



**Australian Government**

**Australian Government response to the Senate  
Environment and Communications Legislation  
Committee report:**

**Online Safety Amendment (Social Media Minimum  
Age) Bill 2024 [Provisions]**

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## Overview

Keeping Australians safe online is a top priority for the government. The social media minimum age, which came into effect on 10 December 2025, requires certain social media platforms to prevent Australians under the age of 16 from having accounts.

The legislation reflects Australians' expectations for a strong regulatory response to harms experienced by children and young people on social media platforms, including problematic use, social isolation, poor mental health, and exposure to harmful content.

The framework incorporates feedback received through consultation with key stakeholders including young Australians, parents and carers, and broader community organisations, including mental health groups. The legal onus is squarely on the platforms, not parents or young people themselves.

The legislation provides strong protections for personal information collected by platforms for the purpose of compliance with the minimum age obligation, with serious penalties applicable for breach of these requirements.

The government will closely monitor the outcomes and impacts of the social media minimum age, including as part of a formal review of the legislation, which must commence before December 2027.

While the social media minimum age will go a long way in addressing online harm, it is one part in the government's broader online safety agenda which includes an established online safety regulatory framework overseen by the eSafety Commissioner (eSafety), investment in digital literacy, and a commitment to legislate a digital duty of care.

## Australian Government response

The Australian Government's response to the report on the inquiry into the Online Safety Amendment (Social Media Minimum Age) Bill 2024 [Provisions] is set out in detail below.

Generally, the response is set out in the same order as the recommendations, however, where several recommendations relate to substantially similar issues, those recommendations are addressed in the same section of the response.

Consistent with the Department of the Prime Minister and Cabinet's Tabling Guidelines, the response does not address recommendations in the report that relate to matters of the Senate, including:

- Committee recommendations 4, 7, 8 and 9
- Senator the Hon Matt Canavan Dissenting Report recommendations 1–6
- Australian Greens' Dissenting Report recommendations 1, 2 and 5
- Senator David Pocock Additional Comments recommendations 1, 4 and 5

### Committee Recommendation 1:

2.105 The committee recommends that the Australian Government legislate a Digital Duty of Care to place a legal obligation on digital platforms to take proactive steps to protect their users.

### Australian Greens' Dissenting Report Recommendation 3:

1.14 That the Australian Government introduce legislation to implement a digital duty of care and prohibit platforms from harvesting and exploiting the data of minors and protect young people from targeted, unsolicited advertisements and algorithms as a matter of priority.

### Senator David Pocock Additional Comments Recommendation 2:

1.17 Ensure that any ban is not made in isolation. It's clear we need an ecosystem approach to improving the mental health of young people. If a ban is to be introduced, it should be part of a package including the Digital Duty of Care and strengthened privacy protections, as well as, but not limited to, investment in better mental health support, common spaces, community sport, arts and music, and other recreational activities. And as I recommended in my dissenting report into the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024, there is an urgent need for increased transparency and access to data for researchers to assess the impacts of these platforms.

The government **agrees in principle** with these recommendations.

#### *Digital duty of care*

The government has committed to legislate a digital duty of care and outlines its proposed approach to the duty in its response to the Statutory Review of the *Online Safety Act 2021* (the Review).

The digital duty of care will require online services to exercise due diligence and take reasonable steps to prevent reasonably foreseeable harms on their services. The duty will provide protections

for all Australians, with a focus on harms to young people, illegal content and activity, and serious harms arising from platforms features such as artificial intelligence (AI) and recommender systems.

The proposed model builds on the recommendations of the Review and has been informed by consultation with the community, industry, community organisations and young people, conducted between November 2025 and January 2026. A bill to legislate the digital duty of care will be introduced as soon as possible, consistent with the government's legislation priorities.

#### *Data protection and targeted advertising*

The government is acting to ensure children and young people are safe online and to uplift personal data protections for all Australians.

