

Chapter 4

Effectiveness of the current classification standards

4.1 This chapter investigates the operation of the current classification standards across television and radio broadcasting that form a significant element of each code of practice. It also considers the opinions and experiences of those who have raised concerns about various aspects of the effectiveness of the standards.

4.2 The Committee is aware that industry codes of practice contain broader information than classification standards. Given the lack of complaints by submitters on issues such as time occupied by non-program matter or closed captioning for hearing impaired or deaf people, for example, the Committee will restrict its analysis to classification standards only.

Classification of material

4.3 Section 123(2)(c) of the BSA allows each broadcasting industry group to include in their code of conduct its own system of classification for programs. If industry groups exercise the option to classify programs, it must comply with section 123A of the BSA, which reflects the principles set out in the Classification Act.

4.4 ACMA reports that:

As the Classification Act envisages, the process of making classification decisions is one of balancing rights and protections. A key guiding principle is that adults should be able to read, hear and see what they want. This principle must be balanced against the consideration that children should be protected from material that may harm and disturb them, and that everyone should be protected from exposure to unsolicited material that they find offensive.¹

4.5 Commercial television and open narrowcasting codes that elect to classify programs must also adhere to requirements relating to the classification of films.

4.6 ACMA notes that 'the concept of "community standards" is central to the classification principles'. Further, it states that:

The process of determining community standards is not a straightforward matter, as such standards are not able to be readily expressed or quantified. A pluralistic society such as Australia's will necessarily encompass multiple viewpoints, and there will be a variety of needs in relation to being able to access material, or being offered protections. The concept of a classification

1 Australian Communication and Media Authority, *Reality Television Review Volume 1*, Final Report, 30 March 2007, p. 12, http://www.acma.gov.au/webwr/assets/main/lib310007/acma_realitytvreview_finalreport_vol1_30mar07.pdf (accessed 8 April 2008).

framework is, however, based around the understanding that some form of judgement can be made, and that the standards so defined will be broadly accepted by the community.²

4.7 News, current affairs programs and sporting events are not required to be classified for television or radio broadcast. However, all codes of practice include provisions to ensure that material of this nature that is broadcast is suitable for the expected audience of the program.

Television classification

4.8 All television codes of practice use a series of classifiable elements to assist with the classification of a program. The frequency and treatment of the following elements in a program broadcast by any station will determine the classification:

- Violence;
- Sex and nudity;
- Coarse language;
- Drug use; and
- Themes (including adult themes, strong adult themes, medical procedures, supernatural themes, and horror).

4.9 'Impact' is also considered by all broadcasters in determining classifications—explicitly in the subscription television *Codes of Practice*,³ and implicitly with other broadcasters.⁴

4.10 Although broadcasters are not *required* under the legislation to consider the classifiable elements when implementing ratings for television programs,⁵ these classifiable elements are based to varying degrees on the *Guidelines for the Classification of Films and Computer Games*, made under the *Classification (Publications, Films and Computer Games) Act 1995*. This is explicitly acknowledged by a self-administering broadcaster, the ABC.⁶

2 Australian Communication and Media Authority, *Reality Television Review Volume 1*, Final Report, 30 March 2007, p. 13, http://www.acma.gov.au/webwr/assets/main/lib310007/acma_realitytvreview_finalreport_vol1_30mar07.pdf (accessed 8 April 2008).

3 Australian Subscription Television and Radio Association, *Subscription Broadcast Television Codes of Practice*, 2007, Subscription Broadcast Television, pp 6-9.

4 See explanation of 'Themes' in *Commercial Television Industry Code of Practice*, July 2004, Australian Broadcasting Corporation, *Code of Practice*, March 2007; and 'Television Classification Code' in Special Broadcasting Service, *Codes of Practice* 2008, pp 18-19.

5 Note, however, that commercial television broadcasters are required by the *Broadcasting Services Act 1992*, s. 123(3A) to apply the film classification system detailed in the *Guidelines for the Classification of Films and Computer Games*.

6 Australian Broadcasting Corporation, *Code of Practice*, March 2007, p. 11.

4.11 The *Guidelines for the Classification of Films and Computer Games* also asserts that assessing the impact of the material is an essential principle in determining classification, and that:

Assessing the impact of material requires considering not only the treatment of individual classifiable elements but also their cumulative effect. It also requires considering the purpose and tone of a sequence.⁷

4.12 There are strong similarities between program classifications that have been developed for commercial television stations Seven, Nine and Ten; ABC; SBS; and subscription broadcast television channels and the classifications required for films under the Classification Act. In ascending order, the film classifications are:

G General

PG Parental Guidance

M Mature

MA 15+ Mature Accompanied

R 18+ Restricted

X 18+ Restricted

RC Refused Classification.⁸

4.13 All broadcasters use the following classifications for television programs: G (General – suitable for all ages); PG (Parental Guidance recommended); and M (Mature). It should be noted that programs rated G and PG are not, necessarily, made specifically for children. The rating merely indicates that they do not contain elements that would require a more restrictive classification.

