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Applying classification controls to Internet content in Australia

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Abstract

Purpose – The purpose of this study is to explore Australian public and stakeholders views towards the regulation of the Internet and its content. The federal government called for submissions addressing their proposal, and this paper analyses these submissions for themes and provides clarity as to the Australian public and stakeholders key concerns in regards to the proposed policy.

Design/methodology/approach – The paper uses a qualitative approach to analyse the public consultations to the Australian Federal Government. These documents are coded and analysed to determine negative and positive viewpoints.

Findings – The research has shown, based upon the analysis of the consultation, that there was no public support for any of the measures put forward, that the Australian Federal Government in its response has not recognised this public feedback and instead has only utilised some of the qualitative feedback obtained through the public consultation process to try to justify its case to proceed with its proposals.

Research limitations/implications – The study is focussed on Australia.

Practical implications – The paper analyses a proposed national approach to filtering the content of the Internet and discussed the public reaction to such an approach.

Social implications – The paper looks at how different parts of Australian society view Internet filtering in a positive or negative manner.

Originality/value – The only study that directly looks at the viewpoint of the Australian public.

Keywords National cultures, Cyberspace, Internet filtering

Paper type Case study

1. Introduction

The Internet and the possibilities it provides is key to many societies from a government, commerce and social perspective. The ability to exchange ideas, messages, collaborate, undertake financial transactions in a matter of seconds and even vote online makes the Internet the foundation on which many countries live, work and socialise. Whilst the Internet offers us all these services and opportunities, the free access to information which once was of the standout elements of its inception and creation is now becoming the battleground of the future with calls for increased censorship and Internet filtering.

Australia of course is not immune to this debate and as a part of the global information society has had to deal with a number of ethical issues in relation to the Internet and its usage; particularly, the distribution of illegal and anti-social material. In Australia (between 2010-2011) the percentage of households with access to the Internet at home was 79 per cent (Australian Bureau of Statistics, 2011); this clearly

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demonstrates the strong popularity of the Internet in Australia. Historically, the initial focus of the Internet was the distribution of information in a static manner, but over time and through the development of technology, the Internet has now developed into Web 2.0 (DiMicco and Millen, 2007). The Web is no longer a collection of static pages of HTML that describe something in the world; increasingly, the Web is the world. Everything and everyone in the world casts an "information shadow", an aura of data which, when captured and processed intelligently, offers extraordinary opportunity and *mind-bending* implications (O'Reilly and Battelle, 2009). In recent years, the emergence of Web 2.0 and related sites, such as Facebook have had a major impact upon the Internet (Shuen, 2008).

The paper will establish the current global environment in regards to the use and application of Internet filtering, it will review and analyse the proposals put forward by the Australian Federal Government and provide the results of a thematic analysis of public submissions to demonstrate the comparison between the Government's proposed desires and the beliefs of the public in regards to Internet content control.

2. Literature review

This section will reflect upon current literature in relation to Internet filtering and censorship across the world as well as providing a background to this issue in the Australasian region.

2.1 Internet filtering and censorship

Throughout history, there has always been censorship albeit in different forms and of different concentrations. This censorship has often been controlled by governments (or governing bodies) who have tried to control the flow of information, whether in be in newspaper, books, TV or radio (Cohen, 2012). The introduction of the Internet brought new challenges for those wishing to censor information; a single individual able to put their point of view to a global audience was a dramatic shift of power and an individual could then theoretically bypass controls to stop that sharing of information and the governments' controls. There are a number of telecommunications organisations, Internet and search engine providers that comply with the requests of countries' governments to censor and filter Internet content; these requests are from the governments who apply clear pressure on the private providers. Refusal is often complex, as some of the countries who wish to apply these filters are the biggest markets for these providers, e.g. China. In 2010, Google admitted they had been applying China's Internet censorship policy for a number of years and announced that they would no longer be doing so. These content blocking and filtering systems use "black lists" which contain information about the different domain names and uniform resource locator's (URL's) which the country wishes to restrict access to (*BBC*, 2010). This trend is not only limited to countries such as China but it is becoming more common in westernised areas such as Australia and the United Kingdom (UK).

