

Online Safety Amendment (Strengthening Enforcement for the Social Media Minimum Age) Bill 2026

Submission to the Environment and
Communications Legislation Committee

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**Australian
Human Rights
Commission**

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Overview

1. We support measures to make online spaces safer for children. We have consistently advocated for a rights-protective digital environment.¹
2. We are concerned that the *Online Safety Amendment (Strengthening Enforcement for the Social Media Minimum Age) Bill 2026* (Cth) (Bill) forms part of a concerning pattern of digital lawmaking in Australia where there is inadequate time for considering the Bill. Public consultation and parliamentary scrutiny are not barriers to child safety; they are essential to ensuring that laws are evidence-based, effective and rights-respecting. Recent online safety reforms have been developed and introduced on compressed timeframes, with limited consultation and inadequate opportunities for parliamentary scrutiny. This matters because laws regulating online spaces can have significant consequences for human rights, and particularly children's rights. Protecting children online is an urgent and important objective, but it cannot be achieved through rushed processes that risk producing ineffective laws with unintended consequences.
3. The Bill would broaden eSafety's information-gathering powers. The Commission recognises that effective enforcement powers are necessary. However, the breadth of the proposed power may create uncertainty and privacy risks because the powers are not expressly confined to platforms or commercial third parties.
4. Since the *Online Safety Amendment (Social Media Minimum Age) Act 2024* (Cth) came into effect in late 2025, the scheme has evolved rapidly:
 - eSafety has moved into an active enforcement stance (with several platform investigations are underway)²
 - new legislative rules have been created³
 - Legal proceedings have commenced in the High Court,⁴ and
 - the present Bill would expand investigatory powers and increase penalties.⁵
5. At the same time, some emerging evidence suggests the framework is facing implementation challenges and may be producing unintended impacts for children.⁶
6. Despite these developments, there remains limited evidence about how the restrictions are affecting children. Much of the public debate has focused on compliance and parental views, rather than the lived experience of children and young people affected by the restrictions. We note that the independent statutory review of the legislation is due to occur after 2 years. In light of concerns, we recommend that this Committee conduct an inquiry to assess early implementation, rights impacts and unintended consequences. The existing statutory review should still occur at the existing two-year mark to

assess longer-term outcomes and support ongoing monitoring of the framework.

Recommendations

1. This Senate Committee commence a review of the legislation's operation on the impacts on children one year from the commencement of the Online Safety Amendment (Social Media Minimum Age) Act 2024 (Cth). The two-year Independent Statutory Review should still proceed as is currently legislated.
2. The Australian Government ensures proper and genuine consultation for future digital law reform (including the proposed Digital Duty of Care) before progressing laws through Parliament.
3. The Australian Government provide in the Explanatory Memorandum statement of compatibility with human rights further details to demonstrate why it is necessary and proportionate to have broad powers enabling the regulator to collect personal information for the purpose of establishing compliance.

1 Statutory review

Since the original Act was passed, new rules and further amendments have been introduced to clarify scope and strengthen enforcement. It is unclear how these changes in addition to the original Act are impacting children. This Committee should commence a review of the impacts on children.

7. There have been significant developments since the *Online Safety Amendment (Social Media Minimum Age) Act 2024* (Cth) came into effect. The framework has moved quickly from implementation to enforcement, with eSafety reporting that it is already investigating the compliance of Facebook, Instagram, Snapchat, TikTok and YouTube.⁷
8. There is also a growing body of evidence about how parents and families are experiencing the restrictions. Some parents have reported positive changes (more in-person social interaction, children being more present during interactions, improved parent-child relationships etc).⁸ However, other parents have reported negative impacts, including children shifting to alternative or less regulated platforms and reduced social connection or peer support online.⁹
9. At the same time, the legal and regulatory framework continues to shift. Since the *Online Safety Amendment (Social Media Minimum Age) Act 2024* (Cth) was passed:
 - new legislative rules have been introduced better targeting the definition of an age-restricted social media platform¹⁰
 - A legal challenge has commenced proceedings in the High Court,¹¹ and
 - the present Bill would expand the Commissioner's investigatory powers and increase penalties.¹²
10. Taken together, these developments highlight the value of an earlier statutory review. Since the passage of the original legislation, there has been significant regulatory activity, emerging evidence about the practical impacts of the framework on children and families, active compliance and enforcement efforts, and ongoing legal scrutiny of key aspects of the regime. Bringing forward the review would provide an opportunity to assess the overall impact of these developments, evaluate whether the framework is achieving its intended objectives, identify any unintended consequences, and consider whether further legislative or regulatory adjustments are required

Impact on young people

11. There is also still insufficient evidence about how children are experiencing the ban. Much of the public debate has focused on compliance and parental views, rather than the lived experience of children and young people. Any assessment

of the framework must centre children's voices, especially those who rely on online spaces for connection and participation.