4.14 In addition, all broadcasters have a category for programs not suitable for people under 15 years (MA or MA 15+). SBS and commercial television stations include an additional classification for programs incorporating strong violence (MAV15+ and AV respectively). Subscription television stations include an R18+ (Restricted) category, although '[t]his classification category applies only to films'.⁹

4.15 With the exception of subscription television stations, codes of practice contain schedules of times when programs with different classifications can be screened. The schedule is based on 'the majority audience normally viewing at that time, with particular regard to the child component of the audience'¹⁰.

7 *Guidelines for the Classification of Films and Computer Games*, made under section 12 of the *Classification (Publications, Films and Computer Games) Act 1995*, p. 5.

8 *Classification (Publications, Films and Computer Games) Act 1995*, Part 2, s. 7(2).

9 Australian Subscription Television and Radio Association, *Subscription Broadcast Television Codes of Practice*, 2007, Subscription Broadcast Television, p. 9.

10 *Commercial Television Industry Code of Practice*, July 2004, p. 13.

4.16 SBS and commercial television channels may only show programs containing strong violence (MAV15+) between 9:30pm and 5:00am. The ABC Code of Practice requires that MA15+ programs begin no earlier than 9:30pm. SBS and commercial stations allow MA15+ and MA programs to begin at 9:00pm;¹¹ however, SBS notes that, in its case as an independent broadcaster:

The time zones indicated for each classification ... are guides to the most likely placement of programs within that classification. The recommended placements are not hard and fast rules and there will be occasions where programs or segments of programs will appear in other time slots.¹²

4.17 According to all codes of practice, programs rated M may be screened from 8:30pm. M-rated programs may also be shown between noon and 3:00pm on school days. PG programs may be screened on weekdays between 8:30am and 4:00pm and 7:00pm and 6:00am and on weekends at any time except between 6:00am and 10:00am. G-rated programs may be screened at any time.¹³ The timetable for weekday programming on commercial free-to-air television is at Figure 4.1 below.

Figure 4.1—Weekday Classification Zones Timetable

	5am	6	8.30	12pm	3	4	5	7	8.30	9	9.30	5am
P, C												
G												
PG												
M												
MA												
AV												

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4.18 Subscription television broadcasters may screen programs at any time although '[m]ost channels...schedule more adult material later in the evening'¹⁵:

The fact that the Subscription Broadcast Television (SBT) Codes of Practice do not contain classification time zone requirements, unlike the

11 Special Broadcasting Service, *Codes of Practice* 2008, p. 21; *Commercial Television Industry Code of Practice*, July 2004, p. 17; Australian Broadcasting Corporation, *Code of Practice*, March 2007, pp 12-15.

12 Special Broadcasting Service, *Codes of Practice* 2008, p.22.

13 Special Broadcasting Service, *Codes of Practice* 2008, p. 21; *Commercial Television Industry Code of Practice*, July 2004, p. 17; Australian Broadcasting Corporation, *Code of Practice*, March 2007, pp 12-15.

14 P & C – 'preschool' and 'children' are not classification standards. They are standards developed by ACMA that indicate programs made specifically for those age-groups.

15 Marion McCutcheon, *Is Pay TV Meeting Its Promise?*, Thesis for the degree of Doctorate of Philosophy of Murdoch University, 2006, p. 276.

codes for free-to-air television, reflects the different nature of SBT and free-to-air television industries and audiences.¹⁶

4.19 The Australian Subscription Television and Radio Association (ASTRA) argues that subscription television should be distinguished from free-to-air television because it is an 'opt-in' system in which the consumer chooses to enter into a contract to purchase certain services.¹⁷ In addition, all contracts executed between subscription broadcast television providers and patrons can include facility for a 'parental lock' function.¹⁸

4.20 Free-to-air and subscription television broadcasters are required to display the appropriate classification symbol of the program being screened at the beginning of the program. The classification symbol for a program being promoted will be displayed during the promotion. The commercial television stations also undertake to display the classification symbol 'as soon as practicable after each break'.¹⁹

4.21 The Commercial Television Industry Code of Practice also specifies that the appropriate classification symbol must be 'of at least 32 television lines in height, in a readily legible typeface, [and] must be displayed for at least 3 seconds'²⁰.

4.22 All free-to-air television broadcasting codes of practice require stations to provide audio and visual consumer advice²¹ at the beginning of each program. The code for commercial television stations also includes a voice-over script for each classification.

4.23 According to Free TV Australia, consumer advice:

[M]ust specify one or more of the classification elements set out below. Where the frequency of classification elements is not indicated in the listed terms, the adjective "some" or "frequent" should be used (e.g. "some nudity").

Language

- mild coarse language
- some coarse language
- frequent coarse language
- very coarse language

16 Department of Communications, Technology and the Arts, answer to question on notice 114, 24-27 May 2004.

17 Ms Debra Richards, Chief Executive Officer, Australian Subscription Television and Radio Association, *Committee Hansard*, p. 55.

