

# Second report on the co-regulatory scheme for Internet content

On 19 April 2001, the Minister for Communications, Information Technology and the Arts, Senator Richard Alston, released the second report on the operation of the co-regulatory scheme for Internet content, covering the period 1 July to 30 December 2000. The report includes an account of activities undertaken by the ABA in implementing components of the scheme.

One of the ABA's key functions under the scheme is investigation of complaints about Internet content, and the ABA received 290 such complaints during the six month period. 'Prohibited content' was located in 139 cases, with the ABA taking action in relation to 203 items of content. One-third of these items were hosted in

Australia and were the subject of take-down notices issued to the content hosts. The remaining two-thirds were hosted outside Australia (predominantly in the United States) and were notified to the makers of content filter software. The chart shows break-up of all complaints received in 2000, by type of content and location of content host.

Of the complaints received in the period 1 July to 30 December 2000, 55 per cent of all prohibited items were categorised as child pornography, and these were referred to the Australian Federal Police (in the case of content hosted outside Australia) and/or the relevant State or Territory police service (in the case of content that was hosted in, or appeared to be uploaded from, Australia).

## International interest in the ABA's online complaint hotline

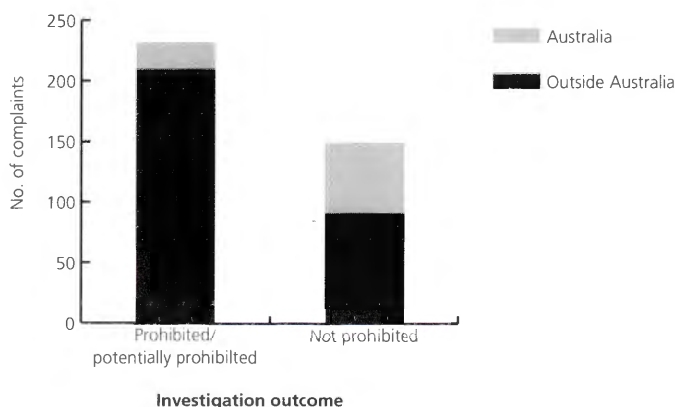
In commenting on the complaint statistics, Professor Flint noted the continuing high level of international interest in the ABA's complaint hotline, and the fact that the hotline incorporates measures that internationally regarded as 'best practice.'

Two recent international conferences turned the spotlight on the ABA's hotline and why it is seen to be working effectively.

## Internet governance—Who Controls the Internet?

Eighty-five key industry experts, policy makers and academics met in Berlin on 6 April 2001 at an international forum entitled 'Internet Governance—Who Controls the Internet?' Hosted by the Bertelsmann and Fredrick Ebert Foundations, the forum considered media policy issues relating to the challenges and opportunities for co-regulation of the Internet.

The German Federal Minister for Justice, Professor Dr Herta Daubler-Gmelin, provided the keynote address focusing on both Internet structure and content issues. While the Internet calls into question conventional approaches to regulation, approaches that inspire trust are important and a new culture of responsibility is developing. This set the scene for panel sessions on current co-regulatory



structural and content approaches, and the forum concluded with a debate on the possibilities and limitations of Internet regulation. As chair of both panels, Dr Marcel Machill, Director of Media Policy, Bertelsmann Foundation stated that, 'If we observe the extent to which regulation principles are realised in practice, we can identify a series of examples that can serve as building blocks for a co-regulatory system for the Internet'.

The first panel session looked at the lessons to be learned from the structure adopted by the Internet Corporation for Assigned Names and Numbers (ICANN). This organisation co-ordinates the system of name allocation on the Internet, controls the assignment of IP addresses, develops new standards for Internet protocols and organises the root-server system on the Net. The panel also examined mechanisms used recently for the election of some ICANN directors where every Internet user was invited to participate.

While different views exist on ICANN's success to date as an example of supranational and participatory co-regulation, particular characteristics of the ICANN model highlight new means of Internet governance. These characteristics include ICANN's position as a private, non-profit organisation that builds bridges

between stakeholders to focus on transnational problems that the individual parties are unlikely to solve on their own. These point the way towards effective mechanisms for digital data protection, copyright, privacy, and freedom of expression and flow of information on the Internet.

The second panel presented particular initiatives such as labelling software, hotlines, codes of practice and iHealth standards that foster user trust and provide protection for children and other potentially vulnerable users. It drew on work done by the Bertelsmann Foundation's Internet content experts' network that had reported in Singapore in February 2001. The ABA is a member of this network.

The ABA's Director, Policy and Content Regulation, Andree Wright presented Australia's online content complaints hotline as a co-regulatory case study. The hotline's overall context was emphasised as it is positioned within a scheme that includes industry codes of practice and community education, and has roles for government, industry and the community. Factors seen as contributing to the success of the hotline to date include the ability for users to lodge complaints electronically; procedures that facilitate review of decisions and regular reports on

the operation of the hotline; and the provision of filters by ISPs to users. Other factors include the emphasis on community education initiatives and the co-operative relationship between industry and government that includes sharing the costs associated with the scheme. Other participants cited including the



Andree Wright, ABA

complaints-based nature of the scheme, the well-developed industry codes of practice and the links with enforcement agencies for dealing with illegal material such as child pornography.

