

AUSTRALIAN CHILDREN'S TELEVISION FOUNDATION

Submission to the

SENATE INQUIRY INTO THE SEXUALISATION OF CHILDREN

The Australian Children's Television Foundation (the "**ACTF**") thanks the Senate Standing Committee on the Environment, Communications and the Arts for the opportunity to respond to its inquiry into the sexualisation of children in contemporary media (the "**Inquiry**").

The ACTF is a national not-for-profit organisation which operates as an advocate for the Australian child television audience. In doing so, the ACTF recognises the particular needs of the child audience as well as its potential vulnerability to the influence of the medium.

The need to protect children from possible harmful effects of television has been widely discussed. The ACTF anticipates that this issue will be adequately covered by other respondents to the Inquiry. Instead, the ACTF wishes to focus on the role the medium can play in reinforcing positive self-identity amongst children, in the belief that this potential is currently underutilised.

Importance of age-appropriate content

Because of its ubiquity and influence, television is a powerful agent of socialisation. Recent research has suggested that viewing of children's programs with pro-social messages enhances children's own pro-social behaviour, understanding and managing emotions and learning interpersonal skills¹. A child's exposure to the medium can be a positive influence on his or her development of identity and sense of self.

Conversely, as Dr Estelle Irving of the Murdoch Children's Research Institute states, a "lack of access to television programs that depict positive and relevant representations of characters ... is considered to be harmful to children"².

¹ B Wilson, "Media and Children's Aggression, Fear, and Altruism" in McLanahan, S (ed) *The Future of Children: Children and Electronic Media*, Vol 18, No 1, Spring 2008, Princeton-Brookings, 2008.

² E Irving, Response to the review of the Children's Television Standards, 2007 < http://www.acma.gov.au/webwr/_assets/main/lib310132/69_dr_estelle_irving.pdf >

Sufficient high quality children's content is produced in Australia every year, but the ACTF has identified a problem with the delivery of the content to its intended audience. The ACTF believes that more can be done to encourage appropriate scheduling of children's content on television to ensure that the intended audience is able to access programs containing positive messages about childhood, growth, development and identity.

Provision of content: the existing scheme

Commercial Broadcasters

The Children's Television Standards (the "**Standards**") impose certain programming obligations on commercial broadcasters. The Explanatory Memoranda to the Standards state that the purpose of the Standards is to:

1. provide for the protection of children from possible harmful effects of television; and
2. provide for children to be specifically catered for in programming, including Australian programming.

The Standards therefore recognise that children need protection from certain types of programming but also that children must be able to access appropriate programming.

Under the Standards, a C or P program must:

- be made specifically for children or groups of children;
- be entertaining;
- be well produced using sufficient resources to ensure a high standard of script, cast, direction, editing, shooting, sound and other production elements;
- enhance a child's understanding and experience; and
- be appropriate for Australian children.

Unlike content aimed at adults, P and C programs are required to meet certain quality standards. Additionally, if a child is watching children's programs rather than adult programs, they will have less exposure to the influences of sexualised content, as children's content contains less sexual imagery and themes than adult programming.

The Standards require each commercial free-to-air broadcaster to show 130 hours of P programs and 260 hours of C programs every year³, to be broadcast within certain timeslots. The Standards have been highly successful in prompting demand for world-class children's programming, but unfortunately, that content is not widely accessible by its intended audience.

Close to half of all C programs are screened on weekdays between 4.00pm and 4:30pm when many children are at after-school activities, doing homework or in childcare and unable to watch television. Instead, the vast majority of child viewers aged under 14 watch television between 6.00pm and 9.00pm⁴. Since commercial broadcasters typically do not screen children's content later than 4:30pm, if children want to watch commercial television at their preferred times, they must by necessity watch programs created for older audiences. It is not

³ *Children's Television Standards* 2005 (Cth) reg 3(1)(b).

⁴ *Children's Viewing Patterns on Commercial, Free-to-air and Subscription Television*, Australian Communications and Media Authority, May 2007

<http://www.acma.gov.au/webwr/assets/main/lib310132/children_viewing_patterns_commercial_free-to-air_subscription_television.pdf>

surprising, then, that *Big Brother* – which is intrinsically voyeuristic and sexually-charged – is amongst the most popular programs for children aged under 14.

This is not to say that children necessarily prefer watching adult content. Since the arrival of free-to-air dedicated digital children's channels in the United Kingdom, (which allow children to watch children's programs in the evening), the UK's Office of Communications has noticed that children are actually watching an increased proportion of children's programs relative to adult programs.⁵

The downfall of the current operation of the Standards is that far too few Australian children are able to watch the children's shows that could provide positive and age-appropriate role models for them.

Public Broadcasters

As public broadcasters, neither ABC nor SBS are subject to the Standards.

In an ideal world, public broadcasters would be the obvious destinations for child audiences as they have the ability to measure program success in terms other than ratings or revenue, such as educational benchmarks and audience engagement.

However, the ABC has to work within their budget constraints, and the ABC's resources stretch only to a few new children's programs per year. Because SBS declines to broadcast children's content, the ABC is able to claim to be the market leader amongst the free-to-air broadcasters despite commissioning less new local children's content than any of the commercial broadcasters.

Generally, the ABC does not schedule children's content after 6:00pm (or after 7.00pm on ABC2), a time at which most children are only just turning the television on.

Solutions

Amendments to the Standards

The ACTF has been calling for amendments to the Standards' "C" timeslots to encourage the scheduling of children's content of at times when the child audience is available to watch television, and to encourage broadcasters' promotion of children's content.

Such amendments could have the dual effect of increasing children's access to appropriate and positive content at the times when they wish to watch television, and providing alternatives to adult content.

The ACTF's proposal was recently tendered to the Australian Communications and Media Authority ("**ACMA**") in response to its review of the Standards. The proposal is attached to this paper as an Appendix.

A dedicated children's channel

The ACTF, in partnership with the ABC, has proposed that a public broadcaster children's channel be established.

⁵ James Thickett (Ofcom), Presentation: *Ofcom and the future of children's programming*, 15 May 2007
< <http://www.ofcom.org.uk/consult/condocs/kidstv/> >

The vision is to create a free-to-air destination for Australian children; a place:

- where children know they will always be able to access content made for them and where parents can be certain their child will be exposed to appropriate programming;
- where programs are scheduled at the times children want to watch, including during their peak viewing times in the evening; and
- where children can be advised and informed about the diverse slate of children's programs through appropriate promotions, which actually seek to build audiences for Australian content.

The goal is to create a channel which provides a much better service to the child audience than is currently being offered through either the CTS or the ABC. Importantly, for the purposes of this inquiry, the channel would ensure that children's developmental needs are catered for, with content that is mindful of the audience's particular vulnerability to the influence of the medium.

Full details of the ACTF/ABC proposal can be found in the ACTF's submission to ACMA.

The ACTF would welcome any measure initiated by the Senate to improve children's access to appropriate content on television.

ACTF
April 2008

For further details, please contact:

Alex Farrar, Corporate Lawyer
(03) 9419 8800

References

Legislation

Children's Television Standards 2005 (Cth) reg 3(1)(b).

Journal Articles

Wilson, B, "Media and Children's Aggression, Fear, and Altruism" in McLanahan, S (ed) *The Future of Children: Children and Electronic Media*, Vol 18, No 1, Spring 2008, Princeton-Brookings, 2008.

Web-based resources

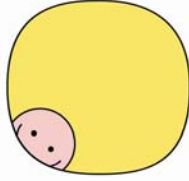
Australian Communications and Media Authority, *Children's Viewing Patterns on Commercial, Free-to-air and Subscription Television*, May 2007

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James Thickett (Ofcom), Presentation: *Ofcom and the future of children's programming*, 15 May 2007 <<http://www.ofcom.org.uk/consult/condocs/kidstv/>>

Appendix



AUSTRALIAN CHILDREN'S
TELEVISION FOUNDATION

submission to the

CHILDREN'S TELEVISION STANDARDS REVIEW

31 August 2007

① **INTRODUCTION**

This current review of the Children's Television Standards (CTS) is timely and necessary. The CTS assist the production of a variety of children's programs relevant to, and valued by, the child audience. In this respect, they deliver on the clear Government policy of providing Australian children local content.

However, the regulation is currently ultimately unsuccessful because programs are reaching far too few Australian children. The commercial broadcasters, to which the regulation applies, are either unable or unwilling to schedule and promote the programs such that they connect with the child audience. Children's shows created under the CTS are predominantly screened at times when children aren't watching commercial television. Promotion of local children's shows is almost non-existent. These are the two critical issues holding back the success of the CTS.

The failure of the programs to reach the audience means that both public and private funds used in creating the programs are being squandered. So too is the legacy of the regulation; decades of entertaining local children's programs which the child audience cannot access.

This submission will:

- propose solutions for the scheduling and promotional problems impacting on the current efficiency of the regulation;
- demonstrate that there is no basis for any alteration to existing quota levels;
- consider whether or not there is a better way to support local children's television in the future; and
- examine whether there is a way to build a bridge from the current regulation to that future.

Advertising to children is the other important issue to be addressed in this review. The ACTF is aware that many organisations will be making submissions on this issue, both for and against additional restriction. Most of these organisations have expertise in the areas of



children's health and/or the impact of advertising on children beyond that of the ACTF. In these circumstances, the ACTF will not be making specific recommendations on this issue.

But what cannot be allowed to happen is for local children's television content to somehow become the casualty in the debate. The commercial broadcaster industry group Free TV Australia has already threatened that "further advertising restrictions would seriously undermine funding for children's programming."¹

The primary purpose of the CTS is to ensure the broadcast of quality programs which contribute to the Australian child audience's understanding, experience and development. The Australian Communications and Media Authority (ACMA) needs to ensure that the debate over advertising to children does not impact in any way on the quality, local children's programs that run between the ad breaks.

