



safe on social
education and consulting

Teaching Youth about the laws and misrepresentation

Youth are increasingly engaging in online activities that involve misrepresentation of their identities, ages and in some cases their school.

As a part of our full day 9-3pm regional face-to-face training sessions we cover this topic. We are now open for expressions of interest to attend these training sessions being held in February 2024 in Australia. More on these sessions at the end of this post. Hold your place here:

<https://www.safeonsocial.com/event-details/safe-on-social-mastery-class-expression-of-interest-list>

Misrepresentation on the internet is a growing concern. It's essential to understand its different forms and the potential consequences, both legally and socially.

Types of Online Misrepresentation

Age Falsification - is especially prevalent on platforms that have age-based restrictions, like social media sites, gaming platforms, and age-restricted content websites. Users might lie about their age to gain access to specific content or interact with a particular demographic.

Fake Profiles - Individuals or groups sometimes create profiles with fictitious information. This could be for benign reasons, such as maintaining privacy, or what they think is funny or in some cases for malicious purposes, like harassment or scams and selling vapes and other illegal products. Another alarming trend is impersonation, where one assumes the identity of a real person or institution (e.g., pretending to be a school or a celebrity).

Catfishing - This is a specific form of online misrepresentation wherein an individual pretends to be someone else, maybe older than they are using filters primarily to deceive others. This is commonly seen in online dating scenarios but can occur in any online social interaction. The motives might range from seeking attention or affection to more malicious intentions like fraud.

Legal Implications of Online Misrepresentation

Laws and regulations about online misrepresentation differ widely depending on the jurisdiction. Many countries have begun to recognise its potential harm and have started enacting regulations to protect citizens. This is what the Australian law looks like:

Identity Theft

In Australia, the misuse of someone's personal information without their consent is governed by the Criminal Code Act 1995 (Cth). This act may makes it an offense to impersonate someone with the intent of committing a crime.

Various state and territory laws may also apply, such as the Crimes Act 1958 (Vic), which includes offenses related to obtaining financial advantage by deception.

The Privacy Act 1988 (Cth) sets out principles ensuring that personal information is protected. Any breaches, including unauthorised access or disclosure of personal information, may result in penalties.

Fraud

The Criminal Code Act 1995 (Cth) again is relevant, specifically regarding offenses of obtaining property or a financial advantage by deception.

Various state laws also deal with fraud. For example, the Crimes Act 1900 (NSW) has provisions against obtaining money or property by deception.

The Australian Competition and Consumer Commission (ACCC) also plays a role through the Scamwatch initiative, which provides information about recognising, avoiding, and reporting scams.

Defamation

Australian Defamation Laws: Updates and Changes

Australia's defamation laws have seen significant reforms since the introduction of the Defamation Act, with changes commencing on 1 July 2021. The recent focus is on updating the laws to reflect the digital age, especially in light of landmark court decisions such as *Fairfax v Voller* and *Defteros*. Here's a breakdown of what's underway.

Upcoming Reforms (Stage 2 Provisions)

With a tentative start date of 1 January 2024, the next set of provisions address the role of third-party internet platforms in defamation claims.

For instance, media companies have been held liable for third-party comments on their social media pages, as seen in *Fairfax v Voller*. However, in *Defteros*, Google wasn't held liable for search results with defamatory content.

The new provisions aim to give clarity on the responsibilities of internet intermediaries, like Facebook or search engine providers, especially when they aren't the primary content creators.

Key changes involve exemptions from liability for certain internet services, new defenses for internet intermediaries, changes to amends offers, and increased court powers to manage online defamatory content.

Anticipated Impacts

There may be fewer claims against large internet corporations, leading to potential shifts in whom claimants pursue.

Internet giants like Facebook, Google, and Twitter/X may adapt their policies to better navigate these new legal waters.

Increased legal tussles might emerge over costs and damages between complainants and internet intermediaries, plus potential privacy issues when identifying content creators.

More disputes may be resolved through alternate means, such as informal negotiations.

In some cases, adults may be liable for their child's defamatory actions online.

Simple Ways to Discuss with Social Tweens/Teens

Start by chatting about real incidents where people, especially youngsters, faced issues because they misrepresented themselves online. It might help them see the tangible consequences of online actions.

"Have you heard of anyone at your school using the school logo for a TikTok account or Instagram? You know, there are legal issues with that. The school owns the logo, and you need permission to use it. It can confuse people into thinking it's an official school account, which is a kind of misrepresentation."

The Role of Schools and sports clubs

Schools play a pivotal role in cyber education. Incorporating online safety into the curriculum ensures that students are equipped with the knowledge to navigate the online world responsibly.

Parental Involvement

Open communication between parents and teens about online experiences can prevent potential issues.

Relevant Australian News Stories

Case of Emma Husar

In 2018, former Labor MP Emma Husar was a victim of online defamation and false representations. This case highlighted the dangers of online misrepresentation and the potential for political manipulation.

Case of Lydia Abdelmalek

In 2019, Lydia Abdelmalek was found guilty of stalking and impersonating soap opera star Lincoln Lewis online, leading to significant distress for the victims. This case was a high-profile example of "catfishing" in Australia.