



Submission to the

**Senate inquiry into the EFFECTIVENESS OF THE
BROADCASTING CODES OF PRACTICE**

The Australian Family Association (AFA)

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Terms of reference for the inquiry are set out as follows

The Senate is to make

An examination into the effectiveness of the broadcasting codes of practice operating within the radio and television industry, with particular reference to:

1. *.the frequency and use of coarse and foul language (swearing) in programs;*
2. *.the effectiveness of the current classification standards as an accurate reflection of the content contained in the program;*
3. *the operation and effectiveness of the complaints process currently available to members of the public; and*
4. *any other related matters.*

PRELIMINARY COMMENTS

The Australian Family Association(AFA) welcomes this inquiry. There have been growing concerns amongst members and in the general community about apparent changes in the kinds of content prevalent in programming during times of the day when children and adolescents may be watching.

There has been a marked crowding out of family appropriate programming since changes were made in 2004 to the rules about programming of PG rated content during afternoon and early evening viewing. Increasingly, within the PG rated content, suggestive depictions or references to sexual matters has raised concerns about the sexualising content of such programming. Concerns about slippage in broadcasters' adherence to the spirit and letter of the codes of practice have increased. There have also been concerns about classification issues.

There is evidence of misclassification of programs. This has become an important problem because of the changing flavour of programming in "family viewing times". Misclassification of programs with higher impact content and themes has also become an increasing problem. Such outcomes are not indicative of an industry engaging in good faith with the self regulatory system.

In addition, such misclassification and subtle or not so subtle marketing efforts aimed at attracting children or teenagers to developmentally inappropriate programming undermines the whole classification system. Ordinary parents and teenagers are led by the broadcasters to a weakening of their trust in and engagement with classifications as valuable tools to assist in healthy media choices. Broadcasters, the community, parents and young people need education about the very real developmental limitations and vulnerabilities that accompany children and adolescents as they grow towards adulthood. The developmental changes and constraints of adolescence need to be better understood. In most cases, a range of programming containing high impact adult themes is really not helpful to the healthy development of even older teenagers.

Broadcasters are well aware that children and teenagers will be in rooms where television programs are on, either watching directly or indirectly during afternoon and early evening. Broadcasters may well then be operating with high degree of reckless disregard for the impacts of sexualised content on young people. There is evidence that at least some of this PG programming has been misclassified. Some of the programming focuses on sexual themes and is even quite sexualised in flavour posing a risk of sexualisation to children and young teenagers especially.

Broadcasters have increasingly scheduled M rated programming outside code specified times. There is evidence of misclassification in regard to both sexual and violent themes in the M and MA classification range. Highly sexualised and intensive advertising during late night adolescent programming is unethical and not in keeping with the spirit of the codes of practice or any good faith engagement with self regulation.

There may possibly be problems with a gap in the available classification categories available currently. It may be necessary to adapt these categories to bring a more explicit recognition of young people's developmental needs into the classifications. In particular, it may be necessary to have these classifications address the issue of sexualisation.

Many have expressed frustration with the lack of accountability and social responsibility demonstrated in response to the privilege of obtaining broadcast licenses and obligations under the self regulatory system. Concerns about complaints processes have been frequently expressed. These processes are complex, intimidating, off-putting and apparently designed to enable broadcasters maximum capacity to avoid being answerable to the codes they agreed to or to society.

Broadcast licenses -ethical dimensions and social responsibility

Any self regulatory system must rest on the good faith commitment of industry participants to upholding both the letter and the spirit of agreed codes of practice and broader ethical principles. Those who commit to self regulation insist that they are moral agents who understand the ethical requirements of their industry and can regulate themselves efficiently. Industry participants who call for self regulation say that they do not need government regulation and policing because they can be relied to act with good faith and a commitment to codes of practice..

Broadcast licences are extremely valuable economic privileges granted by society. With such privileges, come social obligations to act with respect for community values and the needs of people. Social responsibility is a necessary reciprocal response to such a licence. Broadcasters have in practice failed to demonstrate such good faith commitments or willingness to exercise social responsibility.

Recent and current flouting of the classification guidelines reveal a culture in which there is very little regard for those in the community who will be offended by foul language, nor the needs of families and young people for reliable classification information and quality content that is not developmentally harmful. The classification legislation and guidelines and the broadcasting codes of practice are constructed around a range foundational principles of broadcasting regulation including the principle that broadcasters should respect the needs of young people to avoid harmful exposure to developmentally harmful content and the rights of parents to limit their children's exposure to such content

Responsible broadcasting is complicated by the behaviour of audiences. It may be that older children are staying up later than in the past. Adolescent audiences tend to be split between early evening and late evening. Capacity for digital recording is affecting audience structure and time slots. Nonetheless, it is hard to imagine that broadcasters are not well aware of the nature and timing of adolescent viewing. Teenage and young adult programming is frequently scheduled late in the evening at the same time that soft porn mobile phone downloads and prostitution advertising is ubiquitous.

There are also continuing issues with classification categories that do not accurately reflect child and adolescent developmental needs. In many other countries, classifications include a category

indicating appropriateness for older children or young teenagers. At present parents are often confused about the meaning of PG and M ratings for their child. Some M rated content might be better rated as PG-13+.

Within M rated programming, there is a broad range of content ranging from material that young teenagers would not have difficulty with through to quite violent, disturbing or obvious sexual content.

Greater education is needed to help parents understand the importance of the ratings system for the developmental needs of children and adolescents.

Sexualisation

This issue is not adequately addressed by the operation of current codes. The AFA believes that it would be better to have explicit commitments to respecting and protecting children and teenagers in their engagement with the media.

Broadcasters may benefit from substantial educational programs about child and adolescent development and especially the vulnerabilities and constraints young people may experience in media engagement. Broadcasters may especially benefit from education about the neurobiological dimensions of such development so that they may develop a solid understanding of teenagers need for healthy developmentally appropriate media choices.

There is currently a wholesale failure to acknowledge the developmentally inappropriate or risky inclusion of highly suggestive depictions of or references to sexual behaviours, that operate to confuse and disorient children or even young adolescents as they seek to engage with TV programs. Some children and teenagers who have been sexualised may be able to better access the humour or narrative of such programs but by accessing developmentally inappropriate content their access will further compound sexualisation. Children and adolescents are developmentally driven to make sense of their world and society so when in a situation where they are struggling to make meaning of sexualised depictions and references, their impasse will push them into a situation of risk - to access the meaning they will need to be sexualised, accessing the meaning exposes them to sexualising influences.

