

The Senate

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Standing Committee on  
Environment, Communications  
and the Arts

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Sexualisation of children in the  
contemporary media

June 2008

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# **Recommendations**

## **Recommendation 1**

**1.12** The committee considers that the inappropriate sexualisation of children in Australia is of increasing concern. While noting the complexity of defining clear boundaries around this issue, the committee believes that preventing the premature sexualisation of children is a significant cultural challenge. This is a community responsibility which demands action by society. In particular, the onus is on broadcasters, publishers, advertisers, retailers and manufacturers to take account of these community concerns.

**1.13** Noting this heightened concern, the committee believes that this issue should be followed up and therefore recommends that the steps taken to address it by industry bodies and others should be further considered by the Senate in 18 months time.

## **Recommendation 2**

**3.30** The committee recommends that the Commonwealth through the National Health and Medical Research Council or other appropriate body commission a major longitudinal study into the effects of premature and inappropriate sexualisation of children.

## **Recommendation 3**

**4.29** The committee recommends that, as part of its review of the Children's Television Standard (CTS), the Australian Communications and Media Authority consider revising the requirement that CTS content be broadcast for at least half an hour per day to enable broadcasters to schedule it in extended blocks at times which are more likely to attract children to watch it.

## **Recommendation 4**

**4.56** The committee recommends that broadcasters review their classification of music videos specifically with regard to sexualising imagery.

## **Recommendation 5**

**4.65** The committee recommends that broadcasters consider establishing dedicated children's television channels.

## **Recommendation 6**

**4.108** The committee recommends that publishers consider providing reader advice, based on the Office of Film and Literature Classification systems of classifications and consumer advice, on magazine covers indicating the presence of material that may be inappropriate for children.

### **Recommendation 7**

**5.17** The committee recommends that, in 18 months, the Senate review the effectiveness of the operation of the Australian Association of National Advertisers' Code for Advertising and Marketing Communications to Children, introduced in April 2008.

### **Recommendation 8**

**5.28** The commissioner recommends that the Advertising Standards Board and Free TV Australia consider establishing a media and advertising complaints clearing house whose functions would be restricted to:

- receiving complaints and forwarding them to the appropriate body for consideration;
- advising complainants that their complaint had been forwarded to a particular organisation; and
- giving complainants direct contact details and an outline of the processes of the organisation the complaint had been forwarded to.

### **Recommendation 9**

**5.46** The committee recommends that the Advertising Standards Board produce a consolidated half-yearly list of all complaints, including those received by 'phone, where the impact of an advertisement on children, however described, is a factor in the complaint.

### **Recommendation 10**

**5.76** The committee recommends that the Advertising Standards Bureau consider adopting a process of pre-vetting advertisements either (a) at the request of the advertiser where they are concerned that the content of the material may be pushing the boundaries of the codes or (b) where an advertiser or agency has regularly produced advertising material that has been the subject of complaints.

### **Recommendation 11**

**5.78** The committee recommends that, to ensure that the Advertising Standards Board is able to make determinations that are in keeping with prevailing community standards, the Advertising Standards Bureau should develop a formal schedule or process for community consultation, including the use of focus groups, and research to act as a benchmark for board determinations.

### **Recommendation 12**

**5.96** The committee recommends that the Advertising Standards Board rigorously apply standards for billboards and outdoor advertising to more closely reflect community concern about the appropriateness of sexually explicit material and the inability of parents to restrict exposure of children to such material.

### **Recommendation 13**

**6.39** The committee recommends that state and territory governments, which have the responsibility for education, consider the introduction into all Australian schools of comprehensive sexual health and relationships education programs which are inclusive of both young people and parents, adopting a consistent national approach to the question.





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## Acronyms and abbreviations

AANA	Australian Association of National Advertisers
ACCM	Australian Council on Children and the Media
ACMA	Australian Communications and Media Authority
ACP	Australian Consolidated Press
ACTF	Australian Children's Television Foundation
AMI	Advanced Medical Institute
APA	American Psychological Association
APS	Australian Psychological Society
ARCSHS	Australian Research Centre in Sex, Health and Society
ASB	Advertising Standards Bureau
BSA	<i>Broadcasting Services Act 1992</i>
Children's Code	AANA Code for Advertising and Marketing Communications to Children
Commercial Code	Commercial Television Code of Practice
CTS	Children's Television Standard
Ethics Code	AANA Code of Ethics
FPNSW	Family Planning NSW
KF2BK	Kids Free 2B Kids
NCC	National Classification Code
SHFPA	Sexual Health and Family Planning Australia
the board	Advertising Standards Board
WFA	Women's Forum Australia
YMA	Young Media Australia



# Chapter 1

## Introduction

### Terms of reference

1.1 In 2006, the Australia Institute published two discussion papers on the issue of the sexualisation of children in the contemporary media: *Corporate paedophilia: sexualisation of children in the media*<sup>1</sup> and *Letting children be children: stopping the sexualisation of children in Australia*.<sup>2</sup> The two papers prompted considerable public debate amongst parents, media and retail industry stakeholders, academics and interested parties more generally, indicating a high level of public interest in the issue.

1.2 On 15 August 2007, the Senate passed an Australian Democrats motion noting the harmful effects of sexualisation of children in the media and calling on the Australian Communications and Media Authority (ACMA) to specifically comment on the issue in its then current review of the Commercial Television Industry Code of Practice and the Commercial Radio Code of Practice. ACMA was also called on to make recommendations on the effectiveness of different approaches and strategies to reduce and/or prevent sexualisation of children in the media.

1.3 On 12 March 2008, the Senate referred the following matter to the Senate Standing Committee on Environment, Communications and the Arts (the committee) for inquiry and report by 23 June 2008:

The sexualisation of children in the contemporary media environment, including radio and television, children's magazines, other print and advertising material and the Internet.

1.4 On 19 June 2008, the committee sought and received an extension of time for the tabling of the report until 25 June 2008.

1.5 In undertaking the inquiry the committee was required to:

examine the sources and beneficiaries of premature sexualisation of children in the media;

review the evidence on the short- and long-term effects of viewing or buying sexualising and objectifying images and products and their influence on cognitive functioning, physical and mental health, sexuality, attitudes and beliefs; and

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1 Emma Rush and Andrea La Nauze, *Corporate paedophilia: sexualisation of children in the media*, Australia Institute, Discussion Paper 90, October 2006.

2 Emma Rush and Andrea La Nauze, *Letting children be children: stopping the sexualisation of children in Australia*, Discussion Paper 93, December 2006.

examine strategies to prevent and/or reduce the sexualisation of children in the media and the effectiveness of different approaches in ameliorating its effects, including the role of school-based sexuality and reproductive health education and change in media and advertising regulation such as the Commercial Television Industry Code of Practice and the Commercial Radio Codes of Practice.

1.6 In a ministerial statement on the motion to refer the matter, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon. Stephen Conroy, stated that ACMA's statutory functions were not 'broad enough for it to address the full breadth of the issue of sexualisation of children'.<sup>3</sup> The minister indicated that the government, despite some concerns about the inquiry's terms of reference, supported the referral of the matter to the committee.

### **The committee's approach**

1.7 The committee's terms of reference require it to consider the three issues set out above. However, before examining those issues, it is necessary to define some of the terms being used and the parameters of this report.

1.8 The committee accepts that sexualisation, as defined below at paragraphs 1.25 and 1.26, has become much more visible in our society in recent decades.<sup>4</sup> Sexualised images and actions are more openly discussed and portrayed in the media and used explicitly as a marketing device.

1.9 There are, of course, positives to more open and frank consideration of sexual matters. Society is, generally, much less hypocritical about the subject. Young people are much more likely to receive proper education on sex and relationships and there are strong correlations between such education and a declining incidence of unwanted pregnancy, abortion and the incidence of sexually transmitted diseases among young people.

1.10 At the same time there are serious concerns in the community. Material directed at children, whether it be advertising or products designed specifically for them or unsolicited material, increasingly presents them with a limited range of stereotyped images, particularly of girls, and promotes sexualised images, attitudes and concepts which may be inappropriate to younger age groups. There is emerging evidence that this licence is having negative impacts on child development.

1.11 Ms Amanda Gordon, President, Australian Psychological Society, told the committee that:

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3 *Senate Hansard*, 12 March 2008, p. 62.

4 It is important to recognise that the status of women in particular has been determined by a range of cultural and economic orthodoxies throughout history. The current sexualised stereotyping, while undesirable, is far from the worst.

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Developmental psychologists have done a lot of research in this area and one of the problems is that many children can understand at a cognitive level, but it is very confusing at an emotional level because they are not yet ready to be sexual, to have those sexual messages...It can be both confronting and confusing, and it is part of that really subtle sexualisation that we are talking about. It confuses them in terms of: what are they?<sup>5</sup>

Ms Gordon also identified specific clinical problems she sees in her practice as flowing from this increasing sexualisation.

### **Recommendation 1**

**1.12 The committee considers that the inappropriate sexualisation of children in Australia is of increasing concern. While noting the complexity of defining clear boundaries around this issue, the committee believes that preventing the premature sexualisation of children is a significant cultural challenge. This is a community responsibility which demands action by society. In particular, the onus is on broadcasters, publishers, advertisers, retailers and manufacturers to take account of these community concerns.**

**1.13 Noting this heightened concern, the committee believes that this issue should be followed up and therefore recommends that the steps taken to address it by industry bodies and others should be further considered by the Senate in 18 months time.**

1.14 In considering research into this subject the committee acknowledges that very limited work has been done on sexualisation of younger children.<sup>6</sup> Thus it is difficult to relate particular causes and effects—that a particular behaviour can be linked causally to certain products or images.

1.15 For example, the evidence from practitioners such as Ms Gordon does show that some young people, particularly girls, have difficulties with their body image and this may lead in extreme cases to clinical problems such as eating disorders. However, what cannot be said with any certainty is what are the significant influences in causing these problems. A child may internalise parental anxieties or dietary habits long before any 'sexualising' influence from the media has an impact.<sup>7</sup>

1.16 The committee believes that the precautionary principle suggests that, as a society, Australia should take these developments extremely seriously and where possible seek to reverse some of the trends. At the very least young people and their parents must be given the knowledge, skills and support necessary to 'read' the media critically.