The ACTF

The ACTF is in a privileged position to comment on the issues raised by the current review.

It has been involved in 21 Australian children's productions over two and a half decades and, as a result, has a detailed knowledge of the problems of financing and producing local children's content. It is experienced in working with Australia's commercial and national broadcasters.

As a result of its links with the education sector, the ACTF has witnessed first hand the value of using Australian programs in a learning context. The ACTF has established a network of 20 advisory schools, including primary and secondary schools from almost every State and Territory in Australia.² Feedback from teachers in this network advises and informs the ACTF's activities. It also gives invaluable access to the child audience themselves; surveys and interviews provide the ACTF with children's views on local children's content, and the issues surrounding its broadcast on television. The DVD attached to this submission features a number of children from our advisory schools speaking on these issues.³

Finally, as an international distributor of Australian children's programming, the ACTF is well informed as to the dynamics of the international children's television market, and the performance of Australian children's content overseas.

The experience and information gathered through all of these activities has been used to inform the positions taken in this submission.

Position of the CTS within the broader policy objective

The Government's longstanding policy has been to promote the provision of local content for the Australian child audience. Hundreds of millions of dollars of Government funds have been spent creating Australian children's content.⁴

¹ Free TV Australia, *Media Release: Free TV Australia warns against knee jerk response to the childhood obesity problem*, 1 August 2007. Free TV Australia has raised this in contradiction to ongoing arguments from commercial broadcasters that they cannot make any significant advertising revenue from local children's content in the first place.

² There are currently no secondary schools in ACT, TAS and NT as part of the ACTF's advisory school network.

³ A number of quotes contained in this submission come from the DVD. Timecodes are provided.

⁴ For example, the Film Finance Corporation Australia (FFC) alone has invested over \$260m in Australian children's drama programs: FFC, *Annual Report 05/06*, 25.



Without this support, or sufficient alternatives, there would be almost no new local children's content for the Australian child audience on free-to-air and pay television.⁵ Instead, children's programming would consist of the foreign, merchandise-driven programs like *Teenage Mutant Ninja Turtles* and *Pokemon*, as these are provided to commercial broadcasters for little cost or for free.⁶ These programs can entertain the child audience, but they do not allow children to see, hear and express themselves, their language and their own life experiences. They do not enable our children to affirm their sense of self and community as Australians.

A review of the CTS is appropriate in a changing media environment. However, the underlying policy objective has not changed: Australian children still deserve to see their own stories on television.

"It feels like really exciting for other people to watch their own country being on TV."
- Child viewer (DVD 04:51)

But the CTS is only one element in the Government's multipronged approach to support such content, which includes:

- the Australian Content Standard (ACS);
- investment in programs through the Film Finance Corporation Australia (FFC);⁷
- funding to the ACTF to support the development and production of new content; and
- funding to the ABC, a portion of which is used for commissioning and licensing local children's content.

"Lots of shows are American or other countries, but every country needs like a show that all their people can enjoy – things that happen in their country."
- Child viewer (DVD 05:12)

Reviewing one element of the multipronged approach in isolation will not deliver a holistic solution to the Government's ultimate policy objective. The issue as to how to meet the policy objective in the future will require a broader outlook by Government and ACMA than just ongoing amendment of the CTS. This is discussed further at section 4 of this submission.

⁵ Much of the Australian content on pay television is predominantly funded by commercial broadcasters to meet their CTS requirements.

⁶ See, for example, Fiona Tyndall, "Funtastic mad about DVDs", *The Australian Financial Review*, 11 May 2006: "If we buy a television series like *Teenage Mutant Ninja Turtles*, we'll give it to Channel 10 free of charge, and we'll sell the toys and shoes and merchandise," Funtastic managing director Tony Oates said.'

⁷ The FFC will be merged with Film Australia Limited and the Australian Film Commission to create the Australian Screen Authority (ASA) on 1 July 2008.



② SOLUTIONS FOR THE PRESENT

Scheduling of P and C programs

P programs

Under the CTS, commercial broadcasters must show 130 hours of P programs every year.⁸ This is effectively limited to half an hour each weekday.⁹

The ACTF supports the retention of the half an hour per weekday timeslot. It provides parents and caregivers with a degree of regularity as to the availability of P content on the commercial broadcasters.

Providing the content on weekdays also provides the best opportunity for the content to reach the intended audience. During weekends, preschoolers will be competing for the control of the television set (and indeed even secondary and tertiary television sets, if any) with adults and older siblings. This is a competition they will typically lose.

Nominating the appropriate time of day for the delivery of P content is difficult. There are a number of times during the day which the ratings data suggests are more popular than others. But the audience differences throughout the day for preschoolers are much less pronounced than for older children.

The fact is that there is much less daily routine for children of preschool age than for children of primary age or older. Kindergarten times typically alternate between mornings and afternoons. Younger children still have daytime sleeps, which can occur at different times of the day.

In these circumstances, the ACTF will not make specific recommendations on the scheduling of P programs, other than to note that the current P band of 7.00am to 4.30pm seems generally appropriate and worth retaining.

C programs

Under the CTS, commercial broadcasters must show 260 hours of C programs every year.¹⁰ Close to half of these programs are screened on weekdays between 4.00pm and 4:30pm. This is a time when children are just not watching commercial television.

The ACTF has been highlighting the problems associated with this timeslot for well over a year. Child audience availability is likely to be a feature of ACMA's upcoming *Media and Society Research Project*. However, the ACTF is already well aware of many of the issues through feedback from its advisory schools network. The 4:00pm weekday timeslot is extremely problematic for many students for a variety of reasons, including:

- travel time home from school. This is compounded if, for example, it involves multiple sibling pick ups;
- a changing parental work structure in which more families have two working parents, which results in increasing numbers of children attending after school care;

⁸ CTS 3(1)(b).

⁹ CTS 3(1)(d).

¹⁰ CTS 3(1)(b).



- chores and home work rules, requiring tasks to be completed before children are allowed to commence their leisure time; and
- significant after school commitments, including after school sport and other activities, such as drama or tutoring.

*"Most of the TV starts at around the time that you get home, so then by the time you do all your chores and jobs and things like that, everything has sort of finished."
- Child viewer (DVD 02:13)*

ACMA suggests that potential viewers do exist for this timeslot, since an average of 269,000 viewers are watching either the ABC or pay television at this time.¹¹ However, this is overstating the number of children of, say, eight years and older available to watch television at 4:00pm.¹²

Viewers of the ABC at 4:00pm on weekdays are typically preschoolers and children of early primary school age, as programs such as

Peppa Pig and *The Koala Brothers* are still screening at this time. The ABC does not commence its schedule for older children until the *Rollercoaster* branded block at 4.55pm.¹³ The ACTF suspects the number of children within the typical target audience for C content, that are able to watch television at 4:00pm, is relatively low.

*"Mum says that at least I have to do a bit of homework, then I have to read for at least thirty minutes or more, and then I watch a bit of TV."
- Child viewer (DVD 02:04)*

No concept of a children's destination

Even for those children that are able to watch television at the 4:00pm timeslot, the commercial broadcasters do little to attract them. The broadcasters do nothing to make the slot attractive to children. There is no sense of a 'destination' for child viewers; a practice which the ABC, pay television channels and commercial broadcasters on weekends have found successful. At 4:00pm on weekdays, children's programs on commercial broadcasters are virtually invisible to the child audience when sandwiched between *My Wife and Kids* and *Seven News* or *Huey's Cooking Adventures* and *The Bold and the Beautiful*.

The continuity of programs is often interrupted. C drama programs can be stopped halfway through the series to run the remaining "quota" hours during the next calendar year, despite the flexibility of three year quota averaging given to the commercial broadcasters during the last review of the ACS.

Further impacting on this is the poor promotion of programs by broadcasters, discussed further below.

It is no wonder then that children are going to where they know they will always find children's content: pay television. The figures at 4:00pm weekdays are quite staggering; that 1.3 times more children 14 and under are watching pay television than commercial television.¹⁴ The one consistent timeslot for Australian content on commercial television is also the one slot where more children are watching pay television than commercial

¹¹ ACMA, *Children's Television Standards Review Issues Paper* (2007), 19.

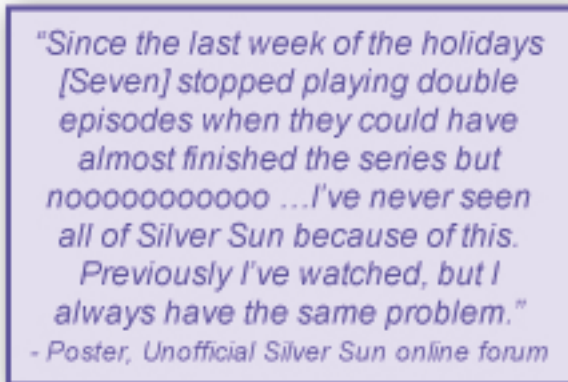
¹² Most C programs target children older than 8 years old.

¹³ Many viewers on pay television will also be watching preschool channels at this time such as Nick Jr and Disney Playhouse: the Issues Paper does not break down results by pay television channel.