If adults want humorous sitcoms around dinner time when young people are in the house, they should ideally be served that comedy with discretion. It is possible to create layers of meanings so that children or young teenagers are able to continue to access the story and the program at their level and without becoming sexualised. To stay with the impasse frustrates children's developmental drive to make sense of their world.

RESPONSE TO THE TERMS OF REFERENCE

1.the frequency and use of coarse and foul language (swearing) in programs;

The AFA can report that concerns have grown amongst its members about the problem of increased incidence of course language such as that encountered on *Ramsay's Kitchen*. In addition, there is also a growing incidence of sexualized language in programming content at times when children are likely to be present in the household audience. In both types of cases, the broadcasters concerned have incorrectly classified programs so as to undermine previous commitments to the codes of practice concerning program classification and program times. This failure to abide by either the letter or spirit of the codes is reflected in boundary pushing and outright code violations over the last several years.

Course language in M rated Ramsay's Kitchen- incorrect classification

The coarse language of *Ramsey's Kitchen* is language with longstanding connotations of sexual aggression, contempt and violence. Such language may have once, during Anglo Saxon times, been fairly matter of fact nouns for intercourse or a female sexual organs. But over time such language has gathered additional and new meanings increasingly incompatible with respect for women and girls and incompatible with healthy psychosexual development in children or young teenagers. Ramsay himself uses this language aggressively and specifically targets women who have angered him for use of the c word.

Gordon Ramsay's program has been programmed at 8.30pm at the start of the M rated time. According to the code of practice and the OFLC Guidelines, "the impact of the classifiable elements for material classified M should be no higher than moderate" .."Coarse language may be used." But "aggressive or strong coarse language should be infrequent and justified by context." Clearly Ramsay's coarse language is not infrequent in the program and appears, in fact to be one of the main elements of the content attracting controversy and audiences. Arguably, some of this language or even all of it could be justified by context, although there are many chefs, even quite nasty ones, who may not feel the need to emit offensive and sexually aggressive expletives constantly in the course of their work. Sexual harassment laws would no doubt prohibit hurling sexually aggressive abuse at colleagues or employees. Regardless of this, to be an M classified program, the language must nonetheless be infrequent. Therefore it is hard to comprehend why in-house classifiers thought this program could be given an M rating and that such a decision would be compatible with the broadcasters' commitments to the self regulatory system.

Other sexualised language in PG programming- increasing failure to appropriately apply the code of practice

Other language that may have a sexualising impact on children includes references to prostitutes, hookers, and sexual behaviours. Such references have occurred in early evening and late afternoon programming in situation comedy and game shows, current affairs or other genres. According to the codes of practice and the OFLC Guidelines, classifiable elements in PG rated programs should be of no greater impact than mild, and "sexual activity should be mild and discreetly implied, and be justified by context." To be mild in impact, language in relation to the sexual content should be discreet too. Explicit language mentioned above is surely not discreet.

Trends in the treatment of language, coarse or sexualised, in PG and M classification decisions by broadcasters' in house classifiers, are reflective of a trend to misapply the classification guidelines

and hence the code of practice. Such trends and actions do not reflect any kind of commitment to the code and to self regulation.

2.the effectiveness of the current classification standards as an accurate reflection of the content contained in the program..

As stated above in regard to language, broadcasters appear to be flouting the classification standards they are required to apply under the code. A detailed examination might reveal a gradual erosion of these standards over a number of years. Such detailed analysis may be helpful but would require broadcaster co-operation, the extensive use of DVDs and other resources to build up a comprehensive picture of patterns in broadcasters' in-house classification over time.

Without such detailed analysis available, recent classification decisions can be contrasted with the Guidelines. Some analysis of patterns recently evidenced in regard to some programming will help shed light on broadcasters' commitment to application of the classification guidelines and therefore self regulation and the code.

To be classified as PG, the "impact of the classifiable elements ... should be no higher than mild." "...Sexual activity should be mild and discreetly implied, and be justified by context." And "Nudity should be justified by context."

The Guidelines note that "Material classified PG may contain material which some children find confusing or upsetting, and may require the guidance of parents or guardians. It is not recommended for viewing or playing by persons under 15 without guidance from parents or guardians.

In regard to violent content and themes, their treatment "should generally have a low sense of threat or menace and be justified by context."; "violence should be mild and infrequent, and be justified by context"; and "sexual violence is not permitted."

Generally problems with violent content appear, and at the moment, in higher classification categories. But there are some cases where inappropriate classification of this content has occurred at PG level.

In recent PG rated programming during early evening or late afternoon there have been increased levels of :

- explicitness in language relating to sexual issues or behaviours and content
- increased and stronger levels of depictions suggestive of sexual behaviour
- programs with increased focus on or preoccupation with sexual themes.

Reality Programs

Dance Shows-

Content of a sexualising nature that could cause harm to healthy development of children and teenagers is present in some of this programming. Increasingly sexualised content has featured in early evening "family" viewing in program genres such as the dancing competition shows in which the provocativeness of strongly sexually suggestive dance moves is rewarded over dance skill and technique. Contestants' "sexiness" has frequently been applauded.

Top Model

Programs such as *Australia's Top Model* and *America's Top Model* feature a strong emphasis on sexualised content with depictions that objectify the contestants' bodies, and even encourage them

to self objectify. The contestants are again constantly required to be "sexy" and required to have various image makeovers to render acceptable the contestants as bodies rather than people.

In one episode, screened as a PG rated program in the early evening, competitors had to devise and star in a sexy-in-death scene in which just prior violence, cruelty and sexual violence were strongly intimated.

It is not clear how such content such as "sexy in death scenes" strongly intimating the recent occurrence of the infliction of violence, cruelty, sexual violence could be classified as PG, ie as of only being of mild impact, as having "a low sense of threat or menace and be justified by context". The scenes constructed and photographed for presentation to the viewers were highly disturbing. It is hard to imagine that such scenes depict violence that is "mild" or how the intimations of sexual violence slipped in under the prohibition of sexual violence. Clearly such programming classification represented a clear failure to classify according to the guidelines and the code. Such decisions again reveal an industry seeking to flout its rules, the letter and the spirit of the Code. Self regulation requires commitment to the agreed code rather than constant efforts to undermine it.