18 Department of Communications, Technology and the Arts, answer to question on notice 114, 24-27 May 2004.

19 *Commercial Television Industry Code of Practice*, July 2004, p. 19.

20 *Commercial Television Industry Code of Practice*, July 2004, p. 19.

21 Consumer advice is information about the reasons for a particular classification (eg. contains mild coarse language).

- frequent very coarse language

Violence

- stylised violence
- mild violence
- some violence
- frequent violence
- realistic violence
- strong violence

Sex

- sexual references
- a sex scene
- sex scenes
- strong sex scenes

Drugs

- drug references
- drug use

Other

- adult themes
- strong adult themes
- medical procedures
- supernatural themes
- horror
- nudity²²

Radio

4.24 The Committee notes that the SBS *Codes of Practice 2008*, and the ABC *Code of Practice, March 2007* apply to both television and radio broadcasts.

4.25 Neither the Commercial Radio Australia *Codes of Practice and Guidelines* nor the *Community Radio Code of Practice* describes a system of classification that includes classifiable elements. Instead, both codes list material that may not be broadcast: that is, material that promotes or favourably depicts the behaviours in paragraph 4.23 above.²³ Programs with an explicit sexual theme as the core content may only be broadcast between 9:30pm and 5:00am.

22 Free TV Australia, Commercial Television Industry Code of Practice, July 2004, pp 20-21. [http://www.freetv.com.au/media/Code_of_Practice/Revised_Code_of_Practice_\(including%20amendment%20for%20election%20period\)_060907.pdf](http://www.freetv.com.au/media/Code_of_Practice/Revised_Code_of_Practice_(including%20amendment%20for%20election%20period)_060907.pdf) (accessed 28 May 2008). (slightly adjusted from original format for formatting purposes).

23 Commercial Radio Australia, *Codes of Practice and Guidelines*, September 2004, pp 4-5; *Community Radio Code of Practice*, <http://www.cbaa.org.au/content.php/20.html> (accessed 28 March 2008), Code. No. 2.

4.26 In considering the acceptability of language, 'the gratuitous use in a program of language likely to offend the anticipated audience for that program must be avoided' by the commercial radio licensee.²⁴

Effectiveness of the classification system - television

4.27 Among the views heard by the Committee was that:

[T]he current classification standards reflect current community standards. We do not believe that there is any evidence to support further restrictions to the classification standards.²⁵

4.28 Other submitters concurred with this view; a submitter noted that mechanisms for 'viewer education are more than adequate'²⁶ while the Young Liberal Movement Victoria went further, stating that:

YLM Vic believes that the current broadcasting and other classification codes are adequate to meet the community's needs. The codes facilitate the adequate provision of consumer information whilst preserving consumer choice. If anything, the codes go too far in regulating content and should, if anything, be relaxed.²⁷

4.29 Unsurprisingly, industry bodies and the independent broadcasters perceived the classification process as being very effective:

[T]he ABC believes its current policies, including effective classification, appropriate consumer warnings, awareness of target audience and context, and a rigorous complaints system, appropriately address community attitudes about what content should be broadcast. The ABC's Code of Practice operates effectively and allows flexibility for the Corporation to fulfil its obligations to a diverse Australian community.²⁸

4.30 In the case of community broadcasters, program producers are consulted when a program is classified. This is in addition to training that is provided to staff and volunteers to ensure that programs do not exceed the limits of their timeslot allocation:

Further, it is largely the case that community television stations approach classification quite cautiously. For example, if there is any doubt or question about the program classification it will usually be classified at the higher level to ensure a more sensitive audience is not likely to watch and be offended.²⁹

24 Commercial Radio Australia, *Codes of Practice and Guidelines*, September 2004, p. 5.

25 Liberty Victoria, *Submission 78*, p. 3.

26 Mr Edward Muscovaz, *Submission 17*, p. 1.

27 Young Liberal Movement Victoria, *Submission 57*, p. 2.

28 Australian Broadcasting Corporation, *Submission 80*, p. 2.

29 Community Broadcasting Association of Australia, *Submission 73*, p. 4.

4.31 However, the majority of respondents to this inquiry considered that one or more elements of the classification standards, applying to free-to-air television particularly, required adjustment or change. The Committee did not hear any evidence which suggested that subscription or community broadcasting services were the targets of significant complaints with regard to classification standards.

Symbols of the classification system

4.32 The Committee received evidence from YMA that the current classification symbols of G, PG and M:

... based as they are around the age of 15 yrs, (and not related to any real ages and stages of childhood) do not helpfully reflect the ages at which different age groups of children are vulnerable to certain portrayals.

