

AV-CC

Australian Vice-Chancellors' Committee

the council of Australia's university presidents

(A.C.N. 008 502 930 – A.B.N. 53 008 502 930)

28 October 2002

Ms Rhyan Bloor
Manager
Broadcasting and Online Content
Department of Communications, Information Technology and the Arts
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A review of Schedule 5 to the Broadcasting Services Act 1992

Dear Ms Bloor

I refer to the review of Schedule 5 to the Broadcasting Services Act 1992 on which the Department of Communications, Information Technology and the Arts has sought submissions from interested parties.

As you will appreciate the universities variously provide internet services to university students, and staff, both as ISPs and ICHs. The Australian Vice Chancellors Committee's interest in the review concerns the problem of students less than 18 years of age. Most universities have enrolments of such students, particularly in first year, and to meet the requirements of Schedule 5 is extremely problematic for them. While the industry codes of practice, which have been developed by the Internet Industry Association, go some way towards overcoming this problem, they still do not provide a total or practical solution.

Current practice among the universities is to get students under 18 years to obtain guardian consent in order to have open access to the internet. Fundamentally, this is a costly process for the universities to administer which can result in some students being denied access to information that other students have ready access to. Therefore there is a potential risk here in terms of discrimination that could lead to litigation. The problem is further compounded by public access to university libraries. Simply, libraries find it practically impossible to implement arrangements that effectively limit access for people less than 18 years who are not students of the university. The AVCC believes that it would be far more equitable and cost effective if the Government were to exempt universities from the limitations applied to under 18 year olds.

The review also seeks comments on whether internet filtering technologies offer a feasible solution to R rated material hosted overseas. Again this raises problems for the universities, as it is not possible to identify or declare certain categories of material as inappropriate as this may restrain academic freedom. Also, filtering technologies may have some limited effectiveness against attachments etc, provided the content is identifiably offensive (perhaps by original source or by file name etc) but this is not always so if inoffensive file names etc are used that are not be picked up by the filter.

The AVCC has conferred with the Council of Australian University Directors of Information Technology (CAUDIT) on these matters and CAUDIT shares our views.

I trust that these comments are helpful to the review. Meanwhile should you have any queries about the matters that we have raised please do not hesitate to contact Paul Stubing on 02 62858358.

Yours sincerely

A handwritten signature in black ink, appearing to be 'John Mullarvey', with a long horizontal line extending to the right.

John Mullarvey
Chief Executive Officer