

*Online Safety Act 2021 (Cth)*

Section 141(1)

**VARIATION NOTICE**

**To:** Louise Hyland, Chief Executive Officer; John Stanton, Chief Executive Officer; Evelyn Soud, Chief Executive Officer; Sunita Bose, Managing Director; Ron Curry, Chief Executive Officer

**By email:** [REDACTED]  
[REDACTED]

This notice is issued on 4 July 2024 under section 141(1) of the *Online Safety Act 2021* (the Act).

As eSafety Commissioner, I am satisfied that Australian Mobile Telecommunications Association, Communications Alliance, the Consumer Electronics Suppliers' Association, Digital Industry Group Inc and the Interactive Games & Entertainment Association together represent the group consisting of persons who manufacture, supply, maintain or install any of the following equipment:

- o equipment that is for use by end-users in Australia of a social media service in connection with the service;
- o equipment that is for use by end-users in Australia of a relevant electronic service in connection with the service;
- o equipment that is for use by end-users in Australia of a designated internet service in connection with the service; and
- o equipment that is for use by end-users in Australia of an internet carriage service in connection with the service (section 135(2)(h)).

Under section 141(1) of the Act, I request that you:

- develop an industry code that applies to participants in the group consisting of persons who manufacture, supply, maintain or install any of the following equipment pursuant to section 135(2)(h) of the Act (referred to hereafter in this notice as ‘**equipment providers**’):
  - equipment that is for use by end-users in Australia of a social media service in connection with the service;
  - equipment that is for use by end-users in Australia of a relevant electronic service in connection with the service;
  - equipment that is for use by end-users in Australia of a designated internet service in connection with the service; and
  - equipment that is for use by end-users in Australia of an internet carriage service in connection with the service

so far as those services are provided to end-users in Australia, and deals with the matters listed in Schedule A to this notice, which relate to the online activities of those participants, and

- provide me with a copy of the code by COB **Thursday 19 December 2024**.

In accordance with section 141(5) of the Act, I specify an indicative target for achieving progress in the development of the code requested under section 141(1). This indicative target is that you:

- provide me with a preliminary draft of the code by COB **Thursday 3 October 2024**.

### **Consequences of non-compliance**

Under section 145(1)(a) of the Act, the eSafety Commissioner may, by legislative instrument, be permitted to determine an industry standard that applies to participants in the group consisting of equipment providers, so far as those services are provided to end-users in Australia (section 135(2)(h)), if:

- the request in this notice is not complied with
- a draft code developed in response to this notice does not contain appropriate community safeguards to deal with one or more of the matters specified in Schedule A to this notice

- the indicative target specified for achieving progress in the development of the code is not met, or
- the request in this notice is complied with, but the eSafety Commissioner subsequently refuses to register the code.

Signed:



Name: Julie Inman Grant  
eSafety Commissioner

Dated 4 July 2024

## **SCHEDULE A – Matters**

Definitions for the below matters are contained in Schedule B.

### **MATTER 1**

Protect and prevent children in Australia from accessing or being exposed to class 1C and class 2 material.

### **MATTER 2**

Provide end-users in Australia who use equipment manufactured, supplied, maintained or installed by equipment providers with effective information, tools and options to limit access and exposure to class 1C and class 2 material.

## SCHEDULE B – Definitions

In this notice:

**Class 1 material** has the same meaning as in section 106 of the *Online Safety Act 2021*

**Class 2 material** has the same meaning as in section 107 of the *Online Safety Act 2021*

**Class 1C material** is class 1 material that depicts particular online pornography.

**Particular online pornography** has the same meaning as in sections A6, A7 and A8 of Annexure A to the Head Terms of the *Consolidated Industry Codes of Practice for the Online Industry (Class 1A and Class 1B Material)*.