SUBMISSION TO

The Australian Communications and Media Authority

Contemporary community safeguards inquiry.

July 2013

The Australian Council on Children and the Media (ACCM) welcomes the opportunity to provide comment to this Inquiry.

This submission has been prepared for the Australian Council on Children and the Media by Prof. Elizabeth Handsley (ACCM President and a specialist in media law as it relates to children) and Barbara Biggins OAM, CEO.

The ACCM would welcome the opportunity to expand on the issues raised, at a later date.

For further information, please contact Barbara Biggins at above address.

1. INTRODUCTION

The ACCM is a not-for-profit national community organisation whose mission is to support families, industry and decision makers in building and maintaining a media environment that fosters the health, safety and wellbeing of Australian children.

ACCM has a national Board representing the states and territories of Australia, and a broad membership of organisations and individuals who support its mission.

The ACCM's core activities include the collection and review of research and information about the impact of media on children's development, and advocacy for the needs and interests of children in relation to the media.

More about the ACCM can be found at Appendix 1.

2. THIS SUBMISSION REFLECTS THE FOLLOWING PRINCIPLES

2.1   The International Convention on the Rights of the Child Article 17, viz:

States Parties recognise the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

Promoting healthy choices and stronger voices in children's media since 1957
Australian Council on Children and the Media (incorporating Young Media Australia)
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(b) Encourage international co-operation in the production of, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority groups or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of Article 13 and 18.

2.2   Objectives h) and j) of the *Broadcasting Services Act 1992* (Cth), s 3:

     (h)   to encourage providers of broadcasting services to respect community standards in the provision of program material; and

     (j)   to ensure that providers of broadcasting services place a high priority on the protection of children from exposure to program material which may be harmful to them;

2.3   The Policy Guidelines on Children's Media of the Australian Council on Children and the Media.

3. IN THE PREPARATION OF THIS SUBMISSION, THE ACCM HAS:

- relied on its experience and active involvement in issues related to children's healthy and safe use of media
- listened to community concerns about the content of TV
- drawn on its ongoing activity of reviewing the current research literature as it relates to the impact of media on children.

4. COMMENT

Rationale for the issues/concepts examined

<u>**Question 1:**</u> <u>Are the seven key concepts identified above, relevant and useful core principles, in the broadcasting code context?</u>

Yes they are relevant and useful, but it is telling that only one kind of intervention is mapped against the protection of children. Naturally this is partly because of the other interventions in the Children's Television Standards which are separate to the industry codes.

However ACCM submits that consideration should be given to strengthening the protection of children's interests within the codes themselves. We note the ACMA's responsibilities in this regard as laid out in Objective j of *Broadcasting Services Act 1992* (Cth), s 3:

     (j)   to ensure that providers of broadcasting services place a high priority on the protection of children from exposure to program material which may be harmful to them … .

We make some suggestions below for matters to be added to the list of current interventions under this heading.

ACCM would prefer 'accountability' to 'redress'. 'Redress' sounds like there has been some kind of personal wrong, and raises the spectre of arguments about standing to complain. The complaints-based system under the *Broadcasting Services Act* is more a matter of harnessing the public as lay law enforcers, in the name of some very public-spirited goals and values.

Question 2: Does the list of code interventions, as it currently stands, omit matters which should be included or include things which should no longer be addressed in broadcasting codes?

In brief, ACCM strongly supports the retention of interventions related to classification of content, to time zones, to "advertising", and to complaints handling. We have made more detailed comment about the efficacy of some forms of individual interventions later in this submission.

We would query the use of 'advertising interventions' as a descriptor. All of the other descriptors have some reference to what is being protected, or what aim is being sought, rather than the kind of material that is being intervened upon. ACCM submits that these should rather be called 'consumer protection' interventions; and possibly in the case of protection of children (which some interventions are limited to, eg Clauses 6.20-6.27 of the Commercial Television Industry Codes of Practice or CTICP) 'anti-exploitation' provisions.

Health and safety interventions also exist, for example Clause 6.23 of the CTICP on food advertising.