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5 *Committee Hansard*, 30 April 2008, pp 16-17.

6 For ethical and practical reasons it is difficult to conduct research on these matters with young children.

7 Although it is beyond this committee's terms of reference, it is important to remember there are other possible causes for anxiety disorders—for example, poverty and social exclusion.

1.17 Throughout this report the committee has made a number of recommendations and suggestions whose object is to assist parents in managing the influences to which their children are exposed, to assist children in dealing with these influences. It is also the primary responsibility of parents to make decisions about what their children see, hear, read or purchase. These parental decisions can have a significant impact on the market for sexualising products and services.

1.18 The committee believes that the producers of this material—whether broadcasters, publishers, advertisers, retailers or manufacturers—must give serious consideration to the quality of the products that they put before children and the potential for harm that they may embody. Much of the media is subject to self-regulatory or co-regulatory regimes to meet standards either required by law or developed in codes of practice. It is important that these regimes prove themselves to be responsive to legitimate community concerns and developing research in the area of child development.

1.19 The committee believes that this is the appropriate position to take at this stage. The committee notes that some in the community would like to see more intrusive regulation of these products and services. Before proposing a more regulatory approach, the committee believes that the onus is now on broadcasters, publishers, advertisers, retailers and manufacturers to address community concerns.

1.20 It is important to note that, while the committee has received many expressions of concern about the issue of sexualisation—and these have been given due weight in its deliberations—as an expression of 'community standards', these have to be balanced against the decisions of adults to buy products for their children or to watch particular television programs.<sup>8</sup>

1.21 The underlying principles in considering these issues are contained in the National Classification Code, and are echoed in various broadcasting and advertising standards and codes. These principles are:

- (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; and
- (c) everyone should be protected from exposure to unsolicited material that they find offensive...<sup>9</sup>

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8 In chapters 4 and 5 the question of the levels of complaints about products and services is discussed.

9 The National Classification Code (NCC) is a schedule to the *Classification (Publications, Films and Computer Games) Act 1995*. The NCC is available at the ComLaw website, <http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/framelodgmentattachments/A4DD01BB110AD94DCA25700D002EF73E> (accessed 9 June 2008).



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1.22 The tension between freedom and protection inherent in these three principles is obvious. In Australia we seek to reconcile them through three processes:

- the creation of classification regimes, codes of practice and standards with regard to broadcasting, advertising and publications which, in the context of community standards, set out what it is acceptable to publish in the various media;
- on the basis of these classification systems, to provide ratings for television programs, films, some advertising and publications—the familiar G, PG, M, et cetera—as a guide to the public as to the content of the material and its suitability for various age groups. These ratings are supplemented by consumer advice which gives more detailed descriptions of the content; and
- the use of time zones in broadcast media to restrict access by children to programs designed for adults.

1.23 The report examines how effective the regulatory mechanisms which seek to manage these issues are and considers where, if necessary, reform is needed. Each of the classification systems relies on regular sampling and assessment of community standards as an indicator of how the codes should be applied. Broad conformity with community standards is also an indicator of how successfully the regulators are doing their jobs. It is clear from many submissions that there is, within the community, some confusion as to the purpose and meaning of the codes of practice.

1.24 A second important mechanism for testing the integrity of the various systems is the complaints procedure. Each of the regulatory bodies has created a complaints procedure which enables members of the public to lodge complaints with regard to breaches of the codes. The volume and substance of complaints are valuable indicators of the extent to which the codes do reflect community standards. Thus it is of concern that the complaints procedures do seem to be unnecessarily confusing and anything but user friendly. The efficacy of the various complaints procedures is dealt with at length throughout the report.

1.25 Various definitions of sexualisation have been put forward. That offered by the American Psychological Association Task Force on the Sexualization of Girls is very broad and has been quoted in a number of submissions:

...sexualization occurs when

- a person's value comes only from his or her sexual appeal or behaviour, to the exclusion of other characteristics;
- a person is held to physical standard that equates physical attractiveness (narrowly defined) with being sexy;
- a person is sexually objectified—that is, made into a thing for others' sexual use, rather than a person with the capacity for independent action and decision making; and/or
- sexuality is inappropriately imposed on a person.

All four conditions need not be present; any one is an indication of sexualisation.<sup>10</sup>

1.26 Ms Gordon in evidence to the committee noted two important elements of sexualisation:

- sexuality [that] is inappropriately and prematurely imposed on a person such as a child; and
- sexualisation where 'a person's only ascribed value would be their sexuality, their physical sex appeal'.<sup>11</sup>

1.27 It is clear from these definitions that many of the matters raised in submissions fall into the category of 'sexualisation'. However there are important distinctions to be drawn between, for example, children becoming aware of 'sex' as an idea from billboard advertising for men's health treatments and the explicit and deliberate sexualisation of young girls through advertising, products and attitudes which seek to develop a sexual identity of a kind that is wholly inappropriate to their stage of development or is narrowly focused on their physical sex appeal.

1.28 Thus the committee has viewed sexualisation as a continuum from the explicit targeting of children with images, attitudes and content that inappropriately and prematurely seek to impose a sexual identity on a child, through the presentation of one-dimensional and stereotypical images of children and young people, predominantly girls, in content, products and advertising directed at them, to what might be described as the 'background noise' of society at large where products, advertising and other materials made for and directed at adults are readily accessed by children and reinforce the sexualising messages they are receiving.

1.29 In considering these terms of reference the committee has sought to rely on the evidence put before it. The committee does not set itself up to be the arbiter of public taste with regard to particular advertisements, programs, products or styles. The committee has tried to identify real problems—does evidence exist that presentation of pre-teen children in adult styles and poses is damaging to children; are magazines aimed at children pushing inappropriately sexualising agendas; is exposure to television programming designed for adults harmful to child development—and to address the regulatory policies put in place to manage the media.

1.30 It is important throughout this discussion to separate real harm from differences in public taste. This debate was initiated by advertising in a catalogue for a major retail outlet. A brief perusal of some of the adverts in question would quickly demonstrate that what one person considers inappropriate sexualisation may be to another merely pretty, smart, grown-up or 'cute'. There may be a convergence of

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10 American Psychological Association, *Report of the APA Task Force on the Sexualization of Girls*, 2007, p. 2.

11 *Committee Hansard*, 30 April 2008, p. 15.

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views at the extremes but along the continuum of attitudes in between there is a wide range of views as to what is and is not problematical.

1.31 Similarly, there is a range of views with regard to when it is appropriate to start talking to children about sexual matters. Many parents, judging from the submissions received by the committee, clearly feel pressured by external influences into dealing with their children's questions on sexual matters at a much earlier age than they consider appropriate. Others are more ready to accept society as it is and deal with such questions as they arise.

1.32 Clearly many of the styles, activities and products which are of concern to some of those who have made submissions to the committee are within the control of parents or other adults. Inappropriately sexualising clothes, magazines which discuss sexual issues frankly or even what television programs younger children watch are all firmly in the realm of parental decision making. Thus the element of parental responsibility and choice in all these matters must be borne in mind.

1.33 At the same time, the committee is aware of the realities of family life. Parents cannot supervise all that their children see, hear or read. Television or radio is on when parents are not around, magazines circulate beyond the purchaser and target age group and unsolicited material such as billboard advertising cannot be avoided; there is a general 'background noise' of sexualising material in our society.

1.34 It is both unreasonable and unjust to put all the responsibility on parents or other adults to control children's access to the media. There is a role for government in supporting and assisting parents and other adults in managing young peoples' access to the media.

1.35 This brings the committee to the availability of research on actual harm done to cohorts of children in particular age groups. There is research with regard to older age groups and on topics such as the influence of the media on violent behaviour. Many witnesses quoted the American Psychological Association report referred to above at paragraph 1.25 but it should be noted that that report relies heavily on research conducted on older age groups and extrapolates its findings to younger children:

Much of the research reviewed in this report concerns the sexualization of women...rather than girls. One reason for this is the paucity of research specifically on the sexualization of girls—research that is urgently needed.<sup>12</sup>

1.36 The report goes on to note that the same research is nonetheless useful in that the attitudes found in women reflect 'a lifetime of exposure to comparable images and

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12 American Psychological Association, above n 10, p. 4.

messages'.<sup>13</sup> While that may be valid in a general sense, it does not help in distinguishing the sources of influence or causal relationships.

1.37 There is very little research relevant to younger children and, with regard to the specific issue of inappropriate or premature sexualisation, the situation is much the same. The committee has not been directed to any longitudinal studies which seek to isolate particular influences and follow a cohort over an extended period to measure the impact of those influences. It is particularly to be regretted that there is no research which looks at the long-term outcomes of the majority of young people who are faced with these challenges and pressures, deal with them responsibly, and go on to become good citizens and lead fulfilled lives.

1.38 Many of the submissions to the committee relied on anecdotal evidence derived from individual experience and assume that, for example, because an adult is angered, offended or embarrassed by a billboard advertising a lap dancing club or 'male sexual dysfunction services', then the child interprets the material in the same way and is harmed by it.<sup>14</sup>

1.39 In discussing the state of research in Australia, Professor Catharine Lumby, Director, Journalism and Media Research Centre, University of New South Wales,<sup>15</sup> commented:

Concern about actual sexual representation of children in popular media and actual evidence that children are being presented in an adult sexual light is...such an important and charged claim that genuine empirical and methodologically sound research needs to be done.<sup>16</sup>

1.40 Ms Gordon had a different emphasis. While acknowledging the limited amount of research on this topic, Ms Gordon, citing the evidence of her own practice with regard to the incidence of depression and eating disorders, took the view that:

...sometimes we have to be preventative...How can it do any harm to reduce the level of sexualisation of kids when we know the dangers inherent in sexualisation ... rather than waiting till we have the proof.<sup>17</sup>

1.41 A particular problem is the multiplicity of influences on children, the weight to be given to them and the causal relationships involved. It is extremely difficult to

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13 Ibid p. 5.

