

Schedule 6 – Internet Search Engine Services Online Safety Code (Class 1A and Class 1B Material)

In force – latest version

1 Structure

This Code is comprised of the terms of this Schedule together with the Online Safety Code (Class 1A and Class 1B Material) Head Terms (**Head Terms**).

2 Scope

- (a) This Code applies to providers of internet search engine services, so far as those services are provided to Australian end-users.

Note: This Code applies to any features integrated within the search functionality and the user interface of an internet search engine service, whether enabled by artificial intelligence or otherwise but does not include standalone applications or tools that are not integrated within the search engine service. Artificial intelligence features not integrated within the internet search functionality of a search engine will be subject to the code or industry standard, as the case may be, most relevant to the purpose of the service, in accordance with the Head Terms, including its Preamble (Identifying the applicable code or standard). Additional factors may also be relevant in determining whether a feature is integrated into an internet search engine service, including whether the feature has the purpose of producing search results on the internet search engine service.

- (b) This Code does not apply to the provision of search tools to end-users of online services (including app distribution services, relevant electronic services, or designated internet services) or on equipment where:
- (i) the predominant purpose of the search tool is to enable the end-user to submit queries that result in searches for materials that are sourced from materials on the service or stored on the equipment; and
 - (ii) the results that are returned in response to the end-user's query are limited to materials that have been sourced from materials on the online service or stored on the equipment (as opposed to where the results returned are sourced solely or primarily from an index of materials on the WWW more broadly).
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3 Definitions

Unless otherwise indicated, terms used in this Code have the meanings given in the OSA or in the Head Terms or as set out below.

A **feature or functionality that significantly increases risk** means any feature or functionality of an internet search engine service that is reasonably likely to result in significant additional risks to Australian end-users that class 1A or class 1B material will become accessible in search results.

internet search engine service includes an electronic service that satisfies all the following conditions:

- (a) the service is designed to collect, organise (index) and/or rank material on the WWW;
 - (b) the service has the sole or primary purpose of enabling end-users to search the service's index of material on the WWW for relevant results in response to the end-user's queries; and
 - (c) the service returns search results in response to end-user queries in (b).
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A **legal delist request** is a valid request to delist materials (including links to materials) that appear within a search results page on the internet search engine service where the delisting is required by law enforcement or a regulator in accordance with applicable law.

material has the meaning given in section 5 of the OSA.

Note: The definition of material includes material generated by artificial intelligence or otherwise.

models include large language models, multimodal foundation models and other artificial intelligence models.

A **provider of an internet search engine service:**

- (a) **includes** the licensor of search functionality that enables a licensee to operate a third-party search engine service where the licensor retains legal or operational control of the search functionality; and
- (b) does **not** include the licensee of search functionality for the purpose of enabling the licensee to operate a third-party search engine service in circumstances where the licensee has no legal or operational control of the search functionality.

Note: Providers of internet search engine services do not include any downstream licensees or sub-licensees of an internet search engine that are merely distributing (or sub-licensing) algorithmic web results and paid search results received from that internet search engine service.

search functionality means the algorithms that enable the internet search engine service to index materials sourced from the WWW together with the machine learning algorithms and any model(s) that enable an internet engine service to automatically return search results in response to end-user queries.

search results mean search results, whether generated by artificial intelligence or otherwise, and includes results in any or all the following forms:

- (i) text based links;
- (ii) image thumbnail links;
- (iii) video links to webpages;
- (iv) a map of a physical location (with or without accompanying text);
- (v) longer form search results, whether in the form of answers or summaries or other formats; and/or
- (vi) any other material.

Note: Longer form search results in (v) can include non-text materials in formats such as images and video generated by artificial intelligence.

WWW means the World Wide Web.

4 Risk profile

Internet search engine services are designed for general public use and have a generally equivalent purpose and functionality and, therefore, have an equivalent risk profile under this Code.

5 Review of risk of internet search engine services

- (a) Upon commencement of this Code, the provider of an internet search engine must, as soon as reasonably practical, conduct a review of the risk posed to Australian end-users that class 1A and class 1B materials are accessible in search results. The review must focus on any material feature or functionality that increases risk that was added to the service between 9 March 2023 and commencement of this Code.

