

From: s22(1)(a)(ii)
Sent: Tuesday, 10 December 2024 3:54 PM
To: s22(1)(a)(ii); s22(1)(a)(ii); s22(1)(a)(ii); s22(1)(a)(ii)
Cc: Irwin, Andrew; s22(1)(a)(ii); s22(1)(a)(ii); Age Assurance Trial Taskforce
Subject: For visibility - Draft Online Safety Rules and table of platforms [SEC=OFFICIAL:Sensitive]
Attachments: I24SY115.v13.docx; Major platforms - scope - age-restricted social media platforms.docx

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Hi s22(1)(a)(ii) and s22(1)(a)(ii)

Thanks again for the chat last Friday. As promised, please find attached:

- The draft Online Safety Rules, which we will seek the Minister provide her agreement for us to consult on
- s42

s22(1)(a)(ii)

Specialist Advisor • Age Assurance Trial Taskforce • Online Safety Branch • Digital Platforms, Safety and Classification Division

s22(1)(a)(ii) @infrastructure.gov.au

P s22(1)(a)(ii) • M s22(1)(a)(ii)

GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development, Communications and the Arts
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I acknowledge the traditional custodians of this land on which we meet, work and live.
 I recognise and respect their continuing connection to the land, waters and communities.
 I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islander people.

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Assessment of 'age-restricted social media platform' scope – major platforms

Note: This table provides an assessment of whether a platform will be subject to the minimum age obligation, based on the definition of an 'age-restricted social media platform' and the draft Rules. Note that this applies to having an account, and therefore does not cover viewing content in a logged-out state. There are some platforms that, while subject to the minimum age obligation on this basis, may be well placed to apply for an exemption due to the existence of features designed to protect children (such as YouTube Kids or Lego Play). Exemptions are not considered in this table.

Note: This table is an initial assessment by the Department only, it does not constitute legal advice on the definition or status or platforms.

Key: **Green** platforms are likely subject to minimum age obligation ('in scope'); **Orange** is uncertain; **Red** are likely not subject to minimum age obligation (out of scope, after considering the 'carve outs' in the proposed rules)

	Platform	What is the sole or significant purpose(s) of the service?	Does the service allow end users to link to, or interact with, some or all of the other end users?	Does the service allow end users to post material on the service?	Key design features e.g. infinite scroll, recommender systems, image sharing, etc.	In scope of definition? Yes / no / uncertain	Is the service specified in the draft Rules? i.e. is it out of scope due to being a messaging, gaming or education/health service?	If uncertain whether the service is in scope, what are the factors contributing to this uncertainty?
s47C, s47E(d), s47G(1)(b)	BlueSky	s47C, s47E(d), s47G(1)(b)			Image/video sharing, messaging, location sharing, online relationships, recommender systems	s47C, s47E(d), s47G(1)(b)		
	Facebook				Image sharing, location sharing, live streaming, messaging (via Messenger), comments			
	Instagram				Recommender systems, 'likes', image sharing, infinite scroll			
	Lego Play (formerly Lego Life)				Image/video sharing, gaming, explore feed, anonymous communication			
	LinkedIn				Recommender systems, 'likes', infinite scroll, messaging, image/video sharing			
	Mastodon				Image/video sharing, anonymous communication, location sharing, messaging			
	Pinterest				Recommender systems, likes, image sharing, infinite scroll, messaging			
	Reddit				Anonymous communication, messaging, image/video sharing			
	Snapchat				Image/video sharing, location sharing, messaging			
Major platforms								

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Platform	What is the sole or significant purpose(s) of the service?	Does the service allow end users to link to, or interact with, some or all of the other end users?	Does the service allow end users to post material on the service?	Key design features e.g. infinite scroll, recommender systems, image sharing, etc.	In scope of definition? Yes / no / uncertain	Is the service specified in the draft Rules? i.e. is it out of scope due to being a messaging, gaming or education/health service?	If uncertain whether the service is in scope, what are the factors contributing to this uncertainty?
s47C, s47E(d), s47G(1)(b)	Threads	s47C, s47E(d), s47G(1)(b)		Location sharing, messaging	s47C, s47E(d), s47G(1)(b)		
	TikTok			Live streaming, messaging, image/video sharing, recommender systems, infinite scrolling			
	Tumblr			Messaging, image/video sharing, infinite scroll (?), recommender systems (?)			
	Twitch			Auto play, recommender system, infinite scrolling, algorithms based on popularity, 'trophies' incentivising engagement, live streaming			
	WeChat			Messaging, image/video sharing, money transfers, voice chat, location sharing, on 'moments' includes likes and comments.			
	X (Twitter)			Recommender system, infinite scrolling, live streaming			
	YouTube			Auto play, recommender system, infinite scrolling, algorithms based on popularity, live streaming			
	Online dating (e.g. Tinder, Grindr)			'Swipes'/likes, messaging, image sharing coupled with ranking algorithms.			
	Discord			Live streaming, messaging, image/video sharing, video calling			
	Telegram			Messaging, E2EE, money transfers, image/video sharing, voice chat, broadcasting channels, groups of 200,000			

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Platform	What is the sole or significant purpose(s) of the service?	Does the service allow end users to link to, or interact with, some or all of the other end users?	Does the service allow end users to post material on the service?	Key design features e.g. infinite scroll, recommender systems, image sharing, etc.	In scope of definition? Yes / no / uncertain	Is the service specified in the draft Rules? i.e. is it out of scope due to being a messaging, gaming or education/health service?	If uncertain whether the service is in scope, what are the factors contributing to this uncertainty?
s47C, s47E(d), s47G(1)(b)	FB Messenger (Meta)*	s47C, s47E(d), s47G(1)(b)		Messaging, image/video sharing, video calling	s47C, s47E(d), s47G(1)(b)		
	Messenger Kids			Requires a parent to sign up on a child's behalf, can be monitored via parent dashboard, does not require Facebook account			
	Signal			Messaging, image/video sharing, video calling, E2EE			
	WhatsApp			Messaging, image/video sharing, video calling, E2EE, only approved contacts can direct message			
Online gaming platforms	Fortnite			Gaming, messaging			
	Minecraft			Gaming, messaging			
	PlayStation Network			Gaming, messaging, VR spaces, live streaming			
	Steam			Gaming, messaging, live streaming			

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	Platform	What is the sole or significant purpose(s) of the service?	Does the service allow end users to link to, or interact with, some or all of the other end users?	Does the service allow end users to post material on the service?	Key design features e.g. infinite scroll, recommender systems, image sharing, etc.	In scope of definition? Yes / no / uncertain	Is the service specified in the draft Rules? i.e. is it out of scope due to being a messaging, gaming or education/health service?	If uncertain whether the service is in scope, what are the factors contributing to this uncertainty?
s47C, s47E(d), s47G(1)(b)		s47C, s47E(d), s47G(1)(b)				s47C, s47E(d), s47G(1)(b)		
	Xbox Network				Gaming, messaging, live streaming			
	YouTube Kids				Requires a parent to sign up on a child's behalf, parental controls and monitoring, recommender system			
Other	Online marketplaces (e.g. Amazon, eBay)				Limited – users can leave ratings for products or sellers, and can mark reviews as 'helpful'			

For reference: Definition of Age-restricted social media platforms

The Online Safety Amendment (Social Media Minimum Age) Bill 2024 establish an obligation on 'age-restricted social media platforms' to take reasonable steps to prevent people under 16 years old from having an account. The Bill includes the following definition:

13B Age-restricted social media platform

(1) For the purposes of this Act, **age-restricted social media platform** means:

- an electronic service that satisfies the following conditions:
 - the sole purpose, or a significant purpose, of the service is to enable online social interaction between 2 or more end-users;
 - the service allows end-users to link to, or interact with, some or all of the other end-users;
 - the service allows end-users to post material on the service;
 - such other conditions (if any) as are set out in the legislative rules; or
- an electronic service specified in the legislative rules;

but does not include a service mentioned in subsection (5).

Note 1: Online social interaction does not include (for example) online business interaction.

Note 2: An age-restricted social media platform may be, but is not necessarily, a social media service under section 13.

(2) For the purposes of subparagraph (1)(a)(i), online social interaction includes online interaction that enables end-users to share material for social purposes.

Note: Social purposes does not include (for example) business purposes.

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(3) In determining whether the condition set out in subparagraph (1)(a)(i) is satisfied, disregard any of the following purposes:

- the provision of advertising material on the service;
- the generation of revenue from the provision of advertising material on the service.

(4) The Minister may only make legislative rules specifying an electronic service for the purposes of paragraph (1)(b) if the Minister is satisfied that it is reasonably necessary to do so in order to minimise harm to age-restricted users.

Services that are not age-restricted social media platforms

(5) A service is not an **age-restricted social media platform** if:

- none of the material on the service is accessible to, or delivered to, one or more end-users in Australia; or
- the service is specified in the legislative rules. [see draft Rules]

Draft Rules: Online Safety (Age-Restricted Social Media Platforms) Rules 2024

Services that are not age-restricted social media platforms

(1) For the purposes of paragraph 13B(4)(b) of the Act, services in each of the following classes are specified:

- services that have the sole or primary purpose of enabling end-users to communicate by means of messaging;
- services that have the sole or primary purpose of enabling end-users to play online games with other end-users;
- services that have the sole or primary purpose of supporting the education of users;
- services that have the sole or primary purpose of supporting the health of users;
- services that have a significant purpose of facilitating communication between educational institutions and students or students' families;
- services that have a significant purpose of facilitating communication between providers of health care and people using those providers' services.