¹⁴ ACMA, *Children's Viewing Patterns on Commercial, Free-to-air and Subscription Television*, 25.

television. Ironically, often to watch Australian drama principally funded by the commercial broadcasters under the CTS such as *Wicked Science*, *Pirate Islands* and *I Got A Rocket*.¹⁵

As stated above, commercial broadcasters do attempt to provide a destination for child viewers on weekends, when the majority of their other C content is screened. At this time it is in their interests to do so. On early weekend mornings children form a high proportion of the total television audience.¹⁶ In the case of the Seven and Nine Networks, the destinations are achieved by broadcasting blocks of content of two hours or more, leveraging off brands originating from the United States; Disney and Warner Brothers. The broadcasters will sometimes include Australian content in these blocks, or immediately afterwards. For example, at the time of preparing this submission, *Holly's Heroes* was being screened at 7:35am on Saturday mornings within the *Kids WB on Nine* slot, while *Blinky Bill's Around the World Adventure* and *Fairy Tale Police* followed the *Saturday Disney* block.



"Since the last week of the holidays [Seven] stopped playing double episodes when they could have almost finished the series but noooooooooooooo ...I've never seen all of Silver Sun because of this. Previously I've watched, but I always have the same problem."
- Poster, Unofficial Silver Sun online forum

These weekend blocks rate higher than the 4:00pm afternoon programs. Indeed, almost 2.5 times as many children 14 and under are watching commercial television between 9.00am and 10.00am on weekends than are watching the weekday afternoon slot.¹⁷

While this may be because more children are able to watch television at this time, the block/destination component is definitely a factor. Children tend to say that they like

watching *Saturday Disney* or *Rollercoaster*, rather than nominating particular shows within those blocks.¹⁸ The blocks are attractive in their own right. Even when *H2O Just Add Water* was screening on Network Ten, one internet poster proclaimed that she'd "totally love [*H2O*] on *Rollercoaster*...that would be totally cool."¹⁹

To be an effective destination, blocks need to be of significant duration and made up of content with a similar target demographic within the under 14 age range. A one hour block of a P program followed by a C program will not succeed, as each program is only of interest to one group of children. Indeed, at the time of writing this submission, the Nine Network has such a 'block' on weekday afternoons. It typically performs the worst of all the broadcasters in its afternoon children's programming.

¹⁵ These and other Australian children's programs have recently screened on children's pay television channels in the 4:00pm weekly timeslot against C programs on the commercial free-to-air broadcasters.
¹⁶ Children under 14 comprise between 30%-42% of the total audience between 7:00am – 10:00am on Saturdays and Sundays: ACMA, *Children's Viewing Patterns on Commercial, Free-to-air and Subscription Television*, 21.
¹⁷ ACMA, *Children's Viewing Patterns on Commercial, Free-to-air and Subscription Television*, 21.
¹⁸ *Saturday Disney*, *Rollercoaster* and *Toasted TV* are all nominated by children 6-13 as being in their top 10 "programs" that they especially choose to watch: Roy Morgan, *Young Australians Survey*, Jan – Dec 2006.
¹⁹ Poster on Rollerchat, 1 July 2007.



Recommendation for children's "block" programming on weekends

In the circumstances where:

- the 4:00pm weekday afternoon is providing extremely poor access to the child audience on commercial broadcasters; and
- block scheduling on weekend mornings appears to be generating more successful results at connecting with viewers,

the ACTF supports amending the CTS such that commercial broadcasters carry out a significant amount of their C obligations in blocks. In return, the requirement that commercial broadcasters have to screen a half hour of C content every weekday²⁰ would be removed.

To be effective "destinations" of block programming, the ACTF proposes proscribing that:

- C programs must be shown with children's blocks;
- each block should consist of at least one C program (and, if desired, G programs principally of interest to children between 5-13 years of age) and be of at least one and a half hours combined commercial duration;
- the entire block (including any G programs) be broadcast within the current C band; and
- regardless, commercial broadcasters screen at least five hours of C content each week.

Recommendation for at least one children's block on a weekday

Without wanting to presuppose what the broadcasters may do, the most likely outcome to the block scheduling recommended above, is that commercial broadcasters would screen *all* their Australian children's content during their Saturday and Sunday morning blocks.²¹ It makes commercial sense for the broadcasters to move the programs to a time when the child audience is a significant part of the entire television audience.

The alternative, running blocks on weekday afternoons from, say 4:00pm to 5:30pm is unlikely, given Network Ten has its main news bulletin at 5:00pm, Seven has news at 4.30pm and the Nine Network prefers an adult lead-in to its evening schedule. The Seven and Nine Networks, as their schedule currently stands, would also not be favourable to a block (of any duration) in the mornings as it would clash with their *Sunrise* and *Today* programs.

Effectively removing weekday local children's content from commercial broadcasters seems too extreme. Especially for the segments of the child audience who participate in weekend activities such as sport which prevent them from enjoying the weekend morning blocks. Yet the ACTF acknowledges that the commercial broadcasters have real scheduling issues on weekday mornings and/or afternoons (depending on the relevant broadcaster).

²⁰ CTS 3(1)(c)(i).

²¹ Commercial broadcasters could not show a 1½ block on weekday mornings, as the C band only runs from 7.00am to 8.00am weekdays.



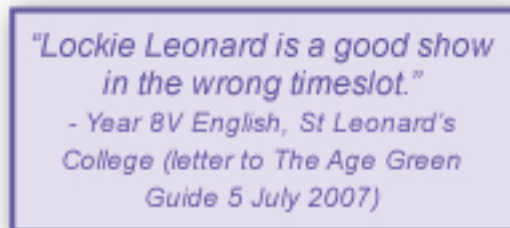
In the circumstances, a smaller block obligation for weekdays is recommended:

- on at least one weekday per week, commercial broadcasters be required to screen a children's block containing at least one C program (and, if desired G programs principally of interest to children between 5-13) of at least one hour's combined commercial duration²²;
- the entire block (including any G programs) be broadcast within the current C band; and
- at least one C program (of any duration) be screened in the last half hour of the block²³.

This allows the broadcaster the choice of screening the block either during a morning block or an afternoon block. One presumes, Network Ten would continue with their morning broadcasts, while Networks Seven and Nine would need to make a schedule allowance up to 5:00pm for children's programs, albeit only for one weekday per week.

An alternative to weekday blocks

The above proposals do not actually achieve the most ideal outcome of providing children's content at peak children's viewing times; in the evenings for any day of the week.



To facilitate this, the ACTF is recommending the following alternative to the *weekday* block requirement:

- that there be no need for a weekday block in any given week if a C program of at least half an hour duration is screened between 7:00pm and 9:00pm on any day of that week; and
- at least four other episodes from that series (in sequential order, if a C drama program) are also screened during that time band in consecutive days (if stripped²⁴) or weeks (if weekly).

This is an imperfect solution. It schedules the program outside a block. It also means that if all broadcasters program a C program on a Saturday or Sunday night, for example, that there would be no local C content screened at all during the week. But there are no easy solutions in respect of scheduling content created under this regulation. The ACTF considers that achieving a prime time slot for a C program, even on a weekend, justifies both screening outside a children's block and a potential lack of children's content during the week.

The ACTF concedes that there would need to be a significant change in broadcaster mindset for a commercial network to screen a children's program during prime time.

²² The length of such a block is less than ideal. Although, as *Rollercoaster* demonstrates, a regular, well promoted one hour slot can still be a children's destination.

²³ If the block was scheduled in the afternoons, this would lift at least one C program out of the 4:00pm to 4:30pm timeslot to the slightly better 4:30pm to 5:00pm slot. In the mornings, the half hour slot is of less importance as the child audience is relatively stable from 7:00am to 9.00am.

²⁴ Running a television series every day of the week.



For a start, there would have to be an appreciation by the broadcasters that even shows made specifically for children can still appeal across demographics. Tim Winton described the recent *Lockie Leonard* C drama series, based on his novels, as ‘the kind of stuff everyone can watch together without the kids dying of embarrassment and the parents from boredom: “It’s rare that everyone can gather around the telly and get misty-eyed together or have a laugh, so when it happens we should treasure it. In a sense, it’s a shame that the network doesn’t know what it’s got.”²⁵ He is correct. *Lockie Leonard* attracts more viewers 13 and above than younger viewers.²⁶

The other major stumbling block is the view that the advertising rules for C programs in the CTS effectively restrict the ability for the broadcasters to generate revenue.

Broadcasters have advised that they do not consider the volume restriction (of 5 minutes of advertisements per half hour for C programs and 13 minutes per hour of C drama) as a significant problem.²⁷

Rather, the issue appears to be that not enough commercials are classified such that they can be run during C programs.

Commercials need to be classified by Commercial Advice Pty Ltd (CAD, run by industry body Free TV Australia) before they can be broadcast. Almost no applicants specifically request that their advertisement be run during children’s programs, and therefore the ads are not classified for a child audience.²⁸

This is not surprising. The most common applicants to CAD are the creative agencies who write and produce the advertisement: not media buyers with a knowledge of demographics across television schedules. The natural presumption would be that children’s programs appeal only to children and therefore it is inappropriate to place their product/service, intended for an older audience, in that timeslot. They neglect to think of the parents, carers, older brother and sisters who will also watch the programs.

Last year Ten proudly announced that it had snared *Dr Phil* and *The Oprah Winfrey Show* from the Nine Network. The fact is that advertisers would reach more teenagers and adults by advertising on *Totally Wild* than either *Dr Phil* or *Oprah*.²⁹ And it seems unlikely that advertisements for Lipton Tea, Vista Blinds, Finish Powerball and Pura Kids Milk³⁰ are going to clash with the restrictions contained in the CTS. The ACTF assumes media buyers are aware of this, but due to the lack of classification, cannot place many of these ads in C slots.