Note: A provider of an internet search engine that conducts a review of the risk as outlined under sub-clause (a) between 9 March 2023 and the commencement of this Code is not required to conduct a new risk review under sub-clause (a), unless a material additional feature or functionality that increases risk that class 1A and class 1B materials are accessible in search results has been added since that review was conducted.

- (b) Following a risk review in (a), a provider of an internet search engine service must take appropriate steps to mitigate risks posed to Australian end-users that class 1A and class 1B materials are accessible in search results. This includes, where relevant, the updating of relevant policies, processes, systems and technologies to mitigate any additional risks to Australian end-users, concerning material covered by this Code that result from a new feature or functionality that significantly increases risk, subject to the limitations in section 6.1 of the Head Terms.
- (c) When conducting a risk review under (a), a provider of an internet search engine service must take into account:
- (i) the functionality, purpose and scale of the internet search engine service including:
 - (A) the functionality and purpose of any features enabled by artificial intelligence;
 - (B) the datasets used to train any features powered by artificial intelligence; and
 - (C) the addition of any artificial intelligence features integrated into the search functionality that may be used to generate class 1A or class 1B materials;
 - (ii) the need for an industry participant to demonstrate that the compliance measures it has adopted are reasonable, taking into account the factors listed in section 5.1(b) of the Head Terms;
 - (iii) a forward-looking analysis of changes to the internal and external environment in which the internet search engine services operate and their impact on the ability of a service to meet the objectives and outcomes of the Code;
 - (iv) relevant local, regional, and international guidance (for example, with reference to the Digital Trust & Safety Partnership 'Safe Framework');
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- (v) relevant written guidance from eSafety; and
 - (vi) feedback provided by eSafety in consultation with the provider of the internet search engine service.
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6 Compliance measures

The table in clause 7 below contains minimum compliance measures for providers of internet search engine services, so far as those services are provided to Australian end-users.

The table in clause 7 also sets out guidance on the implementation of some measures. The guidance and notes are not intended to be binding but rather provide further guidance on the way that a relevant industry participant may choose to implement a measure.

7 Compliance measures for class 1A and 1B material

Objective 1: Industry participants will take reasonable and proactive steps to create and maintain a safe online environment for Australian end-users.

Outcome 1: Industry participants will take reasonable proactive steps to prevent: access or exposure to, distribution of and online storage of class 1A material.

Minimum compliance measures for all providers of internet search engine services

1) Internet search engine functionality

A provider of an internet search engine service must take appropriate steps to improve the effectiveness of its machine learning algorithms and/or model(s) operating within an internet search engine service in reducing the accessibility or discoverability by Australian end-users of class 1A materials in search results. At a minimum, a provider of an internet search engine service must take appropriate steps to:

- a) regularly review and/or test the performance of algorithms in reducing the accessibility or discoverability by Australian end-users of class 1A materials in search results;
- b) following review and/or testing in sub-measure a), where appropriate, adjust algorithms to reduce the risk that class 1A material is accessible or discoverable in search results by Australian end-users;
- c) deploy appropriate mitigations, such as tuning, classifiers, adversarial testing or meta prompts, to mitigate the risk class 1A materials are returned in search results;
- d) make ongoing improvements to its systems and technologies including machine learning algorithms and/or models or technologies with the aim of reducing the accessibility of class 1A materials in search results;
- e) improve systems, processes and/or technologies that aim to reduce the safety risks to end-users concerning synthetic materials generated by artificial intelligence that may be accessible via the internet search engine service, and
- f) research detection technologies that assist end-users in identifying deep fake images that are accessible from the service.

Note: Adherence to these measures does not prevent an Australian end-user from surfacing specific items of class 1A material where using a URL or other search criteria that target the location of that specific item of class 1A material on the WWW.

Various requirements in this Code require providers to make clear and accessible information available to Australian end-users. Providers should endeavour to make information clear, acknowledging that many of the concepts being described in such materials may be complex or technical in nature such that it is clearest to describe them in general terms likely to be understandable to most Australian end-users.

Guidance:

To minimise the risks that Australian end-users may access class 1A materials via an internet search engine service, a provider of an internet search engine service should ensure that it regularly reviews and updates machine learning and/or models operating within the internet search engine service in order to reduce the likelihood that users will discover class 1A materials.

