Submission to the

Joint Select Committee on Cyber-Safety

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Executive summary

The Australian Christian Lobby welcomes the opportunity to comment on cyber-safety in Australia.

The availability and accessibility of harmful pornographic, illegal pornographic and violent material to children has made it increasingly difficult for a safe online environment for children to exist. As wireless and mobile phone technologies rapidly improve and become more and more prevalent, children have unprecedented access to the internet without any adult supervision or other restrictions. Much material on the internet does not require proof of age to access, and even where age verification systems are in place these are easily circumvented by technology-savvy children.

The early sexualisation of children is a serious and increasingly recognised societal problem to which the mainstreaming of pornography is undoubtedly contributing. Studies have shown that children are viewing pornography online at very early ages, with a third of children in the United Kingdom having first viewed pornography at age 10 or younger.[1] The average age boys first access online pornography is just 11, and 81% of 14-16 year olds have used the internet at home to view pornography. By the age of 15, between 60 and 90% of adolescents have viewed not just adult material but *hardcore* pornography.[2] Australian studies show similar trends.

ACL is concerned that there has not been sufficient action following studies demonstrating the link between some legal forms of pornography and desensitisation of boys' attitudes to rape.

Filtering pornographic material at internet service provider (ISP) level is one measure in a suite of measures that can be taken to tackle the problem of early and inadvertent exposure to harmful online content. The feasibility of ISP filtering has been demonstrated in Australia and similar technology is successfully operating in other countries.

Although Australian host sites containing illegal material such as child pornography, bestiality, and rape are prosecuted, any such material which is hosted outside of Australia can still be accessed in Australia. The mandatory filtering of overseas-hosted Refused Classification (RC) content at the ISP level as proposed by the government is simply a means to ensuring compliance with existing laws.

There is strong support in the community for the government playing a more active role in internet regulation, including ISP filtering. A 2010 McNair Ingenuity Research poll found that 62 per cent of adults support government regulation of the internet in the same way as government regulation of other media,[3] and 80 per cent support a mandatory government filter which would block all Refused Classification material.[4]

In addition to the filtering of illegal material, technology exists that can filter all pornographic material at ISP level and allow consumers to 'opt-in' if they wish to access it. A voluntary system to opt-in to pornography is currently under consideration in the UK. Due to serious concerns about the

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[1] Psychologies.co.uk, 'Put Porn In Its Place', *Psychologies.co.uk*, http://www.psychologies.co.uk/put-porn-in-its-place/, accessed April 21, 2011.

[2] Aitkenhead, D., 'Are teenagers hooked on porn?', *Psychologies.co.uk*, http://www.psychologies.co.uk/articles/are-teenagers-hooked-on-porn/, accessed April 21, 2011.

[3] McNair Ingenuity Research (2010, February), *Internet Regulation Survey*, http://hungrybeast.abc.net.au/sites/default/files/documents/Internet%20Regulation%20Survey%20-%20Report_FINAL.pdf, p. 4.

[4] McNair Ingenuity Research (2010), *Internet Regulation Survey*, p. 5.

detrimental impact of easily-accessible pornography on the development of young people, some MPs have proposed introducing legislation should ISPs not implement such a system themselves.[5]

As a child protection measure, the Australian Christian Lobby urges the government to encourage local ISPs to filter all adult material with an 'opt-in' option for adults who wish to view pornography, and to consider legislating to this effect if the ISPs are unwilling to do so.

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[5] Claire Perry in House of Commons debates, (2010, November 23), 'Internet Pornography', http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm101123/debtext/101123-0003.htm#10112343000249

ISP filtering: political context

The Australian Christian Lobby welcomes the Australian Government's policy for mandatory ISP-level filtering of Refused Classification material. The government's policy will give effect to uncontroversial classification laws which are being circumvented by overseas-hosted websites. Mandatory ISP filtering is not, however, put forward as the sole solution to the dangers to children of internet pornography. This is acknowledged by the Minister for Broadband, Communications and the Digital Economy, Senator Stephen Conroy, who has said "the Government has always maintained there is no silver bullet solution to cyber-safety" and that ISP filtering is simply one of "a range of cyber-safety measures", including increased resources and education.[6]

