VIRTUAL NATION

The Internet in Australia

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Domesticating the Internet

Content regulation, virtual nation-building and the family[1]

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Governments of those nations where Internet usage has developed the most over the past decade have been relatively quick to implement policies to regulate the new medium.[2] They have shown that it is not only possible, but (from their perspective) entirely proper to engage in such regulation.

Like other countries, Australia has introduced (at both state and federal levels) legislation that governs Internet content, online gambling, domain names, intellectual property and electronic transactions. These initiatives show governments grappling with the development of the Internet, its impact on society, and its extraordinary yet vaguely understood promise of social and economic improvement.

Such moves all involve an effort to create a transition from the social order that existed *before* the Internet started to rearrange our world. Whether these moves simply reassert existing law, change that law, or are entirely novel, this transitional moment always speaks to the difference of a world of networked information technology.

Within that moment, we can discern much about how a nation becomes virtual. Such regulation, like all public policy, does not simply respond to the world 'outside' the government: it is a process of constituting that world as an object of regulation, and at the same time it implicitly asserts the right of the government to regulate.[3]

A key challenge for governments in the 1990s was to publicly define themselves as Internet regulators. In doing so, they also wanted to associate the largely global Internet with national causes and conditions. The general drive to Internet regulation also made the Internet a particular element within national discourses of economic and social development.

In this chapter, we will discuss Internet content regulation in Australia as one of the more significant and publicly debated policy developments in this regulatory field.

Content regulation, or censorship as some would term it, was among the first issues to be considered by many governments when they began trying to regulate the Internet. The US government's efforts, from about 1993, to legislate for 'communications decency' constituted the first significant public attempt to govern what was, until then, a privately regulated system.

The primacy and speed with which content regulation has been pursued have led some to believe that the drive is distinct from other aspects of Internet policy-making and that it is concerned primarily with morality. However, content regulation fits squarely within the broader Internet policy direction that countries such as Australia took from the mid 1990s onwards. The nature of content regulation, the reason for its proposal and enactment, and the way in which it is meaningful all relate to the government's desire for *this* kind of Internet, as opposed to some *other* kind of Internet.

Content regulation became critical to the process of making the Internet in Australia different from what it had previously been. Until the mid to late 1990s the Internet was the limited preserve of cyber-pioneers and intellectuals; the government wished it to become an Internet that we might term 'popular'. Moreover, to borrow a regularly used term from Australian government policy documents, this Internet 'networks the nation' – it is an Internet strongly positioned within Australian *national* development, and a legitimate object of the national government's interest. Australian regulation of what, when and how users might access Internet content was not caused by the sudden popularisation of the Internet in the late 1990s, as might appear superficially. Instead, such regulation was a major force deployed by the government to create a popularised network, in the service of Australia's national interest.

As we will demonstrate, popularisation depended on addressing popular fears. Those fears, primarily concerning access by children to inappropriate content, were concentrated within the family. Content regulation afforded the government an opportunity, through policy discourse, to create metaphorical links between the 'national family' and the families of the nation.

   The need to address these fears and to constitute the Internet as a 'popular' medium culminated in the passage in late 1999 of the *Broadcasting Services Amendment (Online Services) Act*.[4] The specific details of this legislation and the debates concerning it have been written about extensively[5] (and see also chapters 8 and 15). In this chapter we consider content regulation in a different way, focusing on the particular cultural meaning of the Internet in Australia that is revealed in this policy process.

   The first concern that we address is the broader national socioeconomic context within which content regulation makes sense. We conclude that content regulation was not, principally, about the moral order of Australia but, rather, part of a pattern of regulatory moves designed to 'domesticate' the Internet as an economic medium, by making it part of the everyday lives of Australian citizens-as-consumers. The second, related concern is to show how content regulation operates primarily to establish the *idea* of regulation and control, and that this control is to be exercised within the family home, by parents over their children, implicitly as part of their 'Australian' duty.

