



SUBMISSION TO THE AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

Changes to the Australian content and children's television standards

Consultation 35/2020 December 7 2020

Introduction

ACCM is the peak Australian NGO providing information and advocacy on children's engagement with the media. Its members share a strong commitment to promoting the healthy development of Australian children. Their particular interest and expertise are in the role that media experiences play in that development.

ACCM's core business is to collect and review research and information related to children and the media; to provide information and advice on the impact on children of print, electronic and screen-based media; to provide reviews of movies and apps from a child development perspective; to advocate for the needs and interests of children in relation to the media; and to conduct and act as a catalyst for relevant research.

This submission has been prepared by Prof Elizabeth Handsley FAAL, President of ACCM, and by Barbara Biggins OAM, Hon CEO.

Summary

The proposed new standards prepared by ACMA at the direction of the Minister for Communications (to reflect government policy changes) are a complete repudiation of the rights of Australian preschool and school aged children to have access to a diversity of Australian-made and culturally relevant programs made specifically for them. The needs of Australian children to see Australian faces and places, to hear Australian voices and to dream Australian dreams have not changed since the policy decision was made to introduce quotas; therefore there is no justification for these proposed changes.

Rather the proposed changes in the Australian Content and Children’s TV Standards appear to be designed to make things easier for broadcasters. It is true that the commercial media landscape in Australia has changed: an increase in the sources of screen content for many had led to tougher times for free-to air broadcasters. However, this changed media landscape has not led to any increase in the access of Australian children to that diversity of Australian content made for them. The proposed changes sound the death knell for the production of Australian content for primary and preschool aged children.

ACCM notes that “the ACMA is required to make new standards that comply with the terms of the [Ministerial] Direction, [and so] this consultation does not seek comment on the merits of policy changes encompassed in the Direction. The ACMA will not be able to implement any comments which are inconsistent with the Direction.”

However, ACCM contends that the ACMA must take into account that the loss of the Children’s and Preschool Children’s quotas considerably weakens/ lowers the application of any protections provided for children by these proposed new standards, and consider ways of lessening that impact.

Comment on specific standards

6 Objects of these standards

The objects of these standards are to:

- (a) promote the role of commercial television broadcasting services in developing and reflecting a sense of Australian identity, character and cultural diversity by supporting the community’s continued access to television programs produced under Australian creative control; and
- (b) provide children with certain protections from the possible harmful effects of television.

As in our summary above, these new standards undermine Object (b) as the protections envisaged by these standards will only eventuate if the programs watched by children are classified P or C, and as the Standards provide no incentive

to create or broadcast such content, very few are likely to be so. Therefore in practice there will be very little protected viewing by children.

Part 2

8. Definitions

Children means people younger than 15 years of age.

This age should remain as younger than 14. The justification given that it should line up with Free TV Code is rejected as there is no need for such alignment. The FreeTV Code uses the concept of ‘child’ for the purposes of protection from certain kinds of advertising; whereas the purpose of the CTS was to provide for the needs of a perennially neglected audience, namely the primary school age group. Unless the child-related provisions of the new Standard have that same aim, there is no point in having them.

Moreover, the result of making the age older will be that any C product that does get made will be for 13, 14 and 15 year olds, who have a far wider choice of appropriate programs than younger children do. Again, the proposed change undermines the whole point of having a standard for children’s content.

Part 4—Protections for child viewers

Division 1 - General protections for child viewers

As noted above these protections will apply only to any P or C programs that happen to be made. There are two reasons to think that these General Protections are unlikely to be applied often in programs that children will see. One is the likely low levels of production or broadcast of any P or C programs due to the absence of any quota requirements for these programs. The second is the very fact that any such programs would attract these General Protections, which in turn creates a disincentive to the making or screening of the content. The upshot will be that children who watch television will invariably be watching programs that do not attract the General Protections. Therefore, for example, they will be exposed to inappropriate levels of alcohol advertising.

Content of advertisements

21 7) A licensee must not broadcast an advertisement for a food product that contains any misleading or incorrect information about the nutritional value of that product.

As we have pointed out many times, this provision is deeply flawed, because it leaves open the possibility of an advertisement that is misleading overall, but acceptable because the information it contains is strictly true (for example an ad for a heavily sugared breakfast cereal that gives an overall impression it is good for children's health because it mentions the calcium the product contains, but not the sugar). If the provision is to be retained, it is well overdue for redrafting to be more in line with general consumer protections, which look to the overall message, that is, to what is not said as well as what is said.

Division 3 - Classification of C programs and P programs

38 Classification by an eligible classifier

- (1) If a person submits a program to an eligible classifier requesting that it be classified as a C program or P program, and does so in a format, and accompanied by any supporting material, specified by the eligible classifier, the eligible classifier may classify the program.
- (2) A classification of 'C' must be granted if the eligible classifier is satisfied that the program meets the criteria in the definition of **C program** in section 8.
- (3) A classification of 'P' must be granted if the eligible classifier is satisfied that the program meets the criteria in the definition of **P program** in section 8.

There is no justification for shifting the responsibility for classification of P and C content to industry. Government has offloaded certain classification responsibilities to industry in other fields - for example game apps - because the volume of such content makes it impossible for government classifiers to keep up. That will not be the case here, indeed P and C content will be a precious commodity. Moreover, classification of P and C content requires special skills that are quite distinct from those needed to classify content as G, PG etc. The ACMA has those skills and industry does not; nor is it likely to develop them considering how rarely they will be called on to classify such content. Therefore there is all the more reason for the ACMA to retain its role in classifying P and C content.

For Further information about this submission please contact
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