GetUp!
Action for Australia

FACT SHEET – INTERNET CENSORSHIP

What is the scope of the prohibited material?

The Government has proposed a two-tiered system. The first tier will be mandatory for all internet users in Australia, and will bloc a range of 'prohibited' material. The second tier will be available to families who wish to limit access to a broader range of content.

The Minister for Broadband, Communications and the Digital Economy, Senator Stephen Conroy has suggested that the mandatory filter should block access to 'prohibited' material, as defined by the Broadcasting Services Act 1992.[1] In essence this would block any information categorised X-18 rated by ACMA[2]. Also being considered for inclusion on the blacklist however, are gambling sites (the suggestion of Senator Xenophon) and all pornography (the suggestion of Senator Fielding). It is easy to see how the blacklist can quickly become a greylist – a process made even more dangerous by the fact that ACMA's secret list of prohibited material is not subject to oversight, appeal, or review.

It's worth noting that the banned material – material 'refused classification' by ACMA is legal to view and own, it is just not legal to distribute.

The debate around this internet filter should not be stifled by accusing those that challenge the scheme of an interest in access to child pornography.[3] The scope of the mandatory filter is far broader than child pornography alone.

Speak out against the proposed internet filter: www.getup.org.au/campaign/SaveTheNet

Will the filter accidentally block legitimate material?

Yes. In addition to the broad range of content that will be intentionally blocked under the scheme, trials conducted by the Austraian Communications and Media Authority (ACMA) in July 2008 show that an I[4]SP level filter will accidentally block huge numbers of legitimate sites. The best technologies tested accidentally block one in 50 sites; the worst, one in 12 sites.

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[1] Senate Hasard, Thursday 13 November 2008 (Canberra), pg 6903.
http://www.aph.gov.au/Hansard/senate/dailys/ds131108.pdf

[2] **"BROADCASTING SERVICES ACT 1992 - SCHEDULE 2", http://www.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/bsa1992214/sch2.html?query=x%2018**

[3] The Senate Standing Committee on Environment, Communications and the Arts, Estimates, 20 October 2008 (Canberra):

Sen. Conroy: […] I trust you are not suggesting that people should have access to child pornography.

Sen. Ludlam: No. That is why I was interested in asking about the law enforcement side of it as well.

Sen. Conroy: No, we are working both angles at it. We are just trying to use technology to enforce the existing laws.

Sen. Ludlam: I am just wondering if I can put these questions to you without being accused of being pro child pornography. That would assist.

[4] 'Report to the Minister for Broadband, Communications and the Digital Economy', July 2008, http://www.acma.gov.au/webwr/_assets/main/lib310554/isp-level_internet_content_filtering_trial-report.pdf

Will the filter be effective in blocking material that the Government deems inappropriate?

The protection of our children is vitally important and we must ensure that they are not exposed to inappropriate material on the internet. But the filter technologies tested so far will only affect one third of internet traffic, because they do not apply to peer file sharing networks or email. In fact, users can very easily avoid these filters entirely using VPNs, proxies or anonymising software.

Do other western democracies have a similar scheme?

Senator Conroy has said that a number of western democracies already have a similar scheme in place. In fact, as Senator Conroy later admitted, no western democracy in the world has introduced mandatory server-level filtering. In countries where it has been introduced – countries such as Saudi Arabia, China and Iran – the schemes have not effectively done the job for which they were designed. In each of these countries, the filter can avoided. No country in the world goes as far as dynamically analysing web traffic in real time, as Australia is proposing.

Evidence from Saudi Arabia suggests that the central filtering system currently blocks a list of more than 12 million addresses, slowing internet access by as much as half, with up to 10 per cent of prohibited sites still getting through.[5]

Will the internet become more expensive?

The scheme makes it mandatory for ISPs to provide internet filtering. The government has set aside $44 million over four years, but in 2004 a Government-commissioned report found that the cost of mandatory ISP level filtering would cost around $45 million in the first year, and $33 million every year after that. Because the filter will involve technical and administrative costs for ISP, these costs will be likely be passed on to consumers. Additionally, while larger ISPs may be able to absorb some of these costs, smaller ISPs (who exert competitive pressure on prices) are at serious risk of becoming financially unviable if such a scheme is introduced.[6]

Will the proposed scheme slow down the internet?

The last round of testing found some internet filters will make the internet up to 87% slower,[7] which is bad for access to information, and terrible for e-commerce. The Government has

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[5] Liberal Senator Helen Coonan (former Minister for Communications, Information Technology and the Arts), *Protecting Families Online – Address to the National Press Club*, Canberra, 14 June 2006 <http://pandora.nla.gov.au/pan/36697/20071105-0005/www.minister.dcita.gov.au/media/speeches/protecting_families_online.html>.

[6] Department of Communications, Information Technology and the Arts, *Review of the Operation of Schedule 5 to the Broadcasting Services Act 1992* (2004) 3. After outlining the cost implications of an ISP based internet filter, the report said: 'Given the limited benefits of an ISP-level filtering system, the costs of a mandated requirement to filter do not appear justified.'

[7] Australian Communications and Media Authority, *Closed Environment Testing of ISP-Level Internet Content Filtering* (June, 2008) 45.

invested over $40 billion in the development of a national high-speed fibreoptic broadband initiative – an initiative that will be undermined by this ISP-level filter.

What measures can be taken to protect our children from inappropriate internet content while avoiding the worst features of the ISP-level filter?

The previous Government spent $84.8 million on a scheme to provide free PC-based filtering to all Australian families. This scheme is far superior to the ISP-based filtering proposed by the Government.

- It allows parents to track and monitor their child's access to the internet, and thus intervene concerning harmful content that couldn't be picked up by an ISP filter;
- It won't slow down the internet or interfere with online commerce;
- It will cost less to run, as no additional outlay is required, and there will be no burden to consumers or small businesses.

We believe taxpayer funds would be better spent educating parents about this existing PC-based filter.

Importantly, we should also be making sure that the Australian Federal Police's Online Child Sexual Exploitation Team has the resources needed to reduce child exploitation/abuse on the internet; many reports indicated these police taskforces are drastically underfunded.[8]

Join us in sending the message, loud and clear, that this scheme is unacceptable: www.getup.org.au/campaign/SaveTheNet

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[8] Luke McIlveen, 'No Money Available to Chase Internet Paedophiles', *Herald Sun* (Melbourne) 18 June 2007 <http://www.news.com.au/heraldsun/story/0,21985,21923386-662,00.html>.