

Amendment of Request for Registration: Phase 2 Online safety codes submitted to Office of eSafety Commissioner on 28 February 2025.

This document amends the Request for Registration: Phase 2 Online safety codes submitted to Office of eSafety Commissioner on 28 February 2025 as follows:

Insert at para 7.10, at p.68 the Schedule below:

7.10 Schedule 4 App Distribution Services Online Safety Code (Class 1C and Class 2 Material)

7.10.1 Code Structure

This Code comprises the Head Terms and Schedule 4, covering providers of app distribution services as defined in the OSA.

Owing to the overlap between app distribution services and the provision of other service categories regulated by the OSA, the Code follows the approach of the Phase 1 App Distribution Services Online Safety Code (Class 1A and 1B Material) (Phase 1 Apps Code) and is limited to the distribution of third-party apps on these services. This is because, where an app distribution service provider is distributing its own first-party apps, the provider will already be subject to other Codes that apply to services that can be accessed via such apps (including their supply/distribution).

The following table maps each compliance measure in the App Distribution Services Online Safety Code (Class 1C and Class 2 Material) (Apps Code) against the two online safety objectives issued by eSafety.

This table maps each measure against the online safety objective it is primarily aimed at meeting. However, many of the compliance measures in this Code contribute to meeting more than one objective. As such, the table should be read as guidance only.

Objective	Compliance measure
Objective 1 Protect and prevent children in Australian from accessing or being exposed to class 1C and class 2 material	1, 2, 3, 4, 8, 10, 13
Objective 2 Provide Australian end-users with effective information, tools and options to limit access and exposure to class 1C and class 2 material	5, 6 (as it relates to measure 5), 7
Other supporting compliance measures	9, 11, 12, 14, 15

7.10.2 App distribution services/providers of third party apps

Following the approach in the Phase 1 Apps Code, the Apps Code is limited to the distribution of third-party apps. There is a structural distinction made in the Apps Code between the provider of the app distribution service itself, and the third-party providers of the apps that are placed on the app distribution service for distribution. The third-party app providers are not subject to the requirements of this Code. They are already regulated separately under the OSA and under the Codes that apply to their apps. The focus of this Code is therefore not on the provision of the apps themselves (given the apps are already regulated under the OSA and the other Codes applicable to their third-party app providers) but on the role of the app distribution service provider in providing an additional line of protection for Australian end-users including children.

7.10.3 Enterprise app distribution

The Apps Code does not apply to internal distribution of apps within an enterprise or other organisation, where there is no external supply to an Australian end-user. It also does not apply where the apps distributed on a service are exclusively apps that have already been classified by the National Classification Scheme. This is consistent with the approach in the Phase 1 Apps Code.

7.10.4 Approach to risk

Clause 4 of the Apps Code explains the role of app distribution services in the tech stack. This mirrors the description in the Phase 1 Apps Code. As app distribution service providers are not the providers of the apps themselves, they do not directly control or have full visibility of all content shared via apps.

The measures in the Apps Code are designed to be proportionate and appropriate to the role of app distribution service providers.

Given the nature of app distribution service providers' role, all app distribution services are generally treated as having a similar risk profile under the Apps Code. The one exception to this is expanded on directly below under the heading "Approach to age assurance".

7.10.5 Approach to measures

General

This Code codifies industry best practices that provide safeguards for the community in respect of the matters set out in the section 141 notice for app distribution services. The Apps Code applies these safeguards and makes them enforceable for a much broader range of app distribution services (including future and developing app distribution services) than the existing range of app distribution service providers that currently adopt best industry practices in respect of those matters.

The Apps Code contains measures that serve in many instances as an additional line of protection for Australian end-users, in addition to the Codes that apply to the apps themselves and should be read in conjunction with those other Phase 2 Codes.

