



The ABA was invited to testify to the Child Online Protection Act (COPA) Commission in the United States of America. The ABA also contributed to the Electronic Network Consortium (ENC) symposium on hotlines and dispute resolution in Tokyo on 21 June, and the Bertelsmann Foundation's workshop on codes of conduct for the Internet industry in Hannover on 30 June.

The Australian scheme in the international perspective

There is considerable interest internationally in Australia's scheme for regulating potentially illegal Internet content and the ABA has been asked to speak about the operation of the scheme on a number of recent occasions.

US Commission on protection of children online

In recognition of the importance of initiatives taken by Australia in its co-regulatory scheme for Internet content, the ABA was invited to testify to Child Online Protection Act (COPA) Commission in the USA. The Commission was established to consider strategies for ensuring the safety of children using the Internet, and it was interested to learn of the Australian experience concerning this.

Ms Andree Wright, ABA Director of Policy and Content Regulation, represented the ABA at the Commission's Globalisation Panel hearing in San Jose, California on 3 August 2000. The panel also included representatives from the World Wide Web Consortium, the Bertelsmann Foundation and Canada's Media Awareness Network.

Ms Wright outlined the operation of Australia's co-regulatory scheme for Internet content, which commenced operation on 1 January 2000. The scheme is administered by the ABA, in partnership with the Internet industry and the community.

Ms Wright told the Commission, 'The Australian scheme combines a range of measures in a comprehensive

strategy, with key roles for industry, government and the community. The key elements are the industry-developed code of practice, education and information programs, and the ABA's online-hotline for complaints about Internet content. It is important to consider the practical operation of all these initiatives, as a package'.

The scheme plays an important role in providing Australian Internet users with the information they need to make informed choices about Internet use, for themselves and their children. 'Australians are accustomed to the provision of consumer advice in the media area, for example, the classifications applying to films and television programs,' Ms Wright said.

Ms Wright said the scheme showed that it was possible to address local social, cultural and behavioural considerations in a global context. 'It is important to think globally and act locally,' she said.

A copy of the ABA's testimony to the COPA Commission is available on the ABA web site at <www.aba.gov.au/what/online/international.htm>.

COPA Commission

The Child Online Protection Act was passed in the USA on 23 October 1998, after the earlier Communications Decency Act was found to breach of the First Amendment to the US Constitution. COPA seeks to prohibit online sites from knowingly making available to minors material that is sexually explicit or otherwise regarded as harmful to them.

This law also created a commission to study various technological tools and methods for protecting minors from material that is regarded as harmful to them. A nineteen-member temporary Commission is considering:

- a common resource for parents to use to help protect minors (such as a 'one-click-away' resource)';
- filtering or blocking software or services;
- labelling or rating systems;
- age verification systems;
- the establishment of a domain name for posting of any material that is harmful to minors; and
- any other existing or proposed technologies or methods for reducing access by minors to such material.

Although the constitutionality of the law has been challenged, the work of the commission is proceeding. Industry, government and community witnesses have testified at three public hearings. The first hearing considered 'high level' measures such as age verification systems and an adult top-level domain. The second hearing examined filtering, labelling and rating technologies. The third hearing explored child-protective technologies and techniques not covered at the first two hearings, including how pornography is marketed on the Internet, and the likely impact of technological advances on both the delivery of information and efforts to protect children from harmful material.

The Commission's final report is due on 30 November 2000. For more information, go to the Commission's web site, <www.copacommission.org>.



Electronic Network Consortium symposium

The Electronic Network Consortium (ENC) symposium drew together key industry members, policy makers, enforcement officers and members of the community. Mr Akio Kokubo, the Executive Director of ENC, opened the symposium by stating that its purpose was to explore the potential relevance of a Japanese hotline to handle complaints about Internet content, both as a child protection measure and also as a tool in the protection of copyright. To talk about their experience of hotlines were Nigel Williams, Director of Childnet International and founder of Internet Hotline Providers Association (INHOPE) forum; Ruth Dixon, Deputy Chief Executive of the British Internet Watch Foundation (IWF) and Chairperson of INHOPE, and Andree Wright, ABA Director Policy and Content Regulation.