(2) In determining whether a service is in any of the classes set out in subsection (1), disregard any of the following purposes:

- the provision of advertising material on the service;
- the generation of revenue from the provision of advertising material on the service.

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From: s22(1)(a)(ii)
Sent: Monday, 5 May 2025 12:54 PM
To: s22(1)(a)(ii)
Cc: Age Assurance Trial Taskforce
Subject: For vis - Min sub on draft Rules [SEC=OFFICIAL:Sensitive, ~~ACCESS - Legal Privilege~~]
Attachments: Min sub Online Safety Rules - Consultation outcomes and eSafety advice.docx; I24SY115.v18.docx; Attachment D - Draft Letter to eSafety Commissioner.docx

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Hi s22(1), s22(1)

Thanks for the chat last Friday.

Here is the draft min sub for your visibility, alongside the latest draft Rules and draft letter to the Commissioner.

These haven't been fully signed off by our SES as yet (it will be going up to our Dep Sec), so please keep that in mind when reading.

Reach out if you'd like to discuss. Thanks

s22(1)(a)(ii)

Director • Age Assurance Trial Taskforce • Online Safety Branch • Digital Platforms, Safety and Classification Division
 s22(1)(a)(ii) @infrastructure.gov.au
 P s22(1)(a)(ii) • M s22(1)(a)(ii)
 GPO Box 594 Canberra, ACT 2601

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I acknowledge the traditional custodians of this land on which we meet, work and live.
 I recognise and respect their continuing connection to the land, waters and communities.
 I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islander people.

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~~This material contains information that may be subject to legal professional privilege.~~

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MS25-000XXX

**Australian Government****Department of Infrastructure, Transport,
Regional Development, Communications and the Arts****To: The Hon Michelle Rowland MP, Minister for Communications (for decision)**

Subject: Online Safety (Age Restricted Social Media Platforms) Rules 2025 (draft Rules) – Outcomes of targeted consultation and seeking the eSafety Commissioner's advice

Critical Date: Please action within 7 business days, to enable timely advice from the eSafety Commissioner ahead of making final rules by mid-year.

Recommendations:

That you:

1. **Note** there was broad support for the draft Rules, with the exception of the YouTube exclusion, which was strongly opposed by industry and received mixed views from mental health organisations, child-development experts, parents and young people.

Noted / Please Discuss

2. s42

Noted / Please Discuss

3. s42

Noted / Please Discuss

4. **Approve** the proposed minor amendments to the draft Rules outlined in **Attachment A** (and in updated Rules at **Attachment B**) arising from consultation feedback, which include broadening the messaging exclusion to include video and voice-calling, and new exclusions for product review and professional development services.

Approved / Not Approved

5. **Sign** the letter to the eSafety Commissioner, Ms Julie Inman Grant, at **Attachment D**, formally seeking advice on the updated Rules, YouTube, s47C

Signed / Not Signed

6. **Note** we will brief you further on the exclusion of YouTube following receipt of the Commissioner's advice, to allow for this and any supporting evidence to be taken into account in finalising the Rules.

Noted / Please Discuss

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MS25-000XXX

The Hon Michelle Rowland MP

Date:

Comments:**Key Points:***Stakeholder feedback on the draft Rules*

1. The department led targeted consultation on the draft Rules between February and March 2025, during which:

- a. 104 stakeholders were approached for direct feedback,
- b. 34 meetings were held with individual stakeholders,
- c. 6 roundtables were held, including 4 with youth representative groups, and
- d. 38 stakeholders provided written feedback.

A summary of the consultation feedback is at **Attachment C**.

2. Stakeholders broadly supported the exclusion for messaging services, online games, and health and education apps in the draft Rules. Minor technical amendments were proposed to the rule on messaging, and additional exclusions were proposed for product review and professional development services. These have been incorporated into the updated Rules at **Attachment B**.

- a. We do not consider these types of platforms to be the intended targets of the social media minimum age laws (SMMA). Including them in the ban would disproportionately broaden the impact of the laws on the general public, including on their privacy and data security, while delivering minimal benefits to young people given the low risks of harm on these platforms.

3. There was strong pushback from industry on the carve-out for YouTube on grounds it would create significant competition issues, most notably because YouTube Shorts is comparable and a direct competitor to TikTok and Instagram Reels. Industry stakeholders also criticised the carve-out as lacking a clear rationale, with TikTok claiming the proposal would be akin to 'banning soft drinks but exempting Coca-Cola'.

a.  s47E(d)

b.  s47G(1)(a), s47G(1)(b)

4. The proposed exclusion for YouTube received mixed views from other stakeholder groups, with parents and carers, child-development experts and civil society organisations opposing the rule. Young people also questioned the rule, noting it would exclude YouTube Shorts.

- a. While stakeholders generally viewed YouTube as 'different' from other social media services, many noted it has features considered to be typical of 'social media' and that pose similar risks of harm as TikTok and other platforms, such as endless scroll.

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6.  and stakeholder feedback, we hold concerns with proceeding with a specific exclusion for YouTube. We understand the eSafety Commissioner also holds concerns the rule could undermine online safety outcomes from the SMMA.

- a. In designing the minimum age obligation to apply to 'having an account', the SMMA supports continued access to YouTube in the 'logged out' state, without the need to exclude the platform from the SMMA.

7. Notwithstanding, we do not recommend you omit the YouTube exclusion from the draft Rules ahead of seeking the eSafety Commissioner's formal advice. Your draft letter to the Commissioner (**Attachment D**) acknowledges the concerns about the exclusion and welcomes her views on the implications of the proposed rule. This leaves room for you to give final consideration to the YouTube exclusion, having regard to the range of advice available.

- a. Amending the draft Rules now, ahead of receiving the Commissioner's advice, risks further criticism that the Government's approach to the rules lack evidentiary rigour.
- b. Under the SMMA, you are required to seek the Commissioner's advice on the Rules prior to finalising/making them (section 63C of the *Online Safety Act 2021*).

s47C

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 Transport, Regional Development, Communities, and the Arts

Next steps

11. Finalising the Rules by mid-2025 would give certainty to the regulator, industry and general public ahead of the minimum age obligation coming into effect by 10 December 2025. It would also help inform development of the public awareness campaign on the SMMA, ahead of the campaign's launch in about October 2025.

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Financial impacts: N/A**Legal/Legislative impacts:** As above.**Stakeholder Implications:** As above.**Consultation:** Office of the eSafety Commissioner, Treasury, and Department of Industry, Science and Resources**Media Opportunities:** N/A**Attachments:****Attachment A:** Proposed amendments to the draft Rules**Attachment B:** Updated Rules**Attachment C:** Overview of stakeholder feedback on the draft Rules**Attachment D:** Draft letter to the eSafety Commissioner**Attachment E:** s47G(1)(a), s47G(1)(b)

Cleared By: James Chisholm, Deputy Secretary, Communications and Media

Mob: s22(1)(a)(ii)

Contact Officer: Andrew Irwin

Position: Assistant Secretary

Division: Online Safety Branch

Mob: s22(1)(a)(ii)**Instructions for MPS:** Please dispatch the signed letter to the eSafety Commissioner**Do you require a signed hardcopy to be returned:** No**Responsible Adviser:** s22(1)(a)(ii) , s22(1)(a)(ii)**PDMS Distribution List:** Jim Betts, James Chisholm, Sarah Vandenbroek, Andrew Irwin, s22(1)(a)(ii) , s22(1)(a) , s22(1)(a)(ii) , s22(1)(a) , s22(1)(a)(ii)OFFICIAL: Sensitive Legal privilege

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MS25-000XXX

Additional Information:Stakeholder feedback on the draft Rules

- Between 14 February and 21 March 2025, we held 34 individual meetings and 6 roundtables.
- We received written submissions from 38 stakeholders, including some stakeholders that had provided verbal feedback.
- While individual meetings were not extended to all stakeholders, the department never declined a request to meet.
 - On their request, we held individual meetings with  and the Western Australian Government.
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MS25-000610

ATTACHMENT A

Overview of amendments to the draft Rules

Rule	Previously specified as	Proposed updates	Intent/purpose of update	s47C	Agreed / not agreed
Messaging	Services that have the sole or primary purpose of enabling end users to communicate by means of messaging	Services that have the sole or primary purpose of enabling end users to communicate by means of messaging, <u>voice calling or video calling</u>	Clarify that voice and video calling services are also excluded, in line with community expectations		Agreed / not agreed
Product reviews and technical support	N/A – not previously included	<u>Services that have the sole or primary purpose of enabling end users to share information (such as reviews, technical support or advice) about products or services</u>	Carve out services that are not within the policy intent of the SMMA and pose limited risks to young people		Agreed / not agreed
Professional development	N/A – not previously included	<u>Services that end-users use solely or primarily for business or for professional development</u>	Carve out services that are not within the policy intent of the SMMA and pose limited risks to young people		Agreed / not agreed
Online games	Services that have the sole or primary purpose of enabling end-users to play online games with other end-users	Nil changes proposed	N/A		Agreed / not agreed
Services that primarily function to support the health and education of end-users	<ul style="list-style-type: none"> Services that have the sole or primary purpose of supporting the education of end users Services that have the sole or primary purpose of supporting the health of end users Services that have a significant purpose of facilitating communication 	Nil changes proposed	N/A		Agreed / not agreed

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MS25-000610

Rule	Previously specified as	Proposed updates	Intent/purpose of update	s47C	Agreed / not agreed
	<ul style="list-style-type: none"> between educational institutions and students or students' families Services that have a significant purpose of facilitating communication between providers of health care and people using those providers' services 				
YouTube	The electronic service known as YouTube is specified	Nil at this stage, noting the department will brief you further following receipt of the eSafety Commissioner's advice on the rules	N/A		Agreed / not agreed

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The Hon Michelle Rowland MP

**Minister for Communications
Federal Member for Greenway**

MS25-000610

Ms Julie Inman Grant
eSafety Commissioner
Office of the eSafety Commissioner
PO Box Q500
QUEEN VICTORIA BUILDING NSW 1230

Julie.InmanGrant@eSafety.gov.au

Dear Commissioner

As you are aware, I previously announced my proposal to use my rule-making power under subsection 63C(6)(b) of the *Online Safety Act 2021* (the Act) to carve out certain services from the social media minimum age obligation: messaging, online games, services that significantly function to support the health and education of users, and YouTube. In line with the requirement under subsection 63C(7), I am writing to seek your advice on the attached draft Online Safety (Age Restricted Social Media Platforms) Rules 2025 (draft Rules).

