



Submission to the Senate Inquiry into the Communications Legislation Amendment (Prominence and Antisiphoning) Bill 2023

22/01/2024

About the research in this submission

This submission authored by Dr Jessica Balanzategui (Senior Lecturer in Media, RMIT University) draws on her research across multiple projects between 2020-2024 examining the relationship between child audiences and transformations in the television industry. These include:

- Dr Balanzategui's Australian Film Institute Research Collection Fellowship (2020) on the history of Australian children's television policy and industry strategy, which drew on the collection's extensive archival materials canvassing the development of the Australian children's television sector and its regulatory frameworks.
- Research from the Australian Children's Television Cultures (ACTC) project based at Swinburne University of Technology, Dr Balanzategui's previous institution, in collaboration with RMIT University and in partnership with the Australian Children's Television Foundation. This submission primarily draws on preliminary findings from a study led by Dr Balanzategui (2022-23) focused on the streaming video platform habits of 44 children aged 7-9 carried out at the BabyLab at Swinburne. This study included interviews with children and their parents, observation of children's independent and parent-supervised streaming habits, and a 2-week app-based media use diary. The submission also draws on data from this research's longitudinal national surveys of parents on perspectives on Australian children's television led by A/Professor Liam Burke (Swinburne), which had 756 respondents over three years (2021-23). Along with Dr Balanzategui and A/Professor Burke, ACTC's Chief Investigators who collaborated on this research are Dr Djoymi Baker (RMIT) and Dr Joanna McIntyre (Swinburne).
- A research project on "Netflix and Family Television" (2022-23) studying how children and their families negotiate content choices and genre categorisation strategies on the most popular subscription video on demand platform in Australia, Netflix. This project included an international survey of family habits on Netflix and interviews with children and their families. This project was carried out in collaboration with Dr Djoymi Baker (RMIT) and Dr Diana Sandars (The University of Melbourne) and was published in their co-authored, peer-reviewed monograph *Netflix, Dark Fantastic Genres and Intergenerational Viewing: Family Watch Together TV* (Routledge 2023).

Dr Balanzategui welcomes the opportunity to contribute to the Senate Inquiry along with her collaborators and host institutions across these projects.

This submission has two sections. Section 1 outlines the evidence from our audience research that the issue of local content discovery exists as a major challenge for Australian children. Section 2 addresses the critical importance of a well-balanced policy infrastructure to support children's continued access to quality Australian children's television. Throughout, the Communication Legislation Amendment (Prominence and Anti-Siphoning) Bill: Explanatory Memorandum is referred to as "the Bill."



1. Securing Children’s Access to Australian Children’s Television: The Challenge of Discoverability

The success of the Australian children’s television sector has been internationally recognised for the past forty years,¹ **but the sector is now in a precarious position.** Streaming video services have changed how TV is distributed and consumed: most children – 96% aged 3-17 according to Ofcom – now access content “on-demand” from extensive catalogues by negotiating platform interfaces organised by algorithmic curation.² As will be detailed in Section 2, **policy settings have not kept pace with these transformations:** currently there are no concrete requirements for any broadcasters or streaming services to invest in or screen Australian children’s TV. As a result, there was an 84% drop in the amount of Australian children’s content aired on commercial broadcasters between 2019 and 2022.³ Less local content is available for children, and our research finds that existing content is difficult for them to find on streaming platforms and internet connected TV devices.⁴ This is a major concern given that Australian children’s TV meets children’s “best interests” by situating them within their own socio-cultural context.⁵ Australian children’s TV is thus of “social and cultural benefit to the child”⁶ in alignment with the Bill’s engagement with Article 17 of the *Convention on the Rights of the Child* (CRC).

