



## AUSTRALIA

### Unpopular censorship

Under the guise of fighting child pornography, the government wants to set up a filtering system never before seen in a democracy. The State of South Australia has passed a law prohibiting online anonymity in an electoral context.

#### A DRACONIAN FILTERING SYSTEM

After a year of testing conducted by the government in joint cooperation with Australian Internet service providers, Telecommunications Minister Stephen Conroy reaffirmed, on December 15, 2009, that the government plans to call for a vote on a bill that would impose mandatory filtering of what it considers “inappropriate” websites. The decision to block access to a website would not be made by a judge, but by a government agency, the Australian Communications and Media Authority (ACMA). Such a procedure, without a court decision, does not satisfy the requirements of the rule of law: the ACMA classifies content secretly, compiling a website blacklist by means of unilateral and arbitrary administrative decision-making. The filtering would target websites featuring “refused classification” (RC) content, a category already applied to the traditional media, and would therefore apply to content completely unrelated to government efforts to combat child pornography, defamation or copyright, thus creating an obvious potential for overblocking. Subjects such as aborigines, abortion, anorexia, or laws governing the sale of marijuana would all risk being filtered, as would media reports or medically related information on these subjects. Moreover, although the government has announced that filtering would be 100% effective – a claim highly disputed by experts – the Wikileaks website has revealed the blacklist of filtered sites that had nothing reprehensible in their content, such as YouTube links, poker games, gay networks, Wikipedia pages, Christian sites, etc.

#### AN UNPOPULAR BILL

Even though a true national debate on the subject is needed, Stephen Conroy has made such a discussion very problematic by branding his critics as child pornography advocates. A poll of 20,000 Australians conducted by Fairfax Media in December 2009 showed that 96% of them are strongly opposed to this bill. The U.S. company Google has also voiced strong reservations, explaining that this filtering system is “heavy handed and can raise genuine questions about restrictions on access to information.” On January 28 and 29, hundreds of Australian Internet websites participated in a national “Internet Blackout” day to oppose this measure.

The announcement of this bill’s approaching introduction came soon after the current administration terminated the program launched by the previous government, which procured free filtering systems for Australian families.

In fact, child pornography content is already banned by the Broadcasting Services Act of 2000. The Australian Broadcasting Authority is empowered to require that access providers of the sites concerned to block access to them.

Anti-terrorist legislation is already leading to serious breaches of private e-mail confidentiality. Since 2001, the ACMA is lawfully entitled to intercept any suspicious e-mail message and conduct investigations without prior judicial authorization.



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**ONLINE ANONYMITY IS THREATENED IN THE STATE OF SOUTHERN AUSTRALIA**

At the federal level, Australian law guarantees Internet users the right to post anonymous comments, but this is not necessarily the case at the local level. By virtue of new amendments to the State of Southern Australia's electoral law, any comments posted on news sites discussing the local elections to be held on March 20, 2010 must be signed by their author's real name, or the latter may have to pay a fine ranging from AUD 1,250 to 5,000 (USD 1,114 to 4,456). These websites are required to retain, for a period of six months, all information that would permit an Internet user who has written any statement on the site to be identified.