



yourtown
POWERING kids helpline

Exposure Draft of the Children's Online Privacy Code

A submission to the Office of the
Australian Information
Commissioner

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Introduction

yourtown supports the introduction of the Children's Online Privacy Code as a critical step in strengthening protections for children and young people. However, the current draft creates a material risk that privacy safeguards may unintentionally restrict children's ability to seek help safely and independently, particularly in situations involving family violence, mental health crisis, or unsafe home environments.

We recommend targeted amendments to ensure the Code:

- explicitly enables independent help-seeking without unsafe parental consent requirements
- applies proportionately to non-commercial support services
- provides clear, operational guidance on the best interests of the child

These changes are essential to ensure the Code protects children not only from data harms, but also from barriers to accessing support.

Core principle:

No provision of the Code should result in a child being unable, delayed, or deterred from accessing confidential support where this is necessary for their safety, wellbeing, or rights. The application of the Code should be tested against this principle to ensure that privacy protections do not create new risks while seeking to mitigate others.

yourtown is a national organisation with extensive experience in digital service delivery, youth engagement, and policy advocacy. Our services support children, young people, and families across Australia, including:

- Kids Helpline, Australia's only free, confidential, 24/7 phone and online counselling service for children and young people aged 5 to 25
- the Kids Helpline website, which provides webchat counselling, self-help resources, and accessible entry points to support
- My Circle, a clinically moderated online peer support platform for young people
- Parentline, a free counselling service for parents and carers

Through these services, we support children and young people across a broad range of issues, including mental health, family relationships, identity, safety, and crisis situations. Our digital services are often a first point of contact, particularly for those who face barriers to accessing traditional supports. This is particularly critical for children experiencing family violence or abuse, or those who cannot safely involve a parent or carer, where confidential and independent access to support is essential.

Our work is grounded in trauma-informed, youth-led practice and ongoing engagement with children and young people. This submission draws on direct service experience, consultation with expert staff, and insights from Your Voice 2025 (**yourtown's** national youth engagement initiative).¹ Your Voice captures the perspectives of children and young people across Australia on issues affecting their lives, including mental health, safety, and digital environments. In 2025, the initiative engaged more than 4,000 young people aged 12 to 25 years through surveys and consultations, providing qualitative insights into their experiences and priorities. Our feedback therefore reflects both operational realities and lived experience, with a focus on ensuring the Code is practical, proportionate, and responsive to children's needs. Consistent with this approach, it is critical that the development and implementation of the Code continue to be informed by the voices of children and young people, so that regulatory action reflects their priorities and avoids unintended consequences. While young people strongly support action on online safety, our

¹ **yourtown** (2025), *Your Voice 2025*, <https://www.yourtown.com.au/your-voice>

engagement shows they do not always see regulatory responses as addressing their most pressing concerns, reinforcing the importance of ensuring their experiences meaningfully shape the final Code. Importantly, Your Voice 2025 findings show that children and young people value their privacy and want clear, understandable information and real control over how their personal information is used online. These experiences are not the same for all young people, and the Code must recognise that cultural context, family dynamics, and language can significantly affect how children seek help and understand their privacy rights.

yourtown's position

yourtown supports the intent of the Code and the need for strong privacy protections. However, as currently drafted, there is a risk that the Code may have unintended consequences for children and young people's ability to seek help and participate safely online. The Code appears primarily designed to address risks associated with commercial digital platforms, and does not fully account for how children access essential, non-commercial support services.

yourtown and Kids Helpline are not the types of services the Code is mainly designed to regulate, as it appears primarily focused on commercial platforms. However, because the definitions are broad and it is unclear how exemptions will be applied, elements of our digital service delivery (particularly surveys, consultation tools, and peer engagement platforms) and other wellbeing focused social service programs may be unintentionally captured.

This creates a risk that services designed to support children's rights related to safety, help-seeking, and participation are subject to rules designed for commercial platforms. In practice, this may lead to:

- more steps to access support
- reduced confidentiality and trust
- risk-averse service design or withdrawal of easy-to-access tools and information that is essential for early intervention
- reduced opportunities for children and young people to seek help or have their voices heard
- increased complexity and compliance burden for services delivering support
- cumulative requirements that introduce multiple steps and points of friction when accessing support

Children and young people must be able to access support in ways that reflect how they actually seek help, including through flexible, digital, and self-directed modes of engagement. Children's engagement with digital services is not limited to social or commercial use. It also includes seeking help, accessing support, and participating in decisions that affect them. Privacy protections must be carefully designed so they protect children's data without making it harder for them to stay safe, make their own choices, and access support. This is particularly critical in contexts where access to timely, confidential support is directly linked to safety outcomes, including suicide prevention and family violence response.