The UK Government in 2013 took the step of introducing a self-regulatory agreement with some of the UK's biggest Internet Service Providers (ISPs). The ISP's that were involved in this scheme covered 95 per cent of all households in the UK, and at the time, the filtering system was tagged as being "family-friendly" (Taylor, 2013). The UK model involved ISPs applying filters to block access to inappropriate pornography and to increase co-operation with ISP's. As part of the initiative, two search providers, Google

and Microsoft Bing implemented changes to their search engine results, so that 100,000 search terms would not return results that would contain illegal material. (*BBC*, 2013).

The Open Net Initiative (ONI) is a joint organisation between the University of Toronto, Canada; Harvard University, USA; and the SecDev Group, Ottawa. Their aim is to investigate, expose and analyse Internet filtering and surveillance practices in a credible and non-partisan fashion. They have regularly reported (since 2003) on the filtering activities and censorship of countries. Their reports detail a score for each country based on a number of themes (ONI, 2013), and each country is given a score on a five-point scale that reflects the observed level of filtering in each of four themes (ONI, 2013). The four themes are described below followed by the five-point scale:

(1) *Political*: This category is focussed primarily on websites that express views in opposition to those of the current government. Content more broadly related to human rights, freedom of expression, minority rights and religious movements is also considered here.

(2) *Social*: This group covers material related to sexuality, gambling and illegal drugs and alcohol, as well as other topics that may be socially sensitive or perceived as offensive.

(3) *Conflict/security*: Content related to armed conflicts, border disputes, separatist movements and militant groups is included in this category.

(4) *Internet tools*: Websites that provide e-mail, Internet hosting, search, translation, Voice-over Internet Protocol telephone service and circumvention methods are grouped in this category.

The five-point scale of filtering for each of the four themes is defined as follows:

(1) *Pervasive filtering*: Filtering that is characterised by both its *depth* – a blocking regime that blocks a large portion of the targeted content in a given category – and its *breadth* – a blocking regime that includes filtering in several categories in a given theme.

(2) *Substantial filtering*: Filtering that has either depth or breadth: either a number of categories are subject to a medium level of filtering or a low level of filtering is carried out across many categories.

(3) *Selective filtering*: Narrowly targeted filtering that blocks a small number of specific sites across a few categories or filtering that targets a single category or issue.

(4) *Suspected filtering*: Connectivity abnormalities are present that suggest the presence of filtering, although diagnostic work was unable to confirm conclusively that inaccessible websites are the result of deliberate tampering.

(5) *No evidence of filtering*: ONI testing did not uncover any evidence of websites being blocked.

A selection of 2013 results presented in Figure 1 are based upon the ONI assessment of global filtering activities.

Figure 1 shows some of the countries that are subject to filtering by their government and identifies the type of information being filtered and the degree to which the filtering takes place. A large number of countries are subject to filtering of political and social

	Type of Information being filtered			
Level of filtering	**Political**	**Social**	**Internet tools**	**Conflict/Security**
Substantial	UAE, Armenia, Saudi Arabia, Yemen	UAE, Bahrain, Iran, Kuwait, Qatar Saudi Arabia, China, Burma (Myanmar),Gaza and the West Bank, Sudan	China, Oman, Vietnam, Sudan and Yemen	Iran, Pakistan
Pervasive	Bahrain, China, Ethiopia, Iran, Syria, Turkmenistan, Uzbekistan and Vietnam	Oman, Yemen	UAE, Kuwait, Iran, Qatar	China, South Korea
Selective	Many including: Belarus, Indonesia, India, Libya, Oman, Russia, Sudan and Thailand	Russia, Syria, Turkey, Vietnam, Singapore and Thailand	India, Morocco, Pakistan, Thailand and Turkey	UAE, Morocco, India, Saudi Arabia

Source: ONI (2013)

Figure 1.
Filtering activities by country

information in a substantial manner, but in regards to conflict and security filtering this appears to be much more selective.

It has been difficult to distinguish the level and depth of filtering that has taken place, but the ONI's work has gone some way in categorising and aiding our understanding. Deibert *et al.* (2010) reports that Internet filtering takes many different forms, but commonly occurs at either the ISP or the international gateway. From the 26 countries that were studied by a variety of different techniques, IP blocking and domain name system (DNS) tampering were noted. Due to the different methods being used and the fact that a number of different methods could in theory be used in combination, it is difficult to fully identify the activities taking place and the level at which the filtering is occurring. Some researchers argue that Internet surveillance policies are now widespread and bearing down on the private sector companies that own and operate the infrastructure of cyberspace, including ISPs (Deibert and Crete-Nishihata, 2012).

