

**GOVERNMENT RESPONSE
INQUIRY INTO THE SEXUALISATION OF CHILDREN IN THE
CONTEMPORARY MEDIA ENVIRONMENT**



Australian Government

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**Senate Committee on Environment, Communications and the Arts
Inquiry into the sexualisation of children in the contemporary media
environment**

Australian Government Response to the Committee's Report

July 2009

Introduction

The Senate Standing Committee on Environment, Communications and the Arts conducted an inquiry in early 2008 into the sexualisation of children in the contemporary media environment, including radio and television, children's magazines, other print and advertising material and the Internet.

The Senate referred the matter of the sexualisation of children in the contemporary media environment to the Senate Committee on the 12 March 2008. The terms of reference for the inquiry covered:

- the sources and beneficiaries of premature sexualisation of children in the media;
- the evidence on the short- and long-term effects of viewing or buying sexualising and objectifying images and products and their influence on cognitive functioning, physical and mental health, sexuality, attitudes and beliefs; and
- strategies to prevent and/or reduce the sexualisation of children in the media and the effectiveness of different approaches in ameliorating its effects, including the role of school-based sexuality and reproductive health education and change in media and advertising regulation such as the Commercial Television Industry Code of Practice and the Commercial Radio Codes of Practice.

The Committee received over 160 submissions from a wide range of interested individuals and organisations. On 26 June 2008 the Committee tabled its report to the President of the Senate. The report makes 13 recommendations, including that the Senate review the issue again in 18 months time.

The report calls on broadcasters and publishers to review their own content that is of concern (music videos that show sexualising imagery), and for publishers to consider providing reader advice on the cover of magazines indicating the presence of material that may be inappropriate for children.

In regard to children's television, the report recommends that the Australian Communications and Media Authority (ACMA) consider revising the Children's Television Standards to enable 'block scheduling of children's content, and also for broadcasters to consider establishing dedicated children's television channels'.

The report also calls on the Advertising Standards Board (ASB) and Free TV Australia to consider establishing a media and advertising complaints clearing house.

In regard to the ASB, the report makes a number of recommendations in relation to classification of billboards and outdoor advertising, advertising to children, pre-vetting advertisements which are likely to cause offence, and the development of processes for community consultation.

The report also recommends that state and territory governments consider the introduction of comprehensive sexual health and relationships education programs into all Australian schools.

Regulation of broadcasting and images of children

Commercial television and radio services are currently provided under a co-regulatory framework that recognises the importance of ensuring that programs reflect community standards and provides a means by which the community can formally express its views to commercial broadcasters.

The *Broadcasting Services Act 1992* requires sections of the commercial broadcasting industry to develop self-regulatory codes of practice to deal with the content of television and radio programs and methods for handling complaints. The Australian Communications and Media Authority (ACMA) is responsible for overseeing the development of these codes, which include rules for prohibited content and classification guidelines for content that may be considered offensive, such as sexualised images of children.

- The Commercial Television Industry Code of Practice includes classification guidelines for the broadcast of programs and advertising within particular time periods. The guidelines relate to a range of matters including adult themes, offensive language, violence, sex and nudity and are intended to be in accordance with prevailing community attitudes.
- The Subscription Broadcast Television Codes of Practice also includes guidelines for the classification of programs.
- The Commercial Radio Codes of Practice requires radio content to meet contemporary standards of decency having regard to the likely characteristics of the audience.

The ACMA Children's Television Standards (CTS) also sets out rules for the quantity, classification and scheduling of children's programming on commercial free-to-air television, including restrictions on advertising directed to children, to ensure that children have access to programming that is suited to their needs while also ensuring that children are protected from television content that is unsuitable for them.

The national broadcasters' codes of practice reflect their legislative Charters. The ABC Code of Practice comprises a range of general program codes covering ABC policy on the portrayal of violence, language, sex and sexuality, discrimination and privacy, as well as specific codes covering children's programs, religious and indigenous programs, the portrayal of women and the avoidance of stereotypes. The Code also covers mandatory program content warnings and program classifications, and complaints handling.

The SBS Code of Practice details SBS's obligations concerning program classification, consumer advice and complaints handling, advertising and

sponsorship. Program policies cover levels of violence, sex and nudity and the use of language, as well as particular reference to issues of prejudice, racism and discrimination.

Complaint handling

ACMA handles certain complaints about television and radio content. In the first instance, complaints about content should be submitted in writing to the relevant broadcaster within 30 days of the broadcast at issue. However, under the *Broadcasting Services Act 1992*, if a complaint is not answered within 60 working days of being received or satisfactorily dealt with, then the matter may be referred to the ACMA. Subscription television broadcasters have 60 days to respond. Complaints about issues covered by the Australian Content Standard and the CTS can be made in writing directly to ACMA.

