

Guide For Internet Users

Communications Alliance prepared this guide to assist Australian Internet users understand Australia's co-regulatory framework for online content.

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Introduction

Communications Alliance has prepared the following guide to assist Australian Internet users understand Australia's co-regulatory framework for online content, under the requirements of Australian legislation. The regulatory regime commenced on 1 January 2000 and places certain obligations on Internet Service Providers and Internet Content Hosts. It also required the development of industry codes of practice.

Communications Alliance has taken over the activities of the Internet Industry Association (IIA), including its code of practice for online and mobile service content providers. The Australian Communications and Media Authority (ACMA), the government regulator of the industry, has registered the Code and has the power to enforce it. The ACMA register of online codes is available [here](#).

The Codes apply to all ISPs, Content Hosts and Mobile Carriers in Australia. The ACMA monitors compliance with Industry Codes and can seek enforcement action in the Federal Court. Heavy penalties exist for non-compliance.

The Industry Codes have been written to help industry comply with the law at a practical level. More importantly, they are there because the internet industry in Australia wants to support parents' ability to supervise their children's access to the internet. [ISPs are directed to [A Guide for Australian ISPs](#) for more information about their obligations.]

Just as the Communications Alliance Internet Codes are about 'end-user empowerment', this web page also aims to provide information to users about their rights, responsibilities and options in regard to online content issues, as well as providing answers to Frequently Asked Questions.

Here are some key terms used in this guide:

Australian Communications and Media Authority (ACMA)

means the Australian Government regulator for broadcasting and internet content.

Codes of Practice

means best practice rules of conduct developed by industry and approved by government. For the purposes of the Communications Alliance Family Friendly ISP program, they refer collectively to the Communications Alliance Content Codes and the Interactive Gambling Codes of Practice.

Communications Alliance (CA)

means a non-profit, private sector industry body which, among other things, develops best practice rules for the industry in Australia.

Internet Service Provider (ISP)

means a business or other organisation providing users with access to the internet.

cybersmart.gov.au (formerly NetAlert)

means the community advisory body whose primary role is to provide information about protecting families, and particularly children, on the internet.

The "Family Friendly ISP"

On 26 March 2002, the IIA launched the IIA Family Friendly ISP scheme. This is designed to dovetail with the Codes of Practice by providing a visible symbol, the "Family Friendly ISP" to show which Australian ISPs are compliant with the IIA Codes. It is hoped that internet users, particularly those

responsible for the care of children using the internet, will take advantage of the information and tools that compliant ISPs must offer as part of the code scheme.

Australian ISPs bearing this seal have agreed to comply with the IIA Codes of Practice. Under the IIA Codes, ISPs are required to provide their users with certain information, plus the option of obtaining a "IIA Family Friendly" content filter (i.e. one that is on the IIA Family Friendly filters published on this page).

See further information [here](#).

What are Family Friendly filters?

In general terms, filters are computer programs designed to limit access to certain types of content on the internet. It is important to note that the use of filters is not mandatory in Australia, either under law or the Industry Codes. Users can choose whether or not to install filters, and if and when to activate them. Likewise, ISPs are not required to filter or monitor internet traffic. However, Communications Alliance recognises that some families find filters a useful addition to direct parental supervision, and for that reason supports their availability.

See further information [here](#).

How does the content co-regulatory regime work?

There are two parts to Australian internet co-regulatory regime. The first is that Internet Service Providers must provide to the end users both tools and information about the ways they can take greater control over the content which is accessible in their homes. This is consistent with the Communications Alliance approach of 'industry facilitated user empowerment', with the emphasis on end user choice and control.

There are a number of different tools and strategies available to end users to enable them to minimise exposure to content that users consider inappropriate for themselves or their families. These include content filtering products and services.

The second part of the regime is that Internet Content Hosts in Australia must take down content that has been the subject of a complaint to ACMA, and ACMA deems the content to be in breach of Australian law. If an Internet Content Host receives a notice from ACMA to take down content it must do so by 6.00pm on the next working day. There are heavy penalties for ISPs for non-compliance. For both technical and legal reasons, take down notices can only apply in relation to content hosted in Australia.

What must Internet Service Providers and Internet Content Hosts do under the Codes?

Under the legislation and the codes of practice, Internet Service Providers (ISPs) and Internet Content Hosts (ICHs) must:

- take reasonable steps to ensure that Internet access accounts are not provided to children under 18 without parental consent or the consent of a responsible adult;
- provide for use filtering software which can be installed on the home computer or provide an optional filtered service available direct from the ISP;
- provide end users with information about their rights and responsibilities online. This includes information on the following:
 - ways of supervising and controlling children's access to Internet content
 - the procedures which parents can implement to control children's access to Internet content
 - users right to make complaints to ACMA about online content
 - the procedures by which such complaints can be made.

