

Australia's Internet filter ruled by a single bureaucrat

No accountability for blacklists, yet Watchdog's word is final

[Darren Pauli](#) 18/03/2009 12:02:00

The accountability of the federal government's Internet content filter has been called into question following revelations that the decision to ban Web sites lacks consultation and can be made by a single staffer.

Privacy advocacy groups have expressed concerns that the looming Internet content filter could become authoritarian unless adequate accountability and review is included into how the communications watchdog bans Web sites.

The Australian Communications and Media Authority (ACMA) was left red-faced after it was attacked in a recent Senate Estimates hearing by Senator Scott Ludlam for banning an anti-abortionist Web site without consulting the classification board.

The embarrassment follows a heavy-handed redress by the watchdog in which online hosting company BulletProof Networks was threatened with an \$11,000 a day fine for allowing the publication of a Web address to a banned anti-abortion Web site.

The infringing Web address — contained in a response from the ACMA's own public relations department — was published in online forum Whirlpool, after a user requested the watchdog in January to ban the Web site.

Media outlets everywhere republished the banned Web address and were threatened with the \$11,000 penalty.

In another controversial move yesterday, the ACMA blacklisted Wikileaks for publishing the details of the banned anti-abortion Web site.

Users are goading the watchdog to ban its own Wikipedia page by including the link to the blacklisted Web site. User edits have removed the details of the site at the time of publication and further edits have been locked by the site.

It took the ACMA less than three months to ban the anti-abortion Web site.

Later, the user admitted the request was issued to confirm widespread suspicion that the watchdog would add “questionable” content to its blacklists, which will frame what material is accessible by the nation-wide Internet content filters.

Privacy advocacy groups say the watchdog can ban Web sites at its own discretion without consultation with the classification board or parliamentary review. They say laws requiring the ACMA to consult with the classification board do not apply to online media.

Greens Senator and communications spokesman Scott Ludlam [told Computerworld](#) the Internet content filtering plan has not progress enough to determine what content will be blocked.

“I don't think they know for themselves exactly how this is going to work. My personal opinion is that it's probably going to fail, and if it doesn't fail it's going to be dangerous,” Ludlam said.

ACMA spokesman Donald Robertson said it has [modified its complaints resolution processes](#) to omit URLs following the



dispute.

“ACMA must advise complainants of the outcomes of their complaints and ACMA's usual practice has been to include the relevant URLs in those responses,” Robertson said in a prepared statement.

The department did not return repeated calls to its media centre nor e-mails to the department in charge of the blacklists.

Electronic Frontiers Association (EFA) spokesman Geordie Guy said “an ACMA intern” could make the sole decision to ban Web sites.

“They have absolutely no review process whatsoever; the decision to ban content is final, and there is no judicial oversight.

“The decision is made by a single ACMA staffer, even someone part of a graduate process, who assumes the classification board would not like [a Web site].

“The two types of content that ACMA can hide from the eyes of Australians are prohibited content, which has been previously classified; and potentially prohibited content which is banned on a hunch that the classification board won't like it.”

Guy said the ACMA told a Senate Estimates hearing it did not request classification of the anti-abortion Web site, but had instead extrapolated a prior decision by the board to ban a Web site of similar material. It also told the hearing it would not impose a penalty on the Whirlpool Web site.

Former EFA chair Dale Clapperton said in a previous article that lobby groups will try to exploit the blacklists to push their agendas.

“Every organisation with an axe to grind and any kind of political clout will be lobbying the government to extend the blacklist to block access to whatever it is that pisses them off. They don't even tell the operators of a site that it has been blacklisted, which as a practical matter means there is no appeal for these decisions, Clapperton said.

“In the case of a false positive it is really dependent on somebody discovering it by chance,” he said.

Speaking on the \$11,000 penalty, which was not imposed, Guy said the watchdog was “kind of annoyed” that the Whirlpool member complaint was issued to test the limitations of the ACMA blacklist rather than from “someone genuinely morally outraged by the content”.

He said the ACMA redress is a step away from the freedoms of online forums towards Internet censorship where Web masters must become content police.

Only a handful of complainants from more than 6000 since January 2000 have published verbatim responses, according to the ACMA.

More about [Verbatim](#), [Wikipedia](#), [EFA](#),

Comments

Sun, 22/03/2009 - 12:27 — Anonymous

[**JEW WORLD ORDER**](#)

PROTOCOLS AFFIRMED EVERYDAY

[reply](#)

Sat, 21/03/2009 - 20:27 — Anonymous

[Ah, but you forget the](#)

Ah, but you forget the practice of being two-faced in the circles of bureaucracy and politics. If only sex workers were as verbose as politicians, then the truth would be out. The supposed moral high ground would turn out to be a hole.

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Sat, 21/03/2009 - 06:58 — Anonymous

[wikileaks](#)

I can't get wikileaks. Is it just me?

[reply](#)

Fri, 20/03/2009 - 15:07 — Anonymous

[Wiki link NOT removed](#)

The abortion site link is NOT removed from the wikipedia entry, it was just moved to the bottom of the page in the external links section.

[reply](#)

Fri, 20/03/2009 - 08:51 — Darren Pauli - ...

[Blacklisted sites = \\$11000 fine](#)

Sorry mate, we can't legally allow blacklisted sites to be published on our sites. They are easy to find on wikileaks for those interested.

