



## SUBMISSION TO

### Senate: Legal and Constitutional Affairs Committee

### Commonwealth Commissioner for Children and Young People Bill 2010

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The Australian Council on Children and the Media (ACCM) welcomes the opportunity to provide comment to the Senate Inquiry into this Bill.

This brief submission has been prepared for the Australian Council on Children and the Media by Prof. Elizabeth Handsley (a specialist in media law as it relates to children), Barbara Biggins OAM, CEO

The ACCM would welcome the opportunity to expand on the issues raised, at a later date.

For further information, please contact Barbara Biggins at above address.

## 1. INTRODUCTION

**The ACCM** is a not-for-profit national community organisation whose mission is to support families, industry and decision makers in building and maintaining a media environment that fosters the health, safety and wellbeing of Australian children.

ACCM has a national Board representing the states and territories of Australia, and a comprehensive membership of organisations and individuals who support its mission.

**ACCM's core activities** include the collection and review of research and information about the impact of media on children's development, and advocacy for the needs and interests of children in relation to the media.

More about the ACCM can be found at Appendix 1.

## 2. THIS SUBMISSION REFLECTS THE FOLLOWING PRINCIPLES

### 2.1 The International Convention on the Rights of the Child Article 17, viz

"States Parties recognise the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production of, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority groups or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of Article 13 and 18.”

**2.2** The Code under the Classification (Publications, films and computer games) Act 2005:

“Classification decisions are required to give effect to the following principles which are set out in the Code:

(a) adults should be able to read, hear and see what they want

(b) minors should be protected from material likely to harm or disturb them

(c) everyone should be protected from exposure to unsolicited material that they find offensive, and

(d) the need to take account of community concerns about:

(i) depictions that condone or incite violence, particularly sexual violence, and

(ii) the portrayal of persons in a demeaning manner.”

**2.3** The Objectives of the *Broadcasting Services Act* at s 3. of The Act and specifically objective j).

(j) to ensure that providers of broadcasting services place a high priority on the protection of children from exposure to program material which may be harmful to them;

**2.4** The Policy Guidelines on Children's Media of the Australian Council on Children and the Media.

**3. IN THE PREPARATION OF THIS SUBMISSION, ACCM HAS**

- relied on its experience and active involvement in issues related to healthy and safe use of all media
- Drawn on its ongoing activity of reviewing the current research literature as it relates to the impact of media on children.

## **4. BRIEF STATEMENT OF ACCM VIEWS**

**4.1** From our extensive experience in advocating for children's needs and interests in relation to the media, we have frequently noted that it can be difficult to ensure that these are taken into account.

This can particularly occur in the broadcasting and communications area where sometimes children's rights to be protected, can be in conflict with adult rights and freedoms. .

**4.2** Further, ACCM notes that children's needs and interests don't fall always neatly into given Commonwealth portfolios. Therefore it is necessary to have a Commonwealth Commissioner with overall oversight of children's interests, across the various portfolios (Health, Education, Family and Community Services, Broadcasting, Communications and the Digital Economy, Home Affairs, to name a few).

**4.3** ACCM suggests that the Commissioner's functions should extend to

1) identifying areas where children's protection is lacking in the law or in governmental decision-making structures. Threats to children's well-being aren't always necessarily under government control: sometimes the government needs to step in to protect children , for example, from corporate exploitation.

2) reviewing all Commonwealth legislation before it is passed to determine likely impacts on children's health and wellbeing and rights.

**4.4** Going to detail of the text of the Bill, ACCM recommends that

1) CI 3(3) should include specific mention of the provisions of Article 17 of the UN CROC, especially article 17(e), viz

“Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of Article 13 and 18.”

This provision often has little effective support.

2) CI 5(1) - definition of children and young people should say 'means' not 'includes'

## APPENDIX 1

### ABOUT US: THE AUSTRALIAN COUNCIL ON CHILDREN AND THE MEDIA

The **ACCM** is a peak not-for-profit national community organisation whose mission is to support families, industry and decision makers in building and maintaining a media environment that fosters the health, safety and wellbeing of Australian children.

Its patrons are Baroness Susan Greenfield and Steve Biddulph.

ACCM has a national Board representing the states and territories of Australia, and a comprehensive membership of organisations and individuals who support its mission

**ACCM membership** includes ECA (Early Childhood Australia), ACSSO (Australian Council of State Schools Organisations), AHISA (Association of Heads of Independent Schools of Australia), AEU (Australian Education Union), Junior School Heads Association of Australia, Infant Mental health Association of Australia, Parenting Research Centre, Enough is Enough: anti-violence movement, SAPPA (South Australian Primary Principals Association), Federation of NSW P&C (Parents & Citizens), and the Council of Mothers' Union in Australia.

**ACCM's core activities** include the collection and review of research and information about the impact of media on children's development, and advocacy for the needs and interests of children in relation to the media.

**ACCM's core services** include:

- the national freecall 24/7 Children and Media Helpline (1800 700 357);
- the ACCM website [www.childrenandmedia.au](http://www.childrenandmedia.au) containing evidence based information about media and children (attracting over 1000 visits per day);
- the award-winning, popular *Know before you go* child-friendly movie review service (now with more than 520 movie reviews);
- the development of parent media awareness materials,
- making submissions and participating in media interviews related to media regulation.

**ACCM's current issues** include the early s\*xualisation of children in and by the media; the impacts of media violence; the marketing of violent entertainment and junk foods to the young; management of screen time and content by the very young.

**ACCM's programs** are lead by a team of expert volunteers, supported by a small paid staff. Its programs are supported by project grants and much volunteer input.

**ACCM's awards** include National Community Crime Prevention awards 2009, 2006; 2001; National Child Protection 2005.

**The ACCM is a structured as a company limited by guarantee.** Its ABN is 16 005 214 531. The organisation is registered for GST, has DGR and ITEC status,