

s22(1)(a)(ii)

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Monday, 16 September 2024 11:44 AM

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

Cc: <[s22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s22(1)(a)(ii)@pmc.gov.au)>; Joanna Abhayratna <joanna.abhayratna@pmc.gov.au>

Subject: Social Media Age Limit OIA24-08210 [~~SEC-PROTECTED, CAVEAT-SH:CABINET~~]

Dear Andrew,

Regarding: Online Safety (Social Media Age Limit) Amendment Bill (OIA Ref. No. OIA24-08210)

We are writing to you in relation to the Online Safety (Social Media Age Limit) Amendment Bill which we understand may be introduced in the spring sittings of Parliament. As foreshadowed in Minister Rowland's correspondence of 11 September 2024 to the Prime Minister (MS24-001726), we would like to confirm that an Impact Analysis (IA) under the Australian Government's Policy Impact Analysis Framework is required. The IA must successfully

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complete a Second Pass assessment before the Bill is introduced, the approval of which we understand to be the 'final decision' for this proposal under the IA framework.

We are aware that related work under the age assurance pilot has been undertaken. It would be useful to understand its interaction with this Bill and if an evaluation report has been completed on that pilot, particularly its potential as an [Impact Analysis Equivalent](#) under the IA Framework. (Please refer p 47 of our Guide: <https://oia.pmc.gov.au/resources/guidance-impact-analysis/australian-government-guide-policy-impact-analysis>)

We would welcome more detail on the proposal, including advice on whether the Bill will include key parameters (i.e. obligation details, commencement date, threshold age limits, etc) and whether it will be released as an exposure draft for public consultation prior to introduction.

We are keen to 'get the ball rolling' to support you and welcome the opportunity to meet to discuss at your earliest convenience. We would be very happy to schedule training with your team, depending on your familiarity with the IA framework.

We have posted additional information on the IA requirements and process below.

Please let us know if any of the information above is inaccurate (or if it changes) and also quote "OIA24-08210" in the subject line of any email to the OIA help desk to ensure we can assist you promptly.

Kind regards,

s22(1)(a)(ii)

Adviser | Office of Impact Analysis
Department of the Prime Minister and Cabinet

p. 02 6271 s22(1)

e. s22(1)(a)(ii) @pmc.gov.au

Additional information on the IA requirements and process

The [Australian Government Guide to Policy Impact Analysis](#) ('the Guide') is the starting point for understanding the information and analysis that will be required in the IA. The Guide highlights the key principles of impact analysis and how to document these in the IA. The IA will need to address the seven questions set out in the Guide. The Guide is supplemented by several [Guidance Notes](#), which provide greater detail on aspects of the impact analysis process.

In addition to overall impacts for each option, the IA should explore any compliance burden for affected businesses, individuals or organisations. Any change in compliance costs resulting from a proposal must be quantified – the Guide provides an outline (pages 27-29) of the costing methodology. There is also a Guidance Note on the [Regulatory Burden Measurement framework](#).

Although the Australian Government does not currently host a regulatory cost calculator, you may wish to access an Excel-based calculator on the [Queensland Treasury website](#). However, if used, please ensure the discount rate in the 'Summaries' tab is set to zero.

Agencies are invited to submit their IA for OIA assessment at key stages in the policy development process. In general, this will include:

1. **Informal drafts** (optional) – to assist your initial development of the IA, we are happy to review and discuss informal drafts. These are not formally assessed by us, so there is no need to provide a certified copy, but engaging us at an early stage often helps address issues before further assessment stages, streamlining the overall process.
2. **Early assessment** (optional, but best practice) – At the early assessment stage, the IA is intended to be capable of informing an in-principle policy decision, as well as supporting external consultation. Accordingly, an early assessment can be undertaken once you have completed the first four IA questions, quantified regulatory costs and planned the consultation process. Formal early assessment requires certification at the Deputy Secretary (or equivalent) level, or the level at which authority has been delegated through prior agreement between your agency and the OIA.
3. **Final assessment (required)** – Please note, second pass final assessment must occur before any final decision on the proposal (final decision includes, for example, the earlier full public announcement, or introduction of legislation). Failure to complete this stage renders the IA insufficient. The final assessment is the formal, two-stage assessment of the adequacy of the IA by the OIA. The IA, addressing all seven questions, should include certification at the Deputy Secretary (or equivalent) level confirming that, in their view, the IA meets the Australian Government's requirements. A template for this letter can be found [here](#). The OIA will respond within five business days, setting out its views on the quality of the impact analysis and any improvements that could be made. Once these comments have been addressed, an agency must resubmit the IA for second-pass final assessment by the OIA. The OIA will then make a final assessment of the quality of the impact analysis. This second assessment will also be made within five days.

The OIA is available to assist on any specific issues that may arise over the course of the policy development process, and in the course of preparing the IA. We recommend consulting the [Get Started](#) page on our website for an overview of the Impact Analysis process.

s22(1)(a)(ii)

From: s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>
Sent: Wednesday, 25 September 2024 8:16 PM
To: s22(1)(a)(ii) <[redacted]@pmc.gov.au>; s22(1)(a)(ii) <[redacted]@pmc.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s22(1)(a)(ii) <[redacted]@INFRASTRUCTURE.gov.au>; s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>;
s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>; s22(1)(a)(ii) <[redacted]@INFRASTRUCTURE.gov.au>;
s22(1)(a)(ii) <[redacted]@COMMUNICATIONS.gov.au>; Irwin, Andrew <[redacted]@INFRASTRUCTURE.gov.au>
Subject: Impact Analysis Equivalency [~~SEC-PROTECTED, CAVEAT-SH.CABINET~~]

~~PROTECTED, SH.CABINET~~

Hi s22(1)(a)(ii),

As discussed with the Age Assurance Trial Taskforce on Monday, we are seeking your support to undertake an Impact Analysis Equivalency process in relation to our work on legislation to enforce a minimum age for accessing social media, in order to meet the timeline for our s34(2), s34(3), s47C [redacted]

Please find attached four documents for your consideration.

- South Australian Report of the Independent Legal Examination into Banning Children’s Access to Social Media
- BETA Rapid Literature Review – Young people and social media – September 2024
- Queensland Chief Health Officer – Position statement on social media and the mental health and wellbeing of young Queenslanders
- DITRDCA Age Assurance Trial Stakeholder Roundtables Summary

We look forward to your assessment of the attached documents, including understanding any analytical gaps that we can consider.

Thank you,

s22(1)(a)(ii)

Director • Age Assurance Trial Taskforce • Online Safety Branch • Digital Platforms, Safety and Classification Division
s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>

P +61 2 6136 s22(1)(a)(ii) • M s22(1)(a)(ii)
GPO Box 594 Canberra, ACT 2601

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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.*

~~PROTECTED, SH: CABINET~~

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s22(1)(a)(ii)

From: s22(1)(a)(ii) @infrastructure.gov.au>
Sent: Tuesday, 24 September 2024 3:45 PM
To: VANDENBROEK, Sarah <Sarah.Vandenbroek@infrastructure.gov.au>
Cc: Age Assurance Trial Taskforce s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii) s22(1)(a)(ii) @infrastructure.gov.au>; Irwin, Andrew s22(1)(a)(ii) @INFRASTRUCTURE.gov.au>
Subject: RE: Age limits: OIA exemption letter update [~~SEC-PROTECTED, CAVEAT-SH:CABINET~~]

~~PROTECTED, SH:CABINET~~

Hi Sarah

We have actioned s22(1)(a)(ii) request for a new paragraph to be added to address analytical gaps in the s47C

Separately, we met with OIA this afternoon to discuss our options. s47C

In order to meet the s34(2) s47C

- a) draft Impact Analysis,
- b) draft Impact Analysis Equivalent, or
- c) s47C

OIA advised that we consider undertaking an Impact Analysis Equivalency process, whereby we submit relevant documentation to OIA to be assessed against the IA criteria.

We can progress these two pathways in parallel to give the greatest chance of delivering s47C s34(2)

This would look like:

- s47C
- **Impact Analysis Equivalency:** The process to seek an IAE is:

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- o Email OIA attaching the French Report, BETA Report, QLD Health Minister Report and Age Assurance Trial Stakeholder Roundtable Summary seeking agreement for an Impact Analysis Equivalency.
- o OIA will give us in-principle approval to seek an IAE (final to be cleared by Dep Sec). This OIA approval satisfies our obligations and allows us to progress s47C s34(2)
- o OIA's response will highlight the gaps in our analysis (which of the 7 questions the reports do not satisfy). We would need to submit additional documentation by the final policy decision date, s47C . The final batch of equivalency documents would be publicly available on the OIA website.

Recommendation:

Based on OIA advice and considering our condensed timeframes, we propose to undertake both the exemption and Impact Analysis Equivalency processes in parallel. s47C

although it would potentially be subject to FOI.

Can you please confirm:

1. If you are happy for us to progress the two approaches in parallel, we will send the above documents to OIA ASAP to get the process started.
2. If James is comfortable being the decision maker for an Impact Analysis Equivalency (IAE) process.

Kind regards

s22(1)(a)(ii) s22(1)(a)(ii)

Age Assurance Taskforce • Digital Platforms, Safety and Classification Division

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I do not work on Thursdays and Fridays

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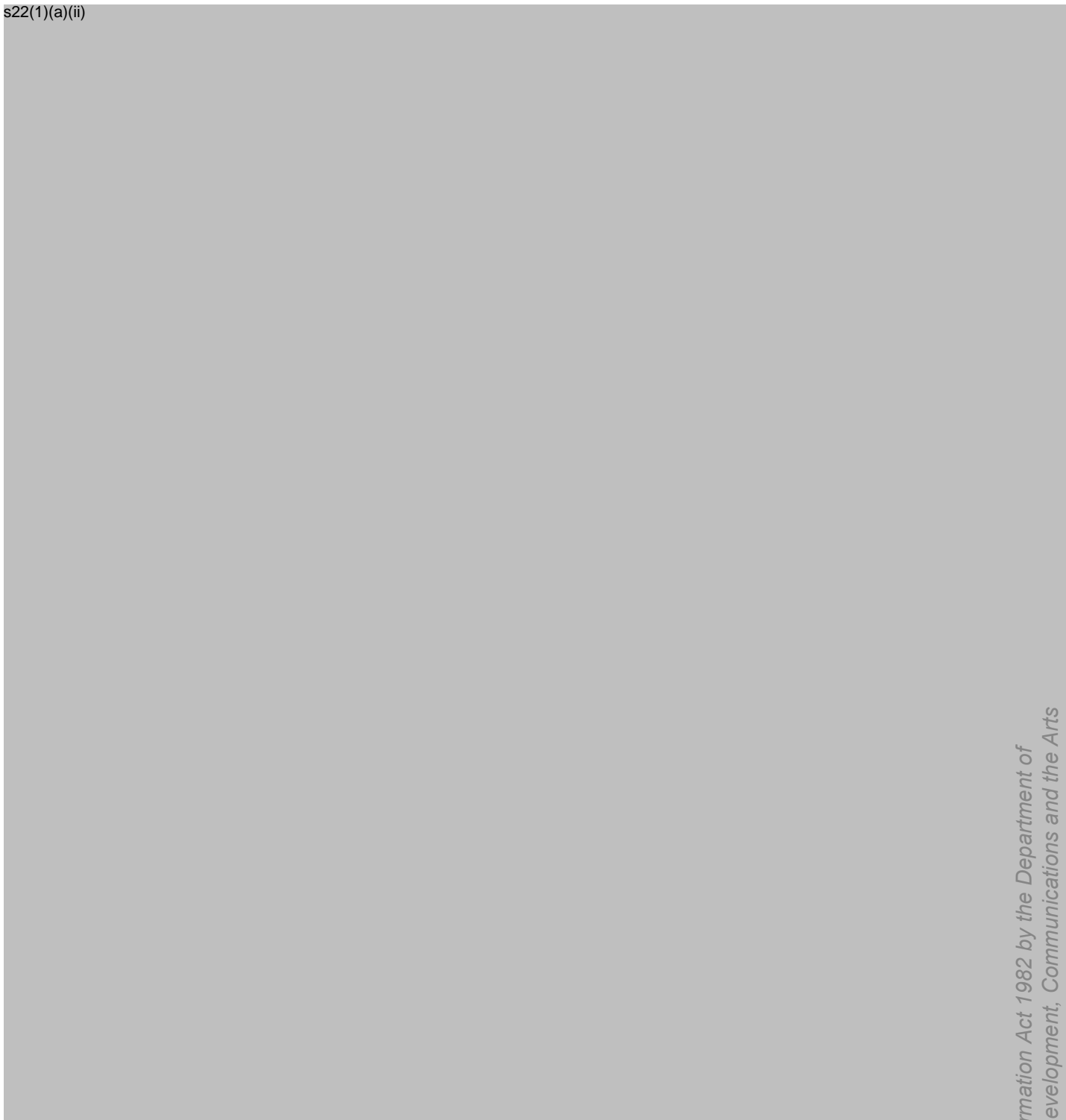
*I acknowledge the traditional custodians of this land on which we meet, work and live.
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s22(1)(a)(ii)

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Page 7 has been removed under section 22(1)(a)(ii) of the *FOI ACT 1982*.

s22(1)(a)(ii)



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From: s22(1)(a)(ii) <[redacted]@pmc.gov.au>
Sent: Friday, 27 September 2024 11:07 AM
To: s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s22(1)(a)(ii) <[redacted]@pmc.gov.au>; s22(1)(a)(ii) <[redacted]@INFRASTRUCTURE.gov.au>; s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>; s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>; s22(1)(a)(ii) <[redacted]@COMMUNICATIONS.gov.au>; Irwin, Andrew <[redacted]@INFRASTRUCTURE.gov.au>
Subject: Impact Analysis Equivalency OIA24-08210 ~~[SEC-PROTECTED, CAVEAT-SH:CABINET]~~

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~~PROTECTED//CABINET~~

Hi ^{s22(1)(a)}
(ii)

Thank you for providing the documentation for OIA's consideration [of an Impact Analysis Equivalent \(IAE\) process](#). For the purposes of an IAE, the OIA does not assess the adequacy of the analysis contained in an IAE but does assess whether the options analysed in the certified documents are relevant to the policy proposal. The OIA also assesses the IAE for the coverage of the seven IA questions.

I can advise that the materials attached to your email (and ^{s22(1)(a)(ii)} subsequent email for *DITRDCA Age Assurance Trial Stakeholder Roundtables Summary - Roundtables*) can be used as the basis for an IAE process, if supplementary materials can be prepared to support the certification. The requirements for the supplementary material are include in column 3 in the attached 'OIA IAE Assessment' document. These matters should be covered in a supplementary document included with the formal certification letter (see certification template attached).

On the process going forward, this is a summary of how the IA requirements can be met [under](#) the IAE process:

Stage 1 - ^{s34(2)} . OIA considers this an interim decision point.

^{s47C}

Stage 2 - ^{s47C} OIA considers this an interim decision point.

^{s47C}

Stage 3 – Agreement on residual issues (i.e. all key policy parameters will be set). Date unknown but likely end October. OIA considers this as the final decision point and the IAE certification process must be completed prior to this point.

Will either be ^{s47C}

^{s47C}

^{s47C}

If the final decision is made ^{s47C} compliance with the Government's IA framework can be achieved by including the certified materials as attachments to the correspondence.

Please let us know if we have misinterpreted these steps (or if they change).

Should you be interested in progressing with this IAE process, ^{s22(1)} and I would be happy to provide training and support to your team in the preparation of the supplementary materials.

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Best

s22(1)
(a)(ii)

s22(1)(a)(ii) | Senior Adviser (A/g)

Office of Impact Analysis

Economic Division | Department of the Prime Minister and Cabinet

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One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



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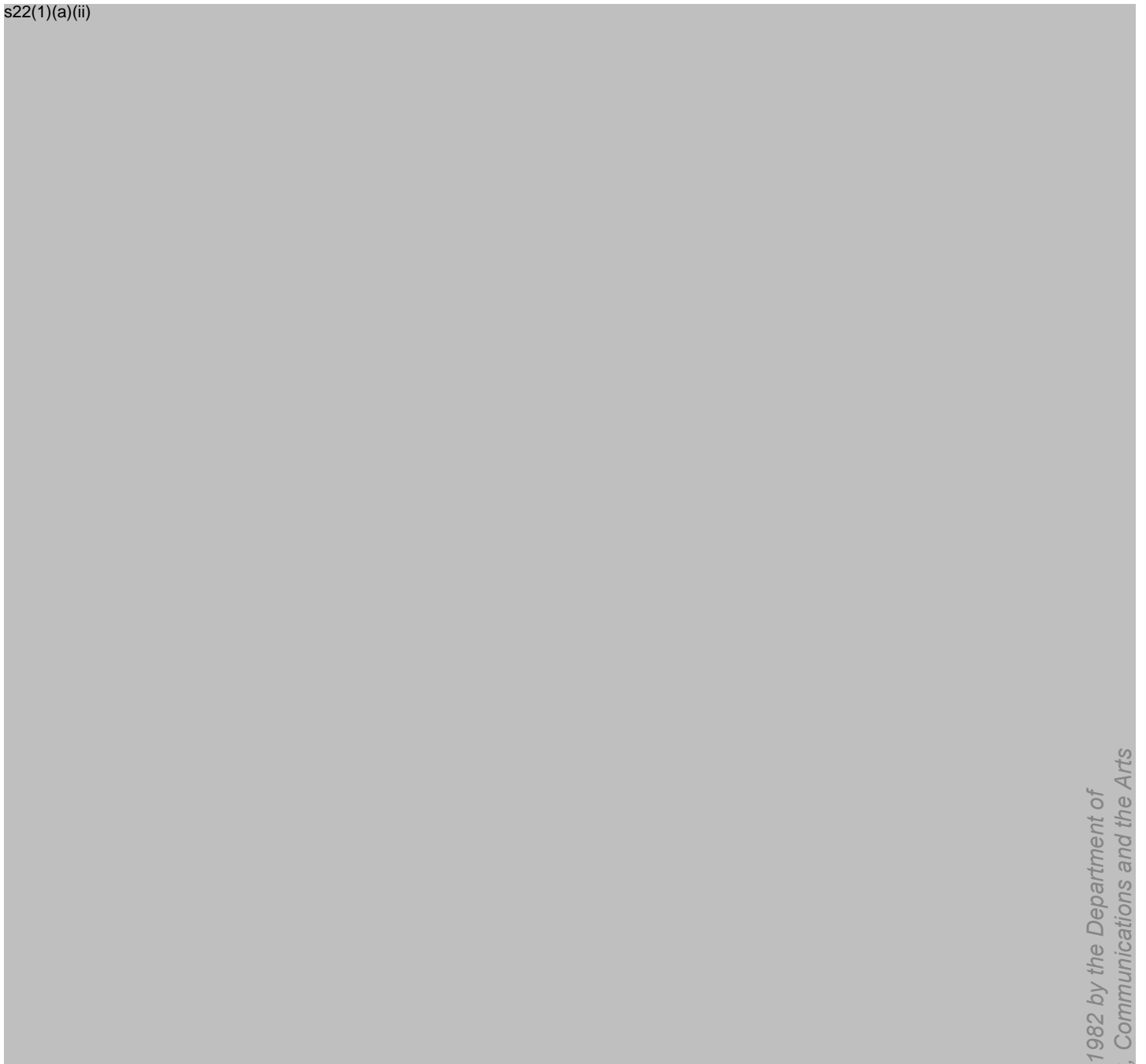
Duplicate to Document 2



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Page 11 has been removed under section 22(1)(a)(ii) of the *FOI ACT 1982*.

s22(1)(a)(ii)



~~PROTECTED~~

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Friday, 11 October 2024 5:26 PM

To: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>

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Cc: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>

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s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@communications.gov.au](mailto:s22(1)(a)(ii)@communications.gov.au)>;

s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s22(1)(a)(ii)@pmc.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s22(1)(a)(ii)@pmc.gov.au)>; Irwin, Andrew

s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>

Abhayaratna, Joanna <Abhayaratna, Joanna@pmc.gov.au>

Subject: RE: Impact Analysis Equivalency OIA24-08210 [~~SEC - PROTECTED, CAVEAT - SH: CABINET~~]

Hi s22(1)(a)(ii)

Thank you so much for your time this afternoon.

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We would be grateful to confirm that DITRDCA are comfortable proceeding and are progressing with the simplified Impact Analysis Equivalent (IAE) process for this proposal s47C ahead of introduction of the legislation in November.

As discussed, under this process you would only need to certify existing reports with additional analysis responding to IA questions four and seven in order to fulfil the IA requirements. In the case of the IAE, the OIA does not assess the quality of reviews and documents used in lieu of an IA. IAE are assessed for relevance to the recommended options and for the coverage of the seven IA questions only.

Looking forward to hearing back from you, please let me know if you have any concerns with this approach.

Have a great weekend!

s22(1)(a)(ii)

CEEAll – Team 2 | Office of Impact Analysis
Department of the Prime Minister and Cabinet

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s22(1)(a)(ii)

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Pages 14 to 17 have been removed under section 22(1)(a)(ii) of the *FOI ACT 1982*.

From: s22(1)(a)(ii)
Sent: Tuesday, 15 October 2024 4:15 PM
To: s22(1)(a)(ii)
Cc: s22(1)(a)(ii)
Subject: RE: Further information on jurisdiction under Privacy Act [SEC=OFFICIAL]

OFFICIAL

Other thing to note on Question 7 of the Impact Analysis is that the Bill would require a statutory review of the provisions within 2 years. So that effectively answers the question of 'how will we evaluate the impacts'. Have a look at the RIS/IA for when the OSA came in (in 2022, should be published on OIA website) and then you can potentially copy what was written about the statutory review there (let me know that doesn't make sense).

s22(1)(a)(ii)

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

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OFFICIAL

From: s22(1)(a)(ii)
Sent: Tuesday, 15 October 2024 3:36 PM
To: s22(1)(a)(ii)
Cc: s22(1)(a)(ii)
Subject: RE: Further information on jurisdiction under Privacy Act [SEC=OFFICIAL]

OFFICIAL

Amazing! Thanks s22(1)(a)(ii)

OFFICIAL

From: s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>
Sent: Tuesday, 15 October 2024 2:48 PM
To: s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>, s22(1)(a)(ii)
 s22(1)(a)(ii) [@COMMUNICATIONS.gov.au](mailto:s22(1)(a)(ii)@communications.gov.au)>
Cc: s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>, s22(1)(a)(ii)

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s22(1)(a)(ii) @INFRASTRUCTURE.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>

Subject: FW: Further information on jurisdiction under Privacy Act [SEC=OFFICIAL]

OFFICIAL

s22(1)(a)(ii)

Thanks to s22(1)(a)(ii), AGD has shared the RIS/IA they did on a Bill in 2022 that included age assurance requirements on social media platforms. They've done the costings, so I think we can pretty much copy and paste a lot of what they had in there (with some minor updating)!

s22(1)(a)(ii)

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

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OFFICIAL

From: s22(1)(a)(ii) @ag.gov.au>

Sent: Tuesday, 15 October 2024 2:24 PM

To: s22(1)(a)(ii) @INFRASTRUCTURE.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>

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

Cc: s22(1)(a)(ii) @ag.gov.au>

Subject: RE: Further information on jurisdiction under Privacy Act [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

**OFFICIAL: Sensitive
Legal Privilege**

Not a problem at all – OPC should already have a copy of the Bill anyway 😊

I've attached the impact analysis where we had assumed approximately 20,800,000 users will need to have their age assured, and that each of these users have 4 social media accounts. We had costed it at \$0.64 per check, and at that time it was an average of the costs of age assurance s47G(1)(a)

This seems still fairly accurate – Meltwater estimate 20.8 million Australians use an average of 6.1 social media services a month <https://www.meltwater.com/en/blog/social-media-statistics-australia>. I note where services are under the same parent company (eg Meta) I imagine this would reduce the checks that need to be done.

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Pages 20 to 25 have been removed under section 22(1)(a)(ii) of the *FOI ACT 1982*.

s22(1)(a)(ii)

[Redacted]

From: s22(1)(a)(ii)

Sent: Wednesday, 16 October 2024 2:07 PM

To: s22(1)(a)(ii)

Cc: s22(1)(a)(ii)

Subject: Impact Analysis Equivalent - help us get help ~~[SEC-PROTECTED]~~

~~PROTECTED~~

Hi s22(1)(a)(ii)

s22(1)(a)(ii)

[Redacted]

A proposed path forward:

s22(1)(a)(ii) and I are throwing our ideas into the document today, including costings from AGD's RIS and the 2021 OSA RIS (thanks all for sharing).

s22(1)(a)(ii)

[Redacted]

Happy to chat 😊

s22(1)(a)(ii)


s22(1)(a)(ii)

Senior Policy Officer • Age Assurance Trial Taskforce • Online Safety Branch • Digital Platforms, Safety and Classification Division

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

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s22(1)(a)(ii)



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From: s22(1)(a)(ii)
Sent: Monday, 25 November 2024 10:15 AM
To: s22(1)(a)(ii)
Subject: FW: Social media age limits - Dep Sec certification of IAE [SEC-PROTECTED, CAVEAT-SH:CABINET]

~~PROTECTED, SH:CABINET~~

~~PROTECTED, SH:CABINET~~

From: s22(1)(a)(ii)
Sent: Tuesday, 22 October 2024 10:10 AM
To: s22(1)(a)(ii) @infrastructure.gov.au>
Subject: RE: Social media age limits - Dep Sec certification of IAE [SEC-PROTECTED, CAVEAT-SH:CABINET]

~~PROTECTED, SH:CABINET~~

Hi s22(1)(a)

Further to s22(1)(a) email below. The Impact Analysis Equivalent and draft letter to OIA is now ready for James to review/clear and I will bring it up shortly.

I wanted to flag that following a meeting yesterday afternoon the MO, s47C This won't significantly impact the IAE document, so James can review/comment/clear the document and we can make minor adjustments to the document s47C. Let me know if you have any concerns.

Many thanks

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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.*

~~PROTECTED, SH:CABINET~~

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

Impact Analysis Equivalent Supplementary Analysis

OIA24-08201: Social Media Age Limit

October 2024



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1. Policy problem and available data

1.1 Data generalisability and key data gaps

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This is strong. Suggest leaving as is.

Available data is highly generalisable to the problem in Australia

Data from South Australia is highly generalisable to the Australian context and the broader problem identified by the Australian Government. South Australia, and the data analysed for the report, provides a generally representative sample of Australia – metropolitan, regional and remote populations; First Nations people as a proportion of population (2.4 per cent compared to 3.8 per cent for Australia¹); and communities including LGBTIQ+, people with disabilities and Culturally and Linguistically Diverse (CALD).

Additionally, the New South Wales (NSW) Government conducted a Have Your Say survey on social media use and impacts in August and September 2024. The results were published by the NSW Government in October 2024². These results provide additional data to prove the extent of the problem exists not only in South Australia, but NSW too, hence can be generalised across all of Australia. These results also fill a data gap on public sentiment and community concerns about the status quo – 87 per cent of survey respondents said they support an age limit for social media.

Data from the United States (US), United Kingdom (UK) and European Union (EU) is also generalisable due to their significant cultural alignments with Australia. Australia and the UK have an Online Safety and Security Memorandum of Understanding for bilateral cooperation between the two countries to support safer and more positive experience online, emphasising the linkages for online safety policy.

International data is advantageous as it is likely to be more advanced than research available in the Australian context. Data from the UK and EU in particular is more advanced due to advancements in regulatory activity for large digital platforms and significant funding for research on the impact of social media design elements, such as algorithms.

Data gaps

Data gaps exist on an international level, rather than specific to the Australian context. The Queensland Report highlights the need globally for more research to understand how social media impacts child and adolescent development. It states that while there is a gap in the correlative evidence of the harms of social media on young people, this may be in part due to major social media services choosing not to share their own market and user impact research. This absence of quality data on a global scale could be addressed through increased transparency of data held by social media services and on the functionality and impact of their content recommendation algorithms.

1.2 Key cohorts

Young people

Young people and children as a group are particularly vulnerable to the effects of online harm, and understanding their experiences is critical to effective prevention and intervention. From research conducted by the department in the National Online Safety Survey 2022, we know that children are becoming exposed to

¹ [Estimates and Projections, Aboriginal and Torres Strait Islander Australians, 2011 to 2031 | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au)

² [Have Your Say - Social media use and impacts \(nsw.gov.au\)](https://www.nsw.gov.au)

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internet access at an increasingly younger age, particular through the use of portable devices such as smart phones, and were experiencing negative online behaviours.³

The department engaged directly with young people and heard that social media allows them to connect and feel socially included. It can be an entry point to health and mental health support, a creative outlet, or platform for legitimate children's programming. Social media provides an avenue to access news and connection, particularly for LGBTQI+, First Nations, CALD, neurodivergent and regional/remote youth.

But young people also understand the need for protection, as they are being impacted by content and design of social media services. Research by eSafety found almost two-thirds of 14 to 17-year-olds have viewed extremely harmful content online including drug abuse, suicide or self-harm, as well as violent and gory material. The design of social media services has evolved to feed addictive behaviours to drive engagement – endless scrolling, content recommendation systems that send users down 'rabbit holes', and notifications demanding attention at all hours of the day.

The proposal to introduce a minimum age for social media will reduce harms (such as cyber bullying, body image issues, eating disorders and addiction to scrolling) that arise from young people having negative experiences online. Research shows that the impact of these harms is greater on younger teens. By restricting access, these harms would be reduced as older teens may have better capacity to understand the nature of harm and seek help at the appropriate time.

Adolescent girls and transgender youth

Adolescent girls and transgender youth are disproportionately impacted by online harassment and abuse, which is associated with negative emotional impacts (e.g., feeling sad, anxious or worried).⁴⁵ Research indicates that nearly 6-in-10 adolescent girls report they have been contacted by a stranger on certain social media platforms in ways that make them feel uncomfortable.⁶ In addition, social media may also perpetuate body dissatisfaction, disordered eating, social comparison, and low self-esteem, especially among adolescent girls.⁷ A Position Statement from the QLD Chief Health Officer also points to the different ways that social media use negatively impacts young boys and girls, stating: "Studies have also raised concerns that comparing themselves to images and videos on social media platforms can lead to body dissatisfaction and eating disorders in adolescent girls, potentially resulting in significant mental health problems. But deteriorating mental health trends are also apparent in boys."⁸

For these reasons, introducing a minimum age for access to social media is likely to have a positive impact on all young people under the minimum age, but particularly for girls and transgender youth. It will also have the added benefit of combatting other gendered harms, such as sextortion, which is most often experienced by young boys.

Young First Nations people

Addressing the incidence and impact of online harms is a critical part of supporting digital inclusion for First Nations Australians, however social media use and experiences in First Nations communities is still under-researched, and current research presents mixed results. The First Nations Digital Inclusion Report noted research suggests that Aboriginal and Torres Strait Islander people use social media at rates higher than non-

³ [National Online Safety Survey 2022](#)

⁴ [Sextortion of Minors: Characteristics and Dynamics - Journal of Adolescent Health \(iaonline.org\)](#)

⁵ [Social Media and Youth Mental Health \(hhs.gov\)](#)

⁶ Nesi, J., Mann, S. and Robb, M. B. (2023). Teens and mental health: How girls really feel about social media. San Francisco, CA: Common Sense.

⁷ Lonergan, A. R., Bussey, K., Fardouly, J., Griffiths, S., Murray, S. B., Hay, P., Mond, J., Trompeter, N., & Mitchison, D. (2020). Protect me from my selfie: Examining the association between photo-based social media behaviors and self-reported eating disorders in adolescence. *The International journal of eating disorders*, 53(5), 485–496. <https://doi.org/10.1002/eat.23256>

⁸ [Position Statement: Social Media and the Mental Health and Wellbeing of Young Queenslanders](#)

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Indigenous Australians, with those in remote communities also being high users of social media. Further, social media is a key communications mode and source of news and entertainment in communities. Any policy would need to balance the benefits and unintended consequences of the legislation on First Nations youth.⁹

Feedback received from the department's stakeholder engagement indicated that a large number of First Nations youth use social media and other digital messaging services to communicate. Any restriction on accessing social media could disproportionately affect First Nations youth.

However, instances of online harms, including racism and vilification, are also affecting First Nations youth. The Wiyi Yani U Thangani (Women's Voices) Report noted the increasing use of social media as a tool for bullying amongst young people, as direct and indirect racism manifests as bullying and online hate. Girls are 5 times more likely than boys to experience bullying through social media. First Nations children and young people may also be more exposed to bullying and intimidating behaviour online.¹⁰

Parents and carers

Through consultation roundtables with parents, carers and child-development experts, the department heard that parents are overwhelmed with the prospect of managing children's social media access, and are calling for a cultural and/or legal change.

Legislating an age limit for social media had strong majority support from parents and carers, with many supporting an age minimum of 16 years old. Some stakeholders suggested legislating an age limit now and deferring implementation of enforcement to the short-medium term.

In addition to an age limit, parents and carers told the department that digital literacy education for children and parents is critical. Parents need strategies to create healthy screen routines and support children to safely use technology.

Social media companies

Under the proposed legislation, the key principle of the Commonwealth's legislative approach is to place the onus on platforms, not parents or young people. It will be incumbent on the platforms to demonstrate they are taking reasonable steps to ensure fundamental protections are in place at the source. By design, social media companies will bear the significant majority of the regulatory burden and economic/financial impact of an age limit for social media.

The economic impact of the proposal will be primarily felt by social media companies that rely on revenue from advertisements and related content. It would also be a financial impost on these companies to implement technology that will assure their users' age and filter content accordingly. However, these economic benefits only existed at the cost of harms to young Australians, so the proposal is a net benefit to society.

Through the department's consultation with digital industry and peak bodies, there was broad recognition that responsibility for user safety sits at all levels of the tech stack – device level, app stores, and social media platforms and websites – therefore a multi-tiered approach to age assurance is required. Industry also emphasized the importance of alignment with international regulatory approaches when it comes to age assurance, to reduce their regulatory burden as they face age assurance regulations across the UK, EU and several US states. They also highlighted the importance of future proofing any policy or regulatory response,

⁹ [first-nations-digital-inclusion-advisory-group-initial-report.pdf \(digitalinclusion.gov.au\)](#)

¹⁰ [Wiyi Yani U Thangani Report \(2020\) | Australian Human Rights Commission](#)

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particularly as the digital environment in the near future could be very different to how users engage with platforms today.

2. Policy objectives, government intervention and how success will be measured

2.1 Characteristics of policies that can solve this problem at a Commonwealth level

The Australian Government is best placed to address and reduce the risks and harms young people experience from social media due to the ability to create a nationally consistent framework for all Australians. The Government has previously intervened to develop light touch mechanisms for the safety of children on social media platforms. The Children's eSafety Commissioner (now the eSafety Commissioner) started in 2015 to fight against online risks and harms faced by Australian children. The *Online Safety Act 2021* was brought in to strengthen and expand the laws for online safety to keep pace with technology and the threats Australians face from online harmful behaviour and toxic content.

While these measures were introduced to increase the accountability of social media platforms and insert further protections for children on social media, children continue to experience the risks and harms associated with online platforms.

Further intervention is needed to ensure that children are safeguarded from the risks and harms associated with social media. Self-regulation by social media platforms has led to an inconsistent approach to addressing these harms and is reliant on users to moderate content and the interactions of other users. Where content has been moderated by a user, it may still remain on a platform or shared via other platforms. For example, content that is designed by a user to intimidate or bully another user may be shared through direct messaging or other platforms resulting in a widespread dissemination. This is especially pertinent for children who are in the crucial stages of development of their social acumen.

