Regulating online content

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People are broadly familiar with Australia's regulation of offline content — what you are permitted to publish, show and see — in films, books, magazines, games and television. But online material has only been tackled quite recently.

Regulating offline content in Australia is not simple. The states and the Commonwealth both play a role, and within the Commonwealth at least two agencies are involved — the Australian Broadcasting Authority (ABA) and the Office of Film and Literature Classification. Online content is even more complex. The states began to amend their legislation from the mid–1990s onwards to deal with it, and the Commonwealth did so in 1999.

We have reached a kind of decision point right now, because the Commonwealth online content legislation has turned three, and is being reviewed. Did it work? Can it be improved? Of course, as librarians, we have a viewpoint.

Regulating online content means restricting access to what is communicated online, or accessed via the internet and in particular on the web. In 1999 the Commonwealth introduced online content regulation through amendments to the *Broadcasting Services Act 1992.*

The problem was — how to apply the approaches used for films, books or magazines to the online environment? Could this be done? In the physical world, some content is banned outright, and it is illegal to possess it — child pornography is the main example. Other content is restricted and may not be sold or exhibited to children. And other things, though they may be highly objectionable to many people, may be freely viewed, read or seen.

Prohibiting online content is problematical, because it overwhelmingly comes from outside Australia. Illegal online content coming from within Australia has been illegal under laws passed in most states for some years. Attemtping to regulate access to the content of the whole internet is a vast task, hugely expensive and inconsistent with the kind of wired society that the government aims to encourage in Australia. It can be done. Saudi Arabia and China do it, and so do other countries, although no developed countries aim to regulate access to the entire internet.

In practice the government's goals have been to prevent access to illegal material within its jurisdiction, encourage use of software tools and in particular filtering software, and provide a wide range of information and education through the schools system and two bodies –- NetAlert [http://www.netalert.net.au] and the ABA [http://www.cybersmartkids.com.au]. In other words, our online censorship is largely voluntary.

Librarians have a view. Two things have mainly formed that view.

The first is our principles. ALIA developed a strong core values statement last year, and those values are a large part of our identity as a profession. We emphasise the importance of information (defined broadly) and its free flow, to intellectual freedom and the right to read, literacy and learning, diversity and plurality. These core values are also the basis for the *ALIA Statement on*

online content regulation [http://www.alia.org.au policies/content.regulation.html].

The second is our experience in running library and information services. We know what works, and what happens. As part of its submission, ALIA conducted a survey of internet access in public libraries, and provided the outcomes of the survey as part of our submission to the commonwealth government for the three year review. More than ninety institutional members of ALIA participated in the survey.

ALIA established an Online Content and Regulation Reference Group in mid–2001, and it meets by tele-conference a couple of times a year. It advises the ALIA Board of Directors on online content issues, and other areas too. With its advice, ALIA made a submission to the three-year review of the 1999 online content legislation.

So what did ALIA say to the Commonwealth? Our submission was followed by a supplementary submission when the results of our survey were fully available, and in these we made several main points — and provided a lot of well-supported empirical information.

* Public libraries are major providers of internet access to Australians. Internet services are popular, heavily used and in high demand. They work well, are appreciated, and provide invaluable access to information. Internet services attract few complaints, and almost none about online content.
* Most libraries (ninety-seven per cent) provide some form of community education in use of the internet. There is scope for more education programs on internet-related subjects, and education is seen as a major strategy in managing internet use.
* Libraries use such means as internet use policies, parental supervision requirements, skilled assistance and training, and special web pages for children as means of encouraging appropriate internet use.
* ALIA does not recommend the use of filtering technology, and no more than eighteen per cent of public libraries use filters. Libraries prefer to promote positive experiences and to maintain the principle of free public access to information through the library. Studies such as the recent CSIRO study [http://www.netalert.net.au/Files/00565_CSIROFilterReport.asp] indicate variable effectiveness, and both overblocking and underblocking of offensive content.

ALIA concluded that the objects of the 1999 amendments to the *Broadcasting Services Act 1992* can be met without restricting individual users' rights of access to information. It recommended that the current regulatory approach continue without significant change.

Despite the recent media beat-up on the issue, that is still ALIA's view.

Information on online content regulation, including a report on the internet access in public libraries survey, will be available on ALIAnet soon. Check http://www.alia.org.au/governance/committees/content.regulations/ for details. ∎

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