

The Social Media Ban

The information provided is general information and is not legal advice.

What's happening?

On 28 November 2024, the Australian Government passed a new law called the Online Safety Amendment (Social Media Minimum Age) Bill 2024. The new law aims to protect children from the potential mental health risks, cyber-bullying, inappropriate content, and addictive behaviours associated with social media use at a young age, by establishing a mandatory minimum age of 16 for social media use.

It also introduces an obligation on providers of an age-restricted social media platform to take reasonable steps to prevent age-restricted users from having an account with the platform.

When does the ban start?

The social media ban for under 16s is set to come into effect on 10 December 2025.

What social media platforms will be banned?

Currently, the Australian Government has banned YouTube accounts, Facebook, X (formerly Twitter), Instagram, TikTok, Snapchat and Reddit.

Services that don't **currently** meet the criteria include online gaming services, Discord, LEGO Play, Messenger, WhatsApp, Kids Helpline, Pinterest, Roblox, Google Classroom, headspace and YouTube Kids

What happens if I already have an account?

Once the ban comes into effect, those aged under 16 will not be allowed on certain social media platforms, even if they have an existing account. Social media platforms will be required to find and de-activate existing accounts held by under-16s.

Young people and their families will not face fines or penalties if they do gain access to age-restricted platforms, and rather it is the tech companies that will face potential penalties instead.

How does the platform determine my age?

Social media platforms cannot use personal ID's as the sole method of checking a young person's age. It is suggested that social media platforms may have to use facial analysis technologies and behavioural data to verify a user's age before they can sign up for an account.

Social media platforms will be responsible for determining which age verification system is used and will face hefty fines if they fail to do so.

What happens if a platform wrongly deletes my account?

It is expected that restricted platforms will have a process to correct any account deletions. This will likely take the form of a review request.

What if a parent consents to me using social media?

A parent or guardian of a young person providing consent will not allow an under 16-year-old to access the social media platforms.

Can people get around the social media ban?

While people can obtain AI tools, deepfake software, use VPNs and purchase fake IDs, it is expected that social media platforms subject to the ban will have methods in place to prevent people from circumventing their age restrictions.

Some examples of this include:

- considering how old the account is
- whether the account interacts with content targeted at under 16s
- connections with users under 16
- facial age analysis and audio analysis
- IP address tracking
- phone number
- GPS or other location services
- device ID

If someone under 16 manages to access an age-restricted social media platform, they won't be penalised for accessing the platform. Instead, the platform may face penalties if they are found to have not taken reasonable steps to prevent under-16s from accessing their platform.

Getting help

If you need support, you can contact:

- eSafety Commissioner - <https://www.esafety.gov.au/>
- Kids Helpline - 1800 55 1800
- Lifeline - 13 11 14
- Youthlaw - 9113 9500 | legal@youthlaw.asn.au

