

Managing online content



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The regulation of internet content is a policy area that has challenged governments and the wider community over the last few years. The Commonwealth *Broadcasting Services Amendment (Online Services) Act 1999* sets out to control content on the internet and added the following objects to the 1992 Act:

- (k) to provide a means for addressing complaints about certain internet content; and
- (l) to restrict access to certain internet content that is likely to cause offence to a reasonable adult; and
- (m) to protect children from exposure to internet content that is unsuitable for children.

Understandably the public debate around the legislation focused on mechanisms to restrict access such as content classification systems and the use of filters, the individual's right to access information that would not be illegal in another format and the viable operation of a complaints system. Public and parliamentary debate resulted in an Act that set in place a complaints and 'take-down' mechanism administered by the Australian Broadcasting Authority (ABA) and the Office of Film and Literature Classification. The government appointed board NetAlert provides advice on a range of matters including public education programs. As a requirement of the legislation Internet Industry Codes of Practice were implemented. [see <http://www.alia.org.au/publishing/bsa/> for the ALIA members information resource on the BSA, June 2000]

There are two issues of ongoing importance to our sector. First is the introduction by state and territory governments of legislation to complement the Commonwealth BSA and Classification Act. In 1999 censorship ministers agreed to model national provisions in these acts for online content regulation. The ACT government developed model legislation that it has not pursued. The South Australian and New South Wales governments have introduced legislation based on this model. Western Australia, the Northern Territory and Victoria have extended legislation to prosecute those providing inappropriate internet content.

The South Australian *Classification (Publications, Films and Computer Games) (Miscellaneous) Amendment Bill (No 2) 2001* was still being debated when parliament was prorogued. It has now due to be reintroduced. At the time of its initial introduction ALIA submitted that the government:

- must ensure that amendments to the Bill treat access to online and offline information equally;
- take this opportunity to lead in establishing a classification regime that is uniform and consistent across all Australian jurisdictions;
- preserve the existing balance [in other legislation] between commerce and the public interest;
- ensure that library and information professionals are not at risk of committing an offence by merely providing internet terminals for public use.

We also pointed out that a review of the national classification scheme was under way and a review of the BSA foreshadowed and that it would be sensible to wait until these were completed.

In our further recent submission to the SA government we have referred the Attorney-General to the New South Wales Legislative Council Standing Committee on Social Issues report *Safety Net?* on its inquiry into the *Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2001* released in June 2002. [<http://www.parliament.nsw.gov.au/prod/web/phweb.nsf/frames/committees/>]. ALIA made a submission and gave evidence to the inquiry [<http://www.alia.org.au/submissions/>] on Schedule 2 of the bill. The Committee's findings are encouraging. It believes that more effective ways to achieve the objectives of Schedule 2 (intended to respond to community concerns about the availability of offensive and dangerous material online, and the potential risks to children who may access material unsuitable to minors over the internet) are through public education, including parental supervision, voluntary use of filtering software where appropriate, and encouraging compliance with industry codes of practice. The Committee also reported that there is already criminal legislation in place relevant to internet content. It is recommending that the parliament not proceed with Schedule 2 at this stage. We will now monitor how the NSW parliament proceeds regarding Schedule 2 and the SA government proceeds with its legislation.

Second is the review of Schedule 5 of the BSA due to be completed before 1 January 2003. The development of internet filtering technologies and the effectiveness of the regulatory mechanisms in place will be investigated. In preparation for this, over the next few months ALIA will be gathering information from relevant institutional members on the impact of the Act, for example the level of complaints, and training and education programs in place. Please contact me or Michelle Baird if you would like to contribute to the review.

The Online Content and Regulation Policy and Advisory Group has prepared a policy statement and guidelines and these will be considered by the Board of Directors during July. ■

Feedback to your Board of Directors

Do you have an idea, compliment or concern about *your* Association? Contact any director below on personal issues and ideas will be reviewed at each meeting of the Board.

E-mail to feedback@alia.org.au will be automatically forwarded to all Board members.

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