



Interim Regulatory Impact Statement: Reducing the risks of online harm to children: Policy direction and home agency

Decision sought	This interim Regulatory Impact Statement (RIS) has been produced to support Cabinet's decision to the broad policy direction of a phased approach to reduce the risk of online harm to children.
Agency responsible	Ministry of Education
Proposing Ministers	Hon Erica Stanford, Minister of Education
Date finalised	3 December 2025

Description of the Minister's regulatory proposal

The Minister of Education is seeking Cabinet's agreement to a broad policy direction for reducing the risk of online harm to children, particularly to under 16-year-olds from social media. The proposed approach involves two phases:

- Phase One (with the intention of introducing legislation by the end of the term) - introducing a legal minimum age of 16 for social media accounts as well as mandatory reporting for platforms to assess and mitigate risks of harm to all children under 18; and
- Phase Two (seeking final policy approvals following commencement of Phase One) – a broader comprehensive online safety framework which introduces a duty of care to all online platforms to prioritise children's safety in their design and operation.

Both phases will be complemented by non-regulatory educational initiatives to empower safer online use.

Summary: Problem definition and options

What is the policy problem?

The Government has committed to considering restricting under 16-year-olds' access to social media. The Prime Minister is concerned by the harm that social media can cause to children, and restricting access is an approach that would help protect children from bullying, harmful content, and problematic use patterns. The Prime Minister has committed to introducing a Bill on this issue before the 2026 election. The Minister of Education is responsible for this work and is aiming to seek Cabinet's approval to broad policy direction in December 2025, and to final policy proposals in early 2026.

Children are seeing harmful content and experiencing harmful behaviours and when they are using social media, potentially impacting their mental health and wellbeing. The harms and behaviours can result from exposure to illegal, violent, self-harm and suicidal, body image, and dangerous challenge content; as well as cyberbullying, harassment, and unwanted contact. Harms can also result from platform features like algorithmic content feeds, infinite scroll, and other design elements which are designed to keep people on the platform.

This exposure to harm needs to be balanced with the benefits of social media and online social connection. For example, children can access mental health and wellbeing services such as Youthline and other bespoke community networks through social media, and an age restriction could contribute to the isolation of already marginalised children, including Māori, Pasifika, LGBTQI+, children living in ethnic communities and children living in rural communities. Some marginalised groups (including Māori, Pasifika, LGBTQI+) are also groups who report facing a disproportionately higher risk of harm online.

New Zealand lacks a comprehensive regulatory framework to protect children from online harm. The existing safety framework provides some protections, but is outdated, is restricted to content and individual-to-individual conduct, relies on self-reporting of incidents, and does not place proactive obligations on social media platforms to prevent harm or ensure safe design.

Government intervention is needed because the current system relies heavily on voluntary action by social media and other online platforms which has not been consistently effective in reducing risk of harm to children. Platforms are not incentivised to prioritise safety from online harms, and existing laws do not require them to design safer environments or prevent exposure to harmful content.

Research shows support for stronger regulation, with many New Zealanders lacking confidence in social media companies to keep users safe. Non-regulatory approaches such as education, awareness-raising and parental controls are considered to be insufficient on their own. These tools are important for building public understanding and should complement, rather than replace, regulatory measures. Online safety, particularly for children, is increasingly a global challenge with regulation introduced in the EU, UK, US and Australia to reduce the risk of harm to children online.

What is the policy objective?

The objective of this work is to reduce the risk of online harm to children, particularly to under 16s.

This could be achieved with the proposed phased approach (Option Three), starting with a minimum age of 16 on social media and other platforms with similar activities that pose a risk of harm. This will be accompanied by requirements for platforms to assess and mitigate risks of harm to all children under 18. A second phase would follow, introducing a comprehensive online safety framework which would require all online platforms accessible in New Zealand to prioritise child safety in how they are designed and how they operate.

Success can be measured by a reduction in the reported online harms among under 16s and improved mental health and wellbeing indicators in those under 16. Specific indicators may include reduced rates of cyberbullying, exposure to harmful content, complaints received by platforms, regulators and online safety organisations such as Netsafe, and compliance with age assurance requirements by platforms.

We can also review the evidence in Australia on minimum age restrictions to inform a greater understanding on how blocking social media can impact children's phone use patterns and mental wellbeing.

Phase Two also proposes to enable researchers to have access to larger platform data, which can support building an evidence base of online harms to children in New Zealand. We consider greater public access to platform data (which abides by relevant data and privacy requirements), for the purpose of supporting research for the public good, will support measurement of children's online safety.

What policy options have been considered, including any alternatives to regulation?

Four options have been considered to reduce the risk of online harm to children, particularly to under 16s from social media platforms.

- **Option 1:** Status quo – Maintain existing framework which regulates for illegal contact/conduct and some harmful content, and does not include a legislated minimum age for accessing social media.
- **Option 2:** Introduce a minimum age of 16 for social media only, based on the Australian approach.
- **Option 3 (Preferred):** Introduce a minimum age of 16 for social media as a first step, and a comprehensive online safety framework as the second phase.
- **Option 4:** Comprehensive system reform of New Zealand's media regulatory systems to bring online services and traditional media (e.g., TV and radio) under one framework.

The status quo (Option 1) maintains the current fragmented regulatory approach, which relies on outdated legislation, voluntary platform action and non-regulatory initiatives (such as safety controls, parental consent and largely self-reporting age mechanisms). The status quo is insufficient and fails to prevent online harm to children. This option is not considered viable due to their ineffectiveness, demonstrated by growing evidence of harm to children and knowledge that children access platforms under the current self-reported age of 13.

Option 2 proposes a targeted intervention by only introducing a minimum age requirement for social media access, limited regulation, and complementary educational initiatives to empower safer online use. This directly reflects the Australian approach.

Introducing a minimum age requires platforms to have appropriate measures in place to confidently determine the age of all users on their platform. This can be done through a range of 'age assurance' methods, a broad term encompassing various ways to determine a user's age with differing levels of accuracy. The three main types of age assurance are:

- age verification, which uses someone's date of birth to provide a confirmation, verified against identification or a trusted source like a government ID;
- age estimation, which analyses features indicating age, such as facial scanning; and
- age inference, which uses other facts about the user (aside from date of birth) to infer their age, such as how long an account has been active, or if they have a credit card.

These methods can be provided by a range of public and private providers. Methods can be combined or used in a layered approach to provide confidence to the platform that the person is over the minimum age, which does not require confirmation of identity. Any age

restriction implemented will be developed to align with existing privacy and data laws in New Zealand, and any additional privacy requirements as needed.

While age verification offers a higher level of certainty, estimation and inference methods provide indicative age ranges and do not require official identification. The ability to use a layered approach to age assurance (using methods in combination or in succession) provides greater flexibility and can be more accessible to people who do not have official identification. Platforms can also be prevented from relying solely on age verification methods (e.g., people submitting an official ID).

Option 3 (preferred) would be a two staged approach. Phase One would implement a minimum age requirement for under 16s on social media platforms (plus other platforms with similar activities) and require platforms to complete child-risk assessment and mitigation plans for all children under 18. Phase Two would introduce a comprehensive online safety framework with a duty of care and strengthened safety rules for a wider range of platforms to protect all children under 18. To prepare children, parents and caregivers, teachers and the public, both phases would have educational initiatives to support a safer online experience.

A key risk with the preferred proposal (**Option 3**) is reducing under-16s access to a method of social connection. We expect that this risk can be mitigated through the detailed design of the proposal, including ensuring continued access for under 16s to essential platforms (such as health and educational services). Under-16s will continue to be able to access the internet and communicate through other channels, including SMS. We will test this risk and how it could be minimised during targeted consultation either in advance of final policy decisions or legislative processes (pending Ministerial direction and Cabinet agreement).

Option 4 involves comprehensive reform to regulate traditional media (TV, radio, on-demand) and online platforms under one regulatory framework for all users, extending protections across a wider range of platforms and content types.

Non-regulatory approaches such as education, awareness-raising and parental controls on apps are insufficient on their own as this is part of the status quo. These tools are important for building public understanding and should complement, rather than replace, regulatory measures.

What external consultation has been undertaken?

Initial engagement has been undertaken with stakeholders outside government in confidence, including the Australian Government Department of Infrastructure, Transport, Regional Development, Communications and Arts, the Australian eSafety Commissioner, OfCom (UK regulator for online safety), Coimisiún na Meán (Irish Media Regulator), Te Mana Whakaatu the Classification Office (Classification Office), Netsafe, the Office of the Privacy Commissioner, the Human Rights Commission, and the Children's Commissioner. Officials have also engaged with MyMahi and the Age Check Certification Scheme responsible for a technology trial in Australia testing age assurance methods. This initial engagement has helped inform the development of the proposals.