Providers of search engine services should review and test the impact of machine learning and/or models to support improvements to the models, for example, by assigning technical experts to develop objective guidelines and criteria to evaluate changes to algorithms or by engaging third-party or in-house human raters to support algorithmic approaches to page quality.

2) Policies, procedures, systems and technologies for class 1A materials

A provider of an internet search engine service must implement appropriate, policies, processes, systems and technologies designed to reduce the accessibility or discoverability of class 1A material by Australian end-users. At a minimum a provider of an internet search engine service must take appropriate steps to:

- a) delist or block search results that contain known CSAM;
- b) ensure that any features integrated in an internet search engine service that are enabled by artificial intelligence such as longer form answers, summaries or materials do not return search results that contain CSAM;
- c) delist links that contain access to class 1A materials where the service is required to remove access to the link pursuant to a legal delist request;
- d) where the internet search engine has the ability to cache indexed material, prevent links to cached copies of the material from appearing in the search results when links to the corresponding material have been removed;
- e) ensure that autocomplete or predictive entries that appear on the internet search engine service do not include, without justification, terms that have known associations to CSEM based on keyword searches and input from independent organisations that have expertise in combatting CSEM;
- f) prevent autocomplete, predictive prompts for questions and/or phrases that would, without justification, facilitate an Australian end-user's search for pro-terror material or extreme crime or violence materials;
- g) ensure that search results specifically seeking images of known CSAM are accompanied by deterrent messaging that outlines the potential risk and criminality of accessing images of CSAM; and
- h) ensure that search results returned for end-user queries using terms that have known associations to CSEM are accompanied by information or links to services that assist Australian end-users to report CSEM to law enforcement and/or seek support.

Guidance:

In assessing what is an appropriate response, a provider of an internet search engine service should take into account the way in which search results may appear on the service, whether or not any internet search engine features are enabled by artificial intelligence, and the potential severity of harm to Australian end-users related to the accessibility of class 1A materials.

3) Trust and safety function

A provider of an internet search engine service must ensure that one or more designated personnel have primary responsibility to oversee the safety of the service including compliance with the OSA and this Code. Such personnel must have clearly defined roles and responsibilities, including for the creation, operationalisation and evaluation of the technologies, policies, systems, and processes required under this Code.

Guidance:

The provider of an internet search engine service may allocate the roles and responsibilities of personnel required under this measure to one or more employees or external third-party service providers. Some providers of internet search engine services may rely on the risk management systems of a related entity to assist with complying with this obligation.

The senior management of the provider should have a specific role in ensuring that the trust and safety function is subject to an adequate level of oversight and

	<p><i>accountability within the management structure of the provider of the internet search engine service.</i></p> <p>4) Safety by design assessments</p> <p>A provider of an internet search engine service must:</p> <ul style="list-style-type: none">a) conduct additional reviews of the risk posed to Australian end-users that class 1A and class 1B materials are accessible in search results prior to implementing any new feature or functionality of the service that significantly increases risk; andb) take reasonable steps to mitigate any additional risks to Australian end-users concerning material covered by this Code that result from the new feature or functionality that significantly increases risk, subject to the limitations in section 6.1 of the Head Terms. <p>Guidance:</p> <p><i>When conducting a safety by design assessment under this measure, the provider of an internet search engine service should consider whether any of the systems, processes or procedures covered by this Code concerning class 1A materials need to be updated in light of such new feature or functionality. In implementing this measure, the provider of the internet search engine service may, for example:</i></p> <ul style="list-style-type: none">a) <i>use the safety by design tools published by eSafety to assess the safety risks associated with a new feature or functionality; and</i>b) <i>consult additional guidance related to safety risks published by eSafety.</i>
<p>Outcome 2: Industry participants will take reasonably proactive steps to prevent or limit access or exposure to, distribution of and online storage of class 1B material.</p>	
<p>Minimum compliance measures for all providers of internet search engine services</p>	<p>5) Policies, processes, systems and technologies for class 1B materials</p> <p>A provider of an internet search engine service must implement appropriate policies, processes, systems and technologies that are designed to limit Australian end-users' exposure to class 1B materials in search results. At a minimum, a provider of an internet search engine service must invest in ongoing improvements to its machine learning algorithms and/or models that are designed to reduce the accessibility of class 1B materials in search results and adopt appropriate mitigations, such as tuning, classifiers, adversarial testing or meta prompts, to mitigate the risk class 1B materials surface in longer form answers, summaries or materials.</p> <p>Guidance:</p> <p><i>Providers of internet search engine services should invest in improving algorithms with the aim of reducing the accessibility to end-users of class 1B materials via the service, for example by:</i></p> <ul style="list-style-type: none">a) <i>designing ranking algorithms to use signals that rank search results appearing on the internet search engine service as “lowest quality” or “less authoritative” when they are encouraging non-medical drug use advice; or</i>b) <i>designing ranking algorithms to use signals that rank search results appearing on the internet search engine service as “lowest quality” or “less authoritative” when they are explicitly encouraging crime or violence;</i>c) <i>using those signals to reduce the likelihood that “lowest quality” or “less authoritative” material is returned to the end-user in search results in the form of longer form answers, summaries or materials; or</i>