2.2 Interactions with national and state and territory policies

s22(1)(a)(ii) Strong discussion here. Keep as is

National policies

The Australian Government is committed to keeping Australians safe online by reducing risks and harm. The Government has committed to introduce legislation by the end of 2024 to enforce a minimum age for access to social media.

Any regulation targeting age will require age assurance to enforce. The Government committed \$6.5 million in 2024-25 to develop a trial of age assurance technologies to protect children from harmful online content, which will test different implementation approaches to help inform policy design. The department is delivering the trial. Completing a trial implements one of the recommendations of the eSafety Commissioner's Roadmap for Age Verification.

The objective of the trial is to determine the effectiveness of available age assurance technologies as an option to:

- prevent access to online pornography by people under the age of 18; and
- age-limit access to social media platforms for an age range of between 13 and 16 years old.

There are three key elements to the trial:

- The technology trial: an independent assessment of age assurance technologies.

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- Research: including consumer research into Australian's attitudes towards the use of age assurance technologies for access to online services.
- Consultation: targeted stakeholder consultation with young Australians, parent groups, academics, the digital industry (including platforms), community and civil society groups, and First Nations representatives.

To ensure the Online Safety Act is fit for purpose, the Government brought forward the independent statutory review of the Online Safety Act 2021 by one year. The review is due for delivery to Government by 31 October 2024. The terms of reference for the review required a broad ranging examination of the Act.

The Government has also tasked industry to develop a voluntary code to keep users of online dating services safe. This code has been adopted and commenced on 1 October 2024 and will be enforced from 1 April 2025.

As part of the 2023-24 Budget, the Australian Government increased eSafety's base funding to \$42.5 million each year – up from \$10.3 million each year. This is \$132.1 million over the forward estimates to support the Commissioner's administration of the Act. This funding will not terminate. It is ongoing and indexed.

In October 2023 as part of the broader Protecting Australians Online funding package, the Government provided an extra \$6.7 million over four years from 2023-24 for eSafety to respond to increases in reporting of terrorist and violent extremist content stemming from the Israel-Hamas conflict.

In the October 2022 Budget, the Government provided \$6 million over three years to the Alannah and Madeline Foundation to deliver its digital and media literacy education products free in Australian schools.

State policies

On 7 September 2024, the Premier of South Australia announced a proposed ban on children under 14 years of age from accessing social media, and with parental consent at 14 and 15 years old. On 8 September 2024, the South Australian Government released the Hon Robert French AC's Report of the Independent Legal Examination into Banning Children's Access to Social Media, including draft legislation. The Report noted the potential benefits of a Commonwealth-led approach.

On 10 September 2024, the Premier of Victoria announced that Victoria will work with South Australia and the Commonwealth to introduce age limits for social media to protect children from harm and help parents. While Victoria was prepared to introduce state legislation, it will prioritise a nationally consistent approach and work with the Commonwealth to help deliver one set of clear rules to keep the tech giants in check. Victoria points to the model outlined by the Hon Robert French AC as a common-sense starting point.

On 10 and 11 October 2024, NSW and South Australia co-hosted a 2-day Social Media Summit. It brought together experts, policymakers, academics and young people to explore key areas including the impacts of social media on children and young people, online safety, social media's role in disinformation and misinformation, addressing online hate and extremism and how social media is changing the way government delivers services.

While the South Australian Government has a position on the minimum age, the NSW Government does not have an official position. The NSW Government is open to restricting social media use but is awaiting the summit's findings before committing to reform. However, the Premier of New South Wales has stated his support for a minimum age of 16 and that his government will legislate this minimum age in the absence of Federal legislation.

Federal legislation is a logical step to ensure that all young Australians are better protected from online harms, and that parents and carers are supported in a nationally-consistent manner to keep their children safe.

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3. Policy options

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Strong discussion.

Option 1 - status quo

Currently in Australia there is no legislated minimum age for accessing social media. While social media services have minimum age requirements under their Terms of Service, there is still uncertainty and confusion among parents about when the 'right time' is to allow social media use, with parents often seeing age ratings as advisory rather than mandatory. Existing safeguards to protect children from the negative impacts of social media are not in step with community expectations.

There is also currently no enforcement of the required minimum age in social media services' Terms of Service. Industry standard practice is 'age-gating', where a user self-reports their age when entering a website or making an account. This may be done by entering a date/year of birth or answering a simple question such as 'are you over 13?'. Some major platforms, including Facebook, Instagram and TikTok implement stricter age assurance methods if a user later tries to change their age to be over 18 (Meta) or over 16 (TikTok).

The Government is separately (but relatedly) working on a trial of age assurance technologies to determine the effectiveness of available age assurance technologies for preventing children's exposure to online pornography and social media. At the completion of the trial, the Government will consider pathways to implement the trial's findings, including on social media services. Even if the Government chose not to legislate to enforce a minimum age for accessing social media now, pending the outcomes of the age assurance trial, age assurance is likely to be introduced for pornography and other adult content and will be considered for enforcing a minimum age on social media.

As discussed in section 1.2, the status quo is exposing young Australians to the risks and harms of social media. Social media services leverage the primary psychosocial drivers behind young people's use of social media – including entertainment, information seeking, social interaction, self-expression and escapism – to engage users and keep them on the service for long periods of time. Common design features that achieve this purpose include algorithms to tailor content, gamification to encourage regular participation, 'likes' to activate positive feedback neural activity, and endless scrolling or streaming to continuously display new content to users.

Young people's use of social media is a complex issue, for which the evidence base is still evolving. However, the addictive nature of social media services is one of the biggest concerns cited by young Australians in consultation with the department – in particular, the tendency for social media use to result in habitual, mindless engagement and 'doomscrolling'. Evidence suggests that young people who are using social media to seek mental health support are more susceptible to these behaviours, and increased frequency of social media use is associated with a greater risk of elevated symptoms of depression and anxiety.¹¹

Option 2 – minimum age of ^{s34(3)} with no parental consent (recommended)

Option 2 provides the most benefit to young Australians and their parents and carers to mitigate the risks and harms presented by social media.

The constant stream of information, updates and trending content on social media services can often result in young people experiencing the 'fear of missing out' (FOMO). Australians aged between 12 and 17 years old feel overt pressure to use social media so they are not left out of conversations or activities organised in group chats. A minimum age for social media would reduce the FOMO experienced by young people by changing the behaviours of the entire cohort, rather than only a few – teens won't feel pressured to be on social media if their friends aren't online either.

¹¹ [Adolescents online: Snapshot Series - Issue 5 | Growing Up in Australia](#)

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Parents and carers feel unsupported to make evidence-based choices about when their children should be on social media and are overwhelmed by pressure from their children and other families. Setting a minimum age removes ambiguity about when the 'right' time is for their children to engage on social media and creates a new social norm.

A minimum age ^{s34(3)} years old was chosen as it achieves the most effective balance between protecting children from harm and preventing their isolation, without imposing additional burden on parents or carers. Consultation undertaken by the department has highlighted support for a legislated minimum age to be somewhere between 14 and 16 years old, with some support for 18 years old. A minimum age ^{s34(3)} finds the best balance to meet the expectations of Australians to minimise the harms experienced by young people, while supporting their access to the benefits of these services.

Additionally, the US Surgeon General's Advisory on Social Media and Youth Mental Health states that "adolescent social media use is predictive of a subsequent decrease in life satisfaction for certain developmental stages including for girls 11–13 years old and boys 14–15 years old."¹² A minimum age ^{s34(3)} allows access to social media after most adolescents are outside this vulnerable stage.

As discussed in Option 3 below, including parental design in the policy design presents several additional regulatory and implementation problems. A minimum age ^{s34(3)} without parental consent is the recommended option for finding the best balance between Options 1 and 3.

Option 3 – minimum age of 14 with parental consent required at 14 and 15 years old (South Australian proposal)

Option 3 aligns with the South Australian Government's proposal. The South Australian Government has proposed to prohibit social media access for children aged under 14 and require parental consent for children aged 14 and 15 in South Australia. The Hon Robert French AC's Report included a draft Bill that could give effect to the proposal. South Australia conducted a YourSAy consultation on the draft Bill in September to October 2024.

This option is considered here as it is a useful comparison of an existing proposal in the Australian context and how this policy idea could likely be applied Australia-wide. However, the inclusion of parental consent in the design presents several regulatory and implementation problems beyond Option 2.

Legislating an age range for which access to social media may be granted only with parent or guardian consent would introduce administrative burden on already overwhelmed parents and guardians. It would also place the responsibility back on parents to determine the age at which their child can safely use social media. Such a model could also disproportionately impact children in unsafe homes, or those with difficult parental relationships.

Parental consent models create significant implementation challenges. Social media services would not only need to verify or assure the age of an end-user but also confirm the identity of the user, as well as establishing a connection between child and guardian. This would multiply the regulatory burden on Australians and social media companies and privacy concerns, compared to establishing the age of a single user.

¹² [Social Media and Youth Mental Health \(hhs.gov\)](https://www.hhs.gov/social-media-youth-mental-health)

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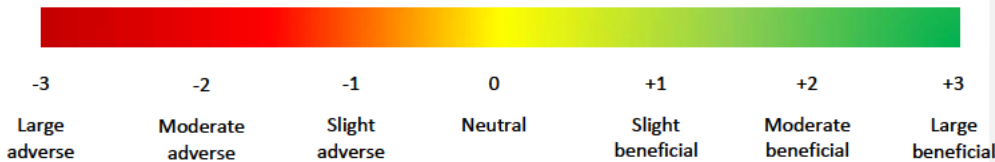
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4. Likely net benefit of options

4.1 Framework used to weigh the harms and benefits and key assumptions

It is difficult to determine the quantitative costs and benefits from the considered options due to the lack of available data provided by social media services. Noting the lack of available data, this IAE supplementary analysis uses qualitative analysis to determine the likely costs and benefits. The likely costs and benefits listed in section 4.3 are based on case studies, consultation undertaken by the department and research that explore the harms to young people and their families.

A multi-criteria analysis (MCA) is used to assist in creating a quantitative net-benefit for easing comparison between the considered options. The MCA uses a sliding scale for scoring with largely adverse impacts to stakeholders being rated as -3 and largely beneficial impacts to stakeholders being rated as +3.



| Stakeholder | Reform Option Rating | |
|----------------------------------|----------------------|------------|
| | Status Quo | Regulatory |
| Young People | -2 | +2 |
| Parents and Carers | -2 | +3 |
| Social media companies | 0 | -2 |
| Australians who use social media | 0 | -1 |

Based on the summation of the ratings in the MCA, the status quo is likely to result in a net benefit of -4. While it appears that social media companies and Australians who use social media are likely to experience a neutral impact from status quo, the severity of impacts to young people and parents and carers, particularly those from at-risk backgrounds, results in an overall negative net benefit to stakeholders.

Based on the summation of the ratings in the MCA, a regulatory option is likely to result in a net benefit of +2. The likely benefits resulting from a regulatory option to young people and their parents and carers are likely to outweigh the adverse impacts to social media companies and Australians who use social media.

4.2 Regulatory burden estimate

Costs for the chosen Option 2 and key assumptions about the process of implementing the social media age limit are outlined below.

For the purposes of this supplementary analysis, it is assumed that the social media age limit will apply to approximately 100 social media services, as consistent with the 'social media service' definition in the Online Safety Act. An hourly default rate of \$85.17 has been used.

s22(1)(a)(ii) Good work.

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Social media services would have implementation costs due to the requirement to enforce the minimum age. It is assumed that social media services will need to age assure for the majority of its existing users to ensure Australians ^{s34(3)} years old are not accessing their services, and to continue to allow access to Australians ^{s34(3)} who use social media services.

Implementation costs for social media companies to set up age assurance processes to meet enforcement requirements is assumed to be **\$681,360**. It is assumed that implementations costs would include 80 hours of staff time incurred by each of the 100 social media services.

It is assumed that assurance costs would be roughly **\$0.64** per check per user. This is the average cost between three known quotes from third-party age assurance providers (\$0.47–\$0.85 per person). It is assumed that approximately 20,800,000 users will need to have their age assured, that is, all Australians who use social media services including current users under the age ^{s34(3)}. It is assumed that each of these users will be age assured on 4 social media accounts – based on the assumption that many major social media services are under the same parent company (e.g. Meta), reducing the number of checks that need to be done. The total cost for social media services to assure the age of current users is estimated to be **\$53,248,000** for **83,200,000** total assurance checks

The implementation cost for social media services to assure the age of users is estimated to be **\$53,929,360**.

It is important to note that while this cost is based on information from third-party age assurance providers, it is not possible to provide a reasonably accurate estimate because age assurance is risk based, therefore different social media services may need to take different steps. Some larger social media services may develop in-house solutions while smaller social media services are likely to employ off-the-shelf solutions – such as third-party age assurance providers. The cost of age assurance is likely to change with technical advances (and become cheaper).

Business as usual costs for social media services to assure the age of new users is assumed to be **\$943,368 per annum**. It is assumed that business as usual compliance costs would include 2 hours of additional staff time per week incurred by each of the 100 social media services, for a total compliance cost of **\$885,768 per annum**. It is assumed that approximately 22,500 Australians, including people under the age ^{s34(3)} will (attempt) to sign up for 4 social media accounts each year. This totals 90,000 assurance checks that will need to be assured at **\$0.64** per check, for an age assurance check total of **\$57,600 per annum**.

4.3 Likely benefits, costs and impacts of options

As the likely impacts to key stakeholders from the regulatory options are largely similar, this supplementary analysis will consider the impacts of a status quo option and a regulatory option.

The status quo is a non-regulatory option, relying on social media platforms to either enforce their own terms of service minimum age (mostly 13 years old) or lawsuits in the US against major platforms for knowingly allowing children under their minimum age to access their service.

Status Quo

Young people

The likely benefits to young people of the status quo access to social media without an enforced minimum age is retained access to the ability to connect and feel socially included. Social media can be an entry point to health and mental health support, a creative outlet, or platform for legitimate children's programming. It provides an avenue to access news and connection, particularly for LGBTQI+, First Nations, CALD, neurodivergent and regional/remote youth.

However, there are potentially high costs to the status quo. The use of social media services has introduced new risks for young Australians, including exposure to inappropriate content, cyber bullying and online

s22(1)(a)(ii) AGD assumed 80 hours for social media companies implementing personal information requirements AND age assurance. No break down for just age assurance

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predators, and potentially contributing to adverse outcomes such as poor mental health outcomes, addictive behaviours and body image issues.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately to largely adverse impacts to young people. This results in a scoring of -2 in the above MCA.

Parents and carers

The likely benefits to parents and carers of the status quo is retaining their ability to choose the age their children access social media services at their discretion, such as based on the maturity of their child. No young person's use of social media is the same, and parent and carer's ability to chose their child's usage is a strong benefit of the status quo.

However, the costs of the status quo option are high, as parents and carers feel unsupported to make evidence-based choices about when their children should be on social media and are overwhelmed by pressure from their children and other families. Parents and carers have uncertainty about the content that their children are accessing and the people that are in contact with their children, which are potentially harmful situations for young people.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately to largely adverse impacts to parents and carers. This results in a scoring of -2 in the above MCA.

Social media companies

Social media companies will experience no notable benefits or costs in the status quo option. All existing social media users will likely continue using their services as they currently do, allowing social media companies to continue to benefit from advertising revenue. No enforcement of a minimum age will result in social media companies continuing to invest at their current rates in age assurance technologies.

As the status quo is unlikely to result in any change to the way social media companies operate, there is unlikely to be any noticeable impacts. This results in a scoring of 0 in the above MCA.

Australians who use social media

In 2024, approximately 20.80 million Australians, or 78.3 per cent of the population, use social media. The percentage of male and female social media users is almost equal, and Australians use on average 6.1 social media platforms every month.¹³

Australians who use social media will experience no notable benefits or costs in the status quo option. Access for users will remain unrestricted with no enforcement measures likely resulting in no new age assurance processes implemented by social media companies.

As the status quo is unlikely to result in any change to the way Australians who use social media interact with it, there is unlikely to be any noticeable impacts. This results in a scoring of 0 in the above MCA.

Regulatory**Young people**

The likely benefits to young people of a regulatory option is reduced risk of the harms social media services present to children. Young people would have much lower unintentional exposure to age-inappropriate and distressing content that is fed to them by social media algorithms. With a minimum age for access, young people will have a higher capacity and maturity to approach social media and engage with it in a lower risk manner.

¹³ [Social Media Statistics for Australia \[Updated 2024\] \(meltwater.com\)](https://www.meltwater.com)

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The cost of a regulatory option is any young people under the minimum age would lose access to the connection, community, education and mental health support that social media can offer. However, the proposed legislation would have an exemption framework to accommodate access to social media services that demonstrate low risk of harm, and once young people reach the minimum age they will have access to the remaining services.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately beneficial impacts for young people. This results in a scoring of +2 in the above MCA.

Parents and carers

Parents and carers would have large benefits from a regulatory option. Parents and carers are concerned about who and what their children are engaging with on social media, and are seeking regulatory intervention to address their concerns. Establishing an age limit for social media will help signal a set of normative values that support parents, carers and society more broadly. Parents and carers will no longer be the decision maker for their child to access social media, with a clearly legislated minimum age instead taking pressure of young people's 'pester power'.

The likely cost to parents and carers of a regulatory option is low. A legislation minimum age would remove parent and care's capacity to decide themselves if their child should be on social media at a younger age. However, feedback from this group indicates this is a minor concern compared to the costs discussed for the status quo option.

Based on the above likely impacts, it is reasonable to expect that there are likely to be large beneficial impacts for parents and carers. This results in a scoring of +3 in the above MCA.

Social media companies

Regulatory options would require social media companies to take reasonable steps to check the age of their users. Reasonable steps will be clarified in a regulatory instrument/guidance, but may involve adoption of age assurance technology that asks for some level of proof from a user to determine that there are above the minimum age. As shown in section 4.2, implementation of a regulatory option (including age assurance checks for all Australians using social media) would have an estimated financial impact of **\$53,929,360**.

However, some social media companies currently have age assurance methods in place and/or are investing in age assurance technologies for their services, so the financial and regulatory burden would not be severe for these companies.

As the regulatory option is will result in a change to the way social media companies operate, there are likely to be moderate to large adverse impacts. This results in a scoring of -2 in the above MCA.

Australians who use social media

As discussed above, regulatory options would require social media companies to take reasonable steps to check the age of their users. Legislated enforcement of a social media age limit may result in social media companies assuring the age of all Australians who use social media. Social media companies may instead choose to develop services that meet the threshold for exemption, allowing all Australians to access their services without undertaking age assurance.

Separately, the Government's age assurance trial is ongoing and will inform decisions around the technological maturity of age assurance methods.

As the regulatory option is likely to result in a change to the way Australians who use social media interact with it, there are likely to be slight adverse impacts. This results in a scoring of -1 in the above MCA.

s22(1)(a)(ii) Check this is the current approach

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5. Consultation

5.1 How feedback informed key elements of the policy design

Insights from states and territory governments helped inform the age, legislative model and supporting activities for the social media age limit. Feedback from states and territories was obtained through ongoing engagement with the department, including in relation to proposed state legislation and the Social Media Summit, and responses to the letter Prime Minister, the Hon Anthony Albanese MP, sent to premiers and chief ministers on 4 October 2024.

Feedback from the department’s stakeholder engagement on the age assurance trial helped inform the scope of social media services to be included in the age limit. Messaging services, for instance, were widely stated to have benefits of connection that outweigh the risks of harm to young people. Development of potential supporting activities was emphasised by stakeholders, particularly focused on education and mental health programs for at-risk young people. However, there was no consensus across stakeholders for the minimum age for access, so this decision could not be made on the basis of stakeholder consultation.

s22(1)(a)(ii) Include?

Feedback from industry stakeholders, including social media companies, informed the timeframes for commencement of the enforcement requirement. The proposed draft legislation will defer implementation of the measures by 12 months from Royal Assent to provide industry with sufficient time to implement required changes.

Holistically, feedback informed the exemptions framework to encourage behaviour change from social media platforms, rather than the age limit being a blunt instrument. The proposed legislation considers potential exemptions (subject to conditions) for social media services that can demonstrate they have implemented certain safety requirements. This approach from Government would push the platforms to take responsibility for children’s safety, and incentivise safe innovation for services that provide the benefits of access to social media while limiting the risk of harms.

Exempting services aligns with the overarching principle of this legislation to protect, not isolate, young people, by retaining access for those under the minimum age to low-risk social media services that will offer the benefits that arise from connection, education and access to support services. It also provides financial incentive for social media services to improve safety features (in order to demonstrate that sufficient steps have been taken to mitigate risk) and therefore recapture a younger market they may otherwise be excluded from.

5.2 Generalisability of South Australian consultation

The South Australian consultation process in developing their draft Bill consulted a wide variety of people. Importantly, the consultation process incorporated the perspectives of a diverse range of cohorts. This extends to people who were in metropolitan, regional and remote areas, people who identify as First Nations, LGBTQI+, people with disability and young people. The recency of the consultation process and incorporation of diverse perspectives, particularly from those at risk of harms on social media platforms, allow for the analysis to assist in informing the development of a nationally applicable framework.

6. Recommended option and implementation

6.1 How recommended option was identified

To identify the recommended option, this supplementary analysis incorporates the likely net benefit from the MCA, the regulatory burden estimate, the likely success in achieving the objectives of government and

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feedback from consultation and evaluation to develop a decision rule. This decision rule is then applied across the three options to identify the best option out of those considered.

Based on the decision rule, Option 2 has been identified as the recommended option.

6.2 Major steps in implementation

The first major step in implementation would be a delayed commencement of 12 months after Royal Assent to allow sufficient time for industry make the required changes. The findings from the age assurance trial will also assist implementation of the enforcement portion of the minimum age. The department and the eSafety Commissioner would also ensure relevant stakeholders (young people, parents and carers, and social media companies) are familiar with their new regulatory obligations, and the new tools that are available to them.

Beyond the commencement of the legislation, supporting activities such as education and mental health support as suggested by stakeholders, will be important for ensuring the policy intent of the social media age limit is achieved – to reduce the risks and harms to young Australians.

6.3 Implementation risks and how they can be managed

s22(1)(a)(ii) s47C

There are risks associated with restricting access to conventional social media services, given this may lead to children migrating to alternative or fringe services that are either unwilling or unable to moderate their users or content. For example:

- moving to online communications platforms that are difficult to regulate effectively, due to jurisdictional challenges, would reduce opportunities for law enforcement interventions; and
- inadvertently discouraging young persons to report possible instances of child sexual exploitation or abuse online to their parents/guardians or others, such as law enforcement authorities.

Care will need to be taken in implementation to ensure that any changes in young person behaviour and the online technology ecosystem due to legislated access restrictions does not enhance the ability for online predators to pressure and subsequently abuse or exploit young persons (e.g. through misinformation that access accountability rests with the young person rather than social media service providers). Supporting activities, which could include awareness campaigns and digital literacy education, will be important in addressing this risk.

Introducing legislation to enforce a minimum age for access to social media poses privacy risks. Meeting reasonable steps, for example by implementing age assurance, may incentivise social media services to collect, store and use additional personal information on individuals. Risks include concerns that social media service will use this information for commercial and harmful purposes, such as profiling individuals or feeding such data into recommender systems, and heightened risks of data breaches.

The age assurance trial is crucial to testing the effectiveness of age assurance technologies against a range of criteria, including accuracy, privacy and security. Additionally, consideration is being given to ensure the legislative design includes robust privacy safeguards. This includes requirements to adopt a data minimisation approach, use limitations for personal information collected for age assurance, and data destruction requirements.

There is a risk that legislation would encourage children to:

- use non-compliant services; or
- circumvent age assurance mechanisms (such as through VPNs) potentially resulting in being treated as adult users. This would lead to children not being afforded child-specific protections, including privacy protections, such as those in the proposed Children's Online Privacy Code, and protections services may offer to children in order to become exempt from the minimum age requirement.

To mitigate this risk, the age assurance trial is considering the appetite of individuals to use age assurance mechanisms, and the likelihood and ways children may circumvent age assurance mechanisms.

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While these risks are recognised, doing nothing is no longer an option. Online safety reform is a rapidly evolving space and there is unlikely to be a perfect solution that would satisfy everybody. Supporting measures to this legislation, which could include awareness campaigns and digital literacy education, would mitigate some of these concerns. Additionally, the inclusion of legislative design features such as exemptions for certain types of services, a statutory review process, and a 12 month deferral for implementation would incentivise social media services to improve safety for young Australian end-users of their services.

7. Evaluation

Implementation of the social media age limit is proposed to include a delayed commencement of 12 months after Royal Assent to allow sufficient time for industry make the required changes. The department and the eSafety Commissioner would lead a program of extensive stakeholder engagement to allow relevant stakeholders (young people, parents and carers, and social media companies) to familiarise themselves with their new regulatory obligations, and the new tools that are available to them.

Following the social media age limit coming into effect, the department and the eSafety Commissioner would monitor and evaluate the success of the policy. It is proposed that the legislation would be reviewed 2 years after implementation. The eSafety Commissioner would provide oversight and enforcement of the minimum age.

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

Impact Analysis Equivalent Supplementary Analysis

OIA24-08201: Social Media Age Limit

October 2024



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

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1. Policy problem and available data

The Australian Government is committed to keeping Australians safe online by reducing risks and harm. The Government has committed to introduce legislation by the end of 2024 to enforce a minimum age for access to social media. A Commonwealth-led approach to this important social issue will ensure Australian children are better protected from online harms and parents and carers are supported.

It builds upon the Government's work to address online harms for young people. The Government committed \$6.5 million in 2024-25 to develop a trial of age assurance technologies to protect children from harmful online content, which will test different implementation approaches to help inform policy design.

1.1 Data generalisability and key data gaps

Available data is highly generalisable to the problem in Australia

Data from South Australia is highly generalisable to the Australian context and the broader problem identified by the Australian Government. South Australia, and the data analysed for the Hon Robert French AC's *Report of the Independent Legal Examination into Banning Children's Access to Social Media*, provides a generally representative sample of Australia – metropolitan, regional and remote populations; First Nations people as a proportion of population (2.4 per cent compared to 3.8 per cent for Australia¹); and communities including LGBTIQ+, people with disabilities and Culturally and Linguistically Diverse (CALD).

Additionally, the New South Wales (NSW) Government conducted a Have Your Say survey on social media use and impacts in August and September 2024. The results were published by the NSW Government in October 2024². These results provide additional data to prove the extent of the problem exists not only in South Australia, but NSW too, hence can be generalised across all of Australia. These results also fill a data gap on public sentiment and community concerns about the status quo – 87 per cent of survey respondents said they support an age limit for social media.

Data from the United States (US), United Kingdom (UK) and European Union (EU) is also generalisable due to their significant cultural alignments with Australia. Australia and the UK have an Online Safety and Security Memorandum of Understanding for bilateral cooperation between the two countries to support safer and more positive experience online, emphasising the linkages for online safety policy.

International data is advantageous as it is likely to be more advanced than research available in the Australian context. Data from the UK and EU in particular is more advanced due to advancements in regulatory activity for large digital platforms and significant funding for research on the impact of social media design elements, such as algorithms.

Data gaps

Data gaps exist on an international level, rather than specific to the Australian context. The Queensland Report highlights the need globally for more research to understand how social media impacts child and adolescent development. It states that while there is a gap in the correlative evidence of the harms of social media on young people, this may be in part due to major social media services choosing not to share their own market and user impact research. This absence of quality data on a global scale could be addressed through increased transparency of data held by social media services and on the functionality and impact of their content recommendation algorithms.

¹ [Estimates and Projections, Aboriginal and Torres Strait Islander Australians, 2011 to 2031 | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au)

² [Have Your Say - Social media use and impacts \(nsw.gov.au\)](https://www.nsw.gov.au)

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s22(1)(a)(ii) FYI - these headings (and their order)

are the OIA 7 questions for impact analysis:

1. What is the policy problem you are trying to solve and what data is available?
2. What are the objectives, why is government intervention needed to achieve them, and how will success be measured?
3. What policy options are you considering?
4. What is the likely net benefit of each option?
5. Who did you consult and how did you incorporate their feedback?
6. What is the best option from those you have considered and how will it be implemented?
7. How will you evaluate your chosen option against the success metrics?

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1.2 Key cohorts

Young people

Young people and children as a group are particularly vulnerable to the effects of online harm, and understanding their experiences is critical to effective prevention and intervention. From research conducted by the department in the National Online Safety Survey 2022, we know that children are becoming exposed to internet access at an increasingly younger age, particularly through the use of portable devices such as smart phones, and were experiencing negative online behaviours.³

The department engaged directly with young people and heard that social media allows them to connect and feel socially included. It can be an entry point to health and mental health support, a creative outlet, or platform for legitimate children's programming. Social media provides an avenue to access news and connection, particularly for LGBTQI+, First Nations, CALD, neurodivergent and regional/remote youth.

But young people also understand the need for protection, as they are being impacted by content and design of social media services. Research by eSafety found almost two-thirds of 14 to 17-year-olds have viewed extremely harmful content online including drug abuse, suicide or self-harm, as well as violent and gory material. The design of social media services has evolved to feed addictive behaviours to drive engagement – endless scrolling, content recommendation systems that send users down 'rabbit holes', and notifications demanding attention at all hours of the day.

The proposal to introduce a minimum age for social media will reduce harms (such as cyber bullying, body image issues, eating disorders and addiction to scrolling) that arise from young people having negative experiences online. Research shows that the impact of these harms is greater on younger teens. By restricting access, these harms would be reduced as older teens may have better capacity to understand the nature of harm and seek help at the appropriate time.

Adolescent girls and transgender youth

Adolescent girls and transgender youth are disproportionately impacted by online harassment and abuse, which is associated with negative emotional impacts (e.g., feeling sad, anxious or worried).⁴⁵ Research indicates that nearly 6-in-10 adolescent girls report they have been contacted by a stranger on certain social media platforms in ways that make them feel uncomfortable.⁶ In addition, social media may also perpetuate body dissatisfaction, disordered eating, social comparison, and low self-esteem, especially among adolescent girls.⁷ A Position Statement from the QLD Chief Health Officer also points to the different ways that social media use negatively impacts young boys and girls, stating: "Studies have also raised concerns that comparing themselves to images and videos on social media platforms can lead to body dissatisfaction and eating disorders in adolescent girls, potentially resulting in significant mental health problems. But deteriorating mental health trends are also apparent in boys."⁸

For these reasons, introducing a minimum age for access to social media is likely to have a positive impact on all young people under the minimum age, but particularly for girls and transgender youth. It will also have the added benefit of combatting other gendered harms, such as sextortion, which is most often experienced by young boys.

³ [National Online Safety Survey 2022](#)

⁴ [Sextortion of Minors: Characteristics and Dynamics - Journal of Adolescent Health \(jahonline.org\)](#)

⁵ [Social Media and Youth Mental Health \(hhs.gov\)](#)

⁶ Nesi, J., Mann, S. and Robb, M. B. (2023). *Teens and mental health: How girls really feel about social media*. San Francisco, CA: Common Sense.

⁷ Loneragan, A. R., Bussey, K., Fardouly, J., Griffiths, S., Murray, S. B., Hay, P., Mond, J., Trompeter, N., & Mitchison, D. (2020). Protect me from my selfie: Examining the association between photo-based social media behaviors and self-reported eating disorders in adolescence. *The International journal of eating disorders*, 53(5), 485–496. <https://doi.org/10.1002/eat.23256>

⁸ [Position Statement: Social Media and the Mental Health and Wellbeing of Young Queenslanders](#)

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Addressing the incidence and impact of online harms is a critical part of supporting digital inclusion for First Nations Australians, however social media use and experiences in First Nations communities is still under-researched, and current research presents mixed results. The First Nations Digital Inclusion Report noted research suggests that Aboriginal and Torres Strait Islander people use social media at rates higher than non-Indigenous Australians, with those in remote communities also being high users of social media. Further, social media is a key communications mode and source of news and entertainment in communities. Any policy would need to balance the benefits and unintended consequences of the legislation on First Nations youth.⁹

Feedback received from the department's stakeholder engagement indicated that a large number of First Nations youth use social media and other digital messaging services to communicate. Any restriction on accessing social media could disproportionately affect First Nations youth.

However, instances of online harms, including racism and vilification, are also affecting First Nations youth. The Wiyi Yani U Thangani (Women's Voices) Report noted the increasing use of social media as a tool for bullying amongst young people, as direct and indirect racism manifests as bullying and online hate. Girls are 5 times more likely than boys to experience bullying through social media. First Nations children and young people may also be more exposed to bullying and intimidating behaviour online.¹⁰

Parents and carers

Through consultation roundtables with parents, carers and child-development experts, the department heard that parents are overwhelmed with the prospect of managing children's social media access, and are calling for a cultural and/or legal change.

Legislating an age limit for social media had strong majority support from parents and carers, with many supporting an age minimum of 16 years old. Some stakeholders suggested legislating an age limit now and deferring implementation of enforcement to the short-medium term.

In addition to an age limit, parents and carers told the department that digital literacy education for children and parents is critical. Parents need strategies to create healthy screen routines and support children to safely use technology.

Social media companies

Under the proposed legislation, the key principle of the Commonwealth's legislative approach is to place the onus on platforms, not parents or young people. It will be incumbent on the platforms to demonstrate they are taking reasonable steps to ensure fundamental protections are in place at the source. By design, social media companies will bear the significant majority of the regulatory burden and economic/financial impact of an age limit for social media.

The economic impact of the proposal will be primarily felt by social media companies that rely on revenue from advertisements and related content. It would also be a financial impost on these companies to implement technology that will assure their users' age and filter content accordingly. However, these economic benefits only existed at the cost of harms to young Australians, so the proposal is a net benefit to society.

Through the department's consultation with digital industry and peak bodies, there was broad recognition that responsibility for user safety sits at all levels of the tech stack – device level, app stores, and social media

⁹ [first-nations-digital-inclusion-advisory-group-initial-report.pdf \(digitalinclusion.gov.au\)](#)

¹⁰ [Wiyi Yani U Thangani Report \(2020\) | Australian Human Rights Commission](#)

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platforms and websites – therefore a multi-tiered approach to age assurance is required. Industry also emphasized the importance of alignment with international regulatory approaches when it comes to age assurance, to reduce their regulatory burden as they face age assurance regulations across the UK, EU and several US states. They also highlighted the importance of future proofing any policy or regulatory response, particularly as the digital environment in the near future could be very different to how users engage with platforms today.

2. Policy objectives, government intervention and how success will be measured

2.1 Characteristics of policies that can solve this problem at a Commonwealth level

The Australian Government is best placed to address and reduce the risks and harms young people experience from social media due to the ability to create a nationally consistent framework for all Australians. The Government has previously intervened to develop light touch mechanisms for the safety of children on social media platforms. The Children's eSafety Commissioner (now the eSafety Commissioner) started in 2015 to fight against online risks and harms faced by Australian children. The *Online Safety Act 2021* was brought in to strengthen and expand the laws for online safety to keep pace with technology and the threats Australians face from online harmful behaviour and toxic content.

While these measures were introduced to increase the accountability of social media platforms and insert further protections for children on social media, children continue to experience the risks and harms associated with online platforms.

Further intervention is needed to ensure that children are safeguarded from the risks and harms associated with social media. Self-regulation by social media platforms has led to an inconsistent approach to addressing these harms and is reliant on users to moderate content and the interactions of other users. Where content has been moderated by a user, it may still remain on a platform or shared via other platforms. For example, content that is designed by a user to intimidate or bully another user may be shared through direct messaging or other platforms resulting in a widespread dissemination. This is especially pertinent for children who are in the crucial stages of development of their social acumen.

