
From: s 47F @meta.com>
Sent: Tuesday, 7 January 2025 10:01 AM
To: Julie Inman Grant; s 47F
Cc: s 47F s 22 eSafety Commissioner; s 22 s 47F
Subject: Re: Follow-up on DC meeting [SEC=OFFICIAL]
Attachments: Response from s 47F to the eSafety Commissioner's letter December 2024.docx.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: CC only

+ s 47F

Hi Julie and team,

Thank you for sharing this information about the upcoming consultations and I know our colleagues who participated in the Safety By Design workshop found it very valuable.

I appreciate that we are working across many issues at present, I did want to make sure that we had responded to the key issues that you raised in your letter to s 47F from December 2024. Attached please find a letter in response.

Kind regards,

s 47F

From: Julie Inman Grant s 47E(d) @eSafety.gov.au>
Date: Tuesday, 24 December 2024 at 10:49 am
To: s 47F @meta.com>
Cc: s 47F @meta.com>, s 47F @meta.com>, s 47F @meta.com>, s 22 @esafety.gov.au>, s 22 @eSafety.gov.au>, eSafety Commissioner s 47E(d) @eSafety.gov.au>, s 22 @eSafety.gov.au>, s 22 @esafety.gov.au>
Subject: Follow-up on DC meeting [SEC=OFFICIAL]

OFFICIAL

Dear s 47F

Thank you for taking the time to meet with me and s 22 on 10 December in Washington DC.

I appreciated the opportunity to share eSafety's work, discuss Australia's *Online Safety Amendment (Social Media Minimum Age) Act* (the SMMA), and to learn more about Meta's online safety initiatives. I am grateful for your candour and appreciate that you're seeking clarity so that you can deploy your engineers appropriately. We also greatly appreciated their active engagement at the Safety by Design workshop.

As you are keenly aware, collaboration between regulators and online platforms is critically important if we are to reach sensible and effective safety solutions. Your insights perspectives are invaluable and will inform our approach.

It is worth noting that the first part of that process will include a consultation directed by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts on the disallowable instrument which determines which platforms will be covered under the scheme. eSafety will be opening up our own consultations on the “reasonable steps” and requirements of companies captured by the schemes in due course.

You can also access the summary eSafety has developed on the legislation, including our planned holistic approach to implementation, as well as next steps [here](#).
We appreciate the complexity and all of the moving parts here!

Finally, I promised to provide you the information for s 47F [REDACTED]
[REDACTED]. His email is: s 47F [REDACTED] and mobile is: s 47F [REDACTED]. It is very promising to see the range of innovation age verification solutions emerging.

Please don't hesitate to get in touch if you wish to set up further exchanges or explore opportunities for collaboration.

Wishing you a safe and happy holiday season ahead.

Best wishes,

Julie

From: s 47F [REDACTED]@meta.com>
Sent: Wednesday, December 18, 2024 2:31 AM
To: Julie Inman Grant s 47E(d) [REDACTED]@eSafety.gov.au>
Cc: s 47F [REDACTED]@meta.com>; s 47F [REDACTED]@meta.com>; s 47F [REDACTED]@meta.com>; s 22 [REDACTED]@esafety.gov.au>; s 22 [REDACTED]@eSafety.gov.au>; eSafety Commissioner s 47E(d) [REDACTED]@eSafety.gov.au>
Subject: Re: Correspondence to s 47F [REDACTED] from eSafety Commissioner Julie Inman Grant - Legislative and Regulatory Developments [SEC=OFFICIAL]

Some people who received this message don't often get email from s 47F [REDACTED]@meta.com. [Learn why this is important](#)

Hi Julie,

Thank you very much for meeting with me last week while you were in town for the FOSI conference and Safety by Design workshop. I was incredibly pleased to hear that the workshop went well and that the Meta team in attendance played a meaningful role in the work. I received an equally positive read out from s 47F [REDACTED] following my meeting with you.




I truly appreciated you taking the time to help us understand what to expect with regard to the s 22 [REDACTED] and upcoming consultations on Australia's Social Media Minimum Age law. I have tried to relay to internal teams a sense of what to expect regarding both s 22 [REDACTED] and the consultation on the scope of

The language in the law is quite broad and inclusive with specific carve outs for online gaming, messaging, and apps that are predominantly health and education services, but interpretations shared in the media suggested it might not include a wider swath of apps, excluding some of the social media apps most used by teens. As we prepare our compliance plans, it will be very important to understand the basis for these determinations and adjustments we should be considering. The timeline for the consultations also will matter as the builds here may be quite complex and bespoke.

All the best,
s 47F

OFFICIAL

s 47F



Safer Internet Day is coming!
 11 February 2025
 
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3

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7 January 2025

Julie Inman-Grant
eSafety Commissioner
Office of the Australian eSafety Commissioner
Level 5, 65 Pirrama Road
Pyrmont NSW 2009

Dear Julie

As I mentioned in my email a few weeks back, I appreciated the opportunity to connect with you in person and I know the team made the most of the safety by design workshop that was held by the Joint Council on Combatting Child Sexual Exploitation. I also wanted to respond in detail to [s 22](#) [\[redacted\]](#), and more formally seek your guidance on the issues outlined below.

Social media minimum age legislation

Now that the [Online Safety Amendment \(Social Media Minimum Age\) Act 2024 \(Act\)](#) has passed into law, we will be working to ensure compliance with it before it takes effect.

We appreciate your update that a consultation will be undertaken by the Department on the scope of services to be covered. We look forward to engaging in this consultation. As you know, the definition of an “age restricted social media platform” is very broad and would likely include services such as Snap and YouTube, although public comments by the Minister at various times have suggested they should be excluded. Additionally, we look forward to engaging with your Office about what will constitute “reasonable steps” for the purposes of the Act. We would appreciate any information you have to share about the timings for these consultations, as well as any processes envisaged for determining the services to be exempted.

As you know, we have recently rolled out Instagram Teen Accounts in several countries including Australia, with a global rollout to commence this month. This product addresses many of the concerns that were stated to be the rationale for the Act. However, we understand that the Australian Government's position is that we should turn this product off in Australia once the Act takes effect, that is not eligible for an exemption. This seems incongruous with the position that services such as YouTube should continue to be available for under 16s and a detailed understanding of what distinguishes YouTube and Snap from Instagram Teen Accounts will help us to identify the best path to compliance.

As you know from your [own research](#), YouTube is the most popular social media service among Australian teens aged 12-17, with 72% using YouTube in 2020, making it more popular than Instagram (57%) and Facebook (52%). This is consistent with more [recent findings](#) from a Pew Research Center survey conducted in late 2024, that YouTube is the most widely used and visited social media platform for US teens (aged 13 to 17), with 90% of teens reporting they use YouTube, and 73% of teens using YouTube daily, significantly outranking teen usage of Instagram and Facebook. Additional [research](#) indicates that 37% of adolescent participants reported seeing extremist content on social media platforms like YouTube, while the Institute for Strategic Dialogue's Pulling Back the Curtain series, a four-part investigation digging into YouTube's recommendation algorithm, [found](#) that YouTube is failing to properly safeguard young users: accounts set up to represent teens were served sexualised, misogynistic and suicide-related content.

Similarly, eSafety has [found](#) Snapchat to be one of the four most popular social media platforms used by Australian teens (aged 12-17), along with YouTube, Instagram and Facebook. eSafety's findings in that research on teens' negative online experiences (for example, 30% of teens being contacted by a stranger or someone they didn't know, and 20% being sent unwanted inappropriate content such as pornography or violent content) do not differentiate between the various social media platforms referenced in the study, but presumably are relevant to all these platforms given their similar features and challenges. Again, eSafety's research here is consistent with the Pew Research Center's 2024 [survey findings](#) that Snapchat is among the most widely used social media platforms among US teens, with 55% reporting they use Snapchat, 48% of them daily.

We also question the proposed blanket exclusion of online gaming from the minimum age requirements, if usage and safety are concerns. Your 2023 research [found](#) that in 2023, 2 in 5 young Australian gamers (40% of children aged 8-12 years and 44% of teens aged 13-17) had a negative experience while gaming (e.g. bullying-type behaviours, griefing or trolling, receiving or being asked to send nudes or sexual

information, hate speech) in the past year, while half (51%) of teen gamers had a negative experience and/or were exposed to potentially harmful content (e.g. hate speech, misogynistic ideas, violent content) while gaming.

