

Inquiry into the sexualisation of children in the contemporary media environment



SPAA Submission

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SPAA: Who we are

SPAA is the industry body that represents Australian independent film and television producers on all issues affecting the business and creative aspects of screen production.

SPAA members include television, feature film, animation, documentary, TV commercial and interactive media production companies as well as services and facilities providers such as post-production, finance, distribution and legal companies.

The Media Environment

- The Australian contemporary media environment comprises of multiple platforms including; print, radio, television and of increasing significance the Internet. While there is significant media convergence for the viewer, the content control mechanisms including the codes, legislation and industry practice are quite different between types of media. This SPAA submission will focus primarily on Australian Independent producers' experience of supplying television programs to Australian broadcasters, the industry standards that apply, as well as industry practice and commercial influences.
- SPAA does not believe there is evidence to suggest independently produced television programs are a material contributor to sexualisation of children in media. Further, industry regulations currently in place have proved effective in addressing isolated incidents of non or inadequate compliance.
- SPAA recognises some television programs operate in a cross platform environment. At this point the television component remains the dominant or parent product both financially and creatively and as such sets the standard and tone for add-on material. Both are subject to the Broadcasting Services Act 1992 (BSA).

Television

The Broadcasting Content Standards within the ABS and the broadcaster's own voluntary codes of practice are actively administered and monitored by Australian Communication and Media Authority (ACMA).

The Standard and the Codes operate on a number of levels including classification codes, audience education and awareness campaigns/announcements in relation to complaints process and classifications, various categories of audience warnings or advice and the actual complaints process. The complaints process further informs and progresses the application and/or interpretation of the code over time. These mechanisms, combined, have provided an effective safeguard for community standards that also empower audiences to interact and /or make active choices. They have demonstrated a balanced approach that is broad and adaptable as well as effective and influential.

For the health of our society it remains vital that the government adopt a

conservative 'light-touch' approach, avoiding the far extremes i.e. guarding against depraved content yet allowing television to retain its reflective and explorative quality, in all its diversity.

Standards and codes of practice being developed for newer broadcasting platforms such as to the Internet or mobile phones are in their infancy. User and industry-generated content, pirated foreign and local all sit together, with little discrimination of who can, and when it can, be accessed. It is a platform designed to provide endless choice rather than limits. While 'control' of Internet content is seen, at this point, to be a relatively difficult endeavour, there is merit in a complimentary approach that seeks to ensure the Internet 'hosts' a diverse range of quality content.

SPAA's primary focus, as representative of Independent producers, is on Australian children's programming, drama, light entertainment and documentary. SPAA believes these genres have delivered significant quality and diversity as well as opportunities for cultural expression and exploration in our broadcasting media landscape. They have not knowingly contributed to the sexualisation of children in the media but have offered valuable and diverse opportunities to see and explore our own experiences, culture and creative expression.

Children's Television Programs:

Television has been responsible for generating high quality children's programming that has gained international acclaim. The Australian independent children's production sector supplies the majority of content required within broadcasters Australian content quota for children's programming. Programs are made according to the Children's Television Standards (CTS). (See Appendix I) to create Preschool (P) and Children's (C) classified programs as; *Mortified*, *H2O*, *Hi Five Holly's Heroes*, and *The Upside Down Show*. It has a worldwide reputation for quality, integrity and innovation. Programs consistently win awards and rate highly on international channels.

The regulations surrounding the creation of this material including the granting of 'C' and 'P' classification to programs is stringently administered by ACMA.

Australian children's television is a vital contributor to guiding Australian children to learn about Australia, its history, its values and who we are in Australia. Children consist of 20% of the television audience – a significant and important constituency. It is also an important antidote to other worldviews that audiences, in particular child audiences might be exposed to.

Commercial broadcasters devote 1.8% of their program expenditure to Children's programming.

Child television audiences - particularly on free-to-air commercial networks, currently appear to be in decline. From the audience viewing figures outlined in ACMA's *Children's Viewing Patterns on Commercial, Free-to-air and Subscription Television Report analysing audience and ratings data for 2001, 2005 and 2006 (p24)*, it is clear that the child audience exists and is actively watching FTA television, however, they are not watching at 4 p.m. which is a favoured time for Broadcasters to schedule

'C' programs.

The child audience grows most dramatically from 5- 6 p.m, and peaks in early evening, a time when the majority of programming is unlikely to be classified as 'C' & 'P' content. SPAA believes this is evidence that the current time band settings as specified in the CTS are inadequate. This can lead to greater opportunity for children to view programs that are adult in nature.