YMA is of the view that these classifications would be more helpful, if they were changed to G (suits all), G8+ (suits those 8 and up) and G13+ (suits those 13 and up. These classes would then be followed by MA15+ (having legal force).³⁰

4.33 The Australian Family Association (AFA) has also expressed support for classification categories that differ from those currently used in classifying television programs, based on the Classification Act. The AFA notes that:

There are also continuing issues with classification categories that do not accurately reflect child and adolescent developmental needs. In many other countries, classifications include a category indicating appropriateness for older children or young teenagers. At present parents are often confused about the meaning of PG and M ratings for their child. Some M rated content might be better rated as PG 13+.³¹

4.34 Changing these symbols would bring Australia more closely in line with other countries, such as: Brazil, which has categories of appropriate viewing for under 16s, under 14s, under 12s, and under 10s, as well as more general viewing; Canada, which classifies children's viewing as suitable for under eight years and over eight years; and America, which distinguishes programs suitable for children above and below seven years.

4.35 The Office of Film and Literature Classification is responsible for classifying films under the Classification Act and broadcasting industries' codes are required to align with the film classification system. A qualitative research study among people of all ages in 2004 found that there was a common request to make film/video/DVD, TV and computer games classification symbols and advice the same, so that the system was as simple as possible for everyone to understand.³²

30 Young Media Australia, *Submission 79*, p.4.

31 Australian Family Association, *Submission 85*, pp 4-5.

32 Office of Film and Literature Classification, *Community Attitudes towards Media Classification and Consumer Advice*, March 2004, p. 7.

4.36 The Committee notes that the current classification symbols for film and television have high community recognition. The Committee is, therefore, reluctant to recommend a change of symbols or the addition of new symbols simply on the basis that other countries do it. However it is clear from many submissions to this inquiry that members of the community do not feel that the current system is sufficiently nuanced to provide reliable guidance as to the content of programs, particularly in the PG and M classifications.

4.37 It is also apparent from a number of submissions that viewers rely on the symbols to a much greater extent than on a detailed understanding of the wording of the standards or the codes of practice, however desirable that might be. Thus there may be benefits to be gained from introducing additional symbols which allow content to be matched more closely to particular age-groups.

Recommendation 3

4.38 The Committee recommends that ACMA investigate whether the inclusion of additional age-specific symbols in the G and PG categories offer any advantages over the current system.

Terminology

4.39 The consumer advice provided before a program is, of necessity, brief. Ideally it should be interpreted having regard to the actual standards set out in the code of practice. 'The enforcement of content and the notification of consumer advice'³³ can be improved but there must also be community awareness that, while consumer advice, along with a classification, is available, a 'wider understanding of the actual standards and their role is desirable'.³⁴

4.40 The clarity of the terminology used in the consumer advice of the classification standards was a source of concern to some, particularly in relation to 'impact' words (mild, moderate, strong) and terms such as 'very' or 'frequent' used as indicators of the incidence of coarse language. These terms were viewed as subjective and, according to the Community Broadcasting Association of Australia (CBAA), the result of this is that 'classification decisions are often made due to the personal opinion of the classifier'.³⁵

4.41 The Australian Christian Lobby (ACL) shares this opinion, agreeing that:

There is a great deal of leeway available to programmers in these loose guidelines and it is clear that television stations are more than willing to push the boundaries...³⁶

33 Mr Nicholas Green, *Submission 43*, p. 1.

34 Mr Peter Murray, *Submission 63*, p. 1.

35 Community Broadcasting Association of Australia, *Submission 73*, p. 4.

36 Australian Christian Lobby, *Submission 82*, p. 3.

4.42 Furthermore, the ACL believes that subjectivity in the consumer advice terminology is used by broadcasters to 'justify screening inappropriate content on artistic grounds.'³⁷ CBAA notes that:

Conversely, the understanding of program classification by the audience can also be a matter of opinion and perception. Various members of the community will have widely differing ideas of what may constitute 'moderate' or 'strong' impact.³⁸

4.43 The Committee is aware that such a clarification has been attempted for film classifications in the past. For example, in 1999, it was determined that coarse language at each classification could be identified:

At **G** level... [coarse language] might include "bloody" or "bugger".

At **PG** level... [coarse language] might include "shit".

At **M**... [coarse language] includes "f***".³⁹

4.44 These film guidelines contain no advice on how the terms 'some' and frequent' should be interpreted.

4.45 Free TV Australia notes the difficulty under the current classification system with assigning classification based on a count of certain words or behaviours:

The suitability of material for broadcast will depend on the frequency and intensity of the classifiable elements in the program, such as violence, sexual behaviour, nudity and coarse language. It will also depend on a range of other factors, such as the merit of the production, the purpose of a sequence, the tone, the camera work the relevance of the material, and the treatment. These factors must all be taken into account and carefully weighed.

This means that some actions, depictions, themes, subject matter, treatments or language may meet current community standards of acceptability in one program, but in another program may require a higher classification or be unsuitable for television.⁴⁰

4.46 The Committee appreciates the difficulty in developing codes of practice that are less subjective. However, industry bodies should make every effort to ensure consumer advice is as descriptive as possible. With regard to consistency, more detailed definition of the meaning of terms used should be included in codes of practice.

