



VICTORIA

**SUBMISSION TO THE
SENATE STANDING COMMITTEE ON THE ENVIRONMENT,
COMMUNICATIONS AND THE ARTS**

**INQUIRY INTO THE EFFECTIVENESS OF THE BROADCASTING
CODES OF PRACTICE**

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Executive Summary

The Young Liberal Movement of Victoria (YLM Vic) welcomes the opportunity to comment on the effectiveness of the broadcasting codes of practice operating within the radio and television industry.

YLM Vic believes that the current broadcasting and other classification codes are adequate to meet the community's needs. The codes facilitate the adequate provision of consumer information whilst preserving consumer choice. If anything, the codes go too far in regulating content and should, if anything, be relaxed.

More broadly, YLM Vic opposes the censorship of all media, including radio, print (magazines, books, newspapers etc), television, film and electronic games, except in cases of clear threats to national security or material that breaches current legislative requirements surrounding sedition.

YLM Vic believes that the fundamental principles upon which all electronic media ought to be regulated rest on the provision of maximum consumer information and the preservation of maximum individual consumer choice. This necessitates minimal government intervention.

YLM Vic is therefore opposed to any changes to the codes that impose additional restrictions on content that some in the community may find offensive.

YLM Vic notes the inquiry will examine "the operation and effectiveness of the complaints process currently available to members of the public." YLM Vic would be opposed to any adjustments to the complaints process which would result in substantive changes to broadcast content. Only complaints of a specific nature (for example, the inappropriate identification of individuals) should be given credence.

Complaints that are a result of particular individuals or groups being offended by content based on their own personal values are best handled by those individuals or groups themselves by the two most obvious options available to them – the remote control and free speech. Their complaints are best resolved by them switching off anything that causes them offence and encouraging others to do the same.

Noting that this inquiry is to consider under its terms of reference "any other related matters," YLM Vic wishes to raise with the inquiry the issue of "R" classifications for electronic games.

YLM Vic contends that the lack of an 'R18+' classification for electronic games is a serious inadequacy in the current classification system and a clear gap in contrast to the classification of other mediums. YLM recommends that an 'R18+' classification be introduced for electronic games.

Television

Australians value the news, current affairs and entertainment content made available to them on free-to-air and cable television networks.

This content is regulated largely through the Commercial Television Industry Code of Practice.

YLM Vic supports the principle of industry self-regulation and considers that the commercial television industry represents a good example of self-regulation working effectively. In this way, industries can agree on standards that are appropriate and suit their needs, rather than grappling with the inevitably overbearing and bureaucratic alternative of government regulation.

The provision of maximum information to consumers is the key to dealing effectively with content which some in the community may find objectionable. Pre-program warnings, such as those that are currently broadcast, warn viewers that a program contains particular content. This information is also listed in printed program guides.

This information is sufficient for consumers to make a choice as to whether they wish to view the program. Those that are offended can choose to switch off or change channels. They can also avail themselves of their right to free speech by criticising programmes that offend them and encouraging others to switch off. They should not be allowed, however, to force their views on others through government regulation.

Free speech is undermined once society begins to allow particular groups within it to peddle influence in order to have media content regulated. This includes having television content they find objectionable modified, moved to a different timeslot, or removed from broadcast. YLM Vic contends that the overall principle of free speech is paramount and ought to take precedence over the complaints of individuals and groups within society.

Limits on free speech can be appropriate. But they must only be applied when the protection of the whole community from harm is the objective. It cannot be established that the mere presence of coarse and foul language in broadcast content equates to harm.

It is noteworthy that the test contained in the commercial television broadcasting code of practice that must be applied when considering whether a pre-program warning is warranted relates to content that “is likely to seriously distress or seriously offend a substantial number of viewers.” YLM Vic contends that repeated coarse language in a program aired in a suitable timeslot (after 8:30pm) is not inappropriate. In fact, given the very high ratings figures enjoyed by particular programs that fit this description (e.g. *Ramsay’s Kitchen Nightmares*) it is difficult to see how “a substantial number of viewers” are suffering “serious distress” or are being “seriously offend[ed].” One might contend that exactly the opposite is occurring.

YLM Vic is satisfied that programs with such content are adequately captured by current arrangements which result in a “frequent coarse language” pre-program warning.

Electronic Gaming

Currently both television and film have classifications for ‘adults only’ content. This ensures that this category of media is accessible for those in the appropriate age bracket (over 18). In the case of television this requires responsible parental supervision and in the case of film, adherence to legal requirements by cinemas and DVD hirers and sellers.

No such ‘adults only’ classification scale exists for electronic games.

Instead, electronic games deemed to contain ‘adults only’ content are banned from sale in Australia. As a result, game studios are forced to either modify their products and release edited versions or decide to not release their product in Australia at all.

The irony is that these games are fairly accessible online.

The lack of an “R18+” classification for electronic games means that Australian consumers either miss out on particular releases or are forced to pay a higher price than they otherwise might have owing to the extra costs incurred by game developers having to make significant modifications to their products in order to have them legally released in Australia.

It is not appropriate for government to deny access to this entertainment content to the entire community when all that is required are restrictions on its sale to those under the age of 18.

Conclusion

YLM Vic believes that any moves by politicians or other groups in the community to force their viewpoints onto the whole community should be strongly resisted.

YLM Vic recommends that the current broadcasting standards in operation be maintained as they are adequate to meet the community’s needs.

YLM Vic further recommends that Commonwealth and State Attorneys-General urgently introduce appropriate legislation to implement an “R18+” classification standard for electronic games to allow their sale in Australian under conditions consistent with their film equivalents.