Chapter 1: Community values—classification and decency

Question 3: Should the concept of 'community values' be relevantly included as a guiding core principle in contemporary broadcasting codes of practice?

There is a difficulty with the concept of community values in a community that is so diverse and has so many different sets of values. In such circumstances the concept can only serve to alienate and disenfranchise some sections of the community; and these are likely to be the more vulnerable ones.

Moreover, the community's values tend to be shaped in part by the material they see in the media; we become inured to certain kinds of images because we see them so often. In a co-regulatory environment that relies on complaints for enforcement, a good deal of material that pushes the limits will be allowed to pass through and its acceptability becomes a self-fulfilling prophecy.

It would be preferable for the system to focus more closely on what is actually harmful rather than what is offensive - so decisions would be based on scientific evidence, rather than values. However to the extent that a concept of offensiveness is used, the standards should be set so as to cover the more conservative standards that some sectors of the community have.

Question 4: The ACMA has drawn a connection between 'community values' and the interventions of classification requirements and decency provisions. Do you agree with this connection? Are there other interventions or safeguards that should be included here as particularly relevant to 'community values'?

ACCM sees classification interventions as based (or preferably based) on evidence about what is harmful to children, at least as much as on community standards about matters such as decency. It would be desirable for the co-regulatory system to recognise this distinction, and to place greater emphasis on things that have some basis in evidence.

One safeguard that the ACMA could use to protect children and inform classification is current research on the effects of television viewing upon children. Evidence-based interventions are used in other fields to inform practice, but this is not the case with classification. There is a large body of research that could be used to inform best practice for classification and protection of children from harmful television content.

Classification

Question 5: Do submitters consider classification of material is a useful and relevant intervention in the current environment? If not, what sort of intervention or regulatory tool do submitters think would be more appropriate in a contemporary communications environment?

The classification system is well known to the Australian public and it is useful to have it apply to broadcast media as well as films and computer games. The only difficulty is a tendency for broadcast licensees to classify material at a lower level than the Classification Board does. Ideally we would like to see all material classified by the same regulator.

Classification will become increasing important due to increased media platforms and content.

Classification information needs to be accessible across all platforms, when the viewer needs it, and in a form that is easily understood.

Some countries use an age-based classification system (e.g. 6+, 9+,12+,16+). In its own research, ACCM has had favourable responses from parents to such a scale.

Parental locks may be a tool to assist parents in protecting their children from harmful content, but they should not be relied upon, as many televisions and set top boxes sold before February 2011 do not have the parental lock function and many parents do not use the parental lock function.

Question 6: Should broadcast content continue to be classified even if that content is not subject to classification requirements on other platforms?

Yes. Consumers have less choice whether broadcast content comes into their homes and their lives than they do with other platforms. It is important for broadcast licensees to retain a sense of responsibility towards their viewers because of their special, privileged position; and abiding by classification requirements is one way of doing so.

Question 7: Does industry see value in code-based harmonisation ahead of any proposed legislative reform?

As a non-industry body, ACCM makes no comment.

Question 8: Are there any residual community concerns about the proposal to harmonise classification categories and criteria across media?

The major problem with harmonisation is if it drives standards down; and we believe it has a tendency to do that. ACCM does not believe in uniformity for uniformity's sake, but rather in having the highest possible evidence-based standards, whatever the context.

There are concerns about the proposal to harmonise classification categories across media, if this results in increased self regulation in classification. Classification in a self-regulated system does not have the same checks and balances that exist in the Commonwealth classification scheme. Classification in a self-regulated system needs to have a detailed and rigorous assessment process and be science-based. The current system is subjective, without such a detailed assessment process.

Question 9: What, if any, material on television is appropriately exempt from classification?

Only material that is shown in response to a genuine emergency, where the lives or health of the public are at stake. ACCM is particularly opposed to the exemption of news and current affairs from classification, as this is some of the material that is of most concern to parents, and the category has become untenably broad in recent years, in any event.

Question 10: How should promotions for material with a 'higher' (e.g. M, MA and AV) classification be managed within material which has a 'lower' classification (e.g. a promotion for an M program in a PG or G time zone)?