14 See Mary Carolan, *Submission 52*, p. 1; Trevor Thomas and Jude Powell Thomas, *Submission 79*, p. 2; Moira Kirkwood, *Submission 135*, p. 1. Cath Nohlmans, *Submission 42*, p. 1. Jeynelle Grimshaw-Hughes, *Submission 1(a)*; and Peter Dolan, *Submission 71*, p. 1. That the content on the billboard may be offensive (and unsolicited) is a separate issue which clearly comes within the jurisdiction of the ASB and can be grounds for its removal.

15 The committee notes that Professor Lumby is also a member of the Advertising Standards Board, which is considered in Chapter 5.

16 *Committee Hansard*, 30 April 2008, p. 104.

17 Ibid p. 21.

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disentangle the specific roles played by family, school, friends, society at large and the media in forming attitudes. This has significant implications for public policy. In the absence of clear causal relationships between particular media and identifiable psychological and/or physical problems, regulatory interference is a very blunt instrument. This is discussed further in Chapters 4 and 5.

1.42 Some submissions also dwelt on the importance of education in equipping children to deal with the media influences to which they are exposed and, more particularly, the sexualising material presented to them. It is also true that parents may simply not be equipped to provide the kind of advice and support their children need. Ms Gordon put it to the committee that:

It would be far healthier if parents sat with their children watching a movie, instead of banning the movie and the children watching it secretly...Parents who have a diet of soap operas and who are not critically evaluating what they are seeing on television are not going to be able to help their children in their discussion and in their growth.<sup>18</sup>

1.43 Part of the terms of reference requires the committee to consider the 'sources and beneficiaries of premature sexualisation'. The 'tween' market has been identified as a growth area for the sale of products and services, and has been promoted and developed for decades by manufacturers, retailers, broadcasters and advertisers. The committee received no evidence to suggest that the production and marketing of products aimed specifically at children and young people was driven by anything other than commercial imperatives.

1.44 If children can be encouraged to identify with particular products or brands then that has both immediate and long-term commercial benefits to the owners and marketers of those products or brands. If a girls magazine develops a certain style and cultivates tastes that the reader carries into adult life with the result that she moves to the publisher's range of magazines targeted at adults then that is no different from the business practices in other sectors where marketing to develop brand and product loyalty is an accepted business strategy.

1.45 Because the 'tween' market consists of the most vulnerable in our society the regulatory responsibility of government to protect that group is concomitantly greater. Thus this report concentrates on the effectiveness of the various bodies that have responsibility for regulating broadcasting, publishing and advertising. Perhaps unfortunately there is no body responsible for imposing 'community standards' on the manufacturers of products such as padded bras for pre-pubescent girls. That is a matter for the good sense and judgement of the producers and of parents.

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18 Ibid pp 17-18.

## ***Definitions***

1.46 It is important to clarify from the outset some of the terms used in this report. There is a wide range of usages even on the matter of who is a 'child'. Various regulatory sources use upper age limits of 18, 16 and 15. Submissions and other sources talk of mid-teens and post-puberty, and properly distinguish those age groups from younger children and acknowledge different stages of development among younger children as well. Others talk of stages of development which do not conform to any precise age. Many submissions generalise across the whole period of childhood from pre-school to adolescence.

1.47 The committee has tried to avoid generalisation and make clear to what age group it is referring where that is relevant to an issue under discussion. For example, the whole question of inappropriate or premature sexualisation has quite different meanings for young people in their mid-teens exploring their own emerging sexuality and younger children of primary school age being introduced to sex-related roles or attitudes wholly irrelevant to their stage of physical or emotional development.

1.48 A related question is: who are we concerned about? Children who appear as models in advertising must do so with parental consent and are subject to a range of employment conditions. There is no evidence indicating that they suffer harm. Thus the report assumes that it is children generally in the defined age groups that are the target for our concern.

1.49 This report is not about paedophilia—corporate or otherwise. Paedophilia is variously described as a mental disorder and a crime, in the latter case involving the sexual abuse of children or direct involvement in that abuse by making, distributing or collecting images of abuse. Paedophilia refers to sexual feelings and sexual acts involving young children who have not yet reached puberty.

1.50 The shock value of a term like 'corporate paedophilia' may help to stimulate debate on the general question of the targeting of children as consumers, of which sexualisation is a particularly damaging subset, but it also distorts that debate. Targeting children through advertising, creation of the 'tween' market and the presentation of inappropriately sexualised images of children as part of these processes may be reprehensible and potentially damaging but it is not comparable to the criminal, physical, sexual assault of children.

1.51 It is important to note that there is no evidence that the presentation of children in styles of clothing or poses that are inappropriate to their age, that association with particular products or that an interest in so-called 'celebrity culture' makes either the children who appear in such material or the children who have access to that material more vulnerable to sexual abuse by paedophiles.

1.52 Thus the committee believes that, as a community, we should avoid any moves towards greater restrictions on what may be published in the media solely on that ground. As Professor Alan McKee, Queensland University of Technology, pointed out to the committee:

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These criminals will find any excuse to justify their behaviour. So it is a little bit of a furphy to say that we have to stop these things because it will provide justification to paedophiles. Anything, even *The Sound of Music*, provides justification to paedophiles. We cannot run our entire media on that basis.<sup>19</sup>

## Submissions

1.53 On 26 March 2008, in accordance with usual practice, the committee advertised the inquiry in the *Australian*, calling for submissions by 18 April 2008; the inquiry was re-advertised on 1 April 2008. A number of organisations and individuals were contacted directly and invited to make submissions. The committee received 167 submissions, which are listed in Appendix 1.

1.54 The committee also received approximately 900 standard letters, which were sent via a website for Kids Free 2B Kids (KF2BK).<sup>20</sup> A number of standard-letter submitters also added additional comments to their letters. The letters and additional comments were considered in the course of the committee's deliberations on the subject of the inquiry; however, for administrative convenience, all standard letters were treated as correspondence. The committee acknowledges that the large number of these submissions reflects the high level of community interest in the issue of sexualisation of children.

1.55 A number of submissions were judged to contain potentially adverse comments. Organisations and individuals were advised of adverse comments and offered the opportunity to respond. Responses have been posted on the committee's website.

1.56 For privacy reasons, a number of submissions were published with the author's name withheld.

## Hearings

1.57 The committee held two hearings; in Melbourne on 29 April 2008 and in Sydney on 30 April 2008. Witnesses who appeared before the committee at these hearings are listed at Appendix 2.

## Acknowledgement

1.58 The committee thanks all those who participated in the inquiry.

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19 Ibid p. 107.

20 Kids Free 2B Kids website, <http://www.kf2bk.com/> (accessed 2 April 2008). The text of the letter and the names of its submitters may be found on the inquiry homepage: at [http://www.aph.gov.au/senate/committee/eca\\_ctte/sexualisation\\_of\\_children/index.htm](http://www.aph.gov.au/senate/committee/eca_ctte/sexualisation_of_children/index.htm)





## Chapter 2

### Sources and beneficiaries of premature sexualisation of children in the media

2.1 Term of reference (a) requires the committee to:

...examine the sources and beneficiaries of premature sexualisation of children in the media...

2.2 Term of reference (a) is premised on the assumption that sexualisation of children is occurring through exposure to certain content in modern media. However, this assumption was vigorously challenged by advertising and media representatives and proponents, who pointed to the paucity of evidence around the issue and the operation of the systems that are in place to regulate standards.<sup>1</sup>

2.3 The committee treated these claims with a degree of scepticism. While it may be acknowledged that the research into this area has not established clear causal relationships between particular types of advertising, media or products and earlier sexualisation of children, the cumulative affect of this material seems to be beyond dispute.

2.4 The suggestion that any person or party is deliberately benefiting from the sexualisation of children is clearly one with implications of the utmost seriousness. Issues that raise questions of child welfare understandably give rise to vigorous debate, where both sides often claim to have the best interests of children at heart. However, the committee believes that the question of who or what are the 'beneficiaries of sexualisation' must start with the recognition that sexualisation of children is essentially an aspect of the increasingly pervasive and targeted forces of commercialism in modern Australian and, indeed, Western society.

2.5 Children and their needs and wants together are a distinct and valuable market that is able to be legitimately targeted and commercially exploited by players acting by the rules and otherwise lawfully in the free market. The targeting of children by commercial interests has expanded greatly in terms of both the number of products and services and the sophistication and aggression of marketing. However, no submissions were received, for example, arguing that children should be entirely quarantined from commercial interests; nor was there any suggestion that influences beyond the normal commercial imperatives were at work.

2.6 Analysis of the codes in place to govern children's advertising and content reveal that there is recognition that the welfare and protection of children, as well as the authority and rights of parents in relation to their children, warrant the imposition

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1 These and related issues are considered in chapters 3, 4 and 5.

of special rules to constrain the commercialisation of children and childhood. An aspect of this is specific regulation to ensure that children's advertising and programming is free of inappropriately sexual themes and content. In practice, however, such regulation of children's advertising and content is often profoundly undermined by the realities and imperatives of commercial practices more broadly.

2.7 An example of this may be seen in the Australian Association of National Advertisers (AANA) Code for Advertising, Marketing and Communications to Children (the Children's Code). The Children's Code requires that advertising to children must not 'undermine the authority, responsibility or judgement of parents or carers' and 'must not contain an appeal to children to urge their parents or carers to buy a product for them'.<sup>2</sup> However, the extent to which such aims are met and are achievable is highly doubtful. Children's advertising frequently exploits and imparts values that do undermine parental authority and judgement.

2.8 The requirement to avoid any explicit appeal to parents to purchase a product would also seem to deny the logic of advertising and the realities of family life. If a product is successfully promoted to children as desirable, and their parents control the means to acquire that product, then there is an implicit or de facto appeal to children to urge parents to buy a product or service for them.

2.9 On this issue, Ms Barbara Biggins, Honorary Chief Executive Officer, Australian Council on Children and the Media, submitted:

Our members, and others in the community, we perceive, are increasingly concerned about the growing pressures of marketing aimed at the young, the pressures for children to be consumers at a very young age. These pressures are causing children to be in conflict with their parents over purchases and also in conflict with their parents' values.<sup>3</sup>

2.10 Regulation of children's advertising is also undermined by the strongly sexual character of all-pervasive adult advertising and media. Much of the evidence put to the inquiry confirms this analysis. Submitters and witnesses continually expressed concern about children's exposure to sexual and objectifying images in the media and society more broadly.