Whilst the ONI have highlighted countries which many would not consider surprising as those who have some level of filtering across parts of their digital society, the fact is that other countries, such as the UK (as discussed before) and Australia, are considering some forms of censorship and filtering with the premise being that citizens require and desire protection from the less than desirable side of the Internet. In the following section, the proposal by the Australian Federal Government is outlined, as well as the consultation process that was utilised to collect feedback.

2.2 Australian Government proposal for Internet control

The proposal put forward by the Australian Federal Government to deal with the concerns of the Internet is the introduction of mandatory Internet filtering. ISPs will run the mandatory Internet filtering system on behalf of the Australian Federal Government. The overall aim is to ensure that Australian Internet users have no access to any information that is considered illegal under Australian law.

As a part of the process, in 2010, the Australian Federal Government, via the Department of Broadband, Communications and the Digital Economy, sought public views regarding how to deal with illegal content via the Internet. This paper analyses this public feedback and reflects on current trends that exist within that data.

In 2009, the Australian Minister for Broadband, Communications and the Digital Economy (Senator Conroy) announced measures to require ISPs to implement the filtering of Internet material classified Refused Classification (RC) under the National Classification Scheme that is hosted overseas. Such material includes child sexual abuse imagery, bestiality, sexual violence, instructions on how to perpetrate criminal acts related to violence or drug use and/or material that advocates the commission of a terrorist act (Australian Government, 2009). The government also aimed to introduce legislation which would enable the creation of an RC content list but existing arrangements for Australian-hosted prohibited content would remain in place. The Australian Communications and Media Authority (ACMA) developed a blacklist of overseas prohibited content that is provided to the ISPs. As part of this process, public comments were sought on the proposed additional measures to increase transparency and accountability. The federal government proposed six options for public consultation, which were (Australian Government, 2009).

Option 1: refer all material to the Classification Board. The ACMA would refer all complaints initially assessed as containing potential RC content to the Classification Board for classification to check that the ACMA assessment was correct. Material assessed by the ACMA as potentially containing RC content would be placed on the RC content list for filtering whilst the Classification Board made its classification decision. The ACMA would be bound by the decision of the Classification Board.

Option 2: ACMA notification procedure. The prohibited content was hosted in Australia and became the subject of a complaint the ACMA would notify the content owner; as under existing laws, the owner is required to remove or restrict access to the content for Australian users.

However, there may be some concern that owners of content hosted overseas may not know that their content was contained on the RC content list. To address this, it was proposed that in circumstances where the owner of overseas-hosted content that is the subject of a complaint to the ACMA is readily identifiable and contactable, the ACMA will notify the owner that a URL associated with their content (for instance, a specific webpage) was added to the RC content list. This would give the relevant content owner an opportunity to voluntarily remove the content or to seek a classification from the Classification Board if the owner believes the ACMA decision is not correct.

In this case, the ACMA would ask the Classification Board to give priority to its classification of that content. Where the Classification Board has already made its classification decision, the content owner could seek a review by the Classification Review Board and provide arguments or evidence to support the review.

However, no notice would be given where the content owner is not identifiable or contactable, or the content is the subject of a police investigation and the Australian Federal Police requests the ACMA not to notify the owner.

Option 3: blocking notifications page and appeal mechanism. The introduction of a standardised "block" page would advise end-users that the content they have attempted to access is blocked by the filter because it is on the RC content list. The page could:

- state that the user's Internet browser has attempted to access content that is blocked based on the nature of the content; and
- provide information on how to seek a review of this if the user believes that the decision to add the content to the RC content list has been incorrectly made.

The block page notification would apply to the entire RC content list regardless of whether the content was included as a result of a complaint to the ACMA or through the incorporation of international lists from highly reputable overseas agencies.

Content owners whom the ACMA cannot readily identify, and contact may therefore also be alerted through this process that parts of their website are included on the RC content list. If they consider that the relevant URL does not provide access to RC content, they could then seek a review of the decision.

The ACMA would refer any reasonable request for classification to the Classification Board where the ACMA has added content to the RC content list (where the ACMA has made the initial assessment and the Classification Board has not yet made its classification decision under option one above, if that option is also adopted), or to the Classification Review Board (where the Classification Board has made its classification decision under option one above) provided the person requesting the review supplies contact details including their name and address. In these circumstances, the ACMA would request that the Classification Board make the assessment a priority. The ACMA would then be bound by the decision of the Classification Board or Classification Review Board.

