

# Schedule 7 – App Distribution Services Online Safety Code (Class 1C and Class 2 Material)

## 1 Structure

This Code is comprised of the terms of this Schedule together with the Online Safety Code (Class 1C and Class 2 Material) Head Terms (**Head Terms**).

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## 2 Scope

- (a) This Code only applies to app distribution service providers to the extent that they provide a service that enables the download of third-party apps by Australian end-users.
- (b) This Code does not apply to an app distribution service provider to the extent that it provides first-party apps.

For example: If an app distribution service provider provides an app distribution service that distributes third-party apps and first-party apps this Code will only apply to the extent that the app distribution service enables the download of third-party apps.

- (c) This is because the app distribution service provider will also be the app provider for the purposes of a first-party app, and other industry codes made under the OSA may apply to them in their role as the app provider.

For example: An app provider that provides a relevant electronic service via an app is not subject to this Code.

For example: An app provider that provides a designated internet service via an app is not subject to this Code.

- (d) This Code does not apply where the provider of an app distribution service is an enterprise or other organisation (e.g., a business, public sector, government, or not-for-profit organisation) that exclusively distributes apps for internal use by the enterprise or organisation for the enterprise or organisation's stated purpose (e.g., following approval from the organisation's information technology department).
- (e) A person does not provide an app distribution service merely because:
- (i) the person supplies a carriage service that enables apps to be downloaded; or
  - (ii) the person provides a billing service, or a fee collection service, in relation to a social media service, relevant electronic service, designated internet service or app distribution service.
- (f) The provider of an app distribution service that exclusively distributes third-party apps of the kind described in clause 4(c)(i) that have been classified by the National Classification Scheme is not subject to this Code.
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## 3 Definitions

Unless otherwise indicated, terms used in this Code have the meanings given in the Head Terms or as otherwise set out below.

**app** includes a computer program.

**app distribution service** means a service that enables end-users to download apps, where the download of the apps is by means of a carriage service.

**app distribution service provider** means a person who provides an app distribution service.

**app provider** means a person who provides an app.

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**adult app** means any third-party app where the age and/or content ratings information provided for the app indicates that the app is only suitable for adults (18 years and over).

Note:

- (i) The Phase 1 codes and standards require an app distribution service provider to make age and/or content ratings information about third-party apps available on the app distribution service to Australian end-users at the time those third-party apps are released on the app distribution service. Where such information indicates that the third-party app is only suitable for adults, the app will be treated as an adult app for the purposes of this Code.
- (ii) Both the Phase 1 codes and standards, and this Code, contain requirements regarding an app distribution service provider's app review systems, policies and/or procedures, as well as the age and/or content ratings information made available. Amongst other things, these require consideration of the potential for online pornography, self-harm material or simulated gambling material on the third-party app.
- (iii) Age and/or content ratings outcomes may be determined by the app distribution service provider itself or the relevant third-party app provider, noting that measure 4 of this Code obliges app distribution service providers to consider the appropriateness of age and/or content ratings outcomes submitted by third-party app providers given the potential for certain categories of material.

**first-party app** means an app that is provided by the same person who also provides an app distribution service in relation to that app.

**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.

**third-party app** means an app that is:

- (a) provided by a person other than the app distribution service provider for that app; and
- (b) standalone in nature (i.e., not separate components of a program).

Note: Third-party apps do not include first-party apps because third-party apps are developed or made by a person other than the app distribution service provider.

**third-party app provider** means an app provider who:

- (a) contracts with an app distribution service provider; and
- (b) provides a third-party app to the app distribution service provider,

for distribution of the third-party app on the app distribution service provider's app distribution service.

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## 4 Role of app distribution service providers

- (a) App distribution services permit end-users to easily browse apps from multiple app providers and assist app providers to reach and distribute their apps to a broad range of potential end-users.
  - (b) App distribution service providers receive apps from third-party app providers for placement on their app distribution services and distribute such apps to end-users. However, once an end-user installs a third-party app, that app may enable the end-user to access content provided by the third-party app provider or other third-
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party source(s) (including user-generated content) rather than via the app distribution service provider.