Big Brother

Early evening programs avoided emphasis or strongly impacting sexual themes but in previous years at least, such programming was used to help provide a marketing base to children and young teenagers. These age groups were targeted in marketing campaigns for the program and many older children and younger teenagers were effectively enticed to check out what all the fuss was about by going online or watching the later programming. A PG program was used to market the M and other content of the later and online version.

Situation comedies or dramas

PG classified programs should only contain depictions of sexual activity if it "is mild and discreetly implied, and .. justified by context." And "Nudity should be justified by context."

Despite this, it appears to the AFA that a range of programs have featured increasing sexual content, with some programs focused almost exclusively on sexual themes. In many of these instances, the degree of impact arguably departs from the description of being mild or discreet.

Home and Away and some other dramas have included story lines about sexually aggressive characters. In one *Home and Away* story, a teenage girl's teenage boyfriend is seduced by the girl's vampy mother. In another story recently a teenage "hottie" targets a naïve boy to seduce. In another story arc, Martha is influenced by a manipulative older boyfriend to get involved in pole dancing in his sleazy club and club scenes complete with the pole and lecherous men were depicted. Whilst the stories are being handled with more discretion than would be the case if the program was rated MA, there was still a lot of suggestive depictions that would leave many younger viewers confused or even at risk of being further sexualised. In many of these scenes, younger audiences are no longer given a developmentally safe or appropriate access to the scene or depiction. The only meaning available to a reasonable child or young teenagers is the sexualised meanings.

The situation comedy, *Two and a Half Men* seems to revolve almost exclusively around sexual themes. There are bedroom scenes, discussions about the sexual affairs of the dad and the uncle with the ten year old boy. Admittedly the boy is portrayed as not always understanding the behaviours of these men but at other times he appears to respond with jaded cynicism. One episode ends with the boy hiding embarrassed in the bathroom and explaining through the door that he took what he thought were his dad's vitamin tablets. Of course he had inadvertently taken viagra. So the show ended as grandma exited sarcastically in search of a another party hat.

Again, it is hard to see how children are supposed to make any sense of that without accessing the sexualised meanings. Such content will therefore have a sexualising impact.

Reruns of older sitcoms previously programmed later in the evening

A number of programs are being rerun in early evening time slots with a PG classification after previously being run in later time slots before the rule changes of 2004. *Friends* is presently being rerun with some minor modifications of the more explicit sexual language and content. *Frasier* was being rerun a couple of years ago at 7.30 in the evening. Both these programs are very witty and both have content that includes sexual themes and depictions highly suggestive of sexual activity, sometimes of the "kinky" or "racy" kind. In both, there are again some scenes that would be difficult to access without employing sexual or sexualised meanings and therefore children are put into an impasse. Either their natural drive to make sense of the world is frustrated or they are exposed to sexualising risks if they gain any understanding of the depiction or story line. In addition, scenes in which characters hurl themselves at others in a heated sexual frenzy such as occurred in *Frasier* from time to time or perhaps in slightly less exaggerated ways in *Friends*, would seem to be more than discreet or mild in impact. Humour doesn't lessen the sexualising impact of developmentally inappropriate content for children. Humour may actually compound children's difficulty with such content. They want to participate in the joke and can feel uncomfortable if they are not able to identify it.

Yet children are likely to be in the room while such programming is playing and they are likely to be participating as audience. The broadcasters have implied that by giving these types of programs a PG rating and by screening them during what has always been considered family viewing time, these types of content are fine for children or young teens.

Advertising during PG content

During PG programming, and in shows heavily marketed to teenagers and children, such as *Home and Away*, broadcasters permit or agree to advertising that is potentially sexualising for children.

The television ads include for *Zoo Weekly* containing references to such enticements as "celebrity sex tips" or promises of certain women taking their clothes off in the advertised issue and depicting an office in which all the females present were wearing only underwear. One of the males is depicted looking at sexy images on his computer screen and soft porn magazines are shown on his desk. The *Heinz 2 Minute Soup* advertisement again rated PG and screening in family viewing times starts with a man, without any obvious clothing, depicted lying on top of a woman in bed with both breathless. He then sleeps while she collects her soup from the microwave just as the timer goes off.

In these kinds of advertisements, it seems that the sexual suggestiveness and impact is stronger than mild. These ads are screened during programming that is heavily marketed to children as well as young teenagers.

Broadcaster's own promotions

There have been ongoing problems with Broadcasters airing higher impact promotional programming for their own shows containing depictions of sexual or violent behaviours or themes. This can include promotion for current affair program content. Such promotion is not in keeping with respect for the integrity of the code or with respect for the needs of children.

Many parents who are paying heed to research on media content and children, are increasingly forced to sit with remote at ready to deal with problem ads. Constant vigilance is necessary because family viewing times are generally no longer safe viewing times for children even with parental guidance.

M rated programming in the PG time zone.

About a month ago, two broadcasters screened M rated movies on Saturday night commencing at 7.30pm. In both cases, the broadcasters followed these movies with PG rated ones starting around 9.30pm and finishing around 11.30pm. There may be more instances of this type of programming happening. It is hard to see how such programming could possibly reflect a good will commitment to the Codes of Practice and Self Regulation if there is such obvious rule flouting going on.

One member, a mother, recently complained about the ABC's airing of a program "The Way We Were" close to children's afternoon viewing time (starting with *playschool*). The program finished with content depicting nudity and suggestions about sexual behaviour, in relation to the character "Alvin Purple" and the "Sexual Revolution" in Australia. This mother was upset because she had no expectation that such content was likely and her child was in the room waiting for Playschool to commence.

The ABC had classified the program as M and had given a warning about nudity at the beginning of the program. The ABC felt that the time between this program and ABC children's programming was sufficient to avoid any problems generally. They acknowledged that it would be difficult to ascertain the programs' rating if on switched on the program after the start or if one lacked a program obtained from a newspaper. Constant re-iteration of programs ratings and problematic themes could be of great assistance in such circumstances. It could involve simply placing the relevant symbols in the corner of the picture periodically. Some of the commercial broadcasters may be employing this strategy already.

