

THE AUSTRALIA INSTITUTE

# **Regulating Youth Access to Pornography**

Michael Flood  
Centre for Women's Studies  
Australian National University

Clive Hamilton  
Executive Director  
The Australia Institute

Discussion Paper Number 53

March 2003

ISSN 1322-5421

© The Australia Institute

This work is copyright. It may be reproduced in whole or in part for study or training purposes only with the written permission of the Australia Institute. Such use must not be for the purposes of sale or commercial exploitation. Subject to the *Copyright Act* 1968, reproduction, storage in a retrieval system or transmission in any form by any means of any part of the work other than for the purposes above is not permitted without written permission. Requests and inquiries should be directed to The Australia Institute.

## **Table of Contents**

<b>List of tables</b>	<b>ii</b>
<b>Preface</b>	<b>iv</b>
<b>Summary</b>	<b>v</b>
<b>1. The need for regulation</b>	<b>1</b>
<b>2. The effectiveness of current regulatory arrangements</b>	<b>4</b>
2.1 X-rated videos	4
2.2 Internet sex sites	5
<b>3. What can be done?</b>	<b>10</b>
3.1 A new approach	10
3.2 Educational strategies	11
3.3 Filtering prohibited content	15
3.4 Additional measures to protect children	19
<b>4. What do parents think?</b>	<b>22</b>
<b>5. A new taboo</b>	<b>25</b>
<b>References</b>	<b>27</b>

**Tables and Boxes**

Table 1	Scheduled filters – rates of failure to block content notified by the ABA	18
Table 2	Parental concern about children seeing Internet pornography	23
Table 3	Whether the Federal Government is doing enough to protect teenagers from pornography on the Internet	23
Table 4	Support for high school education on the risks of pornography	24
Box 1	Overview of a new strategy to address the exposure of youth to pornography	11



## **Preface**

This report on the regulation of pornography in Australia is meant to be read in conjunction with the earlier Australia Institute Discussion Paper *Youth and Pornography in Australia: Evidence on the extent of exposure and likely effects* (Discussion Paper Number 52, February 2003).

This research has been funded solely by The Australia Institute and the authors have no links to any other groups or participants in the pornography debate.

We are very grateful to the following for refereeing an earlier version of this paper: Dr Lynne Hillier (Australian Research Centre in Sex, Health and Society, Latrobe University), Associate Professor Bob Pease (School of Social Sciences and Planning, RMIT) and Dr Maria Pallotta-Chiarolli (School of Health Sciences, Deakin University).

However, responsibility for the views in this paper rests entirely with the authors.

## Summary

### *The need to regulate*

Children in Australia have extensive exposure to pornography. Just under three-quarters (73 per cent) of boys and 11 per cent of girls report that they have watched an X-rated video. Eighty-four per cent of boys and 60 per cent of girls say they have been exposed accidentally to sex sites on the Internet and two in five boys deliberately use the Internet to see sexually explicit material, with four to five per cent doing so frequently.

In seeing X-rated videos or Internet pornography, young people are exposed to explicit images of a wide range of sexual acts that are deemed unsuitable viewing for youths under 18. There are special concerns regarding violent and extreme material on the Internet including depictions of non-consenting sexual acts such as rape and bestiality.

The research literature's documentation of significant associations between use of certain types of pornography and sexual aggression provide grounds for real concern. Apart from the intrinsically disturbing nature of much Internet pornography, regular consumption of pornography and particularly violent and extreme pornography is a risk factor for boys' and young men's perpetration of sexual assault. In addition, it may foster greater tolerance of this behaviour by others.

### *Failure of the current system*

Although it is illegal to supply X-rated videos to children under 18, we know that minors have extensive access to them. In our judgement, however, while X-rated videos routinely portray sex in ways that are dehumanising and degrading to women, the existing classification and regulatory system is appropriate. It would be futile to attempt to use the censorship classification system to address these broader aspects of gender relations in Australian society. However, there may well be a need to develop and apply additional enforcement of existing laws.

The existing system of regulation of sexual content on the Internet – known as the Online Content Co-Regulatory Scheme – includes a complaints mechanism, measures aimed at restricting access to offensive content, and measures aimed at protecting children from exposure to unsuitable material. It is managed by the Australian Broadcasting Authority (ABA).

In response to a complaint, the ABA may deem certain content unsuitable and issue a 'take-down notice' if it is hosted on an Australian ISP. If the content is hosted by an Internet Service Provider (ISP) or Internet Content Host (ICP) in another country the ABA notifies the makers of certain approved Internet content filters so that they can be changed to block the offending content. If the ABA determines that the material complained about is 'sufficiently serious' (such as child pornography) then it can notify the Australian Federal Police or an Internet complaints hotline in the host country.

According to the ABA the co-regulatory scheme for Internet content is highly successful and the Minister for Communications, Senator Alston, agrees. But the fact is that tens of thousands of websites showing pornography, some of it of the most extreme

kind, are easily accessed by children. Not only is regulation of pornography on the Internet manifestly failing, but the regulatory authorities themselves appear to have lost sight of their functions. The ABA seems to be more concerned to promote use of the Internet than to protect children from its dangers.

The same is true of the activities of NetAlert, the body established in the 1999 amendments to the Broadcasting Services Act to promote safe use of the Internet. It claims to have been highly successful and even proposes to change its name from NetAlert to 'Growing Australia Online' in order 'to remove the "alarmist" element' from its name, a conclusion it has reached after feedback from the Internet industry in discussions about 'cash and in-kind sponsorships'. NetAlert wants to redraft its charter so that there is no reference in its vision or goals to the dangers confronting young people in using the Internet.

### *A better approach*

Too often the global nature of the Internet has been used to argue that nothing can be done about the problem of pornography. We disagree and propose a strategy with three components: a schools-based educational program, an opt-out system of ISP-filtering and some additional measures to protect children from exposure. As with judgements about pornography itself, the merits of these strategies are shaped by political and ethical considerations and by practical and legal constraints. In our view, the benefits of measures to restrict access are higher than the Government infers and the costs to the industry and Internet users have been exaggerated.

We support the development and implementation of a nation-wide program to teach high school children strategies to understand and critically evaluate pornographic images and messages and to encourage the development of ethical norms and practical skills that will help protect them from inappropriate and disturbing material.

Encouraging young people's information skills on the Internet reduces the likelihood of inadvertently encountering sexually explicit material. Media literacy also enables children to take a more detached and evaluative view of the material. Studies find that individuals shown violent pornography can be 'inoculated' against its negative effects through prebriefing or 'cured' afterwards through debriefing. School curricula in Australia provide an excellent framework in which to locate the teaching of skills and values that can minimise the harmful impact of pornography.

The current system of voluntary end-user filtering is clearly not working. We believe that a much more effective method of restricting access of children to Internet sex sites would be to require all Australian ISPs to apply filters to all content. However, end users would have the option of requesting that content to their home or office computer not be filtered – in other words, adults could 'opt out' of filtering. In this case, adult users would be permitted access to websites that have been classified as X-rated. This would require age verification methods to ensure that requests from individuals under 18 to turn off the filter are not acted upon.

The objective of this proposal is to set up a system similar to the one that now regulates X-rated videos. Under the proposed scheme Australian ISPs would be permitted to host

pornographic websites on condition that the content had received an X-rating and that effective age verification methods were in place. While representing a *de jure* liberalisation of online pornography, the proposed system of filtering, classification and age verification would represent a stringent *de facto* tightening of access to pornography by children and by adults as well.

We propose three additional measures to bolster the proposed system:

- age verification technologies;
- plain brown wrappers for pornographic websites; and
- instant help functions for children exposed to offensive material.

#### *What do parents think?*

As part of this study, Newspoll was commissioned to conduct a national survey of parents with children aged 12 to 17. The main results are as follows.

- Parents have strong concerns about the accessibility of Internet pornography with 85 per cent expressing concern about their children seeing pornography on the Internet and 61 per cent saying they are ‘very concerned’.
- When asked how they felt about the Federal Government’s handling of pornography on the Internet, 75 per cent said that the Federal Government should be doing more with 60 per cent saying it should do a lot more.

Parents were also asked about their support for the two new strategies proposed in this paper to protect children from Internet pornography, that is, mandatory blocking of pornography by ISPs and educating children on the risks of pornography.

- When asked whether they would support a system that automatically filtered out Internet pornography going into homes unless adult users asked otherwise, 93 per cent of parents were in favour, with only five per cent opposing it.
- In addition, parents strongly support the proposal for high schools to educate students about the risks of pornography in the same way they educate students about the risks of drugs and sex, with 85 per cent in favour including two-thirds strongly in favour.

In conclusion, we believe that there is a widespread but subterranean recognition among the Australian populace that the pervasiveness of Internet pornography is a disturbing and potentially dangerous phenomenon. But there is a peculiar reluctance to acknowledge these concerns and act on them. Australians who share the broad liberal outlook that emerged in the 1960s and 1970s are hesitant to be associated with the out-dated and, in some cases, extreme views of the anti-porn lobby. As a result, liberal opinion in Australia has become subject to a new taboo that forbids serious discussion of the implications of the pervasiveness of pornography for our society, and especially for our children.