- (c) Apps generally fall into a number of categories such as:
- (i) simple apps that are self-contained software and do not involve any user generated content or interactivity (for example, an app that allows a user to play chess may be entirely self-contained) – for such apps, the content that will be available to the end-user is often visible to the app distribution service provider from the app software provided to it;
  - (ii) apps that are partially self-contained software (i.e., some content is “embedded” and is visible to the app distribution service provider from the software provided to it) but where other content is “pulled” from other sources once the end-user has downloaded the app and starts to use it (for example, a weather app) – for such apps, the content “pulled” from other sources after download is not visible to the app distribution service provider from the app software provided to it; and
  - (iii) apps that are software which largely operate as structures or pipelines through which content from other sources (including user-generated content) will be provided or shared – for such apps, such content will not be visible to the app distribution service provider from the app software provided to it.
- (d) An app distribution service provider does not directly control or have visibility of all content shared via third-party apps distributed via the provider’s app distribution service and cannot take direct action to prevent access or exposure by Australian end-users to class 1C and class 2 materials via such apps.
- (e) The measures in this Code are designed to be proportionate to the capacity of app distribution service providers to mitigate risks to Australian end-users (in particular, to Australian children) relating to class 1C and class 2 materials that may be accessible to Australian end-users via third-party apps – primarily through their engagement with third-party app providers and through the provision of information to Australian end-users that supports safe use of apps distributed via an app distribution service.

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## 5 Risk profile

While there are different kinds of app distribution services, for the purposes of this Code and the compliance measures in this Code, app distribution services are deemed to have a generally equivalent risk profile. As such, compliance measures under this Code generally apply to all app distribution service providers within the scope of this Code. The one exception to this is measure 1 which includes some differentiation between different app distribution services based on an assessment of certain risks.

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## 6 Compliance measures

The table in clause 7 below contains compliance measures for app distribution service providers, so far as those services are provided to Australian end-users.

The table in clause 7 also sets out guidance and notes on the implementation of some measures. The guidance and notes are not intended to be binding on providers but to guide them on the way in which they may choose to implement a measure.

## 7 Compliance measures for class 1C and class 2 material

No.	Compliance measure
1.	<p data-bbox="421 339 1048 363"><b>Purchase/download restrictions for Australian children</b></p> <p data-bbox="421 387 1984 435">a) An app distribution service provider must take appropriate steps to prevent Australian children from downloading or purchasing adult apps from their app distribution service as set out in this measure 1.</p> <p data-bbox="421 459 1966 507">b) By no later than 6 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 adult apps, unless sub-measure c) applies.</p> <p data-bbox="421 531 1955 579">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 adult apps where:</p> <ul style="list-style-type: none"> <li data-bbox="454 603 1111 627">i) it is not technically feasible or reasonably practicable; or</li> <li data-bbox="454 651 2000 699">ii) the app distribution service provider determines, based on a risk assessment carried out in accordance with sub-measure d) and e), that the risk that adult apps will be downloaded or purchased from the app distribution service by Australian children is low.</li> </ul> <p data-bbox="421 722 2022 770">d) An app distribution service provider that carries out a risk assessment under sub-measure c) ii) must take the following matters into account, so far as they are relevant to the app distribution service;</p> <ul style="list-style-type: none"> <li data-bbox="454 794 1032 818">i) whether adult apps are permitted on the service;</li> <li data-bbox="454 842 1227 866">ii) the devices on which the app distribution service is made available;</li> <li data-bbox="454 890 1021 914">iii) the terms of use for the app distribution service;</li> <li data-bbox="454 938 1827 962">iv) the terms or arrangements under which the provider acquires any apps to be made available on the app distribution service;</li> <li data-bbox="454 986 1417 1010">v) the ages of end-users and likely end-users of the app distribution service in Australia;</li> <li data-bbox="454 1034 1574 1058">vi) the likelihood that the service may be used by an Australian child to download or access adult apps;</li> <li data-bbox="454 1082 1406 1106">vii) the likelihood that a significant number of Australian children will access the service;</li> <li data-bbox="454 1129 1323 1153">viii) the number of Australian end-users that are monthly active account holders;</li> <li data-bbox="454 1177 2022 1281">ix) a forward-looking analysis of: <ul style="list-style-type: none"> <li data-bbox="521 1185 2022 1233">(A) likely changes to the operating environment for the service including likely changes in the functionality or purpose of, or the scale of, the service; and</li> <li data-bbox="521 1257 1682 1281">(B) the impact of those changes on the ability of the service provider to meet the requirements of this Code;</li> </ul> </li> </ul>