Given the pace of policy development, broader engagement has not been possible at this stage. In lieu of public consultation, we are proposing to conduct targeted engagement with children (for example through youth representative groups), Māori, Pasifika, people with disabilities, LGBTQIA+, affected industry, non-governmental organisations, charities, academics, international online safety regulators, Office of the Privacy Commissioner, the Human Rights Commission, Mana Mokopuna, the Classification Office and the

Broadcasting Standards Authority. Pending Ministerial direction, this can occur before final policy decisions are sought and/or during the legislative process of a Bill.

If a Bill is progressed, the select committee period would be used to support engagement with the public (including the groups referenced above) on the development of proposals. The Education and Workforce Committee is also conducting a comprehensive inquiry into online harm and the Committee's findings (informed by submissions which comment on social media age restrictions), which are due by February 2026, and will inform this work.

While formal positions have not yet been collected on these specific proposals, existing surveys indicate strong public concern about online harms and support for stronger regulation, including support for a social media minimum age. There are mixed levels of support for a social media restriction across youth groups and representatives, including Children's Rights Alliance, Gen-Z Aotearoa, Inside Out, Let Me Speak, Makes Sense, Mana Mokopuna and the Youth Parliamentary enquiry into a minimum age. Youth submissions emphasise the important role of young people in shaping policy and recommend alternative approaches to a blanket restriction, such as staged access to social media.

Is the preferred option in the Cabinet paper the same as preferred option in the RIS?

Yes

Summary: Minister's preferred option in the Cabinet paper

Costs

The preferred option will have financial and operational implications, particularly for the establishment of an interim regulatory function to support Phase One. An interim regulator will require new or expanded functions to monitor and enforce compliance and additional Crown funding. The scale and budget of existing entities with online safety and media regulation responsibilities such as the Classification Office, Netsafe and the Broadcasting Standards Authority provide a reference point (initially up to \$7 million per annum and 30 FTE) but final costs will depend on the scope of the framework.

For Phase One, distributional impacts will be most significant for under 16s, who will lose access to social media platforms. Under the preferred option, under 16s will still be able to access the internet generally and will be able to view content in a logged-out state (e.g., a teacher showing an educational video on YouTube at school). There could be unintended impacts of an age restriction which we have set out below:

- **Reduces access to health and wellbeing platforms:** Children access mental health and wellbeing platforms such as Youthline through social media.
- **Potential isolation for marginalised groups:** It could contribute to isolation of marginalised children, including rangatahi Māori, Pasifika, LGBTQI+, children living in rural communities and children living in ethnic communities.
- **Shift to unregulated or 'fringe' platforms:** It could drive children to alternative platforms that are largely unregulated, lack safety features and have little to no oversight.
- **Use of alternative methods to circumvent age-assurance:** As with any age-based restriction, children will circumvent the rules. Recent reporting on the UK's age verification requirements have indicated a rise of people using VPNs (Virtual Private Networks) and creating digital avatars to by-pass age assurance methods. The technology is relatively new and will become more sophisticated over time.

- **Reduced communication:** Children who circumvent the rules and access social media platforms may feel less able to discuss online harms with their parents, caregivers and educators.
- **Disruption to platforms:** New regulatory requirements may mean that regulated platform will threaten to withdraw or disrupt services in New Zealand if they do not consider the regulation as workable.

There may also be indirect impacts on parents and caregivers, educators, and businesses who use social media to engage with children. The intervention may affect competition if compliance costs disproportionately impact smaller platforms who do not pose a risk of harm to children. This can be managed through the design of the legislation and implementation, and an emphasis that under 16s are able to access to other communication methods (e.g., SMS, phone calls) and the wider internet continues to be unaffected by the proposals.

At this stage, monetised costs are not confirmed. Proposals have been designed to focus regulatory attention on platforms assessed as presenting the greatest risk of harm, while safeguarding under 16s' access to essential services, including health and education. There is also potential to reduce the financial harms that children can face online through scams and fraud.

People in New Zealand who use social media and other platforms will also be impacted by the proposal. We expect that, based on the Australian approach, platforms can take a proportionate approach to age assurance to minimise the impact on users over the age of 16. For example, if somebody has had a social media account for over 16 years, they will not have to undergo a process of determining their age. Platforms can also be legally prevented from relying solely on formal identification (e.g., government IDs).

Regulated parties, including platforms that rely on revenue from advertisements and related content, will face costs associated with implementing and maintaining age assurance systems. These costs are expected to vary depending on the platform's existing infrastructure and compliance capability. We do not expect these costs to be significant given the regulated parties will already be having to implement age assurance systems to meet Australian requirements from 10 December 2025.

6(a), 6(b)(i)

Benefits

Description of benefits and where they fall

The preferred approach (**Option 3**) is expected to deliver significant benefits for all children under 18, but particularly for under 16s and marginalised groups which face a disproportionately higher risk of exposure to online harm. General benefits for all children under 16 include reduced exposure to harmful content, conduct and platform features and improved mental health and wellbeing outcomes, particularly given under 16s access the internet at a young age and are developmentally more vulnerable.

Benefits may apply to a greater extent to certain groups of under 16s who report experiencing online harm at a disproportionately higher rate. Rangatahi Māori and Pasifika youth are disproportionately more likely to experience online harm and report that they have received unwanted digital communication that negatively impacted their daily activities, compared with other ethnic groups. Adolescent girls are disproportionately

impacted by online harassment and abuse, which is associated with negative emotional impacts. Netsafe's recent annual report highlighted that over a third of all sextortion reports were from boys aged between 13 and 18.

Over time, the intervention may help reduce rates of anxiety, depression, and other social harms linked to early social media use for all children under 18, as the preferred proposal requires platforms to assess and address risks of harm to all children so that when children use platforms from the age of 16, they do so on a safer platform. It also signals a stronger commitment to child safety online, which may improve public trust in digital environments.

While monetised benefits are not yet quantified, the social and developmental gains are expected to be significant. Distributional impacts will be concentrated among children under 16 and their families, with broader benefits for schools, whānau, and communities. Any impact on competition is uncertain. The benefits are expected to be cumulative over time, particularly if complemented by non-regulatory approaches such as education and awareness-raising.

Balance of benefits and costs

Does the RIS indicate that the benefits of the Minister's preferred option are likely to outweigh the costs?

It is difficult to quantify the costs and benefits due to the lack of available data provided by social media platforms. However, targeted consultation and research on the harms to children and their families indicate that the preferred option is likely to result in a net benefit to children in New Zealand.

We will complete a child impact assessment and a privacy impact assessment. We will also be assessing final policy proposals against the Crown's obligations under Te Tiriti o Waitangi and human rights frameworks. Any legislation will undergo a Ministry of Justice Bill of Rights Act vet prior to Cabinet Legislation Committee. We have begun engagement and will continue to engage with Te Puni Kōkiri, Ministry of Justice, Mana Mokopuna, the Human Rights Commission and the Office of the Privacy Commissioner to inform the development of proposals.

These steps, alongside initial discussions with government agencies and external stakeholders, have helped us understand the risks, test our assumptions, and make sure the benefits of the proposal clearly outweigh the costs.

Rangatahi Māori and Pasifika are disproportionately reporting more exposure to harmful online content and targeted consultation provides an opportunity for the Crown to understand how to actively protect Rangatahi Māori from online harm, beyond the current status quo.

Option 3 also upholds tino rangatiratanga by ensuring under-16s can still access safer platforms for social connection, while protecting them from harm. It proposes an age assurance approach that allows platforms to combine methods to balance privacy, accuracy, and user experience, while requiring compliance with the Privacy Act 2020 and ensuring users retain control over what data they share, how it is used, and who receives it.

While financial implications are still being developed, the social and wellbeing gains for those under 16 are anticipated to be significant. In summary, the economic benefits of not having an age limit in place currently exist at the cost of harms to children, so the proposal is considered to be a net benefit to society.

Implementation

How will the proposal be implemented, who will implement it, and what are the risks?

The proposal will require legislative change, either through amendments to existing laws or the introduction of a new Act. It will also require the establishment of new regulatory functions to monitor and enforce the new online safety framework. Decisions have not been made but initial estimates of an interim regulatory function have been developed based on existing New Zealand agencies with similar responsibilities and international online safety regulators.

