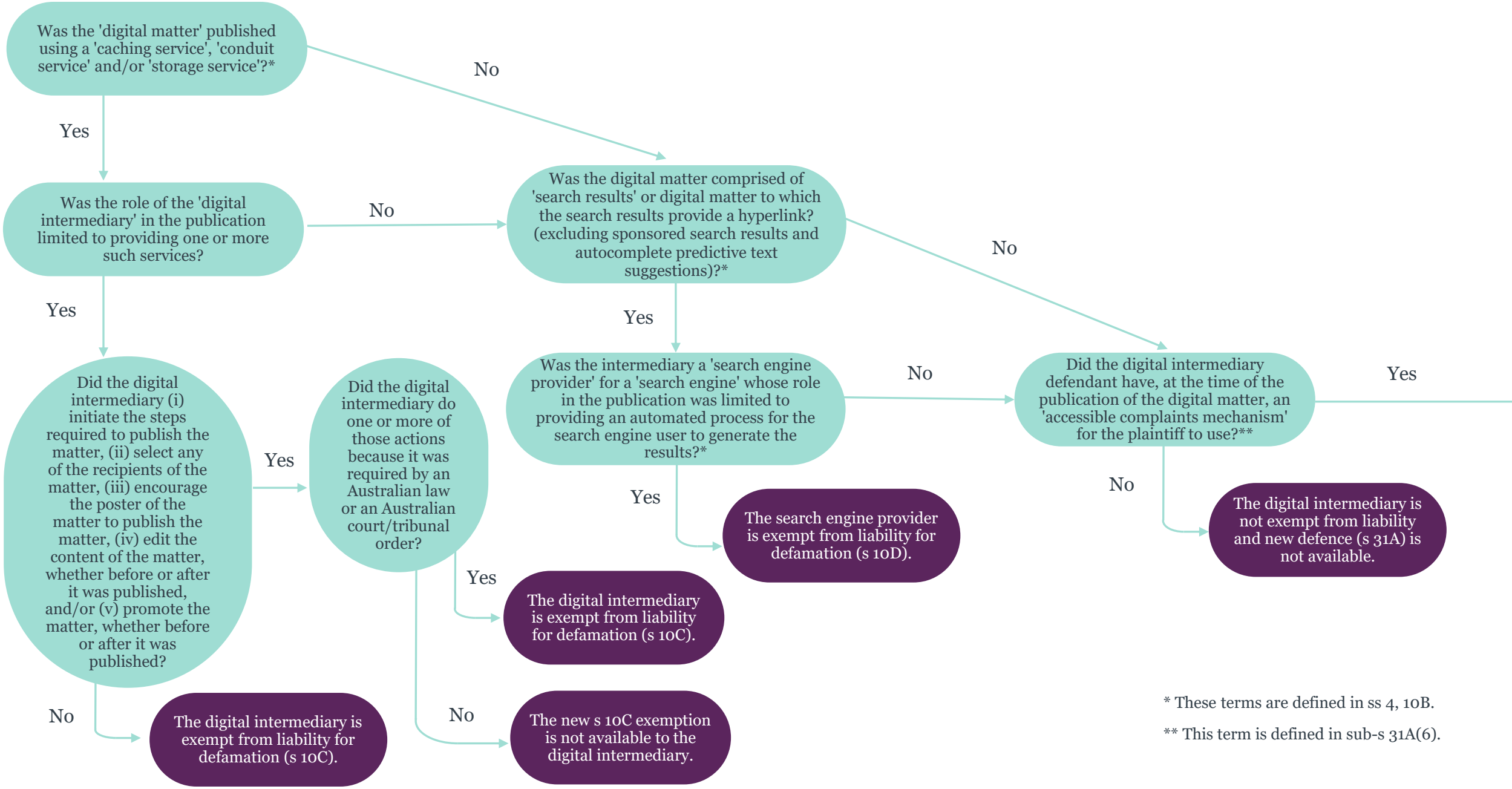
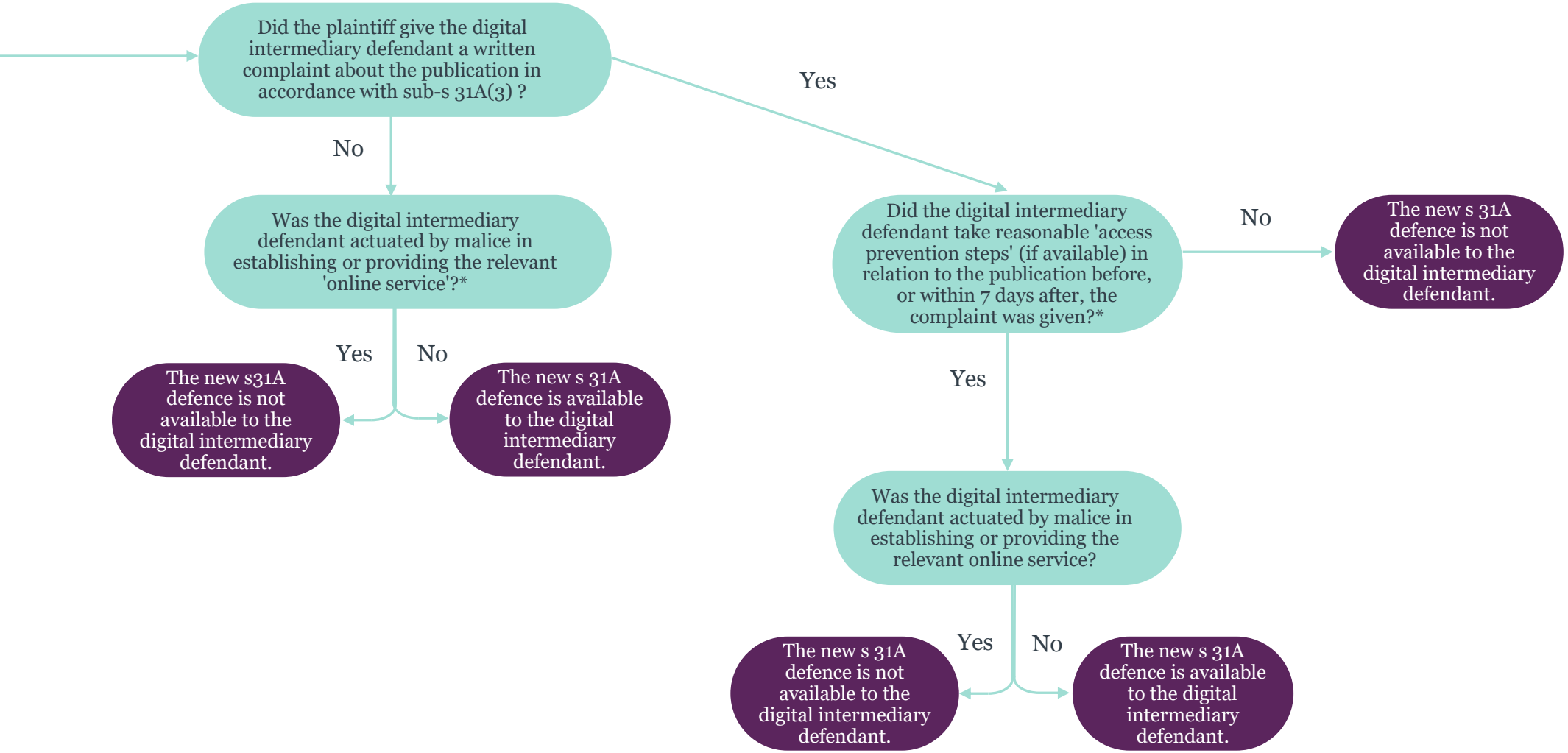


* These terms are defined in ss 4, 10B.

** This term is defined in sub-s 31A(6).


Did the plaintiff give the digital intermediary defendant a written complaint about the publication in accordance with sub-s 31A(3) ?
Yes
No
Was the digital intermediary defendant actuated by malice in establishing or providing the relevant 'online service'?*
Yes
No
The new s31A defence is not available to the digital intermediary defendant.
The new s 31A defence is available to the digital intermediary defendant.
Did the digital intermediary defendant take reasonable 'access prevention steps' (if available) in relation to the publication before, or within 7 days after, the complaint was given?*
No
The new s 31A defence is not available to the digital intermediary defendant.
Yes
Was the digital intermediary defendant actuated by malice in establishing or providing the relevant online service?
Yes
No
The new s 31A defence is not available to the digital intermediary defendant.
The new s 31A defence is available to the digital intermediary defendant.