2.2 Interactions with national and state and territory policies

National policies

The Australian Government is committed to keeping Australians safe online by reducing risks and harm. The Government has committed to introduce legislation by the end of 2024 to enforce a minimum age for access to social media.

Any regulation targeting age will require age assurance to enforce. The Government committed \$6.5 million in 2024-25 to develop a trial of age assurance technologies to protect children from harmful online content, which will test different implementation approaches to help inform policy design. The department is delivering the trial. Completing a trial implements one of the recommendations of the eSafety Commissioner's Roadmap for Age Verification.

The objective of the trial is to determine the effectiveness of available age assurance technologies as an option to:

- prevent access to online pornography by people under the age of 18; and

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- age-limit access to social media platforms for an age range of between 13 and 16 years old.

There are three key elements to the trial:

- The technology trial: an independent assessment of age assurance technologies.
- Research: including consumer research into Australian's attitudes towards the use of age assurance technologies for access to online services.
- Consultation: targeted stakeholder consultation with young Australians, parent groups, academics, the digital industry (including platforms), community and civil society groups, and First Nations representatives.

To ensure the Online Safety Act is fit for purpose, the Government brought forward the independent statutory review of the Online Safety Act 2021 by one year. The review is due for delivery to Government by 31 October 2024. The terms of reference for the review required a broad ranging examination of the Act.

The Government has also tasked industry to develop a voluntary code to keep users of online dating services safe. This code has been adopted and commenced on 1 October 2024 and will be enforced from 1 April 2025.

As part of the 2023-24 Budget, the Australian Government increased eSafety's base funding to \$42.5 million each year – up from \$10.3 million each year. This is \$132.1 million over the forward estimates to support the Commissioner's administration of the Act. This funding will not terminate. It is ongoing and indexed.

In October 2023 as part of the broader Protecting Australians Online funding package, the Government provided an extra \$6.7 million over four years from 2023-24 for eSafety to respond to increases in reporting of terrorist and violent extremist content stemming from the Israel-Hamas conflict.

In the October 2022 Budget, the Government provided \$6 million over three years to the Alannah and Madeline Foundation to deliver its digital and media literacy education products free in Australian schools.

State policies

On 7 September 2024, the Premier of South Australia announced a proposed ban on children under 14 years of age from accessing social media, and with parental consent at 14 and 15 years old. On 8 September 2024, the South Australian Government released the Hon Robert French AC's *Report of the Independent Legal Examination into Banning Children's Access to Social Media*, including draft legislation. The Report noted the potential benefits of a Commonwealth-led approach.

On 10 September 2024, the Premier of Victoria announced that Victoria will work with South Australia and the Commonwealth to introduce age limits for social media to protect children from harm and help parents. While Victoria was prepared to introduce state legislation, it will prioritise a nationally consistent approach and work with the Commonwealth to help deliver one set of clear rules to keep the tech giants in check. Victoria points to the model outlined by the Hon Robert French AC as a common-sense starting point.

On 10 and 11 October 2024, NSW and South Australia co-hosted a 2-day Social Media Summit. It brought together experts, policymakers, academics and young people to explore key areas including the impacts of social media on children and young people, online safety, social media's role in disinformation and misinformation, addressing online hate and extremism and how social media is changing the way government delivers services.

While the South Australian Government has a position on the minimum age, the NSW Government does not have an official position. The NSW Government is open to restricting social media use but is awaiting the summit's findings before committing to reform. However, the Premier of New South Wales has stated his support for a minimum age of 16 and that his government will legislate this minimum age in the absence of Federal legislation.

Federal legislation is a logical step to ensure that all young Australians are better protected from online harms, and that parents and carers are supported in a nationally-consistent manner to keep their children safe.

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3. Policy options

Option 1 - status quo

Currently in Australia there is no legislated minimum age for accessing social media. While social media services have minimum age requirements under their Terms of Service, there is still uncertainty and confusion among parents about when the 'right time' is to allow social media use, with parents often seeing age ratings as advisory rather than mandatory. Existing safeguards to protect children from the negative impacts of social media are not in step with community expectations.

There is also currently no enforcement of the required minimum age in social media services' Terms of Service. Industry standard practice is 'age-gating', where a user self-reports their age when entering a website or making an account. This may be done by entering a date/year of birth or answering a simple question such as 'are you over 13?'. Some major platforms, including Facebook, Instagram and TikTok implement stricter age assurance methods if a user later tries to change their age to be over 18 (Meta) or over 16 (TikTok).

The Government is separately (but relatedly) working on a trial of age assurance technologies to determine the effectiveness of available age assurance technologies for preventing children's exposure to online pornography and social media. At the completion of the trial, the Government will consider pathways to implement the trial's findings, including on social media services. Even if the Government chose not to legislate to enforce a minimum age for accessing social media now, pending the outcomes of the age assurance trial, age assurance is likely to be introduced for pornography and other adult content and will be considered for enforcing a minimum age on social media.

As discussed in section 1.2, the status quo is exposing young Australians to the risks and harms of social media. Social media services leverage the primary psychosocial drivers behind young people's use of social media – including entertainment, information seeking, social interaction, self-expression and escapism – to engage users and keep them on the service for long periods of time. Common design features that achieve this purpose include algorithms to tailor content, gamification to encourage regular participation, 'likes' to activate positive feedback neural activity, and endless scrolling or streaming to continuously display new content to users.

Young people's use of social media is a complex issue, for which the evidence base is still evolving. However, the addictive nature of social media services is one of the biggest concerns cited by young Australians in consultation with the department – in particular, the tendency for social media use to result in habitual, mindless engagement and 'doomscrolling'. Evidence suggests that young people who are using social media to seek mental health support are more susceptible to these behaviours, and increased frequency of social media use is associated with a greater risk of elevated symptoms of depression and anxiety.¹¹

Option 2 – minimum age ^{s34(3)} with no parental consent (recommended)

Option 2 provides the most benefit to young Australians and their parents and carers to mitigate the risks and harms presented by social media.

The constant stream of information, updates and trending content on social media services can often result in young people experiencing the 'fear of missing out' (FOMO). Australians aged between 12 and 17 years old feel overt pressure to use social media so they are not left out of conversations or activities organised in group chats. A minimum age for social media would reduce the FOMO experienced by young people by changing the behaviours of the entire cohort, rather than only a few – teens won't feel pressured to be on social media if their friends aren't online either.

¹¹ [Adolescents online: Snapshot Series - Issue 5 | Growing Up in Australia](#)

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Parents and carers feel unsupported to make evidence-based choices about when their children should be on social media and are overwhelmed by pressure from their children and other families. Setting a minimum age removes ambiguity about when the 'right' time is for their children to engage on social media and creates a new social norm.

A minimum age of 14 old was chosen as it achieves the most effective balance between protecting children from harm and preventing their isolation, without imposing additional burden on parents or carers. Consultation undertaken by the department has highlighted support for a legislated minimum age to be somewhere between 14 and 16 years old, with some support for 18 years old. A minimum age of 14 finds the best balance to meet the expectations of Australians to minimise the harms experienced by young people, while supporting their access to the benefits of these services.

Additionally, the US Surgeon General's Advisory on Social Media and Youth Mental Health states that "adolescent social media use is predictive of a subsequent decrease in life satisfaction for certain developmental stages including for girls 11–13 years old and boys 14–15 years old."¹² A minimum age of 14 allows access to social media after most adolescents are outside this vulnerable stage.

As discussed in Option 3 below, including parental design in the policy design presents several additional regulatory and implementation problems. A minimum age of 14 without parental consent is the recommended option for finding the best balance between Options 1 and 3.

Option 3 – minimum age of 14 with parental consent required at 14 and 15 years old (South Australian proposal)

Option 3 aligns with the South Australian Government's proposal. The South Australian Government has proposed to prohibit social media access for children aged under 14 and require parental consent for children aged 14 and 15 in South Australia. The Hon Robert French AC's Report included a draft Bill that could give effect to the proposal. South Australia conducted a YourSAy consultation on the draft Bill in September to October 2024.

This option is considered here as it is a useful comparison of an existing proposal in the Australian context and how this policy idea could likely be applied Australia-wide. However, the inclusion of parental consent in the design presents several regulatory and implementation problems beyond Option 2.

Legislating an age range for which access to social media may be granted only with parent or guardian consent would introduce administrative burden on already overwhelmed parents and guardians. It would also place the responsibility back on parents to determine the age at which their child can safely use social media. Such a model could also disproportionately impact children in unsafe homes, or those with difficult parental relationships.

Parental consent models create significant implementation challenges. Social media services would not only need to verify or assure the age of an end-user but also confirm the identity of the user, as well as establishing a connection between child and guardian. This would multiply the regulatory burden on Australians and social media companies and privacy concerns, compared to establishing the age of a single user.

¹² [Social Media and Youth Mental Health \(hhs.gov\)](https://www.hhs.gov/social-media-youth-mental-health)

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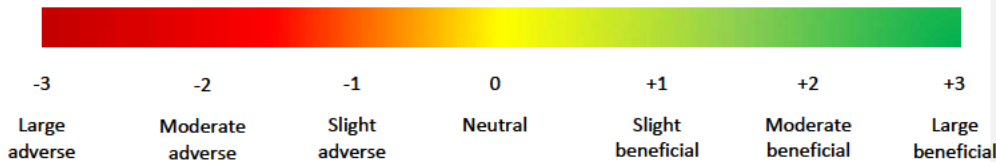
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4. Likely net benefit of options

4.1 Framework used to weigh the harms and benefits and key assumptions

It is difficult to determine the quantitative costs and benefits from the considered options due to the lack of available data provided by social media services. Noting the lack of available data, this IAE supplementary analysis uses qualitative analysis to determine the likely costs and benefits. The likely costs and benefits listed in section 4.3 are based on case studies, consultation undertaken by the department and research that explore the harms to young people and their families.

A multi-criteria analysis (MCA) is used to assist in creating a quantitative net-benefit for easing comparison between the considered options. The MCA uses a sliding scale for scoring with largely adverse impacts to stakeholders being rated as -3 and largely beneficial impacts to stakeholders being rated as +3.



| Stakeholder | Reform Option Rating | |
|----------------------------------|----------------------|------------|
| | Status Quo | Regulatory |
| Young People | -3 | +2 |
| Parents and Carers | -2 | +2 |
| Social media companies | 0 | -2 |
| Australians who use social media | 0 | -2 |

Based on the summation of the ratings in the MCA, the status quo is likely to result in a net benefit of -5. While it appears that social media companies and Australians who use social media are likely to experience a neutral impact from status quo, the severity of impacts to young people and parents and carers, particularly those from at-risk backgrounds, results in an overall negative net benefit to stakeholders.

Based on the summation of the ratings in the MCA, a regulatory option is likely to result in a net benefit of 0. The likely benefits resulting from a regulatory option to young people and their parents and carers are likely to balance out the adverse impacts to social media companies and Australians who use social media.

4.2 Regulatory burden estimate

Costs for the chosen Option 2 and key assumptions about the process of implementing the social media age limit are outlined below.

For the purposes of this supplementary analysis, it is assumed that the social media age limit will apply to approximately 100 social media services, as consistent with the 'social media service' definition in the Online Safety Act. An hourly default rate of \$85.17 has been used, as per the Office of Impact Analysis' Regulatory Burden Measurement Framework.

s22(1)(a)(ii) These costings and assumptions come from AGD's 2022 RIS on changes to the Privacy Act that included costings for age assurance on social media. AGD shared it and some helpful sources for use in this IAE. I have updated figures where possible.

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Social media services would have implementation costs due to the requirement to enforce the minimum age. It is assumed that social media services will need to age assure for the majority of its existing users to ensure Australians under s34(3) old are not accessing their services, and to continue to allow access to Australians s34(3) who use social media services.

Implementation costs for social media companies to set up age assurance processes to meet enforcement requirements is assumed to be **\$681,360**. It is assumed that implementations costs would include 80 hours of staff time incurred by each of the 100 social media services.

It is assumed that assurance costs would be roughly **\$0.64** per check per user. This is the average cost between three known quotes from third-party age assurance providers (\$0.47–\$0.85 per person). It is assumed that approximately 20,800,000 users will need to have their age assured, that is, all Australians who use social media services including current users under the age s34(3). It is assumed that each of these users will be age assured on 4 social media accounts – based on the assumption that many major social media services are under the same parent company (e.g. Meta), reducing the number of checks that need to be done. The total cost for social media services to assure the age of current users is estimated to be **\$53,248,000** for **83,200,000** total assurance checks

The implementation cost for social media services to assure the age of users is estimated to be **\$53,929,360**.

It is important to note that while this cost is based on information from third-party age assurance providers, it is not possible to provide a reasonably accurate estimate because age assurance is risk based, therefore different social media services may need to take different steps. Some larger social media services may develop in-house solutions while smaller social media services are likely to employ off-the-shelf solutions – such as third-party age assurance providers. The cost of age assurance is likely to change with technical advances (and become cheaper).

Business as usual costs for the first year for social media services to assure the age of new users is assumed to be **\$4,486,440**. It is assumed that business as usual compliance costs would include 10 hours of additional staff time per week incurred by each of the 100 social media services, for a total compliance cost of **\$4,428,840**. It is assumed that approximately 22,500 Australians, including people under the age s34(3), will (attempt) to sign up for 4 social media accounts each year. This totals 90,000 assurance checks that will need to be assured at **\$0.64** per check, for an age assurance check total of **\$57,600**.

Business as usual costs beyond the first year for social media services to assure the age of new users is assumed to be **\$943,368 per annum**. It is assumed that business as usual compliance costs would include 2 hours of additional staff time per week incurred by each of the 100 social media services, for a total compliance cost of **\$885,768 per annum**. It is assumed that approximately 22,500 Australians, including people under the age s34(3) will (attempt) to sign up for 4 social media accounts each year. This totals 90,000 assurance checks that will need to be assured at **\$0.64** per check, for an age assurance check total of **\$57,600 per annum**.

4.3 Likely benefits, costs and impacts of options

As the likely impacts to key stakeholders from the regulatory options are largely similar, this supplementary analysis will consider the impacts of a status quo option and a regulatory option.

The status quo is a non-regulatory option, relying on social media platforms to either enforce their own terms of service minimum age (mostly 13 years old) or lawsuits in the US against major platforms for knowingly allowing children under their minimum age to access their service.

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OFFICIAL**Status Quo****Young people**

The likely benefits to young people of the status quo access to social media without an enforced minimum age is retained access to the ability to connect and feel socially included. Social media can be an entry point to health and mental health support, a creative outlet, or platform for legitimate children's programming. It provides an avenue to access news and connection, particularly for LGBTQI+, First Nations, CALD, neurodivergent and regional/remote youth.

However, there are potentially high costs to the status quo. The use of social media services has introduced new risks for young Australians, including exposure to inappropriate content, cyber bullying and online predators, and potentially contributing to adverse outcomes such as poor mental health outcomes, addictive behaviours and body image issues.

Based on the above likely impacts, it is reasonable to expect that there are likely to be largely adverse impacts to young people. This results in a scoring of -3 in the above MCA.

Parents and carers

The likely benefits to parents and carers of the status quo is retaining their ability to choose the age their children access social media services at their discretion, such as based on the maturity of their child. No young person's use of social media is the same, and parent and carer's ability to chose their child's usage is a strong benefit of the status quo.

However, the costs of the status quo option are high, as parents and carers feel unsupported to make evidence-based choices about when their children should be on social media and are overwhelmed by pressure from their children and other families. Parents and carers have uncertainty about the content that their children are accessing and the people that are in contact with their children, which are potentially harmful situations for young people.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately to largely adverse impacts to parents and carers. This results in a scoring of -2 in the above MCA.

Social media companies

Social media companies will experience no notable benefits or costs in the status quo option. All existing social media users will likely continue using their services as they currently do, allowing social media companies to continue to benefit from advertising revenue. No enforcement of a minimum age will result in social media companies continuing to invest at their current rates in age assurance technologies.

As the status quo is unlikely to result in any change to the way social media companies operate, there is unlikely to be any noticeable impacts. This results in a scoring of 0 in the above MCA.

Australians who use social media

In 2024, approximately 20.80 million Australians, or 78.3 per cent of the population, use social media. The percentage of male and female social media users is almost equal, and Australians use on average 6.1 social media platforms every month.¹³

Australians who use social media will experience no notable benefits or costs in the status quo option. Access for users will remain unrestricted with no enforcement measures likely resulting in no new age assurance processes implemented by social media companies.

¹³ [Social Media Statistics for Australia \[Updated 2024\] \(meltwater.com\)](https://www.meltwater.com/australia-social-media-statistics-2024)

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As the status quo is unlikely to result in any change to the way Australians who use social media interact with it, there is unlikely to be any noticeable impacts. This results in a scoring of 0 in the above MCA.

Regulatory options**Young people**

The likely benefits to young people of a regulatory option is reduced risk of the harms social media services present to children. Young people would have much lower unintentional exposure to age-inappropriate and distressing content that is fed to them by social media algorithms. With a minimum age for access, young people will have a higher capacity and maturity to approach social media and engage with it in a lower risk manner.

The cost of a regulatory option is any young people under the minimum age would lose access to the connection, community, education and mental health support that social media can offer. However, the proposed legislation would have an exemption framework to accommodate access to social media services that demonstrate low risk of harm, and once young people reach the minimum age they will have access to the remaining services.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately beneficial impacts for young people. This results in a scoring of +2 in the above MCA.

Parents and carers

Parents and carers would have large benefits from a regulatory option. Parents and carers are concerned about who and what their children are engaging with on social media, and are seeking regulatory intervention to address their concerns. Establishing an age limit for social media will help signal a set of normative values that support parents, carers and society more broadly. Parents and carers will no longer be the decision maker for their child to access social media, with a clearly legislated minimum age instead taking pressure of young people's 'pester power'.

The likely cost to parents and carers of a regulatory option is low. A legislation minimum age would remove parent and carer's capacity to decide themselves if their child should be on social media at a younger age. However, feedback from this group indicates this is a minor concern compared to the costs discussed for the status quo option.

Based on the above likely impacts, it is reasonable to expect that there are likely to be large beneficial impacts for parents and carers. This results in a scoring of +2 in the above MCA.

Social media companies

Regulatory options would require social media companies to take reasonable steps to check the age of their users. Reasonable steps will be clarified in a regulatory instrument/guidance, but may involve adoption of age assurance technology that asks for some level of proof from a user to determine that there are above the minimum age. As shown in section 4.2, implementation of a regulatory option (including age assurance checks for all Australians using social media) would have an estimated financial impact of **\$53,929,360**.

However, some social media companies currently have age assurance methods in place and/or are investing in age assurance technologies for their services, so the financial and regulatory burden would not be severe for these companies.

As the regulatory option is will result in a change to the way social media companies operate, there are likely to be moderate to large adverse impacts. This results in a scoring of -2 in the above MCA.

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OFFICIAL**Australians who use social media**

As discussed above, regulatory options would require social media companies to take reasonable steps to check the age of their users. Legislated enforcement of a social media age limit may result in social media companies assuring the age of all Australians who use social media. Social media companies may instead choose to develop services that meet the threshold for exemption, allowing all Australians to access their services without undertaking age assurance.

Separately, the Government's age assurance trial is ongoing and will inform decisions around the technological maturity of age assurance methods.

As the regulatory option is likely to result in a change to the way Australians who use social media interact with it, there are likely to be slight adverse impacts. This results in a scoring of -2 in the above MCA.

5. Consultation

5.1 How feedback informed key elements of the policy design

Insights from states and territory governments helped inform the age, legislative model and supporting activities for the social media age limit. Feedback from states and territories was obtained through ongoing engagement with the department, including in relation to proposed state legislation and the Social Media Summit, and responses to the letter Prime Minister, the Hon Anthony Albanese MP, sent to premiers and chief ministers on 4 October 2024.

Feedback from the department's stakeholder engagement on the age assurance trial helped inform the scope of social media services to be included in the age limit. Messaging services, for instance, were widely stated to have benefits of connection that outweigh the risks of harm to young people. Development of potential supporting activities was emphasised by stakeholders, particularly focused on education and mental health programs for at-risk young people. However, there was no consensus across stakeholders for the minimum age for access, so this decision could not be made on the basis of stakeholder consultation.

Feedback from industry stakeholders, including social media companies, informed the timeframes for commencement of the enforcement requirement. The proposed draft legislation will defer implementation of the measures by 12 months from Royal Assent to provide industry with sufficient time to implement required changes.

Holistically, feedback informed the exemptions framework to encourage behaviour change from social media platforms, rather than the age limit being a blunt instrument. The proposed legislation considers potential exemptions (subject to conditions) for social media services that can demonstrate they have implemented certain safety requirements. This approach from Government would push the platforms to take responsibility for children's safety, and incentivise safe innovation for services that provide the benefits of access to social media while limiting the risk of harms.

Exempting services aligns with the overarching principle of this legislation to protect, not isolate, young people, by retaining access for those under the minimum age to low-risk social media services that will offer the benefits that arise from connection, education and access to support services. It also provides financial incentive for social media services to improve safety features (in order to demonstrate that sufficient steps have been taken to mitigate risk) and therefore recapture a younger market they may otherwise be excluded from.

5.2 Generalisability of South Australian consultation

The South Australian consultation process in developing their draft Bill consulted a wide variety of people. Importantly, the consultation process incorporated the perspectives of a diverse range of cohorts. This

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extends to people who were in metropolitan, regional and remote areas, people who identify as First Nations, LGBTQI+, people with disability and young people. The recency of the consultation process and incorporation of diverse perspectives, particularly from those at risk of harms on social media platforms, allow for the analysis to assist in informing the development of a nationally applicable framework.

6. Recommended option and implementation

6.1 How recommended option was identified

To identify the recommended option, this supplementary analysis incorporates the likely net benefit from the MCA, the regulatory burden estimate, the likely success in achieving the objectives of government and feedback from consultation and evaluation to develop a decision rule. This decision rule is then applied across the three options to identify the best option out of those considered.

Based on the decision rule, Option 2 has been identified as the recommended option.

6.2 Major steps in implementation

The first major step in implementation would be a delayed commencement of 12 months after Royal Assent to allow sufficient time for industry make the required changes. The findings from the age assurance trial will also assist implementation of the enforcement portion of the minimum age. The department and the eSafety Commissioner would also ensure relevant stakeholders (young people, parents and carers, and social media companies) are familiar with their new regulatory obligations, and the new tools that are available to them.

Beyond the commencement of the legislation, supporting activities such as education and mental health support as suggested by stakeholders, will be important for ensuring the policy intent of the social media age limit is achieved – to reduce the risks and harms to young Australians.

6.3 Implementation risks and how they can be managed

There are risks associated with restricting access to conventional social media services, given this may lead to children migrating to alternative or fringe services that are either unwilling or unable to moderate their users or content. For example:

- moving to online communications platforms that are difficult to regulate effectively, due to jurisdictional challenges, would reduce opportunities for law enforcement interventions; and
- inadvertently discouraging young persons to report possible instances of child sexual exploitation or abuse online to their parents/guardians or others, such as law enforcement authorities.

Care will need to be taken in implementation to ensure that any changes in young person behaviour and the online technology ecosystem due to legislated access restrictions does not enhance the ability for online predators to pressure and subsequently abuse or exploit young persons (e.g. through misinformation that access accountability rests with the young person rather than social media service providers). Supporting activities, which could include awareness campaigns and digital literacy education, will be important in addressing this risk.

Introducing legislation to enforce a minimum age for access to social media poses privacy risks. Meeting reasonable steps, for example by implementing age assurance, may incentivise social media services to collect, store and use additional personal information on individuals. Risks include concerns that social media service will use this information for commercial and harmful purposes, such as profiling individuals or feeding such data into recommender systems, and heightened risks of data breaches.

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The age assurance trial is crucial to testing the effectiveness of age assurance technologies against a range of criteria, including accuracy, privacy and security. Additionally, consideration is being given to ensure the legislative design includes robust privacy safeguards. This includes requirements to adopt a data minimisation approach, use limitations for personal information collected for age assurance, and data destruction requirements.

There is a risk that legislation would encourage children to:

- use non-compliant services; or
- circumvent age assurance mechanisms (such as through VPNs) potentially resulting in being treated as adult users. This would lead to children not being afforded child-specific protections, including privacy protections, such as those in the proposed Children's Online Privacy Code, and protections services may offer to children in order to become exempt from the minimum age requirement.

To mitigate this risk, the age assurance trial is considering the appetite of individuals to use age assurance mechanisms, and the likelihood and ways children may circumvent age assurance mechanisms.

While these risks are recognised, doing nothing is no longer an option. Online safety reform is a rapidly evolving space and there is unlikely to be a perfect solution that would satisfy everybody. Supporting measures to this legislation, which could include awareness campaigns and digital literacy education, would mitigate some of these concerns. Additionally, the inclusion of legislative design features such as exemptions for certain types of services, a statutory review process, and a 12 month deferral for implementation would incentivise social media services to improve safety for young Australian end-users of their services.

7. Evaluation

Implementation of the social media age limit is proposed to include a delayed commencement of 12 months after Royal Assent to allow sufficient time for industry make the required changes. The department and the eSafety Commissioner would lead a program of extensive stakeholder engagement to allow relevant stakeholders (young people, parents and carers, and social media companies) to familiarise themselves with their new regulatory obligations, and the new tools that are available to them.

Following the social media age limit coming into effect, the department and the eSafety Commissioner would monitor and evaluate the success of the policy. It is proposed that the legislation would be reviewed 2 years after implementation. The eSafety Commissioner would provide oversight and enforcement of the minimum age.

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Australian Government

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

Impact Analysis Equivalent Supplementary Analysis

OIA24-08201: Social Media Age Limit

October 2024

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

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1. Policy problem and available data

The Australian Government is committed to keeping Australians safe online by reducing risks and harm. The Government has committed to introduce legislation by the end of 2024 to enforce a minimum age for access to social media. A Commonwealth-led approach to this important social issue will ensure Australian children are better protected from online harms and parents and carers are supported.

It builds upon the Government's work to address online harms for young people. The Government committed \$6.5 million in 2024-25 to develop a trial of age assurance technologies to protect children from harmful online content, which will test different implementation approaches to help inform policy design.

1.1 Data generalisability and key data gaps

Available data is highly generalisable to the problem in Australia

Data from South Australia is highly generalisable to the Australian context and the broader problem identified by the Australian Government. South Australia, and the data analysed for the Hon Robert French *AC's Report of the Independent Legal Examination into Banning Children's Access to Social Media*, provides a generally representative sample of Australia – metropolitan, regional and remote populations; First Nations people as a proportion of population (2.4 per cent compared to 3.8 per cent for Australia¹); and communities including LGBTQI+, people with disabilities and Culturally and Linguistically Diverse (CALD).

Additionally, the New South Wales (NSW) Government conducted a Have Your Say survey on social media use and impacts in August and September 2024. The results were published by the NSW Government in October 2024². These results provide additional data to prove the extent of the problem exists not only in South Australia, but NSW too, hence can be generalised across all of Australia. These results also fill a data gap on public sentiment and community concerns about the status quo – 87 per cent of survey respondents said they support an age limit for social media.

Data from the United States (US), United Kingdom (UK) and European Union (EU) is also generalisable due to their significant cultural alignments with Australia. Australia and the UK have an Online Safety and Security Memorandum of Understanding for bilateral cooperation between the two countries to support safer and more positive experience online, emphasising the linkages for online safety policy.

International data is advantageous as it is likely to be more advanced than research available in the Australian context. Data from the UK and EU in particular is more advanced due to advancements in regulatory activity for large digital platforms and significant funding for research on the impact of social media design elements, such as algorithms.

Data gaps

Data gaps exist on an international level, rather than specific to the Australian context. The Queensland Report highlights the need globally for more research to understand how social media impacts child and adolescent development. It states that while there is a gap in the correlative evidence of the harms of social media on young people, this may be in part due to major social media services choosing not to share their own market and user impact research. This absence of quality data on a global scale could be addressed through increased transparency of data held by social media services and on the functionality and impact of their content recommendation algorithms.

¹ [Estimates and Projections, Aboriginal and Torres Strait Islander Australians, 2011 to 2031 | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au/Estimates-and-Projections-Aboriginal-and-Torres-Strait-Islander-Australians-2011-to-2031)

² [Have Your Say - Social media use and impacts \(nsw.gov.au\)](https://www.nsw.gov.au/have-your-say-social-media-use-and-impacts)

1.2 Key cohorts

Young people

Young people and children as a group are particularly vulnerable to the effects of online harm, and understanding their experiences is critical to effective prevention and intervention. From research conducted by the department in the National Online Safety Survey 2022, we know that children are becoming exposed to internet access at an increasingly younger age, particularly through the use of portable devices such as smart phones, and were experiencing negative online behaviours.³

The department engaged directly with young people and heard that social media allows them to connect and feel socially included. It can be an entry point to health and mental health support, a creative outlet, or platform for legitimate children's programming. Social media provides an avenue to access news and connection, particularly for LGBTQI+, First Nations, CALD, neurodivergent and regional/remote youth.

But young people also understand the need for protection, as they are being impacted by content and design of social media services. Research by eSafety found almost two-thirds of 14 to 17-year-olds have viewed extremely harmful content online including drug abuse, suicide or self-harm, as well as violent and gory material. The design of social media services has evolved to feed addictive behaviours to drive engagement – endless scrolling, content recommendation systems that send users down 'rabbit holes', and notifications demanding attention at all hours of the day.

The proposal to introduce a minimum age for social media will reduce harms (such as cyber bullying, body image issues, eating disorders and addiction to scrolling) that arise from young people having negative experiences online. Research shows that the impact of these harms is greater on younger teens. By restricting access, these harms would be reduced as older teens may have better capacity to understand the nature of harm and seek help at the appropriate time.

Adolescent girls and transgender youth

Adolescent girls and transgender youth are disproportionately impacted by online harassment and abuse, which is associated with negative emotional impacts (e.g., feeling sad, anxious or worried).⁴⁵ Research indicates that nearly 6-in-10 adolescent girls report they have been contacted by a stranger on certain social media platforms in ways that make them feel uncomfortable.⁶ In addition, social media may also perpetuate body dissatisfaction, disordered eating, social comparison, and low self-esteem, especially among adolescent girls.⁷ A Position Statement from the QLD Chief Health Officer also points to the different ways that social media use negatively impacts young boys and girls, stating: "Studies have also raised concerns that comparing themselves to images and videos on social media platforms can lead to body dissatisfaction and eating disorders in adolescent girls, potentially resulting in significant mental health problems. But deteriorating mental health trends are also apparent in boys."⁸

For these reasons, introducing a minimum age for access to social media is likely to have a positive impact on all young people under the minimum age, but particularly for girls and transgender youth. It will also have the added benefit of combatting other gendered harms, such as sextortion, which is most often experienced by young boys.

³ [National Online Safety Survey 2022](#)

⁴ [Sextortion of Minors: Characteristics and Dynamics - Journal of Adolescent Health \(jahonline.org\)](#)

⁵ [Social Media and Youth Mental Health \(hhs.gov\)](#)

⁶ Nesi, J., Mann, S. and Robb, M. B. (2023). Teens and mental health: How girls really feel about social media. San Francisco, CA: Common Sense.

⁷ Lonergan, A. R., Bussey, K., Fardouly, J., Griffiths, S., Murray, S. B., Hay, P., Mond, J., Trompeter, N., & Mitchison, D. (2020). Protect me from my selfie: Examining the association between photo-based social media behaviors and self-reported eating disorders in adolescence. *The International journal of eating disorders*, 53(5), 485–496. <https://doi.org/10.1002/eat.23256>

⁸ [Position Statement: Social Media and the Mental Health and Wellbeing of Young Queenslanders](#)

Young First Nations people

Addressing the incidence and impact of online harms is a critical part of supporting digital inclusion for First Nations Australians, however social media use and experiences in First Nations communities is still under-researched, and current research presents mixed results. The First Nations Digital Inclusion Report noted research suggests that Aboriginal and Torres Strait Islander people use social media at rates higher than non-Indigenous Australians, with those in remote communities also being high users of social media. Further, social media is a key communications mode and source of news and entertainment in communities. Any policy would need to balance the benefits and unintended consequences of the legislation on First Nations youth.⁹

Feedback received from the department's stakeholder engagement indicated that a large number of First Nations youth use social media and other digital messaging services to communicate. Any restriction on accessing social media could disproportionately affect First Nations youth.

However, instances of online harms, including racism and vilification, are also affecting First Nations youth. The Wiyi Yani U Thangani (Women's Voices) Report noted the increasing use of social media as a tool for bullying amongst young people, as direct and indirect racism manifests as bullying and online hate. Girls are 5 times more likely than boys to experience bullying through social media. First Nations children and young people may also be more exposed to bullying and intimidating behaviour online.¹⁰

Parents and carers

Through consultation roundtables with parents, carers and child-development experts, the department heard that parents are overwhelmed with the prospect of managing children's social media access, and are calling for a cultural and/or legal change.

Legislating an age limit for social media had strong majority support from parents and carers, with many supporting an age minimum of 16 years old. Some stakeholders suggested legislating an age limit now and deferring implementation of enforcement to the short-medium term.

In addition to an age limit, parents and carers told the department that digital literacy education for children and parents is critical. Parents need strategies to create healthy screen routines and support children to safely use technology.

Social media companies

Under the proposed legislation, the key principle of the Commonwealth's legislative approach is to place the onus on platforms, not parents or young people. It will be incumbent on the platforms to demonstrate they are taking reasonable steps to ensure fundamental protections are in place at the source. By design, social media companies will bear the significant majority of the regulatory burden and economic/financial impact of an age limit for social media.

The economic impact of the proposal will be primarily felt by social media companies that rely on revenue from advertisements and related content. It would also be a financial impost on these companies to implement technology that will assure their users' age and filter content accordingly. However, these economic benefits only existed at the cost of harms to young Australians, so the proposal is a net benefit to society.

Through the department's consultation with digital industry and peak bodies, there was broad recognition that responsibility for user safety sits at all levels of the tech stack – device level, app stores, and social media

⁹ [first-nations-digital-inclusion-advisory-group-initial-report.pdf \(digitalinclusion.gov.au\)](https://www.digitalinclusion.gov.au/first-nations-digital-inclusion-advisory-group-initial-report.pdf)

¹⁰ [Wiyi Yani U Thangani Report \(2020\) | Australian Human Rights Commission](#)

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platforms and websites – arguing for a multi-tiered approach to age assurance. Industry also emphasized the importance of alignment with international regulatory approaches when it comes to age assurance, to reduce their regulatory burden as they face age assurance regulations across the UK, EU and several US states. They also highlighted the importance of future proofing any policy or regulatory response, particularly as the digital environment in the near future could be very different to how users engage with platforms today.

2. Policy objectives, government intervention and how success will be measured

2.1 Characteristics of policies that can solve this problem at a Commonwealth level

The Australian Government is best placed to address and reduce the risks and harms young people experience from social media due to the ability to create a nationally consistent framework for all Australians. The Government has previously intervened to develop light touch mechanisms for the safety of children on social media platforms. The Children’s eSafety Commissioner (now the eSafety Commissioner) started in 2015 to fight against online risks and harms faced by Australian children. The *Online Safety Act 2021* was brought in to strengthen and expand the laws for online safety to keep pace with technology and the threats Australians face from online harmful behaviour and toxic content.

While these measures were introduced to increase the accountability of social media platforms and insert further protections for children on social media, children continue to experience the risks and harms associated with online platforms.

Further intervention is needed to ensure that children are safeguarded from the risks and harms associated with social media. Self-regulation by social media platforms has led to an inconsistent approach to addressing these harms and is reliant on users to moderate content and the interactions of other users. Where content has been moderated by a user, it may still remain on a platform or shared via other platforms. For example, content that is designed by a user to intimidate or bully another user may be shared, liked and reposted through and across platforms, resulting in rapid and widespread dissemination. This is especially pertinent for children who are in the crucial stages of development of their social acumen.