Overall, **yourtown's** submission focuses on ensuring that the Code:

- puts the best interests of the child into practice
- supports children's rights to seek help, participate, and be heard
- provides clear and practical guidance for service providers
- avoids creating barriers to low-risk, important support and engagement activities
- applies requirements in a way that is proportionate to the level of risk, particularly distinguishing between low-risk support services and data-driven commercial platforms

We have provided targeted recommendations to make the Code clearer, more proportionate, and easier to apply, with particular focus on consent settings, scope and exemptions, and the treatment of help-seeking and engagement tools. These impacts are not isolated, but can affect how entire systems of support are designed and delivered.

Recommendation	Issue addressed	Purpose/impact
Provide clear operational guidance on applying the best interests of the child	Lack of clarity on how the best interests principle should be applied in practice, particularly across complex or hybrid service models	Ensures consistent, meaningful application that prioritises children's safety, wellbeing, rights, and access to support, including for diverse groups
Ensure the Code does not create barriers to help-seeking	Risk that consent, verification, and access requirements introduce friction that deters or prevents children from seeking support	Maintains safe, confidential, and low-barrier access to support, particularly in sensitive or high-risk situations
Redraft consent and exemption settings to enable safe and independent help-seeking	Narrow and unclear consent exemption settings (including s13(4)) may restrict access or undermine child agency, particularly for children who cannot safely involve a parent or carer, including those experiencing family violence or abuse, children in out-of-home care, those living independently, and young people from culturally diverse backgrounds	Enables children and young people (especially those in vulnerable or unsafe circumstances) to access support independently while maintaining meaningful, practical consent and protecting safety and confidentiality
Clarify scope, definitions, and exemptions to protect access to support services	Broad and ambiguous scope may unintentionally capture essential support services or fragment service delivery	Supports consistent implementation and avoids unintended restrictions on counselling, peer support, and other low-risk, high-value services
Ensure proportionate application to surveys, engagement tools, and participation activities	Uncertainty about how engagement tools are treated may deter participation or impose unnecessary requirements	Protects children's ability to participate, provide feedback, and be heard in safe and accessible ways
Apply the Code in a proportionate and risk-based way	One-size-fits-all regulatory approach does not reflect differences between commercial platforms and low-risk support services	Aligns regulatory burden with risk and avoids unintended impacts on service delivery and access to care

Best interests of the child

The Children's Online Privacy Code is built on the principle that the collection, use, and disclosure of children's personal information must be consistent with the best interests of the child.² This is a strong and appropriate foundation.

However, the Code does not provide sufficient operational guidance on how this test should be applied in practice, particularly in complex service environments or where there are competing considerations.

Without clear expectations, there is a risk that the best interests test will be:

- interpreted inconsistently across entities
- applied conservatively to manage compliance risk
- reduced to a procedural or "tick-box" exercise, which may lead to decisions that prioritise regulatory compliance over children's safety, access to care, and developmental needs

This has implications across the Code, including how entities approach consent, scope, exemptions, and service design decisions. In practice, this may lead to risk-averse approaches that prioritise compliance over outcomes for children, including restricting access to services that support help-seeking, participation, and connection.

Clear guidance is needed to ensure the principle is applied in a way that genuinely promotes children's safety, wellbeing, and rights.³ This must explicitly include consideration of the needs of Aboriginal and Torres Strait Islander children and young people, and those from culturally diverse backgrounds. Not all children face the same risks or barriers.⁴ Some children may be disproportionately affected by issues such as surveillance, discrimination, or difficulty accessing culturally safe support.⁵ Without clear expectations, there is a risk that the "best interests" principle will not fully take these different experiences into account.

The Code should make it clear that organisations need to consider these different impacts and ensure that services are designed and communicated in ways that are culturally appropriate, accessible, and build trust with children and young people.

Recommendation: Provide clear, practical guidance to ensure consistent application of the best interests of the child

The OAIC should:

- set clear, practical expectations for how entities assess and apply the best interests of the child
- define core factors that must be considered, including safety, wellbeing, dignity, development, and protection from harm
- require entities to document their reasoning for higher-risk or complex decisions, particularly where access to services may be affected
- provide worked examples and decision-making guidance, including for help-seeking services and hybrid service models
- require consideration of disproportionate impacts on Aboriginal and Torres Strait Islander children and young people, and those from culturally diverse backgrounds

² United Nations. (1989). *Convention on the Rights of the Child*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

³ Livingstone, S., & O'Neill, B. (2014). Children's rights online: Challenges, dilemmas and emerging directions. *Global Studies of Childhood*, 4(1), 13–25.

