

Germany's Independent Expert Commission on the Safety of Children and Young People in Digital Environments

Hearing 4: International perspectives and EU developments

Submission from Australia's eSafety Commissioner

1. Introduction

- 1.1. The eSafety Commissioner (eSafety) thanks the Co-Chairs of the Expert Commission, Nadine Schön and Prof. Dr. Olaf Köller for the opportunity to share its experience implementing the world's first [social media minimum age](#) legislation and to outline eSafety's multilayered, holistic approach to protecting all Australians—especially children—online.
- 1.2. When [eSafety](#) was established in 2015, its primary focus and remit was the online safety of children. Even as its remit has expanded to cover all Australians, the online safety of children has remained one of eSafety's core and enduring priorities.

2. Regulatory framework

- 2.1. eSafety's powers and functions are set out under the *Online Safety Act 2021*.
- 2.2. eSafety adopts a risk- and harms-based regulatory approach, which focuses on the most serious online harms in a manner that is proportionate, fair, and grounded in evidence.
- 2.3. The eSafety regulatory approach is broadly structured under 3 pillars:
- 2.4. **Prevention**
 - eSafety prevents online harms through the development of digital literacy resources and programs that are based on robust evidence.
 - Resources and programs are co-designed with those with lived experience, especially young people and at-risk communities to ensure authenticity and that they are tailored to specific cohorts to support help seeking behaviours.

2.5. Protection

- eSafety is mandated to protect Australians and remediate harm through four [complaint schemes](#):
 1. [adult cyber abuse](#)
 2. [child cyberbullying](#)
 3. [illegal and restricted content](#), and
 4. [the nonconsensual sharing of intimate images](#) (image-based abuse).
- All of eSafety's complaints schemes apply to artificially generated or synthetic version of material, including deepfakes.

2.6. Proactive and Systemic Change

- eSafety proactively minimises harms through its [Safety by Design](#) initiative, which encourages the technology industry to anticipate, detect and eliminate online risk, and embed safety protections at the beginning of the design, development and deployment process. Deliberate at the get-go is as the most effective way to make digital environments safer and more inclusive. Developed with industry in 2018, Safety by Design's key principles have been embedded in eSafety's transparency powers, codes and standards.
- eSafety's has systemic regulatory powers designed to change the online landscape from within and prevent harms before they occur.

3. Systemic powers, codes and standards

- 3.1. A key facet of eSafety's regulatory powers are systemic regulatory measures, this includes mandatory and enforceable [industry codes and standards](#).
- 3.2. The [Unlawful Material Codes](#) and [Standards](#) are currently in effect and contain measures to address 'class 1A' and 'class 1B' online material. These classes cover the most seriously harmful online content, such as child sexual exploitation material and pro-terror material.
- 3.3. There are 6 unlawful material codes that apply to social media services, app distribution services, hosting services, internet carriage services, equipment providers, and search engine services. There are an additional two unlawful material standards that apply to "relevant electronic services", such as messaging and gaming services, and "designated internet services" which cover other types of apps and sites, including some generative AI services.
- 3.4. The [Age-Restricted Material Codes](#) are currently in effect. These codes, focusing on 'class 1C' and 'class 2' material, require providers of certain

services to take steps to protect children from age-inappropriate content, particularly where exposure may be accidental or unwanted. The codes include protections for outputs generated by AI companion chatbots, including sexually explicit conversations or conversations that may encourage self-harm.

- 3.5. The 9 age-restricted material codes apply to hosting services, internet carriage services, search engine services app distribution platforms, equipment providers, social media services (core features), social media services (messaging features), relevant electronic services and designated internet services.
- 3.6. eSafety's systemic regulatory approach also includes the [Basic Online Safety Expectations](#), which outline the Australian Government's expectations that social media services, relevant electronic services and designated internet services will take reasonable steps to keep Australians safe. The requirements are designed to improve providers' safety practices and improve transparency and accountability. eSafety publishes reports on its [website](#) to promote transparency.

