
INTERNET INDUSTRY CODE OF PRACTICE

CONTENT SERVICES CODE

FOR INDUSTRY CO-REGULATION IN THE AREA OF
CONTENT SERVICES
(PURSUANT TO THE REQUIREMENTS OF SCHEDULE 7 OF THE
BROADCASTING SERVICES ACT 1992
as amended)

24 June 2008



Internet Industry Association
www.iaa.net.au

Contents

PART A – PRELIMINARY	4
1. Preamble.....	4
2. Objectives.....	5
3. Principles.....	5
4. Terminology and interpretation	5
5. Application of the Code	15
PART B – ASSESSMENT OF CONTENT AND CLASSIFICATION - GENERALLY.....	16
ASSESSING CONTENT & CLASSIFICATION	16
6. Trained Content Assessors	16
7. Assessment.....	16
OBLIGATIONS ON COMMERCIAL CONTENT SERVICE PROVIDERS	16
8. Commercial Content Service Providers	16
PART C –COMPLAINTS	19
9. Complaints Handling.....	19
PART D – TAKE DOWN REGIME	20
STORED CONTENT.....	20
10. Take-Down Notice procedures in relation to Stored Content.....	20
11. Link-Deletion Notice procedures	21
LIVE CONTENT SERVICE PROVIDERS.....	21
12. Service-Cessation Notices in relation to Live Content.....	21
13. Recording of Live Content.....	21
PART E – ONLINE SAFETY.....	21
ONLINE SAFETY	21
14. Provision of information to End Users.....	21
15. Family Friendly.....	22
16. Notifications regarding Prohibited Content and/or Potential Prohibited Content	22
PART F – RESTRICTED ACCESS SYSTEMS	23
RESTRICTED ACCESS SYSTEMS – RAS R18+ AND RAS MA15+	23
17. Generally.....	23
18. Provision of warnings and safety information	23

19.	Age verification and risk analysis	24
20.	Limiting access	26
21.	Declaration or proof of age evidence previously provided	26
22.	Quality assurance measures	26
PART G – CHAT SERVICES.....		26
CHAT SERVICES.....		26
23.	Chat Services Generally.....	26
24.	Adult Chat offered by IM, SMS and MMS.....	27
PART H - GENERAL		28
25.	Dates of Implementation	28
26.	Code Review.....	28
ANNEXURE - DIAGRAMMATIC SUMMARY OF THE TAKE DOWN NOTICE PROCEDURE.....		29
1.	THE FINAL TAKE-DOWN NOTICE, LINK-DELETION NOTICE AND SERVICE-CESSATION NOTICE PROCEDURE.....	29
2.	THE INTERIM NOTICE REGIME	29
3.	REMEDIAL SITUATIONS	30
ANNEXURE TWO - SAFETY MEASURES TO DEAL WITH SAFETY ISSUES ASSOCIATED WITH ACCESS TO AND USE OF CHAT SERVICES.....		31

PART A – PRELIMINARY

1. Preamble

- 1.1 The IIA recognises the enormous benefits that the Internet, mobile phones and other technologies as tools for delivery of information, educational and entertainment digital Content can bring to all Australians.
- 1.2 The IIA also recognises that these delivery technologies may also bring some Content to which End Users may not wish to be exposed.
- 1.3 The IIA endorses and supports effective, practical and appropriate measures that assist Australians to manage their use of the Internet and other digital Content delivery devices. The IIA endorses and supports end user empowerment as one of the most effective strategies to manage Content issues. Specifically the IIA endorses, and this Code supports, the provision of information about Content issues to end users, including the provision of information about development of effective strategies for managing children's and minors' use of the Internet.
- 1.4 The IIA is aware that managing access to digital Content is a dynamic area of regulatory development. The Code has been developed to be consistent with currently known requirements in relation to the Code's subject matter. The Code will be periodically reviewed to ensure that its scope of coverage, requirements and guidelines remain appropriate and relevant to community concerns.
- 1.5 The Code is intended to fulfil the requirements for an industry code in Schedule 7 of the Act. The Code does not cover the matters addressed in Schedule 5 of the Act.
- 1.6 Under the Act ACMA has the power to investigate complaints relating to Prohibited Content or Potential Prohibited Content and to monitor compliance with the Code. Contravention of a requirement of the Code by a person covered by the Code may be the subject of a warning by ACMA or a direction by ACMA to that person to comply with the Code and, if a direction by ACMA is not complied with, enforcement action by ACMA and imposition of penalties pursuant to Part 6 of Schedule 7 of the Act.
- 1.7 As stated in subsection 4(3AA) of the Act, the Australian Parliament intends that Designated Content/Hosting Services with an Australian connection be regulated in a manner that:
 - (a) enables public interest considerations to be addressed in a way that does not impose unnecessary financial and administrative burdens on Designated Content/Hosting Services Providers;
 - (b) will readily accommodate technological change; and
 - (c) encourages:
 - (i) the development of communications technologies and their application; and
 - (ii) the provision of services made practicable by those technologies to the Australian community.

Further, the Act states at subsection 4(3)(ha) that its objects relevantly include ensuring Designated Content/Hosting Services Providers respect community standards in relation to Content.
- 1.8 To give effect to Parliament's intent and the relevant object of the Act as expressed

above, all requirements and guidelines set out in this Code in relation to the provision of Designated Content/Hosting Services and the activities of Designated Content/Hosting Service Providers are to be interpreted in a manner that is consistent with that intent and that objective.

2. Objectives

2.1 The aims of the Code are as follows:

- (a) providing guidelines for Designated Content/Hosting Service Providers, to assist their compliance with legal obligations and to promote the adoption of responsible processes and procedures for dealing with Content issues;
- (b) providing a clear, efficient and responsible self-regulatory Content assessment regime in regard to the provision by Commercial Content Service Providers of Commercial Content Services (other than news services and current affairs services) that have an Australian Connection and that are accessible in Australia via fixed and mobile Internet devices, in particular to ensure that reasonable steps are taken by Commercial Content Service Providers that provide such Commercial Content Services to protect Minors from viewing Content that is not suitable for them;
- (c) promoting community confidence in and encouraging availability of appropriate information, educational and entertainment digital Content through the use of the Internet, mobile phones and other delivery technologies; and
- (d) providing a transparent mechanism for complaint-handling in relation to Content and ensuring that complaints are handled in a fair and efficient manner.

3. Principles

3.1 In seeking to achieve its objectives, the Code applies the following principles:

- (a) as far as practicable and consistent with regulatory requirements, there should be 'electronic equivalence' - that is, behaviour and transactions that can take place in the physical or paper-based world should be permissible over digital delivery technologies without additional requirements or restrictions;
- (b) the Code should be technically neutral – that is, the same digital Content when delivered over different delivery technologies should be subject to the same requirements and guidelines unless there is a compelling reason to the contrary;
- (c) requirements should be fair to all concerned;
- (d) requirements should not adversely affect the commercial viability of the parties to the Code and the services they make available unless there is a compelling reason to the contrary; and
- (e) to the extent that a Designated Content/Hosting Service Provider is aware of the nature of particular Content provided by a Designated Content/Hosting Service and is reasonably able to control availability of that Content, the Designated Content/Hosting Service Provider should exercise responsibility in relation to availability of that Content in a manner consistent with the requirements of this Code.

4. Terminology and interpretation

4.1 In the Code, capitalised terms that are not defined in paragraph 4.2, below, have the

meaning given to them in the Act.

