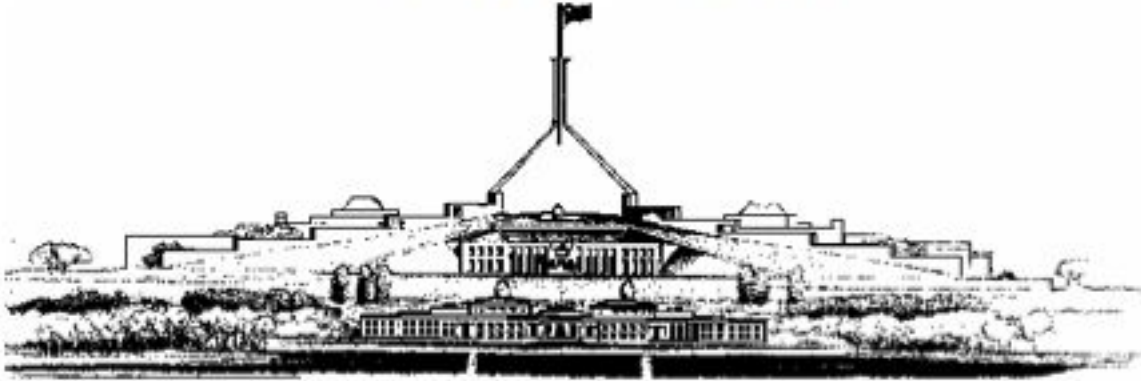




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

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

Second Reading

SPEECH

Thursday, 21 November 2024

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date	Thursday, 21 November 2024	Source	House
Page	8270	Proof	No
Questioner		Responder	
Speaker	Rowland, Michelle MP	Question No.	

Ms ROWLAND (Greenway—Minister for Communications) (09:25): I move:

That this bill be now read a second time.

Introduction

Keeping Australians safe online is a top priority for the Albanese government. We are focused on positive solutions to issues of national concern, and the issue of harms to children and young people from social media is right up the top of that list.

Since coming to government we have taken steps to turn this focus into meaningful outcomes, with a range of measures to help make the online environment better for young people.

Central to this has been our quadrupling of the ongoing base funding for the eSafety Commissioner, to ensure this world-leading regulator has the certainty of resourcing and is equipped to respond to existing and emerging online harms.

I brought forward the review of the Online Safety Act by 12 months. This was in recognition of the need for the act to remain fit for purpose, and I thank the independent reviewer for recently providing her report to me.

In May this year, I amended the Basic Online Safety Expectations to make clear the government's expectation that platforms must place the best interest of the child at the centre of their products and services.

And today, I introduce the Online Safety Amendment (Social Media Minimum Age) Bill 2024.

Social media, as we commonly and collectively understand it, has become a ubiquitous and a normal part of life for all of us, and many young Australians take part in this activity without adverse consequence. It can be a source of entertainment, education and connection with the world—and each other. Those things, particularly for young Australians, can be beneficial.

But, for too many young Australians, social media can be harmful. Almost two-thirds of 14- to 17-year-old Australians have viewed extremely harmful content online, including drug abuse, suicide or self-harm, as well as violent material. A quarter have been exposed to content promoting unsafe eating habits.

Research conducted by eSafety found that 95 per cent of Australian caregivers find online safety to be one of their toughest parenting challenges.

The Albanese government has heard the concerns of parents, young people and experts. Social media has a social responsibility. We know they can—and should—do better to address harms on their platforms. That's why we're making big changes to hold platforms to account for user safety.

The Online Safety Amendment (Social Media Minimum Age) Bill 2024 will amend the Online Safety Act 2021 (OSA) by introducing a minimum age of 16 to have an account on age-restricted social media platforms, protecting young Australians at a critical stage of their development.

The bill puts the onus on social media platforms, not parents or young people, to take reasonable steps to ensure fundamental protections are in place. This is about protecting young people—not punishing or isolating them—and letting parents know we're in their corner when it comes to supporting their children's health and wellbeing.

We know establishing a minimum age for young people having social media accounts is not the only approach that needs to be taken and we know that this measure will not be met with universal acceptance.

But this is one step among many that a government should take in the protection and not the isolation of young people. There is wide acknowledgment that something must be done, in the immediate term, to help prevent young teens and children from being exposed to streams of content—unfiltered and infinite.

