From:	Kathryn King
Sent:	Friday, 10 January 2025 8:22 AM
To:	Julie Inman Grant
Subject:	Re: Julie Inman Grant shared "Standard email - SMAA enquiries and consultation - 2025" with you [SEC=OFFICIAL]

OFFICIAL

Always! It can feel painful at times but the collective mind always improves it (as long as there is a clear decision maker at the end so it isn't death by committee 😉).

I'll let the team know to finalise this version and send it through for you.

-KK

From: Julie Inman Grant **s 22** @eSafety.gov.au>
Sent: Friday, January 10, 2025 8:20 AM
To: Kathryn King **s 22** @eSafety.gov.au>
Subject: Re: Julie Inman Grant shared "Standard email - SMAA enquiries and consultation - 2025" with you [SEC=OFFICIAL]

Looks good. There is so much complexity in this particular rollout - And so much misunderstanding about what the respective decision making roles are, And who is responsible for what. So I think this makes that clear.

Always a team effort, no?

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From: Kathryn King **s 22** @eSafety.gov.au>
Sent: Thursday, January 9, 2025 7:19:10 PM
To: Julie Inman Grant **s 22** @eSafety.gov.au>
Subject: RE: Julie Inman Grant shared "Standard email - SMAA enquiries and consultation - 2025" with you [SEC=OFFICIAL]

OFFICIAL

Hi Julie,

I've gone through this and made a few more tweaks for your consideration. I do think this is probably too long to use in response to the general enquiries we are getting through the new email address we've set up, but I think it's critical as we have been discussing for you to have something in your voice that you can send to your stakeholders and post. So I think this contains a great amount of detail for industry and more informed stakeholders, but for general enquiries (which we are receiving) we may create a shorter version from this content if that works for you?

So, with that in mind I just made a few tweaks to keep the rhythm right that we are hitting these key milestones in 2025:

Step 1 -The Minister's determination of who's in and who's out informed by the Department's public consultation (first half of 2025)

Step 2 -Information outputs: AV trial report completed and eSafety's transparency report released (first half of 2025)
Step 3- eSafety consultation commences (April/May)
Step 4 - Development of reasonable steps guidance (April onward)
Step 5 – Finalised guidance implemented by 12 December.
Step 6 – Ongoing compliance and enforcement (12 December onwards)

I just keep coming back to these key milestones, so with that in mind I just moved the transparency report section down a bit further to make the timeline clearer to the reader. While this report may come before reasonable steps guidance and be a useful supplementary input, it isn't a formal step in the process of us implementing the Act, so I didn't want it to be conflated.

It's a wall of tracked changes right now so I've attached a clean copy for easier reading especially if you are on a phone in the car! Let me know what you think. If it's still not right to you the original link for editing is still active:
    Standard email - SMAA enquiries and consultation - 2025.docx

-KK

From: Julie Inman Grant s 22   @eSafety.gov.au>
Sent: Thursday, January 9, 2025 11:18 AM
To: s 22   @eSafety.gov.au>; s 22   @esafety.gov.au>; Heidi Snell
s 22   @esafety.gov.au>; Kathryn King s 22   @eSafety.gov.au>; s 22
        @eSafety.gov.au>; s 22   @eSafety.gov.au>; s 22
            @esafety.gov.au>
Subject: Julie Inman Grant shared "Standard email - SMAA enquiries and consultation - 2025" with you

Julie Inman Grant invited you to edit a file

I have made quite a few changes to the SMMA letter, including linking to previous, current and future efforts. Let me know if you have any further suggestions. I'd like to use this as a basis for my LinkedIn post as well. My thanks to s 22 for the draft structure - this is definitely a difficult piece to write with all of the decision makers and interlocking parts! Julie

Standard email - SMAA enquiries and consultation - 2025

🔒 This invite will only work for you and people with existing access.

Open   Share

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From: Heidi Snell
Sent: Thursday, 24 April 2025 3:27 PM
To: s 22
Subject: FW: SMMA public consultation timing [SEC=OFFICIAL]

OFFICIAL

FYI

From: Julie Inman Grant s 22 @eSafety.gov.au>
Sent: Thursday, 24 April 2025 3:26 PM
To: Heidi Snell s 22 @esafety.gov.au>
Cc: Kathryn King s 22 @eSafety.gov.au>; s 22 @esafety.gov.au>
Subject: Re: SMMA public consultation timing [SEC=OFFICIAL]

Sure, okay. I think we just really need to land on the cadence and delivery method of the EOI, the academic board and the phase 2 codes transparency. s 22 and I spoke about this today - we just need the different line areas to be more consistent in reporting up to StratComms significant milestones do they can consider in tandem and add to their overall strategy.

Should be an opportunity next week at the Comms Scrum to discuss "in the round."

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From: Heidi Snell s 22 @esafety.gov.au>
Sent: Thursday, April 24, 2025 2:39:19 PM
To: Julie Inman Grant s 22 @eSafety.gov.au>
Cc: Kathryn King s 22 @eSafety.gov.au>; s 22 @esafety.gov.au>
Subject: SMMA public consultation timing [SEC=OFFICIAL]

OFFICIAL

Hi Julie

I know the team had briefed us on the SMMA public consultation going live next week, but for a few reasons I think it would be best to hold off until the week commencing 5 May. Happy to chat about this.

H

Heidi Snell
a/g General Manager, Regulatory Operations Group
eSafety Commissioner

s 22

EA: s 22 @esafety.gov.au | s 22

From: s 22

Sent: Tuesday, 27 May 2025 6:43 PM

To: Richard Fleming

Subject: Re: SMAA Advice Tomorrow [SEC=OFFICIAL]

Hi Richard,
Thank you and noted.
Kind regards,
s 22

From: Richard Fleming s 22 @esafety.gov.au>
Sent: Tuesday, May 27, 2025 6:42 pm
To: s 22 @esafety.gov.au>; s 22
@esafety.gov.au>
Subject: Fw: SMAA Advice Tomorrow [SEC=OFFICIAL]

FYI

From: s 22 @eSafety.gov.au>
Sent: Tuesday, May 27, 2025 6:12:02 PM
To: Toby Dagg s 22 @esafety.gov.au>; s 22 @eSafety.gov.au>; Julie Inman Grant
s 22 @eSafety.gov.au>
Cc: Kathryn King s 22 @eSafety.gov.au>; Richard Fleming s 22 @esafety.gov.au>; s 22
@esafety.gov.au>; eSafety Commissioner s 47E(d) @eSafety.gov.au>; RegOpsOffice
s 47E(d) @esafety.gov.au>; s 22 @esafety.gov.au>
Subject: RE: SMAA Advice Tomorrow [SEC=OFFICIAL]

OFFICIAL

Hi all

Thanks for taking the time to discuss the draft advice.

As agreed, in terms of immediate next steps, SMART will rework the advice to incorporate some of the options back into the advice to provide some solutions. We will aim to provide this to you by COB Thursday and to that end would be **grateful for any written feedback on the advice from you as soon as possible tomorrow.** We will also liaise with legal to ensure our advice is consistent with the legal advice.

We will also start to prepare the covering letter, as well as continue to work on the background paper.

s 22 will add in the recommendations to the brief for the meeting with the Minister tomorrow.

Thanks,
s 22

From: Toby Dagg s 22 @esafety.gov.au>
Sent: Tuesday, 27 May 2025 4:17 PM

To: s 22 @eSafety.gov.au>; s 22 @eSafety.gov.au>; Julie Inman Grant s 22 @eSafety.gov.au>
Cc: Kathryn King s 22 @eSafety.gov.au>; Richard Fleming s 22 @esafety.gov.au>; s 22 @esafety.gov.au>; eSafety Commissioner s 47E(d) @eSafety.gov.au>; s 47E(d) @esafety.gov.au>; s 22 @esafety.gov.au>
Subject: Re: SMAA Advice Tomorrow [SEC=OFFICIAL]

OFFICIAL

Brilliant, thanks s 22 .

From: s 22 @eSafety.gov.au>
Sent: Tuesday, May 27, 2025 15:27
To: s 22 @eSafety.gov.au>; Julie Inman Grant s 22 @eSafety.gov.au>; Toby Dagg s 22 @esafety.gov.au>
Cc: Kathryn King s 22 @eSafety.gov.au>; Richard Fleming s 22 @esafety.gov.au>; s 22 @esafety.gov.au>; eSafety Commissioner s 47E(d) @eSafety.gov.au>; RegOpsOffice s 47E(d) @esafety.gov.au>; s 22 @esafety.gov.au>
Subject: RE: SMAA Advice Tomorrow [SEC=OFFICIAL]

OFFICIAL

Dear all

For your convenience, please find below the links to all the relevant documents for our discussion on the SMMA advice this afternoon:

20250525 draft advice on rules.docx
Attachment D - Draft Letter to eSafety Commissioner.docx
Draft Rules I24SY115.v18.docx
Dept Min sub Online Safety Rules - Consultation outcomes and eSafety advice.docx

Best,
s 22

From: s 22 @eSafety.gov.au>
Sent: Tuesday, 27 May 2025 11:05 AM
To: Julie Inman Grant s 22 @eSafety.gov.au>; Toby Dagg s 22 @esafety.gov.au>
Cc: Kathryn King s 22 @eSafety.gov.au>; Richard Fleming s 22 @esafety.gov.au>; s 22 @eSafety.gov.au>; s 22 @esafety.gov.au>; eSafety Commissioner s 47E(d) @eSafety.gov.au>; RegOpsOffice s 47E(d) @esafety.gov.au>; s 22 @esafety.gov.au>
Subject: RE: SMAA Advice Tomorrow [SEC=OFFICIAL]

OFFICIAL

Thanks, Julie – I think you may have been looking at the background doc last night? The advice doc is the one we just sent through this morning: : 20250525 draft advice on rules.docx

s 22

Executive Manager, Industry Compliance & Enforcement

eSafety Commissioner — Australian Government

eSafety

[LinkedIn] [X] [Facebook] [Instagram]

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 and present.

From: Julie Inman Grant s 22 @eSafety.gov.au>
Sent: Tuesday, 27 May 2025 11:01 AM
To: s 22 @eSafety.gov.au>; Toby Dagg s 22 @esafety.gov.au>
Cc: Kathryn King s 22 @eSafety.gov.au>; Richard Fleming s 22 @esafety.gov.au>; s 22 @eSafety.gov.au>; s 22 @esafety.gov.au>; eSafety Commissioner s 47E(d) @eSafety.gov.au>; RegOpsOffice s 47E(d) @esafety.gov.au>; s 22 @esafety.gov.au>
Subject: RE: SMAA Advice Tomorrow [SEC=OFFICIAL]

OFFICIAL

s 47C, s 47E(d)

s 47C, s 47E(d)

Thanks very much, in advance.

