

The Commission for Children and Young People and Child Guardian

promoting and protecting the rights, interests and wellbeing of all Queenslanders under 18

Advice to: Free TV Australia

Topic: Review of the Commercial Television Industry Code of Practice – Request for Public Comment

Date due: 25 September 2009

Thank you for providing the Commission for Children and Young People and Child Guardian (the Commission) with the opportunity to comment on the *Review of the Commercial Television Industry Code of Practice*.

The Commission's focus is on the safety and wellbeing of children and young people in Queensland. Accordingly, the Commission will limit its feedback to changes in the code that may impact upon the wellbeing of children and young people.

Summary of the Commission's response

1. The Commission agrees with the prevention of a broadcaster presenting a reality television program that is highly demeaning or highly exploitative of participants.
2. The Commission does not support moves to broadcast sexual material that is more explicit than is currently accepted in any time slot, including the MA timeslot.
3. The Commission does not support removing restrictions on broadcasting promotional material for M and MA programs within a timeslot where these programs are not permitted, for example in G and PG timeslots, even if material shown is suitable for the classification zone.
4. In news or current affairs programs, permission obtained under duress or at a time of shock or trauma should not be interpreted as permission to broadcast personal or private affairs.
5. There should be a limit on the number of times, within an agreed timeframe, a station can broadcast material that is not factual and deemed not to be in breach of the Code, even if the errors are corrected within 30 days.

1. The Commission agrees with the prevention of a broadcaster presenting a reality television program that is highly demeaning or exploitative of participants

Clause 1.10.7

Reality television

The Commission supports the inclusion of this clause, and the Advisory Note to program producers providing guidelines that prevent the broadcaster presenting a reality television program that is highly demeaning or highly exploitative of participants. The Commission is of the view that besides being harmful to the individuals in the reality program, showing highly demeaning or highly exploitative material on television has the influence of normalising and validating this type of

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bullying behaviour for those watching the programs which includes children and young people. As children and young people model, to varying degrees, their own lives on the attitudes and behaviours they are exposed to, there is a likelihood that seeing these behaviours on television will encourage children and young people to act this way towards their peers, particularly the children and young people who are already slightly marginalised or socially vulnerable.

2. The Commission does not support moves to broadcast sexual material that is more explicit than is currently accepted in any time slot, including the MA timeslot

Broadcast of sexually explicit material

The Commission does not support any moves to make adult material (M, MA and AV classifications) more accessible to children during children's viewing time slots. The Commission's responses in relation to this matter are based on research findings on the impact of media exposure on children and young people's behaviour.

For example:

- In an extensive review published in 2005, the American Academy of Pediatrics¹ notes that there had been little research on the impact of exposure to sexual material on television and its impact of the behaviour of children and young people. However they do say that the research available at that time indicated that:

... greater exposure to sexual content in media is associated with more permissive attitudes toward sexual activity, higher estimates of the sexual experience and activity of peers, and more and earlier sexual behavior among adolescents. Although the body of research evidence is small, the findings seem to parallel those for media violence: adolescents accept, learn from, and may emulate behaviors portrayed in media as normative, attractive, and without risk.

- A more recent article², published in 2009, states that:

The evidence that media contribute to child and adolescent behaviour is substantial and can no longer be ignored. Half a century of research shows that the media can have an impact on virtually every concern parents and paediatricians have about children and teenagers—early sexual activity, drug use, aggressive behaviour, suicide, obesity, eating disorders, even attention-deficit disorder and poor school performance. Yet the entertainment industry, parents and society as a whole would prefer to think that the media represent harmless entertainment.

¹ Rich, M, (2005) Sex Screen: The Dilemma of Media Exposure and Sexual Behavior, *Pediatrics* ;116:329-331, <http://pediatrics.aappublications.org/cgi/content/full/116/1/S1/329>. Accessed 25/8/09

² Strasburger, VC (2009) Children, adolescents and the media: what we know, what we don't know and what we need to find out (quickly!). *Archives of Disease in Childhood*;94:655-657 <http://adc.bmj.com/cgi/content/short/94/9/655?rss=1>. Accessed 21/9/09

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- There is other published research related specifically to television that indicates that exposure to sexual material on television predicts teen pregnancy³ and earlier initiation of sexual behaviour^{4,5}.

Although television is often portrayed as having a strong negative influence, there is also evidence that television can be a tool for education on matters such as safe sex. It is also very important that parents are aware of what their children are watching and parents need to be available to discuss issues with their children³.

Appendix 4: Clause 5.2

MA classification

The Commission does not support any changes which would allow the broadcast of sexual material that is more explicit than is currently accepted within the MA classification. The proposed changes stipulate that visual depictions of, and verbal references to, sexual activity may contain detail but the impact may not be high. These stipulations lack specificity and there are no guidelines as to what might be considered 'detail' and 'high impact'.