In examining strategies to prevent and/or reduce the sexualisation of children in the media and the effectiveness of different approaches in ameliorating its effects there is an opportunity to improve the environment created by the broadcasters to better serve the child audience's needs and discourage age inappropriate viewing.

SPAA supports amendments to the CTS including; encouragement of block scheduling on weekdays and 'C' timeslots after 5 p.m. (Appendix 3 AWG/SPAA submission to CTS review, ACMA AUG 07)

SPAA is also supportive of the introduction of an adequately funded dedicated Children's Channel on ABC TV. (See Appendix 2)

Other Television

Australian Independently produced entertainment programming in all its diversity is popular with Australian audiences and includes programs from; *I Wish You Were Here*, *Summerhill Heights*, *The Grass Is Greener*, *Australian Idol*, *Cath and Kim*, *The Librarians*, *R.A.N.S*, *Love My Way*, *McLeod's Daughters*, *Neighbours* to *Two Men and a Tinnie*, *Hi Five* and *Rock Quiz*. Many other examples of quality and inspiration exist. Not all programs are suitable for young audiences, e.g. *Satisfaction*, *Underbelly* and *Stupid Stupid Man* however they are produced within the relevant TV codes of practice and are required to be scheduled appropriately.

All television programming is subject BSA and the rules and regulations as specified in the FTA and Pay TV Code's of Practice. Similar codes exist for public service broadcasters ABC and SBS. All programs must be classified according to BSA Classifications. Careful scheduling is important to retain the integrity of individual program classifications.

The television classification system is comprehensive and detailed to ensure that it covers the full range of television programming, which includes drama, documentary, sport, news and current affairs, light entertainment variety and reality TV programming. Adult miniseries such as *Mary Bryant* adapts different story telling traditions in its fictional exploration of history to that of television serials or 'soaps' with their regular cliffhangers that follow a tradition akin to the melodrama's of an earlier era. Yet the code is equally effective for both titles as well as in guiding programs as diverse as *Dancing with the Stars*, *ROVE*, *Deal or No Deal* and *Big Brother*.

Australian television, particularly FTA is aimed at a general audience and is considered a relatively conservative media platform. The various content codes work well, very few complaints have been received against entertainment and

documentary programming on FTA or Pay TV, and fewer still upheld. The Codes are also effective in dealing with non-compliance issues including the high profile controversy surrounding *Big Brother 05* and *Big Brother Uncut*. (see Appendix 4 SPAA ACMA Review of Reality TV Submission 2007)

ACMA's ability to deal with breaches has been significantly enhanced by the Federal Parliament's decision to give ACMA increased enforcement powers. These powers took effect from the end of 2007 and include monetary fines, enforceable undertakings and criminal penalties.

Beyond ACMA's own powers, there exist strong incentives to work within the code to ensure programs meet community standards, attract strong ratings and generate ongoing public support for the broadcaster. The industry is keenly aware of the threat such breaches can have on; retaining audiences, retaining ongoing supply contracts (for independent producers) and maintaining overall broadcast image and market position. Broadcasters rely on viewers for their business model and have demonstrated on numerous occasions their willingness to adjust schedules and axe programs that have failed to meet community expectations.

For Independent producers, achieving these goals increases the likelihood both of re-commissioning or continuation of a series run and greater potential for the development of other program opportunities.

Television Commercials

The number of television advertisements made per year has remained roughly the same since 1999/00. Australian Film Corporation 's publication *Get The Picture* quotes the number of advertisements made in Australia alone annually as; 4,364 in 1999/00 and 4,389 in 2003/04.

Corporate Paedophilia Sexualisation of Children in Australia (Rush & La Nauze Oct 2006) reports 14 television advertising complaints regarding sexuality and children on television between 2001 & 2005 to ASB (now ACMA), over 5 years. 14 complaints compared to around 21,800 new television advertisements in the same period does not appear to signal a significant problem.

In addition to the BSA, voluntary codes have been developed by the AANA for all advertising and marketing activities. This includes advertising on television. AANA have recently amended the code to specifically prevent potential for advertising media to sexualise children.

TVC Producers are not responsible for developing the creative idea of a TVC but are charged with interpreting the script and bringing the production to fruition. The client has final veto taking into account TVC producer and Agency advice. Members report significant consideration is given to the way children are presented in TVC's, including selection of clothing.