Ideally there would be no promotions for higher-classified material (as is the case with the promotion of films in cinemas). However ACCM is not opposed to such promotions, provided they go up no more than one category (eg M material in PG zones, MA material in M zones) and the promotions themselves meet the criteria for the time zone in which they are shown (ie it is possible to have a PG promotion for an M program, and so on).

In addition, we submit that these rules should not rely on the time zone in which the promotion is shown, but rather on the time zone during which the program commenced. For example if a PG film starts in the PG zone but goes on into the M zone, only promotions for M material should be able to be shown for the duration of the movie. It should not be possible to promote MA programs during a PG movie that started in the PG zone.

One of the most commonly cited concerns of parents is the promotions for higher-classified material that occur in the early evening news services. If the exemption from classification continues to apply to such news services then the time zones in which they are shown should dictate the type of promotion allowed.

Decency
Question 11: Is there a continuing need to include code interventions pitched at moderating material that is deemed to offend decency?

Such interventions are somewhat difficult to justify in a modern pluralistic society such as Australia. However, much material that would once have been seen as offending decency would now be seen as exploiting, objectifying or stereotyping women; and ACCM submits that there should be interventions pitched at moderating material on those grounds.

Question 12: If the answer to the preceding question is 'yes', Is the 'accepted community standards' test effective, appropriate and meaningful? If not, why not? If not, what sort of intervention or regulatory tool do submitters think would be more appropriate in a contemporary communications environment?

'Community standards' would be of limited use in an anti-objectification intervention, because not all of the community has the knowledge or background to identify objectifying material or perceives it to be a problem. Indeed, objectification of womden is so much a part of the wallpaper of our lives that for many people it looks completely unexceptional.

It would be more appropriate to refer such matters to a panel of trained experts with experience in the field and an understanding of what is meant by objectification and why it is a problem.

Question 13: If the accepted community standards test is effective, appropriate and meaningful, how should the ACMA determine the current consensus of recognised present day propriety? And, is the ACMA's formulation (See Figure 3) in relation to assessing community standards (the matters to which it has regard) in line with community expectations? If not, what other criteria may be appropriate in this context?

See above - ACCM has reservations as to whether accepted community standards should be used as a test at all.

Question 14: What purpose is served by the requirement to have 'regard to the demographic characteristics of the audience of a relevant program'? In particular, what does basic demographic information (geographic, gender, age etc) tell us, if anything, about attitudes to content?

ACCM doubts that it tells us anything at all. One cannot assume anything about people's attitudes based on where they live, what gender they are or how old they are. Values are more likely to be influenced by religious affiliation or educational background; but even here it is too broad a brush to be of much use. However, a requirement to have regard to the age (as in youth) of (sections of) the audience is important.

Question 15: In addition to any applicable content restrictions, should broadcasters provide listeners with consumer advice and information to assist them to make appropriate decisions about the material they listen to?

Consumer advice and information are unlikely to be much help in protecting children who find themselves listening to the radio for example in a parent's car. It is in the nature of radio that one turns it on, or tunes in to a station, part way through an item, making it impossible to benefit from any warnings or advice. It is preferable for broadcasters not to play material that is unsuitable for children, at least at times when children are likely to be listening.

Question 16: If consumer information/advice is appropriate what information would assist listeners to make appropriate decisions about the material they listen to?

No need to answer - see answer to Question 15.

Question 17: If any consumer information were to be provided how and when should it be provided?
No need to answer - see answer to Question 15.

Chapter 2: Protection of children—time zones
Question 18: Should the concept of 'protection of children' be relevantly included as a guiding core principle in contemporary broadcasting codes of practice?

Yes. Children are in need of protection, and entitled to protection, from material likely to harm or disturb them. Article 17 of the UN Convention on the Rights of the Child (UNCROC) provides:

> States Parties shall:
>
> …
> (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being.

The connection between a healthy media environment and children's healthy development is universally recognised (even if there may be different views about what constitutes a healthy media environment).