No.	Compliance measure
	<ul style="list-style-type: none"> <li>x) where applicable, design features and controls deployed to mitigate relevant risks.</li> <li>e) If an app distribution service provider carries out a risk assessment under sub-measure c) ii), it must:               <ul style="list-style-type: none"> <li>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;</li> <li>ii) ensure that the risk assessment is carried out by persons with the relevant skills, experience and expertise;</li> <li>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 adult apps will be downloaded or purchased from the app distribution service by Australian children; and</li> <li>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.</li> </ul> </li> <li>f) 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 app distribution service provider must take appropriate alternative action.</li> <li>g) If a repeated risk assessment carried out by an app distribution service provider under sub-measure e) iii) determines that the risk that adult 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:               <ul style="list-style-type: none"> <li>i) where the app distribution service provider has not previously been subject to sub-measure b), 12 months after the completion of that risk assessment; and</li> <li>ii) in all other cases, on completion of that risk assessment.</li> </ul> </li> </ul> <p><b>Guidance:</b></p> <p><i>In implementing "appropriate alternative action" under sub-measure f), app distribution service providers should consider the matters set out in section 5.1(b) of the Head Terms and particularly the nature of the service, and the degree of risk of exposure by Australian children to adult apps.</i></p>
2.	<p><b>Terms, enforcement, actions and policies relating to high-impact apps and simulated gambling apps</b></p> <p><u>Note:</u> Measure 1 requires app distribution service providers to implement appropriate age assurance measures and access control measures for adult apps, or take appropriate alternative action, within certain timeframes. The following measure supplements that requirement to ensure that where appropriate alternative action is taken under measure 1 with respect to adult apps, such providers also take certain specified actions to support the age assurance and access control requirements placed on high-impact apps and simulated gambling apps by other industry codes or standards registered under the OSA. It also requires <i>all</i> app distribution service providers to have contractual provisions in place to support such other industry code and standard requirements.</p> <p>An app distribution service provider must:</p> <ul style="list-style-type: none"> <li>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 providers to implement appropriate age assurance measures and access control measures to the extent required by any industry codes or standards registered under the OSA;</li> </ul>