Key implementation risks include challenges with age assurance technology; public pushback due to privacy and data concerns and unintended impacts on under 16s who may lose access to platforms used for social connection and support. These risks, and others, will be explored through a child impact assessment and a privacy impact assessment and these will inform the policy design.

The Australian Government considered the risk of children migrating to alternative or fringe services that are either unwilling or unable to moderate their users or content. For example, moving to platforms difficult to regulate effectively due to jurisdictional challenges and inadvertently discouraging children from reporting possible instances of child sexual exploitation or abuse online to their parents and caregivers or law enforcement.

To mitigate this risk the Australian Government recommended awareness campaigns and digital literacy education. This is an approach we propose to follow with complementary educational initiatives. We also do not propose any penalties to under 16s or their parents/caregivers to signal that the onus is on the platforms to implement the rules effectively, and not on the children. We also consider a penalty would further discourage young people from reporting incidences of harm.

Any legislation that requires age assurance processes could lead to platforms or third-party providers collecting, storing and using personal information for commercial or profiling purposes. To mitigate this risk, legislation and implementation will require strong protections for personal information pursuant to the Privacy Act 2020.

Limitations and constraints on analysis

Ministers' expectation is that a social media minimum age will be introduced before the end of the Parliamentary term. These timeframes mean that external stakeholder consultation before Cabinet decisions has been limited to informing key stakeholders and receiving initial feedback on the high-level proposed direction.

The risks of not undertaking public consultation ahead of Cabinet decisions are mitigated by the fact that the proposal is seeking a broad policy direction only and by planned targeted consultation. The risk will be further mitigated through development of final policy decisions and legislative design. Another factor mitigating the risk is that the policy decisions will consider findings from the Education and Workforce Committee's inquiry into online harm. We understand these are due at the end of 2025 and in February 2026.

Engagement on any legislation implementing final policy proposals (pending Cabinet agreement) will occur in 2026. Our analysis has been developed under tight timeframes, which has limited the ability to consult widely and fully explore the range of policy options. This has also impacted our ability to fully assess the impacts of the options, but in the timeframe provided we have used a range of international and New Zealand-specific

research to inform our analysis, as well as targeted engagement with external online safety stakeholders across multiple jurisdictions.

While there is a growing body of research on children being exposed to online harm and the impacts of social media on children, there are gaps in New Zealand-specific data, particularly around platform usage and harm exposure across different groups.

Data gaps also exist on an international level, however new emerging research continues, and is expected to be developed on the impact of online use on children's health and any educational impacts. Research in Australia highlighted that while there is a gap in the correlative evidence of the harms of social media on young people, this may be in part due to major social media services choosing not to share their own market and user impact research.

The scope of options considered was also constrained, with limited time to assess non-regulatory alternatives in detail given this was not considered viable to implement a minimum social media age. Assumptions around implementation costs, regulatory design, and platform compliance are still being tested and will be refined through a child impact assessment and a privacy impact assessment.

Despite these limitations, the interim RIS draws on relevant research, early initial engagement, and comparable international approaches to provide a sound basis for Cabinet to make an informed decision on a broad policy direction for the online safety work. This focuses on introducing a minimum age of 16 for social media access to reduce the risk of harm to children online and child safety risk reporting, followed by a broader online safety framework, complemented by educational initiatives to empower safer online use.

I am satisfied that, given the available evidence, this RIS represents a reasonable view of the likely costs, benefits and impact of the preferred option.

9(2)(a)

Quality Assurance Statement

Reviewing Agency: Ministry of Education

QA rating: Partially meets

Panel Comment: As required by the Ministry for Regulation, the Ministry of Education QA Panel has reviewed the interim regulatory impact statement *Reducing the Risks of Online Harm to Children: Policy direction and host agency* prepared by the Ministry of Education.

The Panel has assessed the statement as *partially meeting* the QA criteria based on its status as interim analysis only. The analysis reflects significant time and information constraints and the stage of policy development and, therefore, does not meet all the

quality assurance criteria. These constraints limit the information on impacts, particularly for vulnerable groups, the effectiveness of the preferred option, stakeholder views, costs, and the implementation pathway and issues.

Final impact analysis is required to inform Cabinet's final decisions on this proposal. That analysis will need to address the gaps in this interim statement.

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

There is no overarching framework to prevent harm from social media in New Zealand

1. New Zealand's current regulatory framework does not comprehensively address the safety of children (under 18s) online, including lacking a particular focus on under 16s who are developmentally more vulnerable. While some protections exist, there is no overarching framework that regulates social media platforms (including platforms where social interaction occurs) to prevent harm.
2. New Zealand's current system for reducing the risk of harm from online content and activity includes:
 - The Films, Videos, and Publications Classification Act 1993 (the Classification Act) is a key lever in the regulatory system. The Act has two mechanisms intended to ensure consumer safety; objectionable material which is illegal to possess or trade, and content that is legal to create, possess and distribute, subject to access restrictions such as R16 and R18 labels. It does not provide a mandate to regulate systems of online platforms in promoting content, conduct or features, some of which is harmful, explicit or illegal;
 - The Harmful Digital Communications Act 2015 (HDCA), which aims to deter, prevent and mitigate harm caused by digital communication between individuals. It provides a complaints and redress mechanism for victims of online bullying, harassment, and other interpersonal harms. It does not require platforms to prevent harm or ensure safe design, and its high evidence threshold can limit its ability to address systemic risks.
3. Voluntary self-regulation by operators, including through schemes managed by the New Zealand Media Council, Netsafe and NZ Tech. For example, the Aotearoa New Zealand Code of Practice for Online Safety and Harms 2022 addresses areas such as bullying, child safety, disinformation, harassment, hate speech and misinformation with a mechanism for lodging complaints against breaches.
4. The Education and Workforce Committee is currently holding an inquiry into the harm young New Zealanders encounter online, and the roles that government, business, and society should play in addressing those harms. The inquiry reflects growing public concern about the impact of online platforms on youth wellbeing, and the Committee is expected to publish an initial interim report by the end of 2025 and a final report to follow in February 2026.

5. In 2023, the Department of Internal Affairs, with support from the Ministry of Culture and Heritage, consulted on proposals to review the media and online content system.¹ This was in response to concerns about rising online harms, outdated legislation, and the inconsistent approach to dealing with harmful content. This work has now concluded.

International context

6. Online safety is a global issue, and a range of countries have looked to progress several different regulatory approaches. Typically, the strongest protections are designed for children, but some countries have developed protections which apply to all users. At this stage, minimum age requirements for online platforms have not been introduced in isolation and are typically part of a broader online safety system.

The Australian approach

7. The Australian approach to a minimum age is designed to reduce harms associated with logged-in use of social media, including exposure to harmful or misleading content, risks to privacy and wellbeing, and the impact of addictive design features such as infinite scrolling and algorithmic content feeds.
8. The Online Safety Amendment (Social Media Minimum Age) Act, passed in December 2024, sets a minimum age of 16 for social media access. The Act places responsibility on platforms to enforce age restrictions and implement robust age assurance measures, with penalties of up to AUD\$49.5 million for non-compliance. The Act is scheduled to come into effect 10 December 2025.
9. Australia's policy is supported by an existing broader regulatory framework that includes the Online Safety Act 2021 and the eSafety Commissioner, an independent regulator with powers to enforce platform accountability and set online safety expectations.

Other jurisdictions

10. The following approaches have been taken by comparable countries:
 11. *The United Kingdom and European Union* have adopted broader system-based approaches, requiring platforms to assess and mitigate risks under a duty-of-care framework. Both are exploring possible social media restrictions, with Europe looking at an under 16 restriction and the UK exploring curfews and a two-hour time limit;
 - *Singapore* has implemented a layered regulatory model combining app store controls, platform obligations, and rapid content takedown powers; and
 - *In the United States and Canada* legislative efforts have focused on age verification, parental controls, and platform accountability, although progress is varied.
 12. *The Prime Ministers of Norway*² and *Denmark*³ have recently announced their intention to introduce laws to restrict access to social media for under 16s.

¹ Department of Internal Affairs, [Safer Online Services and Media Platforms](#), June 2023

² The Guardian, [Norway to increase minimum age limit on social media to 15 to protect children](#), October 2024.

³ BBC, [Denmark plans to ban under 15-year-olds from social media](#), October 2025.

What is the policy problem or opportunity?

