

Schedule 4A – Social Media Services (Messaging Features) Online Safety Code (Class 1C and Class 2 Material)

In force - latest version

1 Structure

This Code is comprised of the terms of this Schedule together with the Online Safety Code (Class 1C and Class 2 Material) Head Terms (**Head Terms**).

2 Scope

- (a) This Code applies to the provider of a social media service, so far as materials on that service are provided to Australian end-users.
 - (b) Social media services include a wide variety of unique services from community-based services with a local user base to larger platforms with international user bases.
 - (c) Social media services may include social networks, public media sharing networks, discussion forums, and consumer review networks, to the extent that they satisfy the criteria of a social media service as outlined in the OSA.
 - (d) This Code applies only to the messaging features (if any) of the social media service. If a social media service does not include a messaging feature, then this Code does not apply to that service.
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3 Definitions

3.1 General

Unless otherwise indicated, terms used in this Code have the meanings given in the Head Terms or as set out in this clause 3.

3.2 Definition of social media service

- (a) **social media service** means an electronic service that:
 - (i) satisfies the following conditions:
 - (A) the sole or primary purpose of the service is to enable online social interaction between 2 or more end-users;
 - (B) the service allows end-users to link to, or interact with, some or all other end-users;
 - (C) the service allows end-users to post material on the service;
 - (D) such other conditions (if any) as are set out in the legislative rules; or
 - (ii) is an electronic service specified in the legislative rules;but does not include an exempt service (as defined by clause 3.2(c)).

Note: Online social interaction does not include (for example) online business interaction.
- (b) **online social interaction** includes online interaction that enables end-users to share material for social purposes.

Note: Social purposes does not include (for example) business purposes.
- (c) A service is an **exempt service** if:
 - (i) none of the material on the service is accessible to, or delivered to, one or more end-users in Australia; or

- (ii) the service is specified in the legislative rules made under the OSA.
- (d) In determining whether the condition set out in clause 3.2(a)(i)(A) is satisfied, disregard any of the following purposes:
 - (i) the provision of advertising material on the service;
 - (ii) the generation of revenue from the provision of advertising material on the service.

3.3 Other definitions

- (a) **messaging feature** means an instant messaging feature of a social media service that enables private communication between two or more end-users of the service;

Note: A feature that enables end-users to (i) post material to their followers or community on the service or (ii) post comments in association with other content posted on a social media service, is not an instant messaging feature. These features will still be part of the social media service, but will not be treated as a 'messaging feature' under this Code.

4 Approach to measures and guidance for social media services

- (a) The table in section 5 below contains mandatory compliance measures that apply to any messaging feature included as part of a social media service. These compliance measures apply irrespective of any compliance measures that may apply to other aspects of the social media service.
- (b) The table in section 5 also includes guidance on the implementation of some measures. This guidance is not intended to be binding on providers but to guide them on the way in which they may choose to implement a measure.

5 Compliance measures for messaging features

The compliance measures in this table apply to any messaging feature included as part of a social media service, irrespective of any compliance measures that may apply to other aspects of the social media service. To the extent that the compliance measures in this table require the service provider to take an action (eg implementing a system or process or preparing a report) in relation to the messaging feature that is equivalent to an action that the service provider is required to take in relation to another part of the social media service under another industry code or industry standard registered under Part 9 of the OSA, the service provider may satisfy both requirements through a single action (eg implementing a single system or process or preparing a single report that covers all relevant aspects of the service).

