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Protecting children from pornography

Working together

By Professor David Flint

What a pity there isn't a magic wand that we could wave over the Internet and get rid of pornography. We could be sure then that nobody, especially children, would be able to see it. This includes, of course, the particularly revolting material our ABA investigating officers refer to the police.

Unfortunately there is, as yet no magic wand. We have to rely on a raft of measures. These include co-regulatory codes, official tests of filters, a centre to receive complaints and the power to initiate sanctions and

of course, education, education of parents as well as children.

The ABA has made sure that filters are available to all internet subscribers at cost, but equally, has stressed that there should be no complacent reliance on filters.

It deals with all complaints about offensive Internet content. And it has the power to order offending sites be taken down, or if overseas, ensuring – in such a way that the offenders are not forewarned – that foreign police can prosecute.

Now the weakest link in this

chain is undoubtedly the apparent laxity, or perhaps the inability, of some foreign governments to enforce what is their criminal law, or at least ought to be their criminal law.

We have just seen a report from the Australia Institute that relies heavily on a telephone poll of a relatively small sample of our youth. The report concludes that a large percentage have accessed pornographic sites. This percentage seems particularly high among boys. The authors fear the results may be understated. (They could equally be overstated, especially among the boys). In any event, they are right to bring this to our attention. There are some sites which no one, especially children, should see. There are others which only adults should be able to access.

Given that we alone can't force foreign police forces to do their jobs, is there something more we could do? The Australia Institute thinks so. But in proposing a solution, the Institute makes the gratuitous observation that Australia's current form of coregulation is next to useless. Don't they realize how

difficult it was to get to this point and that Australia is a pioneer in dealing with this problem?

And then there is their entirely unsupported suggestion that the ABA is more interested in promoting the Internet than in protecting children. This is not only untrue, it is offensive. The ABA's principal concern is the protection of children, which was clearly the intention of Parliament.

That is why the ABA is engaged with organizations, both here and overseas, to protect children. The ABA works through INHOPE, an international network of hotlines that deals primarily with reports about child pornography available on the Internet. This network of 17 accredited hotlines links 15 different countries: Australia, Austria, Belgium, Denmark, France, Germany, Iceland, Ireland, Korea, The Netherlands, Sweden, Spain, the United Kingdom and the USA. Some INHOPE hotlines are government based like the ABA, others such as the Internet Watch Foundation (UK) are industry initiatives; while there are also

A range of free brochures, designed to help children and their adults learn about safe internet use, includes:

- general Internet safety tips;
- advice on choosing a filter;
- tips for dealing with spam; and
- tips for safe use of chat.

These are available:

online at www.aba.gov.au/internet/index.htm, and in hard copy by contacting us on 1800 810 241.



community-based and privately sponsored hotlines like Cybertipline (USA).

In a recent six-month period, INHOPE investigated approximately thirty five thousand reports of child pornography online.

With industry and with public consultation, the ABA has developed and registered codes of practice to protect the public interest. It reports on the effectiveness of filters and publishes these on its website (www.aba.gov.au) and ensures that in the code approved filters are made available at cost.

The ABA developed a website, www.cybersmartkids.com.au, that provides information for families to help ensure their children's Internet use is safe and enjoyable. The site features a young person's guide to surfing the Net, using email and chat rooms, the smart way. The site encourages children to have fun on the Internet and explore 'cool' sites, but asks them to remember always to be cybersmart. Being cybersmart includes telling a parent or another trusted adult if a child sees 'upsetting language, nasty pictures or something scary' on the Internet.

The site also features important tips for parents on safe ways to enjoy the best of the Internet, whilst protecting children from the worst. Teachers can use the lesson plan, online teaching resources and homework tips to help kids be cybersmart.

The ABA has also entered into formal relationships with federal and state police to ensure the speedy transmission of sensitive information on foreign sites so that through Interpol and other paths, local authorities can act.

Above all the ABA warns against complacency, which can come through too much reliance on filtering - an imperfect

tool - and stresses the continuing need for parental involvement and supervision.

The Australia Institute thinks Australia should do more. Against the views of almost all international experts, the Institute thinks it has found the elusive magic wand. This is mandatory filtering, but allowing adults to opt out. What we have at present under our unique coregulatory system is a code that requires Internet service providers to offer all Internet subscribers filters at cost. The filters' effectiveness is tested for the ABA and the results are made public. No other country, at least among the democracies, has even this. But the Institute may have a point.

For mandatory filtering to be the magic wand, subscribers would of course have to pay in some way. They might have to accept slower download times. They would also have to put up with the fact that filters overshoot, blocking quite legitimate requests. For example a medical inquiry could result in sites about the human body being blocked.

Then there is the problem that filters let through some sites that are clearly pornographic. The Australia Institute knows this - they included our research that discloses this in their report. Perhaps the greatest danger of mandatory filtering is that it will inevitably make some parents complacent and think the filters are in fact a magic wand.

In any event Dr Hamilton and the Institute will soon have the opportunity to have their proposal discussed. The Department of Communications, Information Technology and the Arts is do-

ing its own research on filters, as has the ABA. This will ensure that Parliament, and indeed all of us, are better informed on this question.

And let's not forget that the introduction of the Australian system required a considerable degree of persistence, indeed courage, on the part of both the government and the Parliament. Some of the warnings about the consequences, to say nothing of the ridicule, which appeared in the media here and overseas ought to be revisited. If they were, quite a few people would be embarrassed. One commentator even called Australia a global village idiot!

The opposition of the free speech lobby, especially in the US, was ferocious. That lobby seems to have persuaded the American courts to give too much comfort to the pornographers whenever the Administration and the Congress have tried to act, but they were unsuccessful in their attempts to dissuade the Australian government and Parliament from

introducing our quite unique coregulatory system. This is the most rigorous system in any of the democracies - without having any of the predicted deleterious effects on free speech. Nor have excessive costs been put on Australian subscribers, nor has the Internet been slowed down.

Dr Hamilton should be given the opportunity to argue for his solution - and he will soon have that when the government tables its review in Parliament for debate. Until then, we must keep an open mind on this. Is it the magic wand, which would instantly solve all of our difficulties? If not, would it be, on balance, a significant advance on what we have? If it is either, then it can be expected that the government and the Parliament will, acting in the public interest, react favourably.

But on this, it is appropriate to note that no other democracy, nor any of the international expert bodies, proposes doing this - which does not mean Australia should not. After all, Australia is already a pioneer in dealing with this extremely serious problem.