4.2 In the Code:

- ACMA** means the Australian Communications and Media Authority.
- Access Control System** in relation to Content, means a system under which:
- (a) persons seeking access to the Content have been issued with a Personal Identification Number that provides a means of limiting access by other persons to the Content; or
 - (b) persons seeking access to the Content have been provided with some other means of limiting access by other persons to the Content.
- Act** means the *Broadcasting Services Act 1992* (as amended from time to time).
- Adult Chat Service** means a Chat Service where, having regard to any or all of the following:
- (a) the name of the Chat Service;
 - (b) the way in which the Chat Service is advertised or promoted;
 - (c) the reputation of the Chat Service;
- it would be concluded that the majority of the Content accessed by end-users of the Chat Service is reasonably likely to be Prohibited Content or Potential Prohibited Content.
- Australian Connection**
- (1) A Content Service has an ***Australian Connection*** if, and only if:
 - (a) any of the Content provided by the Content Service is hosted in Australia; or
 - (b) in the case of a Live Content Service—the Live Content Service is provided from Australia.
 - (2) A Hosting Service has an ***Australian Connection*** if, and only if, any of the Content hosted by the Hosting Service is hosted in Australia.
- Business Day** means any weekday (Monday to Friday), other than a public holiday, at the principal place of business in Australia of a Designated Content/Hosting Service Provider.

Carriage Service	means a service for carrying communications by means of guided and/or unguided electromagnetic energy.
Chat Service	<p>means a service intended to facilitate the real-time exchange of messages between three or more users that are not otherwise known to each other where the messages entered by one user are automatically sent to and appear on the screen of the other users. For clarity:</p> <p>(a) a service facilitating private peer-to-peer messaging between users that are known to each other is not a Chat Service;</p> <p>(b) a service facilitating messaging posted to a bulletin board or like electronic public or semi-public place, where the messages are available to view and may be intended to elicit a response but where the messages are not automatically sent to other persons, is not a Chat Service;</p> <p>(c) a service intended to facilitate the real-time exchange of messages between three or more users that is otherwise within this definition is a Chat Service even when only used by two users.</p>
Classification Act	means the <i>Classification (Publications, Films and Computer Games) Act (Cth) 1995</i> (as amended from time to time).
Classification Board	means the Classification Board established by the Classification Act.
Classification Code	means the <i>National Classification Code</i> as determined, amended or replaced from time to time.
Classification Guidelines	means the <i>Guidelines for the Classification of Films and Computer Games 2005</i> as determined, amended or replaced from time to time pursuant to the Classification Act.
Code	means this Code of Practice.
Commercial Content Service	<p>means a Content Service that:</p> <p>(a) is operated for profit or as part of a profit-making enterprise; and</p> <p>(b) is provided to the public but only on payment of a fee (whether periodical or otherwise).</p>
Commercial Content Service Provider	means a person who provides a Commercial Content Service.

Content means content in the form of text, data, speech, music, other sounds, visual images (animated or otherwise), any other form, or combination of forms.

Content Service means:

- (a) a service that delivers Content to persons having equipment appropriate for receiving that Content, where the delivery of the service is by means of a Carriage Service; or
- (b) a service that allows end-users to access Content using a Carriage Service;

that has an Australian Connection, but does not include any of the following services (to be interpreted in a manner consistent with section 6 of the Act and clause 2 of Schedule 7 to the Act):

- (c) a licensed broadcasting service; or
- (d) a national broadcasting service; or
- (e) a re-transmitted broadcasting service; or
- (f) a licensed datacasting service; or
- (g) a re-transmitted datacasting service; or
- (h) an exempt Parliamentary content service; or
- (i) an exempt court/tribunal content service; or
- (j) an exempt official-inquiry content service; or
- (k) an exempt point-to-point content service; or
- (l) an exempt Internet directory service; or
- (m) an exempt Internet search engine service; or
- (n) a service that enables end-users to communicate, by means of voice calls, with other end-users; or
- (o) a service that enables end-users to communicate, by means of video calls, with other end-users; or
- (p) a service that enables end-users to communicate, by means of email, with other end-users; or
- (q) an instant messaging service that:
 - (i) enables end-users to communicate with other end-users; and
 - (ii) is not an Adult Chat Service; or

- (r) an SMS service that:
 - (i) enables end-users to communicate with other end-users; and
 - (ii) is not an Adult Chat Service; or
- (s) an MMS service that:
 - (i) enables end-users to communicate with other end-users; and
 - (ii) is not an Adult Chat Service; or
- (t) a service that delivers content by fax; or
- (u) an exempt data storage service; or
- (v) an exempt back-up service; or
- (w) at a time before the commencement of Schedule 2 to the *Communications Legislation Amendment (Content Services) Act 2007* - a telephone sex service (within the meaning of Part 9A of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*); or
- (x) a service specified in Regulations made pursuant to the Act.

Content Service Provider

means a person who provides a Content Service. A person does not provide a Content Service merely because the person supplies a Carriage Service that enables Content to be delivered or accessed, or merely because the person provides a billing service, or a fee collection service, in relation to a Content Service.

Designated Content/Hosting Service

means:

- (a) a Hosting Service;
- (b) a Live Content Service;
- (c) a Links Service; or
- (d) a Commercial Content Service.

Designated Content/Hosting Service Provider

means a person who provides a Designated Content/Hosting Service.

Eligible Electronic Publication

if:

- (a) Content consists of:
 - (i) an electronic edition of a book, magazine or newspaper; or
 - (ii) an audio recording of the text, or abridged text, of a book, magazine or newspaper; and

- (b) a print edition of the book, magazine or newspaper is or was available to the public (whether by way of purchase or otherwise) in Australia;

then:

- (c) the Content is an **eligible electronic publication**; and
- (d) the print edition of the book, magazine or newspaper is the **corresponding print publication** in relation to the eligible electronic publication.

End User

means a member of the public that accesses a Content Service.

Hosting Service

if:

- (a) a person (the **first person**) hosts Stored Content; and
- (b) the hosted Content does not consist of:
 - (i) voicemail messages; or
 - (ii) video mail messages; or
 - (iii) email messages; or
 - (iv) SMS messages; or
 - (v) MMS messages; or
 - (vi) messages specified in Regulations made pursuant to the Act; and
- (c) the first person or another person provides a Content Service that provides the hosted Content to the public (whether on payment of a fee or otherwise);

the hosting of the Stored Content by the first person is taken to be the provision by the first person of a **Hosting Service** to the public.

Hosting Service Provider

means a person who provides a Hosting Service where the relevant Hosting Service has an Australian Connection.

IIA

means the Internet Industry Association (ACN 071 075 575).

IIA Family Friendly Program

means the program administered by the IIA for Internet service providers, Content Service Providers, Hosting Service Providers and filter suppliers. Under the Program, the "Ladybird Seal" may be used by Internet service providers, Content Service Providers and Hosting Service Providers that have agreed to comply with provisions of the Code.

Link-Deletion Notice

means an "interim link-deletion notice", "final link-deletion notice" or "special link-deletion notice", as respectively defined in clauses 62 and 67 of Schedule 7 to the Act.