	<p>d) <i>providing users with the ability to report or provide feedback where “lowest quality” or “less authoritative” material is returned in search results in the form of longer form answers, summaries or materials.</i></p> <p>e) <i>A provider of an internet search engine service should also implement additional strategies that help ensure that access to certain categories of class 1B materials, for example “Gore sites”, are not prominent via search features, such as policies and enforcement measures that prohibit such materials being returned in search results through autocomplete terms, featured snippets or knowledge panels. .</i></p>
<p>Outcome 4: Industry participants take appropriate steps to limit hosting class 1A and 1B materials.</p>	
	<p>This Outcome is not applicable to internet search engine services.</p>
<p>Outcome 5: Industry participants consult, cooperate, and collaborate with other industry participants in respect of the removal, disruption and/or restriction of class 1A and class 1B material.</p>	
<p>Minimum compliance measures for all providers of internet search engine services with more than 500,000 active monthly Australian end-users</p>	<p>6) Cooperation and collaboration with industry participants</p> <p>A provider of an internet search engine service with more than 500,000 active monthly Australian end-users must implement appropriate procedures for collaborating with eSafety, law enforcement, non-governmental or cross-industry organisations that have established systems and processes that facilitate the safe, secure and lawful sharing of information that prevents CSEM from appearing in search results.</p> <p>Guidance:</p> <p><i>A provider of an internet search engine service should proactively engage with local and global industry and/or multi-stakeholder communities, coalitions and alliances to share information and best practices for combatting CSEM material in search contexts. Examples of the type of organisations contemplated by this measure include the Tech Coalition and WePROTECT Global Alliance. Providers should be aware that membership organisations will have criteria and other processes in place to make their own membership decisions.</i></p> <p><u>Note:</u> Providers should be aware that there may be legislation in certain jurisdictions where they operate that prevents the sharing of certain types of information.</p>
<p>Outcome 6: Industry participants communicate and cooperate with eSafety in respect of matters relating to class 1A material, including complaints.</p>	
<p>Minimum compliance measures for all providers of internet search engine services</p>	<p>7) Timely referral of unresolved complaints to eSafety</p> <p>A provider of an internet search engine service must refer complaints from the public concerning the provider’s non-compliance with this Code to eSafety where the provider is unable to resolve the complaint within a reasonable timeframe.</p> <p>Guidance:</p> <p><i>The timeframes within which providers of an internet search engine service should seek to resolve complaints of non-compliance with this Code and refer issues to eSafety under this measure should be based on the scope and urgency of potential harm that is related to the complaint and the complainant.</i></p> <p><i>Being ‘unable to resolve the complaint’ is intended to refer to situations where it becomes clear to the provider that their ultimate response to a given complaint is not to the satisfaction of the complainant and the complaint cannot reasonably be progressed any further between the provider and complainant.</i></p>