The ACMA would advise the person seeking the review of the outcome of the process when it had been completed.

Option 4: incorporation of content from international lists. Material added to the RC content list through incorporation of international lists of overseas agencies would occur only following a detailed assessment by ACMA of the processes used to compile those lists.

Another possible measure is for the ACMA to provide a regular, representative sample of content added from the international lists to the Classification Board for classification, with the ACMA being bound by their decisions. This may require legislative change and amendments to existing industry codes of practice.

Option 5: review by an independent expert and report to minister and parliament. An independent expert (most likely a person with extensive experience in classification matters) could undertake an annual review of the outcomes of the process described in option four above as well as the processes used by the ACMA to initially assess content. This would include timeliness in dealing with complaints and requests for review of content added to the list. The independent expert would then report to the Minister with that report tabled in Federal Parliament, possibly for consideration by a Parliamentary Committee.

Option 6: review by industry group of RC content list classification processes. Formation of an industry group to consider the administrative arrangements that the ACMA and or the Classification Board have in place to assess complaints/classify applications relating to online content. This would not involve the group looking at items on the RC content list itself, but reviewing the ACMA processes that are followed when investigating Internet content complaints. The group would provide feedback to the ACMA and produce an annual report to the Minister that would be subsequently tabled in Parliament.

In 2010, a process of public consultation was undertaken, with the aim of receiving feedback from the Australian general public, corporations, charities and non-for-profit organisations. The public consultation process was undertaken between the 15th December 2009 and 12th February 2010.

3. Study

The section of the paper outlines the research questions and the research methodology used by the researchers in this study.

3.1 Research question

The purpose of this paper is to identify the Australian public's view on the proposed government controlled Internet filtering policy and determine the implications that this could have on society and business. The paper poses two research questions:

RQ1. Based upon the public submissions do Australians support Internet Filtering?

RQ2. Based upon the public submissions do any of the different Australian stakeholders groups support Internet Filtering?

The federal government called for submissions addressing their proposal, and this paper analyses these submissions for themes and provides clarity as to the Australian public and stakeholder key concerns in regards to the proposed policy. This is then compared to the actions and decisions taken by the Australian Federal Government, highlighting the issues surrounding the public consultation and submission process (Warren and Leitch, 2011).

3.2 Research methods

> One undertakes qualitative research in a natural setting where the researcher is an instrument of data collection who gathers words or pictures, analyses them inductively, focusses on the meaning of participants, and describes a process that is expressive and persuasive in language (Creswell, 1998, p. 2).

This research used the content analysis methodology to explore and find understandings in the public's opinions and perceptions of governmental proposals for Internet filtering. The unit of analysis for the research was the submissions made by the Australian public in response to Australian Federal Government's request for feedback on its proposed Internet filtering policy. The analysis was undertaken by two different researchers independently of each other to achieve triangulation through the investigators (Denzin, 1989). Each researcher used the same "scoring sheet" to record the opinion of the submission (positive, negative or neutral) and were provided with the same submissions on which to conduct their thematic analysis. Final validity was achieved by applying post checks that the same themes were reported by each researcher. Whilst these were often given slightly different nomenclature, it was found that the same key themes were reported.

The submissions were coded as to their stance on the government's predetermined position that Internet content should be regulated. The call for submissions requested submissions address the issue of whether the RC code should be used rather than whether the individuals or groups were for, or against, the policy. It appeared, however, that the majority of submitters had a strong enough opinion to address the unasked question. Initial coding showed that the majority of submissions were against the overall policy change.

The Department of Broadband, Communications and the Digital Economy received 174 submissions from a cross-section of the community, including individuals, industry and community organisations. Thirty-six submissions were identified by their authors

as being confidential, and one submission was not published, as it promoted a commercial product (Australian Government, 2010). The Department did not publish the submissions received which had been marked as confidential.

In terms of the 137 submissions, 25 were excluded by the authors (as these submissions did not address the six options that public consultation was sought on; they were either political essays or statements).

This means that the study took form of two stages:

- *Stage 1*: An assessment (qualitative and quantitative) of the 112 completed submission (see Section 4.1).
- *Stage 2*: A qualitative assessment of the 29 additional extended submissions (see Section 4.2).

4. Analysis

This section presents a high-level assessment of the submissions and a more detailed analysis of the extended submissions drawing upon the qualitative feedback provided.

