

**From:** eSafety Commissioner  
**Sent:** Thursday, 4 September 2025 12:19 PM  
**To:** s 47F @github.com  
**Cc:** IndustryBOSE; Social Media Minimum Age Restrictions; s 47F  
s 47F @github.com; s 47F @microsoft.com  
**Subject:** CC25-0107\_Correspondence from eSafety Commissioner | Social Media Minimum Age (SMMA) Obligations [SEC=OFFICIAL]  
**Attachments:** CC25-0107\_Correspondence from eSafety Commissioner to GitHub regarding SMMA obligations.pdf

**OFFICIAL**

Dear s 47F

Please find attached correspondence from the eSafety Commissioner, Julie Inman Grant, providing update on the social media minimum age (SMMA) obligations.

Many thanks

Kind regards

s 22

s 22

Executive Officer  
Office of the eSafety Commissioner

 [esafety.gov.au](https://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.

4 September 2025

CC25-0107

s 47F

eSafety FOI 25261  
Document 2 of 24

GitHub, Inc.

By email: s 47F @github.com

Cc'd: s 47F @github.com; s 47F @microsoft.com

Dear s 47F

## Social media minimum age obligation

I am writing to provide you with an update on the social media minimum age (**SMMA**) obligations, specifically our next steps in determining whether individual services will be subject to the SMMA obligations and our development of regulatory guidance.

## Background

An age-restricted social media platform is defined in section 63C(1)(a) of the *Online Safety Act 2021* (**the Act**) as an electronic service with the sole purpose, or a significant purpose, of enabling online social interaction between 2 or more end-users, which allows end-users to link to, or interact with, some or all of the other end-users, and which allows end-users to post material on the service. Section 63C(6) provides that an electronic service is not an age-restricted social media platform if the service is specified in the legislative rules.

On 29 July 2025, the Minister for Communications, the Honourable Anika Wells MP, made the *Online Safety (Age Restricted Social Media Platforms) Rules 2025*<sup>1</sup> (**the Rules**) under the Act, specifying certain classes of services that are not age-restricted social media platforms.

Where a service demonstrates that it falls within a class of service specified in the Rules, it will not be subject to the SMMA obligation set out in section 63D of the Act. The Explanatory Statement to the Rules states the intention of the Rules is to focus the SMMA obligation on platforms with features and functions known to be harmful to children, whilst excluding those services that pose fewer harms to children, and which help children and young people to thrive.

---

<sup>1</sup> See the Federal Register of Legislation in relation to the Rules - [Online Safety \(Age-Restricted Social Media Platforms\) Rules 2025 - Federal Register of Legislation](#), and the Explanatory Statement to the Rules - [Online Safety \(Age-Restricted Social Media Platforms\) Rules 2025 - Federal Register of Legislation](#).



## Assessment of specific services

eSafety is considering whether certain services may be age-restricted social media platforms and whether some of these services may be excluded under the Rules.

To assist services, eSafety has published guidance on how to assess whether a service is an age-restricted social media platform: [eSafety.gov.au/social-media-age-restrictions-assessment](https://esafety.gov.au/social-media-age-restrictions-assessment).

We are encouraging GitHub and other services to use this guidance to self-assess whether or not they meet the definition of an age-restricted social media platform as soon as possible, and to advise eSafety of their assessment in advance of the SMMA obligations taking effect on 10 December 2025.

We will be using this guidance to undertake our own preliminary assessment of GitHub and whether it is an age-restricted social media platform. If you consider that GitHub has additional information that may inform eSafety's assessment, having regard to the guidance, we encourage you to send that to us as soon as possible.

eSafety appreciates Github's recent engagement in the context of the Phase 1 Codes and Standards about whether it is a social media service as set out in section 13 of the Act or a designated internet service as set out in section 14 of the Act. In that correspondence, eSafety stated we did not consider Github met the criteria of a social media service for the purposes of section 13 of the Act. However, some services may be an age-restricted social media platform under section 63C(1)(a), notwithstanding they are not a social media service under section 13, so we consider Github should conduct the self-assessment proposed in this correspondence.

## Regulatory guidance for age-restricted social media platforms

eSafety has been engaging in broad consultation to support the development of regulatory guidance in relation to the SMMA obligation.

We understand from discussions with industry the preference for early guidance to assist platforms with their preparation for the commencement of the SMMA obligation. eSafety's regulatory guidance will have regard to knowledge and practice from our previous work on age assurance, results from the government's technical trial, feedback from the consultation and comparable international frameworks.

The guidance will include principles intended to facilitate positive outcomes for Australian end-users as well as support platforms to achieve the intention of the SMMA obligation. These will include and have regard to the principles raised consistently in consultations:

- Age assurance measures, whether deployed in a standalone manner or as part of a multi-layered approach, should be accurate, effective and robust



- Age assurance measures should be privacy-preserving and adopt a data minimisation approach
- Age assurance measures should respect and promote human rights and minimise the potential for bias and discrimination
- Services should be clear and transparent about the age assurance measures they implement by clearly informing users about their options to confirm their age, what data will be used, how data is stored and protected and what the user's rights are in the process.

We recognise platforms vary in design, risk profile, and user base. What is reasonable on one service may not be reasonable on another and may also evolve over time. The regulatory guidance will set out parameters in relation to reasonable steps and will not be prescriptive (for example, the guidance will not state that a certain class or type of tool must be used).

Consistent with the SMMA obligation, platforms are responsible for determining appropriate technical specifications in relation to the use of tools or technology to assess the age of Australian end-users and prevent the creation and holding of accounts by Australian children under the age of 16. Decisions around which tools or technologies to implement should be guided by the principles in the regulatory guidance, which we have foreshadowed at a general level above, as well as informative sources like the government's age assurance technology trial report,<sup>2</sup> a platform's own testing/innovation and emerging international standards.

## eSafety's expectations for age-restricted social media platforms

eSafety will provide further guidance to industry in the coming weeks, however we wish to make clear our expectations for what age-restricted social media platforms should be doing **now** in preparation for the SMMA obligation taking effect on 10 December. eSafety will form a preliminary view in the coming weeks as to whether GitHub is captured, and in the interim we are sharing these expectations to assist GitHub with any preparation it may need to undertake should it assess or be assessed as an age-restricted social media platform.

Importantly, and consistent with prior messaging,<sup>3</sup> eSafety expects services to prioritise:

- Preparing to find and deactivate accounts held by Australian end-users under 16 from 10 December. This includes end-users with a self-declared age of under 16 as well as any end-users determined to be under 16 through a service's systems and processes.
- Providing early, clear and age-appropriate communications to affected end-users including:

<sup>2</sup> [Home - Age Assurance Technology Trial](#)

<sup>3</sup> See the eSafety Commissioner's speech at the National Press Club in Canberra on 24 June 2025: [Swimming between the digital flags: helping young Australians navigate social media's dangerous currents | eSafety Commissioner](#).



- how they can download or otherwise preserve/access their account information while they are unable to use an account to access an age-restricted social media platform
  - what will happen to their account information when their account is deactivated
  - how and when they can expect or request their account be reinstated, including how to appeal if they believe their account was deactivated in error, and
  - support information and resources, noting that some end-users may feel distressed or confused.
- Taking reasonable steps to prevent current Australian end-users under 16 with accounts from increasing their declared age to over 16, opening new accounts indicating that they are over 16, or seeking to change their location or other settings in an effort to open or retain an active account on an age-restricted social media platform.
    - Examples of steps taken by some social media services are set out in eSafety's transparency report titled ['Behind the Screen'](#), published in February 2025.
  - Ensuring that the mechanisms for reporting a potential underage end-user and assessing those reports are accessible, fair, transparent, timely and empower end-users/reporters with the option to appeal or challenge an outcome, and that services are prepared to manage potential increase in volume of reports from 10 December.
  - Scoping effective age assurance measures to be applied at the point of account creation and across the user-journey. Self-declaration, on its own, will not be sufficient. Services should give consideration to:
    - the overview of the principles eSafety has outlined above
    - building on the systems and processes already in place to enforce current minimum age rules
    - how fallback mechanisms might be triggered for borderline cases
    - circumvention risks, including location-based circumvention such as VPN use or age-based circumvention such as spoofing techniques, and appropriate safeguards to combat these risks.

Services are encouraged to document decision-making, risk and impact assessments and other key information related to the implementation of age assurance measures that may demonstrate the taking of reasonable steps.

eSafety has also published some [FAQs](#) on the eSafety website which may assist in developing plans and communications to support and inform end-users' understanding of the SMMA obligations.<sup>4</sup>

The above points are intended to provide you with an early, interim indication of our approach and position. More detailed guidance will be provided shortly.

In the meantime, please reach out if you have any questions about the steps outlined above.

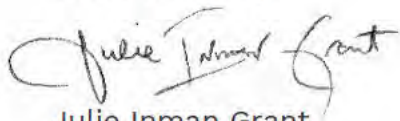
The privacy regulator, the Office of the Australian Information Commissioner (**OAIC**), is a co-regulator of the SMMA legislative requirements and we will continue to work closely with the OAIC as we progress with preparation for implementation of the SMMA obligation.

## Next steps

We would appreciate your response to this letter, and in particular, any information you consider relevant to an assessment of whether GitHub is an age-restricted social media platform or whether it is excluded under the Rules, by 18 September 2025.

Please do not hesitate to contact my team at [s 47E\(d\)@esafety.gov.au](mailto:s47E(d)@esafety.gov.au) to discuss.

Yours faithfully



Julie Inman Grant  
eSafety Commissioner

---

<sup>4</sup> eSafety website, [Social media 'ban' or delay FAQ | eSafety Commissioner](#).



**From:** eSafety Commissioner  
**Sent:** Thursday, 4 September 2025 1:31 PM  
**To:** s 47F @github.com  
**Cc:** Social Media Minimum Age Restrictions; s 47F @github.com; s 47F @microsoft.com; eSafety Industry Supervision  
**Subject:** Amended: CC25-0107\_Correspondence from eSafety Commissioner | Social Media Minimum Age (SMMA) Obligations [SEC=OFFICIAL]  
**Attachments:** CC25-0107\_Correspondence from eSafety Commissioner to GitHub regarding SMMA obligations.pdf

**OFFICIAL**

Dear s 47F

Many apologies, we understand the link to [How to assess if a service is an age-restricted social media platform | eSafety Commissioner](#) was broken. We have now corrected with in the attached letter.