Julie

From: s 22 @eSafety.gov.au>
Sent: Tuesday, 27 May 2025 10:42 AM
To: Toby Dagg s 22 @esafety.gov.au>; Julie Inman Grant s 22 @eSafety.gov.au>
Cc: Kathryn King s 22 @eSafety.gov.au>; Richard Fleming s 22 @esafety.gov.au>; s 22 @eSafety.gov.au>; s 22 @esafety.gov.au>; eSafety Commissioner s 47E(d) @eSafety.gov.au>; RegOpsOffice s 47E(d) @esafety.gov.au>
Subject: RE: SMAA Advice Tomorrow [SEC=OFFICIAL]
Importance: High

OFFICIAL

Hi Julie, Toby and all

As requested, with huge thanks to s 22 , s 22 and s 22, please find **attached/linked here the draft advice to the Minister on the draft Rules:** **20250525 draft advice on rules.docx**

s 47C, s 47E(d)

Look forward to discussing at 5 today.

Thanks!
s 22

s 22

Executive Manager, Industry Compliance & Enforcement

📱 s 22

📞 s 22

Executive Assistant: s 22   / s 22

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 and present.

From: Toby Dagg s 22   @esafety.gov.au>
Sent: Monday, 26 May 2025 2:12 PM
To: Julie Inman Grant s 22   @eSafety.gov.au>
Cc: Kathryn King s 22   @eSafety.gov.au>; Richard Fleming s 22   @esafety.gov.au>; s 22   @eSafety.gov.au>; s 22   @eSafety.gov.au>; s 22   @esafety.gov.au>
Subject: Fw: SMAA Advice Tomorrow [SEC=OFFICIAL]

<div align="center">**OFFICIAL**</div>

Hi Julie (and all)

With thanks to s 22 and s 22 , and following our discussion this morning, please see further summary information linked below to help you get across the key issues contained in the draft advice prior to your meeting with the Minister on Wednesday. We have also provided a link to the wider background paper, which as you would expect specifically feeds the advice. As noted this morning, we will provide the draft advice to you tomorrow AM.

s 47C, s 47E(d)

s 42

s 47C, s 47E(d)

s 47C, s 47E(d)

s 47C, s 47E(d)

Background paper, which sets out the evidence base supporting the advice – what the literature says, eSafety's research and regulatory insights, international approaches, and reference to the assessment of platforms' features and functions.

1. As mentioned this morning, this remains very much a WIP, but is available for your vis here: 2025 SMMA - Advice background paper - Working document.docx
2. We have deprioritised refining this document while we are focusing on the advice itself.

Thanks,

Toby.

From: Julie Inman Grant <s 22 @eSafety.gov.au>
Sent: Monday, 26 May 2025 9:38 AM
To: Toby Dagg <s 22 @esafety.gov.au>
Cc: Kathryn King <s 22 @eSafety.gov.au>; Richard Fleming <s 22 @esafety.gov.au>; s 22 @eSafety.gov.au>; s 22 @eSafety.gov.au>; s 22 @esafety.gov.au>
Subject: RE: SMAA Advice Tomorrow [SEC=OFFICIAL]

OFFICIAL

s 47C, s 47E(d)

From: Julie Inman Grant
Sent: Monday, 26 May 2025 7:40 AM
To: Toby Dagg <s 22 @esafety.gov.au>
Cc: Kathryn King <s 22 @eSafety.gov.au>; Richard Fleming <s 22 @esafety.gov.au>; s 22 @eSafety.gov.au>; s 22 @eSafety.gov.au>; s 22 @esafety.gov.au>
Subject: SMAA Advice Tomorrow [SEC=OFFICIAL]
Importance: High

OFFICIAL

Per the discussion between Toby, Kathryn and I, I would like to see and review by tomorrow morning:

-The draft advice to the Dept/Minister, including around the workability of the new proposed exemption framework;

-The executive summary of the safety advice;

-The full report of the safety advice – none of us have on the SEB have seen the format or content of this. This cannot be bottlenecked – we need visibility so we can provide input sooner rather than later.

I need to set up a meeting with s 22 to discuss moving all this along. That will need to happen quickly and I want my advice to be consistent with our overall advice.

I will ask s 22 to set up a meeting later in the day on Tuesday, where possible, to discuss any open questions and provide advice for direction forward.

Many thanks,

Julie

Julie Inman Grant
Commissioner

📞 s 22

Executive Assistant: s 22 @esafety.gov.au

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:	Julie Inman Grant
Sent:	Wednesday, 4 June 2025 12:17 PM
To:	Toby Dagg
Cc:	Kathryn King; Richard Fleming; s 22 ; s 22 ; s 22
Subject:	RE: SMAA Advice Tomorrow [SEC=OFFICIAL]

OFFICIAL

All – I have made extensive comments on this advice. Let me know if you'd like to discuss further. In fact, we may have a call scheduled to do just that...This is a good opening gambit and its also helpful to know we have some time up our sleeve(s) to get this spot on!

  20250530 draft advice on rules - clean.docx

Julie

s 22 (wholly contained within document 3)

Sent: Monday, 26 May 2025 2:12 PM
s 22 (wholly contained within document 3)

Subject: Fw: SMAA Advice Tomorrow [SEC=OFFICIAL]
s 22 (wholly contained within document 3)

From:	s 47E(d) @mo.communications.gov.au>
Sent:	Friday, 13 June 2025 12:09 PM
To:	Julie Inman Grant
Cc:	s 47E(d) ; eSafety Parliamentary
Subject:	Minister Wells Letter to eSafety Commissioner - draft Online Safety (Age Restricted Social Media Platforms) Rules 2025 - MS25-000807 [SEC=OFFICIAL:Sensitive]
Attachments:	Minister Wells Letter to eSafety Commissioner - MS25-000807.pdf; Draft Online Safety (Age Restricted Social Media Platforms) Rules 2025 - MS25-000807.pdf

OFFICIAL:Sensitive

Good morning Ms Inman Grant,

Please find attached letter from the Hon Anika Wells MP, Minister for Communications and Minister for Sport seeking advice on the attached draft Online Safety (Age Restricted Social Media Platforms) Rules 2025.

There is no hard copy of this letter to follow.

Kind regards,

s 47F

Department Liaison Officer • Office of the Hon Anika Wells MP • Minister for Communications and Minister for Sport
s 47E(d) @mo.communications.gov.au
GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts
CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS
infrastructure.gov.au

I would like to acknowledge the traditional custodians of this land on which we meet, work and live.
I recognise and respect their continuing connection to the land, waters and communities.
I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.

OFFICIAL:Sensitive

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

I, Anika Wells, Minister for Communications, make the following rules.

Dated   2025

Anika Wells **[DRAFT ONLY—NOT FOR SIGNATURE]**
Minister for Communications

Contents

Part 1—Preliminary

^1 Name

This instrument is the *Online Safety (Age-Restricted Social Media Platforms) Rules 2025*.

^2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	**Column 2**	**Column 3**
Provisions	**Commencement**	**Date/Details**
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

^3 Authority

This instrument is made under the *Online Safety Act 2021*.

^4 Definitions

In this instrument:

Act means the *Online Safety Act 2021*.

Section ^5

Part 2—Age-restricted social media platforms

^5 Classes of services that are not age-restricted social media platforms

(1) For the purposes of paragraph 63C(6)(b) of the Act, electronic services in each of the following classes are specified:

    (a) services that have the sole or primary purpose of enabling end-users to communicate by means of messaging, voice calling or video calling;

    (b) services that have the sole or primary purpose of enabling end-users to play online games with other end-users;

    (c) services that have the sole or primary purpose of enabling end-users to share information (such as reviews, technical support or advice) about products or services;

    (d) services that end-users use solely or primarily for business or for professional development;

    (e) services that have the sole or primary purpose of supporting the education of end-users;

    (f) services that have the sole or primary purpose of supporting the health of end-users;

    (g) services that have a significant purpose of facilitating communication between educational institutions and students or students' families;

    (h) services that have a significant purpose of facilitating communication between providers of health care and people using those providers' services.

(2) In determining whether a service is in any of the classes set out in subsection (1), disregard any of the following purposes:

    (a) the provision of advertising material on the service;

    (b) the generation of revenue from the provision of advertising material on the service.

^6 Particular services that are not age-restricted social media platforms

For the purposes of paragraph 63C(6)(b) of the Act, the electronic service known as YouTube is specified.

The Hon Anika Wells MP

Minister for Communications
Minister for Sport
Federal Member for Lilley

MS25-000807

Ms Julie Inman Grant
eSafety Commissioner
Office of the eSafety Commissioner
PO Box Q500
QUEEN VICTORIA BUILDING   NSW   1230

Julie.InmanGrant@eSafety.gov.au

Dear Commissioner

As you are aware, the former Minister for Communications, the Hon Michelle Rowland MP, previously announced the Government's proposal to use the rule-making power under subsection 63C(6)(b) of the *Online Safety Act 2021* (the Act) to carve out certain services from the social media minimum age obligation: messaging, online games, services that significantly function to support the health and education of users, and YouTube. In line with the requirement under subsection 63C(7), I am writing to seek your advice on the attached draft Online Safety (Age Restricted Social Media Platforms) Rules 2025 (draft Rules).

The above exclusions were reflected in draft Rules my department consulted on in February and March 2025. As part of that targeted consultation, the department sought direct feedback from over 100 stakeholders including youth groups, parents and carers, digital industry, civil society groups, experts in child development, mental health and law.

The department has incorporated a number of minor updates to the draft Rules following feedback from stakeholders. This includes expanding the messaging exclusion to include voice and video-calling, and establishing new exclusions for product review and professional development services.

I am looking to finalise the Rules by mid-year to provide industry and the general public with time to prepare for the minimum age obligation coming into effect by 10 December 2025. Your timely advice on the draft Rules would help facilitate this.

Finally, I would like to thank you and your office for engaging constructively with my department throughout this process, including as part of the targeted consultation.

Yours sincerely

Anika Wells MP

12 June 2025

Enc

From:	eSafety Commissioner
Sent:	Thursday, 19 June 2025 4:03 PM
To:	s 47F
Cc:	s 47E(d) @mo.communications.gov.au; Irwin, Andrew; VANDENBROEK, Sarah; s 47F ; eSafety Parliamentary; s 22 Toby Dagg; s 22 ; Julie
Subject:	eSafety Correspondence to Minister Wells: Advice on draft Online Safety (Age Restricted Social Media Platforms) Rules 2025 [SEC=OFFICIAL]
Attachments:	CC25-0016_Correspodence to Minister Wells - Advice on Draft Rules.pdf; 20250619 Advice on Rules to Minister.pdf

OFFICIAL

Dear s 47F

I hope you are having a lovely week.

As per the Ministers letter of 12 June, please find the eSafety Commissioners response and corresponding advice on the draft *Online Safety (Age Restricted Social Media Platforms) Rules 2025* (draft Rules).

Please reach out if you need any further information from us.
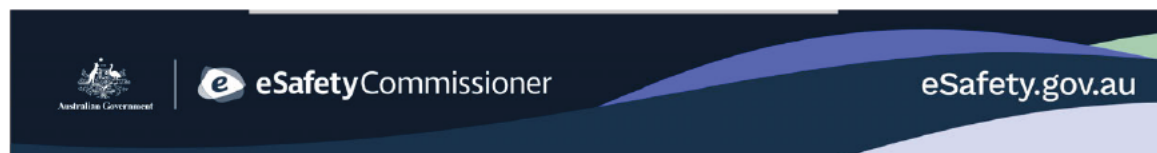
Kind regards

s 22

s 22

Senior Executive Assistant to the eSafety Commissioner
Office of the eSafety Commissioner

🌐 esafety.gov.au
◇ s 22

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 and present.