4.1 Higher-level assessment of submissions

The initial analysis took the form of reviewing 112 completed submissions. These submissions addressed one or more of the possible options proposed by the government and the contributors could enter their feedback in relation to each of the options as well as being able to attach other documents to support their submission. The submissions were entered via a webpage, and each of the six questions had a text response area for a submission. Additional information could be included with the submission, e.g. Word document, PDF file. These extended submissions are analysed in Section 4.2 of the paper).

The six options the government put forward to the public for comment did not include an option that Internet control should be or not be implemented at all. All six options provided a possible censorship view, and feedback was sought on these individual questions. In understanding the public view, however, it is of key importance to look more closely at the data available, and from this, determine a high-level analysis of whether those submitters made a statement(s) indicating their option as to whether they were for or against Internet censorship. In some cases, the researchers were unable to determine the position of the submission in regards to this issue, and in this instance, the submission was coded as neutral. Based upon the submissions, the researchers determined whether the submissions where in favour of Internet control or not. The results are shown in Table I.

It was important to consider whether the public supported the underlying premise of the government's planned regulation and control of Internet content. It appears from the submissions that it was *not supported*. It should be noted that the request for submissions, however, particularly asked for comments on the use of RC material, and measures of accountability and transparency in regards to how this classification system would work in being applied to Internet content. The next analysis was to analyse the submissions against the six questions that were asked by the Australian Federal Government (Table II).

In terms of the analysis shown in Table III, the null values refer to public feedback that was recorded as either being *please select* or *not applicable*. In terms of the six options, not one of these options was supported at the end of the public consultation

process, based upon the analysis of responses (the majority did not support any of the options).

To have a better understanding of the backgrounds of the contributors, the submissions were coded by group. The main groups identified were individuals, community organisations, academics, industry and professional associations. All but one of the submissions was transparent about their allegiance, in the form of a letterhead or a statement in a covering letter expressing their background and their reason for submitting their opinion.

Table I.
Overall view of submissions and Internet control

For Internet control (%)	Against Internet control (%)	Neutral (i.e. balanced or did not express view) (%)
12	69	19

Table II.
Analysis of public feedback from the department of broadband, communications and the digital economy

	Support	Do not support	Null
Option 1: Refer all material to the Classification Board			
Number of submissions	30	72	10
%	27	64	9
Option 2: ACMA notification procedure			
Number of submissions	36	64	12
%	32	57	11
Option 3: Blocking notification page and appeal mechanism			
Number of submissions	43	57	12
%	38	51	11
Option 4: Incorporation of content from international lists			
Number of submissions	17	84	11
%	15	75	10
Option 5: Review by an independent expert and report to Minister and Parliament			
Number of submissions	39	58	15
%	35	52	13
Option 6: Review by industry group of RC content list classification processes			
Number of submissions	34	62	16
%	30	55	14

Table III.
Group-based submissions

	For (%)	Against (%)	Neutral(%)
Individuals	4	31	8
(Community) Organisations	8	19	4
Professional societies	0	2	0
Academics	0	8	4
Industries	0	8	4

Looking closely at the breakdown of the submissions, the authors found that the majority within each of the groups were against the government's proposal for Internet filtering.

In addition with analysing the submissions for an indication of the public's view as to whether the policy was supported or not, it was also apparent that it was important to explore and understand why the public felt they could or could not support such a policy. The researchers therefore conducted a qualitative thematic content analysis of the submissions using the process described in Section 4 to determine the key areas of concern expressed by the key groups regarding the proposed policy.

As a part of the author's analysis of the submissions, they were coded to identify themes and, therefore, shed some light on the public's reasons for its reactions to Internet content regulation and the perceived impact on various societal factors.

The key high-level themes that emerged were:

- technological concerns;
- business effects;
- concerns about transparency;
- censorship; and
- negative governmental influence.

4.2 Qualitative assessment of submissions

As discussed before, the majority of the submissions were short online submissions; however, a number of submissions (29) included not only the initial submission, but an additional document, which ranged from 2 to 30 pages documents.

When looking at the extended submissions sample, five clear groups appeared: individuals submissions, academics submissions, community group submissions (religious and charity), corporates submissions and professional body submissions (representing professional bodies).

The samples were then broken down into subgroups, and a sample was analysed related to each of the particular subgroups, as shown in Table IV.

The samples were analysed by the researchers and initial themes were identified. These initial themes were then evaluated to remove duplications; the final themes are presented below:

(1) *Sample 1*: Individuals:
   - The scheme can be misused by government negative (NEG).
   - The costs involved with running such a scheme NEG.
   - Filtering could cause the Internet to become slower NEG.