37 Australian Christian Lobby, *Submission 82*, p. 3.

38 Community Broadcasting Association of Australia, *Submission 73*, pp. 4-5.

39 *Guidelines for the Classification of Films and Videotapes* (Amendment No. 2) (GN 22, 2 June 1999) p. 2433.

http://www.ag.gov.au/www/agd/agd.nsf/Page/Classificationpolicy_Classificationlegislation (accessed 28 May 2008)

40 Free TV Australia, *Submission 55*, p. 9.

4.47 The Committee does not support the adoption of codes that proscribe specific words or phrases or seek to protect particular individuals or institutions from criticism or abuse. A brief review of the content of the lists of proscribed material produced by the Hays Office in the 1930's to control content of US films or the BBC's *Green Book* which set out guidelines for content in post-war Britain, suggests that the most immediate consequence of attempting such a list in contemporary Australia would be to expose the authors to ridicule.⁴¹

Recommendation 4

4.48 Each industry code of practice should clarify terms used for classification and consumer advice as much as is practicable (eg. 'occasional', 'some' and 'frequent'). Codes should also contain a clear discussion on the principles for classification, such as 'impact', that may be used to determine a program's classification.

4.49 It should also be noted that ACMA, in responding to complaints, usually includes extensive discussion of the reasons for its findings, which, by reference to specific examples, provide guidance to interpretation of terms. For example, in August 2006 ACMA upheld a complaint against an ABC program which looked at the content and history of a collection of erotic art accumulated by the Czarina Catherine the Great.

4.50 The report on ACMA's findings is seven pages long and, by relating the content of the program to the terms used in the classification code and discussing the nature of the complaint, and the ABC's defence of the M classification it had given the program, provides a very useful guide to the interpretation of terms used in classification. It also explores contextual and other factors relating to the treatment of the subject matter and the extent to which they influence the classification given to the program. The ABC noted, for example that the program's focus was on the artistic merit and historical background to the collection.

4.51 ACMA found that:

Although the code permits descriptions and depictions of sex and sexual activity in the context of a documentary, and while the depictions are

41 For example the Hays Office did not permit the portrayal of married couples (or anybody else) sharing a double bed, while David O Selznick, the producer of *Gone with the Wind*, required a special dispensation to include the final word of the phrase 'Frankly my dear, I don't give damn'. Sassoon, Donald, *The Culture of the Europeans: From 1800 to the Present*, p. 965. The *Green Book* banned '... jokes about lavatories, effeminacy in men, immorality of any kind; suggestive references to honeymoon couples, chambermaids, fig leaves, ladies' underwear'. This at a time when the *double entendre* was the stock in trade of popular culture, from sea-side postcards to the music halls. (Independent on Sunday, (UK), Jan. 12, 2003.)

artistic representations, it is considered that the cumulative impact of these classifiable elements is strong and therefore exceeds the M classification.⁴²

4.52 The Committee acknowledges that the ordinary viewer should not have to go to a multi-volume dictionary or the ACMA website for guidance before they turn on the TV for a quiet night in. However the community should be aware that there is an extensive and constantly evolving body of work which underpins the classification symbols and viewer advice.

Appropriateness of content within classifications

4.53 Of concern to some was that the classification categories of G, PG and M, in particular, are too permissive with what can be broadcast. Mrs Carol V. Phillips summarised this view, stating that:

There seems to be just a—I do not know the word for it—but a watering down of the standards set for what is offensive and what is not and what is appropriate and what is inappropriate in particular classifications.⁴³

4.54 Contributors to the inquiry made a number of recommendations to the Committee on how issues problems relating to clarity could be addressed. In the first instance, the Festival of Light noted that:

Parents, in particular, want a G classification which is guaranteed to be free of sex, drug use and nudity rather than being told that any treatment of these elements will have “very mild impact”.

At the top end of the scale it is important to clarify what will not be permitted even in the highest (MA15+/AV15+) classifications.⁴⁴

4.55 The Catholic Archdiocese of Adelaide offered a practical example of what might be done to clarify and improve what it considered to be poorly expressed classification categories with regard to language. Figure 4.2 shows the Archdiocese's written depiction of the current classification system. Figure 4.3 is the Archdiocese's suggestion for improvement.