The above exclusions were reflected in rules my department consulted on in February and March 2025. As part of that targeted consultation, my department sought direct feedback from over 100 stakeholders including youth groups, parents and carers, digital industry, civil society groups, experts in child development, mental health and law.

YouTube

While there was broad support for the draft Rules, the proposed exclusion for YouTube received mixed views from mental health organisations, child-development experts, parents and young people. In particular, although stakeholders generally viewed YouTube as 'different' and that it is used heavily in educational contexts, many noted it has features considered to be typical of 'social media' and that pose similar risks as other platforms, such as endless scroll and content recommender systems.

Given the concerns raised with the named exclusion of YouTube, I particularly welcome your advice on the rule, having regard to the available evidence on the harms and risks posed to young people on the platform. This would allow me to make a fully informed decision that delivers optimal outcomes for Australian children and users.

I note that in designing the social media minimum age obligation to apply to 'having an account', the law supports continued access to YouTube in the 'logged out' state, without the need to exclude the platform specifically from the obligation.

The Hon Michelle Rowland MP
PO Box 6022, Parliament House Canberra
Suite 101C, 130 Main Street, Blacktown NSW 2148 | (02) 9671 4780

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FOI 26-007 - Page 25 of 142

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s47C

Other amendments

My department has incorporated a number of minor updates to the Rules following feedback from stakeholders. This includes expanding the messaging exclusion to include voice and video-calling, and establishing new exclusions for product review and professional development services. I consider that the inclusion of these platforms in the ban would disproportionately broaden the impact of the laws on the general public, such as on their privacy and data, while delivering minimal benefits to young people given the low risks of harm on these services.

Next steps

I am looking to finalise the Rules by mid-year to provide industry and the general public with time to prepare for the minimum age obligation coming into effect by 10 December 2025. Your timely advice on the draft Rules would help facilitate this.

Finally, I would like to thank you and your office for engaging constructively with my department throughout this process, including as part of the targeted consultation.

Yours sincerely

Michelle Rowland MP

/ /2025

Enc

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From: Irwin, Andrew
Sent: Tuesday, 24 June 2025 4:07 PM
To: s22(1)(a) ; s22(1)(a)(ii) ; s22(1)(a)(ii)
Cc: s22(1)(a) ; s22(1)(a)(ii) ; s22(1)(a)(ii) ; VANDENBROEK, Sarah
Subject: (ii) RE: Following up with confidential draft rules as context to advice [SEC=OFFICIAL:Sensitive]
Attachments: SMMA Rules DRAFT Explanatory statement.docx; I24SY115.v20.docx

OFFICIAL:Sensitive

As mentioned, please find attached the latest draft versions of the Rules and accompanying ES. As s22(1)(a) mentioned, these are still only departmental thinking (and in fact haven't been fully cleared through the Department line yet, but we wanted to get you early visibility), have not been approved/agreed by the Minister, and are government-in-confidence as they represent our ongoing thinking. They are still subject to change.

I got my days mixed up earlier. If you have any redlines re elements that will unduly inhibit your ability to regulate, grateful for any comments by 3pm Wednesday. (Apologies, we have externally-set deadlines here)

Thanks and happy to discuss,

Cheers,
Andrew

Andrew Irwin (he/him)

Assistant Secretary • Online Safety Branch
• Digital Platforms, Safety and Classification Division

Andrew.Irwin@infrastructure.gov.au

P +61 2 6136 6601 • M +61 438 929 258

GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts
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I am part time – working 9.30-4.30 Monday and Tuesday, 9-2.30 on Wednesday, and regular hours on Thursday and Friday.

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*I would like to acknowledge the traditional custodians of this land on which we meet, work and live.
I recognise and respect their continuing connection to the land, waters and communities.
I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.*

Ngunnawal Country



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From: s22(1)(a)(ii) @eSafety.gov.au>
Sent: Tuesday, 24 June 2025 3:29 PM
To: s22(1)(a)(ii) @oaic.gov.au>; s22(1)(a)(ii) @oaic.gov.au>

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Online Safety (Age-Restricted Social Media Platforms) Rules 2025

I, Anika Wells, Minister for Communications, make the following rules.

Dated 2025

Anika Wells **[DRAFT ONLY—NOT FOR SIGNATURE]**
Minister for Communications

Contents

Part 1—Preliminary

^1	Name.....	1
^2	Commencement	1
^3	Authority.....	1
^4	Definitions	1

Part 2—Age-restricted social media platforms

^5	Classes of services that are not age-restricted social media platforms	2
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Part 1—Preliminary

^1 Name

This instrument is the *Online Safety (Age-Restricted Social Media Platforms) Rules 2025*.

^2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

^3 Authority

This instrument is made under the *Online Safety Act 2021*.

^4 Definitions

In this instrument:

Act means the *Online Safety Act 2021*.

Part 2 Age-restricted social media platforms

Section ^5

Part 2—Age-restricted social media platforms**^5 Classes of services that are not age-restricted social media platforms**

- (1) For the purposes of paragraph 63C(6)(b) of the Act, electronic services in each of the following classes are specified:
 - (a) services that have the sole or primary purpose of enabling end-users to communicate by means of messaging, email, voice calling or video calling;
 - (b) services that have the sole or primary purpose of enabling end-users to play online games with other end-users;
 - (c) services that have the sole or primary purpose of enabling end-users to share information (such as reviews, technical support or advice) about products or services;
 - (d) services that have the sole or primary purpose of enabling end-users to engage in professional networking or professional development;
 - (e) services that have the sole or primary purpose of supporting the education of end-users;
 - (f) services that have the sole or primary purpose of supporting the health of end-users;
 - (g) services that have a significant purpose of facilitating communication between educational institutions and students or students' families;
 - (h) services that have a significant purpose of facilitating communication between providers of health care and people using those providers' services.
- (2) In determining whether a service is in any of the classes set out in subsection (1), disregard any of the following purposes:
 - (a) the provision of advertising material on the service;
 - (b) the generation of revenue from the provision of advertising material on the service.

s22(1)(a)(ii)

From: s22(1)(a)(ii) [@eSafety.gov.au>](mailto:@eSafety.gov.au)

Date: Wednesday, 25 June 2025 at 3:31:18 pm

To: "Irwin, Andrew" <Andrew.Irwin@infrastructure.gov.au>, s22(1)(a)(ii) [@oaic.gov.au>](mailto:@oaic.gov.au), s22(1)(a)(ii) [@oaic.gov.au>](mailto:@oaic.gov.au)

Cc: s22(1)(a)(ii) [@esafety.gov.au>](mailto:@esafety.gov.au), s22(1)(a)(ii) [@eSafety.gov.au>](mailto:@eSafety.gov.au), s22(1)(a)(ii) [@esafety.gov.au>](mailto:@esafety.gov.au), "VANDENBROEK, Sarah" <Sarah.Vandenbroek@infrastructure.gov.au>, s22(1)(a)(ii) [@eSafety.gov.au>](mailto:@eSafety.gov.au), "Julie Inman Grant" <Julie.InmanGrant@eSafety.gov.au>, s22(1)(a)(ii) [@esafety.gov.au>](mailto:@esafety.gov.au)

Subject: RE: Following up with confidential draft rules as context to advice [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi Andrew

Thanks very much for the opportunity to review, and apologies for being slightly late.

Please see attached eSafety's initial feedback. As requested, we have suggested textual edits wherever possible. This includes our suggestion to align the named features/functionalities with the terminology of the literature/our advice to the Minister to improve certainty and support compliance and enforcement. However, some of our comments were not able to be expressed via suggested text in the timeframe. These largely relate to items which were not explained in the ES but our advice to the Minister had suggested be included – for example, why different thresholds of sole/primary and significant purpose were selected for (1)(a)-(f) vs (1)(g)-(h) and how eSafety is to assess when a purpose might meet the threshold of significant but not primary.

We think there would be particular benefit in the ES being clearer and more explicit in its explanation of how each of the classes of excluded services in the rules are tied to the rule making power and the purpose of the SMMA provisions – that is, what is the beneficial purpose of these classes of services and does it align with the object to reduce risk of harm (to minimise potential risk of disallowance). We have suggested some text on this for gaming, but have not had time to do so for all categories.