We hope that those Australians who have been unwilling to consider the effects of the spread of pornography in the last few years will, as a result of this report, take the time to examine the full range of pornographic material that is freely available to any Internet user, consider the scientific evidence on the effects on youth of exposure to this content and ask whether it is in our social interests to make more determined attempts to limit the harm that is being done.

## 1. The need for regulation

In Australia it is common for young people to be exposed to pornography, both intentionally and accidentally. A recent Newspoll survey of 16-17 year olds, reported by Flood and Hamilton (2003), revealed the following.

- Just under three-quarters (73 per cent) of boys report that they have watched an X-rated video. One in twenty watch them on a weekly basis while more than a fifth watch at least once a month. Among girls, 11 per cent report that they have watched an X-rated video, although all of those have done so less often than once every two to three months.
- When asked whether watching X-rated videos is widespread among boys of their age, five out of six boys (84 per cent) and the same percentage of girls said that it is. When asked whether watching X-rated videos is widespread among girls of the same age, only four percent of girls agreed. Boys overestimate girls' use of pornography, in that 15 per cent of boys believe that watching X-rated videos is widespread among girls.
- Nearly nine out of ten 16-17 year-old boys (88 per cent) believe that looking at sex sites on the Internet is widespread among boys of the same age, and girls have a similar perception of the extent to which boys look at Internet sex sites (83 per cent). Among 16-17 year-old girls, only seven per cent believe that looking at sex sites on the Internet is widespread among girls of the same age.
- Eighty-four per cent of boys and 60 per cent of girls say they have been exposed accidentally to sex sites on the Internet.
- Nearly two in five 16-17 year-old boys (38 per cent) have searched the Internet for sex sites. Only four per cent say they use the Internet for this purpose on a weekly basis, but over one fifth of boys (22 per cent) access Internet sex sites at least every two or three months.
- Among girls, only two per cent say that they have deliberately sought out Internet sex sites and all of those have done so only very occasionally. The figure of two per cent of girls who have *deliberately* sought out sex sites stands in stark contrast to the 60 per cent of girls who have been *accidentally* exposed to explicit sex on the Internet. Young Internet users who have no interest in sex sites therefore find it difficult to avoid seeing the images displayed on these sites.

These figures are likely to understate the true incidence of pornography consumption among youth. Although the telephone survey was anonymous and confidentiality was guaranteed, some respondents may have been reluctant to admit to these activities or concerned that their anonymity would not be protected.

In seeing X-rated videos or Internet pornography, young people are exposed to explicit images of a wide range of sexual acts. Typical practices depicted in X-rated videos include vaginal and anal intercourse, fellatio and cunnilingus, 'double penetration', one woman practising fellatio on two or more men, and one woman engaged simultaneously

in vaginal or anal intercourse with one man or two men and fellatio with a second or third man (see Flood and Hamilton 2003). To the extent that community standards are reflected in the decisions of the Office of Film and Literature Classification (OFLC), these acts are deemed unsuitable viewing for youths under 18.

A distinction needs to be drawn between ‘mainstream’ pornography (in commercially available X-rated videos) and the proliferation of violent and extreme material on the Internet. Themes of sexual violence are common in the stories and images circulated in Internet newsgroups. Although there is little systematic research on the extent of violent content on pornographic websites, one can easily find portrayals in Internet pornography that embody forms of violence and themes of subordination and degradation. Furthermore, there are three types of Internet pornography that focus on non-consenting sexual acts – rape, bestiality and ‘upskirts’ websites. Videos featuring these would be ‘Refused Classification’ and banned from sale or hire by the OFLC.

While definitive conclusions must await further research, it is our view that the research literature’s documentation of significant associations between adult use of certain types of pornography and sexual aggression provide grounds for real concern.<sup>1</sup> It is likely that similar relationships exist among teenagers: that consumption of pornography, particularly high frequency use and consumption of violent portrayals, is associated with sexually aggressive attitudes and behaviours. This association may be particularly strong for the four to five per cent of 16 and 17-year-old boys in our study who watch X-rated videos and view Internet sex sites every week.

Regular consumption of pornography and particularly violent and extreme pornography is therefore a risk factor for boys’ and young men’s perpetration of sexual assault. In addition, it may foster greater tolerance of this behaviour by others. This is particularly important given that young women are three to four times more likely to be subject to sexual and physical violence than older women and young men aged 15-25 are responsible for more sexual assaults than older males.

Three other potential impacts of exposure to pornography on children and young people should also be considered.

1. Depictions of sexual behaviour may be emotionally disturbing to the young person who encounters them.
2. Young people may be troubled or disgusted by images or accounts of non-mainstream behaviours, just as adults may be, given that the range of sexual activity found on the Internet is broader than the range found in ‘mainstream’ society.
3. Young people exposed to images of non-mainstream sexual behaviours may be more likely to accept and adopt them.

Sexual behaviours involving rape, bondage, sadomasochism, transsexuality, urination, defecation and bestiality are widely regarded as harmful, immoral or unethical in and of themselves. Indeed some are criminal offences. Their portrayal may incite, eroticise and give legitimacy to such behaviours. There is not yet a body of evidence with which to

---

<sup>1</sup> The research literature is reviewed in Flood and Hamilton (2003).

assess with any certainty whether young people exposed to eroticised images or accounts of bondage, bestiality and so on are more likely to adopt these practices than young people who have not viewed such material, but it seems highly plausible that this is so.

The extensive exposure of young people to pornographic material that has been deemed unsuitable for people under 18, and especially their exposure to material that is deemed unsuitable for adults, calls into question the system of regulation of X-rated videos and Internet pornography in Australia. This system is considered next.

---

## 2. The effectiveness of current regulatory arrangements

### 2.1 X-rated videos

Regulation of the content of films and videos is the responsibility of the Federal Government's Office of Film and Literature Classification (OFLC). The guidelines read in part:

Classification decisions are to give effect, as far as possible, to the following principles;

- (a) adults should be able to read, hear and see what they want;
- (b) minors should be protected from material likely to harm or disturb them;
- (c) everyone should be protected from exposure to unsolicited material that they find offensive...

Particular attention is paid, when classification decisions are made, to the protection of minors from material that is disturbing or harmful. (OFLC 2000, pp. 2-3)

Legally, the prohibition of access by minors to sexually explicit materials is very clear. Children and young people under 18 years cannot purchase or view R- and X-rated films and videos and publications that are 'Category 1 restricted' or 'Category 2 restricted', and neither children nor adults can view 'Refused Classification' materials. In R-rated (and 'Category 1 restricted' printed) depictions, sexual activity can be realistically simulated, and nudity in a sexual context is allowed but should not include obvious genital contact. X-rated movies (and 'Category 2 restricted' printed publications) contain 'real depictions of actual sexual intercourse and other sexual activity between consenting adults' (OFLC 2000, pp. 12-14).

However, we know that minors do gain access to X-rated videos, particularly through informal patterns of exchange and discovery. Children and adolescents may accidentally discover or deliberately search for the pornography collections of older family members, may be deliberately introduced to such materials by older friends and others, and may persuade older individuals to hire or purchase videos on their behalf (as occurs with alcohol). The commercial hire or sale of X-rated videos to minors is probably rare, given the financial penalties for retailers and high political costs for the pornography industry as a whole. Nevertheless, sales to older minors may occur. Staff of at least one Canberra adult outlet report that they may sell X-rated materials to people who appear to be 18 or older, who drive to the store (although one can gain a driver's license at 17), or who are married (although one can marry at 16 with parental agreement).

Despite the Federal Government's system of classifying sexually explicit videos, all Australian states ban the sale or hire of X-rated videos. This has given rise to a flourishing industry in the ACT and, to a lesser extent, the Northern Territory. Premises that sell or hire out X-rated videos are forbidden to sell or hire them to people under 18 and this restriction appears to be enforced vigorously.

In our judgement, while X-rated videos routinely portray sex in ways that are dehumanising and, arguably, subordinating and degrading to women, the existing classification and regulatory system is appropriate. It would be futile to attempt to use

the censorship classification system to address these broader aspects of gender relations in Australian society. However, as our survey has revealed, exposure of children under 18 to X-rated videos is extensive, with 73 per cent of boys and 11 per cent of girls aged 16 and 17 admitting to having watched them (Flood and Hamilton 2003). The evidence we have reviewed suggests that, while exposure to X-rated videos may be offensive to many teenagers, especially girls, the existing classification system screens out portrayals of activities that may result in significant psychological and emotional harm and therefore does not require substantial change. There may well be a need to develop and apply additional enforcement of existing laws. As detailed below, we also favour the development and implementation of school programs designed to improve children's skills in media literacy, reduce the likelihood of exposure to pornography, and minimise the negative effects of that exposure.

## **2.2 Internet sex sites**

While we do not propose any major change to the regulatory system for X-rated videos, the situation is much more serious with respect to pornography on the Internet. Not only is the content available much more extreme than can be seen on video, there is no effective regulation of pornography on the Internet. In other words, there are no effective mechanisms in place to reduce the exposure of teenagers to pornography, including material of the most extreme kinds, or to manage the harmful effects that such exposure may have.

There is a persuasive case for much more determined regulatory and other actions to minimise exposure of youth to sex sites on the Internet. We are particularly concerned about easy access by teenagers and younger children to images of sexual violence and coercion, including rape sites, extreme or disturbing depictions such as bestiality and sexual practices involving defecation and urination, and images of non-mainstream sexual practices (such as fisting, sadomasochism and various fetishes). We are less concerned about exposure of teenagers and younger children to material that would be classified X if on video, although we support measures to minimise their exposure to this material in the same way as children under 18 are restricted from viewing X-rated videos.