⁴ Livingstone, S., & Helsper, E. (2007). Gradations in digital inclusion: Children, young people and the digital divide. *New Media & Society*, 9(4), 671–696.

⁵ Livingstone, S., & Third, A. (2017). Children and young people's rights in the digital age: An emerging agenda. *New Media & Society*, 19(5), 657–670.

Feedback on the Exposure Draft

Supporting children and young people to seek help online

yourtown supports the intent of the Children's Online Privacy Code to strengthen protections for children and young people. However, as currently drafted, there is a risk that the Code may unintentionally create barriers for children and young people who need to seek help online.

Access to safe, confidential support online is closely linked to children's rights, including the right to be heard in matters affecting them, the right to seek and receive information, and the right to protection from harm. These rights require that children and young people are able to access support in ways that are safe, appropriate, and responsive to their circumstances and evolving capacity. Privacy protections must therefore operate in a way that enables, rather than restricts, children's ability to seek help when they need it. These issues are particularly critical in situations involving family violence, child abuse, or where children are witnessing domestic and family violence, where confidential and independent access to support is essential for safety.

For many children and young people, accessing support services depends on confidential, self-directed engagement, often without the involvement of a parent or carer. This is not simply a preference, but a necessary condition for safety in many circumstances. For many children and young people, privacy notices and consent forms can feel confusing, overwhelming, or too long to engage with meaningfully. In practice, this can lead to young people simply clicking through without fully understanding what they are agreeing to. This is not limited to children, but young people are particularly affected. As a result, even where consent requirements are strengthened, there is a risk that consent is not genuinely informed in practice.

Children and young people also engage with support in different ways, depending on their preferences, circumstances, and level of comfort. It is critical that services can meet children and young people where they are at, including through the modes of communication they trust and prefer. This may include phone, webchat, online content, or peer-based engagement. Where regulatory settings limit these modes of engagement or require additional steps that disrupt how children naturally seek help, there is a risk that children will disengage or not seek support at all. Ensuring flexibility in how services can be accessed is therefore an essential component of supporting safe, effective help-seeking. Many young people also feel anxious about reaching out for help. In these situations, even small additional steps, such as needing to verify age, provide personal information, or navigate multiple consent screens, can create enough friction to discourage help-seeking or lead to disengagement part way through. This is particularly important for young people from culturally diverse backgrounds, who may rely on specific modes of communication, such as written formats or anonymous online engagement, to feel safe accessing support.

The issues children and young people seek help for are often complex and do not sit neatly within a single category such as "health". They may involve overlapping concerns, including safety, relationships, identity, and wellbeing. This means support services, and the ways children engage with them, cannot always be clearly separated into health and non-health functions.

There are clear situations where requiring parental consent is unsafe or inappropriate, including where:

- the child is experiencing abuse, neglect, or family violence, and the parent or carer may be the source of harm
- the child fears punishment, escalation, or further harm if their help-seeking is disclosed

- the child is navigating mental health challenges, including distress, suicidal thoughts, or self-harm, and is not yet ready or able to involve a parent
- the child is exploring identity-related issues, including gender identity or sexuality, where disclosure may not be safe
- the child is seeking support for sensitive or stigmatised issues, such as sexual health, bullying, or online exploitation
- the child has experienced a loss of trust or safety within the family environment, and requires an independent pathway to support

In these circumstances, requiring parental involvement can deter help-seeking, delay access to support, or prevent it altogether, increasing risk of harm. Requiring parental involvement is not only impractical, but may actively place children at greater risk or prevent them from seeking help altogether. This issue is particularly important for children and young people who do not have a safe, available, or appropriate parent or carer to involve. This includes children in out-of-home care, those living independently, or those who have been assessed as having the capacity to make decisions about their own care and wellbeing. For these young people, requiring parental consent may not be practical, possible, or safe, and may prevent them from accessing support altogether.

In many cases, these children and young people rely on confidential, self-directed access to services, including helplines and online supports. Consent and verification requirements that assume the involvement of a parent or carer risk excluding those who are already vulnerable and in greatest need of support.

These risks are compounded for Aboriginal and Torres Strait Islander children and young people, and those from culturally diverse backgrounds, who may face additional barriers to accessing safe, culturally appropriate support. For some young people, concerns about family members becoming aware that they are seeking help can be a significant barrier, particularly where there may be stigma, fear of judgment, or concerns about family shame. In these situations, confidential and self-directed access to support is critical.