Our child audience research as part of the Australian Children’s Television Cultures project found that **Australian children struggle to find and even identify Australian content on streaming platforms:** only 16.7% selected it as a first choice when using streaming platforms.⁷ As is further illuminated in a submission to this Inquiry by the ACTC team, our annual national surveys of parents are consistent with these results⁸: our 2023 survey found that children tend not to watch much Australian content (16%), with most parents deeming the reason to be “there isn’t enough Australian content.” Parents identified a “marker” on streaming platforms as one of the most helpful ways to aid their family’s ability to find and select Australian programs (68%) along with a free app that “collects only Australian children’s content” (57%).

“There is a separate section for ‘Australian content’ on one of the platforms, but I don’t think it’s on all. So it would help to have ‘home-grown’ or something like that on all so you can easily look and browse through.”

– *Mother interviewed with 9-year-old daughter*

“There’s not much Australian things on my things [TV and Ipad]. But yeah, I do [like watching Australian shows]. *Bluey* is Australian. I’m not sure about the other ones ’cause most of the things that are on the TV or on iPad they’re not much Australian. Unless I look up ‘Australia.’”

– *9-year-old girl*

Mother: “It would be great if [Australian content] was ‘sectioned’ within the streaming platform. Most definitely. Rather than all mixed in. I would really like that.”

Researcher to child: “Do you feel the same?”

Child: “I would go to an Australian section.”

– *Mother interviewed with 9-year-old son*

Researcher: “Do you think streaming platforms could do anything to make finding Australian content easier?”

Child: “Yes. Some apps should be all Australian. Or all American”

– *8-year-old boy*

¹ Balanzategui, J. (2022) TV horror-fantasy for children as transnational genre: *Round the Twist*, generic subversions, and quality Australian children’s television. In Olson, D. and Schober, A. (eds) *Children, Youth and International Television*. London: Routledge. 69-88.

² Ofcom. (2023) *Children and parents: media use and attitudes reports*, 11.

³ Australian Communications and Media Authority. (2023) *Broadcaster compliance with TV content standards*.

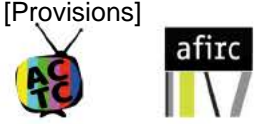
⁴ Balanzategui, J.; Baker, D.; Burke, L.; McIntyre, J. (2023) *Children’s Perspectives Study Expanded Data Summary Report*.

⁵ Potter, A. (2015) *Creativity, Culture and Commerce: Creating Children’s Content with Public Value*. Bristol: Intellect, ix.

⁶ Parliament of the Commonwealth of Australia (2023) *Prominence and Antisiphoning Bill Explanatory Memorandum 2022-3*, 8.

⁷ Balanzategui, J.; Baker, D.; Burke, L.; McIntyre, J. (2023) *Children’s Perspectives Study Expanded Data Summary Report*, 12.

⁸ See: Burke, L., McIntyre, J., Balanzategui, J & Baker, D. (2023) *Submission to the Prominence and Antisiphoning Bill Inquiry*, 3.



Researcher: “Can you think of any Australian shows off the top of your head?”

Child: “Oh no, no. I can’t think of any. Like I don’t watch much. All the YouTubers I watch are basically American. Maybe *Australian Ninja Warrior*? I watched that last night. I’m a big fan of that.”

– 8-year-old girl

This research establishes that discoverability – how children use streaming platforms to find content and choose what to watch – **exists as a challenge for Australian children and their families.** It evidences that in developing a set of minimum prominence requirements for internet connected television devices, attentiveness to the needs of children is required to ensure the regulation upholds their “right to access information and material from a diversity of national and international sources”⁹ in line with the CRC.

This child audience research also found that **children tend to drive their own content choices** on streaming platforms (66%), followed by their siblings choosing the content (17%), and then their parents (14%).¹⁰ This finding is consistent with our national parents’ surveys: 64% of parents with children aged 5-11 report that their children choose their own content, a figure that rises to 74% in the 12-14 age group.¹¹ Both studies also found that US-based global platforms Netflix and YouTube are amongst the most popular means of child access to television.¹² However, children struggle to find Australian content on these platforms.

“[Netflix and YouTube] don’t have much Australian shows [...] I try looking for Australian shows and when I recognize it’s not Australian I just turn it off instantly. And then I’ll find another Australian show.”