Please find re-attached correspondence from the eSafety Commissioner, Julie Inman Grant, providing update on the social media minimum age (SMMA) obligations.

Many thanks

Kind regards

s 22

s 22

Executive Officer  
Office of the eSafety Commissioner

 [esafety.gov.au](https://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.*

4 September 2025

CC25-0107

s 47F

eSafety FOI 25261  
Document 4 of 24

GitHub, Inc.

By email: s 47F @github.com

Cc'd: s 47F @github.com; s 47F @microsoft.com

Dear s 47F

## Social media minimum age obligation

I am writing to provide you with an update on the social media minimum age (**SMMA**) obligations, specifically our next steps in determining whether individual services will be subject to the SMMA obligations and our development of regulatory guidance.

### Background

An age-restricted social media platform is defined in section 63C(1)(a) of the *Online Safety Act 2021* (**the Act**) as an electronic service with the sole purpose, or a significant purpose, of enabling online social interaction between 2 or more end-users, which allows end-users to link to, or interact with, some or all of the other end-users, and which allows end-users to post material on the service. Section 63C(6) provides that an electronic service is not an age-restricted social media platform if the service is specified in the legislative rules.

On 29 July 2025, the Minister for Communications, the Honourable Anika Wells MP, made the *Online Safety (Age Restricted Social Media Platforms) Rules 2025*<sup>1</sup> (**the Rules**) under the Act, specifying certain classes of services that are not age-restricted social media platforms.

Where a service demonstrates that it falls within a class of service specified in the Rules, it will not be subject to the SMMA obligation set out in section 63D of the Act. The Explanatory Statement to the Rules states the intention of the Rules is to focus the SMMA obligation on platforms with features and functions known to be harmful to children, whilst excluding those services that pose fewer harms to children, and which help children and young people to thrive.

---

<sup>1</sup> See the Federal Register of Legislation in relation to the Rules - [Online Safety \(Age-Restricted Social Media Platforms\) Rules 2025 - Federal Register of Legislation](#), and the Explanatory Statement to the Rules - [Online Safety \(Age-Restricted Social Media Platforms\) Rules 2025 - Federal Register of Legislation](#).



## Assessment of specific services

eSafety is considering whether certain services may be age-restricted social media platforms and whether some of these services may be excluded under the Rules.

To assist services, eSafety has published guidance on how to assess whether a service is an age-restricted social media platform: [eSafety.gov.au/social-media-age-restrictions-assessment](https://esafety.gov.au/social-media-age-restrictions-assessment).

We are encouraging GitHub and other services to use this guidance to self-assess whether or not they meet the definition of an age-restricted social media platform as soon as possible, and to advise eSafety of their assessment in advance of the SMMA obligations taking effect on 10 December 2025.

We will be using this guidance to undertake our own preliminary assessment of GitHub and whether it is an age-restricted social media platform. If you consider that GitHub has additional information that may inform eSafety's assessment, having regard to the guidance, we encourage you to send that to us as soon as possible.

eSafety appreciates Github's recent engagement in the context of the Phase 1 Codes and Standards about whether it is a social media service as set out in section 13 of the Act or a designated internet service as set out in section 14 of the Act. In that correspondence, eSafety stated we did not consider Github met the criteria of a social media service for the purposes of section 13 of the Act. However, some services may be an age-restricted social media platform under section 63C(1)(a), notwithstanding they are not a social media service under section 13, so we consider Github should conduct the self-assessment proposed in this correspondence.

## Regulatory guidance for age-restricted social media platforms

eSafety has been engaging in broad consultation to support the development of regulatory guidance in relation to the SMMA obligation.

We understand from discussions with industry the preference for early guidance to assist platforms with their preparation for the commencement of the SMMA obligation. eSafety's regulatory guidance will have regard to knowledge and practice from our previous work on age assurance, results from the government's technical trial, feedback from the consultation and comparable international frameworks.

The guidance will include principles intended to facilitate positive outcomes for Australian end-users as well as support platforms to achieve the intention of the SMMA obligation. These will include and have regard to the principles raised consistently in consultations:

- Age assurance measures, whether deployed in a standalone manner or as part of a multi-layered approach, should be accurate, effective and robust



- Age assurance measures should be privacy-preserving and adopt a data minimisation approach
- Age assurance measures should respect and promote human rights and minimise the potential for bias and discrimination
- Services should be clear and transparent about the age assurance measures they implement by clearly informing users about their options to confirm their age, what data will be used, how data is stored and protected and what the user's rights are in the process.

We recognise platforms vary in design, risk profile, and user base. What is reasonable on one service may not be reasonable on another and may also evolve over time. The regulatory guidance will set out parameters in relation to reasonable steps and will not be prescriptive (for example, the guidance will not state that a certain class or type of tool must be used).

Consistent with the SMMA obligation, platforms are responsible for determining appropriate technical specifications in relation to the use of tools or technology to assess the age of Australian end-users and prevent the creation and holding of accounts by Australian children under the age of 16. Decisions around which tools or technologies to implement should be guided by the principles in the regulatory guidance, which we have foreshadowed at a general level above, as well as informative sources like the government's age assurance technology trial report,<sup>2</sup> a platform's own testing/innovation and emerging international standards.

## eSafety's expectations for age-restricted social media platforms

eSafety will provide further guidance to industry in the coming weeks, however we wish to make clear our expectations for what age-restricted social media platforms should be doing **now** in preparation for the SMMA obligation taking effect on 10 December. eSafety will form a preliminary view in the coming weeks as to whether GitHub is captured, and in the interim we are sharing these expectations to assist GitHub with any preparation it may need to undertake should it assess or be assessed as an age-restricted social media platform.

Importantly, and consistent with prior messaging,<sup>3</sup> eSafety expects services to prioritise:

- Preparing to find and deactivate accounts held by Australian end-users under 16 from 10 December. This includes end-users with a self-declared age of under 16 as well as any end-users determined to be under 16 through a service's systems and processes.
- Providing early, clear and age-appropriate communications to affected end-users including:

<sup>2</sup> [Home - Age Assurance Technology Trial](#)

<sup>3</sup> See the eSafety Commissioner's speech at the National Press Club in Canberra on 24 June 2025: [Swimming between the digital flags: helping young Australians navigate social media's dangerous currents | eSafety Commissioner](#).



- how they can download or otherwise preserve/access their account information while they are unable to use an account to access an age-restricted social media platform
  - what will happen to their account information when their account is deactivated
  - how and when they can expect or request their account be reinstated, including how to appeal if they believe their account was deactivated in error, and
  - support information and resources, noting that some end-users may feel distressed or confused.
- Taking reasonable steps to prevent current Australian end-users under 16 with accounts from increasing their declared age to over 16, opening new accounts indicating that they are over 16, or seeking to change their location or other settings in an effort to open or retain an active account on an age-restricted social media platform.
    - Examples of steps taken by some social media services are set out in eSafety's transparency report titled ['Behind the Screen'](#), published in February 2025.
  - Ensuring that the mechanisms for reporting a potential underage end-user and assessing those reports are accessible, fair, transparent, timely and empower end-users/reporters with the option to appeal or challenge an outcome, and that services are prepared to manage potential increase in volume of reports from 10 December.
  - Scoping effective age assurance measures to be applied at the point of account creation and across the user-journey. Self-declaration, on its own, will not be sufficient. Services should give consideration to:
    - the overview of the principles eSafety has outlined above
    - building on the systems and processes already in place to enforce current minimum age rules
    - how fallback mechanisms might be triggered for borderline cases
    - circumvention risks, including location-based circumvention such as VPN use or age-based circumvention such as spoofing techniques, and appropriate safeguards to combat these risks.

Services are encouraged to document decision-making, risk and impact assessments and other key information related to the implementation of age assurance measures that may demonstrate the taking of reasonable steps.

eSafety has also published some [FAQs](#) on the eSafety website which may assist in developing plans and communications to support and inform end-users' understanding of the SMMA obligations.<sup>4</sup>

The above points are intended to provide you with an early, interim indication of our approach and position. More detailed guidance will be provided shortly.

In the meantime, please reach out if you have any questions about the steps outlined above.

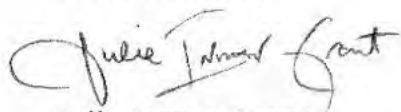
The privacy regulator, the Office of the Australian Information Commissioner (**OAIC**), is a co-regulator of the SMMA legislative requirements and we will continue to work closely with the OAIC as we progress with preparation for implementation of the SMMA obligation.

## Next steps

We would appreciate your response to this letter, and in particular, any information you consider relevant to an assessment of whether GitHub is an age-restricted social media platform or whether it is excluded under the Rules, by 18 September 2025.

Please do not hesitate to contact my team at [s 47E\(d\)@esafety.gov.au](mailto:s47E(d)@esafety.gov.au) to discuss.

Yours faithfully



Julie Inman Grant  
eSafety Commissioner

---

<sup>4</sup> eSafety website, [Social media 'ban' or delay FAQ | eSafety Commissioner](#).



**From:** s 47F <s 47F@github.com>  
**Sent:** Friday, 19 September 2025 8:00 AM  
**To:** eSafety Commissioner  
**Cc:** IndustryBOSE; Social Media Minimum Age Restrictions; s 47F  
s 47F@github.com; s 47F@microsoft.com  
**Subject:** Re: CC25-0107\_Correspondence from eSafety Commissioner | Social Media  
Minimum Age (SMMA) Obligations [SEC=OFFICIAL]  
**Attachments:** September 18 2025 letter to eSafety Commission from GitHub.pdf

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

Dear s 22,

Thank you for sending this correspondence. Please find the attached response from GitHub.

s 47F

On Thu, Sep 4, 2025 at 3:19 AM eSafety Commissioner s 47E(d)@esafety.gov.au> wrote:

**OFFICIAL**

Dear s 47F

Please find attached correspondence from the eSafety Commissioner, Julie Inman Grant, providing update on the social media minimum age (SMMA) obligations.

Many thanks

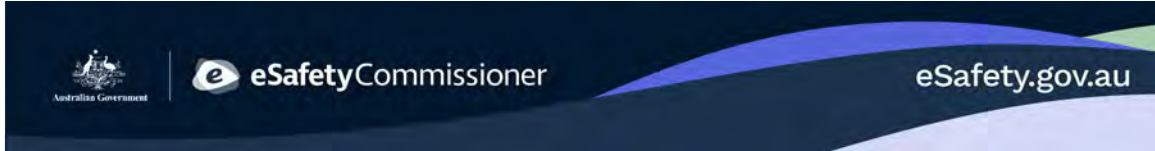
Kind regards

s 22

s 22

Executive Officer

Office of the eSafety Commissioner



*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.*

NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.