If it is possible to place transparent and effective restrictions on the availability of certain kinds of media content that are deemed to be harmful to children, it is well within the mandate of a government to enact those restrictions. This principle applies to the internet in the same way it applies to forms of media that have preceded it. As ethicist and researcher Clive Hamilton asks, "what's so special about the internet? All but the most unthinking libertarians accept censorship laws that limit sexual content in film, television, radio, books and magazines".[7]

Hamilton accuses those who oppose any regulation of the internet as operating in a "cow-boy culture that thinks itself beyond the normal reach of social control, as if they inhabit an independent cyber-nation that applies it[s] own laws in the form of voluntary protocols for those who choose to accept them". He asks whether those who hold such a libertarian attitude to internet filtering would also argue for no censorship of television, cinema or magazines.[8] As Hamilton and fellow researcher Michael Flood have articulated, "in the case of videos people under 18 are stopped at the door of the video shop, online access to X-rated material by under 18s would be stopped at a 'virtual door'".[9]

Although host sites of illegal material are prosecuted in Australia, any such material which is hosted outside of Australia can still be accessed in Australia. The ISP filter as proposed by the government would block material which is already considered illegal to host in Australia, providing consistency by treating overseas-hosted illegal material in the same way as locally-hosted illegal material. It is inconsistent to consider certain material illegal and prosecute local hosts of that material, but to allow access to it when coming from overseas.

Hamilton and Flood conclude their report, *Regulating Youth Access to Pornography*, by saying that requiring "all Australian ISPs to apply filters to all content" and giving adult end users the option of requesting access to pornography would be the most effective way of restricting children's access to internet pornography. They propose the "set up [of] a system very similar to the one that now regulates X-rated videos".[10]

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[6] Department of Broadband, Communications and the Digital Economy (2009, December 15), 'Measures to improve safety of the internet', http://www.minister.dbcde.gov.au/media/media_releases/2009/115

[7] Hamilton, C. (2008, November 20), 'Free Speech and Net Porn', p. 1, http://www.clivehamilton.net.au/cms/media/documents/articles/crikey_19_nov_internet_filtering.pdf

[8] Hamilton (2008), 'Free Speech and Net Porn', p. 1

[9] Flood, M., Hamilton, C (2003, March), *Regulating Youth Access to Pornography*, The Australia Institute, p. 16

[10] Flood & Hamilton, (2003), *Regulating Youth Access to Pornography*, p. 16

Internet filtering would serve to bring consistency to current regulatory systems. Cinema, television and films, newspapers, books, magazines, radio and other forms of media are subject to classification and restrictions to which the internet is not subject. While the internet presents its own unique challenges in a "very different and emergent media landscape",[11] as a society we accept that there are, and should be, limits to the availability of certain types of content, especially to children. With technology available to limit internet content it is no longer appropriate to consider the internet a medium beyond the scope of regulation.

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[11] Lumby, C., Green, L. & Hartley, J. (2009, December 16), *Untangling the Net: The Scope of Content Caught By Mandatory Internet Filtering*, p. i, http://www.saferinternetgroup.org/pdfs/lumby.pdf

Opt-in system

The current internet filtering debate in Australia centres on the filtering of illegal and Refused Classification content, which covers the worst kind of hardcore and violent pornography and child pornography. The United Kingdom is currently exploring an opt-in system for all 'adult' material. Any pornography would be blocked at ISP level with consumers contacting their ISPs should they wish to have access to it.

Such a system would make the internet consistent with other forms of media, such as cinema, television, and magazines. Adults who want access to pornography must make the choice to physically go and buy that material and must prove their age – they must "opt-in" to access adult films or magazines.

The opt-in system is being championed in the United Kingdom by Member for Devizes Claire Perry and Minister for Culture, Communications and Creative Industries Ed Vaizey. Mr Vaizey has said, "there is material online that, while legal, is not suitable for children. In the physical world youngsters are protected from inappropriate content and the same needs to happen online".[12] He hopes that ISPs will implement voluntary systems but is prepared to legislate if they do not.[13]

With technology advancing, an increasing number of televisions are now internet enabled, meaning a TV set, which normally broadcasts content that is subject to classification through regulation of television and DVDs, will readily display non-regulated internet material. As Ms Perry has argued, this raises the possibility of "damaging and degrading material, which is shocking enough when viewed as thumbnails or on an A4-sized computer screen, being piped into our homes and displayed in high-definition glory on 4-foot-wide television screens".[14]

With internet television technology almost certain to also become commonplace in Australia, ACL urges the government to consider options in regards to an 'opt-in' system in addition to the proposed ISP filter of illegal and RC material.