No.	Compliance measure
	<p>b) if it has relied on the exception in sub-measure 1 c), then as well as the appropriate alternative action required pursuant to sub-measure 1) f), it must:</p> <ul style="list-style-type: none"> <li>i) have systems, policies and/or procedures in place that enable an app distribution service provider to: <ul style="list-style-type: none"> <li>A. 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</li> <li>B. comply with sub-measure b) ii) B. below;</li> </ul> </li> <li>ii) if the app distribution service provider becomes aware of a breach of the contractual provisions referred to in sub-measure a): <ul style="list-style-type: none"> <li>A. take appropriate and proportionate action pursuant to the systems, policies and/or procedures referred to in sub-measure b) i) A. that is reasonably proportionate to the nature of the third-party app provider's breach; and</li> <li>B. 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 1 b) of this Code, the app distribution service provider must remove the high-impact app or simulated gambling app from the app distribution service.</li> </ul> </li> </ul> <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 b) ii) B., it will be taken to have also complied with sub-measure b) ii) A.</p> <p><b>Guidance:</b></p> <p><i>Providers have flexibility to design terms, systems, policies and/or procedures to allow appropriate and proportionate responses to potential breaches on a case-by-case basis. Providers have the ability to exercise discretion to enforce terms and policies in accordance with the specific circumstances of each potential breach.</i></p> <p><i>The contractual provisions required by sub-measure a), and the systems, policies and/or procedures required by sub-measure b), may be drafted and/or implemented in a way that assists an app distribution service provider to clearly establish whether there has, or has not, been a failure to implement required age assurance measures and access control measures. Whilst the app distribution service provider should have reference to the relevant industry code or standard requirements, this measure does not require an app distribution service provider to contractually require a third-party app developer to meet the exact industry code or standard requirements or to assess each app against the detailed requirements applicable under the industry codes or standards, but can involve (for example):</i></p> <ul style="list-style-type: none"> <li>• <i>setting an easily identifiable requirement or threshold in the agreement which a third-party app developer must meet to indicate compliance;</i></li> <li>• <i>setting a threshold test (in the systems, policies and/or procedures required by sub-measure b)) which the app distribution service provider can clearly apply, after which action will be taken as required by this measure.</i></li> </ul> <p><i>A provider will become aware of a breach if, based on information it holds, it forms the reasonable view that a breach has occurred.</i></p>

No.	Compliance measure
3.	<p><b>App review</b></p> <p>An app distribution service provider must:</p> <ol style="list-style-type: none"> <li>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;</li> <li>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).</li> </ol> <p><u>Note:</u> App distribution service providers are subject to obligations to consider, and re-consider, age and/or content ratings information under measure 4 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.</p> <p><b>Guidance:</b></p> <p><i>The systems, policies and/or procedures referred to in sub-measure a) may:</i></p> <ul style="list-style-type: none"> <li>• <i>take account of the fact that app distribution service providers will have limited/no visibility over content populated after an app is downloaded; and/or</i></li> <li>• <i>stipulate the types of content and/or third-party app provider policies that will be considered during review of third-party apps to help reduce the risk of Australian children being exposed to online pornography, self-harm material or simulated gambling material via the third-party app.</i></li> </ul>
4.	<p><b>Age and/or content ratings</b></p> <p><u>Note:</u> Phase 1 codes and standards require an app distribution service provider to make age and/or content ratings information about third-party apps available on the app distribution service to Australian end-users at the time those third-party apps are released on the app distribution service.</p> <p>An app distribution service provider must:</p> <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> <li>d) have a policy and/or procedure in place to: <ol style="list-style-type: none"> <li>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 appropriateness of the age and/or content rating outcome as appropriate; and</li> </ol> </li> </ol>

No.	Compliance measure
	<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><b>Guidance:</b></p> <p><i>The measure above supplements the Phase 1 codes and standards requirement with additional requirements designed to help address online pornography, self-harm material and simulated gambling material.</i></p> <p><i>An app distribution service provider may either undertake its own age and/or content rating processes for third-party apps or may require third-party app providers to undertake an age and/or content rating process (which may be through an external ratings authority) and to provide the outcome of that rating process to the app distribution service provider.</i></p> <p><i>If an app distribution service provider establishes its own age and/or content rating process, the app distribution service provider should consider</i></p> <ul style="list-style-type: none"> <li>• <i>the appropriateness of the features of the app for Australian children, including whether the app is developmentally appropriate for Australian children, taking into account whether the app provides access to user-generated content or enables users to create and share still images or video; and</i></li> <li>• <i>whether features of the app will likely expose end-users to online pornography, self-harm material or simulated gambling material.</i></li> </ul> <p><i>If an app distribution service provider does not establish its own age and/or content rating process, the app distribution service provider should take steps to undertake the consideration required by sub-measure b).</i></p> <p><i>Appropriate points for re-consideration of an age and/or content rating outcome under sub-measure c) could include:</i></p> <ul style="list-style-type: none"> <li>• <i>when an app is updated, or a new version is otherwise released, in the app distribution service; or</i></li> <li>• <i>if the app distribution service provider has reasonable grounds to suspect there could be an issue with the age and/or content rating previously applied (for example, due to the volume of end-user feedback).</i></li> </ul> <p><i>In sub-measure d) B, appropriate action may include delisting.</i></p>
5.	<p><b>Safety tools and/or features</b></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> <p>a) parental controls;</p>

