

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 25

Senator Ludlam asked the following question at the hearing on 18 October 2011:

Senator LUDLAM: When I asked ACMA similar questions in sessions past about the much broader range of material that is subject to domestic takedown orders or on the domestic refused classification list they provided us with a list of categories of kinds of material without identifying the URLs obviously. They did that periodically, numbers of links, whether it is a high-level host or an individual item on a particular site and a rough breakdown of categories of material. Are you able to do something similar for us?

Mr Gaughan: I would have to take that on notice.

The answer to the honourable Senator's question is as follows:

INTERPOL's 'worst of' list includes those domains (websites) that contain the most severe child sexual abuse material, according to the defined criteria of:

- The children are 'real'. Sites containing only computer generated, morphed, drawn or pseudo images are not included.
- The ages of the children depicted in sexually exploitative situations are (or appear to be) younger than 13 years.
- The abuses are considered severe by depicting sexual contact or focus on the genital or anal region of the child.
- The domains have been online within the last three months.
- The domains have been reviewed and found to fulfil the above criteria by two independent Interpol member agencies or more.

The criteria for inclusion in the Interpol 'worst of' list is far stricter than the definition of child pornography under all Australian criminal legislation.

A whole domain is deemed illegal if any part of it is found to contain sexual abuse material with children. Even one image of a child that fits the above criteria will be enough to classify the whole domain as illegal until the illegal material is removed.

The illegal content may not be immediately visible, making the blocking appear to be wrongful. This is not the case and INTERPOL retains the illegal information for evidential purposes. Relevant authorities will have access to the evidence through established police channels.

The number of domains included in the list can vary with each issue of the list by Interpol. By way of example the 'worst of' list released on 25 October 2011 contained 409 domains, whilst the 'worst of' list issued on 11 October 2011 contained 411 domains.

AFP has issued 5 section 313 requests to Australian Internet Service Providers (ISPs). As participation by the ISPs is voluntary, a section 313 request is made by the AFP when the ISP has indicated their participation and have/are readying their technical infrastructure to implement blocking of the list.