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ABA welcomes AAT decision on Internet content

The ABA has welcomed the decision on 13 June 2002 by the Administrative Appeals Tribunal (AAT) to protect certain information indentifying illegal and offensive Internet content.

Details of prohibited and potential prohibited Internet content had been sought by Electronic Frontiers Australia Inc (EFA), under freedom of information legislation.

In affirming the ABA's original decision to protect details identifying such material, the AAT found that to release the information sought would have a substantial adverse effect on the ABA's ability to properly or efficiently administer the co-regulatory scheme for Internet content, and that it was not in the public interest to release the information.

In reaching its decision, the AAT placed significant emphasis on the nature of the Internet content about which EFA had sought information.

'Some of that information may lead a person to content...that depicts child pornography, paedophilia or child

abuse...There are also concerns that their viewing such material repeats and perpetuates the abuse that those depicted in the material have already suffered,' the AAT said in its decision.

In welcoming the decision, ABA Chairman, Professor David Flint, said that he was pleased that the AAT had agreed that there was a need to prevent publication of information that would enable people to access and view illegal and offensive Internet content.

'The scheme administered by the ABA has as its stated objectives the protection of children from exposure to Internet content that is unsuitable for them, and restricting access to Internet content that is likely to offend reasonable adults. Releasing details of Internet sites that contain illegal, offensive and potentially harmful material would have seriously compromised the ABA's ability to achieve these objectives,' he said.

'Many of these proscribed sites show the most appalling sexual abuse of children, sometimes very young. It is hard to see

how the public interest would be served by publishing information that could enable access to such material,' said Professor Flint.

Background

The ABA administers Australia's co-regulatory scheme for Internet content established under Schedule 5 of the *Broadcasting Services Act 1992*, including a complaint mechanism for reporting illegal and offensive Internet content (see www.aba.gov.au/internet/).

In February 2000, EFA sought access under the *Freedom of Information Act 1982* to information about Internet content that had been the subject of complaints to the ABA, including information about content that had been found to be prohibited and potential prohibited content.

On 21 July 2000, the ABA decided to release information about content that is not prohibited and claimed that information about prohibited and potential prohibited content was exempt from release, as the release of such information would undermine

the administration of the co-regulatory scheme and not be in the public interest. EFA sought an internal review of this decision. On 6 September 2000, the original decision was affirmed in full.

EFA applied to the AAT for a review of the ABA's decisions. Public hearings were held in Brisbane on 18 and 19 July 2001.



The AAT decision is available on the ABA's website at www.aba.gov.au.