Sample type	Sample size
Individuals	12
Academics	4
Community groups	5
Corporates	4
Professional bodies	4

Table IV.
Sample sub-groups

- The filter can be bypassed by other technologies NEG.
- The contents of the *blacklist* should be made available to the public NEG.
- Any blocked content should be reviewed monthly by industry panel Neutral (N).

(2) *Sample 2*: Academics:

- Potential to over filter webpages NEG.
- Innocent information will be blocked NEG.
- Impact on free speech N.
- The contents of the *blacklist* should be made available to the public NEG.

(3) *Sample 3*: Community Groups:

- Support freely available net filtering Positive (POS).
- The costs involved with running such a scheme NEG.
- The scheme can be misused by government NEG.
- An independent panel should overview all processes N.
- If innocent information is blocked it should quickly be unblocked N.

(4) *Sample 4*: Corporates:

- Finding the balance between censorship and protection N.
- Ensuring the security and protection of the *blacklist* NEG.
- The filter can be bypassed by other technologies NEG.
- Welcome the blocking of unsuitable URLS POS.
- Technical concerns about the filtering in operation e.g. how will it work with high volume websites NEG.
- Filtering could cause the Internet to become slower NEG.

(5) *Sample 5*: Professional bodies:

- Annual review of *blacklist* by independent panel N.
- Creation of an industry body to assist in the running of the process N.
- ISPs should not have a role in determining customer content NEG.
- The filter should provide a warning page rather than blocking content N.
- The contents of the *blacklist* should be made available to the public NEG.

The themes are presented related to the sample and at the end the term POS, N or NEG is used to represent a positive, neutral or negative stance.

What was of interest regarding the submissions with themes was the following analysis.

The positive themes that emerged related to:

- support freely available Internet filtering (Sample 3 Community groups); and
- welcome the blocking of unsuitable URLS (Sample 4 Corporate groups).

There were a large number of common concerns including:

- The scheme can be misused by government (Sample 1: Individuals, Sample 3: Community bodies).
- The contents of the website *blacklist* should be made available to the public (Sample 1: Individuals, Sample 2: Academics, Sample 3: Community bodies and Sample 5: Professional Bodies).

There were number of technical concerns about the scheme from Sample 1: Individuals and Sample 4: Corporate groups:

- Filtering could cause the Internet to become slower.
- The filter can be bypassed by other technologies.

Sample 4: Corporate groups were concerned about the security and protection of the web *blacklist*.

Many of the samples have responses relating to the operating aspects of the scheme, that is, cost, industry involvement and review process.

5. Discussion

Following the public review, the Australian Federal Government put forward the following recommendations (Australian Government, 2010):

- *Measure 1*: All Internet content complaints to the ACMA that are assessed as being potentially RC will be classified by the Classification Board. The ACMA will refer all complaints it assesses as potentially containing RC content to the Classification Board for classification.
- *Measure 2*: ACMA notification process. Where material has been assessed by the ACMA as potentially RC, and the owner of the material or the content service provider is readily contactable and identifiable, the ACMA will provide that content owner or content service provider with brief reasons as to why the material has been assessed as potentially RC.
- *Measure 3*: Blocking notification page and appeal mechanism. A standardised "block" page will be used to advise people trying to access a filtered URL, including end users, content owners or content service providers. This will inform them that the content they have attempted to access is blocked by the filter because it is on the RC content list.
- *Measure 4*: Access to information regarding the list. The ACMA would regularly publish on its website an up-to-date "high-level" breakdown of the RC content list by category.
- *Measure 5*: Avenues for appeal and review. Formal procedures to be developed to provide for reviews of the classification of content requested by "aggrieved persons", the reviews to be conducted both under the proposed National Classification Scheme and the existing *Broadcasting Services Act 1992*.
- *Measure 6*: Incorporation of URLs of child sexual abuse imagery from international lists. The ACMA will strengthen the RC content list through the incorporation of lists of URLs of child sexual abuse imagery obtained from highly reputable overseas agencies, following a detailed assessment by the ACMA of the processes used by the agencies to compile those lists.