Young people from culturally diverse backgrounds may also face language barriers or difficulty understanding complex privacy information where English is not their first language. Implementation approaches, including consent processes, privacy notices, and age assurance, must not create additional barriers and should be clear, accessible, and culturally appropriate.

While each of these requirements may be appropriate in isolation, their combined effect may introduce multiple steps and points of friction. In help-seeking contexts, this cumulative burden increases the likelihood that children disengage before accessing support. Privacy protections must prioritise safety and access to support, particularly where parental involvement may place children at risk. These issues are reflected in the consent and exemption settings discussed below.

Recommendation: Ensure the Code does not create barriers to help-seeking

The Code and supporting guidance should:

- enable children and young people to access support safely and independently, particularly where it is unsafe or not appropriate to involve a parent or carer
- avoid introducing steps that create friction or deter help-seeking, including verification and complex consent processes
- support confidential, low-barrier access to counselling, peer support, and helpline services
- recognise the needs of children in care, those living independently, and those with decision-making capacity

- ensure processes are simple, clear, and accessible, including for young people with low literacy or English as an additional language
- apply requirements in a proportionate and risk-based way, particularly for low-risk support services

Consent and exemption settings as a barrier to help-seeking

The Code introduces stronger consent requirements (Division 2 of the Exposure Draft), including that consent must be voluntary, informed, specific, current, and capable of being withdrawn. These are important safeguards. However, the consent exemption clause remains unclear and difficult to interpret in practice, creating risk for both children and service providers.

This is particularly significant given the Code distinguishes between children under 15, where organisations are generally required to obtain parental consent, and older young people who are expected to make their own decisions.

The exemption in section 13(4) allows a child under 15 to consent in limited circumstances, including where they are seeking legal or health-related information or support “in connection with a person with parental responsibility for the child”. In our view, this framing is too narrow. It does not clearly cover many situations where children seek support that is unrelated to a parent or carer, including issues such as bullying, relationships, or interactions with peers, and may exclude broader forms of welfare or support. In practice, this may prevent children from accessing support independently in situations where it is unsafe or inappropriate to involve a parent or carer.

Unclear exemptions may therefore affect when children can safely access services independently. This is particularly concerning in situations involving family violence or abuse, where children may need to seek support without the knowledge of a parent or carer for their own safety. In addition, unclear exemptions can impact children in care, those living independently, or those assessed as having decision-making capacity, where parental involvement may not reflect their circumstances or best interests.

Without clear drafting and operational certainty, there are two key risks:

- overly narrow or uncertain exemptions, which may lead providers to adopt risk-averse approaches that restrict children's access to support services
- overly broad or misapplied exemptions, which may undermine child agency, trust, and meaningful consent

This tension is particularly significant for digital counselling, peer support, and helpline services, where children rely on the ability to engage independently and confidentially.

The current drafting, including limited exceptions (such as where a child is seeking legal or health-related support), is complex and open to interpretation. This creates uncertainty about whether services can safely allow children to self-consent, or whether parental consent mechanisms must be introduced, potentially creating practical and unsafe barriers to access. Support services often involve real-time, evolving interactions, which do not align neatly with rigid, pre-defined consent processes.

At the same time, children and young people remain vulnerable to manipulative design practices, often called “dark patterns”, which are features designed to pressure or steer their choices.⁶ These practices can lead children to agree to more data collection than they would otherwise choose. This undermines both the quality of consent and children's confidence in digital environments.

⁶ Gray, C. M., Kou, Y., Battles, B., Hoggatt, J., & Toombs, A. L. (2018). The dark (patterns) side of UX design. *Proceedings of the 2018 CHI Conference on Human Factors in Computing Systems*, 1–14. <https://doi.org/10.1145/3173574.3174108>

Your Voice 2025 findings reinforce that children and young people value their privacy and want:

- clear and accessible consent processes
- transparency and control over their information
- the ability to make informed decisions and withdraw consent
- being heard and respected in digital environments
- clear, simple information that is easy to understand without needing to navigate complex or lengthy forms
- privacy information that is easy to understand, including for young people whose first language is not English

If consent and exemption settings are not clearly defined and appropriately balanced, the Code risks protecting children from data risks at the expense of their ability to seek help and support.

Where consent and exemption settings create barriers to confidential, self-directed help-seeking, there is a risk that children's rights are not fully realised in practice. This includes limitations on their ability to seek support independently, to exercise agency over their personal information, and to access services that protect their safety and wellbeing. If children lose trust in how their information is handled, they may be less likely to engage with services more broadly. Ensuring that the Code enables safe access to support is therefore essential to giving effect to children's rights within digital environments.

