

8 October 2025

Mia Garlick

Regional Director of Policy (Australia, Japan, Korea, New Zealand and Pacific Islands)
Meta Platforms, Inc.

By email: [REDACTED]@meta.com

CC: [REDACTED]@meta.com, [REDACTED]@meta.com, [REDACTED]@meta.com

Dear Mia

Preliminary view on whether Meta services are age-restricted social media platforms

1. I refer to our recent engagement concerning the social media minimum age obligation (**SMMA obligation**) in Part 4A of the *Online Safety Act 2021* (Cth) (**the Act**). As you are aware, the SMMA obligation comes into effect on 10 December 2025 and applies to ‘age-restricted social media platforms’.
2. As the eSafety Commissioner, I am required to monitor and promote compliance with the Act, including the SMMA obligation. To assist industry and the public to prepare for the SMMA obligation, eSafety is engaging with services and encouraging them to assess whether they are an age-restricted social media platform using our [self-assessment tool](#). We are also separately assessing whether services are age-restricted social media platforms.¹
3. The purpose of this letter is to:
 - a. notify you that eSafety has recently conducted an assessment of the following services: Facebook, Messenger, Instagram, Threads and WhatsApp (**the Meta services**);
 - b. notify you that eSafety has formed the preliminary view that:

¹ In the absence of any rules made by the Minister specifying a service as either an age-restricted social media platform or not an age-restricted social platform under ss 63C(4) and 63C(6)(b) of the Act respectively, any determination that a service is or is not an age-restricted social media platform is a matter for the court.

- i. each of the Meta services is a separate electronic service for the purposes of assessing whether it is an age-restricted social media platform under s 63C of the Act;
 - ii. Facebook, Instagram and Threads are age-restricted social media platforms; and
 - iii. Messenger² and WhatsApp are not age-restricted social media platforms;
- c. notify you that eSafety will be publicly communicating our preliminary view today; and
- d. give Meta the opportunity to respond to our preliminary view and provide any submissions which may be relevant to our final assessment of the Meta services before the SMMA obligation comes into effect.

Summary of preliminary view

- 4. After conducting a preliminary assessment of the Meta services, eSafety has formed the preliminary view that:
 - a. Facebook, Instagram and Threads are age-restricted social media platforms for the following reasons:
 - i. the conditions for an age-restricted social media platform in s 63C(1) and s 63C(6)(a) of the Act have been met; and
 - ii. Facebook, Instagram and Threads do not fall within one or more of the classes of services that are excluded from the SMMA obligation under the *Online Safety (Age-Restricted Social Media Platforms) Rules 2025 (the Rules)*.
 - b. Messenger and WhatsApp are not age-restricted social media platforms. Whilst the conditions in s 63C(1) and s 63C(6)(a) of the Act have been met, we consider that Messenger and WhatsApp fall within a class of services that are excluded from the SMMA obligation under the Rules.

² Despite it being eSafety's preliminary view that Messenger is not an age-restricted social media platform, as Messenger requires an end-user to hold a Facebook account in order to use Messenger, Meta's compliance obligations under s 63D (which focuses on 'having accounts') also extend to Messenger.

Material taken into account

5. In forming our preliminary view, eSafety has taken into account the following material:
 - a. relevant provisions in the Act and Rules
 - b. eSafety's Regulatory Guidance and self-assessment tool
 - c. internal eSafety user testing of the Meta services
 - d. information on Meta's website, media releases and public communications
 - e. insights from relevant research or third-party reports, and other publicly available information
 - f. how the Meta services are described in the Apple App Store and Google Play Store
 - g. Meta's communications with eSafety, including Meta's letter dated 29 August 2025 (**Meta letter**) in response to our letter dated 15 August 2025.
6. In the Meta letter, Meta advised that:
 - a. it agrees with eSafety that Facebook and Instagram are likely to fall within the definition of 'age-restricted social media platform' and are therefore likely subject to the SMMA obligation;
 - b. it considers WhatsApp to fall within a class of services excluded from the SMMA obligation under the Rules;
 - c. Messenger currently requires end-users to hold a Facebook account; and
 - d. Threads currently requires end-users to hold either a Facebook or Instagram account.

