



over time as the on-line world evolves.

An on-line representative body could be a useful initiative. However, requiring all on-line service providers to subscribe to a single organisation and/or code of practice might be as inappropriate as requiring all broadcasters (national, commercial and community) and narrowcasters to subscribe to a single organisation and set of codes. Flexibility and organic development is crucial at this stage of the development of on-line services. The CLC does not believe a single public institution, such as the ABA, OFLC or AUSTEL, should be given responsibility for handling content complaints at this stage.

New forms of content

The place of diverse content in on-line services is potentially as significant as it has been for theatre, books, film, the visual arts, music and broadcasting.

At this stage of development, financial support should be the primary form of assistance to Australian content in new media. Priority areas should include community media, public libraries, the government's role as a primary source of crucial public information, young people, rights management, education, training and awareness. Critically, effective support for Australian content in new media will require the maintenance of existing cultural support mechanisms, which sustain the creative communities whose energies will be so important to the success of the new media.

Consumer issues

The Australian Competition and Consumer Commission has identified a number of areas of concern for consumers in the development of on-line services. These need to be addressed if the on-line world is to

develop as a fair, efficient market place for ideas and commerce. The CLC supports the ACCC's proposal for the establishment of an On-Line Industry Consumer Issues Committee, to encourage dialogue with consumer affairs agencies, consumer and community groups, to examine systematic problems from complaints data and to study and research trends in comparable overseas markets and industries. It does not support such a committee having responsibilities for 'content' issues.

ABA to report

The ABA is expected to report to the Minister on 30 June 1996. In a recent press release, the Chairman of the ABA, Peter Webb, outlined his support for an approach to regulation based on codes of practice, saying the ABA intends to report positively on the set of standards being developed for the Platform for Internet Content Selection (PICS).

PICS is an industry led initiative to develop tools to give Internet users (especially parents) a degree of control over the types of information which can be accessed. Some of these tools include self rating of Internet products and third party rating by neutral observers. This approach is preferable to the prohibition measures being proposed by the state legislators. □

Chris Connolly

Copies of the complete submission are available from the CLC. The submission was also endorsed by the following organisations:

- The Arts Law Centre of Australia
- The Australia Council
- The Australian Film Commission
- The Australian Film, Television and Radio School
- The Australian Interactive Multi-media Association
- The Community Broadcasting Association of Australia
- The Division of Information Services, UNSW

Appeals court strikes out CDA

IN THE USA, the *Communications Decency Act* has been ruled unconstitutional by a Philadelphia federal appeals court. The action was brought by the Citizens Internet Empowerment Coalition (CIEC), a group of over 47,000 plaintiffs representing a wide spectrum of Internet users, on First Amendment grounds.

The legislation makes it an offence to knowingly transmit 'indecent' or 'patently offensive' material. Ensuring that the Internet will become the next free speech battleground, a 'good samaritan' clause bars from civil liability any user of an interactive service who acts voluntarily and in good faith to restrict access to material that the user considers objectionable, regardless of whether the material is constitutionally protected.

In a unanimous decision brought down on 12 June, the Court ruled that, as a new and complex medium, the Internet deserved 'the highest protection from government intrusion', stating that 'any content-based regulation of the Internet, no matter how benign the purpose, could burn the global village to roast the pig'.

The Justice Department is expected to appeal the decision.

The case will be reported in further detail in the July issue of *Communications Update*. □