



Balancing freedom and protection – agencies to retain s313 disruption powers

—Release of the report into the use of section 313 by government agencies—

Government agencies need to have the power to disrupt illegal online services, according to the latest report by the House of Representatives Communications Committee.

The Committee examined the use of s.313 of the *Telecommunications Act 1997* by government agencies in the disruption of illegal online services, including the widely-reported inadvertent blocking of 250,000 websites by ASIC in 2013. The report recommends the adoption of guidelines for use by government agencies, which will include:

- the development of agency-specific internal policies consistent with the guidelines;
- clearly defined authorisations for website disruption at a senior level;
- defining activities subject to disruption;
- industry and stakeholder consultation;
- use of stop pages to identify the requesting agency, reason for disruption, agency contact, and avenue for review;
- public announcements, where appropriate;
- review and appeal processes; and
- reporting arrangements.

The Committee has recommended that all agencies using s.313 have the necessary level of technical expertise to carry out such activity, or procedures for drawing on the expertise of other agencies.

Committee Chairman Jane Prentice MP said one of the significant challenges faced by all governments is the need to balance the safety of the community with the rights of the individual.

“The internet has brought unprecedented opportunities—undoubtedly for the better. But there are some in our community who would seek to use it for corrupt purposes,” Mrs Prentice said.

“How we deal with these threats is a question of balance. To do nothing is an abdication of duty; to go too far is to risk trampling on the rights and freedoms we seek to protect.

“The Committee believes it has struck the right balance.”

A copy of the report can be obtained from the committee’s website or from the secretariat on (02) 6277 2352.

For media comment: please contact the Committee Chairman, (07) 3378 1599 or (02) 6277 4426

Further information: contact the Inquiry Secretary (02) 6277 2352, email ic.reps@aph.gov.au or visit the Committee’s webpage at http://www.aph.gov.au/Parliamentary_Business/Committees/House/Infrastructure_and_Communications/Inquiry_into_the_use_of_section_313_of_the_Telecommunications_Act_to_disrupt_the_operation_of_illegal_online_services