



Australian Democrats National Policy

Title	Supporting the Internet and Technology Industry
Policy type	Element of Technology Policy
Policy Working Group	Technology
Policy history	New policy – version 1.1
Status	Final Draft – to be circulated for comment
Date	20/1/2010
Feedback	Informal discussion welcome at www.nointernetcensorship.com.au Formal submissions and comment should be emailed to geordie.guy@democrats.org.au

Overview

The Australian Democrats will push for the creation of a new legislative framework for the Internet and Technology Industries that has been designed for the specific reality of the industry.

The Issue

Currently the Internet and Technology Industry is operating under broadcast and telecommunications law which fail to appropriately cater for the reality of the day-to-day operation of the industry. The current legislative framework is ill-fitting and ill-serving making it difficult and prohibitive for the Australian Industry to operate with certainty; a very blunt tool when a scalpel is required.

The Proposal

The Australian Democrats will push for the introduction a completely new legislative framework for the Internet and Technology industries to provide a more secure operating environment for businesses and users of the Internet and related technology. This includes:

- Removing Schedule 5 from the Broadcast Services Act, and otherwise amending the Act to make it clear that it does not cover internet and multimedia services
- Making it the responsibility of law enforcement, not Internet Service Providers, to police illegal activity online
- Making the creator of web content, and not the internet company to provides the carriage of it, legally responsible for that content
- Legal protections for ISPs from prosecution for the acts of their customers online
- Legal protections for the providers of collaborative online service providers such as forums and social networking sites from prosecution for the acts of their users

The specific details of the legislation should be worked out with representatives of the industry and users to ensure an equitable and agreeable arrangement for all and to secure the future of our Internet and Technology Industry.



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(Note: We also intend to remove Schedule 7 from the Broadcasting Services Act and replace all classification legislation and codes with a simplified system of classification that applies to all media and mediums. Please see our separate policy on "A Simplified Classification System".)

The Goal

The main aim of this legislative reform proposal is to create a better operating environment for internet related industries. This will improve their capacity to make better business decisions, and to deliver better services to consumers, as well as have more certainty and confidence in their regulatory environment.

This reform will also provide greater certainty for online users and online businesses about what their rights and responsibilities are.

Timeline

The review process should take approximately 12 months, with another 12 months to be allowed for transition to the new framework. Any element identified as a critical need should be expedited.