We look forward to continuing to work these issues through as part of the implementation phase of the Act.

s 22 [REDACTED]

s 22 [REDACTED]

[REDACTED]

s 22

As always, I truly appreciate our ongoing collaborative approach to ensuring people have a safe and age appropriate experience on our apps and across the broader online ecosystem. I look forward to you and your team's follow up on these issues.

Yours sincerely

s 47F

4 February 2025

CC25-0001

eSafety FOI 25148
Document 3 of 20

s 47F

Meta

Via email: s 47F@meta.com

Dear s 47F

I hope you had a good break over the holidays. Thank you again for your comprehensive letter of 7 January 2025.

Social media age restrictions

Thank you for sharing your views on the social media minimum age obligation, and how the new legislation might apply to different services, including Meta's. As mentioned via email, I shared your correspondence with the Department for Infrastructure, Transport, Regional Development, Communications and the Arts (the Department), which I know they found helpful, and my team have discussed it with them. As outlined in my letter to s 47F last year, the Minister for Communications is responsible for making rules that determine which services, or classes of services, are excluded from the definition of an age-restricted social media platform.

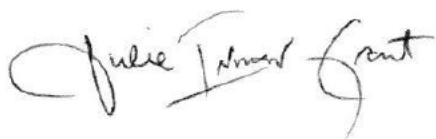
eSafety looks forward to involving Meta, as well as a wide variety of other representatives and experts, in the development of guidance in relation to the reasonable steps that any age-restricted social media platforms can take to prevent children under 16 having accounts. Detailed engagement on this guidance is likely to commence after the rules on exclusions have been made.

s 22

s 22

[Redacted text block]

Yours sincerely,



Julie Inman Grant
eSafety Commissioner

From: s 47F @tiktok.com>
Sent: Wednesday, 5 February 2025 11:03 AM
To: s 22
Cc: s 47F; s 47F @tiktok.com
Subject: Meeting request

Categories: 10. Meeting Request

Dear Commissioner,

Ahead of what will be another year of important collaborative work with you and your team, we would like to request a meeting with you at your earliest convenience to discuss a number of upcoming matters of shared interest, including the implementation of the *Online Safety (Social Media Minimum Age) Act 2024*, as well as ongoing work on issues such as age assurance.

We deeply value the work that you and your team do, and would be grateful for time with you to discuss some pressing policy matters that our respective teams will have responsibility for on an ongoing basis.

We look forward to hearing from you.

Sincerely,

s 47F
Director of Public Policy, Australia and New Zealand
Tel: s 47F
Email: s 47F



Subject: FW: ISGA | Targeted consultation on the draft Online Safety (Age-Restricted Social Media Platforms) Rules 2025 [SEC=OFFICIAL]
Location: MS Teams | 5.007 Bells
Start: Fri 14/02/2025 4:00 PM
End: Fri 14/02/2025 4:30 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Age Assurance Trial

You don't often get email from s 47E(d) @infrastructure.gov.au. [Learn why this is important](#)
Hi s 22

Forwarding on the department's meetings with industry regarding the draft Online Safety Rules.

Happy to chat if you have any questions,
s 22

-----Original Appointment-----

From: Age Assurance Trial s 47E(d) @infrastructure.gov.au>
Sent: Wednesday, 12 February 2025 11:38 AM
To: Age Assurance Trial; s 47F ; s 22

Subject: ISGA | Targeted consultation on the draft Online Safety (Age-Restricted Social Media Platforms) Rules 2025 [SEC=OFFICIAL]
When: Friday, 14 February 2025 4:00 PM-4:30 PM (UTC+10:00) Canberra, Melbourne, Sydney.
Where: MS Teams | 5.007 Bells

OFFICIAL

Hi s 47F

Thank you for agreeing to meet with us to discuss draft rules to be made under the new social media minimum age laws.

Background

The *Online Safety Amendment (Social Media Minimum Age) Act 2024* (SMMA Act) introduces a requirement that certain social media platforms prevent Australians under 16 years from having an account on their service.

This requirement applies to 'age-restricted social media platforms', a new term introduced by the SMMA Act. While the definition of this term casts a wide net, the Minister for Communications can narrow the scope through legislative rules.

The Government has stated that, in the first instance, these rules will be used to exclude the below services from the minimum age obligation:

- Messaging
- Online games
- Apps that primarily function to support health and education
- YouTube

Consultation

To give effect to these exclusions, we have developed the draft Online Safety (Age-Restricted Social Media Platforms) Rules 2025 (the draft Rules).

The department is seeking direct feedback from select stakeholders with particularly strong interests and/or relevant expertise. In this regard, we would welcome a virtual meeting with Interaction Social Games Association to discuss the issues raised in the consultation paper.

In the course of this meeting, we are seeking views on:

- whether the draft Online Safety Rules are appropriately targeted;
- potential implementation challenges; and
- whether any other classes of services should be incorporated into the Rules, having regard to the risks and benefits they provide to young people.

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Join on a video conferencing device

Tenant key: [teams@vc.govteams.gov.au](#)

Video ID: 132 570 069 4

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From: s 22 @INFRASTRUCTURE.gov.au>
Sent: Friday, 28 February 2025 11:55 AM
To: s 22
Cc: s 22
Subject: RE: Social media minimum age - meeting to discuss consultation outcomes
[SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

That'd be great, thanks. We'll send by something early next week but block off the time for now – I think it might be good to set aside an hour if we can.

Cheers,
s 22

OFFICIAL:Sensitive

From: s 22 @eSafety.gov.au>
Sent: Friday, 28 February 2025 11:48 AM
To: s 22 @INFRASTRUCTURE.gov.au>; s 22 @esafety.gov.au>; s 22 @eSafety.gov.au>; s 22 @esafety.gov.au>; s 22 @infrastructure.gov.au>; s 22 @eSafety.gov.au>
Cc: s 22 @infrastructure.gov.au>; s 22 @infrastructure.gov.au>; s 22 @infrastructure.gov.au>
Subject: RE: Social media minimum age - meeting to discuss consultation outcomes [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi s 22

Thanks for your email, that idea sounds great and the timing works for us. Shall we say 3pm next Friday?

Attendees for us will be

- s 22

If you have any issues with the invite, feel free to just send s 22 and I the invite and we can pass it on as needed.

Cc'ing s 22 who can help coordinate on our end.

Cheers,
s 22

From: s 22 <s 22@INFRASTRUCTURE.gov.au>
Sent: Friday, 28 February 2025 10:19 AM
To: s 22 <s 22@eSafety.gov.au>; s 22 <s 22@esafety.gov.au>; s 22 <s 22@eSafety.gov.au>; s 22 <s 22@esafety.gov.au>; s 22 <s 22@infrastructure.gov.au>
Cc: s 22 <s 22@infrastructure.gov.au>; s 22 <s 22@infrastructure.gov.au>; s 22 <s 22@infrastructure.gov.au>
Subject: Social media minimum age - meeting to discuss consultation outcomes [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Hi s 22 and all,

As flagged in person earlier in the week, we think it'd be great to get together so we can have a discussion and seek your views about what we've been hearing during our consultation on the minimum age rules. In particular, participants views on some exclusion categories, and some suggestions for additional exclusion categories.

At the moment the last of your meetings is set for next Friday morning – so would it be possible to meet any time after 2pm on Friday March 7th?

Please let us know, and we're happy to be guided by you for attendees at your end (for example, would s 22 like to come?).

Cheers,
s 22

s 22
Assistant Secretary • Online Safety Branch
• Digital Platforms, Safety and Classification Division

s 22
GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development and Communications and the Arts
CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS

I am part time – working 9.30-4.30 Monday and Tuesday, 9-2.30 on Wednesday, and regular hours on Thursday and Friday.

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I would like to acknowledge the traditional custodians of this land on which we meet, work and live.

OFFICIAL:Sensitive

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From: s 47F @snap.com>
Sent: Friday, 28 February 2025 4:00 PM
To: Julie Inman Grant
Cc: s 22 ; s 47F s 22
Subject: Re: sharing our submission on the govt's exemption rule

Thanks for this, Julie, and look forward to the conversation on Tuesday.

On Fri, Feb 28, 2025 at 3:12 PM Julie Inman Grant s 47E(d) @esafety.gov.au> wrote:
Hi s 47F

Always great seeing you too! Thank you for sharing – I'll circulate to relevant teams.

We appreciate your call out to the importance of Safety by Design, which will of course shape both our advice to the Minister on the legislative rules and our subsequent development of regulatory guidance for services determined to be in-scope, as well as our ongoing implementation of the other elements of the OSA, which as you know apply broadly to social media, gaming, messaging and other services.