# GitHub



88 Colin P Kelly Jr Street,  
San Francisco, CA 94107  
Tel: 415-448-6673 (main)

September 18, 2025

Julie Inman Grant  
eSafety Commissioner

by email: [s 47E\(d\)@esafety.gov.au](mailto:s 47E(d)@esafety.gov.au)  
cc: [s 47F@github.com](mailto:s 47F@github.com), [s 47F@microsoft.com](mailto:s 47F@microsoft.com)

Dear Commissioner Grant:

Thank you for your correspondence dated September 4, 2025. We appreciated the opportunity to participate in eSafety's consultation and share our thoughts on implementation of the Social Media Minimum Age Act. I am writing to let you know that, due to recent developments and engagement with your Industry Codes and Standards Enforcement Team, we now understand GitHub's service classification under the Online Safety Act is as a Model Distribution Platform (a form of DIS), not a social media service, nor an age-restricted social media platform.

### **GitHub is not a Social Media Service**

The Enforcement Team affirmatively reached out to us after the Designated Internet Services Industry Standard - Class 1A and Class 1B Material was finalized, to discuss compliance planning for the DIS Standard. The Enforcement Team repeatedly informed us that we do not qualify as a Social Media Service, but rather, a Designated Internet Service (DIS), and in particular, a Model Distribution Platform. During these discussions, eSafety's position was explained as follows:

[W]e do not consider that Github's 'sole or primary purpose' is 'online social interaction'. That 'individual developers, hobbyists, students, and open-source projects that share their code on the platform' use the service for 'personal reasons' is not the same as doing so for the purposes of 'social interaction', nor is it the same as any social interaction being the 'sole or primary purpose' of the service. (June 20, 2025 correspondence with [s 22](#)).

GitHub accepts and understands eSafety's position and reasoning, as outlined by the Enforcement Team. In reliance on this information, we have been working to align with the applicable requirements.

The September 4 letter suggests that a service may be considered an “age-restricted social media platform” despite the fact that it is not a social media service. Putting to one side whether this is possible—something we do not concede<sup>1</sup>—this is not an issue for GitHub. The eSafety Enforcement Team has informed us that what occurs on our platform is not “online social interaction.” Thus, we cannot possibly meet the definition in Section 63(C)(1)(a) (to qualify as an “age-restricted social media platform,” “the sole purpose, or a significant purpose, of the service is to enable *online social interaction* between 2 or more end-users”) (emphasis added).

Before being informed of the Commission’s position that code collaboration on our platform does not qualify as “online social interaction,” GitHub presented information to the Commission advocating for a class exemption for software development collaboration platforms. (See “GitHub Supplementary Submission in Response to the Draft Online Safety (Age-Restricted Social Media Platforms) Rules 2025 Consultation”). We believe those reasons continue to apply and I was informed that they were well-received. But this appears to be a moot point, as GitHub does not meet the threshold requirement of Section 63(C)(1)(a).

To sum it up, based on the advice of the eSafety Enforcement team, we now understand that GitHub is neither a social media service, for purposes of section 13, nor meets the threshold requirement of Section 63(C)(1)(a). If this is not eSafety’s understanding, please explain the basis to treat GitHub differently under Section 63(C)(1)(a) than Section 13.

Of course, if it is preferable to schedule a call or meeting to discuss this matter, we are happy to do that as well.

We very much appreciate your attention to this matter and any thoughts you might have.

Best wishes,

s 47F

s 47F

GitHub, Inc.

---

<sup>1</sup> It is not feasible for an individual service to comply with multiple regulatory regimes. This is explicitly recognized in other areas of the OSA regulatory framework, most notably where Industry Codes and Standards specify adherence to one option to the exclusion of others. Should the eSafety Commission like more detail on this position, we’re happy to provide more information.



---

**From:** eSafety Industry Supervision  
**Sent:** Thursday, 16 October 2025 5:22 PM  
**To:** s 47F @github.com  
**Cc:** s 47F @github.com; s 47F @microsoft.com; Julie Inman Grant; s 22  
eSafety Industry Supervision  
**Subject:** Preliminary assessment regarding Social Media Minimum Age [SEC=OFFICIAL]  
**Attachments:** 20251016 GitHub ARSMP preliminary view letter.pdf  
**Categories:** CRM update

**OFFICIAL**

Dear s 47F

Please find attached correspondence from the eSafety Commissioner providing her preliminary assessment of GitHub.

Regards,

s 22  
(she / her)  
Manager, Industry Supervision



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.

16 October 2025

s 47F

GitHub, Inc.

By email: s 47F@github.com

Cc'd: s 47F@github.com, s 47F@microsoft.com

Dear s 47F

## Preliminary view that GitHub is not an age-restricted social media platform

1. I refer to our recent engagement concerning the social media minimum age obligation (**SMMA obligation**) in Part 4A of the *Online Safety Act 2021* (Cth) (**the Act**). As you are aware, the SMMA obligation comes into effect on 10 December 2025 and applies to 'age-restricted social media platforms'.
2. As the eSafety Commissioner, I am required to monitor and promote compliance with the SMMA obligation. To assist industry and the public to prepare for the SMMA obligation, eSafety is engaging with services and encouraging them to assess whether they are an age-restricted social media platform using our [self-assessment tool](#). We are also separately assessing whether services are age-restricted social media platforms.<sup>1</sup>
3. The purpose of this letter is to:
  - a. notify you that eSafety has recently conducted an assessment of GitHub and has formed the preliminary view that GitHub is not an age-restricted social media platform;
  - b. notify you that eSafety will be publicly communicating our preliminary view soon; and
  - c. give GitHub the opportunity to respond to our preliminary view and provide any submissions before the SMMA obligation comes into effect.

## Summary of preliminary view

4. After conducting a preliminary assessment of GitHub, eSafety has formed the preliminary view that GitHub is not an age-restricted social media platform for the following reasons:

---

<sup>1</sup> In the absence of any rules made by the Minister specifying a service as either an age-restricted social media platform or not an age-restricted social platform under ss 63C(4) and 63C(6)(b) of the Act respectively, any determination that a service is or is not an age-restricted social media platform is a matter for the court.



- a. the conditions for an age-restricted social media platform in s 63C(1) of the Act have not been met; and
- b. GitHub does not fall within one of the classes of services that are excluded from the SMMA obligation under the *Online Safety (Age-Restricted Social Media Platforms) Rules 2025* (**the Rules**) (s 63C(6)(b) of the Act).

## Material taken into account

5. In forming our preliminary view, eSafety has taken into account the following material:
  - a. relevant provisions in the Act and Rules
  - b. eSafety's Regulatory Guidance and self-assessment tool
  - c. internal eSafety user testing of GitHub
  - d. information on GitHub's website, as well as media releases and public communications
  - e. insights from relevant research or third-party reports, and other publicly available information
  - f. how GitHub is described in the Apple App Store and Google Play Store
  - g. GitHub's communications with eSafety, including GitHub's letter dated 18 September 2025 (**GitHub letter**).
6. In the GitHub letter, GitHub advised that GitHub is not likely to fall within the definition of an 'age-restricted social media platform' because it does not satisfy the conditions of s 63C(1)(a).

## Reasons for preliminary view

7. An electronic service is an age-restricted social media platform if the following conditions are satisfied:
  - a. the sole purpose, or a significant purpose, of the service is to enable online social interaction between two or more end-users (s 63C(1)(a)(i)), and
  - b. the service allows end-users to link to, or interact with, other end-users (s 63C(1)(a)(ii)), and
  - c. the service allows end-users to post material on the service (s 63C(1)(a)(iii)), and
  - d. material on the service is accessible to, or delivered to, end-users in Australia (s 63C(6)(a)), and
  - e. the service is not an excluded service under the Rules (s 63C(6)(b)).
8. We note that the criteria for an age-restricted social media platform are broader than that of a social media service as defined in s 13 of the Act which requires, among other



conditions, that the service's **sole or primary purpose** is to enable online social interaction between two or more end-users. Note 2 under s 63C(1) provides that '[a]n age-restricted social media platform may be, but is not necessarily, a social media service under section 13'.

### **GitHub is an electronic service**

9. An 'electronic service' is defined in s 5 of the Act as:

- (a) a service that allows end-users to access material using a carriage service; or
- (b) a service that delivers material to persons having equipment appropriate for receiving that material, where the delivery of the service is by means of a carriage service;

but does not include:

- (c) a broadcasting service; or
- (d) a broadcasting service (within the meaning of the *Broadcasting Services Act 1992*).

10. 'Material' is also defined in s 5 of the Act and means material whether in the form of text, data, speech, music or other sounds, visual images (moving or otherwise) or in any other form or combination of forms.

11. 'Carriage service' is a service for carrying communications by means of guided and/or unguided electromagnetic energy.<sup>2</sup> In this case, the carriage service is the internet.

12. GitHub is an electronic service as it allows end-users to access material including open-source and proprietary software codes using the internet. GitHub also delivers that material to end-users using the internet.

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

13. Material is accessible to, or delivered to, end-users in Australia if the end-users are physically located in Australia and the material is capable of being accessed by, or is received by, them.

14. Material on GitHub is accessible to, and delivered to, end-users in Australia.

### **Enabling online social interaction between two or more end-users (s 63C(1)(a)(i)) is not a significant purpose of GitHub.**

15. eSafety considers the current purposes<sup>3</sup> of GitHub are:

---

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

<sup>3</sup> As well as taking into account information that has been provided by the service and publicly available information, eSafety has also considered how the service is used by end-users.



