



**Gayaa Dhuwi  
(Proud Spirit)  
Australia**



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

**February 2025**



## About Gayaa Dhuwi (Proud Spirit) Australia

*Gayaa Dhuwi (Proud Spirit) Australia would like to acknowledge the Traditional Custodians of Country throughout Australia, and pay respects to all Elders, past, present, and emerging.*

Gayaa Dhuwi (Proud Spirit) Australia is the national leadership body for Aboriginal and Torres Strait Islander social and emotional wellbeing, mental health, and suicide prevention. As a community-controlled organisation, it is governed by Aboriginal and Torres Strait Islander experts and peak bodies, working in these areas to promote collective excellence in mental health care.

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**Gayaa’ means happy, pleased, and proud, and ‘Dhuwi’ means Spirit, in the Yuwaalaray and Gamilaraay languages of north-west New South Wales.**

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Gayaa Dhuwi (Proud Spirit) Australia’s (Gayaa Dhuwi) vision is the highest attainable standard of social and emotional wellbeing, mental health, and suicide prevention outcomes for Aboriginal and Torres Strait Islander peoples.

### Summary

On 29 November 2024, the Online Safety Amendment (Social Media Minimum Age) Bill 2024 (the Bill) was passed by the Federal Parliament. The Bill introduces a minimum age obligation into the *Online Safety Act 2021* (the OSA), which requires in-scope social media platforms to prevent Australians under the age of 16 from creating an account. The new requirements apply to ‘age-restricted social media platforms’, as defined in the Bill. To implement these changes, the Online Safety Rules 2025 have been drafted, outlining exemptions for messaging services, online games, health and education applications, and YouTube. The Department of Infrastructure, Transport, Regional Development, Communications, and the Arts has initiated this inquiry to assess the appropriateness of the draft rules, identify implementation changes, and determine whether additional services should be excluded from the age restriction.

This inquiry is highly relevant to Gayaa Dhuwi, as social media is a key enabler for Aboriginal and Torres Strait Islander young peoples’ mental health and wellbeing. Many Aboriginal and Torres Strait Islander-led mental health initiatives, crisis services, and peer support networks operate online, providing culturally safe support that is otherwise difficult to access, particularly in remote areas (AIHW, 2022). Social media also fosters connection to culture and identity, offering a vital tool for addressing intergenerational trauma and strengthening community resilience (Gayaa Dhuwi, 2023). Given the high rates of suicide and mental health concerns among Aboriginal and Torres Strait Islander youth, it is critical that online safety regulations do not inadvertently restrict access to these essential services.

Gayaa Dhuwi seeks a balanced, evidence-based approach to online safety that protects young people and children from harm while preserving access to digital spaces that promote their wellbeing. This submission calls for amendments to the draft rules to ensure exemptions for Aboriginal and Torres Strait Islander social and emotional wellbeing programs and mental health services, stronger consultation with Aboriginal and Torres Strait Islander communities, and



mechanisms to hold social media platforms accountable for providing culturally safe digital environments. These measures will ensure that social media remains a tool for community and connection, rather than exclusion, for Aboriginal and Torres Strait Islander youth.

## Recommendations

1. Expand the exclusion criteria to include culturally safe mental health and wellbeing platforms and an exemption for digital platforms that provide Aboriginal and Torres Strait Islander mental health and SEWB initiatives, ensuring these remain accessible to young people.
2. Embed Aboriginal and Torres Strait Islander oversight in the implementation of the rules to monitor adverse impacts on Aboriginal and Torres Strait Islander young people.
3. Strengthen consultation and inclusion to ensure Aboriginal and Torres Strait Islander perspectives are integrated into online safety policies, enabling culturally responsive and evidence-based decision-making.
4. Enhance industry accountability for culturally safe digital environments by introducing mandatory cultural safety standards for digital platforms, transparent reporting mechanisms and strengthened accountability to ensure platforms prioritise the safety and wellbeing of Aboriginal and Torres Strait Islander users.

## Background

The *Online Safety (Social Media Minimum Age) Act 2024* is part of the commonwealth Government's commitment to protecting children online. The OSA establishes a minimum legal age of 16 years for social media account creation, aiming to reduce young peoples' and children's exposure to cyberbullying, predatory behaviour, and inappropriate content. To operationalise this, the Online Safety Rules 2025 were drafted, outlining the platforms that are subject to the age restriction and those that will be exempt. This inquiry examines the appropriateness, implementation challenges, and potential modifications of these proposed rules.

This inquiry holds particular significance for Aboriginal and Torres Strait Islander communities, given the vital role digital platforms play in the lives of Aboriginal and Torres Strait Islander young people. Research indicates that Aboriginal and Torres Strait Islander youth are more likely than their non-Indigenous peers to use social media as a primary means for connection, education, and access to mental health support (Rice et al., 2016). For those in remote communities with limited in-person services, social media becomes essential for maintaining SEWB.

