

ABA Member Jane Marquard presented a paper on the Australian internet safety law to the Safety, Awareness, Fact and Tools conference in Stockholm, October 2003. The conference was organised by the Ministry for Culture in Sweden which runs the SAFT project in Sweden. Here is her report on the conference.



SAFT Conference

The SAFT (Safety, Awareness, Facts and Tools) project is one of numerous projects funded by the European Commission as part of its 'Safer Internet Action Program', a multi-million dollar initiative to develop Internet safety programs across Europe. Participants from many European countries, as well as the USA, Australia and Singapore, came together to discuss Internet regulation issues that are common around the globe.

The issues

The conference focused on strategies to ensure that children's use of the Internet is safe, responsible, intelligent and fun.

The issues – child pornography, exposure to 'harmful' and false material, spam, chat rooms, irresponsible use – are similar everywhere. Most participating countries are implementing programs and strategies, although the responsible parties vary between governments, non-government organisations (such as Save the Children), educational agencies, and the Internet industry itself. Naturally this means that differing national philosophies will cause conflict – in particular where to draw the line between freedom of expression and public interest regulation created much discussion. In Australia, online regulation is enshrined in legislation so the issue of 'how to govern' is academic, although it is a live issue in many places. The American commentator discussed the various child pornography laws that have been struck out as unconstitutional. In Europe generally, there are very few laws on Internet regulation, and a general reluctance to embrace them.

However, Internet safety is being pursued through a combination of self-regulation, government agency and NGO commitment.

This conference did highlight that no matter what the form of regulation, there is much similarity between the types of Internet regulation occurring worldwide – generally a combination of a hotline system, self-regulation and community education. Industry involvement in some of the European countries is significant. The industry representative from the SAFT countries referred to the extensive community education campaigns they have conducted through web sites and leaflets sent with invoices. They are also exploring numerous other partnerships for distributing community education material.

Community awareness

As in Australia, all participating countries regard 'awareness' as a key component of safe and responsible use of the Internet. The EC funds a large number of projects which focus on community education, primarily through schools but also online, and which involve not only safety campaigns but also develop critical evaluation skills for children, teachers and parents. Many of the speakers discussed their

national programs, emphasising sharing ideas and programs. The ABA will evaluate some of these programs for Australia.

Research

Reports were presented to the conference on comprehensive research in Europe and Singapore, relating to how children use the Internet, parents' views and the usefulness of various regulatory strategies. The ABA hopes to draw on this research to update its own Internet research and community education strategy.

There was much emphasis on the types of messages that should be relayed in community education programs. Many commentators argued that education programs should recognise that older kids





The importance of defending freedom of commercial speech

enjoy the 'free zone' of the 'net: they enjoy playing around with identities and chatting to people in an unsupervised way. It was argued that these kids respond well to being trusted and taught responsibility, rather than being forbidden from using certain sites or by using filters. There was widespread agreement that the more family interaction and discussion takes place, the less need there is for tools such as filters.

International cooperation

The ABA has an international liaison responsibility under the Broadcasting Services Act. It is obvious that it is essential to have international cooperation for an international medium.

Speakers were positive about the success of the hotline system which is working effectively to ensure that international enforcement agencies have a far stronger chance of tracing child pornography than would otherwise be the case. In one example, a child pornography site was reported to the hotline in Sweden, the following day it was traced by police in Denmark. Clearly the main problem is those countries which have not discouraged production of child pornography. It is widely recognized that this will need to be the focus of the international community in years to come.

There was also discussion at a fairly general level of the new forms of delivery – mobile telephony in particular, with the specific issues relating to mobility that will mean careful assessment of regulatory issues in the next few years.



Notwithstanding the concerns of government and society, while society remains free, an issue such as obesity is primarily a matter for the individuals concerned and in the case of children, for them and above all their parents, Professor Flint said in his address to the 75th Anniversary Forum of the Australian Association of National Advertisers in Sydney on 27 November.

'Today, the television and the computer screen are said to encourage grazing and advertising is said to exacerbate this. But it is surely not the role of legislatures to forbid everything that people do legally but which may not be good for them.

'This is the area where responsibility should be encouraged, but not legislated. This includes not only responsibility on the part of the manufacturer, the publisher or broadcaster and the advertiser. It includes responsibility on the part of the citizen, and in the case of children, on the part of parents and those in charge of them.

'Our society depends on a free and robust market place not only of goods and services, but also ideas. If we identify a problem which results from legal and non-criminal behaviour, the solution is not to immediately reach for the legisla-

tive proscription. It is to put a countervailing idea into the market place. In this case, arguments for exercise and good nutrition.

'In the print media, this is done by self-regulation. In the broadcast media, which is and must be licensed, this is done by co-regulation. The current revision of the Commercial Television Code of Practice envisages precisely this – that advertisements to children for food should not encourage or promote an inactive lifestyle combined with unhealthy eating or drinking habits.

'There is an important principle at stake here. That is our freedom. Our freedom of speech, our right to hold property, to trade, and to talk about goods and services traded, and yes, to advertise them. That is the badge of a free society.

The threshold which justifies limitations on free speech is high, not too high, but high enough to ensure the proper balance is achieved. In other cases self regulation and for the broadcast media, co-regulation is the appropriate response.'

The full text of Professor Flint's speech is available on the ABA web site at www.aba.gov.au/abanews/speeches/index.htm.