12. The limited research that does centre children's voices suggests the framework may be producing unintended impacts. For example, research from Children and Young People with Disability Australia found that:
 - 0% of children and young people with a disability felt safer because of the restriction
 - 48% felt more isolated, lonely or disconnected from community
 - 24% had been blocked because the required age assurance is inaccessible
 - nearly 80% thought the restrictions were not fair and did not meet the needs of children and young people with disability.¹³
13. Other research from the Molly Rose Foundation similarly suggests that many children do not feel safer. Its polling of 1,050 Australians aged 12–15 found that over half of children who had used restricted platforms before the ban said that the ban had made no difference to how safe they felt online, while one in seven said they now felt less safe.¹⁴
14. Research with young Australians also highlights the risk that the framework may have impacts on young people who rely on social media for connection, identity and community. The ABC's survey of more than 17,000 Australians under-16s found significant scepticism with 54% believing it was not a good idea, while just under 7% said it was a good idea.¹⁵ The impact on vulnerable groups was evident in this work with one respondent submitting:

Many autistic teens, such as me, use social media to make friends. This ban will just prevent them from socialising, especially if they do not have any other means of contact.¹⁶
15. Equally, 40% of 13–16-year-olds were either supportive of or indifferent to the legislation.¹⁷ Which further indicates statistical differences in how the ban is viewed by children and young people.
16. The *Online Safety Amendment (Social Media Minimum Age) Act 2024* (Cth) has only been in force for a limited period. It will take time to understand the longer-term impacts of restricting under-16s access to social media – demonstrating the need for continued research and review of the law. For example, it is well documented that social media plays a central role in shaping harmful views of gender which can lead to radicalisation (e.g. the growing rise of incel culture and the manosphere).¹⁸ Longitudinal research about this topic (and other longer term impacts) will be required to determine to what extent the restriction has an impact on these topics.
17. The framework may also limit children's access to information. Social media is an important source of news for many young Australians,¹⁹ and research indicates that children are receiving less news and have fewer opportunities to

discuss issues that matter to them.²⁰ Where the ban restricts access, it may lead to downstream impacts on freedom of expression, freedom of association and assembly and participation in public life. Increasingly, online platforms function not only as spaces for social interaction but also as forums through which young people engage in advocacy, community-building and public debate.

18. These impacts may be particularly acute for children who otherwise face barriers to participation in offline settings. For example LGBTQIA+ young people, especially trans and gender diverse young people, who often rely on online spaces to access information, build community, participate in peer support networks and engage in youth-led advocacy. Restrictions that limit access to these spaces may therefore affect not only individual connection and wellbeing, but also young people's ability to participate collectively in matters that directly concern them.
19. These findings highlight the complexity of the ban and the varied experiences of Australian families navigating the restrictions. They also reinforce the need to assess not only whether platforms are complying, but whether the framework is improving children's safety without unnecessarily limiting their rights. In particular, they underscore the importance of ongoing monitoring and evaluation of the ban's impacts on children, including whether any adverse effects are falling disproportionately on particular groups of children.
20. In light of the limited evidence available about the impact on children, and the significant legal and regulatory developments since the restrictions commenced, the Commission recommends that an earlier interim independent statutory review of the *Online Safety Amendment (Social Media Minimum Age) Act 2024* (Cth) be conducted at the one year anniversary with a sole focus on the impacts on children – which centres their views and voices (in addition to the legislated review at the second year anniversary).²¹ That review should provide an early assessment of implementation, compliance, human rights impacts and unintended consequences, with particular attention to the lived experience of children and young people. A further review should also still occur at the existing two-year mark to assess longer-term outcomes.²² This would give the Government an early evidence base from which to monitor the framework and ensure it is improving children's safety without unnecessarily limiting their rights.

Recommendation 1: The Australian Government conduct an Interim Independent Statutory Review particularly focused on the impacts on children one year from the commencement of the Online Safety Amendment (Social Media Minimum Age) Act 2024 (Cth). The two-year Independent Statutory Review should still proceed as is currently legislated.