We have also flagged parts of the ES we found particularly helpful, eg the reference to YouTube, and the reference to some of the services not intended to be captured under the gaming exception. In line with our advice to the Minister, we suggest it could be helpful to identify a handful of services that as of June 2025 deploy the features associated with the types of harms that the SMMA seeks to address (we have suggested some in our feedback). We consider this would provide a helpful signal to both the public and industry of the services eSafety is likely to focus on in the short term for supervision, compliance and enforcement.

We would also draw your attention to the section on features of messaging services which may take them out of the exclusion. s47C

and would therefore fall within scope of the definition of age-restricted social media platform.

s47C

Very happy to discuss.

Many thanks,

s22(1)(a)

s22(1)(a)(ii)

s22(1)(a)(ii)

 s22(1)(a)(ii)

 s22(1)(a)(ii)

Executive Assistant: s22(1)(a)(ii) [@esafety.gov.au / s22\(1\)\(a\)\(ii\)](mailto:@esafety.gov.au)



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From: Irwin, Andrew <Andrew.Irwin@infrastructure.gov.au>

Sent: Tuesday, 24 June 2025 4:07 PM

Duplicate of part of Document 10

Duplicate of part of Document 10

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From: Irwin, Andrew
Sent: Wednesday, 25 June 2025 7:54 PM
To: **s22(1)(a)** ; **s22(1)(a)(ii)** ; **s22(1)(a)(ii)**
Cc: **s22(1)(a)** ; **s22(1)(a)(ii)** ; **s22(1)(a)(ii)** ; VANDENBROEK, Sarah; **s22(1)(a)(ii)** ; Julie Inman Grant; **s22(1)(a)(ii)**
Subject: Re: Following up with confidential draft rules as context to advice [SEC=OFFICIAL:SENSITIVE]

OFFICIAL: SENSITIVE

Thanks for the quick response **s22(1)(a)** - the team have been looking through this afternoon and we're working to incorporate as quickly as we can before it goes up our line.

One fine delineation we'll have to tightrope walk on - **s42**

We'll see what we can do but just wanted to flag in case the final version ends up with some differences on that front.

Cheers,
Andrew

From: **s22(1)(a)(ii)** [@eSafety.gov.au>
Date: Wednesday, 25 June 2025 at 3:31:18 pm
Duplicate of part of Document 12](mailto:@eSafety.gov.au)

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s22(1)(a)(ii)

From: s22(1)(a)(ii) [@eSafety.gov.au](#)
Date: Thursday, 26 June 2025 at 2:04:09 pm
To: s22(1)(a)(ii) [@eSafety.gov.au](#), "Irwin, Andrew" <Andrew.Irwin@infrastructure.gov.au>
Cc: s22(1)(a)(ii) [@esafety.gov.au](#), s22(1)(a)(ii) [@eSafety.gov.au](#), s22(1)(a)(ii) [@eSafety.gov.au](#)
s22(1)(a)(ii) [@eSafety.gov.au](#)
Subject: Re: Further eSafety feedback by 2.00pm [SEC=OFFICIAL:Sensitive]

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OFFICIAL: Sensitive

Dear Andrew,

As promised, please find attached our edits to the research sections of the draft explanatory statement to SMMA, along with some comments for your consideration.

Our revisions primarily focus on pages 2–3, though we've also included a comment regarding features and online gaming on page 9.

We'd be happy to provide additional research references in the next round of feedback if that would be helpful.

Please don't hesitate to reach out if you have any questions.

Best wishes,

s22(1)(a)(ii)

From: s22(1)(a)(ii) [@eSafety.gov.au](#)
Sent: Thursday, June 26, 2025 12:11 PM
To: Irwin, Andrew <andrew.irwin@infrastructure.gov.au>
Cc: s22(1)(a)(ii) [@esafety.gov.au](#); s22(1)(a)(ii) [@eSafety.gov.au](#); s22(1)(a)(ii) [@eSafety.gov.au](#); s22(1)(a)(ii) [@eSafety.gov.au](#); s22(1)(a)(ii) [@eSafety.gov.au](#)
Subject: Further eSafety feedback by 2.00pm [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hello Andrew,

Thank you for flagging where the draft explanatory statement to SMMA is within the clearance chain. We wanted to provide an update that our Research Team has identified issues within the draft we have. We're working to provide these redline edits to you by 2.00pm.

As flagged in the meeting today, we'll also provide further feedback that what are described as online harms, such as 'addictive behaviours caused by manipulative design features, social isolation, sleep interference, poor mental and physical health (including unhealthy social comparisons and negative body image), low life-satisfaction and exposure to

inappropriate and harmful content', are better understood as the impacts of online harms. We suggest clarity over these terms will help clarify the objective of SMMA and assist eSafety in implementation.

We'll have our feedback with you by 2.00pm.

Kind regards,

s22(1)(a)(ii)

s22(1)(a)(ii)



s22(1)(a)(ii)

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Explanatory Statement

Issued by the authority of the Minister for Communications

Online Safety Act 2021

Online Safety (Age-Restricted Social Media Platforms) Rules 2025

Authority

The *Online Safety (Age-Restricted Social Media Platforms) Rules 2025* (the Rules) is made by the Minister for Communications (the Minister) under Subsection 63C(6)(b) of the *Online Safety Act 2021* (the Act).

Subsection 63C(6)(b) of the Act provides that the Minister for Communications may, by legislative instrument, make rules that exclude specified electronic services from the definition of 'age-restricted social media platforms'.

Purpose and operation

The Rules take certain platforms out of scope of the minimum age obligation specified under section 63D of the Act, which require platforms to take reasonable steps to prevent users under 16 years of age from having accounts. That requirement was introduced by the *Online Safety Amendment (Social Media Minimum Age) Act 2024* (the SMMA Act).

The Rules are a legislative instrument for the purposes of the *Legislation Act 2003* and are subject to the default sunsetting requirements and disallowance.

Details of the instrument are set out in [Attachment A](#).

Context

The SMMA Act, passed by the Federal Parliament on 29 November 2024 with bipartisan support, introduces a minimum age for having an account on certain social media platforms. This landmark reform reflects Australians' expectations for a strong regulatory response to addressing online harms experienced by [young people](#)[children](#) on these services.

There is [a robust and a](#) growing evidence-base [demonstrating that indicates an association](#)
[causal connections](#) between social media use and [mental ill harms to](#) health. [This includes](#),
[particularly due to](#) features designed to induce users to expend increasing amounts of time
on platforms, [and expose children to content associated with harm such as pro-eating](#)
[disorder content and suicide and self-harm content](#). There are a range of design features
associated with these harms, including personalised and algorithmically recommended
content, endless content feeds (such as infinite scroll and auto-play), engagement prompts
(such as notifications), quantifiable social metrics (such as the "like" feature), ephemeral
content and time-sensitive rewards (such as stories and streaks), and emerging AI-driven
features such as content modifications tools, (algorithms, endless scroll, gamification), and
expose [young people](#) to inappropriate content such as highly idealised and unhealthy social
and body image comparisons (content recommenders, popularity meters, profile curation
tools).

A recent study by eSafety of more than 2,600 children aged 10 to examined a subset of data from their Keeping Kids Safe Online survey, to understand the types of online harms children under the age of 16 experience.¹⁵ undertaken by the eSafety Commission sought to understand the types of online harms children face and where these experiences are happening. The study found that around 7 in 10 children said they had encountered harmful content associated with harm, including exposure to sexist, misogynistic, or hateful material, dangerous online challenges, violent fight videos and content promoting disordered eating. Additionally, 75% of this harmful-content associated with harm was most recently encountered on social media.

The American Psychology Association (APA) outlines several key indicators of addictive and problematic social media use, such as a persistent need to engage with social media despite a desire to engage less, excessive effort to maintain continuous access to social media, strong cravings for social media interaction and disruption to daily activities when social media access is unavailable.¹ The There is emerging evidence to suggest that persuasive features behaviours, driven by persistent notifications and targeted algorithmic features, disrupt or displace key activities essential for health, wellbeing and development, critical physiological functions and impair young people's ability to complete daily tasks and routines.² Social media use has also been explicitly linked to poor sleep, and subsequently, higher depressive symptom scores in adolescents.³

Adolescents exhibiting problematic social media use may also consistently exceed the duration of time they intend to use social media, engage in deceptive behaviours to secure access, and experience negative impacts on significant relationships or educational pursuits due to their social media engagement.⁴ This behavioural pattern exhibits parallels with other forms of behavioural dependency, creating concern for young minds that are particularly susceptible to habit formation.

A study of nearly 12,000 preteens over three years has linked an increase in social media use to a rise in depressive symptoms. Daily social media use among study participants during these years surged from 7 minutes a day at age 9, to 74 minutes per day by age 13. This increase paralleled a reported 35 per cent jump in depressive symptoms in study participants.⁵ These findings suggest that more time spent on social media during early adolescence may contribute to increased depressive symptoms over time.

The APA's health advisory also explicitly correlates 'using social media for social comparisons related to physical appearance' with diminished body image and heightened depressive symptoms, particularly within female adolescent populations.⁶ This constant self-

¹ American Psychological Association, *Health Advisory on Social Media* (2023) <<https://www.apa.org/topics/social-media-internet/health-advisory-adolescent-social-media-use.pdf>>.

² EM.

³ Yvonne Kelly et al, 'Social Media Use and Adolescent Mental Health: Findings from the UK Millennium Cohort Study' (2019) 3(9) *EClinical Medicine*.

⁴ American Psychological Association, *Health Advisory on Social Media* (2023) <<https://www.apa.org/topics/social-media-internet/health-advisory-adolescent-social-media-use.pdf>>.