2.11 The heavy use of sexual imagery and concepts in advertising might suggest a level of community and commercial indifference to potential harms that might be done to children and adults, but it does not represent the deliberate sexualisation of any group in society. Rather, it reflects the reality of what types of advertising are likely to be successful in the market and to generate profits and returns for business

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2 AANA, *Submission 68*, Attachment 1, p. 3.

3 *Committee Hansard*, 29 April 2008, p. 92.

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owners, shareholders and society more generally. Dr Sally Cockburn, who appeared before the committee in a private capacity,<sup>4</sup> observed:

I do not believe anyone is maliciously setting out to prematurely sexualise young people, but they are realising, ‘If we...[employ sexual imagery and concepts], this [product] is selling.’<sup>5</sup>

2.12 It also reflects an increasing willingness on the part of adult society to openly acknowledge the range of services and products that they may wish to purchase. Advertising for pornography, a range of sexual services and sex-related medical treatments, for example, are now ubiquitous.

2.13 As was observed in Chapter 1, the committee does not consider that the terms of reference of the inquiry were intended to encompass a commentary or the passing of judgement on what constitutes acceptable taste in advertising or content, particularly in relation to adult markets. It must be recognised that, within the bounds of regulation and the law, individual and parental choice, expressed through consumer decisions, are ultimately the factors that dictate corporate behaviour and commercial standards:

One of the commercial realities of magazines, television and radio in the commercial sphere is that they rely on ratings to sell advertising. If people do not watch it, they will not keep that programming on. Voting with the remote is the best way to change commercial programming.<sup>6</sup>

2.14 With reference to merchandise and products produced for and directed at children, the committee observes that the role of parents is even more definitive, and increasingly so as the age and ability of children to make purchasing decisions for themselves decreases. On the issue of merchandise such as padded bras for girls well under the age of 10, Ms Amelia Edwards, who appeared before the committee in a private capacity, noted:

If parents do not buy sexualised material, if they do not buy inappropriate material for their children, then the companies are not going to produce it because it is not going to return a profit for them.<sup>7</sup>

2.15 The committee notes that children 12 years of age and younger rarely have the means to make purchases of goods and services independently of parental supervision, if not approval, of those purchases. Dr Cockburn observed that, as children do not in reality represent an autonomous market or purchasers, a case can be made for avoiding, where possible, exposing children to any advertising whatsoever:

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4 The committee notes that Dr Cockburn writes for *Girlfriend* magazine, which is considered in chapters 2 and 4.

5 Ibid p. 62.

6 Dr Sally Cockburn, *Committee Hansard*, 29 April 2008, p. 62.

7 Ibid p. 63.

I am in favour of all children's television programming having no advertisements whatsoever. I do not think children should be encouraged to purchase anything, because they do not have that much pocket money anyway.<sup>8</sup>

2.16 Based on the recognition that parents have a pivotal role to play, a number of recommendations in this report seek to improve parents' ability to make and effect meaningful choices about the material that their children are exposed to, based on their own assessment of what is or is not suitable and appropriate. These include the possibility of changes to children's viewing time zones, changes to children's content requirements for broadcasters, classification codes for children's magazines and the development of a children's television channels. The committee believes that if parents are able to make and effect decisions about the material that their children 'consume' then commercial interests that adequately reflect prevailing community standards and tastes will be the deserving beneficiaries.

2.17 In addition, the committee acknowledges that commercial interests commonly seek to test the boundaries of regulations and standards in order to seek advantage in the market. For this reason, recommendations made in later chapters seek to improve regulatory complaints systems to ensure that parents and other individuals are able to contribute to the setting and application of the prevailing community standards by which media standards are judged.

2.18 Finally, the committee has made recommendations going to implementation of comprehensive sexual health and relationships education programs for children, but which acknowledge, promote and facilitate the central role that parents have to play in their children's physical, emotional and social sexual development, and which address media uses and representations of sexual imagery and themes. Whilst recommendations for more or better education can at times appear trite and formless, they are fully worthwhile and to the point in the context of the conclusions drawn above.

2.19 Improving the ability of children and parents alike to assess, contextualise and discuss potentially sexualising imagery in the media is likely to lead to better decision making and the ability to counteract the commercial and profit imperatives that largely shape advertising and media content.

2.20 The committee observes that children are certainly more visibly sexualised in terms of the media to which they are exposed. This basic assumption was not challenged by any evidence received, and is based on recognition of the increasing targeting of products to child-related markets and the greater exposure of children to information via the many available media forms, and particularly the internet. However it would be a mistake to equate these influences with actual harm.

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8 Ibid p. 62.

2.21 It is important not to fall into the trap of assuming a golden age of childhood at some unspecified time in history. As society comes to terms with the extent of child abuse in churches, schools and some social welfare services in the past, for example, it can be argued that children are in fact much safer than they have ever been. Similarly it would be a mistake to assume that ignorance, in the sense of not being exposed to sexual imagery or information, can be equated with innocence.

### *Children's magazines*

2.22 While all media target children both in their content and through advertising, children's magazines, particularly those published for girls between the ages of 12 and 16, were identified in submissions as a particular source of sexualisation of children.

2.23 One aspect of this was the inclusion of sealed sections in these magazines, which often include question-and-answer columns on sexual matters. Ms Julie Gale, Director, Kids Free 2B Kids, identified this material as inappropriate due to the possibility of such material being viewed by children below or at the bottom of a magazine's intended reading-age range:

Take magazines for young girls. I have some examples...of what I do not see as very appropriate to be in magazines that do not let parents know the age group that they are appropriate for...There are 10-year-olds and nine-year-olds reading this magazine. Is there anything there that says who is benefiting from this anal sex?<sup>9</sup>

2.24 Children were also thought to be influenced by the amount of sex-related content throughout such magazines—such as in articles on boys or celebrities and advertisements for clothes and mobile-phone screensavers—as well as the stereotypical images of girls and young women in advertising and content. This material is considered further in Chapter 4, which considers the regulation of print media.

2.25 However, in response to such claims, publishers of children's magazines claimed that they are overwhelmingly positive in terms of the messages and influences they have on their young readers. The publishers of *Girlfriend* magazine described the magazine as containing carefully selected age-appropriate material that sought to interest, inform and empower young girls.<sup>10</sup> Mrs Nicole Sheffield, Publisher, Pacific Magazines, observed:

...we understand the role that the information and entertainment we provide...[children] with has. We take that role seriously. In no way do we support the sexualisation of children and never have done.<sup>11</sup>

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9 *Committee Hansard*, 29 April 2008, pp 17-18.

10 The committee has used *Girlfriend* as an example of the issues raised because the publishers provided a submission and appeared before the committee. The committee would not wish to give the impression that *Girlfriend* is being singled out for particular criticism.

11 *Committee Hansard*, 30 April 2008, p. 48.

2.26 Mrs Sheffield advised that *Girlfriend* magazine employs a number of campaigns and editorial strategies that promote healthy body image and self respect. For example, it had run a self respect campaign, an anti-bullying campaign and a national compliments day; and the magazine runs regular advice columns on mental and physical health as well as regular 'reality check' notices, which are notes that draw attention to such things as the practice of airbrushing or touching-up photos.<sup>12</sup> Mrs Sheffield concluded:

Ultimately, a large part of our magazine is about empowering girls to make a difference, to be involved, to have self-respect and to think about environmental causes. *Girlfriend* was the first glossy magazine in this country to be printed on recycled paper. For the teen market to be part of that felt very worthwhile. For us it is about getting them involved.<sup>13</sup>

2.27 On the particular issue of the portrayal of girls and women in *Girlfriend* magazine, Mrs Sheffield stated that, although the magazine does reflect popular and celebrity culture:<sup>14</sup>

We have age-appropriate models in *Girlfriend* magazine. A lot of them are models, particularly if you are referring to the fashion pages, because they are modelling those clothes. But we promote healthy lifestyle, healthy eating and healthy body image. In the magazine and the editorial that we write, the role models are not about getting this figure or getting this weight. We never run diets.<sup>15</sup>

2.28 The committee accepts that the editorial content of *Girlfriend* magazine undoubtedly offers positive messages to young readers about body image, self respect and personal relations, which have been considered as issues relevant to sexualisation under the terms of this inquiry. That is to be welcomed.

2.29 However, the committee observes that, on the basis of a fair examination of a number of issues of *Girlfriend*, it does not present a range of body image types. Images of models and readers throughout the magazine in both the advertising and the content sections conform to a narrow range of body types and appearances that are directly comparable to the presentation of women in women's magazines. It is perhaps unsurprising that, considering the commercial thrust of the magazine, it employs very similar styles and imagery to the women's magazines that its readers might progress to as they age and mature.

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12 Ibid pp 49-50.

13 Ibid p. 53.

14 Ibid p. 62.

15 Ibid p. 53.

## Chapter 3

### Effects of premature sexualisation on child development

3.1 Term of reference (b) requires the committee to:

...review the evidence on the short- and long-term effects of viewing or buying sexualising and objectifying images and products and their influence on cognitive functioning, physical and mental health, sexuality, attitudes and beliefs...

3.2 The committee emphasises that its analysis of this issue is based on recognition of the 'important distinction between premature sexualisation and sexual socialisation—that is, the formation of a healthy sexual identity'.<sup>1</sup>

#### Nature of the evidence received

##### *Cumulative versus direct-impact sexualisation*

3.3 A number of experts made submissions or appeared at the hearings to give evidence about the effects on children of exposure to sexualising and/or objectifying images or products. Although some types of media were identified as particularly problematic,<sup>2</sup> the majority of submissions effectively concerned the cumulative impact of all the material and information to which children are exposed. SHine SA, for example, offered a typical observation on the general process or effect of media sexualisation of children:

TV, Internet, radio, music videos, music lyrics, movies, magazines, sports media, video-games and advertising increasingly portray sexualised images which promote narrow and unrealistic 'standards' of physical beauty and sexual interest...Females are more often than males portrayed in a sexual manner and objectified...Males are raised in a society that glorifies sexually aggressive masculinity and considers as the norm the degradation of women.<sup>3</sup>

3.4 Much of the evidence relevant to term of reference (b) thus did not distinguish between advertising and content produced for/directed at children and that which is produced for/directed at adults. Indeed, the majority was concerned with the latter. Narrow or stereotypical portrayals of body type, beauty and women were commonly identified as the major source of sexualisation of children. The focus of the committee's consideration of the effects of sexualisation was therefore on the cumulative effect of this indirect or 'background noise' of sexualising material, as

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1 Dr Katherine Albury, *Committee Hansard*, 30 April 2008, p. 99.