Young people can be exposed to harmful content, behaviour, and design features which facilitate the risk of harm on social media platforms

13. Social media has become an embedded part of how many children communicate and participate in social life. It has evolved over the years from enabling connections with people we know (e.g. Facebook friends) to connections with unknown people (Twitter/X followers), to an algorithm-led content provision platform with varying levels of direct control.
14. There are also positive associations between wellbeing and social media use. Social media has become part of building relationships, forging connections, and staying in touch. As noted in Kōi Tū's evidence brief on the effects of screen time on children's development, "Sharing comments, messages, and "likes" is associated with boosted self-esteem, better-perceived closeness, reduced stress and loneliness, and a more positive outlook. Teenagers can also join online communities which foster belonging and provide support, particularly for minority groups such as LGBTQ+ youth."⁴
15. A 2025 New Zealand school census⁵ asked students under 17 which platforms they had used four or more times the previous day:
 - YouTube led with 51.3 percent of students, followed by TikTok (46.9 percent), Snapchat (43.9 percent) and Instagram (35.3 percent).
 - When asked which platforms they had used in the past week:
 - YouTube led with 78.1 percent, followed by Tik Tok (53.3 percent), Snapchat (52.4 percent) and Instagram (45.3 percent).
 - ChatGPT was used by 29.5 percent and this was the first year the census included questions about large language models.
16. However, despite the positive associations outlined above, social media is the platform where children most recently report experiencing a range of online harms.⁶ Evidence in systematic reviews investigating the impact of high levels of use of social media on children suggests it has been associated with depression, anxiety, psychological distress, sleep disruption, eating disorders, and low self-esteem.⁷ The World Health Organization's report on the digital determinants of youth mental health and wellbeing concluded that there is strong consensus that children's and adolescents' stages of biological and cognitive development make them particularly vulnerable to online harms.⁸
17. There is also substantial research to support that social media use is predictive of a subsequent decrease in life satisfaction for those under 16, who are developmentally more vulnerable.⁹ Research referenced by the Australian Government suggests that by 16 years of age, young people are beyond the most vulnerable stage of

⁴ Studies referenced on referenced in the University of Auckland and Kōi Tū: The Centre for Informed Studies, [Screen time: The effects on children's emotional, social and cognitive development](#), 2021, p5.

⁵ CensusAtSchool New Zealand, reflects 17, 622 submissions as at 9 October 2025.

⁶ eSafety Commissioner, [Digital use and risk: Online platform engagement among children aged 10 to 15](#), 2025.

⁷ Public Health Communication Centre Aotearoa, [Evidence supports the need to protect adolescents from social media harms | PHCC](#), July 2025

⁸ World Health Organisation. Regional Office for Europe, [Addressing the digital determinants of youth mental health and well-being: policy brief](#), 2025

⁹ Amy Orben et al., [Windows of developmental sensitivity to social media](#), Nature Communications, 2022.

adolescence, so restricting access to social media is less likely to be impactful if it does not capture this age group.¹⁰

18. A nationally representative study of NZ teens published in 2018 found that 70% of teens experienced unwanted digital communication (including being contacted by a stranger, and accidentally seeing inappropriate content online), most commonly through social media or through online gaming. 80% of those had an emotional response to the unwanted communication, and 19% said it had a negative impact on their daily lives. The study was based on data from a sample of 1,001 New Zealand teens aged 14-17 years old.¹¹
19. A 2024 press release from the Police Association reported on the prevalence of sextortion in New Zealand, particularly that the New Zealand Police deal with an average of 10 cases a week flagged as sextortion.¹² Of the cases reported over a six-month period in 2024, 88% of the victims were male, and 18% were under the age of 17.
20. Evidence highlights concerning patterns in New Zealand children's online engagement and its possible impact on education outcomes. For example, 28 percent of New Zealand students in the Programme for International Student Assessment who were classed as 'extreme users' of the internet (averaging more than six hours a day on the internet outside of school hours) had much lower academic performance than students with lower internet usage.¹³ While this evidence is from 2019, it reinforces concerns about the potential impact of excessive online engagement on children's wellbeing and educational outcomes. More recent data is needed to understand what's driving this trend, any links to educational performance and to clarify the links between social media use and wider online activity.
21. More research is also needed to fully understand the causative negative impact of social media on children's health and wellbeing. However, there is a substantial level of research with clear indicators of children being exposed to harmful content and conduct on social media platforms and other platforms where social connection (either with a person or a person-like feature such as an AI chatbot) happens.
22. New Zealanders are also increasingly worried about what children are seeing and experiencing online. Some examples of research include a 2022 report by the Classification Office which found that New Zealanders:
 - are concerned about children seeing harmful content, with the highest level of concern related to online spaces;
 - believe that online content can have a negative influence on children in various ways;
 - think harmful content on screen and online is a real problem, and concerns about tamariki and rangatahi are widespread;
 - support regulating harmful content, but only a minority think the current system is working well to keep young people safe; and

¹⁰ Australian Government, [Social Media Minimum Age – Fact sheet](#)

¹¹ Netsafe, [New Zealand Teens and Digital Harm: Statistical insights into experiences, impact, and response](#), 2018.

¹² Police Association, [NZPA: Sextortion: It's not just blackmail](#), 2024.

¹³ Education Gazette - [Is social media weakening students' sense of belonging at school?](#), 2019.

- lack confidence in tech companies to keep them safe – just 33% ‘somewhat’ or ‘strongly’ agreed that online platforms provide what people need to keep them safe.¹⁴
23. In a 2024 survey of the attitudes of New Zealanders aged over 18 to the internet, the top concern of 73% of respondents was children accessing inappropriate content.¹⁵
 24. Half of young people (including 13–15-year-olds and 16-24-year-olds) in research published by Youthline viewed social media as a fundamental issue facing their generation, particularly its effect on mental health and potential to cause social problems including increased levels of bullying. The research noted that while children are concerned about social media and its ability to spread misinformation and negatively impact relationships, body image and confidence, it is also the best way to reach them.¹⁶

Rangatahi Māori and Pacific are more likely to experience harm

25. While New Zealand-specific research is limited, available studies suggest that some groups may be disproportionately affected. Pacific youth are more likely to experience cyberbullying/online social exclusion, receive requests for sexually explicit material, have their personal information posted without permission, and accidentally encounter disturbing material than their peers from other ethnic groups, as well as being more likely to download viruses/malware.¹⁷
26. Rangatahi Māori report spending significantly more time on social media than NZ European youth, and Māori and are more likely to be exposed to harmful content online. Māori and Pacific teens are more likely to report that they have received unwanted digital communication that negatively impacted their daily activities compared with other ethnic groups.¹⁸

New Zealand’s content regulatory system is outdated and has gaps

27. New Zealand’s content regulatory system currently deals with the most severe and illegal content like child sexual exploitation and promotion of terrorism or violence, regardless of whether it is delivered online or through traditional forms of media such as printed publications. It also addresses harm between individuals through the HDCA.
28. The system has increasingly become outdated. New Zealand’s content regulatory system is over 30 years old and was established when most content was in physical form and professional creators and editors dominated content distribution like print, television and film.
29. There are gaps in the current legislative framework which are not sufficiently addressed. For example:

¹⁴ Te Mana Whakaatu Classification Office, [What We’re Watching: New Zealanders’ views about what we see on screen and online](#), 2022.

¹⁵ InternetNZ Ipurangi Aotearoa, ‘[New Zealand’s Internet Insights](#)’, 2024.

¹⁶ Youthline, [State of the Generation](#), 2023.

¹⁷ The Journal of Pacific Research, [The impacts of social media on the wellbeing of Pacific youth in New Zealand- A literature review: Social Media impacts on Pacific youth | Pacific Health Dialog](#), 2024.

¹⁸ Classification Office, What We’re Watching, 2022.

https://www.classificationoffice.govt.nz/media/documents/What_Were_Watching.pdf

- The HDCA does not place obligations on online platforms to prevent harm or ensure safe design, and its high evidence threshold limits its ability to address systemic risks; and
 - The Classification Act is designed for a pre-digital era, and it does not cover the role of online platforms in curating and promoting harmful content.
30. This is an issue which is related to three Member's Bills which have been put forward in 2025:
- Catherine Wedd MP's Members' Bill to protect under 16s from social media harm is proposing a social media age restriction for under 16s;
 - Laura McClure MP has introduced the Deepfake Digital Harm and Exploitation Bill; and
 - Reuben Davidson MP's Online Safety (Duties for Providers of Internet-Based Services) Bill seeks to hold online platforms accountable for harmful content.
31. Both Catherine Wedd MP and Laura McClure MP's Bills were drawn from the ballot on 23 October 2025 and introduced into the House.

What objectives are sought in relation to the policy problem?

32. The primary objective of this work is to reduce the risk of online harm to children, particularly to under 16s.

What consultation has been undertaken?