2 Democratic scrutiny

The Commission is concerned at the emerging pattern of digital lawmaking that limits meaningful consultation and parliamentary scrutiny. Recent online safety reforms have significant human rights implications, including for children. Proper consultation is not a barrier to child safety; it is essential to ensuring that laws are effective, proportionate and rights-respecting. Rushed processes risk producing ineffective laws that may lead to unintended harms.

21. The Commission is concerned at the emerging pattern of lawmaking in the digital sphere in which significant (and often controversial) reforms are being introduced with inadequate consultation and compressed parliamentary processes. While there is a need to respond in a timely manner to a rapidly changing digital environment, there should still be time for meaningful engagement and scrutiny.
22. Legislation that affects the rights of children, freedom of expression, privacy, access to information and participation in public life must be developed through evidence-based processes. Instead, recent online safety reforms have been advanced on accelerated timelines that deprive Parliament, experts, affected communities and the broader public of a meaningful opportunity to assess the impacts. This approach is inconsistent with good democratic lawmaking and risks undermining both the quality of the resulting legislation and public confidence in the institutions responsible for its oversight.
23. This trend of expediting legislation relating to the regulation of digital spaces was evident in relation to the *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024* (Cth) where stakeholders were originally given seven business days to make submissions to the Senate Environment and Communications Legislation Committee following the Bill being introduced into Parliament.²³ That timeframe was inadequate for legislation of such complexity and consequence.²⁴
24. The same issue arose in relation to the world-first *Online Safety Amendment (Social Media Minimum Age) Bill 2024* (Cth) when stakeholders were given one day to make submissions to the Senate Standing Committee on Environment and Communications following the Bill being introduced into Parliament.²⁵ The Committee then held a single, three-hour hearing before tabling its report the following day.²⁶ The process was again rushed, and less than desirable for legislation with significant human rights impacts.²⁷
25. This Bill was introduced in the House of Representatives on 29 June 2026, with the Government seeking to have it legislated three days later (without any formal consultation process).²⁸ It was subsequently referred to the Environment and Communications Legislation Committee for inquiry and report.²⁹

26. The Government criticised this referral as an unacceptable delay, stating that seeking feedback on the Bill 'sold out Australian kids' to Big Tech platforms.³⁰ That characterisation diminishes the legitimate role of parliamentary scrutiny.³¹ It wrongly frames consultation, evidence-gathering and human rights analysis as obstacles to child safety - rather than as essential safeguards for ensuring that measures are rights-respecting.
27. Even short Bills can create significant human rights consequences. Consultation and the committee referral process gives children, parents and human rights advocates time to assess whether proposed powers appropriately safeguard human rights. It also supports the Parliament in being able to appropriately test whether proposed laws are necessary, proportionate and fit for purpose.

The Commission supports legislative measures to make online spaces safer for children. The Commission has consistently advocated for a rights-protective digital environment, including through its advocacy for the proposed Children's Privacy Code, meaningful privacy law reform and a Digital Duty of Care.³² However, Australia must get online reforms right. Laws that affect participation in digital life must be developed carefully with proper regard to human rights. Protecting children online is an urgent and important objective, but urgency in this case cannot justify abandoning proper scrutiny.

Recommendation 2: The Australian Government ensures proper and genuine consultation for all future digital law reform (including the proposed Digital Duty of Care) before progressing laws through Parliament.

3 Investigative powers

The Bill would broaden eSafety's information-gathering powers beyond platforms and commercial third parties to any person who may hold relevant information. While this may assist enforcement, the breadth of the power creates uncertainty.

28. The proposed s 63G would broaden eSafety's information-gathering powers by allowing them to require 'a person' to provide information where the eSafety Commissioner believes that they hold material relevant to compliance by a platform that 'is or may be' an age-restricted social media platform.
29. The Explanatory Memorandum indicates that this power is intended to assist eSafety to obtain information from third parties (age assurance providers, app-store operators etc) to develop a clearer picture of platform practices.³³ The Commission would support a widening of information-gathering powers to this extent. However, as currently drafted this power could extend to any person who holds relevant information or documents, including parents or children. Though the Explanatory Memorandum states that the circumstances where personal information is collected is expected to be narrow, the absence of clear statutory limits creates uncertainty surrounding its limits.

Recommendation 3: The Australian Government provide in the Explanatory Memorandum statement of compatibility with human rights further details to demonstrate why it is necessary and proportionate to have broad powers enabling the regulator to collect personal information for the purpose of establishing compliance.