- *Measure 7*: Review by an independent expert and report to parliament. An independent expert (possibly a retired judge) would undertake an annual review of the processes that lead to the inclusion of URLs on the RC content list.
- *Measure 8*: Industry review of technical aspects of filtering. The Department and the ACMA will develop means by which ISPs and other industry organisations can raise technical issues relating to ISP filtering. This could be done, for example, through the establishment of a Departmental email address which would allow ISP's to submit any concerns or queries they have on technical matters.
- *Measure 9*: Reporting against service standards and statutory requirements. The ACMA and the Classification Board would publish and report against service standards and statutory requirements under the new scheme.

Interestingly, the Australian Government did not include any quantitative analysis from the consultative process in their public feedback report. The Australian Federal Government instead focussed on the qualitative submissions and feedback and cited supportive qualitative quotes from the following submissions:

> Google; The Australian Christian Lobby; Electronic Frontiers Australia, Telstra, Professors Lumby, Green and Hartley and Family Voice Australia.

What was of interest was that the Australian Government formal response did not acknowledge the concerns raised through the public submissions.

The public concerns regarding the technological effectiveness of such a proposed system was raised by a number of submissions, particularly in terms of there being a flow-on effect of time and performance delays of Internet browsing based on the required controls put into place by the ISP companies. It was also an issue for some that any technological system could be over-ridden with the right expertise.

Concerns were raised regarding the business impact of the proposal and particularly Australia's position in the global digital business environment. Most of the responses around this theme were concerned that an over-regulation of Internet content would have a negative impact on business's being able to improve their position in the global market and expand their business.

Transparency was highlighted as a theme by many of the respondents who were concerned about the secrecy that would be employed when creating and distributing the list of content to be filtered. This concern was supported by the contention that there is a lack of data to support the government's claims (especially in respect of children's safety issues).

Unsurprisingly, the respondents raised censorship as a key theme, and in fact thought it constituted the basis of the government's proposal. A number of arguments and concerns were raised, specifically related to the erosion of free speech; the freedom to access information and the belief that the proposed changes were fundamentally altering the premise of the Internet (to access information). A final concern was related to the practicality of maintaining a classification system that was fair, met the needs and requirements of users and did not impinge on an individual's freedom and access to information.

The final theme identified by the authors was the decision by the government to administer the classification system by overlaying the new system within a system that was created for film, radio and television, an area that is very different and requires a

different framework. There was a level of concern that applying traditional media policy to a new media type would be impractical and lack due consideration as to whether they would "fit".

The research questions that were put forward were answered as follows:

- Based upon the public submissions do Australians support Internet Filtering?

The Australian public do not support Internet filtering:

- Based upon the public submissions do any of the Australian stakeholders groups support Internet filtering?

Based upon an extended analysis, none of the Australian stakeholders groups identified supported Internet Filtering.

6. Post script discussion

On the 9th July 2010, The Australian Minister for Broadband, Communications and the Digital Economy, Senator Stephen Conroy announced a number of new measures, including (Conroy, 2010):

- an annual review of the RC Content list by an independent expert who will be appointed in consultation with industry;
- clear avenues for appeal of classification decisions;
- that all the content identified on the basis of a public complaint be classified by the Classification Board under the National Classification Scheme; and
- that affected parties have the ability to have decisions reviewed by the Classification Review Board;

On the 21st August 2010, a national election was held in Australia and the ruling majority Labor government was reduced to a minority Labor government; they were able to form government with the support of the Green Party as well as other independent members of parliament (ABC, 2010).

During 2010, three of Australia's largest ISPs (Telstra, Optus and Primus) agreed with the government to block a list of child abuse URLs compiled by the ACMA (The Australian, 2010). But in 2012, Senator Conroy announced that the Labor party would scrap the plan for Internet filtering, citing the success of the initiative with the main ISPs (Sydney Morning Herald, 2012).

During the Australian 2013 general election, the Coalition party (Liberal and National party) announced (5th September) that as part of its policy to Enhance Online Safety for Children, that ISPs will censor web "adult content", but also on 5th September, they announced there had been a mistake in their policy document and withdrew it (Sydney Morning Herald, 2013).

7. Conclusion

The paper has reviewed the first analysis of the public consultation process undertaken by the Australian Federal Government to increase accountability and transparency for RC material on the Internet. The paper has shown, based upon the analysis of the consultation, that there was no public support for any of the measures put forward, that the Australian Federal Government in its response has not recognised this public

feedback and instead has only utilised some of the qualitative feedback obtained through the public consultation process to try to justify its case to proceed with its proposals. But the debate about Internet filtering within Australia still is on-going.

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