33. Due to time constraints there has been limited consultation on the proposals to date. We have engaged with the Australian Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts, the Australian eSafety Commissioner, OfCom (UK regulator for online safety), Coimisiún na Meán (Irish Media Regulator), the Classification Office (Chief Censor), Netsafe, the Office of the Privacy Commissioner, the Human Rights Commission, the Child's Commissioner and a small number of online safety regulatory and industry experts. We have also engaged with MyMahi and the Age Check Certification Scheme responsible for a technology trial in Australia testing age assurance methods.
34. This initial engagement, as well as agency engagement, has helped inform the development of the proposals. We have also consulted with the Ministry of Education (Ministry) policy team that led the development of the Education (School Boards) Regulations 2020. Often mischaracterised as a 'smartphone ban' in schools, the regulation requires state and state-integrated schools to have a policy about restricting the use of phones by students during school time. The policy team confirmed that restricting access to phones is addressing a different problem (distraction) than limiting access to social media (exposure to harm).
35. The Education Review Office's review of the "phones away for the day" policy found encouraging evidence that secondary students are more focused on learning as a result of prohibiting phone use at school, with 79% of teachers reporting improved ability to focus. The survey of secondary teachers found that 61% report achievement

has improved since phone rules were put in place, 77% report that behaviour has improved, and 69% report that bullying has decreased¹⁹.

36. Most agencies agreed that action needs to be taken to protect children from the risk of harm from social media and other platforms, however there were mixed views on whether a minimum age is the appropriate first step. The Ministry for Regulation, Ministry of Justice, the Office of the Privacy Commissioner, Mana Mokopuna, the Centre for Family Violence and Sexual Violence (CFVSV), and the Human Rights Commission all recommend starting with a comprehensive framework rather than a minimum age restriction. They also emphasise that findings from the Education and Workforce Committee inquiry should inform policy decisions and support incorporating children's voices into this work.
37. Mana Mokopuna, the Human Rights Commission and CFVSV also highlight the need for meaningful engagement with children to inform final policy proposals. The Ministry for Ethnic Communities and Ministry for Women note that this should include consultation with those who may be disproportionately affected by the restriction, including Māori, Pasifika, children from ethnic communities and adolescent girls.
38. The Department of Internal Affairs identified several issues that need to be considered in the final policy design, including the ability to maintain privacy-protecting age assurance processes for all users; ensuring systems that support parents to protect their children online (such as parental controls); providing support to prepare young people to use social media responsibly; preserving incentives for developing services designed for children; reducing incentives for platforms to expand non-account-based content outside the regulatory system; and avoiding unintended capture of low or no-risk platforms while minimising impacts on the benefits of social media and online interaction, particularly for vulnerable groups.
39. Consultation with the Ministry of Justice and the Office of the Privacy Commissioner highlights significant privacy considerations that will need to be addressed ahead of final policy decisions. Mandating age-restricted access will involve substantial collection and use of personal information, creating privacy risks that must be carefully managed. Phase One relies on children providing personal information without the enhanced protections seen in the UK and Australia, which have privacy-by-design frameworks such as the Age-Appropriate Design Code and Children's Online Privacy Code. Both agencies emphasise the need for strict privacy controls, full engagement and resourcing of the Privacy Commissioner, and coordination between the interim regulator and OPC to manage likely increases in privacy complaints and enforcement needs. All age verification methods require informed consent from children and/or parents, and further legal advice is required to navigate consent requirements and alignment with the Privacy Act.
40. The Ministry for Regulation does not support introducing a minimum age at this stage, citing limited evidence on the effectiveness of an age restriction and concerns about practicality. They note that a ban could impose significant compliance costs on providers, which may be passed on to New Zealanders through higher charges, restricted service availability, and intrusive onboarding requirements. The Ministry advises that decisions should be deferred until learnings from Australia's implementation and findings from the Parliamentary inquiry are available.

¹⁹ ERO, [Do not disturb: Review of removing cell phones from New Zealand's classrooms](#), 2025.

41. 6(a), 6(b)(i)
42. The Ministry for Culture and Heritage (MCH) supported the policy direction, noting that independence from government needs to be considered alongside cost-effectiveness of an interim regulator. Both the New Zealand Police and MCH note that online harms are not limited to children, and interventions for a broader range of users could also improve safety for children. Police recommend carefully considering the scope of any minimum age requirement to minimise loopholes and note the need for a system-level approach to ensure the framework integrates with existing mechanisms, avoids duplication, and does not create barriers to reporting or information sharing. Police also caution that excluding gaming platforms such as Roblox (as Australia has done), which are used by offenders to contact and exploit children, could increase the risk of online harm to children.
43. The Ministry of Business, Innovation and Employment highlights Cabinet's June 2025 decision to take a proportionate and risk-based approach to regulating Artificial Intelligence [ECO-24-MIN-0119]. The Government has prioritised AI adoption to support economic growth, and the proposal to restrict the ability of under-16s to have accounts when interacting with AI could limit opportunities to build AI literacy. This risk is considered partly mitigated as the focus is on account creation rather than all use. Interventions will need to be framed narrowly to avoid unintended impacts, such as capturing customer service chatbots or other low-risk AI tools, and further work is required to define scope and exclusions clearly.
44. We are seeking Ministerial agreement to conduct targeted engagement (in confidence) with impacted groups, including children, Māori, Pasifika, LGBTQI+, charities, academics, industry and others. Pending Cabinet agreement, officials could also support engagement with impacted groups during a select committee's consideration of new legislation.

Section 2: Assessing options to address the policy problem

What criteria will be used to compare options to the status quo?

45. We have identified the following criteria:

Criteria	Description
Certainty	The public, regulator, and the industry have a good understanding of, and information about, new legal requirements and how a minimum age to access social media platforms works.
Effectiveness	Measures are targeted at reducing the risk of online harm, particularly to under-16s from social media. Measures minimise unintended consequences and balance impacts on human rights (particularly children's rights) with objective of protecting children from risk of harm.
Ease of implementation	Measures are informed by existing or developing technology, utilise current system capability and capacity where possible, and are financially sustainable in the medium and long term.

Flexibility	Accommodates future developments in technology, such as the development of new types of platforms and online harms.
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What scope will options be considered within?

46. The scope has focused on reducing the risk of harm to children and prioritising the introduction of a minimum age of 16 to social media. The scope does not focus on regulating broadcast or video-on-demand content. We have considered a range of options to address the risk of online harm to children more broadly which are set out below. We have been limited due to the constrained timeframes of policy development.
47. There are non-regulatory options that on their own will not sufficiently reduce harm to children online. This is because the current system relies heavily on voluntary action by platforms which are inconsistently applied and have not been effective in reducing harm to children. Minimum age requirements on platforms are 13, but we know that this is not effectively enforced due to its self-report nature and the fact that many children in New Zealand under 13 are using social media.
48. We have also considered managing access to devices such as curfews or education campaigns that support parents to apply parental controls or for children to understand why they should manage their own access. However, we are unaware of any evidence that supports the success of non-regulatory options in isolation of regulatory change, particularly in the context of the evidence of children experiencing online harm.
49. Some platforms have developed software to limit children's use of social media on specific devices, for example iPhone Parental Controls. However, these solutions rely upon the will and ability of parents to use this technology and different platforms may have different controls. The surveys referenced above (paragraphs 11-19) demonstrate that social media is still widely used despite parental controls, suggesting they do not adequately prevent children accessing harmful content.
50. As well as inconsistent usage, the Australia Age Assurance Technology Trial reviewed the use of parental controls. They are found to be effective alongside other measures and not in isolation.²⁰ The eSafety Commissioner also advises that parental controls are best used as part of a range of methods and cannot be relied upon to prevent all online harm.²¹

What options are being considered?

51. We have identified the following four options:

Option One – [Status Quo / Counterfactual]

52. The status quo as set out in paragraphs 1 - 5.

Option Two – Targeted focus on age-restricted access to social media platforms only

²⁰ Age Check Certification Scheme, [Age Assurance Technology Trial: Part G: Parental Control](#), August 2025.

²¹ eSafety Commissioner, [Parental controls | How to keep your child safe](#). Accessed on 22/10/2025.