– 7-year-old boy

Netflix and YouTube are both transforming family habits around children’s entertainment, with my research finding that YouTube has introduced popular new child-oriented content types that do not align with established regulation or cultural expectations around child appropriate content.¹³ Similarly, our research on family habits on Netflix found that this platform is producing “a specific viewing practice and audience over more traditional genre labels,”¹⁴ including new forms of engagement with “children’s” and “family” television distinct from those of Australia’s free-to-air television ecology. For instance, children access content like *Stranger Things* and *Squid Game* (both rated MA15+) via Netflix and YouTube that do not accord with Australian classifications around child-appropriateness. In our research, parents expressed surprise and concern about their children watching such programs without their knowledge.¹⁵

“We’re already watching [*Squid Game*] as a couple myself and my husband without [our son] because we thought it wasn’t appropriate, and he happened to walk into the room during one of the scenes and he knew exactly what was going to happen. And we still don’t know where he knows all this information, but he knew every single game and every outcome before we did . . . I did get quite horrified.”

– Mother of 12-year-old boy

This research supports the Bill’s statement that “free-to-air broadcasting has and continues to play a unique role in achieving key media policy objectives in Australia, including in relation to ... protecting consumers – particularly children – from material that may be harmful to them.”¹⁶ As part of these changing, on-demand family viewing habits driven by streaming video services, across both of these studies we found

⁹ Parliament of the Commonwealth of Australia (2023) Prominence and Antisiphoning Bill Explanatory Memorandum 2022-3, 8.

¹⁰ Balanzategui, J; Baker, D; Burke, L; McIntyre, J. (2023) Children’s Perspectives Study Expanded Data Summary Report, 9.

¹¹ Burke, L, McIntyre, J, Balanzategui, J, & Baker, D. (2022) Parents’ Perspectives on Australian Children’s Television in the Streaming Era, Swinburne University of Technology. <https://doi.org/10.26185/xxt0-d294>

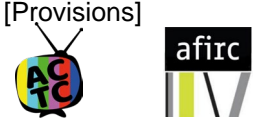
¹² Ibid.

¹³ Balanzategui, J (2021) Disturbing Children’s YouTube Content and the Algorithmic Uncanny. *New Media and Society* 25(2): 3521–3542.

¹⁴ Baker, D, Balanzategui, J & Sandars, D. (2023) *Netflix, Dark Fantastic Genres, and Intergenerational Viewing: Family Watch Together TV*. London: Routledge, 8.

¹⁵ Ibid., p. 185.

¹⁶ Parliament of the Commonwealth of Australia (2023) Prominence and Antisiphoning Bill Explanatory Memorandum 2022-3, 57- 58.



that children were often more fluent with the various platforms and their interfaces than their parents. They also use them to introduce new content to the household,¹⁷ acting as the “media brokers”¹⁸ of their families. **Parents’ ability to mediate their children’s streaming habits are limited when children themselves are driving their own content choices and are more fluent** with the different platform types and their interfaces than their parents.

Father: “Kiddle is a kid friendly Google search engine. So instead of saying to the kids, ‘Go and look it up on Google.’ No, no. Use Kiddle ... If there was a YouTube version of that, that would be excellent, because that way you could go, you know, what? Kid friendly YouTube. How good is that?”

Child: “There is!”

Father: “Is there?”

– *Father and his 7-year-old son*

Despite their **fluency** with the algorithmic recommender systems and interfaces of streaming video platforms, children’s **literacy** with the cultural identity of content was found to be low: they often struggled to distinguish which content was Australian. Some children explained that they only watched American content, not realising that their favourite programs were Australian.

Researcher: “Do you like watching Australian shows?”

Child: “Not really, I think. I don’t really know about any Australian shows that I really watch.”

[Later in the interview, child identifies *InBESTigators* and *Little Lunch* as two shows they most enjoy after seeing them in a streaming interface]

Researcher: “Did you know that *InBESTigators* and *Little Lunch* are Australian?”