Links Service	means a Content Service that provides one or more links to Content and is provided to the public (whether on payment of a fee or otherwise).
Links Service Provider	means a person who provides a Links Service.
Live Content	is Content provided by a Content Service that is made available to End Users at the same time or virtually at the same time as the activity depicted in that Content occurs, and accordingly does not include Stored Content.
Live Content Service	means a Content Service that provides Live Content and is provided to the public (whether on payment of a fee or otherwise).
Live Content Service Provider	means a person who provides a Content Service that is a Live Content Service.
MA 15+ Content	means: <ul style="list-style-type: none"> (a) Content (other than Content that consists of an Eligible Electronic Publication) that has been classified MA 15+ by the Classification Board; or (b) Content (other than Content that consists of an Eligible Electronic Publication) where the following conditions are satisfied: <ul style="list-style-type: none"> (i) the Content has not been classified MA 15+ by the Classification Board; (ii) if the Content were to be classified by the Classification Board, there is a substantial likelihood that the Content would be classified MA 15+ by the Classification Board.
MPSD	means the <i>Telecommunications Service Provider (Mobile Premium Services) Determination 2005</i> .
Online Safety Button	has the meaning given in paragraph 15.3.
person	includes natural persons and other legal entities such as partnerships, corporations, bodies corporate and the Crown.
Potential Prohibited Content	(1) Content is <i>potential prohibited content</i> if: <ul style="list-style-type: none"> (a) the Content has not been classified by the Classification Board; and (b) if the Content were to be classified by the Classification Board, there is a substantial likelihood that the content would be Prohibited

Content.

- (2) However, Content is not ***potential prohibited content*** if:
- (a) the Content consists of an Eligible Electronic Publication; and
 - (b) the Content has not been classified by the Classification Board; and
 - (c) if the Content were to be classified by the Classification Board, there is no substantial likelihood that the Content would be classified RC or category 2 restricted.

Prohibited Content

- (1) Content (other than Content that consists of an Eligible Electronic Publication) is ***prohibited content*** if:
- (a) the Content has been classified RC or X 18+ by the Classification Board; or
 - (b) both:
 - (i) the Content has been classified R 18+ by the Classification Board; and
 - (ii) access to the Content is not subject to a Restricted Access System; or
 - (c) all of the following conditions are satisfied:
 - (i) the Content has been classified MA 15+ by the Classification Board;
 - (ii) access to the Content is not subject to a Restricted Access System;
 - (iii) the Content does not consist of text and/or one or more still visual images;
 - (iv) access to the Content is provided by means of a Content Service (other than a news service or a current affairs service) that is operated for profit or as part of a profit-making enterprise;
 - (v) the Content Service is provided on payment of a fee (whether periodical or otherwise); and
 - (vi) the Content Service is not an “ancillary subscription television content service” within the meaning of clause 9A of Schedule 7 of the Act; or

- (d) all of the following conditions are satisfied:
 - (i) the Content has been classified MA 15+ by the Classification Board;
 - (ii) access to the Content is not subject to a Restricted Access System;
 - (iii) access to the Content is provided by means of a "mobile premium service" within the meaning of clause 2 of Schedule 7 of the Act.

(2) Content that consists of an Eligible Electronic Publication is **prohibited content** if the content has been classified RC, category 2 restricted or category 1 restricted by the Classification Board.

RAS Declaration means the *Restricted Access Systems Declaration 2007* and where the context permits includes any subsequent declaration or other instrument amending, consolidating or replacing it.

RAS MA15⁺ means an Access-Control System that meets the minimum requirements specified in Part 2 of the RAS Declaration.

RAS R18⁺ means an Access-Control System that meets the minimum requirements specified in Part 3 of the RAS Declaration.

Regulations means regulations made under the Act.

R 18+ Content means:

- (a) Content (other than Content that consists of an Eligible Electronic Publication) that has been classified R 18+ by the Classification Board; or
- (b) Content (other than Content that consists of an Eligible Electronic Publication) where the following conditions are satisfied:
 - (i) the Content has not been classified R 18+ by the Classification Board;
 - (ii) if the Content were to be classified by the Classification Board, there is a substantial likelihood that the Content would be classified R 18+ by the Classification Board.

Restricted Access System means a RAS MA15+ and/or RAS R18+.

Safety Page	means: <ul style="list-style-type: none"> (a) in respect of the IIA, a Web Page hosted by the IIA that is accessible from the IIA's Home Page and contains the information specified in 15.3(a)(i)-(v) of this Code; or (b) in respect of a Designated Content/Hosting Service Provider a Web Page within that party's web site which must contain (as relevant) the information required under paragraph 15.3(a)(i)-(v) of this Code.
Service-Cessation Notice	means an "interim service-cessation notice", "final service-cessation notice" or "special service-cessation notice", as defined in clauses 56 and 59A of Schedule 7 of the Act.
Stored Content	means Content kept on a data storage device. For this purpose, disregard any storage of Content on a highly transitory basis as an integral function of the technology used in its transmission.
Take-Down Notice	means an "interim take-down notice", "final take-down notice" or "special take-down notice", as respectively defined in clauses 47 and 52 of Schedule 7 of the Act.
Trained Content Assessor	An individual is a <i>trained content assessor</i> if: <ul style="list-style-type: none"> (a) the individual has, at any time during the preceding 12 months, completed training in: <ul style="list-style-type: none"> (i) the making of assessments of the kinds referred to in paragraphs 81(1)(d) and (f) of Schedule 7 of the Act; and (ii) giving advice of the kind referred to in subparagraph 81(1)(e)(ii) of Schedule 7 of the Act; and (b) the training was approved by the Director of the Classification Board under clause 18(2) of Schedule 7 of the Act.
URL	is the abbreviation of Uniform Resource Locator, and is the global address of documents and other resources on the World Wide Web.
Web Page	means a file of Content accessible on the World Wide Web by requesting a single URL.
World Wide Web	means the system of Internet servers that support specially formatted documents accessible via the Internet.

4.3 In this Code, where examples are provided of the manner in which a requirement of the Code provision may be satisfied, these examples should not be read as limiting the

manner in which the provision may be satisfied.

- 4.4 Where documents are referred to in the Code by means of URLs, the URLs are intended for reference only and the operation of the Code will not be affected where the document referred to is subsequently relocated to another URL.

5. Application of the Code

- 5.1 Clause 80 of Schedule 7 of the Act sets out the intention of the Australian Parliament that bodies and associations representing sections of the content industry should develop industry codes relating to the activities of participants in those sections of the content industry.

- 5.2 ACMA is satisfied that the IIA is an association that represents:

- (a) Hosting Service Providers, where the relevant Hosting Services have an Australian Connection; and
- (b) Live Content Service Providers, where the relevant Live Content Services have an Australian Connection; and
- (c) Links Service Providers, where the Links Services have an Australian Connection; and
- (d) Commercial Content Service Providers, where the relevant Commercial Content Services have an Australian Connection.

- 5.3 The development of this Code has been facilitated by the IIA through:

- (a) initial development by a Task Force that was comprised of representatives from participants in those sections of the content industry referred to in paragraph 5.2 of this Code; and
- (b) subsequent consultation with members of the public, as contemplated by clause 85 of Schedule 7 of the Act.

- 5.4 This Code has been developed as an industry code pursuant to clauses 80 to 84 of Schedule 7 of the Act. This Code has been registered by ACMA pursuant to clause 85 of Schedule 7 of the Act.

- 5.5 The Code applies automatically to Designated Content/Hosting Service Providers that are participants in those sections of the content industry referred to in paragraph 5.2 of this Code. Certain provisions are expressed to apply to participants within a particular section of the content industry referred to in paragraph 5.2 of this Code and where so expressed, will not apply to participants within other sections of the content industry referred to in paragraph 5.2 or any other section of the content industry.

- 5.6 For the sake of clarity, this Code does not apply to persons merely because:

- (a) the person provides a carriage service that enables Content to be delivered or accessed; or
- (b) the person supplies a billing service, or a fee collection service, in relation to a Content Service.

- 5.7 Designated Content/Hosting Service Providers may also become voluntary signatories to this Code. A voluntary signatory should make public the signatory's adherence to the Code, for example by reference to this adherence on the voluntary signatory's site on the Word Wide Web and publication of a link to the Code.