Figure 4.2—Representation of current classification standards

Classification	Description	Frequency	Context
G General	Very Mild	Infrequent	When absolutely justified by storyline or context

42 Australian Communications and Media Authority, *Investigation Report 1685*, August 2006 http://www.acma.gov.au/webwr/_assets/main/lib100638/report%201685%20-%20abc%20tv%20-%20the%20lost%20secret%20of%20catherine%20the%20great%20-%20woodcock%20-%2020300106.pdf (accessed 6 June 2008)

43 Mrs Carol V. Phillips, *Committee Hansard*, 23 May 2008, p. 67.

44 Festival of Light, *Submission 51*, p. 5.

PG Parental Guidance	Low Level	Infrequent	When justified by storyline
M Mature	No description	Infrequent [more frequent if justifiable]	When appropriate to storyline. Not very aggressive.
MA Mature Audience	Very Coarse	Not overly frequent or impactful	Important to storyline

Figure 4.3—Representation of proposed adjustments to classification standards

Classification	Description	Frequency	Context
G General	None	None	None
PG Parental Guidance	Very Mild	Very Infrequent	When absolutely justified by storyline or context
M Mature	Low Level	Infrequent	When justified by storyline
MA Mature Audience	Coarse	Infrequent [more frequent if justifiable]	When appropriate to storyline.

4.56 Under the Adelaide Archdiocese's scheme, the G category could contain no material that could cause offence regardless of the circumstances.⁴⁵ Mr Paul Russell of the Catholic Archdiocese of Adelaide indicated that he was aware that terminology is still an issue, but that his classification system is a 'starting point'. In his view 'the timeslot principle is probably a more appropriate thing that I would like to look at'.⁴⁶

4.57 YMA also identified 'problems with the application [of classification criteria] to programs and to films on free-to-air TV'.⁴⁷ This sentiment was echoed by a number of contributors, who feel that the classifications standards are not necessarily wrong but are being misapplied:

[C]hild friendly and family viewing programs...have increasingly been taken over by adult themes.⁴⁸

45 Judging by the sensitivity of some of those who have made submissions to the Committee this would prove a very difficult objective.

46 Mr Paul Russell, Senior Officer, Office of Family and Life, Catholic Archdiocese of Adelaide, *Committee Hansard*, p. 72.

47 Young Media Australia, *Submission 79*, p. 4.

48 Ms Libby Battacci, *Submission 21*, p. 1.

The violence and explicit sexual content on TV seems to be creeping into earlier and earlier time slots, making it less of a medium for families to utilize.⁴⁹

4.58 In fact, programs classified PG may include low level coarse language, sexual content and violence that is mild in impact and adult themes that are 'carefully handled and mild in impact'.⁵⁰ Thus many parents may find PG material unsuitable, particularly for younger children.

4.59 There does appear to be a broad consensus that the G category should be contain extremely low levels of material that could be confusing or disturbing to children or that parents might find unsuitable or offensive. However the difficulty of applying this in practice is illustrated by the acceptability of words like 'bloody' and 'bugger' in the G classification for films, terms that a number of those who made submissions to this inquiry would find offensive.

Time zones

4.60 As discussed above, time zoning seeks to restrict particular classifications to times of day when children and young people are likely to be watching television. Many submissions argued that the utility of times zones was being undermined in two ways; the actual time zones no longer reflect the realities of children's behaviour and, as discussed above, the content that is allowed in early evening time zones is becoming 'more adult'.

4.61 With regard to the actual times it is argued that:

Whilst the current broadcasting codes of practice thoroughly address the issue of time slots and the subsequent time-appropriate language, over time the zones have become out of touch with the realistic television patterns of children.⁵¹

It is claimed that children are staying up later in the evening from earlier ages and thus are exposed to M rated material which is not appropriate for them.

4.62 The Committee is not aware of any research that actually demonstrates this, though it does appear to be a widely held view, and does not wish to recommend changes to time zones without some sound evidence on the subject. Moving the M and higher classification to later in the evening would tend to reduce the opportunities for adults to watch programs suitable for mature audiences.

49 Mr Peter Green, *Submission 44*, p. 1.

50 *Commercial Television Code of Practice*, p.24.

51 Federation of Parents and Citizens' Association of New South Wales, *Submission 53*, p. 3.

Recommendation 5

4.63 The Committee recommends that ACMA and Free TV Australia investigate, as part of the current review of the Commercial Television Code of Practice, the issue of the appropriateness of the current evening time zones having regard to claims of changed patterns of television usage by children.

4.64 The inquiry has heard that despite the consultation undertaken by the industry bodies in developing appropriate classifications, viewers may link assumptions about what constitutes a child-friendly show to the time zone in which the program is broadcast rather than primarily consider the classification that the program has been given. Mr Russell from the Adelaide Archdiocese commented that:

Parents will actually rely on time slots more than they do on program ratings. Time is a far easier tool for management for mums and dads because there is a direct relationship between bed times and the ages of their children and, therefore, the times that they will be watching television. Parents know that at the later time of viewing, the greater is the likelihood that their children might encounter a program containing elements deemed by them as inappropriate.⁵²

4.65 The problem of relying on a general understanding of time zones rather than the classification and consumer advice attached to particular programs was clearly expressed in a number of submissions to the Committee. For example;

It causes me much concern that "family" viewing times on TV are continually imbued with sex content, foul language and brutal scenes and dialogue expressing extreme violence and suffering.⁵³

4.66 The assumption that pre-8.30 television is a period for 'family viewing' and will only contain the mildest of material seems to be widespread.

