022). We reported 100 pieces of child exploitation content to Instagram - they removed just three. *Collective Shout*.

<https://www.collectiveshout.org/100-reports-of-child-exploitation-instagram/>;

<sup>42</sup> Mendez, M. (6 Jun 2022). The teens slipping through the cracks on dating apps. *The Atlantic*. <https://www.theatlantic.com/family/archive/2022/06/teens-minors-using-dating-apps-grindr/661187/>

<sup>43</sup> McKim, J. (3 Aug 2021). How Grindr, a popular gay dating app, poses exploitation to minors. *NPR*. <https://www.npr.org/2021/08/03/1024108203/how-grindr-a-popular-gay-dating-app-poses-exploitation-risk-to-minors>

connecting via dating app Grindr.<sup>44</sup> Tinder had a separate community for ages 13-17 but discontinued this because of sexual predators creating fake profiles.<sup>45</sup>

## **‘Mainstream’ pornography increasingly qualifies as Class 1 material**

Pornography, defined as ‘consensual sexual activity’ between adults, is legal in Australia. However, ‘legal’ pornography on mainstream websites (‘consensual adult sexual activity’, in Australia classified as Class 2 material) is typically intermingled with Class 1A material including CSEM, torture, rape, and bestiality.<sup>46</sup> A French report by a government-nominated equality watchdog found that as much as 90% of pornographic content online features verbal, physical and sexual violence towards women, and a significant amount of violence shown is punishable under existing laws. A substantial portion of content amounted to torture.

*The women are real, the sexual acts and the violence is real, the suffering is often perfectly visible and at the same time eroticised.*<sup>47</sup>

Research and anecdotal evidence demonstrate that mainstream pornography websites contain material that depicts extreme crime, cruelty, and sexual violence. The most high profile example is Pornhub, exposed in 2021 as hosting CSEM and non-consensual material and now being sued by survivors.<sup>48</sup> Fritz and colleagues highlight that 35-45% of all videos on two major pornography platforms contain violence, and women are the target of violence in 97% of these scenes.<sup>49</sup> In addition, one in eight titles shown to a first-time visitor on mainstream porn sites describe sexual violence.<sup>50</sup>

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<sup>44</sup> Martin, J. (24 Sep 2024). PA man arraigned on first-degree murder charge in dismemberment of transgender teen. *GoErie*.

<https://www.goerie.com/story/news/crime/2024/09/24/transgender-teen-first-degree-murder-sharon-man-arraigned-mercer-pa/75354041007/>

<sup>45</sup> Chan, R. (9 Jun 2016). Sorry teens, your Tinder party is over. *Time*.

<https://time.com/4362915/tinder-app-minors-teenagers/>

<sup>46</sup> Gane, G., Watters, P., Wortley, R. and Prichard, J. (2024). Blurring the lines: the vague boundary between mainstream and deviant pornography tags for at-risk viewers. *J Sexual Aggression* <https://doi.org/10.1080/13552600.2024.2410352>

<sup>47</sup> Alison, Coralie (29 Sept 2023). French equality Watchdog finds 90% of online pornography abuses women. *Collective Shout*.

[https://www.collectiveshout.org/online\\_prn\\_abuses\\_women](https://www.collectiveshout.org/online_prn_abuses_women).

<sup>48</sup> National Center on Sexual Exploitation (2024). MindGeek.

<https://endsexualexploitation.org/articles/tag/mindgeek/>

<sup>49</sup> Fritz, Niki & Malic, Vinny & Paul, Bryant & Zhou, Yanyan. (2020). A Descriptive Analysis of the Types, Targets, and Relative Frequency of Aggression in Mainstream Pornography. *Archives of Sexual Behavior*. 49. 10.1007/s10508-020-01773-0

<sup>50</sup> Vera-Gray, F., McGlynn, C., Kureshi, I. and Butterby, K. (Sept 2021). Sexual violence as a sexual script in mainstream online pornography, *The British Journal of Criminology*, 61(5):243–1260, <https://doi.org/10.1093/bjc/azab035>

Our own audit of Elon Musk's rated 17+ social media platform X (formerly Twitter) uncovered countless short-form pornography videos carrying themes of violence, incest, rape and child sexual abuse. Hashtags including #rapethreats, #rapebait, #rapekink, #rapemeat, #incest, #daddydaughter, #kidnapkink and #painkink appear popular, with tagged posts recording a reach in the millions, and engagement in the tens of thousands.<sup>51</sup>

