

Complaints about Internet content

Five-year summary - January 2000 to December 2004

	Jan - June 2000	July - Dec 2000	Jan - June 2001	July - Dec 2001	Jan - June 2002	July - Dec 2002	Jan - June 2003	July - Dec 2003	Jan - June 2004	Jul - Dec 2004	TOTAL
Complaints received	201	290	215	231	391	298	385	491	616	598	3716
Investigations completed	160	221	185	199	300	236	280	406	404	429	2820
Investigations terminated	37	56	29	46	84	71	89	80	95	94	681
Invalid complaints	2	0	0	0	0	0	0	0	95	72	169
Investigations finding potentially prohibited content	93	139	98	157	216	175	206	255	293	302	1934
Items actioned (Australian hosted)	62	64	34	67	26	19	7	4	3	1	287
Items actioned (overseas hosted)	94	136	153	146	245	292	278	321	380	430	2475

The ABA has received more than 3700 complaints about illegal and offensive ('prohibited') Internet content via its Internet complaints hotline (www.aba.gov.au/hotline) since it started accepting complaints about Internet content on 1 January 2000.

The ABA has investigated more than 2800 complaints about Internet content. More than 1900 of these investigations found that the complaint related to prohibited or potentially prohibited content. More than 280 individual items of Australian-hosted Internet content and almost 2500 individual items of overseas-hosted Internet content have been actioned by the ABA.

For more information about the ABA's Internet role, go to www.aba.gov.au/internet/complaints/internet.htm

The complaints scheme: the ABA's hotline

Established under Schedule 5 to the Broadcasting Services Act, the ABA's Internet complaints hotline enables Australian residents to complain to the ABA about prohibited or potentially prohibited Internet content. Complaints can be registered at www.aba.gov.au/hotline.

Internet content is assessed in accordance with the National Classification Code and Guidelines. The prohibited categories for Australian-hosted content are RC (Refused Classification), X (consensual sexually explicit material), and material rated R (Restricted) that is not protected by adult verification procedures. For overseas-hosted content the prohibited categories are RC and X.

For Australian-hosted prohibited items, the ABA issues a take-down notice to the Internet content host i.e. directing the Internet content host not to host the content. Failure to comply with such a notice may result in a maximum penalty per day of \$5500 for an individual and \$27,500 for a corporation. For overseas-hosted prohibited or potentially prohibited items, the ABA notifies the suppliers of filter software of the content, in accordance with procedures outlined in the Internet industry codes of practice. Under the codes, Internet service providers are required to provide one or more of the filter products listed in the schedule to the codes, for the use of their subscribers.

If the ABA finds Internet content is of a 'sufficiently serious' nature (such as child pornography), it will notify the relevant police force and/or the relevant accredited hotline overseas.

MOU for ABA and Net Alert

The ABA and NetAlert have signed, in January 2005, a memorandum of understanding which will provide the framework for co-operation in areas of shared responsibility. The ABA and NetAlert will work together to:

- assist and advise the community on Internet content and access issues
- develop and deliver cost effective resources and programs to educate the community about Internet safety matters and
- share expertise and experience in Internet safety issues.

The collaborative framework of the MOU allows each organisation to pursue its own areas of expertise, while at the same time allowing partnerships on particular projects. Regular meetings are proposed between the two agencies, which will provide excellent opportunities for consultation and for the exchange of information.

The terms of the MOU will be reviewed after two years.

The ABA administers a co-regulatory scheme for Internet content. The scheme aims to address community concerns about offensive and illegal material on the Internet and, in particular, to protect children from exposure to material that is unsuitable for them.

NetAlert

NetAlert is an independent body established by the Government in December 1999 to promote a safer Internet experience and research access management technologies. It provides practical safety advice for children and families. NetAlert has a statutory role, under clause 58(1) of Schedule 5 to the Act, to be consulted on Internet industry codes of practice relating to the management of Internet content before the ABA registers the codes.

For more information about NetAlert, go to www.netalert.net.au.

Summary for January 2005

Complaints received	97
Invalid complaints ¹	24
Investigations terminated ²	22
Investigations completed	45
Items actioned ³	29

1 The ABA does not investigate a complaint if:

- the complaint does not meet the statutory requirements under clauses 22(3) and 25 of Schedule 5 to the Broadcasting Services Act (e.g. no Internet address provided; complainant not an Australian resident) or
- the complaint falls within the meaning of clause 26(2) of Schedule 5 (frivolous, vexatious, not made in good faith, or made for the purpose of frustrating or undermining the effective administration of the scheme) or
- the complaint concerns matters not within the scope of Schedule 5 (e.g. the complaint relates to an electronic 'virus').

2 The ABA will terminate a complaint under clause 26(4) of Schedule 5 if it has insufficient information to conclude the investigation.

3 The ABA assesses each piece of Internet content, such as a single web page or newsgroup posting, separately (these are referred to as 'items' of Internet content). The ABA takes action in relation to items of Internet content found to be prohibited or potentially prohibited.

Items actioned – January 2005

<i>Classification and description of Internet content</i> ⁴	<i>Australian-hosted (take-down notice issued) (referred to makers of filters)</i>	<i>Overseas-hosted</i>	<i>Total</i>
R – Violence	0	N/A	0
R – Sex	0	N/A	0
R – Themes	0	N/A	0
R – Drug Use	0	N/A	0
R – Nudity	0	N/A	0
R – Language	0	N/A	0
X – Actual sexual activity	0	17	17
RC – Crime – promotion/instruction	0	0	0
RC – Violence – depiction	0	0	0
RC – Paedophilia – promotion/instruction	0	0	0
RC – Child – depiction	0	7	7
RC – Bestiality – depiction	0	0	0
RC – Sexual violence – depiction	0	0	0
RC – Sexual fetish – depiction	0	2	2
RC – Sexual fantasy – depiction	0	3	3
RC – Drug use – promotion/instruction	0	0	0
Totals	0	29	29

4 Descriptions of Internet content in this table are based on the National Classification Board's Guidelines for the Classification of Films and Computer Games 2003, available at www.oflc.gov.au/resource.html?resource=62&filename=62.pdf