No.	Compliance measure
10.1	<p>Terms and conditions prohibiting illegal activity</p> <p>A provider of a service with a messaging feature must:</p> <ul style="list-style-type: none">(a) have terms and conditions in place with end-users prohibiting the use of the messaging feature for sharing of online pornography by an end-user to an end-user who is an Australian child;(b) publish the terms and conditions by making them accessible on a website and/or application for the service (as relevant);(c) ensure the prohibition described in (a) is set out in plain language in the terms and conditions; and(d) if the provider becomes aware of a breach of the prohibition described in (a), take appropriate and proportionate action in a reasonably timely manner. <p>It is not necessary that a particular form of words be used in the terms and conditions so long as the contractual effect of the terms and conditions is as required by sub-measure (a).</p> <p>A provider must have systems and/or processes in place to support compliance with the obligation in (d).</p> <p>Guidance:</p> <p><i>Providers have flexibility to design terms, systems, processes and policies to allow appropriate and proportionate responses to potential breaches on a case-by-case basis. Providers have the ability to exercise discretion to enforce terms and policies in accordance with the specific circumstances of each potential breach.</i></p> <p><i>Whether an action taken in response to a breach is appropriate will depend on the specific circumstances of the breach. A provider should consider the context in which the breach occurred, the severity of the harm that may flow from the breach and the potential consequences of restricting access to a service relied on by an end-user in determining whether action is appropriate and proportionate in any given circumstance. Such action may include warnings, strikes, suspensions or, for serious or repeated breaches, account removal.</i></p> <p><i>A provider may become aware of a breach for the purposes of (d) if information demonstrating a breach is provided to it via the reporting mechanism required by measure 10.2.</i></p>

No.	Compliance measure
10.2	<p>Reporting mechanisms</p> <p>A provider of a service with a messaging feature must provide a tool or mechanism which enables Australian end-users to report breaches of the prohibition described in measure 10.1(a).</p> <p>If an Australian end-user reports a breach via the tool or mechanism, the provider must:</p> <ul style="list-style-type: none"> (a) respond promptly to the end-user acknowledging receipt of the report; and (b) if appropriate, take action pursuant to measure 10.1(d). <p>The reporting tool or mechanism must:</p> <ul style="list-style-type: none"> (a) be available in-service, that is, not solely on a website separate to the website for the service, unless it is not technically feasible or reasonably practicable for the provider to do this; (b) be easily accessible and easy to use; and (c) ensure that the identity of the reporter is not disclosed to the reported end-user (i.e. the individual who has been reported should not be able to see the person who reported them), without the reporter's express consent, except as required by applicable law. <p>The provider must develop and comply with internal policies and procedures for dealing with reports made through this tool or mechanism.</p>
10.3	<p>Training for personnel responding to reports</p> <p>A provider of a service with a messaging feature must ensure that personnel responding to reports made by Australian end-users under measure 10.2 are trained in the service's policies and procedures for dealing with such reports.</p>
10.4	<p>Review of compliance of personnel with systems and processes</p> <p>A provider of a service with a messaging feature must review the effectiveness of its reporting mechanism (as required by measure 10.2) and processes to ensure information received via the reporting mechanism is considered and actioned (if necessary) as appropriate pursuant to measure 10.1(d). Such review must occur at least annually.</p> <p>Guidance:</p> <p><i>This could include review and analysis of data collected for the year (eg responses and outcomes) as well as submitting test complaints via the contact mechanism to review handling and response.</i></p>

No.	Compliance measure
10.5	<p>Tools, features and/or settings</p> <p>A provider of a service with a messaging feature must ensure that it has appropriate tools, features and/or settings available and accessible to assist Australian end-users to limit receipt of unsolicited material (including class 1C and class 2 material) through the messaging feature.</p> <p>At a minimum, such tools, features and/or settings must include:</p> <ul style="list-style-type: none"> (a) if the service allows the sending of messages between end-users: <ul style="list-style-type: none"> (i) tools that allow Australian end-users to block direct messages from other end-users; and (ii) settings for Australian end-users that allow them to prevent the receipt of unwanted messages from other end-users; and (b) if the service allows the sending of messages in a group chat between three or more end-users – tools that allow Australian end-users to leave that group chat. <p>If the provider allows Australian children to become end-users of the service, the provider must ensure that the settings referred to in paragraph (a)(ii) above are defaulted to the most restrictive setting for an Australian child at the time of account registration.</p> <p>Other examples of such tools, features and/or settings include:</p> <ul style="list-style-type: none"> (a) with respect to online pornography, tools, features and/or settings that automatically blur images detected as containing nudity on receipt; and (b) if the provider allows Australian children to become end-users of the service — have default settings for Australian children that prevent an end-user who is over the age of 18 years and is not connected to an Australian child from being able to use the service to send a direct message to that Australian child. <p>Guidance:</p> <p><i>For these purposes, the circumstances in which an end-user will be considered to be “connected” to an Australian child include if: (1) they are friends on the service; (2) the Australian child follows the end-user; or (3) the Australian child has the end-user saved as a phone contact.</i></p>
10.6	<p>Updates to eSafety about relevant changes to technology</p> <p>A provider of a service with a messaging feature must share information with eSafety in writing about significant changes to the messaging feature that are likely to have a material positive or negative effect on the access or exposure to, distribution to, or online storage of class 1C or class 2 material by Australian children through the messaging feature. A provider may choose to provide this information in an annual report to eSafety under this Code.</p> <p>In implementing this measure, a provider is not required to disclose information to eSafety that is confidential.</p> <p>Guidance:</p>