Reasons for preliminary view: Facebook

7. An electronic service is an age-restricted social media platform if the following conditions are satisfied:
 - a. the sole purpose, or a significant purpose, of the service is to enable online social interaction between two or more end-users (s 63C(1)(a)(i)), and
 - b. the service allows end-users to link to, or interact with, other end-users (s 63C(1)(a)(ii)), and

- c. the service allows end-users to post material on the service (s 63C(1)(a)(iii)), and
- d. material on the service is accessible to, or delivered to, end-users in Australia (s 63C(6)(a)), and
- e. the service is not an excluded service under the Rules (s 63C(6)(b)).

Facebook is an electronic service

8. An 'electronic service' is defined in s 5 of the Act as:

- (a) a service that allows end-users to access material using a carriage service; or
- (b) a service that delivers material to persons having equipment appropriate for receiving that material, where the delivery of the service is by means of a carriage service;

but does not include:

- (c) a broadcasting service; or
- (d) a broadcasting service (within the meaning of the *Broadcasting Services Act 1992*).

9. 'Material' is also defined in s 5 of the Act and means material whether in the form of text, data, speech, music or other sounds, visual images (moving or otherwise) or in any other form or combination of forms.

10. 'Carriage service' is a service for carrying communications by means of guided and/or unguided electromagnetic energy.³ In this case, the carriage service is the internet.

11. Facebook is an electronic service as it allows end-users to access material including posts, comments, photos and videos using the internet. Facebook also delivers that material to end-users using the internet.

Material is accessible to end-users in Australia (s 63C(6)(a))

12. Material is accessible to, or delivered to, end-users in Australia if the end-users are physically located in Australia and the material is capable of being accessed by, or is received by, them.

13. Material on Facebook is accessible to, and delivered to, end-users in Australia.

³ *Telecommunications Act 1997* (Cth), s 7.

A significant purpose of Facebook is to enable online social interaction between two or more end-users (s 63C(1)(a)(i))

14. eSafety considers the current purposes⁴ of Facebook are:

1. To create, share and discover, view or otherwise engage with material on the service (**Purpose 1**)
2. To discover, connect and engage with other end-users and communities (**Purpose 2**)
3. To engage in trade (Facebook Marketplace) (**Purpose 3**).

Consideration of identified purposes and ‘online social interaction’

15. The relevant question is whether the above purposes can be categorised as online social interaction purposes (**OSI purposes**).

16. Online social interaction includes online interaction that enables end-users to share material for social purposes.⁵ eSafety’s Regulatory Guidance and self-assessment tool detail our approach to considering what ‘online social interaction’ means practically, such as ‘an end-user’s engagement with other end-users or their material through an electronic service, whether active or passive, including by communicating, sharing material, participating in communities and/or expressing reactions’.⁶

17. Online social interaction does not include, for example, online business interaction or the sharing of material for business purposes.⁷

18. We consider that Purposes 1 and 2 are OSI purposes because they enable end-users to engage with other end-users or their material for social purposes (whether active or passive), and this engagement is the main type of interaction:

- a. Purpose 1: to create, share and discover, view or otherwise engage with material on the service
 - i. Facebook’s core functionality is to facilitate the creation and sharing of material for end-users to engage with, for either private or public consumption. Facebook enables:

⁴ As well as taking into account information that has been provided by the service and publicly available information, eSafety has also considered how the service is used by end-users.

⁵ s 63C(2).

⁶ at p 53 of eSafety’s Regulatory Guidance.

⁷ See Note 1 to s 63C; s 63(2).

- the creation and sharing of material, including text-based material (for example, by way of a 'Status' or 'Notes'), and images and video captured using the in-app camera function and subsequent digital alteration tools, and
 - the sharing of material as uploaded directly from the end-user's device, such as images or videos.
- ii. End-users can actively engage with material on the service by way of, for example, commenting on, expressing reactions to, reposting or on-sharing material that has been shared to the service.
 - iii. End-users can passively engage with material on the service by viewing content served to them in their 'Feed' in an endless scroll format, without direct end-user input. This includes, for example, material being made available to the end-user immediately upon opening the Facebook application, and video content defaulting to autoplay without requiring the end-user to actively engage with the video.
 - iv. Facebook recommends material to end-users to keep them continually engaged, with recommendations based on several factors, such as an end-user's established interests, other content or users that end-users have interacted with on the service, and the popularity of the material across the service. This is served to end-users as a continuous feed of material.
- b. Purpose 2: to discover, connect and engage with other end-users and communities
- i. Facebook allows end-users to create their own personalised network of other end-users and communities by:
 - becoming 'Friends' with other end-users, whereby end-users actively 'add' each other to their personalised network, or
 - following personalities, entities or communities by 'liking' 'Pages' or joining 'Groups'

of whom are discoverable on the service by way of a search function, public discoverability via network recommendations.
 - ii. Facebook facilitates the direct interaction between end-users by way of, for example:

- direct messaging functionalities by virtue of Facebook’s integration with Messenger, allowing end-users to communicate via instant messaging, and
- the ability to ‘tag’ end-users in photos, posts, or comments, as a means of drawing that end-users attention to material on the service.

19. We consider that Purpose 3 is not best categorised as an OSI purpose because the most prevalent form of interaction is online business interaction.

‘Online social interaction’ is a significant purpose of Facebook

20. As set out in eSafety’s Regulatory Guidance, ‘a significant purpose’ is a purpose which is important and meaningful rather than one which is merely incidental or subsidiary.⁸

21. In assessing whether enabling online social interaction between two or more end-users is a significant purpose of Facebook, eSafety has specifically considered whether end-users would continue to use the service if the features and functions that enable online social interaction were removed or reduced. For example:

- Meta describes Facebook as helping end-users connect with friends, family and communities⁹ and this is a core reason people use the service.
- According to Pew Research¹⁰, 93% of US users say that keeping up with friends and family is a reason why they use Facebook. Meta has also noted that over 50% of the content that appears in US end-users’ Facebook Feeds consists of posts shared by their friends, Groups they had joined, or from pages or people they follow.¹¹
- If the functionality that enabled these purposes were removed or reduced, it is unlikely that most end-users would continue to use Facebook.

22. Having regard to:

- the purposes of Facebook identified above; and
- that both Purposes 1 and 2 are OSI purposes; and

⁸ at p 53 of eSafety’s Regulatory Guidance.

⁹ See e.g., <https://www.meta.com/en-gb/facebook-app/>

¹⁰ <https://www.pewresearch.org/2024/06/12/how-facebook-users-view-experience-the-platform/>

¹¹ <https://transparency.meta.com/en-gb/data/widely-viewed-content-report/>

- c. that it is unlikely that end-users would continue to use the service if the features and functions that enable online social interaction were removed or reduced,

eSafety considers that enabling online social interaction between two or more end-users is a significant purpose of Facebook.

Facebook allows end-users to link to and interact with other end-users (s 63C(1)(a)(ii))

23. As identified at paragraph 18, Facebook allows end-users to link to, or interact with, some or all of the other end-users by adding them as friends and communicating with them, joining groups, following pages and people, and posting material.

Facebook allows end-users to post material (s 63C(1)(a)(iii))

24. As identified at paragraphs 18, Facebook allows end-users to post material on the service, including posts, comments, photos and videos.

Facebook does not fall within a class of excluded services (s 63C(6)(b))

- 25. Section 63C(6)(b) of the Act states that an electronic service is *not* an age-restricted social media platform if the service is specified in the legislative rules.
- 26. On 29 July 2025, the Minister for Communications made the Rules specifying classes of services that are not age-restricted social media platforms.
- 27. Having considered the purposes of Facebook identified above, and in particular rules 5(1)(b)-5(1)(f), eSafety's preliminary view is that Facebook does not fall within one or more of the classes of services specified in the Rules.
- 28. While Facebook has features and functionality which allow it to be used for some of the purposes set out in the Rules (for example, Facebook has a selection of built-in games, and end-users can create and join groups to discuss, among other things, reviews, health and education and engage in professional networking), none of these amount, in eSafety's view, to the sole or primary purpose of Facebook.

Conclusion

29. For the reasons outlined above, eSafety's preliminary view is that Facebook is an age-restricted social media platform.

Reasons for preliminary view: Instagram

Instagram is an electronic service

30. Instagram is an electronic service as it allows end-users to access material including photos and videos using the internet. Instagram also delivers that material to end-users using the internet.