This guide aims to satisfy the informational requirements under the code so that ISPs and ICHs will be in compliance with their obligations to inform by clearly directing their users to this page.

How will my ISP provide me with one of the approved filter software products or services?

Each ISP must provide to its users one or more approved filter software products or services as soon as practicable. Most ISPs will do this by providing users with an Internet link which they can click on to download the software, or providing a link to a webpage prepared by Communications Alliance which offers links to the full range of Family Friendly Filter software, or by providing a CD which enables users to install the software on their own computer. It should be easy for users to install the software provided by each ISP.

ISPs may also offer a 'server based' filter software service. This is a service which filters Internet Content before it is sent to the user's computer. End users who choose this service therefore do not need to install software on their own computers as it has already been done by the ISP. It is important to note that in accordance with government policy, server level filtering is optional in Australia. This policy is supported by Communications Alliance.

How to install the filter products?

The filter products that have been recognised under the Industry Codes have been chosen because they satisfy a range of criteria, including ease of installation.

However, each filter product has a web site which provides more information about the product and how to use it. If you would like more information about the product or would like some further information on how to use it go to the web site of the filter product provider. Your ISP may also be able to answer questions about installation of the filter software products and services that have been provided by it.

Who bears the cost of the filter products and services?

There are costs involved in providing filtering software products and services to end users. It is up to your ISP whether or not these costs will be passed on to you. While a number of ISPs offer filtered products and services free to their users, Communications Alliance does not require that ISPs should carry the cost of complying with the new regulatory regime because it is concerned that this would disadvantage many small ISPs.

If you wish to find out whether you will be charged an additional fee for using filtering products or services you will need to contact your ISP. Under current Industry Codes, ISPs are not permitted to charge above the cost price of obtaining, supplying and supporting filters. This is further evidence of the commitment by the industry to help interested users obtain filter technologies as affordably as possible.

It is important to remember that a filter product or service adds value to your Internet connection and allows you to exercise greater control over the content that can be accessed by you and your family.

What if I don't know how to install filter software on my home computer or am I worried that my kids will turn it off?

ISPs are given the option of offering you a filtered 'differentiated' service that you can access by dialling a separate number when you access the Net. This will have the same effect as if you had installed the filter software on your home computer, but is less susceptible to circumvention by mischievous kids at home.

It will not require you to install anything on your computer. That will be handled at the ISPs 'server'. Your ISP will advise you if they offer optional server level filtering for families.

Are all platforms supported?

Communications Alliance recognises and supports the diversity of computing platforms which end-users operate. Your ISP may not be in a position to directly offer you a filter that will work on your system.

Recognising this, Communications Alliance has compiled a resource (below) that contains all Family Friendly Filters to provide users with an alternative method of accessing a greater range of approved filter products. The list of filters is designed to evolve as more and better filter products are developed. There is also the option of using an ISP who offers a server-level service for users who have problems finding compatible software.

Who bears the cost of filtering?

It is up to your ISP whether or not the costs will be passed on to you. The IIA does not expect that ISPs should have to carry the cost of the regulations, indeed we are concerned that the many small ISPs are not disadvantaged by having to do so. However under the Industry Codes now in force ISPs are not permitted to profit from the provision of filters to their customers.

What material can I post on the Internet?

Australian Internet users should be aware that placing certain content on the Internet may give rise to criminal or civil liability under applicable State, Territory or Commonwealth law. The following categories of Internet content are prohibited for hosting on servers within Australia:

Content which is (or would be) classified RC or X by the Classification Board.
Such content includes:

- material containing detailed instruction in crime, violence or drug use;
- child pornography;
- bestiality;
- excessively violent or sexually violent material.
- real depictions of actual sexual activity; and

Content hosted in Australia which is classified R and not subject to a restricted access system which complies with criteria determined by the ACMA.

Content classified R is not considered suitable for minors and includes material:

- containing excessive and/or strong violence or sexual violence;
- containing implied or simulated sexual activity;
- which deals with issues or contains depictions which require an adult perspective.

Placing content on the Internet may also give rise to civil liability. An example of where this arises is where a person places content on the Internet that is in

breach of copyright, or if it defames another person. It is not possible to list here all of the possible civil actions which may arise in relation to Internet content so it is important that content providers, including private individuals, take care about what they post online. If you are in any doubt about what you should and should not post online, Communications Alliance strongly recommends that you seek competent legal advice. An overview of some of the risks can be found at ACMA web site.