	<p>8) Policies and procedures in place which ensure communication and cooperation with eSafety</p> <p>A provider of an internet search engine service provider must update eSafety on any significant changes to the functionality of the service that are likely to have a material positive or negative effect on the risk of access or exposure to, or distribution of, class 1A or class 1B materials by Australian end-users, such as significant improvements to machine learning algorithms and/or models (including large language models and multimodal foundation models) and other safety innovations that reduce the risks of harm associated with the discoverability or accessibility of class 1A and class 1B materials on the service.</p> <p>Updates under this measure 8) must be provided:</p> <ul style="list-style-type: none"> a) in the case of new features or functionality that has a material negative effect on risk, within 42 days of a written request by eSafety; and b) in the provider’s report in measure 17.
<p>Objective 2: Industry participants will empower people to manage access and exposure to class 1A and class 1B material.</p>	
<p>Outcome 7: Industry participants provide tools and/or information to limit access and exposure to class 1A and class 1B material.</p>	
<p>Minimum compliance measures for all providers of internet search engine services</p>	<p>9) Technical tools and information</p> <p>A provider of an internet search engine service must implement the following measures:</p> <ul style="list-style-type: none"> a) provide age-appropriate safety settings and tools to Australian end-users, such as ‘safe search’ functionality, which enable users to limit exposure to explicit and/or graphic materials; b) make available clear and accessible guidelines about the use and effect of the safety settings and tools in a); c) where relevant, make clear when a user is interacting with any features using artificial intelligence, for example, to generate search results in the form of longer form answers, summaries or materials; and d) make available clear and accessible information to Australian end-users about online harms and the measures that users of the internet search engine service can take to improve the safety of themselves and children in their care. <p>Guidance:</p> <p><i>A provider of an internet search engine service should provide Australian end-users with technical tools and/or information that can assist users to limit their access and exposure to class 1A and class 1B materials. The type of tools and information should be appropriate to the nature, purpose, function and scale of the internet search engine service, taking into account the results of the reviews required in clause 5 (Review of risk of internet search engine services).</i></p>
<p>Outcome 8: Industry participants provide clear and effective reporting and complaints mechanisms for class 1A and class 1B material.</p>	
<p>Minimum compliance measures for all providers of</p>	<p>10) Delist requests for illegal materials</p> <p>A provider of an internet search engine service must have a process for receiving delisting requests from Australian end-users for pages that contain class 1A and class 1B material that may be illegal and which the end-user has accessed via search results of the internet search engine.</p>

<p>internet search engine services</p>	<p>11) Feedback mechanisms</p> <p>A provider of an internet search engine service must provide tools which enable Australian end-users to provide feedback about the quality of the service, including feedback on the accessibility of class 1A and class 1B materials.</p> <p>Guidance:</p> <p><i>A provider of an internet search engine service should consider feedback from Australian end-users as part of their ongoing investment in technology and guidance for ranking algorithms.</i></p>
<p>Optional compliance measure for all providers of internet search engine services</p>	<p>12) Testing of user engagement and awareness of reporting mechanisms</p> <p>Providers of internet search engine services may, at appropriate intervals, test the level of Australian end-user use, engagement and awareness of reporting mechanisms required under this Code.</p>
<p>Outcome 9: Industry participants effectively respond to reports and complaints about Class 1A and Class 1B material.</p>	
<p>Minimum compliance measures for all providers of internet search engine services</p>	<p>13) Responding to reports and legal delist requests</p> <p>A provider of an internet search engine service must have appropriate personnel, policies, processes, systems and technologies in place to respond to reports by Australian end-users concerning illegal class 1A and class 1B materials in search results and to legal delist requests.</p> <p>At a minimum, a provider of an internet search engine service must implement the following measures to address such reports and legal delist requests:</p> <ol style="list-style-type: none"> a) implement policies, processes, systems and technologies to enable the automated, human or hybrid triaging, and review and response to reports by Australian end-users and legal delist requests; and b) implement policies, processes, systems and technologies to enable the handling of complaints by Australian end-users about the response by the provider of the internet search engine to reports under measure 10. <p>Guidance:</p> <p><i>Policies, processes, systems and technologies that are implemented to satisfy this measure should enable the internet search engine provider to take appropriate action in response to such the reports and requests taking into account factors such as urgency and scope of potential harm that is related to the reported material, the efficacy of different types of intervention that are available on the service, and the source of reports.</i></p> <p>14) Notifying appropriate entities about CSEM on internet search engine services</p> <p>If the provider of the internet search engine service:</p> <ol style="list-style-type: none"> a) identifies CSEM on its service; and b) forms a good faith belief that the CSEM presents evidence of serious and immediate threat to the life or physical safety of an adult or child in Australia, <p>it must report such material to an appropriate entity within 24 hours or as soon as reasonably practicable.</p> <p>An appropriate entity means foreign or local law enforcement (including, Australian federal or state police) or organisations acting in the public interest</p>