Recommendation: Redraft consent and exemption settings to prevent barriers to help-seeking

The Code should explicitly provide that a child or young person may provide their own consent where:

- involving a parent or carer would be unsafe, inappropriate, or not reasonably practicable; and
- the service relates to the child's safety, wellbeing, rights, or access to support; and
- the service presents a low to moderate privacy risk relative to its benefits

To support this, the Code and guidance should also:

- remove limitations tied to parental responsibility and broaden the exemption to reflect the full range of circumstances in which children seek support
- explicitly allow children and young people to self-consent where it is unsafe, inappropriate, or not reasonably practicable to involve a parent or carer
- extend exemption pathways to cover support beyond health services, including welfare, family violence, legal and other community services
- provide clear, practical guidance and examples on how consent and exemptions apply in real-world help-seeking contexts, including counselling, helplines, and peer support
- ensure consent and verification requirements do not introduce unnecessary steps or barriers that deter or interrupt access to support
- require consent processes to be simple, clear, and accessible in practice, including for children with low literacy or English as an additional language
- explicitly recognise situations involving family violence, abuse, and unsafe home environments, and ensure children can access support independently in these circumstances
- explicitly recognise the needs of children in care, those living independently, and those with decision-making capacity, and ensure they are not excluded by default parental consent settings
- apply consent requirements in a proportionate and risk-based way, particularly for low-risk, non-commercial support services

Implications for safety and wellbeing

Any reduction in access to trusted, confidential support pathways has direct implications for safety and wellbeing. Services such as Kids Helpline play a critical role in early intervention, crisis support, and connecting children to care. This is particularly important for children experiencing family violence or abuse, where access to confidential support may be critical to their immediate safety.

For many young people, particularly those who are anxious or unsure about seeking help, even small additional steps can be enough to stop them from continuing. Barriers created by unclear or restrictive consent settings may:

- deter children from seeking help⁷
- delay access to support in critical moments
- reduce opportunities for early intervention
- increase risk of harm
- cause children and young people to disengage part way through seeking support, particularly where processes feel overwhelming or intrusive

This form of harm may not be visible, as children may simply disengage or not proceed with help-seeking, but the consequences are significant.

Ensuring access to support must be treated as a core component of acting in the best interests of the child, not as secondary to privacy protection.

Ensuring scope and definitions do not limit access to support

While consent and exemption settings are critical to enabling children and young people to seek help safely, the overall scope and definitions within the Code will ultimately determine which services are captured and how these requirements apply in practice.

The effectiveness of the Children's Online Privacy Code therefore depends on clear, practical rules about which services are covered and how exemptions operate across different service models.

The current draft applies to services "likely to be accessed by children" or "primarily concerned with children's activities" (sections 5 and 7 of the Exposure Draft). However, these thresholds are not sufficiently clear for hybrid models, peer support platforms, and digital tools that support help-seeking. As a result, there is uncertainty about how the Code will apply to services that cross these categories, including those that provide a combination of information, counselling, peer engagement, and community connection.

This creates a risk that services may be captured unintentionally, particularly where they:

- enable anonymous or pseudonymous engagement
- combine health, wellbeing, and peer support functions
- operate as low-barrier digital entry points to further care

There is also uncertainty about how the health service exemption will apply in practice. The Code excludes entities providing a health service (section 5(c)), but does not clearly address how this applies to services that provide a mix of counselling, information, and digital engagement. While OAIC guidance indicates that the "health service" exclusion can cover online services such as counselling, advice, and telehealth, this does not clearly extend to a broader range of services that are critical to children and young people. This is particularly important in situations where children are experiencing family violence or abuse, or witnessing domestic and family violence. In these circumstances, children may seek support

⁷ Pretorius, C., Chambers, D., & Coyle, D. (2019). Young people's online help-seeking and mental health difficulties: Systematic narrative review. *Journal of Medical Internet Research*, 21(11), e13873.

across a range of services, including legal assistance, advocacy, family violence services, housing support, and other welfare or community services.

One possible approach to addressing this issue would be to introduce a targeted carve-out or modified application of the Code for services that are government-funded, not-for-profit, or subject to recognised child safeguarding and regulatory frameworks. These services operate within established accountability structures and are designed to support children's safety and wellbeing, rather than engage in commercial data practices. While this approach may assist in reducing unintended impacts, any such carve-out should be carefully designed to ensure that it supports access to essential services without creating gaps in protections for children.