1. To enable the hosting and development of proprietary and open-source software code. **(Purpose 1)**
2. To enable collaboration on software code for business, professional and educational purposes. **(Purpose 2)**
3. To enable collaboration on software code for recreational purposes. **(Purpose 3)**

#### Consideration of identified purposes and ‘online social interaction’

16. The relevant question is whether the above purposes can be categorised as online social interaction purposes **(OSI purposes)**.
17. Online social interaction includes online interaction that enables end-users to share material for social purposes.<sup>4</sup> eSafety’s [Regulatory Guidance](#) and [self-assessment tool](#) detail our approach to considering what ‘online social interaction’ means practically, such as ‘an end-user’s engagement with other end-users or their material through an electronic service, whether active or passive, including by communicating, sharing material, participating in communities and/or expressing reactions’.<sup>5</sup>
18. Online social interaction does not include, for example, online business interaction or the sharing of material for business purposes.<sup>6</sup>
19. We consider that Purpose 3 is an OSI purpose because it enables end-users to engage with other end-users or their material for social purposes (whether active or passive).
  - a. GitHub’s core functionality is to allow developers to collaborate on code, discuss projects, and provide feedback.
  - b. GitHub enables end-users to upload and share material, both publicly and privately, via repositories. The material uploaded and shared on the service is primarily code, or code related.
  - c. End-users can actively engage with material on the service by way of, for example, contributing to or commenting in repositories and ‘Community Discussion boards’, and expressing reactions to comments and discussions.
  - d. End-users can passively engage with material on the service by viewing algorithmically recommended repositories and trending projects on their ‘Feed’.
  - e. GitHub personalises an end-user’s ‘Feed’ based on the content they have interacted with.
  - f. GitHub allows end-users to create their own network of followers by following or being followed by other end-users or organisations.

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

<sup>5</sup> See Regulatory Guidance, p. 53; [Regulatory guidance / eSafety Commissioner](#).

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



- g. As referenced in our previous communications with GitHub, there are individual developers, hobbyists, students, and open-source projects that share their code on the platform for recreational reasons, and not for educational or professional skills development. When the above collaborative features and functions are utilised for these recreational reasons, in our view this amounts to an OSI purpose.

20. We consider that Purposes 1 and 2 are not OSI purposes because the sharing of material is best categorised as sharing for business purposes or to develop skills and knowledge for professional, productivity or educational reasons.

‘Online social interaction’ is not a significant purpose of GitHub

21. As set out in eSafety’s Regulatory Guidance, ‘a significant purpose’ is a purpose which is important and meaningful rather than one which is merely incidental or subsidiary.<sup>7</sup>

22. In assessing whether enabling online social interaction between two or more end-users is a significant purpose of GitHub, eSafety has specifically considered whether end-users would continue to use the service if the OSI purpose was removed. For example:

- a. As referenced in GitHub’s letter, GitHub is used primarily for professional and educational purposes, and serves as an avenue for startups and small businesses to scale.
- b. More than 90% of Fortune 100 companies use GitHub in their development workflows.<sup>8</sup>
- c. At as Q1 of 2025, over 103,000 organisations in Australia are actively contributing to GitHub.<sup>9</sup>
- d. GitHub is inherently tied to a specialised skillset and professional practice. GitHub’s infrastructure, including version control, repository management, and pull requests, is designed to support technical productivity and act as ‘developer tool chain’.<sup>10</sup>

23. eSafety considers it likely that most end-users would continue to use GitHub for business, professional and educational purposes if the OSI purpose was removed.

24. Having regard to:

- a. the purposes of GitHub identified above; and
- b. that Purpose 3 is an OSI purpose; and
- c. that it is likely that end-users would continue to use the service even if they could not do so for purely recreational purposes,

---

<sup>7</sup> Ibid.

<sup>8</sup> [GitHub Statistics 2025: Data That Changes Dev Work • SQ Magazine.](#)

<sup>9</sup> [Organizations | GitHub Innovation Graph.](#)

<sup>10</sup> [Microsoft 2024 Annual Report](#)



eSafety considers that enabling online social interaction between two or more end-users is not a significant purpose of GitHub.

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

25. As identified at paragraph 19, GitHub allows end-users to link to, or interact with, some or all of the other end-users by way of, for example, contributing to or commenting in repositories and Community Discussion boards, and expressing reactions to comments and discussions.

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

26. As identified at paragraph 19, GitHub allows end-users to post material on the service, including codes and code related materials.

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

27. Section 63C(6)(b) of the Act states that an electronic service is *not* an age-restricted social media platform if the service is specified in the legislative rules.

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

29. eSafety's preliminary view is that GitHub is not an age-restricted social media platform because it does not satisfy the conditions in s 63C(1).

30. Notwithstanding, having considered the purposes of GitHub identified above, and in particular rules 5(1)(d) and (e), eSafety's preliminary view is that GitHub does not fall within one or more of the classes of services specified in the Rules.

31. With regards to rule 5(1)(d), while GitHub can facilitate professional development through skill-building and portfolio creation, enabling end-users to engage in professional networking or professional development is not the sole or primary purpose of the service.

32. With regard to rule 5(1)(e), although GitHub may have some educational benefits in relation to learning coding skills, supporting the education of end-users is not the sole or primary purpose of the service.

**Conclusion**

33. For the reasons outlined above, eSafety's preliminary view is that GitHub is not an age-restricted social media platform.

## Next steps

34. Should GitHub wish to provide any further submissions and evidence for eSafety's consideration before the SMMA obligation comes into effect, please provide this to eSafety by 24 October 2025.
35. eSafety proposes to publish on its website its preliminary view on whether certain services are (or are not) age-restricted social media platforms. That will include information about whether or not a service agrees with eSafety's assessment.
36. Whilst eSafety holds the preliminary view that GitHub is not subject to the SMMA obligation, GitHub may experience changes in how the service is used after the obligation takes effect. Should GitHub make or observe any changes which could impact whether it meets the definition of an age-restricted social media platform, it should re-assess and advise eSafety.
37. As you are aware, online services have other regulatory requirements under the Act which need to be complied with. For more information about other regulatory requirements, see [Regulatory guidance | eSafety Commissioner](#).
38. Please contact **s 47E(d)** [@esafety.gov.au](mailto:s 47E(d)@esafety.gov.au) should you wish to discuss this letter further.

Yours sincerely,



Julie Inman Grant  
eSafety Commissioner



**From:** Julie Inman Grant  
**Sent:** Monday, 3 November 2025 10:11 AM  
**To:** s 47F@github.com  
**Cc:** s 47F@github.com; s 47F@microsoft.com; eSafety Industry Supervision; Heidi Snell  
**Subject:** Correspondence from eSafety Commissioner\_GitHub and Social Media Minimum Age [SEC=OFFICIAL]  
**Attachments:** CC25-0107-02\_Correspondence from eSafety Commissioner to GitHub\_ARSMF response letter\_03112025.pdf

OFFICIAL

OFFICIAL

Dear s 47F

Please find attached correspondence from Julie Inman Grant, eSafety Commissioner.

Kind regards

s 22

Julie Inman Grant  
Commissioner



s 47E(c), s 47F

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 and present.

3 November 2025

CC25-0107-02

s 47F

GitHub, Inc.

eSafety FOI 25261  
Document 12 of 24

By email: s 47F @github.com

Cc'd: s 47F @github.com, s 47F @microsoft.com

Dear s 47F

## eSafety's view is that GitHub is not an age-restricted social media platform

1. I refer to my letter to GitHub, Inc. (**GitHub**) dated 16 October 2025 (**eSafety letter**) concerning the social media minimum age obligation (**SMMA obligation**) in Part 4A of the *Online Safety Act 2021* (Cth) (**the Act**).
2. As explained in the eSafety letter, eSafety has formed the preliminary view that GitHub is not an age-restricted social media platform.
3. Github was invited to provide any further submissions or evidence for eSafety's consideration by 24 October 2025. I note that we have not received any further correspondence from Github.
4. Our preliminary view therefore remains the same, that GitHub is not an age-restricted social media platform.

### Next steps

5. To assist industry and the public to understand which services may be subject to the SMMA obligation, eSafety proposes to publish on its website a list of services with eSafety's preliminary view on whether they are, or are not, age-restricted social media platforms.
6. Whilst eSafety currently holds the view that GitHub is not an age-restricted social media platform, eSafety encourages GitHub to routinely self-assess<sup>1</sup>, including when introducing a new social feature or function or when observing changes in the ways existing and new account holders are using GitHub.
7. As you are aware, online services have other regulatory requirements under the Act which need to be complied with. For more information about other regulatory requirements that you may need to comply with, see eSafety's [Regulatory Guidance](#).
8. Please contact s 47E(d)@esafety.gov.au should you wish to discuss this letter further.

Yours faithfully,



Julie Inman Grant  
eSafety Commissioner

<sup>1</sup> eSafety recommends using its [self-assessment tool](#).



**From:** eSafety Commissioner  
**Sent:** Thursday, 4 September 2025 12:06 PM  
**To:** § 47F @valvesoftware.com  
**Cc:** IndustryBOSE; Social Media Minimum Age Restrictions;  
§ 47G @valvesoftware.com  
**Subject:** CC25-0110\_Correspondence from eSafety Commissioner | Social Media Minimum Age (SMMA) Obligations [SEC=OFFICIAL]  
**Attachments:** CC25-0110\_Correspondence from eSafety Commissioner to Steam regarding SMMA obligations .pdf

**OFFICIAL**

Dear § 47F

Please find attached correspondence from the eSafety Commissioner, Julie Inman Grant, providing update on the social media minimum age (SMMA) obligations.

Many thanks

Kind regards

§ 22

§ 22

Executive Officer  
Office of the eSafety Commissioner

 [esafety.gov.au](https://esafety.gov.au)



§ 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.

4 September 2025

CC25-0110

s 47F

Legal Counsel

Valve

eSafety FOI 25261  
Document 14 of 24

By email: [s 47F@valvesoftware.com](mailto:s 47F@valvesoftware.com)

Cc: [s 47G@valvesoftware.com](mailto:s 47G@valvesoftware.com)

Dear s 47F

## Social media minimum age obligation

I am writing to provide you with an update on the social media minimum age (**SMMA**) obligations, specifically our next steps in determining whether individual services will be subject to the SMMA obligations and our development of regulatory guidance.

### Background

An age-restricted social media platform is defined in section 63C(1)(a) of the *Online Safety Act 2021* (**the Act**) as an electronic service with the sole purpose, or a significant purpose, of enabling online social interaction between 2 or more end-users, which allows end-users to link to, or interact with, some or all of the other end-users, and which allows end-users to post material on the service. Section 63C(6) provides that an electronic service is not an age-restricted social media platform if the service is specified in the legislative rules.

On 29 July 2025, the Minister for Communications, the Honourable Anika Wells MP, made the *Online Safety (Age Restricted Social Media Platforms) Rules 2025*<sup>1</sup> (**the Rules**) under the Act, specifying certain classes of services that are not age-restricted social media platforms.