30. The breadth of the proposed power is reinforced by the fact that it is not limited to information relevant to compliance by an age-restricted social media platform, nor to information that is reasonably necessary for a particular investigation. Instead, the power applies wherever the Commissioner believes that a person holds information or documents relevant to compliance by a service that 'is or may be' an age-restricted social media platform. This potentially captures a wide range of entities, including those who are not necessarily subject to any compliance obligation under Part 4A. While the Commission does not suggest that these powers would be exercised inappropriately, greater statutory clarity regarding the breadth of these powers would assist to ensure that they remain proportionate to their intended purpose.
31. Although the Explanatory Memorandum states that similar information-gathering powers exist elsewhere in the *Online Safety Act 2021* (Cth) (including the cyberbullying and online content schemes), these powers generally operate

as part of established statutory schemes directed to particular categories of content, conduct or regulatory obligations. By contrast, proposed s 63G authorises information gathering whenever the eSafety Commissioner 'believes on reasonable grounds' that information or documents are relevant to compliance with Part 4A by a service that 'is or may be' an age-restricted social media platform. The distinct and comparatively open-ended statutory trigger for the exercise of the power warrants careful consideration, particularly given the range of information that may potentially be sought.

Endnotes

- ¹ See e.g. Australian Human Rights Commission, Submission No. 135 to the *Statutory Review of the Online Safety Act 2021 (Cth)* (Submission, 28 June 2024); Australian Human Rights Commission, Submission No. 66 to the Environment and Communications Legislation Committee inquiry on *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024 (Cth)* (Submission, 07 October 2024); Australian Human Rights Commission, Submission No. 53 to the Environment and Communications References Committee inquiry into *Internet Search Engine Services Online Safety Code* (Submission, 10 October 2025); Australian Human Rights Commission, Submission No. 36 to the Legal and Constitutional Affairs Legislation Committee on the *Privacy and Other Legislation Amendment Bill 2024 [Provisions]* (Submission, 11 October 2024); Australian Human Rights Commission, Submission to the Attorney-General's Department on the *Privacy Act Review Report 2022* (Submission, 05 April 2023).
- ² eSafety Commissioner, *Social Media Minimum Age: Compliance Update* (Report, March 2026) 26-27.
- ³ See *Online Safety (Age-Restricted Social Media Platforms) Amendment Rules 2026 (Cth)*.
- ⁴ See *Application for Special Leave to Appeal, Reddit v Commonwealth & Ors*.
- ⁵ *Online Safety Amendment (Strengthening Enforcement for the Social Media Minimum Age) Bill 2026 (Cth)* ss 63G, 63H, 63D, 63DA(1) & 63DB(1).
- ⁶ See generally eSafety Commissioner, *Social Media Minimum Age: Compliance Update* (Report, March 2026); see also Molly Rose Foundation, *Australia's social media ban – is it working?* (Research Brief, April 2026) 4; Children and Young People with Disability Australia, *How Australia's Social Media Ban Impacts Children and Young People with Disability* (Survey Summary, June 2026) 2.
- ⁷ eSafety Commissioner, *Social Media Minimum Age: Compliance Update* (Report, March 2026) 26-27.
- ⁸ YouGov, *New YouGov Research Shows Cautious Optimism as Australians Assess Impact of under-16 Social Media Ban* (Survey, 17 March 2026).
- ⁹ YouGov, *New YouGov Research Shows Cautious Optimism as Australians Assess Impact of under-16 Social Media Ban* (Survey, 17 March 2026).
- ¹⁰ See *Online Safety (Age-Restricted Social Media Platforms) Amendment Rules 2026 (Cth)*.
- ¹¹ See *Application for Special Leave to Appeal, Reddit v Commonwealth & Ors*.
- ¹² *Online Safety Amendment (Strengthening Enforcement for the Social Media Minimum Age) Bill 2026 (Cth)* ss 63G, 63H, 63D, 63DA(1) & 63DB(1).
- ¹³ Children and Young People with Disability Australia, *How Australia's Social Media Ban Impacts Children and Young People with Disability* (Survey Summary, June 2026) 2.

