



## Online Safety (Restricted Access Systems) Declaration 2021

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

Dated [Date]

Julie Inman Grant **[DRAFT ONLY—NOT FOR SIGNATURE]**  
eSafety Commissioner

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# Part 1—Preliminary

## 1 Name

This Declaration is the *Online Safety (Restricted Access Systems) Declaration 2021*.

## 2 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 <i>Online Safety Act 2021</i> .  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Note: This table relates only to the provisions of this Declaration as originally enacted.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.

## 3 Authority

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

## 4 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;

- (i) social media service

## **Part 2—Restricted access systems for relevant class 2 material**

### **5 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:

- (a) requires an application for access to relevant class 2 material, as described in section 6; and
- (b) gives warnings and safety information for relevant class 2 material, as required by section 7; and
- (c) incorporates reasonable steps to confirm the age of applicants, as required by section 8; and
- (d) limits access to relevant class 2 material, as required by section 9.

### **6 Applying for access to relevant class 2 material**

- (1) The access-control system must require an applicant who seeks access to relevant class 2 material:
  - (a) to apply for access; and
  - (b) to submit a declaration that the applicant is at least 18 years of age.
- (2) An application under paragraph 6(1)(a) must be made:
  - (a) in writing; or
  - (b) in electronic form; or
  - (c) orally.
- (3) A declaration under paragraph 6(1)(b) must be provided:
  - (a) in writing; or
  - (b) in electronic form.

### **7 Provision of warnings**

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

- (a) a warning about the nature of relevant class 2 material; and
- (b) safety information about how a parent or guardian may control access to relevant class 2 material by persons under 18 years of age.

### **8 Confirmation of age**

- (1) The access--control system must incorporate reasonable steps to confirm that an applicant is at least 18 years of age.
- (2) If the applicant has previously submitted to:
  - (a) 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
  - (b) 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.

## **9 Limiting access to relevant class 2 material**

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

- (a) the access-control system has:
  - (i) 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
  - (ii) given the warning and safety information described in section 7 to the applicant; and
  - (iii) verified that the applicant has met the confirmation of age requirements as described in section 8; or
- (b) 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:
  - (i) applied for access and submitted a declaration as described in section 6; and
  - (ii) been given the warning and safety information described in section 7; and
  - (iii) met the confirmation of age requirements described in section 8.