The existing system of regulation of sexual content on the Internet – known as the Online Content Co-Regulatory Scheme – was established by amendments to the Broadcasting Services Act in 1999.<sup>2</sup> Schedule 5 of the Act created a system that includes a complaints mechanism, measures aimed at restricting access to offensive content, and measures aimed at protecting children from exposure to unsuitable material. It also includes three industry codes of practice developed by the Internet Industry Association and specifying the obligations of Internet Service Providers and Internet Content Hosts in Australia.<sup>3</sup> The system is managed by the Australian Broadcasting Authority (ABA).

---

<sup>2</sup> For details see the issues paper prepared for the review of the operation of Schedule 5 published in September 2002 (DCITA 2002) and the various submissions made to that review, especially that by the ABA (ABA 2002).

<sup>3</sup> At the time of writing, the codes of practice were not available for the public to peruse on the ABA website.

The ABA does not review sites for offensive content as a matter of course but relies on complaints made by the public. It is worth noting that in the case of pornographic videos the Federal Government does not restrict their sale only if a complaint is made and upheld. Under the Act, Internet content is prohibited if it contains material that would be classified by the Classification Board as RC, X or R. According to the ABA's website the following categories of Internet content are prohibited:

'Content which is classified RC or X by the Classification Board.  
Such content includes:

- material containing detailed instruction in crime, violence or drug use;
- child pornography;
- bestiality;
- excessively violent or sexually violent material; and
- real depictions of actual sexual activity.

Content hosted in Australia that is classified R and not subject to a restricted access system which complies with criteria determined by the Authority. Content classified R is not considered suitable for minors and includes:

- material containing excessive and/or strong violence or sexual violence;
- material containing implied or simulated sexual activity; and
- material which deals with issues or contains depictions which require an adult perspective.'

Thus, while depictions of simulated or actual sexual activity are allowable in videos and magazines, they are not allowable in an online form.

In response to a complaint, the ABA may deem certain content unsuitable. If the content is hosted by an Australian Internet Service Provider (ISP) or Internet Content Host (ICH) then the ABA can issue a 'take-down notice'. Refusal to take down the offending content can result in fines of up to \$5,500 per day for an individual or \$27,500 for a corporation. If the content is hosted by an ISP or ICP in another country the ABA, in the first instance, notifies the makers of certain approved Internet content filters so that they can be changed to block the offending content. If the ABA determines that the material complained about is likely to be classified as RC or X and is 'sufficiently serious' (such as child pornography) then it can notify the Australian Federal Police or an Internet complaints hotline in the host country. The AFP can notify the appropriate regulator or law enforcement agency in the host country.

According to the regulator, the ABA, the co-regulatory scheme for Internet content is highly successful. In a recent commentary, it lists the 'key achievements' as:

- the registration of three codes of practice;
- a community education program;
- establishment of a complaints hotline;
- removal of 284 items of prohibited content from Australian sites;

- notification of 1003 items of overseas-hosted content to makers of filtering software;
- referral of 490 instances of child pornography to overseas law enforcement agencies; and,
- research on the effectiveness of filters (ABA 2002, p. 1).

The Government believes that the Online Content Co-Regulatory Scheme is highly effective. The Minister for Communications, Information Technology and the Arts, Senator Richard Alston, has recently said:

The report [by the ABA] highlights the effectiveness of the Federal Government's online content legislation in making the Internet safer for Australians and protecting Internet users – especially children – from unsuitable and offensive material.<sup>4</sup>

The Minister referred to the low number of complaints received by the ABA and suggests that the complaint and review mechanism is adequate to the task.

Despite the achievements listed by the ABA and endorsed by Senator Alston, the fact is tens of thousands of websites showing pornography, some of it of the most extreme kind, are easily accessed by children on the Internet. The Minister would only need to type the words 'sex pictures', 'rape' or 'scat' into a search engine to recognise this fact. Teenagers and younger children have extensive exposure to this material on a daily basis. With the right key words, any search engine will generate a list of hundreds of sex sites and the concerned parent is faced with an overwhelming task if he or she decides to pursue official mechanisms of complaint. What is the point of making a complaint against one site when there are thousands of similar ones, especially when the ABA's procedure allows only one site per complaint? The number of complaints therefore represent the tiniest fraction of the number of sex sites available on the Internet, and it is pointless for concerned parents to attempt to have a few taken down. The existing regulatory scheme can have no impact on the volume of Internet pornography available, or even on the subset of Internet sex sites that portray extreme material. There is no evidence that teenagers and younger children are being impeded from accessing or protected from exposure to material on the Internet that they are prevented by law from seeing on video.

The complacency of the Federal regulatory authorities is matched by some state law-makers. A report by the Standing Committee on Social Issues of the NSW Legislative Council also refers to the low number of complaints as a sign of the absence of community concern about Internet pornography.

These statistics suggest that there is not a high level of community concern about the amount of objectionable material or material unsuitable for minors that is currently available on the Internet. ... On this basis it does not seem likely that the proposed scheme [to outlaw X-rated material on NSW ISPs] would lead to

---

<sup>4</sup> Senator The Honourable Richard Alston, 'Internet safety for Australians continues to grow', Media Release 21 August 2002 [http://www.dcita.gov.au/Article/0,,0\\_1-2\\_15-4\\_110952,00.html](http://www.dcita.gov.au/Article/0,,0_1-2_15-4_110952,00.html)

the identification of vast amounts of inappropriate Internet content being made available from NSW (Standing Committee on Social Issues 2002, p. 7).

The Committee members could not have reached this conclusion if they had spent a few minutes at their computers viewing the vast amounts of prohibited Internet content, a simple procedure they apparently did not perform throughout the course of their inquiry.

In contrast to the beliefs of the ABA, the Communications Minister and the NSW parliamentary committee, Electronic Frontiers Australia (EFA), a group devoted to 'promoting online civil liberties', has concluded that the Federal Government's scheme is an obvious failure:

EFA has conducted a comprehensive analysis of Government reports on the [Internet censorship] regime, in light of the Minister's admissions to the Senate that official reports contain statistical errors exaggerating the alleged effectiveness of the scheme, and reviewed the overall operation and effectiveness of the scheme. ... We conclude that there is no evidence to support the Minister's claim that the Internet has been made safer as a result of the Government's Internet censorship regime (Electronic Frontiers Australia 2002, pp. 3-3)

EFA uses the failure of the regulatory system to argue for its dismantling; we believe that its failure demands more effective measures to protect children from exposure to pornography.

The regulation of pornography in Australia today is marked by a bizarre cognitive dissonance. On the one hand, there is broad endorsement by government and the public that it is appropriate to take extensive measures backed by legal sanction to prevent under 18s from viewing X-rated videos and to ban outright video depictions of a range of non-mainstream, violent and fetishistic sexual practices. On the other hand, the same people, both in government and the public, appear to harbour no serious concern about the widespread exposure of teenagers and children to the most extreme, disturbing and violent depictions on the Internet. Indeed, the authorities declare themselves satisfied with the situation. As will be seen in Section 4 below, however, of widespread disquiet amongst parents about some of the material available in the Internet.

Not only is regulation of pornography on the Internet manifestly failing, but the regulatory authorities themselves appear to have lost sight of their functions. Thus the ABA declares:

The ABA's activities have been aimed at assisting users, particularly families with children, to take full advantage of the benefits of the Internet, while being aware of the potential risks and knowing how to manage them. The ABA considers that these measures have contributed to the increased take-up of Internet services throughout Australia ... (ABA 2002, pp. 1-2)

In its role as the regulator of television and radio, the ABA is not charged with the responsibility of increasing the audiences of these media, so it is hard to see why it believes that it should spend taxpayers' money promoting use of the Internet. The same

comment can be made in relation to the activities of NetAlert, the body established in the 1999 amendments to the Broadcasting Services Act to promote safe use of the Internet.

The Board of NetAlert is of the opinion that the first three years of the co-regulatory scheme have proven to be highly successful. .... The scheme enjoys high levels of industry support, successfully avoids confrontation and overall, is seen to be achieving the desired results (NetAlert 2002, p. 4)

As the scheme imposes almost no obligation on online industries it is not surprising that it ‘enjoys high levels of industry support’. And it is hard to see how a body responsible for reducing the exposure of children to pornography on the Internet can do its job without confrontation. It is perhaps true that the scheme ‘is seen to be achieving the desired results’ when it is understood that the desired result is not to limit the exposure of children to Internet pornography but to mollify those who have raised alarm by giving the impression that something is being done.

Employing a string of marketing clichés, NetAlert goes out of its way to extol the virtues of the Internet declaring that it helps maintain competitiveness, fosters nationhood, empowers individuals, erodes distances, increases social capital, creates new business opportunities and breaks down misunderstanding (NetAlert 2002, pp. 7-8). It is apparent that NetAlert sees its principal role as one of encouraging use of the Internet. It even proposes to change its name from NetAlert to ‘Growing Australia Online’ in order ‘to remove the “alarmist” element’ from its name, a conclusion it has reached after feedback from the Internet industry in discussions about ‘cash and in-kind sponsorships’ (NetAlert 2002, p. 5). The Board of NetAlert wants to redraft its charter so that there is no reference in its vision or goals to the dangers confronting young people in using the Internet. It sees its goal above all to promote Internet usage, and one has to ask why this publicly funded body exists at all.