One thing I would note is that our advice to the Minister on the legislative rules about which services are in scope will be a separate piece of work to our development of regulatory guidelines for those in-scope services; the legislation does not provide for regulatory guidance to be developed in relation to the development of the rules, which are ultimately a matter for the Minister.

Looking forward to the upcoming meeting with Evan.

Thanks,
Julie

Get [Outlook for iOS](#)

From: s 47F @snap.com>
Sent: Friday, February 28, 2025 12:13:09 PM
To: Julie Inman Grant s 47E(d) @eSafety.gov.au>; s 22 @eSafety.gov.au>
Cc: s 47F @snap.com>; s 22 @esafety.gov.au>
Subject: sharing our submission on the govt's exemption rule

Julie and s 22

It was nice seeing you both last week. In case it's of interest, I wanted to share our submission to the Government's consultation on the "exemption rule". You'll note we suggest there should be a greater role for the ESC in the rule-making process.

Thanks,
s 47F

--
s 47F
APAC Policy | Snap Inc.
s 47F @snap.com

snatchat:s 47F

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28 February 2025

Snap Inc. submission to the targeted consultation on the draft Online Safety (Age-Restricted Social Media Platforms) Rules 2025

We thank the Department for the opportunity to present a submission in response to the exposure draft of the Online Safety (Age-Restricted Social Media Platforms) Rules 2025 (the exclusion rules) and accompanying Discussion Paper.

We share the Government's goal of prioritising the safety and wellbeing of young Australians, while also ensuring that they do not lose their ability to connect with their friends and family.

As a brief introduction, Snapchat is a communications app designed for people ages 13 and up, who primarily use it to talk with their close friends and family. We have built our platform with Safety by Design principles at the core, with [extra safeguards for teens](#). For example, we don't allow teens to communicate one-to-one with another person unless they are friends on Snapchat or an existing contact in their phone; we default key safety and privacy settings for teens to the strictest standards, and offer quick and simple reporting tools for our users and their parents or carers to report a safety concern to us, with reports going to our global 24/7 safety teams which include team members based in Australia.

Two pieces of independent research released in 2024, from [ReachOut, Beyond Blue and the Black Dog Institute in Australia](#) and the [University of Amsterdam](#), found that Snapchat has a positive impact on friendship and wellbeing, without the negative mental health symptoms associated with some other platforms.

Response to discussion questions

- 1.1 Do you consider the rule on messaging services to be appropriately targeted?
1.2 Why or why not?
1.3 What implementation challenges (if any) do you foresee with this rule on messaging services?

We support the proposed exclusion for services that have the sole or primary purpose of enabling end-users to communicate by means of messaging.

As set out in the Discussion Paper, messaging services were widely considered by stakeholders to provide benefits of connection to young people that outweigh the risks of harm, and the proposed threshold establishes a high bar to cover only those apps that are primarily dedicated to messaging.

This is borne out by [research from YouGov last year](#) showing that 4-in-5 Australian teens and 3-in-4 Australian adults feel happy when direct messaging with family and close friends, while 3-in-5 adults and nearly 9-in-10 teens are more likely to feel happy when using messaging apps for communicating, significantly more than those who say the same about using social media platforms. According to the same research, Australians are roughly 2-3 times as likely to view messaging apps as better than social media platforms for being their authentic self, developing or fostering relationships, and avoiding misunderstandings. This study demonstrated that

Snapchat, which is primarily a messaging app, helps support and deepen friendships in Australia.

However, while we support this exclusion rule on messaging services, we are concerned with how the Government has framed this rule in the Discussion Paper, which we believe raises some important issues and questions. We have addressed these below and provided recommendations for the Government's consideration.

Applying a fair and equitable application of the exclusion rules

For the social media minimum age to become a credible and successful example of technology regulation, the Government will need to demonstrate an equitable and impartial application of the law so that all services are held to a consistent standard. For example, if providing a "Story" function (allowing users to share videos and images for a 24-hour period) means that a platform is not considered to "have the sole or primary purpose of enabling end-users to communicate by means of messaging," all platforms should be held to that standard.

We note that the Government has indicated in its Discussion Paper that it considers Snapchat would not be covered by the exclusion rule on messaging services because of the existence of Stories and the Snap Map on our platform. It is worth noting that prominent messaging services that the Government is proposing to exclude also contain equivalent "Stories" features and location-sharing functions. This highlights the need for consistency in how the exclusion rule is applied.

Recommendation 1: The exclusion rule for messaging services must apply a fair and impartial standard that applies equally across all messaging services. If the Government considers that a platform should not be excluded because of the presence of any specific features, all messaging apps must be held to that same standard.

Adopting a risk-based approach to exclusions

Given the overarching objective of the social media minimum age is the online safety of teens, we recommend greater consideration or assessment of online safety risks in the test for whether a platform falls within the exclusion rule for messaging apps, informed by the eSafety Commissioner.

We consider that the exclusion rule on messaging services presents a critical opportunity to encourage platforms to implement **Safety by Design**, a principle that has been championed globally by the eSafety Commissioner, and incentivise platforms to make design decisions that contribute to stronger safety for teens online. We therefore believe the exclusion rule on messaging services should be subject to a risk assessment of objective Safety by Design criteria set out by eSafety. We understand that eSafety is currently conducting such a risk assessment, and recommend that this regulatory guidance is published and that it directly informs the Government's approach to all exemptions, including the rule of messaging services.

Similarly, as the draft exclusion rule recognises, the majority of popular messaging platforms offer ancillary features in addition to their core of messaging. Currently, the draft rule provides limited guidance on how the "sole or primary purpose" test can be consistently undertaken across platforms, and no opportunity to assess the relative benefits or risks to young people of the diverse range of ancillary features that are increasingly available across platforms.

We believe that **whether additional features pose a risk to younger users should be the core determining factor** in evaluating whether messaging services can provide these and remain excluded. As above, they should be subject to a risk assessment of objective risk criteria set out by the eSafety Commissioner, published as regulatory guidance. A determination of the “sole or primary purpose” of a platform should then be informed by this guidance.

Recommendation 2: The exclusion rule for messaging services should incorporate an objective assessment of risk, to be informed by the eSafety Commissioner and published through regulatory guidance. This should include a risk assessment of the different characteristics of messaging services, and of ancillary features, based on Safety by Design principles. Whether messaging platforms can continue to provide ancillary features in addition to messaging should depend on the eSafety Commissioner’s risk assessment.

Need for consultation on the Explanatory Statement

We understand that the exclusion rules will be accompanied by an Explanatory Statement, which the Government has not yet commenced stakeholder consultation on. Given the high-level nature of the draft exclusion rules instrument, any commentary in the Explanatory Statement may be influential to how the proposed exclusion rules will be applied in practice. It is therefore essential for there to be transparency around the Explanatory Statement, including stakeholder consultation on the Government’s draft Explanatory Statement before it is finalised.

Recommendation 3: The Government must consult on its draft Explanatory Statement to the exclusion rules, in addition to consulting on the draft exclusion rules themselves.

<p><i>4.1 Do you support YouTube being excluded from the minimum age obligation (i.e. young people should be able to have YouTube accounts)?</i></p> <p><i>4.2 Why or why not?</i></p>
--

We repeat our view above that there must be a fair and impartial application of exclusions and all services should be held to the same standard. We see no reason why preferential treatment should be given to any specific companies and services through the rules in such a way that those companies and services do not need to satisfy the grounds for exclusion that all other services must be measured by. As above, we believe the eSafety Commissioner’s risk assessment should inform the Government’s approach to exemptions from the law, rather than arbitrary exclusions for certain companies and platforms.

From: s 47F @meta.com>
Sent: Monday, 3 March 2025 4:10 PM
To: Julie Inman Grant; Chloe Bennett; s 22
Cc: s 47F
Subject: Meta submission: Exposure Draft – Online Safety (Age-Restricted Social Media Platforms) Rules 2025
Attachments: _Meta confidential submission re social media age ban_ eSafety Commissioner.docx.pdf
Importance: High

Dear Julie

Please find attached a confidential submission from Meta's s 47F .

We kindly request that you provide reasonable written notice of any intention to disclose the submission, in whole or in part, for any reason.