Currently advertisers on television only need to obtain a 'C' classification if they intend to advertise during a 'C' program. SPAA recommends all commercials be assessed for their 'C' suitability to provide greater clarity as to the sensitivity of the material and that the classification or lack thereof be considered when scheduling

advertisements.

Australian Content vs Foreign

Locally produced content is generally more responsive to local audiences than material bought in from overseas. There is significantly more scope to adapt and reshape Australian content in response to ratings and public debate or media coverage. Foreign programming is primarily shaped by forces within the program's country of origin's. The storylines of *OC*, *Law In Order Special Victims Unit*, *Outrageous Fortune*, *House*, *The Bill*, *Days of Our Lives*, are designed with their local audience in mind, probably with an eye to international sales, but it is the home market that determines success, if it fails at home it is not unusual that production is cancelled.

Broadcasters still select foreign programs according to Australian broadcasters local rules and requirements and may at times choose to edit and drop certain episodes or scenes deemed inappropriate from the schedule.

However, there is greater internal scrutiny on Australian programs simply because they cost more to make and broadcasters must broadcast a defined quota to meet their licencing obligations. This acts as a further deterrent against inclusion of any material that might not be suitable for TV audiences, the cost is too great for a broadcaster to cut or drop an episode and there are no instant replacement shows on the shelf. The cost exposure and potential damage to a broadcaster's schedule provides a great incentive to ensure material created here in Australia meets all licence, legislation and audience expectations first time.

Children and the Internet:

"In the age of media convergence, it is important to consider the entirety of children's experiences of their media environment rather than discrete elements of it. This convergence is not simply technological. There is also an erosion of boundaries between education and entertainment and, particularly for this age range, between sites of learning and play."

Plowman & Stephen, 20039

There is community concerns with regard to child access of unsuitable Internet sites and virtual communities. There are difficulties in developing public policy to address these concerns given the Internet as a media platform is vast and in a sense 'stateless'.

Whilst young audiences are early technical adopters, there is little online, outside the ABC that offers alternative safe Australian content. SPAA recognises the benefit of ensuring 'C' and 'P' television programs have a developed web presence so as to encourage child access to quality, safe Internet destinations.

Currently new media is not part of CTS regulation nor is there an equivalent code of practice for online websites aimed at children. ACMA must be mandated to develop a regulatory framework for new and emerging media platforms serving the

Australian child audience.

Internationally laws and joint policies are being developed to assist in protecting children online. The USA introduced legislation Child Online Privacy Protection Act (COPPA) legislation in the in 2000. It applies to the online collection of personal information by persons or entities under U.S. jurisdiction from children 13 years of age.

ACMA has been actively working with their counter part in the US and UK (see Appendix 5 ACMA Press release) to develop additional codes to provide greater protection for children in the online environment particular with regard to social networking which has been seen as a potential area for various social harms. ACMA also responds to community concerns about offensive and illegal material online that may be prohibited under the *Broadcasting Services Act 1992* by administering a national regulatory scheme that includes the investigation of complaints about prohibited online content, including internet and mobile phone content, and internet gambling services. New rules were introduced earlier this year for restricting access to age restricted internet content (commercial MA15+ content and R18+ content) either hosted in Australia or provided from Australia. A public awareness campaign has also been developed know as Net Alert. The effectiveness of these relatively new measures are yet to be quantified.

In Conclusion

The track record of Australian Independently produced television programs to create popular entertainment demonstrates an area where the effectiveness of content controls combined with market pressures is working well. While breeches are regrettable they are rare and the sector has a well understood and effective method of dealing with complains and shifts in community standards.

A significant shift has occurred in the viewing times of television for young people. Recognising the child audience is more likely to be watching television between 5pm and 8pm compared to earlier timeslots needs to be actively addressed in broadcasters' scheduling. This reduces any unintended effect of young audiences viewing adult content while potentially missing altogether content designed specifically for them. Child focused programs; in addition to offering entertainment and relaxation have the potential to provide strong cultural and social development opportunities for young viewers.

Television Commercials are currently only assessed on their suitability for a 'C' audience if media air time is to be bought for a specific 'C' program broadcast. It is recommended, given children are increasingly watching non 'C' programs that all commercials be assessed for their suitability for a 'C' audience and scheduled accordingly.

While the codes that exist in the area of broadcasting media (radio and television) have a long history, codes on the Internet are still developing. As discussed above

content controls on new platforms present a new set of issues and challenges. Public policy that also encourages existence of content on these platforms that is created according to the CTS Codes of Practice is an important way to support the availability, awareness and actual consumption of quality children's media content. Providing quality viable media alternatives is an important tool against the affects of less desirable media services.