![eSafety Commissioner logo - Australian Government]

19 June 2025   **CC25-0016**

Hon. Anika Wells MP
PO Box 6022
Parliament House
Canberra ACT 2600
Sent by email via s 47F @mo.communications.gov.au

Dear Minister Wells

Thank you for your letter on 12 June 2025 seeking my advice on the draft *Online Safety (Age Restricted Social Media Platforms) Rules 2025* (draft Rules) to carve out certain services from the social media minimum age obligation (SMMA obligation).

As requested, please find attached my independent advice, which eSafety has prepared as quickly as possible to facilitate the timely finalisation of the Rules. I support your intention to make the Rules by mid-year so we can begin educating the public about which platforms will be covered, and working with those platforms to ensure they are prepared to comply.

My advice has been informed by a broad evidence base, including:

- eSafety's understanding of the policy intent of Part 4A of the *Online Safety Act 2021* (the Act), the risks and harms the SMMA obligation seeks to address, and the key benefits and rights that the draft Rules seek to preserve for Australian children.

- Regulatory insights derived from eSafety's complaints schemes, the Basic Online Safety Expectations, Industry Codes and Standards, and our understanding of how these existing regulatory schemes can serve to support the SMMA obligation.

- Findings from domestic and international research on children's use of online services, including eSafety's recent youth survey, and the emerging literature on the risks and harms associated with particular social media design features and functionalities.

- eSafety's understanding of how those design features and functionalities operate across services, and our ongoing commitment to promoting Safety by Design.

- The approaches of international jurisdictions that have introduced age restrictions and other regulatory requirements designed to address online harms to children.

Drawing on that evidence, I have identified five options for your consideration. I believe the options would make the draft Rules clearer, less likely to be disallowed, subject to fewer compliance and enforcement challenges, and most importantly, more capable of promoting the safety, wellbeing and rights of children.

In light of time constraints, in having regard to this advice, I recommend you consider prioritising options 1 and 2, noting we have provided alternatives to options 3 and 4, and option 5 is prospective.

In summary, the options are:

1. **That YouTube is removed from the draft Rules.** The reason for this is two-fold. First, our evidence shows that children are experiencing the types of harms which we understand the SMMA obligation seeks to address on YouTube. Second, as a matter of principle, eSafety suggests the Rules should avoid naming any specific platform(s) given the rapidly evolving nature of technology and the continuously shifting risk profile of online services. We note that children will continue to have access to YouTube without holding an account.

2. **That the explanatory statement to the Rules provide guidance to support a shared understanding of the Government's intention and avoid future enforcement challenges.** This includes confirming the harms and design features the Act seeks to address, and how eSafety should apply the different purpose tests in the draft Rules, in particular what constitutes 'primary' and 'significant' purpose in this context.

3. **That consideration is given to amending the draft Rules so they reflect both the purpose of the service, as well as its risk of harm.** Currently, the draft Rules are framed entirely around the purpose of a service, and do not consider the service's level of risk. This creates a danger that the Rules may not achieve their intention of minimising harm. To address this, the Rules could add a 'second prong' to the test which considers the presence of safety measures to mitigate the risk of certain design choices, features, and functionalities associated with harm to children. Alternatively, in light of complexity and the need to finalise the Rules promptly so they are in place before the minimum age obligation takes effect, this is an issue that could be partially addressed under recommendation 2 and monitored under recommendation 5.

4. **That consideration is given to introducing a new Rule to exclude lower-risk services that are appropriate for young children.** This would ensure that services which do not meet any of the proposed purpose/use tests, but are nonetheless safer and potentially beneficial for children, are carved out from the SMMA obligation. Absent such a rule, eSafety would likely exercise discretion not to enforce compliance with the SMMA obligation for lower-risk services that are appropriate for young children in the absence of identified harm.

5. **That implementation is monitored to identify any emerging challenges which should be addressed through further Rules.** This may include monitoring the potential

migration of children and harms to services which the Rules have carved out from the SMMA obligation, and how the obligation intersects with forthcoming developments, such as Industry Codes, and proposed reforms, such as the Digital Duty of Care.

I trust this advice will assist in finalising the Rules and ensuring they are effective in supporting the safety, wellbeing and rights of children online. I would welcome the opportunity to discuss the advice and the broad evidence on which it is based.

Yours faithfully,

Julie Inman Grant
eSafety Commissioner

Advice to the Minister for Communications

19 June 2025

Table of contents

Background

This advice is provided in response to a request by the Minister for Communications under section 63C(7) of the *Online Safety Act 2021* (**the Act**).

In providing this advice, eSafety has drawn from a broad evidence base, which I would be pleased to provide in more detail. I have considered the object of the social media minimum age (**SMMA**) obligation as stated in section 63B of the Act and the overarching policy intent of legislative rules (**the Rules**) as set out in the Explanatory Memorandum.

It is my understanding the overarching intention of the SMMA obligation is to protect Australian children under 16 from the risk of harms associated with social media platforms, with a particular focus on content, features and experiences that are detrimental to their safety, health and wellbeing. I understand the intention of the Rules is to narrow the definition of 'age-restricted social media platform' to target the services causing the most harm to age-restricted users, while ensuring children under 16 retain access to services which predominantly provide beneficial experiences.

My advice identifies five possible options which may assist in further aligning the draft Rules with this intention. The advice is structured so that options 1 and 2 address the questions in your request and options 3, 4 and 5 aim to provide longer term options for your consideration. I believe these options would make the draft Rules more capable of promoting the safety, wellbeing and digital rights of children through greater clarity and fewer compliance and enforcement challenges.

It is critical the Rules are made as soon as possible to ensure clarity for industry and the public about which services will need to comply. Delays may result in over-capture of services, potentially reducing children's access to important and beneficial online services. In having regard to this advice, I recommend you prioritise your consideration of options 1 and 2, noting I have provided alternatives to options 3 and 4, and option 5 is prospective.

The purpose of the Act and the draft Rules

Section 63B of the Act states the object of the SMMA obligation is to reduce the risk of harm to children under 16 from certain kinds of social media platforms. eSafety understands the intention is to mitigate:

- The risk of exposure to harmful content, including content that is detrimental to mental and physical health such as suicide, self-harm, disordered eating and sleeping, and substance use.

- The risk of exposure to experiences that are harmful or detrimental to health, including experiences beyond a child's neurocognitive development and maturity.

- The risk that social media can lead to excessive screen-time, social isolation, low community engagement, sleep interference, poorer educational outcomes, poor mental and physical health, and low life-satisfaction.

eSafety understands the Rules seek to provide an exclusion for services that have a lower risk of these harms, and offer benefits such as supporting connection, learning and health.

There are a range of other harms which children may encounter online. These include cyberbullying and various forms of sexual exploitation and abuse, including grooming and sexual extortion.

While the SMMA obligation may reduce these harms on the platforms that are captured, eSafety understands this is not the primary focus. Instead, these harms will continue to be addressed primarily through eSafety's existing complementary regulatory schemes (including our cyberbullying and image-based abuse reporting schemes), as well as relevant Industry Codes and Standards. Potential reforms following on from Ms Delia Rickard PSM's Statutory Review of the Online Safety Act 2021 will also provide an opportunity to consider whether any of these existing schemes should be strengthened. For example, if the SMMA obligation results in cyberbullying and image-based abuse migrating to messaging services that are carved out under the Rules, eSafety will need additional regulatory tools beyond content removal to assist victims and remediate harm.

As a result, while this advice mentions these harms, it does not include a thorough assessment as to the risk of these harms on the services the draft Rules seek to exclude.

The options in our advice – particularly option 2 – seek to confirm and clarify the risks and harms that the SMMA obligation aims to address to promote a shared understanding across government, industry and the public.

Protecting children from online harms on social media

There is mounting evidence to suggest certain design choices, features, and functionality may contribute to or amplify the risk of unwanted and excessive use, and the risk of encountering harmful content or experiences (including enabling highly idealised and edited content as well as other forms of high-risk content or activity). To protect children from the risk of these harms, the Rules should account for these choices, features and functionality.

Currently, the Rules seek to do this by reference to a service's purpose, likely based on the premise that services with listed purposes (such as messaging or gaming) are less likely to have some of the features and functionality which have been associated with harm on social media.

However, based on eSafety's review of online services, some services that may be carved out by the draft Rules utilise the same design choices, features and functionality associated with relevant harms on 'traditional' social media. For example, some online gaming services have design features and functionality associated with harms to health and problematic use, including but not limited to, engagement prompts (such as in-app, push and visual notifications), gamified engagement features (such as badges, levels, or rewards tied to repeated access and engagement) as well as other design features that may be designed to keep end-users on the platform for as long as possible.

Likewise, some messaging services include features and functionality associated with these harms, such as ephemeral content that is only accessible for a short window of time, quantitative social metrics (such as likes, reactions), engagement prompts (such as notifications, reminders, or gamified incentives), geolocation features, as well as appearance editing functions that may contribute to body image issues.

As services continue to evolve, we may see an even greater convergence in the design choices, features and functionality that are offered across services that claim to serve different purposes. We may also see that the way people use services in practice over time diverges from the intended purpose of those services. Online services that may appear low risk today could be misused or repurposed for nefarious aims, therefore presenting a higher risk in the future.

As a result, if a service is excluded based on its 'sole', 'primary' or 'significant' purpose alone, despite the presence of harm, then the Rules may not achieve their intended outcome of reducing risk to children.

The options I propose in my advice seek to mitigate harms associated with social media design choices, features and functionality. Underpinning this advice is eSafety's commitment to fostering systemic change and promoting Safety by Design, encouraging services to consider risks, mitigate harms and embed user safety into all aspects of service design, development and deployment. The options reinforce that the obligation falls to service providers to actively commit to, and implement, safeguards for young users in all aspects of service design.

Advice on options

The following detailed advice sets out the rationale and evidence base for five possible options to make the draft Rules more capable of promoting the safety, wellbeing and digital rights of children.

Option 1: Remove YouTube from the draft Rules, and avoid naming specific services to future-proof the Rules

Naming specific services (e.g. YouTube) in the Rules risks creating inconsistencies with the SMMA obligation's intention to reduce harm to children. Services frequently change their safety practices as well as their features and functionalities, which can alter their risk profile. Accordingly, an exclusion for a named service, such as YouTube, may be inconsistent with the intention underpinning Part 4A of the Act.

While YouTube has many educational and otherwise beneficial uses, eSafety is concerned that the popular use of YouTube among children coupled with reports of exposure to harmful content and the platform's use of certain features and functionality is not consistent with the purpose of the SMMA obligation to reduce the risk of harm.

Results from eSafety's recent Youth Survey indicated YouTube was the most popular social media platform[1] children had ever used, with 76% of 10 to 15-year-olds having used YouTube, making it significantly more popular than other social media platforms such as TikTok, Instagram, and Snapchat, especially among the 10 to 12-year-old cohort.