Kind regards,

s

--

s 47F | Australia, Japan, Korea, New Zealand & Pacific Islands
M: s 47F @meta.com



From: s 47F @tiktok.com>
Sent: Tuesday, 4 March 2025 7:37 PM
To: Julie Inman Grant; s 22
Cc: s 47F @tiktok.com; s 47F
Subject: In confidence - TikTok Australia's submission re the draft rules
Attachments: TikTok Australia Submission - Draft Online Safety Rules 2025.pdf

Dear Commissioner and s 22

Please find attached a copy of our submission regarding the Australian Government's Exposure Draft *Online Safety (Age-Restricted Social Media Platforms) Rules 2025*, as provided to the Department earlier today.

We look forward to speaking with you soon, s 22

Kind regards,

s

s 47F
s 47F, Australia and New Zealand

Tel: s 47F
Email: s 47F [@tiktok.com](mailto:s 47F@tiktok.com)



4 March 2025

s 22

Assistant Secretary

Online Safety, Media and Platforms Division

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

via email: s 22 [@infrastructure.gov.au](mailto:s 22@infrastructure.gov.au)

Dear s 22,

Thank you for the opportunity to consult further on the Australian Government's Exposure Draft *Online Safety (Age-Restricted Social Media Platforms) Rules 2025 (Rules)*. We provide the attached formal submission responding to the Discussion Paper and Rules shared with us on 13 February 2025, and we acknowledge that much of this submission seeks to expand upon the position we put forward at our discussion on 18 February 2025.

From the outset, TikTok has sought to work constructively with the Government on its proposed changes to social media laws, including through multiple iterations of these reforms. We agree that keeping young people safe must remain the top priority for platforms, parents, and policymakers.

The rising tide of online safety isn't something we'd ever shy away from, and TikTok has a proud record of transparency and proactivity to stand on. Last year, we invested \$2 billion USD to keep the TikTok community safe -- and we'll keep putting our money, our technology, and our people behind protecting our users.

We welcomed the Commonwealth's early leadership to ensure a united, national approach to these important issues. We still maintain that a national approach is the best way forward, and the best way to make sure we don't push young people into darker corners of the internet where safety guardrails don't exist at all.

While experts may debate the merits of restricting teens' access to social media, now that Parliament has delivered its verdict, Australians deserve a system that works and industry deserves a level playing field.

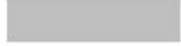
For the reasons set out in this submission, we have grave concerns that the Rules, if implemented in their current form, would *not* work. We are particularly concerned that carving out *any* major platform by name – in this case, YouTube – from the minimum age obligation would result in a law that is illogical, anti-competitive, and short-sighted.

It would fundamentally undermine and compromise the integrity of the Government's regulatory framework for online safety, stymie fair competition, and fail to safeguard against inevitable and unpredictable product evolution over time.



We strongly urge the Government to reconsider its proposed approach, and to design Rules that are fair, transparent, effective, and consistent for all social media platforms.

Yours sincerely,



s 47F





TikTok Australia

Submission | March 2025

Exposure Draft *Online Safety (Age-Restricted Social Media Platforms) Rules 2025*

Discussion questions – YouTube

4.1. Do you support YouTube being excluded from the minimum age obligation (i.e. young people should be able to have YouTube accounts)?

4.2. Why or why not?

4.3. Are there any unintended consequences of excluding YouTube?

Introduction: A sweetheart deal for one platform is illogical, anti-competitive and short-sighted

TikTok does not support the exclusion of *any* major platform by name from the minimum age obligation, as currently proposed by the Government in section 6 of the Exposure Draft *Online Safety (Age-Restricted Social Media Platforms) Rules 2025* (Rules).

Handing one major social media platform a sweetheart deal of this nature – while subjecting every other platform in Australia to stringent compliance obligations – would be illogical, anti-competitive, and short-sighted.

It is **illogical**, because YouTube's functions and features – particularly those of its short-form video platform, "Shorts" – are virtually indistinguishable from its peers', and because arguments for YouTube's "unique" educative value are incorrect.

It is **anti-competitive**, because giving YouTube monopoly access to under-16 users in Australia would undermine competition, stifle innovation, and further entrench Google's market dominance in an already concentrated digital ecosystem.

It is **short-sighted**, because exempting any single platform by name fails to account for how platforms evolve and change over time.

1. Identical functions and features make a bespoke exemption illogical

Less than 24 months after TikTok's US launch disrupted the social media landscape, dominant players Meta and Google launched short-form video platforms Instagram Reels and YouTube Shorts.

Today, TikTok, Reels and Shorts are virtually – and deliberately – indistinguishable in function and user experience (see **figure 1**).

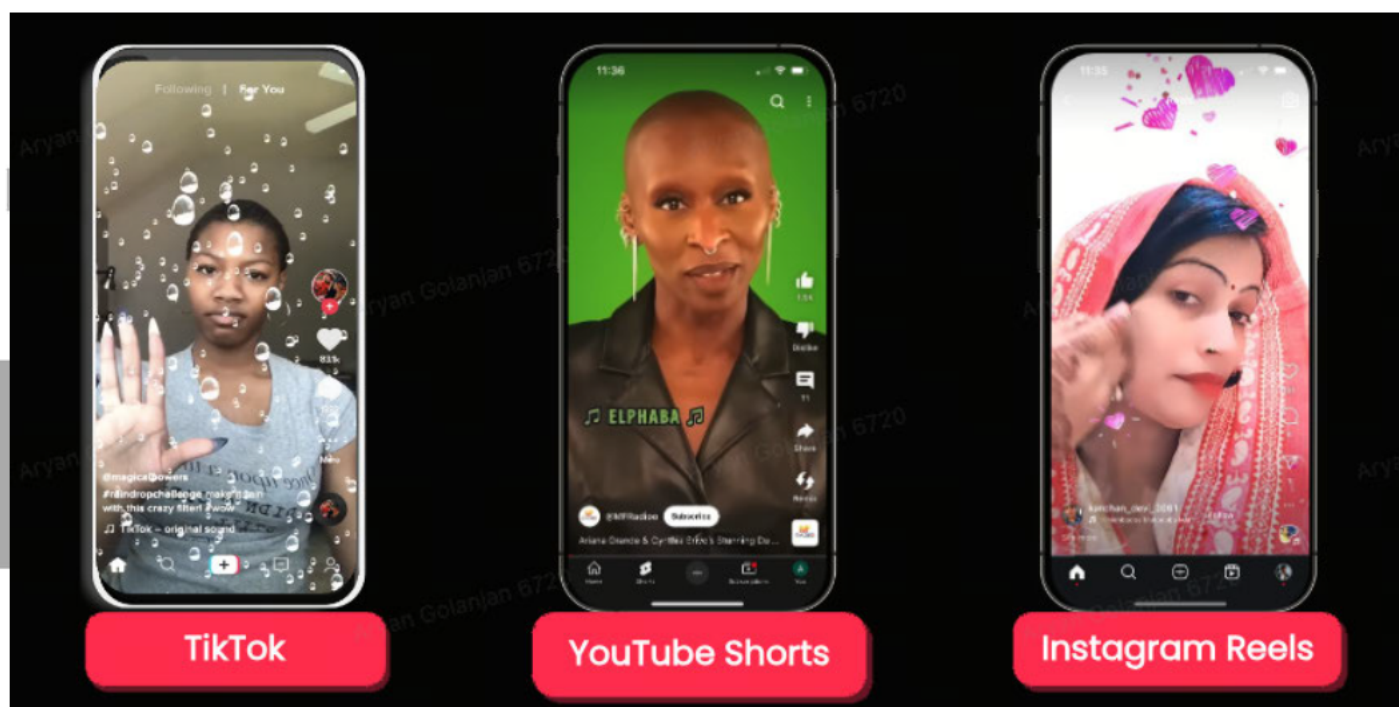


Figure 1. Platform similarities

The similarity of these three platforms underscores the inconsistency of the Government's proposed exemption: it is illogical to restrict two platforms while exempting the third. It would be akin to banning the sale of soft drinks to minors but exempting Coca-Cola.

Even when YouTube *as a whole* is compared alongside TikTok, there is nothing that justifies the Government's different and punitive treatment of our platform (see **figure 2**).

The Government's arguments citing unique educative value do not survive even the most cursory of closer examinations. The Discussion Paper's justification is thin enough to warrant citation in its entirety:

Based on research undertaken by the eSafety Commissioner, YouTube has consistently ranked as one of the top digital services used by children and young people in Australia. While the platform undoubtedly functions as a source of entertainment and leisure, it is an important source of education and informational content, relied on by children, parents and carers, and educational institutions. This contrasts substantially with other content streaming services, which are predominantly used by young people to view short-form entertainment content. On this basis, the proposed Online Safety Rules exclude YouTube from the minimum age obligation.

