

8 October 2025

Rebecca Waddell
Head of Legal
TikTok TikTok Pte. Ltd.

By email: [REDACTED]@tiktok.com

CC: [REDACTED]@tiktok.com

Dear Rebecca

Preliminary view that TikTok 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.¹
3. The purpose of this letter is to:
 - i. notify you that eSafety has recently conducted an assessment of TikTok and has formed the preliminary view that TikTok is an age-restricted social media platform;
 - ii. notify you that eSafety will be publicly communicating our preliminary view today; and
 - iii. give TikTok the opportunity to respond to our preliminary view and provide any submissions which may be relevant to our final assessment of TikTok before the SMMA obligation comes into effect.

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.

Summary of preliminary view

4. After conducting a preliminary assessment of TikTok, eSafety has formed the preliminary view that TikTok is an age-restricted social media platform 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. TikTok 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 TikTok
 - d. information on TikTok's website (including various policies and procedures), as well as media releases and public communications
 - e. insights from relevant research or third-party reports, and other publicly available information
 - f. how TikTok is described in the Apple App Store and Google Play Store
 - g. TikTok's communications with eSafety.

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)).

TikTok 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.² In this case, the carriage service is the internet.

10. TikTok is an electronic service as it allows end-users to access material including short-form video content using the internet. TikTok 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 TikTok is accessible to, and delivered to, end-users in Australia.

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

13. eSafety considers the current purposes³ of TikTok are:

² *Telecommunications Act 1997* (Cth), s 7.

³ 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.

1. To allow end-users to create and share short-form content (**Purpose 1**)
2. To allow end-users to discover and consume short-form content (**Purpose 2**)
3. To allow end-users to communicate and engage with other end-users and their content (**Purpose 3**)

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.⁴ 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'.⁵
16. Online social interaction does not include, for example, online business interaction or the sharing of material for business purposes.⁶
17. 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 the engagement in the main type of interaction:
 - a. Purpose 1: to allow end-users to create and share short-form content
 - i. TikTok's core functionality is to enable the creation and sharing of predominantly short-form video material to the service for either private or limited consumption (by 'hiding' content posted from public view), and public, discoverable consumption (by not restricting who can view the content uploaded and allowing the content to be discoverable to all other users on the service).
 - ii. TikTok allows end-users to create and share content on the service by way of:
 - the camera function, where users can record, edit or otherwise digitally alter (image and sound, by way of AI or augmented reality 'filters') content directly on the service, and

⁴ s 63C(2).

⁵ at p 53 of eSafety's Regulatory Guidance.

⁶ See Note 1 to s 63C; s 63(2).

- text-based content by way of leaving comments on content uploaded to the service, where users type their comments into a designated comment section on the service for posting in relation to content.
- b. Purpose 2: to allow end-users to discover and consumer short-form content
- i. TikTok opens to a personalised feed of content for end-users to consume and discover. There are three main feeds in which end-users can interact with:
 - the 'Friends' feed, that serves end-users content that has been posted to the service by a personalised network of 'friends',
 - the 'For You Page' and the 'STEM' feeds, that serve end-users algorithmically curated content based on, for example, content or end-users the end-user has engaged with on the service.
 - ii. To facilitate discoverability on the service, TikTok deploys a content recommendation algorithm that:
 - ranks content based on popularity, with a larger emphasis on watch time, to determine whether content is popular and should be pushed to more end-users, and
 - focuses on serving end-users content that is more targeted to their specific interests based on past content the end-user has engaged with.
- c. Purpose 3: to allow end-users to communicate and engage with other end-users and their content
- i. TikTok allows end-users to create their own network of 'friends' by following and being followed by other end-users. End-users are discoverable on the service by way of a search function, public discoverability via network recommendations, or transferability from other social media services, such as Facebook. TikTok can also make network recommendations to users based on contacts as saved on their device.
 - ii. End-users can actively engage with material on the service by way of, for example, commenting on, 'liking', saving, reposting or on-sharing content that has been shared to the service.

- iii. End-users can passively engage with material on the service by viewing content that has been uploaded to the service without needing direct user-input, including by utilising an auto-play functionality that continues to play the next video in the end-users feed without the need to physically scroll.
- iv. End-users can directly interact with or link to each other by way of:
 - direct messaging, where end-users can communicate via text-based messages,
 - the 'Duet' and 'Stitch' functionality, which allows end-users to directly reply to another end-user's video by creating their own video in response for sharing on the service.

'Online social interaction' is the sole purpose of TikTok

18. 'Sole purpose' means the only object for which anything exists or is done, made, used etc.⁷

19. Having regard to:

- a. the purposes of TikTok identified above; and
- b. that all of Purposes 1, 2 and 3 are OSI purposes,

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

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

'Online social interaction' is a significant purpose of TikTok

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.⁸

22. In assessing whether enabling online social interaction between two or more end-users is a significant purpose of TikTok, eSafety has specifically considered whether end-users

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

⁸ Ibid.

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 create, share and discover short-form video content that is tailored to an end-user's preferences is a core functionality of TikTok. Neither the sharing nor consumption of content would be possible without the other.
- b. Further, the active engagement with content, creators and audiences alike is a core function of TikTok that directly contributes to environment on the service. For example, the ability to leave and reply to comments on content, and the 'Duet' and 'Stitch' features, create an environment where end-users are encouraged to actively engage and interact with each other.
- c. If the functionality that enabled these features were removed or reduced, it is unlikely that most end-users would continue to use TikTok.

23. Having regard to:

- a. the purposes of TikTok identified above; and

24. that all of Purposes 1, 2 and 3 are OSI purposes; and

- b. 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 TikTok.

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

25. As identified at paragraph 17, TikTok allows end-users to link to, or interact with, some or all of the other end-users by, for example, direct messaging functionalities, and the ability to leave and reply to comments on content, and the 'Duet' and 'Stitch' features to encourage active engagement between end-users on the service. End-users can also indirectly link and interact with other end-users on the service in a non-reciprocal manner by posting content for broader consumption in a public manner.

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

26. As identified at paragraph 17, TikTok allows end-users to post material on the service, including uploading long and short-form video content, or posting and replying to comments on the service.

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

27. 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.
28. On 29 July 2025, the Minister for Communications made the Rules specifying classes of services that are not age-restricted social media platforms.
29. Having considered the purposes of TikTok identified above, and in particular rule 5(1)(c) and (e), eSafety's preliminary view is that TikTok does not fall within one or more of the classes of services specified in the Rules.
30. 'Sole purpose' means the only object for which anything exists or is done, made, used etc.⁹ 'Primary purpose' means the purpose which is first or highest in rank or importance.¹⁰ Whilst eSafety understands that TikTok can be used to:
- a. share information for the purpose of product or service reviews (5(1)(c)), and
 - b. support an end-user's education and does contain educational content (5(1)(e)),
- any such uses for those purposes are a byproduct of the primary purpose of the service, being to create, share, consume and otherwise engage or interact with content.

Conclusion

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

Next steps

32. We seek TikTok's response to eSafety's preliminary view by 16 October 2025. We will consider any submissions and evidence that TikTok provides before conducting our final assessment of TikTok before the SMMA obligation comes into effect.
33. Should TikTok disagree with eSafety's assessment, please also indicate whether TikTok nevertheless proposes to comply with Part 4A of the Act.
34. 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.

⁹ See Regulatory Guidance, p. 54; [Macquarie Dictionary Online \(2025\)](#).

¹⁰ [Macquarie Dictionary Online \(2025\)](#).

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

Yours sincerely

Julie Inman Grant
eSafety Commissioner