It is the right thing to do for the right reasons at the right time.

Through extensive consultation and with the input of states and territories, we are agreeing that, until a child turns 16, the social media environment as it stands is not age-appropriate for them.

I acknowledge everyone who participated in consultation across the country for their contribution, however small, to this world-leading reform.

The bill I am introducing today does not provide the magic pill to resolve or eliminate every harm children face online, nor does it seek to rule out digital participation and inclusion for young people.

And we also acknowledge that harms don't simply switch off on a child's 16th birthday. That is why the government has taken the decision to bring forward a key recommendation of the Online Safety Act review, to legislate a digital duty of care.

Legislating a digital duty of care is a separate body of work and will place the onus on digital platforms to proactively keep Australians safe and better prevent online harms.

Legislating a duty of care will mean services can't 'set and forget'. Instead, their obligations will mean they need to continually identify and mitigate potential risks, as technology and service offerings change and evolve.

While the social media minimum age legislation introduced today is targeted at the protection of children under 16, the duty of care will ensure all Australians are better protected from online harm.

Critically, this legislation will allow for 12 months implementation—to ensure this novel and world-leading reform can take effect with the care and consideration that Australians rightly expect.

The Office of the Australian Information Commissioner will be resourced to provide oversight of the privacy provisions as they relate to this bill.

Regulated activity

The bill we have introduced today establishes an obligation on social media platforms to take reasonable steps to prevent age-restricted users from having an account.

This places the onus on platforms to introduce systems and settings to ensure that under-age users cannot create and hold a social media account. A systemic failure to take action to limit such circumventions could give rise to a breach.

By regulating the act of 'having an account', as opposed to 'accessing' social media more generally, we are seeking to strike a balance between protecting young people from harm, while limiting the regulatory burden on the broader population.

Importantly, this obligation would help to mitigate the risks arising from the harmful features that are largely associated with user accounts, or the 'logged-in' state, persistent notifications and alerts, which have been found to have a negative impact on sleep, stress levels, and attention.

Regulated services

The obligation will apply to 'age-restricted social media platforms', a new term being introduced into the Online Safety Act. Its definition includes that a 'significant purpose' of the service is to enable online social interactions between two or more users.

While the definition casts a wide net, the bill allows for flexibility to reduce the scope or further target the definition through legislative rules. Achieving this through rules, rather than primary legislation, enables the government to be responsive to changes and evolutions in the dynamic social media ecosystem.

Rules can be made to allow for additional conditions that must be met, in order to fall within the definition of 'age-restricted social media platform'.

To be clear, the government expects that this broader definition will capture services that are commonly accepted to be social media, and the services that are causing many parents the most concern.

This will, at a minimum, include TikTok, Facebook, Snapchat, Reddit, Instagram, X (formerly Twitter), among others. These services will be required to take reasonable steps to prevent persons under 16 years of age from creating or holding an account.

A rule-making power is also available to exclude specific classes of services from the definition. In the first instance, this power will be used to carve out messaging services, online games, and services that significantly function to support the health and education of users.

A key principle of the approach to applying an age limit of 16 to social media was the recognition that our laws should be set to protect young people—not isolate them. There is a legitimate purpose to enabling young people to actively participate in the digital environment where they have grown up. Supporting their digital participation, connection and inclusion is important at every age and stage of a young person's development, and our legislation seeks to strike that balance.

We are not saying that risks don't exist on messenger apps or online gaming.

While users can still be exposed to harmful content by other users, they do not face the same algorithmic curation of content and psychological manipulation to encourage near-endless engagement. Further, the inclusion of messaging apps could have wider consequences, such as making communication within families harder.

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

This categorical rule-making power is expected to deem out of scope services such as Facebook Messenger Kids, and WhatsApp. The rule will provide for an 'out of scope' status to also be applied to services like ReachOut's PeerChat, Kids Helpline 'MyCircle', Google Classroom, YouTube, and other apps that can be shown to function like social media in their interactivity but operate with a significant purpose to enable young people to get the education and health support they need.

Before making a rule, the minister must seek advice from the eSafety Commissioner, and must have regard to that advice; and may seek advice from any other authorities or agencies of the Commonwealth that the minister considers relevant, and may have regard to any such advice.