2.2 Interactions with national and state and territory policies

National policies

The Australian Government is committed to keeping Australians safe online by reducing risks and harm. The Government has committed to introduce legislation by the end of 2024 to enforce a minimum age for access to social media.

Any regulation targeting age will require age assurance to enforce. The Government committed \$6.5 million in 2024-25 to develop a trial of age assurance technologies to protect children from harmful online content, which will test different implementation approaches to help inform policy design. The department is delivering the trial. Completing a trial implements one of the recommendations of the eSafety Commissioner’s Roadmap for Age Verification.

The objective of the trial is to determine the effectiveness of available age assurance technologies as an option to:

- prevent access to online pornography by people under the age of 18; and

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- age-limit access to social media platforms for an age range of between 13 and 16 years old.

There are three key elements to the trial:

- The technology trial: an independent assessment of age assurance technologies.
- Research: including consumer research into Australian's attitudes towards the use of age assurance technologies for access to online services.
- Consultation: targeted stakeholder consultation with young Australians, parent groups, academics, the digital industry (including platforms), community and civil society groups, and First Nations representatives.

To ensure the Online Safety Act is fit for purpose, the Government brought forward the independent statutory review of the Online Safety Act 2021 by one year. The review is due for delivery to Government by 31 October 2024. The terms of reference for the review required a broad ranging examination of the Act.

The Government also tasked industry to develop a voluntary code to keep users of online dating services safe. This code has been adopted and commenced on 1 October 2024 and will be enforced from 1 April 2025.

As part of the 2023-24 Budget, the Australian Government increased eSafety's base funding to \$42.5 million each year – up from \$10.3 million each year. This is \$132.1 million over the forward estimates to support the Commissioner's administration of the Act. This funding will not terminate. It is ongoing and indexed.

In October 2023 as part of the broader Protecting Australians Online funding package, the Government provided an extra \$6.7 million over four years from 2023-24 for eSafety to respond to increases in reporting of terrorist and violent extremist content stemming from the Israel-Hamas conflict.

In the October 2022 Budget, the Government provided \$6 million over three years to the Alannah and Madeline Foundation to deliver its digital and media literacy education products for free in Australian schools.

State policies

On 7 September 2024, the Premier of South Australia announced a proposed ban on children under 14 years of age from accessing social media, and with parental consent at 14 and 15 years old. On 8 September 2024, the South Australian Government released the Hon Robert French AC's *Report of the Independent Legal Examination into Banning Children's Access to Social Media*, including draft legislation. The Report noted the potential benefits of a Commonwealth-led approach.

On 10 September 2024, the Premier of Victoria announced that Victoria will work with South Australia and the Commonwealth to introduce age limits for social media to protect children from harm and help parents. While Victoria was prepared to introduce state legislation, it will prioritise a nationally consistent approach and work with the Commonwealth to help deliver one set of clear rules to keep the tech giants in check. Victoria points to the model outlined by the Hon Robert French AC as a common-sense starting point.

On 10 and 11 October 2024, NSW and South Australia co-hosted a 2-day Social Media Summit. It brought together experts, policymakers, academics and young people to explore key areas including the impacts of social media on children and young people, online safety, social media's role in disinformation and misinformation, addressing online hate and extremism and how social media is changing the way government delivers services. On 11 October 2024, the Premier of South Australia also announced reforms to the state's child safety curriculum to prevent and mitigate online safety issues.¹¹

While the South Australian Government has a position on the minimum age, the NSW Government does not have an official position. The NSW Government is open to restricting social media use but is awaiting the summit's findings before committing to reform. However, the Premier of New South Wales has stated his

¹¹ [South Australian students to learn about dangers of social media.](#)

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support for a minimum age of 16 and that his government will legislate this minimum age in the absence of Federal legislation.

Federal legislation is a logical step to ensure that all young Australians are better protected from online harms, and that parents and carers are supported in a nationally-consistent manner to keep their children safe.

3. Policy options

Option 1 - status quo

Currently in Australia there is no legislated minimum age for accessing social media. While social media services have minimum age requirements under their Terms of Service, there is still uncertainty and confusion among parents about when the 'right time' is to allow social media use, with parents often seeing age ratings as advisory rather than mandatory. Existing safeguards to protect children from the negative impacts of social media are not in step with community expectations.

There is also currently no enforcement of the required minimum age in social media services' Terms of Service. Industry standard practice is 'age-gating', where a user self-reports their age when entering a website or making an account. This may be done by entering a date/year of birth or answering a simple question such as 'are you over 13?'. Some major platforms, including Facebook, Instagram and TikTok implement stricter age assurance methods if a user later tries to change their age to be over 18 (Meta) or over 16 (TikTok).

The Government is separately (but relatedly) working on a trial of age assurance technologies to determine the effectiveness of available age assurance technologies for preventing children's exposure to online pornography and social media. At the completion of the trial, the Government will consider pathways to implement the trial's findings, including on social media services. Even if the Government chose not to legislate to enforce a minimum age for accessing social media now, pending the outcomes of the age assurance trial, age assurance is likely to be introduced for pornography and other adult content and will be considered for enforcing a minimum age on social media.

As discussed in section 1.2, the status quo is exposing young Australians to the risks and harms of social media. Social media services leverage the primary psychosocial drivers behind young people's use of social media – including entertainment, information seeking, social interaction, self-expression and escapism – to engage users and keep them on the service for long periods of time. Common design features that achieve this purpose include algorithms to tailor content, gamification to encourage regular participation, 'likes' to activate positive feedback neural activity, and endless scrolling or streaming to continuously display new content to users.

Young people's use of social media is a complex issue, for which the evidence base is still evolving. However, the addictive nature of social media services is one of the biggest concerns cited by young Australians in consultation with the department – in particular, the tendency for social media use to result in habitual, mindless engagement and 'doomscrolling'. Evidence suggests that young people who are using social media to seek mental health support are more susceptible to these behaviours, and increased frequency of social media use is associated with a greater risk of elevated symptoms of depression and anxiety.¹²

Option 2 – minimum age of ^{s34(3)} with no parental consent (recommended)

Option 2 provides the most benefit to young Australians and their parents and carers to mitigate the risks and harms presented by social media.

¹² [Adolescents online: Snapshot Series - Issue 5 | Growing Up in Australia](#)

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The constant stream of information, updates and trending content on social media services can often result in young people experiencing the ‘fear of missing out’ (FOMO). Australians aged between 12 and 17 years old feel overt pressure to use social media so they are not left out of conversations or activities organised in group chats. A minimum age for social media would reduce the FOMO experienced by young people by changing the behaviours of the entire cohort, rather than only a few – teens won’t feel pressured to be on social media if their friends aren’t online either.

Parents and carers feel unsupported to make evidence-based choices about when their children should be on social media and are overwhelmed by pressure from their children and other families. Setting a minimum age removes ambiguity about when the ‘right’ time is for their children to engage on social media and creates a new social norm.

A minimum age ^{s34(3)} years old was chosen as it achieves the most effective balance between protecting children from harm and preventing their isolation, without imposing additional burden on parents or carers. Consultation undertaken by the department has highlighted support for a legislated minimum age to be somewhere between 14 and 16 years old, with some support for 18 years old. A minimum age ^{s34(3)} finds the best balance to meet the expectations of Australians to minimise the harms experienced by young people, while supporting their access to the benefits of these services.

Additionally, the US Surgeon General’s Advisory on Social Media and Youth Mental Health states that “adolescent social media use is predictive of a subsequent decrease in life satisfaction for certain developmental stages including for girls 11–13 years old and boys 14–15 years old.”¹³ A minimum age ^{s34(3)} allows access to social media after most adolescents are outside this vulnerable stage.

As discussed in Option 3 below, including parental design in the policy design presents several additional regulatory and implementation problems. A minimum age ^{s34(3)} without parental consent is the recommended option for finding the best balance between Options 1 and 3.

Option 3 – minimum age of 14 with parental consent required at 14 and 15 years old (South Australian proposal)

Option 3 aligns with the South Australian Government’s proposal. The South Australian Government has proposed to prohibit social media access for children aged under 14 and require parental consent for children aged 14 and 15 in South Australia. The Hon Robert French AC’s Report included a draft Bill that could give effect to the proposal. South Australia conducted a YourSAy consultation on the draft Bill in September to October 2024.

This option is considered here as it is a useful comparison of an existing proposal in the Australian context and how this policy idea could likely be applied Australia-wide. However, the inclusion of parental consent in the design presents several regulatory and implementation problems beyond Option 2.

Legislating an age range for which access to social media may be granted only with parent or guardian consent would introduce administrative burden on already overwhelmed parents and guardians. It would also place the responsibility back on parents to determine the age at which their child can safely use social media. Such a model could also disproportionately impact children in unsafe homes, or those with difficult parental relationships.

Parental consent models create significant implementation challenges. Social media services would not only need to verify or assure the age of an end-user but also confirm the identity of the user, as well as establishing a connection between child and guardian. This would multiply the regulatory burden on Australians and social media companies and privacy concerns, compared to establishing the age of a single user.

¹³ [Social Media and Youth Mental Health \(hhs.gov\)](https://www.hhs.gov/social-media-youth-mental-health)

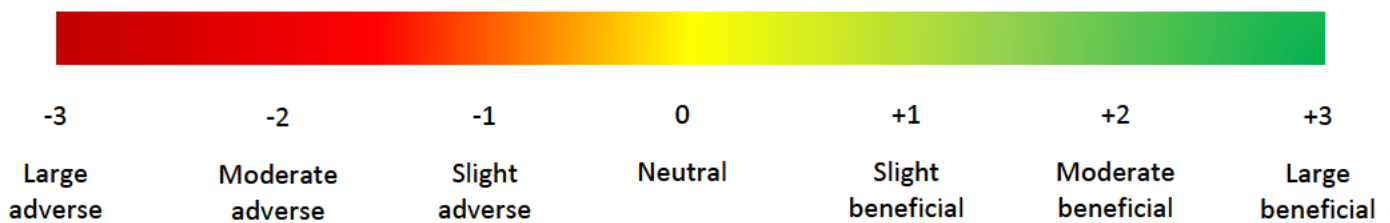
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4. Likely net benefit of options

4.1 Framework used to weigh the harms and benefits and key assumptions

It is difficult to determine the quantitative costs and benefits from the considered options due to the lack of available data provided by social media services. Noting the lack of available data, this IAE supplementary analysis uses qualitative analysis to determine the likely costs and benefits. The likely costs and benefits listed in section 4.3 are based on case studies, consultation undertaken by the department and research that explore the harms to young people and their families.

A multi-criteria analysis (MCA) is used to assist in creating a quantitative net-benefit for easing comparison between the considered options. The MCA uses a sliding scale for scoring with largely adverse impacts to stakeholders being rated as -3 and largely beneficial impacts to stakeholders being rated as +3.



| Stakeholder | Reform Option Rating | |
|----------------------------------|----------------------|------------|
| | Status Quo | Regulatory |
| Young People | -3 | +2 |
| Parents and Carers | -2 | +2 |
| Social media companies | 0 | -2 |
| Australians who use social media | 0 | -2 |

Based on the summation of the ratings in the MCA, the status quo is likely to result in a net benefit of -5. While it appears that social media companies and Australians who use social media are likely to experience a neutral impact from status quo, the severity of impacts to young people and parents and carers, particularly those from at-risk backgrounds, results in an overall negative net benefit to stakeholders.

Based on the summation of the ratings in the MCA, a regulatory option is likely to result in a net benefit of 0. The likely benefits resulting from a regulatory option to young people and their parents and carers are likely to balance out the adverse impacts to social media companies and Australians who use social media.

4.2 Regulatory burden estimate

Costs for the chosen Option 2 and key assumptions about the process of implementing the social media age limit are outlined below.

For the purposes of this supplementary analysis, it is assumed that the social media age limit will apply to approximately 100 social media services, as consistent with the 'social media service' definition in the Online Safety Act. An hourly default rate of \$85.17 has been used, as per the Office of Impact Analysis' Regulatory Burden Measurement Framework.

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Social media services would have implementation costs due to the requirement to enforce the minimum age. It is assumed that social media services will need to age assure for the majority of its existing users to ensure Australians under ^{s34(3)} years old are not accessing their services, and to continue to allow access to Australians over ^{s34(3)} who use social media services.

Implementation costs for social media companies to set up age assurance processes to meet enforcement requirements is assumed to be **\$681,360**. It is assumed that implementations costs would include 80 hours of staff time incurred by each of the 100 social media services.

It is assumed that assurance costs would be roughly **\$0.64** per check per user. This is the average cost between three known quotes from third-party age assurance providers (\$0.47–\$0.85 per person). It is assumed that approximately 20,800,000 users will need to have their age assured, that is, all Australians who use social media services including current users under the age ^{s34(3)}. It is assumed that each of these users will be age assured on 4 social media accounts – based on the assumption that many major social media services are under the same parent company (e.g. Meta), reducing the number of checks that need to be done. The total cost for social media services to assure the age of current users is estimated to be **\$53,248,000** for **83,200,000** total assurance checks

The implementation cost for social media services to assure the age of users is estimated to be **\$53,929,360**.

It is important to note that while this cost is based on information from third-party age assurance providers, it is not possible to provide a reasonably accurate estimate because age assurance is risk based, therefore different social media services may need to take different steps. Some larger social media services may develop in-house solutions while smaller social media services are likely to employ off-the-shelf solutions – such as third-party age assurance providers. The cost of age assurance is likely to change with technical advances (and become cheaper).

Business as usual costs for the first year for social media services to assure the age of new users is assumed to be **\$4,486,440**. It is assumed that business as usual compliance costs would include 10 hours of additional staff time per week incurred by each of the 100 social media services, for a total compliance cost of **\$4,428,840**. It is assumed that approximately 22,500 Australians, including people under the age ^{s34(3)}, will (attempt) to sign up for 4 social media accounts each year. This totals 90,000 assurance checks that will need to be assured at **\$0.64** per check, for an age assurance check total of **\$57,600**.

Business as usual costs beyond the first year for social media services to assure the age of new users is assumed to be **\$943,368 per annum**. It is assumed that business as usual compliance costs would include 2 hours of additional staff time per week incurred by each of the 100 social media services, for a total compliance cost of **\$885,768 per annum**. It is assumed that approximately 22,500 Australians, including people under the age ^{s34(3)} will (attempt) to sign up for 4 social media accounts each year. This totals 90,000 assurance checks that will need to be assured at **\$0.64** per check, for an age assurance check total of **\$57,600 per annum**.

4.3 Likely benefits, costs and impacts of options

As the likely impacts to key stakeholders from the regulatory options are largely similar, this supplementary analysis will consider the impacts of a status quo option and a regulatory option.

The status quo is a non-regulatory option, relying on social media platforms to either enforce their own terms of service minimum age (mostly 13 years old) or lawsuits in the US against major platforms for knowingly allowing children under their minimum age to access their service.

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Status Quo

Young people

The likely benefits to young people of the status quo access to social media without an enforced minimum age is retained access at current levels to the ability to connect and feel socially included through the use of platforms. Social media can be an entry point to health and mental health support, a creative outlet, or platform for legitimate children's programming. It provides an avenue to access news and connection, particularly for LGBTQI+, First Nations, CALD, neurodivergent and regional/remote youth.

However, there are potentially high costs to the status quo. The use of social media services has introduced new risks for young Australians, including exposure to inappropriate content, cyber bullying and online predators, and potentially contributing to adverse outcomes such as poor mental health outcomes, addictive behaviours and body image issues.

Based on the above likely impacts, it is reasonable to expect that there are likely to be largely adverse impacts to young people. This results in a scoring of -3 in the above MCA.

Parents and carers

The likely benefits to parents and carers of the status quo is retaining their ability to choose the age their children access social media services at their discretion, such as based on the maturity of their child. No young person's use of social media is the same, and parent and carer's ability to chose their child's usage is a strong benefit of the status quo.

However, the costs of the status quo option are high, as parents and carers feel unsupported to make evidence-based choices about when their children should be on social media and are overwhelmed by pressure from their children and other families. Parents and carers have uncertainty about the content that their children are accessing and the people that are in contact with their children, which are potentially harmful situations for young people, even to the extent of leading to suicide.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately to largely adverse impacts to parents and carers. This results in a scoring of -2 in the above MCA.

Social media companies

Social media companies will experience no notable benefits or costs in the status quo option. All existing social media users will likely continue using their services as they currently do, allowing social media companies to continue to benefit from advertising revenue. No enforcement of a minimum age will result in social media companies continuing to invest at their current rates in age assurance technologies.

As the status quo is unlikely to result in any change to the way social media companies operate, there is unlikely to be any noticeable impacts. This results in a scoring of 0 in the above MCA.

Australians who use social media

In 2024, approximately 20.80 million Australians, or 78.3 per cent of the population, use social media. The percentage of male and female social media users is almost equal, and Australians use on average 6.1 social media platforms every month.¹⁴

Australians who use social media will experience no notable benefits or costs in the status quo option. Access for users will remain unrestricted with no enforcement measures likely resulting in no new age assurance processes implemented by social media companies.

¹⁴ [Social Media Statistics for Australia \[Updated 2024\] \(meltwater.com\)](https://meltwater.com)

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As the status quo is unlikely to result in any change to the way Australians who use social media interact with it, there is unlikely to be any noticeable impacts. This results in a scoring of 0 in the above MCA.

Regulatory options

Young people

The likely benefits to young people of a regulatory option is reduced risk of the harms social media services present to children. Young people would have much lower unintentional exposure to age-inappropriate and distressing content that is fed to them by social media algorithms. With a minimum age for access, young people will have a higher capacity and maturity to approach social media and engage with it in a lower risk manner.

The cost of a regulatory option is any young people under the minimum age would lose access to the connection, community, education and mental health support that social media can offer. However, the proposed legislation would have an exemption framework to accommodate access to social media services that demonstrate low risk of harm, and once young people reach the minimum age they will have access to the remaining services. This mitigates losses of connection that could otherwise be experienced.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately beneficial impacts for young people. This results in a scoring of +2 in the above MCA.

Parents and carers

Parents and carers would have large benefits from a regulatory option. Parents and carers are concerned about who and what their children are engaging with on social media, and are seeking regulatory intervention to address their concerns. Establishing an age limit for social media will help signal a set of normative values that support parents, carers and society more broadly. Parents and carers will no longer be the decision maker for their child to access social media, with a clearly legislated minimum age instead taking pressure of young people's 'pester power'.

The likely cost to parents and carers of a regulatory option is low. A legislation minimum age would remove parent and carer's capacity to decide themselves if their child should be on social media at a younger age. However, feedback from this group indicates this is a minor concern compared to the costs discussed for the status quo option.

Based on the above likely impacts, it is reasonable to expect that there are likely to be large beneficial impacts for parents and carers. This results in a scoring of +2 in the above MCA.

Social media companies

Regulatory options would require social media companies to take reasonable steps to check the age of their users. Reasonable steps will be clarified in a regulatory instrument/guidance, but may involve adoption of age assurance technology that asks for some level of proof from a user to determine that there are above the minimum age. As shown in section 4.2, implementation of a regulatory option (including age assurance checks for all Australians using social media) would have an estimated financial impact of **\$53,929,360**.

However, some social media companies currently have age assurance methods in place and/or are investing in age assurance technologies for their services, so the financial and regulatory burden would not be severe for these companies.

As the regulatory option will result in a change to the way social media companies operate, there are likely to be moderate to large adverse impacts. This results in a scoring of -2 in the above MCA.

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Australians who use social media

As discussed above, regulatory options would require social media companies to take reasonable steps to check the age of their users. Legislated enforcement of a social media age limit may result in social media companies assuring the age of all Australians who use social media. Social media companies may instead choose to develop services that meet the threshold for exemption, allowing all Australians to access their services without undertaking age assurance.

Separately, the Government's age assurance trial is ongoing and will inform decisions around the technological maturity of age assurance methods.

As the regulatory option is likely to result in a change to the way Australians who use social media interact with it, there are likely to be some adverse impacts. This results in a scoring of -2 in the above MCA.

5. Consultation

5.1 How feedback informed key elements of the policy design

Insights from state and territory governments helped inform the age, legislative model and supporting activities for the social media age limit. Feedback from states and territories was obtained through ongoing engagement with the department, including in relation to proposed state legislation and the Social Media Summit, and responses to the letter the Prime Minister, the Hon Anthony Albanese MP, sent to premiers and chief ministers on 4 October 2024.

Feedback from the department's stakeholder engagement on the age assurance trial helped inform the scope of social media services to be included in the age limit. Messaging services, for instance, were widely stated to have benefits of connection that outweigh the risks of harm to young people. Development of potential supporting activities was emphasised by stakeholders, particularly focused on education and mental health programs for at-risk young people. However, there was no consensus across stakeholders for the minimum age for access, so this decision could not be made on the basis of stakeholder consultation.

Feedback from industry stakeholders, including social media companies, informed the timeframes for commencement of the enforcement requirement. The proposed draft legislation will defer implementation of the measures by 12 months from Royal Assent to provide industry with sufficient time to implement required changes.

Holistically, feedback informed the exemptions framework to encourage behaviour change from social media platforms, rather than the age limit being a blunt instrument. The proposed legislation considers potential exemptions (subject to conditions) for social media services that can demonstrate they have implemented certain safety requirements. This approach from Government would push the platforms to take responsibility for children's safety, and incentivise safe innovation for services that provide the benefits of access to social media while limiting the risk of harms.

Exempting services aligns with the overarching principle of this legislation to protect, not isolate, young people, by retaining access for those under the minimum age to low-risk social media services that will offer the benefits that arise from connection, education and access to support services. It also provides financial incentive for social media services to improve safety features (in order to demonstrate that sufficient steps have been taken to mitigate risk) and therefore regain access to a younger market they may otherwise be excluded from.

5.2 Generalisability of South Australian consultation

The South Australian consultation process in developing their draft Bill consulted a wide variety of people. Importantly, the consultation process incorporated the perspectives of a diverse range of cohorts. This

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extends to people who were in metropolitan, regional and remote areas, people who identify as First Nations, LGBTQI+, people with disability and young people. The recency of the consultation process and incorporation of diverse perspectives, particularly from those at risk of harms on social media platforms, allow for the analysis to assist in informing the development of a nationally applicable framework.

6. Recommended option and implementation

6.1 How recommended option was identified

To identify the recommended option, this supplementary analysis incorporates the likely net benefit from the MCA, the regulatory burden estimate, the likely success in achieving the objectives of government and feedback from consultation and evaluation to develop a decision rule. This decision rule is then applied across the three options to identify the best option out of those considered.

Based on the decision rule, Option 2 has been identified as the recommended option.

6.2 Major steps in implementation

The first major step in implementation would be a delayed commencement of 12 months after Royal Assent to allow sufficient time for industry make the required changes. The findings from the age assurance trial will also assist implementation of the enforcement portion of the minimum age. The department and the eSafety Commissioner would also ensure relevant stakeholders (young people, parents and carers, and social media companies) are familiar with their new regulatory obligations, and the new tools that are available to them.

Beyond the commencement of the legislation, supporting activities such as education and mental health support as suggested by stakeholders, will be important for ensuring the policy intent of the social media age limit is achieved – to reduce the risks and harms to young Australians.

6.3 Implementation risks and how they can be managed

There are risks associated with restricting access to conventional social media services, given this may lead to children migrating to alternative or fringe services that are either unwilling or unable to moderate their users or content. For example:

- moving to online communications platforms that are difficult to regulate effectively, due to jurisdictional challenges, would reduce opportunities for law enforcement interventions; and
- inadvertently discouraging young people from reporting possible instances of child sexual exploitation or abuse online to their parents/guardians or others, such as law enforcement authorities.

Care will need to be taken in implementation to ensure that any changes in young person behaviour and the online technology ecosystem due to legislated access restrictions does not enhance the ability for online predators to pressure and subsequently abuse or exploit young persons (e.g. through misinformation that access accountability rests with the young person rather than social media service providers). Supporting activities, which could include awareness campaigns and digital literacy education, will be important in addressing this risk.

Introducing legislation to enforce a minimum age for access to social media poses privacy risks. Meeting reasonable steps, for example by implementing age assurance, may incentivise social media services to collect, store and use additional personal information on individuals. Risks include concerns that social media service will use this information for commercial and harmful purposes, such as profiling individuals or feeding such data into recommender systems, and heightened risks of data breaches.

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The age assurance trial is crucial to testing the effectiveness of age assurance technologies against a range of criteria, including accuracy, privacy and security. Additionally, consideration is being given to ensure the legislative design includes robust privacy safeguards. This includes requirements to adopt a data minimisation approach, use limitations for personal information collected for age assurance, and data destruction requirements.

There is a risk that legislation would encourage children to:

- use non-compliant services; or
- circumvent age assurance mechanisms (such as through VPNs) potentially resulting in being treated as adult users. This would lead to children not being afforded child-specific protections, including privacy protections, such as those in the proposed Children's Online Privacy Code, and protections services may offer to children in order to become exempt from the minimum age requirement.

To mitigate this risk, the age assurance trial is considering the appetite of individuals to use age assurance mechanisms, and the likelihood and ways children may circumvent age assurance mechanisms.

While these risks are recognised, doing nothing is no longer an option. Online safety reform is a rapidly evolving space and there is unlikely to be a perfect solution that would satisfy everybody. Supporting measures to this legislation, which could include awareness campaigns and digital literacy education, would mitigate some of these concerns. Additionally, the inclusion of legislative design features such as exemptions for certain types of services, a statutory review process, and a 12 month deferral for implementation would incentivise social media services to improve safety for young Australian end-users of their services.

7. Evaluation

Implementation of the social media age limit is proposed to include a delayed commencement of 12 months after Royal Assent to allow sufficient time for industry make the required changes. The department and the eSafety Commissioner would lead a program of extensive stakeholder engagement to allow relevant stakeholders (young people, parents and carers, and social media companies) to familiarise themselves with their new regulatory obligations, and the new tools that are available to them.

Following the social media age limit coming into effect, the department and the eSafety Commissioner would monitor and evaluate the success of the policy. It is proposed that the legislation would be reviewed 2 years after implementation. The eSafety Commissioner would provide oversight and enforcement of the minimum age. In addition to the frameworks under the obligation to take reasonable steps to prevent access for those under ³⁴(₃) in this legislation, the eSafety Commissioner's existing transparency powers can assist with compelling information from platforms that could be used to inform evaluation.

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Australian Government

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

Impact Analysis Equivalent Supplementary Analysis

OIA24-08201: Social Media Age Limit

October 2024

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

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1. Policy problem and available data

The Australian Government is committed to keeping Australians safe online by reducing risks and harm. The Government has committed to introduce legislation by the end of 2024 to enforce a minimum age for access to social media. A Commonwealth-led approach to this important social issue will ensure Australian children are better protected from online harms and parents and carers are supported.

It builds on the Government's work to address online harms for young people. The Government committed \$6.5 million in 2024-25 to develop a trial of age assurance technologies to protect children from harmful online content, which will test different implementation approaches to help inform policy design.

1.1 Relevant available data and key data gaps

Available data is highly generalisable to the problem in Australia

Data from South Australia is applicable to the Australian context and the broader problem identified by the Australian Government. South Australia, and the data analysed for the Hon Robert French AC's *Report of the Independent Legal Examination into Banning Children's Access to Social Media*, provides a generally representative sample of Australia – metropolitan, regional and remote populations; First Nations people as a proportion of population (2.4 per cent compared to 3.8 per cent for Australia¹); and communities including LGBTQI+, people with disabilities and Culturally and Linguistically Diverse (CALD).

Additionally, the New South Wales (NSW) Government conducted a Have Your Say survey on social media use and impacts in August and September 2024. The results were published by the NSW Government in October 2024². These results provide additional data to prove the extent of the problem exists not only in South Australia, but also in NSW, and can therefore be generalised across all of Australia. These results also fill a data gap on public sentiment and community concerns about the status quo – 87 per cent of survey respondents said they support an age limit for social media.

Data from the United States (US), United Kingdom (UK) and European Union (EU) is also relevant due to their significant cultural alignments with Australia. Australia and the UK have an Online Safety and Security Memorandum of Understanding for bilateral cooperation between the two countries to support safer and more positive experiences online, emphasising the linkages for online safety policy.

International data is advantageous as it is likely to be more advanced than research available in the Australian context. Data from the UK and EU in particular is more advanced due to advancements in regulatory settings for large digital platforms and significant funding for research on the impact of social media design elements, such as algorithms.

Data gaps

Data gaps exist on an international level, rather than specific to the Australian context. The Queensland Report highlights the need globally for more research to understand how social media impacts child and adolescent development. It states that while there is a gap in the correlative evidence of the harms of social media on young people, this may be in part due to major social media services choosing not to share their own market and user impact research. This absence of quality data on a global scale could be addressed through increased transparency by social media services of data held and the functionality and impact of their content recommendation algorithms.

¹ [Estimates and Projections, Aboriginal and Torres Strait Islander Australians, 2011 to 2031 | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au/Estimates-and-Projections-Aboriginal-and-Torres-Strait-Islander-Australians-2011-to-2031)

² [Have Your Say - Social media use and impacts \(nsw.gov.au\)](https://www.nsw.gov.au/Have-Your-Say-Social-media-use-and-impacts)

1.2 Key cohorts

Young people

Young people and children as a group are particularly vulnerable to the effects of online harm, and understanding their experiences is critical to effective prevention and intervention. From research conducted by the department in the National Online Safety Survey 2022, we know that children are becoming exposed to the internet at an increasingly younger age and are experiencing negative online behaviours.³

The department engaged directly with young people and heard that social media allows them to connect and feel socially included. It can be an entry point to health and mental health support, a creative outlet, or a platform for legitimate children’s programming. Social media provides an avenue to access news and connection, particularly for LGBTQI+, First Nations, CALD, neurodivergent and regional/remote youth.

But young people also understand the need for protection, as they are being impacted by content and the design of social media services. Research by eSafety found almost two-thirds of 14 to 17-year-olds have viewed extremely harmful content online including drug abuse, suicide or self-harm, as well as violent and gory material. The design of social media services has evolved to feed addictive behaviours to drive engagement – endless scrolling, content recommendation systems that send users down ‘rabbit holes’, and notifications demanding attention at all hours of the day.

The proposal to introduce a minimum age for social media will reduce harms (such as cyber bullying, body image issues, eating disorders and addiction to scrolling) that arise from young people having negative experiences online. Research shows that the impact of these harms is greater on younger teens. By restricting access, these harms would be reduced as older teens may have better capacity to understand the nature of harm and seek help at the appropriate time.

Adolescent girls and transgender youth

Adolescent girls and transgender youth are disproportionately impacted by online harassment and abuse, which is associated with negative emotional impacts (e.g., feeling sad, anxious or worried).⁴⁵ Research indicates that nearly 6-in-10 adolescent girls report they have been contacted by a stranger on certain social media platforms in ways that make them feel uncomfortable.⁶ In addition, social media may also perpetuate body dissatisfaction, disordered eating, social comparison, and low self-esteem, especially among adolescent girls.⁷ A Position Statement from the QLD Chief Health Officer also points to the different ways that social media use negatively impacts young boys and girls, stating: “Studies have also raised concerns that comparing themselves to images and videos on social media platforms can lead to body dissatisfaction and eating disorders in adolescent girls, potentially resulting in significant mental health problems. But deteriorating mental health trends are also apparent in boys.”⁸

For these reasons, introducing a minimum age for access to social media is likely to have a positive impact on all young people under the minimum age, but particularly for girls and transgender youth. It will also have the added benefit of combatting other gendered harms, such as sextortion, which is most often experienced by young boys.

³ [National Online Safety Survey 2022](#)

⁴ [Sextortion of Minors: Characteristics and Dynamics - Journal of Adolescent Health \(jahonline.org\)](#)

⁵ [Social Media and Youth Mental Health \(hhs.gov\)](#)

⁶ Nesi, J., Mann, S. and Robb, M. B. (2023). *Teens and mental health: How girls really feel about social media*. San Francisco, CA: Common Sense.

⁷ Lonergan, A. R., Bussey, K., Fardouly, J., Griffiths, S., Murray, S. B., Hay, P., Mond, J., Trompeter, N., & Mitchison, D. (2020). Protect me from my selfie: Examining the association between photo-based social media behaviors and self-reported eating disorders in adolescence. *The International journal of eating disorders*, 53(5), 485–496. <https://doi.org/10.1002/eat.23256>

⁸ [Position Statement: Social Media and the Mental Health and Wellbeing of Young Queenslanders](#)

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Young First Nations people

Addressing the incidence and impact of online harms is a critical part of supporting digital inclusion for First Nations Australians, however social media use and experiences in First Nations communities is still under-researched, and current research presents mixed results. The First Nations Digital Inclusion Report noted research suggests that Aboriginal and Torres Strait Islander people use social media at rates higher than non-Indigenous Australians, with those in remote communities also being high users of social media. Further, social media is a key communications mode and source of news and entertainment in communities. Any policy would need to balance the benefits and unintended consequences of the legislation on First Nations youth.⁹

Feedback received from the department's stakeholder engagement indicated that a large number of First Nations youth use social media and other digital messaging services to communicate. Any restriction on accessing social media could disproportionately affect First Nations youth. Additional analysis is required to determine the most common means and mode of this connection, be it on messaging or social media services, to fully understand the impact.

However, instances of online harms, including racism and vilification, are also affecting First Nations youth. The Wiyi Yani U Thangani (Women's Voices) Report noted the increasing use of social media as a tool for bullying amongst young people, as direct and indirect racism manifests as bullying and online hate. Girls are 5 times more likely than boys to experience bullying through social media. First Nations children and young people may also be more exposed to bullying and intimidating behaviour online.¹⁰

Parents and carers

Through consultation roundtables with parents, carers and child-development experts, the department heard that parents are overwhelmed with the prospect of managing children's social media access, and are calling for a cultural and/or legal change.

Legislating an age limit for social media had strong majority support from parents and carers, with many supporting an age minimum of 16 years old. Some stakeholders suggested legislating an age limit now to establish a social norm, and deferring implementation of enforcement to the short-medium term to allow time to address legal and technical issues.

In addition to an age limit, parents and carers told the department that digital literacy education for children and parents is critical. Parents need strategies to create healthy screen routines and support children to safely use technology.

Social media companies

Under the proposed legislation, the key principle of the Commonwealth's legislative approach is to place the onus on platforms, not parents or young people. It will be incumbent on the platforms to demonstrate they are taking reasonable steps to ensure fundamental protections are in place at the source. By design, social media companies will bear the significant majority of the regulatory burden and economic/financial impact of an age limit for social media.

The economic impact of the proposal will be primarily felt by social media companies that rely on revenue from advertisements and related content. It would also be a financial impost on these companies to implement technology that will assure their users' age and filter content accordingly. However, the economic benefits of not having an age limit in place currently exists at the cost of harms to young Australians, so the proposal is considered to be a net benefit to society.

⁹ [first-nations-digital-inclusion-advisory-group-initial-report.pdf \(digitalinclusion.gov.au\)](https://www.digitalinclusion.gov.au/first-nations-digital-inclusion-advisory-group-initial-report.pdf)

¹⁰ [Wiyi Yani U Thangani Report \(2020\) | Australian Human Rights Commission](#)

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Through the department's consultation with digital industry and peak bodies, there was broad recognition that responsibility for user safety sits at all levels of the tech stack – device level, app stores, and social media platforms and websites – arguing for a multi-tiered approach to age assurance. Industry also emphasized the importance of alignment with international regulatory approaches when it comes to age assurance, to reduce their regulatory burden as they face age assurance regulations across the UK, EU and several US states. They also highlighted the importance of future proofing any policy or regulatory response, particularly as the digital environment in the near future could be very different to how users engage with platforms today. This could be achieved through setting some details of the framework in subordinate legislation, to facilitate more efficient processes for updating the law to keep pace with international and technological changes.