These services are often essential to children's safety and wellbeing, but do not neatly fall within traditional definitions of a "health service". As a result, there is a risk that these services are not clearly covered by existing exemptions, despite playing a critical role in help-seeking and protection from harm. Where these services are not clearly recognised, there is a risk that children are unable to access support safely or confidentially, particularly in situations where involving a parent or carer may not be safe.

The issues children seek help for are often complex and interconnected, and do not sit within a single category such as "health". As a result, services that support children may span health, wellbeing, and social support functions, making rigid classifications difficult to apply.

While core counselling functions may fall within the health service exemption, it is unclear whether related activities such as providing information on bullying, relationships or online safety, delivering self-help content, or facilitating peer support would be treated in the same way. This creates a risk that different parts of the same service are subject to different regulatory treatment. In practice, this may lead providers to apply more restrictive settings across entire platforms to manage compliance risk, potentially limiting access to safe, low-barrier support.

For example:

- Kids Helpline is likely to be exempt as a health service, however not all components of the service may clearly fall within this definition
- My Circle, which combines moderated peer support with wellbeing content, may not be clearly exempt
- Chatbots, surveys, and digital consultation platforms may be captured depending on their functionality and data use

Without clear definitions and practical guidance, providers may adopt risk-averse interpretations, which could lead to:

- applying more restrictive settings across entire services to avoid compliance risk, even where this reduces access to low-barrier support
- limiting features that support anonymous or low-barrier access
- reducing availability of peer support and early intervention tools

This would have direct implications for children and young people's ability to seek help, particularly for those who already face barriers to accessing traditional services.

yourtown's experience shows that children and young people rely on a diverse ecosystem of digital supports, including helplines, peer platforms, and engagement tools. Your Voice 2025 findings highlight the importance of:

- safe, moderated online spaces
- low-barrier and confidential access
- opportunities for connection, participation, and being heard

Unclear scope or overly broad definitions risk undermining these supports, limiting access in ways that are inconsistent with the Code's objective to act in the best interests of the child. The Code should recognise that not all services present the same level of privacy risk and should apply different expectations to low-risk support services compared to high-risk, data-driven commercial platforms.

Recommendation: Clarify scope, definitions, and exemptions to support consistent implementation and protect access to help-seeking and peer support services

The Code and supporting guidance should be refined to ensure that:

- key thresholds such as “likely to be accessed by children” and “primarily concerned with children’s activities” are clearly defined with practical, operational examples, including for hybrid, peer support, and multi-purpose service models
- the application of the health service exemption is clarified, including how it applies to services that combine counselling, peer support, and community engagement (such as My Circle), to provide operational certainty for providers
- the Code and Explanatory Statement provide clear guidance on the treatment of chatbots, surveys, and consultation platforms, including where these tools are used to support help-seeking, service access, or youth participation
- scope and definitions are applied in a way that is proportionate and risk-based, reducing the likelihood of risk-averse interpretations that may unnecessarily limit access to low-barrier support services
- the overall framework avoids unintended barriers to confidential, low-barrier help-seeking and peer connection, while maintaining strong privacy protections
- the Explanatory Statement and guidance materials include worked examples, case studies, and decision trees to support consistent interpretation, particularly for hybrid and emerging digital service models
- consider whether a targeted carve-out or modified application of the Code is appropriate for government-funded or regulated services, including those subject to child safeguarding frameworks

Supporting safe and accessible youth engagement and participation

The draft Code creates uncertainty for surveys, feedback mechanisms, and youth engagement tools hosted by services such as Kids Helpline. These tools may fall within the scope of the Code where they are provided through a “designated internet service”, “relevant electronic service”, or similar online offering that is likely to be accessed by children (sections 5 and 7 of the Exposure Draft).

While core counselling services are likely to fall within the health service exemption, it is unclear whether related digital tools (including surveys used for service improvement, research, or youth participation) would be treated in the same way. These tools are typically delivered via web-based platforms and may be considered “designated internet services” that are likely to be accessed by children, bringing them within scope of the Code. This reflects the broad scope of the Code, which extends to a wide range of online services including apps, websites, and platforms that allow users to access or receive content over the internet, rather than only social media or communication services.