2 These are discussed in detail in chapters 4 and 5.

3 SHine SA, *Submission 39*, pp 1-2.

opposed to children's advertising or content to which they are more directly exposed. Dr Lauren Rosewarne, for example, who appeared in a private capacity,<sup>4</sup> presented research which concluded that outdoor advertising in Australia tends to present women 'in a very homogenous way as young, thin, white and idle';<sup>5</sup> and a report by the Women's Forum Australia (WFA) on the female image in women's magazines found that there is a:

...continual depiction of women as hot, thin, sexy and primarily Anglo-Saxon.<sup>6</sup>

3.5 The submissions and evidence from the Australian Psychological Society (APS) explicitly relied on this broader conception or definition of sexualisation. Ms Amanda Gordon, President of the APS, explained:

...sexualisation, to a psychologist, also means that a person's only ascribed value would be their sexuality, their physical sex appeal, to the exclusion of all other characteristics.

When a person is held to a standard that equates physical attractiveness with being sexy or when a person is sexually objectified rather than being seen as a person with a capacity for independent action and decision making and is made into a thing for others' sexual use, it is those aspects of sexualisation that equally concern the Australian Psychological Society...<sup>7</sup>

#### *Specific research, studies and evidence*

3.6 The committee encountered a lack of definitive evidence concerning the media and the effect of premature sexualisation. Many submitters relied on a single report of the American Psychological Association (APA), which concerns the sexualisation of girls, on which to base their claims about the media and the harmful effects of sexualisation on child health and development.

3.7 Despite the American focus of the APA report and the studies it surveys and references, the committee found its findings to be generally relevant and useful to the inquiry's terms of reference. Whilst narrow or stereotypical representations of women are not limited to the media, and can be found in many aspects of life, the report's findings may be cautiously applied to at least conclude that some level or preponderance of sexual material in advertising and media content has the potential to contribute to, and perhaps even cause, emotional and physical damage to children. On the other hand, it is recognised that the conclusions and recommendations able to be drawn from the report must be ultimately constrained by its methodological limitations. As Dr Albury noted:

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4 The committee notes that Dr Rosewarne is a lecturer in policy studies at the University of Melbourne.

5 *Committee Hansard*, 29 April 2008, p. 28.

6 Ms Melinda Tankard Reist, *Committee Hansard*, 29 April 2008, p. 32.

7 *Committee Hansard*, 30 April 2008, p. 15.



...the authors acknowledge themselves that most of the research conducted on the question of whether there is a causal link between media representation and changes in behaviour has been conducted on women of university age and older...[The APA itself]...calls for more actual empirical research to be conducted with girls and so on.<sup>8</sup>

### *Anecdotal claims*

3.8 The committee also considered anecdotal claims that were mainly provided in private submissions, but which also arose in evidence concerning professional and expert experiences. These can be characterised as observational, intuitive or perhaps common-sense claims about how certain material may affect children's mental and physical health and sexuality.

3.9 It is difficult for such evidence alone to form the basis of prescriptive or systemic changes to regulation of advertising and media. However, these observations, perspectives and experiences have legitimately informed the committee's deliberations and recommendations in later chapters on improving regulation to afford parents greater control and thus choice over the material to which their children are exposed.

### **Parent's perspectives**

3.10 Over a third of private submitters identified themselves as parents or grandparents concerned that their children and grandchildren are being subject to sexualisation by the media. A frequently expressed sentiment in private submissions received from parents and others was concern over the loss of childhood innocence due to premature sexualisation:

Childhood is a time of joy and innocence, and this should be an absolute right for all our children. They become adults soon enough, and childhood is a time to be cherished.<sup>9</sup>

3.11 Submitters frequently equated 'innocence' with a form of right allowing children to grow up free of adult concerns and to mature at their own pace:

[Young people]...have the right of innocence and should be allowed to mature at their own rate and not forced upon [sic] by media outlets, advertisers or designers.<sup>10</sup>

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8 *Committee Hansard*, 30 April 2008, p. 104.

9 Jacinta and Nathan Peterson and Fitzpatrick [sic], *Submission 1(a)*. See also Denise den-Bakker, *Submission 24*, p. 1; Mary Carolan, *Submission 52*, p. 1; Jane and Chris Clark, *Submission 70*, p. 1.

10 Narelle Cullen, *Submission 1(a)*. See also Yvonne Dunse, *Submission 1(a)*; Kyla and Dan Miller, *Submission 23*, p. 1; Kym Keady, *Submission 53*, p. 1.

3.12 Private submissions generally assumed that premature sexualisation of children exposes children to the risk of 'psychological damage'<sup>11</sup> and emotional, developmental and physical or sexual harm.<sup>12</sup> A typical comment was:

You only need to look at the 13-23yrs age group now to see what a damning effect the last 10 yrs of media's sexual influences have done. They are sexually out of control and seem to have no boundaries...I'm dreading the outcome in another 10 yrs.<sup>13</sup>

3.13 At least one submission pointed to a lack of consensus on the harmful effects of sexualisation of children, but suggested nevertheless that '[the effects] are not likely to be positive'.<sup>14</sup>

3.14 Objectification of women and individuals was raised as an issue of great concern to many private submitters, who felt that the abundance of sexual images and messages in the media encourages a view of women as sexual objects to be valued primarily for their appearance and sexual availability or willingness. Many writers, either implicitly or explicitly, drew a comparison with, or connection between, contemporary media standards and pornography.<sup>15</sup>

3.15 Low self esteem and problems with self image and emotional development were widely thought to be the result of premature sexualisation.<sup>16</sup> Increasing rates of eating disorders in both girls and boys were regularly cited as being due to the sexualisation of children, which was said to encourage children to consider weight and body image more generally as important.<sup>17</sup>

3.16 The decreasing age of children participating in sexual activity, as well as promiscuity more generally, were often raised in private submissions.<sup>18</sup>

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11 Julie, Gordon, Jordon, Erin and Elyse Macpherson, *Submission 1(a)*. See also Mary Carolan, *Submission 52*, p. 1; Trevor Thomas and Jude Powell Thomas, *Submission 79*, p. 2; Moira Kirkwood, *Submission 135*, p. 1.

12 Cath Nohlmans, *Submission 42*, p. 1.

13 Jeynelle Grimshaw-Hughes, *Submission 1(a)*. See also Peter Dolan, *Submission 71*, p. 1.

14 Graham and Carol Phillips, *Submission 21*, p. 1. See also Ian Bell, *Submission 59*, p. 1.

15 Name withheld, *Submission 40*, p. 1. See also Leanne Nicholson, *Submission 47*, p. 1.

16 Leanne Nicholson, *Submission 47*, p. 1. See also Pamela Andreallo, *Submission 61*, p. 1; Grace Judd, *Submission 64*, p. 1; Jill Ireland, *Submission 74*, p. 1; Matthew Smith, *Submission 81*, p. 1; Dr Philip Freier, *Submission 97*, p. 1; Lisa Gaston, *Submission 99*, pp 1-2.

17 Helen Rubin, *Submission 1(a)*.

18 Nicole T G Bristow, *Submission 32*, p. 1. See also Grace Judd, *Submission 64*, p. 1; Dr Clare Boothroyd, *Submission 122*, p. 1; Gillian Sofatzis, *Submission 125*, p. 1.

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## Expert perspectives

3.17 In clinical or scientific terms, the committee observes that there is a lack of evidence of the effect of early exposure to sexual themes and images on children's development and that it is, consequently, not well understood. Despite the relatively broad range of research cited or alluded to, there is no definitive understanding of how child development is affected by early exposure to sexual imagery and concepts, and particularly its influence and impact on sexual development. There were no studies that specifically examined the sexualising impact of the media on children put before the committee.

3.18 Professor Catharine Lumby, Director, Journalism and Media Research Centre, University of New South Wales, and Dr Katherine Albury, Postdoctoral Research Fellow, Journalism and Media Research Centre, University of New South Wales, submitted that research is needed into the effects of children's undoubtedly higher levels of exposure to media in all its forms:

It is true that children and teenagers are more likely to come into contact with media material designed for adults, via the internet as well as numerous popular media products. It is also true that there is a growing volume of popular media material designed with children as well as teenagers in mind. There is a real need for broad, evidence based research, which examines how children and young people understand this material.<sup>19</sup>

3.19 Dr Devora Lieberman, President, Sexual Health and Family Planning Australia (SHFPA), agreed that more Australian research is needed.<sup>20</sup> Ms Gordon commented on the type of research needed in order to better inform understanding of children:

In Australia we lack significant longitudinal studies about a whole range of things that would help to inform us what is legitimate in the way we look at children. Starting by understanding how a nine-year-old now is different from a nine-year-old 20 years ago and finding out more about nine-year-olds in 10 years time would be extremely useful in informing us about educational policy et cetera.<sup>21</sup>

3.20 Evidence considered by the committee makes it clear that children begin developing a gender identity very early, that the totality of their social environment has a strong effect in shaping their future attitudes and behaviours, and that they learn social behaviour by observing adults and engaging in extensive mimicry of adults and social situations. However, the extent to which media images and messages influence children's behaviour has not been established. What research has been done tends to indicate that children are not 'empty vessels' who simply accept what they see portrayed in the media, but are active consumers who examine and critique what they

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19 *Submission 146*, p. 3.

20 *Committee Hansard*, 30 April 2008, p. 4.