Material is accessible to end-users in Australia (s 63C(6)(a))

31. Material on Instagram is accessible to, and delivered to, end-users in Australia.

A significant purpose of Instagram is to enable online social interaction between two or more end-users (s 63C(1)(a)(i))

32. eSafety considers the current purposes¹² of Instagram are:

1. To create, alter, and share material in image or video form for viewing or other engagement by other end-users (**Purpose 1**)
2. To discover and engage with content, people and places on the service (**Purpose 2**)
3. To communicate with a network of other end-users on the service (**Purpose 3**)
4. To engage in trade (**Purpose 4**).

Consideration of identified purposes and 'online social interaction'

33. We consider that Purposes 1, 2 and 3 are OSI purposes because they enable end-users to engage with other end-users or their material for social purposes (whether active or passive), and this engagement is the main type of interaction:

- a. Purpose 1: to create, alter and share material in image or video form for consumption by other end-users
 - i. Instagram allows end-users to create and share image, video and text-based material for either private (direct or group message), semi-private (to all or select friends), or public viewing and/or other engagement. For example, Instagram allows for:

¹² As well as taking into account information that has been provided by the service and publicly available information, eSafety has also considered how the service is used by end-users.

- material, inclusive of images, video and text, to be created on the service, using in-app function or text-based communication functions (comments or ‘captions’), respectively.
 - material, specifically image or video-based material, to be uploaded to the service for editing and sharing.
- ii. Instagram facilitates the alteration of material uploaded to the service by way of in-app editing tools that allow end-users to annotate, edit or otherwise digitally alter material before being posted for broader viewing and/or other engagement.
- b. Purpose 2: to discover and engage with content, people and places on the service
- i. Instagram recommends material to end-users to keep them continually engaged, with recommendations based on several factors, such as an end-user’s established interests, other content or users that end-users have interacted with on the service, and the popularity of the material across the service. This is served to end-users as a continuous feed of material across several tabs, such as:
- the end-user’s ‘home’ feed, that displays an amalgamation of content shared to the service by the end-user’s network, and recommended content served to the end-user based on their past engagement on the service,
 - the ‘Search and Explore’ feed and the ‘Reels’ feed, both of which, on balance, exclusively provide recommended content to end-users.
- ii. End-users can actively engage with material on Instagram by way of, for example, commenting on, ‘liking’, reposting or on-sharing material that has been shared to the service, and direct messaging end-users using the in-app messaging function.
- iii. End-users can passively engage with material on the service by viewing content served to them in their ‘Feed’ in an endless scroll format, without direct end-user input. This includes, for example, material being made available to the end-user immediately upon opening the Instagram application, and video content defaulting to autoplay without requiring the end-user to actively engage with the video.

- iv. Instagram recommends material to end-users to keep them continually engaged, with recommendations based on several factors, such as an end-user's established interests, other content or users that end-users have interacted with on the service, and the popularity of the material across the service. This is served to end-users as a continuous feed of material.
- c. Purpose 3: to communicate with a network of other end-users on the service
 - i. Instagram allows end-users to create their own network of friends by following and being followed by other users. End-users are discoverable on the service by way of a search function, public discoverability via network recommendations, or transferability from other products owned by Meta. Where users have permitted, Instagram can also make network recommendations to users based on contacts as saved on their device.

34. We consider that Purpose 4 is not best categorised as an OSI purpose because the most prevalent form of interaction is online business interaction.

'Online social interaction' is a significant purpose of Instagram

35. In assessing whether enabling online social interaction between two or more end-users is a significant purpose of Instagram, eSafety has specifically considered whether end-users would continue to use the service if the features and functions that enable online social interaction were removed or reduced. For example:

- a. The ability to share, view and engage with content on the service, whether photos, text-based material or videos, is the core functionality of Instagram. Neither the sharing nor viewing and/or other engagement with content would be possible without the other, and without either of these features, end-users would be unlikely to use Instagram.
- b. As a large portion of content that end-users are served on Instagram is based on their engagement and anticipated likes and dislikes, a vast majority of an end-user's feed is content for them to explore and discover.
- c. The ability to communicate with other users on the service by way of post or story is a key feature of Instagram, and therefore the ability to communicate with a network of other users is inherent to the nature and function of Instagram.

