



Net 'can be tamed'

Regulating content on the Internet is both desirable and possible, the chair of the Australian Broadcasting Authority, Peter Webb, has claimed.

'I don't accept that the Net can't be regulated,' Mr Webb told a conference of the International Institute of Communications in Sydney in October.

'I think that we can give people the same degree of comfort and reassurance in using the Net as they now experience with traditional forms of media,' he said.

'The ABA has set out to demonstrate that. We believe that a degree of regulation commensurate with the degree of influence the Net has is perfectly within reach

'Incidentally I don't think the influence of the Net is anything like as great as some people claim it is. It is certainly not as great as free to air television, for example, or the cinema.'

Mr Webb expressed scorn for the argument that the Internet should be exempt from content regulation on free speech grounds.

'I don't think there is any such thing as free speech,' he said.

'There is an attitude among some Internet users that it is in some way the last bastion of free speech. I don't accept that speech is ever free. It is always hedged about by responsibilities and accountabilities. That is true of every medium, and I see no reason why it should not also apply to the Internet. The community wants to see some form of restriction.

'The question, I think, is why *shouldn't* the Internet expect to conform to the same obligations and accountabilities as other media?

'The question of how to regulate the Internet can be addressed.

'I think the online area is a fascinating area in regulator terms. I don't think it is the harbinger of regulatory doom. I think there are good sensible

outcomes which can be achieved through regulation.'

Mr Webb disputed the argument that globalisation, the Internet and the convergence of media spelt the end of domestic regulation.

'I don't think these things are actually real, certainly not in Australia,' he said.

'I think the death of domestic law, like that of Mark Twain, has been announced prematurely,' he said.

'I think the Parliament can still help contribute to good outcomes.'

Mr Webb said that in the Asia Pacific region a host of new regulatory agencies was springing up in broadcasting, and to some extent in telecommunications. Countries which had recently established broadcasting regulators included India, Indonesia, Pakistan, Malaysia and Singapore, he said.

'They certainly haven't given up the ghost [on regulation], haven't given the game away,' he said.

'Just because programs can be distributed by satellite, doesn't mean that Parliament is powerless.

'There is a bit of life left yet in the domestic dog.'

Part of the solution was to shift the focus of regulation from medium to message, he said.

'I don't want to pay too much attention to the means by which content is delivered to consumers.

'You have to look at the context in which the consumer receives the content: that is what really matters. You can use any form of communication that you like. I don't care whether it is distributed by wire, or by satellite, or by smoke and mirrors.'

Telecoms regulation to stay

The chair of the Australian Communications Authority, Tony Shaw, flagged a similar change of emphasis.

He told the conference that regulation would remain relevant to telecommunications in the new deregulated era, but that its nature would change somewhat and there would be a 'technology neutral' approach.

'The importance of being technology neutral will grow,' Mr Shaw said.

'Any regulation that relies on defining technology, whether it is mobile versus fixed wire or whatever, is very hard to administer. The industry will always find a way of getting around it.

'We need a shift to focus on outcomes in the market, on services delivered.

'From a public policy perspective it is just easier to regulate if you have that sort of focus.'

Mr Shaw said that the resentment shown by some telecommunications carriers that regulation survived, or even increased, in a liberalised communications market was misplaced.

'You have to bear in mind what the goals of competition are,' he said. 'We are not encouraging competition for its own sake. We want to encourage a dynamic and efficient market that maximises the benefits to the community.

'Regulation will change, in form and complexity, but the fundamental reasons supporting regulation seem pretty solid to me.'

Looking at the next seven to ten years, Mr Shaw said that the broad objectives of regulation would not change.

'There have been some suggestions that over time, as competition in the market improves, there will be no need for regulations here.

'I don't think this is true. In terms of access rights, for example, I can't see how you can avoid the need for a mechanism to resolve disputes when commercial negotiation fails.

Richard Evans