

Good morning, Richard...

On March 19, the Minister for Communications, Information Technology and the Arts, Senator Richard Alston, had some news about Internet censorship for 2UE radio host John Laws. Laws had some news for Alston, too

Laws:
Good morning Richard. How are you?

Alston:

Well thanks.

Laws:

Good. Busy?

Alston:

Yes, and I've got an announcement that I thought you might be interested in, in relation to Internet content regulation.

Laws:

Yeah. This is the thing that Brian Harradine's been on about. Are you doing it for Brian's sake or are you doing it for everyone's sake? I think most people would agree with him, incidentally.

Alston:

Yeah, look I think there's widespread community concern. Harradine is probably the most visible public manifestation of it but I think you'll find that parents everywhere are concerned about what their kids get access to but there are actually illegal and Refused Classification material that's available on the Internet, whether it's access to snuff movies or paedophile lists or bomb recipes and the like. All of these things I think we just can't turn a blind eye to.

Laws:

So if you have Internet facilities, you

can look at paedophilia?

Alston:

Yes, if you know where to find it.

Laws:

And pornography?

Alston:

The lot. Oh yes, there's a lot of pornography around without a doubt. It's often said to be the principal source of commercial revenue from the Internet.

Laws:

Is that right? Isn't that hideous? God, that's hideous. So how do you stop it? I mean I don't have a great understanding of the Internet except I think it's terrific but I don't think it's terrific if that sort of thing is going on, so how do you stop it?

Alston:

Well, it becomes a matter of what's technically feasible as much as what is socially desirable and I think our starting point is to say we don't want to inhibit the growth of the Internet. It's got fantastic opportunities. Similarly, we don't want to put responsibilities on those who don't have control over what goes across the Internet. Now in the first instance content providers, the people who actually make the material, are clearly responsible for what they do and if they are within Australia it's not difficult to make them subject to the ordinary laws of the land. So you can have a regime that makes it...they have to take it down if it's

illegal or Refused Classification or X-rated which is hard core porn.

Laws:

Is pornography illegal?

Alston:

Pornography is a vexed question about how you define it. Usually, the states have slightly different forms of words but in the general classification regime which applies both to video and to hard publications, generally they use terms of Refused Classification which means it's off the air, over the top, X which is generally hard core porn, and R which is generally soft core porn.

Laws:

Well, how can you police it?

Alston:

Well, as I say, within Australia I think it's not overly difficult to do that if you put the obligation on the content provider. For R-rated material you would simply say that they have to ensure that it's adults only so you need a verification mechanism, maybe a pin number or subscription. Most of these services are commercially available. In other words, you have to provide credit card details and most times I think you'll find they're only available to adults anyway. So content within Australia is not that difficult. It becomes much harder when you're talking about offshore, and most of the material that comes in here off the Internet comes from the US and it's much more difficult for Australia to impose

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its view on the rest of the world. So if something's coming out of the US and being screened globally, then we have to do what we can to ensure that it doesn't actually get into Australia if that is feasible.

Laws:

Yeah, but you can't physically block the Internet, can you?

Alston:

Yes, there are what they call proxy servers. There are different levels, application levels, and filtering devices which can be used by the end user but the actual service providers can use technology that diverts material away from a proxy server. It effectively monitors what's there. There are some interesting new technologies that are coming along rather than having to actually sit down and physically inspect every site as one firm claims that it has done. I think they've identified 8.5 million offensive sites.

Laws:

Eight and a half million?

Alston:

Eight and a half million, and those numbers will continue to move around. But they say they've manually reviewed all of those and they can put those effectively on a blacklist and then you can exclude those from your universe so you would have effectively a clean Internet.

Laws:

But that would be up to the owner of the Internet, wouldn't it?

Alston:

Well it's up to the service provider. If the service provider is told not to allow anything on the blacklist to be

available through his service, then you effectively close down those sites. But you can either include or exclude. It's also quite possible to have technology that is readily available in the US, Net Nanny and Cyberwatch and these sorts of things, where the user simply subscribes to a service that does do just that so it's already happening to a considerable extent. The question is to what extent do you force it to happen? And you've got to be conscious of whether or not it is feasible to actually close down a particular page on a website rather than just closing the entire site because if it's a major service provider coming in, it might be bringing in a whole galaxy of information, only a small portion of which would be offensive.

Laws:

You said that there were different rules in different states.

Alston:

Well you asked me about pornography. Generally, there are censorship laws in the states and offences under the Crimes Act so it does vary to a considerable extent. The states themselves are in the process of devising uniform content regulation but it's been a pretty slow process and that still leaves the question of service providers and our view is that as a last resort, if the content providers don't take the necessary action, then once it's brought to the attention of the service providers they should be required to do everything possible.

Laws:

So to me it sounds extremely complex and to me it sounds damn near impossible. Are you just paying lipservice to Senator Harradine?

Alston:

No. I think you do your best, John. If you could close down 80 per cent

of the sites that are truly offensive then I think you're doing a worthwhile public service. Now obviously you can't simply put your finger in the [inaudible] if there's no possible way of achieving this but, as I say, there are new technologies popping up all the time that do sound as though they will go a long way in this direction because, you know, whether it's in the US or UK or anywhere else the issues are essentially the same. Parents don't want to find a lot of highly offensive material being readily accessed by their children 24 hours a day and nor do ordinary adults want to see illegal material readily available. Governments have to do their best.

Laws:

Do you think the circumstances will arise where there will have to be some kind of world discussion on this?