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### What is Social and emotional wellbeing?

Social and emotional wellbeing is a holistic concept that encompasses the mental, emotional, cultural, and spiritual health of Aboriginal and Torres Strait Islander peoples. It emphasises interconnectedness, recognising that individual wellbeing is inseparable from the health of the community, relationships, Country, and cultural identity. Social and emotional wellbeing is not just about mental health but integrates physical health, cultural practices, and spiritual connections, forming a comprehensive framework for overall health and resilience (Dudgeon et al., 2021).

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Social media platforms provide Aboriginal and Torres Strait Islander youth, particularly those in remote and regional areas, with access to culturally safe health services, peer support networks, and crisis intervention programs that would otherwise be inaccessible (Finlay et al., 2022). Several



studies correlate digital inclusion with improved mental health outcomes for Aboriginal and Torres Strait Islander youth, reinforcing the need for continued access to social media platforms (AIHW, 2023; Findlay et al., 2023; Featherstone et al., 2023; RMIT, 2023; Popat & Tarrant, 2023). Digital access enables participation in peer support networks, self-expression, and receipt of culturally relevant mental health resources – all crucial protective factors against social isolation and psychological distress (Santos, et al., 2022; Naslund et al., 2020; Naslund et al., 2016; Popat & Tarrant, 2023).

Despite these benefits, Aboriginal and Torres Strait Islander youth face disproportionate harm online, including cyberbullying, racism, and identity-based discrimination. Research indicates 97% of Aboriginal and Torres Strait Islander users report seeing negative or harmful content on social media weekly, with 63% encountering such content daily (Kennedy, 2020). Moreover, a national review found Aboriginal and Torres Strait Islander peoples experience online racism at significantly higher rates than other groups, with long-term psychological impacts linked to social withdrawal and reduced cultural engagement (Truong & Moore, 2023). Exposure to racial discrimination online contributes to psychological distress, including increased rates of anxiety and depression, which limits young peoples' and children's confidence to participate in digital spaces, thereby limiting their ability to access social support, educational opportunities, and culturally relevant health information (Truong & Moore, 2023; Paradies et al., 2015).

A balanced approach to online safety is essential, as reinforced by national policy frameworks. The National Aboriginal and Torres Strait Islander Suicide Prevention Strategy (2025-2035) and the National Agreement on Closing the Gap highlight the role of digital inclusion and culturally safe mental health services in supporting Aboriginal and Torres Strait Islander wellbeing (Gayaa Dhuwi, 2024; Australian Government, 2020). These frameworks emphasise that Aboriginal and Torres Strait Islander-led solutions are key to improving SEWB outcomes and reducing suicide risk, particularly for young people and children in remote and rural areas. The Gayaa Dhuwi (Proud Spirit) Declaration (2020) further underscores the need for culturally safe, community-led approaches, calling for strong Aboriginal and Torres Strait Islander governance, self-determination, and integrated care models to enhance wellbeing.

Further, the Aboriginal and Torres Strait Islander Early Childhood Strategy, launched in 2020, also recognises the importance of safe digital environments for children's development. Developed in partnership with SNAICC – National Voice for our Children, this Strategy calls for a whole-of-government approach that supports children's wellbeing across various domains, including their online experiences. It emphasises that creating culturally safe digital spaces for Aboriginal and Torres Strait Islander children is essential for their healthy development and acknowledges that online safety measures must be implemented in ways that don't compromise cultural connection and digital inclusion. This approach aligns with the Strategy's broader vision of empowering Aboriginal and Torres Strait Islander families and communities to lead initiatives that ensure their children's wellbeing in all environments, including digital ones.

Additionally, the National Digital Inclusion Roadmap identifies equitable access to online spaces as crucial in addressing health and wellbeing disparities caused by the digital divide (Australian Digital Inclusion Alliance, 2020). To remain aligned with these national commitments, online safety policies must avoid creating unintended barriers to these protective mechanisms.

## **Responses**

This submission highlights key concerns regarding the exclusion of culturally safe mental health services, impacts on digital inclusion, the need for stronger protections against online harms without disproportionate exclusion, and opportunities to enhance consultation with Aboriginal and Torres Strait Islander communities.



### *Protecting access to Aboriginal and Torres Strait Islander SEWB services*

Social media platforms are vital conduits for Aboriginal and Torres Strait Islander youth, providing access to culturally safe SEWB services, crisis intervention, and peer support networks (AIHW, 2022). Because of this critical role, the draft rules must ensure that Aboriginal and Torres Strait Islander-led digital support services remain accessible to young people and children in these communities. This necessity is reinforced by the Gayaa Dhuwi (Proud Spirit) Declaration, which calls for embedding Aboriginal and Torres Strait Islander-led SEWB approaches into national mental health frameworks (Gayaa Dhuwi, 2020). Policies must preserve access to these essential services, particularly those offered through digital platforms that reach youth effectively.