M and MA rated programs and advertising- Misclassification issues

Advertising: The AFA wishes to highlight several recent aberrations in regard to advertising and program classification. For instance the Advertising Standards Board (ASB) recently held that a mobile phone porn download ad had been misclassified and incorrectly allowed to screen both late in the evening and at an earlier time. The misclassification was only picked up when a viewer made a complaint to the Advertising Standards Board who found that it clearly fell outside the MA15+ classification, depicting explicit sexual behaviour.

This misclassification is particularly egregious in the light of the real nature of the audiences it was aired to. Presumably, the earlier airing of this ad was a genuine mistake. However, airing of pornographic advertising to audiences the broadcasters know (even if they won't admit as much in matters before the ASB) are made up of significant numbers of teenagers, is not compatible with a good faith engagement with the codes of practice. Such advertising is carried out in the late evening when Broadcasters have consistently programmed shows with well known significant adolescent audiences. Such shows have included *Nikita*, *Buffy*, *Angel*, *Farscape*, *Alias*, *Jeremiah*, *Star Gate*, *Scrubs*, *Big Brother Up Late*, *Triple J TV* as well as reruns of *Heroes* and *Lost*.

A range of advertising for soft porn downloads for mobile phones as well as escort services dominates late night television. Such advertising is probably correctly rated as MA15+ and appropriately programmed for late evenings according to the letter of the codes. However, it is hard to see how such advertising has anything at all to do with social responsibility or the principles of avoiding harm to young people that underpin the self regulatory arrangements. The advertising

is a clear example of strong, high impact sexualizing content. The broadcasters know that the audience for late night programming may include a significant proportion of adolescents. Yet they collude with advertisers to expose young people to it.

The Codes perhaps should be updated to address the issue of sexualisation more effectively. Tighter rules about such advertising ought to be introduced and TV time zoning for different classifications ought to be overhauled to better ensure the healthier engagement of young people with the media.

Programs: The current classification of some of the newer breed of forensic crime television as M may also represent a failure to apply the codes and Guidelines well. In many of these programs, there have been instances of quite gruesome scenes and narratives involving extreme brutality and suffering. M classified programs must have only "moderate violence" and only "if justified by context". "Sexual violence should be very limited and justified by context." Overall, any themes should have only moderate impact. Arguably, these programs have been misclassified for some time and such misclassifications have paved the way for major misclassifications at present. Interestingly some of these gruesome forensics programs or *Law and Order SVU* have generally been classified M. But so too has programs like the much milder *Numbers*, or *Inspector Rex*. There seems to be large range of variation in the level of impact and explicitness that can be employed within the M classification as applied presently.

The probable misclassification of *Underbelly* as M rather than MA15+ is a particularly strong indicator of self regulatory failure.

The AFA has formally complained to Channel 9 about the likelihood that their in house classifiers have knowingly misclassified this program. This was concluded after viewing a viral video clip that had circulated on the internet probably as a promotional strategy. Channel 9 admitted this clip came from its production studios but deny responsibility for its leak. The following is some extracts from the letter:

We wrote

..acknowledging that we base our perception of the nature of the program on the above-mentioned video clip and Channel 9's on air and online promotion. We seek clarification as to whether the clip does indeed show excerpts from Underbelly that will go to air. We understand that there is a small chance that the excerpts in the video clip may have been partially or completely edited out in final production.

We also seek clarification as to whether all episodes will be given an M rating or whether some episodes will be given an MA 15+ rating.

The Classification of Underbelly

We understand that the classifiers have decided to classify this program as M. We cannot understand this decision if the content displayed in the emailed video clip of sections of the program is actually contained in the program or representative of Underbelly's content.

Sex Scenes:

*The clip reveals high level sex scenes with obvious nudity in some and obvious simulated sex acts. It would appear that the scenes are not momentary but are reasonably lengthy and graphic given the context. Such comparable content resulted in MA 15+ rating for *Queer as Folk*, *Sex and the City*, and recently *Californication*. Indeed it is arguable that the content seen on this clip of *Underbelly* is in fact of higher impact than many, most or all of the sex in these other programs.*

Sex and Violence mixed in scenes?

The clip juxtaposes high impact sex scenes with violent scenes. It is not clear from this whether this is just a high impact arrangement of excerpts from the program that are, when viewed in the various episodes, actually kept somewhat separate. However if there is in fact a close association of sex scenes with violent scenes in the episodes then there is a clear argument that Underbelly must have a higher rating. The merging of violence and sex in depictions is a significant matter for classification.

Violence:

It would appear from the promotional material on Channel 9's website and from advertising on TV, Underbelly is likely to contain strong themes of violence. In the viral clip the impact of these themes appear to be very strong, with high degree of realism, slow motion depictions, strong depictions of fear and terror.

Other programs on television with strong elements of violence include The Sopranos and Oz. I understand that these programs were consistently rated as MA 15+.

Language

Again, from the viral clip it would seem that high level language is likely to be a classification issue.

Program Scheduling

Given our concerns about the classification of Underbelly and the nature of its content, it will not surprise that we are gravely concerned about Channel 9's apparent plans to screen this program ...at8.30pm as stated on the broadcaster's website.

If our concerns as to the content of the program are warranted, we cannot understand why Channel 9 would wish to broadcast Underbelly at anytime earlier than 9.30pm. There is no precedent for screening programming with high level themes of sex and violence at the time proposed for Underbelly.

It appears to be most unlikely that the program, Underbelly, is in any way appropriate viewing for anyone other than mature adults. Scheduling such programming earlier will confuse parents, teenagers and older children about the suitability of the programming for younger people. More young children and teenagers will be likely to watch as a result of this programming decision.

The wellbeing and healthy development of children and adolescents could be harmed if they view this program. Parents who are trying to engage conscientiously in helping their young people avoid harmful content are undermined by the broadcaster's decision. Young people and other adults will reasonably point to the time slot to argue that adult's only viewing has never been scheduled for these time slots in the past.