Where a service demonstrates that it falls within a class of service specified in the Rules, it will not be subject to the SMMA obligation set out in section 63D of the Act. The Explanatory Statement to the Rules states the intention of the Rules is to focus the SMMA obligation on platforms with features and functions known to be harmful to children, whilst excluding those services that pose fewer harms to children, and which help children and young people to thrive.

---

<sup>1</sup> See the Federal Register of Legislation in relation to the Rules - [Online Safety \(Age-Restricted Social Media Platforms\) Rules 2025 - Federal Register of Legislation](#), and the Explanatory Statement to the Rules - [Online Safety \(Age-Restricted Social Media Platforms\) Rules 2025 - Federal Register of Legislation](#).



## Assessment of specific services

eSafety is considering whether certain services may be age-restricted social media platforms and whether some of these services may be excluded under the Rules.

To assist services, eSafety has published guidance on how to assess whether a service is an age-restricted social media platform: [eSafety.gov.au/social-media-age-restrictions-assessment](https://esafety.gov.au/social-media-age-restrictions-assessment).

We are encouraging Valve and other providers of online services to use this guidance to self-assess whether or not they meet the definition of an age-restricted social media platform as soon as possible, and to advise eSafety of their assessment in advance of the SMMA obligations taking effect on 10 December 2025.

We will be using this guidance to undertake our own preliminary assessment of Steam game library and Steam Chat and whether either service is an age-restricted social media platform. If you consider that Valve has additional information that may inform eSafety's assessment, having regard to the guidance, we encourage you to send that to us as soon as possible.

## Regulatory guidance for age-restricted social media platforms

eSafety has been engaging in broad consultation to support the development of regulatory guidance in relation to the SMMA obligation.

We understand from discussions with industry the preference for early guidance to assist platforms with their preparation for the commencement of the SMMA obligation. eSafety's regulatory guidance will have regard to knowledge and practice from our previous work on age assurance, results from the government's technical trial, feedback from the consultation and comparable international frameworks.

The guidance will include principles intended to facilitate positive outcomes for Australian end-users as well as support platforms to achieve the intention of the SMMA obligation. These will include and have regard to the principles raised consistently in consultations:

- Age assurance measures, whether deployed in a standalone manner or as part of a multi-layered approach, should be accurate, effective and robust
- Age assurance measures should be privacy-preserving and adopt a data minimisation approach



- Age assurance measures should respect and promote human rights and minimise the potential for bias and discrimination
- Services should be clear and transparent about the age assurance measures they implement by clearly informing users about their options to confirm their age, what data will be used, how data is stored and protected and what the user's rights are in the process.

We recognise platforms vary in design, risk profile, and user base. What is reasonable on one service may not be reasonable on another and may also evolve over time. The regulatory guidance will set out parameters in relation to reasonable steps and will not be prescriptive (for example, the guidance will not state that a certain class or type of tool must be used).

Consistent with the SMMA obligation, platforms are responsible for determining appropriate technical specifications in relation to the use of tools or technology to assess the age of Australian end-users and prevent the creation and holding of accounts by Australian children under the age of 16. Decisions around which tools or technologies to implement should be guided by the principles in the regulatory guidance, which we have foreshadowed at a general level above, as well as informative sources like the government's age assurance technology trial report,<sup>2</sup> a platform's own testing/innovation and emerging international standards.

## eSafety's expectations for age-restricted social media platforms

eSafety will provide further guidance to industry in the coming weeks, however we wish to make clear our expectations for what age-restricted social media platforms should be doing **now** in preparation for the SMMA obligation taking effect on 10 December. eSafety will form a preliminary view in the coming weeks as to whether Steam game library or Steam Chat is captured, and in the interim we are sharing these expectations to assist Steam with any preparation that it may need to undertake should it assess or be assessed as an age-restricted social media platform.

Importantly, and consistent with prior messaging,<sup>3</sup> eSafety expects services to prioritise:

- Preparing to find and deactivate accounts held by Australian end-users under 16 from 10 December. This includes end-users with a self-declared age of under 16 as well as any end-users determined to be under 16 through a service's systems and processes.

<sup>2</sup> [Home - Age Assurance Technology Trial](#)

<sup>3</sup> See the eSafety Commissioner's speech at the National Press Club in Canberra on 24 June 2025: [Swimming between the digital flags: helping young Australians navigate social media's dangerous currents](#) | eSafety Commissioner.



- Providing early, clear and age-appropriate communications to affected end-users including:
  - how they can download or otherwise preserve/access their account information while they are unable to use an account to access an age-restricted social media platform
  - what will happen to their account information when their account is deactivated
  - how and when they can expect or request their account be reinstated, including how to appeal if they believe their account was deactivated in error, and
  - support information and resources, noting that some end-users may feel distressed or confused.
- Taking reasonable steps to prevent current Australian end-users under 16 with accounts from increasing their declared age to over 16, opening new accounts indicating that they are over 16, or seeking to change their location or other settings in an effort to open or retain an active account on an age-restricted social media platform.
  - Examples of steps taken by some social media services are set out in eSafety's transparency report titled ['Behind the Screen'](#), published in February 2025.
- Ensuring that the mechanisms for reporting a potential underage end-user and assessing those reports are accessible, fair, transparent, timely and empower end-users/reporters with the option to appeal or challenge an outcome, and that services are prepared to manage potential increase in volume of reports from 10 December.
- Scoping effective age assurance measures to be applied at the point of account creation and across the user-journey. Self-declaration, on its own, will not be sufficient. Services should give consideration to:
  - the overview of the principles eSafety has outlined above
  - building on the systems and processes already in place to enforce current minimum age rules
  - how fallback mechanisms might be triggered for borderline cases

- o circumvention risks, including location-based circumvention such as VPN use or age-based circumvention such as spoofing techniques, and appropriate safeguards to combat these risks.

Services are encouraged to document decision-making, risk and impact assessments and other key information related to the implementation of age assurance measures that may demonstrate the taking of reasonable steps.

eSafety has also published some [FAQs](#) on the eSafety website which may assist in developing plans and communications to support and inform end-users' understanding of the SMMA obligations.<sup>4</sup>

The above points are intended to provide you with an early, interim indication of our approach and position. More detailed guidance will be provided shortly.

In the meantime, please reach out if you have any questions about the steps outlined above.

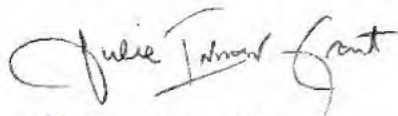
The privacy regulator, the Office of the Australian Information Commissioner (**OAIC**), is a co-regulator of the SMMA legislative requirements and we will continue to work closely with the OAIC as we progress with preparation for implementation of the SMMA obligation.

## Next steps

We would appreciate your response to this letter, and in particular, any information you consider relevant to an assessment of whether Steam is an age-restricted social media platform or whether it is excluded under the Rules, by 18 September 2025.

Please do not hesitate to contact my team at **s 47E(d)** [@esafety.gov.au](mailto:s47E(d)@esafety.gov.au) to discuss.

Yours faithfully



Julie Inman Grant  
eSafety Commissioner

---

<sup>4</sup> eSafety website, [Social media 'ban' or delay FAQ | eSafety Commissioner](#).



**From:** eSafety Commissioner  
**Sent:** Thursday, 4 September 2025 1:48 PM  
**To:** s 47F @valvesoftware.com  
**Cc:** eSafety Industry Supervision; Social Media Minimum Age Restrictions; s 47G @valvesoftware.com  
**Subject:** Amended: CC25-0110\_Correspondence from eSafety Commissioner | Social Media Minimum Age (SMMA) Obligations [SEC=OFFICIAL]  
**Attachments:** CC25-0110\_Correspondence from eSafety Commissioner to Steam regarding SMMA obligations .pdf

**OFFICIAL**

Dear s 47F

Many apologies, we understand the link to [How to assess if a service is an age-restricted social media platform | eSafety Commissioner](#) was broken. We have now corrected the link within the attached letter.

Please find re-attached correspondence from the eSafety Commissioner, Julie Inman Grant, providing update on the social media minimum age (SMMA) obligations.


Many thanks

Kind regards

s 22

s 22

Executive Officer  
Office of the eSafety Commissioner

 [esafety.gov.au](https://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.*

4 September 2025

CC25-0110

s 47F

Legal Counsel  
Valve

eSafety FOI 25261  
Document 16 of 24

By email: [s 47F@valvesoftware.com](mailto:s 47F@valvesoftware.com)

Cc: [s 47G@valvesoftware.com](mailto:s 47G@valvesoftware.com)

Dear s 47F

## Social media minimum age obligation

I am writing to provide you with an update on the social media minimum age (**SMMA**) obligations, specifically our next steps in determining whether individual services will be subject to the SMMA obligations and our development of regulatory guidance.

### Background

An age-restricted social media platform is defined in section 63C(1)(a) of the *Online Safety Act 2021* (**the Act**) as an electronic service with the sole purpose, or a significant purpose, of enabling online social interaction between 2 or more end-users, which allows end-users to link to, or interact with, some or all of the other end-users, and which allows end-users to post material on the service. Section 63C(6) provides that an electronic service is not an age-restricted social media platform if the service is specified in the legislative rules.

On 29 July 2025, the Minister for Communications, the Honourable Anika Wells MP, made the *Online Safety (Age Restricted Social Media Platforms) Rules 2025*<sup>1</sup> (**the Rules**) under the Act, specifying certain classes of services that are not age-restricted social media platforms.

Where a service demonstrates that it falls within a class of service specified in the Rules, it will not be subject to the SMMA obligation set out in section 63D of the Act. The Explanatory Statement to the Rules states the intention of the Rules is to focus the SMMA obligation on platforms with features and functions known to be harmful to children, whilst excluding those services that pose fewer harms to children, and which help children and young people to thrive.

---

<sup>1</sup> See the Federal Register of Legislation in relation to the Rules - [Online Safety \(Age-Restricted Social Media Platforms\) Rules 2025 - Federal Register of Legislation](#), and the Explanatory Statement to the Rules - [Online Safety \(Age-Restricted Social Media Platforms\) Rules 2025 - Federal Register of Legislation](#).



## Assessment of specific services

eSafety is considering whether certain services may be age-restricted social media platforms and whether some of these services may be excluded under the Rules.

To assist services, eSafety has published guidance on how to assess whether a service is an age-restricted social media platform: [eSafety.gov.au/social-media-age-restrictions-assessment](https://esafety.gov.au/social-media-age-restrictions-assessment).

