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## **Submission on proposed changes to the Classification Review Board: streamlining the Federal external merits review system. July 2014**

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The Australian Council on Children and the Media (ACCM) thanks the Attorney General's Department for this opportunity to comment on the proposed changes.

Briefly, we take the view that overall the changes could be beneficial, provided that certain present provisions are preserved.

### **Introduction to ACCM**

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**The ACCM** is the peak not-for-profit national community organisation supporting 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 membership of individuals and organisations including Early Childhood Australia, the Australian Council of State Schools Organisations, the Association of Heads of Independent Schools of Australia, the Australian Primary Principals Association, the Australian Education Union, the Parenting Research Centre, the South Australian Primary Principals Association, and the Council of Mothers' Unions in Australia.

**ACCM's core activities** include the collection and review of research on impacts of media on children's development; the dissemination of reliable information and strategies for healthy use of media to parents and children's professionals via web, seminars, publications; the production of child-development-based reviews of media to support parents' choices; and advocacy on behalf of children to industry and regulators for a healthy media environment.

### **Present provisions:**

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The Classification Review Board performs a valuable function as an independent body tasked to review the classification decisions of the Classification Board which apply right across the many regions of Australia. ACCM believes that the AAT could also perform such a function.

Classification decisions encompass issues of harm to children as well as issues related to whether products meet community standards (in product aimed at adult audiences). The former considerations require a knowledge of and care for the needs, interests and development of children; the latter a broad understanding of community acceptance and concerns about some media portrayals and themes.

Members of the Classification Review Board have been required to be broadly representative of the Australian community. This is a useful provision to retain, especially in the consideration of product that falls into the upper classification categories. 'Community standards' is a subtle concept that needs to take into account the diversity of the Australian community. Broad representation is the best way to achieve that. Therefore we would hope that this element of the system would not be lost with a transfer of functions to the AAT.

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### **Promoting healthy choices and stronger voices in children's media**

*Australian Council on Children and the Media (incorporating Young Media Australia)*  
Patrons: Steve Biddulph Baroness Susan Greenfield  
Pres: Elizabeth Handsley; Vice-Pres. Glenn Cupit; Hon CEO: Barbara Biggins, OAM

As well as being broadly representative of the Australian community, ACCM considers that the review panels could be improved by the presence of persons with legal expertise, which could result in proper attention to the wording and intention of the guidelines and criteria, and perhaps better decision making in some cases. It has been our experience in recent years that a number of CRB decisions have shown a flawed understanding of the legal provisions being applied, or adopted reasoning that is inconsistent with those provisions or the overall intent of the scheme. For example it is sometimes stated that content 'can be accommodated' at a lower level than is otherwise being suggested; this indicates a default position of favouring the lower classification, which has no basis in the scheme itself.

In the consideration of elements which could be harmful to children, the desired knowledge of and care for the needs, interests and development of children has not always been represented and clearly needs to be. The community standards test is of little value here, rather research-based evidence should be applied.

**ACCM recommends the inclusion, in reviews of all product likely to be classified M or below, of persons with child development expertise.**

Access to the review process is important for both individuals and community organisations with a demonstrated interest in either applying for a review, or of participating in reviews of products requested by others. This has been possible for no or low cost to date and this provision should continue.

Advance notice of reviews is an area where the present system has sometimes fallen down. For community organisations to be able to be involved in reviews of relevant product (which sometimes take place at short notice) there needs to be a process of routine notification to interested parties. ACCM trusts that the possibility for this will not be foreclosed by a transfer of functions to the AAT.

### **For further information**

Please contact Prof Elizabeth Handsley. President, ACCM or

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