- d. Without the above features and functions, and the associated purposes, there would not be any content or functionality to engage with on Instagram, therefore it is unlikely that users would continue to use Instagram.

36. Having regard to:

- a. the purposes of Instagram identified above; and
- b. that Purposes 1, 2 and 3 are OSI purposes; and
- c. that it is unlikely that end-users would continue to use the service if the features and functions that enable online social interaction were removed or reduced,

37. eSafety considers that enabling online social interaction between two or more end-users is a significant purpose of Instagram.

Instagram allows end-users to link to and interact with other end-users (s 63C(1)(a)(ii))

38. As identified at paragraphs 33, Instagram allows end-users to link to, or interact with, some or all of the other end-users by following them, sharing and engaging with material, commenting and direct messaging with them, among other features.

Instagram allows end-users to post material (s 63C(1)(a)(iii))

39. As identified at paragraphs 33, Instagram allows end-users to post material on the service, including photos or videos, comments and messages.

Instagram does not fall within a class of excluded services (s 63C(6)(b))

40. We have considered whether Instagram falls within one or more of the classes of services specified in the Rules as not being age-restricted social media platforms.

41. Having considered the purposes of Instagram identified above, and in particular rule 5(1)(a), eSafety's preliminary view is that Instagram does not fall within one or more of the classes of services specified in the Rules.

42. While Instagram has a direct messaging feature, our preliminary view is that this does not amount to the sole or primary purpose of Instagram.

Conclusion

43. For the reasons outlined above, eSafety's preliminary view is that Instagram is an age-restricted social media platform.

Reasons for preliminary view: Threads

Threads is an electronic service

44. Threads is an electronic service as it allows end-users to access material including posts and comments using the internet. Threads also delivers that material to end-users using the internet.

Threads is a separate electronic service to Instagram/Facebook

45. We have considered whether Threads should be assessed as a separate electronic service to Instagram, as the two share some integrated features (such as certain posts from Threads being visible on Instagram) and Threads requires end-users to hold either an Instagram or Facebook account.

46. For the purposes of a separate assessment under s 63C of the Act, eSafety considers Threads is a separate electronic service from Instagram and Facebook. This is because it is delivered by a separate app and website to Instagram and access to Threads' full features requires access through the separate Threads app/website. Threads also has an additional sign-up process for existing Instagram/Facebook users and separate functionality.

Material is accessible to end-users in Australia (s 63C(6)(a))

47. Material on Threads is accessible to, and delivered to, end-users in Australia.

The sole purpose of Threads is to enable online social interaction between two or more end-users (s 63C(1)(a)(i))

48. eSafety considers the current purposes¹³ of Threads are:

1. To create and share material for consumption by other end-users (**Purpose 1**)
2. To discover and engage with material and end-users on the service (**Purpose 2**).

¹³ As well as taking into account information that has been provided by the service and publicly available information, eSafety has also considered how the service is used by end-users.

Consideration of identified purposes and 'online social interaction'

49. We consider that Purposes 1 and 2 are OSI purposes because they enable end-users to engage with other end-users or their material for social purposes (whether active or passive), and this engagement is the main type of interaction:

- a. Purpose 1: to create and share material for consumption by other end-users
 - i. The core functionality of Threads is to allow end-users to create and share short-form material (including text, data, GIFs, poll, voice, location, topic tags and images) in either a public or private manner, for other end-users to consume.
- b. Purpose 2: to discover and engage with material and end-users on the service
 - i. Threads enables end-users to create their own personalised network of content by 'following' other end-users. This personalised network can be created by way of:
 - an end-user importing their Instagram following, or
 - network recommends accounts to follow based on an end-user's activity on the service, existing cross-platform connections, or accounts with similar interests.
 - ii. End-users can actively engage with material on Threads by way of, for example, 'liking', replying to, reposting or on-sharing, mentioning, quoting and 'marking up' content. Threads also enable direct messaging between end-users via the in-app messaging function.
 - iii. End-users can passively engage with material on the service by viewing content served to them in their 'Feed' in an endless scroll format, without direct end-user input. This includes, for example, material being made available to the end-user immediately upon opening the Threads application.