The *Privacy and Other Legislation Amendment Act 2024* (Privacy Amendment Act) represented the first stage of the government's commitment to uplifting Australia's privacy laws. It introduced the framework for the Australian Information Commissioner to develop a Children's Online Privacy Code, which must be registered by December 2026. The code will specify how the Australian Privacy Principles must be met by social media and other online services (such as websites, apps and online gaming services) likely to be accessed by children. In the 2024-25 MYEFO, the government provided almost \$3 million to support the code's development.

The government is committed to ensuring the *Privacy Act 1988* (Privacy Act) is fit for purpose in the digital age and work continues on a second tranche of privacy reform. Relevant reforms under consideration include requiring information handling to be fair and reasonable in the circumstances, clarifying existing obligations relating to direct marketing, and ensuring collection notices are clear and understandable.

In parallel to updating Australia's privacy framework, the government is alert to ensuring that our criminal laws are fit-for-purpose to protect Australians and that they remain responsive to new and emerging online harms.

#### *Transparency*

The government agrees that digital platforms must improve the transparency of their systems and processes, including the recommender systems and algorithms that underpin their products. Increased access to digital platform data would support research in the public interest, enable users to better identify the reliability, trustworthiness and source of news content and assist regulators in performing their functions.

In addition to updating Australia's privacy framework, the government's commitment to improving transparency around digital platforms' systems and processes is underscored by the following:

- The development of a digital duty of care will build upon existing transparency measures in the *Online Safety Act 2021* (Online Safety Act) and reporting requirements under industry codes and standards. For example, the Online Safety (Basic Online Safety Expectations) Determination 2022 outlines the government's expectations that regulated online services take reasonable steps to consider end-user safety and incorporate safety measures for recommender systems. Under the Online Safety Act, the eSafety Commissioner can and does require online service providers to report on how they are meeting some, or all, of the Basic Online Safety Expectations. Summaries of their responses are published on eSafety's website.
- The voluntary Australian Code of Practice on Disinformation and Misinformation, developed by Digital Industry Group Inc. (DIGI) and overseen by the Australian Communications and

Media Authority (ACMA), allows users to access general information about the recommender systems in use by digital platforms that have signed up to the industry code. The government encourages new industry signatories to sign up to the voluntary code.

## Committee Recommendation 2:

2.106 The committee recommends that the Australian Government meaningfully engage young people in the implementation of the legislation.

The government **agrees** with this recommendation.

The social media minimum age framework incorporates feedback received through consultation with key stakeholders, including young people. This includes consultation undertaken during development of the Online Safety Amendment (Social Media Minimum Age) Bill 2024 and on the draft Online Safety (Age-Restricted Social Media Platforms) Rules 2025.

The eSafety Commissioner has published regulatory guidance for the online industry, setting out reasonable steps age-restricted social media platforms are expected to take to comply with the social media minimum age obligation. In developing the guidance, eSafety consulted with 345 people representing over 160 organisations, including speaking directly with children and young people aged 13 to 23 years.

eSafety has also published a Statement of Commitment to Children’s Rights, which sets out its approach to implementing the legislation in line with the United Nations Convention on the Rights of the Child. Commitments include that eSafety will:

- continue to recognise and ground the lived experiences and perspectives of children and young people in the decisions that affect them
- ensure regulatory guidelines reflect the views of children and young people, and incorporate the best interests of the child, and
- rigorously evaluate the implementation of the legislation, including actively involving children and young people in the research – not only as participants, but also as co-researchers – ensuring their perspectives, experiences and insights shape the evaluation approach.

eSafety has also set up a form on its website for members of the public, including young people, to provide information to eSafety about whether, and how, age-restricted social media platforms are implementing the minimum age obligation.

### Committee Recommendation 3:

2.107 The committee recommends that the Minister for Communications provide a progress report to the Parliament on the age assurance trial by no later than 30 September 2025.

The government **agrees in principle** with this recommendation.

The age assurance trial comprised 3 key elements: consumer research on attitudes towards age assurance, direct stakeholder engagement, and a technology trial.