Approach to apps

As outlined in the section headed "App distribution services/providers of third-party apps" above, the Apps Code applies to the provision of app distribution services by app distribution service providers *not* the provision of any apps (given services delivered via apps are themselves subject to the OSA and other Codes and Standards under the OSA). However, some distinctions are made in the Apps Code based on the nature of the apps in question. In particular, industry has distinguished between apps that are obviously predominately for the

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purpose of distributing high-impact materials or that include simulated gambling materials, and other apps. Please note the introduction of new definitions for this purpose:

high-impact app means a third-party app that has the sole or predominant purpose of enabling end-users to access any or all of the following types of materials:

- (a) online pornography; or
- (b) self-harm material.

simulated gambling app means a third-party app that contains or provides access to any computer game that is, or would likely be, classified as R18+, because it constitutes simulated gambling material.

There are a couple of primary reasons for this approach.

The first is to ensure a risk proportionate approach. Some of the measures in the Apps Code such as measures 1 and 4 have been designed in a risk proportionate way to target apps that pose significantly high risks to children – as reflected in the categories above. The categories above cover content types that are central to the policy objectives of the Phase 2 Codes. However, whilst some of the measures in the Apps Code are targeted in this way, those measures are then supplemented not only by the other Phase 2 Codes that apply to apps more broadly, but also with a range of measures in the Apps Code itself that advance protections with respect to the full range of class 1C and class 2 material (e.g. engagement requirements, requirements to update eSafety about significant changes, and requirements to carry out assessments aimed at mitigating risks before making material changes).

An additional reason for this approach is to ensure that the measures are effective, capable of being complied with and applied by app distribution services with certainty. This is important to ensure that benefits to Australian end-users are realised, but is also important for app distribution service providers seeking to comply, and third-party app providers given the potential consequences of an app distribution service provider incorrectly categorising their third-party apps under the Code. Whilst app distribution service providers conduct app reviews prior to apps being made available on their services, as outlined in clause 4(d) (which also appeared in the Phase 1 Apps Code), it is not possible for app distribution service providers to have visibility around all potential content provided on third-party apps, as they are not the third-party app provider. The content within apps is appropriately dealt with in other Codes. Whilst app distribution service providers work hard to make their review processes as meaningful as possible, the provisions in the Code that set requirements for app reviews or that otherwise require the app distribution service provider to form a view as to the content on a particular app have been tailored to ensure that they impose requirements that are, in practice, able to be complied with and that minimise the chance of incorrect categorisation of apps for Code purposes.

Approach to age assurance

eSafety has made it clear in direct feedback to industry that there is an expectation that age assurance will be applied where users attempt to download apps from an app distribution service (in addition to being applied on services covered by other Phase 2 Codes). In the Position Paper for the Development of Phase 2 Industry Codes, eSafety also suggested that a measure be included to require prevention of children's access to apps which have been rated as inappropriate by default. eSafety also highlighted that the appropriateness of age assurance measures applied should be proportionate to risk.

Industry developed measure 1 and measure 4 of the Apps Code in response to this.

Measure 1 of the Apps Code builds on app distribution service providers' role as an additional line of protection for Australian end-users (consistent with the role of these services as

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provided for in Division 6, Part 9 of the OSA) to supplement and strengthen age assurance and age gating requirements imposed at a service level. This is to be done through a combination of contractual arrangements, and requiring app distribution service providers to take appropriate action where third-party app providers fail to meet relevant requirements.

Measure 1 is supplemented by measure 4 which focused on eSafety's proposal that a measure require prevention of children's access to inappropriate apps by default.

Measure 4 has been further strengthened to include age assurance and age gating requirements at an app distribution service level.

Given the work required to implement this, the requirement to take appropriate steps to prevent download or purchase of high-impact apps and simulated gambling apps by Australian children will take effect with the Apps Code, but the requirement for this to include appropriate age assurance measures and access control measures will take effect following a 12 month implementation period. This mirrors the delayed effect of the social media minimum age requirements introduced in Part 4A of the OSA (as per section 63E).

Our proposed approach involves sector-wide protections for all app distribution services, adoption of key suggestions from eSafety, acknowledgment of app distribution services' role as an additional line of protection for Australian end-users, as well as incorporation of a risk-based and proportionate framework that acknowledges differences between services without compromising on user protections.

