



Commissioner for Children and Young People  
Western Australia

Committee Secretary  
Senate Legal and Constitutional Committee  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600  
(via email [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au))

Dear Sir / Madam

### **Senate Inquiry into the Australian film and literature classification scheme**

Thank you for the opportunity to make a submission to the Senate Inquiry into the Australian film and literature classification scheme.

### **Role of Commissioner for Children and Young People**

I was appointed as Western Australia's inaugural Commissioner for Children and Young People in December 2007 pursuant to the *Commissioner for Children and Young People Act 2006* (the Act). Under the Act my role is to advocate for the half a million Western Australian children and young people under the age of 18, specifically having responsibility for advocating for, promoting and monitoring their wellbeing.

The Act provides that I must observe four guiding principles:

- Children and young people are entitled to live in a caring and nurturing environment and to be protected from harm and exploitation;
- The contributions made by children and young people in the community should be recognised for their value and merit;
- The views of children and young people on all matters affecting them should be given serious consideration and taken into account; and
- Parents, families and communities have the primary role in safeguarding and promoting the wellbeing of their children and young people and should be supported in carrying out their role.

In performing these functions, the paramount consideration is to be the best interests of children and young people. I must give priority to Aboriginal and Torres Strait Islander children and young people, and to children and young people who are

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vulnerable or disadvantaged for any reason. I must also have a regard to the United Nations Convention on the Rights of the Child (the Convention).

The Convention requires governments to adopt appropriate measures to protect children from violence, abuse, exploitation and attacks on their reputation. It also recognises the child's right to participation and to freedom of expression, orally, in writing, in print, in the form of art, or through other media, subject to necessary restrictions to respect the rights or reputations of others.

It is with these responsibilities in mind that I submit comment to the Inquiry to ensure that the needs and views of children and young people are considered.

### **Involving children and young people**

Under section 19(b) of the Act I am required to promote the participation of children and young people in the making of decisions that affect their lives, and to encourage government and non-government agencies to seek the participation of children and young people appropriate to their age and maturity.

Since my appointment I have travelled extensively throughout Western Australia consulting widely with government and non-government agencies as well as with children and young people and their families in metropolitan, regional and remote communities.

My view and experience is that directly involving children and young people in decisions that impact on them and taking their views into account in the development of laws, policies and programs results in better outcomes for children and young people. There are many examples of appropriate and effective consultative mechanisms that have been used in different settings to hear the views of children and young people.

I have published the *Involving Children and Young People Participation Guidelines* to assist organisations successfully engage with children and young people, in ways which benefit both the organisation and children and young people. The Guidelines and other resources are available on my website at [www.cyp.wa.gov.au](http://www.cyp.wa.gov.au)

### **Supporting children, young people and parents to make choices**

The classification of film and literature has an important role in enabling consumers - including children, young people and parents - to make informed choices about what they watch, read and listen to. To do this effectively, a classification scheme needs to be transparent, reliable and practical from a consumers' perspective.

I suggest that supporting parents to make decisions about the content children and young people access should be a key consideration in reviewing the effectiveness of the current classification scheme, particularly given parents' role in safeguarding and promoting the wellbeing of children and young people.

Media, including film and literature, is pervasive in our day to day lives and it is worth acknowledging that it can be virtually impossible and often reasonably impracticable for parents to be aware of what their children and teenagers are watching and listening to at all times. I therefore strongly advocate that it is the responsibility of all of us – parents, families and communities – to safeguard and promote the wellbeing of children and young people.



Children and teenagers have media-related skills that are often sophisticated and far superior to those of their parents and carers (including grandparents). Recognising this, parents, families and communities also have a responsibility to support children and young people make informed choices themselves.

### **The wellbeing of children and young people**

I have made numerous submissions to inquiries and reviews. These have included a Joint Children's Commissions and Guardians submission to the Australian Government Attorney-General's review of the R18+ classification category for computer games, and the Child Exploitation Material and Classification Legislation Amendment Bill 2009 in Western Australia.

The submissions are underpinned by the fundamental principal that the safety, protection and wellbeing of children and young people under 18 years should be paramount. For example, as Joint Children's Commissioners and Guardians we did not support an expansion of the existing classification system as it would potentially expose more children and young people to inappropriate programs, with potential to significantly impact adversely the wellbeing of children and young people under the age of 18.

I therefore urge the Committee to:

1. have the wellbeing of children and young people as a key consideration in its' Inquiry into the Australian film and literature classification scheme, and
2. develop an appropriate consultation mechanism and process to engage directly with children and young people.

Yours sincerely

MICHELLE SCOTT

Commissioner for Children and Young People WA

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