21 *Committee Hansard*, 30 April 2008, p. 17.

see based on what they have learned so far.<sup>22</sup> Professor Lumby and Dr Albury pointed to:

...[a] growing body of international research suggesting that young people make sense of the media in very different and diverse ways. Many young people access existing media in ways that may assist the formation of healthy sexual identities, including seeking factual information on sex and relationships from sex advisers and problem pages in magazines...<sup>23</sup>

3.21 Parental guidance and attitude appear to be major factors of influence in the framework children use to interpret media. Professor Lumby and Dr Albury observed:

Recent British research indicates that parents can ‘model’ or reinforce particular responses to sexual material, and hence particular sexual identities for their children. The media do not have an autonomous ability to either sexually corrupt children or to sexually ‘liberate’ them.<sup>24</sup>

3.22 In one UK study of children's attitudes and reactions to contemporary media, the authors found that children were able to identify what was appropriate for them to be viewing and interpreted media images and situations in ways appropriate to their age:

Children are not the naive or incompetent consumers they are frequently assumed to be. They use a range of critical skills and perspectives when interpreting sexual content; and this develops both with age and with their experience with the media...the children's response to sexual imagery in advertising or music videos displayed a well-developed understanding of how such images are constructed and manipulated.<sup>25</sup>

3.23 The same study found that, beginning at a relatively early age, children learn how to process and interpret media images from their parents; it also found that children do not readily understand sexual connotations and references. It concluded that the ability of the media to instil or create sexual attitudes may be limited by the need for its messages to fit into a framework of existing knowledge that is usually only gained gradually from a variety of sources.<sup>26</sup> Some evidence to the inquiry appeared to support this view. For example, Ms Jennifer Walsh, Education Officer, Australian Research Centre in Sex, Health and Society (ARCSHS), advised:

...we are...seeing with primary school children in relation to the sexualisation of children...increasing pressure to present themselves in a sexual way without the mature understanding that goes with that...[More]

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22 APA, *Report of the American Psychological Association Task Force on the Sexualization of Girls*, 2007, p. 4.

23 *Committee Hansard*, 30 April 2008, p. 99.

24 *Submission 146*, p. 3.

25 David Buckingham and Sara Bragg, *Young People, sex and the media: the facts of life?*, 2003, p. 238.

26 *Ibid* p.125.

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and more girls [are] feeling that they have to present themselves in a sexually attractive way, finding themselves in situations that they are not mature enough to handle and failing to develop those other aspects of themselves that childhood should allow them to develop normally.<sup>27</sup>

3.24 Ms Gordon also commented on this issue:

Developmental psychologists have done a lot of research in this area and one of the problems is that many children can understand at a cognitive level, but it is very confusing at an emotional level because they are not yet ready to be sexual, to have those sexual messages.<sup>28</sup>

3.25 The UK study found that morality was also a major factor in the way children interpret the media. When viewing material with sexual themes children often exhibited concern for children younger than themselves; even very young children dismissed such material as 'rude':<sup>29</sup>

Children made judgements about sex, not in the abstract but in the context of 'love and relationships'. They were very concerned about the decency or propriety of sexual behaviour or sexual images, particularly in public settings...[There] was very little evidence that the children were being morally corrupted, or led towards a kind of amoral cynicism, by the media. Indeed, they often appeared more 'moralistic' (and in some cases, more 'prudish') than many adults.<sup>30</sup>

3.26 The committee notes that children's emotional and physical development appears both complex and nuanced, based as it is on the totality of their experience, the significant influence of parents and their own interpretation of media and messages to which they are exposed. However, equally, the committee observes that modern media comprises a significant proportion of children's experience. So too, the media shapes and influences adult role models, and broadly expresses and reflects social attitudes and values which are no doubt potentially powerful factors within the totality of a child's experience of the world and society.

3.27 There is, clearly, a need for more research into these complex interactions. However the conduct of research into the attitudes of, and influences on, children, particularly young children does raise serious ethical and practical issues. Any inquiry requiring the study of the influences on children would, of necessity, require a high degree of cooperation from parents and intrude into the details of family life, raising significant privacy questions.

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27 *Committee Hansard*, 29 April 2008, p. 83.

28 *Committee Hansard*, 30 April 2008, p. 16.

29 Above n 24, p. 111.

30 *Ibid* p. 240.

3.28 Also of concern is the problem, identified in evidence to the committee, that such a study might itself be disturbing and contribute to the process of sexualisation, particularly in younger age groups:

...it is very difficult to ask [children] about aberrant behaviour of any kind because, of course, there are severe levels of anxiety about what children are asked and how destructive to their innocence even that process might be.<sup>31</sup>

3.29 Thus in making this recommendation the committee recognises that it is contingent on it being possible to overcome these problems.

## **Recommendation 2**

**3.30 The committee recommends that the Commonwealth through the National Health and Medical Research Council or other appropriate body commission a major longitudinal study into the effects of premature and inappropriate sexualisation of children.**

### *Harms associated with sexualising and objectifying images*

#### *Body image and self-esteem*

3.31 The committee received a considerable amount of evidence claiming that there is:

...[a] connection between the inappropriate sexualising of children and measurable harm, such as body image dissatisfaction, eating disorders, low self-esteem, poorer academic performance, depression and anxiety.<sup>32</sup>

3.32 The WFA, citing the APA report on the sexualisation of girls, submitted:

...exposure to ideals of sexual attractiveness contributes to body image dissatisfaction and eating disorders...[Sexualisation] was linked with three of the most common mental health problems in girls and women: eating disorders, low self-esteem and depression or depressed mood.<sup>33</sup>

3.33 Ms Melinda Tankard Reist, Director, WFA, offered the following statistics on rates of eating disorders amongst Australian girls:

...we know that one in 100 adolescent girls in Australia develops anorexia, which is the third most common chronic illness for adolescent girls in Australia and the most fatal of all psychiatric illnesses. We know that one in five are bulimic...A study published late last year found that one in five girls aged 12 and 13 regularly uses fasting and vomiting to lose weight and

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31 Professor Anne Mitchell, *Committee Hansard*, 29 April 2008, p. 84.

32 Ms Melinda Tankard Reist, *Committee Hansard*, 29 April 2008, p. 27.

33 *Committee Hansard*, 29 April 2008, p. 39; see also SHIne SA, *Submission 39*, p. 2.

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that fasting was the most widely practised diet technique for girls aged 12 to 19.<sup>34</sup>

3.34 WFA believed that this was connected to the 'overemphasis of hyper-sexualised imagery of girls and women that makes young women feel particularly bad about themselves'.<sup>35</sup>

3.35 Ms Gordon reported that, in her experience as a practising psychologist, she had observed increasingly younger children presenting with body-image and self-esteem disorders, which she felt was the consequences of their 'overt sexualisation':

I see girls younger and younger becoming depressed. We see girls younger and younger being hospitalised with eating disorders and with concerns about their body and their self-esteem.<sup>36</sup>

3.36 Professor Elizabeth Handsley, Vice President, Australian Council on Children and the Media (ACCM), explained that, apart from the greater general exposure of children to sexual imagery, ACCM was most concerned about the potential harms arising from 'how children are represented to themselves'. She explained:

We look around and we see images of children that are sexualised, not in the sense that they make children into sexual objects in the normal sense, but more that they associate children with the trappings of adult sexuality. So they do not necessarily make children sexual objects but they engender a self-image within children that is associated with sexual objectification.<sup>37</sup>

### *Sexual behaviour*

3.37 SHine SA submitted that sexualisation of children also 'works against healthy behaviours, including 'decision making around personal safety in girls and boys'. This is because the media:

...reinforces the concept that "risky people and risky behaviours" are the cause of sexual health issues such as rape, abortion and sexually transmitted infections among teenage girls (and younger) and not lack of appropriate policy.<sup>38</sup>

3.38 Ms Kaisu Vartto, Chief Executive Officer, SHine SA, indicated that sexualisation of children in the media was a likely factor in the relatively low average age of first sexual intercourse in Australia:

In Australia, the average age of first sexual intercourse is 16, whereas in countries like Scandinavia and in countries in Western Europe it is 18.

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34 *Committee Hansard*, 29 April 2008, p. 40.

35 *Ibid.*

36 *Committee Hansard*, 30 April 2008, p. 19.

37 *Committee Hansard*, 29 April 2008, p. 93.

38 *Submission 39*, p. 2.

Why? What is actually influencing that? One of the factors, according to research, is the sexualisation of children in the media and portraying sex as being able to sell everything.<sup>39</sup>

3.39 This view was supported by the ARCSHS. The ARCSHS conducts a five-yearly regular survey into the 'sexual health, behaviour, attitudes and knowledge of young people'. Results for the 2003 survey confirmed that young people are becoming sexually active on average at age 16. They are also engaging in a wider range of sexual practices for a longer period until marriage.<sup>40</sup>

3.40 An anecdotal example of changes in the sexual behaviour and attitudes of young people was given by Professor Anne Mitchell, Director, Community Liaison and Education Unit, ARCSHS, who advised that young people were thought to be more often engaging in oral sex as a form of 'casual foreplay'. This view was supported by the 2003 ARCSHS survey, which found that young people were less inclined to view oral sex as sex per se.<sup>41</sup>

3.41 In addition, Ms Walsh indicated that a high number of boys and girls are reporting having had sex that they regret:

Another thing that I would describe as aberrant is the number of kids who have had sex that they regret...They are describing it also as 'unwanted sex'. That is a very broad term, but they are generally saying that it is sex they had while they were drunk, which they definitely regretted and which they felt their partner had pressured them into.<sup>42</sup>

3.42 The committee heard that the sexual behaviour of Australian children was also resulting in increased rates of sexually transmitted infections, STIs. Ms Ann Brassil, Chief Executive Officer, Family Planning NSW (FPNSW) advised:

STI rates, particularly in younger children, have been increasing. We have had a massive increase in cases of chlamydia, which is a sexually transmitted infection.<sup>43</sup>

### **Potential benefits of media**

3.43 The committee notes that evidence was offered of the potential for media to deliver outcomes, material and/or messages that may offer children positive avenues of personal development or otherwise act to counter negative and/or sexualising content. Dr Sally Cockburn, who appeared before the committee in a private capacity, observed:

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39 *Committee Hansard*, 29 April 2008, p. 69.