4. Online harms research

- 4.1. In 2025, eSafety conducted the [Keeping Kids Safe Online](#) study involving 3,454 young people and their parents to determine where harms were occurring on social media and how they manifested.
- 4.2. Key findings include:
 - Social media use among children aged 10–15 was almost ubiquitous (96%).
 - 93% of Australian children aged 10–12 had ever used a social media platform, notwithstanding platform policies that enshrine 13 as the minimum age.
 - Over seven in ten children aged 10–15 had encountered content associated with harm, including exposure to offensive, sexist or hurtful material about women and girls, dangerous online challenges, and content promoting unhealthy eating or exercise.
 - Children reported that 75% of this content was encountered on social media. YouTube was most frequently cited; 37% of children exposed to harmful content said their most recent encounter occurred there.
- 4.3. The data represent real young people in Australia having real experiences online that affect their personal safety and wellbeing.

5. Social media minimum age

- 5.1. Despite eSafety's ongoing calls for social media companies to adopt Safety by Design principles, improvements over the years have been incremental rather than the monumental change required.
- 5.2. Social media companies have instead continued to prioritise user retention over user safety and wellbeing, relying on features such as algorithmic manipulation, streaks and endless scroll.
- 5.3. Widespread calls for action and a groundswell of public support in Australia contributed to concerted Australian Government action to introduce the world's first [social media minimum age](#) legislation.
- 5.4. Australia's approach does not impose an absolute prohibition or ban on children. Instead, it provides a delay or respite from social media accounts to shield young people from harmful and deceptive design features.
- 5.5. Importantly, certain types of services are excluded from the definition of age-restricted social media platform, recognising that children's continued access to some online spaces is important.
- 5.6. Since the social media minimum age obligation took effect on 10 December 2025, age restricted have been required to take reasonable steps to prevent children in Australia under 16 from having social media accounts.
- 5.7. eSafety does not have a formal role in declaring which services are age-restricted social media platforms. However, in the lead up to the obligation taking effect it was necessary to provide additional clarity for young people, families and the general public on which services were (and were not) required to comply with the SMMA obligation.
- 5.8. Ahead of the obligation coming into effect, eSafety published a list of 10 services it considers would likely be age-restricted social media platforms, alongside a list of 11 services that it considered would likely not be age-restricted social media platforms. Importantly, given how many online services are operating in Australia at any particular time, and the way they are constantly evolving, it is not possible for eSafety to maintain an exhaustive list of all services that may meet the conditions for an age-restricted social media platform.
- 5.9. eSafety also published [regulatory guidance](#) in September 2025 outlining expectations regarding reasonable steps. Informed by industry engagement, community consultation and the final report from the Australian Government funded [Age Assurance Technology Trial](#), the guidance sets out how platforms can meet their obligations by deploying age

assurance technologies, improved reporting pathways, and clear communication with users.

5.10. The regulatory guidance sets out that the steps taken by providers should be:

- Reliable, accurate, robust and effective
- Privacy-preserving and data-minimising
- Accessible, inclusive and fair
- Transparent
- Proportionate
- Evidence-based and responsive to emerging technology and risk.

5.11. The principles-based guidance recognises the diversity of the sector and was designed to help age restricted social media platforms meet their obligations effectively, in a manner that is privacy preserving and fair.

5.12. The guidance suggests a layered or “waterfall” approach across the user journey, combining systems, technologies, processes, policies and communications to support compliance.

5.13. Key expectations for platforms:

- Detect and deactivate/remove existing underage accounts with care and clear communication.
- Prevent reregistration or circumvention by underage users whose accounts have been deactivated or removed, including location-based evasion (for example, through the use of VPNs) and age-based evasion (for example, through the spoofing of age assurance systems).
- Adopt a layered approach to age assurance to minimise end-user friction, reduce error rates, and provide user choice.
- Provide accessible review and appeals mechanisms for users who believe they have been wrongly flagged.
- Avoid reliance on self-declaration alone, which is not considered sufficient to meet the legal obligation.
- Continuously monitor and improve systems, tracking effectiveness over time and providing transparent public and regulatory information about age assurance practices.

5.14. eSafety engaged extensively with key identified age-restricted social media platforms prior to commencement of the obligation, and set early expectations for a graduated, risk and outcomes-based approach to compliance and enforcement, focusing on platforms with the highest number of underage users.

- 5.15. Alongside the regulatory guidance, eSafety also issued a [statement](#) reaffirming its commitment to children’s digital rights in implementing the legislation. The statement signalled eSafety’s understanding that this represents a significant change for many young Australians and underscored eSafety’s respect for, and commitment to, the rights of the child.