The solution is to remove the option for separate children’s classification from the CAD application form, and for CAD to assess all advertisements against the children’s criteria as a matter of course. This may require a small amount of extra work by CAD assessors, but work that will assist their stakeholders: the commercial broadcasters themselves.

"I watch Lockie Leonard as assiduously as I did Seachange. Lockie's mistakes, failings and ultimate goodness make me laugh and cry just as Laura's did...What a pity its at a time when so many will miss it."
- Letter to The Age Green Guide,
26 July 2007

²⁵ Tim Elliott, “The beach boys”, *The Sydney Morning Herald*, 18 June 2007, TV Guide.

²⁶ Data supplied by OzTam Pty Ltd.

²⁷ ACMA, *Children’s Television Production Project* (2007), 29.

²⁸ ACMA, 30.

²⁹ Data supplied by OzTam Pty Ltd. *Totally Wild* averages 290,000 viewers over 12 while *Dr Phil* and *Oprah* average 219,000 and 215,000 viewers respectively.

³⁰ A sample of advertisers on *Dr Phil*.



Promotion of P and C programs

After the most recent review of the ACS, the Australian Broadcasting Authority (ABA) announced that it was going to require commercial broadcasters to report to it on the publicity and promotional strategies for C drama programs to “assist Australian children's drama to reach a wider audience”.³¹

When the new draft ACS appeared four months later, during which time the ABA had been significantly lobbied by broadcasters, this requirement disappeared. Instead the ABA explained that broadcasters would not be required to report to the ABA, but that it would “seek the cooperation of broadcasters” in monitoring promotion.³²

Some monitoring was carried out over a short period, through voluntary information provided by broadcasters. That information is thin and completely useless for any practical purpose other than to show how little promotion has occurred. Even ACMA must concede that it has failed to progress this issue in any meaningful way in the five years since the ACS review.

It comes as no surprise then, that the commercial broadcasters have felt little need to improve their promotion of P and C programs in any way. Promotion of these programs remains appalling, in anyone's terms.

There is very little on-air promotion of children's shows, even during what are considered by broadcasters to be children's slots. Almost all of the cross promotional advertising during children's blocks such as *Saturday Disney* or *WB Kids on Nine* are of light entertainment programs aimed at a much older demographic later in the day; programs such as *Getaway*, *Coxy's Big Break* or *Backyard Blitz*. This remains the case even if a local children's program immediately follows the Disney or Warner Brothers block. There is no promotion of local children's programs during the hours that most children under 14 are watching, between 7.00pm and 9.00pm. This compounds the scheduling problems raised earlier. If children were aware of the programs being screened between 4.00pm and 4.30pm, then they could at least set video recorders or hard drives to record them. But most often, they have no idea they are even on air.³³

The broadcasters response to promoting children's programs is that they have tried it on selected programs and that it didn't make any difference to the ratings.³⁴ Quite frankly, this is playing everyone for fools. If they applied the same logic to adult content, it would mean that Australian viewers would never have to watch a program 'promo' ever again. Just because a broadcaster couldn't get enough viewers to watch *The Alice* or *Last Man Standing* doesn't mean that the networks will not heavily promote their next new program. Promotion builds audiences, and if commercial broadcasters believe their own press, on screen promotion works best of all.³⁵

It is true that children are building their own networks to try and counter this problem. Social networking websites such as *MySpace* and *Facebook* are helping children advise each other when programs they might like are screening. However, ACTF research with its advisory schools network demonstrates that children remain more influenced by program promos than

³¹ ABA, *Media Release*, 11 July 2002.

³² ABA, *Media Release*, 13 November 2002.

³³ Feedback from children in the ACTF's advisory school network indicates that the classroom is often the first place children experience many Australian children's programs.

³⁴ For example, Federation of Commercial Australian Television Stations (as Free TV was then known), *Submission to the ABA Review of the Australian Content Standard* (2002), 30.

³⁵ Free TV Australia, *Media Release: Awards Prove TV's Effectiveness*, 13 August 2007.



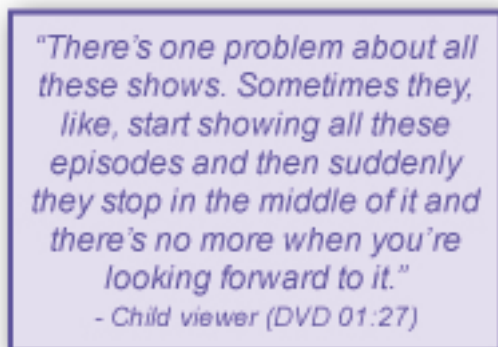
friends' recommendations.³⁶ There is also the inherent problem of how the viral recommendation starts in the first place without some kind of promotion.

The following case study for the recent C drama series *Mortified* (2006) demonstrates the types of issues that a local children's series faces on a commercial broadcaster.

The ACTF started promoting its role in this co-production in October 2005 by alerting its stakeholders that *Mortified* had commenced production through its regular newsletter. It quickly received a telephone call from the broadcaster's legal department demanding that the ACTF cease publicity of the program, as this was contractually the right of the network.

After that time, the broadcaster did almost no promotion of the program.

When it finally scheduled the program, the broadcaster broke the series into two parts. Thirteen episodes were screened on a weekly basis from 4:00pm to 4:30pm in mid 2006. The remaining 13 were screened in 2007, so that the broadcast hours could count towards the broadcaster's 2007 quota. Since the C drama quota is averaged over a three year period this was completely unnecessary. All it succeeded in doing was interrupting the narrative of the series for viewers. The second half of the series was also interrupted for horse racing.



"There's one problem about all these shows. Sometimes they, like, start showing all these episodes and then suddenly they stop in the middle of it and there's no more when you're looking forward to it."
- Child viewer (DVD 01:27)

As far as the ACTF is aware, there were no on air promotions for the program during peak children's viewing times. There were very occasional promos in what the broadcasters consider as children's timeslots, including within the 4:00pm to 4:30pm timeslot. Promotion in this timeslot is ineffective when it is such a poor timeslot with the child audience in the first place. It is just promoting the show to the small portion of the child audience who actually watch television on commercial broadcasters at this time. There is no effort to grow the audience for the timeslot.

By way of contrast, the British Broadcasting Corporation (BBC) in the United Kingdom embraced on air promotion to build an audience for *Mortified*. The program's premiere run was on the BBC's dedicated children's channel CBBC daily at 6.00pm. The show was promoted by running 20 second on air advertisements during the closing credits of *Neighbours* on BBC1, a program watched by between 5 and 6 million people. The promotion advised children who had just watched *Neighbours* that *Mortified* was about to commence on CBBC.

In response to these promotions, *Mortified's* audience was almost 40% higher than the average on CBBC for the timeslot, including being 45% higher for children 6 to 12 years of age.

The importance of cross promotion to the child audience was clearly made out by the BBC's *Mortified* campaign. The *Mortified* promos were only screened on *Neighbours* on Monday, Wednesday and Fridays. On Tuesdays and Thursdays, *Mortified* obtained lower ratings as less child viewers switched from BBC1 to CBBC.

³⁶ Children interviewed choose programs on the basis of advertisements (17%) over friends (13%), siblings (9%) and parents (6%).



The runs were uninterrupted in the United Kingdom, so that viewers could follow the narrative structure across the series. Rather than stretching out runs, the broadcaster is taking advantage of the generally understood position that children don't just tolerate repeats, they can look forward to them.³⁷ Since its premiere broadcast on CBBC finished, the BBC has already run *Mortified* again twice, once on the primary BBC channel BBC1, and again on CBBC. Ratings have steadily improved on repeat showings. *Mortified* peaked on CBBC in July 2007 as the second highest rating program on any United Kingdom children's multichannel.³⁸

The problem of poor on air and online promotion has continued for far too long. Without any action, producers and broadcasters have been left in a circular argument: local children's programs are not worth promoting because they do not rate, but cannot rate if they are not promoted.

Program promotions are not scarce as broadcasters sometimes contend.³⁹ As any viewer will attest, ad breaks are now full of program promos. The increase in program promos has been documented through independent research, which has identified a significant increase in the number screened over the last five years.⁴⁰ Broadcasters can easily afford for one less prime time promotion for *Getaway* or *Better Homes and Gardens* to allow for a C program promo.

ACMA needs to take control of this issue and impose some minimum levels of P and C promotion on the commercial broadcasters. Promotion should consist of minimum levels of:

- on air promotion for new C programs during peak viewing times for children (ie. on weekend mornings and between 7:00pm and 9:00pm on weekdays). ;
- on air promotion for P and repeat C programs during the C band;
- on air promotion for the 'blocks' themselves, as destinations;

ACMA should also look at ways of encouraging cross media promotion, especially internet and children's publications.

The ABA let the opportunity slip to do something meaningful in relation to promotion of children's programs. ACMA now needs to deliver in this area, for the good of the child audience.

³⁷ Most children would prefer to watch a program they have enjoyed before rather than a new program of which they are undecided : Broadcasting Standards Commission (UK), *What Children Watch* (2003), 95.

³⁸ Data supplied by Broadcasters Audience Research Board Ltd. *Mortified* was the second highest rating program on a non-preschool children's channel including CiTV, Disney Channel, Nickelodeon, Cartoon Network and Jetix (formerly Fox Kids).

³⁹ For example, FACTS, 30.

⁴⁰ Research by independent media consultancy firm Faulkner Media Management found a significant increase in program promos from 2001 to 2005. Referred to in *B&T*, 24 March 2006.



③ ***DISTRACTIONS FROM THE REAL ISSUES***

A number of arguments are typically raised in relation to the CTS. These arguments are typically uninformed, circular and unsubstantiated. They include:

- Australian children do not like local children's content;
- children have such competition for their leisure time that free-to-air television content regulation is now no longer relevant⁴¹; and
- the compliance cost of the content is too onerous, especially in respect of C drama programming,⁴²

with the conclusion being that quota levels, including the C drama sub-quota level, should be amended accordingly.

These arguments are distractions from the real issues of scheduling and promotion, but as they will undoubtedly be raised in some respect, they are dealt with below.⁴³

The programs are valued by the child audience

Preschool programs

Australian preschoolers demonstrate a strong attraction to Australian content. Just under 50% of the top 25 preschool DVDs for the year are Australian children's programs, including seven of the top 10 releases.⁴⁴

Australian programs are also included in the top rating free-to-air programs for preschoolers.⁴⁵ Admittedly, it is a lesser proportion than for DVDs, however this is principally a reflection of:

- the attraction the ABC has for the preschool audience; and
- the unfortunate lack of Australian preschool content currently screened by that broadcaster.

C programs

The situation differs slightly for older children. The highest rating programs watched by children 5-12 on free-to-air television are not Australian children's programs. Indeed they tend not to be children's programs at all.

This is nothing new and does not mean that children above preschool level do not enjoy specialist children's programming.

In fact, the scheduling of children's programming demands such a situation. The vast majority of child viewers 14 and under watch television between 6.00pm and 9.00pm.

⁴¹ For example, FACTS, 21.

⁴² For example, FACTS 24.

⁴³ The other issue which the ACTF considers to be peripheral to this review of the CTS, the classification criteria and process, is separately dealt with at the end of this submission at Appendix A.

⁴⁴ Data supplied by GfK Australia.

⁴⁵ ACMA, *Children's Viewing Patterns on Commercial, Free-to-air and Subscription Television*, 46.



Broadcasters typically do not screen children's content later than 4:30pm (in the case of the commercial broadcasters), 6:00pm (in the case of ABC) or 7:00pm (in the case of ABC2).

If children want to watch television at their preferred times, they must by necessity watch programs created for older audiences. Given these constraints, it is no surprise that *Big Brother* is amongst the most popular programs for children 14 and under.

The preference for adult content is also not something unique to Australia. In the United Kingdom, the Office of Communications (Ofcom) has found that around 70% of viewing by children aged between 4-15 is of 'adult' programs.⁴⁶

*"At night there aren't many children's shows on and that's why children will watch adult shows."
- Child viewer (DVD: 02:56)*

However, in the United Kingdom the situation is changing in favour of children's content. Since the arrival of free-to-air dedicated digital children's channels, giving children the ability to watch children's programs into the evening, Ofcom has noticed that children are actually watching an increased proportion of children's programs relative to adult programs.⁴⁷

The issues surrounding the scheduling of children's content, as well as the problems arising from the poor promotion of children's content, impact significantly and adversely on the ratings for children's programs. The combined effect of these problems is that no correlation between low ratings and low interest by the audience completely can be made.

Meanwhile, interview based research shows a significant attraction by the local child audience to children's programs. For the past two years, Roy Morgan's *Young Australians Survey* has demonstrated that Australian children between 6-13 have a preference to watch children's programs over programs made for an older or more general audience.⁴⁸

*"I like Worst Best Friends because it, sort of, connects with our life, and how we're at school and everything."
- Child viewer (DVD 00:08)*

The same research also demonstrates that Australian children have a strong attraction to Australian content.⁴⁹ This is backed up by the OzTam data contained in the Issues Paper.⁵⁰

The research also demonstrates that children enjoy a range of genres of programs, including a preference towards drama⁵¹ and an appreciation of local children's drama.⁵² Children also have an attraction to family sitcoms, light

⁴⁶ James Thickett (Ofcom), Presentation *Ofcom and the future of children's programming*, 15 May 2007.

⁴⁷ Thickett.

⁴⁸ In each of 2005 and 2006, more than half of the top 50 programs children between 6 and 13 'especially choose to watch' were children's programs: Roy Morgan.

⁴⁹ In each of 2005 and 2006, just under 50% of the top 50 programs children between 6 and 13 'especially choose to watch' were Australian programs.

⁵⁰ 42% of the top 50 programs watched by children 14 and under were Australian programs (Issues Paper notes 20 programs, but table 3.6 shows 21 programs: ACMA, *Children's Viewing Patterns on Commercial, Free-to-air and Subscription Television*, 30-31.

⁵¹ In each of 2005 and 2006, more than half of the top 50 programs children between 6 and 13 'especially choose to watch' are drama programs, with half being children's drama programs: Roy Morgan.

⁵² In 2005, 7 of the top 50 programs children between 6 and 13 'especially choose to watch' were Australian children's drama programs: Roy Morgan.



entertainment and sports-related programming.⁵³

These findings support the ACTF's own research with its network of advisory schools. The ACTF has surveyed thousands of children as to their feelings towards recent local C drama series such as *Holly's Heroes*, *Mortified* and *Dogstar*. The results, compiled and analysed by researchers from the University of Melbourne, show that children respond positively to the programs, with most indicating that they would try to watch the program if they knew it was on television.⁵⁴

Ironically, the audience potential for Australian children's programs is often best demonstrated in overseas markets.

Australian programs created under the CTS sell all over the world. In a little over 12 months, *Mortified* has sold into 111 countries. In perhaps the most fiercely competitive children's market in the world, the United Kingdom, C drama programs like *Mortified* and *H2O: Just Add Water* (2006) are top rating successes. As already stated, *Mortified* was recently the second highest rating children's program across all children's channels in the United Kingdom, while *H2O* was the second highest rating program across all timeslots on Nickelodeon UK. Even older C drama programs remain successful in repeats, for example, *The Sleepover Club* (2003) is a regular top 10 rating program across all timeslots on CBBC.

These results are reflected by many other programs in other territories.

It is ludicrous to suggest that the Australian child audience is not interested in local children's content; some sort of juvenile 'cultural cringe'. The research shows that the Australian child audience wants to watch:

- children's shows;
- Australian shows; and
- a range of genres, including drama, light entertainment and comedy,

as part of a media diet that includes imported children's programs and general or adult programming.

The tragedy of the current operation of the CTS, is that far too few Australian children are able to watch the Australian children's shows they enjoy.

The programs are valued by educators

Children's enjoyment of programs created under the CTS continues outside the free-to-air television broadcast.

Indeed, for some children, a classroom is the only place they get the opportunity to view programs created under the CTS due to the scheduling problems.

Programs such as Australian C drama series can be effective teaching tools. Educators appreciate that the most powerful learning occurs when minds, senses and emotions are engaged. One teacher explains that "children do love the programs. They actually often

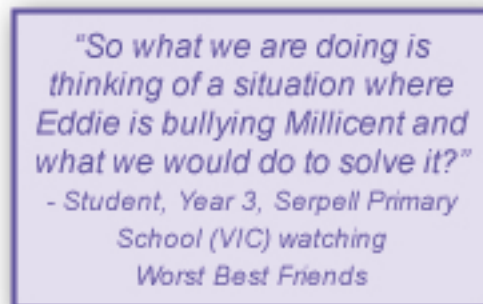
⁵³ ACMA, *Children's Viewing Patterns on Commercial, Free-to-air and Subscription Television*, 31.

⁵⁴ For example, over 1,000 students completed questionnaires on *Mortified*. Over 77% of respondents enjoyed watching the show "a lot" or "mostly". Only 19.5% of interviewees indicated that they would not want to watch the program if it was on free-to-air television.



say...can we please watch it without you interrupting, but it's very hard because there's just so many learning opportunities from a teacher's point of view to actually sit and watch for half an hour without saying anything; it's just torture."⁵⁵

Furthermore, local content provides students with scenarios which reflect their real life, providing a more effective way of studying sensitive issues. Australian C drama is used in schools to discuss issues such as bullying, jealousy, sibling rivalry, conflict with parents and death. As one teacher recently stated, "the teachers are all saying the same thing: that the children can really relate to the characters, they can relate to the experiences and it really gives them an impetus to talk about their own life and their own experiences."⁵⁶



"So what we are doing is thinking of a situation where Eddie is bullying Millicent and what we would do to solve it?"
- Student, Year 3, Serpell Primary School (VIC) watching Worst Best Friends

Television is still the dominant component of children's media diet

For the first time in 35 years, television's potential to reach mass audiences is being eroded. This is as true of children's viewing as other demographic groups. Australian children are engaging with content across more platforms than ever, including the internet, computer games and mobile phones. Children are watching less free-to-air television and less commercial television than they were five years ago.

But what we know right now is that:

- television continues to represent the most compelling area of children's media usage;⁵⁷
- television consumes the greatest proportion of children's leisure time;⁵⁸
- television remains the one media children generally maintain that they could not do without⁵⁹;
- as children get older, their use of the radio, the internet, DVDs and computer games increases, but so does their use of television;⁶⁰
- children's television viewing is predominantly of commercial free-to-air broadcasters, the broadcast mechanism regulated under the CTS;⁶¹ and
- children may be using other mediums, but often that use is driven by television content. Children viewing a program on television, can then seek out the content on DVD or, more recently, the internet. For example, clips from free-to-air C drama programs such as *Round The Twist* or *Ocean Girl* on YouTube have been viewed 40,000 times each.

⁵⁵ Michelle Upton, Teacher – Year 3, Serpell Primary School

⁵⁶ Sue Young, Assistant Principal, Serpell Primary School

⁵⁷ Roy Morgan, Young Australians Survey, Time Spent With Media, Jan – Dec 2006.

⁵⁸ Roy Morgan.

