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Details of your enquiry *

Submission to the Office of the Australian Information Commissioner Privacy (Children's Online Privacy) Code 2026 — Exposure Draft Submitted by: Lebanese Muslim Association (LMA) Date: 11 June 2026 Note: This submission is provided after the close of the formal consultation period on 5 June 2026. LMA respectfully requests that the OAIC consider this submission as a late contribution. The perspectives of organisations working with refugee and humanitarian youth cohorts are underrepresented in public consultations of this nature, and LMA believes this submission adds distinct value to the OAIC's considerations before the Code is finalised for registration.

Your enquiry

About LMA The Lebanese Muslim Association (LMA) is Australia's oldest Islamic non-profit organisation, established in 1962 and based in Lakemba, New South Wales. LMA delivers the Youth Transitional Settlement (YTS) program, supporting young people from refugee and humanitarian backgrounds as they settle into Australian community life. Our YTS participants are predominantly in the 15 to 25 age range, come from Arabic-speaking, Dari, Pashto, Somali and other language communities, and include many young people with disrupted education histories, limited English, and no prior experience of Australian digital platforms or consumer privacy frameworks. LMA supports the development of the Code and commends the OAIC for producing an Exposure Draft that is substantive and well-structured. This submission focuses on a small number of provisions where our service experience suggests the current draft may not adequately protect the young people most at risk.

Section 8 — Age ascertainment and the identity document barrier Section 8 requires entities to take reasonable steps to ascertain the age of end-users before collecting personal information. This is appropriate. However, LMA is concerned that in practice, age verification mechanisms designed to meet this obligation will default to requiring government-issued identity documents such as passports, driver's licences or Medicare cards. Many young people in our YTS program do not have settled identity documentation. They may be on bridging visas, have arrived without documentation, or be in the process of having identity established through the Department of Home Affairs.

Requiring document-based age verification as the practical implementation of section 8 would systematically exclude or disadvantage these young people, forcing them to either bypass age controls or be denied access to services they need for settlement. LMA recommends the Explanatory Statement or accompanying guidelines make clear that age verification mechanisms must include a pathway that does not depend on government-issued photo identification, and that entities serving populations with known documentation barriers should be expected to implement alternative approaches that do not discriminate against newly arrived young people.

Section 9 — Data minimisation defaults and settlement services Section 9 requires entities to collect only what is strictly necessary to provide their service by default. LMA strongly supports this provision. In the settlement context, young people and their families regularly encounter platforms and digital tools that collect far more information than is necessary, including religion, country of origin, ethnicity and family composition, as ancillary data fields. For young people from conflict-affected backgrounds, this information is not merely commercially sensitive. It has the potential to create real safety risks, particularly where cross-border disclosure provisions (section 26) are not well understood by the child or their family. A young person from a persecuted minority group in a country of origin may not understand that agreeing to a service's data collection also authorises disclosure to overseas recipients in jurisdictions without equivalent privacy protections. LMA supports section 9 as drafted and recommends it be reinforced in guidance with specific reference to the elevated risk profile of refugee and humanitarian cohorts.

Section 13 — Parental consent for children under 15 Section 13 establishes that children under 15 cannot consent to data collection and that a person with parental responsibility must provide consent. LMA understands and broadly supports the protective intent of this provision. However, we raise a practical concern. In many families within our community, the young person in the 13 to 15 age range has significantly stronger digital literacy and English proficiency than their parents or carers. In these households, the parental consent process, as well as the notice requirements under section 13(3), may become a formality completed by the child on behalf of the parent, without the parent having genuine understanding of what is being consented to. This is not a reason to abandon parental consent, but it is a reason to ensure that the notice provided to the child under section 13(3) is genuinely substantive and not merely procedural. LMA recommends the Explanatory Statement address the specific risk that parental consent in CALD households with low English proficiency may be nominal rather than meaningful, and consider whether entities serving these populations should be required to provide consent notices in relevant community languages.

Section 15 — Informed consent and community language requirements Section 15 requires written notice to be provided before collection and specifies that notices provided to children must be simple, easy to understand, and age appropriate. LMA supports this requirement but notes that it does not address linguistic accessibility. For a significant portion of Australia's young people, including the majority of LMA's YTS participants, English is not the primary language of the household. A notice that is age appropriate and plain in English is still functionally inaccessible to a child whose dominant language is Arabic or Dari. The Code should require, or the Explanatory Statement should strongly encourage, that entities with substantial CALD user bases provide consent notices in relevant community languages. At a minimum, the Code should require that where an entity has reasonable grounds to know that a child or their household primarily uses a language other than English, the entity must take reasonable steps to ensure the consent notice is accessible in that language. This standard is achievable and proportionate for larger entities.

Section 26 — Cross-border disclosure and heightened risk for humanitarian cohorts Section 26 requires that information about cross-border disclosures be clear, concise, age appropriate, and not obscure or misrepresent the nature or consequences of disclosure. LMA supports this

provision. We wish to draw the OAIC's attention to a specific and serious risk that falls within the scope of this provision but may not have been foregrounded in the consultation to date. Young people from refugee and humanitarian backgrounds may have fled countries where government surveillance, data interception, and persecution on the basis of religion, ethnicity, or political opinion is routine. For these young people, a cross-border disclosure to an overseas recipient in or adjacent to their country of origin, or to a jurisdiction with weak privacy protections, is not merely a technical privacy risk. It may carry genuine personal safety consequences for the child or for family members who remain abroad. The current draft of section 26 does not distinguish between categories of overseas recipient or cross-border disclosure risk. LMA recommends that the OAIC consider whether the Explanatory Statement should specify that entities serving populations with elevated cross-border disclosure risk, including humanitarian and refugee cohorts, must conduct a more rigorous assessment of the appropriateness of overseas disclosure before seeking consent, rather than treating consent as a sufficient safeguard.

Section 35 and 36 — Privacy rights information and complaint processes Sections 35 and 36 require entities to provide information about children's privacy rights and to establish child-friendly inquiry and complaint processes. LMA strongly supports these provisions. We recommend that in implementing these provisions, the OAIC's guidance make clear that child-friendly and age-appropriate complaint mechanisms must also be linguistically accessible. A complaint pathway that requires English-language written communication is not accessible to many young people in humanitarian cohorts. Entities should be expected to provide at minimum a telephone or interpreter-assisted pathway for privacy inquiries and complaints.

Closing remarks LMA supports the Code as drafted. The provisions on data minimisation, consent quality, transparency, and the best interests of the child are substantive and represent a meaningful uplift in privacy protections for young Australians. Our submission is focused on a specific population that is largely invisible in technology policy consultations: young people from refugee and humanitarian backgrounds, with limited English, limited documentation, and in some cases real personal safety stakes attached to their data. The Code will not serve these young people well if it assumes a digitally literate, English-speaking, fully documented household as the baseline user. LMA is willing to provide further input and to facilitate engagement with young people from our YTS program if the OAIC wishes to consult directly with this cohort before the Code is finalised.

If you have contacted us before on this matter, please provide your original reference number

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You can use a pseudonym

Title

Given Name *

Family Name *

Preferred Contact Method *

Email

Email Address *

Phone (daytime)
Include Area Code

Mobile

Street Address 1

Street Address 2

City/Suburb

State

Postcode

Other contact details (eg. fax or international address)

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