Child: “They are!?”

–*7-year-old boy*

Children and their parents also discussed the difficulties in navigating internet connected television interfaces to find local and appropriate content. This research could help to inform the regulation of minimum prominence requirements under section 13OZZN, the prescription of requirements in relation to “the display, location or positioning of regulated television services on the device, or the primary user interface of the device.”¹⁹ Such requirements around display and positioning should be attentive to the specific needs of the child audience to ensure they are able to discover Australian and age-appropriate content with “minimal effort, input or technical skills and knowledge.”²⁰

The television set remains children’s primary access point to screen entertainment content, but it does not currently enable ease of discovery of Australian television for children. Our national parents’ survey found that the television set is by far the most popular device amongst children and their families (94%)²¹ a finding consistent with our children’s study that found that most children watched television devices for most of the time (61%).²² The current climate has produced a situation in which Australian children express a desire to see more Australian content, but struggle to find or even identify it on streaming platforms and on internet connected television devices.

¹⁷ Baker, D, Balanzategui, J & Sanders, D. (2023) *Netflix, Dark Fantastic Genres, and Intergenerational Viewing: Family Watch Together TV*. London: Routledge, p. 121.

¹⁸ Katz, V (2010) How children of immigrants use media to connect their families to the community. *Journal of Children and Media* 4: 298–315.

¹⁹ Parliament of the Commonwealth of Australia (2023) Prominence and Antisiphoning Bill Explanatory Memorandum 2022-3, 26.

²⁰ *Ibid.*, 2.

²¹ Burke, L, McIntyre, J, Balanzategui, J, & Baker, D. (2022) Parents’ Perspectives on Australian Children’s Television in the Streaming Era, Swinburne University of Technology, 8.

²² Balanzategui, J; Baker, D; Burke, L; McIntyre, J. (2023) Children’s Perspectives Study Expanded Data Summary Report, 12,16.



In conclusion, this research:

- reinforces that the legislation of a prominence framework is required to “support the ability of Australian consumers to easily find and readily access free to-air television services on internet connected television devices.”²³
- demonstrates that in designing such legislation, the needs of the child audience should be recognised as distinct so that they and their families are able to discover Australian content with ease.

Father: “You’ve got Smart TVs internal menus, and they’ve got baked in Netflix and all this other stuff, and then you’ve got boxes, [...] So this is my point, what these people could do to make it easier to find content, is there are so many boxes within boxes within boxes, [...] I think if some smart cookie came along and aggregated all of this and just put it alphabetised on one tier, they’re going to make millions. Because at the moment there’s just too many options. [...] There’s just too many scattered sort of items all over the place.”

Researcher: “And what about Australian content specifically?”

Child: “If it’s streaming, it doesn’t really tell you if it’s Australian or not. It’ll just tell you ‘it’s on, it’s this episode, it’s G or it’s PG, and it’s on for this long.’”

– Father interviewed with 9-year-old-daughter

2. Enhancing the Discoverability of Australian Children’s Content Through Policy Reform

The introduction of minimum prominence requirements that support children’s ability to discover Australian content would be a major step towards rectifying critical gaps in policy that have put the sector at risk, and have diminished children’s ability to find and access local programming designed especially for them. The historically contextualised analysis of policy and industry transformations in this section clarifies the urgent need for such policy reform.

The success of the Australian children’s television sector has long been scaffolded by a carefully calibrated policy infrastructure, which is necessary to support a sector that, unlike adult’s television, does not command sustainable levels of investment and is thus both the “clearest example of market failure in the screen sector, but also the greatest example public value.”²⁴ The 1979 Children’s Television Standards and their associated quotas have long been widely regarded as an international benchmark for how to protect through regulation an entertainment sector that is precarious in the market but which serves the public interest.²⁵ This policy settlement is underwritten by “a set of public value principles” related to aiding children’s cognitive, moral, and social development through the frame of their own national culture.²⁶ The introduction of the Australian Children’s Television Foundation (ACTF) in 1982 secured the sector’s globally celebrated track record in quality screen stories specifically for Australian children. Since the ACTF’s inception, the organisation has been committed to “the development, production and transmission of children’s television programs of quality.”²⁷ The ACTF was critical to the establishment of Australia’s “culturally-specific aspiration to quality”²⁸ in the realm of children’s television through internationally benchmarked standards.