⁵⁹ Nielsen//NetRatings eGeneration report 2005: referred to in Nielsen//NetRatings, *Media Release: Australian kids rate TV as indispensable while they become increasingly devoted to the Net* (2005).

⁶⁰ Roy Morgan.

⁶¹ ACMA, *Children's Television Standards Review Issues Paper*, 9.



The main fragmentation of the child audience is between free television and pay television. It is important to remember that children's pay television channels are subject to their own form of regulation.

Furthermore, any relaxation of regulation on commercial broadcasters would have a flow on effect to the amount of local content on pay television. Australian pay television regulation is not based on broadcast hours, but on expenditure. Children's pay television channels rely heavily on C drama programs created under the CTS,⁶² supplementing the significant financing from commercial broadcaster on new programs with a much smaller contribution to the production budget. For example, C drama programs recently produced screening on pay television include: *Mortified*, *H20: Just Add Water*, *Lockie Leonard*, *Double Trouble*, *Holly's Heroes*, *Pirate Island* and many others. A reduction in the C drama quota would mean less C drama programs produced and therefore less flowing on to pay television.

Cost of compliance

Commercial broadcasters have typically argued that the cost of compliance for children's content regulation is unreasonably high, especially compliance with the C drama quota.⁶³

Figures published by ACMA from information provided by the commercial broadcasters demonstrate that local children's content consisted of 1.9% of overall program expenditure for 2004/05.⁶⁴ Within this, local children's drama accounted for only 1.2% of overall program expenditure.⁶⁵ The prior financial year was even lower, with 1.3% of overall program expenditure being for local children's programs, including C drama.⁶⁶ Given that Australian children make up 20% of the potential viewing audience, these levels of expenditure seem less than onerous.

Commercial broadcasters commit less than 2% of their programming expenditure for local children's content.

Broadcasters argue that programming costs are compounded by no advertising being allowable on P programs and low advertising revenue from C programs due to the advertising restrictions contained in the CTS.

However, the broadcasters will sometimes have other revenue streams arising from the programs.

For example, in some cases broadcasters will have a stake in merchandising, DVD sales and even live concert returns from P programs.⁶⁷ The ACTF is also aware of at least two C drama series for which commercial broadcasters receive a share of DVD revenue.

In any event, the ACTF considers that significant improvements can be made in the way that C programs can attract advertising revenue. This has been previously discussed in section 2 in relation to the issue of scheduling.

⁶² Australian children's pay channels only irregularly fully finance their own local children's programs.

⁶³ For example, FACTS, 24.

⁶⁴ ACMA, *Broadcasting Financial Results, 2004-05*

⁶⁵ ACMA.

⁶⁶ ACMA.

⁶⁷ ACMA, *Children's Television Production Project*, 21.



The appropriate quota levels

In the circumstances where:

- delivery of local content to Australian children is a Government policy objective;
- local children's programs are valued by the child audience;
- the child audience enjoys a variety of programming, including drama (including comedy) and light entertainment;
- local children's programs produce positive educational and cultural outcomes;
- commercial free-to-air television continues to represent the most compelling area of children's media usage; and
- the compliance costs on commercial broadcasters are relatively low,

there is clearly no case for any argument that the children's local content quotas should be reduced.

There should also not be any increase to the overall children's content quota. Not enough of the content being produced is currently reaching its intended audience due to the scheduling and promotion problems. Until this connection with the audience is improved, increasing the hours of content is also inappropriate.

In respect of the breakdown between P and C content within the overall quota, this submission has already recommended the retention of the half hour of local preschool content to Australian children each weekday by each commercial broadcaster. Accordingly, it recommends retaining the 130 hour P quota and 260 hour C quota.

CTS3(4)(b), which limits broadcasters from airing a particular episode of a P program more than three times in any period of five years, seems to be a reasonable mechanism for ensuring an appropriate mix of new and repeat P content is aired and does not need to be changed.

The mix of 130 hours of new and repeat C content also still seems reasonable.⁶⁸

In respect of C drama sub-quota, the first release and repeat C drama sub-quotas *combined* can represent less than 13% of a broadcaster's C programs in any calendar year; arguably under-representing local drama in the children's programming mix. However:

- while compliance cost is still low relative to overall program expenditure, there is an additional compliance cost of meeting this sub-quota compared to non-drama children's programs; and
- commercial broadcasters usually exceed their repeat C drama sub-quota.⁶⁹

In these circumstances, the ACTF is not recommending any change to the C drama sub-quota levels.

⁶⁸ ACS 14(1).

⁶⁹ ACMA, *Children's Television Standards Review Issues Paper*, 13



④ SOLUTIONS FOR THE FUTURE

The multi-pronged Government support for Australian children's content was established in an era where commercial free-to-air television was the dominant media.

As this submission has established, this continues to be the case. The medium term outlook for the commercial broadcasters is stable.⁷⁰ However, there is little doubt that there will be increased audience fragmentation in the future. Commercial broadcasters will be able to broadcast one digital multichannel from 2009, and allow full multichanneling somewhere around 2010 and 2012.

Pay TV viewing share is growing and forecast to grow even further.⁷¹ Both political parties are promising to upgrade broadband infrastructure which will improve the delivery of video content over the internet, and allow more viewers to access emerging platforms such as IPTV. More and more time will be taken up accessing content on handheld devices.

Advertisers are likely to follow the audiences and fragment across platforms. Commercial broadcasters have managed to compensate for this to date by increasing advertising premiums,⁷² but this will not be sustainable as commercial television delivers smaller and smaller "mass audiences" to advertisers. Expenditure will need to be cut, and the first target will be services to niche audiences such as children's programming. Commercial broadcaster industry body Free TV Australia has already identified children's programming as the potential casualty if its stakeholders are adversely effected by additional advertising restrictions.⁷³ ACMA will find it increasingly difficult to justify imposing more stringent regulation on unwilling participants with shrinking audience shares.

At the same time, other elements of the support structure are changing. The FFC will cease to exist on 1 July 2008, and there is no certainty in the direction its successor, the ASA, will take in respect of children's content in the long term.

Trying to amend the CTS to deal with all these issues is expecting far too much of regulation that is already 20 years old.

Tradeable quotas

The discussion on tradeable quotas provides a good example as to how unrealistic it is to try and "patch up" the current regulation.

Tradeable quotas is an attempt to find a solution for the commercial broadcasters' general unwillingness to be subject to local children's content regulation. However, the trades it proposes are generally unattractive for the broadcasters.⁷⁴ Furthermore, the solution largely ignores:

⁷⁰ For a good summary of the current outlook, see the discussion in Richard Harris, *Film in the Age of Digital Distribution* (2007), 40-42.

⁷¹ Foxtel recorded a substantial increase in subscribers and forecast increased penetration into homes in metropolitan Australia: Reported *The Australian* 10 August 2007.

⁷² Advertising revenue for commercial broadcasters increased for the six months January to June 2007 by an average of 6%: *Free TV Australia, Media Release*, 24 July 2007.

⁷³ Free TV Australia, *Media Release*, 1 August 2007.

⁷⁴ No advertising revenue could be raised by the 'quota acquiring' channel from any additional P programming. Also, according to the broadcasters, even if audience numbers were higher, little advertising revenue would be able to be raised from additional C programming. As a result, the only reason the 'quota acquiring' channel would agree to a trade is if it stood to receive a significantly higher payment from the channel wanting to be free of the regulation than the commissioning cost of



- pay television. Trades would be unworkable with a medium with no reciprocal hourly local content regulation and only limited access to the child audience;⁷⁵
- the national broadcasters. Once again, trades would not be fair with a broadcaster with no reciprocal local content obligation;
- the local and international television markets. If a broadcaster wanted to position itself as a provider of children's content, it could do so right now by screening repeat P and C programs either already under licence or relicensed at little cost. Even easier would be to acquire cheap (or potentially free) overseas content, much of which can be repeated an unlimited number of times. In addition to low cost content, overseas children's programs would provide an additional benefit to the broadcasters by not being subject to the advertising restrictions imposed on P and C programs;
- most importantly, the preferences of the child audience. The concept does not reflect children's views on accessing content over different media. It provides a mechanism for free-to-air broadcasters to relax their content obligations, but that is all.

Patching existing regulation up with mechanisms such as tradeable quotas will not produce sustainable, long term solutions for the child audience.

What is needed

Rather than piecemeal reform to the CTS, the long term solution requires an holistic, multiplatform approach to answer the question as to the best way to deliver local content to the Australian child audience.

That answer will need to include the following elements:

Decisive action from ACMA and the Government

The challenge of telling Australian stories will be harder than ever in the evolving media world, where audiences are being increasingly presented with new, largely unregulated media options.⁷⁶ Both ACMA and the Commonwealth Government will need to make bold decisions, and back those decisions up with sufficient resources.

A strong public broadcaster voice

As the commercial broadcasters try harder and harder to push niche programming out of their schedules, public broadcasting's commitment to local children's content (indeed all specialist content) will become more and more vital.

Public broadcasting has a number of potential benefits for the delivery of local content to the child audience. These include:

the content. It seems unlikely, in the current environment, that one broadcaster would be so willing to contribute to another's bottom line, even if it freed up broadcast schedule.

⁷⁵ The same argument would extend to community broadcasting. Trades with a narrowcaster would be similarly problematic, in addition to the fact that platforms which provide content to children over 10 years of age are unlikely to be considered a narrowcasting service: Broadcasting Services Classification Notice 2002, referred to in ACMA, *Narrowcasting services on television – Guidelines and information* (2007), 21.

⁷⁶ At least in content terms.