To address such differences, measure 4 requires app distribution service providers to implement appropriate age assurance and access control measures unless this is not technically feasible or reasonably practicable, or they can demonstrate, through a documented risk assessment, that children face a low risk of accessing high-impact or simulated gambling apps through their app distribution service. Importantly, such providers must still take appropriate alternative action to prevent children from downloading or purchasing high-impact apps. This, together with the other measures in the Apps Code that do not distinguish between different types of app distribution services, ensures that all providers maintain responsibility for child safety, regardless of their risk profile.

The basic structure of the targeted risk assessment required by measure 4 is a simplified version of other risk assessment requirements already in place under the OSA (including in the Online Safety (Designated Internet Services – Class 1A and Class 1B Material) Industry Standard 2024). Further, the incorporation of the question of whether something is "technically feasible and reasonable practicable" as well as the requirement to take "appropriate alternative action" adopt familiar concepts that are consistent with elements of the other proposed Phase 2 Codes, as well as the existing Online Safety (Designated Internet Services – Class 1A and Class 1B Material) Industry Standard 2024 and Online Safety (Relevant Electronic Services – Class 1A and Class 1B Material) Industry Standard 2024.

We believe our proposal maintains appropriate regulatory oversight and uplifts industry-wide standards while remaining proportionate and risk-based. Under our proposed framework, eSafety retains the authority to request and review the rationale from providers who determine that they fall within sub-measure 4 c). This ensures accountability.

Terms, enforcement, actions and policies relating to high-impact apps and simulated gambling apps	Compliance measure 1 An app distribution service provider must: a) have agreements in place with third-party app providers of any high-impact apps and simulated gambling apps on the app distribution service that require those third-party app
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	<p>providers to implement appropriate age assurance measures and access control measures to the extent required by any industry codes registered under the OSA;</p> <p>b) have systems, policies and/or procedures in place that enable an app distribution service provider to:</p> <ul style="list-style-type: none"> i) where the app distribution service provider becomes aware of a breach of the contractual provisions described in sub-measure a) due to a failure to implement age assurance measures or access control measures, take appropriate and proportionate action; and ii) comply with sub-measure c) ii) below; <p>c) if the app distribution service provider becomes aware of a breach of the contractual provisions referred to in sub-measure a):</p> <ul style="list-style-type: none"> i) take appropriate action pursuant to the systems, policies and/or procedures referred to in sub-measure b) i) that is reasonably proportionate to the nature of the third-party app provider's breach; and ii) if, after a reasonable period has elapsed, the third-party app provider still has not complied with the contractual provisions, then unless the app distribution provider has taken appropriate age assurance measures and access control measures pursuant to measure 4 b) of this Code, the app distribution service provider must remove the high-impact app or simulated gambling app from the app distribution service. <p>It is not necessary that a particular form of words be used in the agreement so long as the contractual effect of the agreement is as required by sub-measure a).</p> <p><u>Note:</u> For the avoidance of doubt, if an app distribution service provider complies with sub-measure c)ii) or measure 4 b), it will be taken to have also complied with sub-measure c)i).</p> <p><i>See section on "Approach to age assurance" above.</i></p> <p><i>This measure sets out how app distribution service providers will incentivise certain third-party app providers to meet age assurance and access control requirements under the various Phase 2 Codes, and provides protections where there are failures to do so.</i></p> <p><i>As outlined above, the Position Paper indicates that the appropriateness of age assurance measures should be proportionate to risk.</i></p> <p><i>Measure 1 is focused on high-risk apps – namely, high-impact apps and simulated gambling apps. This involves an approach that is proportionate to risk, whilst taking account of the fact that any mandated Code requirement must be reasonably achievable as outlined in the section headed "Approach to apps" above.</i></p> <p><i>The measure obliges app distribution service providers to contractually require third-party app providers to implement appropriate age assurance measures and access control measures as required by the Phase 2 Codes. If third-party app providers breach these requirements, then after attempts to resolve the issue, unless the app distribution service provider has complied with measure 4 b) of the Apps Code (the requirement to</i></p>
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	<p><i>itself implement age assurance measures and access control measures) the app distribution service provider must remove the relevant apps from the app distribution service.</i></p>
<p>App review</p>	<p>Compliance measure 2</p> <p>An app distribution service provider must:</p> <ol style="list-style-type: none"> a) have systems, policies and/or procedures in place for the review of third-party apps that may be provided to Australian end-users via the app distribution service before those third-party apps are released on the app distribution service, with the aim of reducing the risk of Australian children being exposed to online pornography, self-harm material or simulated gambling material via the third-party app; b) review, to the extent reasonably practicable, third-party apps that may be provided to Australian end-users via the app distribution service pursuant to the systems, policies and/or procedures referred to in sub-measure a). <p><i>Note: App distribution service providers are subject to obligations to consider, and re-consider, age and/or content ratings information under measure 3 which may require app distribution service providers to re-review third-party apps in certain instances. App distribution service providers must ensure that their review procedures are sufficient to meet those requirements.</i></p> <p><i>This measure enhances the measures for app review in the Phase 1 Apps Code. This measure mirrors but extends MCM 1 d) and e) of the Phase 1 Apps Code to cover additional categories of material.</i></p>
<p>Age and/or content ratings</p>	<p>Compliance measure 3</p> <p>An app distribution service provider must:</p> <ol style="list-style-type: none"> a) ensure that age and/or content ratings information is provided in a clear and easy-to-understand manner within the app distribution service at a location accessible to the Australian end-user prior to download or purchase of the relevant third-party app; b) ensure that age and/or content ratings information includes information that will assist Australian end-users to make decisions about a third-party app's suitability for Australian children; c) to the extent that an age and/or content rating outcome has been provided to the app distribution service provider by a third-party app provider, have a policy and/or procedure to consider the appropriateness of that age and/or content rating outcome given the potential for online pornography, self-harm material or simulated gambling material on the third-party app; d) have a policy and/or procedure in place to: <ol style="list-style-type: none"> A. if an age and/or content rating outcome was determined by the app distribution service provider, ensure that the app distribution service provider will re-consider the

