

Addendum to Recommendation 1 in the Submission of Professor Catharine Lumby and Kath Albury of the Journalism and Media Research Centre, UNSW

Public Participation, Media Content and Young People

1. The case for strengthening public participation

A common concern expressed in public debate about the regulation of media content in Australia today is that many individuals find it difficult to navigate a complaints system that is so diverse. Bodies which manage complaints and provide information about the relevant complaints procedure range across the Australian Communications and Media Authority, the federal Classification Board, Free TV Australia, the Press Council, the Advertising Standards Bureau, Foxtel and Optus, the ABC and the SBS and other individual broadcasters.

It is a confusing system for anyone without a detailed knowledge of the regulatory environment, its history and rationale. The variety of appeal processes and mechanisms for responding to complainants add to this complexity. It is understandable that some groups advocating on behalf of media consumers and young people express frustration with this system and express a sense of powerlessness.

For parents and others concerned about the impact of media on children and young people this sense of powerlessness is heightened. The media has become a pervasive influence in our society and many adults are concerned that it has the potential to override the influence of parents, schools and other important sources of information and values.

Frustration with the current system has led some consumer advocates to argue that all media content should be government-regulated rather than self-regulated. There are, we submit, a number of important problems with statutory regulation of media content. They include: the large expense to the taxpayer of adjudicating and responding to all media-related complaints; the potential for such a system to lead to increased litigation; the potential for such a system to become captive to narrow political or commercial interests; and the potential for isolating industry from ordinary consumers, rather than requiring the media industries to engage in a genuine dialogue.

Giving consumers a real opportunity to actively participate in the shape and scope of media content regulation has always underwritten support for the self-regulation framework. In its 1977 report on Self-Regulation for Broadcasters, the Australian Broadcasting Tribunal commented: 'We believe that the industry, either on a collective or individual basis, should be regularly and directly confronted with the views of those whom it serves...The philosophy of direct public accountability is the basis of our approach to the regulation of broadcasting'ⁱ. In a thoughtful paper on public participation and media regulation, Professor Terry Flew points out that, too often, interest groups, think tanks and academic and legal experts sideline the voices of Australians with a genuine interest in our media landscapeⁱⁱ. We agree and would add that, as the complexity of the genres of media content and the platforms for delivering it multiply, so does the importance of ensuring public participation in policy formation and media regulation.

Some critics of the current system take the view that a highly centralised and government-regulated system could effectively 'represent' consumer views. Certainly, such a system would avoid duplication and reduce the current confusion created by a piecemeal system. Yet, it would also run the risk of allowing the process of policy formation and regulation to become captive to narrow ideological and commercial interests. The current opportunities for consumer input certainly need to be refined, streamlined and communicated more effectively. It is worth noting, however, that most media industry groups do have a genuine incentive to be responsive to broad community concerns because of their need to retain a consumer market and avoid adverse publicity.

Over the past eight years, for instance, the advertising industry has introduced an independent board to examine complaints and introduced two separate advertising codes for motor vehicles and advertising to children to compliment the existing Code of Ethics under which complaints are lodged. It has done so in response to community concern about these areas of advertising. The Australian public, in this sense, have participated in regulating advertising content.

Public debate and the opportunity to lodge complaints with a relevant body is, of course, not a perfect system for 'representing' broader community concerns. Such a process, just like any government-regulated process, is also vulnerable to being hijacked by interest groups. It does, however, have the advantage of putting industry and consumers in a more direct dialogue and of encouraging citizens (and their representatives on regulatory bodies) to take a direct interest in the type and shape of the media around them.

New communication technologies, coupled with the growing media literacy of our society, open up new potential for involving Australians in debates about what kind of media we want to read, hear and see. Rather than a top-down approach, which involves letting government decide what's best, the 21st media landscape is one in which we need to think creatively and optimistically about involving Australians in shaping the virtual public sphere. This is particularly important when it comes to media representations of young people and media consumption by young people: areas that are currently at the sharpest end of public debate.

2. A proposal for enhancing public participation in media content regulation

Based on our extensive analysis of national and international public and policy debate on the subject of media representation of children and young people and media consumed by them, we have identified three key issues. They are:

- a) The need for a more streamlined and transparent complaints process in relation to media content;
- b) The need to provide young people and their advocates with information about managing media use, media content and media technologies;
- c) The need to provide a forum in which young people and their advocates can identify general concerns about media content, use and technologies that will alert government, industry and community groups to emerging issues.

We believe that the Federal Government could play an important role by hosting a website that centralises information about the various complaints mechanisms, offers advice on how to make and structure complaints, and deals with appeals processes. The site could also function as a central system for delivering relevant public, private and community sector information about media and young people, including downloadable resources for young people and their advocates. Importantly, the site could also be interactive, giving individuals and groups a central and direct mechanism for raising concerns and contributing to policy debate.

We believe that industry participation is a critical feature of such a site, starting with a substantial funding commitment. It is our view that if media producers in Australia are genuinely committed to self-regulation, they should be equally prepared to adequately fund a process in which the mechanism for complaints is streamlined, transparent and facilitates education and debate.

We acknowledge the important role that the Australian Media and Communications Authority already plays in advising Australian media consumers, as well as in the regulation of some media content. ACMA may well be an appropriate portal for the kind of site we recommend. At present, however, ACMA does not oversee all aspects of media content regulation and much of the material on their website is potentially too technical in nature for many consumers, including young consumers, to negotiate.

Finally, we want to underline the importance of including young Australians, including children of primary school age, in public and policy debates about how they are represented and what kind of media is available to them. The media now forms a virtual part of our public sphere. Educating young Australians to interact with the media around them is critical to the health of our democracy.

ⁱ Australian Broadcasting Tribunal. 1977. *Self-Regulation for Broadcasters: A Report on the Public Inquiry into the Concept of Self-Regulation for Australian Broadcasters*, Parliamentary Paper No.170/1977, Parliament of the Commonwealth of Australia

ⁱⁱ Terry Flew, 'Citizenship, Participation and Media Policy Formation', *The Public*, Vol. 4, No. 4, 1997.