While the National Classification Code, the Online Safety Act, and eSafety are all required to treat 'pornography' as Class 2 material, in reality, its most popular genres are dominated by violence, coercion, cruelty, racism, and misogyny.<sup>52</sup> These themes and elements are objectively harmful and in many cases represent human rights violations. We have argued that the National Classification Scheme should be modernised to account for real harm, rather than only "offence, morality, or decency."<sup>53</sup>

We argue that the definition of Class 2 material, sexual activity between 'consenting' adults, no longer applies to much 'mainstream' pornography because lack of consent is an extremely frequent feature, as is incest, violence, and the depiction or actual abuse of children.

## Codes must remain technology-neutral

The Codes must remain technology-neutral to allow for new developments and research to be quickly implemented. Australia is leading the way in online safety, and although it is early days for both legislation and technology, we do not accept that the technology is not ready to use. We are in the midst of a public health crisis requiring urgent intervention. Age assurance technologies are already being rolled out elsewhere. We expect independent evaluations of the Codes in terms of real world outcomes, in addition to reporting by each provider.

## Question 2

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<sup>51</sup> X, 25 Nov 2024.

<sup>52</sup> West, C.M. Pornography Consumers of Color and Problematic Pornography Use: Clinical Implications. *Curr Addict Rep* 9, 126–132 (2022). <https://doi.org/10.1007/s40429-022-00410-1>;

Alison, Coralie (29 Sept 2023). French equality Watchdog finds 90% of online pornography abuses women. *Collective Shout*. [https://www.collectiveshout.org/online\\_prn\\_abuses\\_women](https://www.collectiveshout.org/online_prn_abuses_women). Pornhub commits crimes against women and girls (Content warning; Images blurred but still confronting and may be upsetting). [https://www.collectiveshout.org/pornhub\\_commits\\_crimes\\_against\\_women\\_and\\_girls](https://www.collectiveshout.org/pornhub_commits_crimes_against_women_and_girls)

<sup>53</sup> Collective Shout (5 Mar 2020). Submission to the Review of Australian Classification Regulation.

[https://www.collectiveshout.org/submission\\_to\\_review\\_of\\_australian\\_classification\\_regulation](https://www.collectiveshout.org/submission_to_review_of_australian_classification_regulation)

*Do you think the Codes strike an appropriate balance between user privacy, data security, freedom of expression and online safety, particularly around services used for private communication and storage of material such as file storage services?  
Should providers of most relevant electronic services that allow users under 18 (such as email and private messaging services) be required to scan all Australian user's communications and messages to detect and remove lawful Class 1C and Class 2 materials?*

As the Codes do not specify technologies to be used, Collective Shout cannot comment on whether an appropriate balance has been struck between user privacy, data security, freedom of expression and online safety. However, we continue to advocate for a multi-layered approach to safety, requiring every digital industry sector to employ age assurance wherever children are at risk of encountering pornography or predators. This includes equipment, operating systems, app stores, apps, digital platforms, storage services, and all of those who have a duty of care to their customers.

Concurrently we welcome developments in privacy reform, as well as reform of the National Classification Scheme, to which we have also contributed.<sup>54</sup> We hope these developments will work together to create a safer digital experience for everyone, especially the most vulnerable. We support eSafety's view that industry should always account for new and emerging technologies in endeavours to mitigate and prevent harm to users and the community. Age assurance is one part of these ongoing efforts.

Collective Shout welcomes the inclusion of Snapchat in legislation introduced in Federal Parliament last week.<sup>55</sup> We proposed the platform should be required to scan all Australian user's communications and messages to detect and remove Class 1C and Class 2 materials. Snapchat is the number two platform where perpetrators distributed sextortion images, following Instagram. Snapchat has also been found to be the number two platform where perpetrators initially contacted victims for sextortion.<sup>56</sup> Snapchat is also a common platform for sending self-generated CSAM. Recent surveys of young people found 39% of 13-to 17-year-olds who had shared their own nudes did so via direct messaging "in apps where content disappears like Snapchat."<sup>57</sup>

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<sup>54</sup> Collective Shout (5 Mar 2020). Submission to the Review of Australian Classification Regulation.

[https://www.collectiveshout.org/submission\\_to\\_review\\_of\\_australian\\_classification\\_regulation](https://www.collectiveshout.org/submission_to_review_of_australian_classification_regulation)

<sup>55</sup> Parliament of Australia (21 Nov 2024). Online Safety Amendment (Social Media Minimum Age) Bill 2024.