40 Professor Anne Mitchell, *Committee Hansard*, 29 April 2008, p. 81.

41 *Ibid* p. 85.

42 *Committee Hansard*, 29 April 2008, p. 85.

43 *Committee Hansard*, 30 April 2008, p. 5.



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...only a couple of weeks ago...[there was] the 14-year-old girl who was going to be the face of the Sydney fashion show. That is...a very good example of the media, in a positive way. The news came out at nine o'clock in the morning. By three o'clock that afternoon the story was dead because...the Sydney fashion show agreed to drop [her]...[That] is an example of where the media actually did what you and I would probably want to have seen happen.<sup>44</sup>

3.44 Dr Albury observed that media offers the potential for children to both explore and express ideas connected to their sexual development:

Media and popular culture also offer safe avenues for young people to explore fantasies—for example, in the form of crushes on celebrities—and to conceptually practise sexual and romantic behaviour that they may not feel ready for in real life. In addition, many young people are not simply media consumers. Many generate media themselves and are able to create alternative images which reflect their exploration of issues such as sexuality, body image, self-esteem and emotional relationships.<sup>45</sup>

3.45 The actual and potential benefits of television to children's social, emotional and intellectual development were the subject of a number of submissions. Ms Gordon acknowledged that, while there appears to be a correlation between media and sexualisation of children, there is insufficient evidence to say that television is responsible for the sexualisation of children.<sup>46</sup>

3.46 The Australian Children's Television Foundation submitted that:

...because of its ubiquity and influence, television is a powerful agent of socialisation'.<sup>47</sup>

3.47 Based on the preceding analysis and discussion, the committee observes that, although children today are exposed to a multitude of messages and influences via the media, and particularly material that is sexual in theme or nature, the effect of this on their emotional, physical and sexual development is not well understood from a scientific or clinical perspective.

3.48 The committee received no evidence demonstrating direct causal links between exposure to sexual or objectifying images and products, although one study on adult women found a correlation between certain self- and body-image disorders and the prevalence of sexualising and objectifying imagery. There is also clearly a strong correlation between the increase in sexual imagery and the presentation of stereotyped images of young women, both as to their appearance and their social

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44 *Committee Hansard*, 29 April 2008, p. 58.

45 *Committee Hansard*, 30 April 2008, p. 100.

46 *Committee Hansard*, 30 April 2008, p. 22.

47 *Submission 55*, p. 1.

roles, and the growing incidence of eating and other disorders related to body image and earlier participation in sexual activity.

3.49 The lack of research demonstrating the effects of premature sexualisation on children was contrasted by the anecdotal claims, contained in many private submissions, which suggested that many people believe exposure to sexual imagery in the media is harmful to children's development.

3.50 Professor Handsley acknowledged the uncertain state of knowledge on the effects of the media on children's development, but argued for the committee to adopt a precautionary approach on the basis that any potential for harm to children justifies a prescriptive or interventionist response:

...we might never know for sure exactly what affects children in what way. But, at the very least, we can say there is some evidence that it is likely that these sorts of images and messages are harmful to children in the long term...

If we wait until there is absolute 100 per cent proof and nobody can possibly argue anymore that there is no harm to children, the amount of harm that could possibly be done to children in the meantime is immeasurable. So this is a clear example of a situation where a precautionary principle needs to be applied in favour of protecting children from things that are harmful.<sup>48</sup>

3.51 The committee acknowledges the uncertain state of the evidence but supports the view of Professor Handsley that a precautionary approach is justified. In the following chapters the committee makes a number of recommendations to tighten the regulation of media with regard to advertising and content directed at children.

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48 *Committee Hansard*, 29 April 2008, p. 97.

# Chapter 4

## Regulation of the electronic and print media

### Introduction

4.1 Term of reference (c) requires the committee to:

...examine strategies to prevent and/or reduce the sexualisation of children in the media and the effectiveness of different approaches in ameliorating its effects, including the role of school-based sexuality and reproductive health education and change in media and advertising regulation such as the Commercial Television Industry Code of Practice and the Commercial Radio Codes of Practice.

### Potential changes to media regulation

4.2 Term of reference (c), to examine potential changes to systems of media and advertising regulation in Australia, is the heart of the committee's inquiry, which fundamentally concerns the effectiveness of advertising and media content regulation in striking a balance between:

- (a) facilitating commercial interests and freedom of individual choice and public expression;
- (b) protecting children from exploitation while allowing parents to make and effect choices about their children's wellbeing and sexual development; and
- (c) maintaining systems of media and advertising regulation that are accessible, predictable and fair, and which deliver outcomes that reflect prevailing community standards.

4.3 The committee's consideration of the issue of sexualisation of children in the media has therefore involved an assessment of how effectively advertising and media standards are regulated, and of the complaints mechanisms that exist for complainants to seek to have possibly sexualising material reviewed and, more broadly, to influence conceptions of what are prevailing community standards.

4.4 Accordingly, in this and the following chapter the committee has sought to make recommendations that focus on the design and operation of the systems, codes and regulations that govern media content standards. As previously stated, at paragraph 1.27, the committee has not sought to make substantive judgements about the character and/or quality of individual advertisements, programs and other media content.

4.5 This approach recognises that there is an inherent tension in regulatory systems that seek to give effect to the principle that 'adults should be able to read, hear

and see what they want', on the one hand, and that children 'should be protected from material likely to harm or disturb them' on the other.<sup>1</sup>

### ***Overview of regulatory systems***

4.6 Australia has developed slightly different systems of industry regulation for different aspects of advertising and media content. In every case, these systems utilise codes developed by the relevant media or service industry—such as television, radio, print and advertising—on which complaints systems are based. Codes seek to reflect and protect prevailing community standards by empowering a broadly representative board to make determinations on complaints.

### **Regulation of broadcasting**

4.7 The broadcast media—radio and television (including subscription services)—are subject to a system of co-regulation involving broadcasters and the government regulator. Broadcasters are required to develop codes of practice. These codes are registered with the Australian Communications and Media Authority (ACMA) and are reviewed on a regular basis. The National Classification Code (see below) establishes general principles for the classification of films shown on television, and industry codes are required to align with the film classification system.

4.8 Complaints concerning breaches of codes are initially handled by the broadcaster but complainants may appeal to ACMA if dissatisfied by the broadcaster's response. ACMA also has the responsibility to carry out research into community standards with regard to content and may initiate inquiries into specific issues relating to content.<sup>2</sup>

4.9 Children's television content is regulated by the broadcasters in the first instance and ACMA. Note that television considered suitable for children has two aspects: television produced specifically for children that carries the ACMA rating P (Preschool Children's) or C (Children's), and television broadcast prior to 8.30 pm that carries a G or PG classification. Programs in the latter category are not necessarily made for children; the classification merely indicates that the content does not contain elements that would require more restrictive classification.

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1 These principles are taken from the statement of purpose contained in the National Classification Code (NCC), which is a schedule to the *Classification (Publications, Films and Computer Games) Act 1995*. The NCC uses the term 'minor', defined as a person under the age of 18; the committee has substituted the term for child in keeping with the focus of the inquiry. The NCC is available at the ComLaw website, <http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/framelodgmentattachments/A4DD01BB110AD94DCA25700D002EF73E> (accessed 9 June 2008).

2 Broadcasting regulation is dealt with more fully in this committee's recent report into *The Effectiveness of the Broadcasting Codes of Practice*, June 2008, available at [http://www.aph.gov.au/senate/committee/eca\\_ctte/broadcasting\\_codes/index.htm](http://www.aph.gov.au/senate/committee/eca_ctte/broadcasting_codes/index.htm) (accessed 23 June 2008).

4.10 Commercial radio broadcasting does not produce any programming aimed specifically at children, thus there is no classification analogous to television's G, PG and M ratings. However, as a general practice radio content that is considered unsuitable for minors, particularly because of coarse language or explicit sexual references, is restricted to post-9.00 pm time zones.

4.11 ACMA is also responsible for the control of internet content. The committee acknowledges that this is an area where effective regulation is extremely difficult. Some control of content may be exercised by parents or guardians through supervision and through the use of software that blocks access to certain sites or types of content; but this is a rapidly developing medium, one of whose great strengths is its flexibility and independence from particular legal jurisdictions. Thus it is inherently difficult to regulate.

### **Regulation of children's television content in Australia**

4.12 The committee's investigation of this issue was essentially limited to free-to-air television and to the classification codes covering material intended to be viewed by children either alone or with parental guidance. The committee considered the high level of parental choice and control over both pay television services and children's exposure or access to adult viewing time zones as placing those areas outside the practical limits of the inquiry's terms of reference; this view was supported by the fact that few submitters addressed these particular areas.

#### ***How children's television content is regulated***

4.13 The body that regulates television broadcasters in Australia is ACMA. ACMA's role, powers, functions and policy objectives are defined in the *Broadcasting Services Act 1992* (the BSA). A number of the objects of the BSA are specifically relevant to the issues of community standards, complaints systems and the welfare of children. These are:

- to encourage providers of broadcasting services to respect community standards in the provision of program material;
- to encourage the provision of means for addressing complaints about broadcasting services; and
- 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.<sup>3</sup>

4.14 ACMA oversees the broadcasting codes of practice and standards that govern television content. The submission from Free TV Australia, the free-to-air commercial television industry body, explains:

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3 *Broadcasting Services Act 1992*, section 3.

Content of...programs on commercial free to air television is regulated by the Commercial Television Code of Practice...and in the case of programs for children, the Children's Television Standard...<sup>4</sup>

4.15 The Free TV Australia submission states that 'compliance with the Commercial Code of Practice and the...[Children's Television Standard] is a condition of licence for the [broadcasting] networks.'<sup>5</sup> In addition, ACMA has available to it:

...a wide range of enforcement powers which act as a significant deterrent against...[Commercial Television Code of Practice and Children's Television Standard] breaches.<sup>6</sup>

### ***Commercial Television Code of Practice***

4.16 The development of the Commercial Television Code of Practice (the Commercial Code) is mandated by section 123 of the BSA, which requires broadcasters to:

...develop, in consultation with...[ACMA]...and taking account of any relevant research conducted by the ACMA, codes of practice that are to be applicable to the broadcasting operations of each...[section] of the industry.

