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To Whom It May Concern

We are pleased to enclose a submission to the Draft Children's Television Standards 2008.

This submission is prepared jointly by the NSW Commission for Children and Young People, WA Commissioner for Children and Young People, ACT Children and Young People's Commissioner, Northern Territory Children's Commissioner, Queensland Commission for Children and Young People and Child Guardian and Commissioner for Children Tasmania, Child Safety Commissioner Victoria.

We will be placing a copy of the submission on the Commissions' websites. Making work such as this publicly available is one way of demonstrating our accountability to the children and young people in our jurisdictions.

If you require any further information, please contact the NSW Commission for Children and Young People's Manager, Policy, Maj-Britt Engelhardt on 9286 7205 or at [maj-britt.engelhardt@kids.nsw.gov.au](mailto:maj-britt.engelhardt@kids.nsw.gov.au).

Yours sincerely

**Gillian Calvert**  
**Commissioner**  
**(on behalf of the other Commissioners)**  
**October 2008**

# **Submission to Australian Communications and Media Authority (ACMA) Draft Children's Television Standards 2008**

ACT Children and Young People's Commissioner  
Northern Territory Children's Commissioner  
NSW Commission for Children and Young People  
Queensland Commission for Children and Young People and Child  
Guardian  
Commissioner for Children Tasmania  
Child Safety Commissioner Victoria  
WA Commissioner for Children and Young People

October 2008

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## **1. Introduction**

Thank you for providing us with the opportunity to make a submission in response to the Draft Children's Television Standards (CTS) 2008. This submission follows up our previous recommendations to the 2007 review of the CTS that we consider have not been adequately dealt with in the Draft CTS.

## **2. Summary of key recommendations**

We recommend:

- the introduction of incentives to encourage the production and broadcasting of children's programs above the minimum quotas
- that the definition of "Unsuitable Material" be strengthened so that no material broadcast during C and P bands represents developmentally inappropriate behaviour, or encourages children to provide their personal details
- that ACMA adopts a transitional approach to implementing a ban on advertisements of high fat, salt and sugar (HFSS) foods
- extending the ban on the use of animated characters, celebrity endorsements or toy giveaways in commercial advertisements targeted at children from C and P periods to the broader C and P bands
- that competitions encouraging children to enter via SMS or internet should be more stringently regulated to safeguard the privacy of the child and so that children do not bear a financial burden as a result of such competition entries
- that children's programs should not be displaced where a major sporting event runs over time, unless children are participants in the major sporting event
- the appointment of an assessment panel of independent child development professionals and children's television experts to classify programming, as well as children.

### **3. Minimum quota levels**

We are pleased that the Draft CTS retain the minimum quota levels for children's programming and promote additional flexible scheduling options. However, as we have previously stated, quotas do not encourage broadcasters to provide children's programs above the minimum required.

We recommend the introduction of other incentives to encourage the local production and broadcasting of innovative, developmentally appropriate children's programs above the quotas. Quality Australian made children's television programming would of necessity reflect societal diversity, including representation of CALD and indigenous communities. For example, dedicated government funding for the production of children's programs. Research evidence has shown that children benefit from story telling in a variety of ways, but that there is less local production that focuses on story telling with a powerful civic and moral content. Instead, children are presented with simplistic narratives and soapy plots in cartoons and serials targeted at them.<sup>1</sup>

### **4. Unsuitable Material**

We previously recommended that the definition of unsuitable material should be strengthened. However, the Draft CTS does not reflect this recommendation. We therefore reiterate our recommendation that the definition include material, including Community Service Announcements, broadcast during a C or P band that:

- a) represent developmentally inappropriate behaviour, including images of children or young people who look like children engaging in adult behaviour that portrays sexualising<sup>2</sup>, violent or risk taking behaviour, or using products designed for adult use that clearly would encourage or expose children to risk of injury if used by children; and
- b) encourages children to provide personal details via SMS or online competition entries. This has the potential to compromise their privacy and personal safety and also enables them to be targeted by direct marketing.

Relevantly, we draw your attention to Article 17(e) of the *United Nations Convention on the Rights of the Child* to which Australia is a signatory. This Article requires that States Parties:

*Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being...*

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<sup>1</sup> Edgar, D. and P. (2008) *The New Child: In search of smarter grown-ups*, Wilkinson Publishing, Melbourne

<sup>2</sup> This is in keeping with recommendation 1.12 of the Senate Standing Committee on Environment, Communication and the Arts' report on *Sexualisation of Children in the Contemporary Media* which stated: *The committee considers that the inappropriate sexualisation of children in Australia is of increasing concern. While noting the complexity of defining clear boundaries around this issue, the committee believes that preventing the premature sexualisation of children is a significant cultural challenge. This is a community responsibility which demands action by society. In particular, the onus is on broadcasters, publishers, advertisers, retailers and manufacturers to take account of these community concerns.*

We therefore call on ACMA to reflect this Article, and Australia's global responsibility to implement it, in the development of the CTS.