Although MA classified programs are only permitted to be shown after 9pm, there may be circumstances where children have the opportunity to watch such material. This could occur, for example, in vulnerable families where positive parenting practices are not always implemented and children's television viewing may not be adequately supervised.

3. The Commission does not support removing restrictions on broadcasting promotional material for M and MA programs within a timeslot where these programs are not permitted, for example in G and PG timeslots, even if material shown is suitable for the classification zone

Clause 3.2/3.2.2

Removing restrictions for promotion for programs classified M and MA in G and PG timeslots

The Commission disagrees with the proposed option to show headshots of the stars and program footage of M and MA shows in program promotions shown in time slots when these shows are not permitted, for example in G and PG timeslots. Headshots of stars, especially those who may be familiar to children will make the unsuitable program more desirable for children. The Commission is of the view that there should be no visual depictions of these shows through either headshots or other material, for example footage from the program, that would encourage children under 15 to wish to watch the M or MA program. The issue here is not whether the

³ Chandra, A, Martino, SC, Collins, RL, Elliott, MN, Berry, SH, Kanouse, DE and Miu, A (2008) Does Watching Sex on Television Predict Teen Pregnancy? Findings From a National Longitudinal Survey of Youth. *Pediatrics* Vol. 122: 1047-1054 <http://pediatrics.aappublications.org/cgi/content/abstract/122/5/1047>. Accessed 15/9/09

⁴ Ashby, SL, Arcari, CM, Edmonson, B (2006) Television Viewing and Risk of Sexual Initiation by Young Adolescents. *Archives of Pediatric and Adolescent Medicine*; 160:375-380. <http://archpedi.ama-assn.org/cgi/content/abstract/160/4/375> Med. Accessed 15/9/09

⁵ Collins, RL, Elliott, MN, Berry SH, Kanouse, DE, Kunkel, D, Hunter, SB and Miu, A (2004) Watching Sex on Television Predicts Adolescent Initiation of Sexual Behavior. *Pediatrics*; 114: e280-e289 <http://pediatrics.aappublications.org/cgi/content/abstract/114/3/e280> Accessed 15/9/09

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material presented is suitable for this timeslot, but whether children are encouraged to watch an unsuitable program by being exposed to advertising of the program.

Clause 3.14/3.15

As stated above, the Commission does not support the removal of restrictions on showing promotions for M or MA programs between 5am and 7.30pm on any day or in G programs between 7.30pm and 8.30pm on any day, even if the material broadcast is classified as suitable for that timeslot.

Retention of restrictions on promotions for AV programs

The Commission agrees with the retention of the restrictions of the promotion of AV programs.

4. In news or current affairs programs, permission obtained under duress or at a time of shock or trauma should not be interpreted as permission to broadcast personal or private affairs

Clause 4.3.5.1

This clause states that a licensee will not be in breach of the code if permission of a person (or in the case of a child, the child's parent or guardian) is obtained prior to the broadcast of personal or private affairs. However, the Commission is of the view that this permission should not be seen as unconditional, and consideration should be given to the mental state and circumstances of the person concerned before attempting to obtain permission to broadcast personal affairs.

The Commission recommends that there should be a complete explanation of the expected use of the material and an obligation for the media outlet to make sure that the person understands the possible repercussions of their personal affairs being broadcast. Permission obtained under duress or at a time of shock or trauma should not be interpreted as permission to broadcast personal issues, and consent should be sought that more genuinely reflects the notion of informed consent governing medical and legal arenas, particularly in matters where there could be an impact on children.

5. There should be a limit on the number of times, within an agreed timeframe, a station can broadcast material that is not factual and deemed not to be in breach of the Code, even if the errors are corrected within 30 days

Clause 4.3.11

Clause 4.3.1 states that news and current affairs broadcasts must be factual and represent views fairly. The Commission does not agree with Clause 4.3.11 that states that a correction in relation to an error of fact, within 30 days of a complaint being received, means that the licensee is taken not to have breached Clause 3.4.1.

Situations could arise where the licensee, intentionally or carelessly, broadcasts incorrect or unfair material on several occasions and each time corrected the issue within the allocated timeframe. However, this does not mean that harm has not been

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done to an individual as the incorrect material has already been placed in the public arena and could therefore influence public opinion.

The Commission recommends a limit on the number of times, within an agreed timeframe, that a licensee can broadcast material that is found to contain errors of fact (even if it is corrected within 30 days) without having been deemed to breach Clause 3.4.1, particularly if the errors were through lack of due diligence, negligence, or were intentional.

Please do not hesitate to contact Julie Appleton, Senior Policy Officer, Strategic Policy and Research Program (Ph:07 3211 6962 or email: Julie.appleton@ccypcg@qld.gov.au) should any aspects of this advice require further clarification.