Among a subset of children who had ever seen or heard potentially harmful content online, 37% reported their most recent or impactful experience with this content occurred on YouTube. Similarly, among a subset of children who had ever seen online hate, 21% reported their most recent or impactful experience of seeing online hate occurred on YouTube.

In addition, recent findings from the Black Dog Institute showed an association between higher daily hours spent using YouTube and greater symptoms of depression, anxiety, and insomnia.[4]

YouTube currently employs persuasive design features and functionality that may be associated with harms to health, including those which may contribute to unwanted or excessive use (such as infinite scroll, auto-play, qualitative social metrics, and tailored and algorithmically recommended content feeds). Separately and combined, these features may encourage excessive consumption without breaks and amplify exposure to harmful content. These design features and functionality, alongside short-form video content, are also widely used on services like TikTok and Instagram, which I understand are intended to be captured by the SMMA obligations.

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[1] 'Social media' was defined in the survey as 'any online platform or app where people can both interact with other people and post or share content like photos or videos'. Platforms considered social media for the purposes of this survey were: YouTube, TikTok, Instagram, Snapchat, Facebook, Pinterest, Steam, Reddit, Twitch, X (Twitter), BeReal, Threads, and 'another social media platform or app'. This definition of social media does not necessarily align with the definition of social media in the Act and should not be relied upon for determining which platforms are or are not included under Part 4A of the Act or the draft Rules.

Given the known risk of harms on YouTube, the similarity of its functionality to other online services, and without sufficient evidence demonstrating that YouTube predominately provides beneficial experiences for children under 16, providing a specific carve out for YouTube appears to be inconsistent with the purpose of the Act.

Moreover, the SMMA obligation is limited to preventing children from having accounts. If YouTube is not excluded, nothing in the Act precludes children from continuing to access YouTube (or any other service) in a 'logged out' state.

While YouTube restricts access to certain content, features and functionality in a logged out state, there are certain safety features for accounts that belong to children that can only be utilised in the logged in state. For example, children can be part of a supervised account where parents set viewing restrictions based on age-appropriateness. Therefore, the safety implications of applying the SMMA obligation to YouTube are likely to be mixed, reinforcing the simultaneous importance of online safety education and awareness raising.

In general, I caution against excluding particular services without conditions in the Rules. A legislative instrument excluding a particular service would be based on a point-in-time assessment of that service. This assessment could quickly become outdated if the service introduces new features, functionality or practices that could affect its safety for children. For example, the *New York Times* reported on 9 June 2025 that YouTube has recently 'loosened' its content moderation policies of videos.[2]

Option 2: Clarify certain matters in the explanatory statement to avoid future enforcement challenges

Including certain matters in the explanatory statement will support a shared understanding of the intention and application of the Rules and avoid potential compliance and enforcement challenges. This includes guidance on:

- The specific harms the SMMA obligation and Rules seek to address.

- How to apply the different purpose tests across the Rules, particularly how much weight to give a service's self-described purpose, and what other evidence may be considered – including design choices, features and functionality related to the relevant harms, and user preferences.

- The intended scope of the exclusion for services that have the sole or primary purpose of enabling end-users to play online games, including whether this exclusion also extends to ancillary services like in-game chat or voice communication.

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[2] Grant, N., & Mickle, T. (9 June 2025). <u>YouTube loosens rules guiding the moderation of videos.</u> *The New York Times*, accessed 17 June 2025.

Clarity on relationship between risk of harm and purpose

Access to online environments can provide a range of benefits for children, including opportunities for belonging, self-expression, creativity, learning and entertainment.[3] Online services also provide crucial help-seeking avenues for those experiencing distress. For example, among children in Australia aged 8 to 17 years, 1 in 3 (32%) had sought emotional support online in the past year, with 13% indicating they had done so weekly or more often.[4]

Exclusions for services enabling communication, online gaming, and those that support health and education can benefit children by fostering positive online experiences and allowing them to actively participate in the digital environment. However, as noted above, those services may also carry risks of various types of harm.

Confirming the types of online harm the SMMA obligation seeks to address in the explanatory statement and articulating how excluded services minimise the risk of those harms and provide a predominantly beneficial experience to children will provide clarity for industry and the public. This could include identifying which kinds of online services are intended to be captured by each exclusion, for the avoidance of doubt.

This approach would minimise the potential for age-restricted social media platforms to challenge eSafety's compliance and enforcement efforts on the basis that it has misinterpreted the policy intent of the Rules.

'Sole', 'primary' and 'significant' purpose

The draft Rules rely on terms like 'sole', 'primary,' and 'significant' purpose without defining them. There is little guidance on the application of the relevant statutory tests and interpretation of 'sole or primary purpose' and 'significant purpose' in this context. This creates uncertainty for industry and the public, and enforcement challenges for eSafety if age-restricted social media platforms are able to dispute our interpretation of the purpose tests and claim they fall within an exclusion.

Many online services have multiple purposes, and these purposes may change over time. In addition, the way a particular service classifies or markets itself may or may not reflect community understanding and usage, and may not be consistent across various contexts or forums.

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[3] National Academies of Sciences, Engineering, and Medicine. (2023). *Social media and adolescent health.* Washington, DC: The National Academies Press. https://doi.org/10.17226/27396
[4] eSafety Commissioner. (2022). *Mind the Gap: Parental awareness of children's exposure to risks online*. Aussie Kids Online. Melbourne: eSafety Commissioner.

For example, the Snapchat app is currently categorised as a 'Photo and Video' app on the Apple App Store and as a 'Communication' app on the Google Play store, and has various features and functionality associated with social media platforms. X (formerly Twitter) was categorised as a 'Social' app on the Google Play Store as recently as March 2025, but is now categorised as a 'News & Magazines' app on the Google Play Store, and as 'News' on the Apple App Store. Without clear guidance on the extent to which a service's own statement as to its 'sole', 'primary' or 'significant' purpose is determinative, services may engage in 'regulatory arbitrage' to avoid the SMMA obligation.

The way a service is used in practice – particularly by children – does not always reflect the service's intended purpose. For example, the Saudi Arabian app Sarahah was originally intended for workplace use to facilitate anonymous feedback between employees and employers. Despite its business-oriented design, the app's anonymous messaging feature was widely adopted by children, exposing them to unmoderated content and cyberbullying. Similarly, a recent article from the *New York Times* highlighted the discrepancy between the intended purpose of Instagram, focused on photo-sharing, and the way 'Gen Z' uses the app, primarily for direct messaging and short-form, ephemeral videos.[5]

eSafety notes that draft Rule 5(1)(d) excludes services that are ***used*** 'solely or primarily for business or for professional development'. Unlike the other classes of excluded services, this definition does not rely on a service's intended purpose but rather how the service is used. Noting the delineation between 'purpose' and 'use' in the Rules, it would be helpful for the explanatory statement to clarify how much weight should be given to a service's intended and actual use – and particularly how a service is used in practice by children – in determining a service's 'sole', 'primary', or 'significant' purpose in the other draft Rules.

In sum, eSafety recommends the explanatory statement provide guidance on the different purpose tests; note that a service's purpose may change over time; discuss how much weight to give a service's self-described purpose; and outline some other evidence eSafety may wish to consider in assessing purpose, including how a service is used in practice and the design choices, features and functionality on that service which are associated with relevant harms.

'Sole or primary purpose of enabling end-users to play online games with other end-users'

It would be particularly beneficial for the explanatory statement to provide guidance about the exclusion relating to online games. It is not currently clear to eSafety whether this exclusion is intended to capture services which do not themselves offer games, but rather, offer ancillary features and functionality for gaming platforms. Examples include:

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[5] Holtermann, C. (12 June 2025) '<u>Instagram Wants Gen Z. What Does Gen Z Want From Instagram?</u>', *New York Times*. accessed 16 June 2025.

- services that host games created by users (in addition to other content)

- services used by gamers to message, voice call or video call during game play

- services used by gamers to livestream their gameplay to other players

- devices and consoles (including consoles that may have social interaction functionality built into the console)

- information sharing forums or channels pages on information sharing forums where users discuss gameplay.

These features can include, but are not limited to, livestreaming, messaging, invitations to play, or leaderboards. In certain circumstances, the online gaming service may require the user to also use the service providing the ancillary features and functionality to participate in an online game. This highlights the complexity in determining when a service has the sole or primary purpose of enabling a user to play online games.

Option 3: Add criteria for safety measures to mitigate features and functionality associated with harm

No service is immune from being weaponised or misused. An online service purporting to have a positive or beneficial primary purpose does not necessarily mean the service is less harmful or less likely to expose children to online harms, particularly where the service is not designed with safety in mind.

For example, eSafety's recent Youth Survey highlighted that many harms observed on social media services are also present and experienced by children using certain messaging and gaming services, though to a lesser extent than social media services.[6] 1 in 3 Australian children reported their most recent or impactful experience of cyberbullying occurred on a communication platform,[7] while 1 in 4 reported recent or impactful cyberbullying while online gaming.[8]

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[6] 'Social media' was defined in the survey as 'any online platform or app where people can both interact with other people and post or share content like photos or videos'. Platforms considered social media for the purposes of this survey were: YouTube, TikTok, Instagram, Snapchat, Facebook, Pinterest, Steam, Reddit, Twitch, X (Twitter), BeReal, Threads, and 'another social media platform or app'. This definition of social media does not necessarily align with the definition of social media in Part 4A of the Act and should not be relied upon for determining which platforms are or are not included under Part 4A of the Act or the draft Rules.

[7] 'Communication platforms' were defined in the survey as apps or platforms to 'chat with, message, call or video call anyone online'. Platforms considered communication platforms for the purposes of this survey were: Discord; Email; FaceTime; Google Chat; IMO; KakaoTalk; Kik; Line; Messenger Kids; Messenger; Signal; Skype; Telegram; Text messages; Viber; WeChat, WhatsApp; Wickr; 'another app or platform to message, call or chat to people online'.. This definition of 'communication platforms' should not be relied upon for determining which platforms are or are not included under Part 4A of the Act or the draft Rules.

[8] In the survey, online gaming included 'online video games' and 'Voice or text chat in a video game or console'. This definition of online gaming should not be relied upon for determining which platforms are or are not included under Part 4A of the Act or the draft Rules.

The draft Rules also do not currently account for the features and functionality that can cause or contribute to harm. As stated earlier, eSafety has observed that many services, regardless of their purpose, utilise features that are associated with harms to health, such as ephemeral content and persistent notifications and alerts. These also have the potential to be used in harmful ways where they may have a negative impact on children's sleep, wellbeing and attention.

A number of jurisdictions, including the United Kingdom, the European Union and some states in the United States, have adopted an approach focusing on mitigating the risk of certain design choices, features and functionality. This includes identifying certain design choices that are associated with excessive use, encouraging harmful engagement that is detrimental to health, or amplifying or exacerbating content and contact related harms, and requiring services to take steps to address or mitigate these harms.[9]

A potential approach to addressing certain harms in the Rules is to adopt an eventual reform involving a two-pronged test that references features and functionality associated with harm. The two-pronged test could require the online service to meet the existing purpose/use test and also meet a requirement to implement effective safeguards and safety measures if it has any of the features and functionality identified as posing a high risk of relevant harm. The criteria to have safeguards and safety measures for the identified features and functionality would need to be the default setting for all accounts.

Features and functionality associated with harm

Social media and other online services are designed to maximise user reach, engagement duration and time users engage on service, and overall activity on the service. Certain design features or functionality may be intentionally crafted to maximise content consumption by tailoring what users see to align with their interests and attention patterns. These designs often introduce time pressures, foster a sense of urgency and minimise friction to encourage continuous engagement. Additionally, many design choices aim to boost user activity by quantifying popularity, prompting and rewarding interactions, and making it easy to connect, share and participate on the platform.

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[9] In the United Kingdom, Ofcom has identified a number of features and functionalities as posing a risk of harm for the purposes of providers undertaking a Children's Risk Assessment. In the European Union, Article 34 of the Digital Services Act (DSA) requires providers of 'very large online platforms' to identify, analyse and assess any systemic risks stemming from the design or functioning of their service and systems, including algorithmic systems, and their negative effects on children' physical and mental well-being (among other issues). Article 28 of the DSA requires providers of all online platforms to put in place measures to ensure a high level of privacy, safety and security for minors (children). The European Commission has released draft guidelines for consultation for Article 28. In California, the Protecting Our Kids from Social Media Addiction Act would make it unlawful for the operator of an 'addictive internet-based service or application', which includes but is not limited to social media platforms, to provide an addictive feed or send user notifications to a child/minor under 18 without parental consent. The New York Stop Addictive Feeds Exploitation (SAFE) For Kids Act has also introduced requirements to deal with certain design choices.

Features that aim to maximise user engagement and activity are commonly referred to as 'persuasive design'.[10] There is concern that, particularly in the context of children, such design prioritises engagement at the expense of user health and safety. Although most design features are not inherently harmful, when they prioritise engagement over safety and wellbeing, are implemented without appropriate safeguards, and lack transparent, rigorous impact assessments, they can contribute to or amplify risks that negatively impact children online.

Determining the unique and specific impacts of individual design features is challenging, as harms may result from the cumulative effect of multiple features, or the way these features are operationalised (such as through embedded reward systems).[11]

Additionally, they can be difficult to examine because of the constantly evolving nature of digital platforms. This complexity is further compounded by the limited availability and transparency of data from online services regarding health impacts. Furthermore, the effects of these design features can vary greatly depending on individual factors, including developmental vulnerabilities and the presence of protective factors within the home environment.[12]

There is increasing concern that the use of persuasive design may cross into the territory of 'manipulative design', exploiting children's under-developed cognitive capacities (such as impulse control or self-regulation) or developmental sensitivities, included heightened responsiveness to social feedback and evaluation. These tactics are likely to have a disproportionate impact on children's health and safety. Particularly concerning are design choices that may undermine a child's autonomy or control of their digital experiences. Common features associated with such risks include:

- personalised and algorithmically recommended content (such as recommender algorithms and content moderation tools)

- endless content feeds (such as auto-play and infinite scroll)

- engagement prompts (such as alerts and notifications)

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[10] 5Rights Foundation. (2023*). Disrupted childhood: The cost of persuasive design*, 5Rights Foundation, accessed 16 June 2025.

[11] Maheux, A. J., Burnell, K., Maza, M. T., Fox, K. A., Telzer, E. H., & Prinstein, M. J. (2025). Annual Research Review: Adolescent social media use is not a monolith: toward the study of specific social media components and individual differences. *Journal of child psychology and psychiatry, and allied disciplines*, 66(4), 440–459. https://doi.org/10.1111/jcpp.14085

[12] National Academies of Sciences, Engineering, and Medicine. (2024). *Social Media and Adolescent Health.* Washington, DC: The National Academies Press. https://doi.org/10.17226/27396
Maheux, A. J., Burnell, K., Maza, M. T., Fox, K. A., Telzer, E. H., & Prinstein, M. J. (2025). Annual Research Review: Adolescent social media use is not a monolith: toward the study of specific social media components and individual differences. *Journal of Child Psychology and Psychiatry, and Allied Disciplines*, 66(4), 440–459. https://doi.org/10.1111/jcpp.14085
American Psychological Association. (2023). *Health advisory on social media use in adolescence*, American Psychological Association, accessed 17 June 2025.

- quantifiable social metrics (such as likes, reacts, follower counts)

- ephemeral and time-sensitive content (such as stories, streaks, engagement rewards, and double ticks)

- emerging AI-driven tools and features (including chatbots and content modifications tools).

The above list is not exhaustive. It does not capture all features that may contribute to harm, nor does it address the full range of design elements associated with risks to children's health and safety. Notably communication features (such as direct messaging, livestreaming, public posting, and group messaging) can also play a significant role in perpetuating or facilitating harm, particularly in the context of unwanted or harmful contact and interactions. This list reflects only a snapshot of currently recognised features and their impacts. Ongoing monitoring and investigation of emerging social media and associated functions remains a critical priority, given that children and young people are often the earliest adopters of new technologies.[13]

Measures to mitigate the risk of certain design choices, features and functionality

To mitigate risks of harm, eSafety strongly encourages the Safety by Design approach. 'Service provider responsibility', 'user empowerment', and 'transparency and accountability' are the key foundational pillars of Safety by Design, meaning the responsibility of safety should never fall solely upon the user. Service providers should examine every feature and design aspect of the service to ensure it minimises risks to children and other users.

The safeguards and mitigation strategies recommended across the literature – particularly in major health advisories and grey literature as cited above – vary in scope and approach. They range from more restrictive measures such as limiting or disabling certain features for children, to design-orientated strategies that prioritise children's safety. These include approaches that support user agency by helping children become more informed, empowered, and in control of their online experiences.

Where features are not entirely restricted, many recommendations call for safeguards that apply broadly across all design elements. Key strategies, many of which could be further developed in the Rules, include principles and practices that ensure all features, functionalities and design choices are aligned with child safety and wellbeing.

This proposed consideration would require a clear and detailed articulation of appropriate safety measures to prevent regulatory arbitrage and support effective enforcement. This

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[13] Sala, A., Porcaro, L. and Gomez, E. (2024) Social Media Use and Adolescents` Mental Health and Well-being: an Umbrella Review, *Computers in Human Behavior Reports*, *14*(100404), 1–15. https://doi.org/10.1016/j.chbr.2024.100404

could be done by including the ability for eSafety or you to issue directions, from time to time, specifying the required safety measures with the necessary level of specificity.

Context and challenges with this approach that require further thinking

While eSafety believes this option would have the benefit of more closely aligning the Rules with consideration of risks and harms per the intention of the SMMA obligation, we also recognise challenges which are likely to necessitate an alternative approach in the short term, as set out below.

There are complexities in determining when a design choice, feature, or functionality can be harmful and under what conditions. The potential for harm depends not only on individual features and functionality, but also on their strength, influence, discoverability, how they are used, and cumulative effect. The vulnerability and specific circumstances of the child using the online service is also germane to the impact and risk of harm.

In some cases, the evidence on safeguards and best practice advice for certain features is still emerging and may vary to some extent across different types of services. Equally, the intersecting regulatory frameworks applying to relevant content and/or features are still under development. For example, eSafety is currently assessing the industry-drafted Phase 2 Codes, which include proposed measures for social media and other online services to reduce children's exposure to, and empower all users to control their encounters with, 'class 2 material' such as high impact pornography, violence, and themes such as suicide and serious illness, including self-harm and disordered eating. While the Rules could make reference to compliance with related regulatory schemes, such as Industry Codes and Standards as well as the Basic Online Safety Expectations, this may also create additional complexity.

The effectiveness of the approach is highly dependent on how certain features and functionality are defined and/or categorised. If features or functionality are listed, or defined by narrow categories, services may remove one harmful feature only to substitute it with another that achieves the same harmful outcome (for example, removing autoplay but embedding other features that promote continuous use instead).

In addition, a platform's definition and use of features and functionality can vary. For example, TikTok, YouTube, Facebook and Instagram all have short form videos on vertical feeds, with seemingly endless content. However, YouTube and Facebook will automatically move to the next content, while TikTok and Instagram require users to 'swipe'. If a feature is defined narrowly, a service may seek to rely on a small nuance to distinguish its feature. Combined with the constantly evolving nature of services and emergence of new features, the articulation of features would also need to be sufficiently broad to enable some flexibility but not so broad as it would be difficult to implement.

Finally, this approach would require an in-depth assessment whereby platforms must demonstrate to eSafety that they have effectively minimised relevant risks across a range of specified features and functionality. With the rapid pace of change in the technology sector, coupled with the opacity around how features and functionality are operationalised, keeping assessments up to date and attempting to validate the relevant information may create regulatory burden for both services and eSafety.

In light of these challenges and the time constraints to ensure the Rules are made by mid-year, eSafety considers an appropriate alternative to implementing Option 3's two-prong test would be to adopt a combination of Options 2 and 5. This would involve providing guidance about harmful features and functionality in the explanatory statement to the Rules, and monitoring implementation to identify any emerging challenges which should be addressed through further Rules or Digital Duty of Care reforms.

Option 4: Introduce a new rule for lower-risk, age-appropriate services that do not meet the current criteria

There are a number of services that are designed with the intention of providing safer and age-appropriate experiences and content to all users, including young children. These services often promote themselves as offering safer online environments that help children play, learn, and thrive.

Some services of this type may contain highly controlled social engagement features, such as posting content, likes and comments, without providing other common features of social media platforms like direct messaging, video calling, ephemeral content, or appearance editing tools. Many of these services have more robust safety measures, such as the moderation of content before it is posted, strict limitations on what content can be posted, and the provision of terms of use in a child-friendly format.

These services generally present fewer risks of harm to children, with minimised likelihood of exposure to harmful content, contact, or conduct due to the highly restrictive interactivity between users and/or greater levels of content regulation. This aligns with the intent of section 63B, where the risk of online harm is generally considered to be low.

eSafety anticipates some of these services will be excluded from the SMMA obligation under the draft Rules where they have a purpose of supporting education or enabling end-users to play games. However, there may be services which do not meet any of the proposed purpose tests, but are nonetheless safer and beneficial for children to use.

An unintended outcome would be that services designed to provide safer and age-appropriate experiences and content to all users, including young children, could no longer allow children under 16 to have accounts. Consideration could be given to introducing a new

Rule to exclude lower risk, age-appropriate services which have effectively minimised the risk of harm for children of all ages.

Any new Rule that responds to this concern would need to be drafted in a clear, specific, and enforceable way, and further guidance and information would need to be provided in the explanatory statement to align the exclusion with Safety by Design principles and the best interests of the child. These services would need to have effective safeguards in place to protect the health, wellbeing, and broader rights of children.

Services that could rely on this exclusion should include features such as very limited or fully moderated interactivity between users, and high levels of content restriction or moderation (e.g., pre-moderated or curated content designed for young children). Ideally, such services should not have in-app and push notifications, infinite scroll, and short-form video feeds with auto-playing videos switched on by default.