2. Policy objectives, government intervention and how success will be measured

2.1 Characteristics of policies that can solve this problem at a Commonwealth level

The Australian Government is best placed to address and reduce the risks and harms young people experience from social media due to the ability to create a nationally consistent framework for all Australians. The Government has previously intervened to develop light touch mechanisms for the safety of children on social media platforms. The position of Children's eSafety Commissioner (now the eSafety Commissioner) was created in 2015 to fight against online risks and harms faced by Australian children. The *Online Safety Act 2021* was brought in to strengthen and expand the laws for online safety to keep pace with technology and the threats Australians face from online harmful behaviour and toxic content.

While these measures were introduced to increase the accountability of social media platforms and insert further protections for children on social media, children continue to experience the risks and harms associated with online platforms.

Further intervention is needed to ensure that children are safeguarded from the risks and harms associated with social media. Self-regulation by social media platforms has led to an inconsistent approach to addressing these harms and is reliant on users to moderate content and the interactions of other users. Where content has been moderated by a user, it may still remain on a platform or shared via other platforms. For example, content that is designed by a user to intimidate or bully another user may be shared, liked and reposted through and across platforms, resulting in rapid and widespread dissemination. This is especially pertinent for children who are in the crucial stages of development of their social acumen.

2.2 Interactions with national and state and territory policies

National policies

The Australian Government is committed to keeping Australians safe online by reducing risks and harm. The Government has committed to introduce legislation by the end of 2024 to enforce a minimum age for access to social media.

Any regulation setting a minimum age will need to be enforced through age assurance. The Government committed \$6.5 million in 2024-25 to develop a trial of age assurance technologies to protect children from harmful online content. The trial will test different implementation approaches to help inform policy design. The department is in the process of contracting an appropriately experienced provider to conduct the trial. Completing a trial implements one of the recommendations of the eSafety Commissioner's Roadmap for Age Verification.

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The objective of the trial is to determine the effectiveness of available age assurance technologies as an option to:

- prevent access to online pornography by people under the age of 18; and
- age-limit access to social media platforms for young people aged between 13 and 16 years old.

There are three key elements to the trial:

- The technology trial: an independent assessment of age assurance technologies.
- Research: including consumer research into Australian's attitudes towards the use of age assurance technologies for access to online services.
- Consultation: targeted stakeholder consultation with young Australians, parent groups, academics, the digital industry (including platforms), community and civil society groups, and First Nations representatives.

To ensure the Online Safety Act is fit for purpose, the Government brought forward the independent statutory review of the Online Safety Act 2021 by one year. The review is due for delivery to Government by 31 October 2024. The terms of reference for the review require a broad ranging examination of the Act.

The Government also tasked industry to develop a voluntary code to keep users of online dating services safe. This code has been adopted and commenced on 1 October 2024, it will be enforced from 1 April 2025.

As part of the 2023-24 Budget, the Australian Government increased eSafety's base funding to \$42.5 million each year – up from \$10.3 million each year. This is \$132.1 million over the forward estimates to support the Commissioner's administration of the Act. This funding will not terminate, it is ongoing and indexed.

In October 2023 as part of the broader Protecting Australians Online funding package, the Government provided an extra \$6.7 million over four years from 2023-24 for eSafety to respond to increases in reporting of terrorist and violent extremist content stemming from the Israel-Hamas conflict.

In the October 2022 Budget, the Government provided \$6 million over three years to the Alannah and Madeline Foundation to deliver its digital and media literacy education products for free in Australian schools.

State policies

On 7 September 2024, the Premier of South Australia announced a proposed ban on children under 14 years of age accessing social media, with parental consent required for 14- and 15-year-olds to have access. On 8 September 2024, the South Australian Government released the Hon Robert French AC's *Report of the Independent Legal Examination into Banning Children's Access to Social Media*, including draft legislation. The Report noted the potential benefits of a Commonwealth-led approach.

On 10 September 2024, the Premier of Victoria announced that Victoria will work with South Australia and the Commonwealth to introduce age limits for social media to protect children from harm and help parents. While Victoria was prepared to introduce state legislation, it will prioritise a nationally consistent approach and work with the Commonwealth to help deliver one set of clear rules to keep the tech giants in check. Victoria points to the model outlined by the Hon Robert French AC as a common-sense starting point.

On 10 and 11 October 2024, NSW and South Australia co-hosted a 2-day Social Media Summit. It brought together experts, policymakers, academics, parents and young people to explore key areas including the impacts of social media on children and young people, online safety, social media's role in disinformation and misinformation, addressing online hate and extremism and how social media is changing the way government delivers services. On 11 October 2024, the Premier of South Australia also announced reforms to the state's child safety curriculum to prevent and mitigate online safety issues.¹¹

¹¹ [South Australian students to learn about dangers of social media.](#)

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While the South Australian Government has a position on the minimum age, the NSW Government does not have an official position. The NSW Government is open to restricting social media use but is awaiting the summit's findings before committing to reform. However, the Premier of New South Wales has stated his support for a minimum age of 16 and that his government will legislate this minimum age in the absence of Federal legislation.

Federal legislation is a logical step to ensure that all young Australians are better protected from online harms, and that parents and carers are supported in a nationally-consistent manner to keep their children safe.

3. Policy options

Option 1 - status quo

Currently in Australia there is no legislated minimum age for accessing social media. While social media services have minimum age requirements under their Terms of Service, there is still uncertainty and confusion among parents about when the 'right time' is to allow social media use, with parents often seeing age ratings as advisory rather than mandatory. Existing safeguards to protect children from the negative impacts of social media are not in step with community expectations.

There is also currently no enforcement of the required minimum age in social media services' Terms of Service. Industry standard practice is 'age-gating', where a user self-reports their age when entering a website or making an account. This may be done by entering a date or year of birth or answering a simple question such as 'are you over 13?'. Some major platforms, including Facebook, Instagram and TikTok implement stricter age assurance methods if a user later tries to change their age to be over 18 (Meta) or over 16 (TikTok).

The Government is separately (but relatedly) working on a trial of age assurance technologies to determine the effectiveness of available age assurance technologies for preventing children's exposure to online pornography and social media. At the completion of the trial, the Government will consider pathways to implement the trial's findings, including on social media services. If the Government chooses not to legislate to enforce a minimum age for accessing social media now, pending the outcomes of the age assurance trial, age assurance is likely to be introduced for pornography and other adult content.

As discussed in section 1.2, the status quo is exposing young Australians to the risks and harms of social media. Social media services leverage the primary psychosocial drivers behind young people's use of social media – including entertainment, information seeking, social interaction, self-expression and escapism – to engage users and keep them on the service for long periods of time. Common design features that achieve this purpose include algorithms to tailor content, gamification to encourage regular participation, 'likes' to activate positive feedback neural activity, and endless scrolling or streaming to continuously display new content to users.

Young people's use of social media is a complex issue, for which the evidence base is still evolving. However, the addictive nature of social media services is one of the biggest concerns cited by young Australians in consultation with the department – in particular, the tendency for social media use to result in habitual, mindless engagement and 'doomscrolling'. Evidence suggests that young people who are using social media to seek mental health support are more susceptible to these behaviours, and increased frequency of social media use is associated with a greater risk of elevated symptoms of depression and anxiety.¹²

¹² [Adolescents online: Snapshot Series - Issue 5 | Growing Up in Australia](#)

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Option 2 – minimum age of ^{s34(3)} with no parental consent (recommended)

Option 2 provides the most benefit to young Australians and their parents and carers to mitigate the risks and harms presented by social media.

The constant stream of information, updates and trending content on social media services can often result in young people experiencing the ‘fear of missing out’ (FOMO). Australians aged between 12 and 17 years old feel overt pressure to use social media so they are not left out of conversations or activities organised in group chats. A minimum age for social media would reduce the FOMO experienced by young people by changing the behaviours of the entire cohort, rather than only a few – teens won’t feel pressured to be on social media if their friends aren’t online either.

Parents and carers feel unsupported to make evidence-based choices about when their children should be on social media and are overwhelmed by pressure from their children and other families. Setting a minimum age removes ambiguity about when the ‘right’ time is for their children to engage on social media and creates a new social norm.

A minimum age ^{s34(3)} years old was chosen as it achieves the most effective balance between protecting children from harm and preventing their isolation, without imposing additional burden on parents or carers. Consultation undertaken by the department has highlighted support for a legislated minimum age to be somewhere between 14 and 16 years old, with some support for 18 years old. A minimum age ^{s34(3)} finds the best balance to meet the expectations of Australians to minimise the harms experienced by young people, while supporting their access to the benefits of these services.

Additionally, the US Surgeon General’s Advisory on Social Media and Youth Mental Health states that “adolescent social media use is predictive of a subsequent decrease in life satisfaction for certain developmental stages including for girls 11–13 years old and boys 14–15 years old.”¹³ A minimum age ^{s34(3)} allows access to social media after most adolescents are outside the most highly vulnerable stage.

As discussed in Option 3 below, including parental consent in the policy design presents several additional regulatory and implementation problems. A minimum age ^{s34(3)} without parental consent is the recommended option for finding the best balance between Options 1 and 3.

Option 3 – minimum age of 14 with parental consent required at 14 and 15 years old (South Australian proposal)

Option 3 aligns with the South Australian Government’s proposal. The South Australian Government has proposed to prohibit social media access for children aged under 14 and require parental consent for children aged 14 and 15 in South Australia. The Hon Robert French AC’s Report included a draft Bill that could give effect to the proposal. South Australia conducted a YourSAy consultation on the draft Bill in September to October 2024. ^{s47B(a)}

[Redacted text block]

This option is considered here as it is a useful comparison of an existing proposal in the Australian context and how this policy idea could likely be applied Australia-wide. However, the inclusion of parental consent in the design presents several regulatory and implementation problems beyond Option 2.

Legislating an age range for which access to social media may be granted only with parent or guardian consent would introduce administrative burden on already overwhelmed parents and guardians. It would also place the responsibility back on parents to determine the age at which their child can safely use social media.

¹³ [Social Media and Youth Mental Health \(hhs.gov\)](https://www.hhs.gov/social-media-youth-mental-health)

Such a model could also disproportionately impact children in unsafe homes, or those with difficult parental relationships.

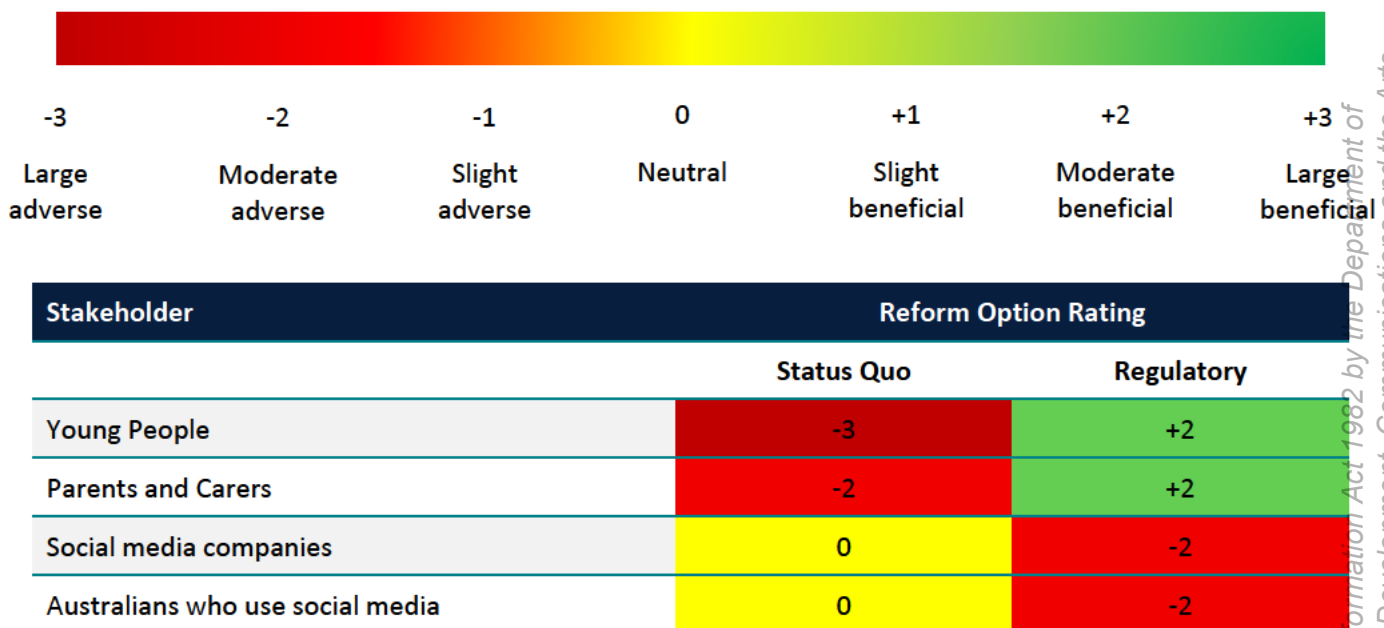
Parental consent models create significant implementation challenges. Social media services would not only need to verify or assure the age of an end-user but also confirm the identity of the user, as well as establishing a connection between child and guardian. This would multiply the regulatory burden on Australians and social media companies and privacy concerns, compared to establishing the age of a single user.

4. Likely net benefit of options

4.1 Framework used to weigh the harms and benefits and key assumptions

It is difficult to determine the quantitative costs and benefits from the considered options due to the lack of available data provided by social media services. Noting the lack of available data, this IAE supplementary analysis uses qualitative analysis to determine the likely costs and benefits. The likely costs and benefits listed in section 4.3 are based on case studies, consultation undertaken by the department and research that explores the harms to young people and their families.

A multi-criteria analysis (MCA) is used to assist in creating a quantitative net-benefit for supporting comparison between the considered options. The MCA uses a sliding scale for scoring with largely adverse impacts to stakeholders being rated as -3 and largely beneficial impacts to stakeholders being rated as +3.



Based on the summation of the ratings in the MCA, the status quo is likely to result in a net benefit of -5. While it appears that social media companies and Australians who use social media are likely to experience a neutral impact from status quo, the severity of impacts to young people and parents and carers, particularly those from at-risk backgrounds, results in an overall negative net benefit to stakeholders.

Based on the summation of the ratings in the MCA, a regulatory option is likely to result in a net benefit of 0. The likely benefits resulting from a regulatory option to young people and their parents and carers are likely to balance out the adverse impacts to social media companies and Australians who use social media.

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4.2 Regulatory burden estimate

Costs for the recommended option, being Option 2, and key assumptions about the process of implementing the social media age limit are outlined below.

For the purposes of this supplementary analysis, it is assumed that the social media age limit will apply to approximately 100 social media services, as consistent with the 'social media service' definition in the Online Safety Act. An hourly default rate of **\$85.17** has been used, as per the Office of Impact Analysis' Regulatory Burden Measurement Framework.

Social media services would have implementation costs due to the requirement to enforce the minimum age. It is assumed that social media services will need to age assure for the majority of its existing users to ensure Australians under ^{s34(3)} years old are not accessing their services, and to continue to allow access to Australians over ^{s34(3)} who use social media services.

Implementation costs for social media companies to set up age assurance processes to meet enforcement requirements is assumed to be **\$681,360**. It is assumed that implementations costs would include 80 hours of staff time incurred by each of the 100 social media services.

It is assumed that assurance costs would be roughly **\$0.64** per check per user. This is the average cost between three known quotes from third-party age assurance providers (\$0.47–\$0.85 per person). It is assumed that approximately 20,800,000 users will need to have their age assured, that is, all Australians who use social media services including current users under the age ^{s34(3)}. It is assumed that each of these users will be age assured on 4 social media accounts – based on the assumption that many major social media services are under the same parent company (e.g. Meta), reducing the number of checks that need to be done. The total cost for social media services to assure the age of current users is estimated to be **\$53,248,000** for **83,200,000** total assurance checks

The implementation cost for social media services to assure the age of users is estimated to be **\$53,929,360**.

It is important to note that while this cost is based on information from third-party age assurance providers, it is not possible to provide a reasonably accurate estimate because age assurance is risk based, therefore different social media services may need to take different steps. Some larger social media services may develop in-house solutions while smaller social media services are likely to employ off-the-shelf solutions – such as third-party age assurance providers. The cost of age assurance is likely to change with technical advances (and become cheaper).

Business as usual costs for the first year for social media services to assure the age of new users is assumed to be **\$4,486,440**. It is assumed that business as usual compliance costs would include 10 hours of additional staff time per week incurred by each of the 100 social media services, for a total compliance cost of **\$4,428,840**. It is assumed that approximately 22,500 Australians, including people under the age ^{s34(3)}, will (attempt) to sign up for 4 social media accounts each year. This totals 90,000 assurance checks that will need to be assured at **\$0.64** per check, for an age assurance check total of **\$57,600**.

Business as usual costs beyond the first year for social media services to assure the age of new users is assumed to be **\$943,368 per annum**. It is assumed that business as usual compliance costs would include 2 hours of additional staff time per week incurred by each of the 100 social media services, for a total compliance cost of **\$885,768 per annum**. It is assumed that approximately 22,500 Australians, including people under the age ^{s34(3)}, will (attempt) to sign up for 4 social media accounts each year. This totals 90,000 assurance checks that will need to be assured at **\$0.64** per check, for an age assurance check total of **\$57,600 per annum**.

4.3 Likely benefits, costs and impacts of options

As the likely impacts to key stakeholders from the regulatory options are largely similar, this supplementary analysis will consider the impacts of a status quo option and a regulatory option.

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The status quo is a non-regulatory option, relying on social media platforms to either enforce their own terms of service minimum age (mostly 13 years old) or lawsuits in the US against major platforms for knowingly allowing children under their minimum age to access their service.

Status Quo

Young people

The likely benefits to young people of the status quo access to social media without an enforced minimum age is retained access at current levels to the ability to connect and feel socially included through the use of platforms. Social media can be an entry point to health and mental health support, a creative outlet, or platform for legitimate children's programming. It provides an avenue to access news and connection, particularly for LGBTQI+, First Nations, CALD, neurodivergent and regional/remote youth.

However, there are potentially high costs to the status quo. The use of social media services has introduced new risks for young Australians, including exposure to inappropriate content, cyber bullying and online predators, and potentially contributing to adverse outcomes such as poor mental health outcomes, addictive behaviours and body image issues.

Based on the above likely impacts, it is reasonable to expect that there are likely to be largely adverse impacts to young people. This results in a scoring of -3 in the above MCA.

Parents and carers

The likely benefits to parents and carers of the status quo is retaining their ability to choose the age their children access social media services at their discretion, such as based on the maturity of their child. No young person's use of social media is the same, and parent and carer's ability to chose their child's usage is a strong benefit of the status quo.

However, the costs of the status quo option are high, as parents and carers feel unsupported to make evidence-based choices about when their children should be on social media and are overwhelmed by pressure from their children and other families. Parents and carers have uncertainty about the content that their children are accessing and the people that are in contact with their children, which are potentially harmful situations for young people, and can have catastrophic consequences, including leading to suicide.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately to largely adverse impacts to parents and carers. This results in a scoring of -2 in the above MCA.

Social media companies

Social media companies will experience no notable benefits or costs in the status quo option. All existing social media users will likely continue using their services as they currently do, allowing social media companies to continue to benefit from advertising revenue. No enforcement of a minimum age will result in social media companies continuing to invest at their current rates in age assurance technologies.

As the status quo is unlikely to result in any change to the way social media companies operate, there is unlikely to be any noticeable impacts. This results in a scoring of 0 in the above MCA.

Australians who use social media

In 2024, approximately 20.80 million Australians, or 78.3 per cent of the population, use social media. The percentage of male and female social media users is almost equal, and Australians use on average 6.1 social media platforms every month.¹⁴

¹⁴ [Social Media Statistics for Australia \[Updated 2024\] \(meltwater.com\)](https://meltwater.com)

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Australians who use social media will experience no notable benefits or costs in the status quo option. Access for users will remain unrestricted with no enforcement measures likely resulting in no new age assurance processes implemented by social media companies.

As the status quo is unlikely to result in any change to the way Australians who use social media interact with it, there is unlikely to be any noticeable impacts. This results in a scoring of 0 in the above MCA.

Regulatory options

Young people

The likely benefits to young people of a regulatory option is reduced risk of experiencing harms on social media services. Young people would have much lower unintentional exposure to age-inappropriate and distressing content that is fed to them by social media algorithms. With a minimum age for access, young people will have a higher capacity and maturity to approach social media and engage with it in a lower risk manner.

The cost of a regulatory option is any young people under the minimum age would lose access to the connection, community, education and mental health support that social media can offer. However, the proposed legislation would have an exemption framework to accommodate access to social media services that demonstrate low risk of harm. In addition, the minimum age would only apply to social media services and would not prevent young people from accessing the Internet and messaging services. These factors combine to mitigate the loss of connection that could otherwise be experienced.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately beneficial impacts for young people. This results in a scoring of +2 in the above MCA.

Parents and carers

Parents and carers would have large benefits from a regulatory option. Parents and carers are concerned about who and what their children are engaging with on social media, and are seeking regulatory intervention to address their concerns. Establishing an age limit for social media will help signal a set of normative values that support parents, carers and society more broadly. Parents and carers will no longer be the decision maker for their child to access social media, with a clearly legislated minimum age instead taking pressure off young people's 'pester power'.

The likely cost to parents and carers of a regulatory option is low. A legislated minimum age would remove parent and carer's capacity to decide themselves if their child should be on social media at a younger age. However, feedback from this group indicates this is a minor concern compared to the costs discussed for the status quo option.

Based on the above likely impacts, it is reasonable to expect that there are likely to be large beneficial impacts for parents and carers. This results in a scoring of +2 in the above MCA.

Social media companies

Regulatory options would require social media companies to take reasonable steps to check the age of their users. Reasonable steps will be clarified in a regulatory instrument/guidance, but may involve adoption of age assurance technology that asks for some level of proof from a user to determine that there are above the minimum age. As shown in section 4.2, implementation of a regulatory option (including age assurance checks for all Australians using social media) would have an estimated financial impact of **\$53,929,360**.

However, some social media companies currently have age assurance methods in place or are investing in age assurance technologies for their services, so the financial and regulatory burden would not be severe for these companies.

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As the regulatory option will result in a change to the way social media companies operate, there are likely to be moderate to large adverse impacts. This results in a scoring of -2 in the above MCA.

Australians who use social media

As discussed above, regulatory options would require social media companies to take reasonable steps to check the age of their users. Legislated enforcement of a social media age limit may result in social media companies assuring the age of all Australians who use social media. Social media companies may instead choose to develop services that meet the threshold for exemption, allowing all Australians to access their services without undertaking age assurance.

Separately, the Government's age assurance trial is ongoing and will inform decisions around the technological maturity of age assurance methods.

As the regulatory option is likely to result in a change to the way Australians who use social media interact with it, there are likely to be some adverse impacts. This results in a scoring of -2 in the above MCA.

5. Consultation

5.1 How feedback informed key elements of the policy design

Insights from state and territory governments helped inform the age, legislative model and supporting activities for the social media age limit. Feedback from states and territories was obtained through ongoing engagement with the department, including in relation to proposed state legislation and the Social Media Summit, and responses to the letter the Prime Minister, the Hon Anthony Albanese MP, sent to premiers and chief ministers on 4 October 2024.

Feedback from the department's stakeholder engagement on the age assurance trial helped inform the scope of social media services to be included in the age limit. Messaging services, for instance, were widely stated to have benefits of connection that outweigh the risks of harm to young people. Development of potential supporting activities was emphasised by stakeholders, particularly focused on education and mental health programs for at-risk young people. However, there was no consensus across stakeholders for the minimum age for access, so this decision could not be made on the basis of stakeholder consultation.

Feedback from industry stakeholders, including social media companies, informed the timeframes for commencement of the enforcement requirement. The proposed draft legislation will defer implementation of the measures by 12 months from Royal Assent to provide industry with sufficient time to implement required changes.

Holistically, feedback informed the exemptions framework to encourage behaviour change from social media platforms, rather than the age limit being a blunt instrument. The proposed legislation considers potential exemptions (subject to conditions) for social media services that can demonstrate they have implemented certain safety requirements. This approach from Government would push the platforms to take responsibility for children's safety, and incentivise safe innovation for services that provide the benefits of access to social media while limiting the risk of harms.

Exempting services aligns with the overarching principle of this legislation to protect, not isolate, young people, by retaining access for those under the minimum age to low-risk social media services that will offer the benefits that arise from connection, education and access to support services. It also provides financial incentive for social media services to improve safety features (in order to demonstrate that sufficient steps have been taken to mitigate risk) and therefore regain access to a younger market they may otherwise be excluded from.

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5.2 Relevance of South Australian consultation

The South Australian consultation process in developing their draft Bill consulted a wide variety of people. Importantly, the consultation process incorporated the perspectives of a diverse range of cohorts. This extends to people who were in metropolitan, regional and remote areas, people who identify as First Nations, LGBTQI+, people with disability and young people. The recency of the consultation process and incorporation of diverse perspectives, particularly from those at risk of harms on social media platforms, allow for the analysis to assist in informing the development of a nationally applicable framework.

6. Recommended option and implementation

6.1 How recommended option was identified

To identify the recommended option, this supplementary analysis incorporates the likely net benefit from the MCA, the regulatory burden estimate, the likely success in achieving the objectives of government and feedback from consultation and evaluation to develop a decision rule. This decision rule is then applied across the three options to identify the best option out of those considered.

Based on the decision rule, Option 2 has been identified as the recommended option.

6.2 Major steps in implementation

The first major step in implementation would be a delayed commencement of 12 months after Royal Assent to allow sufficient time for industry make the required changes. The findings from the age assurance trial will also assist implementation of the enforcement portion of the minimum age. The department and the eSafety Commissioner would also ensure relevant stakeholders (young people, parents and carers, and social media companies) are familiar with their new regulatory obligations, and the new tools that are available to them.

Beyond the commencement of the legislation, supporting activities such as education and mental health support as suggested by stakeholders, will be important for ensuring the policy intent of the social media age limit is achieved – to reduce the risks and harms to young Australians.

6.3 Implementation risks and how they can be managed

There are risks associated with restricting access to conventional social media services, given this may lead to children migrating to alternative or fringe services that are either unwilling or unable to moderate their users or content. For example:

- moving to online communications platforms that are difficult to regulate effectively, due to jurisdictional challenges, would reduce opportunities for law enforcement interventions; and
- inadvertently discouraging young people from reporting possible instances of child sexual exploitation or abuse online to their parents/guardians or others, such as law enforcement authorities.

Care will need to be taken in implementation to ensure that any changes in young person behaviour and the online technology ecosystem due to legislated access restrictions does not enhance the ability for online predators to pressure and subsequently abuse or exploit young persons (e.g. through misinformation that access accountability rests with the young person rather than social media service providers). Supporting activities, which could include awareness campaigns and digital literacy education, will be important in addressing this risk.

Introducing legislation to enforce a minimum age for access to social media poses privacy risks. Meeting reasonable steps, for example by implementing age assurance, may incentivise social media services to collect, store and use additional personal information on individuals. Risks include concerns that social media

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service will use this information for commercial and harmful purposes, such as profiling individuals or feeding such data into recommender systems, and heightened risks of data breaches.

The age assurance trial is crucial to testing the effectiveness of age assurance technologies against a range of criteria, including accuracy, privacy and security. Additionally, consideration is being given to ensure the legislative design includes robust privacy safeguards. This includes requirements to adopt a data minimisation approach, use limitations for personal information collected for age assurance, and data destruction requirements.

There is a risk that legislation would encourage children to:

- use non-compliant services; or
- circumvent age assurance mechanisms (such as through VPNs) potentially resulting in being treated as adult users. This would lead to children not being afforded child-specific protections, including privacy protections, such as those in the proposed Children's Online Privacy Code, and protections services may offer to children in order to become exempt from the minimum age requirement.

To mitigate this risk, the age assurance trial is considering the appetite of individuals to use age assurance mechanisms, and the likelihood and ways children may circumvent age assurance mechanisms.

While these risks are recognised, doing nothing is no longer an option. Online safety reform is a rapidly evolving space and there is unlikely to be a perfect solution that would satisfy everybody. Supporting measures to this legislation, which could include awareness campaigns and digital literacy education, would mitigate some of these concerns. Additionally, the inclusion of legislative design features such as exemptions for certain types of services, a statutory review process, and a 12 month deferral for implementation would incentivise social media services to improve safety for young Australian end-users of their services.

7. Evaluation

Implementation of the social media age limit is proposed to include a delayed commencement of 12 months after Royal Assent to allow sufficient time for industry to make the required changes. The department and the eSafety Commissioner would lead a program of extensive stakeholder engagement to allow relevant stakeholders (young people, parents and carers, and social media companies) to familiarise themselves with their new regulatory obligations, and the new tools that are available to them.

Following the social media age limit coming into effect, the department and the eSafety Commissioner would monitor and evaluate the success of the policy. It is proposed that the legislation would be reviewed 2 years after implementation. The eSafety Commissioner would provide oversight and enforcement of the minimum age. In addition to the frameworks under the obligation to take reasonable steps to prevent access for those under ³⁴(3) in this legislation, the eSafety Commissioner's existing transparency powers can assist with compelling information from platforms that could be used to inform evaluation.

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Australian Government

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

Impact Analysis Equivalent Supplementary Analysis

OIA24-08201: Social Media Age Limit

October 2024

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

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1. Policy problem and available data

The Australian Government is committed to keeping Australians safe online by reducing risks and harm. The Government has committed to introduce legislation by the end of 2024 to enforce a minimum age for access to social media. A Commonwealth-led approach to this important social issue will ensure Australian children are better protected from online harms and parents and carers are supported.

It builds on the Government's work to address online harms for young people. The Government committed \$6.5 million in 2024-25 to develop a trial of age assurance technologies to protect children from harmful online content, which will test different implementation approaches to help inform policy design.

1.1 Relevant available data and key data gaps

Available data is highly generalisable to the problem in Australia

Data from South Australia is applicable to the Australian context and the broader problem identified by the Australian Government. South Australia, and the data analysed for the Hon Robert French AC's *Report of the Independent Legal Examination into Banning Children's Access to Social Media*, provides a generally representative sample of Australia – metropolitan, regional and remote populations; First Nations people as a proportion of population (2.4 per cent compared to 3.8 per cent for Australia¹); and communities including LGBTQI+, people with disabilities and Culturally and Linguistically Diverse (CALD).

Additionally, the New South Wales (NSW) Government conducted a Have Your Say survey on social media use and impacts in August and September 2024. The results were published by the NSW Government in October 2024². These results provide additional data to prove the extent of the problem exists not only in South Australia, but also in NSW, and can therefore be generalised across all of Australia. These results also fill a data gap on public sentiment and community concerns about the status quo – 87 per cent of survey respondents said they support an age limit for social media.

Data from the United States (US), United Kingdom (UK) and European Union (EU) is also relevant due to their significant cultural alignments with Australia. Australia and the UK have an Online Safety and Security Memorandum of Understanding for bilateral cooperation between the two countries to support safer and more positive experiences online, emphasising the linkages for online safety policy.

International data is advantageous as it is likely to be more advanced than research available in the Australian context. Data from the UK and EU in particular is more advanced due to advancements in regulatory settings for large digital platforms and significant funding for research on the impact of social media design elements, such as algorithms.

Data gaps

Data gaps exist on an international level, rather than specific to the Australian context. The Queensland Report highlights the need globally for more research to understand how social media impacts child and adolescent development. It states that while there is a gap in the correlative evidence of the harms of social media on young people, this may be in part due to major social media services choosing not to share their own market and user impact research. This absence of quality data on a global scale could be addressed through increased transparency by social media services of data held and the functionality and impact of their content recommendation algorithms.

¹ [Estimates and Projections, Aboriginal and Torres Strait Islander Australians, 2011 to 2031 | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au/Estimates-and-Projections-Aboriginal-and-Torres-Strait-Islander-Australians-2011-to-2031)

² [Have Your Say - Social media use and impacts \(nsw.gov.au\)](https://www.nsw.gov.au/have-your-say-social-media-use-and-impacts)

1.2 Key cohorts

Young people

Young people and children as a group are particularly vulnerable to the effects of online harm, and understanding their experiences is critical to effective prevention and intervention. From research conducted by the department in the National Online Safety Survey 2022, we know that children are becoming exposed to the internet at an increasingly younger age and are experiencing negative online behaviours.³

The department engaged directly with young people and heard that social media allows them to connect and feel socially included. It can be an entry point to health and mental health support, a creative outlet, or a platform for legitimate children's programming. Social media provides an avenue to access news and connection, particularly for LGBTQI+, First Nations, CALD, neurodivergent and regional/remote youth.

But young people also understand the need for protection, as they are being impacted by content and the design of social media services. Research by eSafety found almost two-thirds of 14 to 17-year-olds have viewed extremely harmful content online including drug abuse, suicide or self-harm, as well as violent and gory material. The design of social media services has evolved to feed addictive behaviours to drive engagement – endless scrolling, content recommendation systems that send users down 'rabbit holes', and notifications demanding attention at all hours of the day.

The proposal to introduce a minimum age for social media will reduce harms (such as cyber bullying, body image issues, eating disorders and addiction to scrolling) that arise from young people having negative experiences online. Research shows that the impact of these harms is greater on younger teens. By restricting access, these harms would be reduced as older teens may have better capacity to understand the nature of harm and seek help at the appropriate time.

Adolescent girls and transgender youth

Adolescent girls and transgender youth are disproportionately impacted by online harassment and abuse, which is associated with negative emotional impacts (e.g., feeling sad, anxious or worried).⁴⁵ Research indicates that nearly 6-in-10 adolescent girls report they have been contacted by a stranger on certain social media platforms in ways that make them feel uncomfortable.⁶ In addition, social media may also perpetuate body dissatisfaction, disordered eating, social comparison, and low self-esteem, especially among adolescent girls.⁷ A Position Statement from the QLD Chief Health Officer also points to the different ways that social media use negatively impacts young boys and girls, stating: "Studies have also raised concerns that comparing themselves to images and videos on social media platforms can lead to body dissatisfaction and eating disorders in adolescent girls, potentially resulting in significant mental health problems. But deteriorating mental health trends are also apparent in boys."⁸

For these reasons, introducing a minimum age for access to social media is likely to have a positive impact on all young people under the minimum age, but particularly for girls and transgender youth. It will also have the added benefit of combatting other gendered harms, such as sextortion, which is most often experienced by young boys.

³ [National Online Safety Survey 2022](#)

⁴ [Sextortion of Minors: Characteristics and Dynamics - Journal of Adolescent Health \(jahonline.org\)](#)

⁵ [Social Media and Youth Mental Health \(hhs.gov\)](#)

⁶ Nesi, J., Mann, S. and Robb, M. B. (2023). *Teens and mental health: How girls really feel about social media*. San Francisco, CA: Common Sense.