Concluding

We would hope that Channel 9 takes its responsibilities to families, teenagers and children seriously and addresses the classification and programming issues raised here. We would hope that children's and adolescent's needs are prioritised over any dubious gains to be made by pushing the boundaries of classification and programming standards. Most busy adults have no problem waiting until 9.30pm to watch adult programming. Many adults, in addition use recording technologies to further adjust programming to suit their own personal requirements. Where is the need to run Underbelly before 9.30pm- unless the broadcaster is actually seeking an adolescent audience?

The AFA is not naïve as to the likelihood that some or even many teenagers would watch the program whether at an earlier or later timeslot. However, the classification and timeslot do send messages to the community about the appropriateness of the content to adolescents. The current codes of practice give much freedom to broadcasters to air programs with high level content in regard to sex, violence, nudity and language. The classification system is designed to deliver educative and informative messages to prospective viewers. Many families and young people in our community value these classifications and the job they do. This system is valuable and worth maintaining, or even improving. We believe that the classification and scheduling decisions in regard to Underbelly will have the effect of weakening this system. Broadcasters value self-regulation but it can only work if they are willing to play by the rules rather than push the boundaries.

Programming classified as MA15+

Section 2,1.4 of the Code states that "in the least restrictive [time]zones MA and Av, nothing is permitted that was not permitted under the former AO television classification."

It is arguable that substantial amounts of MA15+ programs like the *Sopranos*, *Queer as Folk*, *Oz*, *Sex and the City* and *Californication* might actually be prohibited under this rule. Certainly these programs have been well known for breaking new ground in explicit content (whether it be sex or violence). In the US these programs have only ever been released on Cable and many American families feel that they have greater control over their children's' access to cable programming.

Such programming should be considered as only suitable for adults. The explicit details and high impact scenes contained in these programs are not developmentally appropriate for teenagers. In many cases, the adult themes that contextualise the confronting content may not be accessible to even older teenagers. The content depicted is not necessarily being normalised in the programs but teenagers may perceive it to be so because they miss some of the subtle dimensions to the themes and stories. Teenagers ought not to be thought of as adults with only a little less experience. They are actually growing through a process of massive brain development and change which can leave them with significant limitations and vulnerabilities in some areas until particular growth phases are over. They really can lack the cognitive and emotional capacity to engage with such media in the same way as an adult.

The AFA believes that the broadcasters could do a lot more to support the classification system and educate audiences, including parents and teenagers, about the importance of making wise choices about media and respecting developmental needs. Every time a broadcaster engages in a misclassification or engages with the Codes of practice in the spirit of seeing what can be weakened or flouted, they undermine the classifications systems' capacity to help parents and young people make healthy media decisions.

3. the operation and effectiveness of the complaints process currently available to members of the public; and

The AFA will submit that the complaints process is seriously flawed and lacking in any real transparency or accountability. The process is convoluted and very difficult to access or navigate.

Most ordinary people do not understand the complaints system. Many members feel intimidated by the rules and restrictions on complaints- what you can complain about to who, who you can send the complaint to, what responses are permissible if complainants are unhappy with a broadcaster's response. Many become very confused about the different rules and processes applying to different content such as general advertising or straight programs or broadcasters advertisements of their own programs on their own networks, or advertising for TV programs beyond the network on billboards or bus stops for example.

The current complaints process administered by the AANA has some advantages in regard to ease of access and complaints response times. Other aspects of this process and the Advertising Codes have been criticized for a lack of accountability and a failure to take the issue of sexualisation and the developmental needs of children seriously.

It may be useful to set up a one stop complaints process in which complaints handling experts could direct people's complaints to the right people and perhaps could assist people to present their complaints more effectively, tailoring them to the concerns of the particular regulatory system that is relevant. Such a service might also assist complainants to track their complaints and encourage appropriate turn around times, and accountability.

Channel 10's recent marketing campaign for big Brother included conduct and messages of ridicule and contempt for the very large numbers of Australians who had become increasingly upset with the program over the last few years. These members of the public, a range of experts and community leaders have recently been treated with contempt in the latest promotional campaign. Such conduct does not indicate an appropriate level of respect for the community's role in any effective and accountable self regulatory system.

In addition, the system is heavily structured to suit the interests of broadcasters. Presently, any complaint in writing must be submitted to the broadcaster and complainants must wait 60 days for an answer before being able to take up their issue with ACMA. Broadcasters are most unlikely to encounter any obvious criticism or penalty from ACMA if they have been found to have breached codes of practice or licensing rules.

The circulating "viral" video clip of the program *Underbelly* provided strong evidence that the program ought to have been classified MA15+ and put on after 9.30pm. It may be that the viral clip is quite misleading as regards to the content actually in the final version of the program going to air. To date, the AFA is however, not aware of any clear statement by Channel 9 to this effect. The best we have heard is that only some of this content has been edited out.

In the time it takes to get this matter addressed by ACMA, the broadcaster will be able to set new precedents about the kinds of content allowed in MA15+ and M categories. In addition, many parents will have been encouraged to see *Underbelly* as similar in content to a range of other programming, including programs as innocuous as *Numbers* and *Inspector Rex* and believe that it is likely to be appropriate for teenagers, even young teenagers. This will be an appalling result if the viral clip is in fact an accurate representation of the high-end content in the series.

Recently ACMA acted to criticize SBS for airing a pornographic program during a Friday night approximately a year ago. It took 12 months for any specific or concrete response concerning SBS's flagrant flouting of the rules prohibiting R or X rated content. Meanwhile while the complaints process creaked to conclusion, SBS helped create precedents to weaken the hold of the Guidelines and the codes of practice on programming. Again there is no evidence of good faith engagement with the self regulatory system. The complaints process compounds the damage because it takes too long to respond.

Already, it is over two months since *Underbelly* began airing outside Victoria. ACMA's slow response to what may be a very serious and deliberate attempt to undermine the application of the codes and Guidelines, will only exacerbate the damage. Channel 9 will in the meantime have laid down some very significant and influential precedent that will have at least some effect even if ACMA does indeed find misclassification. The Classification system works in practice on precedent, Classifiers always consider how they classified similar content in other films or programs. Hopefully, ACMA is not susceptible to industry pressure to simply accept the situation as a fait accompli.

The broadcasters must do more to act with social responsibility and take much greater precautions against the exposure of young people to violent, disturbing or sexual content with programming and also with advertising.

4. any other related matters.