This is an important condition to ensure rules are made with the appropriate safeguards in place while reflecting community standards.

Privacy safeguards

Privacy reform in Australia has been long overdue, and the Albanese government has taken significant steps to bring privacy standards up to community standards.

This is novel reform, and to implement a minimum age for social media requires steps to be taken by users to assure age. Where this user is a child, a government must sharpen its focus with the expected level of care to ensure strong privacy provisions are in place.

While the digital economy has generated significant benefits, including consumer convenience, improved efficiencies and new employment opportunities, it has also resulted in large amounts of information about people being generated, used, disclosed and stored. Widespread adoption and reliance on digital technologies increases the risks that personal data will be subject to misuse or mishandling, including through data breaches, fraud and identity theft, unauthorised surveillance and other significant online harms.

For these reasons, the bill introduces more robust privacy protections, which strictly prohibit platforms from using information collected for age assurance purposes for any other purpose, unless explicitly agreed to by the individual.

The approach taken in the bill expands on Australia's privacy framework, taking a heightened approach to information protection that is informed by the 2022 review of the Privacy Act.

Compliance with the minimum-age obligation will likely involve some form of age assurance, which may require the collection, use and disclosure of additional personal information. The bill makes it explicit that platforms must not use information and data collected for age assurance purposes for any other purpose, unless the individual has provided their consent.

This consent must be voluntary, informed, current, specific and unambiguous—this is an elevated requirement that precludes platforms from seeking consent through preselected settings or opt-outs. In addition, once the information has been used for age assurance or any other agreed purpose, it must be destroyed by the platform (or any third party contracted by the platform).

Serious and repeated breaches of these privacy provisions could result in penalties of up to \$50 million under section 13G of the Privacy Act.

Given the vitality of robust privacy and security for Australians online, in the case of the minimum age for social media, we will undertake additional consultation to determine what reasonable amendments we can introduce ahead of passage of the legislation.

Penalties

In making these reforms, it is critical we send a clear signal to platforms about the importance of their social responsibilities to children and all Australians.

As such, this bill will impose significant penalties for breaching the minimum-age obligation. This will be as high as \$49.5 million for bodies corporate, consistent with serious offences set out in the *Privacy Act 1988* and *Competition and Consumer Act 2010*.

The bill increases penalties for breach of industry codes and industry standards to up to \$49.5 million for bodies corporate. This addresses the currently low penalties in the OSA, and reflects the systemic nature of the harms that could arise from breaches of the codes and standards.

Additional regulator powers

The bill equips the eSafety Commissioner with additional tools and powers to effectively administer the new minimum age framework. This includes powers to request information from platforms about how they are complying with their obligation, particularly the compliance with privacy provisions.

Commencement

The minimum age obligation on social media services will commence no earlier than 12 months from passage of the bill. This will allow the necessary time for social media platforms to develop and implement required systems.

This timeframe will also enable implementation to be informed by the age assurance trial, which will provide guidance on the market readiness of age assurance technologies, and inform advice to government and the eSafety Commissioner on implementation and enforcement of the minimum age.

Review

Finally, the bill incorporates a review of the legislation two years after effective commencement. This provides the government with an opportunity to undertake critical societal measurements of the impacts of the legislation, using qualitative and quantitative research to understand how this policy is working for young Australians.

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

We will work with the education, health, youth organisations and community organisations throughout implementation and during the review to take in their views.

Conclusion

This measure is a key component of the Albanese government's work across the online safety space and will help enable young people to use the internet in a safer and more positive way. It will signal a set of normative values that support parents, educators and society more broadly.

Australia has consistently paved the way in global online safety, and the introduction of this legislation is no exception.

The bill builds upon the Australian government's work to address online harms for young people, including the age assurance trial, establishing an online dating apps code, and legislating new criminal penalties for non-consensual sharing of sexual deepfakes.

The government will ensure young Australians retain access to services that primarily provide education and health services, and work constructively with stakeholders to ensure that only services that meet the strict criteria under eSafety's powers are able to be accessed by children under 16 years.

This bill seeks to set a new normative value in society—that accessing social media is not the defining feature of growing up in Australia.

I commend the bill to the House.

Debate adjourned.