Ola-Kristian Hoff, Director Europe, Internet Content Ratings Association spoke about the Internet Content Ratings Association (ICRA) and its labelling system. ICRA is an independent, international, non-profit, value neutral body committed to the protection of children and free speech. It is also an initiative that is supported by industry. It aims to provide a free and transparent, voluntary system that allows content providers to assess their own content against neutral ICRA descriptors. Different templates can be created that utilise these descriptors, for example, by pre-setting values according to a known scheme such as those offered by a national film classification body. The label is carried via the HTML in the header of the home page.

Mr Hoff argued that while much material poses no problem at all, solutions are needed for both illegal material (such as child pornography) and material that is potentially harmful to children. Where the latter is the case, parents need a simple, transparent system that gives them choice. While 170 000 sites have been rated world-wide and the labelling system is embedded in two major browsers (Microsoft Explorer and Netscape Navigator), it will be critical to the success of



At the conference: (L-R): Michael Schneider (Schneider & Schollmeyer), Andree Wright, (ABA); Dr Marcel Machill (Director of Media Policy, Bertelsmann Foundation); Ola Kristian Hoff (Director Europe, Internet Content Rating Association); Dr Ahmed Risk (Director, Internet Healthcare Coalition)

the ICRA scheme to ensure that particular sites are labelled, such as the top 1000 sites, adult-only sites and kids' sites.

Dr Ahmad Risk, Director, Internet Healthcare Coalition spoke of the international eHealth Code of Ethics and the strategy for its implementation. A Board of Trustees is responsible for the Code which has been implemented by bodies such as Hi-Ethics, American Accreditation Healthcare Commission, Hon-Code, National Mental Health Association, Kaiser Permanente and MedCERTAIN. Research and education programs underpin the maintenance of the Code as does a commitment to regional development, continued dialogue between code and law makers, and institutional support from organisations such as the various professional societies and the World Health Organisation.

The forum attracted a high level of media interest with 24 journalists attending. It was recorded by a German television broadcasting station and also broadcast live on the Internet. Its findings are available at [www.media-policy.org](http://www.media-policy.org).

### Internet Hotline Providers in Europe Association

The hotline operated by the ABA recently qualified for associate membership of Internet Hotline Providers in Europe Association (INHOPE). The ABA's Manager of Online Content Regulation, Richard Fraser, attended the most recent of INHOPE's quarterly members meetings in Stockholm on 1-2 March 2001 to deliver a presentation on investigation tools and methodologies used by the ABA's hotline (see box).

INHOPE members discussed a range of other hotline-related matters at the meeting. A representative of the Swedish police force demonstrated new techniques in image 'fingerprinting' which are assisting the investigation of cases relating to child pornography on the Internet. Newly developed software is helping to streamline the investigation of images that are seized by police in the course of an investigation, by comparing newly obtained images with material that has been investigated previously. The meeting also

discussed ways of managing the psychological welfare of hotline staff, who are in frequent contact with material that may be emotionally disturbing. Psychotherapist Ms Jellemieke Hees explained the causes of psychological trauma which may result from working with such material, and outlined measures to help minimise this, including regular counselling and debriefing for hotline staff, and maintaining physical fitness.

### Excellence in eGovernment

The hotline has been the subject of considerable interest as an example of online delivery of government services, and it will be featured as a case study in a forthcoming publication by the National Office for the Information Economy on excellence in 'eGovernment'. The ABA's system was included with 15 other

examples from Commonwealth, State and Territory government agencies. The publication aims to demonstrate ways that e-commerce solutions can streamline business processes for government agencies and their clients.

The ABA was also invited to make a presentation on the hotline at the Government Online Congress held at Randwick on 27 and 28 March 2001. The congress was attended by representatives of Commonwealth, State and Territory and local government agencies with interest and expertise in online government service delivery. Richard Fraser delivered a joint presentation with Glenn Sloan, Director of Sloan Duff & Associates, who developed the system for the ABA. The presentation focused on the hotline system's security features, which safeguard the details of Internet content and personal information contained in complaints.



#### The ABA's online hotline for complaints about Internet content

The ABA provides an online complaint form on its web site, enabling people to make a complaint at the time they encounter objectionable material online.

The complaint form incorporates features that help ensure that complainants provide all information that the ABA requires, such as their name and contact details, and the details of the Internet content concerned. The fields for required information are highlighted on the form. If required information is missing, the complainant is immediately notified that the ABA may not be able to investigate their complaint, and is given the option to continue with the lodgement process or complete the form.

The form design also incorporates features that safeguard the security and integrity of the information submitted by the complainants, and the form is isolated from the remainder of the complaint management system and the ABA's internal network.

Complaints by fax or by letter are also accepted but, with a very few exceptions, complainants have chosen to use the online complaints lodgement system. The use of online technologies has helped the ABA to receive and investigate complaints accurately and efficiently, and to provide a timely, quality service to those with concerns about particular Internet content.

After submitting a complaint, the complainant receives online confirmation that it has been received, and a reference number is provided automatically. Following investigation of the complaint, the ABA notifies the complainant of the outcome, usually within two working days, and does so by email whenever possible.

Communication with content hosts, law enforcement agencies and filter software providers is also by email.

To view the complaints form, go to the ABA's web site:

[www.aba.gov.au/what/online/complaints.htm](http://www.aba.gov.au/what/online/complaints.htm)