



Commissioner for Children and Young People
Western Australia

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Ms Julie Flynn
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Via email: Code2015@freetv.com.au

Dear Ms Flynn

Commercial Television Industry Code of Practice – Invitation for Public Comment

Thank you for the opportunity to comment on the proposed Commercial Television Industry Code of Practice.

Under the *Commissioner for Children and Young People Act 2006 (WA) (the Act)* my statutory functions include advocating for children and young people, and monitoring and reviewing written laws, draft laws, policies, practices and services affecting the wellbeing of children and young people in Western Australia. I must give priority to, and have special regard to, the interests and needs of Aboriginal children and young people and those who are vulnerable or disadvantaged for any reason. I am also required to have regard to the United Nations Convention on the Rights of the Child. Children and young people are defined in the Act as people under 18 years of age.

The Act also states that 'In performing a function under this Act the Commissioner or any other person must regard the best interests of children and young people as the paramount consideration.'

It is with this in mind that I make the comments below.

Classification and time bands

The proposed code calls for the removal of the 'G' classification zone, currently 6am-8:30am and 4pm-7pm on weekdays, and 6am-8:30am and 4pm-7:30pm on weekends. The explanatory notes state that 'Research conducted by the ACMA as part of the [Contemporary Community Safeguards Inquiry] found that "time of day" was not one

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of the top three methods used by parents and carers to make viewing choices.¹ However, the Consolidated Report of the ACMA consultation stated that 'time of day' as a guide to viewing choices was considered 'very useful' by 57 per cent of respondents, and further, one of the top three methods used was 'dedicated children's program slots or channels (69 per cent).² It is particularly relevant that the Screen Australia report on children's viewing noted that one of the most common methods that children in the eight to 14 age group used to find TV shows was 'I just flick on the TV and find them'.³ Given that children do evidently access TV at certain times without necessarily having direct supervision, it is important that parents or carers could be satisfied that programs during certain times would be appropriate for that age group.

The proposal to move the beginning of the 'M' classification from 8:30pm to 7:30pm requires further discussion. Screen Australia's report stated that the highest child (aged 2 to 14 years) audiences for TV were in the early evening, the graph showing that this begins around 6pm until about 8:30pm, all within 'PG' classification times.⁴ Should the change to the 'M' classification be approved, viewing during this time would potentially expose children to considerably stronger themes than considered appropriate for their age group.

Similarly, the proposal to ease the time restriction on 'MA' rated programs from 9:00pm (or 9:30pm in the case of 'AV' rated programs) should be considered carefully for the same reasons. The contention that the move to 8:30 pm as the commencement time would bring commercial networks in line with SBS does not take into account that SBS is not oriented towards commercial, family viewing.

Advertising

Television advertising is priced so that the timeslots with the highest number of viewers (prime time) can command the highest prices. As previously noted, evening prime time is the period when the greatest numbers of children are watching television. Under the current code of practice, this falls within a 'PG' classification bracket. However, should the proposed code be adopted and the 'M' classification allowed to begin from 7:30, there is potential that children watching during this time would be exposed to advertising which is inappropriate due to subject matter or to the product being advertised. This could include alcohol advertising and advertisements for takeaway food directed at adults.

¹ FreeTV Australian 2015, 'Review of the Commercial Television Industry Code of Practice: Invitation for Public Comment', p. 4.

² Commonwealth of Australia (Australian Communications and Media Authority) 2014, *Contemporary community safeguards inquiry: Consolidated Report*, Australian Communications and Media Authority, pp. 48–49.

³ Screen Australia 2013, *Child's Play: Issues in Australian Children's Television 2013*, Screen Australia, p. 5.

⁴ Screen Australia 2013, *Child's Play: Issues in Australian Children's Television 2013*, Screen Australia, p. 6.

This office has previously undertaken some research on the sexualisation of children and young people in the media and in advertising.⁵ This research showed that there was relatively little substantive or empirical evidence on the effects of sexualisation on children, but noted that many studies had called for more research on these effects.

In the absence of evidence to disprove the relationship between sexualised media and advertising and harm to wellbeing, the potential for harm should be a primary consideration. While there are existing restrictions on the use of sexualised marketing during dedicated children's programming periods, there is certainly scope for concern that children could be exposed to sexualised media and marketing directed towards adults or older teenagers during the prime-time viewing period if restrictions were lifted.

I note the proposed changes to restrictions around gambling advertising. Under the current code, gambling advertising is not permitted during the 'G' rating periods. Under the proposed code, advertising relating to betting and gambling cannot be shown only during 'G' rated programs shown in these time periods. There is a distinct possibility that gambling advertising could, therefore, be shown at any other time of the day, and children watching programs other than 'G' rated programs could be exposed to gambling advertising.

Consumer guidance and mechanisms

References are made throughout to the role of Electronic Program Guides (EPGs), parental locks on devices and on-demand content as lessening the need for time restrictions on viewing. While it is acknowledged that EPGs and parental locks may provide guidance or restrictions on the ratings of programs that a child can access, it remains that such tools must be used to be effective.

In fact, the proliferation of on-demand TV services could in fact be considered a reason for not relaxing TV classification times. Users of on-demand services are able to choose their own time of day to view shows, whatever the classification, and so are not bound by the restrictions of the Code of Practice as regards broadcast timing.

In the existing Code of Practice it is explicit that the Children's Television Standards, which dictate the time bands for 'C' and 'P' rated programs, have precedence over the classification time zones. Although the explanatory notes for the proposed code of practice makes reference to these standards, the proposed code itself does not. For clarity, the proposed code should include an explicit reference to the Children's Television Standards and the precedence of the standards over the classification time zones.

I note the easing of the requirement for viewer information at the start of programs, particularly in light of the ACMA survey finding that 70 per cent of parents or carers considered 'classification symbols and consumer advice' to be 'very useful' in

⁵ Commissioner for Children and Young People 2012, *Sexualisation of Children*, Issues Paper 9, Commissioner for Children and Young People.

determining whether a program is suitable for the children in their care.⁶ Given that parents and carers to a great extent rely on this information, it is not clear why this requirement should be removed.

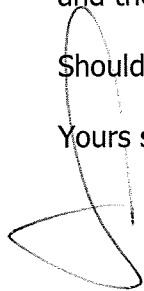
In summary:

- The 'G' rating time bands should not be removed, as they provide assistance to parents and carers in determining appropriate TV viewing for children and reduce the potential for children to be exposed to inappropriate viewing content.
- The 'M' rating period should not be extended to begin at 7:30pm from the current 8:30pm, as it has the potential to expose children and young people to programs and advertising that is not appropriate for them. Similarly, the 'MA' rating period should not be moved back to begin at 8:30pm.
- There should be explicit reference to the Children's Television Standards in the Free TV Code of Practice, so consumers are informed about the codes governing these aspects of television.
- EPGs and Parental locks are useful tools for informing and restricting viewing, but should be used in conjunction with existing methods, rather than seen as replacements to them.

In conclusion, any matter involving or affecting the wellbeing of children and young people should have their best interests as the primary consideration. As a community, we all have a collective responsibility to ensure that children and young people are protected from harm and are treated respectfully and with due regard for their needs and their welfare.

Should you require any further detail, please contact my office as above.

Yours sincerely



JENNI PERKINS

A/Commissioner for Children and Young People WA

 March 2015

⁶ Commonwealth of Australia (Australian Communications and Media Authority) 2014, *Contemporary community safeguards inquiry: Consolidated Report*, Australian Communications and Media Authority, pp. 48–49.