	<p>appropriateness of the age and/or content rating outcome as appropriate; and</p> <p>B. if an age and/or content rating outcome was provided to the app distribution service provider by a third-party app provider, request that the third-party app provider will re-consider the appropriateness of the age and/or content rating outcome as appropriate and if not satisfied with their response to that request, raise that concern with the third-party app provider and take appropriate action; and</p> <p>e) implement the policies and/or procedures described in sub-measures (c) and (d).</p> <p><u>Note:</u> Where an app or the contents of an app have been classified by the Classification Board, or an approved classification tool, under the Classification Act, the National Classification Scheme will determine what is appropriate (in terms of review of a classification rating) for the purposes of sub-measures d) and e).</p> <p><i>This measure builds on MCM 3 of the Phase 1 Apps Code.</i></p> <p><i>It addresses eSafety's suggestion on page 87 of the Position Paper that app distribution services consider the appropriateness of any developer-submitted age rating as part of any app review process.</i></p> <p><i>In combination with measure 10 (user feedback) it incorporates eSafety's suggestion that users be given a means to provide feedback on apps which may have been inappropriately age rated. Guidance on measure 10, and measure 3, makes it clear that a significant volume of such feedback should trigger a reconsideration of the appropriateness of an age rating (or a request to the relevant third-party app provider to do so).</i></p> <p><i>It also goes beyond this to more generally require app distribution service providers to re-consider the appropriateness of age rating outcomes as appropriate.</i></p>
<p>Purchase/download restrictions for Australian children</p>	<p>Compliance measure 4</p> <p>a) An app distribution service provider must take appropriate steps to prevent Australian children from downloading or purchasing high-impact apps and simulated gambling apps from their app distribution service as set out in this measure 4.</p> <p>b) By no later than 12 months after this Code comes into effect, the appropriate steps referred to in sub-measure a) must include appropriate age assurance measures and access control measures before permitting the download or purchase of high-impact apps and simulated gambling apps, unless sub-measure c) applies.</p> <p>c) Sub-measure b) does not require an app distribution service provider to implement appropriate age assurance measures and access control measures before permitting download or purchase of high-impact apps and simulated gambling apps where:</p> <p>i) it is not technically feasible or reasonably practicable; or</p> <p>ii) the app distribution service provider determines, based on a risk assessment carried out in accordance with sub-measure d), that the risk that high-impact apps or simulated gambling apps will be downloaded or</p>