Of course, access to the Internet should be encouraged as it offers substantial benefits for both children and adults (Donnerstein 2002). Yet reading the submissions of various other organisations to the review of the operation of Schedule 5 of the Broadcasting Services Act,<sup>5</sup> we are left with the impression that most of the participants in the debate have lost sight of the problems that the Internet regulatory scheme was designed to tackle.

---

<sup>5</sup> [http://www.dcita.gov.au/Article/0,,0\\_1-2\\_10-3\\_481-4\\_111736,00.html](http://www.dcita.gov.au/Article/0,,0_1-2_10-3_481-4_111736,00.html). While one would expect submissions from the sex industry to downplay the dangers, it is surprising to see the same line taken by the Australian Consumers Association.

### 3. What can be done?

#### 3.1 A new approach

If the existing system of Internet regulation in Australia is failing to limit the exposure of children to pornography on the Internet, what can be done to make it more effective? Various reports in Australia and abroad have made it clear that restricting access by children to pornography on the Internet is not an easy task. The main obstacle to the imposition of stringent restrictions is provided by the fact that the Internet knows no national borders and instant access can be had to material posted on sites anywhere in the world. Most of the pornography downloaded in Australia is hosted in the USA. The ABA estimates that 70 per cent of the prohibited or potentially prohibited overseas-hosted content it has identified is hosted by Internet Service Providers (ISPs) and Internet Content Hosts (ICHS) in the USA (DCITA 2002, p. 15). Vigorous legislative attempts by the US Congress to restrict children's access to Internet pornography have been rejected by the US Supreme Court as unconstitutional because they violate the right to freedom of speech in the US Constitution (Krause 2002). As long as the US government is hamstrung in its attempts to restrict Internet pornography in its own territory, international cooperation with the same aim will be ineffective.

Too often the global nature of the Internet has been used to argue that nothing can be done about the problem of pornography. Further measures designed to make the Internet safer for young people are feasible. We propose a strategy with three components: a schools-based educational program, an opt-out system of ISP-filtering and some additional measures to protect children from exposure. As with judgements about pornography itself, the merits of these strategies are shaped by political and ethical considerations and by practical and legal constraints. In essence, the implementation of a weak system of Internet regulation in the Broadcasting Services Act was driven by the belief that the costs of stronger measures would outweigh the benefits of reducing children's exposure to pornography on the Internet. In our view, the benefits of measures to restrict access are higher than the Government infers and the costs to the industry and Internet users, in terms of financial outlays and slower Internet access, have been exaggerated.

The evidence pertaining to the effects on youth of exposure to pornography provides good grounds for attempts to restrict the access of people under 18 to both X-rated videos and much of the material that can be viewed on Internet sex sites. The survey data already reported indicate that young people, and particularly young males, are heavily exposed to pornographic videos and even more graphic and disturbing material on the Internet. In the case of Internet pornography especially, the system of regulation is manifestly failing.

Below we describe a series of new measures designed to minimise exposure of young people to pornography on the Internet and to help 'inoculate' them against the effects of exposure where efforts to restrict their access are less than fully successful. The proposed strategy has three components, as summarized in Box 1.

### **Box 1 Overview of a new strategy to address the exposure of youth to pornography**

#### ***School-based education***

- Incorporation of pornography education into school curricula on health and personal development, media literacy and protective behaviours.
- Promotion of parental understanding, monitoring, and household guidelines.
- Provision to young people of compelling and educational Internet and other content on sexual health and relationships.

#### ***Mandatory ISP-filtering***

- All Australian ISPs required to filter all material for prohibited content.
- Adult users may opt out of filtering and receive X-rated content.
- Website owners may apply to have their sites classified and thereby exempted from filtering.

#### ***Additional measures***

- Stronger age-verification technology.
- Plain brown wrappers for Internet sex sites.
- Instant help functions for children exposed to offensive material.

### **3.2 Educational strategies**

We believe that it is feasible to reduce greatly the exposure of young people to pornography on the Internet. However, we also recognise that it is impossible to exclude children completely from viewing pornographic images until they reach 18. We therefore support the development and implementation of a nation-wide program to teach high school children strategies to understand and critically evaluate pornographic images and messages and to encourage the development of ethical norms and practical skills that will help protect them from inappropriate and disturbing material.

There is an emerging consensus in the scholarship on children and media, including research on children and pornography, that social and educational strategies are among the most effective approaches. According to Thornburgh and Lin who have carried out the most thorough review of social and educational strategies, such strategies

seek to develop in young people the ability to make responsible and safe choices about Internet use, to make good decisions about content to be viewed, to reduce their exposure to inappropriate material, and to mitigate

the consequences, if any, of viewing inappropriate material (Thornburgh & Lin 2002, p. 221).

One aspect of this is media literacy, critical viewing and thinking skills that can be fostered among both young people and their parents, as a recent text on children and media emphasises (Strasburger & Wilson 2002, pp. 315-317). Media literacy includes the skills to evaluate texts and images critically and to recognise the underlying messages, whether they are associated with alcohol advertising or pornographic depictions of ‘teenage sluts’. The evidence is that teaching media literacy improves children’s ability to ignore or resist advertising messages and reduces the negative impact of portrayals of violence (Strasburger & Wilson 2002, pp. 317, 346-363). The results are optimal when parents too have media skills and can discuss media with their children at home and assist in their critical evaluation.

Encouraging young people’s information skills on the Internet reduces the likelihood of inadvertently encountering sexually explicit material. Media literacy also enables children to take a more detached and evaluative view of the material, whether they are exposed to pornography accidentally or deliberately (Thornburgh & Lin 2002, p. 248). Experimental studies find that individuals shown violent pornography can be ‘inoculated’ against its negative effects through prebriefing or ‘cured’ afterwards through debriefing. Typically, participants are reminded that the material is fictional and that women do not enjoy forced sexual relations. An analysis of ten studies found that after such processes, participants’ belief in rape myths was no greater than it had been prior to exposure to violent pornography and in six studies it was lessened (Allen *et al.* 1996). Prebriefing was found to be significantly more effective than debriefing afterwards. This suggests that educational efforts could be used to protect against or counter the negative impact of pornography consumption (Allen *et al.* 1996, p. 138).

Social and educational strategies go beyond media literacy and concern a range of other skills among young people, including

how to... make wise choices, to stay in control of his or her online experiences, to be critical and sceptical about the underlying messages in advertising and romanticized and sexualized images, and to report other users soliciting personal information or harassing them (Thornburgh & Lin 2002, p. 224).

School curricula in Australia provide an excellent framework in which to locate the teaching of skills and values that can minimise the harmful impact of pornography. Our research finds that three-quarters of 16 and 17-year olds have seen Internet pornography (including 84 per cent of boys) and close to half have seen X-rated videos (including 73 per cent of boys). Given that large proportions of young people are being exposed to pornography, teaching strategies must address this exposure and encourage critical skills and healthy values that can help teenagers understand and neutralise the power of pornography. Pornography education could be integrated into three of the nationally agreed areas of learning – Health and Physical Education, Studies of Society and the Environment, and English.

All secondary schools in Australia provide health, personal development and physical education curricula as part of their teaching, although states and territories vary in their curriculum guidelines, syllabus provision and mandated time spent on health education (Ollis *et al.* 2000, p. 6). The promotion of positive attitudes towards relationships and sexuality is already a key element of the Health and Physical Education curriculum. Students are taught about protective and health-promoting behaviours, including those relating to violence and sexuality, and encouraged to develop knowledge and skills to make informed decisions (Curriculum Corporation 1994, pp. 3-7). At a secondary school level where the Health and Physical Education curriculum is being used, students reflect critically on media portrayals and community stereotypes of sexual activity and relationships, develop skills in negotiating sexual decision-making, and develop awareness of power inequalities (Curriculum Corporation 1994, pp. 35-36. 44-45). This aspect of their education already helps to reduce the harmful impact of exposure to pornography by inoculating young people against messages that promote sexist and violent behaviour, but much more can and should be done. School curricula must address new and powerful sources of harmful messages about gender, sexuality and relationships, namely pornography.

Two other areas of learning in school curricula should also incorporate materials on pornography. In English, students are taught to respond critically to literary and media texts, examining how they convey information, persuade and impart meaning. Of course we do not advocate that minors be given pornographic material to analyse, although it is worth bearing in mind that many older students will have been exposed to such material already. Class discussions of mass media should include consideration of pornography and improve students' ability to be perceptive and discerning users of sexuality-related and other media.

In Studies of Society and the Environment, students gain an understanding of human relationships and social structures, analyse social values and beliefs, examine constructs and stereotypes of gender, look at influences on identity, and participate in debates about current social issues (ACT Department of Education and Training 1990). These are fertile grounds in which to embed critical discussions of pornography. Pornography can be analysed as a powerful set of 'texts' to which many children and adults are exposed, a source of stereotypes of gender and sexuality, and an issue of popular controversy.