Further, connection to Country, community, kin, and family are central to SEWB, as emphasised in *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice* (Dudgeon et al., 2014). This is especially true for young people and children in remote and regional areas, where social media facilitates these vital connections (Rice et al., 2016; Australian Digital Inclusion Index, 2023). However, the draft rules do not adequately consider this crucial role. Implementing restrictions on digital platforms without proper exemptions could unintentionally limit access to social and emotional wellbeing programs and cultural networks, which would contradict national commitments such as Outcome 17 of the National Agreement on Closing the Gap and the goals of the National Aboriginal and Torres Strait Islander Suicide Prevention Strategy 2025-2035 (Australian Government, 2020; Gayaa Dhuwi, 2024).

To properly align with these established frameworks, the draft rules must explicitly exempt Aboriginal and Torres Strait Islander-led social and emotional wellbeing programs and crisis support networks from minimum age restrictions, ensuring that Aboriginal and Torres Strait Islander youth can continue accessing these potentially life-saving resources without unnecessary barriers.

### *Ensuring digital inclusion for Aboriginal and Torres Strait Islander youth*

Digital inclusion represents a fundamental component of self-determination, cultural preservation, and education for Aboriginal and Torres Strait Islander youth. Despite this importance, persistent digital inequities continue to create barriers – Aboriginal and Torres Strait Islander peoples score 7.5 points lower than the national average on the Australian Digital Inclusion Index, with remote communities experiencing the most significant disparities (RMIT, 2023). This digital divide is further complicated by the fact that many are mobile-only users, which substantially limits their ability to engage with digital platforms due to higher costs and reduced functionality (Featherstone et al., 2023; RMIT, 2023).

The Indigenous Digital Inclusion Alliance specifically addresses these concerns, calling for policies that promote equitable access and prevent further digital exclusion (NIAA, 2023). Within the context of the draft rules, inadequate recognition of the crucial role of social media in cultural knowledge-sharing, education, intergenerational learning, and access to health services could exacerbate existing inequalities (Chelberg et al., 2022; Featherstone et al., 2023). Aboriginal and Torres Strait Islander youth in remote areas already navigate significant barriers to digital participation; implementing additional restrictions risks disconnecting them from vital resources including online learning opportunities, language revitalisation efforts, and community-led digital initiatives (Featherstone et al., 2023).

To ensure that the draft rules support rather than hinder digital inclusion, Aboriginal and Torres Strait Islander oversight must be embedded in their implementation. This approach would enable continuous monitoring of any adverse impacts on Aboriginal and Torres Strait Islander young people and children, allowing for timely adjustments that protect both safety and access. By centring Aboriginal and Torres Strait Islander perspectives in governance, the regulations can





better balance online safety with the critical need for continued digital participation that supports cultural connection, education, and wellbeing among Aboriginal and Torres Strait Islander youth.

### *Addressing online harms beyond age-based restrictions*

While the draft rules aim to protect young people and children from harmful content, they do not adequately address the structural risks that Aboriginal and Torres Strait Islander youth face online, including cyber-racism, lateral violence, and algorithmic biases.<sup>1</sup> Research by the eSafety Commissioner demonstrates that Aboriginal and Torres Strait Islander youth experience higher rates of racial discrimination and online hate than their non-Indigenous peers (eSafety Commissioner, n.d.,a; eSafety Commissioner, n.d.,b). Simply restricting social media access based on age will not eliminate these harms. Instead, stronger content moderation and proactive protections are needed.

Exposure to social media can have significant impacts on the development of children and young people. Research indicates that excessive social media use can substantially affect wellbeing and cognitive development (Rice et al., 2016). During early childhood and adolescence, the brain undergoes significant neurobiological changes, making it particularly vulnerable to negative influences. This critical developmental period raises concerns about potential negative impacts, especially given rising rates of mental ill-health, suicidal ideation, and self-harm among young people (ABS, 2021). However, establishing a direct causal link remains challenging, as social media also offers benefits such as facilitating connections for isolated individuals and providing platforms for cultural expression and identity exploration (Moran et al., 2024).

Aboriginal and Torres Strait Islander children are more likely to experience hurtful treatment online than their peers (68 per cent compared to 45 per cent), with a significant percentage exposed to harmful material (76 per cent). Such experiences can impact their mental health and academic performance, with research showing that 31 per cent reported impaired mental health and 23 per cent experienced lower grades at school (ABS, 2021; eSafety Commissioner, 2022). Addressing these complex issues requires a culturally responsive approach that increases benefits while mitigating risks, considering both individual experiences and broader societal factors that contribute to challenges faced by Aboriginal and Torres Strait Islander youth and children (Carlson, 2024).