- 5.8 If there is a conflict between the requirements of the Code and any requirement imposed on a person by law, a person will not be in breach of the Code if the party complies with the requirements imposed by law.

PART B – ASSESSMENT OF CONTENT AND CLASSIFICATION - GENERALLY

ASSESSING CONTENT & CLASSIFICATION

6. Trained Content Assessors

- 6.1 A Trained Content Assessor may be an employee of a Commercial Content Service Provider or a contractor or other person engaged by the Commercial Content Service Provider.
- 6.2 The IIA may publish information on how a person becomes a Trained Content Assessor.

7. Assessment

- 7.1 A Designated Content/Hosting Service Provider may refer Content to a Trained Content Assessor for assessment.
- 7.2 A Commercial Content Service Provider must refer Content provided by a Commercial Content Service (other than a news service or a current affairs service) to a Trained Content Assessor for assessment if required by paragraph 8 of this Code.
- 7.3 All assessment of Content by the Trained Content Assessor must be done in accordance with the classification of Content under the Classification Act, Classification Guidelines and Classification Code.
- 7.4 All references in this Code to individual classifications are references to classifications of particular Content under the Classification Act, Classification Guidelines and Classification Code.

OBLIGATIONS ON COMMERCIAL CONTENT SERVICE PROVIDERS

8. Commercial Content Service Providers

- 8.1 Clause 81 of Schedule 7 of the Act states the Parliament's intention that the Commercial Content Service Provider section of the Content industry should develop an industry code dealing with the engagement of Trained Content Assessors by Commercial Content Service Providers and ensure:
- (a) that Content (other than Live Content or Content that consists of an Eligible Electronic Publication) that has not been classified by the Classification Board and would, if it were classified by the Classification Board, be substantially likely to be classified RC, X 18+, R 18+ or MA 15+ by the Classification Board, is not provided by a Commercial Content Service (other than a news service or a current affairs service) unless a Trained Content Assessor has assessed the Content for the purposes of categorising the Content as RC, X 18+, R 18+ or MA 15+;
 - (b) that Live Content is not provided by a Commercial Content Service (other than a news service or a current affairs service) unless there is no reasonable likelihood that the Live Content will be of a kind that would, if it were classified by the Classification Board, be substantially likely to be classified RC, X 18+, R 18+ or MA 15+ by the Classification Board, or a Trained Content Assessor has given advice to the relevant Commercial Content Service Provider about whether the Live Content is likely to be of a kind that, if it were classified by the Classification Board, would be substantially likely to be classified RC, X 18+, R 18+ or MA 15+; and

- (c) that Content that consists of an Eligible Electronic Publication that has not been classified by the Classification Board; and would, if it were classified by the Classification Board, be substantially likely to be classified RC or category 2 restricted by the Classification Board, is not provided by a Commercial Content Services (other than a news service or a current affairs service) unless a Trained Content Assessor has assessed the Content for the purposes of categorising the content as RC or category 2 restricted;

This clause 8 of this Code provides guidance for Commercial Content Service Providers as to when Trained Content Assessors must assess relevant Content for the purposes of categorising that Content as RC, X 18+, R 18+ or MA 15+ or (in the case of an Eligible Electronic Publication) as RC or category 2 restricted.

8.2 Where:

- (a) a Commercial Content Service Provider provides or proposes to provide Stored Content (other than Content that is an Eligible Electronic Publication) as part of a Commercial Content Service (other than a news service or a current affairs service) provided to End Users; and
- (b) this particular Stored Content has not been classified by the Classification Board; and
- (c) the Commercial Content Service Provider acting reasonably considers the Stored Content to be substantially likely to be classified as Prohibited Content or Potential Prohibited Content,

the Commercial Content Service Provider must ensure that the Stored Content has been assessed by a Trained Content Assessor prior to making that Stored Content available to End Users.

8.3 Where a Commercial Content Service Provider provides or proposes to provide Live Content as part of a Commercial Content Service (other than a news service or a current affairs service) provided to End Users, that Commercial Content Service Provider must make an assessment that takes into account the likely or anticipated nature of that Live Content. If:

- (a) the Commercial Content Service Provider acting reasonably considers the Live Content to be of a kind that is not substantially likely to be Potential Prohibited Content, the Commercial Content Service Provider may make that Live Content available to End Users without review by the Trained Content Assessor; and
- (b) the Commercial Content Service Provider acting reasonably considers the Live Content to be of a kind which is substantially likely to be Potential Prohibited Content, the Commercial Content Service Provider must ensure that a Trained Content Assessor reviews the Content Service and makes a determination as to whether Live Content provided or proposed to be provided to End Users of the Content Service is likely to be of a kind that would be substantially likely to be Potential Prohibited Content, prior to making this Live Content available to End Users via a Commercial Content Service.

8.4 Where:

- (a) a Commercial Content Service Provider provides or proposes to provide Content that consists of an Eligible Electronic Publication as part of a Commercial Content Service (other than a news service or a current affairs service) provided to End Users; and

- (b) this Content (or the corresponding print publication) has not been classified by the Classification Board; and
- (c) the Commercial Content Service Provider acting reasonably considers that Content Service to be the kind of Content Service to contain an Eligible Electronic Publication which would be substantially likely to be classified as RC or Category 2 Restricted,

the Commercial Content Service Provider must ensure that the Eligible Electronic Publication has been assessed by a Trained Content Assessor prior to making that Eligible Electronic Publication available to End Users.

8.5 In forming a view as to whether Content (other than Content that consists of an Eligible Electronic Publication) that has not been classified by the Classification Board would not, if it were classified by the Classification Board, be substantially likely to be classified RC, X 18+, R 18+ or MA 15+, or that Content (other than Content that consists of an Eligible Electronic Publication) is otherwise exempted by provisions of Schedule 7 of the Act from assessment, a Commercial Content Service Provider, may have regard to the following:

- (a) whether the Commercial Content Service Provider, acting reasonably, considers that having regard to:
 - (i) the intended audience of the Content Service; and
 - (ii) how the Content Service is marketed; and
 - (iii) the aims of the Content Service;

the Content is not substantially likely to be classified RC, X 18+, R 18+ or MA 15+;

- (b) whether the Content is news or current affairs Content or provided as part of a news service or a current affairs service (whether or not it is a 'live' or real time service or is a direct content feed);
- (c) whether the Content has already been classified in accordance with:
 - (i) a self-regulatory code made pursuant to section 123 of the Act and approved by ACMA; or
 - (ii) a self-regulatory code made pursuant to section 8 of the *Australian Broadcasting Corporation Act 1983* and approved by ACMA; or
 - (iii) a self-regulatory code made pursuant to section 10 of the *Special Broadcasting Service Act 1991* and approved by ACMA;
- (d) whether the Content has already been classified in accordance with a classification scheme in operation outside Australia that applies classification criteria reasonably comparable to the Classification Code and Classification Guidelines and the Content is classified in a category other than a category reasonably comparable to RC, X 18+, R 18+ or MA 15+;
- (e) whether the particular Content is provided as part of a Commercial Content Service where:
 - (i) the Content is made available for viewing by End Users immediately or soon after it is contributed to the Content Service; and
 - (ii) the Content Service does not predominantly consist of content that is Prohibited Content or Potential Prohibited Content; and

- (iii) the Content Service is not promoted or marketed by the Commercial Content Service Provider as making available Content of a character or type which would be substantially likely to be Prohibited Content or Potential Prohibited Content; and
- (iv) the Commercial Content Service Provider:
 - (A) takes reasonable steps to inform End Users that are authorised to upload Content as to restrictions applicable to Potential Prohibited Content or Prohibited Content; and
 - (B) takes reasonable steps to ensure that End Users and others are made aware that they may report Content provided by the Commercial Content Service Provider's Content Service as being Potential Prohibited Content or Prohibited Content; and
 - (C) acts reasonably following receipt of a bona fide report in relation to particular Content to either assess that particular Content, or cause that particular Content being Prohibited Content or Potential Prohibited Content to no longer be made available to End Users in Australia or to be placed behind a RAS MA15+ or a RAS R18+ as appropriate to that particular Content.