The crowding out of children's and child friendly family viewing time is an issue for many. So for example the time after school and into the early evening is increasingly populated with programming with adult themes, violent or sexual content. Strong sexual innuendo is almost the rule on many of the comedies so that references to sexual relationships, prostitution, dildos etc feature in comedies, and on game shows. Gone are the days when children could watch and follow a story line or joke without accessing additional layers of sexual meaning. There is very little, outside of ABC programming, that is suitable for children or younger adolescents. Older children and adolescents can find entertainment and interest in a broad range of genres ranging from cooking shows and home improvement through to comedy, drama and science programs. There is a huge potential to return to a concept of family viewing. Presently, however, even the humour in home improvement, game shows or general dialogue in cooking shows are not safe from the creeping sexualisation of the media. Children and teenagers can gain enjoyment and satisfaction from shared family enjoyment of programs. Broadcasters have failed to facilitate this.

[Additional Background Material](#)

RESEARCH ON MEDIA CONTENT IMPACT ON YOUNG PEOPLES' ATTITUDES AND BEHAVIOURS

A very solid body of research has found clear links between young people's exposure to violent media content and increased and persistent aggressiveness and violent attitudes and behaviours. As will be indicated below, the AFA believes that the role of some violent media in the sexualisation of boys warrants further study. Such violent media has included films, TV programming and animation.

A related and growing body of research is identifying a clear and stronger link between young people and adults' use of violent video gaming and increased aggressiveness and violence in attitudes and behaviours.¹

Some studies have been carried out on the effects of young peoples' exposure to sexual content in TV programming. These studies, although limited, have pointed to links with such exposure and earlier sexual initiation in adolescents.²

Overall, such studies may indicate that media content can act on young people resulting in changes in attitude and behaviour that are not temporary. Many young people may believe, erroneously, that they are not changed or influenced by such media consumption.

Theories postulating a cathartic effect in regard to violent media have been addressed and found lacking evidentiary support. It has also been argued, coherently, that catharsis in this sense is not compatible with psychological and neurobiological understandings about the role of behaviour (media message consumption) and repetition in the development of habits, neural pathways and personality traits in humans.³

Numerous studies point to clear correlations between TV watching and body image disorders in girls and young teens.⁴ It may be reasonable to postulate strong links to the consumption of sexualised media and neurologically founded habits of self surveillance, self or other objectification and other sexualised behaviours and development of unhealthy or distorted gender identity.

Sexual activity and other sexualised behaviours are associated with other risks to teenagers.

Premature sexual involvement in prepubescent children or even in young teenagers would be almost universally greeted with concern. However, there is much research indicating that any sexually active teen is placed at higher risk of a range of significant negative outcomes.

¹ Victor C Strasburger, *Adolescents and the media: why don't paediatricians and parents "get it"?* MJA • Volume 183 Number 8 • 17 October 2005 http://www.youngmedia.org.au/mediachildren/10_02_bib_violence.htm lists research relating to violent content ranging from music lyrics through film to interactive video games.

² Rebecca L. Collins, PhD*, Marc N. Elliott, PhD*, Sandra H. Berry, MA*, David E. Kanouse, PhD*, Dale Kunkel, PhD, Sarah B. Hunter, PhD* and Angela Miu, MS*;
Watching Sex on Television Predicts Adolescent Initiation of Sexual Behaviour, PEDIATRICS Vol. 114 No. 3 September 2004, pp. e280-e289; Published online September 1, 2004; Sarah L. Ashby, MD, MS; Christine M. Arcari, PhD, MPH; M. Bruce Edmonson, MD, MPH *Television Viewing and Risk of Sexual Initiation by Young Adolescents*, Arch Pediatr Adolesc Med. 2006;160:375-380 avail online at <http://archpedi.ama-assn.org>

³ C A Anderson, D A Gentile, K E Buckley, *Violent Video Game Effects on Children and Adolescents Theory, Research and Public Policy* 2007 Oxford

⁴ Victor Strasburger, *Adolescents and the media Why don't parents and paediatricians get it?* MJA Vol 183 Number 8 Oct 17 2005; WFA's Faking It report also discusses the impacts of magazines especially on young readers.

Research indicates that teen sexual activity puts adolescents at greater risk of poorer academic performance even when there are no pregnancies⁵. In addition teen sexual involvement is a predictor of poorer psychological outcomes including depression and self harm. Adolescents are more prone to sexually transmitted infection and to suffer greater physiological harm from such infections.⁶ Yet the sexualising content of media and marketing often implies that such sexual behaviour is normal and expected for young people.

RELEVANT CONTEXTUAL CHILD DEVELOPMENT ISSUES

Adolescents and normal development.

Whilst adolescence is a challenging and sometimes difficult experience for young people, healthy development, undisturbed by sexualisation, together with appropriate family, community and social support helps foster positive and rewarding experience and outcomes overall for young people.

Adolescents are often regarded as simply less experienced and slightly less physically developed adults. Under this conceptualisation, education is seen as the way to address the shortfall in experience so that teens are better equipped to make good "adult" decisions. However, neurobiological studies of the development of the adolescent brain have reinforced psychologists' theorising about the extensive and challenging developmental program of the teenage years. Neurobiological studies are revealing dramatic renovation and construction work happening in the adolescent brain from puberty.

Adolescents' real and significant developmental vulnerabilities can make good decision making, risk avoidance or withstanding advertising or peer pressure, very difficult.⁷ Such vulnerabilities help to explain why sexualisation may happen and is so harmful to teenagers. Constant exposure to sexualising content may in fact influence the final structure of neural pathways in young people making authentic, respectful relational sexual expression more difficult to achieve. Adverse impacts on final neural pathway structures may also set young people up for a range of serious psychological disablements. Objectifying behaviours or attitudes may become established patterns at a neurobiological level.

Media marketing behaviour and content aimed at exploitation of teenage developmental vulnerability are not ethical or socially responsible.

⁵ Robert Rector and Kirk A. Johnson, "Teenage Sexual Abstinence and Academic Achievement, The Heritage Foundation," August 2005 - A study analyzing data from the National Longitudinal Study of Adolescent Health (Add Health), a cohort of 14,000 teens in 1994, 1995, and 2001, finding consistent and robust correlations between teen virginity and several positive academic outcomes even after accounting for socio-economic differences.