'Online social interaction' is the sole purpose of Threads

50. Having regard to:

- a. the purposes of Threads identified above; and
- b. that both Purposes 1 and 2 are OSI purposes,

eSafety considers that enabling online social interaction between two or more end-users is the sole purpose of Threads.

51. Even if this is not the sole purpose of Threads, eSafety considers that, in the alternative, enabling online social interaction between two or more end-users is a *significant* purpose of Threads.

'Online social interaction' is a significant purpose of Threads

52. In assessing whether enabling online social interaction between two or more end-users is a significant purpose of Threads, eSafety has specifically considered whether end-users would continue to use the service if the features and functions that enable online social interaction were removed or reduced. For example:

- a. When an end-user opens Threads, the first page they see is their feed, made up of posts from users they follow, along with recommended posts. If end-users could not post or view/engage with other posts, then there would be no reason to use Threads.
- b. The whole functionality and user design of Threads is centred around posts and interactions with posts. If this was removed, then we consider that most end-users would no longer use the service.

53. Having regard to:

- a. the purposes of Threads identified above; and
- b. that both Purposes 1 and 2 are OSI purposes; and
- c. that it is unlikely that end-users would continue to use the service if the features and functions that enable online social interaction were removed or reduced,

eSafety considers that enabling online social interaction between two or more end-users is a significant purpose of Threads.

Threads allows end-users to link to and interact with other end-users (s 63C(1)(a)(ii))

54. As identified at paragraph 49, Threads allows end-users to link to, or interact with, some or all of the other end-users by following them, posting, and sharing, viewing and commenting on posts.

Threads allows end-users to post material (s 63C(1)(a)(iii))

55. As identified at paragraph 49, Threads allows end-users to post material on the service, including posts and comments.

Threads does not fall within a class of excluded services (s 63C(6)(b))

56. Having considered the purposes of Threads identified above, eSafety's preliminary view is that Threads does not fall within one or more of the classes of services specified in the Rules.

Conclusion

57. For the reasons outlined above, eSafety's preliminary view is that Threads is an age-restricted social media platform.

Reasons for preliminary view: Messenger

Messenger is an electronic service

58. Messenger is an electronic service as it allows end-users to access material including messages, photos and videos using the internet. Messenger also delivers that material to end-users using the internet.

Messenger is a separate electronic service to Facebook

59. For the purposes of a separate assessment under s 63C of the Act, eSafety considers Messenger is a separate electronic service from Facebook. Whilst we recognise that the two share some integrated features (such as Messenger being accessible from within the Facebook desktop browser) and the same account is used by end-users for the two services, Facebook and Messenger have separate functionality and are delivered by separate apps and websites (with Messenger also being accessible from within the Facebook website).

Material is accessible to end-users in Australia (s 63C(6)(a))

60. Material on Messenger is accessible to, and delivered to, end-users in Australia.

The sole purpose of Messenger is to enable online social interaction between two or more end-users (s 63C(1)(a)(i))

61. eSafety considers the current purposes of Messenger¹⁴ are:

1. To enable end-users to communicate and interact by means of messaging, voice calling and video calling (**Purpose 1**)
2. To share, discover, consume and otherwise interact with short-form, ephemeral content (**Purpose 2**)

Consideration of identified purposes and 'online social interaction'

62. We consider that Purposes 1 and 2 are OSI purposes because they enable end-users to engage with other end-users or their material for social purposes (whether active or passive), and this engagement is the main type of interaction:

- a. Purpose 1: to enable end-users to communicate and interact by means of messaging, voice calling and video calling
 - i. The core functionality of Messenger is to enable end-users to directly communicate with other end-users (in a one-on-one or group-based capacity) via instant messaging, voice calling or video calling. This functionality is facilitated by way of individual 'Chats', where end-users engage in direct communication.
- b. Purpose 2: to share, discover, consume and otherwise interact with short-form, ephemeral content.
 - i. Messenger allows end-users to post image and video-based material for private consumption by their network by way of 'Stories', that expire and disappear from view within a certain time frame. End-users can express reactions or otherwise reply to Stories posted on the Messenger service.

'Online social interaction' is the sole purpose of Messenger

63. Having regard to:

- a. the purposes of Messenger identified above; and
- b. that both purposes are OSI purposes,

¹⁴ As well as taking into account information that has been provided by the service and publicly available information, eSafety has also considered how the service is used by end-users.

eSafety considers that enabling online social interaction between two or more end-users is the sole purpose of Messenger.

