



Online Safety Act 2023

2023 CHAPTER 50

PART 3

PROVIDERS OF REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES: DUTIES OF CARE

CHAPTER 7

INTERPRETATION OF PART 3

62 “Priority content that is harmful to children”

- (1) “Priority content that is harmful to children” means content of any of the following kinds.
- (2) Content which is abusive and which targets any of the following characteristics—
 - (a) race,
 - (b) religion,
 - (c) sex,
 - (d) sexual orientation,
 - (e) disability, or
 - (f) gender reassignment.
- (3) Content which incites hatred against people—
 - (a) of a particular race, religion, sex or sexual orientation,
 - (b) who have a disability, or
 - (c) who have the characteristic of gender reassignment.
- (4) Content which encourages, promotes or provides instructions for an act of serious violence against a person.
- (5) Bullying content.

- (6) Content which—
 - (a) depicts real or realistic serious violence against a person;
 - (b) depicts the real or realistic serious injury of a person in graphic detail.
- (7) Content which—
 - (a) depicts real or realistic serious violence against an animal;
 - (b) depicts the real or realistic serious injury of an animal in graphic detail;
 - (c) realistically depicts serious violence against a fictional creature or the serious injury of a fictional creature in graphic detail.
- (8) Content which encourages, promotes or provides instructions for a challenge or stunt highly likely to result in serious injury to the person who does it or to someone else.
- (9) Content which encourages a person to ingest, inject, inhale or in any other way self-administer—
 - (a) a physically harmful substance;
 - (b) a substance in such a quantity as to be physically harmful.
- (10) In subsections (2) and (3)—
 - (a) “disability” means any physical or mental impairment;
 - (b) “race” includes colour, nationality, and ethnic or national origins;
 - (c) references to religion include references to a lack of religion.
- (11) For the purposes of subsection (3), a person has the characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex, and the reference to gender reassignment in subsection (2) is to be construed accordingly.
- (12) For the purposes of subsection (5) content may, in particular, be “bullying content” if it is content targeted against a person which—
 - (a) conveys a serious threat;
 - (b) is humiliating or degrading;
 - (c) forms part of a campaign of mistreatment.
- (13) In subsection (6) “person” is not limited to a real person.
- (14) In subsection (7) “animal” is not limited to a real animal.