PART C – COMPLAINTS

9. Complaints Handling

- 9.1 An End User may make a complaint to a Designated Content/Hosting Service Provider about Content in any format reasonably determined by the Designated Content/Hosting Service Provider. A complaint may be made in any format reasonably specified by the Designated Content/Hosting Service Provider. Formats for making of complaints should include electronic lodgement wherever it is reasonably practicable for a provider to deal with complaints lodged electronically.
- 9.2 A Hosting Service Provider should investigate a complaint regarding Stored Content if:
- (a) it is reasonable to believe that End Users in Australia can access Prohibited Content or Potential Prohibited Content provided by the Hosting Service Provider; and
 - (b) the complaint is not frivolous or vexatious and is made in good faith; and
 - (c) the Content complained of is hosted by the Hosting Service Provider; and
 - (d) the complaint is made within 30 days of the Content being made available to the End User making the complaint.
- 9.3 A Commercial Content Service Provider should investigate a complaint regarding Stored Content if:
- (a) it is reasonable to believe that End Users in Australia can access Prohibited Content or Potential Prohibited Content provided by the Commercial Content Service Provider; and
 - (b) the complaint is not frivolous or vexatious and is made in good faith; and
 - (c) the Content complained of is provided to End Users in Australia by the Commercial Content Service Provider; and

- (d) the complaint is made within 30 days of the Content being made available to the End User making the complaint.
- 9.4 A Links Service Provider should investigate a complaint regarding Content if:
- (a) it is reasonable to believe that End Users in Australia can access Prohibited Content or Potential Prohibited Content using a link provided to End Users in Australia by that Links Service Provider; and
 - (b) the complaint is not frivolous or vexatious and is made in good faith; and
 - (c) the complaint is made within 30 days of the link being made available to the End User making the complaint.
- 9.5 A Live Content Service Provider should investigate a complaint regarding Live Content if:
- (a) it is reasonable to believe that End Users in Australia can access Prohibited Content or Potential Prohibited Content provided by the Live Content Service Provider; and
 - (b) the complaint is not frivolous or vexatious and is made in good faith; and
 - (c) the Content complained of is provided to End Users in Australia by the Live Content Service Provider; and
 - (d) the complaint is made within 30 days of the occurrence of the incident.
- 9.6 Designated Content/Hosting Service Providers investigating and dealing with complaints in accordance with clauses 9.2, 9.3, 9.4 or 9.5 should do so within a reasonable time.
- 9.7 Designated Content/Hosting Service Providers should publish a procedure for dealing with complaints and ensure that End Users upon request are provided with a copy of or electronic access to this procedure.
- 9.8 Designated Content/Hosting Service Providers should ensure that their published procedure for dealing with complaints notifies End Users:
- (a) as to the mechanism for making complaints, including electronic lodgement of complaints wherever it is reasonably practicable for a provider to deal with such complaints electronically; and
 - (b) as to reasonable time frames for dealing with complaints.
- 9.9 Designated Content/Hosting Service Providers should ensure that their published procedure for dealing with complaints notifies End Users as to their right to escalate complaints to ACMA or that End Users are notified through some other reasonable means as to their right to escalate complaints to ACMA.
- 9.10 For the purpose of the Code, an alert or report about Content made by an End User to the Designated Content/Hosting Service Provider is not a complaint. However, an End User can complain about Content whether or not the Content has been the subject of a prior alert or report by the End User.

PART D – TAKE DOWN REGIME

STORED CONTENT

10. Take-Down Notice procedures in relation to Stored Content

- 10.1 Please refer to the Annexure for a diagrammatic summary description of the Take-Down

Notice procedure.

11. Link-Deletion Notice procedures

11.1 Please refer to the Annexure for a diagrammatic summary description of the Link-Deletion Notice procedure.

LIVE CONTENT SERVICE PROVIDERS

12. Service-Cessation Notices in relation to Live Content

12.1 Please refer to the Annexure for a description of the service-cessation notice procedure.

12.2 Clauses 57 and 58 of Schedule 7 of the Act provides a procedure whereby ACMA may at ACMA's election accept a written undertaking provided to ACMA in relation to a Live Content Service, as an alternative to, or as a basis for the revocation of, a service-cessation notice issued by ACMA pursuant to any of subclauses 56(1), (2) or (3) of Schedule 7 of the Act. The undertaking may relate to any matter that the Live Content Service Provider and ACMA consider relevant, including the manner in which the Live Content Service is created, edited or delivered.

13. Recording of Live Content

13.1 Pursuant to clause 37(7) of Schedule 7 of the Act, a person may make a complaint alleging that Live Content is Prohibited Content or Potential Prohibited Content within 60 days after transmission of that Live Content. If a Commercial Content Service Provider who or which provides Live Content to End Users makes a recording of that Live Content, it is recommended that recordings should be kept for 60 days after transmission of that Live Content, where reasonably practicable having regard to the availability and cost of storage. Those recordings if made and retained should continue to be retained after expiry of the 60 day period to the extent that a recording of Live Content relates to a transmission which has been the subject of a complaint or at the written request of ACMA pursuant to a power conferred on ACMA in Schedule 7 to the Act. For the purposes of determining if a recording has been made, a Commercial Content Service Provider may disregard any recording or storage of Live Content which occurs merely on a transitory basis as a function of the technology used in the transmission of the Live Content.

PART E – ONLINE SAFETY

ONLINE SAFETY

14. Provision of information to End Users

14.1 Commercial Content Service Providers and Live Content Service Providers who are also Hosting Service Providers should promote online safety. Such promotion may include, as appropriate, the following measures:

- (a) promoting awareness of safety issues associated with accessing and using Content; and/or
- (b) implementing procedures to provide information and advice to assist parents and responsible adults to deal with safety issues associated with Commercial Content Services that are Chat Services, particularly in relation to children's use of such Chat Services; and/or
- (c) giving parents and responsible adults access to information about how to supervise and control children's access to Content provided by Commercial Content Services or Live Content Services; and/or

- (d) implementing procedures to provide information and advice to assist parents and responsible adults to supervise and control children's access to Content provided by Commercial Content Services or Live Content Service Providers; and/or
- (e) in developing new Content Services, taking into account the safety of children; and/or
- (f) providing End Users with access to information about why Content has a particular classification.

Commercial Content Service Providers and Live Content Service Providers who are also Hosting Service Providers may provide appropriate information about online safety either as part of their Content Service or by link from that Content Service to another appropriate and readily available source of information.

15. Family Friendly

15.1 Content Service Providers who are also Hosting Service Providers may apply to the IIA to become an IIA Family Friendly Content Service Provider.

15.2 Where a Content Service Provider who is also a Hosting Service Provider has qualified to become an IIA Family Friendly Content Service Provider, the Content Service Provider who is also a Hosting Service Provider can use the Ladybird Seal as a link ("**Online Safety Button**") to the Safety Page.