64. Even if this is not the *sole* purpose of Messenger, eSafety considers that, in the alternative, enabling online social interaction between two or more end-users is a *significant* purpose of Messenger.

'Online social interaction' is a significant purpose of Messenger

65. In assessing whether enabling online social interaction between two or more end-users is a significant purpose of Messenger, eSafety has specifically considered whether end-users would continue to use the service if the features and functions that enable online social interaction were removed or reduced. For example:

- a. The core functionality of Messenger and the reason that most users use it is to communicate via message. When Messenger is opened it takes the user straight to a list of their chats/messages with other users.
- b. It is our understanding that the other functionality in Messenger (such as games played alone or AI chatbots used for customer-service purposes) are supplementary and are not a significant reason why end-users use Messenger or spend a majority of their time on Messenger.

66. Having regard to:

- a. the purposes of Messenger identified above; and
- b. that both purposes are OSI purposes; and
- c. that it is unlikely that end-users would continue to use the service if the features and functions that enable online social interaction were removed or reduced,

eSafety considers that enabling online social interaction between two or more end-users is a significant purpose of Messenger.

Messenger allows end-users to link to and interact with other end-users (s 63C(1)(a)(ii))

67. As identified at paragraphs 62, Messenger allows end-users to link to, or interact with, some or all of the other end-users by messaging, video and voice calling, and through the 'Stories' feature.

Messenger allows end-users to post material (s 63C(1)(a)(iii))

68. As identified at paragraphs 62, Messenger allows end-users to post material on the service, including messages, photos and videos.

Messenger falls within a class of excluded services (s 63C(6)(b))

69. Having considered the purposes of Messenger identified above, eSafety's preliminary view is that Messenger falls within one or more of the classes of services specified in the Rules. Specifically, rule 5(1)(a), because Messenger has the sole or primary purpose of enabling end-users to communicate by means of messaging, email, voice calling or video calling.

70. 'Sole purpose' means the only object for which anything exists or is done, made, used etc.⁸ 'Primary purpose' means the purpose which is first or the highest in rank or importance.⁹ As identified at paragraph 65, a significant purpose of Messenger is enabling end-users to communicate by means of messaging, voice calling or video calling. In eSafety's view, this amounts to the primary purpose of Messenger, being the first and most important purpose.

Conclusion

71. For the reasons outlined above, eSafety's preliminary view is that Messenger is not an age-restricted social media platform.

72. Whilst it is eSafety's view that Messenger is a separate service for the purpose of assessing its status under s 63C (as discussed at paragraph 70 above), we note that Messenger requires an end-user to hold a Facebook account (either in an active or deactivated state).

73. Therefore, even though it is eSafety's preliminary view that Messenger is not an age-restricted social media platform, as Messenger requires an end-user to hold a Facebook account in order to use the service, Meta's compliance obligations under s 63D (which focuses on 'having accounts') also extend to Messenger. If Meta were to decouple the accounts between the two services, allowing end-users to only hold a Messenger account, then because Messenger is not an age-restricted social media platform, Meta would not be required to comply with s 63D in respect of Messenger.

Reasons for preliminary view: WhatsApp

WhatsApp is an electronic service

74. WhatsApp is an electronic service as it allows end-users to access material including messages, photos and videos using the internet. WhatsApp also delivers that material to end-users using the internet.

Material is accessible to end-users in Australia (s 63C(6)(a))

75. Material on WhatsApp is accessible to, and delivered to, end-users in Australia.

The sole purpose of WhatsApp is to enable online social interaction between two or more end-users (s 63C(1)(a)(i))

76. eSafety considers the current purposes¹⁵ of WhatsApp are:

1. To enable end-users to communicate and interact by means of messaging, voice calling and video calling (**Purpose 1**)
2. To share, discover, consume and otherwise interact with material and communities on the service (**Purpose 2**).