The only possible reason not to include protection of children is because one believes that all parents are willing and able to fulfil their responsibility of protecting their children from inappropriate content themselves. However some parents are unwilling or unable to provide any protection at all; and all parents, no matter how empowered or well-meaning, need support in providing that protection. Indeed, the UNCROC also places a duty on States Parties to 'render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities' (Art 18(2)).

The protection of children is at least as important a goal as any of the others discussed in the paper, and currently served by the co-regulatory regime.

Further, this requirement is reflected in Objective j of the *Broadcasting Services Act*.

Question 19: The ACMA has drawn a connection between 'protection of children' and time zone interventions. Do you agree with this connection? Are there other interventions or safeguards that should be included here?

Yes, there is a valid connection between protection of children and time zone interventions. There has been a long standing assumption held by parents that television programs shown at certain times of the day will be safe for children. There is a widespread family practice of viewing television programs together in the early evening, and an assumption that programs will be suitable for children at this time of night.

Further, time zones have an educative function. They often speak louder than classifications do, and support parents in doing the right thing by their children.

ACCM has made some suggestions above about other types of intervention that could be identified eg anti-exploitation, and health and safety. We also consider that some further interventions could be added to the scheme under this rubric, for example those that support principles of non-discrimination. While these could be seen as benefitting the community more generally, they are of very special interest to children because of the principle laid down in Article 29 of the UNCROC:

> 1. States Parties agree that the education of the child shall be directed to:
>
> …
>
> (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
>
> …
>
> (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin … .

Question 20: Are broadcast time zones still necessary as a community safeguard? If so, what form should they take?

Yes, they are necessary. It is true that many people time-shift their viewing but there is no evidence that families with young children would be willing, able and empowered to do so in such a way as to protect their children from inappropriate material in the event that time zones were dismantled. And of course, once they were dismantled it would be impossible to put them back in place.

An example is provided by the evening news. It is well known that this often involves footage that is highly disturbing to children; and we have given many media interviews recommending that parents simply not watch it, but rather record it to watch it later, or watch the 10 pm edition instead. Yet we continue to hear reports of children having been disturbed by something they saw on the news. Parents have simply been unable or unwilling to follow the advice; and if they won't do it with the news, what basis do we have to think they would not do it with, say, MA15+-rated violent crime shows?

We simply do not see that there is any need to allow licensees to show (more) strongly violent or disturbing material during prime family viewing time. The idea that all or most or even some families would record such material to watch it after the children are in bed is, with respect, fanciful.

Timezones should continue to take the form of time zones set out in Table 4 of the inquiry document, which provides for children's viewing in the early morning, after school to early evening and during school holidays.

Question 21: If the time zones set out in the broadcasting codes of practice were to be gradually phased out over coming years, what pre-conditions would need to be met before that is done?

ACCM does not support the phasing-out of time zones. There are no pre-conditions we can think of that would make it acceptable.

If a decision to phase out time zones were to be taken, then as an absolute minimum, there would need to be the implementation of a science-based classification system with a rigorous independently devised assessment process; and secondly the program classification should be available to the viewer as soon as they tune into the program with the classification in the corner of the screen at all times.

Question 22: What is the community's current use of and understanding of the parental lock technologies available?

Apparently these are quite low; but the point is more about the fact that children generally end up watching what the parents are watching, which is not always appropriate for the children.

Most parents are sceptical of the efficacy of parental lock technologies. There is also a concern that older children can get around the technology. It should not be assumed that all parents have the use of parental lock technologies, as televisions and set top boxes sold before February 2011 were not required to have a parental lock feature. Nor can it be assumed that parents will use the technology to

protect their children from harmful material. Therefore children will still need to be protected using other means such as time zones.

Question 23: What information would be useful and informative in assisting people to use the parental lock and/or similar technologies?

No comment.

Question 24: Assuming that parental lock and other similar technologies will continue to improve and evolve, what form should associated instructional and educational material take to ensure that it remains flexible, adaptable and up to date?

ACCM is opposed to the use of technological fixes to water down corporate social responsibility. In our view broadcast licensees should approach their job with a sense of responsibility towards their audience, including the most vulnerable members of their audience. If they did so, there would be no need to discuss parental lock and other similar technologies.