15.3 The Online Safety Button referred to in paragraph 15.2 must either:

- (a) hyperlink directly to a Safety Page provided by the Content Service Provider who is also a Hosting Service Provider that provides the following:
 - (i) methods of supervising and managing children's access to Internet and mobile Content including, where available, information about the operation of any opt-in or opt-out procedures; and/or
 - (ii) information that placing Content on the Internet may subject Content Service Providers or End Users to legal responsibilities under applicable State, Territory or Commonwealth law; and/or
 - (iii) information that End Users have a right to make complaints to ACMA about Prohibited Content or Potential Prohibited Content; and/or
 - (iv) procedures by which such complaints to ACMA can be made; and/or
 - (v) links to sites on the World Wide Web that provide appropriate information to End Users as to their rights, including rights to privacy and safe use of Content Services, such as the site maintained by the Australian Government Office of the Privacy Commissioner; and/or
 - (vi) information that End Users have a right to make complaints to a Designated Content/Hosting Service Provider in relation to Prohibited or Potential Prohibited Content and procedures by which such complaints can be made; or
- (b) provide a direct hyperlink to the IIA's Safety Page, provided that this page contains information listed in sub-paragraphs (a)(i)-(vi) above.

16. Notifications regarding Prohibited Content and/or Potential Prohibited Content

16.1 To the extent that:

- (a) a Commercial Content Service Provider ("first Commercial Content Service Provider") becomes aware that another Commercial Content Service Provider ("second Commercial Content Service Provider") is making available Prohibited Content or Potential Prohibited Content provided by a Content Service with an Australian Connection that is provided by that second Commercial Content Service Provider to End Users in Australia; and
- (b) the first Commercial Content Service Provider reasonably considers that the second Commercial Content Service Provider is unaware, or is likely to be unaware, that a Content Service that is provided by that second Commercial Content Service Provider is making available Prohibited Content or Potential Prohibited Content; and
- (c) the first Commercial Content Service Provider is aware of the identity and email address of the second Commercial Content Service Provider,

the first Commercial Content Service Provider is encouraged to advise the second Commercial Content Service Provider about the availability and nature of the Prohibited or Potential Prohibited Content. However, this provision does not impose any requirement that any Commercial Content Service Provider monitor any other Commercial Content Service Provider's Content or Content Services.

PART F – RESTRICTED ACCESS SYSTEMS

RESTRICTED ACCESS SYSTEMS – RAS R18+ AND RAS MA15+

17. Generally

17.1 A Designated Content/Hosting Service Provider may elect to implement a Restricted Access System that limits access to MA15+ Content or R18+ Content in certain circumstances, including where:

- (a) it considers, acting reasonably, that the Content is of a nature appropriate to be accessed behind either a RAS MA15+ or RAS R18+; or
- (b) it wishes to supply Adult Chat Services to End Users via instant messaging, SMS or MMS; or
- (c) it has received a Take-Down Notice, Link-Deletion Notice or Service-Cessation Notice from ACMA and wishes to continue to give End Users access to the Content the subject of the notice.

17.2 The following provisions provide guidance in relation to compliance with the minimum requirements of a Restricted Access System.

18. Provision of warnings and safety information

18.1 In certain circumstances where the RAS Declaration applies, a Restricted Access System must be implemented in a manner which provides an End User with:

- (a) a warning about the nature of MA 15+ Content or R 18+ Content; and
- (b) safety information about how a parent or guardian may control access to MA 15+ Content or R 18+ Content by persons under the appropriate age for that Content.

18.2 For the purposes of paragraph 18.1(a), one form of appropriate warning would be to explain that the category of Content is legally restricted to persons of the appropriate age for that Content.

Example:

MA 15+ content is considered unsuitable for persons under 15 years of age. It is a legally restricted category.

R 18+ content is legally restricted to adults. Some material classified R 18+ may be offensive to sections of the adult community.

R18+ content is legally restricted to adults. This content may contain images or depictions of sex, nudity, violence and drug use.

- 18.3 For the purposes of paragraph 18.1(b), one form of appropriate safety information would be to explain the methods by which parents or guardians may control access to the relevant Content.

Examples:

Internet services

If you have concerns about the nature of the content your children may be viewing on the Internet, please refer to xxxxx for information about content filters.

Mobile services

Always lock your handset whenever it is not in use.

Supervise any use of your mobile phone by children.

Check that any other handsets used by children and linked to your account do not have access to R18+ content.

19. Age verification and risk analysis

- 19.1 In certain circumstances, a RAS 18+ may allow an End User access to R18+ Content if the Access Control System has assessed and accepted evidence that the End User is at least 18 years old ("proof of age evidence") in accordance with the Designated Content/Hosting Service Provider's risk analysis. To comply with the RAS Declaration the risk analysis should assess:

- (a) the risk of whether the proof of age evidence could be held or used by another person, or someone younger than the age which the form of evidence attributes to the person being identified; and
- (b) the kind of evidence provided and the manner in which it is provided.

- 19.2 In the absence of a prescribed method for verifying age to access R18+ Content, the risk analysis is intended to ensure that the decision of which method of age verification will be accepted, and how it will be accepted, by the Access Control System has been informed by considerations of the risk of the Content being accessed by a person under the age of 18 years. In evaluating this concern, it may be useful to adopt the following principles:

- (a) identify the risks; and
- (b) determine the likelihood of the risks occurring; and
- (c) evaluate the risks; and
- (d) treat the risks.

A Designated Content/Hosting Service Provider may adopt the risk analysis in paragraphs 19.3, 19.4, 19.5 and 19.6 of this Code where appropriate for the purposes of its Access Control System.

- 19.3 It is unlikely that the proof of age evidence could be held or used by a person other than the person it purports to identify or by a person who is younger than the age which the

form of evidence attributes to the person being identified, where the Designated Content/Hosting Service Provider:

- (a) obtains a credit card number in the name of the End User, either in writing, in electronic form or orally; or
- (b) sights an original or copy of a:
 - (i) identification card issued to the End User by a tertiary education institution; or
 - (ii) licence or permit issued in the name of the End User under a Commonwealth, State or Territory law or the laws of another country; or
 - (iii) passport issued in the name of the End User; or
 - (iv) birth certificate in the name of the End User or in a former name of the End User,

which shows the age or date of birth of the End User.

19.4 Where a Designated Content/Hosting Service Provider considers that, for the purposes of its Access Control System there may be a risk that the proof of age evidence could be used or held by a person other than the person it purports to identify, a Designated Content/Hosting Service Provider will be able to mitigate that risk by collecting:

- (a) the name of the End User; and
- (b) if applicable, the number of the account or other unique identifier of the End User's contractual relationship with the Designated Content/Hosting Service Provider number; and
- (c) other information required by the Designated Content/Hosting Service Provider's processes to verify the End User's identity.

19.5 Where a Designated Content/Hosting Service Provider considers that, for the purposes of its Access Control System there may be a risk that the proof of age evidence could be held or used by someone younger than the age which the form of evidence attributes to the person being identified, the Designated Content/Hosting Service Provider will be able to mitigate that risk by obtaining a declaration that the End User is at least 18 years of age.

19.6 Following assessment of proof of age evidence, a Designated Content/Hosting Service Provider may provide an End User with confirmation that they have been granted access to the relevant Content:

- (a) in writing; or
- (b) in electronic form, for example by SMS; or
- (c) with the consent of the End User, by instigating a charge on the End User's credit card.

A Designated Content/Hosting Service Provider may consider that for the purposes of its Access Control System the use of such a confirmation may be appropriate to further mitigate any risk that the proof of age evidence could be used or held by a person other than the person it purports to identify.

