

22 November 2024

Submission to the Environment and Communications Legislation Committee Inquiry into the Online Safety Amendment (Social Media Minimum Age) Bill 2024 [Provisions]

Dear Committee Members,

Thank you for the invitation to make a submission to the Committee's Inquiry into the Australian Government's *Online Safety Amendment (Social Media Minimum Age) Bill 2024* (the Bill). eSafety appreciates the opportunity to provide feedback to the Committee.

eSafety welcomes the introduction to the Australian Parliament of the Bill setting a minimum age of 16 for access to certain age-restricted social media platforms.

As we have stated previously, an Australian Government-led strategy is needed to ensure national coordination and consistency.

While the final contents and passage of the legislation remain a matter for Parliament, should the Bill become law eSafety looks forward to working closely with the Government, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department), industry and the Australian community to ensure effective implementation.

eSafety will continue to adopt an evidence-based approach informed by research, stakeholder engagement and regulatory insights. To this end, we are pleased to see the Bill provides a minimum of 12 months for commencement. With this time and the necessary resources and funding, eSafety will be able to establish systems and processes to implement the reforms effectively.

Complementing this work, in early 2025, eSafety is anticipating publishing a summary of the results of an information request which has recently been sent to the providers of eight popular online services, seeking information about the steps they already have in place to assess the age of users for purposes of enforcing their current minimum age requirements and for implementing appropriate measures to keep younger users safe under the Government's Basic Online Safety Expectations. Around the same time, eSafety is also expecting to be able to publish the findings from a nationally representative survey of 8-15-year-olds living in Australia about their use of these services.

eSafety continues to engage with the Department on the Australian Government's Age Assurance Trial as a member of its working group. Building upon eSafety's extensive work on the [Age Verification Roadmap](#), which was submitted to Government in March 2023, the trial aims to determine the effectiveness of available technologies to better protect young people by limiting their exposure to harmful and inappropriate content online. eSafety understands that the insights and findings of the trial are due to be provided to the Department by mid-2025 and expects these will provide important evidence to inform eSafety's guidelines.

eSafety has previously stated that while age assurance is an important step, it is only one part of a holistic approach to protect children and young people from harm online.

We must continue working to ensure online services incorporate Safety by Design. We must also continue to build children's digital literacy, resilience and critical reasoning skills. This

multidimensional approach will mean that when young people are of age to use these services – or, for that matter, use services not captured by restrictions – that they are equipped for the online world and that the online world is better equipped for them.

In line with our functions under the *Online Safety Act 2021* (the Act), eSafety continues to be a leader in online safety and a trusted source of information for Australians. The eSafety website at www.esafety.gov.au remains the key source of up-to-date online safety information and guidance to support the Australian community.

eSafety will continue to use its world-leading regulatory powers under the Act to compel greater transparency and encourage meaningful accountability from the tech industry, particularly when it comes to the safety and wellbeing of children and young people. We also remain committed to implementing and upholding industry codes and standards.

In July 2024, eSafety provided key members of the online industry with six months to draft enforceable codes that will protect children from pornography and other high-impact content, including themes of suicide and serious illness. These industry-developed draft codes are currently open for public consultation, which closes this week, and industry associations have been asked to submit their final drafts to eSafety before the end of the year. The Commissioner will then consider whether the industry codes provide appropriate community safeguards and can be registered.

Prevention and education continue to be a foundational pillar of eSafety's work and we are unwavering in our work to support children and young people, as well as their parents, carers and schools. As with any reform, it is imperative that we continue to seek meaningful engagement with those who are directly impacted by change as it is implemented. This means continuing to listen to and be informed by the voices of children and young people as much as possible.

More information on eSafety's resources, programs, complaint schemes and systemic powers is available at www.esafety.gov.au.

eSafety's proposed approach to implementation will be transparent and consultative; periodically reporting to the Minister on our implementation progress and releasing clear guidance to set expectations for both the industry and Australians.