

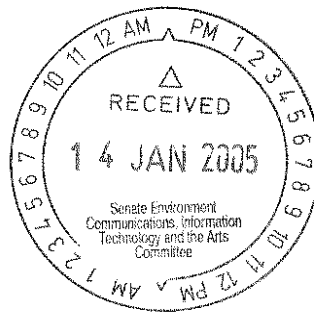
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ABA File Ref: 2004/1771

20 December, 2004

Senator Allan Eggleston
Committee Chair
Environment, Communications,
Information Technology and the Arts Legislation Committee
Department of the Senate
Parliament House
Canberra ACT 2600



Dear Senator Eggleston

Budget Estimates Hearings 24, 25, 26 and 27 May 2004: Written Question on Notice, Number 106 Part (e).

I refer to Part (e) of Question on Notice number 106 tabled by Senator Harradine at the Budget Estimates Hearing of 25 May 2004 requesting the Australian Broadcasting Authority (ABA) provide a copy of the most recent audit of the Internet Industry's compliance with the Internet Industry Codes of Practice (May 2002, version 7.2) (the Codes).

As indicated to the Committee in answers to the above Question of Notice, the ABA commenced an audit of Internet Service Provider (ISP) code compliance in April 2004 to help inform the current review of the Codes. At the time of the Budget Estimates Hearings the audit was not finalised and the ABA undertook to provide the final audit report to the Committee upon its completion.

On 2 December 2004, the ABA Board approved the final audit report and its publication.

Please find enclosed copies of the ABA's Audit of the Ten Largest Australian ISPs' Compliance with the Consumer Information Obligations under the Codes and the Codes themselves.

In summary, the audit of consumer information on ISPs' Internet sites (as at 8 August 2004) indicates a high degree of compliance with the Codes. Only two of the ten ISPs audited, AAPT and iPrimus, appeared not to be fully compliant as at 8 August 2004

AAPT and iPrimus were found to be not complying with the Code requirements under clause 5.2 (providing information to content providers about labelling and their legal responsibilities). In addition, AAPT was found to be non-compliant with clause 5.5

(providing information to subscribers about how to complain to the ABA) and clause 5.7 (having procedures to deal with complaints about prohibited Internet content contained in unsolicited emails).

On 15 December 2004, AAPT informed the ABA that it had rectified the non-compliance. Discussions with iPrimus are continuing.

Lastly, I advise that on 22 November 2004, the Internet Industry Association (IIA) released draft replacement Codes for public consultation. The draft Codes are available on the IIA website at <http://www.iaa.net.au>.

Please contact me on (02) 9334 7939 should you wish to discuss any of the matters raised in this letter.

Yours sincerely



Ms Andree Wright
Director
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Australian Broadcasting Authority