Consideration of identified purposes and 'online social interaction'

77. We consider that both Purposes 1 and 2 are OSI purposes because they enable end-users to engage with other end-users or their material for social purposes (whether active or passive), and this engagement is the main type of interaction:

- a. Purpose 1: to enable end-users to communicate and interact by means of messaging, voice calling and video calling
 - i. The core functionality of WhatsApp is to enable end-users to directly communicate with other end-users (in a one-on-one or group-based capacity) via instant messaging, voice calling or video calling. This functionality is facilitated by way of individual 'Chats', where end-users engage in direct communication.

¹⁵ As well as taking into account information that has been provided by the service and publicly available information, eSafety has also considered how the service is used by end-users.

- b. Purpose 2: to share, consume and otherwise interact with material and communities on the service
 - ii. WhatsApp also facilitates the communal sharing, consumption and engagement with material via the 'Channels' function, which allows end-users who are the administrators of a 'Channel' to post material for participating end-users to consume, of whom can then actively engage with the material by way of expressing reactions (by way of adding 'emoji reactions') or responding to polls.

'Online social interaction' is the sole purpose of WhatsApp

78. Having regard to:

- a. the purposes of WhatsApp identified above; and
- b. that both Purposes 1 and 2 are OSI purposes,

eSafety considers that enabling online social interaction between two or more end-users is the sole purpose of WhatsApp.

79. Even if this is not the sole purpose of WhatsApp, eSafety considers that, in the alternative, enabling online social interaction between two or more end-users is a *significant* purpose of WhatsApp.

'Online social interaction' is a significant purpose of WhatsApp

80. As with the other Meta services, eSafety has specifically considered whether end-users would continue to use the service if the features and functions that enable online social interaction were removed or reduced. For example:

- a. The core functionality of WhatsApp and the reason that most end-users use WhatsApp is to communicate by means of messaging, voice calling and video calling. When WhatsApp is opened it takes the end-user straight to a list of their chats/messages with other users.
- b. We are not aware of any other functionality in WhatsApp that does not enable online social interaction but amounts to a significant reason that end-users use the service or amounts to a significant proportion of time spent on the service.

81. Having regard to:

- a. the purposes of WhatsApp identified above; and
- b. that both Purposes 1 and 2 are OSI purposes; and
- c. that it is unlikely that end-users would continue to use the service if the features and functions that enable online social interaction were removed or reduced,

eSafety considers that enabling online social interaction between two or more end-users is a significant purpose of WhatsApp.

WhatsApp allows end-users to link to and interact with other end-users (s 63C(1)(a)(ii))

82. As identified at paragraph 77, WhatsApp allows end-users to link to, or interact with, some or all of the other end-users by messaging, video and voice calling, and through the Channels feature.

WhatsApp allows end-users to post material (s 63C(1)(a)(iii))

83. As identified at paragraphs 77, WhatsApp allows end-users to post material on the service, including messages, photos and videos.

WhatsApp falls within a class of excluded services (s 63C(6)(b))

84. Having considered the purposes of WhatsApp identified above, eSafety's preliminary view is that WhatsApp falls within one or more of the classes of services specified in the Rules, specifically, rule 5(1)(a). This is because WhatsApp has the sole or primary purpose of enabling end-users to communicate by means of messaging, email, voice calling or video calling.

85. 'Sole purpose' means the only object for which anything exists or is done, made, used etc.⁸ 'Primary purpose' means the purpose which is first or the highest in rank or importance.⁹ As identified at paragraphs 80-81 a significant purpose of WhatsApp is enabling end-users to communicate by means of messaging, voice calling or video calling. In eSafety's view, this amounts to the primary purpose of WhatsApp, being the first or most important purpose.

Conclusion

86. For the reasons outlined above, eSafety's preliminary view is that WhatsApp is not an age-restricted social media platform.

Next steps

87. We seek Meta's response to eSafety's preliminary view by 16 October 2025. We will consider any submissions and evidence that Meta provides before conducting our final assessment of Meta's services before the SMMA obligation comes into effect.
88. Should Meta disagree with eSafety's assessment, please also indicate whether Meta nevertheless proposes to comply with Part 4A of the Act.
89. eSafety proposes to publish on its website a list of platforms that eSafety considers, on a preliminary basis, to be age-restricted social media platforms. That list will include information about whether or not a platform agrees with eSafety's assessment.
90. Please contact [REDACTED]@eSafety.gov.au should you wish to discuss this letter further.

Yours sincerely

Julie Inman Grant
eSafety Commissioner