[Discussion Paper, pp5-6].






























Feature	 TikTok	 YouTube
Algorithm	 <p>Content is recommended based on 3 main signals: the user, video engagement (likes, comments, watch time etc.), and content information (sounds, hashtags, country the video is from etc.).</p>	 <p>A number of signals build on each other to help inform YouTube's algorithm: clicks, watch time, survey responses, sharing videos, likes, and dislikes.</p>
Sharing content	 <p>Users can share a video via a link, Direct Message, SMS, WhatsApp, Facebook Messenger etc.</p>	 <p>Users can share a video via a link, SMS, WhatsApp, Facebook Messenger etc.</p>
Recommend accounts to follow		
Ability to refresh your feed		
Follow/subscribe to people or creators	 <p>The 'Following' feed features content from people or creators users choose to follow.</p>	 <p>Users can subscribe to people or creators.</p>
Reporting content	 <p>To report content on TikTok, a user long presses the screen and selects 'Report'.</p>	
Content levels		
Educational content		
Likes & Comments		
Video collaborations	 <p>TikTok offers the ability to Duet or Stitch for users aged 16+ only.</p>	 <p>YouTube allows users to record side-by-side videos.</p>
Video editing capabilities Record, edit, and publish videos in app.		
Livestreaming	 <p>Users must be 16+ to livestream on TikTok.</p>	 <p>Users aged 13+ can livestream on YouTube.</p>
Direct messages	 <p>Users can control who can send direct messages in their privacy settings.</p> <p>Direct messages are not available for users aged 13-15.</p> <p>Parents can control direct message settings for teens aged 16-17 through Family Pairing.</p>	
Autoplay / Autoscroll	 <p>TikTok does not have an autoplay function.</p>	 <p>YouTube's auto-play feature is turned on by default and keeps videos playing without a user having to select a new video.</p>
Default screentime for under 18s	 <p>Every user under 18 automatically has a 60-minute daily screentime limit.</p>	 <p>Users can manage their screentime on YouTube in settings. This is not turned on by default.</p>

Figure 2. Feature comparison

There are at least four things wrong with the argument set out above:

1. The Rules already contain an exemption for *"services that have the sole or primary purpose of supporting the education of end users"*. If the Government believed its own assertions about YouTube's unique educational value, it would fall under this category and the platform's standalone exemption would be rendered unnecessary.
2. No evidence is provided in support of the Government's claim that YouTube *"contrasts substantially"* with other content streaming services, either as a source of *"education and informational content"*, or as one *"relied on by children, parents and carers, and educational institutions"*. In fact, [recent analysis](#)¹ by respected tech expert Trevor Long found that TikTok contains roughly 12 times the amount of educational content (measured as a proportion of all content surfaced) as YouTube. This is not to say that YouTube is not an important and useful educational resource for many Australians, including students and educators. It undoubtedly is. But the claim that it is *unique* in this regard – to an extent that would justify the Government's exemption by name – is clearly based on a fundamental misunderstanding about the educational utility of several other platforms and their respective products.
3. If the Discussion Paper paragraph cited above is taken at face value, the Government appears to be setting a much easier "educative content" test for one platform than that being set for its competitors. For YouTube, it appears sufficient that the platform is *"an important source of education and informational content"* to warrant an exemption on a named basis. For "other content streaming services" (i.e., TikTok and Instagram Reels), the fact that these platforms are *"predominantly"* used to view *"short-form entertainment content"* justifies their less favourable treatment, holding them to a stricter standard. It would be difficult to conceive of an objective "predominant purpose" test that could be equally applied to TikTok, Instagram Reels, and YouTube and yield different results. This perhaps explains why the Government has not deemed it prudent to undertake such an analysis.
4. Even if YouTube were *not* exempt, and supposing it failed to meet the separate education exemption, there is nothing in the Bill that would prevent teachers from sharing links to YouTube content - or TikTok or Instagram content - with their students. The Act only prevents underage users from *creating accounts*, not from *accessing content*. The Government is yet to explain, or provide any evidence to support, the educative value of account ownership for one particular platform and not others.

Excluding any major platform by name from the minimum age obligation on educative grounds is unsupportable without evidence. What is clear is that the Government has begun its analysis from the starting position that YouTube must be exempt and then attempted, half-heartedly, to reverse-engineer defensible supporting evidence. The results leave much to be desired.

¹ Trevor Long, *Kids Social Media Ban: A Closed Process that's Leaving Loopholes for Kids – and Bullies*, February 2025, available at: <https://eftm.com/2025/02/kids-social-media-ban-a-closed-process-thats-leaving-loopholes-for-kids-and-bullies-259823>

2. Exempting platforms by name is short-sighted and ignores inevitable and unpredictable product evolution

The Rules name "*the electronic service known as YouTube*", without any mechanism to ensure that the platform continues to meet the rationale for this exemption over time.

If the Government intended to exempt platforms that provide educational functions, a fairer and more appropriate approach would be to create an exemption for a class of services that meet clear, objective criteria. That criteria may apply to YouTube, as well as any other platforms which satisfy it, now or in the future.

Further, if the Government intends to encourage other platforms to feature more educational and informative content, the current standalone exemption fails to achieve this. It provides no mechanism for other platforms to ever fall under the exemption – even if they achieve the same or better standards – and no incentive for them to innovate accordingly.

Exemption rules should not be crafted by reference to a static point in time without considering the inevitable product evolution among platforms. TikTok remains concerned that the Department has cited and relied upon [research](#)² undertaken by the eSafety Commissioner in 2021 in reaching its conclusion that YouTube is an "*important source of education and informational content*".

Given this research is now four years old, during which time technology, content creation, and consumer behaviours have evolved significantly, it is inadequate that the Department should rely on such outdated research. For example, the cited report is so old that it predates the Australian launch of YouTube Shorts.

In any case, page 17 of this research indicates that, for young people, "*Instagram and TikTok, followed by YouTube, are their preferred platforms, and, currently, messaging will likely reach a wider youth audience on these sites.*" On that basis, the cited research seems to suggest that platforms like Instagram and TikTok could be *more* effective sources of information and educational content for young people.

It is difficult to reconcile the research the Government has relied upon and their stated rationale for the proposed exemption.

3. Existing market dominance makes this exemption anti-competitive

TikTok agrees with the findings of the Australian Competition and Consumer Commission (ACCC) regarding the concentrated state of Australia's digital economy. As the ACCC Chair has observed, a "*handful of the*

² Australian Government, *Consultations with Young People to inform the eSafety Commissioner's Engagement Strategy for Youth People*, 2022, available at: https://www.esafety.gov.au/sites/default/files/2022-01/YRRC%20Research%20Report%20eSafety%202021_web%20V06%20-%20publishing_1.pdf

large digital platforms" currently use their entrenched position and substantial market power to enact "broader harms".³

Treasury's December 2024 Proposal Paper, *A new digital competition regime*, echoes these concerns, noting *"the rise and dominance of large international platforms, their market power and ability to restrict competition, and their central role in facilitating interactions between businesses and consumers, have also created important regulatory challenges"*.⁴

The competitive harms described by the ACCC and Treasury are real, significant, and well-documented. As a relative newcomer to the industry, we support the Government's ongoing efforts to rein in the unchecked power of dominant platforms.

By contrast, carving out a sweetheart deal for one platform, while subjecting every other platform to stringent compliance obligations, would fundamentally undermine the Government's own digital competition reform efforts. It would make each and every one of the problems identified by the ACCC worse.

To illustrate the dominant position Google-owned YouTube already enjoys in the online video streaming market, consider the NSW Government's recent survey into social media use⁵, published in September 2024. It found:

- YouTube is the #1 social media platform for people aged 5-9 years old;
- YouTube is the #1 social media platform for people aged 10-12 years old; and
- YouTube is the #1 social media platform for people aged 13-15 years old.

These survey findings are corroborated by the eSafety Commissioner's latest Basic Online Safety Expectations reporting on age assurance, released in February 2025, that measured users by social media platforms and shows that 68% of 8 to 12-year-olds and 73% of 13 to 15-year-olds use YouTube, making it the most popular platform for young people in Australia⁶.

³ ACCC Chair Gina Cass-Gottlieb, *Law Council Annual Competition and Consumer Law Workshop Speech 2024* (22 August 2024), available at: <https://www.accc.gov.au/about-us/news/speeches/law-council-annual-competition-and-consumer-law-workshop-speech-2024>.