⁵ Jason M Natagai et al, 'Social Media Use and Depressive Symptoms During Early Adolescence' (2025) 8(5) *JAMA Netw Open* 1.

⁶ American Psychological Association, *Health Advisory on Social Media* (2023) <<https://www.apa.org/topics/social-media-internet/health-advisory-adolescent-social-media-use.pdf>>.

s47E(d)

evaluation has the potential to erode self-esteem and life satisfaction, and contribute to feelings of inadequacy ~~in children young people~~.

Indeed, this is backed by the expansive UK Millennium Cohort Study, which surveyed almost 11,000 14-year olds and established a correlation between increased social media use and dissatisfaction with body weight and depressive symptoms.⁷ Specifically, the study indicated that adolescents engaging with social media for five or more hours a day were 31 per cent more likely to express dissatisfaction with their body weight. For ~~children young people~~ undergoing significant physical and psychological development, the barrage of 'thinspo' content present on social media has been shown to lead to mental health challenges.

The social media minimum age framework is intended to address harms such as addictive behaviours caused by persuasive or manipulative design features, social isolation, sleep interference, poor mental and physical health (including unhealthy social comparisons and negative body image), low life-satisfaction and exposure to inappropriate and harmful content.

s47E(d)

The social media minimum age framework will play a critical role in safeguarding young Australians from online harms, but is not the be-all or end-all solution. The framework is designed to complement to existing online safety regulatory schemes, including the cyberbullying and image-based abuse reporting schemes, Industry Codes, and Basic Online Safety Expectations (BOSE).

These schemes will continue to play a central role in combating cyberbullying, exposure to child-inappropriate online content (including online hate, pornography and violent material), child grooming and sexual exploitation. These harms, while likely to be reduced by the SMMA Act, are not the central focus of the legislation. In addition, the Australian Government has announced that it will introduce a Digital Duty of Care, which will require digital platforms to take proactive steps to safeguard users.

While young people are exposed to a range of harms on social media, they can and do provide beneficial experiences, particularly when those services are grounded in connection, learning, health, and support. Recognising this, the SMMA Act includes a rule-making power under subsection 63C(6)(b) to carve out services from the social media minimum age obligation.

These Rules, made under that power, are intended to focus the minimum age obligation on platforms known to cause the types of harms that are the subject of the SMMA Act, while taking out of scope those services that pose fewer harms and which help young people to thrive. In doing so, young people will be exposed to less of the harms that are the subject of the SMMA Act, including excessive screen-time, social isolation, sleep interference, poor mental and physical health, and low life-satisfaction.

⁷Yvonne Kelly et al, 'Social Media Use and Adolescent Mental Health: Findings from the UK Millennium Cohort Study' (2019) 3(9) *EClinical Medicine*; American Psychological Association, *Health Advisory on Social Media* (2023) <<https://www.apa.org/topics/social-media-internet/health-advisory-adolescent-social-media-use.pdf>>.

The exclusion of those services from the minimum age obligation also serves to reduce privacy and data impacts on the broader public, while also limiting potential impacts on Australian productivity. This is particularly the case for the Rules' exclusions for professional and technical skills development platforms, and product review services.

No platform is absolutely free from harm. Even platforms specifically designed with children's safety in mind will have risks, whether inadvertent or as a result of exploitation by other users. In establishing these Rules, the Minister does not endorse those excluded platforms and services as 'safe'. A critical view of the digital environment, informed by media literacy and education, will continue to play an important role for young Australians as they explore the online world.

Importantly, these Rules are not 'set and forget'. The rule-making power is intentionally flexible to allow the Minister to be responsive to technological evolutions and changes in digital ecosystem. This means that where the Rules are found to no longer serve the objectives of the SMMA Act, they will be updated.

a. Regulatory Matters

Age-restricted social media platform

The minimum age obligation applies to 'age-restricted social media platforms', as defined in the Act. The definition of this term is modelled of the meaning of 'social media service' in section 13, with a modification to expand the 'sole or primary purpose' test to a 'significant purpose' test when examining whether a service enables online social interactions between 2 or more users.

The effect is that the scope of 'age-restricted social media platform' is wider than 'social media service'. This is made clear by the note under this provision which provides that an age-restricted social media platform may be, but is not necessarily, a social media service under section 13 of the Act.

'Sole', 'primary,' and 'significant' purpose

As with the primary law under which this instrument is made, the Rules rely on 'sole', 'primary,' and 'significant' purpose tests in defining the relevant services. This serves two important purposes. Firstly, it mitigates the risk of regulated platforms expanding their services with the specific intent of avoiding regulatory capture. For example, a video-sharing platform which attaches a new messaging function should not be permitted to claim an exclusion as a 'messaging app'. Inversely, the purpose tests would mean that excluded platforms that fundamentally change their service offerings could fall within the remit of the minimum age obligation. The purpose tests are therefore built to be responsive to changes and evolutions in the social media ecosystem.

In determining the sole, primary or significant purpose of a platform, regard should be had to the features and functions of the platform, how these influence user engagement, behaviour and experiences, and the actual, rather than simply stated, use-case of the

platform, amongst other things. The platform's espoused objectives may also be relevant, but cannot be considered in isolation from other factors. This is because the way a particular service classifies or markets itself may or may not reflect community understanding and usage, and may not be consistent across various contexts or forums.

The eSafety Commissioner is primarily responsible for oversight over the implementation, monitoring and enforcement of the social media minimum age framework. The Information Commissioner also has a role in overseeing compliance with privacy aspects of the law. A range of powers are available to allow for effective monitoring and enforcement by the regulator. This includes information gathering powers, which would allow the eSafety Commissioner to seek information from platforms claiming to be excluded from the minimum age obligation. This is in addition to other sources of information available to the Commissioner through other regulatory mechanisms, such as the Industry Codes and the BOSE.

Review

The social media landscape, and digital technology more broadly, is fast-moving and constantly evolving. The effect is that regulatory settings can become outdated quickly. This requires ongoing monitoring, to allow the Rules to remain fit-for-purpose and responsive to the risks to young people online.

Separately, section 239B of the Act requires a review of the social media minimum age framework within 2 years of effective commencement. The Rules will be considered as part of this review process. The review process will also consider the options provided in the eSafety Commissioner's advice on 19 June 2025 to consider the risk of harm that services present alongside their purpose and a rule be made to exclude lower-risk services that are appropriate for young children. Thorough public consultation will be required to ensure these options meet stakeholder expectations.

Impact Analysis

The Office of Impact Analysis (OIA) has been consulted in relation to the Rules and an Impact Analysis **is not required** as these rules do not create any additional impact beyond what has already been assessed in the Impact Analysis for the Online Safety Amendment (Social Media Minimum Age) Act 2024. OIA reference number: OIA24-08210.

Commencement

The Rules commence on the day after they are registered on the Federal Register of Legislation.

Consultation

Targeted Consultation

The Department undertook targeted stakeholder consultation between 14 February and 21 March 2025. The Department received feedback from 104 different stakeholders from industry, mental health organisations, civil society, legal experts, child development experts, parents and carers, and young people. Feedback received from 34 individual meetings, 6 roundtables and 38 written submissions informed advice to the responsible Minister. The Department accepted every request to meet one-on-one with any stakeholder regarding the draft Rules.

Feedback on the draft Rules was mixed, but key themes in comments included:

- Concern that the naming of YouTube in the draft Rules would create significant competition issues;
- Calls for a 'safety-by-design' approach of setting a threshold for exclusion from the minimum age obligation based on the standard of safety features and functions of a service;
- Calls to include a Rule that captures services that support professional and technical skill development, and product review and technical support services

The Department considered all relevant issues raised during targeted stakeholder consultation and provided in written submissions before finalising advice to the Minister.

Advice of the eSafety Commissioner

The Act states that the Minister must seek and have regard to the advice of the eSafety Commissioner before lodging the Rules.

The Hon Anika Wells, Minister for Communication, wrote to Ms Julie Inman-Grant, eSafety Commissioner on 12 June 2024, formally seeking advice on the draft Rules.

The eSafety Commissioner provided her advice in writing on 19 June 2025. This advice was consistent with feedback provided by participants of the targeted consultation.

The eSafety Commissioner recommended 5 options in order of priority:

- Option 1: That YouTube be removed from the draft Rules;
- Option 2: That the explanatory statement to the Rules provide guidance to support a shared understanding of the Government's intention and avoid future enforcement challenges;
- Option 3: That consideration is given to amending the draft Rules so they reflect both the purpose of the service, as well as its risk of harm;
- Option 4: That consideration is given to introducing a new Rule to exclude lower-risk services that are appropriate for young children; and
- Option 5: That implementation is monitored to identify any emerging challenges which should be addressed through further Rules.

The Rules and this explanatory statement give effect to the Government's agreement to options 1 and 2. The Government agrees with option 5, and considers that the statutory review of the framework will not only fulfil this function, but also provide an opportunity to consider the changes put forward in options 3 and 4.

YouTube

Based on feedback received during consultation and advice of the eSafety Commissioner, YouTube is not included in the Rules and is subject to the minimum age obligation in section 63D of the Act.

It is important to note that the minimum age obligation applies to 'having accounts with age-restricted social media platforms'. The video watching functionality of YouTube is currently accessible without an account, so users under the age of 16 will retain the ability to watch YouTube videos for education and entertainment purposes.