These developmental and safety risks will persist once users gain access to social media, regardless of age restrictions. Without robust safeguards in place, young people and children will continue to be exposed to harmful content and discrimination when they do access these platforms. The National Agreement on Closing the Gap (Outcome 17) explicitly commits to creating culturally safe digital spaces (Australian Government, 2020), yet the draft rules currently prioritise restriction over meaningful harm reduction measures.

To adequately protect Aboriginal and Torres Strait Islander children's development and improve youth online safety, the draft rules must move beyond age-based restrictions to address the underlying issues of discrimination and harm. This should include developing stronger content moderation policies specifically designed to address cyber-racism and lateral violence, establishing transparent reporting mechanisms to mitigate algorithmic biases that disproportionately expose Aboriginal and Torres Strait Islander youth to harmful content, and creating culturally safe digital environments that respect Aboriginal and Torres Strait Islander

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<sup>1</sup>Algorithmic biases are systematic errors in artificial intelligence (AI) systems that result in unfair outcomes, disproportionately affecting certain groups based on characteristics like race, ethnicity, or socioeconomic status. For Aboriginal and Torres Strait Islander peoples, such biases can exacerbate social and economic disparities. For instance, AI systems trained on data that misrepresent Aboriginal and Torres Strait Islander communities may misinterpret cultural nuances or overlook specific needs, resulting in unfair treatment. This misalignment can lead to reduced access to essential services, reinforcing discrimination and hindering efforts towards equality and self-determination (ACOLA, 2019; AHRC, 2021; IMB, 2023).



cultural identities, languages, and perspectives. By focusing on these substantive protections rather than simply restricting access, the regulations can better fulfil their purpose of safeguarding children’s development and creating a safer online environment while recognising the digital inclusion needs of Aboriginal and Torres Strait Islander communities.

### *Strengthening consultation and Aboriginal and Torres Strait Islander leadership in online safety policy*

The Gayaa Dhuwi (Proud Spirit) Declaration (2020), Working Together (Dudgeon et al., 2014), the Ways Forward Report (Swan & Raphael, 1995) and joint advocacy such as the *Joint Statement on Promoting Social and Emotional Wellbeing and Mental Health Healing* (Healing Foundation, 2023) clearly emphasise the importance of Aboriginal and Torres Strait Islander leadership in policy development. Despite these established principles, these essential perspectives were not adequately incorporated into the drafting process of the Online Safety Rules 2025. This oversight represents a significant missed opportunity to develop culturally appropriate and effective online safety policies that address the unique needs and circumstances of Aboriginal and Torres Strait Islander youth. The development of digital regulations that impact Aboriginal and Torres Strait Islander communities must be guided by Aboriginal and Torres Strait Islander leadership to ensure cultural safety and relevance.

To address this gap and improve future policy development, the eSafety Commissioner should establish formal consultation mechanisms with Aboriginal and Torres Strait Islander-led organisations before implementing the current rules or making any future amendments. By aligning with established principles of self-determination, meaningful Aboriginal and Torres Strait Islander leadership can be embedded throughout the policy development and implementation processes. This approach recognises that Aboriginal and Torres Strait Islander communities possess unique insights into both the challenges their young people and children face online and the digital connections that support their wellbeing. By centring Aboriginal and Torres Strait Islander voices in the governance of online safety regulations, policies can more effectively balance protection with digital inclusion, ensuring that measures intended to safeguard youth do not inadvertently cut them off from vital cultural, educational, and health resources. Ultimately, Aboriginal and Torres Strait Islander-led approaches to online safety will produce more nuanced, contextually appropriate solutions that respect cultural priorities while addressing genuine risks.

### **Conclusion**

A balanced approach to online safety is necessary; one that protects Aboriginal and Torres Strait Islander young people and children from harm while preserving their access to critical Social and Emotional Wellbeing services and cultural networks. The draft rules must be informed by Aboriginal and Torres Strait Islander perspectives to be truly effective for reducing harm towards Aboriginal and Torres Strait Islander youth, ensuring that digital inclusion remains a priority alongside safety concerns. This requires recognising the unique role digital platforms play in supporting cultural connection, education, and wellbeing for young people and children in these communities, particularly those in remote areas who already face significant barriers to digital participation. By embedding Aboriginal and Torres Strait Islander leadership in policy development and implementation, focusing on substantive protections against cyber-racism and algorithmic bias rather than simple access restrictions, and maintaining pathways to culturally safe digital spaces, online safety regulations can protect young people and children while honouring commitments to Aboriginal and Torres Strait Islander self-determination, cultural preservation, and closing the gap in digital inclusion. Only through this balanced, culturally informed approach can regulations truly serve the communities they aim to protect.

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