4.67 The Committee is aware that the realities of domestic life make it difficult for many parents to monitor and control what children watch. Parents may not be present at the start of each program or when a program returns from a commercial break to see the classification symbol displayed; they may not be present at all times to control 'channel surfing'; an older child may have disproportionate influence on the viewing practice of younger siblings or the short-term benefits of an 'electronic baby sitter' may overcome a parent's concern about content.

4.68 At the practical level of assisting parents to manage their children's viewing or listening codes and time zoning may be considered rather blunt instruments. They can only provide general guidance. The Committee has made various recommendations

52 Mr Paul Russell, Senior Officer, Office of Family and Life, Catholic Archdiocese of Adelaide, *Committee Hansard*, p. 70.

53 Mr Peter Phillips, *Submission 68*, p. 1.

that may refine them to a degree but they cannot replace parental choice and supervision.

4.69 Current affairs programming and live sports broadcasting are not subject to classification. There have been complaints to this Committee and elsewhere about the content of news and current affairs programming and about advertising during sports broadcasting.

4.70 Current affairs broadcasting, as it tends more towards 'infotainment' relies increasingly on a diet of graphic and sensationalised reporting of violent crime, spectacular accidents and the like. These stories often have little intrinsic merit as news but do provide an opportunity to screen graphic images during early evening time slots which may be distressing to children.

4.71 A second category of news or current affairs story that is a cause of some concern is when television programs themselves become the story. For example, Mr Ramsay's programs and the some of the more prurient incidents in 'Big Brother' have become news stories. This results in the very material that was found offensive by some in a later time slot being televised much earlier in the evening as part of a news or current affairs program. With regard to live sports broadcasts complaints focussed on advertising which was considered unsuitable for children and young people.

Recommendation 6

4.72 The Committee does not wish to tell television stations what they should or should not include in news and current affairs programming. However it recommends that ACMA, in consultation with broadcasters, review the sections of the Classification Code applying to news and current affairs programming, with regard to the use of graphic and disturbing imagery and excerpts from M or higher rated programs in news and current affairs broadcasting in early evening time zones.

Program promotions

4.73 A common complaint made to the Committee was with regard to promotions for later programs screened by the network which were shown in earlier time zones.

There have been ongoing problems with Broadcasters airing higher impact promotional programming for their own shows containing depictions of sexual or violent behaviours or themes. This can include promotion for current affair program content. Such promotion is not in keeping with respect for the integrity of the code or with respect for the needs of children.⁵⁴

54 Australian Family Association, *Submission 85*, p. 9.

4.74 Some contributors went further, suggesting that the 'promotion of programs for more mature audiences within lower classified programs' should be limited.⁵⁵ The Commercial Television Code of Practice states that PG programming is allowed during G time zones such as 4:00pm – 6:00 pm weekdays. During that time period, news, current affairs or sports programs may contain promotions for M programs as it is considered that these programs are unlikely to attract large audiences of children.⁵⁶

4.75 Evidence was received that audiences find it difficult to exercise their right to turn off the TV to avoid offensive promotions for programs during ad breaks when the content of the show being promoted is not known:

I accept the argument that if I don't like Gordon Ramsay swearing his head off, I choose another channel, watch a DVD or turn the tube off. It is difficult to turn off the tube not knowing the content of the 15 second previews while watching a program about how to build a dog shed.⁵⁷

4.76 Mr David Coleman, on behalf of the Nine Network observed that promotions for shows with a higher classification than the program currently screening is prohibited under the code unless it has been modified so that inappropriate material is not screened:

[O]ur classifier will sign off on a promotion for an M-rated program that appears in PG that the promotion itself is PG in nature. So any of that M-related content would not appear in a promo.⁵⁸

4.77 Free TV Australia notes that promotions for station programs are classified and a symbol with the correct classification for the program is displayed.⁵⁹ However, the symbol must only be displayed for three seconds and the placement of the symbol is not prescribed. A voice-over program promotion transmitted during the closing credits of a program is not required to comply.⁶⁰

4.78 The Committee is aware of the sensitivity surrounding the promotion of station programs and notes the need for broadcasters to be vigilant in ensuring that codes of practice are adhered to.

55 Young Media Australia, *Submission 79*, p. 6.

56 Free TV Australia, *Commercial Television Industry Code of Practice*, July 2004, p. 29. [http://www.freetv.com.au/media/Code_of_Practice/Revised_Code_of_Practice_\(including%20amendment%20for%20election%20period\)_060907.pdf](http://www.freetv.com.au/media/Code_of_Practice/Revised_Code_of_Practice_(including%20amendment%20for%20election%20period)_060907.pdf) (accessed 28 May 2008).