Alston:

Oh yes. I think it's pretty desirable to have as much international cooperation as possible. What, of course, always happens in these things, it's like tax. You try and devise double taxation agreements but there's always the Cayman Islands or somewhere where there's a benefit of staying outside the regime. So you might find everyone in the world agrees with this except Cuba, and Cuba then becomes the absolute haven. So ultimately, you have to try and control it if that's the path down which you are going via the gateways into Australia, and there are some backbone service providers that are the point of international access. Now this may change with direct-to-home satellite delivery, for example. So you've got to have a system that's sufficiently flexible to accommodate new technologies and not be technology specific but lays down the principles that you want to see accepted.

Laws:

Well, all I can say is good luck. It sounds very complex to me and I also, certainly not defeatist, but it sounds defeatist to achieve it. But as you say, 80 per cent of something's better than 100 per cent of nothing.

Alston:

We'll do our best.

Laws:

Good to talk to you. Oh, by the way, have you seen *Lolita*?

Alston:

Yes, I saw it the other night in Sydney and I must say I found it rather disturbing. It's obviously a very sensitive subject matter.

Laws:

Did you not think it was sensitively done? Because I did. I thought it was very sensitively done and I thought the final scene was very disturbing but I thought it made the point it wanted to make fairly clearly.

Alston:

Yeah. Look, I think it is filmed in such a way that it certainly wouldn't provide an obvious source of titillation and in some respects there are a lot more films around that do actually have probably more in-your-face sexuality. The issue here is whether the underlying theme of paedophilia is something that ought to be canvassed and secondly, whether this particular film promotes or encourages it and I think that's something the community itself will make a judgment about if it becomes available.

Laws:

Yeah, well I didn't think in any way it condoned or encouraged. I think it simply stated a fact, and of course

the book is available to anybody in any bookshop.

Alston:

Yes, I think this film is probably a more accurate representation of the book than the earlier one.

Laws:

Than the previous film, yeah. I thought it was very sensitively done and wasn't offensive in any way, and I'd talked to Jeremy Irons at length about it and he said that he wished parents and teenagers could go and see it together so the subject did become one of discussion and did become one of awareness to unsuspecting kids, and I think he's right.

Alston:

Yeah. I think there's probably scope for a lot more community debate on these things and we do have regimes that allow people to test the classifications and I think that's pretty healthy. There are always going to be people in the community whose worst fears need to be allayed or if indeed confirmed, then action needs to be taken.

Laws:

It's a bit stupid when Members of Parliament run around calling for a film to be banned before they've seen it though, isn't it?

Alston:

Well I don't know, I wasn't actually there when this matter was discussed but as I understand it, there were quite a number of people who had concerns which I think are probably legitimate ahead of seeing the film. Now this issue really is whether you simply say 'Well, I'll do nothing about it until it goes to air', by which time it is generally too late, or whether you seek to have a private viewing ahead of that time and then make a judgment and I think that's probably what will happen.

Laws:

Why do we have the film censorship board?

Alston:

Well, to make these sorts of decisions and there is in fact a review mechanism that allows for it to be further considered, so I think probably people who do have the concerns will want to look at what options are available before it hits the cinemas.

Laws:

Don't you think it would have been wiser if they had simply asked to be able to view the film before they made any comments about the fact that it should be banned?

Alston:

John, I don't know to what extent that was possible or not but as I say, I wasn't there to hear the basis on which these concerns are expressed and certainly if there are a number of people in the community, for whatever reason, who are very concerned at the mere prospect, then I think it's reasonable for people to want to explore those concerns.

Laws:

Yeah. Well you sometimes wonder then why we have a government-paid, which means taxpayer-paid, statutory body to do the job if we're going to have parliamentarians with little knowledge. I doubt that any of them have read Nabokov's book, the ones that I heard complaining about it. Anybody could go and buy the book.

Alston:

I don't think anyone's suggesting that the politicians ought to have the ultimate say on these issues but that where there is a basis for genuine public concern, that ought to be fully taken into account and in some respects, you can say that the

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Classification Board, which might look at hundreds of these films, can become a bit desensitised and I think they're just concerned that ordinary citizens' views are fully taken into account. Now at the end of the day if you go through all the processes and you come up with a decision, well I think most people would live with that.

Laws:

Yeah. Have you seen a film called *Natural Born Killers*?

Alston:

No, I think I saw excerpts of it a couple of years ago. I don't specialise in these things, John.

Laws:

Neither do I.

Alston:

I take your point.

Laws:

Yeah, well the only reason I saw it was a couple of our kids were looking at it and I ripped it out of the machine because it was just simply outrageous. It makes *Lolita* look like

Mary Poppins.

Alston:

Is this one of those Tarantino films?

Laws:

I think so and it's just blood and guts and death and immorality and amorality and hideous. So I would, you know, if you could encourage your colleagues to look at that sort of thing instead of getting their knickers in a knot about *Lolita* which is a classical book anyway and was done with a great deal of sensitivity, I think we'd all be better off.

Alston:

Alright, point taken. <

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market players who already maintain filtering infrastructure may be beyond their capital base.

But the ABA's view on filtering is not universally held across government. In testimony before the Committee, the National Office for the Information Economy saw the provision of Industry Codes as a method in which small and large ISPs may be allowed differential rates of compliance with the blocking section of the Bill (128). Given that NOIE is the originator of the legislation while the ABA is the implementor of it, it seems likely that we will not know the extent of compliance costs until after its introduction and subsequent interpretation by the ABA.

For the Australian ISP industry, the Bill appears to propose a significantly tighter regulatory system than they had anticipated in negotiations with government. If industry-wide blocking of offshore content is mandated, then large ISPs with the finan-

cial resources to invest in the staff and equipment will be better placed than small firms to meet the expectations of government. What this may mean is that the government, in attempting to limit the access of unsavoury material by Australians, may speed what is seen as an inevitable rationalisation of the ISP industry in Australia, limiting the market to those companies able, not only to get the best price for bandwidth, but also to comply with the new strict content regulation laws.

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