No.	Compliance measure
	<i>Changes that have a material negative effect should, ideally be communicated before a public announcement of the relevant changes.</i>
10.7	<p>Significant changes to the messaging feature</p> <p>Before the provider of a service with a messaging feature makes a material change to the messaging feature (including any significant new feature of the service enabled by generative artificial intelligence) that will significantly increase the risk of sharing of online pornography or self-harm material to Australian children through the messaging feature, it must:</p> <ul style="list-style-type: none"> (a) carry out an assessment of the kinds of measures that could reasonably be incorporated into the service to minimise that risk; and (b) where appropriate, apply measures so identified to help to mitigate that risk.
10.8	<p>Improvement</p> <p>Where technically feasible and reasonably practicable, a provider of a service with a messaging feature must take appropriate steps to further develop and improve tools, features, and/or settings (as relevant) it has in place under measure 10.5 over time.</p> <p>Examples of activities that a provider may engage in to meet this measure include the following (to the extent directed towards, or relevant to, the matters covered by this Code):</p> <ul style="list-style-type: none"> (a) any activities designed to further develop the effectiveness of the settings and tools; (b) tracking new and emerging risks or issues that may be causing harm to Australian children; (c) investment in research and development and/or testing of novel technological solutions; (d) investment in trust and safety teams dedicated to implementing regulatory requirements and policies which enhance online safety for users of online services; (e) investment in review teams who conduct human review of reported material, and can consider material including factors like context; (f) providing financial or technical support to non-governmental organisations with recognised online safety expertise to improve their infrastructure and/or technical capabilities; (g) contributing to programs operated by non-governmental organisations; (h) joining relevant industry organisations or other third party organisations intended to address online harm to children and sharing information on best practice approaches; (i) contributing to industry initiatives (including initiatives lead by industry associations or other third party organisations); (j) conducting or supporting research into and development of online safety settings and tools and approaches;

No.	Compliance measure
	<ul style="list-style-type: none"> (k) providing support, either financial or in kind, to organisations the functions of which are or include protection of children online; (l) extending the application of a feature or tool applied under another industry code or standard to operate in connection with its service; and (m) activities that aim to refine algorithms or inputs into tools to improve their effectiveness. <p>The provider must, at a minimum, engage in at least some of the example activities above in each calendar year.</p>
10.9	<p>Information about tools and contact mechanisms</p> <p>A provider of a service with a messaging feature must provide clear and accessible information to Australian end-users regarding:</p> <ul style="list-style-type: none"> (a) the tools, features, settings and/or measures required by measures 10.5; and (b) the contact tools and/or mechanisms required by measure 10.2 and 10.16. <p>Information must be provided in a manner that is reasonably capable of being easily understood by most users of all ages permitted on the service.</p>
10.10	<p>Information for Australian end-users about the role and functions of eSafety, including how to make a complaint to eSafety</p> <p>A provider of a service with a messaging feature must publish clear information that is accessible to Australian end-users which explains the role and functions of eSafety, including how to make a complaint to eSafety.</p>
10.11	<p>Information to assist end-users with managing risks relating to class 1C and class 2 material</p> <p>A provider of a service with a messaging feature must provide clear information that is accessible to Australian end-users about steps that end-users can take to manage and mitigate risks relating to class 1C and class 2 material.</p> <p>Guidance:</p> <p><i>This might include support or help articles for users of the service. Such articles might provide information on safe behaviour on services.</i></p>
10.12	<p>Location on or via service that is dedicated to providing online safety information</p> <p>A provider of a service with a messaging feature must establish a location on or via the service that is dedicated to providing online safety information, that:</p> <ul style="list-style-type: none"> (a) contains information required under this Code; (b) includes information about how Australian end-users can contact third party services that may provide counselling and support; and