Cheers

Darren Pauli

[reply](#)

Fri, 20/03/2009 - 08:23 — Anonymous

[Australia: Land of pathetic wimps? No!](#)

How long until Vogue, Womens weekly, and the Herald-Sun are all banned for having similar content? Aside from the technical idiocy of the project and the governmental mishandling of the procedures, the base concept is flawed. The issue is protection of "the people" for their own good. Back in the day we had enough confidence in our own abilities as human beings to cope with things we might not like. All of the data proposed for blacklisting has to be seen by someone for it to be subsequently banned. Do we assume this is a high-risk occupation and that the staffers who do this work need mental therapy each evening before going home. Of course not; they, like us are quite capable of assimilating the information and honestly I expect most quite enjoy it.

[reply](#)

Thu, 19/03/2009 - 10:54 — Anonymous

[The government cant censor the internet!](#)

This is what the government does not want the australian people to see.... We are no longer allowed our own beliefs and opinions.

[reply](#)

Thu, 19/03/2009 - 10:48 — Anonymous

[Shame](#)

Abortion Websites Are now kiddie porn hey? More like some austrlian govenment officals with relious views are using it to force those views on others..... I used to be proud to be a austrlian. I am ashamed now when friends from other countries mention it.Kane

[reply](#)

Thu, 19/03/2009 - 01:04 — Anonymous

[Sad, but your fault anyway. Now FIX IT...](#)

Every time some sorry bunch of people give their government the duty to keep them safe and protected from evil they find soon after they need yet another hero to save them from the government... I don't think you'll like it, but you broke, you fix it. And do it the proper way, changing whatever regulations or laws needed.

Assuming, of course, you get the required votes. Otherwise get used to "Daddy knows best, child".

It's your life - don't give some else the rights and wrongs about your own life.

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Wed, 18/03/2009 - 22:37 — Anonymous

[LET'S HOPE THAT THEY ALSO FILTER OUT ALL VIOLENT ONLINE GAMES](#)

LIKE AMERICA'S ARMY ETC, THESE ARE TEACHING THE YOUNG ONES TO WANT TO GO TO WAR, IF WE CAN TEACH PEOPLE TO REJECT WAR & SIMPLY DOWN ARMS THEN THE WORLD WOULD BE FREE OF ALL THE CRIMINALS AS THEY COULD NOT CONTINUE ON AS THEY HAVE BEEN, OUR LITTLE AUSSIE PM HAS NO CONTROL OVER THIS HIS STRINGS ARE BEING PULLED.

[reply](#)

Wed, 18/03/2009 - 22:36 — Anonymous

[prediction](#)

Aside from a global shortage of pizza boxes, I predict the old media companies will (ethically of course) use ACMA to undermine their perceived competitors. They simply won't be able to resist the temptation. They will do their best to stem the flow of psychological piracy, much to the Rudgime's delight.

[reply](#)

Wed, 18/03/2009 - 20:58 — Anonymous

[The sound of silence](#)

This will expand to be another form of what's being debated in America - the fairness doctrine.

Whistle blowers, sites that give alternative views or contrary messages to government policy will fall under the fairness doctrine and get banned.

I follow sites that have been telling the truth about the depression - sites like this will eventually be shut down because governments ultimately believe that people should listen to what they say and that anyone saying anything different is against them. The non-sense of if you are not with us you are against us crap will prevail. Look at the rhetoric the US went on with over weapons of mass destruction and the coalition of the willing etc etc etc - the internet filter will be the same.

Just remember, it was Hitler, who knew people, said quite correctly that you can get a people to suffer any manor of hardship and loss of freedom for the belief that's it being done for the protection of the children and future generations - the internet filter fits that perfectly.

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Wed, 18/03/2009 - 17:37 — Anonymous

[Little Hitlers](#)

So basically, as long as one single complainant appears to be morally outraged by something, and one anonymous public servant feels a personal hunch that it might be controversial, it can be irreversibly banned from the entire Australian population without reason or review, under threat of costly State punishments if its ever discussed or publicly mentioned.

Certainly sounds like an unelected dictatorship to me!

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Wed, 18/03/2009 - 16:58 — Anonymous

[URL still in wikipedia history](#)

The link is still available in the edit history of the page on wikipedia

[reply](#)

Thu, 19/03/2009 - 13:02 — Socrates

[What accountability](#)

ACMA may be dictatorial bureaucrats, or not, but the fact remains that they are acting under orders from little Kevvie and Conjob.

They are the ones who want to impose their secret blacklist of banned sites on all Internet access, despite the fact that their bellwether publicity references have been based on child porn.

Pedophilic content is absolutely illegal already (as it should be), but they want the power to secretly ban what they call "inappropriate" material - namely anything they don't like, including political opposition.

LATER ADDITION: Now that the content of the government blacklist has been leaked, we can see that the proposal by little Kevvie and Conjob is even worse than we thought. If Conjob had any decency he would resign over this continuing snafu.

[reply](#)

Wed, 18/03/2009 - 16:48 — Anonymous

[They didn't change the process much](#)

While the ACMA might have changed their processing procedures to not provide the URL in the response, they do include the complaint id.

For a complainant who has made multiple complaints, they just need to record the complaint id given as they click submit and compare it to the processing result.

ACMA are required to give a response on the outcome to the complainant so it's pretty hard to make that go away even if it is politically uncomfortable.

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Wed, 18/03/2009 - 16:41 — Anonymous

[F**K YOU RUDD. TWAT](#)

F**K YOU RUDD. TWAT

[reply](#)

Wed, 18/03/2009 - 16:33 — Anonymous

[Wake up Australia!](#)

Your freedoms are being stolen. Bums and tits are always used as the excuse to remove politically sensitive material, but make no mistake, vital messages will be suppressed along with the porn. The example in this case, legitimate political expression against one contentious moral and political policy, proves how damaging and foolhardy this filter is. Shame on you Labor, shame!

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