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[12] UK Department for Culture, Media and Sport (2011, February 8), 'Government holds talks on parental internet controls', http://www.culture.gov.uk/news/media_releases/7810.aspx

[13] Davies, C. (2010, December 19), 'Broadband firms urged to block sex websites to protect children', http://www.guardian.co.uk/society/2010/dec/19/broadband-sex-safeguard-children-vaizey

[14] Claire Perry in House of Commons debates, Column 239 (2010, November 23), 'Internet Pornography', http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm101123/debtext/101123-0003.htm

Community support for ISP filtering

The idea of filtering all internet pornography is supported by Australian parents. A 2003 Newspoll survey of parents with at least one child between the ages of 12 and 17 found that 85 per cent of parents expressed concern about their children seeing unsuitable material on the internet, including 61 per cent who were "very concerned".[15] Furthermore, 75 per cent of parents believe the government should be doing more and 60 per cent "a lot more" than it was doing.[16]

Further, 93 per cent of parents answered "yes" to the question "would you support a system which automatically filtered out Internet pornography going into homes unless adult users asked otherwise?" One hundred per cent of surveyed parents in the 25-34 age group replied "yes".[17]

In a more recent 2010 poll of more than 1,000 adults, McNair Ingenuity Research found that 94 per cent of people are in favour of the government "acting to help protect children from being exposed to inappropriate material via the Internet".[18] Sixty-two per cent of adults support government regulation of the internet the same as government regulation of other media.[19] Eighty per cent were in favour of having "a mandatory Government Internet filter that would automatically block all access in Australia, to overseas websites containing material that is Refused Classification".[20] Even among those who believed the internet "should be free of Government regulation", 58 per cent still support a mandatory filter for RC material.[21]

This shows clearly that the majority of parents are supportive of government regulation of the internet. Most want internet regulation to match regulation of other media and most, even among those who oppose any regulation, support RC material being automatically blocked.

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[15] Flood & Hamilton (2003), *Regulating Youth Access to Pornography*, pp. 22-23

[16] Flood & Hamilton (2003), *Regulating Youth Access to Pornography*, p 22-23

[17] Flood & Hamilton (2003), *Regulating Youth Access to Pornography*, pp. 23-24

[18] McNair Ingenuity Research (2010), *Internet Regulation Survey*, p. 13

[19] McNair Ingenuity Research (2010), *Internet Regulation Survey*, p. 4

[20] McNair Ingenuity Research (2010), *Internet Regulation Survey,* p. 5

[21] McNair Ingenuity Research (2010), *Internet Regulation Survey*, p. 6

International approaches to ISP filtering

Several European countries have begun to apply ISP filtering. This is usually undertaken voluntarily by ISP companies, led in the United Kingdom by BT, Britain's largest ISP.[22] MP Claire Perry argues that the UK has "led the world in introducing" filtering technology which blocks child pornography. She says it "has been a huge success: the amount of child sex abuse content reported or found to be hosted in the UK has dropped from 18% to less than 1%; and 95% of our broadband services use that blocking technology. It can be done".[23]

Other European countries have followed the UK's lead. In 2004 and 2005, the leading telecom company in Scandinavia, Telenor, collaborated with the Norwegian National Criminal Investigation Service and with the Swedish National Criminal Investigation Department to implement filtering systems in those two countries.[24] Denmark and Finland also have ISP filtering systems which block child pornography.[25] These systems are voluntary and there is no legal obligation to block websites.

In Ireland, ISPs "must take reasonable measures to remove . . . content from public access" when it is identified as illegal content, and the Italian Government requires ISPs to "block access to child pornography websites after being notified of such websites by the National Centre against Child Pornography".[26] Germany goes further, with a system closer to the proposed Australian filter. In 2009 Germany "passed legislation to require ISPs to filter websites that contain child pornography".[27]

In the United States, "internet filtering . . . is largely left to private manufacturers", while in Canada the practice "is oriented towards government facilitated industry self-regulation. Private parties are required to self-regulate with the encouragement of the government under the threat of future legislation or potential legal action".[28]

These systems show that internet filtering is taken seriously by Western democratic nations and that ISP-level filtering does work. It is possible to block a list of URLs with no impact on internet speeds,[29] and many governments are starting to take such measures as part of their responsibility of protecting children.