[https://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bld=r7284](https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r7284)

<sup>56</sup> Thorn & NCMEC. (June 2024) Trends in Financial Sextortion: An investigation of sextortion reports in NCMEC CyberTipline data.

[https://info.thorn.org/hubfs/Research/Thorn\\_TrendsInFinancialSextortion\\_June2024.pdf](https://info.thorn.org/hubfs/Research/Thorn_TrendsInFinancialSextortion_June2024.pdf)

<sup>57</sup> Thorn. (2023). LGBTQ+ Youth Perspectives: How LGBTQ+ Youth are Navigating Exploration and Risks of Sexual Exploitation Online.

[https://info.thorn.org/hubfs/Research/Thorn\\_LGBTQ+YouthPerspectives\\_June2023\\_FNL.pdf](https://info.thorn.org/hubfs/Research/Thorn_LGBTQ+YouthPerspectives_June2023_FNL.pdf)

Collective Shout believes that providers of relevant electronic services that allow users under 18 should be required to scan all Australian user's communications and messages to detect and remove lawful Class 1C and Class 2 materials. Collective Shout believes this is an additional measure that would increasingly protect children and young people from being exposed to harmful materials. It is well-established that content that is lawful for adults can find its way to users under 18 via private messaging services. As an example, Year 12 students who are over 18 may be in a private message chat with under 18 year olds, for the purpose of group assignment work or a sporting club. The older students could access content that is lawful for them and then expose it to those who it is unlawful for. In Collective Shout's SHoT survey, many respondents specifically talked about older students exposing younger students to pornography.

### Question 3

*It is the industry's view that age assurance should be both effective, privacy preserving and data minimising. Therefore, the question of when and where age assurance should take place is inextricably linked with the question of how age assurance should be implemented:*

*a. Where should age assurance measures be introduced in relation to these Codes? Should for example, all users of Tier 1 and Tier 2 equipment be subject to age assurance measures? Should users of email, messaging services and other types of private communication services and file storage services be subject to age assurance or other kinds of measures that restrict access to content?*

Collective Shout believes that all users of Tier 1 and Tier 2 equipment should be subject to age assurance measures and providers should use age estimation technologies. It is not only dedicated pornography websites that serve up pornography to children. The sex industry forces its products into public and private life as much as possible. Pornography online is now unavoidable for young people.<sup>58</sup>

If an individual has access to a smart device, pornography is accessible on a near-instant, on-demand basis. Devices allow anonymous and free access to pornographic content from any location, at any time. Our SHoT report found that students are accessing pornography on school laptops and iPads. Students are attempting to watch pornography in classrooms, when they should be focused on learning. Pornography is also being circulated via AirDrop on school buses or on messaging apps. One teacher described how this circulation can take place: "pornographic videos on simple group chats that start as homework groups and descend as the year wears on."

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<sup>58</sup> eSafety Commissioner. (2024). Online Porn. <https://www.esafety.gov.au/parents/issues-and-advice/online-porn>



Pornography has also pervaded popular online games, such as Roblox. In-game research has found that Roblox is exposing children to grooming, pornography and extremely abusive speech. Online users of Roblox are also trading child sexual exploitation material. Roblox allows users to make explicit content on the platform. It is also a platform that is being used by sex offenders to entice children to create pornography and pornography images. In 2021, police arrested two registered sex offenders for enticing an 8-year-old girl into sending sexual content in exchange for Robux (Roblox's in-game currency), and for enticing a 12-year-old-boy into sending sexually explicit content through Roblox.<sup>59</sup>

Phones, tablets, laptops and Apple watches all present high risks of encountering pornography, and the relevant companies must take responsibility for this. We agree with eSafety that Industry should implement default measures to reduce risks of harm to children, such as device-level age estimation mechanisms. According to eSafety, "options within device and operating systems are the most scalable, straightforward and comprehensive for age assurance."<sup>60</sup> This would make faster progress toward a safe digital ecosystem for children. Again, every section of the online industry has a duty of care to its customers, especially children.

*b. What kinds of information gathering requirements and processes should be implemented by relevant industry participants to conduct age assurance?*

Digital Services industry should be expected to keep abreast of developing technologies and to implement the most appropriate solutions. These industries have been gathering data on their users for many years, and are now easily able to detect, for example, pop music copyright infringements or unfavourable political opinions, or to target advertising with precision.