- An inherent obligation to provide programs that contribute to a sense of national identity, programs of an educational nature and programs that reflect the diversity of the entire community, rather than just the broadest demographic. A public broadcaster has a responsibility to cater for the Australian child audience, not something that is just done due to content regulations imposed upon it.
- The ability to measure program success in terms other than ratings or revenue, such as educational benchmarks and audience engagement. These are measures which commercial broadcasters are unable or unwilling to use;
- The ability to reach out to the audience wherever they may be watching. Public broadcasters are not committed to protecting their free-to-air broadcast mass audience in the same way as commercial free-to-air broadcasters. Accordingly, they are more open to providing universal access to content, including online and on handheld devices. Public broadcasters can reach out to young people wherever they are and however they are watching.
- The opportunity, if not obligation, to take content and programming risks. Children's public broadcaster programs such as CBBC's *Do Something Different* which challenges one million English children to be more active; Al Jazeera Children's Channel's *Wasla*, a type of children's *Foreign Correspondent*; and Ki.Ka's *Kummerkasten (Griefbox)*, which allows children to raise issues with counsellors that they feel awkward discussing with their parents, are examples of programming types beyond those typically created for the child audience in Australia.

Any long term plan needs a well funded, public broadcaster as a pivotal player in providing local children's content to the audience.

The ABC is far from providing this service today. Its children's budget stretches only as far as a few new children's programs per year, including probably one children's drama program. There is no doubt that unless it becomes a substantial player for the child audience in the multichannel/multiplatform age, the delivery of Australian content to that audience is going to be greatly compromised.

Competition

International experience demonstrates that competition for the children's audience drives quality and service. The United Kingdom is a fiercely contested market for the child audience with 18 dedicated children's channels available to the majority of homes with children.⁷⁷ These channels, along with the comprehensive free-to-air broadcasters, target 11 million children. Despite the current cries from the United Kingdom production sector as to a 'crisis' in children's production,⁷⁸ the audience are not yet feeling it. Children in the United Kingdom are provided with arguably the best selection of children's programming in the world.

In Australia, there is virtually no free-to-air competition for the child audience. It has already been established that commercial broadcasters make little effort to attract the child audience. SBS declines to broadcast children's content on the basis that it cannot (or will not) compete with the ABC for that audience. The ABC is therefore able to claim to be the market leader amongst the free-to-air broadcasters despite commissioning less new local children's content than any of the commercial broadcasters.

⁷⁷ Ofcom, Terms of Reference – the future of children's programming, 13 February 2007

⁷⁸ See, for example, Save Kids TV: www.savekidstv.org.uk



The only real competition is between the ABC and pay television channels, and only then in the 26% of Australian homes with pay television.

We all understand that competition is a driver of new productions, new genres, and quality. ACMA and the Government need to consider what form of competition they need. It may be a retention of some commitment to children's content on the commercial broadcasters, be it on a primary, secondary or tertiary multichannel. If pay television penetration continues to grow, it might be appropriate to create new forms of regulation for the pay children's channels. A free-to-air commercial children's digital channel is a possibility, although the experience with CiTV in the United Kingdom suggests that it is unlikely to be feasible in the Australian context. This is especially the case if one presumes that advertising restrictions analogous to those currently in the CTS, at least, will apply to some of the content.⁷⁹ Competition may be able to be provided on an emerging platform, such as an advertising based or subscription IPTV service.

It is tempting to say that the most appropriate model will become clear once the dust has settled in the fragmenting media world. Yet it is unlikely that we will ever have a period anything like the years of stability that broadcast television has just enjoyed. Modes of delivery will keep evolving at a frightening rate. As a result, determining suitable competition will not be an easy task for the Government, ACMA and the broader industry. But it is a challenge that must be tackled for the good of the child audience.

A logical date to start the consideration would be the full conversion to digital broadcast, between 2010 and 2012.

Resources

The other element to the solution needs to be money.

Providing a solid, children's public broadcaster service is going to require a significant increase in dedicated children's funding to the ABC. The broadcaster needs to be in a position where it becomes a significant commissioner of new Australian content, and has the ability to licence existing Australian content, rather than running a distant last place behind the commercial broadcasters in terms of new children's programs.

Proposals to increase broadcaster flexibility, such as tradeable quotas, suggest that there is the potential for a future where ACMA requires a much lesser contribution by the commercial broadcasters. If this happens, the Government needs to consider how content screened outside a public broadcasting environment is going to be funded. One proposal that has been put forward is for the Government to return a proportion of the broadcasters' licence fees for the creation of new Australian content.⁸⁰ The Government will also need to put its mind to ensuring necessary levels of support for children's content through the ASA and the ACTF, and monitor the effectiveness of the new production rebate in financing children's productions.

⁷⁹ In a market of 11 million potential child viewers, CiTV has been scaled back to a repeat only channel. No new content has been commissioned for the channel since 2005.

⁸⁰ Mitchell Communication Group, *A Response to the Review of Australian Government Film Funding Support*, July 2006.



⑤ A BRIDGE TO THE FUTURE

A dedicated children's channel

The ACTF considers the current ABC/ACTF proposal for the establishment of a public broadcaster children's channel to be a bridge to the future solution discussed in section 4.

It is a bridge because, as explained above, a strong public broadcaster presence will be vital for the child audience in the multichannel world. It is the one element of the long term solution that we already know will be required.

But it also has immediate application, by vastly improving the current efficiency of the CTS.

The vision is to create a free-to-air destination for Australian children; a place:

- where children know they will always be able to access content made for them;
- featuring content predominantly of Australian origin;
- where programs are scheduled at the times they want to watch, including during children's peak viewing times, into the evening; and
- where children can be advised and informed about the diverse slate of children's programs through appropriate promotions, which actually seek to build audiences for Australian content.

In summary, the goal is to create a channel which provides a much better service to the child audience than is currently being offered through either the CTS or the ABC. One that delivers new and old programs which are at different times innovative, entertaining, educational, empowering, emotive, informative but always relevant to the audience.

The channel improves the efficiency of the current regulation by reconnecting the child audience with the programs that have been created under the CTS. The children's 'destination' can be the platform to broadcast local P and C programs no longer screened by commercial broadcasters. These programs do not get relicensed by commercial broadcasters, as broadcasters are principally concerned with meeting their 'first release' quotas, and repeat quotas are relatively low and easy to meet.⁸¹ Each year hours of content created under the CTS, much of it significantly subsidised with taxpayer money, is lost to the Australian child audience.

As a public broadcaster, it can also act as a 'safe haven' for people concerned as to children's exposure to 'junk' food advertising and other marketing.

And it can do all of this for a significant proportion of the Australian child audience *right now*. Already, more Australian households can receive free-to-air digital television than receive pay television.⁸² This figure will grow quickly as the analogue switch off date gets closer.

The ABC was always the most obvious partner for the proposal as:

⁸¹ The annual repeat C drama quota is, for example, only 8 hours: ACS 13.

⁸² Digital Broadcasting Australia estimates 2.2m Australian homes have access to free-to-air digital television. Foxtel reaches 1.4m homes (Foxtel, Press Release, 9 August 2007) and Austar reaches over 600,000 homes (as of 31 December 2006; Austar website).



- it already acknowledges and understands the importance of telling Australian stories to Australian children; more local production is the goal, rather than a quota that must be filled;
- it has an ongoing, sustained connection with the Australian child audience, especially preschoolers but also older children through the successful *Rollercoaster*, *Rollercoaster Rewind* and *OZone* slots;
- it has expertise at appropriately scheduling and cross-promoting children's content;
- it already provides significant online content leveraging off its broadcast children's content, and is expanding content to other viewing platforms;
- it has a charter commitment to educational content. The ACTF is proposing a channel in which segments of the weekday schedule are used in schools for learning purposes. All State and Territory Ministers at the 2006 meeting of the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) endorsed the ACTF's call for a digital children's channel due to its potential use in education;⁸³
- it is willing to experiment with new formats and concepts. The ACTF has maintained that a public broadcaster children's channel provides a platform to showcase the large amount of high quality, child created content that is already being created in schools and homes across Australia. Children in a digital age are no longer just content being consumers of content; they want to be creators as well;⁸⁴ and
- the ABC is already trusted by parents and other caregivers as being advertising free.

The ABC/ACTF proposal is to provide a dedicated service to the children's audience, screening a minimum of 50% Australian children's content from 6.00am to 9.00pm. A far, far more comprehensive service to our children than any existing broadcaster will ever contemplate.

Most importantly, the channel is an effective way of delivering on Government policy in the area of children's media. It can allow children to see, hear and express themselves, their language and their own life experiences. It can enable our children to affirm their sense of self and community as Australians. It can ensure that young Australians have access to content which contributes to their cultural and educational experience.

It can deliver Australian stories to our children. The ACTF believes that they deserve to hear them.

ACTF
31 August 2007

For further information on any of the issues contained in this submission:

Jenny Buckland, CEO
Tim Phillips, Legal and Business Affairs Manager
+61 3 9419 8800

⁸³ 20th MCEETYA meeting – Brisbane, July 2006.

⁸⁴ The ABC is currently experimenting in child created content in a number of forms, such as its *Rollermâché* project.



APPENDIX A

ASSESSMENT AND PROCESS ISSUES

These issues covered in the Issues Paper have been left to this appendix because they are considered by the ACTF to be quite peripheral to the key issues at hand.

Criteria for P and C programs

ACMA asks whether the classification criteria for C and P programs are still appropriate for the Australian child audience.

As the criteria cover such broad, general statements as requiring programs to be “entertaining”, “well produced” and “appropriate for Australian children”,⁸⁵ it is impossible to argue that, as drafted, they are not appropriate. The issue then, is whether the application of these general principles is not delivering relevant content for the Australian child audience.