	<p>against child sexual abuse, such as the National Centre for Missing and Exploited Children (who may then facilitate reporting to law enforcement).</p> <p><u>Note:</u> Measure 14 is intended to supplement any existing laws requiring providers of internet search engine services to report CSEM under foreign laws, e.g., to report materials to the National Centre for Missing and Exploited Children and/or under State and Territory laws e.g., that require reporting of child sexual abuse to law enforcement. Providers should ensure their approach to this measure complies with applicable laws, e.g., concerning privacy.</p> <p>15) Training for personnel responding to reports</p> <p>A provider of an internet search engine service must ensure that personnel responding to reports by Australian end-users pursuant to this Code are trained in the policies, processes and systems of the internet search engine provider for dealing with reports.</p>
<p>Objective 3: Industry participants will strengthen transparency of, and accountability for, class 1A and class 1B material.</p>	
<p>Outcome 10: Industry participants provide clear and accessible information about class 1A and class 1B material.</p>	
<p>Minimum compliance measures for all providers of internet search engine services</p>	<p>16) Information about class 1A and class 1B materials</p> <p>Providers of internet search engine services must publish easily accessible and plain language information on their approaches to class 1A and class 1B material. A provider of an internet search engine service must at a minimum implement the following measures:</p> <ol style="list-style-type: none"> a) make available to Australian end-users clear and accessible information about its policies for and approach to indexing materials on the WWW; b) make available to Australian end-users clear and accessible information about its policies and approach to presenting search results in response to end-user queries, e.g., whether in the form of links and/or longer form answers, summaries or materials generated from materials on the WWW; c) make available to Australian end-users clear and accessible information about the functionality of algorithms and/or other relevant technologies that enable the internet search engine to produce search results and how search results are personalised; d) provide information to Australian end-users about the actions they may take to report illegal materials that are linked to, or are returned in, search results; e) provide information to Australian end-users about the actions they may take to provide feedback about the quality of the service, using the tools required under measure 11; f) where relevant, provide information to Australian end-users about how any features using artificial intelligence, for example, to generate longer form answers, summaries or materials, protects those users against class 1A and class 1B material; g) establish or maintain a hub, portal or other online location that houses online safety information that can be accessed by Australian end-users or refers Australian end-users to where they can find appropriate online safety information including information required under measure 9 d); h) provide clear and accessible information on how an Australian end-user can contact eSafety where a report or complaint made under measure 7 is not resolved to that end-user’s satisfaction; and

	<p>i) provide information to Australian end-users about the role and functions of eSafety, including how to make a complaint to eSafety under the OSA.</p>
<p>Outcome 11: Industry participants publish annual reports about class 1A and 1B material and their compliance with this Code.</p>	
<p>Minimum compliance measure for all providers of internet search engine services</p>	<p>17) Reporting by providers of internet search engine services</p> <p>Where eSafety issues a written request to a provider of an internet search engine service to provide a Code report, the provider named in the request must submit a Code report which includes the following information:</p> <ul style="list-style-type: none"> a) the steps that the provider has taken to comply with their applicable minimum compliance measures; b) an explanation as to why these measures are appropriate; c) provide annual updates about the volume of CSEM or pro-terror material flagged and responded to by the internet search engine service; d) the number of complaints about Code compliance and information about the provider's responses; and e) updates to the internet search engine service as required under measure 8. <p>A provider of an internet search engine service who has received such a request from eSafety is required to submit a Code report within 2 months of receiving the request, but for the first request no earlier than 12 months after this Code comes into effect. A provider of an internet search engine service will not be required to submit a Code report to eSafety more than once in any 12-month period.</p> <p><u>Note:</u> 'appropriate' has the meaning given in the Head Terms.</p>