

Australian government introduces Internet censorship laws

By John Neilson
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In a serious attack on democratic rights, the Australian government has introduced laws to filter and censor the Internet. The legislation, already passed by the Senate and due to be endorsed in the House of Representatives later this month, will see Australia join such repressive regimes as China and Singapore in practicing Internet censorship.

Although the government claims that the Broadcasting Services Amendment (Online Services) Bill is a means of preventing access by minors to violent and pornographic material, the Bill's preamble is much broader. It states that the legislation aims "to restrict access to certain Internet content that is likely to cause offence to a reasonable adult."

Severely criticised by Internet Service Providers (ISPs), telecommunication experts and civil liberty groups, the Bill provides for complaints about Internet content to be referred to the Australian Broadcasting Authority (ABA), which will investigate and act against ISPs hosting "offensive content". ISPs will be directed to remove any banned content they host. If they fail to do so, or fail to take "reasonable steps" to filter out such content hosted abroad they can be fined \$27,000 per day.

The ABA, the body responsible for regulating television and radio content, will maintain a blacklist of sites that receive a RC (Refused Classification) or X rating designation. Updated lists will be circulated among ISPs, which will be compelled to remove and block these sites.

Under the new law, the Internet is considered an "online service" similar to other "broadcasting services" and hence subject to the same laws as TV, radio and the print media. One fundamental difference however exists between the two services: whereas the traditional media are owned and operated by a handful

of wealthy proprietors, the Internet has turned anyone with a personal computer and modem into a potential "broadcaster". In effect, the thoughts and ideas of the population at large are now subject to official censorship.

It remains to be seen what effect the law will have. The technical capacity to censor the Internet is at best dubious. First of all, the scheme relies on maintaining a blacklist of banned sites. Presently there are an estimated 30 million sites worldwide, and growing fast. The ABA will attempt to monitor them with the help of an additional five staff. Secondly, there are numerous ways to bypass filters.

It is not clear how ISPs will be expected to enforce the legislation. The Act qualifies itself so that "public interest considerations [can] be addressed in a way that does not impose unnecessary financial and administrative burdens on Internet content hosts and Internet service providers". It seems that ISPs will introduce filters by way of a proxy server. A proxy server stores copies of every web page accessed by users so that future requests for the same page are downloaded from the ISP's own server rather than from the site itself, via the Internet. This is the filtering method employed in Singapore and China.

Electronic Frontiers Australia (EFA), one of the industry organisations that has campaigned against the legislation, wrote in a submission to the Senate Select Committee on Information Technologies last April: "It will not achieve the claimed aim of protecting children, but it will infringe adults' rights to freedom of speech and the legislated principle in Australian law that adults should be free to read, see and hear what they want."

The EFA has pointed out that the sheer number of Internet web sites makes it virtually impossible to censor. Even if the government censors 10,000 sites in

its first year, this would represent only 0.1 percent of web content. According to the EFA, because of the exponential increase in web sites, this would drop to 0.05 percent in the second year, 0.025 percent in the third year and 0.01 percent in the fourth year.

Businesses in general have been extremely critical. Ozemail, which hosts more than 20 percent of Australia's Internet traffic, has said it could not block overseas adult content. Other companies have warned that compliance with the law will slow Internet speed dramatically, hamper electronic business transactions, now estimated globally at around \$1.6 trillion annually, and end any possibility of Australia becoming a hub for networking infrastructure in the Asia-Pacific region.

The cost to ISPs is potentially enormous. Millions of dollars will be required to establish proxy servers running filtering software capable of transferring vast amounts of data. An Ozemail vice president said filtering "requires special equipment, and it's exceptionally expensive. ISP-level filtering is not technically feasible or commercially viable on any widespread basis." If enforced, the legislation will speed up the already substantial market pressures on smaller ISPs, many of which could be forced to close.

Why has the government proceeded despite these technical difficulties and vocal opposition from IT businesses? One reason was to gain the votes of Senator Brian Harradine, a right-wing Christian, for the passage of the Howard government's Goods and Services Tax (GST) and the further privatisation of Telstra, the telecommunications carrier.

More fundamental questions are involved, however. Australia has the second-highest per capita usage of the Internet in the world, second only to the United States. The Internet is increasingly seen as a media source in its own right, where people can turn to for more independent sources of information than the TV and daily press. This has created a problem for ruling layers, who have relied on the mass media to direct and manipulate public opinion. The full extent of damage inflicted by NATO bombs in Yugoslavia might not be broadcast on TV, but it is detailed on the Internet.

What the government fears is that ordinary people looking for answers to growing social and political problems, will seek and find on the Internet honest and accurate information and engage in an international and democratic discussion. The legislation demonstrates the

lengths to which the government is prepared to go to restrict freedom of expression.

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