Alternatively, if drafting such a Rule may prove challenging in light of time constraints, eSafety could exercise discretion so as to focus on high-risk services and give less priority to lower risk services that are age-appropriate for children of all ages.

Option 5: Monitor implementation of the SMMA obligation and the Rules for future reforms

As services change and incorporate new features and functionality, so too will their risk. There is a risk children will migrate to excluded services with harmful features, exposing them to the very harms the SMMA obligation seeks to address. This may also have the unintended consequence of children migrating to services where eSafety's current powers to remediate harms such as cyberbullying are less effective.[14]

While I consider option 3 could help address some of these risks, I also acknowledge the complexity of the proposed approach, and that additional time may be needed to fully consider how it could be implemented, including the scope of features and functionalities it would encompass. Given the timing constraints, I suggest you consider revisiting option 3 in future iterations of the Rules or providing further consideration of harmful design choices through complementary regulatory mechanisms such as the proposed Digital Duty of Care being considered as part of broader reforms of the Act.[15] As noted above, this could include

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[14] For example, without a power to require services to action accounts in addition to items of content, eSafety will not be able to effectively remediate cyberbullying occurring on services such as messaging services where the online abuse is occurring in closed groups or chats.

[15] Broader reforms to the Act may also enable consideration of how to protect and empower children on services which likely fall outside the scope of the definition of age-restricted social media platform, such as standalone AI companion and chatbot services, which may pose significant risks of harm.

the ability for eSafety or yourself to issue directions from time to time in relation to safety measures or other criteria under the Rules.

To ensure the Rules remain effective and responsive to emerging risks, a process of continuous evaluation and refinement of the Rules will help maintain alignment with the evolving digital environment and uphold the intent of Part 4A in protecting children under the age of 16 from online harms.

From: eSafety Commissioner s 47E(d) @esafety.gov.au>
Sent: Tuesday, 24 June 2025 4:27 PM
To: Richard Fleming
Subject: An update from the eSafety Commissioner

Earlier today, I delivered a speech to the National Press Club of Australia outlining our progress on the implementation of the Social Media Minimum Age (SMMA) legislation. As we approach the mid-point of 2025, I wanted to update you on this and other eSafety activity.

This year is moving fast, and we are ready to lead the charge.

Australia's new SMMA legislation is a world-first, and global attention is focused on how we will implement this bold regulatory scheme. While often referred to as a ban, a more accurate description is a 'social media delay' – one that is designed to give children a reprieve from harmful and deceptive design features of certain social platforms and vital time to build digital literacy and resilience. This is one of the most complex and novel laws eSafety has ever implemented, and we've already reached several key milestones, with more on the horizon.

A pivotal next step involves the Minister for Communications, Anika Wells, determining which platforms will be subject to the minimum age requirement. Last week, the Minister sought eSafety's independent advice on the draft rules, which was published for full transparency. The Minister will consider this advice in finalising the rules before they go through parliamentary scrutiny. In parallel, the government's age assurance trial has released promising preliminary findings, showing that technologies, when deployed the right way and likely in conjunction with other techniques and methods, can be private, robust and effective.

Next week, eSafety will begin consulting to inform our development of regulatory guidance, including on the reasonable steps age-restricted social media platforms can take to prevent under-16s from having accounts. This consultation will engage stakeholders across industry, academics, advocates, parents, and children and young people themselves.

And finally, we have conducted a merit-based process to form an independent Academic Advisory Group to ensure we are incorporating evidence and robust evaluation into the implementation of the legislation. The independent Academic Advisory Group brings together some of the foremost academic minds in the world. Their insights will help ensure our approach is evidence-based and, continuously improving. This will be a key data source for the independent evaluation which the Minister will initiate within two years of the social media minimum age obligation taking effect.

We will continue to keep you informed as we roll out SMMA throughout the year.

Further regulatory updates

s 22

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s 22

s 22
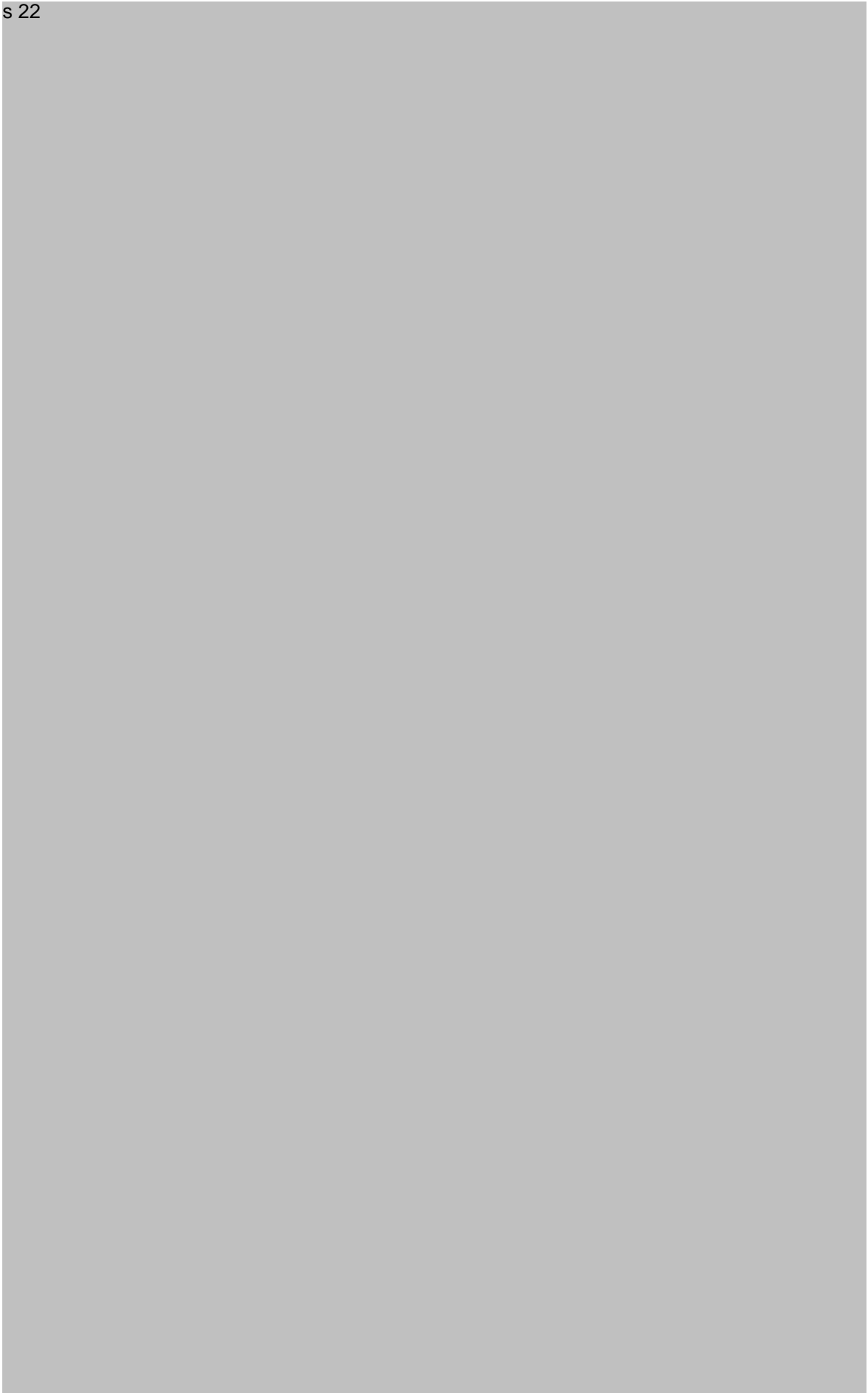
Yours sincerely,

Julie Inman Grant
eSafety Commissioner

Australian Government | eSafety Commissioner

eSafety.gov.au

To find out how eSafety handles, manages and protects your personal information, check out our **Privacy policy.**

From:	Julie Inman Grant
Sent:	Saturday, 28 June 2025 9:47 AM
To:	DL - eSafety Commissioner and Staff
Subject:	eSafety Recap of the Massive Week that was! [SEC=UNOFFICIAL]

Dear eSafety Team:

ICYMI, last week I presented at the National Press Club, marking an important moment as we move towards implementing the Social Media Minimum Age (SMMA) restrictions. It was an opportunity for us to give the public and government confidence that all is well in-hand and to show the world how we are leading the charge on one of the most complex and novel laws eSafety has ever implemented. We've already reached several key milestones, with more on the horizon.

The Press Club address was a valuable opportunity to provide an overview of the present online safety environment - and looming threats - as well as longer term challenges and opportunities as we work towards December commencement. My message focussed on how we are implementing this work in tandem with other potent regulatory tools like our code and standards, while continuing to support parents, educators and young people with information, resources and advice.

Importantly, I reiterated that we are approaching the SMMA not as a ban, but a delay, giving children and young people an opportunity to build the resilience, critical thinking and confidence they need to navigate treacherous online waters more safely. We also issued a call to action for parents to, "start the chat and delete the apps" and reinforced that government is backing them in!

The speech was followed by a recap of key messages in an email to our stakeholders.

The presentation received significant commentary and coverage including from The Daily Telegraph, The Sydney Morning Herald and Age, The Australian, The Conversation, Channel 9, The Guardian, The Nightly, ABC and SBS.

In addition to broad media coverage we also received support from experts, industry groups and other key stakeholders, including UNICEF Australia, Age Verification Providers Association, International Justice Mission Australia, Greg Attwells, Maggie Dent, Dr Justin Coulson, Lucy Thomas OAM and Taryn Black.

Importantly, our new Minister Anika Wells was pleased with the messaging and reception and is excited to get out in the public to echo these messages herself. She has some important

upcoming announcements marking some key milestones she is responsible for, including announcing the binding rules and the final findings of the Age Assurance Technical Trial!

Presentations to an audience on this scale only happen with support and input from teams across eSafety. My thanks to all those who provided their advice, content, knowledge and skills in the development of this address. This was an agency-wide effort and was an arduous and iterative process!

I want you all to know that when I am up there on stage, fielding a seeming unending number of journalists questions or doing media interviews, one of the most important audiences I think about is the team here at eSafety. I want to ensure that I am representing all of your work in the best possible light. Because every single one of you makes a difference and nothing that we do here is a solo endeavour- it is all about team work!!! Honestly, I want you to be proud of the work we all do and what we have achieved over almost a decade in existence! I am certainly proud and am certainly aware that none of this could be achieved without all that you do!

s 22

Thank you again for all of your hard work - it has been another massive FY!!! I look forward to sharing further updates with you all over coming months.

s 22

Wishing you a Happy eSafety 10th Anniversary and ci vediamo presto!!!

All the best,

Julie

Get Outlook for iOS

Social Media Minimum Age Implementation

Suggested Talking Points for Minister Wells as at 16 July 2025

What will platforms be expected to do to comply with the Social Media Minimum Age?

- After the Minimum Age takes effect on December 11. Australians can expect to see social media platforms taking steps to **restrict under 16s from setting up or continuing to use accounts**.

- We recognise this is a complex task and it would be unrealistic to expect full compliance overnight but the eSafety Commissioner will work with industry to ensure platforms are progressively implementing reasonable steps to meet their obligations.