20. Limiting access

- 20.1 In certain circumstances a Restricted Access System may allow an End User to access MA 15+ Content or R 18+ Content if the End User has been provided with a Personal Identification Number, or by implementing another means of limiting access by other persons to Content.
- 20.2 The phrase 'another means of limiting access' is to be read broadly and may include any method a Designated Content/Hosting Service Provider designs that allows an Access Control System to uniquely recognise the End User in question, such as the recognition of the MSISDN of an End User's telephone service or an email address or log-in details of an End User accessing Content via the Internet.

21. Declaration or proof of age evidence previously provided

- 21.1 In certain circumstances, a Restricted Access System may allow an End User access to MA15+ Content or R18+ Content if:
- (a) in relation to MA15+ Content, the End User has previously submitted a declaration that the person is at least 15 years old to the Designated Content/Hosting Service Provider (or to a person acting on behalf of the provider); or
 - (b) in relation to R18+ Content, the End User has previously submitted proof of age evidence and that proof of age evidence has been assessed and accepted by the Designated Content/Hosting Service Provider (or to a person acting on behalf of the provider).
- 21.2 For the purposes of paragraph 21.1 the declaration or submission of proof of age evidence is not required to have been made in relation to an application for access to the relevant Content. A Designated Content/Hosting Service Provider may elect to cross check other instances where a person may have declared their age or provided proof of age evidence, for example where age details and/or identification are declared or provided for the establishment of an account.

22. Quality assurance measures

- 22.1 A Restricted Access System must include measures that will be taken to remove, without delay, an End User's access to MA15+ Content and/or R18+ Content (as appropriate) if the End User has been given access in circumstances where the minimum requirements set out in the RAS Declaration are not met.
- 22.2 For the purposes of paragraph 22.1, access to relevant Content may be removed through action on the authority of a person reasonably considered to be the parent or guardian of the relevant End User.
- 22.3 For the purposes of paragraph 22.1, access to relevant Content may be removed by removing access from the account which the End User used to access the content.

PART G – CHAT SERVICES

CHAT SERVICES

23. Chat Services Generally

- 23.1 Commercial Content Service Providers offering Chat Services as part of a Commercial Content Service should consider implementation of procedures to deal with safety issues associated with access to and use of the Chat Services, including how safety measures may address the risk of and minimise the potential for illegal contact between children

and adults. This consideration should include an assessment of the appropriateness of one or more of the following safety measures being applied to the Chat Service:

- (a) age restriction to users 18 years and over for Chat Services; and
- (b) human moderation; and
- (c) human monitoring; and
- (d) electronic filtering; and
- (e) vetting profile information of users registering for access to the Chat Service; and
- (f) limiting potential profile information; and
- (g) limiting search results so that a service does not return search or browser results for users who state that they are under 18; and
- (h) managing permissions to contact users through a compulsory request and response procedure; and
- (i) limiting search results to include only those profiles about a user that the user has agreed be placed in a directory; and
- (j) implementing an ability for the user to block unwanted contact.

See Annexure 2 for further advisory information regarding the potential risks associated with Chat Services.

23.2 In addition to considering and possibly applying one or more of the safety measures that address the risk of and minimise the potential for illegal contact between children and adults, Commercial Content Service Providers should consider supporting education and awareness programs targeted at children, parents and teachers about:

- (a) the dangers of providing other users with personal or contact information; and
- (b) the dangers associated with meeting a "friend" that they have met through a Chat Service; and
- (c) the potential danger of sending pictures to other users that could identify or locate them (e.g. a school photo); and
- (d) messages about how children can use Chat Services responsibly by not sending contact details or photos of peers to other users; and
- (e) information for parents and teachers about the types of Chat Services available and the types of safety measures that may be implemented for different Chat Services in order to allow them to apply rules to their own child; and
- (f) availability of alternative sources of information about appropriate safety measures, such as NetAlert (<http://www.netalert.net.au>).

24. Adult Chat offered by IM, SMS and MMS

24.1 If a Designated Content/Hosting Service Provider has received a Service Cessation Notice from ACMA and wishes to continue to give End Users access to an Adult Chat Service by instant messaging, SMS and/or MMS, it may only do so by making access to the service subject to a Restricted Access System.

24.2 In circumstances where the Adult Chat Service or Chat Service is accessible by mobile

premium services, Designated Content/Hosting Service Providers should be aware that the *Telecommunications Service Provider (Mobile Premium Services) Determination 2005 (No. 1)* ("**MPSI Determination**") provides protection for consumers in relation to the use of mobile premium services.

- 24.3 Content Service Providers offering access via mobile premium services should refer to the MPSI Determination for guidance on safety issues associated with commercial content services that are Chat Services as well as on how to assist parents and responsible adults deal with children's use of those services.

PART H - GENERAL

25. Dates of Implementation

- 25.1 This Code will come into effect on **xx xxx 2008**.

26. Code Review

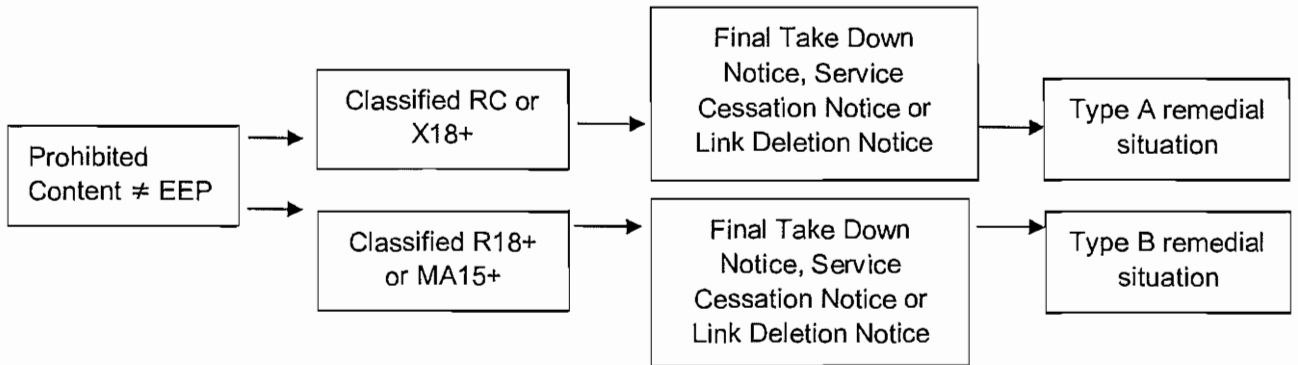
- 26.1 This Code will commence being formally reviewed by the IIA Task Force within 18 months from the date of implementation. In reviewing the Code and in considering any proposed changes to it, the IIA will consult with ACMA.

ANNEXURE - DIAGRAMMATIC SUMMARY OF THE TAKE DOWN NOTICE PROCEDURE

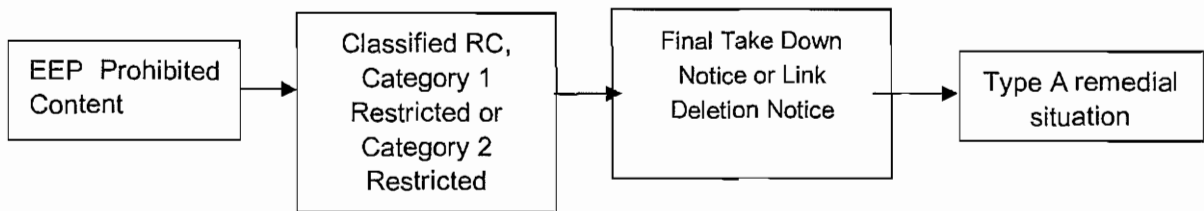
1. THE FINAL TAKE-DOWN NOTICE, LINK-DELETION NOTICE AND SERVICE-CESSATION NOTICE PROCEDURE

The Final Notice Regime for Hosting Services, Links Services and Live Content Services.

(a) Content other than Eligible Electronic Publications (EEP)



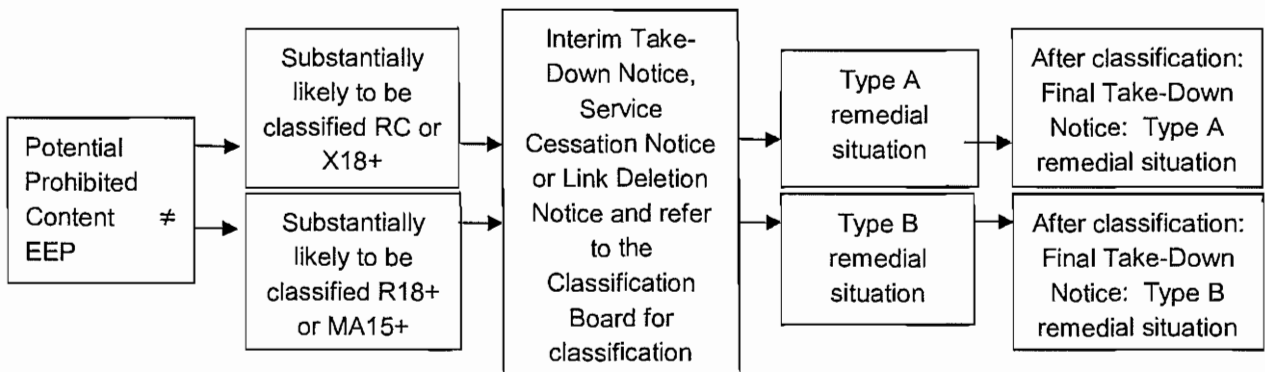
(b) Eligible Electronic Publications (EEP)



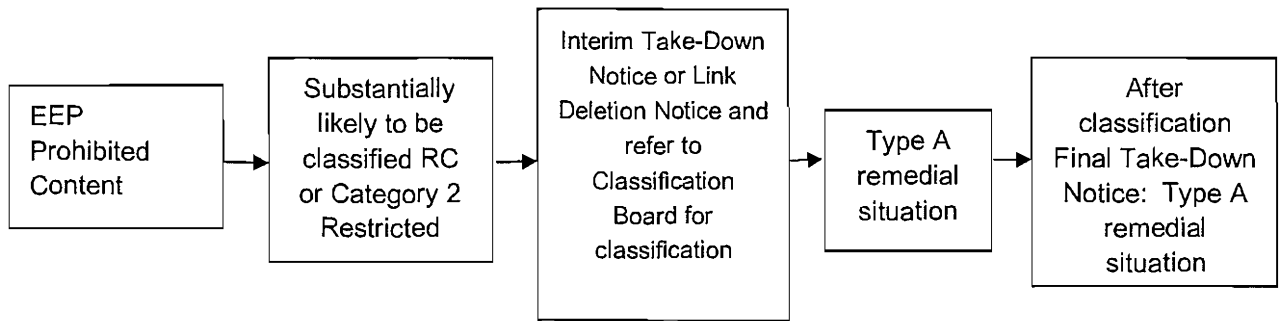
2. THE INTERIM NOTICE REGIME

The Interim Notice regime for Hosting Services, Links Services and Live Content Services.

(a) Content other than Eligible Electronic Publications (EEP)



(b) Eligible Electronic Publications (EEP)



3. REMEDIAL SITUATIONS

a) Type A Remedial Situation:

Where the relevant Content is no longer hosted or provided, or in respect of a Service Cessation Notice, the Live Content service is no longer provided.

b) Type B Remedial Situation:

Where the relevant Content is no longer hosted or provided; or in respect of a Service Cessation Notice, the Live Content service is no longer provided, or the Content is subject to a Restricted Access System.

ANNEXURE TWO - SAFETY MEASURES TO DEAL WITH SAFETY ISSUES ASSOCIATED WITH ACCESS TO AND USE OF CHAT SERVICES

Part G of the Content Services Code provides suggested safety measures that may be implemented by Commercial Content Service Providers to deal with safety issues associated with access to and use of Chat Services. This Annexure provides information to assist in assessment of safety measures and risks that can be associated with providing Chat Services, in particular the potential risk of illegal contact between children and adults.

RISK: A chat service may allow personal or contact information or images to be disseminated to other chat service users

Safety measures	Explanation
Age restriction to users 18 years and over for chat services	Chat services can be used legitimately by adults to facilitate contact (for example, a dating service). Restricting access to users 18 years and over allows a service to be used freely by adults while removing opportunities for children to access these services and be targeted for contact.
Human moderation	A human moderator is able to intervene to block a message containing an address, phone number or other contact information being posted, or to modify the message before it is posted.
Human monitoring	A human monitor is able to intervene when a user requests personal or contact information from another user or contravenes another posting rule, by warning the user or barring the user from the service. This mechanism makes it difficult for individuals to systematically use chat services to obtain contact information.
Electronic filtering	Software automatically intervenes when a user posts information that is identifiable as contact information by removing the information before it is posted.

RISK: A chat service may allow personal or contact information in a user profile to be publicly accessible

Safety measures	Explanation
Age restriction to users 18 years and over for chat services	Restricting access to users 18 years and over removes opportunities for children to access and be targeted for contact in chat services.
Vetting profile information of users registering for access to Chat Services	User profiles that contain personal or contact information are not made accessible to other users by the service provider unless the profile owner has removed information that may be used by paedophiles to target children.
Limiting potential profile information	Limiting the data that can be entered for user profile information associated with chat services can limit the possibility of users entering personal and contact information in their profiles. The use of pre-defined options for data entry into specified fields precludes personal or contact information being reproduced in user profiles.

RISK: An adult may identify and contact a child as a result of searching or browsing user profile information

Safety measures	Explanation
Limiting search results so that a service does not return search or browse results for users who state that they are under 18.	Preventing search results that return matches for individuals under 18 years of age can remove the opportunity for a search facility in a chat service to be used to identify children. Additionally, user profiles that do not, or are unable to, contain age information cannot be used to search or browse specifically for a child.
Managing permissions to contact users through a compulsory request and	User procedures can enable the blocking of other users, such as persons about whom a child may feel uncomfortable. Contact can only proceed if the user agrees.

RISK: An adult may identify and contact a child as a result of searching or browsing user profile information	
Safety measures	Explanation
response procedure.	
Limiting search results to include only those profiles about a user that the user has agreed be placed in a directory of users.	When entering profile information, a user is offered a choice of whether their profile is included in search results. The default option is that profile information is not included in search results so that the users must consciously agree to be included.
Implementing an ability for the user to block unwanted contact.	Should a user no longer wish to be contacted by a particular user, they can block contact from that user.

RISK: A chat service may allow private communication between two chat service users	
Safety measures	Explanation
Age restriction to users 18 years and over for chat services	Restricting access to users 18 years and over removes opportunities for children to access chat services or be targeted for contact through chat services.
Electronic filtering & human monitoring in combination	Software can automatically intervene when a user attempts to post information that is contact information by removing the information before it is posted. In tandem, a human monitor is able to intervene: <ul style="list-style-type: none"> • when a user requests personal or contact information from another user or contravenes a posting rule, by warning the user or barring the user from the service; and/or • to block the posting of a message containing an address, phone number or other contact information, or to modify the message before it is posted.