Content regulation as virtual nation-building

The discursive construction of the Internet as an element in Australian national development was first clearly articulated in 1995 in *Innovate Australia: information and communication services and technologies*, released by the then Department of Communication and the Arts. This document proposed

> *a vision of a society where all Australians have the opportunity to use information services to best advantage, with enthusiasm and confidence … [in a] regulatory regime which provides business and consumers with confidence and certainty.*

This vision consequentially placed on the government the responsibility to

> *provide leadership and an overall sense of direction by establishing a policy framework (including an appropriate climate for investment and a sound regulatory scheme).*[6]

Innovate Australia construed the Internet to be an economic mechanism, in a double sense: first, it might drive economic development; second, the Internet itself could only develop if it were organised along capitalist economic lines. Other benefits (for example, cultural creativity and the public good) were held to be the *consequence* of the capitalised exploitation of the Internet, rather than the primary focus of government action.

In shaping the government's view, this policy statement announced for Australia the transfer of control of Internet-type technologies from government to the market, as was already occurring in America.[7]

The government still had an important role to play, however. Richard Alston, the minister responsible for information technology from 1996 to 2003, clearly articulated this role in a speech in 1998 to the e-commerce summit 'enabling.australia'. Having argued for the central importance of e-commerce in future economic growth, he indicated the primary concern in Australia: 'the high level of uncertainty about e-commerce is deterring many businesses from making it a strategic priority'. His solution was to emphasise that the economic development of the Internet must be market-driven, but that 'the government's role at this point is to provide the right legal and regulatory setting so that business can flourish.'[8]

The newly established National Office for the Information Economy (NOIE) confirmed this position in its first document, *A strategic framework for the information economy*,[9] building on already well established views that can be seen in the media reports and documents of earlier years.[10] The key regulatory goal for the government was business and consumer 'confidence and certainty'.[11] This reflected the need for a regulation of commerce that took account of the specific character of the Internet while not inhibiting its growth. It aimed to create an Internet in Australia that would attract investment, and also create an Internet that was 'invested' with the potential to be economically successful (see chapter 11 for further discussion of the government's role in e-commerce).

The content regulation system enacted by the government made few demands on business, relying instead on self-regulation. Indeed, it was consumers, not Internet service or content providers, who were of primary interest to the government in this legislation. 'Confidence and certainty' for consumers depended upon notions of a 'safe' Internet, and this conception of safety online became central to a government strategy of *promotion* of the information economy.

Promotion was an appropriate role of government in seeking to realise key economic objectives of national growth within an ideological commitment to increased privatisation and liberalisation, and reduced public expenditure. At the *Virtual Opportunities* Congress Alston bluntly stressed that the government's role was to be 'a salesman to its own citizens', not for their individual interest but, principally, for the nation: 'without a switched on populace, no country can expect to fully take advantage of the new digital world.'[12] 'Virtual nation building' occurred through activities such as a National Information Economy day (in 1998) and a full year of activities, Online Australia 1999.[13] They showed how the government defined for itself a role in developing the Internet while simultaneously idealising market forces that ultimately

presumed the irrelevance of government.[14] Promotion also allowed the government to act, while concealing that it was unable to respond effectively to the fact that most non-users cited cost and lack of access as barriers to Internet use[15] – the very factors that a market-oriented government could not control.

Ostensibly, these campaigns took the form of trying to convince Australians to use the Internet – that to be 'Australian' meant getting online – and thus linking citizenship with Internet use. This policy discourse constructed the Internet's meanings through a particular character – a new kind of Internet user. Implicit in government policy was the idea that, for the national good, the existing tech-savvy Internet user (the user-as-geek) had to be replaced (or overwhelmed numerically) with a new, more profitable and altogether more manageable user – the user-as-consumer. These consumers were not the 'minority of technical enthusiasts'[16] whom the government saw as the Internet users of the past. Consumers were, instead, the everyday Australians who were 'waiting'[17] to embrace the Internet.

In particular, these everyday Australians were believed to be 'waiting' because they feared the moral dangers that might exist in cyberspace. As late as 2000, Alston argued that '"non-users" … are presently deterred from getting online by fears that they (or their children) will come across harmful material'.[18]

'Online danger' had become a concern in Australia as early as 1995, coinciding with similar concerns in the US. The Australian Senate established an inquiry into bulletin board systems in 1995.[19] The ABA completed one report on online content in 1996 and was rapidly commissioned to produce another, reporting in 1998. In its first report, the ABA concluded that there was community 'apprehension' generated by 'extensive media reporting';[20] and that some system of content regulation (including information campaigns and education towards users' self-regulation) was a critical arena for government action.