	<p>purchased from the app distribution service by Australian children is low.</p> <p>d) If a provider carries out a risk assessment under sub-measure c) ii), it must:</p> <ul style="list-style-type: none"> i) carry out the risk assessment in accordance with a plan and methodology for carrying out the assessment that ensures that the relevant risk is reasonably accurately documented and assessed; ii) ensure that the risk assessment is carried out by persons with the relevant skills, experience and expertise; iii) ensure that the risk assessment is repeated prior to the app distribution service provider making a change to the app distribution service that may materially increase the risk that high-impact apps or simulated gambling apps will be downloaded or purchased from the app distribution service by Australian children; iv) as soon as practicable after completing the risk assessment, record in writing the detail of the risk assessment sufficient to demonstrate that it was carried out in accordance with this measure. <p>e) If because of sub-measure c), the app distribution service provider has not implemented appropriate age assurance measures or access control measures as required by sub-measure b), the provider must take appropriate alternative action.</p> <p>f) If a repeated risk assessment carried out by an app distribution service provider under sub-measure d) iii) determines that the risk that high-impact apps or simulated gambling apps will be downloaded or purchased from the app distribution service by Australian children is no longer low, then the exception in sub-measure c) ii) ceases to apply on the date that is 12 months after the completion of that risk assessment.</p> <p><i>See section on "Approach to age assurance" above which outlines industry's approach to this measure, as well as comments on measure 1 above.</i></p>
<p>Safety tools and/or features</p>	<p>Compliance measure 5</p> <p>An app distribution service provider must provide appropriate safety tools and/or features for its app distribution service that assist Australian end-users to make decisions about third-party apps that are only suitable for adults.</p> <p>Examples of appropriate safety tools and/or features may include:</p> <ul style="list-style-type: none"> a) parental controls; b) tools or features that require parental approval for child purchases or categories of child purchases;

	<ul style="list-style-type: none"> c) features that promote and/or provide information about the age and/or content ratings used, and apps that fall within different age and/or content ratings used for children; d) features that provide safety information to Australian end-users who search for high-impact apps or simulated gambling apps; e) child friendly tabs (or sections of the app distribution service) with curated content; f) tools or features that enable parents to block download of apps or categories of apps by children. <p><i>This measure incorporates suggestions by eSafety on page 88 of the Position Paper regarding safety tools, with examples relevant to an app distribution service included. Such requirements for safety tools are in addition to measures such as measures 1 and 4 which apply specific default protections for high-risk apps.</i></p>
<p>Improvement of safety tools</p>	<p>Compliance measure 6</p> <p>Where technically feasible and reasonably practicable, an app distribution service provider must take appropriate steps to further develop and improve the safety tools and/or features it has in place under measure 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 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 reviews as required by measure 2; 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) sharing information with third-party app developers to assist them to understand how tools will interact with their apps; i) joining relevant industry organisations or other third party organisations intended to address online harm to children and sharing information on best practice approaches;