The Hon Michelle Rowland MP
Minister for Communications
(/rowland)

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Albanese Government delivers world-leading legislation to protect children online

Today the Government has introduced world-leading legislation to enforce a minimum age of 16 years for social media.

The Online Safety Amendment (Social Media Minimum Age) Bill 2024 will deliver greater protections for young Australians during critical stages of their development.

It will require social media platforms to take reasonable steps to prevent under 16s from having accounts.

The law places the onus on social media platforms – not parents or young people – to take reasonable steps to ensure these protections are in place.

MEDIA RELEASE

Thursday 21 November 2024

JOINT RELEASE WITH

Anthony Albanese

Prime Minister of Australia

The Bill and the associated rules will ensure young Australians have continued access to messaging and online gaming, as well as access to services which are health and education related, like Headspace, Kids Helpline, and Google Classroom, and YouTube.

The Government will introduce stronger penalties for online safety breaches, which will see digital platforms face fines of up to \$49.5 million for systemic breaches.

The Bill creates a new definition of 'age-restricted social media platforms. This will include Snapchat, TikTok, Instagram, and X, amongst others.

It will contain robust privacy provisions, including requiring platforms to ringfence and destroy any information collected to safeguard the personal information of all Australians.

The law is designed to be responsive to changes in technology and services.

The Bill has been designed following extensive feedback from young Australians, parents, experts, industry, community organisations and state and territory governments.

It builds on broader efforts by the Australian Government to hold platforms accountable for ensuring the safety of their users.

Quotes attributable to Prime Minister, Anthony Albanese:

"We know social media is doing social harm.

"We want Australian children to have a childhood, and we want parents to know the Government is in their corner.

"This is a landmark reform. We know some kids will find workarounds, but we're sending a message to social media companies to clean up their act."

Quotes attributable to Minister for Communications, Michelle Rowland:

"The Albanese Government is continuing to act on its commitment to keep children safe online.

"This legislation will go a long way to providing that support and creating a new normal in the community around what age is okay to use social media.

"Platforms have a responsibility to provide safe products and look after the mental health of young Australians.

"We need to create a strong incentive for compliance and increasing the maximum penalties for online safety breaches to up to \$49.5 million brings our penalty framework into line with other laws.

"Keeping children safe – wherever they are – is a collective responsibility, and the Albanese Government is stepping up to play our role.

"I want to thank our state and territory colleagues and everyone who has made a contribution to bring this important Bill to life."

ONLINE SAFETY AMENDMENT (SOCIAL MEDIA AGE LIMIT)
BILL 2024

SECOND READING SPEECH

Introduction

Keeping Australians safe online is a top priority for the Albanese Government. This Government is focused on positive solutions to issues of national concern, and the issue of harms to children and young people from social media is right up the top of that list.

Since coming to Government, the Albanese Labor Government have taken steps to turn this focus into meaningful outcomes, with a range of measures to help make the online environment better for young people.

Central to this has been the quadrupling of the ongoing base funding for the eSafety Commissioner, to ensure this world-leading regulator has the certainty of resourcing and is equipped to respond to existing and emerging online harms.

The Government has brought forward the review of the Online Safety Act by twelve months. This was in recognition of the need for the Act to remain fit for purpose, and the Government thanks the independent reviewer for recently providing her report.

In May this year, the Government amended the Basic Online Safety Expectations to make clear the Government's expectation that platforms must place the best interest of the child at the centre of their products and services.

Social media, as it is commonly and collectively understood, has become a ubiquitous and a normal part of life for all of Australia's society, and many young Australians take part in this activity without adverse consequence. It can be a source of entertainment, education and connection with the world – and each other. Those things, particularly for young Australians, can be beneficial.

But, for too many young Australians, social media can be harmful. Almost two-thirds of 14- to 17-year-old Australians have viewed extremely harmful content online, including drug abuse, suicide or self-harm, as well as violent material. A quarter have been exposed to content promoting unsafe eating habits.

Research conducted by eSafety found that that 95% of Australian caregivers find online safety to be one of their toughest parenting challenges.

The Albanese Government has heard the concerns of parents, young people and experts. Social media has a social responsibility to do better to address harms on their platforms. That's why the Government is making big changes to hold platforms to account for user safety.

The Online Safety Amendment (Social Media Minimum Age) Bill 2024 will amend the *Online Safety Act 2021* (OSA) by introducing a minimum age of 16 to have an account on age-restricted social media platforms, protecting young Australians at a critical stage of their development.

The Bill puts the onus on social media platforms, not parents or young people, to take reasonable steps to ensure fundamental protections are in place. This is about protecting young people – not punishing or isolating them – and letting parents know the Government is in their corner when it comes to supporting their children's health and wellbeing.

The Government knows that establishing a minimum age for young people having social media accounts is not the only approach that needs to be taken, and also knows that this measure will not be met with universal acceptance.

But this is one step among many that a Government should take in the protection and not the isolation of young people. There is wide acknowledgment that something must be done, in the immediate term, to help prevent young teens and children from being exposed to streams of content – unfiltered and infinite.

It is the right thing to do for the right reasons at the right time.

Through extensive consultation and with the input of states and territories, the Government is agreeing that until a child turns 16, the social media environment as it stands is not age-appropriate for them.

The Government acknowledges everyone who participated in consultation across the country for their contribution, however small, to this world-leading reform.

This Bill does not provide the magic pill to resolve or eliminate every harm children faces online, nor does it seek to rule out digital participation and inclusion for young people.

And it is also acknowledged that harms don't simply switch off on a child's 16th birthday. That is why the Government has taken the decision to bring forward a key recommendation of the Online Safety Act Review, to legislate a Digital Duty of Care.

Legislating a Digital Duty of Care is a separate body of work, and will place the onus on digital platforms to proactively keep Australians safe and better prevent online harms.

Legislating a duty of care will mean services can't 'set and forget'. Instead, their obligations will mean they need to continually identify and mitigate potential risks, as technology and service offerings change and evolve.

While the social media minimum age legislation introduced today is targeted at the protection of children under 16, the duty of care will ensure all Australians are better protected from online harm.

Critically, this legislation will allow for a twelve month implementation period – to ensure this novel and world-leading reform can take effect with the care and consideration Australian's rightly expect.

The Office of the Australian Information Commissioner will be resourced to provide oversight of the privacy provisions as they relate to this Bill.

Regulated activity

This Bill establishes an obligation on social media platforms to take reasonable steps to prevent age-restricted users from having an account.

This places the onus on platforms to introduce systems and settings to ensure that under-age users cannot create and hold a social media account. A systemic failure to take action to limit such circumventions could give rise to a breach.

By regulating the act of 'having an account', as opposed to 'accessing' social media more generally, the Government is seeking to strike a balance between protecting young people from harm, while limiting the regulatory burden on the broader population.

Importantly, this obligation would help to mitigate the risks arising from the harmful features that are largely associated with user accounts, or the ‘logged-in’ state, persistent notifications and alerts, which have been found to have a negative impact on sleep, stress levels, and attention.

Regulated services

The obligation will apply to ‘age-restricted social media platforms’, a new term being introduced into the OSA. Its definition includes that a ‘significant purpose’ of the service is to enable online social interactions between 2 or more users.

While the definition casts a wide net, the Bill allows for flexibility to reduce the scope or further target the definition through legislative rules. Achieving this through rules, rather than primary legislation, enables the Government to be responsive to changes and evolutions in the dynamic social media ecosystem.

Rules can be made to allow for additional conditions that must be met, in order to fall within the definition of ‘age-restricted social media platform’.

To be clear, the Government expects that this broader definition will capture services that are commonly accepted to be social media, and the services that are causing many parents the most concern.

This will, at a minimum, include TikTok, Facebook, Snapchat, Reddit, Instagram, X (formerly Twitter), among others. These services will be required to take reasonable steps to prevent persons under 16 years of age from creating or holding an account.

A rule-making power is also available to exclude specific classes of services from the definition. In the first instance, this power will be used to carve out messaging services, online games, and services that significantly function to support the health and education of users.

A key principle of the approach to applying an age limit of 16 to social media was the recognition that our laws should be set to protect young people – not isolate them. There is a legitimate purpose to enabling young people to actively participate in the digital environment where they have grown up. Supporting their digital participation, connection and inclusion is important at every age and stage of a young person’s development and our legislation seeks to strike that balance.

The Government is not saying that risks don't exist on messenger apps or online gaming.