The Consumer Research Report was published on 18 June 2025, available at [infrastructure.gov.au/department/media/news/age-assurance-consumer-research-findings-published](https://infrastructure.gov.au/department/media/news/age-assurance-consumer-research-findings-published).

The final report of the Age Assurance Technology Trial was published on 31 August 2025, available at [infrastructure.gov.au/department/media/publications/age-assurance-technology-trial-final-report](https://infrastructure.gov.au/department/media/publications/age-assurance-technology-trial-final-report).

## Committee Recommendation 5:

2.109 The committee recommends that the Minister for Communications provide a commitment to setting the implementation date within 12 months, not later.

The government **agrees** with this recommendation.

The *Online Safety Amendment (Social Media Minimum Age) Act 2024* was passed on 29 November 2024 and received Royal Assent on 10 December 2024.

On 29 July 2025, the Minister for Communications made a notifiable instrument specifying 10 December 2025 as the day the social media minimum age obligation takes effect, 12 months after Royal Assent.

## Committee Recommendation 6:

2.110 The committee recommends that there be appropriate consultation on all rule making associated with the bill.

The government **agrees in principle** with this recommendation.

During the development of the Online Safety (Age-Restricted Social Media Platforms) Rules 2025, the department undertook extensive stakeholder consultation. The department received feedback from 104 stakeholders from the digital industry, young Australians, parents and carers, mental health organisations, civil society, legal experts and child-development experts. Feedback received from 34 individual meetings, 6 roundtables and 38 written submissions informed advice to the Minister for Communications.

As required under section 63C of the Online Safety Act, the Minister also sought advice from the eSafety Commissioner on the draft rules.

## Australian Greens' Dissenting Report Recommendation 4:

1.15 That the Minister for Communications immediately release the *Online Safety Act 2021* review.

The government **agrees in principle** with this recommendation.

The government tabled the Report of the Statutory Review of the *Online Safety Act 2021* on 4 February 2025 and published its response to the Review on 14 April 2026.

## Australian Greens' Dissenting Report Recommendation 5:

1.16 That the Australian Government invest in education for young people and their families to help develop digital literacy and online safety skills, and equip them with the tools and resources they need for positive and responsible online use.

## Senator David Pocock Additional Comments Recommendation 6:

1.21 Have the Australian Government develop and fund media literacy training to be delivered throughout Australian schools, community hubs like libraries and by other community organisations.

The government **notes** this recommendation.

The government has invested in digital literacy and online safety education, with a commitment of \$6.45 million from 2026 onwards. This includes:

- \$450,000 to SmackTalk to expand its program to better protect young Australians from online sextortion. This will support SmackTalk to broaden its reach and develop free resources and education on risks, warning signs, and safety strategies for young Australians, parents, and community members. Funding will also support ongoing learning and strengthen collaboration with eSafety, law enforcement agencies, schools, and community groups.
- A further \$6 million to the Alannah and Madeline Foundation (AMF) for continued delivery of its 'Safe Kids are eSmart kids' digital and media literacy education program in Australian schools from 2026–2029. This commitment builds on an initial \$6 million committed by the government to from 2023–2026 to the AMF to provide schools with free tools to teach kids how to be safe, smart and responsible in the digital world.

eSafety's Toolkit for Schools offer both proactive and responsive approaches to online safety education and over 40 pieces of guidance have been updated in line with the social media minimum age. eSafety's existing F-10 curriculum-aligned resources support digital literacy for young people under 16. eSafety also communicates with education sectors and the Australian Curriculum and Reporting Authority (ACARA) through the National Online Safety Education Council (NOSEC).

In addition to school-focused resources, eSafety provides guidance and practical tools for frontline workers and other professionals who support children, young people and families (including staff in community services, youth work, child and family services, health and mental health, and family violence services). These resources include advice on responding to online safety issues, conversation guides and materials that can be shared directly with parents, carers and young people.