⁶ *The Sexual and Reproductive Health of Young Victorians* ibid in which the elevated risks for those younger than 16 are emphasised; Examples of research indicating risks linked to teen sex include Michael Grossman, Sara Markowitz, "I Did What Last Night?! Adolescent Risky Sexual Behaviors and Substance Abuse" *Eastern Economic Journal* Vol. 31, Number 3. summer, 2005. Page(s) 383-405; Hallfors, Denise D. Waller, Martha W., Bauer, Daniel; Ford, Carol A.; and Halpern, Carolyn T. "Which Comes First in Adolescence?--Sex and Drugs or Depression?" *American Journal of Preventive Medicine* Vol. 29, Number 3. , 2005. Page(s) 163-170.; Armour, Stacy Haynie, Dana L "Adolescent Sexual Debut and Later Delinquency", *Journal of Youth and Adolescence* Vol. 36, Number . February, 2007. Page(s) 141-152.

⁷ Jodie MinusNot black and white: moody teens a grey matter December 21, 2006

<http://www.theaustralian.news.com.au/story/0,20867,20960269-2702,00.html>

Puberty timing likely to be stable

Some participants in the debate about sexualisation have argued that the changes apparent in "tween" and young teen culture or behaviour are largely attributable to an alleged trend of earlier puberty. However, such a trend has not yet been established to the satisfaction of a range of endocrinologists and other experts. Obesity, ethnic differences and socio-economic factors in the United States have added to the complexity of the picture but a growing number of experts are highly sceptical of change. It is becoming clearer that the American and also Australian girls of today are still likely to have their first period at around the same age as their mother and to be situated within the same normal spread characteristic of menarche for, at least, several generations. Obesity and calorie rich diets may be contributing to the earlier appearance of breast fat in girls but such a phenomenon's relationship to puberty as a precise physiological process is not clear.⁸ It is also likely that increased surveillance of girls bodies may lead to greater attention being given to the appearance of breast development or fat deposition than at any other time in history. Menarche has always been the main cultural marker of puberty and there is little evidence of any significant or generalised change to its timing in modern times that has not been potentially relatable to poor nutrition or strenuous physical demands.

As such, arguments that defend or explain the phenomenon of raunch culture in the "tween" years with reference to trends towards earlier puberty and a decline in the age of the beginning of adolescence should be rejected. It is far more plausible that a culture has been fostered by marketers or sections of society that encourages imitation of adolescent behaviours rather than addressing any substantial change in underlying child development programs.

Historical conceptions of childhood

Child and adolescent development processes are well researched and described in the literature of psychology. It is well understood that children and adolescents are necessarily vulnerable because of their natural inbuilt developmental program. Particular vulnerabilities vary with the different stages of this development. Ethical responses from responsible adults, their communities and society lead to the provision of special care and protection to children and traditionally also to adolescents.

In some discussions of the need to provide nurture and protection for children and adolescents, some argue that these concerns are peculiar to recent western societies. However, historians of childhood and the family have found that special care, protection and nurture for children and teenagers has generally been recognised almost universally as an obligation of parents and communities. Historians have also found that adolescents were generally subject to adult care and supervision, albeit less intensively than in childhood. Societies have consistently sought to deter sexual involvements and pregnancy in the early and middle years of adolescence. Historians have found that generally, marriage has been encouraged for and was a typical life event of the early twenties. A number of historians have asserted that such marriages were usually matches grounded mainly in love or attraction. Child or early marriage was usually a feature of ruling classes and designed to shore up familial or monarchical power.⁹

⁸ R L. Rosenfield, L K. Bachrach, S D. Chernausk, and five others, "Current Age of Onset of Puberty" Letter to the Editor, M E. Herman-Giddens, E Slora, R Wasserman; In Reply PEDIATRICS Vol. 106 No. 3 September 2000, pp. 622-623.; Tony James, What's New?-an interview with Associate Professor Susan Sawyer, *Australian Doctor*, 24 June 2003; The Sexual and Reproductive Health of Young Victorians *ibid*

⁹ See for example Linda Pollock, *Forgotten Children Parent-child relations from 1500- 1900*, 1983 Cambridge University Press, Peter, N. Stearns, *Growing Up: The History of Childhood in a Global Context (Edmondson Lecture Series)* 2005 Baylor University Press, USA, Colin Heywood, *A History of Childhood: Children and Childhood in the West from Medieval to Modern Times; (Themes in History)* 2001 Polity, Cambridge UK; H Cunningham, *Children and*

SEXUALISATION

The American Psychological Association Taskforce **defined Sexualisation:**

*as occurring when a person's value comes only from her/his sexual appeal or behavior, to the exclusion of other characteristics, and when a person is sexually objectified.*¹⁰

Sexualisation describes a disruption of healthy child and adolescent psychosexual and gender identity development which has significant consequences for a young person's healthy and balanced development across a range of developmental domains. Psychosexual, emotional, cognitive and even physical development may be disrupted and distorted.

Girls are coached to identify femininity within a narrow band of behaviours and expression heavily focused on appearance, "sexiness" and intensely critical of perceived physical shortcomings. Boys may find that large proportions of media, games, music and advertising directed at them emphasise aggression as a key male trait as well as readiness to objectify others, especially girls and women

Sexualised young people will tend to locate their own value in their body's sexual currency. Sexualising influences act to foster increased tendencies to objectify one's own body and others, seeing them as things or objects to use to obtain pleasure, acceptance or empowerment. The APA Taskforce identifies girls' internalization of observers' perspectives on their physical selves as a particularly damaging dimension of self objectification.

Sexualisation thus tends to result in pre-occupation with one's body and appearance, with one's sexual currency and "sexiness". Girls' ensuing self surveillance and constant re-evaluation of their bodies' sexual currency can become quite disabling, setting up cognitive interference over every other activity they do.

Boys can be encouraged or incited to objectify girls and young women so as to achieve peer or social acceptance, or to feel empowered. Boys may learn to see this objectification as part of normal male sexuality. Boys and young men can also be encouraged to see their bodies or sexual organs as merely an object or means to achieve goals or emotional release, acceptance and empowerment. Both these aspects of objectification should be seen as evidence of sexualisation in boys

Sexualised young people may be more prone to suffering psychological difficulties and to underdevelopment in other areas. A substantial part of the epidemic, amongst young people, of anxiety, depression, eating disorders and self harming has been linked, in research, to sexualisation.¹¹

Sexualisation, may lead to young people adopting a range of sexual behaviours, the meaning or consequences of which they may be unprepared to understand or handle.

