


# Reports TikTok threatening 'constitutional challenge' against Labor's social media ban, raising foreign influence concerns

 [skynews.com.au/australia-news/politics/reports-tiktok-threatening-constitutional-challenge-against-labors-social-media-ban-raising-foreign-influence-concerns/news-story/127f597ba1d579c3a98f5132b5109ff8](https://www.skynews.com.au/australia-news/politics/reports-tiktok-threatening-constitutional-challenge-against-labors-social-media-ban-raising-foreign-influence-concerns/news-story/127f597ba1d579c3a98f5132b5109ff8)

Oscar Godsell

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## UP NEXT

Sky News Digital Editor Jack Houghton has slammed eSafety Commissioner Julie Inman Grant for refusing to hand over research underpinning her argument to include YouTube on the government's social media ban.

Chinese-owned social media giant TikTok is understood to have threatened a constitutional challenge against the Albanese government's under-16s social media ban, raising concerns about the influence Beijing has on Australian lawmaking.

Multiple sources familiar with the matter told SkyNews.com.au that TikTok engaged high-profile barristers to confront Communications Minister Anika Wells threatening to blow up the entire child ban scheme with a constitutional challenge.

TikTok denies this, telling SkyNews.com.au "no such threat has been made by TikTok".

It is understood the legal threat was linked to the implied freedom of political communication under the Australian Constitution.



TikTok may be seeking a constitutional challenge of Labor's social media ban. Picture: Budrul Chukrut/SOPA Images/LightRocket via Getty Images

TikTok has been unhappy YouTube was given an exemption based on educational grounds, previously calling the carveout a [“sweetheart deal”](#).

In response to the threat, Labor appears poised to either break a key promise and revoke YouTube’s exemption, or change the policy more broadly to allow platforms such as TikTok to apply for exemptions.

Minister Wells did not respond to detailed questions on the matter.

Prime Minister Anthony Albanese and his frontbench are facing growing criticism from independent politicians that his government [has failed on transparency pledges](#).

If Minister Wells makes a significant policy change in line with TikTok’s demands, it would raise serious concerns about Beijing’s influence on Australia’s domestic affairs.

The legal threat, and lobbying efforts by TikTok in general raises fresh questions about foreign influence over domestic policymaking and adds to debate about the government’s transparency and handling of lobbyists.

## **Secret TikTok meeting sparks transparency concerns**

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SkyNews.com.au recently revealed that [Ms Wells’ office held an “introductory meeting” with TikTok](#) shortly after she took over the communications portfolio in May 2025.

That meeting took place around the same time that [news broke the government had already decided it would strip](#) YouTube’s exemption from the social media restrictions.

This was despite [Prime Minister Anthony Albanese himself previously approving the exemption](#) and lauding YouTube for its “educational and health support” benefits.

However, Minister Wells shrouded the lobbying process in secrecy, refusing to disclose who lobbied her, when, or what was discussed.

[Many crossbench politicians](#), including Centre Alliance MP Rebekha Sharkie, Australia’s Voice senator Fatima Payman and One Nation leader Pauline Hanson argued against Ms Wells’ ban.

Ms [Payman said the developments raised extremely important questions](#) about the government’s susceptibility to lobbyists and possibly the Chinese government.



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### **'The antidote is transparency'**

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Independent Senator David Pocock said the government's refusal to provide clarity on the issue was part of a wider transparency crisis.

"I think there should be far more transparency across the board," Senator Pocock told reporters at a press conference about the Albanese government's lack of transparency.

"There's some real questions about how the age assurance is going to work (in the social media ban laws).

"One of my big concerns is that when there's a lack of information, when there is a vacuum, that gets filled with all sorts of misinformation.

"And the remedy to that, the antidote is actually provide people with information. Be more transparent."

Damning [new research from the Centre for Public Integrity](#) revealed that the Albanese government has the worst transparency record in more than a decade.

The proportion of freedom of information requests fully complied with has sunk from about half in 2021-22 to just 25 per cent under the Albanese government in 2023-24.

"Labor talked a huge game in opposition about transparency—They've come in and been one of the worst governments since 1993," Mr Pocock said.

Greens Senator Steph Hodgins-May joined the criticism, calling the government's actions "deeply concerning".

"What is this government trying to hide? ... We need decisions to be made in the open, not behind closed doors."



## Shift under pressure

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The Albanese government's apparent reversal on YouTube marks a significant policy shift from its earlier public stance.

Prime Minister Anthony Albanese had previously defended YouTube's exemption, calling the platform vital for "education and health support".

But in recent months, lobbying from TikTok and eSafety Commissioner Julie Inman Grant pushed the government toward including YouTube in the ban.

YouTube educators Bounce Patrol said they were excluded from consultations by Ms Wells and her office.

[Creator Shannon Jones said she reached out to the minister's office](#) to provide input but never received a reply.

"I reached out... but haven't heard back... Everything is just being done so fast, like it's all being considered and decided in the space of a week," she told SkyNews.com.au





## **National security risks ignored**

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The developments also appear to contradict advice from the 2023 Senate Select Committee on Foreign Interference through Social Media.

The committee warned that TikTok and its parent company ByteDance posed “unique national security risks” and could be a tool of foreign interference.

Despite TikTok being banned from government devices, it continues to wield influence as a “stakeholder” in legislation.

Chinese Premier Li Qiang recently delivered a thinly veiled warning to Mr Albanese over treatment of Chinese businesses, like TikTok, in Australia.

“I trust Australia will treat Chinese enterprise fairly and properly resolve issues regarding market access and investment review,” he said.

“Economic globalisation has encountered headwinds. Trade frictions continue to increase.

“We hope that you will embrace openness and co-operation, no matter how the world changes.

“You should be promoters of economic and trade co-operation so that our two countries will better draw on each other’s strengths and grow together.”