We are encouraging Valve and other providers of online services to use this guidance to self-assess whether or not they meet the definition of an age-restricted social media platform as soon as possible, and to advise eSafety of their assessment in advance of the SMMA obligations taking effect on 10 December 2025.

We will be using this guidance to undertake our own preliminary assessment of Steam game library and Steam Chat and whether either service is an age-restricted social media platform. If you consider that Valve has additional information that may inform eSafety's assessment, having regard to the guidance, we encourage you to send that to us as soon as possible.

## Regulatory guidance for age-restricted social media platforms

eSafety has been engaging in broad consultation to support the development of regulatory guidance in relation to the SMMA obligation.

We understand from discussions with industry the preference for early guidance to assist platforms with their preparation for the commencement of the SMMA obligation. eSafety's regulatory guidance will have regard to knowledge and practice from our previous work on age assurance, results from the government's technical trial, feedback from the consultation and comparable international frameworks.

The guidance will include principles intended to facilitate positive outcomes for Australian end-users as well as support platforms to achieve the intention of the SMMA obligation. These will include and have regard to the principles raised consistently in consultations:

- Age assurance measures, whether deployed in a standalone manner or as part of a multi-layered approach, should be accurate, effective and robust
- Age assurance measures should be privacy-preserving and adopt a data minimisation approach



- Age assurance measures should respect and promote human rights and minimise the potential for bias and discrimination
- Services should be clear and transparent about the age assurance measures they implement by clearly informing users about their options to confirm their age, what data will be used, how data is stored and protected and what the user's rights are in the process.

We recognise platforms vary in design, risk profile, and user base. What is reasonable on one service may not be reasonable on another and may also evolve over time. The regulatory guidance will set out parameters in relation to reasonable steps and will not be prescriptive (for example, the guidance will not state that a certain class or type of tool must be used).

Consistent with the SMMA obligation, platforms are responsible for determining appropriate technical specifications in relation to the use of tools or technology to assess the age of Australian end-users and prevent the creation and holding of accounts by Australian children under the age of 16. Decisions around which tools or technologies to implement should be guided by the principles in the regulatory guidance, which we have foreshadowed at a general level above, as well as informative sources like the government's age assurance technology trial report,<sup>2</sup> a platform's own testing/innovation and emerging international standards.

## eSafety's expectations for age-restricted social media platforms

eSafety will provide further guidance to industry in the coming weeks, however we wish to make clear our expectations for what age-restricted social media platforms should be doing **now** in preparation for the SMMA obligation taking effect on 10 December. eSafety will form a preliminary view in the coming weeks as to whether Steam game library or Steam Chat is captured, and in the interim we are sharing these expectations to assist Steam with any preparation that it may need to undertake should it assess or be assessed as an age-restricted social media platform.

Importantly, and consistent with prior messaging,<sup>3</sup> eSafety expects services to prioritise:

- Preparing to find and deactivate accounts held by Australian end-users under 16 from 10 December. This includes end-users with a self-declared age of under 16 as well as any end-users determined to be under 16 through a service's systems and processes.

<sup>2</sup> [Home - Age Assurance Technology Trial](#)

<sup>3</sup> See the eSafety Commissioner's speech at the National Press Club in Canberra on 24 June 2025: [Swimming between the digital flags: helping young Australians navigate social media's dangerous currents](#) | eSafety Commissioner.



- Providing early, clear and age-appropriate communications to affected end-users including:
  - how they can download or otherwise preserve/access their account information while they are unable to use an account to access an age-restricted social media platform
  - what will happen to their account information when their account is deactivated
  - how and when they can expect or request their account be reinstated, including how to appeal if they believe their account was deactivated in error, and
  - support information and resources, noting that some end-users may feel distressed or confused.
- Taking reasonable steps to prevent current Australian end-users under 16 with accounts from increasing their declared age to over 16, opening new accounts indicating that they are over 16, or seeking to change their location or other settings in an effort to open or retain an active account on an age-restricted social media platform.
  - Examples of steps taken by some social media services are set out in eSafety's transparency report titled ['Behind the Screen'](#), published in February 2025.
- Ensuring that the mechanisms for reporting a potential underage end-user and assessing those reports are accessible, fair, transparent, timely and empower end-users/reporters with the option to appeal or challenge an outcome, and that services are prepared to manage potential increase in volume of reports from 10 December.
- Scoping effective age assurance measures to be applied at the point of account creation and across the user-journey. Self-declaration, on its own, will not be sufficient. Services should give consideration to:
  - the overview of the principles eSafety has outlined above
  - building on the systems and processes already in place to enforce current minimum age rules
  - how fallback mechanisms might be triggered for borderline cases

- o circumvention risks, including location-based circumvention such as VPN use or age-based circumvention such as spoofing techniques, and appropriate safeguards to combat these risks.

Services are encouraged to document decision-making, risk and impact assessments and other key information related to the implementation of age assurance measures that may demonstrate the taking of reasonable steps.

eSafety has also published some [FAQs](#) on the eSafety website which may assist in developing plans and communications to support and inform end-users' understanding of the SMMA obligations.<sup>4</sup>

The above points are intended to provide you with an early, interim indication of our approach and position. More detailed guidance will be provided shortly.

In the meantime, please reach out if you have any questions about the steps outlined above.

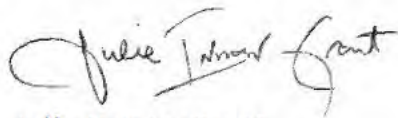
The privacy regulator, the Office of the Australian Information Commissioner (**OAIC**), is a co-regulator of the SMMA legislative requirements and we will continue to work closely with the OAIC as we progress with preparation for implementation of the SMMA obligation.

## Next steps

We would appreciate your response to this letter, and in particular, any information you consider relevant to an assessment of whether Steam is an age-restricted social media platform or whether it is excluded under the Rules, by 18 September 2025.

Please do not hesitate to contact my team at [s 47E\(d\)@esafety.gov.au](mailto:s47E(d)@esafety.gov.au) to discuss.

Yours faithfully



Julie Inman Grant  
eSafety Commissioner

---

<sup>4</sup> eSafety website, [Social media 'ban' or delay FAQ | eSafety Commissioner](#).



**From:** Social Media Minimum Age Restrictions  
**Sent:** Tuesday, 23 September 2025 1:05 PM  
**To:** eSafety Industry Supervision; DL - eSafety SMART  
**Subject:** FW: [External Mail] CC25-0110\_Correspondence from eSafety Commissioner | Social Media Minimum Age (SMMA) Obligations [SEC=OFFICIAL]  
**Attachments:** Reply letter to eSafety Commissioner September 2025.pdf; RE: [External Mail] CC25-0110\_Correspondence from eSafety Commissioner | Social Media Minimum Age (SMMA) Obligations [SEC=OFFICIAL]

**OFFICIAL**

FYI

---

**From:** s 47F <s 47F@valvesoftware.com>  
**Sent:** Tuesday, 23 September 2025 11:25 AM  
**To:** eSafety Commissioner s 47E(d) @eSafety.gov.au; s 47F <s 47F@valvesoftware.com>  
**Cc:** IndustryBOSE s 47E(d) @eSafety.gov.au; Social Media Minimum Age Restrictions s 47E(d) @esafety.gov.au; s 47F @valvesoftware.com>  
**Subject:** RE: [External Mail] CC25-0110\_Correspondence from eSafety Commissioner | Social Media Minimum Age (SMMA) Obligations [SEC=OFFICIAL]

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

Hello s 22

s 47F is travelling and asked me to get back to you.

Valve's response is attached. As noted in the response, feel free to reach out with any questions or if you'd like to discuss.

Thank you.

s 47F  
Deputy General Counsel  
Valve Corporation

---

**From:** eSafety Commissioner s 47E(d) @eSafety.gov.au  
**Sent:** Wednesday, September 3, 2025 7:06 PM  
**To:** s 47F <s 47F@valvesoftware.com>  
**Cc:** IndustryBOSE s 47E(d) @eSafety.gov.au; Social Media Minimum Age Restrictions s 47E(d) @esafety.gov.au; s 47G @valvesoftware.com>  
**Subject:** [External Mail] CC25-0110\_Correspondence from eSafety Commissioner | Social Media Minimum Age (SMMA) Obligations [SEC=OFFICIAL]

**OFFICIAL**

Dear s 47F

Please find attached correspondence from the eSafety Commissioner, Julie Inman Grant, providing update on the social media minimum age (SMMA) obligations.

Many thanks

Kind regards

s 22

s 22

Executive Officer  
Office of the eSafety Commissioner

 [esafety.gov.au](mailto: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.*

NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.





Valve Corporation  
10400 NE 4th Street, Suite 1400  
Bellevue, WA 98004

valvesoftware.com  
vox 425 889 9842  
fax 425 827 4843

September 22, 2025

Julie Inman Grant  
eSafety Commissioner

via email to s 47E(d) @eSafety.gov.au, s 47E(d) @eSafety.gov.au, and  
s 47E(d) @esafety.gov.au

Dear Commissioner Grant:

I write on behalf of Valve Corporation in response to your letter to s 47F dated September 4, 2025, regarding whether Valve's gaming service, Steam, is an age-restricted social media platform as defined in section 63C(1)(a) of the *Online Safety Act 2021* (the "Act"). s 47F.

The Rules<sup>1</sup> identify several types of services that are "not age-restricted social media platforms" under the Act, including "services that have the sole or primary purpose of enabling end-users to play online games with other end-users" and "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."

Steam is an online gaming platform—the core experience for Steam users is browsing for, purchasing, and playing games. You can access Steam at <https://store.steampowered.com/>.

Steam does offer some limited community features (called "Steam Community") that are ancillary to users' gaming experiences. You can access Steam Community by clicking the "COMMUNITY" link at the top of the Steam homepage, or by navigating directly to <https://steamcommunity.com/>. Steam users use Steam Community to share information about the games on Steam through features like discussion boards, player profiles, game guides, and game reviews. Like all of Steam, Steam Community is focused on games—posting off-topic content is against the rules. See <https://help.steampowered.com/en/faqs/view/6862-8119-C23E-EA7B>. Steam Community is not monetized at all; Valve does not sell advertising or Steam user data.

In short, Steam's primary purpose is "enabling end-users to play online games with other end-users." Steam Community is ancillary to Steam and exists to support Steam's primary purpose by enabling Steam users to "share information (such as reviews, technical support or advice) about" the games on Steam. Accordingly, Steam is not "an age-restricted social media platform" under the Act.