In addition, YouTube Kids is unlikely to fall within scope of the definition of 'age-restricted social media platform' in its current form as it operates more like a video streaming service, without the same interactive features as YouTube. YouTube Kids is therefore unlikely to satisfy the 'online social interaction' criteria of the definition.

Statement of compatibility with human rights

The Rules are compatible with the human rights and freedoms recognised or declared under Section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out at [Attachment B](#).

Attachment A**Details of the *Online Safety (Age-Restricted Social Media Platforms) Rules 2025*****Section 1 – Name**

This section provides that the name of the instrument is the *Online Safety (Age-Restricted Social Media Platforms) Rules 2025*.

Section 2 – Commencement

This section provides for the instrument to commence on the day after it is registered on the Federal Register of Legislation.

Section 3 – Authority

This section provides that the instrument is made under the *Online Safety Act 2021*.

Section 4 – Definitions

This section provides that any reference to Act in the instrument is a reference to the *Online Safety Act 2021*.

Section 5 – Classes of services that are not age-restricted social media platforms

This section provides that several specified classes of services are not age-restricted social media platforms for the purposes of paragraph 63C(6)(b) of the Act. The effect of this section is that the electronic services in each of the specified classes are not subject to the minimum age obligation in section 63D of the Act.

Paragraph (a): messaging, email, voice calling or video calling

Paragraph 5(1)(a) provides that services with the sole or primary purpose of enabling communication through messaging, email, voice calling or video calling are not age-restricted social media platforms.

The sole or primary purpose of enabling communication through messaging, email, voice calling or video calling should be determined by considering the experience of end-users of the service, rather than how its purpose might be characterised by the service provider.

It is possible for a service to have additional purposes alongside the sole or primary purpose. However, only the sole or primary purpose would be used to assess whether a service is not subject to the minimum age obligation in section 63D of the Act.

For example, if a service contains a purpose such as location sharing, public chat rooms or public forum channels any additional messaging, email, voice calling or video calling functions are unlikely to be the sole or primary purpose of the service.

A service will not be a service with the sole or primary purpose of enabling communication through messaging, email, voice calling or video calling to the extent to which it is:

- an SMS service (that is, a short message service), or
- an MMS service (that is, a multimedia service).

The exclusions of SMS and MMS services are included to avoid doubt. These services are not subject to the minimum age obligation in section 63D of the Act as that was not the intent of section 63D of the Act.

Paragraph (b): online games

Paragraph 5(1)(b) provides that services with the sole or primary purpose of enabling users to play online games with other users are not age-restricted social media platforms.

The sole or primary purpose of enabling users to play online games with other users should be determined by considering the experience of end-users of the service, rather than how its purpose might be characterised by the service provider.

It is possible for a service to have additional purposes alongside the sole or primary purpose. However, only the sole or primary purpose would be used to assess whether a service is not subject to the minimum age obligation in section 63D of the Act.

For example, if a service primarily allows end-users to post material on the service but also enables users to play online games with other users, as the hosting of this game is not the sole or primary purpose, the service would be considered an age-restricted social media platform for the purposes of section 63D of the Act.

However, if a service primarily enables users to play an online game with other users but also enables online social interaction between 2 or more end-users, as the hosting of the game is the primary purpose, the service would not be considered an age-restricted social media platform for the purposes of section 63D of the Act.

Additionally, if a service contains ancillary third-party features or functions within an online game such as using social media applications as third-party logins for cloud saves or matchmaking, but the primary purpose is still to enable users to play online games with other users, then the service would not be considered an age-restricted social media platform for the purposes of section 63D of the Act.

Services in this class that would not be considered age-restricted social media platforms include but are not limited to Steam, Xbox and Nintendo eShop. However, the purpose test would mean that if a service excluded in this class fundamentally changes their service offerings it could fall within the remit of the minimum age obligation.

While there are risks of harm to young people from online games, the intent of section 63D of the Act is to mitigate harms caused by persuasive design choices that may undermine a child's autonomy or control of their digital experiences and drive excessive engagement on the service. These features include personalised and algorithmically recommended content, endless content feeds, quantifiable social metrics, engagement prompts and time-sensitive content. These features are not as prevalent on online games as on age-restricted social media platforms.

Additionally, online games are currently regulated under the National Classification Scheme, which provides information on the age suitability of online games through a combination of the classification regulatory regime and relevant consumer advice. Applying additional restrictions to online games would result in an overly burdensome regulatory approach.

s47E(d)

Paragraph (c): services that enable information about products or services

[Subject to Minister Approval] Paragraph 5(1)(c) provides that services with the sole or primary purpose of enabling users to share information about products or services are not age-restricted social media platforms. This information could include, but is not limited to, reviews, technical support and advice.

The sole or primary purpose of enabling users to share information about products or services should be determined by considering the experience of end-users of the service, rather than how its purpose might be characterised by the service provider.

It is possible for a service to have additional purposes alongside the sole or primary purpose. However, only the sole or primary purpose would be used to assess whether a service is not subject to the minimum age obligation in section 63D of the Act.

Features of these services typically include discussion forums that enable users to post technical support, advice and reviews about a specific product or service. For example, a service may primarily feature forums where representatives from hardware vendors provide technical support on how to use a product from that vendor.

However, if a service features discussion forums that primarily enable users to discuss news, entertainment and other types of content in addition to sharing information about products or services, as the primary purpose is not to share information about products or services, the service would not be considered an age-restricted social media platform for the purposes of section 63D of the Act.

This class of services pose limited risks to young people and it was not the intent of section 63D of the Act to include these services.

Paragraph (d): services that enable engagement on professional networking or professional development

[Subject to Minister Approval] Paragraph 5(1)(d) provides that services with the sole or primary purpose of enabling end-users to engage in professional networking or professional development are not age-restricted social media platforms.

The sole or primary use of a service for professional networking or professional development should be determined by considering the experience of end-users of the service, rather than how its purpose might be characterised by the service provider.

Features of these services typically include facilitating connections between professionals and/or mentors that offer professional insights, including a focus on collaboration, sharing knowledge, career development and/or growth. For example, a service may enable you to create a profile that outlines your professional background and career goals, allowing you to connect with potential employers or professional connections.

This class of services pose limited risks to young people and it was not the intent of section 63D of the Act to include these services.

Paragraph (e): services that have the sole or primary purpose of supporting the education of end-users

[Subject to Minister's Approval] Paragraph 5(1)(e) provides that services with the sole or primary purpose of supporting education of users are not age-restricted social media platforms.

A service will not be an age-restricted social media platform if the sole or primary purpose of the service allows young people to access tools that support learning and education.

The sole or primary purposes of supporting the education of users should be determined by considering the experience of end-users of the service, rather than how its purpose might be characterised by the service provider.

Features of these services typically enable educators to distribute course materials, manage and track assignments and facilitate communication through announcements and discussion forums. Young people may also be able to use these services to access resources, submit work, collaborate with peers, and receive feedback on their work.

While these services are often integrated with other tools such as video conferencing, messaging and the ability to post material on the service, if their sole or primary purpose is to support the education of users, it poses limited risk to young people and is not intended to be captured by paragraph 63D of the Act.

Paragraph 5(1)(e) is also not intended to capture services that merely contain educative content rather than have the sole or primary purpose of supporting the education of users. For example, supporting the education of users is unlikely to be the sole or primary purpose of a video platform that hosts an array of content, but also includes tutorial-style videos covering history, science and math. While containing educational content, supporting educations of users is unlikely to be the sole or primary purpose of the service and the service would be considered an age-restricted social media platform subject to the minimum age obligation in section 63D of the Act.

Paragraph (f): services that have the sole or primary purpose of supporting the health of end-users

[Subject to Minister Approval] Paragraph 5(1)(f) provides that services with the sole or primary purpose of supporting the health of users are not age-restricted social media platforms. The sole or primary purpose of these services is to support users in managing and improving health. Paragraph 5(1)(f) is intended to capture access to both physical and mental health support.

The sole or primary purpose of supporting the health of users should be determined by considering the experience of end-users of the service, rather than how its purpose might be characterised by the service provider.

These services are distinct from other services for their explicit focus on physical and mental health and are designed with dedicated features for health and wellbeing outcomes. For example, their features may enable users to track personal goals using activity trackers and in-app journals, access curated health information from evidence-based articles and connect with peers through moderated forums.

These features improve access to physical and mental health support and pose limited risk to young people. It is not intended that services with the sole or primary purpose of supporting the health services be captured by the minimum age obligations in paragraph 63D of the Act.

Paragraph (g): services that have a significant purpose of facilitating communication between educational institutions and students or students' families

[Subject to Minister Approval] Paragraph 5(1)(g) provides that services with a significant purpose of facilitating communication between educational institutions and students or students' families are not age-restricted social media platforms. Paragraph 5(1)(g) is intended to capture early childhood, primary, secondary and tertiary education.

The significant purpose of facilitating communication between educational institutions and students or students' families should be determined by considering the experience of end-users of the service, rather than how its purpose might be characterised by the service provider.

These services are distinct from other services as the significant purpose of the service is to streamline administrative and educational interactions, enabling young people to get the educational support they need. Features may include messaging, announcements and integrated calendar and event scheduling capabilities to keep all parties informed of academic deadlines and allow young people to easily connect with teachers and stay updated on school events and their academic progress.

It is not intended that services with a significant purpose of facilitating communication between educational institutions and students or students' families be captured by the minimum age obligation in paragraph 63D of the Act. These features improve access to educational support for young people and their families and pose limited risk to young people.