⁴ Australian Government, *A new digital competition regime: Proposal Paper* (December 2024), p 4, available at: <https://treasury.gov.au/sites/default/files/2024-12/c2024-547447-pp.pdf>.

⁵ NSW Government, *Have your say, social media use and its impacts*, September 2024, available at: <https://www.nsw.gov.au/sites/default/files/noindex/2024-10/Have%20Your%20Say%20on%20social%20media%20use%20and%20impacts%20findings.pdf>

⁶ eSafety Transparency Report, February 2025, available at: <https://www.esafety.gov.au/sites/default/files/2025-02/Behind-the-screen-transparency-report-Feb2025.pdf>



The inevitable consequence of the named exclusion will be to ring-fence a significant competitive advantage in the form of a monopoly over not only users under 16 (as other platforms are required to prevent users under 16 from creating accounts), but also users over 16.

This exemption would see YouTube become the go-to platform for individuals that do not wish to undergo age assurance measures that non-exempt platforms will be required to adopt, in accordance with the Act.

Given that YouTube is tightly integrated into Google's broader platform ecosystem, it would be reasonable to expect the company to take advantage of the exclusive access it has been given, including by introducing those same users to its other existing products, or creating new products and features under the YouTube brand in order to further bolster its dominance. This would entrench Alphabet's wider ecosystem advantages that it is already able to leverage at scale.

That Google or any rational economic actor in its position would seek to lobby Government for favourable treatment is comprehensible. That the Government would accede to it, against the warnings of its own competition watchdog, is not.

Conclusion

The Government's standalone, named exemption for only one platform, is irrational and indefensible.

An exclusivity agreement like this will hand one platform unfettered access to every teenager in Australia and provide one platform with an unchecked competitive advantage in the market.

A sweetheart deal for just one platform won't help the Government protect kids online; it will only hurt young Australians in the long run.

[ends]

More ways for our community to enjoy what they love

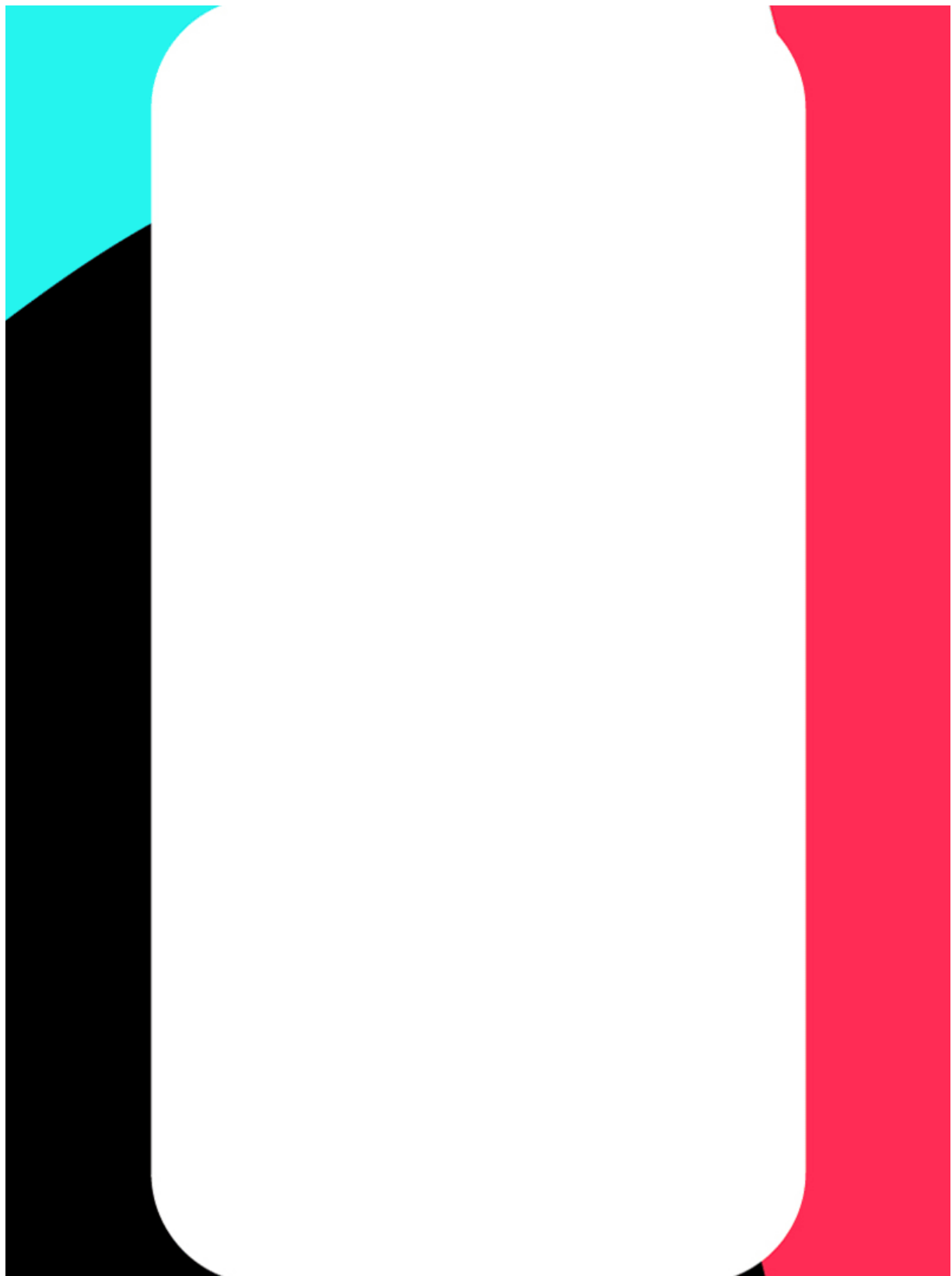
By Cormac Keenan, Head of Trust and Safety

TikTok's diverse community transcends generations, spanning from teens to grandparents and everyone in between. We build with these different audiences in mind by limiting features by age, empowering our community with content controls, and supporting families with [parental controls](#). Today, we're announcing new features and technologies that will help viewers customize their viewing preferences and continue to have a safe and entertaining experience on TikTok.

A new tool to customize content

Part of what makes the TikTok experience unique is the ability for people to discover new interests, creators, and ideas. We design our recommendation system with safety in mind, since content in someone's [For You feed](#) may come from a creator they prefer not to follow or relate to an interest they may not share. For instance, certain categories of content may be [ineligible for recommendation](#), and viewers can use our "not interested" feature to automatically skip videos from a creator or that use the same audio.

To further empower viewers with ways to customize their viewing experience, we're rolling out a tool people can use to automatically filter out videos with words or hashtags they don't want to see from their For You or Following feeds - whether because you've just finished a home project and no longer want DIY tutorials or if you want to see fewer dairy or meat recipes as you move to more plant-based meals. This feature will be available to everyone in the coming weeks.



An update on our efforts to diversify recommendations

We want to play a positive role in the lives of the people who use our app, and we're committed to fostering an environment where people can express themselves on a variety of topics, while also protecting against potentially challenging or triggering viewing experiences. Last year [we began testing ways](#) to avoid recommending a series of similar content on topics that may be fine as a single video but potentially problematic if viewed repeatedly, such as topics related to dieting, extreme fitness, sadness, and other well-being topics. We've also been testing ways to recognize if

our system may inadvertently be recommending a narrower range of content to a viewer.