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Appendix

Appendix 1

Children's Television Standard (CTS) (supplied as separate digital file)

Appendix 2

14 November 2007 _SPAA Conference, Gold Coast, Queensland

SCREEN PRODUCERS CALL ON OPPOSITION TO SUPPORT CHILDREN'S TELEVISION

The opening day of the SPAA Conference 2007, on the Gold Coast this _Wednesday 13th November, focuses on children's television and funding _issues. Noni Hazlehurst opened the day with the Hector Crawford _Memorial Lecture, in which she gave an impassioned speech urging the _independent production community to provide kids with innovative and _imaginative content as an antidote to the often mindless fare that they _are presented with on commercial television. This has provided a _context for debate at the SPAA Conference on children's programming _issues.

SPAA supports the Coalition's pledge to support children's television _with its \$83 million package over 4 years for the creation of an ABC _Digital Kids Channel that will outsource production and also acquire _quality children's programming.

SPAA Executive Director, Geoff Brown welcomed this initiative in his _opening address, saying:

"This is a great initiative. It is an important step forward for the _development of digital broadcasting in Australia. Increasing the level _of children's programming is a crucial issue not only for the _well-being of Australian kids, but also for the growth of the _independent production sector. However, any such commitment should not _be a signal to the commercial networks that they can abandon their _existing regulatory obligations to children's television on their _primary services."

"We would like to hear from the Australian Labor Party on this issue _before the election. The initiative requires bipartisan political _support. It is crucial for the growth of the industry that any _initiative for children's television strengthens the quality, diversity _and choice of Australian content. It's also good for politicians to _realise that our children's television producers are amongst the best _in the world; two of our members are travelling to New York tomorrow to _attend the Emmy Awards, where they've been nominated for Best _Children's Television Series. Kid's producers are consistently high _achievers in our industry".

The SPAA Conference passed a resolution today calling on the Opposition _to match this level of funding for children's programming on a _dedicated digital channel, and in addition adequately resource the ABC _to deliver and administer a quality service. _

Appendix 3

AWG/SPAA CTS Review 2007 Submission (supplied as separate digital file)

Appendix 4

SPAA ACMA Review of Reality TV Submission 2007 (supplied as separate digital file)

Appendix 5

ACMA Press release ACMA welcomes release of international guidelines for safer online social networking

New international guidelines for safer use of social networking services, such as Facebook, MySpace and Bebo, will be launched today in the UK Parliament's House of Lords in London. The Australian Communications and Media Authority has been an important contributor to the development of the guidelines to help providers of social networking services everywhere.

ACMA Chairman, Chris Chapman, said the *Good Practice Guidance for Providers of Social Networking and Other User Interactive Services* is an important step in providing a global safety net.

'The internet doesn't recognise geographic borders. Connecting Australian cyber safety work – such as the Internet Industry Association (IIA) development of a new online services code of practice – to parallel activities in other countries, we can start to generate globally-effective solutions to online safety issues,' said Mr Chapman.

'I continue to be of the view that international co-operation will be increasingly the way to ensure children have a positive and safe experience of the internet and applications that utilise it – which is why the Australian Communications and Media Authority allocates a very meaningful portion of its resources to supporting practical international collaborations,' said Mr Chapman.

ACMA is a partner in the development of the Guidance. It has been a member of the UK Home Office Taskforce chaired by Annie Mullins, head of Content Standards with global mobile phone company Vodafone. The Taskforce involved key online social networking industry, NGO and government players from around the world.

'I am very pleased that Australia's acting High Commissioner in London, Ms Frances Adamson, will attend the launch of the Guidelines to speak on the benefits of international cooperation in the protection of children online,' said Mr Chapman. The Guidance recommends making social networking profiles for users under 18 private by default, and increasing reporting mechanisms for bullying or other anti-social behaviour on social networking sites. It provides recommendations for implementation by service providers to minimise the risks to users and information that can be incorporated into Australian safety campaigns targeted to parents, carers and users of services.

'The guidelines aim to ensure the online social networking experience remains a positive one by providing good practice recommendations to online social networking providers to assist them in providing proper protections for their users,' said Mr Chapman.

Social networking services enable users to communicate and engage with each other in an online environment. Users of these services often create their own profile including personal information, images and links to friends. Popular online social networking services in Australia include MySpace, Bebo and Facebook.

When released, the Guidance will be available from
<http://police.homeoffice.gov.uk>

Media contact: Donald Robertson, ACMA Media Manager, on (02) 9334 7980.