My archival research thematically analysed news media reportage and policy/industry documents prior to and post these policy and industry developments to assess their impacts. I found that before the settlement of this policy between 1979-1982, **Australia’s children were considered to be in crisis due to a lack of access to quality local children’s programming.** An entertainment diet dominated by international and commercially oriented screen entertainment was deemed to be turning children into “mini-consumers” and “killing our children’s imagination”²⁹: television for children during this period was

²³ Parliament of the Commonwealth of Australia (2023) Prominence and Antisiphoning Bill Explanatory Memorandum 2022-3, 2.

²⁴ Australian Children’s Television Foundation (2021) Modernising Television Regulation in Australia: Media Reform Green Paper, 3.

²⁵ Mecinski, N & Mullen, B (1999) Regulation of Children’s Television in Australia: Past and Present. *Media International Australia*, 93(1), 27.

²⁶ Potter, A. (2015) *Creativity, Culture and Commerce: Creating Children’s Content with Public Value*. Bristol: Intellect, 3.

²⁷ Edgar, P. (1981) The Australian Children’s Television Foundation. *Media International Australia*, 22(1), 47.

²⁸ Gorman, A (1981) The Australian Children’s Television Foundation.” *Metro Magazine* 57, 20.

²⁹ *The Age* (1976) TV ads are selling our children short. 18 June.



considered a “ghetto” that inculcated children into “consumer-oriented, commercial values.”³⁰ Television for children was even equated with a “drug problem” due to unacceptable standards driven by industry self-regulation, which positioned children as “fair game in the ratings count and as advertising targets.”³¹ For this reason, news media reportage throughout the ‘70s increasingly called for “increasing government force” to “take drastic action to upgrade the quality of child viewing.”³² Only then, articles of the period reported, can we culturally move on from the “terrible things TV does” for Australia’s children towards “positively creating better TV and seeing how TV can do children good.”³³ With the new industry and policy settings of the early ‘80s, came relief that the issue was being recognised: “teachers have been aware for years of the very poor quality of children’s television and at last this concern seems to be spreading throughout the community.”³⁴

From 1982 onwards, as the new policy and industry settings came into effect, the Australian children’s television sector **was hailed as setting a new global standard**,³⁵ eventually coming to enjoy its status as one of the most respected segments of the Australian entertainment industry. By 1990, it was reported that “it is a bizarre fact that in this year of turmoil and depression in the television industry, children’s television has never looked brighter,” and journalists often deemed the best quality programming in Australia to be that produced for children throughout the ‘80s and ‘90s.³⁶

The policy and industry settings that supported the rise and sustained success of Australian children’s television were hard won.³⁷ Yet in the streaming era, they no longer operate as designed to support the sector or children’s access to a robust selection of quality local programming. The issue of local content discoverability has been deemed a “fast-evolving policy area” by Screen Australia becoming increasingly pressing given that “it is important that audiences are presented with Australian options, including for content that algorithms may not necessarily present.”³⁸ The issue has been recognised since the initial rise of streaming video in Australia, **yet it has still not been addressed**. In 2017, the Australian and Children’s Screen Content Review identified “securing children’s content” as one of three key policy priorities, noting that “future policy settings will need to more closely align with the changing consumption habits of children” and how children engage with “different content genres online.”³⁹ Yet, the landscape around **children’s content is more precarious now than it was at the time of this 2017 review**. In the 2022 Streaming Services Reporting and Investment Scheme, the Government deemed the extant regulatory framework “out of date and unbalanced.”⁴⁰ The National Cultural Policy recognises that “some content sub-genres, especially children’s content, are at serious risk.”⁴¹

