



# Inquiry epidemic

**W**ould the real inquiry into on-line services please stand up? As of 4 September, there were three inquiries underway into the regulation of on-line information and entertainment services.

Just as submissions to the joint inquiry on content of on-line services by the Department of Communications and the Arts and the Attorney-General's Department closed, Communications Minister Michael Lee announced the establishment of another inquiry - this one by the Australian Broadcasting Authority (ABA).

Its brief is to investigate 'the content of emerging on-line information and entertainment services' with a view to establishing offence provisions, industry codes of practice, options for complaints handling, and educational programs. Devices for blocking or filtering certain material will be analysed. According to an ABA statement, 'protection of children from harmful material' will be a main focus of the investigation to be completed by June 30 next year.

Then, on 4 September the Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies started advertising its own, independent inquiry into 'regulation of computer on-line services'. Like the others, this inquiry has been formed 'in recognition of a growing concern about unsuitable material being accessed by children using their home or school computer.' It will examine the operations of current and planned on-line services, the sources of offensive or undesirable material on them, and the adequacy of existing and proposed regulatory systems to control access by minors to such material. The Committee plans to complete its inquiry by 30 November this year.

The Electronic Frontier Association of Australia (EFA) - which claims

to represent the vast majority of on-line service users - regards the rush into 'inquiry mode' as a pre-election effort to head off criticism of a perceived lack of action from government on children accessing on-line pornography and violence.

The EFA's Garth Kidd said all the inquiries are starting with the presumption that regulation is necessary and therefore a good thing.

'We've had to waste a lot of time with all these submissions pointing out the difficulty of regulating the Internet,' he said. 'How do they expect to control something in Australia when 90 per cent of its content comes from overseas?'

But Michael Lee's office says the Government does have a responsibility to the community to ensure that children are accessing appropriate on-line material - 'especially since we're encouraging it to be used more widely in schools,' a spokesperson for the minister said.

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He said the ABA inquiry was important because of its longer time frame and its broader focus.

ABA chairman Peter Webb has been encouraging the broadband industry to take an active role in resolving community concerns in order to head off 'interventionist' government policy.

At a Cable TV and Interactive Services conference in Sydney this month, he said neither government nor the community would be likely to accept an on-line industry which took no responsibility for content, 'especially problematic material which raises social and ethical questions. □

## Cyberspace: threats & rights

**CYBERSPACE POSES** threats to existing rights and is itself under threat, according to Roger Clarke, formerly Reader in Information Systems at the Australian National University, in a recent address to the Victorian Council for Civil Liberties.

Public attention increasingly is focussing on what Clarke described as 'dysfunctional occurrences' in cyberspace. These include flaming, new and old forms of harassment, racial vilification, stalking, copyright infringement and obscenity, particularly the dissemination of graphic depictions of pornography.

Clarke said policy and law makers must take into account the novel aspects of cyberspace in developing solutions to fit these problems, rather than attempt to graft on existing standards. In cyberspace, it is easy for the harasser or rumour monger to assume anonymity - an extension of a possibility that exists in real time, but which has much greater implications when translated into cyberspace.

The main threat to cyberspace, said Clarke, is heavy handed attempts at regulation such as the US's *Communications Decency Act* now before the House of Representatives.

Existing rights and liberties will not be immune from the substantial social changes of the communications revolution. First, there will be demands for new types of information rights, not only access to information, but increasingly, access to the information infrastructure.

Secondly, the ability of the Internet to transcend geographic boundaries means that no government can have sovereignty over it. The undermining of jurisdiction means that rights are also undermined - a consequence of enforcing any kind of laws in cyberspace. □

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