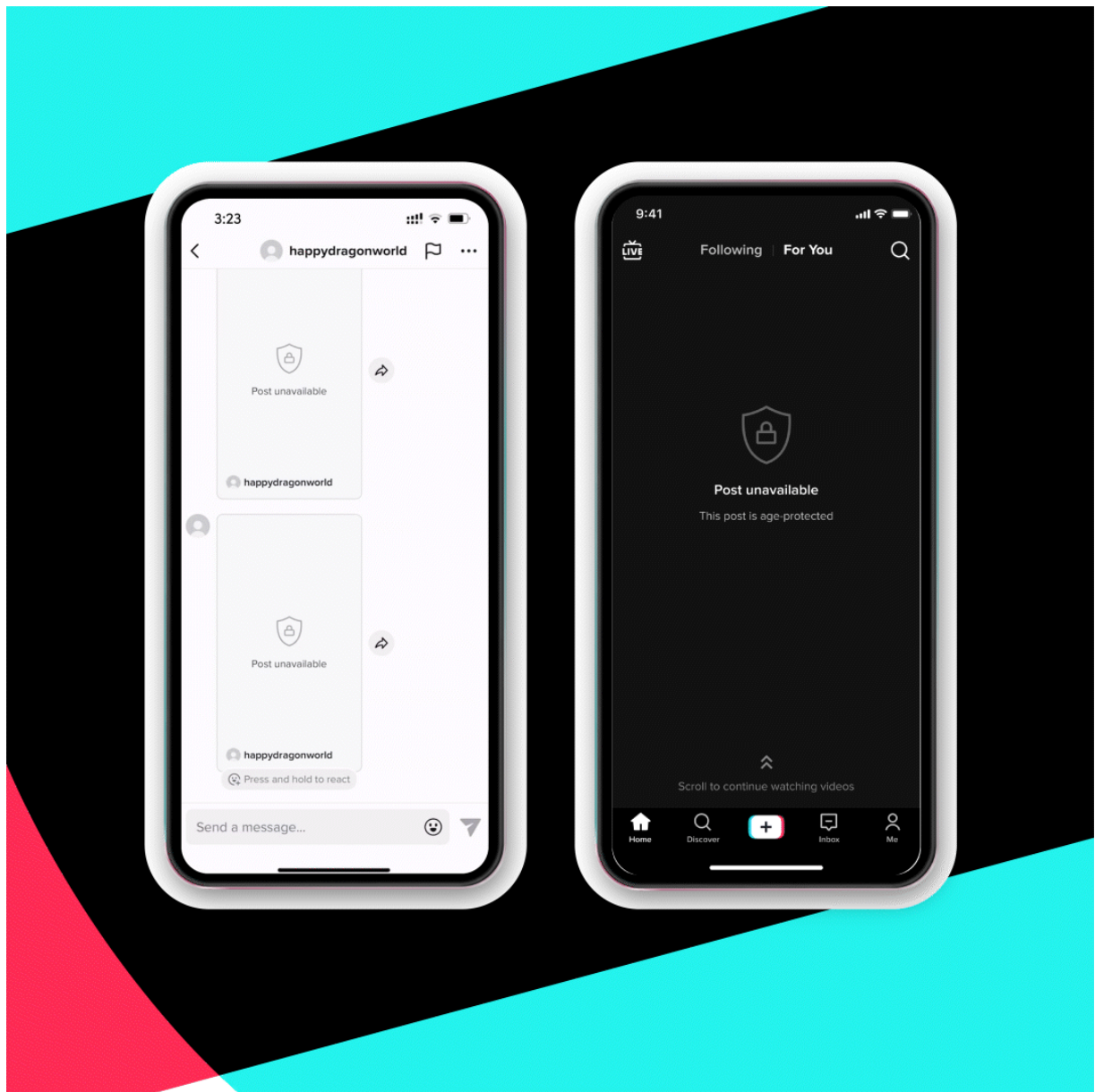
As a result of our tests and iteration in the US, we've improved the viewing experience so viewers now see fewer videos about these topics at a time. We're still iterating on this work given the nuances involved. For example, some types of content may have both encouraging and sad themes, such as disordered eating recovery content. We're also training our systems to support new languages as we look to expand these tests to more markets in the coming months. Our aim is for each person's For You feed to feature a breadth of content, creators, and topics they'll love.

Introducing Content Levels to help further safeguard the viewing experience

Whether people come to TikTok to search for recipe inspiration, have a laugh after a long day at work, or discover new interests through their For You feed, we continually work to create a safe and enjoyable viewing experience. Our [Community Guidelines](#) are central to this by setting the standards for what is and is not allowed on our platform. Within these strict policies, we understand that people may want to avoid certain categories of content based on their personal preferences. Or, for our teenage community members, some content may contain mature or complex themes that may reflect personal experiences or real-world events that are intended for older audiences.

Recognizing this, we are working to build a new system to organize content based on thematic maturity. Many people will be familiar with similar systems from their use in the film industry, television, or gaming and we are creating with these in mind while also knowing we need to develop an approach unique to TikTok.

In the coming weeks, we'll begin to introduce an early version to help prevent content with overtly mature themes from reaching audiences between ages 13-17. When we detect that a video contains mature or complex themes, for example, fictional scenes that may be too frightening or intense for younger audiences, a maturity score will be allocated to the video to help prevent those under 18 from viewing it across the TikTok experience. We have focused on further safeguarding the teen experience first and in the coming months we plan to add new functionality to provide detailed content filtering options for our entire community so they can enjoy more of what they love.



Building for the needs of our global community

As we continue to build and improve these systems, we're excited about the opportunity to contribute to long-running industry-wide challenges in terms of building for a variety of audiences and with recommender systems. We also acknowledge that what we're striving to achieve is complex and we may make some mistakes. Our focus remains to create the safest and most enjoyable experience for our community and we will continue to listen to feedback from our community and continue consulting with independent experts, including our Content Advisory Council.

TikTok Australia Pty Ltd
ABN 15 637 464 638
180 George Street
Sydney
NSW 2000

28 February 2025

The Hon Michelle Rowland MP
Minister for Communications
Parliament House
Canberra ACT 2600

By email: Minister.rowland@mo.communications.gov.au
Copy to: s 47E(d) @infrastructure.gov.au

Dear Minister Rowland

Social Media Minimum Age Restriction - Unjustified YouTube Exemption

1. We are writing to you in relation to the *Online Safety Act 2021* (Cth) (the **Act**), the Exposure Draft of the *Online Safety (Age Restricted Social Media Platforms) Rules 2025* (Cth) (the **Draft Rules**), and more specifically, section 6 of the Draft Rules which currently proposes to exempt "the electronic service known as YouTube" from the Act (the **YouTube Exemption**). No other service has been given an exemption by name.
2. TikTok believes the YouTube Exemption is unreasonable and has significant concerns about the lack of research and opaque decision-making process underpinning it, and the failure to consult with key authorities and agencies of the Commonwealth as required under the Act.

Unjustified exemption

3. There is no rational basis for granting the YouTube Exemption because it is an "important source of education and informational content"¹ when other platforms, including TikTok, offer highly similar functionalities and educational and informative content.
4. When we met with the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the **Department**) on 18 February 2025, we were informed that no analysis had been undertaken to assess the amount and nature of educational content on YouTube, nor had there been any analysis of the amount and nature of educational content on other platforms. This is hugely concerning given the Discussion Paper to the Draft Rules asserts that YouTube is "an important source of education and informational content". The Department simply does not know whether other platforms also provide an important source of education and informational content, because no such analysis has been undertaken.
5. In Australia, YouTube is the most commonly used social media platform for users under the age of 16.² According to the eSafety Commissioner's [Behind the Screen Transparency report](#), 68% of 8-12 years olds and 73% of 13-15 year olds used YouTube last year. Granting a specific exemption for the most commonly used platform is inconsistent with the object of the Act and the stated objective of the social media minimum age restriction - to reduce the risk of harm to users under 16.³ While the Act does not define "harm," the types of harms contemplated by the Government are just as prevalent, if not more so, on YouTube, as they are on non-exempt platforms. We have not seen evidence to the contrary. Moreover, there has been no meaningful attempt to weigh the

¹ Online Safety Rules – Services excluded from the social media minimum age obligation Discussion Paper, Department of Infrastructure, Transport, Regional Development, Communications and the Arts

² [Behind the Screen Transparency report](#), eSafety Commissioner

³ Online Safety Act 2021 (Cth) s63B

apparent "educational and informational" benefits against the potential harms associated with YouTube's service. It is therefore unreasonable to exempt YouTube, when the platform presents the same - if not greater - harms as non-exempt platforms.