The Council for Responsible Social Media said, and we concur, that we should not pit reform priorities against each other. We cannot allow large-scale reform to be scuttled by disagreements about the technical aspects.<sup>61</sup>

We also share this opinion written by Reset Tech Australia in its submission to the Joint Select Committee on Social Media and Australian Society: "We note how age verification is typically and routinely invoked by industry as a 'wedge issue' that has the effect of splintering the digital rights and digital accountability of communities,

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<sup>59</sup> Hindenburg Research (8 Oct 2024) *Roblox: Inflated Key Metrics For Wall Street And A Pedophile Hellscape For Kids*. <https://hindenburesearch.com/roblox/>

<sup>60</sup> eSafety (July 2024). Development of Phase 2 Industry Codes Under the Online Safety Act: eSafety Position Paper. [https://www.esafety.gov.au/sites/default/files/2024-07/Development-of-Phase-2-Industry-Codes-under-the-Online-Safety-Act-eSafety-position-paper\\_0.pdf](https://www.esafety.gov.au/sites/default/files/2024-07/Development-of-Phase-2-Industry-Codes-under-the-Online-Safety-Act-eSafety-position-paper_0.pdf)

<sup>61</sup> Council for Responsible Social Media (2023). *Dangerous by Design: How social media companies are hurting our kids, national security, and democracy - and what we can do about it*. <https://issueone.org/wp-content/uploads/2023/12/Dangerous-by-Design-Full-Report-Dec-2023.pdf>

introducing politicised tensions and pulling focus from issues of serious corporate responsibility to ‘complexity traps’ of technical implementation.”<sup>62</sup>

The community overwhelmingly agrees on the end goals of preventing children from accessing pornography: 78% of respondents in an eSafety survey<sup>63</sup> and 79% of respondents in a Guardian Essential poll support age verification for pornography and 76% for social media.<sup>64</sup> With such strong public support, this legislation and its Codes should be technology-neutral, allowing the Digital Industry to adopt and develop technology as it emerges and as needed.

## Question 4

*Should all Australian end-users who engage with online devices or services generally be required to undergo age assurance processes, or only those Australian end-users who wish to access high impact services (such as, for example, services that have the predominant purpose of high impact pornography)?*

Collective Shout believes Australian end-users who engage with online devices or services generally should be required to undergo age assurance processes. This is due to the fact that children and young people are being exposed to harm even when they are not attempting to access high impact services.

The eSafety Commissioner has highlighted in her report *Accidental, unsolicited and in your face report*<sup>65</sup> that “young people described unintentional encounters with online pornography as frequent, unavoidable and unwelcome.” One in three young people who had seen pornography online encountered content unintentionally before the age of 13. A total of 88% of young people who had seen pornography online had encountered it unintentionally. Young people reported that the “experience of unintentionally coming across porn felt intrusive and disempowering and made them feel uncomfortable.” Some participants suggested that such encounters were so pervasive that young people have become desensitised to the content.

Focus groups in this study described seeing online pornography on Instagram, Snapchat, Twitter (X) and TikTok. Others said their first encounter was via ads on

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<sup>62</sup> Submission 16

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Social\\_Media/SocialMedia/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Social_Media/SocialMedia/Submissions)

<sup>63</sup> eSafety Commissioner (2021). Public perceptions of age verification for limiting access to pornography. *eSafety Commissioner* <https://www.esafety.gov.au/research/public-perceptions-age-verification-for-limiting-access-pornography>

<sup>64</sup> Karp, Paul (6 May 2024). Guardian Essential poll: voters back age verification for pornography, gambling and social media. <https://www.theguardian.com/australia-news/article/2024/may/07/australia-esafety-law-changes-age-verification-social-media>

<sup>65</sup> eSafety Commissioner (2023, September) *Accidental, unsolicited and in your face*. <https://www.esafety.gov.au/sites/default/files/2023-08/Accidental-unsolicited-and-in-your-face.pdf>

social media or a gaming site and/or via pop-ups while they were searching for something else.<sup>66</sup> This highlights the fact that end-users can be exposed to high impact pornography even when they do not wish to.

As the focus of this legislation is on protecting children from harmful content, every platform or service that could expose a child to harm should be age assured.

Collective Shout will continue to demand accountability, transparency, safety and risk mitigation in alignment with duty of care obligations.

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<sup>66</sup> Ibid