Question 25: Do consumers have concerns about the fact that multi-channels are permitted to broadcast PG classified material at any time of day?

ACCM has long taken the view that the PG classification is poorly constructed for getting the message out that parents need to supervise young children when watching PG material. Certainly the PG classification has a high degree of recognition in the community, but this does not translate into usefulness or usability. Many parents simply assume that PG material is suitable for all children, without appreciating the crucial developmental difference between children of different ages in terms of their ability to cope with the elements that counsel classification as PG rather than G. This is particularly so considering the paucity of consumer advice which accompanies PG material. Parents need much more detail about which classifiable elements are present in order to make effective choices and effectively monitor their children's viewing.

Chapter 3A: Ethical standards—accuracy and fairness

IN THE INTERESTS OF SAVING TIME AND SPACE, ACCM IS NOT COMMENTING ON THIS CHAPTER

3B. Ethical standards—advertising
Question 61: Should the concept of 'ethical standards—advertising' be relevantly included as a guiding core principle in contemporary broadcasting codes of practice?

Yes, the concept of 'ethical standards - advertising' is more significant than ever, as advertisers become cleverer and more sophisticated in their methods for manipulating audiences. The concept of ethics is a useful catch-all to describe the variety of responsibilities they have to the public.

Question 62: The ACMA has drawn a connection between 'ethical standards—advertising' and interventions around transparency and the limits on advertising. Do you agree with this connection? Are there other interventions or safeguards that should be included here?

ACCM accepts that transparency is related to ethical standards, but questions whether limits on advertising belong under this rubric. Rather limits on advertising are about ensuring that the viewing audience actually has substantial enjoyable programming to watch, and broadcast time is not totally swamped by advertising. It is more a matter of the relationship between the broadcaster and the audience than that between the advertiser and the audience.

Transparency

Question 63: What is the extent of concern, if any, about branded content and embedded advertising being transparent?

ACCM is deeply concerned about this, from the point of view of the general public but especially from the point of view of vulnerable children who do not have a well-developed mechanism for detecting advertising, even when it is separated from content.

Question 64: To the extent that there is any concern about branded content and embedded advertising failing to be transparent—does that level of concern differ according to the type of content being consumed? For example, are different concerns raised by this content appearing in current affairs programs as opposed to scripted dramas?

ACCM does not see any particular difference between different types of programs. The principle is the same.

Question 65: To the extent that there is any concern about branded content and embedded advertising failing to be transparent, would that level of concern be assuaged by adequate identification/disclosure of advertising material?

It depends very much how that identification of disclosure would happen, but generally we do not see such strategies as being adequate to counter the potential for confusing or misleading consumers.

Question 66: To what extent should licensees present advertisements in such a manner that viewers/listeners should be able to distinguish them from other program material?

To the greatest extent possible. In some countries there is a requirement of a screen or message to separate content from advertisements. That idea has considerable merit.

Question 67: In the context of television, what sort of information would viewers find useful/intrusive in assisting them to identify embedded advertising? For example, OFCOM in the UK has introduced a mandatory 'P' symbol for product placement—would Australian television audiences see value in this or would they find it unnecessary or intrusive?

It would be preferable not to have product placement at all, but in ACCM's view the Australian public would not find a symbol intrusive. Indeed it may be preferable (as a warning) to have such a symbol displayed throughout programs.

Time limits for advertising/non-program matter

Question 68: What are television viewers' practices around the traditional 'spot' advertising? To what extent are viewers prepared to 'sit through' the traditional 'spot' advertising breaks and to what extent do viewers record and play later, skip ads etc?

We question the appropriateness of posing this question in this forum. Rather if the ACMA wants reliable information on this it should conduct well-designed research on the matter.

Question 69: Is it necessary to have a time limit on advertising and non-program material?

Broadcasters are already pushing the limit with non-program material, which in ACCM's view only goes to prove that there is a need for some restriction to ensure that consumers have access to enjoyable programming with minimal interruption.

Question 70: If it is necessary to have a limit on the amount of advertising and non-program material what is an appropriate limit?