6. If the policy intention was to exempt platforms that provide educational functions, a more appropriate approach would be to create an exemption for a class of services that meet clear, objective criteria, that may still apply to YouTube, but may also then be open to other platforms which satisfy the criteria, whether now or in the future. Instead, the Draft Rules name "the electronic service known as YouTube", without any mechanism to ensure that YouTube continues to meet the rationale for this exemption over time. This construction is vague and uncertain, as it fails to account for how the YouTube service may evolve, including by introducing features that could increase the incidence and prevalence of harms, or potentially reduce the amount of "educational and informational" content on the platform. There are no safeguards that ensures YouTube remains aligned with the claimed policy objective behind this exemption. Further, if the policy objective aims to encourage other platforms to feature more educational and informative content, the YouTube Exemption fails to achieve this as it provides no mechanism for other platforms to ever qualify for the exemption, even if they achieve the same or better standards.
7. The ability of non-exempt platforms to fairly compete with YouTube for users, advertisers, and innovative product features will be materially undermined by the YouTube Exemption, which will effectively grant it a monopoly over a certain category of users, and further entrench its existing dominant market position. For example, the YouTube Exemption unreasonably hands YouTube a significant competitive advantage in attracting and retaining not only users under 16 (as other platforms are required to prevent users under 16 from creating accounts), but also users over 16, as this exemption will see YouTube become the go-to platform for individuals that do not wish to undergo age assurance measures that non-exempt platforms will be required to adopt, in accordance with the Act. Consequently, the attractiveness of YouTube among users will increase its attractiveness among advertisers. We therefore expect both users and advertisers to shift to YouTube as a result of the YouTube Exemption.
8. As experience has shown, YouTube will exploit its exclusive market power and can be expected to do so in relation to its privileged access to the under 16 category of users created by the YouTube Exemption, including by introducing those same users to other existing Google or G-Suite products (e.g., mail, calendar, photos, Google Play, Meet, Chat) or creating new products and features under the YouTube brand, in order to extend its monopoly further. In turn, this gives YouTube advantages when negotiating with advertisers or parties who want access to that particular cohort, which will assist YouTube in gaining a further competitive advantage in respect of all age demographics, on top of the already significant advantages YouTube enjoys from being part of the wider Google ecosystem. Additionally, the exemption creates an uneven and costly compliance burden, forcing other platforms to invest heavily in age assurance and compliance infrastructure while YouTube is left unchecked.
9. In short, this exemption will further entrench Google's substantial market power, reinforcing its already significant influence across the digital landscape in Australia, including advertising, ad-tech solutions and data advantages. This is entirely inconsistent with the Government's proposals to introduce digital platform regulation reforms in Australia, which are aimed at addressing these very competition concerns and the wider ecosystem advantages that this dominant platform is already able to exploit at scale.

Concerns regarding consultation process

9. It appears that the statutory obligation under section 63C(7) of the Act, to seek and consider the eSafety Commissioner's advice before finalising the Draft Rules, has not yet been met, raising serious concerns given the imminent finalisation of the Rules. The eSafety Commissioner's *Behind the Screen Transparency Report* (published 20 February 2025) explicitly states that the eSafety Commissioner had not, as of the date of that report, provided advice on the Draft Rules.⁴ The eSafety Commissioner again confirmed that she had not been consulted on the Draft Rules in Senate Estimates on 24 February 2025.⁵ This lack of consultation with the

⁴ [Behind the Screen Transparency report](#), eSafety Commissioner


⁵ [Senate Estimates – Environment and Communications Legislation Committee, 25 February 2025](#).



eSafety Commissioner is particularly concerning in circumstances where it is clear from our own observations, that the Department has poor working knowledge of the platforms regulated by the Act, how they operate, and the content available on these platforms.

10. The Discussion Paper states that "*the Minister proposes to make the rules by mid-March 2025*", which leads to a reasonable conclusion (given the limited number of sitting days and upcoming federal election) that the Draft Rules will be registered imminently. This makes the failure to consult with the eSafety Commissioner, a fundamental failure of process that raises serious concerns about the validity of the Draft Rules.
11. In addition, given the clear competition concerns at play, the absence of consultation with the Australian Competition and Consumer Commission is deeply troubling. The Minister has the discretion to seek advice from other relevant Commonwealth agencies⁶. The fact that this discretion does not appear to have been exercised suggests a total disregard for the very significant negative competition implications of this exemption.

s 47E(d), s 47G(1)(b)



We look forward to your urgent response.

Yours sincerely

s 47F



⁶ Online Safety Act 2021 (Cth) s63C(5)(b)

From: s 22
Sent: Thursday, 27 March 2025 10:43 AM
To: s 47F; s 22
Cc: s 47F; s 47F; @tiktok.com; s 22; s 47F; s 47F
Subject: RE: [External] Meeting Request with TikTok [SEC=OFFICIAL]

OFFICIAL

s 47F

Thankyou for supplying this additional information and detail. We will come back to you if we have any questions,

Thanks

s 22

Manager, Industry Supervision
Industry Compliance and Enforcement



eSafety acknowledges all First Nations people for their continuing care of everything Country encompasses — land, waters and community. We pay our respects to First Nations people, and to Elders past, present and future.

s 47E(d), s 47G(1)(b)

From: s 22
Sent: Tuesday, 15 April 2025 10:58 AM
To: s 47F ; s 22
Cc: s 47F ; s 47F ; s 47F @tiktok.com; s 22
Subject: RE: Development relevant to Online Safety (Social Media Minimum Age) Act 2024 [SEC=OFFICIAL]

OFFICIAL

s 47F

Thanks for the update, s 22 on leave so just responding to acknowledge receipt.

Many thanks

s 22

Manager, Industry Supervision
Industry Compliance and Enforcement



eSafety acknowledges all First Nations people for their continuing care of everything Country encompasses — land, waters and community. We pay our respects to First Nations people, and to Elders past, present and future.

From: s 47F @tiktok.com>
Sent: Tuesday, 15 April 2025 9:34 AM
To: s 22 @eSafety.gov.au>
Cc: s 47F @tiktok.com>; s 47F @tiktok.com>;
s 47F @tiktok.com; s 22 @eSafety.gov.au>; s 22 @eSafety.gov.au>; s 22 @eSafety.gov.au>; s 22 @eSafety.gov.au>; s 22 @eSafety.gov.au>
Subject: Development relevant to Online Safety (Social Media Minimum Age) Act 2024

You don't often get email from s 47F @tiktok.com. [Learn why this is important](#)

Dear s 22 and the eSafety team,

We wanted to forward you the below email that we recently sent to the Department. It flags a new feature being rolled out by YouTube and we thought this may be of relevance to you in light of the

proposed exemption for YouTube under the Act, and your ongoing review of features and functionalities across a wide range of platforms.

As outlined in the email, the feature enables content to be directly transferred from TikTok to YouTube Shorts, which from our perspective, raises important questions about protections for under 16s being applied inconsistently across services offering similar content and user experiences.

As always, we remain available to support in any way that would be helpful.

Kind regards,

s 47F

s 47F

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and delete this message. The email message and the information it contains, including any attachment, are intended solely for the named addressee(s), are confidential and may contain copyright and/or legally privileged information.

----- Forwarded message -----

From: s 47F <[redacted]@tiktok.com>

Date: Mon, Apr 14, 2025 at 2:08 PM

Subject: Re: [External] RE: TikTok Australia - submission [SEC=OFFICIAL]

To: s 22 <[redacted]@infrastructure.gov.au>

Cc: s 47F <[redacted]@tiktok.com>, s 47F <[redacted]@tiktok.com>, s 47F <[redacted]@tiktok.com>

s 47F <[redacted]@tiktok.com>, s 47F <[redacted]@tiktok.com>, s 47F <[redacted]@tiktok.com>

s 47F <[redacted]@tiktok.com>, s 47F <[redacted]@tiktok.com>, s 22 <[redacted]>

<[redacted]@infrastructure.gov.au>, Age Assurance Trial Taskforce

s 47E(d) <[redacted]@infrastructure.gov.au>

Dear s 22 and team,

Further to our earlier correspondence and meetings in relation to the proposed YouTube exemption under the Online Safety (Social Media Minimum Age) Act 2024 (the Act), we wanted to share a development relevant to our previous discussions.

YouTube recently [announced](#) that it is offering a new feature on YouTube Shorts in partnership with [Repurpose.io](#), a company which allows creators to distribute content across multiple platforms. This new feature will enable TikTok content to be directly transferred/uploaded onto YouTube Shorts - a platform that is proposed to be exempt from the Act.

This is a clear signal that YouTube intends on proactively capitalising on the privileged access to the under 16 audience that would be created by the unexplained, and unjustified, proposed YouTube exemption.

As we have made clear before, the proposed exemption further entrenches YouTube's dominance, while the new feature means users under the age of 16 would be restricted from accessing content produced for TikTok on TikTok itself, while completely unrestricted from accessing that exact same content on YouTube Shorts.

We would welcome your views on how this feature, which is being actively promoted by YouTube, aligns with the intent of the Act, particularly where it results in under 16 users being able to access content that is restricted on other platforms.

If you have any questions or otherwise wish to discuss, please do let us know.

Kind regards,

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