53. Social media platforms would be required to implement reasonable steps to prevent under 16s from creating an account and be responsible for the implementation of effective age assurance methods.
54. This option is based on the Australian approach to introducing a minimum age requirement for social media of 16, which is designed to; reduce harms associated with logged-in use of social media, including exposure to harmful or misleading content, risks to privacy and wellbeing, and the impact of addictive design features such as infinite scroll and algorithmic content feeds.
55. Australia chose a minimum age of 16 years old to restrict social media access as it balanced between protecting children from harm and preventing their isolation, without imposing additional burden on parents or carers or exposing users to increased privacy risks.²²
56. In the US, the Surgeon General's Advisory on Social Media and Youth Mental Health states that "adolescent social media use is predictive of a subsequent decrease in life satisfaction for certain developmental stages including for girls 11–13 years old and boys 14–15 years old."²³ Similarly, a UK Study published in 2022 of over 17,000 young people found that the most detrimental effects of high levels of social media use occur at ages 14-15 for boys and 11-13 for girls.²⁴ The Australian Government referenced this study to support a minimum age of 16 as it allows access to social media after children are outside the most vulnerable stage.²⁵

How age assurance could work

57. The onus would be on platforms to use methods that are consistent with existing legal frameworks in New Zealand (e.g. the Privacy Act 2020) and require platforms to proactively address possible workarounds, such as VPNs.
58. In our consultation with Ofcom in the UK which has implemented a minimum age requirement to access online pornography platforms for under 18s in July this year, we asked if VPNs were a workaround. Ofcom said that VPNs may be used, but there is limited evidence of how effective these are at helping users get through any age checks. Companies can identify when someone is using a VPN (Netflix and BBC iPlayer have been doing this for a while) so there are expectations social platforms can use similar approaches. We can also be informed by the Australian experience when their minimum age requirement for under 16s commences in December 2025.
59. Given the technological capability of the platforms, we consider platforms are in a strong position to stay on top of circumvention trends as much as possible. We recognise a level of circumvention is inevitable, but proactive action can be required to minimise the level at which this occurs.
60. There is a no one size fits all approach for age assurance and we propose an approach that enables flexibility for platforms and choice for users. Platforms would

²² Australian Government Department of Infrastructure, Transport, Regional Development, Communications and the Arts, [Impact Analysis Equivalent Supplementary Analysis](#), October 2024.

²³ U.S. Surgeon General's Advisory, [Social Media and Youth Mental Health](#), 2023.

²⁴ Amy Orben et al., [Windows of developmental sensitivity to social media](#), Nature Communications, 2022.

²⁵ Australian Government, Impact Analysis, October 2024.

also be prevented from relying on age verification alone (requiring use of official ID) and would use a layered approach. This allows the age assurance process to be tailored more to the specific user, for example someone with an account that is 20 years old will not go through the same process as somebody attempting to set up an account for the first time.

61. Complementary educational initiatives would also be implemented to build online literacy and promote the safer use of social media platforms, as well as building public understanding about how age assurance works.

Option Three – Preferred - A phased approach to enforce stronger rules for online services to prioritise children’s safety in how they design, build and operate their services

62. This preferred option will have a two phased approach:

- **Phase One:** Introducing the minimum age requirement for under 16s on social media, as well as reporting requirements for platforms for all under 18s and;
- 9(2)(f)(iv)

63. This option is preferred as it:

- sends a strong signal and clearly targeted at reducing harms for under 16s through social media;
- limits impact on restricting access to online platforms not considered harmful;
- addresses greater range of harms for all children than Option Two by requiring child safety risk assessments and mitigation plans in Phase One, and proposes a duty of care to ensure all under-18s use platforms safely in Phase Two; and
- has less upfront costs and can be implemented more quickly to prevent harm than the broader regulatory option for all media in Option Four.

Phase One

64. The direction of Phase One involves key decisions on defining what platforms are in scope, what they are required to do, what a regulator needs to monitor and enforce and how age assurance technology will work. We propose creating a regime that regulates platforms if they are accessible to New Zealand users. In practice, this could look at whether the platform can be accessed in New Zealand, has a certain percentage of the New Zealand population as monthly users (e.g., 10% of 13-18 year olds) and/or has New Zealand as a target market.

Options considered for defining platforms in scope of an age restriction

Option A: Preferred

65. There is no legal definition in force of ‘social media platforms’ in New Zealand or internationally, and online platforms are constantly evolving. People can communicate, engage with, and create content across a range of platforms and what is considered “social media” changes over time.

66. Given this, the proposed direction is to consider an approach to define the platforms that are subject to Phase One requirements that would provide certainty on the initial scope of the regime for both platforms and the interim regulator. Additionally, this should reduce the need for resource-intensive decisions about whether platforms are in or out of scope. The intent is to capture at least the same platforms as Australia, while retaining the flexibility for a regulatory system to apply to additional platforms that pose a risk of harm to children, based on what somebody can do on the platform.
67. This flexibility could be achieved through a power to “call-in” other online platforms as needed. We propose this power is safeguarded by clear criteria and consultation requirements. Criteria would focus on the activities a platform enables, such as creating and interacting with material, engaging with other users, or interacting with ‘user-like’ features (including AI chatbots). This could also apply to multiplayer online games where children can communicate with others. A platform would not need to offer all these activities to be in scope, and legislative design would determine the final approach.
68. The preferred approach combines parts of:
- how Australia defines age-restricted platforms (based on what a user can do on a platform); and
 - how the UK and EU regulation captures all platforms likely to be accessed by children.
69. This approach also seeks to remain adaptable as technology changes, for example, even if a platform mainly focuses on one type of activity between users now, it might add certain functions more commonly seen on social media platforms that could increase the risk of harm to children. A list-based approach removes the risk of the regime capturing platforms unintentionally, and this would help reduce the risk that under-16s, particularly Rangatahi Māori and Pacific youth, miss out on platforms that support safer social connection, and provide educational and health services.
70. As the list-based model provides explicit clarity on which services are in scope, this reduces ambiguity and limits the opportunities for platforms to contest their inclusion. When compared to Option B, this approach substantially lowers the risk of legal challenge from platforms arguing that they do not meet a purpose-based ‘social media’ definition.
71. The trade-off of the proposed direction is reduced future-proofing. We believe this could be mitigated through the proposed ‘call-in’ power and the development of a comprehensive online safety regime in Phase Two that applies to a wide range of online platform types.

Option B: Purpose-based definition

72. This matches Australia’s broad definition of an ‘age-restricted social media platform’ in its Online Safety Act 2021 and ability to determine platforms in or out of scope. A platform is in scope if:

- the sole, or significant, purpose of the service is to enable online social interaction between 2 or more end-users;
 - the service allows users to link to, or interact with, some or all of the other end-users;
 - the service allows users to post material on the service, and
 - it meets such other conditions as are set out in the legislative rules (this means the Australian Government can add other conditions).
73. Australia also has the option for regulations to specify that a platform, or class of platforms are not in scope. This is intentionally flexible to allow the Minister for Communications to be responsive to technology changes.
74. Using the same definition as Australia would help New Zealand and Australia stay consistent in how they apply a minimum age to social media platforms. It would also likely make things easier for social media platforms, as they could follow the same rules in both countries.
75. However, New Zealand's situation is different to Australia. We don't currently have a legal framework regulating for online safety or an existing online safety regulator. As well as establishing a new regulatory function, requiring a new regulator to assess a "purpose" could take longer and involve more resources, in comparison to assessing objective measures like what a user can or can't do on a platform.
76. Australia already had laws and a definition of social media platforms to influence its approach to defining an 'age-restricted social media platform'. We are in a different position where we can take an aligned, but New Zealand specific approach.

Option C: Features-based definition

77. This approach would define social media platforms in scope of a minimum age based on whether they have specific features considered to be harmful or to increase the risk of harm. Examples of features could include autoplay, infinite scroll, and content being shown to users through algorithms.
78. New York has a law called the Stop Addictive Feeds Exploitation (SAFE) for Kids Act (2024) that effectively lists features. It prohibits social media platforms from providing an "addictive feed", defined as using a child's data to personalise the material they see, and "nighttime notifications" between the hours of 12 AM and 6 AM.
79. The UK's Online Safety Act does not define regulated platforms by their features but does require their independent regulator Ofcom to consider how characteristics of a service may pose a risk to users. Some examples of these include the ability to express a view on content ('like' 'dislike' 'applying an emoji or symbol'). Ofcom also points to 'recommender systems' given their role in determining what content users see and engage with.
80. The main benefit of this approach is that it is likely easier for a regulatory function to monitor, as it would be able to see what features are, or are not, on a certain platform.

It could also be easier for parents, children, and platforms to understand what platform is or isn't expected to have a minimum age requirement.

81. However, this method (in isolation of other online safety measures) has reduced flexibility. Features can change quickly, and platforms could have greater opportunity to avoid implementing a minimum age. This is less likely to support the objective of reducing the risk of children being exposed to the risk of harm on social media.