An appropriate starting point would be the amount of non-program material that would fill the natural breaks in a US program to fill it out to the half-hour or hour, as the case may be. In other words,

Australian limits should not be such that they encourage Australian broadcasters to break programs at unnatural points; or to run over time.

The limits on advertising during C and P periods should remain, but there should also be restrictions on merchandising and other activities related to P programming that undermines the advertising ban during those periods. ACCM has further comments on the type of advertising shown during C periods but will save those for another occasion when the CTS are under consideration.

Question 71: If a limit on the amount of advertising and non-program material is required is there a simpler way to impose an appropriate 'safety net'.

The most obvious way to simplify the regulations is to remove artificial exemptions such as those for 'overlays or visual matter superimposed over program content.' The definition of advertising or non-program material should centre around the promotion of a product or service, at the request of producer of the product or the provider of the service or under circumstances where the promotion triggers a benefit for the broadcaster.

Although this is not picked up in a specific question, ACCM takes issue with the statement at p 50 that:

> 'On the one hand are the needs of viewers to have access to programs and on the other hand *the responsibility of commercial service providers to maximise profit opportunities.* The intention of the co-regulatory framework established by the Act is to balance these conflicting requirements.' (emphasis added)

The Act does not mention the licensees' need or desire to make profits; it refers only to the facilitation of 'the development of a broadcasting industry in Australia that is efficient, competitive and responsive to audience needs' (s 3) and to the avoidance of 'unnecessary financial and administrative burdens' on the industry (s 4).

Hypnosis and subliminal perception
Question 72: Should this type of programming material be subject to regulatory intervention?

Yes, it should be subject to regulatory intervention, but it should not be defined in such a way that anything that is perceptible falls outside its purview. The intervention should apply to material which is barely perceptible, otherwise there is no point, especially in a complaint-based system. It is quite unrealistic to expect consumers to have the ability to identify material that is broadcast below the level of perception.

Question 73: If so, are these matters most closely aligned to the concept of 'Ethical Standards'?

Yes, these matters are closely aligned to the concept of 'Ethical Standards' because advertising that flies below the radar in any way is unethical.

4A. Protection of the public—privacy
IN THE INTERESTS OF SAVING TIME AND SPACE, ACCM IS NOT COMMENTING ON THIS CHAPTER

4B. Protection of the public—interventions designed to address matter that is likely to incite hatred against or vilify
Question 85: Should the concept of 'protection of the public' be relevantly included as a guiding core principle in contemporary broadcasting codes of practice?

Yes.

Question 86: The ACMA has drawn a connection between 'protection of the public' and interventions designed to address matter that is likely to incite hatred against or vilify. Do you agree with this connection? Are there other interventions or safeguards that should be included here?

Yes, ACCM agrees with this connection. The entire public has an interest in freedom from incitement of hatred and vilification.

Question 87: Is it necessary and appropriate for contemporary codes of practice to include protections in relation to the incitement/provocation of hatred etc on certain grounds given the substantial body of existing legislative protections outside of the broadcasting codes?

This would not be the only instance of important matters being covered in more than one kind of instrument. Because incitement of hatred and vilification are live issues that the community is working through in our time, there is no harm in having a 'belt and braces' approach so that those affected can choose the path by which to take action.

Question 88: If the answer to the last question is 'yes' then what would an appropriate and proportionate regulatory intervention look like?

Material that incites hatred or vilifies should be subject to investigation by the ACMA. It should not be in the industry codes because the concept is new, somewhat controversial and not yet sufficiently well understood. A central bank of decisions about it should be developed in the first instance.

Question 89: If it is necessary and appropriate for contemporary codes of practice to include these protections, should the test and the attributes be aligned across sectors? If not, why not?

There is no reason to differentiate between different sectors.

Question 90: Is there an expectation that there is an additional or greater obligation on providers of broadcasting services (than for example, providers of online services) to include relevant protections aimed at preventing the perpetuation of harmful material with the potential to contribute to social discord?

Yes, there is such an expectation. Broadcasting licensees have a specially protected market and privileged access to the Australian public, and they should have corresponding responsibilities.

