

**AUSTRALIAN COUNCIL ON CHILDREN AND THE MEDIA**

(Incorporating Young Media Australia)  
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**SUBMISSION TO**

**The Senate Legal and Constitutional Affairs Committee Inquiry into the  
Classification (Publications, Films and Computer Games) Amendment  
(Classification Tools and Other Measures) Bill 2014**

**April 2014**

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 Barbara Biggins OAM, CEO on behalf of the Board of ACCM. .

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. ACCM SUPPORTS THE PRINCIPLES EMBODIED IN 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;
- (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;

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

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- (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.

### **3. COMMENT**

#### **3.1 STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS**

The Explanatory memorandum (at Right of access to information (Article 17) p6) notes only the requirement 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”* .

An additional and important part of Article 17 for the consideration of human rights implications, is the requirement that there should be  
*“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.”*

The Classification system sets out to provide that protection. In ACCM's view, such protection can only be effective if it is based on evidence about which materials are likely to be injurious to the wellbeing of the child. Such evidence would include the latest research on impacts of media content on children, and well established child development theory. Much more needs to be done in this regard with the National Classification Scheme.

In the meantime, any proposed changes to the Act should be reviewed against this principle, and a determination made as to whether such changes will have the likelihood of increasing or lowering existing protections.

#### **3.2 COMMENT ON SCHEDULES**

##### **3.2.1 Schedule 1. Classification tools**

ACCM appreciates that much on-line content is presently unable to be classified, and that the provision and use of online classification tools may help to provide some information about content as a guide for informed choice .

ACCM emphasises that such classification tools are only as good as the science on which they are based. That is, the science or research evidence about which types of content may disturb, confuse, frighten or cause ongoing anxieties for children, and at which ages.

A number of issues with this Schedule are of concern to ACCM.

- 1) ACCM believes there should be a requirement for the Minister, when approving classification tools, to be presented with evidence that the tool is effective in signalling to parents, and in protecting children from content likely to be harmful to them.

- 2) The Bill appears to allow the use of such tools with any type of medium, including media currently classified by the Classification Board, and by those other than the Board. This has the potential to reduce existing protections.
- 3) If a pilot of a system such as the IARC is conducted as a result of this Bill, then there should be a public review of the outcome of such pilot, along with an opportunity for public input before any expansion of the scheme, particularly towards a self regulated system.
- 4) Implicit in the recommendations of the ALRC review, and reflected in the Explanatory memo to this Bill to some extent, is the suggestion that the materials that are important to be classified by the Board are those that would be M and up.

ACCM holds strongly to the view that for the everyday protection of the child audience, it is vital that content is accurately classified at the G, PG and M levels. Such accurate classification is dependent on knowledge of child development and current research. This is not knowledge is not generally available at the general industry level.

ACCM is opposed to any scheme that places the classification of materials at the lower levels in a self regulated system, without full and public scrutiny of such a scheme. .

- 5) There need to be more safeguards and review mechanisms for any automated system or DMI than appear to be provided.

ACCM urges the Committee to review the automated system developed in the Netherlands some years back- Kijkwijzer (Watch wiser) used for Films, DVDs and TV, and forms the roots of the European PEGI system for games. This was developed by, and is overseen by a scientific committee . The assessment criteria are based on the best evidence about what can adversely impact on children and different ages. The assessors are well trained and performances reviewed. The parent population is regularly reviewed to assess their satisfaction with the system, and this is well evident. See [http://www.kijkwijzer.nl/upload/zijbalk2/50\\_NICAMkijkwijzerGB\\_02\\_Overview.pdf](http://www.kijkwijzer.nl/upload/zijbalk2/50_NICAMkijkwijzerGB_02_Overview.pdf) For an overview of the system and [http://www.kijkwijzer.nl/upload/zijbalk1/50\\_NICAMkijkwijzerGB\\_03\\_Questionnaire.pdf](http://www.kijkwijzer.nl/upload/zijbalk1/50_NICAMkijkwijzerGB_03_Questionnaire.pdf) for the assessment form used.

### 3.2.2 Schedule 4. Modifications

**2D and 3D versions:** ACCM has some concerns as to whether the judgement required by para 20A(2)(d) (that the format change would not be likely to cause the modified film or computer games to be given a different classification) is appropriately made at industry level. We query whether the necessary knowledge of child development and research will routinely be available. We understand that such personnel may be required to have satisfactorily completed training that has been approved by the Director in the making of such decisions, and that only then will the Director approve persons to make such decisions. If the present classification system is not evidence-based (and it's not) and if the persons administering it are not child development-aware, then this will not be satisfactory.

Hon CEO, ACCM

## **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](http://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 800 movie reviews);
- the new *Know before you Load* apps review service
- 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 effectiveness of classification systems; early sexualisation 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; and the 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 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.