While users can still be exposed to harmful content by other users, they do not face the same algorithmic curation of content and psychological manipulation to encourage near endless engagement. Further, the inclusion of messaging apps could have wider consequences, such as making communication within families harder.

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

This categorical rule making power is expected to deem out of scope services such as Facebook Messenger Kids, and WhatsApp. The rule will provide for an "out of scope" status to also be applied to services like ReachOut's PeerChat, Kids Helpline 'MyCircle', Google Classroom, YouTube, and other apps that can be shown to function like social media in their interactivity but operate with a significant purpose to enable young people to get the education and health support they need.

Before making a Rule, the Minister must seek advice from the eSafety Commissioner, and must have regard to that advice; and may seek advice from any other authorities or agencies of the Commonwealth that the Minister considers relevant, and may have regard to any such advice.

This is an important condition to ensure Rules are made with the appropriate safeguards in place while reflecting community standards.

Privacy safeguards

Privacy reform in Australia has been long overdue, and the Albanese Government has taken significant steps to bring privacy standards up to community standards.

This is novel reform, and to implement a minimum age for social media requires steps to be taken by users to assure age. Where this user is a child, a Government must sharpen its focus with the expected level of care to ensure strong privacy provisions are in place.

While the digital economy has generated significant benefits, including consumer convenience, improved efficiencies and new employment opportunities, it has also resulted in large amounts of information about people being generated, used, disclosed and stored. Widespread adoption and reliance on digital technologies increases the risks that personal data will be subject to misuse or mishandling, including through data breaches, fraud and identity theft, unauthorised surveillance and other significant online harms.

For these reasons, the Bill introduces more robust privacy protections, which strictly prohibit platforms from using information collected for age assurance purposes for any other purpose, unless explicitly agreed to by the individual.

The approach taken in the Bill expands on Australia's privacy framework, taking a heightened approach to information protection that is informed by the 2022 review of the Privacy Act.

Compliance with the minimum age obligation will likely involve some form of age assurance, which may require the collection, use and disclosure of additional personal information. The Bill makes it explicit that platforms must not use information and data collected for age assurance purposes for any other purpose, unless the individual has provided their consent.

This consent must be voluntary, informed, current, specific and unambiguous – this is an elevated requirement that precludes platforms from seeking consent through preselected settings or opt-outs. In addition, once the information has been used for age assurance or any other agreed purpose, it must be destroyed by the platform (or any third party contracted by the platform).

Serious and repeated breaches of these privacy provisions could result in penalties of up to \$50 million under section 13G of the Privacy Act.

Given the vitality of robust privacy and security for Australians online, in the case of the minimum age for social media, the Government will undertake additional consultation to determine what reasonable amendments we can introduce ahead of passage of the legislation.

Penalties

In making these reforms, it is critical the Government sends a clear signal to platforms about the importance of their social responsibilities to children and all Australians.

As such, this Bill will impose significant penalties for breaching the minimum age obligation. This will be as high as \$49.5 million for bodies corporate, consistent with serious offences set out in the *Privacy Act 1988* and *Competition and Consumer Act 2010*.

The Bill increases penalties for breach of industry codes and industry standards to up to \$49.5 million for bodies corporate. This addresses the currently low penalties in the OSA, and reflects the systemic nature of the harms that could arise from breaches of the codes and standards.

Additional regulator powers

The Bill equips the eSafety Commissioner with additional tools and powers to effectively administer the new minimum age framework. This includes powers to request information from platforms about how they are complying with their obligation, particularly the compliance with privacy provisions.

Commencement

The minimum age obligation on social media services will commence no earlier than 12 months from passage of the Bill. This will allow the necessary time for social media platforms to develop and implement required systems.

This timeframe will also enable implementation to be informed by the Age Assurance Trial, which will provide guidance on the market readiness of age assurance technologies, and inform advice to Government and the eSafety Commissioner on implementation and enforcement of the minimum age.

Review

Finally, the Bill incorporates a review of the legislation two years after effective commencement. This provides the Government with an opportunity to undertake critical societal measurements of the impacts of the legislation, using qualitative and quantitative research to understand how this policy is working for young Australians.

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

The Government will work with the education, health, youth organisations and community organisations throughout implementation and during the review to take in their views.