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	<ul style="list-style-type: none"> <li>b) tools or features that require parental approval for child purchases or categories of child purchases;</li> <li>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;</li> <li>d) features that provide safety information to Australian end-users who search for adult apps;</li> <li>e) child friendly tabs (or sections of the app distribution service) with curated content;</li> <li>f) tools or features that enable parents to block download of apps or categories of apps by children.</li> </ul>
6.	<p><b>Improvement of safety tools</b></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"> <li>a) any activities designed to further develop the effectiveness of the tools;</li> <li>b) tracking new and emerging risks or issues that may be causing harm to Australian children;</li> <li>c) investment in research and development and/or testing of novel technological solutions;</li> <li>d) investment in trust and safety teams dedicated to implementing regulatory requirements and policies which enhance online safety for users of online services;</li> <li>e) investment in review teams who conduct reviews as required by measure 3;</li> <li>f) providing financial or technical support to non-governmental organisations with recognised online safety expertise to improve their infrastructure and/or technical capabilities;</li> <li>g) contributing to programs operated by non-governmental organisations;</li> <li>h) sharing information with third-party app developers to assist them to understand how tools will interact with their apps;</li> <li>i) joining relevant industry organisations or other third party organisations intended to address online harm to children and sharing information on best practice approaches;</li> <li>j) contributing to industry initiatives (including initiatives lead by industry associations or other third party organisations);</li> <li>k) conducting or supporting research into and development of online safety settings and tools and approaches;</li> <li>l) providing support, either financial or in kind, to organisations the functions of which are or include protection of children online;</li> <li>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;</li> </ul>

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	<p>n) activities that aim to refine algorithms or inputs into tools to improve their effectiveness.</p> <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>
7.	<p><b>Online safety resources</b></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"> <li>a) the purchase and download restrictions that the app distribution service provider has in place pursuant to measure 1;</li> <li>b) the age and/or content ratings approach used by the app distribution service provider pursuant to measure 4;</li> <li>c) safety tools and/or features used by the app distribution service provider pursuant to measure 5;</li> <li>d) the ability of Australian end-users to report or complain about content on a third-party app to the third-party app provider;</li> <li>e) the mechanisms in measure 8; and</li> <li>f) the role and functions of eSafety, including how to make a complaint to eSafety about class 1C or class 2 material.</li> </ul>
8.	<p><b>Enabling reporting by end-users</b></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"> <li>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</li> <li>b) a breach of this Code by the app distribution service provider.</li> </ul> <p>The reporting tool and complaints mechanism(s) must:</p> <ul style="list-style-type: none"> <li>c) be easily accessible and easy to use; and</li> <li>d) be accompanied by plain language instructions on how to use it.</li> </ul> <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 app distribution service provider must consider any relevant information provided by the Australian end-user pursuant to their complaint in a reasonably timely manner.</p> <p><b>Guidance:</b></p> <p><i>An Australian end-user may be required by the app distribution service provider to report material directly to the relevant third-party app provider, as a condition of making a report or complaint under sub-measure a) and should in any case be encouraged to reach out to the relevant third-party app provider in the first instance.</i></p>