The need for policy reform has become urgent. A minimum prominence requirement for internet connected television devices that supports children’s easy access to quality local children’s television would mitigate the risk of a return to a situation like the pre-regulation climate deemed to be dire by sustained national headlines throughout the 1970s. During this period, such reportage emphasised children’s limited access to quality local programming and characterised their television consumption habits as guided not by a policy framework that served the public interest but by commercial priorities. Elements of the current streaming landscape replicate this situation, because, as stated in the Bill, internet connected television devices operate as “the gateways for users to access services, applications and content, and the availability and relative positioning of services and applications can influence the services that audiences are able to access and, in turn, the sustainability of particular services.”⁴² Indeed, our child audience research finds that children struggle to navigate such gateways to find Australian children’s television.

³⁰ *The Age* (1978) At last – children’s television is gaining welcome attention. 12 December.

³¹ *The Age* (1977) TV the ‘child’s drug problem.’ 27 April.

³² *TV Times* (1978) Govt. force needed for better children’s TV. 13 May.

³³ *Ibid.*

³⁴ Gorman, A (1981) The Australian Children’s Television Foundation. *Metro Magazine* 57, 10.

³⁵ *Cinema Papers* (1985) Children’s Hours. May.

³⁶ *The Age* (1990) These were the best for children in ‘90. 13 December; *The Sunday Age* (1990) Yarns for the Memory. 19 August; *The Advertiser* (1990) Round the Twist. 24 August.

³⁷ Edgar, P (2006) *Bloodbath: A Memoir for Australian Television*. Melbourne: Melbourne UP.

³⁸ Screen Australia (2022) National Cultural Policy Submission, 19.

³⁹ Department of Communications and the Arts (2017) Australian and Children’s Screen Content Review Consultation Paper, 9.

⁴⁰ Department of Communications and the Arts (2022) Streaming Services Investment and Reporting Scheme Consultation: Discussion Paper.

⁴¹ Australian Government Office for the Arts (2023) National Cultural Policy: Revive, 87-8.

⁴² Parliament of the Commonwealth of Australia (2023) Prominence and Antisiphoning Bill Explanatory Memorandum 2022-3, 4.

Our research thus evidences that internet connected television and streaming platform interfaces are “a new and evolving locus of media circulation power.”⁴³

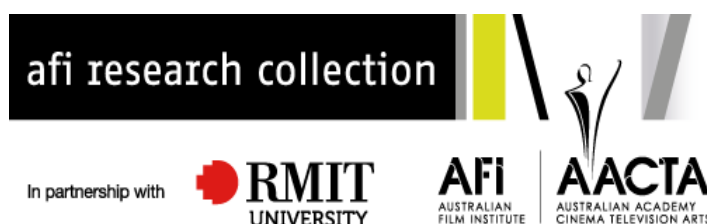
To conclude, this research demonstrates that if television is to continue to support “our national identity, cultural diversity and social cohesion”⁴⁴ by providing quality local programming accessible to children:

- it is necessary for minimum prominence requirements to make it easier for children to discover Australian children’s television through “the display, location or positioning of regulated television services”⁴⁵ on internet connected television devices.

Australian Children’s Television Cultures is a research project based at Swinburne University of Technology in collaboration with RMIT University, and in partnership with the Australian Children’s Television Foundation, which funds this project.



The Australian Film Institute Research Collection Fellowship is operated through the AFIRC archive based at RMIT in partnership with the Australian Film Institute and Australian Academy Cinema Television Arts.



⁴³ Hesmondhalgh, D & Lotz, A (2020) Video screen interfaces as new sites of media circulation power. *International Journal of Communication*, 14, 389.

⁴⁴ Parliament of the Commonwealth of Australia (2023) Prominence and Antisiphoning Bill Explanatory Memorandum 2022-3, 5.

⁴⁵ Ibid, 26.