Where these tools are not clearly captured by the health service exemption, they may be subject to consent, age assurance, and data minimisation requirements that are not proportionate to their purpose. This includes requirements to obtain consent and take reasonable steps to ascertain the age of users before collecting personal information, which may apply even in low-risk engagement contexts (for example, section 8 and Division 2 of the Exposure Draft). Requirements for parental consent or age verification may:

- deter children and young people from participating
- reduce the quality and authenticity of insights gathered
- limit opportunities for children to safely share their experiences and perspectives
- create barriers to low-risk, low-burden engagement activities that support early intervention and service improvement

This creates a risk that organisations may restrict or redesign youth engagement activities to manage compliance obligations, even where these activities are in the best interests of children and support their right to be heard.

yourtown's experience, including through Your Voice, demonstrates that low-barrier digital engagement is critical to understanding children's needs, improving services, and ensuring that policy and practice are informed by lived experience. These activities are distinct from commercial data collection and should not be subject to the same regulatory assumptions.

Without clear guidance, the Code risks unintentionally limiting children's participation and access to safe, developmentally appropriate engagement opportunities, which are central to both effective service delivery and children's rights.

Recommendation: Clarify scope and exemptions to protect youth participation and prevent barriers

The Code should be refined to:

- explicitly define how surveys, consultation tools, and youth engagement platforms are treated under the Code, including when they are captured and when they fall outside scope
- expand the health service exemption to include digital tools that are integral to service delivery, improvement, and youth participation, including surveys and feedback mechanisms associated with services such as Kids Helpline
- provide clear, practical guidance and worked examples demonstrating how these tools should be classified and regulated in practice
- ensure consent and age assurance requirements are applied proportionately, recognising that low-risk, voluntary engagement activities (including anonymous surveys) should not be subject to the same requirements as commercial data collection
- avoid requirements that would reasonably lead services to restrict, redesign, or withdraw youth engagement activities due to compliance burden
- protect the ability of children and young people to participate safely and confidentially, including through anonymous or low-barrier engagement options
- ensure the Code supports, rather than limits, children's participation and right to be heard, particularly in service design, research, and policy development

Conclusion

yourtown supports the introduction of the Children's Online Privacy Code as a critical step in strengthening protections for children and young people. However, the current draft creates a material risk that privacy safeguards may unintentionally restrict children's ability to seek help safely and independently, particularly in situations involving family violence, mental health crisis, or unsafe home environments.

We recommend targeted amendments to ensure the Code:

- explicitly enables independent help-seeking without unsafe parental consent requirements
- applies proportionately to non-commercial support services
- provides clear, operational guidance on the best interests of the child

These changes are essential to ensure the Code protects children not only from data harms, but also from barriers to accessing support.

If done well, the Code can strengthen privacy protections while supporting children's safety, participation, and access to care. Achieving this balance will require a framework that is clear, practical, and grounded in children's lived experience.

yourtown would welcome the opportunity to work further with the OAIC to ensure the Code delivers meaningful protections in practice. Should you require further information about any issues raised in the submission, please do not hesitate to contact Tracy Adams, CEO of **yourtown** via email at advocacy@yourtown.com.au.

yourtown is a trusted provider of services for young people, with a focus on mental health and wellbeing, parenting and early childhood development, long-term unemployment, prevention of youth suicide, child protection, and support for those experiencing domestic and family violence. **yourtown** has evolved to helping hundreds of thousands of young people each year through a range of service offerings, supporting them through many difficult challenges.

Our services

- Kids Helpline, providing professional counselling and support 24x7 to 5–25-year-olds across Australia since 1991
- Domestic and family violence refuge, transitional housing, and therapeutic supports for women and their children, including post-refuge support
- Accommodation and therapeutic supports for young parents and their children at high risk
- Early intervention mental health services for children aged 0-18 years old and their families
- Parentline, a telephone and online counselling and support service for parents and carers in the Northern Territory and Queensland
- Young Parents Program providing parenting support to help with child development, life skills and health and wellbeing activities in safe, supportive environments
- Employment, education, and social enterprise programs to support young people at risk of long-term unemployment to re-engage with education and/or employment.

Kids Helpline

yourtown's Kids Helpline is Australia's only free and confidential 24/7 phone and online counselling service for those aged 5 to 25. It offers children and young people a range of care options that are right for their needs and circumstances. Our commitment to being there anytime, and for any reason, has meant that we have responded to more than 9 million contacts from children and young people nationally in the 35 years since our service was first established, while also providing tens of millions of self-help interactions via our website and social channels. In 2025, our Kids Helpline counsellors responded to 128,992 contacts from children and young people across Australia, including 5,190 crisis responses for children and young people at imminent risk of harm.