---

<sup>1</sup> The "Rules" were defined in your letter as the *Online Safety (Age Restricted Social Media Platforms) Rules 2025* promulgated under the Act on 29 July 2025 by the Minister for Communications, the Honourable Anika Wells MP. The Rules are available online at <https://www.legislation.gov.au/F2025L00889/latest/text>.

If you or your staff would like to discuss, please contact me via email at [s47f@valvesoftware.com](mailto:s47f@valvesoftware.com).

Sincerely,

A large black rectangular redaction box covering the signature area. The text "S 47F" is printed in large, bold, red font across the center of the box.

Deputy General Counsel  
Valve Corporation



---

**From:** eSafety Industry Supervision  
**Sent:** Friday, 17 October 2025 10:03 AM  
**To:** s 47F@valvesoftware.com  
**Cc:** Julie Inman Grant s 22; eSafety Industry Supervision  
**Subject:** Preliminary assessment regarding Social Media Minimum Age [SEC=OFFICIAL]  
**Attachments:** 20251017 Steam and Steam Chat ARSMP preliminary view letter.pdf  
  
**Categories:** CRM update

**OFFICIAL**

Dear s 47F

Please find attached correspondence from the eSafety Commissioner providing her preliminary assessment of Steam and Steam Chat.

Regards,

s 22  
(she / her)  
Manager, Industry Supervision



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.

17 October 2025

s 47F

Deputy General Counsel  
Valve Corporation

eSafety FOI 25261  
Document 22 of 24

By email: s 47F@valvesoftware.com

Dear s 47F

## Preliminary view that Valve services are not age-restricted social media platforms

1. I refer to our recent engagement concerning the social media minimum age obligation (**SMMA obligation**) in Part 4A of the *Online Safety Act 2021* (Cth) (**the Act**). As you are aware, the SMMA obligation comes into effect on 10 December 2025 and applies to ‘age-restricted social media platforms’.
2. As the eSafety Commissioner, I am required to monitor and promote compliance with the SMMA obligation. To assist industry and the public to prepare for the SMMA obligation, eSafety is engaging with services and encouraging them to assess whether they are an age-restricted social media platform using our [self-assessment tool](#). We are also separately assessing whether services are age-restricted social media platforms.<sup>1</sup>
3. The purpose of this letter is to:
  - a. notify you that eSafety has recently conducted an assessment of the following services: Steam (inclusive of Steam Community) and Steam Chat (**the Valve services**);
  - b. notify you that eSafety has formed the preliminary view that:
    - i. each of the Valve services is a separate electronic service for the purposes of assessing whether it is an age-restricted social media platform under s 63C of the Act;
    - ii. Steam and Steam Chat are not age-restricted social media platforms;

---

<sup>1</sup> In the absence of any rules made by the Minister specifying a service as either an age-restricted social media platform or not an age-restricted social platform under ss 63C(4) and 63C(6)(b) of the Act respectively, any determination that a service is or is not an age-restricted social media platform is a matter for the court.



- c. give Valve the opportunity to respond to our preliminary view and provide any submissions before the SMMA obligation comes into effect; and
- d. notify you that eSafety will be publicly communicating our preliminary view soon.

## Summary of preliminary view

- 4. After conducting a preliminary assessment of the Valve services, eSafety has formed the preliminary view that Steam and Steam Chat are not age-restricted social media platforms for the following reasons:
  - a. the conditions for an age-restricted social media platform in s 63C(1) and s 63(6)(a) of the Act have been met; and
  - b. both Steam and Steam Chat fall within a class of services that are excluded from the SMMA obligation under the *Online Safety (Age-Restricted Social Media Platforms) Rules 2025 (the Rules)* (s 63C(6)(b) of the Act).

## Material taken into account

- 5. In forming our preliminary view, eSafety has taken into account the following material:
  - a. relevant provisions in the Act and Rules
  - b. eSafety's Regulatory Guidance and self-assessment tool
  - c. internal eSafety user testing of the Valve services
  - d. information on Steam's website, as well as media releases and public communications
  - e. insights from relevant research or third-party reports, and other publicly available information
  - f. how Steam and Steam Chat are described in the Apple App Store and Google Play Store
  - g. Valve's communications with eSafety, including Valve's letter dated 22 September 2025 (**Valve letter**).
- 6. In the Valve letter, Valve advised that Steam is not likely to fall within the definition of an 'age-restricted social media platform' because it does not satisfy the conditions of s 63C(1)(b) and (c).

## Reasons for preliminary view: Steam

7. An electronic service is an age-restricted social media platform if the following conditions are satisfied:
- a. the sole purpose, or a significant purpose, of the service is to enable online social interaction between two or more end-users (s 63C(1)(a)(i)), and
  - b. the service allows end-users to link to, or interact with, other end-users (s 63C(1)(a)(ii)), and
  - c. the service allows end-users to post material on the service (s 63C(1)(a)(iii)), and
  - d. material on the service is accessible to, or delivered to, end-users in Australia (s 63C(6)(a)), and
  - e. the service is not an excluded service under the Rules (s 63C(6)(b)).

### **Steam is an electronic service**

8. An 'electronic service' is defined in s 5 of the Act as:
- a. a service that allows end-users to access material using a carriage service; or
  - b. a service that delivers material to persons having equipment appropriate for receiving that material, where the delivery of the service is by means of a carriage service;
- but does not include:
- c. a broadcasting service; or
  - d. a broadcasting service (within the meaning of the *Broadcasting Services Act 1992*).
9. 'Material' is also defined in s 5 of the Act and means material whether in the form of text, data, speech, music or other sounds, visual images (moving or otherwise) or in any other form or combination of forms.
10. 'Carriage service' is a service for carrying communications by means of guided and/or unguided electromagnetic energy.<sup>2</sup> In this case, the carriage service is the internet.
11. Steam is an electronic service as it allows end-users to access material including text-based material, images and videos using the internet. Steam also delivers that material to end-users using the internet.

---

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



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

12. Material is accessible to, or delivered to, end-users in Australia if the end-users are physically located in Australia and the material is capable of being accessed by, or is received by, them.
13. Material on Steam is accessible to, and delivered to, end-users in Australia.

### **A significant purpose of Steam is to enable online social interaction between two or more end-users (s 63C(1)(a)(i))**

14. eSafety considers the current purposes of Steam are:
  1. To enable end-users to discover and play online games (**Purpose 1**).
  2. To enable end-users to buy, download, store and automatically update online games (**Purpose 2**).
  3. To enable end-users to create and share online games and material with other end-users (**Purpose 3**).
  4. To enable end-users to communicate and engage with other end-users and their material (**Purpose 4**).

### Consideration of identified purposes and 'online social interaction'

15. The relevant question is whether the above purposes can be categorised as online social interaction purposes (**OSI purposes**).
16. Online social interaction includes online interaction that enables end-users to share material for social purposes.<sup>3</sup> eSafety's [Regulatory Guidance](#) and [self-assessment tool](#) detail our approach to considering what 'online social interaction' means practically, such as 'an end-user's engagement with other end-users or their material through an electronic service, whether active or passive, including by communicating, sharing material, participating in communities and/or expressing reactions'.<sup>4</sup>
17. Online social interaction does not include, for example, online business interaction or the sharing of material for business purposes.<sup>5</sup>
18. We consider that Purposes 1, 3 and 4 are OSI purposes because they enable end-users to engage with other end-users or their material for social purposes (whether active or passive), and this engagement is the main type of interaction:
  - a. Purpose 1: to enable end-users to discover and play online games

---

<sup>3</sup> The Act, s 63C(2).

<sup>4</sup> See Regulatory Guidance, p. 53; [Regulatory guidance / eSafety Commissioner](#)

<sup>5</sup> See The Act, Note 1 to s 63C; s 63(2).



- i. Steam's core functionality is to enable end-users to discover and play online games with other end-users.
  - ii. Steam notifies end-users when other end-users have started playing a game or when they are online.
  - iii. End-users can coordinate gaming activities within Steam Community Groups.
  - iv. When signed in, end-users receive personalised recommendations that show what other end-users on their friends list are playing, what those end-users have reviewed, games similar to ones the end-user has played, and new content available for games they already own.
- b. Purpose 3: to enable end-users to create and share online games and material with other end-users
  - i. Steam's community features include friends list, community hubs, broadcasting and workshop tools which enable end-users to connect with other end-users, share tips and strategies and discussions about the games that they own and are playing.
  - ii. Steam community hubs enable end-users to post and discover custom artwork associated with Steam games, as well as customise profiles and post workshop items through the Steam Workshop.
  - iii. The Steam workshop is a central hub of player-created material and tools to publish, organise and download that material into an end-user's game on Steam.<sup>6</sup>
- c. Purpose 4: to enable end-users to communicate and engage with other end-users and their material
  - i. All end-users of Steam can use the Steam overlay within a game to access community features like the chat window while playing their game, which enables end-users to direct message when playing games together.
  - ii. End-users can join Steam Community Groups, enabling them to host and participate in discussions in relation to group-specific interests or topics. End-users can post, reply to other end-users' posts, share material such as links and artwork, and view and livestream gameplay through the 'Steam Broadcasting' feature—all within Steam Community Groups.
  - iii. End-users have a Steam friends list, and every account on Steam can receive friend invites.

19. We consider that Purpose 2 is not best categorised as an OSI purpose because the buying, downloading, storing and automatically updating of online games does not enable online social interaction.

---

<sup>6</sup> [Steam Community :: Steam Workshop](#)



‘Online social interaction’ is a significant purpose of Steam

20. As set out in eSafety’s Regulatory Guidance, ‘a significant purpose’ is a purpose which is important and meaningful rather than one which is merely incidental or subsidiary.<sup>7</sup>

21. In assessing whether enabling online social interaction between two or more end-users is a significant purpose of Steam, eSafety has specifically considered whether end-users would continue to use the service if the features and functions that enable online social interaction were removed or reduced. For example:

- a. To play online games privately and with other end-users is central to Steam’s functionality as an online gaming platform. Steam acts as a library for end-users to discover, buy, download, store and play games, while providing a social overlay which allows end-users to communicate while playing games or to discuss specific topics or interests in Community hubs.
- b. According to analysis by GamesDiscoverCo, end-user generated material is clearly heavily utilised on Steam, with games that allow user-generated material performing better than games without it. After 5 years of being published on Steam, games with end-user generated material facilitated a stronger end-user retention rate than games without end-user generated material.<sup>8</sup>
- c. According to Steam’s website the top game by current player count is Counter-Strike 2, a multiplayer game with 637,076 current end-user players, with a peak daily count of 1,524,220 end-user players as of 16 October 2025.<sup>9</sup>
- d. Accordingly, if the features that enable end-users to play online games were removed or reduced, we consider that it is unlikely that most end-users would continue to use Steam in preference to other services.

22. Having regard to:

- a. the purposes of Steam identified above; and
- b. that Purposes 1, 3 and 4 are OSI purposes; and

---

<sup>7</sup> See Regulatory Guidance, p. 53; [Regulatory guidance / eSafety Commissioner](#).

<sup>8</sup> [Analysis: UGC \(still\) powers sales & retention](#).

<sup>9</sup> [Steam: Game and Player Statistics](#)



- c. that it is unlikely that end-users would continue to use the service if the features and functions that enable online social interaction were removed or reduced,

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

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

23. As identified at paragraph 18, Steam allows end-users to link to, or interact with, some or all of the other end-users. This includes via the Steam overlay within games to access Steam Community features like the chat window while playing games. End-users can also host and participate in discussions in relation to group-specific interests or topics, post, comment, share, livestream and coordinate gaming activities through Steam Community, as well as search for and add other end-users.

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

24. As identified at paragraph 18, Steam allows end-users to post material on the service, including providing end-users with features that support custom image and material uploads for players. End-users can post screenshots, player artwork, custom profiles and workshop items, and utilise the Steam overlay to access the chat window while playing games to message other end-users and join and post within Steam Community Groups.

#### **Steam falls within a class of excluded services (s 63C(6)(b))**

- 25. Section 63C(6)(b) of the Act states that an electronic service is *not* an age-restricted social media platform if the service is specified in the legislative rules.
- 26. On 29 July 2025, the Minister for Communications made the Rules specifying classes of services that are not age-restricted social media platforms.
- 27. Having considered the purposes of Steam identified above, and in particular rule 5(1)(b), eSafety's preliminary view is that Steam falls within one of the classes of services specified in the Rules because Steam has the sole or primary purpose of enabling end-users to play online games with other end-users.
- 28. Steam is an online gaming platform, designed as a repository for end-users to discover, buy, download, store and play online games, while providing a social overlay which allows end-users to communicate with each other while playing games or to discuss specific topics or interests in Steam Community Groups.
- 29. In addition, while Steam includes other features and functions such as communication and creating material, these are common ancillary functions found in many online



games. eSafety therefore considers the primary purpose of Steam to be enabling end-users to play online games with other end-users.<sup>10</sup>

## **Conclusion**

30. For the reasons outlined above, eSafety's preliminary view is that Steam is not an age-restricted social media platform.

## **Reasons for preliminary view: Steam Chat**

### **Steam Chat is an electronic service**

31. Steam Chat is an electronic service as it allows end-users to access material including direct messages, group messages, links, videos, posts, GIFs, Steam emoticons and voice calls using the internet. Steam Chat also delivers that material to end-users using the internet.

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

32. Material on Steam Chat is accessible to, and delivered to, end-users in Australia.

### **Steam Chat has the sole purpose of enabling online social interaction between two or more end-users (s 63C(1)(a)(i))**

33. eSafety considers the current purpose of Steam Chat is to enable end-users to communicate and interact by means of messaging, and voice calling.

### **Consideration of identified purposes and 'online social interaction'**

34. We consider that the purpose as identified above enables online social interaction between two or more end-users for the following reasons:

- a. Steam Chat allows end-users to directly communicate with other end-users by way of:
  - i. text-based material by way of direct messages and group direct messages, where end-users communicate with other end-users via text-based messages, images, GIFs, and emoticons
  - ii. voice calling either directly or within a group chat
  - iii. creating their own network of friends by adding or being added by other end-users. End-users are discoverable on the service by way of a search function

---

<sup>10</sup> Explanatory Statement, Online Safety (Age-Restricted Social Media Platforms) Rules 2025 (Cth), p 9.



and can create and share invite links with other players to invite them to group chats or add them as a friend.

'Online social interaction' is the sole purpose of Steam Chat

35. Having regard to:

- a. the purpose of Steam Chat identified above; and
- b. that this purpose enables online social interaction,

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

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

'Online social interaction' is a significant purpose of Steam Chat

37. In assessing whether enabling online social interaction between two or more end-users is a significant purpose of Steam Chat, eSafety has specifically considered whether end-users would continue to use the service if the features and functions that enable online social interaction were removed or reduced. For example:

- a. On Steam's website, Steam describes its chat interface as allowing end-users to 'manage your friends, send instant messages, organise voice and group chats and control your online presence'<sup>11</sup>. The Steam Chat app has the tagline 'take your Steam friends, groups and conversations with you wherever you go'.
- b. The primary purpose of Steam Chat is to communicate with other end-users on Steam via message and voice calls. To take this purpose away from Steam Chat would render the service redundant with end-users as its only function is to facilitate communication and interaction through 'chat' features amongst end-users.

38. Having regard to:

- a. the purpose of Steam Chat identified above; and

---

<sup>11</sup> [Steam Support: Steam Friends & Chat](#)



- b. that this purpose enables online social interaction; and
- c. that it is unlikely that end-users would continue to use the service if the features and functions that enable online social interaction were removed or reduced,

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

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

39. As identified at paragraph 38, Steam Chat allows end-users to link to, or interact with, some or all of the other end-users by messaging and voice calling, as well as searching for and adding other end-users to their friends list.

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

40. As identified at paragraph 34, Steam Chat allows end-users to post material on the service, including by allowing end-users to link their Steam Community material, upload material to their Steam Profiles and send messages to other end-users.

**Steam Chat falls within a class of excluded services (s 63C(6)(b))**

- 41. Section 63C(6)(b) of the Act states that an electronic service is *not* an age-restricted social media platform if the service is specified in the legislative rules.
- 42. On 29 July 2025, the Minister for Communications made the Rules specifying classes of services that are not age-restricted social media platforms.
- 43. Having considered the purpose of Steam Chat identified above, and in particular rule 5(1)(a), eSafety's preliminary view is that Steam Chat falls within one of the classes of services specified in the Rules because Steam Chat has the sole or primary purpose of enabling end-users to communicate by means of messaging and voice calling.
- 44. As identified at paragraph 37, the purpose of Steam Chat either wholly consist of, or is heavily rely upon, enabling end-users to communicate by means of messaging and voice calling.

**Conclusion**

45. For the reasons outlined above, eSafety's preliminary view is that Steam Chat is not an age-restricted social media platform.

## Next steps

46. Should you wish to provide further information on either Steam and/or Steam Chat for eSafety's consideration, please provide Valve's response to eSafety's preliminary view by 24 October 2025.
47. eSafety proposes to publish on its website eSafety's preliminary view of whether certain services are or are not age-restricted social media platforms. That will include information about whether or not a service agrees with eSafety's assessment.
48. Please note that while eSafety holds the preliminary view that the Valve services are not subject to the SMMA obligation, the Valve services may experience changes in how the service is used after the obligation takes effect. Should the Valve services make or observe any changes which could impact whether it meets the definition of an age-restricted social media platform, it should re-assess and advise eSafety.
49. As you are aware, online services have other regulatory requirements under the Act which need to be complied with. For more information about other regulatory requirements, see [Regulatory guidance | eSafety Commissioner](#).
50. Please contact **s 47E(d)**[@esafety.gov.au](mailto:s 47E(d)@esafety.gov.au) should you wish to discuss this letter further.

Yours sincerely,



Julie Inman Grant  
eSafety Commissioner



**From:** Julie Inman Grant  
**Sent:** Monday, 3 November 2025 10:10 AM  
**To:** s 47F@valvesoftware.com  
**Cc:** eSafety Industry Supervision; Heidi Snell  
**Subject:** Correspondence from eSafety Commissioner\_Steam and Social Media Minimum Age [SEC=OFFICIAL]  
**Attachments:** CC25-0110-02\_Correspondence from eSafety Commissioner to STEAM and STEAM Chat\_ARSMIP response letter\_03112025.pdf

OFFICIAL

OFFICIAL

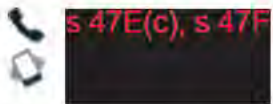
Dear s 47F

Please find attached correspondence from Julie Inman Grant, eSafety Commissioner.

Kind regards

s 22

Julie Inman Grant  
Commissioner



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 and present.*

3 November 2025

CC25-0110-02

s 47F

Deputy General Counsel

Valve Corporation

By email: [s 47F@valvesoftware.com](mailto:s 47F@valvesoftware.com)

eSafety FOI 25261  
Document 24 of 24

Dear s 47F

## eSafety's view is that Valve services are not age-restricted social media platforms

1. I refer to my letter to Valve Corporation dated 17 October 2025 (**eSafety letter**) concerning the social media minimum age obligation (**SMMA obligation**) in Part 4A of the *Online Safety Act 2021* (Cth) (**the Act**).
2. As explained in the eSafety letter, eSafety has formed the preliminary view that the Valve services (**Steam** and **Steam Chat**) are not age-restricted social media platforms.
3. Valve was invited to provide any further submissions or evidence for eSafety's consideration by 24 October 2025. I note that we have not received any further correspondence from Valve.
4. Our view therefore remains the same, that the Valve services are not age-restricted social media platforms.

### Next steps

5. To assist industry and the public to understand which services may be subject to the SMMA obligation, eSafety proposes to publish on its website a list of services with eSafety's preliminary view on whether they are, or are not, age-restricted social media platforms.
6. Whilst eSafety currently holds the view that the Valve services are not age-restricted social media platforms, eSafety encourages Valve to routinely self-assess<sup>1</sup>, including when introducing a new social feature or function or when observing changes in the ways existing and new account holders are using the Valve services.
7. As you are aware, online services have other regulatory requirements under the Act which need to be complied with. For more information about other regulatory requirements that you may need to comply with, see eSafety's [Regulatory Guidance](#).
8. Please contact [s 47E\(d\)@esafety.gov.au](mailto:s 47E(d)@esafety.gov.au) should you wish to discuss this letter further.

Yours faithfully,



Julie Inman Grant  
eSafety Commissioner

<sup>1</sup> eSafety recommends using its [self-assessment tool](#).