Option D – Risk-based definition

82. A minimum age could apply to a social media platform based on factors that can be considered as a proxy to the level of risk to children. This could result in a minimum age rule applying differently dependent on how big the platform is and how many people in New Zealand use it.
83. A social media platform would need to apply a minimum age requirement if it has a significant number of New Zealand users and this could specify users between the ages of 13-18. The UK and EU use this type of risk-based approach in their online safety laws, which apply more stringent measures to larger platforms.
84. The UK and EU online safety laws cover more than just social media and can capture all platforms likely to be accessed by children – they also apply to search engines and any online service accessible in either jurisdiction. In the EU, platforms are defined by their size. The strictest rules apply to 'Very Large Online Platforms' and 'Very Large Search Engines', which are defined as those with over 45 million users in the EU (10% of the population).
85. This option has the greatest flexibility as it can adapt to new types of social media platforms and new design features. It also more closely matches the level of regulation to the size and risk of each platform, meaning larger platforms which could pose a higher risk to New Zealand children would have to meet more stringent rules from the outset.
86. However, this option would also require a separate definition for smaller platforms which can also pose a high risk to children, even if their user numbers are lower. With multiple definitions, it would be the most resource-intensive approach to develop and for a new regulatory function to administer.

Requirements on age-restricted platforms and how a regulator could monitor and enforce these

87. In Phase One, platforms would need to report on the number of monthly users from New Zealand by age. This includes the number of unique users from New Zealand with a registered and logged-in account who engage with the platform within a 30-day period. This would be for overall users and require a breakdown by certain age groups (e.g., under 16s, 16–18-year-olds, under 18s).
88. Platforms would need to assess and address the risks of harm to all children (under 18) to ensure that when children turn 16 and are able to access social media, those platforms are safer. Platforms must explain how they're protecting children from exposure to a range of harms and an initial list is below. This could involve a platform

submitting an annual risk assessment and mitigation plan structured around how they are preventing the following key harms to children:

- hosting or promoting illegal content and conduct (e.g., Child Sexual Abuse Material, online grooming);
- harmful conduct, for example cyberbullying and harassment, sextortion, scams, fraud and phishing;
- hosting or promoting harmful content, including instruction or promotion of violence, suicide, self-harm, eating disorders, dangerous challenges (can be illegal in some circumstances), synthesised AI content (deepfakes);
- features that encourage engagement and can contribute to problematic use, including algorithms;
- targeted advertising;
- misleading and/or deceptive practices in Artificial Intelligence features;
- any other harm as identified by the relevant Minister.

89. These are not the final list of harms and will be refined. There could be requirements for to amend the list in regulations, such as consulting with specific parties as part of the process of amending the list, which could include the Chief Censor, the Children's Commissioner, and the Human Rights Commissioner.

90. A regulator could:

- audit annual risk assessment and mitigation reports from platforms;
 - develop codes/guidance in consultation with key stakeholders to keep pace with technological changes and new threats;
 - complete annual reporting on performance of platforms;
 - use information gathering and investigative powers as necessary – including powers to question or query risk assessments;
- share information on platforms with other parties (e.g., authorities and international online safety regulators);
- advise the Minister on which platforms could be in scope of the Act;
 - have appropriate appeals and complaints processes for platforms;
 - uphold Te Tiriti o Waitangi in how it performs its online safety responsibilities; and
 - maintain strong human rights protections by balancing its function to reduce the risk of online harm to children with the New Zealand Bill of Rights Act 1990, Human Rights Act 1993, and UN Convention on the Rights of the Child.

91. There would be no penalties for children under 16 or their parents or caregivers. Instead, platforms would face enforcement measures if they unreasonably fail to either implement an age restriction or put in place appropriate mitigations.

92. All information provided to the regulator would need to be provided with the name of a senior manager based in New Zealand and/or who may reasonably be expected to ensure compliance and who would be liable for any failure to comply.

93. To uphold platform compliance with these regulatory functions, we propose the regulator should have the ability to issue substantial fines (e.g., a percentage of the company's global annual revenue) and when a company repeatedly fails to comply, apply to court for business disruption measures that:
- prevent a platform from generating revenue or otherwise work with New Zealand based companies, (e.g., through payment providers, advertising or subscriptions);
 - block access to certain pages found to be harmful to children; and
 - in the event of serious, repeated non-compliance, block access to a platform.
94. We are also considering if it is appropriate to introduce new criminal offences and penalties for senior managers of platforms who fail to comply with new online safety requirements. This could occur if reasonable steps were not taken to prevent under 16s having an account, or if required information is not provided, is incomplete, or is knowingly false. We are consulting with MoJ's Offence and Penalty Vetting team on whether such offences and penalties are appropriate.
95. Similarly to Option Two, complementary educational initiatives would be led by the regulator to promote safe and beneficial use of platforms by children, building public understanding of age assurance and developing online literacy for children.

9(2)(f)(iv)



²⁶ Worksafe New Zealand, [What is the primary duty of care?](#), accessed 10 October 2025.

9(2)(f)(iv)

Option Four – Comprehensive online and traditional media system reform

103. This option 9(2)(f)(iv) would involve reform of the broader media (e.g. TV, radio and streaming services) and content regulation system.
104. This option is a multi-year programme involving further policy development, legislative change, and potentially establishing a unified and independent regulator.
105. Under this option, as outlined in the DIA Discussion Document, “*Safer Online Services and Media Platforms*”,²⁷ online and other media platforms would be brought into one cohesive framework with consistent safety standards. Regulatory efforts will focus on the areas of highest risk, such as harm to children or content that promotes terrorism. Education and awareness-raising would be a priority, with investment in programmes to help people decide what content is safe for them and understand the risks of using and sharing online content.
106. We have assessed these options on the following page. The key to the table is:
 - Much worse than the status quo
 - Worse than the status quo
 - 0 Same as the status quo
 - + Better than status quo
 - ++ Much better than the status quo

²⁷ DIA, *Safer Online Services and Media Platforms*, 2023.

How do the options compare to the status quo/counterfactual?

	Option One – Status Quo	Option Two – Targeted focus on introducing minimum age	Option Three (preferred) – A phased approach to online safety	Option Four - Comprehensive system reform
Certainty	0 Limited as online regulation is fragmented and unclear to the public.	++ Strong signal of addressing social media as a source of harm to under 16s and consistent with Australian approach.	++ Strong signal of addressing social media for under 16s as a source of harm and risk assessments for under 18s. Focuses more on objective activities on platforms	++ Provides consistent approach to content from online platforms and traditional media for all users.
Effectiveness	0 Children are exposed to harms online Inconsistent application of existing safety control measures and ineffective minimum age implementation.	++ Clearly targeted at reducing harms for under-16s through social media but limited flexibility to capture other platforms with risk of harm. Limits impact on restricting access to platforms not considered harmful.	++ Clearly targeted at reducing harms for under-16s through social media. Limits impact on restricting access to online platforms not considered harmful. Addresses greater range of harms than Option Two with child-safety reporting requirements and additional phase two.	++ Captures greatest range of platforms where harms occur.
Ease of implementation	0 No new framework or regulatory body required.	- Requires new regulatory functions to monitor and enforce. New Zealand does not have approved age assurance services (in development for 2026)	- Requires new regulatory functions and design of additional requirements adds complexity. New Zealand does not currently have services approved for age assurance online (in development for 2026)	-- Significant costs and time required for policy and implementation, including establishing a new regulator.
Flexibility	0	++ Limited to social media purpose definition and to prevent harms to under 16s.	++ Can adapt to new types of harm or platforms through a broader definition of platforms	++ Can accommodate existing and new types of platforms due to broad definition of all online platforms
Overall assessment	0	2	5 (Preferred)	4

Which option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

107. The above analysis shows that Options Two and Three are similar in how they meet the policy objective of reducing the risk of harm that children are exposed to on social media.
108. The Ministry's preferred option is Option Three due to it meeting the ease of implementation criterion higher than the others. Option Three captures both a minimum age-requirement in Phase One 9(2)(f)(iv) [REDACTED] This would continue to align with the Australian approach, with the benefit of added flexibility to incorporate regulatory approaches to online safety which appear to work well internationally.
109. The above table shows that while Option Four is more effective, it also has the most significant costs upfront and would take significantly longer to develop and establish a regulatory framework for all users on online platforms and traditional media.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

110. The Minister's preferred option in the Cabinet paper aligns with the Ministry's preferred option of Option Three.
111. The Cabinet paper is seeking Cabinet agreement to the broad direction of this phased approach in Option Three, and further detail will be refined in a full RIS in advance of seeking Cabinet's final policy agreement.