The rationale for 'pornography education' in schools is similar to that for drug education, now a well-established aspect of the school curriculum. For both forms of education, the goal is not to encourage its use. Instead, pornography education would aim to minimise the harms associated with pornography. It would do so by encouraging young people to develop an awareness of the associated risks, to make responsible choices regarding its use, and to avoid consumption or at least minimise the potential harms involved if they do choose to consume it. In aiming to promote healthy attitudes and values and egalitarian relationships among young people, the proposed program of pornography education is consistent with the *National Statement and Profile in Health and Physical Education*. It is also supported by other national strategies and frameworks, particularly *Gender Equity: A Framework for Australian Schools*, the *National Framework for Health Promoting Schools 1998-2001*, *Health Promoting Schools in Action: A Guide for Schools 2000*, and *Talking Sexual Health: National*

*Framework for Education about STIs, HIV/AIDS and Blood-borne Viruses in Secondary Schools.*

The principal advantages of social and educational strategies are that they encourage children's moral and ethical development and resilience, they are more effective than technological solutions in the long term, and they minimise the negative effects of exposure to inappropriate material if and when it does occur. Thornburgh and Lin believe that if children's ethical maturity is nurtured, their internalisation of appropriate values and principles will guide their future choices and behaviour (2002, p. 219).

Others go further, arguing that children's exposure to, and opportunity to work through, 'the messiness of life' is a vital aspect of their socialisation and development, and that censorship hinders their 'mental agility and capacity to deal with the world' (Heins 2001, pp. 256-257). Although the importance of learning to deal with the messiness of life is recognised, we consider that children should not be exposed to some of the 'messier' aspects, including some forms of pornography, until they have reached an appropriate developmental stage. We don't throw children into the deep end unless we are very confident they can dog-paddle to the edge.

Education-based approaches must take account of children's developmental needs and abilities. Where young children are concerned, parents and others can also use filtering and monitoring strategies (discussed below), gradually broadening children's choices and control over information and relaxing precautions as they mature.

It is widely believed that the best approach to protecting young people online is the attentive presence of a responsible parent, guardian, teacher, librarian or mentor, and encouraging this attention would be an important adjunct to the school-based Internet awareness program proposed here. Most parents are pressed for time and constant in-person supervision of children's Internet use is unlikely to occur in most families. In addition, parents often underestimate or are unaware of the extent of their children's Internet activities (Thornburgh & Lin 2002, pp. 164-165; Stanley 2001, pp. 7-8).

Nevertheless, parents can play valuable roles. As parental ignorance about use of the Internet is often a source of both complacency and excessive fear, parents should be encouraged to implement a number of practices for safer Internet use. They can develop a basic understanding of Internet content and uses. They can also locate home computers in public areas such as lounge rooms so that private and solitary viewing by children is difficult. They can discuss household rules and expectations regarding children's use of the Internet, provide guidance as to why the viewing of sexually explicit materials may be inappropriate, become aware of tools and programs for Internet safety, and set good examples themselves for responsible Internet use. Peers and near-peers such as siblings can also play a role, especially as peer mentoring and education strategies have proven helpful in relation to other social issues such as drug use and violence (Thornburgh & Lin 2002, pp. 225-234).

Monitoring refers to strategies which note or record people's computer use. This can be non-technological, for example when parents oversee their children's use of the television or computer. Technological means include examining which web sites have been visited on a computer (using the 'history' file, the temporary 'cache' of recent

images, or ‘cookie’ files), or employing commercial systems which can record all keystrokes and record access to inappropriate materials, display one or more screens in real time on another computer, or provide a warning to the user that they are about to access inappropriate material (Thornburgh & Lin 2002, pp. 305-310).

While some see monitoring as yet another erosion of individual privacy, others see it as an expression of adult responsibility for children’s welfare. Monitoring of children’s computer use is more likely to be productive if it is overt, involves explicit discussion and education rather than simply punishment, and is balanced by concern for young people’s personal freedom and empowerment (Thornburgh & Lin 2002, pp. 313-316).

Finally, young people will be less at risk of harm in relation to Internet and video pornography if there are alternative materials and venues to which they are drawn. The creation of stimulating, compelling and educational Internet and other content is an important one, and should come from both commercial and non-commercial sources (Thornburgh & Lin 2002, pp. 250-251). This content must include materials on sexual health and education. In fact, young people are already making widespread use of a range of responsible, informed and compassionate web sites provided for them (Levine 2002, pp. 143-148). These cover such topics as puberty, contraception and relationships, and include answers to frequently asked questions, articles and personal stories, interactive games and quizzes, and referral and advice. Providing sexuality-orientated venues and materials tailored to and preferred by young people will be a key factor in reducing the appeal of pornography.

### **3.3 Filtering prohibited content**

Filtering technologies block Internet materials deemed to be inappropriate, and can do so on the basis of the material’s content, source or associated labels. Filters can be applied in the form of ‘black lists’ or ‘white lists’, involving prior determinations of inappropriate or appropriate content respectively, or in real time when a computer user makes a request or when information is flowing to that computer (Greenfield *et al.* 2001). Most filtering systems use lists of hundreds of keywords representing inappropriate content and block web sites containing these words and phrases. Many check potential pages against lists of suspect web sites. Filters can also use labels produced by the site or by third parties, such as the Platform for Internet Content Selection (PICS), although this is not yet widespread. Filtering by computer analysis of images is difficult and rarely done.

Filters can be used in a number of locations. Many are installed as local software on users’ computers, and some ISPs use white lists of vetted content or allow access to all content not designated as inappropriate. Computer servers such as those for schools and libraries may involve filtering. Search engines can include filters that either do not return links to inappropriate content or offer children-orientated versions of their search engine (Thornburgh & Lin 2002, pp. 51-59, 271-274).

Under Australia’s Online Content Co-Regulatory Scheme, filtering systems are the main device relied on by the Federal Government to minimise exposure of children and teenagers to potentially harmful content on the Internet. Codes of conduct for ISPs require them to offer approved filters to their customers. The makers of approved filters

have agreed to filter out material that the ABA deems unsuitable because it contains prohibited content. Filters are currently the most popular technological means of protecting children from exposure to inappropriate material. Among Australian parents who have taken action to prevent or minimise exposure to pornographic content, the most common strategy is the installation of filter software (Aisbett 2001, p. 47). However, take-up rates have been low with Aisbett (2001, p. 48) reporting that only 17 per cent of parents with Internet connections have installed filters. This may reflect a lack of knowledge by parents, a lack of concern or the deterrent effects of the cost. It is reported that Telstra BigPond charges its customers \$59 to download filtering software.<sup>6</sup>

The system of voluntary end-user filtering is clearly not working. Australian teenagers continue to have extensive exposure to pornography on the Internet, including extreme and violent sexual imagery. In the case of the USA, Thornburgh and Lin (2002, p. 275) note that ‘as a percentage of all children using the Internet, the fraction whose Internet access is filtered apart from school usage is small’. Arguably, those boys who are most likely to form attitudes tolerant of sexual coercion and violence and who are drawn to extreme sexual practices are more likely to have parents who are disinclined to regulate their exposure to pornography. If so, there is a good case for society acting to protect itself from the consequences of parental failure, just as it does in the case of teenage drug use or, indeed, access to X-rated videos.

We believe that a much more effective method of restricting access of children to Internet sex sites is to require all Australian ISPs to apply filters to all content. However, end users would have the option of requesting that content to their home or office computer not be filtered – in other words, adults could ‘opt out’ of filtering. In this case, adult users would be permitted access to websites that have been classified as X-rated. This would require age verification methods to ensure that requests from individuals under 18 to turn off the filter are not acted upon.

The objective of this proposal is to set up a system very similar to the one that now regulates X-rated videos. 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’ created by age verification procedures. Under the proposed scheme Australian ISPs would be permitted to host pornographic websites on condition that the content had received an X rating and that effective age verification methods were in place. This would result in a liberalisation of the prevailing system in which Australian ISPs are forbidden to host material that would be rated RC, X or R and would permit the development of an Australian online adult industry selling X-rated material.<sup>7</sup> But while representing a *de jure* liberalisation of online pornography, the proposed system of filtering, classification and age verification would represent a stringent *de facto* tightening of access to pornography by children and by adults as well.

Under the proposed ‘opt-out’ system, the civil liberties of computer users would be protected as any adult user could gain access to X-rated material on the Internet by way

<sup>6</sup> *Courier Mail*, 13 May 2002 cited by Electronic Frontiers Australia (2002, p. 21)

<sup>7</sup> The system could permit overseas-hosted pornographic websites to be accessed by Australians through Australian ISPs as long as they met the conditions of Australian law, i.e. subjected themselves to the Australian classification system and had effective age verification systems.

of a simple communication with their ISP. It would certainly be quicker and easier to view X-rated material online than ordering an X-rated video or buying a pornographic magazine at a newsagent. By arguing against all censorship on the net, civil libertarian activists to date have deftly avoided the question of whether they accept that a distinction should be made between X-rated content and the extreme, violent and fetishistic sexual activities that are banned on video but freely available on the Internet. Do the civil libertarians who argue against any censorship on the net also believe that there should be a pornographic free-for-all on video and, indeed, television?

