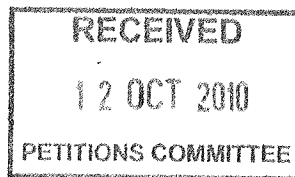# SENATOR THE HON STEPHEN CONROY

MINISTER FOR BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY
DEPUTY LEADER OF THE GOVERNMENT IN THE SENATE

Chair
Standing Committee on Petitions
PO Box 6021
Parliament House
CANBERRA ACT 2600

0 7 OCT 2010

Dear Chair

Petition regarding compulsory filtering of the internet by ISPs

Thank you for your letter dated 23 June 2010 forwarding a copy of a petition regarding compulsory filtering of the internet by internet service providers (ISPs). I appreciate the petitioners' interest in this important issue.

The Australian Government supports an open internet, where people can freely access information and express their ideas. This should not be confused with the notion that all content should be available to view and/or distribute regardless of its potential harm to society and the rights and safety of others.

The complexity of protecting people, especially children, on the internet is why the Government's cybersafety plan involves a suite of measures, including:

- expanding the Australian Federal Police (AFP) Child Protection Operations Team by 91 officers to detect and investigate online child sex exploitation;

- funding to the Commonwealth Director of Public Prosecutions to manage increased activity resulting from the AFP work to ensure that prosecutions are handled quickly;

- funding to the Australian Communications and Media Authority (the ACMA) for:

    - a comprehensive range of cybersafety education activities including improving current government cybersafety website resources, making them easier for parents to use, and to provide up-to-date information, and

    - an online helpline to provide a quick and easy way for children to discuss cybersafety issues;

- developing and implementing ISP filtering, which included undertaking a real world live pilot;

- expanding the Consultative Working Group that considers the broad range of cybersafety issues and advises Government to ensure properly developed and targeted policy initiatives and programs;

- forming a Youth Advisory Group to provide advice to the Consultative Working Group on cybersafety issues from a young person's perspective; and

- ongoing cybersafety research into the changing digital environment to identify emerging issues and trends.

ISP-level filtering of Refused Classification (RC) content

For many years Australia has had a classification scheme that applies to DVDs, films, books and publications. A similar scheme also applies to television and radio. Under Australia's existing classification laws, RC material is not available in newsagencies or on library shelves, it cannot be viewed on a DVD or at the cinema and it is not shown on television.

RC material includes child sexual abuse imagery, bestiality, sexual violence, detailed instruction in crime, violence or drug use and/or material that advocates the doing of a terrorist act. The Government believes that RC content has no place in a civilised society and has announced its intention to introduce legislation into Parliament requiring ISPs to filter a list of RC URLs provided to ISPs by the ACMA. These will be specific URLs that have been assessed as RC using existing criteria set out in the National Classification Scheme following a complaint from the public to the ACMA. URLs of child sexual abuse imagery obtained from lists maintained by highly reputable overseas agencies will also be filtered, following a detailed assessment by the ACMA of the processes used to compile those lists.

The RC category, that applies to DVDs, films and books and would apply for the purpose of filtering, is not designed to censor free speech or impinge on public debate. To ensure the public's confidence in the list of URLs to be filtered I announced on 9 July 2010 a review of the RC category. The review will examine the current scope of the RC category to determine whether it adequately reflects current community standards.

Transparency and Accountability Measures

The Government has undertaken a public consultation process on measures to increase accountability and transparency of the placement of material on the RC filtering list. 174 submissions were received and used by the Government in developing a comprehensive suite of transparency and accountability measures to accompany the introduction of ISP filtering. These measures include:

- an annual review of the RC Content list by an independent expert who will be appointed in consultation with industry;

- clear avenues for appeal of classification decisions;

- that all content identified on the basis of a public complaint be assessed by the ACMA and classified by the Classification Board under the National Classification Scheme;

- that affected parties have the ability to have decisions reviewed by the Classification Review Board; and

- a standardised block page notification, which will notify users that the content they have requested has been blocked because it is deemed RC, and provide information on how to seek a review if they believe the decision to be incorrect.

The Classification Board is comprised of members broadly representative of the Australian community who are trained to classify content against the National Classification Scheme. Members of the Board are identified through a national recruitment process and make decisions about individual content against the criteria of the National Classification Scheme independently of Government.

This suite of measures will greatly strengthen the ISP filtering policy and give the community greater confidence in the processes that lead to a URL being placed on the RC Content list.

Voluntary filtering of child abuse material

Three of Australia's largest ISPs - Telstra, Optus and Primus - have agreed to voluntarily block a list of child abuse URLs compiled and maintained by the ACMA. These ISPs account for around 70 per cent of Australian internet users.

In line with the Government's mandatory filtering policy, URLs of child abuse imagery obtained from lists maintained by highly reputable overseas agencies, such as the Internet Watch Foundation, will also be placed on the ACMA list for voluntary filtering following a detailed assessment (by the ACMA) of the processes used to compile those lists.

Further information on the Government's cybersafety measures is available at *www.dbcde.gov.au/cybersafetyplan.*

I trust this information will be of assistance.

Yours sincerely

Stephen Conroy
Minister for Broadband,
Communications and the Digital Economy