It would take until 2000 for federal legislation to be enacted in Australia.[21] However, the approach to content regulation included far more than simply passing laws to outlaw certain content. The legislation in fact did little to reduce the amount of objectionable material accessible in Australia. In some senses, it was the appearance of action, and the accompanying education campaigns, information websites and development of a culture of online safety that secured greater Australian consumer participation in Internet activities.

Nevertheless, the specific value of content regulation cannot be overlooked. It deployed the same systems of content classification that had been used since the 1970s in a shift from censorship proper to a discourse of consumer information and protection.[22] The deployment of these mechanisms of consumer advice in relation to the Internet, and public discussion

and debate about them, helped to normalise the online world. It was construed to be part of a more familiar world for potential and novice users who, reluctant to use the Internet, thought it strange and dangerous in contrast to existing media forms because it was 'unregulated'. Content regulation may, superficially, have sought to make online material as classifiable as videos and print publications; it also served to create a sense that the Internet was itself as 'safe' as these existing media forms. The government campaign 'Making the Internet Safe'[23] imprinted upon the Internet meanings and values common to the everyday world of consumerism, thereby achieving broad economic objectives.

Content regulation at home

Internet content regulation responded to 'the challenge', as Hudson and Armstrong termed it, that 'parents and community leaders are worried the Internet will expose their children to a flood of pornography and violence'.[24] In doing so, it merely extended existing classification procedures that assign suitability ratings to various age groups.[25] But content regulation also drew from the deeper reservoir of possibilities for governance, identified by Hartley in his work on juvenation, that positions the *age* of the viewing public as an important axis around which the regulatory wheel might turn.[26] Content regulation in Australia followed the established practices of age differentiation to limit underage access to material thought suitable only for adults. In doing so, it constituted a system of doing and thinking that overcame

> *a lack of proper understanding among some parents and other adults about the way the Internet works [that] has led, in some cases to a fear of the medium and feelings of disempowerment.*[27]

The concern for regulators was that parental anxiety about the Internet disrupted *both* adults' and children's 'proper' use of the Internet. In a speech in 1995, the then chair of the ABA, Peter Webb, had identified the central concern for those charged with regulating the Internet:

> *The Internet has the potential to develop into what The Economist calls 'a superb vehicle for free speech and open communications' … But plenty of people don't like bringing things into their homes that have the capacity to disturb their domestic sovereignty … They won't respond well to an Internet which appears to carry much more offensive and harmful material than radio and television will ever carry…*[28]

Here then was the key issue: the Internet destabilised 'normal' relations within the home because it was invasive and uncontrolled. Indeed, the Internet was imagined not only as a threat to children 'flooded' with unsuitable content, but – worse – as a threat to the orderly family-at-home, because it challenged the norms of social authority from which 'family' was constructed. Consonant with a rhetorical characterisation of the western family as an isolated and private domain, the maintenance of norms of familial authority and idealised 'privacy' has always relied on policing its borders, determining what information, values and material from the 'public' sphere may legitimately come into (or leave) the family home. New Internet technology appeared as a medium threatening to transgress those conventional boundaries of private and public. As such, the Internet threatened to disrupt 'the family' itself, that virtual space mapped onto the physical private space of the home, because its boundary-transgressing nature subverted the order of power relations of parents and children that constitutes normative domestic authority, and the general social order in turn.

Critics of Internet censorship in Australia relied, often, on the distinctiveness of the Internet in their arguments, emphasising how 'Internet users have become their own community, with their own social rules and norms'.[29] Yet, in doing so, they made the transgressive nature of the Internet, with its privileging of technical capability over 'normal' social foundations of authority, only too apparent. To this extent, opposition to censorship was simply more evidence of the need for regulation. Policy was not, in fact, responding to a fear for the moral welfare of children exposed to unsuitable images. Rather, the fear was that juvenile computer users were coming to occupy a place in a different power structure based on amoral technological expertise. In this structure, the key adult figures were not parents but, rather, computer experts.