The success or failure of the proposed system depends critically on the effectiveness of filtering. In Australia, filtering systems have been reviewed by the CSIRO for NetAlert and the ABA (Greenfield *et al.* 2001). There are no serious technical obstacles to an ISP-based opt-out filtering system. Transmission of data through ISPs may slow down a little initially but it is to be expected that ISPs and filter makers would soon find ways of minimizing any disruption to information access. In fact, some of the biggest ISPs, such as AOL, already filter content for some customers (Thornburgh & Lin 2002, p. 272).

Some types of ISP-based filtering have proven very effective. 'Because they confine the user only to material explicitly considered appropriate, child-oriented content-limited ISPs provide the greatest degree of protection for children' (Thornburgh and Lin 2002, p. 285). The cost to ISPs of installing and operating filters would be passed on to customers, but the increase in the cost of an Internet account is likely to be small and would probably fall as the demand for effective filters by ISPs rose. As Thornburgh and Lin (2002, p. 293) note, at least in the case of child filters:

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.

How would a decision be made to block certain content? It may not be necessary for a government authority to screen content and constantly update black lists. If ISPs are required to install only filters that have been approved, and approval of a filtering device is contingent on its having a high degree of effectiveness, then in order to retain official approval the filter makers would have a strong incentive to ensure that prohibited content is included on their lists as soon as possible.

Under Australia's Online Content Co-Regulatory Scheme, ISPs and ICHs are required to provide their subscribers with one of the scheduled filter products. Inclusion of a filter product in Schedule 5 of the Act implies official endorsement of the product. ISPs can charge subscribers a price on a cost-recovery only basis. Filters vary in their effectiveness. The ABA provides data on the effectiveness of scheduled filters, measured by their rates of failure to block content identified by the ABA as prohibited. The results are reproduced in Table 1.

While some filters are very effective others, notably Cyber Sentinel, Interscan Web Manager and NetNanny 4.0, are so ineffective as to be almost useless as devices for

filtering out pornography on the Internet. The ABA has indicated that it will recommend their removal from the schedule (ABA 2002, p. 7).

The ABA believes that current filtering systems ‘provide insufficient protection from potentially offensive and harmful content’, but when combined with appropriate parental supervision and household rules they are effective in controlling access by children to Internet content. We believe that such a conclusion is unwarranted. Firstly, it is apparent that many filters are insufficiently effective. Secondly, there is no evidence presented that parents are providing adequate supervision. Thirdly, the ABA seems to be assuming that the only problem is accidental exposure to offensive or harmful material and that parental guidance can minimise the damage. But if filters are not installed or have high failure rates, there is little to stop the curious 14-year old from exploring the full range of pornography on offer on the Internet.

**Table 1 Scheduled filters – rates of failure to block content notified by the ABA**

Product name	Failure rate (%)
CyberSitter	5
NetNanny 5.0	16
NetNanny 4.0	38
Cyber Patrol	18
Cyber Sentinel	53
N2H2	7
X-Stop	8
AOL (younger teen)	15
AOL (older teen)	15
WebSense	10
Norton Internet Security	25
SmartFilter	10
Internet Sheriff	8
Interscan Web Manager	46
Content Keeper	12

Source: ABA 2002, Table 1, p. 7

It must be acknowledged that filters can never be perfectly effective. All filtering technologies make errors of omission and commission – they ‘overblock’ legitimate materials, and they ‘underblock’ inappropriate materials. Parameters can be adjusted to

reduce the occurrence of one type of error, but this always results in increasing the other type of error. Filtering criteria are often not transparent to the end-user or other parties. Filter vendors decide what is inappropriate, and do not make their blocking criteria, keywords, or lists of blocked sites available (Thornburgh & Lin 2002, p. 287). Vendors are sometimes strongly connected to religious organisations and block content according to conservative religious values, yet do not acknowledge this in their public profiles (Willard 2002). However, vendors usually offer customisation options, for example, the capacity to block only particular categories of inappropriate content, to create local exceptions lists, or to allow degrees of filtering based on a child's age or grade. Most users appear to stick to the 'default' settings.

It must also be recognised that young people's (and adults') online access to legitimate and important non-pornographic materials can be constrained by filtering. According to one study, among American 15-17 year-olds who have sought health information online, 46 per cent have been blocked by filtering technology (Kaiser Family Foundation 2001, p. 3). Filters have blocked materials on contraception and HIV/AIDS, feminist and gay and lesbian web sites, and sexual health and sexuality education aimed at youth (Levine 2002, p. 16; Heins 2001, p. 181; Strasburger & Wilson 2002, p. 317). A test of six popular blocking products found that at the most restrictive settings, 24 per cent of adolescent health information sites and 91 per cent of pornography sites were blocked, while at the least restrictive settings, 1.4 per cent of health sites and 89 per cent of pornography sites were blocked. This suggests that content filters can be set to less restrictive settings with no significant loss in their ability to block pornography (Larkin 2002).

In addition, filters can be circumvented or defeated in various ways: children may disable or uninstall them, go around them (e.g. through a proxy server), or obtain material that is similar to that on the blocked web page (Thornburgh & Lin 2002, pp. 280-281). However, the Internet, and computer use more generally, is a highly dynamic medium in which users with differing objectives are constantly engaged in battles to outdo the other (viruses come to mind) and any technological solution will require a commitment to ongoing development.

Finally, it should be noted that the filtering system proposed applies only to pornographic material on the worldwide web. Children are also exposed to pornography through the receipt of unsolicited e-mails or 'spam'. There are tools for blocking spam on the basis of its content, source or addressee, but most cannot distinguish between sexually explicit and other spam. Nevertheless, spam-controlling technologies can help reduce children's inadvertent exposure to pornography (Thornburgh & Lin 2002, pp. 318-322).

### **3.4 Additional measures to protect children**

We propose three additional measures that are essential for the effective operation of the system of ISP-based filtering and website classification outlined above or which can provide additional protection. They are:

1. age verification technologies;

2. plain brown wrappers for pornographic websites; and
3. instant help functions for children exposed to offensive material.

These measures are discussed in Thornburgh & Lin (2002, pp. 327-53) on whom we draw heavily.

Age verification technologies (AVTs) are used online to distinguish adults from children and to deny children access to adult content. On the Internet they perform, in principle, the same task as the staff member at an adult video shop who checks the driver's licence of a customer. On pornographic websites, the simplest versions ask the user to confirm that they are 18 or older, but this poses no real barrier to children's access. Indeed, bold warnings that children should not view certain material are likely to encourage inquisitive minors, a honey-pot effect, especially as sex sites typically have 'teaser' images on the home page.

Credit card payments are a common form of AVT based on the assumption that only adults have credit cards, although adolescents increasingly use them. To date, AVTs are most effective against minors' deliberate access to sexually explicit material that is available only after payment, but they do not protect against non-commercial sexually explicit material and 'teaser' images on commercial adult sites. Thornburgh and Lin (2002, pp. 341-348) canvass other options for AVTs such as the use of public records to authenticate age, 'smart cards' and age-tagged credit cards, noting the potential high costs in terms of inconvenience and loss of privacy for adult consumers.

Thus the requirement for AVTs will be effective in reducing children's access to Internet pornography only if children cannot easily access similar content for free. Effective AVT is an essential component of our proposal for ISP-based filtering combined with legalisation of Australian-hosted X-rated sex sites available to adults who choose to opt out of filtering. No AVT system will be foolproof and undoubtedly some slippage will occur, but children will need to use a credit card to view the material or be invited to view material downloaded by an adult using a credit card. If they do see restricted material it will not be material that had been refused classification, as is presently the case (unless such material escaped the filters at an ISP). Thornburgh and Lin (2002, p. 342) note:

The effectiveness of AVTs is mixed, although they clearly do eliminate some significant percentage of children who would otherwise gain access to sexually explicit material. Factors that reduce the effectiveness of credit cards as AVTs include the placement of highly explicit material before credit card numbers must be submitted, possession of credit cards by children, and the availability of parental credit cards through the rifling of a parent's wallet or purse.

As an additional protection we support the use of 'plain brown wrappers' on the opening pages of sex sites. Thus no sexual imagery would be displayed on these pages but a warning about the content behind the front page would be prominent, in the same way that the covers of some adult magazines are obscured. Plain brown wrappers would only be relevant in a regulated system in which X-rated sites were approved; clearly,

sex sites hosted in other countries would have no incentive to eliminate the teaser images designed to entice users further into the site.

Another suggestion worth serious consideration is the installation of an ‘instant help’ function on computers to which children have access. It could take the form of a button or icon on browsers, search engines, e-mail and desktops allowing a young person who is subject to unwanted sexual solicitation or is sent unwanted sexual material to seek help. The incident could be reported and the minor could receive assistance or education. Unfortunately, while this strategy has proved very effective in the reporting of child pornography, it has not been implemented more widely (Thornburgh & Lin 2002, pp. 322-326). Implementing such a device in Australia would be something NetAlert could usefully undertake.

Finally, it has been suggested that web sites with adult-orientated sexually explicit content be required to have a .xxx domain name (pronounced ‘dot triple x’), which could then be used to block children’s access. Material classified as X-rated could then be assigned to the .xxx domain and there would be an incentive for owners of sex sites to have them classified as X-rated to be accessible for adult users who opt out of the full filter and opt in to an X-rated filter. This would allow for the development of an Australian online X-rated industry, something the video industry has been arguing for strongly. However, a .xxx domain dedicated to X-rated pornography would need to be established by international agreement, something that would be impossible given the variety of standards that apply around the world.