Conclusion

This measure is a key component of the Albanese Government's work across the online safety space and will help enable young people to use the internet in a safer and more positive way. It will signal a set of normative values that support parents, educators and society more broadly.

Australia has consistently paved the way in global online safety, and the introduction of this legislation is no exception.

The Bill builds upon the Australian Government's work to address online harms for young people, including the age assurance trial, establishing an online dating apps code, legislating new criminal penalties for non-consensual sexual deepfakes.

The Government will ensure young Australians retain access to services that primarily provide education and health services, and work constructively with stakeholders to ensure that only services that meet the strict criteria under eSafety's powers are able to be accessed by children under 16 years.

This Bill seeks to set a new normative value in society – that accessing social media is not the defining feature of growing up in Australia.

Q&A PACK

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

Questions:

s22(1)(a)(ii)

What is exempt?

- The Bill and associated rules will ensure continued access to messaging and online gaming and continued access to services which are health and education related, such as s22(1)(a)(ii) YouTube.

Is YouTube captured or exempt?

- The Bill and associated rules will allow access to YouTube.
- The use of YouTube will continue in classrooms, as it provides important educational benefits.

What powers does the Minister have to determine what services are in or out?

s22(1)(a)(ii)

- Services not within scope are messaging and gaming apps, or health and education services. We will also be ensuring families can continue to access YouTube.

s22(1)(a)(ii)

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

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

Principals want YouTube available in the classroom?

- The Bill and associated rules will allow access to YouTube.
- The use of YouTube will not be constrained in classrooms, as it provides important educational benefits.



The Hon Michelle Rowland MP
 Minister for Communications
 (/rowland)

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Social media reforms to protect our kids online pass Parliament

The Albanese Government has delivered on its commitment to support parents and protect young people by setting a minimum age of 16 years for social media, with legislation passing Parliament today.

The *Online Safety Amendment (Social Media Minimum Age) Bill 2024* is a landmark measure that will deliver greater protections for young Australians during critical stages of their development.

The laws place the onus on social media platforms – not young people or their parents – to take reasonable steps to prevent Australians under 16 years of age from having accounts, and ensures systemic breaches will see platforms face fines of up to \$49.5 million.

The minimum age will apply to ‘age-restricted social media platforms’ as defined in the

MEDIA RELEASE

Friday 29 November 2024

Bill, which includes Snapchat, TikTok, Facebook, Instagram, X and others.

Importantly, the bill ensures that the law is responsive to the ever-evolving nature of technology, while enabling continued access to messaging, online gaming, and services and apps that are primarily for the purposes of education and health support – like Headspace, Kids Helpline, Google Classroom and YouTube.

It contains strong privacy provisions, with platforms required to ring-fence and destroy any data collected once it has been used for age assurance purposes. Failure to destroy data would be a breach of the *Privacy Act*, with penalties of up to \$50 million.

The bill also makes clear that no Australian will be compelled to use government identification (including Digital ID) for age assurance on social media. Platforms must offer reasonable alternatives to users.

The bill has been designed following extensive consultation with young Australians, parents, experts, industry, community organisations and National Cabinet, and builds on broader efforts by the Government to hold platforms to account for ensuring the safety of their users.

The new laws will come into effect no later than 12 months from Royal Assent, allowing the necessary time for social media platforms to develop and implement required systems.

Quotes attributable to Prime Minister Anthony Albanese:

“We’ve passed important legislation to keep our kids safe online.

“Social media is doing social harm to our kids. We’ve called time on it.

"We want our kids to have a childhood and parents to know we have their backs."

Quotes attributable to the Minister for Communications, Michelle Rowland:

"The Albanese Government is resolute in its commitment to keeping children safe online, and the passage of this vital legislation is just one way we're delivering on this commitment.

"We've listened to young people, parents and carers, experts and industry in developing these landmark laws to ensure they are centred on protecting young people – not isolating them.

"Good government is about facing up to difficult reform - we know these laws are novel, but to do nothing is simply not an option.

"Over the next 12 months, we'll work closely with industry and experts to ensure the minimum age is effectively implemented, informed by the findings of the Age Assurance Technology Trial currently underway."

<https://minister.infrastructure.gov.au/rowland/media-release/social-media-reforms-protect-our-kids-online-pass-parliament>