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[22] Lumby, Green & Hartley (2009), *Untangling the Net: The Scope of Content Caught By Mandatory Internet Filtering*, p. 16

[23] Claire Perry in House of Commons debates, Column 239 (2010), 'Internet Pornography'

[24] Lumby, Green & Hartley (2009), *Untangling the Net: The Scope of Content Caught By Mandatory Internet Filtering*, p. 17

[25] Lumby, Green & Hartley (2009), *Untangling the Net: The Scope of Content Caught By Mandatory Internet Filtering*, p. 17

[26] Lumby, Green & Hartley (2009), *Untangling the Net: The Scope of Content Caught By Mandatory Internet Filtering*, p. 17

[27] Lumby, Green & Hartley (2009), *Untangling the Net: The Scope of Content Caught By Mandatory Internet Filtering*, p. 17

[28] Lumby, Green & Hartley (2009), *Untangling the Net: The Scope of Content Caught By Mandatory Internet Filtering*, p. 18

[29] Department of Broadband, Communications and the Digital Economy, 'ISP Filtering – Frequently Asked Questions', http://www.dbcde.gov.au/online_safety_and_security/cybersafety_plan/internet_service_provider_isp_filtering/isp_filtering_live_pilot/isp_filtering_-_frequently_asked_questions#15.0, accessed April 21, 2011

Prevalence and effects of pornography consumption among youth

Studies are revealing alarming statistics about the pornography viewing habits of children. The UK website Psychologies.co.uk claims that almost a third of 14-16-year-olds first looked at online pornography by the age of 10, and 81 per cent had looked at pornography on the internet while at home.[30] The average age of first viewing pornography is 11, and between 60 and 90 per cent of children under 16 have viewed hardcore pornography online.[31] Males have invariably consumed pornography by the time they exit their teens. One Canadian study had to be abandoned when the researchers could not find a single 20-year-old male who had not used pornography.[32]

Hamilton and Flood's study found that, among 16-17 year olds, 88 per cent of boys and 83 per cent of girls believe that viewing internet pornography is widespread among boys their age. Eighty-four per cent of boys and 60 per cent of girls say they have been exposed to internet sex sites accidentally, with two in five boys deliberately seeking internet pornography and 22 per cent doing so at least every two or three months. Hamilton and Flood believe these figures would be an understatement, with some respondents likely to be reluctant to confess to these activities.[33] Given the age of these data and the growth of both internet availability and online pornography since then, it is likely the figures would be even higher again.

Hamilton and Flood found that figures of youth consumption of pornography are generally higher than many parents would believe, with only 35 per cent of parents in the Newspoll survey believing their 12-17 year old children have looked at internet pornography, either at home or elsewhere. Over half (57 per cent) believed their children had not, while eight per cent were unsure.[34] As addressed above, however, the majority of parents are greatly concerned about their children's internet habits and believe more should be done to protect children on the internet.

Australian researcher Michael Flood has studied the effects pornography has on its users. Pornography "can influence users' attitudes towards and adoption of particular sexual behaviours". Teenagers who use pornography are more likely to be sexually active earlier and more frequently.[35] There is also evidence that exposure to pornography increases male sexual aggression. This is true not only for violent pornography but for non-violent pornography depicting consensual sex. Flood says that the "association between pornography and rape-supportive attitudes is evident as a result of exposure both to non-violent . . . and violent pornography".[36]

Flood cites a Canadian study of teenagers with an average age of 14 showing a correlation between consumption of pornography and "their agreement with the idea that it is acceptable to hold a girl down and force her to have sex". A US study of children aged 11 to 16 showed that "great exposure

[30] Psychologies.co.uk, 'Put Porn In Its Place'

[31] Aitkenhead, D., 'Are teenagers hooked on porn?', *Psychologies.co.uk*

[32] Liew, J. (2009, December 2), 'All men watch porn, scientists find', *The Telegraph*, http://www.telegraph.co.uk/relationships/6709646/All-men-watch-porn-scientists-find.html