While a .xxx domain is designed to keep children out, an alternative or additional strategy is a .kids domain (pronounced ‘dot kids’) reserved for entities providing material intended and appropriate for children. Something similar already exists as some ISPs offer access only to white lists of child-friendly websites. However, in making it easier to restrict minors’ access to websites only in a .kids domain, this strategy may block access to other useful and appropriate material for children of different ages such as that in encyclopedias. This strategy is best only for the youngest Internet users.

#### 4. What do parents think?

Anecdotal evidence suggests that parents of teenagers are particularly concerned about the exposure of their children to Internet pornography. Newspoll was commissioned to survey the attitudes of parents with children aged 12 to 17 (inclusive). The survey was conducted over the weekends of 13-16 and 20-23 February 2003 and the sample size was 377 randomly selected households with at least one child in the specified age group. The margin of error is five per cent or less.

Seventy eight per cent of these households report having access to the Internet at home, a much higher proportion than the average, which is closer to one third.<sup>8</sup> Comparing this finding with a national survey conducted in 2001 suggests that Internet connection in households with teenagers has risen rapidly in the last two years (Aisbett 2001).<sup>9</sup>

Parents were asked:

Do you think that any of your 12 to 17 year old children have looked at pornographic sites on the Internet, either at home or somewhere else?

Only 35 per cent answered 'yes'; 57 per cent said 'no' and eight per cent were unsure. Parents from households with an Internet connection were a little more likely to say that they think their children have accessed pornography (36 per cent) than those without a connection (32 per cent). These answers can be compared with the reported Internet viewing habits of 16-17 year olds discussed in Flood and Hamilton (2003). Seventy-two per cent say that they have accidentally seen sex sites on the Internet (84 per cent of boys and 60 per cent of girls), while lower proportions say that they have deliberately sought them out – 38 per cent of boys but only two per cent of girls.

Although the subject of little public comment, parents express strong concerns about the accessibility of Internet pornography. They were asked: 'Are you concerned or not concerned about your children seeing unsuitable material such as pornography on the Internet?'. The results are shown in Table 2. Eighty five per cent of parents express concern and 61 per cent are very concerned.<sup>10</sup>

Next, parents were asked how they felt about the Federal Government's handling of pornography on the Internet. The results are shown in Table 3 and demonstrate quite strongly that parents believe the Federal Government is not doing enough to protect children. Seventy-five percent believe that the Federal Government should be doing more with 60 per cent saying it should do a lot more. This feeling is stronger among

<sup>8</sup> High-income households are more likely to be connected to the Internet (91 per cent) than low-income households (59 per cent) and those in capital cities (83 per cent) are more likely to be connected than those outside the capitals (71 per cent).

<sup>9</sup> Aisbett (2001) says that 86 per cent of children aged 13 to 18 had access to the Internet but only 52 per cent of all children with access had access at home.

<sup>10</sup> The proportion saying they are very concerned is higher among the quarter of households without an Internet connection (70 per cent) than among those with a connection (59 per cent), although the proportions expressing some concern are the same.

mothers than fathers, although two-thirds of fathers say the Government should be doing more.<sup>11</sup>

**Table 2 Parental concern about children seeing Internet pornography (%)**

Response	%
Very concerned	61
Somewhat concerned	20
A little concerned	5
<i>Total concerned</i>	<i>86</i>
Not concerned	14
Don't know	1

Totals may not add due to rounding.  
Source: Newspann

**Table 3 Whether the Federal Government is doing enough to protect teenagers from pornography on the Internet (%)**

Response	Total	Male	Female
Should be doing a lot more	60	54	65
Should be doing a little more	15	11	18
<i>Total more</i>	<i>75</i>	<i>65</i>	<i>83</i>
Is doing enough	13	17	9
None/Don't know	13	18	8

Totals may not add due to rounding.  
Source: Newspann

Finally, parents were asked about their support for the two new strategies proposed in this paper to protect children from Internet pornography, that is, mandatory blocking of pornography by ISPs and educating children on the risks of pornography. They were first asked the following:

Would you support a system which automatically filtered out Internet pornography going into homes unless adult users asked otherwise?

<sup>11</sup> Parents in low-income households are more likely to believe that the Government is not doing enough (81 per cent) than those from high-income households (71 per cent).

The results are very surprising. Ninety-three per cent of parents of teenagers support this proposal while only five per cent oppose it, with three per cent unsure. One might expect that younger parents would be less in favour of these strategies given more sexually liberal views among younger adults. Instead, our survey finds that younger parents, those in the 25-34 age bracket, are 100 per cent in favour (compared to 92 per cent of those aged 35-49 and 93 per cent of those aged 50 and over).

Finally, parents were asked:

Do you agree or disagree that high schools should educate students about the risks of pornography in the same way they educate students about the risks of drugs and sex?

The results are reported in Table 4. Support for this proposal is extraordinarily high with 85 per cent in favour including two-thirds strongly in favour. There is no difference between mothers and fathers, but support is stronger among younger parents with 73 per cent strongly agreeing and among parents from low-income households (80 per cent strongly agreeing) compared to high-income ones (63 per cent). There is little difference in support across the states and between capital cities and regional Australia.

**Table 4 Support for high school education on the risks of pornography (%)**

Response	Total	Male	Female
Strongly agree	66	66	65
Partly agree	19	19	19
<i>Total agree</i>	<i>85</i>	<i>85</i>	<i>85</i>
Partly disagree	7	6	7
Strongly disagree	5	5	5
<i>Total disagree</i>	<i>12</i>	<i>11</i>	<i>13</i>
Don't know	4	4	3

Totals may not add due to rounding.  
Source: Newspoll

In summary, there is widespread concern amongst parents of teenagers about exposure of children to pornography on the Internet. Three-quarters believe that the Federal Government should be doing more to protect children, with mothers feeling particularly strongly about it. There is extremely strong support for a system that automatically filters out pornography going into homes unless adults choose to opt out, and a large majority of parents are in favour of high schools including education about the risks of pornography in their curricula.

## 5. A new taboo

Ultimately, any decision about measures to restrict children's access to explicit sexual material depends on how harmful we consider exposure to various forms of pornography to be. At its worst, pornographic images on the Internet extend to bestiality, rape, sexual torture, coprophilia and extreme fetishes such as sex involving amputees. There is no doubt that some teenagers are being exposed to this material. If we believe that such exposure does not cause serious disturbance or harm to children and teenagers, then regulation of ISPs and restrictions on the ease with which adults can access Internet pornography are not justified.

If, on the other hand, we as a society believe that young people may be seriously harmed by exposure to violent and extreme pornography then the proposed impositions on the commercial interests of ISPs and the civil liberties of Internet users would be a small price to pay. Society faces these sorts of decisions regularly. When the Australian government proposed to make seat belts compulsory in all vehicles, the car industry complained about the costs involved and some motorists insisted that it was their right to risk their own lives if they so chose. But the social costs of the road toll were considered sufficiently serious to override these objections.

In our view, the evidence we have presented in our previous report on both the extent of exposure of young people to Internet pornography and on the likely long-term harm resulting from such exposure, provides a strong case for much more determined efforts to tackle the problem. The benefits of the measures we propose far outweigh the costs, especially as the existing system of regulating pornography on the Internet is failing so obviously.

We believe that there is a widespread but subterranean recognition among the Australian populace that the pervasiveness of Internet pornography is a disturbing and potentially dangerous phenomenon. But there is a peculiar reluctance to acknowledge these concerns and act on them. Part of the difficulty is that the loudest objections to pornography have emanated from Christian fundamentalists and 'family morals' campaigners whose conservative and prudish beliefs attract little sympathy from mainstream Australia. To many, they appear unable to distinguish between robust, inventive and uninhibited sex among responsible and consenting adults, both heterosexual and homosexual, and the sorts of sexual practices that are found on the dark side of pornographic culture.

Australians who share the broad liberal outlook that emerged in the 1960s and 1970s are reluctant to be associated with the out-dated and, in some cases, extreme views of the anti-porn lobby, which seems to frown on any sexual activity beyond the missionary position performed by a husband and wife. Few people want to risk the ridicule heaped on Fred Nile and Brian Harradine. As a result, liberal opinion in Australia has become subject to a new taboo. It is not the sexual acts depicted in pornography that are taboo; what is forbidden is serious discussion of the implications for our society, and especially for our children, now that pornography is so pervasive in Australia. Light-hearted daily banter about pornography, and the penetration of pornographic imagery, symbols and porn stars themselves into mainstream media, belies a deeper discomfort

that is rarely articulated. Almost everyone agrees that depictions of rape, bestiality and sexual torture are sick, but no-one other than those seen to be moral fundamentalists is willing to admit their concerns. Yet it is something that every parent of a teenage child must either deal with or choose to ignore. The taboo perhaps serves to cover up the guilt that many feel for failing to have the courage to confront this problem.