The government is also providing \$42 million from 2024–2028 to support older Australians online through the Be Connected digital literacy program. Be Connected is a nationwide network of community organisations (Network Partners) that provide training for older Australians to build digital skills and confidence, encourage participation and be safe online. The Be Connected portal on the eSafety website provides advice on digital literacy and online safety for seniors to ensure that senior Australians who have access to existing electronic devices are supported in learning how to keep in touch with family, friends and other support networks.

The Australian Curriculum (Version 9.0) was approved by all Education Ministers on 1 April 2022 and is being implemented progressively across Australia from Foundation to Year 10. It sets the expectations for what all Australian students should be taught in schools.

Media Literacy is embedded in the learning areas, particularly English, The Arts (Media Arts), Humanities and Social Sciences, and Digital Technologies. In the Humanities and Social Sciences learning area for example, students learn to develop and use disciplinary skills, including disciplinary appropriate questioning, researching using reliable sources, analysing, evaluating, and communicating.

The Critical and Creative Thinking general capability in the Australian Curriculum enables students to learn to apply concepts and skills to new contexts and endeavours. Students build their inquiry skills as they learn to develop and clarify investigative questions, and to assess reliability when selecting information from diverse sources. This includes developing analytical skills by using evidence to support an argument or position on a social, cultural or political issue.

Curriculum connections resources support educators to see the interrelationships across the dimensions of the Australian Curriculum on various themes. The Australian *Curriculum connection: Media consumers and creators* highlights where students have an opportunity in the Australian Curriculum to be analytical, creative and media literate from Foundation to Year 10. There are also connections to other learning areas, general capabilities and cross curriculum priorities.

While the Australian Government plays a leadership role in setting and advocating for national priorities in school education, it is state and territory governments and non-government education authorities who have responsibility for the implementation of programs in schools. This includes the selection of resources and programs that are context appropriate for a particular school or region.

### Senator David Pocock Additional Comments Recommendation 3:

1.18 Secure a commitment from the government to implement all recommendations from the *Privacy Act 1988* review before this comes into effect in 2026.

The government **notes** this recommendation.

The government has committed to delivering a second tranche of reforms to the Privacy Act following passage of the Privacy Amendment Act.

The Attorney-General is exploring a balanced package of reforms including proposals agreed in-principle in the government's 2023 Response to the Privacy Act Review (for example, updated definitions, enhanced response to data breaches and a 'fair and reasonable' test), as well as some simplification and deregulatory measures.

## Key issue: Gambling advertising

### Senator David Pocock Additional Comments Recommendation 7:

1.22 Ban all forms of gambling advertising which are also causing immense harm to young people.

The government **notes** this recommendation.

On 2 April 2026, the government announced a package of reforms to address online gambling harms, including the following restrictions on wagering advertising:

- ban all wagering advertising during live sporting events on broadcast channels between 6:00am and 8:30pm
- ban all wagering advertising in sports venues and on players' and officials' uniforms
- restrict all wagering advertising on broadcast television to no more than 3 wagering advertisements per hour per channel between 6:00am and 8:30pm
- ban all wagering advertising on broadcast radio during school drop-off (8:00–9:00am) and pick-up (3:00–4:00pm) hours
- ban all wagering advertising on online platforms, except where users are logged in, are 18 years or older, and have not opted out of such advertising (triple lock functionality), and
- ban the use of notable people (including celebrities and sports stars) and the promotion of odds in wagering advertising.

Complementing these advertising restrictions, the government's announcement includes reforms to boost enforcement against illegal offshore gambling providers, ban online keno and crackdown on other emerging online lottery products, and continue work to strengthen BetStop – the National Self-Exclusion Register.

These reforms build on the significant work the government has already delivered from 2022, including:

- banned the use of credit cards for online wagering
- launched BetStop – the National Self-Exclusion Register
- forced online wagering companies to send their customers monthly active statements outlining wins and losses
- provided direct funding for specialist financial counselling to support people affected by problem gambling
- introduced new minimum classifications for video games with gambling-like content
- introduced new, evidence-based tag lines in wagering advertising
- introduced nationally consistent staff training, and
- established mandatory customer ID verification for online wagering.