A number of other issues relating to broadcasting content are not handled by ACMA. Other relevant agencies that have complaint procedures for handling broadcasting content issues include:

- Australian Competition and Consumer Commission - for complaints about false, misleading and deceptive conduct in advertising;
- Advertising Standards Bureau - for complaints about the decency of advertisements, whether on television, radio, Internet, print or elsewhere; and
- Australian Press Council – for complaints about the print media, including articles in newspapers and magazines.

Since April 2008, decisions made by the Advertising Standards Bureau's Advertising Standards Board in relation to complaints about advertisements may be reviewed by an Independent Reviewer.

Advertising and images of children

Under the television codes, television commercials must comply with the self-regulatory Advertiser Code of Ethics and the Code for Advertising and Marketing Communications to Children developed by the Australian Association of National Advertisers (AANA). These codes deal with the decency and social responsibility of advertisements, particularly in relation to children.

In April 2008, the AANA released a revised Code for Advertising and Marketing Communications to Children after extensive public consultation which now specifically prohibits the use of sexual imagery of children in advertising or marketing, whether in print, on television or online.

The inquiry's report does not address the sexualisation of children in art photography. However, the Government recognises there must be a sensible approach to the

allocation of public funds for arts projects which takes into account community standards.

The Australia Council, the Government's principal arts funding body, has developed protocols in consultation with the community regarding the depiction of children in artworks, exhibitions and publications that receive Australian government funding. Adherence to these protocols will be a condition of funding for projects supported by the Australia Council and other government arts agencies. These protocols took effect from 1 January 2009.

With respect to material on the internet, at their meeting on 6 November 2008 Censorship Ministers requested the Secretary of the Standing Committee of Attorneys-General (Censorship) convey to relevant peak bodies the Ministers' view that organisations which use images of children in advertising for commercial gain should consider developing protocols regarding the content and format of such advertisements online.

National framework for protecting Australia's children

The Government is pursuing a broad children's policy agenda, including the development and implementation of a National Child Protection Framework. The Government allocated \$2.6 million in the 2008-09 Budget to developing the Framework, recognising that the safety and wellbeing of Australia's children is critical. Action will focus on preventing abuse through early intervention and better integration of family services, and will drive best practice across jurisdictions and government and non-government sectors through clearer national reporting and accountability mechanisms.

The Government is leading a consultation process towards a practical, action-focused framework that makes a difference in the lives of children. Consultation is occurring with appropriate stakeholders including state and territory governments, peak organisations and non-government organisations working with children, families, out-of-home care systems and foster carers.

Recommendations and Australian Government Response

Recommendation 1

The Committee considers that the inappropriate sexualisation of children in Australia is of increasing concern. While noting the complexity of defining clear boundaries around this issue, the Committee believes that preventing the premature sexualisation of children is a significant cultural challenge. This is a community responsibility which demands action by society. In particular, the onus is on broadcasters, publishers, advertisers, retailers and manufacturers to take account of these community concerns.

Noting this heightened concern, the Committee believes that this issue should be followed up and therefore recommends that the steps taken to address it by industry bodies and others should be further considered by the Senate in 18 months time.

Australian Government Response

The Government notes this recommendation.

Recommendation 2

The Committee recommends that the Commonwealth, through the National Health and Medical Research Council or other appropriate body, commission a major longitudinal study into the effects of premature and inappropriate sexualisation of children.

Australian Government Response

The Government agrees in principle with this recommendation.

The National Health and Medical Research Council (NHMRC) is Australia's main health and medical research funding body, and is tasked with developing health advice for the Australian community, health professionals and governments, and providing advice on ethical behavior in health care and in the conduct of health and medical research. The NHMRC has advised that this topic falls outside the range of health and medical research that it commissions. The Government will explore other opportunities for the conduct of the proposed research.

Recommendation 3

The Committee recommends that, as part of its review of the Children's Television Standards (CTS), the Australian Communications and Media Authority consider revising the requirement that CTS content be broadcast for at least half an hour per day to enable broadcasters to schedule it in extended blocks at times which are more likely to attract children to watch it.

Australian Government Response

The Government supports this recommendation.

ACMA's draft *Children Television Standards 2008* (CTS) were released on 27 August 2008 for public comment. The draft CTS provide licensees with an additional flexible scheduling option for the broadcast of children's (C) programs. While the mandatory annual quota of 260 hours per year has not changed, licensees can choose to broadcast C programs in blocks of a minimum of one hour duration and on a minimum of two days per week.

ACMA considers that giving licensees the alternative option of broadcasting C programs in minimum 60 minute blocks and on a minimum of two days per week has

the potential to benefit the child audience by providing increased flexibility for broadcasters to determine how better placement of C programs could occur.

ACMA proposes to review this change after 12 months to ensure that it is not having adverse effects on the scheduling of C programs.

Consultation on the draft CTS closed on 17 October 2008 and ACMA anticipates that the CTS will be finalised in the second half 2009.