Nigel Williams and Ruth Dixon described INHOPE as a major contributor to international thinking on hotline issues. INHOPE consists of a hub of well-established European hotlines in countries such as Austria, France, Germany, Ireland, the Netherlands and the United Kingdom. It also welcomes new and proposed hotlines from countries like Spain, Greece, Sweden, Slovenia and Denmark, and non-European hotlines as associate members such as the USA's Cybertipline, Norway's Save the Children and the ABA's hotline for Internet content.

INHOPE facilitates how hotlines respond to illegal use and content on the Internet by:

- exchanging expertise (for example, on technical issues about tracing illegal content; liaison with law enforcement agencies, methods of monitoring and retaining records of illegal content and approaches to promoting awareness of hotlines work and Internet safety);
- supporting new hotlines via training and technical expertise;
- exchanging reports of individual

instances of illegal use of the Internet; and

- educating and informing policy makers, particularly at the international level.

Ruth Dixon also spoke about the work and history of the IWF. Its hotline was established in 1996 as an industry-based initiative. Since then it has received 11 334 reports and, as a report may contain more than one item, actioned more than twenty-seven thousand items. She identified three key areas for IWF action: pro-active newsgroup monitoring; tackling problems associated with Internet Relay Chat from the perspective of children at risk; and the need to provide community education and raise awareness.

Andree Wright discussed the ABA's hotline in the context of Australia's co-regulatory scheme which has clearly defined roles for government, industry and consumers.

Nigel Williams and Akio Kokubo jointly chaired the panel session on Internet hotlines and resolution mechanisms. Also on the panel were Ms Dixon, Ms Wright, representatives from the Internet Lawyers Association, NIFTY Corporation (a major Japanese Internet service provider), the Telecommunications Consumer Affairs Office and the National Police Agency.

While Japan has codes of practice for the Internet and has used an Internet content rating system to label 3000 Japanese web sites, it does not have an official hotline to handle complaints. A non-government organisation, End Child Prostitution and Trafficking, runs a phone and fax service which responds to complaints relating to child pornography on the Internet.

The panel discussed issues relating to the resources and expertise needed to run a hotline and the technical challenges that they may face. When establishing a hotline, Ms Dixon said it is important to avoid 'mission creep' and emphasised the problems that can ensue where the remit is not carefully defined from the outset.

In concluding, Mr Kokubo

emphasised the need for the stakeholders in Japan to join together to consider how a hotline could best be established and said that the Australian, English and INHOPE hotlines all provided helpful models.

Bertelsmann Foundation workshop

The Bertelsmann Foundation provided a workshop of similar value on the subject of codes of conduct for the Internet industry. Participants with a wide variety of backgrounds and expertise from Europe, the USA, Asia and Australia attended the workshop in Hannover on 30 June. Andree Wright represented the ABA.

Participants had been previously provided with a paper and given the opportunity to comment on it by its authors, Stefaan Verhulst and Professor Monroe Price, the co-directors of the Program in Comparative Media Law and Policy at the University of Oxford. It emphasised the increasingly important role such codes play in the management of Internet content, highlighted a number of emerging issues for discussion and then went on to analyse a number of existing codes from four perspectives: coverage, communication, content and compliance. Coverage refers to the geographical scope of the code and also to the scope of its application: for example, whether it applies to Internet service providers, Internet content providers or to users. Content covers a range of issues that are often identified as areas of concern and in particular the categories referred to as 'illegal' and 'harmful'. Communication covers liaison and involvement in the code formulation and compliance refers to the mechanisms for dispute resolution and the methods by which sanctions are enforced. The codes included ones from Canada, France, Germany, Japan, Singapore, the United Kingdom and Australia.

There was interest in coverage issues in the distinction within the Australian codes between Internet service providers and Internet content hosts. □