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Children (under 18) and particularly under 16	Children will be most affected as it will impact their ability to use social media (particularly for under 16s)	High Under 16s will also be most adversely impacted due to the loss of access to social media	Low given minimum ages are relatively new globally. We await causal evidence from regulation commenced in the UK, EU and Australia
New Zealanders who use social media	Users in New Zealand will be affected as it will impact the processes of creating / having a social media account – the degree of impact will vary dependent on how age assurance is implemented	High Privacy implications of age assurance methods and particularly for 16-17 year olds who have more limited forms of ID	Medium. Final impacts will be determined through design of age assurance requirements
Regulated parties	All companies with platforms captured by the final design of the definition	Low to medium Costs for companies are expected to vary depending on the platform's existing infrastructure and compliance capability, but overall we consider this impact will be minimal	Low. We do not have access to costs. Age assurance technology (for a variety of purposes not specifically social media) has come into effect in the UK and will be in Australia in advance of any rules in New Zealand
Regulators	There will be a cost to establish new regulatory functions	Low to medium Unclear at this stage but initial estimates at least \$7 million per annum	Low. Further analysis will be completed by the home agency.

6(a), 6(b)(i)

	6(a), 6(b)(i)		
Total monetised costs		<i>Any impact on competition is uncertain</i>	<i>To be confirmed</i>
Non-monetised costs		<i>To be confirmed</i>	<i>To be confirmed</i>
Additional benefits of the preferred option compared to taking no action			
Children (under 18), and particularly under 16s	Most benefits to those under 16, particularly children from marginalised groups who face a disproportionately higher risk of harm	High. Expected to reduce exposure to harmful content, conduct and platform features and improved mental health and wellbeing outcomes.	Medium. We await causal evidence from regulation commenced in the UK and Australia.
New Zealanders who use social media	Opportunity to support child safety with privacy-preserving age assurance methods.	Medium	Medium
Regulated parties	Opportunity to use technological innovation to create appropriate safety measures and safer platforms for children Improved reputation by demonstrating how they are socially responsible.	High. The benefits are expected to be cumulative over time, particularly if complemented by non-regulatory approaches such as education and awareness-raising	Medium.
Regulators	Proposals will provide clarity to New Zealand's online safety regulatory framework and close existing regulatory gaps	High.	Medium
Other parties	Children's whānau, educators and wider society	High. Improved wellbeing for children will have broader benefits for schools, whānau, and communities.	Medium. We await causal evidence from regulation commenced in the UK, EU and Australia
Total monetised benefits		<i>To be confirmed</i>	<i>To be confirmed</i>
Non-monetised benefits		<i>High.</i>	<i>To be confirmed</i>

Section 3: Delivering an option

How will the proposal be implemented?

Phase One

112. The priority is seeking decisions to implement Phase One. Implementing the proposals and establishing a regulatory function will require legislative change by either amending existing legislation or introducing a new Act. The administering department is yet to be determined.
113. Regardless of where independent regulatory functions are hosted, additional funding to set, monitor and enforce the new proposed online safety regulatory standards is needed. While exact costs are still being developed, initial analysis estimates this could cost at least \$7 million per annum and require up to 30 FTE. This is based on the following:
- **The Classification Office** –\$4 million per annum (\$3.4 million Crown funding and \$0.4 million from fees and levies) with 23.5 FTE;
 - **Netsafe** –\$7 million per annum (majority from government agencies and a small percentage from private sector partnerships and grants, including online platforms) with 25-30 FTE.
 - **Broadcasting Standards Authority** –\$1.7 million per annum (a combination of Crown funding, broadcasting levies and other income) with eight FTE and four Board members;
 - **Ireland's media regulator Coimisiún na Meán** (and Online Safety Commissioner) – Establishment costs of €7.5 million (NZD \$14.9 million) in 2023 with 80 FTE, reportedly growing to 200 FTE by mid-2024.
114. For Phase One, we consider it will be most cost-effective to set up independent interim policy and regulatory functions within an existing agency or regulator that has related online safety responsibilities. This is because the agency will be able to draw on expertise related to digital regulation and harmful content, for policy work, monitoring, guidance and education to the industry, and for regulatory activity.
115. The most expensive option will be to set up a new regulator in a department with no related responsibilities or as a standalone regulator. This is because it will need to build expertise from the ground up, currently duplicating the capability of other agencies. This will also have the longest establishment period.
116. The appropriate home agency will work with the Ministry for Regulation and other relevant agencies (e.g. Treasury and the Public Service Commission) on the appropriate regulatory framework and a roadmap for delivery.

9(2)(f)(iv)

9(2)(f)(iv)

How will the proposal be monitored, evaluated, and reviewed?

120. The intention is for any policy taken to have a review period. It is too early to determine how the proposals will be monitored, evaluated and reviewed. However, we are reviewing the Australian experience and recommend including a legally required review two years after Royal Assent of any legislation.
121. Given there will be ongoing policy development for Phase Two, we also expect the implementation of Phase One will explore any workability issues. Monitoring and evaluation will also be supported by Australia's experience of a social media minimum age and any early findings from their earlier implementation, which begins from 10 December 2025.

What analysis is recommended to inform final policy decisions?

122. The outstanding issues with the interim RIS, identified by the Quality Assurance panel, are set out in the following table.

Issue	Comment and next steps
Additional evidence required of impacts of options on vulnerable groups to inform additional population analysis, alongside Te Tiriti analysis	Current evidence demonstrates children in marginalised groups disproportionately face a higher risk of harm (Māori, Pasifika, LGBTQI+) We are not aware of the development of additional research into specific New Zealand population groups at this stage. We also note the limited access to social media platform user data. Targeted consultation can partially address this by seeking views on how the proposal may impact different groups. The select committee phase of a Bill can also seek views and support greater consultation.
Impact on human rights	This is important where a proposal has an impact on human rights, such as the right to information, as well as where decisions may be vulnerable to legal challenge as disproportionate. All proposals aim to strongly uphold human rights. The preferred proposal ensures access to safer platforms and essential services

	(health/educational) and requires a regulator to uphold human rights in its monitoring and enforcing of new rules. Further analysis will be completed with available legal resource and the Ministry of Justice's Bill of Rights Act assessment of all legislative proposals.
Additional evidence on the effectiveness of the preferred option at reducing the risk of online harm	Current evidence demonstrates children are exposed to risk of harm on social media and other platforms where social connection is possible. Limiting children's access to these platforms will limit their exposure to the risk of harm. Substantial specific evidence on effectiveness of a social media minimum age will not be available immediately, as Australia's law does not come into effect until 10 December 2025. We will continue to review effectiveness of age assurance technology internationally and any lessons learned on circumvention and impact on children.
Limited stakeholder views	Pending Ministerial agreement, officials will conduct targeted consultation in advance of final policy decisions and/or a legislative process. Officials will also be able to incorporate the findings from the EWC inquiry into harms which we understand is due to be finalised in February 2026. Pending Cabinet approval, the select committee process of a bill will also provide an opportunity for stakeholder input.
Further information required on costs	The home agency will further develop estimated costs of establishing an interim regulatory function, as well as costs of providing educational materials on age assurance to the public in Phase One.
Further information on implementation pathway	The home agency will be determined through this Cabinet paper and will work with the Public Service Commission, the Treasury and the Ministry for Regulation to formalise an implementation pathway.

123. The current timeline provides a short period between seeking Cabinet approval on the broad policy direction and seeking Cabinet approval for final policy decisions. Some of the above issues will be further addressed in that timeframe (such as costs and

implementation pathway), but others will continue to be limited and will progress on a longer timeframe.

124. Targeted engagement could occur in advance of seeking Cabinet approval on final policy decisions and/or during the legislative process of a Bill. This will partially address the lack of public consultation, noting this may not be completely addressed by early 2026 due to the timeframes and Christmas period.
125. In addition to government agencies, we are proposing targeted engagement with external stakeholders including youth representatives, Māori, Pasifika, LGBTQI+, Crown Entities, civil society, charities, academics, online safety experts, regulators and impacted industry representatives.
126. Pending Cabinet approvals, we expect the select committee process for any legislative proposals would also provide an opportunity for the public to provide feedback on the proposals. This is in addition to the Education and Workforce Committee's inquiry into online harms which has invited submissions on a broader scope than a social media minimum age, and we note many submissions comment on this minimum age policy intervention and a comprehensive online safety framework.

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