



# Online Safety Amendment (Social Media Minimum Age) Bill 2024 – Fact sheet

On 10 September 2024, the Hon Anthony Albanese MP, Prime Minister, [announced](#) that the Australian Government would introduce legislation to enforce a minimum age for access to social media as a handbrake on harms.

The Online Safety Amendment (Social Media Minimum Age) Bill 2024 (the Bill), which was passed by Parliament on 29 November 2024, gives effect to this commitment. It puts the onus on social media platforms, not parents or young people, to take steps to ensure fundamental protections are in place. This is about protecting young people – not punishing or isolating them – and supporting parents when it comes to overseeing their children’s health and wellbeing.

The Bill will amend the *Online Safety Act 2021* (the Act) to:

- Require age-restricted social media platforms to take reasonable steps to prevent Australians under 16 years old from having accounts (the minimum age obligation),
- Introduce a new definition for ‘age-restricted social media platform’ to which the minimum age obligation applies, alongside rule-making powers for the Minister for Communications to narrow or further target the definition,
- Provide for the delayed effect of the minimum age obligation of no later than 12 months after Royal Assent,
- Specify that no Australian will be compelled to use government identification (including Digital ID) for age assurance purposes, and platforms must offer reasonable alternatives to users,
- Establish robust privacy protections, placing limitations on the use of information collected by platforms for the purposes of satisfying the minimum age obligation, and requiring the destruction of information following its use,
- Provide powers to the eSafety Commissioner and Information Commissioner to seek information relevant to monitoring compliance, and issue and publish notices regarding non-compliance,
- Impose maximum penalties of up to 150,000 penalty units (currently equivalent to \$49.5 million) for a breach of the minimum age obligation by corporate actors,
- Increase maximum penalties of up to 150,000 penalty units for corporate actors for breaches of industry codes and standards, to reflect the seriousness of the contravention, consistent with community expectations, and
- Incorporate a range of other minor measures and consequential amendments to give effect to this.

# Setting a minimum age for social media

The Bill specifies a minimum age of 16 years for access to age-restricted social media platforms – there is a growing body of evidence to suggest that by 16, young Australians are beyond the most vulnerable stage of adolescence.

Noting variation exists across individuals, a UK study published in 2022<sup>1</sup>, which examined longitudinal data from more than 17,400 participants, found adolescent social media use is predictive of a subsequent decrease in life satisfaction for certain developmental stages including for girls aged 11 to 13 years old and boys 14 to 15 years old.

## Regulated entities and regulated activity

The Bill introduces an obligation on ‘age-restricted social media platforms’ to which the minimum age obligation applies. The definition casts a wide net to ensure the minimum age obligation applies broadly to the range of services commonly understood to be social media. At the same time, there is flexibility to reduce the scope, or further target the definition through legislative rules. In the first instance, the Government proposes to use the rule-making power to exclude messaging, online games, services that primarily function to support the education and health of end-users, and YouTube.

Under the Bill, a platform is an ‘age-restricted social media platform’ if (section 63C):

- 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, and
- it meets such other conditions (if any) as are set out in the legislative rules.

However, the legislative rules can also specify that a platform, or class or platforms are *not* in scope.

Age-restricted social media platforms must be able to demonstrate having taken ‘reasonable steps’ to prevent age-restricted users from ‘having an account’. At a minimum, this will likely require platforms to introduce some form of age assurance.

### Age Assurance Technology Trial

The Australian Government announced \$6.5 million in the 2024-25 Budget for the development of a technical trial of age assurance technologies to determine effectiveness, maturity, and readiness for use in the Australian context.

The outcomes of the trial will provide advice to Government, the eSafety Commissioner and industry to inform what reasonable steps are with the current market. The trial outcomes are likely to be instructive for regulated entities, and will form the basis of regulatory guidance issued by the Commissioner.

The trial is being conducted by the Age Check Certification Scheme and is independent of Government – for more information on the technology trial, please visit [www.ageassurance.com.au](http://www.ageassurance.com.au).

Australians under the age of 16 will be unable to have an account with an age-restricted social media platform in their own right. This also applies to existing account holders under the minimum age. However, they will not be prevented from accessing content on an age-restricted social media service in a ‘logged out’ state (i.e. without logging into an account or profile).

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<sup>1</sup> [Windows of developmental sensitivity to social media | Nature Communications](#)

### **Example scenario 1**

Sally, who is 14 years old, currently has a TikTok account. On the commencement of the minimum age obligation, TikTok will be required to deactivate Sally's account if she is still under the age of 16 years.