Paragraph (g): services that have a significant purpose of facilitating communication between providers and users of health care services

[Subject to Minister Approval] Paragraph 5(1)(h) provides that services with a significant purpose of facilitating communication between providers and users of health care services are not age-restricted social media platforms. Paragraph 5(1)(f) is intended to capture physical and mental health care services.

The significant purpose of facilitating communication between providers and users of health care services should be determined by considering the experience of end-users of the service, rather than how its purpose might be characterised by the service provider.

Such services typically incorporate a range of features to support interactions between patients and health care professionals. For example, these services may provide telehealth consultation tools to facilitate virtual appointments via video or audio calls. Users may also be able to access prescription management features, allowing users to request refills virtually and receive electronic prescriptions. Additional features may include secure messaging for confidential exchanges of text, images and documents regarding appointments, test results and health advice.

These services are distinct for their explicit focus on facilitating communication between providers and users of health care services. It is not intended that these services be captured by the minimum age obligations in paragraph 63D of the Act. Features of these services improve access physical and mental health care services for young people and pose limited risk.

Subsection 5(2) Provision and generation of advertising material

Subsection 5(2) provides that platforms that would otherwise meet the classes specified in subsection 5(1), do not fall under the ‘not age-restricted social media platform’ definition on the basis of an argument that the purpose of such a service is to sell advertising or generate revenue from advertising sales. This aligns with Subsection 63C(3) in the Act.

Attachment B**STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS**

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Online Safety (Age-Restricted Social Media Platforms) Rules 2025

The *Online Safety (Age-Restricted Social Media Platforms) Rules 2025* (the Rules) are compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Rules

The Rules support the operation of the *Online Safety Amendment (Social Media Minimum Age) Act 2024* (SMMA Act) by allowing children and young people under the age of 16 to continue to have and create accounts with the specified services that predominantly provide experiences grounded in connection, education, health, professional development, and support. In particular, the Rules provide exemptions for services that:

- a) have the sole or primary purpose of enabling end-users to communicate by means of messaging, voice calling or video calling
- b) have the sole or primary purpose of enabling end-users to play online games with other end-users
- c) have the sole or primary purpose of enabling end-users to share information (such as reviews, technical support or advice) about products or services
- d) end-users use solely or primarily for business or for professional development
- e) have the sole or primary purpose of supporting the education of end-users
- f) have the sole or primary purpose of supporting the health of end-users
- g) have a significant purpose of facilitating communication between educational institutions and students or students' families
- h) have a significant purpose of facilitating communication between providers of health care and people using those providers' services.

Human rights implications

The Rules engage the following rights:

- The principle that the best interests of a child shall be a primary consideration in actions concerning children in Article 3 of the *Convention on the Rights of a Child* (CRC).
- The right of the child to engage in play and recreational activities and to participate freely in cultural and artistic life in Article 31 of the CRC.
- The right to the highest attainable standard of physical and mental health, enshrined in Article 12 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR).

Principle that the best interests of the child shall be a primary consideration

Article 3(1) of the CRC provides that in all actions which concern children, the best interests of the child shall be a primary consideration. The principle requires legislative, administrative

and judicial bodies to take active measures to protect children's rights, promote their wellbeing and consider how children's rights and interests are or will be affected by their decisions and actions. The Rules support the best interests of the child by not unduly restricting access to services while safeguarding from harms and ensuring young people have continued access to beneficial online activities, including connection with friends and family, access to community and support services, and participating in public life.

Right of the child to engage in play and recreational activities and to participate freely in cultural and artistic life

Article 31 of the CRC recognises the right of children to rest and leisure, to engage in play and recreational activities, and to participate freely in cultural life and the arts. States should support appropriate and equal opportunities for cultural, artistic, recreational and leisure activity. Importantly, Article 31 provides that the right of engagement in recreational activities should be appropriate to the age of the child. The Rules maintain opportunities for young people to connect with each other, by directing them towards specified classes of services that have lower risks of harm, including harm from the addictive nature of social media algorithms, and exposure to harmful content.

Right to the highest attainable standard of physical and mental health

Article 12(1) of the ICESCR recognises the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Article 12(2d) provides the right to the creation of conditions which would assure access to all medical service and medical attention in the event of sickness. The Rules support children and young people's access to medical services and health care by allowing continued access to any online services which have the sole or primary purpose of supporting the health of end-users or facilitating communication between providers of health care and people accessing their service. This includes access to mental health, counselling and other medical support.

The Rules also maintain children and young people's access to less harmful digital services (e.g. messaging, gaming) to promote connection without exploiting the vulnerabilities of young users, and reducing the risk of isolating young people from their family or friends.

Conclusion

The Rules are compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2022*, because it promotes the protection of human rights, particularly in consideration of the best interests of the child. This includes the right to engage in play and recreational activities and participate cultural and artistic life, and the right to the highest attainable standard of physical and mental health.

Any interference with human rights occasioned by the Rules is in pursuit of a legitimate objective. To the extent that it may limit human rights, those limitations are reasonable, necessary and proportionate to achieve the legitimate aims of the SMMA Act.

**The Honourable Anika Wells MP
Minister for Communications**

From: Irwin, Andrew
Sent: Wednesday, 2 July 2025 5:18 PM
To: **s22(1)(a)(ii)** ; **s22(1)(a)(ii)** ; **s22(1)(a)(ii)**
Cc: **s22(1)(a)(ii)** ; **s22(1)(a)(ii)** ; **s22(1)(a)(ii)** ; VANDENBROEK, Sarah; **s22(1)(a)(ii)** ; 'Julie Inman Grant'; **s22(1)(a)(ii)**
Subject: RE: Following up with confidential draft rules as context to advice [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Hi **s22(1)(a)**

Thank you for eSafety's feedback on the draft Explanatory Statement, just wanted to get back to you to let you know where it went, and apologies for the delayed reply.

We agree with and have implemented the majority of your suggested changes to the draft ES, particularly around eSafety's research and clarifying sole/primary and significant purpose.

We sought to include as many of your suggestions as possible, but there are a few of your suggestions where this wasn't possible, or we had to do it in a different way, most notably:

- Detailing the benefits of classes of services in the Rules. **s42**

we have kept the focus on reducing these harms.

Thank you for your suggested text on reducing the risk of certain harm in the gaming section – that was adopted and carried through the other categories.

- Referencing specific platforms that will be included in the Rules. **s42**

think it's a good point, so we are

instead preparing a separate resource (outside of the ES itself) to provide further guidance on what services will be excluded through the rules. We haven't settled on what form this will take yet – possibly a media release, or a page on the department's website. We'll keep you posted.

I talked **s22(1)(a)(ii)** through the point on specific platforms yesterday, but happy to discuss further.

The Rules and ES are currently with the Minister for agreement. We will let you know once these have been finalised and if there are any consequential changes.

Cheers,
Andrew

Andrew Irwin (he/him)

Assistant Secretary • Online Safety Branch
• Digital Platforms, Safety and Classification Division

Andrew.Irwin@infrastructure.gov.au

P **s22(1)(a)(ii)** • **M** **s22(1)(a)(ii)**

GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts
CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS

I am part time – working 9.30-4.30 Monday and Tuesday, 9-2.30 on Wednesday, and regular hours on Thursday and Friday.

*I would like to acknowledge the traditional custodians of this land on which we meet, work and live.
I recognise and respect their continuing connection to the land, waters and communities.
I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.*

Ngunnawal Country



OFFICIAL:Sensitive

From: s22(1)(a)

Sent: Wednesday, 25 June 2025 3:31 PM

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Transport, Regional Development, Communications, Sport and the Arts

From: Google Calendar <calendar-notification@google.com> on behalf of s47F @snapchat.com>
Sent: Thursday, 13 February 2025 7:02 PM
To: Age Assurance Trial
Subject: Accepted: Snap | Targeted consultation on the draft Online Safety (... @ Mon Feb 17, 2025 3:30pm - 4:15pm (GMT+11) (Age Assurance Trial)
Attachments: invite.ics

Henry Turnbull has accepted this invitation.

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Hi s47 and s47F

Thank you for agreeing to meet with us to discuss draft rules to be made under the new social media minimum age laws.

Background

The Online Safety Amendment (Social Media Minimum Age) Act 2024 (SMMA Act) introduces a requirement that certain social media platforms prevent Australians under 16 years from having an account on their service.

This requirement applies to 'age-restricted social media platforms', a new term introduced by the SMMA Act. While the definition of this term casts a wide net, the Minister for Communications can narrow the scope through legislative rules.

The Government has stated that, in the first instance, these rules will be used to exclude the below services from the minimum age obligation:

- * Messaging
- * Online games

Attachments

Error! Filename not specified. Discussion Paper - Onli...

Error! Filename not specified. Exposure Draft - Onlin...

* Apps that primarily function to support health and education

* YouTube

Consultation

To give effect to these exclusions, we have developed the draft Online Safety (Age-Restricted Social Media Platforms) Rules 2025 (the draft Rules).

The department is seeking direct feedback from select stakeholders with particularly strong interests and/or relevant expertise. In this regard, we would welcome a virtual meeting with Snap to discuss the issues raised in the consultation paper.

In the course of this meeting, we are seeking views on:

* whether the draft Online Safety Rules are appropriately targeted;

* potential implementation challenges; and

* whether any other classes of services should be incorporated into the Rules, having regard to the risks and benefits they provide to young people.

