

8 October 2025

Jane Walshe  
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X Corp.

By email: [REDACTED]@x.com

CC: [REDACTED]@x.com; [REDACTED]@x.com; [REDACTED]@x.com

Dear Jane

## Preliminary view that X is an age-restricted social media platform

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 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.<sup>1</sup>
3. The purpose of this letter is to:
  - a. notify you that eSafety has recently conducted an assessment of X and has formed the preliminary view that X is an age-restricted social media platform;
  - b. notify you that eSafety will be publicly communicating our preliminary view today; and
  - c. give X Corp. the opportunity to respond to our preliminary view and provide any submissions which may be relevant to our final assessment of X before the SMMA obligation comes into effect.

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<sup>1</sup> 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 media 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.

## Summary of preliminary view

4. After conducting a preliminary assessment of X, eSafety has formed the preliminary view that X is an age-restricted social media platform for the following reasons:
  - a. 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
  - b. X does 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**) (s 63C(6)(b) of the Act).

## 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 X's services
  - d. information on X's website, media releases and public communications
  - e. insights from relevant research or third-party reports, and other publicly available information
  - f. how X is described in the Apple App Store and Google Play Store.

## Reasons for preliminary view

6. 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)).

### **X is an electronic service**

7. 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*).

- 8. '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.
- 9. 'Carriage service' is a service for carrying communications by means of guided and/or unguided electromagnetic energy.<sup>2</sup> In this case, the carriage service is the internet.
- 10. X is an electronic service as it allows end-users to access material including posts, comments, messages, videos, photos and voice conversations (in 'Spaces') using the internet. X also delivers that material to end-users using the internet.

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

- 11. 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.
- 12. Material on X is accessible to, and delivered to, end-users in Australia.

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<sup>2</sup> *Telecommunications Act 1997* (Cth), s 7.

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

13. eSafety considers the current purposes of X<sup>3</sup> 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**)

Consideration of identified purposes and ‘online social interaction’

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

15. Online social interaction includes online interaction that enables end-users to share material for social purposes.<sup>4</sup> 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’.<sup>5</sup>

16. Online social interaction does not include, for example, online business interaction or the sharing of material for business purposes.<sup>6</sup>

17. 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 X is to allow end-users to create and share short-form material (including text, images, videos and location) 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

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<sup>3</sup> 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.

<sup>4</sup> s 63C(2).

<sup>5</sup> at p 53 of eSafety’s Regulatory Guidance.

<sup>6</sup> See Note 1 to s 63C; s 63(2).

- i. X allows end-users to create their own personalised network of content by ‘following’ other end-users. This personalised network can be created by way of:
  - a search function, where end-users can search for other end-users or topics that interest them to ‘follow’, or
  - network recommendations made based on an end-users established interests, and the end-users engagement with other content, topics or end-users on the service.
- ii. End-users can actively engage with material on X, for example, by comment on, ‘reposting’, liking or saving material that has been shared to the service. X also enables 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 X application, and videos posted to the service defaulting to auto-play without the end-user to actively engage with the video.

‘Online social interaction’ is the sole purpose of X

18. ‘Sole purpose’ means the only object for which anything exists or is done, made, used etc.<sup>7</sup>

19. Having regard to:

- a. the purposes of X 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 X.

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<sup>7</sup> See Regulatory Guidance, p. 54; [Macquarie Dictionary Online \(2025\)](#).

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

'Online social interaction' is a significant purpose of X

21. 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.<sup>8</sup>

22. In assessing whether enabling online social interaction between two or more end-users is a significant purpose of X, 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. X describes itself as being 'the modern global town square', where 'everyone is increasingly connected to everything they care about'.<sup>9</sup>
- b. According to Pew Research, 'because it's entertaining', 'to get news' and 'to connect with others who share their interests' are the main reasons why US end-users use X.<sup>10</sup> eSafety considers it reasonable to extrapolate to conclude Australian users have the same or similar reasons for using X.
- c. Therefore, if the functionality that enabled purposes 1-2 were removed, it is unlikely that most end-users would continue to use X. End-users would not be able to engage and interact with other end-users, nor view or engage with any news, current events or conversations without the ability to post, share, view and engage with material through posts, comments, 'Communities' and Spaces.

23. Having regard to:

- a. the purposes of X 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,

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<sup>8</sup> See Regulatory Guidance, p. 54.

<sup>9</sup> [https://blog.x.com/en\\_us/topics/company/2023/one-year-in](https://blog.x.com/en_us/topics/company/2023/one-year-in)

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

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

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

24. As identified at paragraph 17, X allows end-users to link to, or interact with, some or all of the other end-users by posting, commenting, direct messaging and joining Communities and Spaces.

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

25. As identified at paragraph 17, X allows end-users to post material on the service, including via posts, comments, videos and photos.

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

26. 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.

27. On 29 July 2025, the Minister for Communications made the Rules specifying classes of services that are not age-restricted social media platforms.

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

29. While X has certain features and functions which allow it to be used for some of the purposes set out in the Rules (for example, X has a direct-messaging feature, and end-users can create and join Spaces and Communities to discuss, among other things, reviews, and health and education and engage in professional networking), none of these amount, in eSafety's view, to the sole or primary purpose of X.

**Conclusion**

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

**Next steps**

31. We seek X's response to eSafety's preliminary view by 16 October 2025. We will consider any submissions and evidence that X provides before conducting our final assessment of X before the SMMA obligation comes into effect.

32. Should X disagree with eSafety's assessment, please also indicate whether X nevertheless proposes to comply with Part 4A of the Act.

33. 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.

34. Please contact [REDACTED]@eSafety.gov.au should you wish to discuss this letter further.

Yours sincerely

Julie Inman Grant  
eSafety Commissioner