Policy-makers at this time assumed the supremacy of the child and, especially, the teenage computer-user over adult users, and that adult uncertainty about the Internet was in part due to their relative ineffectiveness as users, compared to their children.[30] Moreover, non-users of the Internet perceived their lack of experience as meaning that they would be unable to control children's access.[31] The Australian Broadcasting Authority's survey work in 2000 revealed the extent to which young people identified themselves as the household Internet 'expert'.[32] Even as late as 2003, an *Australian* newspaper report declared that parents

> *feel powerless because children know infinitely more about the net than they do. Parents also misjudge adequate supervision as opening the bedroom door to ask if the child is okay, then closing it when the answer is yes.'*[33]

As Kiesler, Frolich and Kraut have observed in relation to US experience, the 'asymmetry in knowledge about the computer … leads to an unusual social situation in which the normal [familial] power relations are partially reversed' and may become strained.[34]

Familial Internet activity was carefully linked to the spaces in which it occurred. For example, one of the main points of advice given to parents is to set 'house rules' for Internet use,[35] rules that are local and specific and draw their legitimacy from the private relations within the family home–house, rather from some external source such as technical competence.

Parental education itself, through publications such as the *Australian families guide to the internet*,[36] were only part of the process. The key was to try to establish that it was legitimate for parents to assert control; that they were not in thrall to a technology manifesting itself through their children's 'ability'. Government regulation not only relied on parental regulation in the home to achieve its stated goals: it consciously authorised parents to be regulators.

Such authorisation has effectively come to mean that family regulation is a definitive responsibility of good parenting. In a widely publicised campaign to promote Internet safety from 2001, for example, high-profile actor and lifestyle television presenter Noni Hazelhurst became the 'ambassador' for NetAlert Australia, whose executive director Alan Tayt concluded that as 'a mother of two young boys herself, [Ms Hazelhurst] was always aware that even if her sons knew more about technology than she ever would, *ignorance is no excuse*'.[37]

That children were a special category of Internet users can be seen in the tight connection made in policy between content regulation and the value of the Internet for education. As well as wanting to encourage adults – who might otherwise be held back through some sense of inadequacy about their children's greater technological capacity – to be more involved in the Internet, the government also recognised that many children were denied what it considered proper access because their parents had these 'unfounded' fears about the Net.[38] In 1996, the ABA had stated that 'parents also want their children to reap the benefits offered by on-line services, but may not be well informed about the technology';[39] and from 1995 onwards, government policy consistently argued that Australia's children must be given every opportunity to get online for education. Thus, a regulatory structure developed in which children were repositioned as less capable, less powerful because they lacked education. Once again, parents were explicitly empowered by the establishment of differential identities dependent on age. 'Moral' and 'wise' (educated) parents were thus reassured that technological capability was *not* the determinant of authority over proper Internet behaviour. Drawing upon that deeply embedded nexus between rights and responsibili-

ties within a properly ordered nation, one could extract the 'legitimate' pleasures and educational values of the Internet only by properly informing oneself: in its promotion for 'Safer Internet Day' (February 2004), NetAlert Australia presents an image of a father and a son using a laptop, against an expansive horizon of mountains and blue sky. The father reflects happily that the 'freedom that the internet brings is amazing, now that I have safety advice'.[40]

The function of this regulatory drive, along with accompanying education campaigns, was to reassure parents that technical expertise was less important than their traditional reservoir of familial regulatory power. Identifying and publicising the idea of material 'unsuitable for children' communicated to parents the message that Internet regulation was possible. Parental power (given the patterns of usage which regulatory policy assumed) could be reasserted through the very act of classifying and dividing material online into suitable and not-suitable for children, thereby indicating the 'safety' of the Net, if only it were properly regulated by parents. Through both policy orientation and such 'authoritative' parental advisory sources, the Internet has been re-created as one more point of argument or negotiation between parents and children, an argument in favour of education (which means becoming adult in good time) and an argument against dangerous use (being adult too soon, by accessing 'adult' content). Thus content regulation domesticated the Internet, bringing its use *within* the family rather than positioning it as a gateway *outside* the family.