⁷ Lonergan, A. R., Bussey, K., Fardouly, J., Griffiths, S., Murray, S. B., Hay, P., Mond, J., Trompeter, N., & Mitchison, D. (2020). Protect me from my selfie: Examining the association between photo-based social media behaviors and self-reported eating disorders in adolescence. *The International journal of eating disorders*, 53(5), 485–496. <https://doi.org/10.1002/eat.23256>

⁸ [Position Statement: Social Media and the Mental Health and Wellbeing of Young Queenslanders](#)

Young First Nations people

Addressing the incidence and impact of online harms is a critical part of supporting digital inclusion for First Nations Australians, however social media use and experiences in First Nations communities is still under-researched, and current research presents mixed results. The First Nations Digital Inclusion Report noted research suggests that Aboriginal and Torres Strait Islander people use social media at rates higher than non-Indigenous Australians, with those in remote communities also being high users of social media. Further, social media is a key communications mode and source of news and entertainment in communities. Any policy would need to balance the benefits and unintended consequences of the legislation on First Nations youth.⁹

Feedback received from the department's stakeholder engagement indicated that a large number of First Nations youth use social media and other digital messaging services to communicate. Any restriction on accessing social media could disproportionately affect First Nations youth. Additional analysis is required to determine the most common means and mode of this connection, be it on messaging or social media services, to fully understand the impact.

However, instances of online harms, including racism and vilification, are also affecting First Nations youth. The Wiyi Yani U Thangani (Women's Voices) Report noted the increasing use of social media as a tool for bullying amongst young people, as direct and indirect racism manifests as bullying and online hate. Girls are 5 times more likely than boys to experience bullying through social media. First Nations children and young people may also be more exposed to bullying and intimidating behaviour online.¹⁰

Parents and carers

Through consultation roundtables with parents, carers and child-development experts, the department heard that parents are overwhelmed with the prospect of managing children's social media access, and are calling for a cultural and/or legal change.

Legislating an age limit for social media had strong majority support from parents and carers, with many supporting an age minimum of 16 years old. Some stakeholders suggested legislating an age limit now to establish a social norm, and deferring implementation of enforcement to the short-medium term to allow time to address legal and technical issues.

In addition to an age limit, parents and carers told the department that digital literacy education for children and parents is critical. Parents need strategies to create healthy screen routines and support children to safely use technology.

Social media companies

Under the proposed legislation, the key principle of the Commonwealth's legislative approach is to place the onus on platforms, not parents or young people. It will be incumbent on the platforms to demonstrate they are taking reasonable steps to ensure fundamental protections are in place at the source. By design, social media companies will bear the significant majority of the regulatory burden and economic/financial impact of an age limit for social media.

The economic impact of the proposal will be primarily felt by social media companies that rely on revenue from advertisements and related content. It would also be a financial impost on these companies to implement technology that will assure their users' age and filter content accordingly. However, the economic benefits of not having an age limit in place currently exists at the cost of harms to young Australians, so the proposal is considered to be a net benefit to society.

⁹ [first-nations-digital-inclusion-advisory-group-initial-report.pdf \(digitalinclusion.gov.au\)](https://www.digitalinclusion.gov.au/first-nations-digital-inclusion-advisory-group-initial-report.pdf)

¹⁰ [Wiyi Yani U Thangani Report \(2020\) | Australian Human Rights Commission](#)

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Through the department's consultation with digital industry and peak bodies, there was broad recognition that responsibility for user safety sits at all levels of the tech stack – device level, app stores, and social media platforms and websites – arguing for a multi-tiered approach to age assurance. Industry also emphasized the importance of alignment with international regulatory approaches when it comes to age assurance, to reduce their regulatory burden as they face age assurance regulations across the UK, EU and several US states. They also highlighted the importance of future proofing any policy or regulatory response, particularly as the digital environment in the near future could be very different to how users engage with platforms today. This could be achieved through setting some details of the framework in subordinate legislation, to facilitate more efficient processes for updating the law to keep pace with international and technological changes.

2. Policy objectives, government intervention and how success will be measured

2.1 Characteristics of policies that can solve this problem at a Commonwealth level

The Australian Government is best placed to address and reduce the risks and harms young people experience from social media due to the ability to create a nationally consistent framework for all Australians. The Government has previously intervened to develop light touch mechanisms for the safety of children on social media platforms. The position of Children's eSafety Commissioner (now the eSafety Commissioner) was created in 2015 to fight against online risks and harms faced by Australian children. The *Online Safety Act 2021* was brought in to strengthen and expand the laws for online safety to keep pace with technology and the threats Australians face from online harmful behaviour and toxic content.

While these measures were introduced to increase the accountability of social media platforms and insert further protections for children on social media, children continue to experience the risks and harms associated with online platforms.

Further intervention is needed to ensure that children are safeguarded from the risks and harms associated with social media. Self-regulation by social media platforms has led to an inconsistent approach to addressing these harms and is reliant on users to moderate content and the interactions of other users. Where content has been moderated by a user, it may still remain on a platform or shared via other platforms. For example, content that is designed by a user to intimidate or bully another user may be shared, liked and reposted through and across platforms, resulting in rapid and widespread dissemination. This is especially pertinent for children who are in the crucial stages of development of their social acumen.

2.2 Interactions with national and state and territory policies

National policies

The Australian Government is committed to keeping Australians safe online by reducing risks and harm. The Government has committed to introduce legislation by the end of 2024 to enforce a minimum age for access to social media.

Any regulation setting a minimum age will need to be enforced through age assurance. The Government committed \$6.5 million in 2024-25 to develop a trial of age assurance technologies to protect children from harmful online content. The trial will test different implementation approaches to help inform policy design. The department is in the process of contracting an appropriately experienced provider to conduct the trial. Completing a trial implements one of the recommendations of the eSafety Commissioner's Roadmap for Age Verification.

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The objective of the trial is to determine the effectiveness of available age assurance technologies as an option to:

- prevent access to online pornography by people under the age of 18; and
- age-limit access to social media platforms for young people aged between 13 and 16 years old.

There are three key elements to the trial:

- The technology trial: an independent assessment of age assurance technologies.
- Research: including consumer research into Australian's attitudes towards the use of age assurance technologies for access to online services.
- Consultation: targeted stakeholder consultation with young Australians, parent groups, academics, the digital industry (including platforms), community and civil society groups, and First Nations representatives.

To ensure the Online Safety Act is fit for purpose, the Government brought forward the independent statutory review of the Online Safety Act 2021 by one year. The review is due for delivery to Government by 31 October 2024. The terms of reference for the review require a broad ranging examination of the Act.

The Government also tasked industry to develop a voluntary code to keep users of online dating services safe. This code has been adopted and commenced on 1 October 2024, it will be enforced from 1 April 2025.

As part of the 2023-24 Budget, the Australian Government increased eSafety's base funding to \$42.5 million each year – up from \$10.3 million each year. This is \$132.1 million over the forward estimates to support the Commissioner's administration of the Act. This funding will not terminate, it is ongoing and indexed.

In October 2023 as part of the broader Protecting Australians Online funding package, the Government provided an extra \$6.7 million over four years from 2023-24 for eSafety to respond to increases in reporting of terrorist and violent extremist content stemming from the Israel-Hamas conflict.

In the October 2022 Budget, the Government provided \$6 million over three years to the Alannah and Madeline Foundation to deliver its digital and media literacy education products for free in Australian schools.

State policies

On 7 September 2024, the Premier of South Australia announced a proposed ban on children under 14 years of age accessing social media, with parental consent required for 14- and 15-year-olds to have access. On 8 September 2024, the South Australian Government released the Hon Robert French AC's *Report of the Independent Legal Examination into Banning Children's Access to Social Media*, including draft legislation. The Report noted the potential benefits of a Commonwealth-led approach.

On 10 September 2024, the Premier of Victoria announced that Victoria will work with South Australia and the Commonwealth to introduce age limits for social media to protect children from harm and help parents. While Victoria was prepared to introduce state legislation, it will prioritise a nationally consistent approach and work with the Commonwealth to help deliver one set of clear rules to keep the tech giants in check. Victoria points to the model outlined by the Hon Robert French AC as a common-sense starting point.

On 10 and 11 October 2024, NSW and South Australia co-hosted a 2-day Social Media Summit. It brought together experts, policymakers, academics, parents and young people to explore key areas including the impacts of social media on children and young people, online safety, social media's role in disinformation and misinformation, addressing online hate and extremism and how social media is changing the way government delivers services. On 11 October 2024, the Premier of South Australia also announced reforms to the state's child safety curriculum to prevent and mitigate online safety issues.¹¹

¹¹ [South Australian students to learn about dangers of social media.](#)

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The Premier of New South Wales has stated his support for a minimum age of 16 and that his government will legislate this minimum age in the absence of Federal legislation.

Federal legislation is a logical step to ensure that all young Australians are better protected from online harms, and that parents and carers are supported in a nationally-consistent manner to keep their children safe.

3. Policy options

Option 1 - status quo

Currently in Australia there is no legislated minimum age for accessing social media. While social media services have minimum age requirements, under their Terms of Service, there is still uncertainty and confusion among parents about when the 'right time' is to allow social media use, with parents often seeing age ratings as advisory rather than mandatory. Existing safeguards to protect children from the negative impacts of social media are not in step with community expectations.

There is also currently no enforcement of the required minimum age in social media services' Terms of Service. Industry standard practice is 'age-gating', where a user self-reports their age when entering a website or making an account. This may be done by entering a date or year of birth or answering a simple question such as 'are you over 13?'. Some major platforms, including Facebook, Instagram and TikTok implement stricter age assurance methods if a user later tries to change their age to be over 18 (Meta) or over 16 (TikTok).

The Government is separately (but relatedly) working on a trial of age assurance technologies to determine the effectiveness of available age assurance technologies for preventing children's exposure to online pornography and social media. At the completion of the trial, the Government will consider pathways to implement the trial's findings, including on social media services. If the Government chooses not to legislate to enforce a minimum age for accessing social media now, pending the outcomes of the age assurance trial, age assurance is likely to be introduced for pornography and other adult content.

As discussed in section 1.2, the status quo is exposing young Australians to the risks and harms of social media. Social media services leverage the primary psychosocial drivers behind young people's use of social media – including entertainment, information seeking, social interaction, self-expression and escapism – to engage users and keep them on the service for long periods of time. Common design features that achieve this purpose include algorithms to tailor content, gamification to encourage regular participation, 'likes' to activate positive feedback neural activity, and endless scrolling or streaming to continuously display new content to users.

Young people's use of social media is a complex issue, for which the evidence base is still evolving. However, the addictive nature of social media services is one of the biggest concerns cited by young Australians in consultation with the department – in particular, the tendency for social media use to result in habitual engagement and 'doomscrolling'. Evidence suggests that young people who are using social media to seek mental health support are more susceptible to these behaviours, and increased frequency of social media use is associated with a greater risk of elevated symptoms of depression and anxiety.¹²

Option 2 – minimum age of ^{s34(3)} with no parental consent (recommended)

Option 2 provides the most benefit to young Australians and their parents and carers to mitigate the risks and harms presented by social media.

¹² [Adolescents online: Snapshot Series - Issue 5 | Growing Up in Australia](#)

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The constant stream of information, updates and trending content on social media services can often result in young people experiencing the ‘fear of missing out’ (FOMO). Australians aged between 12 and 17 years old feel overt pressure to use social media so they are not left out of conversations or activities organised in group chats. A minimum age for social media would reduce the FOMO experienced by young people by changing the behaviours of the entire cohort, rather than only a few – teens won’t feel pressured to be on social media if their friends aren’t online either.

Parents and carers feel unsupported to make evidence-based choices about when their children should be on social media and are overwhelmed by pressure from their children and other families. Setting a minimum age removes ambiguity about when the ‘right’ time is for their children to engage on social media and creates a new social norm.

A minimum age ^{s34(3)} years old, without a parental consent option is preferred as it achieves the most effective balance between protecting children from harm and preventing their isolation, without imposing additional burden on parents or carers or exposing users to increased privacy risks. Consultation undertaken by the department has highlighted support for a legislated minimum age to be somewhere between 14 and 16 years old, with some support for 18 years old. A minimum age ^{s34(3)} aims to balance the expectations of Australians to minimise the harms experienced by young people, while supporting their access to the benefits of these services.

Additionally, the US Surgeon General’s Advisory on Social Media and Youth Mental Health states that “adolescent social media use is predictive of a subsequent decrease in life satisfaction for certain developmental stages including for girls 11–13 years old and boys 14–15 years old.”¹³ A minimum age ^{s34(3)} allows access to social media after most adolescents are outside the most highly vulnerable stage.

As discussed in Option 3 below, including parental consent in the policy design presents several additional regulatory and implementation problems. A minimum age ^{s34(3)} without parental consent is the recommended option for finding the best balance between Options 1 and 3.

Option 3 – minimum age of 14 with parental consent required at 14 and 15 years old (South Australian proposal)

Option 3 aligns with the South Australian Government’s proposal. The South Australian Government has proposed to prohibit social media access for children aged under 14 and require parental consent for children aged 14 and 15 in South Australia. The Hon Robert French AC’s Report included a draft Bill that could give effect to the proposal. South Australia conducted a YourSAy consultation on the draft Bill in September to October 2024.

This option is considered here as it is a useful comparison of an existing proposal in the Australian context and how this policy idea could likely be applied Australia-wide. However, the inclusion of parental consent in the design presents several regulatory and implementation problems beyond Option 2.

Legislating an age range for which access to social media may be granted only with parent or guardian consent would introduce administrative burden on already overwhelmed parents and guardians. It would also place the responsibility back on parents to determine the age at which their child can safely use social media. Such a model could also disproportionately impact children in unsafe homes, or those with difficult parental relationships.

Parental consent models create significant implementation challenges. Social media services would not only need to verify or assure the age of an end-user but also confirm the identity of the user, as well as establishing a connection between child and guardian. This would multiply the regulatory burden on Australians and social media companies and privacy concerns, compared to establishing the age of a single user.

¹³ [Social Media and Youth Mental Health \(hhs.gov\)](https://www.hhs.gov/social-media-youth-mental-health)

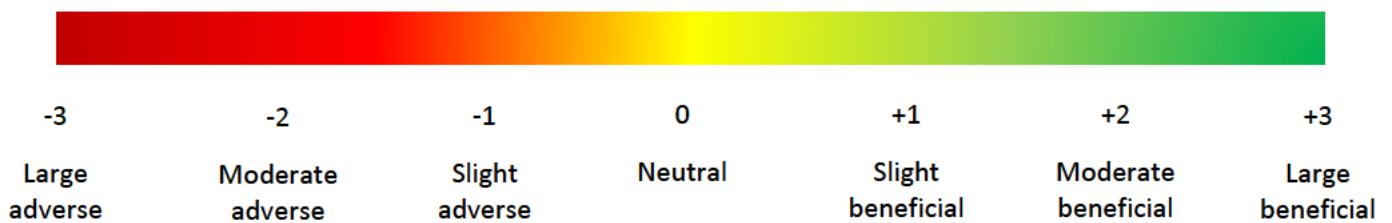
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4. Likely net benefit of options

4.1 Framework used to weigh the harms and benefits and key assumptions

It is difficult to determine the quantitative costs and benefits from the considered options due to the lack of available data provided by social media services. Noting the lack of available data, this IAE supplementary analysis uses qualitative analysis to determine the likely costs and benefits. The likely costs and benefits listed in section 4.3 are based on case studies, consultation undertaken by the department and research that explores the harms to young people and their families.

A multi-criteria analysis (MCA) is used to assist in creating a quantitative net-benefit for supporting comparison between the considered options. The MCA uses a sliding scale for scoring with largely adverse impacts to stakeholders being rated as -3 and largely beneficial impacts to stakeholders being rated as +3.



| Stakeholder | Reform Option Rating | |
|----------------------------------|----------------------|------------|
| | Status Quo | Regulatory |
| Young People | -3 | +2 |
| Parents and Carers | -2 | +2 |
| Social media companies | 0 | -2 |
| Australians who use social media | 0 | -2 |

Based on the summation of the ratings in the MCA, the status quo is likely to result in a net benefit of -5. While it appears that social media companies and Australians above the minimum age who use social media are likely to experience a neutral impact from status quo, the severity of impacts to young people and parents and carers, particularly those from at-risk backgrounds, results in an overall negative net benefit to stakeholders.

Based on the summation of the ratings in the MCA, a regulatory option is likely to result in a net benefit of 0. The likely benefits resulting from a regulatory option to young people and their parents and carers are likely to balance out the adverse impacts to social media companies and Australians who use social media.

4.2 Regulatory burden estimate

Costs for the recommended option, being Option 2, and key assumptions about the process of implementing the social media age limit are outlined below.

For the purposes of this supplementary analysis, it is assumed that the social media age limit will apply to approximately 100 social media services, as consistent with the 'social media service' definition in the Online Safety Act. An hourly default rate of \$85.17 has been used, as per the Office of Impact Analysis' Regulatory Burden Measurement Framework.

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Social media services would have implementation costs due to the requirement to enforce the minimum age. It is assumed that social media services will need to age assure for the majority of its existing users to ensure Australians under ^{s34(3)} years old are not accessing their services, and to continue to allow access to Australians over ^{s34(3)} who use social media services.

Implementation costs for social media companies to set up age assurance processes to meet enforcement requirements is assumed to be **\$681,360**. It is assumed that implementations costs would include 80 hours of staff time incurred by each of the 100 social media services.

It is assumed that assurance costs would be roughly **\$0.64** per check per user. This is the average cost between three known quotes from third-party age assurance providers (\$0.47–\$0.85 per person). It is assumed that approximately 20,800,000 users will need to have their age assured, that is, all Australians who use social media services including current users under the age ^{s34(3)}. It is assumed that each of these users will be age assured on 4 social media accounts – based on the assumption that many major social media services are under the same parent company (e.g. Meta), reducing the number of checks that need to be done. The total cost for social media services to assure the age of current users is estimated to be **\$53,248,000** for **83,200,000** total assurance checks

The implementation cost for social media services to assure the age of users is estimated to be **\$53,929,360**.

It is important to note that while this cost is based on information from third-party age assurance providers, it is not possible to provide a reasonably accurate estimate because age assurance is risk based, therefore different social media services may need to take different steps. Some larger social media services may develop in-house solutions while smaller social media services are likely to employ off-the-shelf solutions – such as third-party age assurance providers. The cost of age assurance is likely to change with technical advances (and become cheaper).

Business as usual costs for the first year for social media services to assure the age of new users is assumed to be **\$4,486,440**. It is assumed that business as usual compliance costs would include 10 hours of additional staff time per week incurred by each of the 100 social media services, for a total compliance cost of **\$4,428,840**. It is assumed that approximately 22,500 Australians, including people under the age ^{s34(3)}, will (attempt) to sign up for 4 social media accounts each year. This totals 90,000 assurance checks that will need to be assured at **\$0.64** per check, for an age assurance check total of **\$57,600**.

Business as usual costs beyond the first year for social media services to assure the age of new users is assumed to be **\$943,368 per annum**. It is assumed that business as usual compliance costs would include 2 hours of additional staff time per week incurred by each of the 100 social media services, for a total compliance cost of **\$885,768 per annum**. It is assumed that approximately 22,500 Australians, including people under the age ^{s34(3)} will (attempt) to sign up for 4 social media accounts each year. This totals 90,000 assurance checks that will need to be assured at **\$0.64** per check, for an age assurance check total of **\$57,600 per annum**.

4.3 Likely benefits, costs and impacts of options

As the likely impacts to key stakeholders from the regulatory options are largely similar, this supplementary analysis will consider the impacts of a status quo option and a regulatory option.

The status quo is a non-regulatory option, relying on social media platforms to either enforce their own terms of service minimum age (mostly 13 years old) or lawsuits in the US against major platforms for knowingly allowing children under their minimum age to access their service.

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Status Quo

Young people

The likely benefits to young people of the status quo access to social media without an enforced minimum age is retained access at current levels to the ability to connect and feel socially included through the use of platforms. Social media can be an entry point to health and mental health support, a creative outlet, or platform for legitimate children's programming. It provides an avenue to access news and connection, particularly for LGBTQI+, First Nations, CALD, neurodivergent and regional/remote youth.

However, there are potentially high costs to the status quo. The use of social media services has introduced new risks for young Australians, including exposure to inappropriate content, cyber bullying and online predators, and potentially contributing to adverse outcomes such as poor mental health outcomes, addictive behaviours and body image issues.

Based on the above likely impacts, it is reasonable to expect that there are likely to be largely adverse impacts to young people. This results in a scoring of -3 in the above MCA.

Parents and carers

The likely benefits to parents and carers of the status quo is retaining their ability to choose the age their children access social media services at their discretion, such as based on the maturity of their child. No young person's use of social media is the same, and parent and carer's ability to chose their child's usage is a strong benefit of the status quo.

However, the costs of the status quo option are high, as parents and carers feel unsupported to make evidence-based choices about when their children should be on social media and are overwhelmed by pressure from their children and other families. Parents and carers have uncertainty about the content that their children are accessing and the people that are in contact with their children, which are potentially harmful situations for young people, and can have catastrophic consequences, including leading to suicide.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately to largely adverse impacts to parents and carers. This results in a scoring of -2 in the above MCA.

Social media companies

Social media companies will experience no notable benefits or costs in the status quo option. All existing social media users will likely continue using their services as they currently do, allowing social media companies to continue to benefit from advertising revenue. No enforcement of a minimum age will result in social media companies continuing to invest at their current rates in age assurance technologies.

As the status quo is unlikely to result in any change to the way social media companies operate, there is unlikely to be any noticeable impacts. This results in a scoring of 0 in the above MCA.

Australians who use social media

In 2024, approximately 20.80 million Australians, or 78.3 per cent of the population, use social media. The percentage of male and female social media users is almost equal, and Australians use on average 6.1 social media platforms every month.¹⁴

Australians who use social media will experience no notable benefits or costs in the status quo option. Access for users will remain unrestricted with no enforcement measures likely resulting in no new age assurance processes implemented by social media companies.

¹⁴ [Social Media Statistics for Australia \[Updated 2024\] \(meltwater.com\)](https://meltwater.com)

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As the status quo is unlikely to result in any change to the way Australians who use social media interact with it, there is unlikely to be any noticeable impacts. This results in a scoring of 0 in the above MCA.

Regulatory options

Young people

The likely benefits to young people of a regulatory option is reduced risk of experiencing harms on social media services. Young people would have much lower unintentional exposure to age-inappropriate and distressing content delivered via social media algorithms. With a minimum age for access, young people will have a higher capacity and maturity to approach social media and engage with it in a lower risk manner.

The cost of a regulatory option is any young people under the minimum age would lose access to the connection, community, education and mental health support that social media can offer. However, the proposed legislation would have an exemption framework to accommodate access to social media services that demonstrate low risk of harm. In addition, the minimum age would only apply to social media services and would not prevent young people from accessing the Internet and messaging services. These factors combine to mitigate the loss of connection and support that could otherwise be experienced.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately beneficial impacts for young people. This results in a scoring of +2 in the above MCA.

Parents and carers

Parents and carers would have moderate benefits from a regulatory option. Parents and carers are concerned about who and what their children are engaging with on social media, and are seeking regulatory intervention to address their concerns. Establishing an age limit for social media will help signal a set of normative values that support parents, carers and society more broadly. Parents and carers will no longer be the decision maker for their child to access social media, with a clearly legislated minimum age instead taking pressure off young people's 'pester power'.

The likely cost to parents and carers of a regulatory option is low. A legislated minimum age would remove parent and carer's capacity to decide themselves if their child should be on social media at a younger age. However, feedback from this group indicates this is a minor concern compared to the costs discussed for the status quo option.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately beneficial impacts for parents and carers. This results in a scoring of +2 in the above MCA.

Social media companies

Regulatory options would require social media companies to take reasonable steps to check the age of their users. Reasonable steps will be clarified in a regulatory instrument/guidance, but may involve adoption of age assurance technology that asks for some level of proof from a user to determine that there are above the minimum age. As shown in section 4.2, implementation of a regulatory option (including age assurance checks for all Australians using social media) would have an estimated financial impact of **\$53,929,360**.

However, some social media companies currently have age assurance methods in place or are investing in age assurance technologies for their services, so the financial and regulatory burden would not be severe for these companies.

As the regulatory option will result in a change to the way social media companies operate, there are likely to be moderate to large adverse impacts. This results in a scoring of -2 in the above MCA.

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Australians who use social media

As discussed above, regulatory options would require social media companies to take reasonable steps to check the age of their users. Legislated enforcement of a social media age limit may result in social media companies assuring the age of all Australians who use social media. Social media companies may instead choose to develop services that meet the threshold for exemption, allowing all Australians to access their services without undertaking age assurance.

Separately, the Government's age assurance trial is ongoing and will inform decisions around the technological maturity of age assurance methods.

As the regulatory option is likely to result in a change to the way Australians who use social media interact with it, there are likely to be some adverse impacts. This results in a scoring of -2 in the above MCA.

5. Consultation

5.1 How feedback informed key elements of the policy design

Insights from state and territory governments helped inform the age, legislative model and supporting activities for the social media age limit. Feedback from states and territories was obtained through ongoing engagement with the department, including in relation to proposed state legislation and the Social Media Summit, and responses to the letter the Prime Minister, the Hon Anthony Albanese MP, sent to premiers and chief ministers on 4 October 2024.

Feedback from the department's stakeholder engagement on the age assurance trial helped inform the scope of social media services to be included in the age limit. Messaging services, for instance, were widely stated to have benefits of connection that outweigh the risks of harm to young people. Development of potential supporting activities was emphasised by stakeholders, particularly focused on education and mental health programs for at-risk young people. However, there was no consensus across stakeholders for the minimum age for access, so this decision could not be made on the basis of stakeholder consultation.

Feedback from industry stakeholders, including social media companies, informed the timeframes for commencement of the enforcement requirement. The proposed draft legislation will defer implementation of the measures by 12 months from Royal Assent to provide industry with sufficient time to implement required changes.

Holistically, feedback informed the exemptions framework to encourage behaviour change from social media platforms, rather than the age limit being a blunt instrument. The proposed legislation considers potential exemptions (subject to conditions) for social media services that can demonstrate they have implemented certain safety requirements. This approach from Government would push the platforms to take responsibility for children's safety, and incentivise safe innovation for services that provide the benefits of access to social media while limiting the risk of harms.

Exempting services aligns with the overarching principle of this legislation to protect, not isolate, young people, by retaining access for those under the minimum age to lower risk social media services that will offer the benefits that arise from connection, education and access to support services. It also provides financial incentive for social media services to improve safety features (in order to demonstrate that sufficient steps have been taken to mitigate risk) and therefore regain access to a younger market they may otherwise be excluded from.

5.2 Relevance of South Australian consultation

The South Australian consultation process in developing their draft Bill consulted a wide variety of people. Importantly, the consultation process incorporated the perspectives of a diverse range of cohorts. This

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extends to people who were in metropolitan, regional and remote areas, people who identify as First Nations, LGBTQI+, people with disability and young people. The recency of the consultation process and incorporation of diverse perspectives, particularly from those at risk of harms on social media platforms, allow for the analysis to assist in informing the development of a nationally applicable framework.

6. Recommended option and implementation

6.1 How the recommended option was identified

To identify the recommended option, this supplementary analysis incorporates the likely net benefit from the MCA, the regulatory burden estimate, the likely success in achieving the objectives of government and feedback from consultation and evaluation to develop a decision rule. This decision rule is then applied across the three options to identify the best option out of those considered.

Based on the decision rule, Option 2 has been identified as the recommended option.

6.2 Major steps in implementation

The first major step in implementation would be a delayed commencement of 12 months after Royal Assent to allow sufficient time for industry make the required changes. The findings from the age assurance trial will also assist implementation of the enforcement portion of the minimum age. The department and the eSafety Commissioner would also ensure relevant stakeholders (young people, parents and carers, and social media companies) are familiar with their new regulatory obligations, and the new tools that are available to them.

Beyond the commencement of the legislation, supporting activities such as education and mental health support as suggested by stakeholders, will be important for ensuring the policy intent of the social media age limit is achieved – to reduce the risks and harms to young Australians.

6.3 Implementation risks and how they can be managed

There are risks associated with restricting access to conventional social media services, given this may lead to children migrating to alternative or fringe services that are either unwilling or unable to moderate their users or content. For example:

- moving to online communications platforms that are difficult to regulate effectively, due to jurisdictional challenges, would reduce opportunities for law enforcement interventions; and
- inadvertently discouraging young people from reporting possible instances of child sexual exploitation or abuse online to their parents/guardians or others, such as law enforcement authorities.

Care will need to be taken in implementation to ensure that any changes in young person behaviour and the online technology ecosystem due to legislated access restrictions does not enhance the ability for online predators to pressure and subsequently abuse or exploit young persons (e.g. through misinformation that access accountability rests with the young person rather than social media service providers). Supporting activities, which could include awareness campaigns and digital literacy education, will be important in addressing this risk.

Introducing legislation to enforce a minimum age for access to social media poses privacy risks. Meeting reasonable steps, for example by implementing age assurance, may incentivise social media services to collect, store and use additional personal information on individuals. Risks include concerns that social media service will use this information for commercial and harmful purposes, such as profiling individuals or feeding such data into recommender systems, and heightened risks of data breaches.

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The age assurance trial is crucial to testing the effectiveness of age assurance technologies against a range of criteria, including accuracy, privacy and security. Additionally, consideration is being given to ensure the legislative design includes robust privacy safeguards. This includes requirements to adopt a data minimisation approach, use limitations for personal information collected for age assurance, and data destruction requirements.

There is a risk that legislation would encourage children to:

- use non-compliant services; or
- circumvent age assurance mechanisms (such as through VPNs) potentially resulting in being treated as adult users. This would lead to children not being afforded child-specific protections, including privacy protections, such as those in the proposed Children's Online Privacy Code, and protections services may offer to children in order to become exempt from the minimum age requirement.

To mitigate this risk, the age assurance trial is considering the appetite of individuals to use age assurance mechanisms, and the likelihood and ways children may circumvent age assurance mechanisms.

While these risks are recognised, doing nothing is no longer an option. Online safety reform is a rapidly evolving space and there is unlikely to be a perfect solution that would satisfy everybody. Supporting measures to this legislation, which could include awareness campaigns and digital literacy education, would mitigate some of these concerns. Additionally, the inclusion of legislative design features such as exemptions for certain types of services, a statutory review process, and a 12 month deferral for implementation would incentivise social media services to improve safety for young Australian end-users of their services.

7. Evaluation

Implementation of the social media age limit is proposed to include a delayed commencement of 12 months after Royal Assent to allow sufficient time for industry to make the required changes. The department and the eSafety Commissioner would lead a program of extensive stakeholder engagement to allow relevant stakeholders (young people, parents and carers, and social media companies) to familiarise themselves with their new regulatory obligations, and the new tools that are available to them.

Following the social media age limit coming into effect, the department and the eSafety Commissioner would monitor and evaluate the success of the policy. It is proposed that the legislation would be reviewed 2 years after implementation. The eSafety Commissioner would provide oversight and enforcement of the minimum age. In addition to the frameworks under the obligation to take reasonable steps to prevent access for those under ^{s34(3)} in this legislation, the eSafety Commissioner's existing transparency powers can assist with compelling information from platforms that could be used to inform evaluation.

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Australian Government

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

Impact Analysis Equivalent Supplementary Analysis

OIA24-08201: Social Media Age Limit

October 2024

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

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1. Policy problem and available data

The Australian Government is committed to keeping Australians safe online by reducing risks and harm. The Government has committed to introduce legislation by the end of 2024 to enforce a minimum age for access to social media. A Commonwealth-led approach to this important social issue will ensure Australian children are better protected from online harms and parents and carers are supported.

It builds on the Government's work to address online harms for young people. The Government committed \$6.5 million in 2024-25 to develop a trial of age assurance technologies to protect children from harmful online content, which will test different implementation approaches to help inform policy design.

1.1 Relevant available data and key data gaps

Available data is highly generalisable to the problem in Australia

Data from South Australia is applicable to the Australian context and the broader problem identified by the Australian Government. South Australia, and the data analysed for the Hon Robert French AC's *Report of the Independent Legal Examination into Banning Children's Access to Social Media*, provides a generally representative sample of Australia – metropolitan, regional and remote populations; First Nations people as a proportion of population (2.4 per cent compared to 3.8 per cent for Australia¹); and communities including LGBTQI+, people with disabilities and Culturally and Linguistically Diverse (CALD).

Additionally, the New South Wales (NSW) Government conducted a Have Your Say survey on social media use and impacts in August and September 2024. The results were published by the NSW Government in October 2024². These results provide additional data to prove the extent of the problem exists not only in South Australia, but also in NSW, and can therefore be generalised across all of Australia. These results also fill a data gap on public sentiment and community concerns about the status quo – 87 per cent of survey respondents said they support an age limit for social media, [with 16 as the most commonly suggested age](#).

Data from the United States (US), United Kingdom (UK) and European Union (EU) is also relevant due to their significant cultural alignments with Australia. Australia and the UK have an Online Safety and Security Memorandum of Understanding for bilateral cooperation between the two countries to support safer and more positive experiences online, emphasising the linkages for online safety policy.

International data is advantageous as it is likely to be more advanced than research available in the Australian context. Data from the UK and EU in particular is more advanced due to advancements in regulatory settings for large digital platforms and significant funding for research on the impact of social media design elements, such as algorithms.

Data gaps

Data gaps exist on an international level, rather than specific to the Australian context. The Queensland Report highlights the need globally for more research to understand how social media impacts child and adolescent development. It states that while there is a gap in the correlative evidence of the harms of social media on young people, this may be in part due to major social media services choosing not to share their own market and user impact research. This absence of quality data on a global scale could be addressed through increased transparency by social media services of data held and the functionality and impact of their content recommendation algorithms.

¹ [Estimates and Projections, Aboriginal and Torres Strait Islander Australians, 2011 to 2031 | Australian Bureau of Statistics \(abs.gov.au\)](#)

² [Have Your Say - Social media use and impacts \(nsw.gov.au\)](#)

1.2 Key cohorts

Young people

Young people and children as a group are particularly vulnerable to the effects of online harm, and understanding their experiences is critical to effective prevention and intervention. From research conducted by the department in the National Online Safety Survey 2022, we know that children are becoming exposed to the internet at an increasingly younger age and are experiencing negative online behaviours.³

The department engaged directly with young people and heard that social media allows them to connect and feel socially included. It can be an entry point to health and mental health support, a creative outlet, or a platform for legitimate children's programming. Social media provides an avenue to access news and connection, particularly for LGBTQI+, First Nations, CALD, neurodivergent and regional/remote youth.

But young people also understand the need for protection, as they are being impacted by content and the design of social media services. Research by eSafety found almost two-thirds of 14 to 17-year-olds have viewed extremely harmful content online including drug abuse, suicide or self-harm, as well as violent and gory material. The design of social media services has evolved to feed addictive behaviours to drive engagement – endless scrolling, content recommendation systems that send users down 'rabbit holes', and notifications demanding attention at all hours of the day.

The proposal to introduce a minimum age for social media will reduce harms (such as cyber bullying, body image issues, eating disorders and addiction to scrolling) that arise from young people having negative experiences online. Research shows that the impact of these harms is greater on younger teens. By restricting access, these harms would be reduced as older teens may have better capacity to understand the nature of harm and seek help at the appropriate time.

Adolescent girls and transgender youth

Adolescent girls and transgender youth are disproportionately impacted by online harassment and abuse, which is associated with negative emotional impacts (e.g., feeling sad, anxious or worried).⁴⁵ Research indicates that nearly 6-in-10 adolescent girls report they have been contacted by a stranger on certain social media platforms in ways that make them feel uncomfortable.⁶ In addition, social media may also perpetuate body dissatisfaction, disordered eating, social comparison, and low self-esteem, especially among adolescent girls.⁷ A Position Statement from the QLD Chief Health Officer also points to the different ways that social media use negatively impacts young boys and girls, stating: "Studies have also raised concerns that comparing themselves to images and videos on social media platforms can lead to body dissatisfaction and eating disorders in adolescent girls, potentially resulting in significant mental health problems. But deteriorating mental health trends are also apparent in boys."⁸

For these reasons, introducing a minimum age for access to social media is likely to have a positive impact on all young people under the minimum age, but particularly for girls and transgender youth. It will also have the added benefit of combatting other gendered harms, such as sextortion, which is most often experienced by young boys.