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Video ID: 138 105 490 4

More info

For organisers: Meeting options | Reset dial-in PIN

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When

Monday Feb 17, 2025 · 3:30pm – 4:15pm (Eastern Australia Time - Sydney)

Location

MS Teams | 5.009 Uluru, Room - Nishi - 5.009 Uluru (Cap 08, Webex)

[View map](#)

Guests

Age Assurance Trial - organizer

s47F [REDACTED] - creator

s22(1)(a)(ii) [REDACTED] @communications.gov.au

s47F [REDACTED]

Irwin, Andrew

s22(1)(a)(ii) [REDACTED]

s22(1)(a)(ii) [REDACTED]

s22(1)(a)(ii) [REDACTED]

s22(1)(a) [REDACTED] @esafety.gov.au - optional
... [REDACTED]

[View all guest info](#)

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OFFICIAL**Australian Government****Department of Infrastructure, Transport,
Regional Development, Communications and the Arts**

Online Safety Rules – Services excluded from the social media minimum age obligation

Discussion Paper

February 2025**OFFICIAL**

Released under the FOI Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

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Table of Contents

Purpose	3
Excluded classes of services and platforms	3
Messaging services	4
Online gaming services	4
Services that primarily function to support the health and education of end-users	5
YouTube	5
Other services that shouldn't be subject to the minimum age	6

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Purpose

On 29 November 2024, the Online Safety Amendment (Social Media Minimum Age) Bill 2024 (the Bill) was passed by the Federal Parliament. The Bill introduces the minimum age obligation into the *Online Safety Act 2021* (the OSA), which requires in-scope social media platforms to prevent Australians under the age of 16 from having an account.¹

The new requirements apply to 'age-restricted social media platforms', a term defined in the OSA. While the definition casts a wide net, the Minister for Communications can narrow the scope through legislative rules.²

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) is seeking views on draft Online Safety Rules that enable certain services to be excluded from the social media minimum age obligation. These services currently include:

- Messaging
- Online games
- Apps that primarily function to support health and education
- YouTube

The Online Safety Rules would allow children and young people to continue to have and create accounts with the specified services. This paper also seeks feedback on the proposed exclusion of services and what other considerations should be incorporated into future Rules, having regard to the risks and benefits they provide to young people.

Discussion questions are included throughout this paper to guide comments (with a consolidated list at the conclusion of this paper). Interested parties may wish to provide responses to some or all of the questions.

Stakeholder feedback from targeted consultation will inform the final design of the Online Safety Rules, which the Minister proposes to make by mid-2025. This timeframe would provide certainty to young people, parents and industry, ahead of the minimum age obligation coming into effect (in or before December 2025). It will also allow for in-scope services to implement the obligation to apply age assurance methods to prevent Australian persons under 16 years from holding an account with their service.

The legislation determined account ownership as the threshold of the minimum age obligation in the interests of avoiding adverse commercial outcomes for Australian businesses who use social media as a business interface, if broader access were restricted (such as restricting access even in the logged-out state).

Excluded classes of services and platforms

The Bill introduces a minimum age obligation on 'age-restricted social media platforms'. Under section 63C, a platform is an age-restricted social media platform if it meets the following conditions:

- the sole purpose, or a significant purpose, of the service is to enable online social interaction between 2 or more end-users
- the service allows end-users to link to, or interact with, some or all of the other end-users
- the service allows end-users to post material on the service.³

However, a platform is not an age-restricted social media platform if it is specified as excluded in rules made by the Minister for Communications (paragraph 63C(6)(b) of the OSA).

¹ Further information about the Bill is available on the Department's website: [Online Safety Amendment \(Social Media Minimum Age\) Bill 2024 – Fact sheet](#)

² Legislative rules are a type of delegated legislation, made by a minister (or other person) to whom Parliament has given law-making authority. Other examples of delegated legislation are regulations and ordinances.

³ The Minister may make legislative rules that impose additional conditions for the purposes of this definition.

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Using rules to take certain platforms out of scope of the minimum age obligation allows the Government to be responsive to changes in the social media ecosystem. It gives the Minister flexibility to rule out specific platforms or classes of platforms, as deemed appropriate in meeting community expectations around harm minimisation for young people. In particular, the legislative rules can help provide young people with continued access to platforms and services that predominately provide experiences grounded in connection, education and support.

During the development of the Bill, the Department conducted extensive consultation with young people, parents, mental health professionals, legal professionals, community and civil society groups, state and territory first ministers, and industry representatives. The draft Online Safety Rules and the services they propose to exclude from the minimum age obligation have been developed based on feedback received during these previous stakeholder engagements.

Messaging services

Throughout previous consultation, preferences for what kinds of services should be in scope for the minimum age obligation differed, but messaging services were widely believed to provide benefits of connection that outweigh the risks of harm to young people from those services. Feedback indicated that denying access to messaging apps could also have broader negative consequences, such as making communication within families harder.

The draft Online Safety Rules provide for messaging services to be excluded from the minimum age obligation, framed as:

services that have the sole or primary purpose of enabling end-users to communicate by means of messaging

The introduction of a sole or primary purpose test in the rule is intended to limit the scope of the exclusion. This is a narrower test than a 'significant' purpose, and means that only those apps that are primarily dedicated to messaging would be excluded. For example, it would not facilitate an exclusion for Snapchat, in its current form. While Snapchat supports messaging, it also contains social networking features such as Stories and Snap Map that are core features to the service. As such, messaging is unlikely to be a sole or primary purpose of the platform.

Examples of messaging services that would likely fall within the above category include WhatsApp and Signal. As a standalone app, Facebook Messenger is also likely to meet the definition (noting that currently, access is restricted to account holders on Facebook, an age-restricted social media platform).

While there are known risks of ill intended contact through messaging platforms, these are addressed through other existing mechanisms in the OSA, and powers under the *Criminal Code Act 1995*, such as those that criminalise using a carriage service to 'groom' persons under 16 years of age.

Discussion questions – messaging services

- 1.1. Do you consider the rule on messaging services to be appropriately targeted?
- 1.2. Why or why not?
- 1.3. What implementation challenges (if any) do you foresee with this rule on messaging services?

Online gaming services

Online games are currently regulated under the National Classification Scheme. The Scheme provides information on the age suitability of online games through a combination of the classification and relevant consumer advice. Imposing additional age-based regulation to online games would create unnecessary regulatory overlap.

The draft Online Safety Rules therefore provide for online gaming to be excluded from the minimum age obligation, framed as:

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services that have the sole or primary purpose of enabling end users to play online games with other end-users

As with messaging, the sole or primary purpose test in the rule limits the scope of the exclusion, ensuring that platforms that offer games as an insignificant aspect of their services are not scoped out. For example, Facebook hosts the game Words with Friends. As the hosting of this game is not a sole or primary purpose of Facebook, it would not be excluded under this rule.

As drafted, the rule would exclude games such as Roblox, Fortnite and Minecraft. The rule is also likely to exclude Steam (a gaming distributor with some chat functionality), Xbox Network and PlayStation Network.

Discussion questions – online games

- 2.1. Do you consider the rule on online games to be appropriately targeted?
- 2.2. Why or why not?
- 2.3. What implementation challenges (if any) do you foresee with this rule on online games?

Services that primarily function to support the health and education of end-users

The draft Online Safety Rules would take out of scope services that function in a similar way to social media in their interactivity, but operate with a significant purpose to enable young people to get the education and health support they need. This will help to focus the new legislative framework on retaining many of the benefits of social media for young people, while minimising the dangers.

On this basis, the draft Online Safety Rules currently provide for the following types of services to be excluded from the minimum age obligation:

services that have the sole or primary purpose of supporting the education of end users;
services that have the sole or primary purpose of supporting the health of end users;
services that have a significant purpose of facilitating communication between educational institutions and students or students' families;
services that have a significant purpose of facilitating communication between providers of health care and people using those providers' services.

These rules would likely exclude apps such as Seesaw, Google Classroom, ReachOut PeerChat, and Kids Helpline's MyCircle.

Discussion questions – health and education

- 3.1. Do you consider the rule on health and education services to be appropriately targeted?
- 3.2. Why or why not?
- 3.3. What implementation challenges (if any) do you foresee with this rule on health and education services?

YouTube

Based on research undertaken by the eSafety Commissioner, YouTube has consistently ranked as one of the top digital services used by children and young people in Australia. While the platform undoubtedly functions as a source of entertainment and leisure, it is an important source of education and informational content, relied on by children, parents and carers, and educational institutions. This contrasts substantially with other

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content streaming services, which are predominantly used by young people to view short-form entertainment content.⁴ On this basis, the proposed Online Safety Rules exclude YouTube from the minimum age obligation.

Discussion questions – YouTube

- 4.1. Do you support YouTube being excluded from the minimum age obligation (i.e. young people should be able to have YouTube accounts)?
- 4.2. Why or why not?
- 4.3. Are there any unintended consequences of excluding YouTube?

Other services that shouldn't be subject to the minimum age

Stakeholder views are sought on whether other services (classes or specific platforms) should be incorporated into the Online Safety Rules, and therefore exempt from the minimum age obligation. The Government is particularly interested in ensuring that children and young people continue to have access to services that support connection, creativity and curiosity, without exposing children to serious online harms that is the central purpose of the SMMA.

Discussion questions – other services

5. What other classes/types of services (if any) should be excluded from the minimum age obligation (i.e. young people should be able to have accounts with those services)? Why?

⁴ eSafety Commissioner, 'Consultations with young people to inform the eSafety Commissioner's Engagement Strategy for Young People', 2021