- We have deliberately avoided mandating a one-size-fits-all approach to compliance. Each platform works slightly differently and is starting from a different baseline of existing practices for determining their users' age.

- Rather than government mandating a single method, we have therefore left it up to the platforms to decide which methods they use. **The Government's main requirement** is that they are effective and respect other laws, such as the Privacy Act.

- To be clear, the intent of the Legislation is not to punish platforms with the full force of the law every time an Australian child finds a sneaky way around the system to set up a social media account on the sly.

  o Children being children, I think we are all aware there will be examples of this.

- However, platforms will be expected to take reasonable steps to prevent such instances, and it is the implementation of these reasonable steps that will be the ultimate measure of compliance.

- The focus here is on systems, not isolated individual instances.

- As adults, I think we can all understand this is the surest and most sensible way we can give parents that extra layer of protection to help keep their children safe while they develop the critical reasoning and resilience needed to thrive in today's online world.

- The eSafety Commissioner is now directly consulting with industry and other stakeholders, as well as the OAIC, to inform the development of its regulatory guidance. This will include guidelines on the 'reasonable steps' platforms are expected to take to prevent under 16s from having accounts on their services.

- eSafety's guidance will set out how the social media minimum age intersects with other regulatory requirements to ensure regulatory coherence, and be based on a

range of evidence, including the results of the independent Age Assurance Technology Trial, as well as consultations that are currently being held with industry, experts, parents and carers and children and young people.

- But this guidance isn't the be-all and end-all. eSafety is <u>already</u> working with the key platforms where we know Australian children are present in large numbers, and where there are features associated with risks to children. By starting this 'supervision' of platforms now, eSafety is working to ensure they are <u>currently</u> putting steps in place to be ready for the Social Media Minimum Age taking effect, without having to wait for the guidance to be published.

- And in the meantime, from August and leading into the social media minimum age legislation taking effect, eSafety will be publishing an array of resources that help explain the social media minimum age and how it will work to the Australian community, including parents and carers and children and young people. The bulk of these resources will be timed to coincide with other activities planned by Government, but an early update to the eSafety website will include an extensive set of FAQs intended for a general audience including parents and carers.

- What I want parents to know now is that there are four main things eSafety will expect from platforms:

  o **First, platforms will have to take reasonable steps to find existing accounts held by children under 16, and deactivate those accounts.**

    ▪ eSafety will provide guidance on finding those accounts, as well as guidance about how to deactivate accounts in a safe and supportive way, informed by lessons learned through the age assurance trial, the outcomes of industry consultation, and guidance received from the OAIC.

  o **Second, platforms will have to take reasonable steps to prevent under 16s from opening new accounts.**

    ▪ There are a range of technologies available to check age, and eSafety will be drawing on the technology trial, consultations and international regulatory approaches to set out the principles or criteria that these technologies should satisfy. This is likely to include principles relating to accuracy, privacy, security, equity and choice.

    ▪ Guidance setting out eSafety's approach to applying ministerial rules on which services are excluded, and eSafety's early view of what constitutes reasonable steps that might be taken by providers of age-restricted social media services to prevent under 16s from having accounts, will be staged through September and October, respectively.

  o **Third, platforms will have to take reasonable steps to prevent circumvention.**

    ▪ We know children will find work-arounds, and no measures will work 100% of the time, but platforms can take steps to identify possible evasion of controls and an account holder needing to have their age checked again. This includes making sure there are accessible pathways for people – including parents – to report underage accounts, and for

platforms to confirm those reports before actioning them to mitigate against any malicious reporting.

- o **Fourth, because no measures work 100% of the time, platforms will need to have processes to correct errors.**
  - In addition to some under 16s managing to obtain or keep accounts, it is possible that some over 16s may be prevented from having accounts, or have their accounts deactivated in error.
  - It's really important that platforms have fair, expedient, and accessible appeals mechanisms to ensure that those over the age of 16 are not wrongly prevented from using their accounts and accessing the benefits of social media.
  - As a result, eSafety will also be working on providing guidance to industry on what support mechanisms they should implement, including having a fair and accessible appeals and redress mechanism and ensuring all affected users are provided with clear and easy to understand information.

- Putting all these together, **what could age assurance look like?**
  - o Platforms are different, and so are people's preferences. As such, there will be a range of different options available between platforms, and even a number of options for consumers to choose from on individual platforms.
  - o These could include: facial or other age estimation, verifying details held in other documents (such as credit cards), and government issued IDs.
    - The law prohibits platforms from <u>only</u> offering government ID, a reasonable alternative must be available for those who don't want to (or can't) use them.
  - o For many Australians with existing accounts platforms may not need any new data, provided that you consent to them using your existing data.

What do parents and carers need to know

What this change means for families:

- **It's not a ban, it's a delay.** This social media delay gives under 16s more time to build digital literacy skills and resilience, before facing the pressures of social media.

- **The responsibility lies with the platform.** Children and their parents or carers will not be penalised. Platforms must take reasonable steps to prevent under 16s from holding accounts.

- **Age-restricted social media platforms need to be ready to take action to prevent under 16s from having accounts on their services by 11 December.** The capabilities of social media services differ across industry, but regardless of their differences this legislation is the beginning of a shift to support families in their conversations with the young people under 16, in their care.

- **eSafety will initially focus on those services where we know younger Australians are.** These are the services where younger Australians both tend to spend the majority of their time, and where they are disproportionately encountering harms.

As we approach December, I encourage parents and carers to have open, ongoing conversations with their children about the change:

- Lead with empathy and understanding.

- Ask your child how they currently use social media.

- Talk about the new legislation and what it means.

- Explain why these restrictions exist - as protections, not punishments.

- Prepare for the questions or worries - some under 16s may feel upset, worried or angry. Validate their feelings and offer reassurance.

- Explore safe alternatives together for staying connected with friends and expressing themselves online.

- Reassure them they can always come to you or a trusted adult.

Support is available:

- Explore eSafety tips for parents and carers on how to start hard-to-have conversations, use parental controls and manage time online.

- Seek help if you need further support for your child's health and wellbeing. See a full list of counselling and support services.

What's coming for young people, educators and parents/carers:

- eSafety will hold meetings with key sector representative bodies (specifically, the National Online Safety Education Council and Trusted eSafety Providers) and publish new resources for educators and parents/carers to understand how this scheme will work. This will commence in August, beginning with the education sectors and run through to November when we will more detailed guidance available to support parents and carers with guidance on having more complex discussions with their children and preparing them for change.

- During this period, eSafety will also prepare a series of short, informative webinars to address the needs of frontline workers who support children and young people. There will also be webinars to support parents and carers. It is anticipated these presentations will be in market by early December and will be updated as needed to address any unintended consequences and, or ongoing concerns.

- eSafety will continue to develop and update this guidance in consultation with the eSafety Youth Council to ensure that when Australian children reach 16, they will be prepared for safer social media use. Explore eSafety advice and resources co-designed with young Australians

- eSafety will also provide ongoing existing education support and professional learning to schools and education sectors. When available, and new advice for educators delivered through the National Online Safety Education Council, Trusted eSafety Providers Program and eSafety Champions Network.

From:	s 22
Sent:	Friday, 15 August 2025 3:51 PM
To:	Kathryn King; Heidi Snell; Richard Fleming; s 22 ; s 22 ; s 22
Cc:	s 22 ; s 22 ; s 22 ; Office of Corporate and Strategy; RegOpsOffice
Subject:	RE: FOR YOUR APPROVAL: SMMA MILESTONE TRACKER [SEC=OFFICIAL]

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OFFICIAL

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Thanks Kathryn,

Looks good. s 47C, s 47E(d)

. Dates are as expected and will be tracked in our system by the indefatigable Delivery team (JIRA and our MarComms plan being cross-checked as we speak).

Current thinking on the timing for a statement on the industry letter is next week, but we'll regroup on Monday around this.

s 22

From: Kathryn King s 22 g@eSafety.gov.au>
Sent: Friday, 15 August 2025 3:09 PM
To: Heidi Snell s 22 @esafety.gov.au>; Richard Fleming s 22 @esafety.gov.au>; s 22 eSafety.gov.au>; s 22 @esafety.gov.au>; s 22 @esafety.gov.au>
Cc: s 22 @esafety.gov.au>; s 22 @eSafety.gov.au>; s 22 @eSafety.gov.au>; Office of Corporate and Strategy s 47E(d) esafety.gov.au>; RegOpsOffice s 47E(d) @esafety.gov.au>
Subject: FOR YOUR APPROVAL: SMMA MILESTONE TRACKER [SEC=OFFICIAL]
Importance: High

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OFFICIAL

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Hi all,

I am very pleased to say I think we now have a solid 📄 plan on a page for SMMA with key milestones across all our workstreams including regulatory and public facing initiatives. This has been the result of significant input and workshops from all your teams, so thank you! I think this now tells a story for the MO/Department that will also meet their expectations.

Underneath this high-level overview of course live more detailed tasks, dependencies, and milestones which s 22 and s 22 are tracking – but if we agree to these milestone release dates, we can properly manage government/public expectations and focus our collective efforts around meeting them.

Items still marked as TBC

s 47C, s 47E(d)

What do we need from you?
- Please review the plan on a page below and confirm you are happy with its representation of work items in your area.
  - Note, this has been reviewed by s 22 s 22 s 22 , s 22 , s 22 , s 22 , s 22 , s 22 and s 22 .
- Confirm that you support sending this to the MO/Department and Julie as our agreed milestones.

Next steps
- Upon your collective approval I will send this to Julie for endorsement, then the MO/Department.
- Commencing Monday @ s 22 will send a weekly email to you all plus Julie on the key activities for the week and status of items. As mentioned, please encourage your teams to keep filtering information through s 22 and s 22 so they can be our single source of truth for where items are at.

Kathryn King

General Manager
Corporate and Strategy Division
eSafety Commissioner
s 22

EA: s 22

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 and present.

From:	Kathryn King
Sent:	Monday, 18 August 2025 9:14 AM
To:	Julie Inman Grant
Cc:	Heidi Snell; Richard Fleming
Subject:	RE: SMMA Key Milestones [SEC=OFFICIAL]

OFFICIAL

Hi Julie,

Thanks for your feedback – let's discuss further in GM Scrum this morning but I will note, what is listed on that slide comprises all the resources being developed by EPaC. There is a more detailed version of this of course, but it all rolls up to the assets listed below.

I think getting a verbal briefing from EPaC would be great so we can all be on the same page 😊

Parents
- Dedicated web page for Parents – Pulls together all relevant updated web content in one place.
- Conversation starters (how to have the chat – this is where your 'start the chat, delete the app' idea would come in.
- Checklist for Parents – Including backing up content, understanding which apps your kid is on etc..
- 4x 5 min video webinars explaining key topics

Educators
- Digital literacy resource pack for schools including
  - Downloadable fact sheet outlining key features of the reforms
  - FAQ for educators on how to support students
- Dedicated web page for Educators including updated digital literacy content and educator professional learning.
- Update to Toolkit for Schools to include above information.

Young people
- Family Tech Agreement – A new one to align with SMMA changes
- Dedicated web page with updated web content.

Cheers,
Kathryn

From: Julie Inman Grant s 22 @eSafety.gov.au>
Sent: Sunday, 17 August 2025 8:50 AM
To: Kathryn King s 22 @eSafety.gov.au>
Cc: Heidi Snell s 22 @esafety.gov.au>; Richard Fleming s 22 @esafety.gov.au>
Subject: RE: SMMA Key Milestones [SEC=OFFICIAL]

OFFICIAL

Hallelujah! It's so great to have this on one slide! Here's a version with my questions/comments. s 47C, s 47E(d)

1

Thank you all (and s 22 and s 22) for rounding the troups and getting something solid in place for us all to work towards. It gives clarity and certainty to us all!

Julie

From: Kathryn King s 22 @eSafety.gov.au>
Sent: Friday, 15 August 2025 5:09 PM
To: Julie Inman Grant s 22 @eSafety.gov.au>
Cc: Heidi Snell s 22 @esafety.gov.au>; Richard Fleming s 22 @esafety.gov.au>
Subject: SMMA Key Milestones [SEC=OFFICIAL]

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OFFICIAL

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Hi Julie,

Please see the 📄 plan on a page for SMMA with key milestones.

From Monday, s 22 will commence sending a weekly email to everyone outlining what's on for the week and some key updates including if any of these items are experiencing delays. As I mentioned to you, it's taken quite a lot of behind the scenes work to land on these milestones and get all the teams to feel comfortable committing to them. With this settled, we can now hold teams accountable to hitting these milestones.

Underneath this of course are detailed tasks, dependencies, and internal milestones (including dates when SEB will receive various items for clearance). This level of detail will be provided next week, but we just wanted to first land on the public facing milestones and go from there.

Next internal milestone:
- Reg Guidance Framework will be to all of us by Monday latest (it's just being finalised now) and we can discuss it at GM Scrum.
- Assessment Framework will be to us next week.
- A further draft of the Reg Guidance will be to GMs next week. If it is solid enough, we will send it to you early visibility, otherwise Richard and Heidi will manage it with s 22 and s 22 The public release date for the guidance is w/c 15 September.

No action is required now. We plan to discuss all this in more detail with you on Monday and once you are happy, send this information to the Department/MO as our source of truth for what is going out and when.

The only items still marked TBC are as follows and will be updated soon:

Kathryn King

General Manager
Corporate and Strategy Division
eSafety Commissioner
s 22

EA: s 22

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 and present.

s 47C, s 47E(d)

From:	Heidi Snell
Sent:	Thursday, 21 August 2025 12:04 PM
To:	s 22 ; Kathryn King
Cc:	Richard Fleming; s 22 ; s 22 ; s 22
Subject:	RE: Draft outline of reg guidance for your consideration [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Thanks so much for the thoughtful approach to this outline. I am confident we are going to land this guidance in a way that will be focussed, concise and helpful to industry.

I look forward to seeing where the drafting is up to when I return from leave on 1 September.

Cheers
H

From: s 22 @eSafety.gov.au>
Sent: Friday, 15 August 2025 4:52 PM
To: Heidi Snell s 22 @esafety.gov.au>; Kathryn King s 22 @eSafety.gov.au>
Cc: Richard Fleming s 22 @esafety.gov.au>; s 22 @eSafety.gov.au>; s 22 @esafety.gov.au>; s 22 @esafety.gov.au>
Subject: Draft outline of reg guidance for your consideration [SEC=OFFICIAL:Sensitive]
Importance: High

OFFICIAL: Sensitive

Hi all

With huge thanks to the team and apologies for the delay, **here is the draft reg guidance outline for your consideration ahead of it going to the Commissioner:** 20250815 - draft high level outline - regulatory guidance - aug.docx

s 47C, s 47E(d)

Very happy to chat – I'm around this evening.

Have a lovely weekend!

1

s 22

s 22

Executive Manager, Industry Compliance & Enforcement

s 22

Executive Assistant: s 22

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 and present.

From:	Heidi Snell
Sent:	Wednesday, 3 September 2025 9:21 AM
To:	Julie Inman Grant; s 22 ; Kathryn King; Richard Fleming; s 22
Cc:	s 22 ; s 22 ; s 22 ; s 22 ; s 22 ; RegOpsOffice; Office of Corporate and Strategy; s 22 ; s 22 ; s 22
Subject:	RE: Review Items for GM and Commissioner Clearance 3/9 [SEC=OFFICIAL]

OFFICIAL

Thanks Julie, agree with your comments re relevant addresses, apologies for not picking that up, and yes I think we can task that function to Industry Supervision.

s 47C, s 47E(d)

From: Julie Inman Grant s 22 @eSafety.gov.au>
Sent: Wednesday, 3 September 2025 9:08 AM
To: s 22 @eSafety.gov.au>; Kathryn King s 22 @eSafety.gov.au>; Heidi Snell s 22 @esafety.gov.au>; Richard Fleming s 22 @esafety.gov.au>; s 22 @eSafety.gov.au>
Cc: 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>; RegOpsOffice s 47E(d) @esafety.gov.au>; Office of Corporate and Strategy s 47E(d) @esafety.gov.au>; s 22 @esafety.gov.au>; s 22 @eSafety.gov.au>; s 22 @esafety.gov.au>
Subject: Re: Review Items for GM and Commissioner Clearance 3/9 [SEC=OFFICIAL]

Hi s 22 - s 47C, s 47E(d)

s 47G

I only have my phone with me - I'll be in the office in about 20 minutes and will tackle then.

Julie

Julie

Get Outlook for iOS

OFFICIAL

OFFICIAL

Morning all,

For ease of reference, please find attached the following items ready for GM/commissioner clearance this morning (added to calendar invite and to be sent via email) – we are still waiting on the updated/designed Self Assessment (who's in and who's out) doc to be finalised before coming back to you for sign off. We will send as soon as it is available.

- Media Release (sent with review docs yesterday, but think this is **still pending review by Commissioner and all GMs**)

- Tranche 2 letters - **for review by Commissioner**
    - Letter to Discord from eSafety Commissioner regarding SMMA obligations.docx
    - Letter to Kick from eSafety Commissioner regarding SMMA obligations.docx
    - Letter to Lego Play from eSafety Commissioner regarding SMMA obligations.docx
    - Letter to Pinterest from eSafety Commissioner regarding SMMA obligations.docx
    - Letter to Reddit from eSafety Commissioner regarding SMMA obligations.docx
    - Letter to Roblox from eSafety Commissioner regarding SMMA obligations.docx
    - Letter to X from eSafety Commissioner regarding SMMA obligations.docx

- Tranche 3 letters - **for review by Commissioner and Heidi/Richard**
    - Letter to GitHub from eSafety Commissioner regarding SMMA obligations.docx
    - Letter to HubApp from eSafety Commissioner regarding SMMA obligations.docx
    - Letter to Match from eSafety Commissioner regarding SMMA obligations.docx
    - Letter to Steam from eSafety Commissioner regarding SMMA obligations.docx
    - Letter to Twitch from eSafety Commissioner regarding SMMA obligations.docx

- Who's in/who's out (now edited/designed) - previously reviewed by Commissioner and GMs; now in for **a final check by Commissioner and all GMs – will send this as soon as it is available.**

For awareness, the following items **will be published this evening** ahead of media tomorrow (Thurs):
- Media Release (for review today)
- Consultation Summaries (AYAC, PRC, eSafety; reviewed yesterday)
- ==Who's in/Who's out self-assessment framework== (for review today)

Tranche 2 and 3 letters will be sent out to the platforms tomorrow (Thurs).

From:	Heidi Snell
Sent:	Saturday, 6 September 2025 8:21 PM
To:	Julie Inman Grant
Cc:	Richard Fleming; Kathryn King; **s 22** **s 22**
Subject:	FOR REVIEW: 2025 eSafety Draft SMMA Reg Guidance .docx [SEC=OFFICIAL]

OFFICIAL

OFFICIAL

Hi Julie

Please see below link to the DRAFT SMMA Reg Guidance. A huge thanks to the team for all their work on this and to Richard and Kathryn for their review today. I also note **s 22** had the opportunity to review and provide feedback late last week as well.

Please note - proofing, including footnotes, consistency of language and final design are still to occur.

We encourage you to read through before making edits if possible. We acknowledge it is a long document, but I do believe the team have sought to incorporate all the elements you have indicated were important - of course please don't hesitate to let us know of any gaps or issues you remain concerned about.

I have accepted Kathryn, Richard and my tracked changes in this version to make it easier for you to read, but have left in key comments from the team and the three of us that indicate the thinking behind certain sections or where we are still considering issues - we welcome any thoughts you have on any of these.

https://esafety365.sharepoint.com/sites/IndustryRegulationandLegalServicesBranch/Shared%20Documents/08.%20SMAR/05%20Regulatory%20Guidance/2025%20eSafety%20Draft%20SMMA%20Reg%20Guidance%20.docx?web=1

We look forward to discussing with you further on Monday.

Cheers
H

From:	Heidi Snell
Sent:	Friday, 10 October 2025 3:22 PM
To:	s 22
Subject:	RE: High level - SMMA Compliance and Enforcement Approach.pptx [SEC=OFFICIAL]

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OFFICIAL

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Thank you for the feedback – that is all very helpful – I think we should chat about some of it – but that can happen next week.

Please finish early and rest this weekend.

From: s 22 @eSafety.gov.au>
Sent: Friday, 10 October 2025 3:15 PM
To: Heidi Snell s 22 @esafety.gov.au>
Subject: RE: High level - SMMA Compliance and Enforcement Approach.pptx [SEC=OFFICIAL]

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OFFICIAL

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My thoughts attached – thank you for sharing and very happy to discuss!
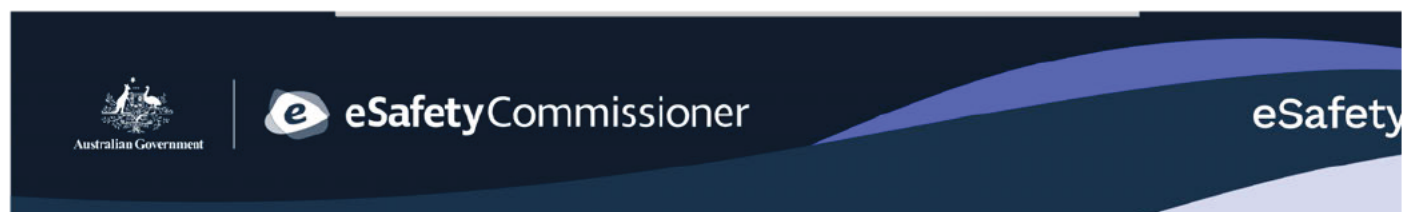
s 22

Executive Manager, Industry Compliance & Enforcement

📱 s 22

☎

Executive Assistant: s 22 @esafety.gov.au / s 22

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 and present.

From: Heidi Snell s 22 @esafety.gov.au>
Sent: Friday, 10 October 2025 2:38 PM

OFFICIAL

Thoughts?? Trying to give Julie some comfort.

s 47C, s 47E(d)

s 47C, s 47E(d)

s 47C, s 47E(d)