Harms of Sexualisation

In all of these ways, sexualisation leads young people to see their own bodies and others as merely objects to be used for desired gains. Sexualisation inhibits integrated psychosexual development, makes authentic love and relationships, founded on interaction between whole persons, difficult to

Childhood in Western Society since 1500, 2005 Pearson Education, Great Britain; Ferdinand Mount, *The Subversive Family: An Alternative History of Love and Marriage* (1992) Macmillan NY

¹⁰ APA Taskforce Press Release Feb 19 2007

¹¹ APA Taskforce on Sexualization Press Release Feb 19 2007

achieve and fosters unhappiness and psychological distress.

Sexualisation, disrupts and limits holistic and balanced development in children and teenagers. Sexualisation, through the pre-occupation and cognitive interference of constant anxiety and self surveillance, may harm academic performance and constrain physical activity and participation in sport and games. Normal games or physical challenge or adventure, role play, imagination or competition may be displaced by games or activities focused on grooming, self scrutiny or other sexualised interactions.

Sexualisation is not the normal healthy psychosexual development that takes place in subtle ways during the latency period of childhood and in more obvious ways through adolescence. Such development is normally gradual and in a healthy, balanced interplay with the general emotional, cognitive and physical development of the teenage years.

Part of sexualisation's impact, even modus operandi, is to force older sexuality onto younger ages (called "age compression"). Generally the destructiveness of this strategy is increased because it is a sexualized sexuality being imposed. Sexualised content in television programming can achieve this in a number of ways.

Program content can portray children as sexually aware or with sexualized behaviours. *Two and a Half Men's* ten year old Jake engages in conversations about who his uncle and dad are having sex with. He also comes across as lazy, sarcastic and cynical (like a teenager, only cuter, because of the age compression).

Teen dramas and their associated teen celebrities can be marketed to children or young teens. As part of the marketing, children are encouraged to emulate the celebrities' clothes, follow their tastes in music and copy their behaviours. This has happened with programs like *Home and Away*, rated PG. Another teen drama with quite strong and frequent depictions of sexual activity, *The OC*, and rated M, was another program marketed to children (tweens). The characters were sexually active older teens on the threshold of going to university.

Home and Away also has increased the amount of sexual content and themes in its story lines in recent years with fairly obviously suggestive depictions of sexual relationships in younger and older teens a regular feature. Like *The OC*, such portrayals of sexual relationships as normal will tend to have a sexualizing influence on children or young teens who are encouraged to emulate or develop "crushes" on the celebrities.

Our society is rapidly losing its awareness and accommodations to the different stages of child and adolescent development. With this loss goes also a loss of understanding about the needs of children and adolescents for guidance, care and protection especially in response to the various developmental limitations and vulnerabilities of different stages of that development. Young people need this care from their parents, from their community and from society.

Behaviours of sexualisation

Teenagers caught up in sexualized behaviors may invest substantial amounts of time and other resources in bodily appearance and exhibit abnormal levels of anxiety and self criticism about their appearance and body shape. Sexualised teens may feel pressure to be sexually flirtatious or active and to engage in attempted relationships or interactions, sexual or other, characterized by self and other objectification.

Sexualised teens may tolerate coercive or drunken sexual involvements which increasingly and

commonly feature in adolescent sexual experiences.¹² Such teens may tolerate the demands of others, including those in the peer group to submit to or perform oral sex. Oral sex has "emerged as a common practice", with 45% of students in Years 10, 11 and 12 having engaged in it, according to a national survey in 2002 by La Trobe University. Many adolescent girls may be unable to report any personal benefit from such practice beyond peer group acceptance and avoidance of pejorative labels such as "frigid".¹³ They may pursue or accept sexual contact as a means to achieve power, secure group belonging or emotional release.

Such behaviour puts young people at risk of psychological and physical harms. Experts identify depression, anxiety, self harm and other problems as being increasingly prevalent amongst teenagers. In addition, the incidence of STIs has increased dramatically in young people. One in ten sexually active teenagers now has an STI. Chlamydia is the most common infection amongst young people although Gonorrhoea, Herpes and other STIs are also contracted by young people. *The Age* reported last year that "the number of notifications for chlamydia across Australia has more than tripled between 1999 and 2006. And young people aged 15 to 24 suffer the highest rates, accounting for more than 60 per cent of all chlamydia notifications so far this year".¹⁴ Such infections can have significant repercussions for the future fertility of young people and some may negatively impact their long term quality of life and capacity to form satisfying, lasting relationships.

Studies of teenage sexual initiation show a clear trend recently for earlier sexual initiation with recent findings of the median age now 16years. Research indicates that the psychological and physical risks of teen sexual involvements increase for younger ages.¹⁵ Such trends may be at least partially linked to sexualisation both in childhood and in early adolescence.

¹² *The Sexual and Reproductive Health of Young Victorians 2005*

¹³ Oral sex practices amongst teenagers appear to be on the increase in Australia as well as other countries such as the US. One study of adolescents who engaged only in oral sex found that the girls were less likely to report experiencing pleasure, feeling good about themselves, and having their relationship become better as a result of sex.- *Pediatrics* Vol. 119 No. 2 February 2007, pp. 229-236 (doi:10.1542/peds.2006-1727); SBS' *Insight* discussed teen sexuality in a program during 2007. Oral sex practices were discussed but female participants were not able to identify reasons for the practice beyond peer group pressure or a desire to be known as proficient. . In that program some of the boys also indicated strong peer group pressure to participate in oral sex.; "Love and Teen Pregnancy" *Post* June 16 2007 reporting remarks of Dr Rachael Skinner.

¹⁴ 'Highest rate ever of teenage STDs' *Age* September 26, 2007 -reporting on an Adolescent Health Forum at Sydney University.

¹⁵ *The Sexual and Reproductive Health of Young Victorians*, A collaborative project between Family Planning Victoria, Royal Women's Hospital, Centre For Adolescent Health