

**Restricted Access Systems Declaration 2014***Broadcasting Services Act 1992*

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

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:

1. the access‑control system has:
2. 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
3. provided the warning and safety information described in section 8; or
4. 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:
5. the applicant has previously applied for access and provided a declaration as described in section 7; and
6. 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:

1. R 18+ content; or
2. 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;

1. to apply for access; and
2. 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:

1. the access-control system has:
   1. 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
   2. provided the warning and safety information described in section 12; and
   3. verified that the applicant has met the confirmation of age requirements as described in section 13; or
2. 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:
   1. previously applied for access and provided a declaration as described in section 11; and
   2. previously been provided with the warning and safety information described in section 12; and
   3. 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.

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