6. Support for parents, carers and educators

- 6.1. To support [Australian young people](#) and their [families](#), eSafety established a Parent Advisory Group comprising 12 organisations representing a diverse cross-section of communities to provide expert advice and strengthen support for parents and carers during a time of significant regulatory change. This new group compliments the longstanding work of the Youth Advisory Council, which provides young people a voice about online safety policy.
- 6.2. eSafety worked collaboratively with leading mental health and support organisations to produce a comprehensive package of tailored resources for parents, educators and young people. Live webinars were also rolled out nationally to scale important messaging and respond to questions from parents and educators.
- 6.3. eSafety will continue to work closely with educators, parents and young people to deliver digital and algorithmic literacy materials that build digital resilience and critical reasoning skills, ensuring readiness to navigate social media safely at 16.

7. Early indicators and compliance

- 7.1. It is still early in the compliance process, and eSafety is not in a position to provide detailed commentary on compliance. There is limited information that can be shared in order to protect the integrity of regulatory processes and ensure that any potential enforcement action is not compromised.
- 7.2. In mid-January 2026, the [Australian Government announced](#) that approximately 4.7 million accounts identified as belonging to a person in Australia under the under of 16 were deactivated or restricted within the first week of the new obligation coming into effect. For context, there are approximately 2.5 million Australian children aged 8–15, meaning that each account does not represent a separate child.
- 7.3. Following this initial wave of deactivations, age-restricted social media platforms must now continue their efforts to identify and deactivate underage accounts not captured in the initial phase and prevent those

whose accounts were deactivated from creating new accounts. This process is complex.

8. Evaluation and evidence program

- 8.1. eSafety has commenced a [comprehensive evaluation](#) to understand how the new obligation operates in practice and its impact on children and families.
- 8.2. The project is led by eSafety's Research and Evaluation team in partnership with:
 - Stanford University's Social Media Lab (lead academic partner); and
 - An Academic Advisory Group of 11 leading Australian and international experts in youth wellbeing, psychology, public health, education and technology.
- 8.3. This study will assess implementation and deliver strong, evidence based insights to guide future decision-making. It will also contribute valuable new knowledge to the global conversation about young people, social media and their wellbeing.
- 8.4. The study will follow more than 4,000 children and families over more than two years, using a range of research methods. A wide range of outcomes will be explored, including children's wellbeing and mental health, exposure to online risks and harms, digital habits and social media patterns, help seeking behaviours, family relationships and parenting experiences, and the early experiences and impacts on young people under 16.
- 8.5. Findings will be released progressively through public reports and peer-reviewed publications starting mid 2026 and across 2027 and 2028.
- 8.6. The study's design and evaluation instruments are available on the Open Science Framework and will be updated on an ongoing basis as the evaluation progresses to ensure full transparency.
- 8.7. More detailed information about the evaluation has been added to eSafety's [Social Media Minimum Age hub](#), where regular updates will be provided.
- 8.8. Separately, a review of the Social Media Minimum Age legislation will be conducted by the Australian Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts.
- 8.9. Ultimately, the impact of social media minimum age will be measured over years, not weeks or months, and its effect will likely be generational.

9. International Collaboration

- 9.1. eSafety recognises that building a safer online experience requires a whole of society effort—from industry, government, educators, families and children themselves.
- 9.2. eSafety will continue to [share its lessons globally](#), on both the social media minimum age and its holistic online safety regulatory framework, to promote regulatory coherence and enhanced international collaboration. This includes through key multilateral fora such as the [Global Online Safety Regulators Network](#), which is the first international forum for independent regulators working together to make online spaces safer. The internet does not stop at the border, and neither should efforts to protect children.
- 9.3. eSafety has continued to build its international networks and collaborative efforts, which includes longstanding and significant relationships with partners in the EU, including the European Parliament's Intergroup on Child Rights, the European Commission and Digital Services Coordinators, child rights and protection organisations, Germany's media authorities, the German Association for Voluntary Self-Regulation of Digital Media Service Providers (FSM e. V.), .

10. Conclusion

- 10.1. Implementing the world's first social media minimum age is challenging and complex. Delaying access to social media accounts for under 16s is not a complete solution to all online safety concerns. It should be seen as part of a holistic approach to online safety that includes overlapping regulation and transparency, international cooperation, Safety by Design, and education to build resilience, support parents, and promote digital literacy.
- 10.2. Through regulation, education, collaboration and innovation, Australia can help shape a digital future that is safer, smarter and more accountable—and allow children to be children, just a little longer.