[33] Flood & Hamilton (2003, March), *Regulating Youth Access to Pornography*, p. 1

[34] Flood &, Hamilton (2003, March), *Regulating Youth Access to Pornography*, p. 22

[35] Flood, M. (2009), 'The harms of pornography exposure among children and young people', *Child Abuse Review*, *18*: 384-400, p. 390

[36] Flood (2009), 'The harms of pornography exposure among children and young people', p. 392

to R- and X-rated films was related to stronger acceptance of sexual harassment", and an Italian study of 14-19-year-old adolescents showed "associations between pornography use and sexually harassing a peer or forcing someone into sex".[37]

[37] Flood (2009), 'The Harms of pornography exposure among children and young people', p. 393

Technical feasibility of ISP filtering

Performance

Opposition to a mandatory ISP-level filtering system is largely based on alleged technical limitations, particularly that performance will be significantly diminished – that the internet will be slowed. However, with improving technology this should not be the case. Managing director of Webshield Internet Services Anthony Pillion says that "if implemented correctly, mandatory filtering will not slow down the internet in any way that would be noticeable to the end user".[38]

One commonly cited statistic is from the report released in 2008 by the Australian Communications and Media Authority (ACMA), which trialled six filtering products, one of which resulted in performance degradation of 87 per cent. However, there was significant variation in performance of the six products, with performance degradation notably lower in some products and "one product producing almost no network latency".[39] The ACMA considered "that the standard achieved by the one product that produced almost no performance degradation is a standard to which manufacturers of ISP-level filter products should aim in their product development".[40]

A more recent study of ISP-level filtering was carried out by Enex TestLab, involving nine ISPs. Three of the ISPs filtered a blacklist of about 1,000 URLs provided by the ACMA, having "no noticeable performance degradation" attributable to the filter.[41] Six ISPs filtered content additional to the ACMA blacklist, with all but one experiencing "minimal or no performance impact".[42]

Significantly, the size of the URL blacklist did not impact performance, with some ISPs filtering millions of URLs in addition to the ACMA list, and "in Enex's view any variations in performance results were not due to the size of the lists".[43]

Enex also reported that Telstra, while not a participant in Enex's tests, conducted its own testing. With a blacklist of 10,000 URLs, Telstra found "no discernible impact on end-user experiences", describing the impact as "equivalent to one seventieth of the blink of an eye".[44]

Effectiveness

Another technical question concerns the effectiveness of ISP filters – whether they will effectively block the material on a blacklist.

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[38] Pillion, A. (2009, February 11), 'Mandatory filtering won't slow net access', *The Australian*, http://www.theaustralian.com.au/australian-it/mandatory-filtering-wont-slow-net-access/story-e6frgakx-1111118821278

[39] Australian Communications and Media Authority (2008, June), *Closed Environment Testing of ISP-level Internet Content Filtering: Report to the Minister for Broadband, Communications and the Digital Economy*, p. 46, http://www.acma.gov.au/webwr/_assets/main/lib310554/isp-level_internet_content_filtering_trial-report.pdf

[40] ACMA (2008), *Closed Environment Testing of ISP-level Internet Content Filtering*, p. 49.

[41] Enex TestLab (2009, October), *Internet Service Provider (ISP) Content Filtering Pilot Report*, p. 2, http://www.dbcde.gov.au/__data/assets/pdf_file/0004/123862/Enex_Testlab_report_into_ISP-level_filtering_-_Full_report_-_Low_res.pdf

[42] Enex TestLab (2009), *Internet Service Provider (ISP) Content Filtering Pilot Report*, p. 3

[43] Enex TestLab (2009), *Internet Service Provider (ISP) Content Filtering Pilot Report*, p. 18

[44] Enex TestLab (2009), *Internet Service Provider (ISP) Content Filtering Pilot Report*, p. 18

According to the ACMA 2008 study, effectiveness of the products was consistently good, with all products performing with "high degrees of accuracy in identifying and blocking prohibited and potentially prohibited content and low rates of overblocking".[45]