Kids Helpline @ School

Kids Helpline @ School is **yourtown's** national early intervention and prevention education program, delivered virtually into classrooms by professional counsellors. The program is designed to normalise help-seeking behaviours and equip students with tools for lifelong mental health and wellbeing. In 2024, 79,527 primary school children were reached by Kids Helpline @ School sessions from 537 schools across Australia, and 70,508 high school students were reached by Kids Helpline @ School sessions from 134 schools across Australia. These sessions help children and young people build emotional literacy, resilience, and help-seeking behaviours, while addressing topics such as bullying, mental health, relationships, and online safety. The program continues to be a vital support for educators and families, offering a proactive approach to mental wellbeing in school communities.

My Circle

My Circle is a free, confidential, and clinically moderated online peer support platform for young people aged 12–25, developed by **yourtown's** Kids Helpline in partnership with the Bupa Foundation. In 2024, 3,558 young people actively engaged with My Circle, accessing support for mental health, relationships, identity, and wellbeing. The platform offers a safe digital space for young people to connect with peers and build coping strategies under the guidance of trained moderators. It is particularly valuable for those in rural and remote areas who face barriers to traditional services.

Parentline

Parentline offers free confidential phone and webchat counselling and support for parents and carers of children in Queensland and the Northern Territory. It offers a safety net for families by providing support when it is most needed. This includes after hours and weekends, where families feel isolated and where

local services are unavailable. In 2025, there were more than 7,000 counselling contacts with parents and carers in Queensland and the Northern Territory.

Family and Domestic Violence Refuge and Transitional Housing

yourtown's Family and Domestic Violence Refuge provides safe, supported accommodation for women and children for up to 12 weeks, or longer depending on individual needs. The refuge is staffed by a specialised, trauma-informed team where families can begin to rebuild their lives. The service is designed to foster empowerment, restore self-agency, and support women and children to reconnect with their strengths, aspirations, and sense of control.

Families exiting the refuge may transition into **yourtown's** Transitional Housing Program, which offers continued safety and stability for up to 12 months. This program is a critical bridge to long-term, independent living and includes wrap-around support tailored to each family's goals. This includes assistance with legal and financial matters, employment pathways, education access, therapeutic support, and helping children settle into school and community life. The refuge also offers an Outreach Program at exit, enabling families to maintain connection with the refuge and receive ongoing support after their stay. This continuity of care ensures women and children remain supported as they navigate their next steps for as long as they need. In 2024-25, **yourtown** supported 29 parents and 48 children through refuge accommodation and 21 parents and 38 children through transitional housing.

Face-to-face Programs for Children and Families

yourtown provides accommodation and intensive individualised support to vulnerable at-risk young parents and their children through our San Miguel service. For over 40 years, San Miguel has provided a place to call home for vulnerable and at-risk families. In 2024-25, San Miguel supported 33 parents and 41 infants and young children. **yourtown's** CARE Plus program in Port Pirie is an early intervention and family support service that aims to improve the development and wellbeing of children. We support students to continue to engage meaningfully in their education. On average, CARE Plus supported 25 children and young people each month in the last financial year. **yourtown's** Starfish program supports children and young people aged up to 18 years to improve their emotional health and wellbeing. We provide outreach early intervention and prevention support in the Moreton Bay and Logan communities. The program supported 270 families in the last financial year. **yourtown** is the Facilitating Partner for Deception Bay Communities for Children services. These community-based prevention and early intervention strategies support the development and wellbeing of children up to 12 years of age. In 2024-25, Coordinated Advocacy and Referral for Early Intervention assisted 114 families, Wolbai (a culturally safe, appropriate, and socially inclusive program that supports children and families) assisted 110 families, and Connected Families (which aims to strengthen parenting, wellbeing, and community connections for families) supported 182 families. **yourtown's** Penrose Young Parents Program in Port Pirie South Australia and Glugor Young Parents Program in Deception Bay Queensland provide practical parenting support to help with child development, life skills, and health and wellbeing activities in safe, supportive environments. In 2024-25, Penrose supported 45 parents and 42 children and Glugor supported 31 parents and 42 children.

Employment Services

For over 20 years **yourtown** has been delivering specialist youth employment services. Our employment services programs, including Transition to Work, Skilling Queenslanders for Work, and Get Back in the Game provide young people with training to expand their options and help them find sustainable employment. During 2024-25 almost 5,000 young people were supported in our employment services and programs in South Australia, Queensland, and New South Wales.

Social Enterprises

yourtown has worked with young people and employers to break down barriers to sustainable employment for 25 years. As a leader in work-based enterprises we provide young people at risk of long-term unemployment paid jobs in the following areas: construction, landscaping, and asset maintenance to help their transition to open employment. In 2024-25, almost 300 young people were employed in our social enterprises across South Australia, Queensland, and New South Wales.