Recommendation 4

The committee recommends that broadcasters review their classification of music videos specifically with regard to sexualising imagery.

Australian Government Response

The Government notes this recommendation.

The Government believes that the classification system is intended to reflect community standards. At present, complaints statistics indicate a low level of community concern about music videos. Statistics provided to the Government by Free TV Australia show that, of all complaints received by broadcasters over the past 5 years, only 0.8% have been about a music video program. Free TV Australia has also advised that there was no level of concern raised in the 1300 submissions to the last Code review.

Recommendation 5

The Committee recommends that broadcasters consider establishing dedicated children's television channels.

Australian Government Response

The Government notes the recommendation and has provided funding for the establishment and ongoing costs of a digital children's channel on the ABC.

Recommendation 6

The Committee recommends that publishers consider providing reader advice, based on the Office of Film and Literature Classification systems of classifications and consumer advice, on magazine covers indicating the presence of material that may be inappropriate for children.

Australian Government Response

The Government notes this recommendation, while recognising that there would be considerable practical difficulty for publishers in implementing such a system.

The Government notes that since 1 July 2007, the Office of Film and Literature Classification has been integrated into the Attorney-General's Department. The National Classification Scheme remains unchanged. Classification decisions are made by the independent Classification Board and Classification Review Board which are supported by a co-located secretariat comprising public servants from the Attorney-General's Department.

Recommendation 7

The Committee recommends that, in 18 months, the Senate review the effectiveness of the operation of the Australian Association of National Advertisers' Code for Advertising and Marketing Communications to Children, introduced in April 2008.

Australian Government Response

The Government notes this recommendation.

Recommendation 8

The Committee recommends that the Advertising Standards Board and Free TV Australia consider establishing a media and advertising complaints clearing house whose functions would be restricted to:

- receiving complaints and forwarding them to the appropriate body for consideration;
- advising complainants that their complaint had been forwarded to a particular organisation; and
- giving complainants direct contact details and an outline of the processes of the organisation the complaint had been forwarded to.

Australian Government Response

The Government notes this recommendation, and recognises that Free TV Australia directs complaints to the appropriate broadcaster. Free TV Australia has also advised that it maintains a close working relationship with the Advertising Standards Board to enable each organisation to direct complaints to one another as necessary.

Recommendation 9

The Committee recommends that the Advertising Standards Board produce a consolidated half-yearly list of all complaints, including those received by 'phone, where the impact of an advertisement on children, however described, is a factor in the complaint.

Australian Government Response

The Government notes this recommendation, but recognises that the Advertising Standards Board is an independent organisation.

Recommendation 10

The Committee recommends that the Advertising Standards Bureau consider adopting a process of pre-vetting advertisements either (a) at the request of the advertiser where they are concerned that the content of the material may be pushing the boundaries of the codes or (b) where an advertiser or agency has regularly produced advertising material that has been the subject of complaints.

Australian Government Response

The Government notes this recommendation. Commercial television broadcasters review all advertisements prior to them being publicly released. However, subscription broadcasters and commercial radio broadcasters do not review all advertisements prior to them being publicly released. The Government will ask ACMA to raise this with the subscription television and commercial radio broadcasters in the context of the reviews of their Codes of Practice.

Recommendation 11

The Committee recommends that, to ensure that the Advertising Standards Board is able to make determinations that are in keeping with prevailing community standards, the Advertising Standards Bureau should develop a formal schedule or process for community consultation, including the use of focus groups, and research to act as a benchmark for board determinations.

Australian Government Response

The Government notes this recommendation, but recognises that the Advertising Standards Board is an independent organisation.

Recommendation 12

The Committee recommends that the Advertising Standards Board rigorously apply standards for billboards and outdoor advertising to more closely reflect community concern about the appropriateness of sexually explicit material and the inability of parents to restrict exposure of children to such material.

Australian Government Response

The Government notes that the Advertising Standards Board is an independent organisation. Moreover, the Government recognises that the placement of billboards

and other outside advertising material is within the purview of local councils and/or state government planning bodies.

Recommendation 13

The Committee recommends that state and territory governments, which have the responsibility for education, consider the introduction into all Australian schools of comprehensive sexual health and relationships education programs which are inclusive of both young people and parents, adopting a consistent national approach to the question.

Australian Government Response

This is a matter for the State and Territory Governments to consider.

Sex education is an important element in the development of young people's life skills and supports them in making informed choices about personal relationships. Given diverse community views on this subject, the Government considers that sex education should be implemented in consultation with the school community; be respectful of religious and philosophical views; and be age appropriate.

State and Territory education authorities are responsible for the development of school curriculum, programs and resources in their respective jurisdictions. In most, if not all jurisdictions, sex education programs are currently being delivered in schools. The Government encourages jurisdictional involvement in developing a consistent approach to sex education across Australia.