Resolute measures to restrict young people from accessing pornography, and restrictions on the type of content that adults may see, do not imply a return to a pre-1960s era of sexual repression. Nor does conceding that some of the concerns of moral fundamentalists have a sound basis mean that one must share their worldview. Yet fear of moral fundamentalism appears to have driven the debate over the regulation of pornography in Australia and most of the Western world. It seems to us that the clamour of moral fundamentalism reflects enough community concern for political leaders to want to be seen to be taking action, but that the equal and opposite fear of being drawn into some sort of moral dark age has meant that measures to restrict Internet pornography have been in large measure tokenistic. How else can one explain the position of the Federal Government and the regulatory authorities who declare that the system is working yet must be aware that five minutes of surfing the Internet will prove that it is, in fact, next to useless?

We did not arrive at our position because of an atavistic yearning for a return to some imagined world of 'family values' and moral purity. The concerns that led us to the initiation of this research were based, firstly, on an honest acknowledgement of the fact that many Australian youths are actively using pornography, contrary to the intent of censorship laws, and, secondly, on a willingness to examine the scientific evidence on the likely effects on young people of exposure to various types of pornography. The detailed research that is set out in this report has confirmed and deepened our initial concerns. We hope that those Australians who have been unwilling to consider the effect of the spread of pornography in Australia in the last decade will, as a result of this report, take the time to examine the full range of pornographic material that is freely available to any Internet user, consider the scientific evidence on the effects on youth of exposure to this content and ask whether it is in our social interests to make more determined attempts to limit the harm that is being done.

## References

- ACT Department of Education and Training 1990, *Studies of Society and Environment Curriculum Framework*. Canberra: ACT Department of Education and Training.
- Aisbett, K. 2001, *The Internet at Home: A report on Internet use in the home*. Sydney: Australian Broadcasting Authority.
- Allen, M., D'Alessio, D., Emmers, T. and Gebhardt, L. 1996, The role of educational briefings in mitigating effects of experimental exposure to violent sexually explicit material: A meta-analysis. *Journal of Sex Research* 33(2), pp. 135-141.
- Australian Broadcasting Authority 2002, Review of Operations of Schedule 5 of the *Broadcasting Services Act 1992*, Submission, November
- Curriculum Corporation 1994, *A Statement on Health and Physical Education for Australian Schools*. Carlton, VIC: Curriculum Corporation.
- Department of Communications, Information Technology and the Arts (DCITA) 2002, A review of the operation of Schedule 5 to the Broadcasting Services Act 1992: Issues paper, September
- Donnerstein, E. 2002, The Internet. In Strasburger, V. C. and Wilson, B. J. (eds) *Children, Adolescents, & the Media*. Thousand Oaks, CA: Sage.
- Electronic Frontiers Australia 2002, Submission to the Review of the Operation of Schedule 5 to the Broadcasting Services Act 1992, 8 November. [www.efa.org.au/Publish/efasubm\\_bsa2002.html](http://www.efa.org.au/Publish/efasubm_bsa2002.html)
- Flood, M. and Hamilton, C. 2003, *Youth and Pornography in Australia: Evidence on the extent of exposure and likely effects*, Australia Institute Discussion Paper No. 52, Canberra, February.
- Greenfield, P., Rickwood, P. and Tran, Huu Cuong. 2001, Effectiveness of Internet Filtering Software Products, CSIRO Division of Mathematical and Information Sciences, September.
- Heins, M. 2001, *Not in Front of the Children: 'Indecency', Censorship, and the Innocence of Youth*. New York: Hill and Wang.
- Kaiser Family Foundation 2001, *Generation Rx.com: How young people use the Internet for health information*. Menlo Park, Calif.: Henry J. Kaiser Family Foundation.
- Krause, J. 2002, Can Anyone Stop Internet Porn?. *ABA Journal*, September.
- Larkin, M. 2002, Pornography-blocking software may also block health information sites. *The Lancet* Vol. 360, December 14.

- Levine, J. 2002, *Harmful to Minors: The Perils of Protecting Children From Sex*. Minneapolis, MN: University of Minnesota Press.
- NetAlert 2002, Submission to the Department of Communications, Information Technology and the Arts Review of Operations of Schedule 5 of the *Broadcasting Services Act 1992*, November
- Office of Film and Literature Classification 2000, *Guidelines for the Classification of Films and Videotapes*. Amendment No. 3, Schedule 2.
- Ollis, D., Watson, J., Mitchell, A. and Rosenthal, D. 2000, *Talking Sexual Health: Implementing the National Framework for Education about STIs, HIV/AIDS and Blood-borne Viruses in Secondary Schools*. Commonwealth of Australia.
- Standing Committee on Social Issues 2002, *Safety Net? Inquiry into the Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2001*, Final Report: On-line Matters, Parliamentary Paper Number 89, NSW Legislative Council.
- Stanley, J. 2001, Child abuse and the Internet. *Child Abuse Prevention Issues*. No. 15, Summer. Australian Institute of Family Studies: National Child Protection Clearinghouse.
- Strasburger, V. C. and Wilson, B. J. (eds) 2002, *Children, Adolescents, & the Media*. Thousand Oaks, CA: Sage.
- Thornburgh, D. and Herbert S. L. (eds) 2002, *Youth, Pornography, and the Internet*. Washington, D.C.: National Academy Press.
- Willard, N. 2002, *Filtering Software: The Religious Connection*. Center for Advanced Technology in Education, College of Education, University of Oregon. <http://netizen.uoregon.edu/documents/religious2.html>.



**The Australia Institute promotes a more just, sustainable and peaceful society through research, publication and vigorous participation in public debate.**

The Australia Institute is an independent non-profit public policy research centre. It carries out research and policy analysis and participates in public debates on economic, social and environmental issues. It undertakes research commissioned and paid for by philanthropic trusts, governments, business, unions and community organisations.

The Institute is wholly independent and not affiliated with any other organisation. As an Approved Research Institute, donations to its Research Fund are tax deductible for the donor.

### **Philosophy**

The Institute was established in 1994 by a number of individuals from various sections of the community. They share a deep concern about the impact on Australian society of the priority given to a narrow definition of economic efficiency over community, environmental and ethical considerations in public and private decision-making. A better balance is urgently needed.

The Directors, while sharing a broad set of values, do not have a fixed view of the policies that the Institute should advocate. Unconstrained by ideologies of the past, the purpose of the Institute is to help create a vision of a more just, sustainable and peaceful Australian society and to develop and promote that vision in a pragmatic and effective way.

### **Membership**

Membership is a valuable means of contributing to the objectives of the Institute. The annual fee is \$80 (with a discount for low-income earners). Members receive the *Newsletter*, published four times a year, and are entitled to Institute papers free of charge on request. They also receive discounted admission to some Institute functions.

If you would like to purchase our publications or support The Australia Institute through membership or donation please contact:

Garden Wing, University House, ANU ACT 0200

Tel: (02) 6249 6221 Fax: (02) 6249 6448

Email: [mail@tai.org.au](mailto:mail@tai.org.au)

Website: [www.tai.org.au](http://www.tai.org.au)

### Discussion papers available from The Australia Institute

52. Flood, M. and Hamilton, C., *Youth and Pornography in Australia: Evidence on the extent of exposure and likely effects*, February 2003
51. Pollard, P., *Missing the Target: An analysis of Australian Government greenhouse spending*, January 2003
50. Hamilton, C. and Mail, E., *Downshifting in Australia: A sea-change in the pursuit of happiness*, January 2003
49. Hamilton, C., *Overconsumption in Australia: The rise of the middle-class battler*, December 2002
48. Turton, H., Ma, J., Saddler, H. and Hamilton, C., *Long-Term Greenhouse Gas Scenarios: A pilot study of how Australia can achieve deep cuts in emissions*, October 2002
47. Kinnear, P., *New Families for Changing Times*, June 2002
46. Hamilton, C., Denniss, R. and Turton, H. *Taxes and Charges for Environmental Protection*, March 2002
45. Kinnear, P., *Population Ageing: Crisis or transition?* December 2001
44. Turton, H., *The Aluminium Smelting Industry: Structure, market power, subsidies and environmental impact*, January 2002
43. Smith, J., *How Fair is Health Spending? The distribution of tax subsidies for health in Australia*, October 2001
42. Collyer, F., and White, K., *Corporate Control of Health Care in Australia*, October 2001
41. Hamilton, C., Pears, A., and Pollard, P., *Regional Employment and Greenhouse Policies*, October 2001
40. Hamilton, C., Turton, H. and Pollard, P., *Climate Change and Commonwealth Nations*, October 2001
39. Kinnear, P. (ed.), *The Idea of A University: Enterprise or academy?* September 2001
38. Smith, J., *The Medicare Levy Surcharge Arrangements: Tax penalty or hidden tax subsidy?* August 2001
37. Kayrooz, C., Kinnear, P., and Preston, P., *Academic Freedom and Commercialisation of Australian Universities: Perceptions and experiences of social scientists*, March 2001
36. Denniss, R., *Measuring Employment in the 21<sup>st</sup> Century: New measures of underemployment and overwork*, February 2001
35. Hamilton, C. and Denniss, R., *Tracking Well-being in Australia: The Genuine Progress Indicator 2000*, December 2000
34. Baragwanath, C. and Howe J., *Corporate Welfare: Public accountability for industry assistance*, October 2000
33. Smith, J., *Tax Expenditures and Public Health Financing in Australia*, September 2000
32. Kinnear, P., *Mutual Obligation: Ethical and social implications*, August 2000
31. Denniss, R., *Taxing Concern? The performance of the Green Power scheme in Australia*, August 2000