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	<p>(c) is accessible to Australian end-users.</p> <p>Guidance:</p> <p><i>A provider could raise Australian end-users' awareness about the availability of safety information on its services, through interstitial mechanisms such as account notifications, on-service advertising campaigns or pop-up notices when material is being posted or viewed by Australian end-users. Providers could contribute to off-service campaigns targeted at the general public, Australian end-users or specific sections of the community such as teachers, parents and carers, older users or vulnerable groups. A provider could contribute to an off-service campaign by providing financial assistance, advertising collateral, expert advisers, or other support services.</i></p>
10.13	<p>Reporting to eSafety on Code compliance</p> <p>Where eSafety issues a written request to a provider of a service with a messaging feature to submit a Code report, the provider named in such request must submit to eSafety a Code report which includes the following information:</p> <p>(a) the steps that the provider has taken to comply with the compliance measures under this Code in relation to the messaging feature; and</p> <p>(b) an explanation as to why those measures are appropriate.</p> <p>A provider that 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 will not be required to submit a Code report to eSafety more than once in any 12-month period.</p> <p>A report under this compliance measure may be combined with any report that the service provider is obliged to provide under any other compliance measure.</p>
10.14	<p>Trust and safety function</p> <p>A provider of a service with a messaging feature must have, or have access to, sufficient personnel to oversee the safety of the messaging feature. Such personnel must have the skills, experience and qualifications needed to ensure that the provider complies with the requirements of this Code at all times.</p>
10.15	<p>Engagement</p> <p>A provider of a service with a messaging feature must either:</p> <p>(a) appropriately engage with safety and community organisations (such as civil society groups, public interest groups and representatives of marginalised communities), academics and government to gather information to help inform the measures taken for the purposes of protecting or preventing children from accessing or being exposed to class 1C and class 2 material; or</p>

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	<p>(b) enter into arrangements for cooperating and collaborating with other organisations (such as industry associations) in activities of the kind referred to in paragraph (a) to enhance online safety for Australians.</p> <p>A provider of a service with a messaging feature must consider information obtained through such engagement.</p> <p>Guidance:</p> <p><i>Engagement may occur within and/or outside Australia as relevant to the issue under consideration.</i></p> <p><i>Engagement may occur regularly in the course of ongoing relationships with organisations, academics or government, during development of new service features or in other appropriate circumstances.</i></p>
10.16	<p>Complaints tools</p> <p>A provider of a service with a messaging feature must provide a tool or mechanism which enables Australian end-users to make a complaint about a breach of this Code by the provider in relation to the messaging feature.</p> <p>If an Australian end-user makes a complaint of the kind referred to in this measure, the provider must consider any relevant information provided by the Australian end-user pursuant to their complaint in a reasonably timely manner.</p> <p>The complaints tool or mechanism must:</p> <p>(a) be easily accessible and simple to use; and</p> <p>(b) where the tool or mechanism does not involve use of a widely used communication mechanism, have clear instructions on how to use it.</p> <p>The provider must develop and comply with internal policies and procedures for dealing with complaints made through this tool or mechanism.</p>
10.17	<p>Timely referral of unresolved complaints to eSafety</p> <p>A provider of a service with a messaging feature must promptly refer to eSafety complaints from Australian end-users concerning a material non-compliance with this Code by the provider in relation to the messaging feature, where the provider is unable to resolve the complaint within a reasonable timeframe.</p>
10.18	<p>Timely response to communications from eSafety</p> <p>The provider of a service with a messaging feature must implement policies and procedures that ensure that it responds in a timely and appropriate manner to communications from eSafety about compliance with this Code in relation to the messaging feature.</p>