	<ul style="list-style-type: none"> j) contributing to industry initiatives (including initiatives lead by industry associations or other third party organisations); k) conducting or supporting research into and development of online safety settings and tools and approaches; l) providing support, either financial or in kind, to organisations the functions of which are or include protection of children online; m) extending the application of a feature or tool applied to a service that is subject to a different industry code or standard under the OSA to operate in connection with its app distribution service; n) activities that aim to refine algorithms or inputs into tools to improve their effectiveness. <p>The app distribution service provider must, at a minimum, engage in at least some of the example activities above in each calendar year.</p> <p><i>This incorporates suggestions for improvement of protective tools on page 89 of the Position Paper with examples of relevant activity that may contribute to this. The suggestion for a measure regarding resourcing trust and safety functions was not included given this is already required under the Phase 1 Apps Code.</i></p> <p><i>This measure recognises that safety tools and/or features benefit from improvement and that this will require commitments by industry of the kind outlined in this measure. This measure has been drafted to mirror similar requirements in other Phase 2 Codes.</i></p> <p><i>A specific timing requirement has been included to ensure that providers engage in relevant activities in each calendar year.</i></p>
<p>Online safety resources</p>	<p>Compliance measure 7</p> <p>An app distribution service provider must provide online safety resources that include clear and accessible information for Australian end-users regarding:</p> <ul style="list-style-type: none"> a) the age and/or content ratings approach used by the app distribution service provider pursuant to measure 3; b) the purchase and download restrictions that the app distribution service provider has in place pursuant to measure 4; c) safety tools and/or features used by the app distribution service provider pursuant to measure 5; d) the ability of Australian end-users to report or complain about content on a third-party app to the third-party app provider; e) the mechanisms in measure 8; and f) the role and functions of eSafety, including how to make a complaint to eSafety about class 1C or class 2 material.

	<p><i>This incorporates suggestions from the Position Paper that the Code contains measures requiring providers to make information available about safety features, educational resources, and links to complaint systems (both those administered by industry participants and by eSafety). Note that this provision builds on existing information requirements already included in the Phase 1 Apps Code, and therefore does not repeat all of those requirements.</i></p>
<p>Enabling reporting by end-users</p>	<p>Compliance measure 8</p> <p>An app distribution service provider must provide a mechanism or mechanisms that enable Australian end-users to report or make a complaint about:</p> <ul style="list-style-type: none"> a) a failure by a third-party app provider to satisfactorily resolve a report or a complaint by the Australian end-user relating to a third-party app distributed by the app distribution service provider; and b) a breach of this Code by the app distribution service provider. <p>The reporting tool and complaints mechanism(s) must:</p> <ul style="list-style-type: none"> c) be easily accessible and easy to use; and d) be accompanied by plain language instructions on how to use it. <p>A failure by a third-party app provider to satisfactorily resolve a report or a complaint as required by a), means a failure to resolve a report or a complaint that the third-party app provider is obliged to handle under the industry code applicable to the relevant third-party app.</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><i>This measure strengthens the reporting requirements for the Phase 1 Apps Code and extends these to this Code.</i></p>
<p>Timely referral of unresolved complaints to eSafety</p>	<p>Compliance measure 9</p> <p>An app distribution service provider must promptly refer to eSafety complaints from Australian end-users concerning a material non-compliance with this Code by the app distribution service provider, where the app distribution service provider is unable to resolve the complaint within a reasonable timeframe.</p> <p><i>This mirrors the referral obligations included across a number of other relevant Phase 2 Codes.</i></p>
<p>User feedback</p>	<p>Compliance measure 10</p> <p>An app distribution service provider must:</p> <ul style="list-style-type: none"> a) provide an accessible and easy to use means for Australian end-users to provide; and

