

Online Safety (Restricted Access Systems) Declaration 2022

I, Julie Inman Grant, eSafety Commissioner, make the following instrument.

Dated 13 January 2022

Julie Inman Grant

eSafety Commissioner

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—Preliminary

 Name

 This Declaration is the *Online Safety (Restricted Access Systems) Declaration 2022*.

 Commencement

 (1) Each provision of this Declaration specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of the Declaration | The later of:(a) the start of the day after this Declaration is registered; and(b) the commencement of the *Online Safety Act 2021*.However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur. |  |

Note:       This table relates only to the provisions of this Declaration as originally enacted. It will not be amended to deal with any later amendments of this Declaration.

 (2) Any information in column 3 of the table is not part of this Declaration. Information may be inserted in this column, or information in it may be edited, in any published version of this Declaration.

 Authority

 This Declaration is made under subsection 108(1) of the *Online Safety Act 2021*.

 Definitions

 In this Declaration:

***Act*** means the *Online Safety Act 2021*.

***applicant*** means a person who makes a request for access to relevant class 2 material under section 6.

***relevant class 2 material*** means class 2 material covered by paragraphs 107(1)(f), (g), (h), (i), (j), (k) or (l) of the Act.

Note: A number of expressions used in this Declaration are defined in the Act, including the following:
(a) access-control system;
(b) class 2 material;

 (c) designated internet service;
(d) material;
(e) provider;
(f) provided;

 (g) relevant electronic service;
(h) restricted access system; and

 (i) social media service.

—Restricted access systems for relevant class 2 material

 Specified access-control systems for relevant class 2 material

 An access-control system is specified as a restricted access system in relation to relevant class 2 material if the access-control system:

 requires an application for access to relevant class 2 material, as described in section 6; and

 gives warnings and safety information for relevant class 2 material, as required by section 7; and

 incorporates reasonable steps to confirm the age of applicants, as required by section 8; and

 limits access to relevant class 2 material, as required by section 9.

 Applying for access to relevant class 2 material

  The access-control system must require an applicant who seeks access to relevant class 2 material:

  to apply for access; and

  to submit a declaration that the applicant is at least 18 years of age.

 An application under paragraph 6(1)(a) must be made:

 in writing; or

 in electronic form; or

 orally.

 A declaration under paragraph 6(1)(b) must be provided:

 in writing; or

 in electronic form.

 Provision of warnings

 For each application for access under section 6, the access-control system must give to the applicant:

 a warning about the nature of relevant class 2 material; and

 either:

1. safety information about how a parent or guardian may control access to relevant class 2 material by persons under 18 years of age; or
2. a link to this information on the social media service, relevant electronic service, or designated internet service through which access to the relevant class 2 material is provided.

 Confirmation of age

 The access‑control system must incorporate reasonable steps to confirm that an applicant is at least 18 years of age.

 If the applicant has previously submitted to:

 the provider of the social media service, relevant electronic service, or designated internet service through which access to the relevant class 2 material is provided; or

 a person acting on behalf of that provider,

 information which confirms that the applicant is at least 18 years of age, the access-control system is not required to take any further steps to confirm the applicant’s age in order to provide access to relevant class 2 material.

 Limiting access to relevant class 2 material

 The access-control system must only provide access to relevant class 2 material if:

 the access-control system has:

 verified that, at the time the applicant applies for access to the material, the applicant has applied for access and submitted a declaration as described in section 6; and

 given the warning and safety information described in section 7 to the applicant; and

 verified that the applicant has met the confirmation of age requirements as described in section 8; or

 the applicant has been provided with a Personal Identification Number or other means of limiting access to the material that enables the access-control system to verify that the applicant has previously:

 applied for access and submitted a declaration as described in section 6; and

 been given the warning and safety information described in section 7; and

 met the confirmation of age requirements described in section 8.