³ [National Online Safety Survey 2022](#)

⁴ [Sextortion of Minors: Characteristics and Dynamics - Journal of Adolescent Health \(jahonline.org\)](#)

⁵ [Social Media and Youth Mental Health \(hhs.gov\)](#)

⁶ Nesi, J., Mann, S. and Robb, M. B. (2023). Teens and mental health: How girls really feel about social media. San Francisco, CA: Common Sense.

⁷ Lonergan, A. R., Bussey, K., Fardouly, J., Griffiths, S., Murray, S. B., Hay, P., Mond, J., Trompeter, N., & Mitchison, D. (2020). Protect me from my selfie: Examining the association between photo-based social media behaviors and self-reported eating disorders in adolescence. *The International journal of eating disorders*, 53(5), 485–496. <https://doi.org/10.1002/eat.23256>

⁸ [Position Statement: Social Media and the Mental Health and Wellbeing of Young Queenslanders](#)

Young First Nations people

Addressing the incidence and impact of online harms is a critical part of supporting digital inclusion for First Nations Australians, however social media use and experiences in First Nations communities is still under-researched, and current research presents mixed results. The First Nations Digital Inclusion Report noted research suggests that Aboriginal and Torres Strait Islander people use social media at rates higher than non-Indigenous Australians, with those in remote communities also being high users of social media. Further, social media is a key communications mode and source of news and entertainment in communities. Any policy would need to balance the benefits and unintended consequences of the legislation on First Nations youth.⁹

Feedback received from the department's stakeholder engagement indicated that a large number of First Nations youth use social media and other digital messaging services to communicate. Any restriction on accessing social media could disproportionately affect First Nations youth. Additional analysis is required to determine the most common means and mode of this connection, be it on messaging or social media services, to fully understand the impact.

However, instances of online harms, including racism and vilification, are also affecting First Nations youth. The Wiyi Yani U Thangani (Women's Voices) Report noted the increasing use of social media as a tool for bullying amongst young people, as direct and indirect racism manifests as bullying and online hate. Girls are 5 times more likely than boys to experience bullying through social media. First Nations children and young people may also be more exposed to bullying and intimidating behaviour online.¹⁰

Parents and carers

Through consultation roundtables with parents, carers and child-development experts, the department heard that parents are overwhelmed with the prospect of managing children's social media access, and are calling for a cultural and/or legal change.

Legislating an age limit for social media had strong majority support from parents and carers, with many supporting an age minimum of 16 years old. Some stakeholders suggested legislating an age limit now to establish a social norm, and deferring implementation of enforcement to the short-medium term to allow time to address legal and technical issues.

In addition to an age limit, parents and carers told the department that digital literacy education for children and parents is critical. Parents need strategies to create healthy screen routines and support children to safely use technology.

Social media companies

Under the proposed legislation, the key principle of the Commonwealth's legislative approach is to place the onus on platforms, not parents or young people. It will be incumbent on the platforms to demonstrate they are taking reasonable steps to ensure fundamental protections are in place at the source. By design, social media companies will bear the significant majority of the regulatory burden and economic/financial impact of an age limit for social media.

The economic impact of the proposal will be primarily felt by social media companies that rely on revenue from advertisements and related content. It would also be a financial impost on these companies to implement technology that will assure their users' age and filter content accordingly. However, the economic benefits of not having an age limit in place currently exists at the cost of harms to young Australians, so the proposal is considered to be a net benefit to society.

⁹ [first-nations-digital-inclusion-advisory-group-initial-report.pdf \(digitalinclusion.gov.au\)](https://www.digitalinclusion.gov.au/first-nations-digital-inclusion-advisory-group-initial-report.pdf)

¹⁰ [Wiyi Yani U Thangani Report \(2020\) | Australian Human Rights Commission](https://www.humanrights.gov.au/our-work/wiyi-yan-i-thangani-report-2020)

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Through the department's consultation with digital industry and peak bodies, there was broad recognition that responsibility for user safety sits at all levels of the tech stack – device level, app stores, and social media platforms and websites – arguing for a multi-tiered approach to age assurance. Industry also emphasized the importance of alignment with international regulatory approaches when it comes to age assurance, to reduce their regulatory burden as they face age assurance regulations across the UK, EU and several US states. They also highlighted the importance of future proofing any policy or regulatory response, particularly as the digital environment in the near future could be very different to how users engage with platforms today. This could be achieved through setting some details of the framework in subordinate legislation, to facilitate more efficient processes for updating the law to keep pace with international and technological changes.

2. Policy objectives, government intervention and how success will be measured

2.1 Characteristics of policies that can solve this problem at a Commonwealth level

The Australian Government is best placed to address and reduce the risks and harms young people experience from social media due to the ability to create a nationally consistent framework for all Australians. The Government has previously intervened to develop light touch mechanisms for the safety of children on social media platforms. The position of Children's eSafety Commissioner (now the eSafety Commissioner) was created in 2015 to fight against online risks and harms faced by Australian children. The *Online Safety Act 2021* was brought in to strengthen and expand the laws for online safety to keep pace with technology and the threats Australians face from online harmful behaviour and toxic content.

While these measures were introduced to increase the accountability of social media platforms and insert further protections for children on social media, children continue to experience the risks and harms associated with online platforms.

Further intervention is needed to ensure that children are safeguarded from the risks and harms associated with social media. Self-regulation by social media platforms has led to an inconsistent approach to addressing these harms and is reliant on users to moderate content and the interactions of other users. Where content has been moderated by a user, it may still remain on a platform or shared via other platforms. For example, content that is designed by a user to intimidate or bully another user may be shared, liked and reposted through and across platforms, resulting in rapid and widespread dissemination. This is especially pertinent for children who are in the crucial stages of development of their social acumen.

2.2 Interactions with national and state and territory policies

National policies

The Australian Government is committed to keeping Australians safe online by reducing risks and harm. The Government has committed to introduce legislation by the end of 2024 to enforce a minimum age for access to social media.

Any regulation setting a minimum age will need to be enforced through age assurance. The Government committed \$6.5 million in 2024-25 to develop a trial of age assurance technologies to protect children from harmful online content. The trial will test different implementation approaches to help inform policy design. The department is in the process of contracting an appropriately experienced provider to conduct the trial. Completing a trial implements one of the recommendations of the eSafety Commissioner's Roadmap for Age Verification.

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The objective of the trial is to determine the effectiveness of available age assurance technologies as an option to:

- prevent access to online pornography by people under the age of 18; and
- age-limit access to social media platforms for young people aged between 13 and 16 years old.

There are three key elements to the trial:

- The technology trial: an independent assessment of age assurance technologies.
- Research: including consumer research into Australian's attitudes towards the use of age assurance technologies for access to online services.
- Consultation: targeted stakeholder consultation with young Australians, parent groups, academics, the digital industry (including platforms), community and civil society groups, and First Nations representatives.

To ensure the Online Safety Act is fit for purpose, the Government brought forward the independent statutory review of the Online Safety Act 2021 by one year. The review is due for delivery to Government by 31 October 2024. The terms of reference for the review require a broad ranging examination of the Act.

The Government also tasked industry to develop a voluntary code to keep users of online dating services safe. This code has been adopted and commenced on 1 October 2024, it will be enforced from 1 April 2025.

As part of the 2023-24 Budget, the Australian Government increased eSafety's base funding to \$42.5 million each year – up from \$10.3 million each year. This is \$132.1 million over the forward estimates to support the Commissioner's administration of the Act. This funding will not terminate, it is ongoing and indexed.

In October 2023 as part of the broader Protecting Australians Online funding package, the Government provided an extra \$6.7 million over four years from 2023-24 for eSafety to respond to increases in reporting of terrorist and violent extremist content stemming from the Israel-Hamas conflict.

In the October 2022 Budget, the Government provided \$6 million over three years to the Alannah and Madeline Foundation to deliver its digital and media literacy education products for free in Australian schools.

State policies

On 7 September 2024, the Premier of South Australia announced a proposed ban on children under 14 years of age accessing social media, with parental consent required for 14- and 15-year-olds to have access. On 8 September 2024, the South Australian Government released the Hon Robert French AC's *Report of the Independent Legal Examination into Banning Children's Access to Social Media*, including draft legislation. The Report noted the potential benefits of a Commonwealth-led approach.

On 10 September 2024, the Premier of Victoria announced that Victoria will work with South Australia and the Commonwealth to introduce age limits for social media to protect children from harm and help parents. While Victoria was prepared to introduce state legislation, it will prioritise a nationally consistent approach and work with the Commonwealth to help deliver one set of clear rules to keep the tech giants in check. Victoria points to the model outlined by the Hon Robert French AC as a common-sense starting point.

On 10 and 11 October 2024, NSW and South Australia co-hosted a 2-day Social Media Summit. It brought together experts, policymakers, academics, parents and young people to explore key areas including the impacts of social media on children and young people, online safety, social media's role in disinformation and misinformation, addressing online hate and extremism and how social media is changing the way government delivers services. On 11 October 2024, the Premier of South Australia also announced reforms to the state's child safety curriculum to prevent and mitigate online safety issues.¹¹

¹¹ [South Australian students to learn about dangers of social media.](#)

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While the South Australian Government has a position on the minimum age, the NSW Government does not have an official position. The NSW Government is open to restricting social media use but is awaiting the Summit's findings before committing to reform. However, the Premier of New South Wales has stated his support for a minimum age of 16 and that his government will legislate this minimum age in the absence of Federal legislation.

Federal legislation is a logical step to ensure that all young Australians are better protected from online harms, and that parents and carers are supported in a nationally-consistent manner to keep their children safe.

3. Policy options

Option 1 - status quo

Currently in Australia there is no legislated minimum age for accessing social media. While social media services have minimum age requirements, under their Terms of Service, there is still uncertainty and confusion among parents about when the 'right time' is to allow social media use, with parents often seeing age ratings as advisory rather than mandatory. Existing safeguards to protect children from the negative impacts of social media are not in step with community expectations.

There is also currently no enforcement of the required minimum age in social media services' Terms of Service. Industry standard practice is 'age-gating', where a user self-reports their age when entering a website or making an account. This may be done by entering a date or year of birth or answering a simple question such as 'are you over 13?'. Some major platforms, including Facebook, Instagram and TikTok implement stricter age assurance methods if a user later tries to change their age to be over 18 (Meta) or over 16 (TikTok).

The Government is separately (but relatedly) working on a trial of age assurance technologies to determine the effectiveness of available age assurance technologies for preventing children's exposure to online pornography and social media. At the completion of the trial, the Government will consider pathways to implement the trial's findings, including on social media services. If the Government chooses not to legislate to enforce a minimum age for accessing social media now, pending the outcomes of the age assurance trial, age assurance is likely to be introduced for pornography and other adult content.

As discussed in section 1.2, the status quo is exposing young Australians to the risks and harms of social media. Social media services leverage the primary psychosocial drivers behind young people's use of social media – including entertainment, information seeking, social interaction, self-expression and escapism – to engage users and keep them on the service for long periods of time. Common design features that achieve this purpose include algorithms to tailor content, gamification to encourage regular participation, 'likes' to activate positive feedback neural activity, and endless scrolling or streaming to continuously display new content to users.

Young people's use of social media is a complex issue, for which the evidence base is still evolving. However, the addictive nature of social media services is one of the biggest concerns cited by young Australians in consultation with the department – in particular, the tendency for social media use to result in habitual engagement and 'doomscrolling'. ~~However, the addictive nature of social media services is one of the biggest concerns cited by young Australians in consultation with the department – in particular, the tendency for social media use to result in habitual, mindless engagement and 'doomscrolling'.~~ Evidence suggests that young people who are using social media to seek mental health support are more susceptible to these behaviours, and increased frequency of social media use is associated with a greater risk of elevated symptoms of depression and anxiety.¹²

¹² [Adolescents online: Snapshot Series - Issue 5 | Growing Up in Australia](#)

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Option 2 – minimum age of ^{s34(3)} with no parental consent (recommended)

Option 2 provides the most benefit to young Australians and their parents and carers to mitigate the risks and harms presented by social media.

The constant stream of information, updates and trending content on social media services can often result in young people experiencing the ‘fear of missing out’ (FOMO). Australians aged between 12 and 17 years old feel overt pressure to use social media so they are not left out of conversations or activities organised in group chats. A minimum age for social media would reduce the FOMO experienced by young people by changing the behaviours of the entire cohort, rather than only a few – teens won’t feel pressured to be on social media if their friends aren’t online either.

Parents and carers feel unsupported to make evidence-based choices about when their children should be on social media and are overwhelmed by pressure from their children and other families. Setting a minimum age removes ambiguity about when the ‘right’ time is for their children to engage on social media and creates a new social norm.

A minimum age of ^{s34(3)} years old, without a parental consent option for earlier access is preferred as it achieves the most effective balance between protecting children from harm and preventing their isolation, without imposing additional burden on parents or carers or exposing users to increased privacy risks. Consultation undertaken by the department has highlighted support for a legislated minimum age to be somewhere between 14 and 16 years old, with some support for 18 years old. A minimum age of ^{s34(3)} for access to specified social media services, with an exemption framework in place, aims to balance the expectations of Australians to minimise the harms experienced by young people, while supporting their access to the benefits of these services.

Additionally, the US Surgeon General’s Advisory on Social Media and Youth Mental Health states that “adolescent social media use is predictive of a subsequent decrease in life satisfaction for certain developmental stages including for girls 11–13 years old and boys 14–15 years old.”¹³ Similarly, a UK Study published in 2022 of over 17,000 young people found that the most detrimental effects of high levels of social media use occur at ages 14-15 for boys and 11-13 for girls. A minimum age of ^{s34(3)} allows access to social media after ~~most~~ adolescents are outside the most highly vulnerable stage.

As discussed in Option 3 below, including parental consent in the policy design presents several additional regulatory and implementation problems. A minimum age of ^{s34(3)} without parental consent is the recommended option for maximising protection of young people during the most vulnerable stage, without placing a burden on parents and carers ~~finding the best balance between Options 1 and 3.~~

Option 3 – minimum age of 14 with parental consent required at 14 and 15 years old (South Australian proposal)

Option 3 aligns with the South Australian Government’s proposal. The South Australian Government has proposed to prohibit social media access for children aged under 14 and require parental consent for children aged 14 and 15 in South Australia. The Hon Robert French AC’s Report included a draft Bill that could give effect to the proposal. South Australia conducted a YourSAy consultation on the draft Bill in September to October 2024.^{s47B(a)}

[Redacted text block]

¹³ [Social Media and Youth Mental Health \(hhs.gov\)](https://www.hhs.gov/social-media-youth-mental-health)

This option is considered here as it is a useful comparison of an existing proposal in the Australian context and how this policy idea could likely be applied Australia-wide. However, the inclusion of parental consent in the design presents several regulatory and implementation problems beyond Option 2.

Legislating an age range for which access to social media may be granted only with parent or guardian consent would introduce administrative burden on already overwhelmed parents and guardians. It would also place the responsibility back on parents to determine the age at which their child can safely use social media. Such a model could also disproportionately impact children in unsafe homes, or those with difficult parental relationships.

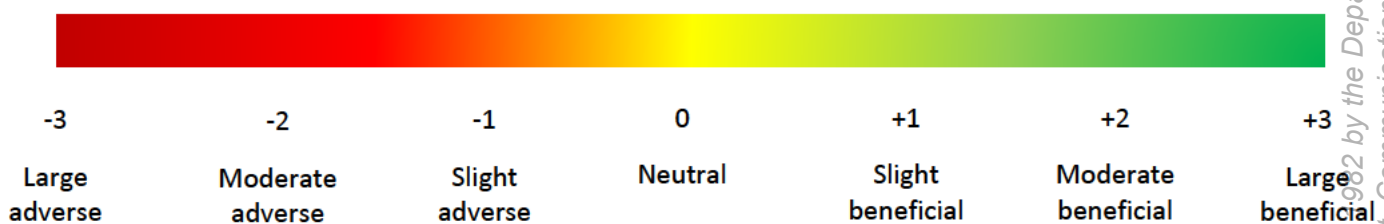
Parental consent models create significant implementation challenges. Social media services would not only need to verify or assure the age of an end-user but also confirm the identity of the user, as well as establishing a connection between child and guardian. This would multiply the regulatory burden on Australians and social media companies and privacy concerns, compared to establishing the age of a single user.

4. Likely net benefit of options

4.1 Framework used to weigh the harms and benefits and key assumptions

It is difficult to determine the quantitative costs and benefits from the considered options due to the lack of available data provided by social media services. Noting the lack of available data, this IAE supplementary analysis uses qualitative analysis to determine the likely costs and benefits. The likely costs and benefits listed in section 4.3 are based on case studies, consultation undertaken by the department and research that explores the harms to young people and their families.

A multi-criteria analysis (MCA) is used to assist in creating a quantitative net-benefit for supporting comparison between the considered options. The MCA uses a sliding scale for scoring with largely adverse impacts to stakeholders being rated as -3 and largely beneficial impacts to stakeholders being rated as +3.



| Stakeholder | Reform Option Rating | |
|----------------------------------|----------------------|------------|
| | Status Quo | Regulatory |
| Young People | -3 | +2 |
| Parents and Carers | -2 | +2 |
| Social media companies | 0 | -2 |
| Australians who use social media | 0 | -2 |

Based on the summation of the ratings in the MCA, the status quo is likely to result in a net benefit of -5. While it appears that social media companies and Australians above the minimum age who use social media are likely to experience a neutral impact from status quo, the severity of impacts to young people and parents

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and carers, particularly those from at-risk backgrounds, results in an overall negative net benefit to stakeholders.

Based on the summation of the ratings in the MCA, a regulatory option is likely to result in a net benefit of 0. The likely benefits resulting from a regulatory option to young people and their parents and carers are likely to balance out the adverse impacts to social media companies and Australians who use social media.

4.2 Regulatory burden estimate

Costs for the recommended option, being Option 2, and key assumptions about the process of implementing the social media age limit are outlined below.

For the purposes of this supplementary analysis, it is assumed that the social media age limit will apply to approximately 100 social media services, as consistent with the 'social media service' definition in the Online Safety Act. An hourly default rate of **\$85.17** has been used, as per the Office of Impact Analysis' Regulatory Burden Measurement Framework.

Social media services would have implementation costs due to the requirement to enforce the minimum age. It is assumed that social media services will need to age assure for the majority of its existing users to ensure Australians under ^{s34(3)} years old are not accessing their services, and to continue to allow access to Australians over ^{s34(3)} who use social media services.

Implementation costs for social media companies to set up age assurance processes to meet enforcement requirements is assumed to be **\$681,360**. It is assumed that implementations costs would include 80 hours of staff time incurred by each of the 100 social media services.

It is assumed that assurance costs would be roughly **\$0.64** per check per user. This is the average cost between three known quotes from third-party age assurance providers (\$0.47–\$0.85 per person). It is assumed that approximately 20,800,000 users will need to have their age assured, that is, all Australians who use social media services including current users under the age of ^{s34(3)}. It is assumed that each of these users will be age assured on 4 social media accounts – based on the assumption that many major social media services are under the same parent company (e.g. Meta), reducing the number of checks that need to be done. The total cost for social media services to assure the age of current users is estimated to be **\$53,248,000** for **83,200,000** total assurance checks

The implementation cost for social media services to assure the age of users is estimated to be **\$53,929,360**.

It is important to note that while this cost is based on information from third-party age assurance providers, it is not possible to provide a reasonably accurate estimate because age assurance is risk based, therefore different social media services may need to take different steps. Some larger social media services may develop in-house solutions while smaller social media services are likely to employ off-the-shelf solutions – such as third-party age assurance providers. The cost of age assurance is likely to change with technical advances (and become cheaper).

Business as usual costs for the first year for social media services to assure the age of new users is assumed to be **\$4,486,440**. It is assumed that business as usual compliance costs would include 10 hours of additional staff time per week incurred by each of the 100 social media services, for a total compliance cost of **\$4,428,840**. It is assumed that approximately 22,500 Australians, including people under the age of ^{s34(3)} will (attempt) to sign up for 4 social media accounts each year. This totals 90,000 assurance checks that will need to be assured at **\$0.64** per check, for an age assurance check total of **\$57,600**.

Business as usual costs beyond the first year for social media services to assure the age of new users is assumed to be **\$943,368 per annum**. It is assumed that business as usual compliance costs would include 2 hours of additional staff time per week incurred by each of the 100 social media services, for a total compliance cost of **\$885,768 per annum**. It is assumed that approximately 22,500 Australians, including people under the age of ^{s34(3)} will (attempt) to sign up for 4 social media accounts each year. This totals 90,000

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assurance checks that will need to be assured at **\$0.64** per check, for an age assurance check total of **\$57,600 per annum**.

4.3 Likely benefits, costs and impacts of options

As the likely impacts to key stakeholders from the regulatory options are largely similar, this supplementary analysis will consider the impacts of a status quo option and a regulatory option.

The status quo is a non-regulatory option, relying on social media platforms to either enforce their own terms of service minimum age (mostly 13 years old) or lawsuits in the US against major platforms for knowingly allowing children under their minimum age to access their service.

Status Quo

Young people

The likely benefits to young people of the status quo access to social media without an enforced minimum age is retained access at current levels to the ability to connect and feel socially included through the use of platforms. Social media can be an entry point to health and mental health support, a creative outlet, or platform for legitimate children's programming. It provides an avenue to access news and connection, particularly for LGBTQI+, First Nations, CALD, neurodivergent and regional/remote youth.

However, there are potentially high costs to the status quo. The use of social media services has introduced new risks for young Australians, including exposure to inappropriate content, cyber bullying and online predators, and potentially contributing to adverse outcomes such as poor mental health outcomes, addictive behaviours and body image issues.

Based on the above likely impacts, it is reasonable to expect that there are likely to be largely adverse impacts to young people. This results in a scoring of -3 in the above MCA.

Parents and carers

The likely benefits to parents and carers of the status quo is retaining their ability to choose the age their children access social media services at their discretion, such as based on the maturity of their child. No young person's use of social media is the same, and parent and carer's ability to choose their child's usage is a strong benefit of the status quo.

However, the costs of the status quo option are high, as parents and carers feel unsupported to make evidence-based choices about when their children should be on social media and are overwhelmed by pressure from their children and other families. Parents and carers have uncertainty about the content that their children are accessing and the people that are in contact with their children, which are potentially harmful situations for young people, and can have catastrophic consequences, including leading to suicide.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately to largely adverse impacts to parents and carers. This results in a scoring of -2 in the above MCA.

Social media companies

Social media companies will experience no notable benefits or costs in the status quo option. All existing social media users will likely continue using their services as they currently do, allowing social media companies to continue to benefit from advertising revenue. No enforcement of a minimum age will result in social media companies continuing to invest at their current rates in age assurance technologies.

As the status quo is unlikely to result in any change to the way social media companies operate, there is unlikely to be any noticeable impacts. This results in a scoring of 0 in the above MCA.

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Australians who use social media

In 2024, approximately 20.80 million Australians, or 78.3 per cent of the population, use social media. The percentage of male and female social media users is almost equal, and Australians use on average 6.1 social media platforms every month.¹⁴

Australians who use social media will experience no notable benefits or costs in the status quo option. Access for users will remain unrestricted with no enforcement measures likely resulting in no new age assurance processes implemented by social media companies.

As the status quo is unlikely to result in any change to the way Australians who use social media interact with it, there is unlikely to be any noticeable impacts. This results in a scoring of 0 in the above MCA.

Regulatory options

Young people

The likely benefits to young people of a regulatory option is reduced risk of experiencing harms on social media services. Young people would have much lower unintentional exposure to age-inappropriate and distressing content delivered via social media algorithms. With a minimum age for access, young people will have a higher capacity and maturity to approach social media and engage with it in a lower risk manner.

The cost of a regulatory option is any young people under the minimum age would lose access to the connection, community, education and mental health support that social media can offer. However, the proposed legislation would [apply to specified social media services and](#) have an exemption framework to accommodate access to social media services that demonstrate low risk of harm. In addition, the minimum age would only apply to social media services and would not prevent young people from accessing the internet and messaging services. These factors combine to mitigate the loss of connection and support that could otherwise be experienced.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately beneficial impacts for young people. This results in a scoring of +2 in the above MCA.

Parents and carers

Parents and carers would have moderate benefits from a regulatory option. Parents and carers are concerned about who and what their children are engaging with on social media, and are seeking regulatory intervention to address their concerns. Establishing an age limit for social media will help signal a set of normative values that support parents, carers and society more broadly. Parents and carers will no longer be the decision maker for their child to access social media, with a clearly legislated minimum age instead taking pressure off young people's 'pester power'.

The likely cost to parents and carers of a regulatory option is low. A legislated minimum age would remove parent and carer's capacity to decide themselves if their child should be on social media at a younger age. However, feedback from this group indicates this is a minor concern compared to the costs discussed for the status quo option.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately beneficial impacts for parents and carers. This results in a scoring of +2 in the above MCA.

Social media companies

Regulatory options would require social media companies to take reasonable steps to check the age of their users. Reasonable steps will be clarified in a regulatory instrument/guidance, but may involve adoption of age

¹⁴ [Social Media Statistics for Australia \[Updated 2024\] \(meltwater.com\)](#)

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assurance technology that asks for some level of proof from a user to determine that there are above the minimum age. As shown in section 4.2, implementation of a regulatory option (including age assurance checks for all Australians using social media) would have an estimated financial impact of **\$53,929,360**.

However, some social media companies currently have age assurance methods in place or are investing in age assurance technologies for their services, so the financial and regulatory burden would not be severe for these companies.

As the regulatory option will result in a change to the way social media companies operate, there are likely to be moderate to large adverse impacts. This results in a scoring of -2 in the above MCA.

Australians who use social media

As discussed above, regulatory options would require social media companies to take reasonable steps to check the age of their users. Legislated enforcement of a social media age limit may result in social media companies assuring the age of all Australians who use social media. Social media companies may instead choose to develop services that meet the threshold for exemption, allowing all Australians to access their services without undertaking age assurance.

Separately, the Government's age assurance trial is ongoing and will inform decisions around the technological maturity of age assurance methods.

As the regulatory option is likely to result in a change to the way Australians who use social media interact with it, there are likely to be some adverse impacts. This results in a scoring of -2 in the above MCA.

5. Consultation

5.1 How feedback informed key elements of the policy design

Insights from state and territory governments helped inform the age, legislative model and supporting activities for the social media age limit. Feedback from states and territories was obtained through ongoing engagement with the department, including in relation to proposed state legislation and the Social Media Summit, and responses to the letter the Prime Minister, the Hon Anthony Albanese MP, sent to premiers and chief ministers on 4 October 2024.

Feedback from the department's stakeholder engagement on the age assurance trial helped inform the scope of social media services to be included in the age limit. Messaging services, for instance, were widely stated to have benefits of connection that outweigh the risks of harm to young people. Development of potential supporting activities was emphasised by stakeholders, particularly focused on education and mental health programs for at-risk young people. However, there was no consensus across stakeholders for the minimum age for access, so this decision could not be made on the basis of stakeholder consultation.

Feedback from industry stakeholders, including social media companies, informed the timeframes for commencement of the enforcement requirement. [The legislation is proposed to include a one-year lead time for the commencement of the minimum age obligation on platforms, with flexibility for the Minister for Communications to extend this if needed.](#) ~~The proposed draft legislation will defer implementation of the measures by 12 months from Royal Assent~~ to provide industry with sufficient time to implement required changes.

Holistically, feedback informed the exemptions framework to encourage behaviour change from social media platforms, rather than the age limit being a blunt instrument. The proposed legislation considers potential exemptions (subject to conditions) for social media services that can demonstrate they have implemented certain safety requirements. This approach from Government would push the platforms to take responsibility for children's safety, and incentivise safe innovation for services that provide the benefits of access to social media while limiting the risk of harms.

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Exempting services aligns with the overarching principle of this legislation to protect, not isolate, young people, by retaining access for those under the minimum age to lower risk social media services that will offer the benefits that arise from connection, education and access to support services. It also provides financial incentive for social media services to improve safety features (in order to demonstrate that sufficient steps have been taken to mitigate risk) and therefore regain access to a younger market they may otherwise be excluded from.

5.2 Relevance of South Australian consultation

The South Australian consultation process in developing their draft Bill consulted a wide variety of people. Importantly, the consultation process incorporated the perspectives of a diverse range of cohorts. This extends to people who were in metropolitan, regional and remote areas, people who identify as First Nations, LGBTQI+, people with disability and young people. The recency of the consultation process and incorporation of diverse perspectives, particularly from those at risk of harms on social media platforms, allow for the analysis to assist in informing the development of a nationally applicable framework.

6. Recommended option and implementation

6.1 How the recommended option was identified

To identify the recommended option, this supplementary analysis incorporates the likely net benefit from the MCA, the regulatory burden estimate, the likely success in achieving the objectives of government and feedback from consultation and evaluation to develop a decision rule. This decision rule is then applied across the three options to identify the best option out of those considered.

Based on the decision rule, Option 2 has been identified as the recommended option.

6.2 Major steps in implementation

The first major step in implementation would be a [proposed one-year lead time for the commencement of the minimum age obligation on platforms, with flexibility for the Minister for Communications to extend this if needed, delayed commencement of 12 months after Royal Assent](#) to allow sufficient time for industry make the required changes. The findings from the age assurance trial will also assist implementation of the enforcement portion of the minimum age. The department and the eSafety Commissioner would also ensure relevant stakeholders (young people, parents and carers, and social media companies) are familiar with their new regulatory obligations, and the new tools that are available to them.

Beyond the commencement of the legislation, supporting activities such as education and mental health support as suggested by stakeholders, will be important for ensuring the policy intent of the social media age limit is achieved – to reduce the risks and harms to young Australians.

6.3 Implementation risks and how they can be managed

There are risks associated with restricting access to conventional social media services, given this may lead to children migrating to alternative or fringe services that are either unwilling or unable to moderate their users or content. For example:

- moving to online communications platforms that are difficult to regulate effectively, due to jurisdictional challenges, would reduce opportunities for law enforcement interventions; and
- inadvertently discouraging young people from reporting possible instances of child sexual exploitation or abuse online to their parents/guardians or others, such as law enforcement authorities.

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Care will need to be taken in implementation to ensure that any changes in young person behaviour and the online technology ecosystem due to legislated access restrictions does not enhance the ability for online predators to pressure and subsequently abuse or exploit young persons (e.g. through misinformation that access accountability rests with the young person rather than social media service providers). Supporting activities, which could include awareness campaigns and digital literacy education, will be important in addressing this risk.

Introducing legislation to enforce a minimum age for access to social media poses privacy risks. Meeting reasonable steps, for example by implementing age assurance, may incentivise social media services to collect, store and use additional personal information on individuals. Risks include concerns that social media service will use this information for commercial and harmful purposes, such as profiling individuals or feeding such data into recommender systems, and heightened risks of data breaches.

The age assurance trial is crucial to testing the effectiveness of age assurance technologies against a range of criteria, including accuracy, privacy and security. Additionally, consideration is being given to ensure the legislative design includes robust privacy safeguards. This includes requirements to adopt a data minimisation approach, use limitations for personal information collected for age assurance, and data destruction requirements.

There is a risk that legislation would encourage children to:

- use non-compliant services; or
- circumvent age assurance mechanisms (such as through VPNs) potentially resulting in being treated as adult users. This would lead to children not being afforded child-specific protections, including privacy protections, such as those in the proposed Children's Online Privacy Code, and protections services may offer to children in order to become exempt from the minimum age requirement.

To mitigate this risk, the age assurance trial is considering the appetite of individuals to use age assurance mechanisms, and the likelihood and ways children may circumvent age assurance mechanisms.

While these risks are recognised, doing nothing is no longer an option. Online safety reform is a rapidly evolving space and there is unlikely to be a perfect solution that would satisfy everybody. Supporting measures to this legislation, which could include awareness campaigns and digital literacy education, would mitigate some of these concerns. Additionally, the inclusion of legislative design features such as exemptions for certain types of services, a statutory review process, and a [proposed one-year lead time for the commencement of the obligation on platform, 12-month deferral for implementation](#) would incentivise social media services to improve safety for young Australian end-users of their services.

7. Evaluation

Implementation of the social media age limit is proposed to include [a one-year lead time for the commencement of the minimum age obligation on platforms, with flexibility for the Minister for Communications to extend this if needed, a delayed commencement of 12 months after Royal Assent](#) to allow sufficient time for industry to make the required changes. The department and the eSafety Commissioner would lead a program of extensive stakeholder engagement to allow relevant stakeholders (young people, parents and carers, and social media companies) to familiarise themselves with their new regulatory obligations, and the new tools that are available to them.

Following the social media age limit coming into effect, the department and the eSafety Commissioner would monitor and evaluate the success of the policy. It is proposed that the legislation would be reviewed 2 years after implementation. The eSafety Commissioner would provide oversight and enforcement of the minimum age. In addition to the frameworks under the obligation to take reasonable steps to prevent access for those under ^{s34(3)} in this legislation, the eSafety Commissioner's existing transparency powers can assist with compelling information from platforms that could be used to inform evaluation.

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

Impact Analysis Equivalent Supplementary Analysis

OIA24-08201: Social Media Age Limit

October 2024



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1. Policy problem and available data

The Australian Government is committed to keeping Australians safe online by reducing risks and harm. The Government has committed to introduce legislation by the end of 2024 to enforce a minimum age for access to social media. A Commonwealth-led approach to this important social issue will ensure Australian children are better protected from online harms and parents and carers are supported.

It builds on the Government's work to address online harms for young people. The Government committed \$6.5 million in 2024-25 to develop a trial of age assurance technologies to protect children from harmful online content, which will test different implementation approaches to help inform policy design.

1.1 Relevant available data and key data gaps

Available data is highly generalisable to the problem in Australia

Data from South Australia is applicable to the Australian context and the broader problem identified by the Australian Government. South Australia, and the data analysed for the Hon Robert French AC's *Report of the Independent Legal Examination into Banning Children's Access to Social Media*, provides a generally representative sample of Australia – metropolitan, regional and remote populations; First Nations people as a proportion of population (2.4 per cent compared to 3.8 per cent for Australia¹); and communities including LGBTIQ+, people with disabilities and Culturally and Linguistically Diverse (CALD).

Additionally, the New South Wales (NSW) Government conducted a Have Your Say survey on social media use and impacts in August and September 2024. The results were published by the NSW Government in October 2024². These results provide additional data to prove the extent of the problem exists not only in South Australia, but also in NSW, and can therefore be generalised across all of Australia. These results also fill a data gap on public sentiment and community concerns about the status quo – 87 per cent of survey respondents said they support an age limit for social media, with 16 as the most commonly suggested age.

Data from the United States (US), United Kingdom (UK) and European Union (EU) is also relevant due to their significant cultural alignments with Australia. Australia and the UK have an Online Safety and Security Memorandum of Understanding for bilateral cooperation between the two countries to support safer and more positive experiences online, emphasising the linkages for online safety policy.

International data is advantageous as it is likely to be more advanced than research available in the Australian context. Data from the UK and EU in particular is more advanced due to advancements in regulatory settings for large digital platforms and significant funding for research on the impact of social media design elements, such as algorithms.

Data gaps

Data gaps exist on an international level, rather than specific to the Australian context. The Queensland Report highlights the need globally for more research to understand how social media impacts child and adolescent development. It states that while there is a gap in the correlative evidence of the harms of social media on young people, this may be in part due to major social media services choosing not to share their own market and user impact research. This absence of quality data on a global scale could be addressed through increased transparency by social media services of data held and the functionality and impact of their content recommendation algorithms.