Conclusion

Internet content regulation in Australia was a significant component in government efforts to make the Internet 'popular', and thus capable of improving national economic development via online participation in e-commerce. Content regulation reached this end principally by constituting the Internet as a 'proper place' for consumption, in theory unsullied by deviant images, safe for children and most of all capable of sustaining, rather than threatening, 'normal' family relations, based on parental authority over children. Thus, it is also true that content regulation domesticates the Internet. It reshapes a cyberspace that is unbounded and transgressive of existing orderly social practice, permitting it to reappear within the bounds of the family home, inscribing cyberspace with 'normal' notions of private and public, proper and improper.

This move is not unique – many consumer-oriented companies also have a stake in such a reshaping of the Net.[41] However, government policy is broader and more substantial, and provides the opportunities that private

companies need to actualise the division into 'safe' and 'unsafe' (through, for example, offering 'family friendly' Internet services).

Within this regulatory practice, the utility of the Internet is constituted through the marginalisation of the purely technologically skilled user (since such a user disrupts proper adult–child relations because competence is held to reside predominantly in the young, or in threatening non-parental adults such as hackers). Instead, the user-as-consumer becomes dominant. Yet users-as-consumers produced by regulation are themselves regulators. Internet content regulation – as a governmental system – cannot work without self-regulation. Indeed, in all the Internet policy documents on censorship, final authority is granted to users and parents: 'In the end, it is up to individual users to actively manage their own use and that of young people in their care',[42] to act as agents, authors and reviewers, at a local level, of the kinds of regulatory policies written in Canberra.

So the introduction of Internet content regulation in Australia is not an example of the autonomous, anarchic Internet now being state-controlled, or even simply commercialised and contained (although it does have many elements that make it attractive as an example of such a process). We conclude, instead, that content regulation is part of a broader development of meanings for the Internet, through policy, that establishes explicit requirements for 'good citizens' also to be Internet users.

Moreover, citizen users and consumers are mostly to be found within the family home, often in control of children (see also chapter 7). Content regulation has, at least in some ways, domesticated the Internet *for* the nation, within homes across the nation. It achieves this result through the regulatory possibilities inherent in family relations. The evocation of an online Australian citizen was, both in policy and in 'authoritative' advisory websites derived from that policy, built upon normative conceptions of 'family' as the foundation stone of coherent national identity.[43]

The ultimate representation of this link between nation and family, equally invested in the management of the virtual world of the Internet, is provided by the online safety NetAlert site. Tagged as 'Australia's guide to safe and rewarding Internet use', the site profiles a group of 'ordinary' urban and rural Australians who are portrayed as the 'NetAlert Family'. This metaphorical national family characterises the goals of content regulation: families of Internet-using, 'ordinary' Australians across the virtual nation; people 'just like you'.[44]

Further reading

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Notes

1   This chapter is drawn from a much longer discussion of Internet content regulation: M Allen, 'censorship.gov.au: Internet censorship in Australia', *Association of Internet Researchers* 2nd conference, Minneapolis, 2001, <http://www.curtin.edu.au/home/allen/papers>, which contains more coverage of the basic details of the development and passage of the content regulation legislation. The chapter also draws on J Long, 'Be [Net] alert, but not alarmed? regulating the parents of Generation ICQ', *Association of Internet Researchers*, 4th conference, Toronto 2003.

2   See C Marsden (ed), *Regulating the global information society*, London, Routledge, 2000, for a selection of papers.

3   See also T Flew, 'From censorship to policy: rethinking media content regulation and classification', *Media International Australia*, no.88, 1998, p.90, and T Lee & D Birch, 'Internet regulation in Singapore: a policy/ing discourse', *Media International Australia*, no.95, 2000.

4   *Broadcasting Services Amendment (Online Services) Act 2000*.