No.	Compliance measure
	<p><i>Where a report received provides information that suggests a potential breach of the contractual provisions referred to in measure 2 a) by a third-party app provider, the app distribution service provider should consider and take action where required by measure 2.</i></p>
9.	<p><b>Timely referral of unresolved complaints to eSafety</b></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>
10.	<p><b>User feedback</b></p> <p>An app distribution service provider must:</p> <ul style="list-style-type: none"> <li>a) provide an accessible and easy to use means for Australian end-users to provide; and</li> <li>b) accept and consider;</li> </ul> <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><b>Guidance:</b></p> <p><i>In determining whether a mechanism for user feedback is accessible, an app distribution service provider should be considerate of the diverse accessibility needs of Australian users.</i></p> <p><i>Whilst a provider must permit end-users to provide feedback on the age and/or content ratings applied to a third-party app, providers are not obliged to alter age and/or content ratings based on individual user feedback, or revert to end-users (eg to explain the reasons for the age and/or content rating applied) given individual feedback can be subjective and inconsistent feedback may be received from different users. However, if an app distribution service receives a significant volume of end-user feedback in connection with a particular age and/or content rating on a third-party app, it may be appropriate to trigger a re-review of the age and/or content rating under measure 4 d), depending on the circumstances and the nature of the feedback. The volume of end-user feedback would be "significant" if it reasonably suggests to the provider that there is likely to be an issue with the age and/or content rating for the app.</i></p>
11.	<p><b>Engagement</b></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><b>Guidance:</b></p>

No.	Compliance measure
	<p><i>Engagement may occur within and/or outside Australia as relevant to the issue under consideration.</i></p> <p><i>Engagement may occur regularly in the course of ongoing relationships with organisations, academics or government, during development of new service features or in other appropriate circumstances.</i></p>
12.	<p><b>Updates to eSafety about relevant changes to technology</b></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><b>Guidance:</b></p> <p><i>Changes that have a material negative effect should, ideally, be communicated before a public announcement of the relevant changes.</i></p>
13.	<p><b>Significant changes to an app distribution service</b></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> <ol style="list-style-type: none"> <li>a) carry out an assessment of the kinds of measures that could reasonably be incorporated into the operating system to minimise that risk; and</li> <li>b) where appropriate, apply measures so identified to help to mitigate that risk.</li> </ol>
14.	<p><b>Third-party app providers</b></p> <p>Where an app distribution service provider takes action as required under measure 2 that is:</p> <ol style="list-style-type: none"> <li>a) against a third-party app provider of any high-impact app or simulated gambling app on the app distribution service; and</li> <li>b) in response to a breach of the contractual provisions described in measure 2 a) due to a failure to implement age assurance measures or access control measures,</li> </ol> <p>the app distribution service provider must:</p> <ol style="list-style-type: none"> <li>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;</li> <li>d) provide a means for the third-party app provider to appeal the app distribution service provider's decision to take such action;</li> <li>e) consider any additional information provided by the third-party app provider as part of their appeal; and</li> </ol>

No.	Compliance measure
	f) notify the third-party app provider of the outcome of the review.
15.	<p><b>Reporting to eSafety on Code compliance</b></p> <p>Where eSafety issues a written request to an app distribution service provider to submit a Code report, the app distribution service provider named in such request must submit to eSafety a Code report which includes the following information:</p> <ul style="list-style-type: none"> <li>a) the steps that the app distribution service provider has taken to comply with the compliance measures under this Code;</li> <li>b) an explanation as to why these measures are appropriate; and</li> <li>c) if an app distribution service provider has relied on the exception in measure 1 c): <ul style="list-style-type: none"> <li>i) a description of the alternative action taken pursuant to sub-measure 1 f) along with justification for the actions described; and</li> <li>ii) where applicable, details of the most recent risk assessment that has been undertaken pursuant to sub-measure 1 c) ii).</li> </ul> </li> </ul> <p>An app distribution service provider 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. An app distribution service provider will not be required to submit a Code report to eSafety more than once in any 12-month period.</p>