

**SUBMISSION TO
PRODUCTIVITY COMMISSION
BROADCASTING INQUIRY**

MAY 1999

INTRODUCTION

Young Media Australia is a national non-profit community organisation, which provides information, research and advocacy on the social impact of the media on children and young people. Our mission is to promote the provision of quality media product, and a healthy media environment for children and young people in Australia.

The organisation was formerly known as the Australian Council for Children's Films and Television. We have over 40 years of experience and expertise in children's media, and 25 years of participation in inquiries into the regulation of broadcasting as it impacts on the needs of the child audience. We are the major community organisation in this field.

The organisation has as members the major child-focussed organisations in Australia, including the Australian Early Childhood Association, the Australian Council of State School Organisations, the Association of the Heads of Independent Schools of Australia, the Mothers Union in Australia, the Catholic Womens league of Australia and many State-based organisations and individuals. As such we believe that we are closely in touch with the needs and concerns of parents, educators, children's professionals and other caregivers.

The organisation has its operational base in Adelaide, from which it offers an Australia-wide information service on media impact on children, and on broadcasting codes, a Web Page (www.youngmedia.org.au), media awareness courses for parents (such as CyberSafety), and a drop-in community Internet access service.

This organisation's policies with regard to the media have been developed by the Board of Directors of Young Media Australia, and are based on:

- a) the International Convention on the Rights of the Child Article 17 (see below at 2.6), and
- b) the Charter for Children's Television (as accepted at the World Summit on Television for Children Melbourne 1995), and
- c) the Objectives of the Broadcasting Services Act 1992.

OVERVIEW OF SUBMISSION

This organisation takes the view that it is necessary to regulate broadcasters, in a way that requires them to make both a positive provision for the child audience, and to protect against harm and exploitation, and that the benefits of this regulation to the community, outweigh the costs. Further, we do not believe that such regulation necessarily restricts competition between broadcasters.

We also believe that the social and cultural needs of children in relation to broadcasting must be seen to be as important, if not more so, than economic interests.

Further, we believe that the interests of consumers of broadcasting services are not well served, particularly in relation to access to information that enables them to understand what is required of broadcasters by way of Codes and standards, and which enables consumers to participate in shaping their broadcasting services.

Additionally, this organisation is concerned that the advent of new media which are difficult to regulate, poses great difficulties for parents in moderating their children's experiences with those media. The needs of parents as consumers in this new media era are not being met.

SPECIFIC COMMENT

Young Media Australia wishes to address questions under the Inquiries Issues as numbered below.

2.2 The public interest and the objectives of broadcasting policy

The problems

YMA has a particular interest in supporting Objects (e) to (j) of the *Broadcasting Services Act 1992*.

YMA takes the view that the industry would not adequately address these issues in the absence of government intervention. This view is based on YMA's over 25 years of experience in the field, and close involvement in regulatory issues related to the provision of Children's programs and Australian content. Economic pressures against these special provisiond are now stronger than they were 20 years ago, and provide greater reason to keep these Objects in the Act.

Object (f) could possibly be improved by the inclusion of "for all sectors of the public" after the words ""high quality and innovative programming".

Social dimensions of the public interest

Existing framework of broadcasting policy does not provide adequately for :

- a) community standards to be upheld

The co-regulatory system does not provide sufficient avenues for public input on day to day issues, and the present complaints process is cumbersome and overly reliant on consumers knowing how the system works. There are too many different Codes (commercial TV, ABC, SBS, Pay TV etc and associated different complaints handling procedures.

- b) the needs of children to be met

The C and P standards system is to be commended and promoted. Outside those programs, children's programs are poor quality, highly commercialised.

The needs of children to be protected from harm are not well met in the current system. This review needs to examine the concept of harm to children as specified in the Objects of the Act.

All other media are potential sources of both benefit and harm to children. However, broadcast media come into almost all homes, and are highly accessible by the young. This places particular responsibilities on broadcasters. The widening of available media does not reduce those responsibilities.