Question 91: Is the obligation, if any, on providers of broadcasting services to include protections and the way in which these protections are framed affected by the degree of influence associated with a relevant broadcaster? If yes, how is it affected and how should associated regulatory interventions be calibrated? If not, why not?

Degree of influence is one relevant concept, but in ACCM's view the special responsibility that broadcast licensees have towards the Australian public relates to their access to oligopoly rents under the coregulatory scheme. Those 'rents' may have become less in recent years because of competition from other platforms, but the 'ologipoly' part has not changed.

4C. Protection of the public—emergency information

IN THE INTERESTS OF SAVING TIME AND SPACE, ACCM IS NOT COMMENTING ON THE FOLLOWING CHAPTERS

5. Access—captioning

6. Australian identity—requirements for Australian music

7. Redress—methods of handling and responding to complaints from members of the public
Question 107: Should the concept of 'Redress' be relevantly included as a guiding core principle in contemporary broadcasting codes of practice?

As mentioned above, ACCM sees 'accountability' as a more appropriate concept.

Question 108: The ACMA has drawn a connection between 'Redress' and complaints-handling. Do you agree with this connection? Are there other interventions or safeguards that should be included here?

Yes, the connection is appropriate.

Question 109: What is the level of general awareness of the complaints-handling avenues?

The awareness of the avenues themselves is probably quite high, because of the regular announcements on commercial television. The difficulty is with the public accessing the codes and determining how best to frame a complaint under them.

Question 110: What is effective and accessible information about complaints-handling avenues?

See above.

Question 111: Is there a case for consistency across sectors in relation to core requirements on both the complainant and the respondent in terms of timing, form etc?

ACCM sees no special need for consistency across sectors. The main thing is for the codes themselves to be usable by those who need to use them, namely average Australian viewers and listeners.

Question 112: What should constitute a valid complaint? For example, within what period of a program should complaints have to be made? How much information should the complaints have to contain? Should the complainant have to have seen or heard the broadcast they are complaining about?

There should be maximum flexibility on this, given the reliance on ordinary Australians to take action.

END

APPENDIX 1

ABOUT US: THE AUSTRALIAN COUNCIL ON CHILDREN AND THE MEDIA

The ACCM is a peak not-for-profit national community organisation whose mission is to support families, industry and decision makers in building and maintaining a media environment that fosters the health, safety and wellbeing of Australian children.

Its patrons are Baroness Susan Greenfield and Steve Biddulph.

The ACCM has a national Board representing the states and territories of Australia, and a broad membership of organisations and individuals who support its mission.

ACCM membership includes ECA (Early Childhood Australia), ACSSO (Australian Council of State Schools Organisations), AHISA (Association of Heads of Independent Schools of Australia), AEU (Australian Education Union), APPA (Australian Primary school Principals Association), Parenting Research Centre, SAPPA (South Australian Primary Principals Association), Federation of NSW P&C (Parents & Citizens), and the Council of Mothers' Union in Australia.

The ACCM's core activities include the collection and review of research and information about the impact of media on children's development, and advocacy for the needs and interests of children in relation to the media.

The ACCM's core services include:

- the national freecall 24/7 Children and Media Helpline (1800 700 357);
- the ACCM website www.childrenandmedia.org.au containing evidence based information about media and children (attracting over 1000 visits per day);
- the award–winning, popular *Know before you go* child-friendly movie review service (now with more than 750 movie reviews);
- the development of parent media awareness materials,
- making submissions and participating in media interviews related to media regulation.

The ACCM's current issues include the early s*xualisation of children in and by the media; the impacts of media violence; the marketing of violent entertainment and junk foods to the young; management of screen time and content by the very young, quality of programs for children.

The ACCM's programs are lead by a team of expert volunteers, supported by a small paid staff. Its programs are supported by project grants and much volunteer input.

The ACCM's awards include National Community Crime Prevention awards 2009, 2006; 2001; National Child Protection 2005, Children's Week 2011.

The ACCM is a structured as a company limited by guarantee. Its ABN is 16 005 214 531. The organisation is registered for GST, and has DGR and ITEC status.