	<p>b) accept and consider;</p> <p>feedback from Australian end-users on the age and/or content ratings applied to any third-party app on the app distribution service.</p> <p><u>Note:</u> Feedback is only relevant for the purposes of this Code if it relates to the manner in which online pornography, self-harm material and/or simulated gambling material was taken into account in determining the age and/or content rating.</p> <p><i>In combination with measure 3 (age and/or content ratings) this incorporates suggestions from the Position Paper that users be given a means to provide feedback on apps which may have been inappropriately age rated. Guidance on measure 10, and measure 3, make clear that a significant volume of such feedback should trigger a reconsideration of the appropriateness of an age rating (or a request to the relevant third-party app provider to do so).</i></p>
<p>Engagement</p>	<p>Compliance measure 11</p> <p>An app distribution service provider must 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 Australian children from accessing class 1C or class 2 material.</p> <p>An app distribution service provider must consider information obtained through such engagement.</p> <p><i>This mirrors the engagement obligations included across a number of other relevant Phase 2 Codes.</i></p>
<p>Updates to eSafety about relevant changes to technology</p>	<p>Compliance measure 12</p> <p>An app distribution service provider must share information with eSafety in writing about significant changes to the functionality of its app distribution service that are likely to have a material positive or negative effect on the access or exposure to, distribution to, and online storage of, class 1C and class 2 material by Australian children. An app distribution service provider may choose to provide this information in a Code report to eSafety under this Code.</p> <p>In implementing this measure, industry participants are not required to disclose information to eSafety that is confidential.</p> <p><i>This mirrors the update obligations included across a number of relevant Phase 2 Codes.</i></p>
<p>Significant changes to an app distribution service</p>	<p>Compliance measure 13</p> <p>Before an app distribution service provider makes a material change to its app distribution service (including any new feature of the app distribution service enabled by generative artificial intelligence) that will significantly increase the risk of access or exposure to, distribution to, and online storage of, class 1C and class 2 material by Australian children, it must:</p>

	<p>a) carry out an assessment of the kinds of measures that could reasonably be incorporated into the operating system to minimise that risk; and</p> <p>b) where appropriate, apply measures so identified to help to mitigate that risk.</p> <p><i>This measure requires app distribution service providers to make appropriate adjustments to mitigate risk where required as a result of material changes that significantly increase risks of sharing of class 1C and class 2 material to Australian children.</i></p>
<p>Third-party app providers</p>	<p>Compliance measure 14</p> <p>Where an app distribution service provider takes action as required under measure 1 that is:</p> <p>a) against a third-party app provider of any high-impact app or simulated gambling app on the app distribution service; and</p> <p>b) in response to a breach of the contractual provisions described in measure 1 a) due to a failure to implement age assurance measures or access control measures,</p> <p>the app distribution service provider must:</p> <p>c) provide the third-party app provider with information about the action that is being taken, including why the action is being taken, and how the third-party app provider may appeal that decision;</p> <p>d) provide a means for the third-party app provider to appeal the app distribution service provider's decision to take such action;</p> <p>e) consider any additional information provided by the third-party app provider as part of their appeal; and</p> <p>f) notify the third-party app provider of the outcome of the review.</p> <p><i>This measure has been included to provide an appeal mechanism for third-party app providers to appeal action taken by an app distribution service provider under measure 1 (which can extend to app removal) given the potential consequences for third-party app providers. The measure includes a requirement that the app distribution service provider must provide the third-party app provider with information about the action that is being taken, including why the action is being taken, and how the third-party app provider may appeal that decision, as suggest by eSafety in feedback on the draft Codes.</i></p>
<p>Reporting to eSafety on Code compliance</p>	<p>Compliance measure 15</p> <p>Where eSafety issues a written request to a provider of an app distribution service 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;</p> <p>b) an explanation as to why these measures are appropriate; and</p>

	<p>c) if a provider has relied on the exception in measure 4 c):</p> <ul style="list-style-type: none">i) a description of the alternative action taken pursuant to sub-measure 4 e) along with justification for the actions described; andii) where applicable, details of the most recent risk assessment that has been undertaken pursuant to sub-measure 4 c)ii). <p>A provider of an app distribution service who has received such a request from eSafety must 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 of an app distribution service will not be required to submit a Code report to eSafety more than once in any 12-month period.</p> <p><i>This mirrors the Code reporting obligations included across relevant Phase 2 Codes. It has been supplemented to support visibility around the application of sub-measure 4 c). Please see "Approach to age assurance" above for more detail.</i></p>
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