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- ¹⁴ Molly Rose Foundation, *Australia's social media ban – is it working?* (Research Brief, April 2026) 4
- ¹⁵ Behind the News, *What 17,000-plus Young People think about the Social Media Ban* (Survey, December 2025).
- ¹⁶ Behind the News, *What 17,000-plus Young People think about the Social Media Ban* (Survey, December 2025).
- ¹⁷ Murdoch Children's Research Institute, *Early wins for the social media ban, new survey claims. But the full picture is far more complicated* (Media Release, 02 April 2026).
- ¹⁸ See e.g. UN Women, *What is the manosphere and why should we care?* (Explainer, 15 May 2025); ISD, *The "Manosphere"* (Report, September 2022).
- ¹⁹ See e.g. University of Canberra (News and Media Research Centre), *Digital News Report: Australia 2025* (Report, June 2025) 11.
- ²⁰ University of Canberra (News and Media Research Centre), Western Sydney University & Queensland university of Technology, *Social Media Ban: The Impact On Young People's News Engagement* (Report, 2026) 2.
- ²¹ *Online Safety Act 2021* (Cth), s 239B.
- ²² *Online Safety Act 2021* (Cth), s 239B.
- ²³ Australian Human Rights Commission, Submission No. 66 to the Environment and Communications Legislation Committee inquiry on *Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2024* (Cth) (Submission, 07 October 2024) 2 [3]-[4].
- ²⁴ Australian Human Rights Commission, Submission No. 66 to the Environment and Communications Legislation Committee inquiry on *Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2024* (Cth) (Submission, 07 October 2024) 2 [3]-[4].
- ²⁵ Lorraine Finlay and Patrick Hooton, 'Fast Law, Fragile Rights: The Human Rights Consequences of Australia's Rapid Social Media Reforms' (2025) 13(1) *Griffith Journal of Law & Human Dignity* 1, 4-6.
- ²⁶ See, eg Parliament of Australia, Public Hearings (Webpage) <https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/SocialMediaMinimumAge/Public_Hearings>; see also Lorraine Finlay and Patrick Hooton, 'Fast Law, Fragile Rights: The Human Rights Consequences of Australia's Rapid Social Media Reforms' (2025) 13(1) *Griffith Journal of Law & Human Dignity* 1, 4-6.
- ²⁷ Evidence to the Senate Environment and Communications Legislation Committee, Parliament of Australia, Canberra, 25 November 2024, 11 (Sarah Hanson-Young, Senator); Greg McIntyre, *Online Safety Amendment (Social Media Minimum Age) Bill 2024* (Letter, Law Council of Australia, 26 November 2024) 1.

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- ²⁸ See Lexie Jeuniewicz, 'Labor unveils new powers, penalties to strengthen social media ban for under-16s', *ABC News* (online, 27 June 2026) <<https://www.abc.net.au/news/2026-06-27/labor-unveils-powers-to-strengthen-social-media-ban/106851242>>.
- ²⁹ See e.g. Natassia Chrysanthos, 'We have been here before': No quick fix for social media ban, says rights commissioner', *The Age* (online, 01 July 2026) <<https://www.theage.com.au/politics/federal/we-have-been-here-before-no-quick-fix-for-social-media-ban-says-rights-commissioner-20260701-p60bpv.html>>.
- ³⁰ House of Representatives, *Hansard* (Proof, Thursday 02 July) 55-56.
- ³¹ See e.g. Natassia Chrysanthos, 'We have been here before': No quick fix for social media ban, says rights commissioner', *The Age* (online, 01 July 2026) <<https://www.theage.com.au/politics/federal/we-have-been-here-before-no-quick-fix-for-social-media-ban-says-rights-commissioner-20260701-p60bpv.html>>.
- ³² See e.g. Australian Human Rights Commission, Submission No. 135 to the *Statutory Review of the Online Safety Act 2021 (Cth)* (Submission, 28 June 2024); Australian Human Rights Commission, Submission No. 66 to the Environment and Communications Legislation Committee inquiry on *Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2024 (Cth)* (Submission, 07 October 2024); Australian Human Rights Commission, Submission No. 53 to the Environment and Communications References Committee inquiry into *Internet Search Engine Services Online Safety Code* (Submission, 10 October 2025); Australian Human Rights Commission, Submission No. 36 to the Legal and Constitutional Affairs Legislation Committee on the *Privacy and Other Legislation Amendment Bill 2024 [Provisions]* (Submission, 11 October 2024); Australian Human Rights Commission, Submission to the Attorney-General's Department on the *Privacy Act Review Report 2022* (Submission, 05 April 2023).
- ³³ Explanatory Memorandum, *Online Safety Amendment (Strengthening Enforcement for the Social Media Minimum Age) Bill 2026* 8.