### **Example scenario 2**

Waheed is 15 years old and regularly uses YouTube for leisure and for research on school projects. On the commencement of the minimum age obligation, Waheed will still be able to use YouTube, both logged out and through his own account.

### **Example scenario 3**

Isobel is an adult who owns a small business, selling boutique crocheted goods. She uses Facebook as her business landing page. As Facebook allows viewers to access business information without first requiring them to log in, it is unlikely the business's online 'foot traffic' would be affected.

## Privacy safeguards

In practice, satisfying the minimum age obligation will require platforms to undertake some form of age assurance on account holders. While assurance techniques vary, and for many will involve use of data that has already been provided to the platform, some involve the capture of new information or data for the purposes of age assessment.

The Bill incorporates strong protections for personal information collected by platforms for age assurance purposes. These privacy safeguards impose obligations on platforms to ringfence and destroy any information collected, with serious penalties applicable for breach of these requirements. Platforms must not use information collected through age assurance methods for any other purpose, unless explicitly agreed by the user. This agreement must be voluntary, informed, current, specific and unambiguous.

The Bill also includes two information protecting provisions, that:

- empower the Minister to exclude specified types of information being collected and used by platforms for the purposes of meeting the minimum age obligation, and
- specify that platforms must not collect government-issued identification or require the use of Digital ID (provided by an accredited service, within the meaning of the *Digital ID Act 2024*), unless a reasonable alternate means is also offered.

In effect, this means that no Australian will be compelled to use government identification (including Digital ID) for age assurance on social media. Collectively, these measures minimise the impact of the minimum age framework on Australians' privacy. They place the power squarely in the hands of users, allowing them to minimise data handling (only 'assure once'), and ensure they are well-placed to make informed decisions about what information platforms can ask for and how it is used.

### **Example scenario 4**

Upon signing up for an account with Discovery<sup>2</sup> (an age-restricted social media platform), Rebecca was prompted to provide details about her age. The platform did not seek Rebecca's consent to use that personal information for any other purpose, but has since used it to curate advertising content to Rebecca. This use of the personal information is not permissible and would be considered an interference with Rebecca's privacy for the purposes of the *Privacy Act 1988*. As a result, Discovery could face serious penalties.

### **Example scenario 5**

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<sup>2</sup> A fictional social media service for the purposes of this scenario.

To address the above situation, Discovery introduces new terms of service, setting out that they can use any information supplied by account holders for targeted advertising. This approach is still unlikely to meet the threshold of consent being voluntary, informed, current, specific and unambiguous. The use of the information would still be an interference of privacy, and could give rise to penalties.

#### **Example scenario 6**

Raj also decides to sign up for Discovery. In setting up his account, he is directed towards using Digital ID and not given any other option for demonstrating he is over 16. This would constitute a breach of the information protection under section 63DB and be subject to significant penalties.

## Penalties

The Bill imposes significant penalties for breaching the minimum age obligation. A breach by a provider will be subject to a maximum penalty of 30,000 penalty units (currently equivalent to \$9.9 million). This increases to 150,000 penalty units (currently equivalent to \$49.5 million) if the provider is a body corporate, due to the application of section 82 of the *Regulatory Powers (Standard Provisions) Act 2014* (Regulatory Powers Act).

Equivalent penalties apply for breaches of the information protection provisions.

The Bill will also increase maximum civil penalties in the Online Safety Act for:

- non-compliance with a direction to comply with industry codes; and
- non-compliance with industry standards.

Penalties will rise from 500 to 30,000 civil penalty units. For bodies corporate, this increases to 150,000 penalty units.

The penalty amounts are intentionally large, which reflects the significance of the harms the Bill is intended to safeguard against. Maximum civil penalties equivalent to \$49.5 million for bodies corporate also brings Australia in line with the online safety maximum civil penalties in Ireland, the European Union and the UK.

## Commencement

All provisions of the Bill commence the day after Royal Assent. However, the new section 63E of Part 4A provides for the delayed effect of no later than 12 months for the minimum age obligation. Deferred effect is intended to provide industry and the eSafety Commissioner with sufficient time to develop and implement appropriate systems, to ensure both the regulator and the regulated sector are set up for success.

## Review

The Bill incorporates a review of the legislation within two years of effective commencement. The review provides the Government with an opportunity to recalibrate policies, if required, to be proportionate to changed behaviours – of both social media platforms and young people.

It will allow time to recognise any technological advancements since commencement, consider privacy provisions, the definition of an age-restricted social media platform, and whether other digital platforms such as online games or additional social media platforms that can be viewed without an account, should be captured within scope.