Resources for Parents on Supervising Children's Access

The Internet offers users, including children, a wealth of experiences that can be fun, educational and rewarding. But, just as in the real world, there are some parts of the Internet that are not appropriate for children and where they require guidance and supervision online. Often, the kind of rules we set for children on dealing with strangers, watching television, or buying magazines are also relevant online.

The ACMA has developed a Guide to the Internet for [Parents](#) as part of their [Cybersmart](#) program. This is designed to help families get the best from the Internet while protecting children from risks.

Communications Alliance recommends that families explore the Cybersmart website, which can be a fun way of beginning your online experience.

There are a number of other websites which are also dedicated to providing information about how to get the most out of the Internet for your family and tips for how to use the Internet safely. While Communications Alliance cannot warrant the accuracy of the information contained in these sites, they contain information that some parents may find useful:

- Department of Communications - [Cybersafety help and advice](#)
- Department of Communications - [Stay Smart Online](#)
- ACMA - [Cybersmart](#)
- [CyberAngels](#)
- [National Center for Missing and Exploited Children](#)
- [Safe Teens](#)

Unsolicited email containing offensive materials or promoting offensive sites

Experienced internet users will no doubt be familiar with the phenomenon of 'spam', or unsolicited emails. Communications Alliance does not support spamming and it is prohibited under Australian legislation by the *Spam Act 2003*.

In addition, many ISPs prohibit spamming by subscribers in Acceptable Use Policies and in their terms and conditions of use. Many ISPs have also installed

'relay protection mechanisms' to prevent spamming from non-subscribers. Your ISP can tell you more about steps you can take to reduce spam.

One common way of minimising spam for those who 'participate in newsgroups' is to add into your reply address an obvious junk term that genuine respondents will know to remove on reply. For example, if your email address is bob@isp.com.au, you can manually change your 'reply-to address' (in your email preferences settings) to include the term '_nospam', so that your public email address becomes bob_nospam@isp.com.au. You then need to tell your recipients to remove the '_nospam' before replying.

More information on spam can be found [here](#).

Lodgment of Complaints - Rights and Procedures

Internet users who are resident in Australia have the right to make a complaint to the Australian Communications and Media Authority (ACMA) about content which they believe may be Prohibited under the regulatory regime. The ACMA's complaints handling scheme is set out at a [special webpage](#) for that purpose. The page details about who can lodge complaints, the kinds of content that you can complain about, and how you lodge a complaint.

It is important to note that ACMA will not investigate a complaint about something a person disagrees with or simply does not like, if it is not otherwise prohibited content. Such complaints should be directed to the authors of the content.

How to make a complaint

The most convenient way to make a complaint is to complete the [online complaint form](#).

Alternatively, you can post your complaint to:

The Content Assessment Hotline Manager
Australian Communications and Media Authority
GPO Box Q500 Queen Victoria Building NSW 1230

You can also fax your complaint to (02) 9334 7799

To help ensure that ACMA can investigate your complaint, you must set out:

- your name and contact details;
- the Internet address of the Internet content and any other details required to access it;
- a description of the Internet content; and

- the reason that you think the Internet content is, or may be, prohibited content (you should refer to the Classification Board Guidelines for the Classification of Films and Videotapes).

Commercial Content Providers

The legislation and the Content Services Industry Code places certain obligations on Internet Content Hosts. In particular it requires Internet Content Hosts to encourage Content Providers to use appropriate labelling systems in respect of content which is likely to be considered unsuitable for children, even though it is not Prohibited or Potentially Prohibited.

Most labelling and rating systems were based on PICS (Platform for Internet Content Selection). PICS was developed by the World Wide Web Consortium as a technical platform to attach labels to Internet sites, which can then be read by most browsers. Labels can come from different sources including the content developers or third parties. The Protocol for Web Description Resources ([POWDER](#)) superseded PICS as the recommended method for describing Web sites and building applications that act on such descriptions.

Conclusion

Communications Alliance has worked hard to put a scheme in place to assist users better control their Internet access. It has aimed to strike a reasonable balance between protecting end users and nurturing our rapidly developing industry, and are confident that the scheme will help make Australian families better off by providing more choice in the way that content can be accessed.

This site will be updated as more information about how content can be better controlled in the home. We hope that the result will be a safer and more enjoyable Internet experience for all.

For comments or feedback, please feel free to [contact us](#).