The feedback received by ACMA from some children’s television producers is that the application of the guidelines is problematic. The view is that assessors are too conservative, and are interfering with the creative process by demanding detailed amendments be made to programs. In order to avoid this, it has been suggested that some producers and writers are creating programs with as few potential “issues” as possible, so that productions are not delayed by the assessment process. Producers have identified program “innovation”, the potential audience age range and international marketability for programs as potential casualties of this process.

The ACTF does not find these arguments persuasive. At most, they suggest that better communication between ACMA assessors and producers is required, not major changes to the drafting of the criteria.

Innovative content

There is no evidence that CTS assessment is somehow limiting the creation of “innovative” children’s content. Different format styles or subject matters are not inherently at odds with the CTS, nor are they likely to encounter problems with assessment. Indeed, it is likely that ACMA would welcome such programming to the children’s content mix. The main issue is that the commercial broadcasters have little interest in expanding their range of programming styles to the child audience, and without the broadcaster commission, the show does not get produced.

This should not be confused with suggestions from broadcasters that C drama be made more “innovative”.⁸⁶ This is merely a ploy to dilute the C drama sub-quota. Broadcasters must produce 130 hours of new children’s content per year, but only an average of 32 hours of that content needs to be drama. If the commercial broadcasters want innovative children’s content, they already have the ability to make plenty of it through their C non-drama commitment.

The lack of enhancing programming using content across platforms is also irrelevant to the CTS. The fact is that commercial broadcasters have little interest in trialling these formats.

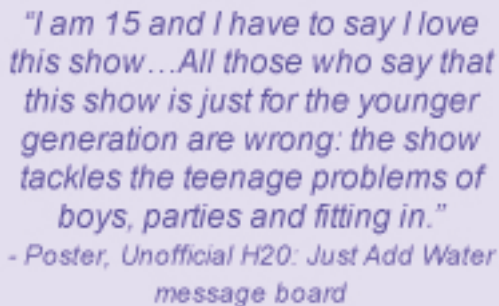
⁸⁵ CTS 2

⁸⁶ For example, the argument that C drama should be replaced with a “C Drama and Diversity” sub-quota: FACTS, 28.



Potential audience range

It is important to remember that the policy behind the C regime is to address the need for content specifically for children under 14.⁸⁷ It is not to promote the production and broadcast of content for material that is watched by older children, such as *Home and Away*. Producers and broadcasters would clearly have an interest in creating such programs, as they attract a broader demographic for advertisers. If the show performs well for this audience, it provides producers with a greater likelihood of ongoing commissions. But such content does not serve the policy objectives of the CTS.



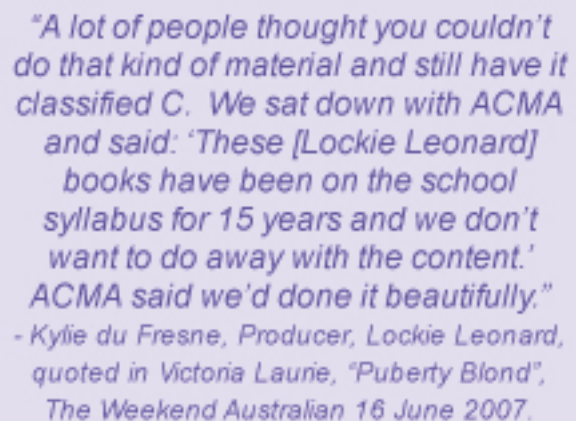
"I am 15 and I have to say I love this show...All those who say that this show is just for the younger generation are wrong: the show tackles the teenage problems of boys, parties and fitting in."
- Poster, Unofficial H2O: Just Add Water message board

There is also no real evidence that programs created under the CTS are of limited appeal to older children. For example, the recent C drama series *Lockie Leonard*, and the C light entertainment series *Totally Wild*, both have more viewers watching above 12 years of age than between 0 and 12 years.⁸⁸

Lockie Leonard also demonstrates that by working with ACMA assessors, contentious subject matter need not be removed from a

C program. This C drama series deals with issues including family mental illness, puberty (including adolescent wet dreams), young love, breakdown of the family structure, incapacity due to old age and the potential consequences of a drug addiction.

Lockie Leonard is not the only C drama program which deals with potentially contentious issues. Other examples include: bullying (eg. *Worst Best Friends* and *Holly's Heroes*); divorce and parents finding new partners (*Worst Best Friends*), weapons and violence (*Legacy of the Silver Shadow*) sex education (*Mortified*), and characters discovering they are adopted (*Worst Best Friends*).



"A lot of people thought you couldn't do that kind of material and still have it classified C. We sat down with ACMA and said: 'These [*Lockie Leonard*] books have been on the school syllabus for 15 years and we don't want to do away with the content.' ACMA said we'd done it beautifully."
- Kylie du Fresne, Producer, *Lockie Leonard*, quoted in Victoria Laurie, "Puberty Blond", *The Weekend Australian* 16 June 2007.

Relationship with the international market

Whether the application of the CTS is out of tune with international broadcasters is an impossible question to answer. There is now a large number of children's channels around the world, all of them with slightly different target demographic audiences. An Australian producer who is looking to obtain a presale from an international broadcaster with a target demographic of, say, 12 to 16 year old children, may indeed be frustrated by the application of the CTS.

The need for international partners to get a production financed is fully appreciated, but the CTS should not be overridden by the international broadcasters' interests. The CTS are designed to serve Australian children, not the international audience.

⁸⁷ "Children" are defined in the CTS as people younger than 14 years of age.

⁸⁸ Data supplied by OzTam Pty Ltd



In any event, this issue flows both ways. Two of the biggest children's television producers in the world, the BBC and Disney Channel, have relatively low target demographics and are conservative in their programming. Producers with presales to either of these broadcasters may well find themselves making concessions on matters which were never in question during the CTS assessment.

The significant level of international sales of Australian C drama programs also demonstrates that there is significant international broadcaster appeal in programs that have been through the CTS assessment process.

Other issues

The complaints raised in the Issues Paper as to episode inflexibility due to a requirement of 30 minute commercial formats, are ill informed. The Issues Paper correctly notes that the current criteria is for the slot to be 30 minutes in commercial length, not a 30 minute episode. C drama shows such as *I Got A Rocket* run for commercial quarter hours. Episodes could be even shorter than this if the local broadcaster and international broadcaster wanted content of this type.

The comments as to limitations stemming from requirements of a story arc are also irrelevant. There is no requirement for a story arc under the CTS.

Recommendation

Shows such as *Lockie Leonard* demonstrate that ACMA is not opposed to including issues that may be considered slightly risky or even confronting in C programs. However, some producers do appear to believe that ACMA is actually quite conservative. In these circumstances, the issue appears to be more of communication and education than of a fundamental breakdown in the application of the criteria. Accordingly, the ACTF supports a maintenance of the 'status quo' in respect of classification, with a focus on improved communication between ACMA and children's producers. This communication needs to be two way. It must consist of ACMA issuing further information on its assessment process, perhaps through case studies of past programs. But producers also need to properly outline the issues that relate to them in respect of creative control and the production schedule process. A good result may be if producers and assessors met somewhere in the middle of their current mindsets.

Children's producers seeking a significant dilution to the classification process are unlikely to be happy with this recommendation. However, the CTS does provide them with a regulatory basis driving their industry; an industry that would otherwise not exist in Australia. It is reasonable that producers fulfil their part of the system, by committing to the checks and balances that are part of the process.

The ACTF does not support proposals raised in the Issues Paper including:

- broadcasters self-assessing programs with an annual audit;
- minimum total annual spend;
- a peer assessment panel; or
- reduced assessment requirements for experienced children's producers.



The most likely result of the audit model is that, if anything, shows would be much more conservative and for a narrow, younger audience. Broadcaster attitudes such as “I don’t need to read the scripts, I just need to know it is filling my quota”⁸⁹ demonstrate that the main priority for the broadcasters is to meet the letter of the regulation. If the responsibility of assessment fell on the broadcaster, but with the potential for penalties if programs did not meet C criteria, it is most likely that the broadcaster would commission content which had no risk of falling foul of the CTS.

The minimum annual spend option does not seem to address any of the matters raised in relation to the classification criteria (although if set at high enough levels it may certainly help producers more easily finance their productions).

A peer assessment panel seems a less satisfactory solution than a properly briefed and trained ACMA assessment process. A peer based panel would be more open to pressure from producers than a truly independent regulatory body such as ACMA.

The ACTF also does not support reduced assessment requirements or “accreditation” for experienced producers. As broadcasters are primarily concerned with meeting the P or C qualification, it may provide experienced or accredited producers with a distinct advantage in obtaining local broadcaster presales over more junior practitioners. This would mean that emerging producers may struggle to receive broadcaster commissions, while children’s programs tended to be produced year in, year out by the same, seasoned producers.

If anything, such a scenario seems likely to compound a lack of innovation. New, emerging producers may well be the most likely to stimulate local children’s programming with new concepts and ideas.

The *Lockie Leonard* production again provides a good example. The producers, Essential Viewing, are experienced at providing adult television drama, but had never before produced a children’s series. They clearly brought with them a willingness to test the boundaries of the CTS classification criteria.

The other danger of the accreditation process is the potential for C content to gradually ‘creep’ older and older. It is in the broadcaster’s interest to create programming of a wider demographic. Therefore, there is potential for a broadcaster to recommend changes that, over time, slowly turn a children’s program into something much broader. With automatic C certification, there exists the potential for such creep to occur, until C programs are actually resembling something for a much older audience.

⁸⁹ ACMA, *Children’s Television Production Project*, 29