57 Mr Edward O'Brien, *Submission 72*, p. 1.

58 Mr David Coleman, Director of Strategy and Regulatory Affairs, PBL Media, *Committee Hansard*, 23 May 2008, p. 6.

59 Ms Julie Flynn, Chief Executive Officer, Free TV Australia, *Committee Hansard*, 23 May 2008, p. 8.

60 Free TV Australia, *Commercial Television Industry Code of Practice*, July 2004, pp 20-21. [http://www.freetv.com.au/media/Code_of_Practice/Revised_Code_of_Practice_\(including%20amendment%20for%20election%20period\)_060907.pdf](http://www.freetv.com.au/media/Code_of_Practice/Revised_Code_of_Practice_(including%20amendment%20for%20election%20period)_060907.pdf) (accessed 28 May 2008).

Recommendation 7

4.79 Free-to-air television stations should show the classification watermark throughout program promotion to increase viewer awareness of the classification of the program being promoted.

New ideas for consideration

4.80 The Committee has heard evidence proposing new items for inclusion in a revised broadcasting codes of practice for free-to-air television, including the 'classification watermark', supported by submissions 4, 32 and 70; and the inclusion of the classification mark and classifiable elements in electronic programming guides (EPG) for Digital Television:

Regardless of the accuracy of the current classification standards, they are simply not effective because program classifications are only notified onscreen briefly prior to commencement of the program. To be functional, the classification of any non-G-rated TV program being broadcast between (say) 0500 and 2030 must be displayed on-screen at all times. The classification should also be transmitted as part of the EPG information available for optional self-censorship through digital tuners.⁶¹

Recommendation 8

4.81 The Committee recommends that television broadcasters should give consideration to permanently displaying the classification symbol of a program on screen along with the letters indicating which classifiable elements are present in the program. The Committee believes that there is scope for broadcasters to place this information next to watermarks, which are now displayed by all free-to-air stations.⁶²

Recommendation 9

4.82 The electronic programming guide on digital free-to-air television stations should contain the classification of the program being viewed and the consumer advice relevant to the program.

Effectiveness of the classification system - radio

4.83 Criticisms of radio programs did not feature as prominently as for television programs, although it was still subject to comment such as, 'on radio, the boundaries of the kinds of language used pushes further and further towards coarseness,

61 Mr Rory Delaney, *Submission 32*, p.1.

62 The public debate over the introduction of watermarks suggests that further watermarking would not be well received. Perhaps stations might consider replacing their own 'branding' with more socially useful classification information.

particularly on the popular music stations.⁶³ The Australian Christian Lobby (ACL) stated that:

If the television classification standards are not a reliable guide on the content of a program, the situation is far worse for radio.

Commercial radio programming is governed by its own Code of Practice and Guidelines with the ACMA acting as the regulator. The commercial radio code does not include a ratings system, meaning that there are no announcements made as a guide to the likely program content.⁶⁴

4.84 The majority of those who commented on the effectiveness of the classification system for radio made the link that radio should have a classification system similar to television, particularly in relation to the verbal warnings that are broadcast on television prior to the start of programs.

A similar classification structure as for television, therefore, should be put into place for radio, with announcements before programmes that are aimed at mature audiences, based on both the programme content, and the advertising content. There is also a need for warnings to be announced at various times throughout a programme, since not everyone tunes in before a programme begins.⁶⁵

4.85 The Committee is aware that some of the same objections applied to television can also be applied to radio.

Recommendation 10

4.86 The Committee recommends that ACMA, in consultation with industry bodies for radio, considers implementing the use of verbal warnings in their next codes of practice.

4.87 In conclusion the Committee wishes to reiterate its view that broadcasting codes with regard to programme content cannot satisfy every member of the community, they can only seek to reflect a broad consensus. Similarly, striking the balance between the freedom of adults to watch what they wish and the need to protect children will not be achieved to the satisfaction of all. Thus complaints about the system should not, automatically, be assumed to mean that it is failing.

4.88 The Committee believes that the combination of rating systems, consumer advice and time zoning is an effective way of reconciling the competing objectives of the regulatory system and the range of views in the community about program content. Thus the Committee has not recommended any radical changes to the system. It believes that a process of constant refinement is the appropriate direction to take –

63 Mr Gerard and Mrs Andrea Calihanna, *Submission 61*, p. 1.

64 Australian Christian Lobby, *Submission 82*, p. 12.

65 Young Media Australia, *Submission 48*, p. 9.

regular sampling of community opinion to ensure that Codes of Practice are broadly reflective of it and constant review of and improvement to ratings systems and consumer advice to assist individuals, particularly parents to manage their, and their children's, viewing habits.

4.89 The Committee notes that ACMA already samples public opinion and tests community standards through its specific inquiries and its research program. It might be a valuable additional tool if ACMA established an annual opinion survey on matters with regard to broadcasting standards. By testing public opinion on issues of continuing importance and newly emerging issues such a survey would provide a valuable indicator of current attitudes and of shifts in attitude taking place over time.⁶⁶

66 In making this suggestion, the Committee has in mind the annual Lowy Institute poll, *Public Opinion and Foreign Policy*.