As the largest proportion of children are viewing television between 7pm to 8pm they may be watching adult targeted programs which may not be appropriate for children. Consequently, we recommend the provisions of CTS 23 (Unsuitable Behaviour) apply to the broader "C and P bands" which cover this period, rather than the more limited "C and P periods".

## **5. Food and beverage advertising**

We are pleased that ACMA has given further consideration to regulating unhealthy food and beverage advertising by conducting further research. However, we are disappointed that little has been done to regulate the use of such advertising in the Draft CTS given that there is some evidence of the link between advertising and children's preferences.

We recommend that ACMA considers adopting a transitional approach to implementing a ban on advertisements of high fat, salt and sugar (HFSS) foods. The UK recently completed a three-phase ban of this nature over 18 months. A phased process would allow time to reduce the immediate impact on broadcaster revenue, an issue raised by ACMA in its discussion paper.

However, we agree with Professor Daube, Professor of Health Policy at Curtin University of Technology, that the reduction in broadcasting revenue should not be a paramount consideration when addressing this critical health issue. Professor Daube submitted to the ACMA Review that:

*It is unethical to put the health of our children at risk on the basis that funding for commercial television (and large corporations) is more important.<sup>3</sup>*

Schools across Australia are currently implementing strategies to promote healthy food choices and discourage children from eating HFSS foods with little other nutritional value.<sup>4</sup> We suggest that ACMA work collaboratively with organisations such as Food Standards Australia New Zealand and Nutrition Australia to build on these existing measures and develop a universal tool identifying HFSS foods using the *Australia New Zealand Food Standards Code*. Collaborative work of this nature will provide clear guidelines on the implementation of restrictions for HFSS food advertising and promote a healthier diet and lifestyle for Australian children.

ACMA has the opportunity to lead on this crucial preventative health measure. As the National Preventative Health Taskforce's recently released discussion paper states, a major imperative for Australia should be to:

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<sup>3</sup> Professor Mike Daube, Professor of Health Policy, Curtin University of Technology, *Submission to ACMA Review of Children's Television Standards*, 31 August 2007

<sup>4</sup> Current Australian State School Strategies: Fresh Tastes – New South Wales; Smart Choices – Queensland; Go For Your Life – Victoria; Healthy Food and Drink – Western Australia; Right Bite – South Australia

*Curb inappropriate advertising and promotion, including banning advertising of energy dense, nutrient poor foods during children's viewing hours.<sup>5</sup>*

We are pleased that the use of characters and personalities in commercial advertising is banned under CTS 33, particularly given the influence such characters can have on young children's food preferences. However, as we have mentioned above there are large numbers of children who watch adult targeted programs between 7pm to 8pm, which is outside of the "C and P periods". Therefore, we recommend the provisions of CTS 33 apply to the broader "C and P bands" which cover this time period.

## **6. Competitions**

As we recommended in our previous submission, television competitions that encourage children to enter via SMS or the internet should be more stringently regulated to safeguard the privacy of the child and so that limited financial burden will result from competition entry.

We suggest there should be restrictions placed on the number of times a child can enter a competition, limits set on the cost per entry and the cost of entering should be made very clear. We also suggest that once the child's information is collected, their personal details should be used for the purpose of that competition only, not for direct marketing purposes. When the competition is over, their personal details should be deleted from the marketing database of the company concerned.

## **7. Complaints**

Our previous submission supported the incorporation of the Commercial Television Industry Code of Practice and the existing provisions of the Children's Televisions Standards. We consider that this approach will provide a more accessible and consistent complaints system for those with concerns about inappropriate food and beverage advertising to children. It will also allow ACMA to more effectively collect information on inappropriate advertising, which may lead to future policy changes where required.

It is unclear whether this approach has been taken up and we would appreciate further information from ACMA on this issue.

## **8. Schedule variation and displacement**

We previously suggested that the displacement requirements for children's programs should not be amended to allow for displacement where a major sporting event runs overtime, unless the major sporting event is conducted for children as participants. It is disappointing that the Draft CTS allows for displacement of both C and P programs in such an instance. We encourage ACMA to reconsider this standard.

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<sup>5</sup> National Preventative Health Taskforce, *Australia: The Healthiest Country by 2020*, released 10 October 2008, p. 15.

## **9. Classification process**

We continue to recommend the creation of an assessment panel made up of independent children's television production experts and child development professionals to classify children's programs. However, it is unclear from ACMA's review report whether the changes to the Draft CTS to enable an external person to undertake the classification will include the power to appoint an assessment panel. We would like further clarification from ACMA on this matter. We also once again encourage ACMA to appoint children to undertake classification where appropriate so that programming criteria remains relevant.

## **10. Conclusion**

Television is an important source of information, education and entertainment for children. To best meet the needs of children, the Children's Television Standards should be strengthened to further encourage children's television production and programming, encourage children to make healthy food choices, facilitate children's involvement in classification, as well as provide better safeguards against children viewing unsuitable material.

Again, we call on ACMA to reflect Australia's obligations under Article 17 of the *United Nations Convention on the Rights of the Child* which recognises the important role of the mass media in providing children with access to information and material aimed at the promotion of their health and well-being.