



Australian Government

Australian Government response to the
House of Representatives Standing
Committee on Infrastructure and
Communications' report:

*Balancing Freedom and Protection – Inquiry into the use of
subsection 313(3) of the Telecommunications Act 1997 by
government agencies to disrupt the operation of illegal online
services*

Recommendation	Government response
<p data-bbox="204 349 515 383">Recommendation One</p> <p data-bbox="204 423 836 674">The Committee recommends to the Australian Government the adoption of whole-of-government guidelines for the use of section 313 of the <i>Telecommunications Act 1997</i> by government agencies to disrupt the operation of illegal online services, as proposed by the Department of Communications, including:</p> <ul data-bbox="264 719 820 1352" style="list-style-type: none"> <li data-bbox="264 719 786 824">• the development of agency-specific internal policies consistent with the guidelines; <li data-bbox="264 831 762 898">• clearly defined authorisations at a senior level; <li data-bbox="264 904 692 972">• defining activities subject to disruption; <li data-bbox="264 978 820 1012">• industry and stakeholder consultation; <li data-bbox="264 1019 762 1196">• use of stop pages, including: <ul data-bbox="363 1061 762 1196" style="list-style-type: none"> <li data-bbox="363 1061 762 1095">- agency requesting the block; <li data-bbox="363 1102 608 1135">- reason for block; <li data-bbox="363 1142 647 1176">- agency contact; and <li data-bbox="363 1182 632 1216">- avenue for review. <li data-bbox="264 1223 711 1290">• public announcements, where appropriate; <li data-bbox="264 1296 756 1330">• review and appeal processes; and <li data-bbox="264 1337 635 1352">• reporting arrangements. 	<p data-bbox="861 349 1011 383">Supported</p> <p data-bbox="861 423 1382 636">The Australian Government will release whole-of-government guidelines for the use of section 313 of the <i>Telecommunications Act 1997</i> by government agencies to disrupt the operation of illegal online services.</p> <p data-bbox="861 680 1382 860">The guidelines will include measures to improve transparency and accountability, including minimum requirements and recommended procedures for agencies to follow.</p> <p data-bbox="861 904 1382 1117">The guidelines will be developed by the Department of Communications and the Arts in consultation with relevant stakeholders, including government agencies and the telecommunications industry.</p>
<p data-bbox="204 1397 515 1431">Recommendation Two</p> <p data-bbox="204 1471 831 1756">The Committee recommends to the Australian Government that all agencies using section 313 of the <i>Telecommunications Act 1997</i>, to disrupt the operation of illegal online services have the requisite level of technical expertise within the agency to carry out such activity, or established procedures for drawing on the expertise of other agencies.</p>	<p data-bbox="861 1397 1011 1431">Supported</p> <p data-bbox="861 1471 1374 1684">The whole-of-government guidelines will include a requirement for agencies to have the requisite level of technical expertise, or established procedures for drawing on such expertise, as recommended by the Committee.</p>