

**Department of Communications' appearance before the House Standing Committee on
Infrastructure and Communications**

**Inquiry into the use of section 313(3) of the Telecommunications Act 1997 by government
agencies to disrupt the operation of illegal online services**

18 March 2015

At the hearing on 18 March 2015, the following exchange occurred between Mr Pitt and Mr Robinson regarding Internet Service Provider (ISP) compliance with requests to disrupt access to illegal online services under section 313 of the *Telecommunications Act 1997* (Proof Committee Hansard – pp.4-5):

Mr PITT: Just a quick one, to come back to the 'provide reasonable assistance' for a moment. Are you aware of anywhere where an ISP has not provided that assistance? Or sought an injunction to prevent someone from undertaking activity to block a site?

Mr Robinson: I do not believe we are aware of any, no.

Mr PITT: So, to the best of your knowledge it is, 'Every time we have tried to do this, they have complied.'

Mr Robinson: Yes.

The Department of Communications seeks to clarify the response provided to the above questions. The Department understands that the Australian Communications and Media Authority has not taken any enforcement action against an ISP in relation to a request under section 313 to disrupt access to illegal online services. However, the Australian Federal Police has previously indicated that one ISP refused to comply with a request under section 313 in October 2012. This information was provided by Senator Ludwig on behalf of the then Minister for Home Affairs in response to Senate Questions on Notice 2821 and 2919 provided on 20 March 2013 and 31 May 2013 respectively.