Home videos pose particular difficulties for children and young people, as they make accessible MA and R rated material, and provide the opportunity of constant repetition of problematic material.

Videogames provide opportunity to practice violence and to be rewarded for its use.

The Internet makes available all categories of material, and is most difficult for parents (who lack experience of it) to provide effective oversight.

YMA holds the view that content regulation is the most effective means of meeting children's needs in free-to-air broadcasting. Australian children's programming has never been well supported by the industry. Overseas made children's programs (especially those linked to toys) would dominate the market without regulation.

Promoting Australian identity and culture

For children, the important Australian cultural objectives are those of allowing children to see their own culture on TV: their faces, their places, their voices. Children need to see that these are valued by being on TV.

The Australian content quotas are important strategies for achieving the Objects of the Act. For children, they could be refined to specify the use of Australian places, faces and voices.

YMA understand that making programs to meet the Australian content and children's drama quotas has been a significant element in the success of so many Australian product overseas.

2.4 Australia's current broadcasting regulation

Principles of regulation

YMA holds the view that free-to-air TV is still the most influential in shaping Australian children's views, given the average viewing time of 2hrs and 34 mins per day.

Program standards

Australian content standards are vital in allowing Australian children to see their own culture given importance.

Australian content for children could be improved by mandating the use of Australian faces, voices and places.

The provision of Australian content should not just fall on the shoulders of the ABC, or the SBS. It is a responsibility of all free-to air broadcasters. Parents can't mandate that their children only watch the ABC.

Children's standards

YMA wishes to expand on its views in this area at a later opportunity.

In summary, YMA sees regulation of the children's area as essential, and highly relevant. Its system of C and P standards and preclassification requirements are the key to the provision of some quality material to children, and for the promotion of the development of a children's production industry in Australia.

Australia's system is the envy of many overseas nations including the US.

The US as a bastion of the free market system is unable to provide quality free-to-air TV for children without selling them things at the same time, and is still grappling with regulatory avenues of forcing some quality provision.

Free-to-air TV remains popular with Australian families. Many cannot afford Pay TV or Internet services. Australia cannot afford to adopt a "let them eat cable" attitude to regulation in this area.

YMA has much evidence of the impact of children's TV in Australia and overseas.

Codes of Practice-

YMA wishes to expand on this brief summary of its views on the effectiveness of selfregulatory codes of practice at a later opportunity.

The weaknesses of a selfregulatory approach are evident in the lack of information about Codes and ways of influencing services that are available to the public. Self regulation only works properly when there is a well informed public who have and understand the Codes, who have access to easily identified methods of lodging complaints, and access to rapid processes of complaint resolution. These do not exist in Australia now.

There are too many different Codes administered by too many different agencies for the community to understand and to be able to use them effectively. Consumers need a onestop shop for the distribution of information about Codes and complaints processes and the receipt of complaints.

Review of Codes is too slow, viz the recent nearly three years taken to review the 1993 FACTS Code.

The regulation and Codes of Practice of Advertising are highly deficient.

2.5 The role of the Australian Broadcasting Authority

Co-regulation

See comments under section above.

Program standards and content regulation

See comments under section above

Complaints

YMA wishes to expand on its views expressed here.

We believe from our extensive experience in this area that the process is defective, due to too many codes, too many outlets, too little information and knowledge of rights for consumers, delays in deciding complaints. There are more constructive ways to deal with this essential component of a self regulatory system .

2.6 International agreements

Closer Economic relations agreement

YMA believes that the Act should be changed to allow cultural imperatives of broadcasting to be excluded from agreements such as this one. The decision to allow NZ content to count as Australian will impact adversely on the provision of Australian material for children.

Other international agreements

Australia is a signatory to the International Convention on the Rights of the Child. Article 17 of this Convention calls on parties to the Convention to 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 State 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
- b) Encourage international cooperation 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 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 Articles 13 and 18.

YMA expects that any Broadcasting Act will promote the Objects of this Article.