



Online Safety (Basic Online Safety Expectations) Determination 2022

I, Paul Fletcher, Minister for Communications, Urban Infrastructure, Cities and the Arts, make the following determination.

Dated 20 January 2022

Paul Fletcher
Minister for Communications, Urban Infrastructure, Cities and the Arts

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Part 1—Preliminary

1 Name

This instrument is the *Online Safety (Basic Online Safety Expectations) Determination 2022*.

2 Commencement

- (1) Each provision of this instrument 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 this instrument.	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under section 45 of the *Online Safety Act 2021*.

4 Definitions

In this instrument:

Act means the *Online Safety Act 2021*.

Part 2—Basic online safety expectations

Division 1—Purpose of this Part

5 Purpose of this Part

For the purposes of subsections 45(1), (2) and (3) of the Act, this Part specifies the basic online safety expectations for the following:

- (a) a social media service;
- (b) a relevant electronic service of any kind;
- (c) a designated internet service of any kind.

Note: Subsections 6(1) and 7(1), section 11, subsections 12(1), 13(1) and 15(1), and section 20 of this instrument are made in accordance with subsection 46(1) of the Act (core expectations).

Division 2—Expectations regarding safe use

6 Expectations—provider will take reasonable steps to ensure safe use

Core expectation

- (1) The provider of the service will take reasonable steps to ensure that end-users are able to use the service in a safe manner.

Additional expectation

- (2) The provider of the service will take reasonable steps to proactively minimise the extent to which material or activity on the service is unlawful or harmful.

Examples of reasonable steps that could be taken

- (3) Without limiting subsection (1) or (2), reasonable steps for the purposes of this section could include the following:
 - (a) developing and implementing processes to detect, moderate, report and remove (as applicable) material or activity on the service that is unlawful or harmful;
 - (b) if a service or a component of a service (such as an online app or game) is targeted at, or being used by, children (the *children's service*)—ensuring that the default privacy and safety settings of the children's service are robust and set to the most restrictive level;
 - (c) ensuring that persons who are engaged in providing the service, such as the provider's employees or contractors, are trained in, and are expected to implement and promote, online safety;
 - (d) continually improving technology and practices relating to the safety of end-users;
 - (e) ensuring that assessments of safety risks and impacts are undertaken, and safety review processes are implemented, throughout the design, development, deployment and post-deployment stages for the service.

7 Expectations—provider will consult with Commissioner and refer to Commissioner's guidance in determining reasonable steps to ensure safe use

Core expectation

- (1) In determining what are reasonable steps for the purposes of subsection 6(1), the provider of the service will consult the Commissioner.

Additional expectation

- (2) In addition, in determining what are reasonable steps for the purposes of subsection 6(1), the provider of the service will have regard to any relevant guidance material made available by the Commissioner.

Note: The Commissioner may, from time to time, publish specific guidance issued to all service providers. Guidance material published by the Commissioner may include

information disclosed to it under subsection 7(2), but will not include information that is commercial-in-confidence or which the disclosing provider does not consent to being published.

8 Additional expectation—provider will take reasonable steps regarding encrypted services

- (1) If the service uses encryption, the provider of the service will take reasonable steps to develop and implement processes to detect and address material or activity on the service that is unlawful or harmful.
- (2) Subsection 8(1) does not require the provider of the service to undertake steps that could do the following:
 - (a) implement or build a systematic weakness, or a systematic vulnerability, into a form of encrypted service;
 - (b) build a new decryption capability in relation to encrypted services; or
 - (c) render methods of encryption less effective.

9 Additional expectation—provider will take reasonable steps regarding anonymous accounts

Additional expectation

- (1) If the service permits the use of anonymous accounts, the provider of the service will take reasonable steps to prevent those accounts being used to deal with material, or for activity, that is unlawful or harmful.

Examples of reasonable steps that could be taken

- (2) Without limiting subsection (1), reasonable steps for the purposes of that subsection could include the following:
 - (a) having processes that prevent the same person from repeatedly using anonymous accounts to post material, or to engage in activity, that is unlawful or harmful;
 - (b) having processes that require verification of identity or ownership of accounts.

10 Additional expectation—provider will consult and cooperate with other service providers to promote safe use

Additional expectation

- (1) The provider of the service will take reasonable steps to consult and cooperate with providers of other services to promote the ability of end-users to use all of those services in a safe manner.

Examples of reasonable steps that could be taken

- (2) Without limiting subsection (1), reasonable steps for the purposes of that subsection could include the following: