



# Restricted Access Systems Declaration 2014

## *Broadcasting Services Act 1992*

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The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Declaration under clause 14 of Schedule 7 to the *Broadcasting Services Act 1992*.

Dated *15 December 2014*

*Chris Chapman*

*Richard Bean*

[signed]

[signed]

Chair

Member/~~General Manager~~

Australian Communications and Media Authority

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# Part 1 Preliminary

## 1 Name of Declaration

This Declaration is the *Restricted Access Systems Declaration 2014*.

## 2 Commencement

This Declaration commences on 1 January 2015.

## 3 Revocation

This Declaration revokes the *Restricted Access Systems Declaration 2007*.

## 4 Definitions

(1) In this Declaration:

**Act** means the *Broadcasting Services Act 1992*.

**age restricted content** means either or both of the following:

- (a) MA 15+ content;
- (b) R 18+ content.

**applicant** means a person who makes a request for access to age restricted content under paragraph 7 (1) (a) or subsections 12 (1) or (2).

(2) In this Declaration, the following expressions have the same meaning as in Schedule 7 to the Act:

- access-control system
- designated content/hosting service provider
- MA 15+ content
- R 18+ content
- restricted access system
- service.

## 5 Purpose of Declaration

(1) Under subclause 14 (1) of Schedule 7 to the Act, the ACMA may, by legislative instrument, declare that a specified access-control system is a **restricted access system** in relation to content for the purposes of Schedule 7 to the Act.

(2) This Declaration declares specified access-control systems to be **restricted access systems** in relation to content for the purposes of Schedule 7 to the Act.

## **Part 2**                      **MA 15+ content**

### **6**                      **Minimum requirements of an access-control system — MA 15+ content**

- (1) For subclause 14 (1) of Schedule 7 to the Act, an access-control system is specified in relation to MA 15+ content if it:
  - (a) requires an application for access to MA 15+ content, as described in section 7; and
  - (b) provides warnings and safety information for MA 15+ content, as required by section 8; and
  - (c) limits access to MA 15+ content, as required by section 9.
- (2) A specified access-control system is declared to be a restricted access system for MA 15+ content.

### **7**                      **Applying for access to MA 15+ content**

- (1) The access-control system must require an applicant who seeks access to MA 15+ content:
  - (a) to apply for access; and
  - (b) to provide a declaration that the applicant is at least 15 years of age.
- (2) The application must be made:
  - (a) in writing; or
  - (b) in electronic form; or
  - (c) orally.
- (3) The declaration must be provided:
  - (a) in writing; or
  - (b) in electronic form.

### **8**                      **Provision of warnings**

For each application for access under section 7, the access-control system must provide to an applicant:

- (a) a warning about the nature of MA 15+ content; and
- (b) safety information about how a parent or guardian may control access to MA 15+ content by persons under 15 years of age.

### **9**                      **Limiting access**

- (1) The access-control system must only provide access to MA 15+ content where:
  - (a) the access-control system has:
    - (i) verified that, at the time the applicant applies for access to the content, the applicant has applied for access and provided a declaration as described in section 7; and
    - (ii) provided the warning and safety information described in section 8; or
  - (b) the applicant has been provided with a Personal Identification Number or other means of limiting access to the content which enables the access-control system to verify that:

- (i) the applicant has previously applied for access and provided a declaration as described in section 7; and
  - (ii) the access-control system has previously provided the applicant with the warning and safety information described in section 8.
- (2) If the applicant has previously submitted to:
- (a) the designated content/hosting service provider providing the content; or
  - (b) a person acting on behalf of the designated content/hosting service provider providing the content,
- a declaration that the applicant is at least 15 years of age, that declaration is sufficient for the purposes of section 7.
- (3) For subsection (2) **providing the content** includes providing, hosting or providing a link to the content.

## **Part 3**                      **R 18+ content**

### **10**            **Minimum requirements of an access-control system — R 18+ content**

- (1) For subclause 14 (1) of Schedule 7 to the Act, an access-control system is specified in relation to R 18+ content, or R18+ and MA 15+ content if it:
  - (a) requires an application for access to R 18+ content, as described in section 11; and
  - (b) provides warnings and safety information for R 18+ content, as required by section 12; and
  - (c) incorporates reasonable steps to confirm the age of applicants, as required by section 13; and
  - (d) limits access to:
    - (i) R 18+ content; or
    - (ii) R 18+ content and MA 15+ content; as required by section 14.
- (2) A specified access-control system is declared to be a restricted access system for R 18+ content or for MA 15+ content and R 18+ content.

### **11**            **Applying for access to R 18+ content**

- (1) The access-control system must require an applicant who seeks access to R 18+ content;
  - (a) to apply for access; and
  - (b) to provide a declaration that the applicant is at least 18 years of age.
- (2) The application must be made:
  - (a) in writing; or
  - (b) in electronic form; or
  - (c) orally.
- (3) The declaration must be provided:
  - (a) in writing; or
  - (b) in electronic form.

### **12**            **Provision of warnings**

For each application for access under section 11, the access-control system must provide to an applicant:

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

### **13**            **Confirmation of age**

The access-control system must incorporate reasonable steps to confirm that an applicant is at least 18 years of age.

## 14 Limiting access

- (1) The access-control system must only provide access to R 18+ content, or R18+ and MA 15+ content, where:
  - (a) the access-control system has:
    - (i) verified that, at the time the applicant applies for access to the content, the applicant has applied for access and provided a declaration as described in section 11; and
    - (ii) provided the warning and safety information described in section 12; and
    - (iii) verified that the applicant has met the confirmation of age requirements as described in section 13; or
  - (b) the applicant has been provided with a Personal Identification Number or other means of limiting access to the content which enables the access-control system to verify that the applicant has:
    - (i) previously applied for access and provided a declaration as described in section 11; and
    - (ii) previously been provided with the warning and safety information described in section 12; and
    - (iii) previously met the confirmation of age requirements described in section 13.
- (2) If the applicant has previously submitted to:
  - (a) the designated content/hosting service provider providing the content; or
  - (b) a person acting on behalf of the designated content/hosting service provider providing the content,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 R 18+ content.
- (3) For subsection (2) **providing the content** includes providing, hosting or providing a link to the content.