¹ [Estimates and Projections, Aboriginal and Torres Strait Islander Australians, 2011 to 2031 | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au/Estimates-and-Projections-Aboriginal-and-Torres-Strait-Islander-Australians-2011-to-2031)

² [Have Your Say - Social media use and impacts \(nsw.gov.au\)](https://www.nsw.gov.au/Have-Your-Say-Social-media-use-and-impacts)

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1.2 Key cohorts

Young people

Young people and children as a group are particularly vulnerable to the effects of online harm, and understanding their experiences is critical to effective prevention and intervention. From research conducted by the department in the National Online Safety Survey 2022, we know that children are becoming exposed to the internet at an increasingly younger age and are experiencing negative online behaviours.³

The department engaged directly with young people and heard that social media allows them to connect and feel socially included. It can be an entry point to health and mental health support, a creative outlet, or a platform for legitimate children's programming. Social media provides an avenue to access news and connection, particularly for LGBTQI+, First Nations, CALD, neurodivergent and regional/remote youth.

But young people also understand the need for protection, as they are being impacted by content and the design of social media services. Research by eSafety found almost two-thirds of 14 to 17-year-olds have viewed extremely harmful content online including drug abuse, suicide or self-harm, as well as violent and gory material. The design of social media services has evolved to feed addictive behaviours to drive engagement – endless scrolling, content recommendation systems that send users down 'rabbit holes', and notifications demanding attention at all hours of the day.

The proposal to introduce a minimum age for social media will reduce harms (such as cyber bullying, body image issues, eating disorders and addiction to scrolling) that arise from young people having negative experiences online. Research shows that the impact of these harms is greater on younger teens. By restricting access, these harms would be reduced as older teens may have better capacity to understand the nature of harm and seek help at the appropriate time.

Adolescent girls and transgender youth

Adolescent girls and transgender youth are disproportionately impacted by online harassment and abuse, which is associated with negative emotional impacts (e.g., feeling sad, anxious or worried).^{4,5} Research indicates that nearly 6-in-10 adolescent girls report they have been contacted by a stranger on certain social media platforms in ways that make them feel uncomfortable.⁶ In addition, social media may also perpetuate body dissatisfaction, disordered eating, social comparison, and low self-esteem, especially among adolescent girls.⁷ A Position Statement from the QLD Chief Health Officer also points to the different ways that social media use negatively impacts young boys and girls, stating: "Studies have also raised concerns that comparing themselves to images and videos on social media platforms can lead to body dissatisfaction and eating disorders in adolescent girls, potentially resulting in significant mental health problems. But deteriorating mental health trends are also apparent in boys."⁸

For these reasons, introducing a minimum age for access to social media is likely to have a positive impact on all young people under the minimum age, but particularly for girls and transgender youth. It will also have the added benefit of combatting other gendered harms, such as sextortion, which is most often experienced by young boys.

³ [National Online Safety Survey 2022](#)

⁴ [Sextortion of Minors: Characteristics and Dynamics - Journal of Adolescent Health \(jahonline.org\)](#)

⁵ [Social Media and Youth Mental Health \(hhs.gov\)](#)

⁶ Nesi, J., Mann, S. and Robb, M. B. (2023). Teens and mental health: How girls really feel about social media. San Francisco, CA: Common Sense.

⁷ Lonergan, A. R., Bussey, K., Fardouly, J., Griffiths, S., Murray, S. B., Hay, P., Mond, J., Trompeter, N., & Mitchison, D. (2020). Protect me from my selfie: Examining the association between photo-based social media behaviors and self-reported eating disorders in adolescence. *The International journal of eating disorders*, 53(5), 485–496. <https://doi.org/10.1002/eat.23256>

⁸ [Position Statement: Social Media and the Mental Health and Wellbeing of Young Queenslanders](#)

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OFFICIAL**Young First Nations people**

Addressing the incidence and impact of online harms is a critical part of supporting digital inclusion for First Nations Australians, however social media use and experiences in First Nations communities is still under-researched, and current research presents mixed results. The First Nations Digital Inclusion Report noted research suggests that Aboriginal and Torres Strait Islander people use social media at rates higher than non-Indigenous Australians, with those in remote communities also being high users of social media. Further, social media is a key communications mode and source of news and entertainment in communities. Any policy would need to balance the benefits and unintended consequences of the legislation on First Nations youth.⁹

Feedback received from the department's stakeholder engagement indicated that a large number of First Nations youth use social media and other digital messaging services to communicate. Any restriction on accessing social media could disproportionately affect First Nations youth. Additional analysis is required to determine the most common means and mode of this connection, be it on messaging or social media services, to fully understand the impact.

However, instances of online harms, including racism and vilification, are also affecting First Nations youth. The Wiyi Yani U Thangani (Women's Voices) Report noted the increasing use of social media as a tool for bullying amongst young people, as direct and indirect racism manifests as bullying and online hate. Girls are 5 times more likely than boys to experience bullying through social media. First Nations children and young people may also be more exposed to bullying and intimidating behaviour online.¹⁰

Parents and carers

Through consultation roundtables with parents, carers and child-development experts, the department heard that parents are overwhelmed with the prospect of managing children's social media access, and are calling for a cultural and/or legal change.

Legislating an age limit for social media had strong majority support from parents and carers, with many supporting an age minimum of 16 years old. Some stakeholders suggested legislating an age limit now to establish a social norm, and deferring implementation of enforcement to the short-medium term to allow time to address legal and technical issues.

In addition to an age limit, parents and carers told the department that digital literacy education for children and parents is critical. Parents need strategies to create healthy screen routines and support children to safely use technology.

Social media companies

Under the proposed legislation, the key principle of the Commonwealth's legislative approach is to place the onus on platforms, not parents or young people. It will be incumbent on the platforms to demonstrate they are taking reasonable steps to ensure fundamental protections are in place at the source. By design, social media companies will bear the significant majority of the regulatory burden and economic/financial impact of an age limit for social media.

The economic impact of the proposal will be primarily felt by social media companies that rely on revenue from advertisements and related content. It would also be a financial impost on these companies to implement technology that will assure their users' age and filter content accordingly. However, the economic benefits of not having an age limit in place currently exists at the cost of harms to young Australians, so the proposal is considered to be a net benefit to society.

⁹ [first-nations-digital-inclusion-advisory-group-initial-report.pdf \(digitalinclusion.gov.au\)](#)

¹⁰ [Wiyi Yani U Thangani Report \(2020\) | Australian Human Rights Commission](#)

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Through the department's consultation with digital industry and peak bodies, there was broad recognition that responsibility for user safety sits at all levels of the tech stack – device level, app stores, and social media platforms and websites – arguing for a multi-tiered approach to age assurance. Industry also emphasized the importance of alignment with international regulatory approaches when it comes to age assurance, to reduce their regulatory burden as they face age assurance regulations across the UK, EU and several US states. They also highlighted the importance of future proofing any policy or regulatory response, particularly as the digital environment in the near future could be very different to how users engage with platforms today. This could be achieved through setting some details of the framework in subordinate legislation, to facilitate more efficient processes for updating the law to keep pace with international and technological changes.

2. Policy objectives, government intervention and how success will be measured

2.1 Characteristics of policies that can solve this problem at a Commonwealth level

The Australian Government is best placed to address and reduce the risks and harms young people experience from social media due to the ability to create a nationally consistent framework for all Australians. The Government has previously intervened to develop light touch mechanisms for the safety of children on social media platforms. The position of Children's eSafety Commissioner (now the eSafety Commissioner) was created in 2015 to fight against online risks and harms faced by Australian children. The *Online Safety Act 2021* was brought in to strengthen and expand the laws for online safety to keep pace with technology and the threats Australians face from online harmful behaviour and toxic content.

While these measures were introduced to increase the accountability of social media platforms and insert further protections for children on social media, children continue to experience the risks and harms associated with online platforms.

Further intervention is needed to ensure that children are safeguarded from the risks and harms associated with social media. Self-regulation by social media platforms has led to an inconsistent approach to addressing these harms and is reliant on users to moderate content and the interactions of other users. Where content has been moderated by a user, it may still remain on a platform or shared via other platforms. For example, content that is designed by a user to intimidate or bully another user may be shared, liked and reposted through and across platforms, resulting in rapid and widespread dissemination. This is especially pertinent for children who are in the crucial stages of development of their social acumen.

2.2 Interactions with national and state and territory policies

National policies

The Australian Government is committed to keeping Australians safe online by reducing risks and harm. The Government has committed to introduce legislation by the end of 2024 to enforce a minimum age for access to social media.

Any regulation setting a minimum age will need to be enforced through age assurance. The Government committed \$6.5 million in 2024-25 to develop a trial of age assurance technologies to protect children from harmful online content. The trial will test different implementation approaches to help inform policy design. The department is in the process of contracting an appropriately experienced provider to conduct the trial. Completing a trial implements one of the recommendations of the eSafety Commissioner's Roadmap for Age Verification.

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The objective of the trial is to determine the effectiveness of available age assurance technologies as an option to:

- prevent access to online pornography by people under the age of 18; and
- age-limit access to social media platforms for young people aged between 13 and 16 years old.

There are three key elements to the trial:

- The technology trial: an independent assessment of age assurance technologies.
- Research: including consumer research into Australian's attitudes towards the use of age assurance technologies for access to online services.
- Consultation: targeted stakeholder consultation with young Australians, parent groups, academics, the digital industry (including platforms), community and civil society groups, and First Nations representatives.

To ensure the Online Safety Act is fit for purpose, the Government brought forward the independent statutory review of the Online Safety Act 2021 by one year. The review is due for delivery to Government by 31 October 2024. The terms of reference for the review require a broad ranging examination of the Act.

The Government also tasked industry to develop a voluntary code to keep users of online dating services safe. This code has been adopted and commenced on 1 October 2024, it will be enforced from 1 April 2025.

As part of the 2023-24 Budget, the Australian Government increased eSafety's base funding to \$42.5 million each year – up from \$10.3 million each year. This is \$132.1 million over the forward estimates to support the Commissioner's administration of the Act. This funding will not terminate, it is ongoing and indexed.

In October 2023 as part of the broader Protecting Australians Online funding package, the Government provided an extra \$6.7 million over four years from 2023-24 for eSafety to respond to increases in reporting of terrorist and violent extremist content stemming from the Israel-Hamas conflict.

In the October 2022 Budget, the Government provided \$6 million over three years to the Alannah and Madeline Foundation to deliver its digital and media literacy education products for free in Australian schools.

State policies

On 7 September 2024, the Premier of South Australia announced a proposed ban on children under 14 years of age accessing social media, with parental consent required for 14- and 15-year-olds to have access. On 8 September 2024, the South Australian Government released the Hon Robert French AC's *Report of the Independent Legal Examination into Banning Children's Access to Social Media*, including draft legislation. The Report noted the potential benefits of a Commonwealth-led approach.

On 10 September 2024, the Premier of Victoria announced that Victoria will work with South Australia and the Commonwealth to introduce age limits for social media to protect children from harm and help parents. While Victoria was prepared to introduce state legislation, it will prioritise a nationally consistent approach and work with the Commonwealth to help deliver one set of clear rules to keep the tech giants in check. Victoria points to the model outlined by the Hon Robert French AC as a common-sense starting point.

On 10 and 11 October 2024, NSW and South Australia co-hosted a 2-day Social Media Summit. It brought together experts, policymakers, academics, parents and young people to explore key areas including the impacts of social media on children and young people, online safety, social media's role in disinformation and misinformation, addressing online hate and extremism and how social media is changing the way government delivers services. On 11 October 2024, the Premier of South Australia also announced reforms to the state's child safety curriculum to prevent and mitigate online safety issues.¹¹

¹¹ [South Australian students to learn about dangers of social media.](#)

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While the South Australian Government has a position on the minimum age, the NSW Government does not have an official position. The NSW Government is open to restricting social media use but is awaiting the Summit's findings before committing to reform. However, the Premier of New South Wales has stated his support for a minimum age of 16 and that his government will legislate this minimum age in the absence of Federal legislation.

Federal legislation is a logical step to ensure that all young Australians are better protected from online harms, and that parents and carers are supported in a nationally-consistent manner to keep their children safe.

3. Policy options

Option 1 - status quo

Currently in Australia there is no legislated minimum age for accessing social media. While social media services have minimum age requirements, under their Terms of Service, there is still uncertainty and confusion among parents about when the 'right time' is to allow social media use, with parents often seeing age ratings as advisory rather than mandatory. Existing safeguards to protect children from the negative impacts of social media are not in step with community expectations.

There is also currently no enforcement of the required minimum age in social media services' Terms of Service. Industry standard practice is 'age-gating', where a user self-reports their age when entering a website or making an account. This may be done by entering a date or year of birth or answering a simple question such as 'are you over 13?'. Some major platforms, including Facebook, Instagram and TikTok implement stricter age assurance methods if a user later tries to change their age to be over 18 (Meta) or over 16 (TikTok).

The Government is separately (but relatedly) working on a trial of age assurance technologies to determine the effectiveness of available age assurance technologies for preventing children's exposure to online pornography and social media. At the completion of the trial, the Government will consider pathways to implement the trial's findings, including on social media services. If the Government chooses not to legislate to enforce a minimum age for accessing social media now, pending the outcomes of the age assurance trial, age assurance is likely to be introduced for pornography and other adult content.

As discussed in section 1.2, the status quo is exposing young Australians to the risks and harms of social media. Social media services leverage the primary psychosocial drivers behind young people's use of social media – including entertainment, information seeking, social interaction, self-expression and escapism – to engage users and keep them on the service for long periods of time. Common design features that achieve this purpose include algorithms to tailor content, gamification to encourage regular participation, 'likes' to activate positive feedback neural activity, and endless scrolling or streaming to continuously display new content to users.

Young people's use of social media is a complex issue, for which the evidence base is still evolving. However, the addictive nature of social media services is one of the biggest concerns cited by young Australians in consultation with the department – in particular, the tendency for social media use to result in habitual engagement and 'doomscrolling'. ~~However, the addictive nature of social media services is one of the biggest concerns cited by young Australians in consultation with the department – in particular, the tendency for social media use to result in habitual, mindless engagement and 'doomscrolling'.~~ Evidence suggests that young people who are using social media to seek mental health support are more susceptible to these behaviours, and increased frequency of social media use is associated with a greater risk of elevated symptoms of depression and anxiety.¹²

¹² [Adolescents online: Snapshot Series - Issue 5 | Growing Up in Australia](#)

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Option 2 – minimum age of s34(3) with no parental consent (recommended)

Option 2 provides the most benefit to young Australians and their parents and carers to mitigate the risks and harms presented by social media.

The constant stream of information, updates and trending content on social media services can often result in young people experiencing the ‘fear of missing out’ (FOMO). Australians aged between 12 and 17 years old feel overt pressure to use social media so they are not left out of conversations or activities organised in group chats. A minimum age for social media would reduce the FOMO experienced by young people by changing the behaviours of the entire cohort, rather than only a few – teens won’t feel pressured to be on social media if their friends aren’t online either.

Parents and carers feel unsupported to make evidence-based choices about when their children should be on social media and are overwhelmed by pressure from their children and other families. Setting a minimum age removes ambiguity about when the ‘right’ time is for their children to engage on social media and creates a new social norm.

A minimum age of s34(years old, without a parental consent option for earlier access is preferred as it achieves the most effective balance between protecting children from harm and preventing their isolation, without imposing additional burden on parents or carers or exposing users to increased privacy risks. Consultation undertaken by the department has highlighted support for a legislated minimum age to be somewhere between 14 and 16 years old, with some support for 18 years old. A minimum age of s34(for access to specified social media services, with an exemption framework in place, aims to balance the expectations of Australians to minimise the harms experienced by young people, while supporting their access to the benefits of these services.

Additionally, the US Surgeon General’s Advisory on Social Media and Youth Mental Health states that “adolescent social media use is predictive of a subsequent decrease in life satisfaction for certain developmental stages including for girls 11–13 years old and boys 14–15 years old.”¹³ Similarly, a UK Study published in 2022 of over 17,000 young people found that the most detrimental effects of high levels of social media use occur at ages 14-15 for boys and 11-13 for girls. A minimum age of s34(allows access to social media after most adolescents are outside the most highly vulnerable stage.

As discussed in Option 3 below, including parental consent in the policy design presents several additional regulatory and implementation problems. A minimum age of s34(without parental consent is the recommended option for maximising protection of young people during the most vulnerable stage, without placing a burden on parents and carers ~~finding the best balance between Options 1 and 3.~~

Option 3 – minimum age of 14 with parental consent required at 14 and 15 years old (South Australian proposal)

Option 3 aligns with the South Australian Government’s proposal. The South Australian Government has proposed to prohibit social media access for children aged under 14 and require parental consent for children aged 14 and 15 in South Australia. The Hon Robert French AC’s Report included a draft Bill that could give effect to the proposal. South Australia conducted a YourSAy consultation on the draft Bill in September to October 2024 s47B(a)

[Redacted text block]

¹³ [Social Media and Youth Mental Health \(hhs.gov\)](https://www.hhs.gov/social-media-youth-mental-health)

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This option is considered here as it is a useful comparison of an existing proposal in the Australian context and how this policy idea could likely be applied Australia-wide. However, the inclusion of parental consent in the design presents several regulatory and implementation problems beyond Option 2.

Legislating an age range for which access to social media may be granted only with parent or guardian consent would introduce administrative burden on already overwhelmed parents and guardians. It would also place the responsibility back on parents to determine the age at which their child can safely use social media. Such a model could also disproportionately impact children in unsafe homes, or those with difficult parental relationships.

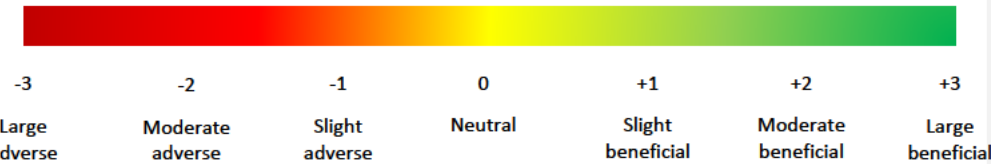
Parental consent models create significant implementation challenges. Social media services would not only need to verify or assure the age of an end-user but also confirm the identity of the user, as well as establishing a connection between child and guardian. This would multiply the regulatory burden on Australians and social media companies and privacy concerns, compared to establishing the age of a single user.

4. Likely net benefit of options

4.1 Framework used to weigh the harms and benefits and key assumptions

It is difficult to determine the quantitative costs and benefits from the considered options due to the lack of available data provided by social media services. Noting the lack of available data, this IAE supplementary analysis uses qualitative analysis to determine the likely costs and benefits. The likely costs and benefits listed in section 4.3 are based on case studies, consultation undertaken by the department and research that explores the harms to young people and their families.

A multi-criteria analysis (MCA) is used to assist in creating a quantitative net-benefit for supporting comparison between the considered options. The MCA uses a sliding scale for scoring with largely adverse impacts to stakeholders being rated as -3 and largely beneficial impacts to stakeholders being rated as +3.



| Stakeholder | Reform Option Rating | |
|----------------------------------|----------------------|------------|
| | Status Quo | Regulatory |
| Young People | -3 | +2 |
| Parents and Carers | -2 | +2 |
| Social media companies | 0 | -2 |
| Australians who use social media | 0 | -2 |

Based on the summation of the ratings in the MCA, the status quo is likely to result in a net benefit of -5. While it appears that social media companies and Australians above the minimum age who use social media are likely to experience a neutral impact from status quo, the severity of impacts to young people and parents

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and carers, particularly those from at-risk backgrounds, results in an overall negative net benefit to stakeholders.

Based on the summation of the ratings in the MCA, a regulatory option is likely to result in a net benefit of 0. The likely benefits resulting from a regulatory option to young people and their parents and carers are likely to balance out the adverse impacts to social media companies and Australians who use social media.

4.2 Regulatory burden estimate

Costs for the recommended option, being Option 2, and key assumptions about the process of implementing the social media age limit are outlined below.

For the purposes of this supplementary analysis, it is assumed that the social media age limit will apply to approximately 100 social media services, as consistent with the 'social media service' definition in the Online Safety Act. An hourly default rate of **\$85.17** has been used, as per the Office of Impact Analysis' Regulatory Burden Measurement Framework.

Social media services would have implementation costs due to the requirement to enforce the minimum age. It is assumed that social media services will need to age assure for the majority of its existing users to ensure Australians under **s34(1)** years old are not accessing their services, and to continue to allow access to Australians over **s34(1)** who use social media services.

Implementation costs for social media companies to set up age assurance processes to meet enforcement requirements is assumed to be **\$681,360**. It is assumed that implementations costs would include 80 hours of staff time incurred by each of the 100 social media services.

It is assumed that assurance costs would be roughly **\$0.64** per check per user. This is the average cost between three known quotes from third-party age assurance providers (\$0.47–\$0.85 per person). It is assumed that approximately 20,800,000 users will need to have their age assured, that is, all Australians who use social media services including current users under the age of **s34(1)**. It is assumed that each of these users will be age assured on 4 social media accounts – based on the assumption that many major social media services are under the same parent company (e.g. Meta), reducing the number of checks that need to be done. The total cost for social media services to assure the age of current users is estimated to be **\$53,248,000** for **83,200,000** total assurance checks

The implementation cost for social media services to assure the age of users is estimated to be **\$53,929,360**.

It is important to note that while this cost is based on information from third-party age assurance providers, it is not possible to provide a reasonably accurate estimate because age assurance is risk based, therefore different social media services may need to take different steps. Some larger social media services may develop in-house solutions while smaller social media services are likely to employ off-the-shelf solutions – such as third-party age assurance providers. The cost of age assurance is likely to change with technical advances (and become cheaper).

Business as usual costs for the first year for social media services to assure the age of new users is assumed to be **\$4,486,440**. It is assumed that business as usual compliance costs would include 10 hours of additional staff time per week incurred by each of the 100 social media services, for a total compliance cost of **\$4,428,840**. It is assumed that approximately 22,500 Australians, including people under the age of **s34(3)** will (attempt) to sign up for 4 social media accounts each year. This totals 90,000 assurance checks that will need to be assured at **\$0.64** per check, for an age assurance check total of **\$57,600**.

Business as usual costs beyond the first year for social media services to assure the age of new users is assumed to be **\$943,368 per annum**. It is assumed that business as usual compliance costs would include 2 hours of additional staff time per week incurred by each of the 100 social media services, for a total compliance cost of **\$885,768 per annum**. It is assumed that approximately 22,500 Australians, including people under the age of **s34(3)** will (attempt) to sign up for 4 social media accounts each year. This totals 90,000

s22(1)(a)(ii) I don't think we need to change anything more, the costing are just based on all australians who use social media from 0+

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assurance checks that will need to be assured at **\$0.64** per check, for an age assurance check total of **\$57,600 per annum**.

4.3 Likely benefits, costs and impacts of options

As the likely impacts to key stakeholders from the regulatory options are largely similar, this supplementary analysis will consider the impacts of a status quo option and a regulatory option.

The status quo is a non-regulatory option, relying on social media platforms to either enforce their own terms of service minimum age (mostly 13 years old) or lawsuits in the US against major platforms for knowingly allowing children under their minimum age to access their service.

Status Quo

Young people

The likely benefits to young people of the status quo access to social media without an enforced minimum age is retained access at current levels to the ability to connect and feel socially included through the use of platforms. Social media can be an entry point to health and mental health support, a creative outlet, or platform for legitimate children's programming. It provides an avenue to access news and connection, particularly for LGBTQI+, First Nations, CALD, neurodivergent and regional/remote youth.

However, there are potentially high costs to the status quo. The use of social media services has introduced new risks for young Australians, including exposure to inappropriate content, cyber bullying and online predators, and potentially contributing to adverse outcomes such as poor mental health outcomes, addictive behaviours and body image issues.

Based on the above likely impacts, it is reasonable to expect that there are likely to be largely adverse impacts to young people. This results in a scoring of -3 in the above MCA.

Parents and carers

The likely benefits to parents and carers of the status quo is retaining their ability to choose the age their children access social media services at their discretion, such as based on the maturity of their child. No young person's use of social media is the same, and parent and carer's ability to chose their child's usage is a strong benefit of the status quo.

However, the costs of the status quo option are high, as parents and carers feel unsupported to make evidence-based choices about when their children should be on social media and are overwhelmed by pressure from their children and other families. Parents and carers have uncertainty about the content that their children are accessing and the people that are in contact with their children, which are potentially harmful situations for young people, and can have catastrophic consequences, including leading to suicide.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately to largely adverse impacts to parents and carers. This results in a scoring of -2 in the above MCA.

Social media companies

Social media companies will experience no notable benefits or costs in the status quo option. All existing social media users will likely continue using their services as they currently do, allowing social media companies to continue to benefit from advertising revenue. No enforcement of a minimum age will result in social media companies continuing to invest at their current rates in age assurance technologies.

As the status quo is unlikely to result in any change to the way social media companies operate, there is unlikely to be any noticeable impacts. This results in a scoring of 0 in the above MCA.

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OFFICIAL**Australians who use social media**

In 2024, approximately 20.80 million Australians, or 78.3 per cent of the population, use social media. The percentage of male and female social media users is almost equal, and Australians use on average 6.1 social media platforms every month.¹⁴

Australians who use social media will experience no notable benefits or costs in the status quo option. Access for users will remain unrestricted with no enforcement measures likely resulting in no new age assurance processes implemented by social media companies.

As the status quo is unlikely to result in any change to the way Australians who use social media interact with it, there is unlikely to be any noticeable impacts. This results in a scoring of 0 in the above MCA.

Regulatory options**Young people**

The likely benefits to young people of a regulatory option is reduced risk of experiencing harms on social media services. Young people would have much lower unintentional exposure to age-inappropriate and distressing content delivered via social media algorithms. With a minimum age for access, young people will have a higher capacity and maturity to approach social media and engage with it in a lower risk manner.

The cost of a regulatory option is any young people under the minimum age would lose access to the connection, community, education and mental health support that social media can offer. However, the proposed legislation would [apply to specified social media services and](#) have an exemption framework to accommodate access to social media services that demonstrate low risk of harm. In addition, the minimum age would only apply to social media services and would not prevent young people from accessing the internet and messaging services. These factors combine to mitigate the loss of connection and support that could otherwise be experienced.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately beneficial impacts for young people. This results in a scoring of +2 in the above MCA.

Parents and carers

Parents and carers would have moderate benefits from a regulatory option. Parents and carers are concerned about who and what their children are engaging with on social media, and are seeking regulatory intervention to address their concerns. Establishing an age limit for social media will help signal a set of normative values that support parents, carers and society more broadly. Parents and carers will no longer be the decision maker for their child to access social media, with a clearly legislated minimum age instead taking pressure off young people's 'pester power'.

The likely cost to parents and carers of a regulatory option is low. A legislated minimum age would remove parent and carer's capacity to decide themselves if their child should be on social media at a younger age. However, feedback from this group indicates this is a minor concern compared to the costs discussed for the status quo option.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately beneficial impacts for parents and carers. This results in a scoring of +2 in the above MCA.

Social media companies

Regulatory options would require social media companies to take reasonable steps to check the age of their users. Reasonable steps will be clarified in a regulatory instrument/guidance, but may involve adoption of age

¹⁴ [Social Media Statistics for Australia \[Updated 2024\] \(meltwater.com\)](#)

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assurance technology that asks for some level of proof from a user to determine that there are above the minimum age. As shown in section 4.2, implementation of a regulatory option (including age assurance checks for all Australians using social media) would have an estimated financial impact of **\$53,929,360**.

However, some social media companies currently have age assurance methods in place or are investing in age assurance technologies for their services, so the financial and regulatory burden would not be severe for these companies.

As the regulatory option will result in a change to the way social media companies operate, there are likely to be moderate to large adverse impacts. This results in a scoring of -2 in the above MCA.

Australians who use social media

As discussed above, regulatory options would require social media companies to take reasonable steps to check the age of their users. Legislated enforcement of a social media age limit may result in social media companies assuring the age of all Australians who use social media. Social media companies may instead choose to develop services that meet the threshold for exemption, allowing all Australians to access their services without undertaking age assurance.

Separately, the Government's age assurance trial is ongoing and will inform decisions around the technological maturity of age assurance methods.

As the regulatory option is likely to result in a change to the way Australians who use social media interact with it, there are likely to be some adverse impacts. This results in a scoring of -2 in the above MCA.

5. Consultation

5.1 How feedback informed key elements of the policy design

Insights from state and territory governments helped inform the age, legislative model and supporting activities for the social media age limit. Feedback from states and territories was obtained through ongoing engagement with the department, including in relation to proposed state legislation and the Social Media Summit, and responses to the letter the Prime Minister, the Hon Anthony Albanese MP, sent to premiers and chief ministers on 4 October 2024.

Feedback from the department's stakeholder engagement on the age assurance trial helped inform the scope of social media services to be included in the age limit. Messaging services, for instance, were widely stated to have benefits of connection that outweigh the risks of harm to young people. Development of potential supporting activities was emphasised by stakeholders, particularly focused on education and mental health programs for at-risk young people. However, there was no consensus across stakeholders for the minimum age for access, so this decision could not be made on the basis of stakeholder consultation.

Feedback from industry stakeholders, including social media companies, informed the timeframes for commencement of the enforcement requirement. [The legislation is proposed to include a one-year lead time for the commencement of the minimum age obligation on platforms, with flexibility for the Minister for Communications to extend this if needed.](#) ~~The proposed draft legislation will defer implementation of the measures by 12 months from Royal Assent to provide industry with sufficient time to implement required changes.~~

Holistically, feedback informed the exemptions framework to encourage behaviour change from social media platforms, rather than the age limit being a blunt instrument. The proposed legislation considers potential exemptions (subject to conditions) for social media services that can demonstrate they have implemented certain safety requirements. This approach from Government would push the platforms to take responsibility for children's safety, and incentivise safe innovation for services that provide the benefits of access to social media while limiting the risk of harms.

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Exempting services aligns with the overarching principle of this legislation to protect, not isolate, young people, by retaining access for those under the minimum age to lower risk social media services that will offer the benefits that arise from connection, education and access to support services. It also provides financial incentive for social media services to improve safety features (in order to demonstrate that sufficient steps have been taken to mitigate risk) and therefore regain access to a younger market they may otherwise be excluded from.

5.2 Relevance of South Australian consultation

The South Australian consultation process in developing their draft Bill consulted a wide variety of people. Importantly, the consultation process incorporated the perspectives of a diverse range of cohorts. This extends to people who were in metropolitan, regional and remote areas, people who identify as First Nations, LGBTQI+, people with disability and young people. The recency of the consultation process and incorporation of diverse perspectives, particularly from those at risk of harms on social media platforms, allow for the analysis to assist in informing the development of a nationally applicable framework.

6. Recommended option and implementation

6.1 How the recommended option was identified

To identify the recommended option, this supplementary analysis incorporates the likely net benefit from the MCA, the regulatory burden estimate, the likely success in achieving the objectives of government and feedback from consultation and evaluation to develop a decision rule. This decision rule is then applied across the three options to identify the best option out of those considered.

Based on the decision rule, Option 2 has been identified as the recommended option.

6.2 Major steps in implementation

The first major step in implementation would be a [proposed one-year lead time for the commencement of the minimum age obligation on platforms, with flexibility for the Minister for Communications to extend this if needed, delayed commencement of 12 months after Royal Assent](#) to allow sufficient time for industry make the required changes. The findings from the age assurance trial will also assist implementation of the enforcement portion of the minimum age. [This also allows for a period of co-design with affected parties \(young people, parents and platforms\) for detailed regulation addressing exemption criteria, minimising any unnecessary costs on society.](#) The department and the eSafety Commissioner would also ensure relevant stakeholders (young people, parents and carers, and social media companies) are familiar with their new regulatory obligations, and the new tools that are available to them.

Beyond the commencement of the legislation, supporting activities such as education and mental health support as suggested by stakeholders, will be important for ensuring the policy intent of the social media age limit is achieved – to reduce the risks and harms to young Australians.

6.3 Implementation risks and how they can be managed

There are risks associated with restricting access to conventional social media services, given this may lead to children migrating to alternative or fringe services that are either unwilling or unable to moderate their users or content. For example:

- moving to online communications platforms that are difficult to regulate effectively, due to jurisdictional challenges, would reduce opportunities for law enforcement interventions; and

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- inadvertently discouraging young people from reporting possible instances of child sexual exploitation or abuse online to their parents/guardians or others, such as law enforcement authorities.

Care will need to be taken in implementation to ensure that any changes in young person behaviour and the online technology ecosystem due to legislated access restrictions does not enhance the ability for online predators to pressure and subsequently abuse or exploit young persons (e.g. through misinformation that access accountability rests with the young person rather than social media service providers). Supporting activities, which could include awareness campaigns and digital literacy education, will be important in addressing this risk.

Introducing legislation to enforce a minimum age for access to social media poses privacy risks. Meeting reasonable steps, for example by implementing age assurance, may incentivise social media services to collect, store and use additional personal information on individuals. Risks include concerns that social media service will use this information for commercial and harmful purposes, such as profiling individuals or feeding such data into recommender systems, and heightened risks of data breaches.

The age assurance trial is crucial to testing the effectiveness of age assurance technologies against a range of criteria, including accuracy, privacy and security. Additionally, consideration is being given to ensure the legislative design includes robust privacy safeguards. This includes requirements to adopt a data minimisation approach, use limitations for personal information collected for age assurance, and data destruction requirements.

There is a risk that legislation would encourage children to:

- use non-compliant services; or
- circumvent age assurance mechanisms (such as through VPNs) potentially resulting in being treated as adult users. This would lead to children not being afforded child-specific protections, including privacy protections, such as those in the proposed Children's Online Privacy Code, and protections services may offer to children in order to become exempt from the minimum age requirement.

To mitigate this risk, the age assurance trial is considering the appetite of individuals to use age assurance mechanisms, and the likelihood and ways children may circumvent age assurance mechanisms.

While these risks are recognised, doing nothing is no longer an option. Online safety reform is a rapidly evolving space and there is unlikely to be a perfect solution that would satisfy everybody. Supporting measures to this legislation, which could include awareness campaigns and digital literacy education, would mitigate some of these concerns. Additionally, the inclusion of legislative design features such as exemptions for certain types of services, a statutory review process, and a [proposed one-year lead time for the commencement of the obligation on platform, 12-month deferral for implementation](#) would incentivise social media services to improve safety for young Australian end-users of their services.

7. Evaluation

Implementation of the social media age limit is proposed to include [a one-year lead time for the commencement of the minimum age obligation on platforms, with flexibility for the Minister for Communications to extend this if needed, a delayed commencement of 12 months after Royal Assent](#) to allow sufficient time for industry to make the required changes. The department and the eSafety Commissioner would lead a program of extensive stakeholder engagement to allow relevant stakeholders (young people, parents and carers, and social media companies) to familiarise themselves with their new regulatory obligations, and the new tools that are available to them.

Following the social media age limit coming into effect, the department and the eSafety Commissioner would monitor and evaluate the success of the policy. It is proposed that the legislation would be reviewed 2 years after implementation. The eSafety Commissioner would provide oversight and enforcement of the minimum age. In addition to the frameworks under the obligation to take reasonable steps to prevent access for those

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under s34(1) in this legislation, the eSafety Commissioner's existing transparency powers can assist with compelling information from platforms that could be used to inform evaluation.

The evaluation will provide a check-in point to assess if key features of the legislation (age, scope of services, exemptions) are working as intended, or leading to unintended consequences.

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