5   P Chen, 'Pornography, protection, prevarication: the politics of Internet censorship', *UNSW Law Journal*, 2000, vol.23, no.1; C Penfold, 'The Online Services amendment, Internet content filters, and user empowerment', *National Law Review*, 1999, no.7; and Allen, 'censorship.gov.au'.

6   Department of Communications and the Arts (DCA), *Innovate Australia: information and communications services and technologies*, 1995, viewed 30 June 2001, <http://www.dcita.gov.au/nsapi-text/?MIval=dca_dispdoc&ID=923>

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11 NOIE, *Strategic framework*, Section 1.4.

12 R Alston, Speech, *Virtual Opportunities Congress*, 1998, viewed 30 June 2001, <http://www.dcita.gov.au/nsapi-text/?MIval=dca_dispdoc&ID=3327>

13 Australian Broadcasting Authority (ABA), *Submission to the Senate Select Committee on information technology: review of the government's decision to regulate online services*, 1999, p.8, viewed 30 June 2001, <http://www.aba.gov.au/store/pdfrtf/senatecom_sub.pdf>.

14 See, for example, MCIE, *Building the information economy*, 1998, Part One.

15 ABA, *Interim online service report of the ABA to the Minister*, 1998, p.4, viewed 30 June 2001, <http://www.aba.gov.au/store/pdfrtf/coctf.pdf>

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19 'Taskforce to inquire in computer bulletin board systems', *Regulation of computer bulletin board systems*, Canberra, AGPS, 1995.

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21 A Lambert, 'Round and round we go – federal government policy on Internet censorship in Australia', *Media and Arts Law Review*, no.3, 1998, pp.52-56; J Lambrick, 'Regulation of on-line content – the legal issues', *Telecommunication Journal of Australia*, vol.47, no.2, 1997, pp.27–30 and M Hudson & M Armstrong, *Internet content: balancing community values*, Melbourne, Media and Telecommunications Policy Group, RMIT University, 1998, p.19.

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24 Hudson & Armstrong, *Internet content*, p.iv.

25 Stockbridge, 'Cultural policy regulation'.

26 J Hartley, 'When your child grows up too fast': juvenation and the boundaries of the social in the news media, *Continuum*, 1998, vol.12, no.1, pp.9–15;

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34 S Kiesler et al., 'Troubles with the Internet: the dynamics of help at home', *Human Computer Interaction*, vol.15, 2000, pp.323–351; D Frolich & R Kraut, *The social context of home computing*, September 2003, p.27, viewed 30 October 2003, <http://www.hpl.hp.com/techreports/2003/HPL-2003-70.pdf>

35 NetAlert, 2001, viewed 30 June 2001, <http://www.netalert.org.au/>

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37 'NetAlert thanks Noni Hazelhurst', 21 November 2002, *NetAlert* website, viewed 30 October 2003, <http://www.netalert.net.au/01093-NetAlert-thanks-Noni-Hazelhurst.asp>, our emphasis.

38 See also Flew, 'From censorship to policy', 1998 p.96.

39 ABA, *Investigation into the content of on-line services*, 1996, p.12.

40 Promotion for Safer Internet Day, February 6 2004, *NetAlert* website, [nd], viewed 1 Janaury 2004, <http://www.netalert.net.au/01068-Safer-Internet-Day.asp>

41 See J Long and M Allen, 'Hacking the undernet: libertarian limits; commercial containment', *Australian Journal of Communication*, 2001, vol.29, no.3, pp.47–54.

42 ABA, *Testimony of ABA staff to Child Online Protection Act commission: globalisation panel*, 2000, p.7, viewed 30 June 2001, <http://www.aba.gov.au/about/pdf/copa_comm_testimony.PDF>

43 The connections between gendered domestic life, the patriarchal family, and nation-building in Australia's history have been effectively highlighted by feminist scholars in particular. See for example, P Crawford and P Maddern, (eds), *Women as Australian citizens: underlying histories*, Melbourne, Melbourne University Press, 2001. The building of the virtual nation in turn bears many of these historical traces.

44 'Meet the NetAlert family', *NetAlert* website, [nd], viewed 1 January 2004, <http://www.netalert.net.au/Files/01004_NetAlertFamily.asp>