



---

## SUBMISSION TO THE DEPARTMENT OF COMMUNICATIONS

JULY 2018

# Reviews of the Enhancing Online Safety Act 2015 and the Online Content Scheme

---

## 1. INTRODUCTION TO ACCM

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.

**ACCM membership** includes ECA (Early Childhood Australia), ACSSO (Australian Council of State Schools Organisations), APPA (Australian Primary School Principals Association), AHISA (Association of Heads of Independent Schools Australia); AEU (Australian Education Union), Parenting Research Centre, Council of Mothers' Union in Australia, NSW Parents Council, SAPPA (South Australian Primary Principals Association), and other state-based organisations and individuals.

**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.

This submission has been prepared by Prof. Elizabeth Handsley and Ms Barbara Biggins OAM on behalf of the Board of ACCM.

## 2. COMMENT

Thank you for the opportunity to contribute to this review. The Australian Council on Children and the Media supports all government initiatives to enhance children's and young people's wellbeing as media consumers. Such enhancement is best achieved by evidence-based practice, on the part of a body that is independent of any countervailing interests. Therefore we have reservations about regulatory definitions and procedures that are based on 'community standards' rather than clear evidence as to what causes harm (Q5(f)), and as a general principle we oppose industry self-regulation as compared to government-run schemes (Q5(c); Q10(h)) and the delegation of government functions to bodies corporate (Q2(e)).

We support the current links with the National Classification Scheme (Q8(a) and Q8(b)); and we support technological neutrality, so long as it is not a race to the bottom (Q9(b)). In our view the priority should always be the protection of children's interests, and it is better to have uneven but at least partly effective protection than uniformly ineffective protection.

We offer the following comments as to means of better protecting children's rights and interests in relation to e-safety within the context of the current scheme.

Children are a vulnerable minority when it comes to policy-making. As a society we care deeply about their interests but it often happens that children are overlooked in areas where adults' interests are also at stake. This is why, for example, Australia has quotas for children's television. Unless there is a specific requirement to cater to children, the needs of adults will dominate and potentially exclude those of children.

For this reason we have been disappointed to see issues affecting adults included within the Commissioner's purview. The most effective way of addressing children's interests is always to have a dedicated agency that deals only with those. It may not be realistic to return the eSafety Commissioner's Office to a children-only role, but we would hope that it will be possible to implement governance and funding structures to ensure that children continue to receive the attention they deserve.

The matters just raised are compounded by an apparent concentration of attention and resources at the upper end of childhood, that is, adolescence. We note that the recent extension of the Office's activities to pre-teen children still does not reach those where we believe the greatest attention is warranted, that is, children under 5 years. There is abundant evidence indicating that early intervention in relation to media and screen use is crucial to developing healthy habits (Duch et al 2013; Hamilton et al 2016; Kidron et al 2017; Ponti et al 2017); and considering that in modern times, many children are introduced to screens and online content as soon as they can hold a smart-phone – or earlier – we believe the Office should gather information on, and provide information and support for parents and carers of, younger children.

Similarly, we perceive an over-emphasis in the Commissioner's role and work on cyberbullying at the expense of content-based concerns (Q5(g)). Obviously cyberbullying is an important issue for young people, but again, if younger children were exposed to less inappropriate content they might not develop the attitudes that tell them when they are older that bullying is acceptable. ACCM would like to see more resources and attention devoted to avoiding children's exposure to violent content and advertising, especially food advertising and gambling promotion of various kinds. We would also like to see the Commissioner's role extended to protection from all potentially negative online experiences, for example 'lootboxes' in online videogames.

Any system of regulation that relies on complaints from the general public should be based on simple and highly accessible rules. The average person is unlikely to persist with a complaint if the relevant information is hard to find, or to understand. ACCM has found that the relevant codes for regulation of online content are difficult to locate and navigate. They also appear to be out-dated (Q10(b)). ACCM hopes that a simpler system can be adopted, with requirements for accessibility and regular review of any codes or rules. We certainly support the proposal for a combined single code as suggested in Q10(d) (provided such code contains appropriate safeguards); and the proposal for a single legislative source of the Commissioner's functions (Q1(c)).

Such proposals could help to address difficulties we have encountered with services that offer content both online and by broadcast. It appears that some carriers, but not all, have codes about the non-program content, such as trailers, that can be included online, and that this might differ from the rules applied to broadcast. As long as there is scope for different rules to apply to the same content from the same source, depending whether it is accessed on TV or online, there is scope for people to become confused and to be caught out by content they would have liked to avoid. It also means that any person who wishes to complain needs to reach an understanding of the complex system, and this may not be realistic. In order to better support parents and carers in locating appropriate content for their children, and playing their part as active consumers, the system and the rules should be simplified.

## References

Duch H, Fisher EM, Ensaril, Harrington, A. (2013) Screen time use in children under 3 years old: A systematic review of correlates. *Int J Behav Nutr Phys Act* 2013;10:102.

Hamilton K, Spinks T, White KM, Kavanagh DJ, Walsh AM.(2016) A psychosocial analysis of parents' decisions for limiting their young child's screen time: An examination of attitudes, social norms and roles, and control perceptions. *Br J Health Psychol* 2016;21(2):285–301.

Kidron, Beeban et al (2017) Digital Childhood: addressing Childhood Development Milestones in the Digital Environment. UK. 5rights  
<https://d1qmdf3vop2l07.cloudfront.net/eggplant-cherry.cloudvent.net/compressed/01972a9579924cbba7943c849bf159b3.pdf>.

Ponti, Michelle et al (2017) "Screen time and young children: Promoting health and development in a digital world" *Paediatrics & Child Health* 22(8):461-468 · November 2017 <https://academic.oup.com/pch/article/22/8/461/4392451>.

## For further information:

please contact Barbara Biggins OAM

Hon CEO

[admin@childrenandmedia.org.au](mailto:admin@childrenandmedia.org.au)