In Enex's study, "all participating ISPs achieved 100 per cent blocking of the ACMA blacklist". This was true for those ISPs blocking only the ACMA blacklist and for those ISPs blocking additional content.[46]

Over-blocking

Another concern is that filtering would mistakenly block innocuous content. The ACMA's test resulted in over-blocking between one and eight per cent, a significant improvement on its previous trials.[47] The ISPs in the Enex study all over-blocked at a rate less than 3.37 per cent.[48] While this level is high enough to be of concern, Anthony Pillion argues that "a false positive rate of zero is more likely to be the real life result from the implementation of mandatory level filtering being proposed by the federal government".[49] Pillion refers to the two-year experiment in the Swedish University Network, during which "118 million web site requests were handled and there was no evidence of any web sites being blocked that were not on the block list".[50] In other words, a false positive rate of zero is likely to be the case for any proposed filtering system.

Costs

One final concern related to technical issues is that an ISP-level filtering system would be costly to implement. However, as Hamilton and Flood said, even though the costs would be passed on to customers, it "is likely to be small and would probably fall as the demand for effective filters by ISPs rose". They go on to cite an American study, which says:

> *Use of content-limited ISPs appears to entail fewer financial costs than the use of server-side or client-side filters . . . the costs of filtered ISPs for this class of users will be relatively small. Also, filtered ISPs makes the cost of updating the filtering algorithm or database invisible to most users.*[51]

This study was from 2002, and with technology constantly improving in efficiency, costs are likely to improve with it.

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[45] ACMA (2008), *Closed Environment Testing of ISP-level Internet Content Filtering*, p. 46

[46] Enex TestLab (2009), *Internet Service Provider (ISP) Content Filtering Pilot Report*, pp. 11-12

[47] ACMA (2008), *Closed Environment Testing of ISP-level Internet Content Filtering*, p. 6

[48] Enex TestLab (2009, October), *Internet Service Provider (ISP) Content Filtering Pilot Report*, p. 13

[49] Pillion (2009), 'Mandatory filtering won't slow net access'

[50] Pillion (2009), 'Mandatory filtering won't slow net access'

[51] Thornburgh, D. & Lin, H.S. (2002), *Youth, Pornography, and the Internet*, Washington DC: National Academy Press

Conclusion

The technology exists to implement ISP-level filtering. It can be implemented effectively, with little to no performance degradation or over-blocking and with high rates of effectiveness. It can also be done at low cost. Studies have shown that opposition on technical grounds is not well founded.

There is strong community support for ISP-level filtering, especially amongst parents. At the same time there is strong community concern about the consumption of internet pornography by children and young people. It is clear that youth consumption of internet pornography is widespread and harmful.

ISP-filtering will not be a final solution to the problem of youth consumption of internet pornography. Users who are both computer savvy and determined will always find ways around filters. However, this is no reason not to implement ISP-level filtering as one of a range of measures to support parental control over the internet habits of their children. The fact that so much exposure to pornography is accidental strengthens the arguments for a filtering system to protect children.

As Nigel Bowen wrote in *The Sydney Morning Herald*:

> *This isn't ultimately a debate over whether a filtering system can or can't be made to work effectively. It's a power struggle, with profound social, political and economic implications, over whether the internet in Australia will remain far less lightly regulated by the state than preceding forms of media.*[52]

ACL urges the government and the opposition to approach this issue – this power struggle – without being swayed by the social, political, and economic pressures that some sub-groups of society are imposing. For the purpose of consistency with regulation of other media, and in the interests of protecting children and reducing the social harms caused by pornography, particularly to women, ACL makes the following recommendations:

- That the government consider an approach similar to that being explored in the United Kingdom of filtering all pornography at ISP-level with the option for adults to opt-in to access legal 'adult' material should they choose to. This UK 'opt-in' model could be implemented voluntarily by ISP companies, or legislation could be prepared should ISPs not be willing to implement such a system on their own.
- That the Government immediately implement its proposal for mandatory ISP-level filtering of overseas-hosted Refused Classification material as part of its policy on cyber-safety.
- That the opposition offer bi-partisan support for such measures.

ACL National Office

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[52] Bowen, N. (2008, December 19), 'The Great Porn War', *The Sydney Morning Herald*, http://www.smh.com.au/news/national/the-great-porn-war/2008/12/18/1229189804560.html