4.17 The Commercial Code 'is designed to ensure that programming on television is in line with community standards'.<sup>7</sup> Firstly:

It is a requirement of the BSA that the regulator must only register the [Commercial] Code if it is confident it reflects community standards and there has been sufficient public consultation.<sup>8</sup>

4.18 Secondly, the Commercial Code, as required by the BSA, is periodically reviewed to ensure that it is in accordance with prevailing community standards.

### ***Children's Television Standard (CTS)***

4.19 Programming specifically made for children is governed by the Children's (C) and Preschool Children's (P) classifications. These standards are not governed by the Commercial Code but by ACMA through the CTS. The ACMA website explains:

Any applicant seeking a C or P classification for a drama or non-drama program must apply to ACMA. Decisions about the classification of

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4 *Submission 139*, p. 2.

5 *Ibid* p. 23.

6 *Ibid* p. 3.

7 *Ibid* p. 9.

8 *Ibid*.

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programs as C or P programs are made by ACMA, an ACMA Member, or a delegated senior officer of ACMA.<sup>9</sup>

4.20 The CTS sets out the required standards for children's programming with the objective of ensuring that 'children have access to a variety of quality television programs made especially for them'.<sup>10</sup> The criteria for a C or P classification require that a given program:

- is made specifically for children or groups of children;
- is entertaining;
- is well produced using sufficient resources to ensure a high standard of script, cast, direction, editing, shooting, sound and other production elements;
- enhances a child's understanding and experience; and
- is appropriate for Australian children.<sup>11</sup>

4.21 As noted above, compliance with the CTS is a licence condition for all commercial television broadcasters. Licensees must broadcast annually a combined total of 390 hours of programs classified as C and P (see paragraph 4.19) and broadcast in children's time zones (see paragraph 4.39). Compliance with the CTS is monitored by ACMA.<sup>12</sup>

4.22 Ms Jenny Buckland, Chief Executive Officer, Australian Children's Television Foundation (ACTF), while praising the CTS annual requirements for screening of P and C programs, was critical of the actual timing of such programming:

...[children's content] is scheduled on television at four o'clock in the afternoon, sandwiched between *Judge Judy* and *Antique Roadshow* and it is very hard to access for today's child who is not watching television at four o'clock in the afternoon.<sup>13</sup>

4.23 The ACTF felt that under current arrangements full value was not being extracted from the content being developed for children under the CTS, as it might be broadcast only once or twice by a commercial broadcaster and therefore be seen by a small number of children. Accordingly, the ACTF suggested that the current CTS requirement for commercial broadcasters to screen half an hour of children's television a day resulted in much of that programming being missed by children.

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9 ACMA website, [http://www.acma.gov.au/WEB/STANDARD/pc=PC\\_91815](http://www.acma.gov.au/WEB/STANDARD/pc=PC_91815) (accessed 5 June 2008).

10 Free TV Australia, *Submission 139*, p. 3.

11 ACMA website, <http://www.acma.gov.au/webwr/aba/tv/content/requirements/children/documents/assessment%20procedures.pdf> (accessed 5 June 2008).

12 ACMA, *Annual Report 2006-07*, p. 48.

13 *Committee Hansard*, 29 April 2008, p. 44.

4.24 Ms Buckland suggested that more children tended to watch such programming when it was aired in larger blocks of time—such as on weekend mornings—and suggested that the half hour a day requirement be removed to allow broadcasters to schedule children's programs in larger blocks across a given period.<sup>14</sup>

4.25 With regard to content and standards, Ms Buckland advised the committee that advertising restrictions also operated in relation to children's content:

...we would note that the other aspect of the children's television standards is that there is no advertising at all during P programs. There is restricted advertising during the C programs in terms of the number of advertisements and the kinds of advertisements that are appropriate.<sup>15</sup>

4.26 Although the CTS does not have a specific prohibition on sexualisation, the ACTF felt that the operation of the CTS within the present system had prevented any issues concerning sexualisation of children arising:

The codes and the regulation that apply to advertising during those C-program times would preclude inappropriate advertising to children...We are not aware of any inappropriate advertising, from a sexual point of view or a sexualisation of children point of view, in children's programs.<sup>16</sup>

It can be concluded that, as regards program content and advertising during P and C programming, sexualisation of children is not an issue.

4.27 The ACMA annual report for 2006-07 states:

ACMA is currently reviewing the CTS and on 26 June 2007 called for public submissions in response to an issues paper for the review. The review and gazettal of the new CTS are expected to be completed in 2008.<sup>17</sup>

4.28 The committee also notes that the advent of digital television will provide increased opportunities for broadcasters to develop and air content produced specifically for children.

### **Recommendation 3**

**4.29 The committee recommends that, as part of its review of the Children's Television Standard (CTS), the Australian Communications and Media Authority consider revising the requirement that CTS content be broadcast for at least half an hour per day to enable broadcasters to schedule it in extended blocks at times which are more likely to attract children to watch it.**

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14 Ibid.

15 Ibid p. 45.

16 Ibid p. 49.

17 ACMA, *Annual Report 2006-07*, p. 48.



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## ***Classification***

4.30 Programming outside the CTS is subject to classification according to the code of practice of each broadcaster. The system of classification is intended to manage 'the impact of programming on viewers of all ages'.<sup>18</sup> Thus it should provide a guide to parents and other adults when managing children's television viewing. The Free TV Australia submission states:

The television classification system is comprehensive and detailed to ensure it covers the whole range of television content (which includes drama, documentary, sport, news and current affairs, light entertainment and variety).<sup>19</sup>

4.31 The classification system is based on the Office of Film and Literature Classification guidelines for its general categories—G, PG, M and MA15+ et cetera—with some differences to accommodate classification of a wider range of content and the use of time zones (see paragraph 4.39).

4.32 The particular classifications relevant to standards of children's television are described in Appendix 4 of the commercial code. These are the General (G) and Parental Guidance Recommended (PG) classifications. As noted above, G and PG categories do not guarantee that programming so classified was made for children, only that the content does not include matter unsuitable for children.

4.33 Appendix 4 of the Commercial Code describes the G classification in the following way:

Material classified G is not necessarily intended for children but it must be very mild in impact and must not contain any matter likely to be unsuitable for children to watch without supervision.

4.34 Under the G classification, 'sex and nudity'—as the class of material presumably covering material capable of sexualising children—must be treated as follows:

Visual depiction of, and verbal references to, sexual behaviour must be brief, infrequent, contain little or no detail and be strictly limited to the story line or program context. Restrained, brief and infrequent visual depiction of nudity only when absolutely necessary to the story line or program context.<sup>20</sup>

4.35 The PG classification:

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18 Free TV Australia, *Submission 139*, p. 3.

19 Ibid p. 2.

20 Commercial Code, Appendix 4, p. 23.

...may contain careful presentations of adult themes or concepts but must be mild in impact and remain suitable for children to watch with supervision.<sup>21</sup>

4.36 Under the PG classification, 'sex and nudity' must be treated as follows:

Visual depiction of and verbal reference to sexual behaviour must be restrained, mild in impact and justified by the story line or program context. Restrained visual depiction of nudity is permitted, but only where justified by the story line or program context.<sup>22</sup>

4.37 A given program's classification and time zone is determined according to its 'impact' with reference to key elements such as sexual behaviour and nudity. 'Impact' is judged by the 'frequency' and 'intensity' with which such elements appear in given content.<sup>23</sup> Other factors considered are:

- the merit of the production;
- the purpose of a sequence;
- the tone;
- the camera work;
- the relevance of the material; and
- the treatment.<sup>24</sup>

4.38 The Commercial Code provides the following explanation of how these factors interact with the determination of given content's 'impact':

...[the above] factors must be all taken into account and carefully weighed. This means that some actions, depictions, themes, subject matter, treatments or language may meet current community standards of acceptability in one program, but in another program may require a higher classification, or be unsuitable for television. Contextual factors do not permit the inclusion of material which exceeds a program's classification...<sup>25</sup>

### ***Time zones***

4.39 Free-to-air television content standards are also regulated by the use of time zones. The Free TV Australia submission provides the following description of the rationale and operation of time zones:

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21 Ibid.

22 Ibid.

23 Ibid.

24 Ibid.

25 Ibid.

The time zone system is designed to ensure that only material appropriate to the available audience is shown in particular time zones. Programs classified G (general) can be broadcast at any time of the viewing day. Programs with a classification greater than G are restricted from broadcast during certain time zones. Material which has appeal to an adult audience but which is clearly not appropriate for children is broadcast later in the evening.<sup>26</sup>

4.40 With particular reference to children, Free TV Australia submitted that time zones:

...provide an important level of protection for the child audience. They are designed to ensure that material broadcast at times of the viewing day when children are likely to be watching is appropriate for them.<sup>27</sup>

4.41 Ms Buckland, from the ACTF, echoed a common criticism made to this committee in its recent inquiry into broadcasting regulation:

Most five- to 12-year-olds are watching television between the hours of six and 8.30 at night. It is very hard for children and their parents to even know that [CTS] content exists.<sup>28</sup>

### ***Consumer advice***

4.42 Mr Donald McDonald, Director, Classification Board, advised the committee that the classification scheme is complemented by a system of consumer advice:

A key element of classification information is consumer advice, which the board formulates when making classification decisions. Consumer advice, which is published along with the product, provides consumers with greater clarity in terms of the content that can be expected. Consumer advice generally lists the principal elements which have contributed to the classification of a film and indicates their intensity and/or frequency. It can also be used to alert consumers to serious or potentially distressing content.<sup>29</sup>

4.43 Free TV Australia provided the following information on the use of consumer advice:

...consumer advice [is broadcast] for all M and MA15+ programs and for PG programs broadcast between 7pm and 8.30pm on weekdays or between 10am and 8:30pm on weekends if the program contains material of a

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26 *Submission 139*, p. 4.

27 *Ibid* p. 7.

28 *Committee Hansard*, 29 April 2008, p. 44. The committee's report, *Inquiry into the effectiveness of the codes of practice*, is available at [http://www.aph.gov.au/senate/committee/eca\\_ctte/broadcasting\\_codes/index.htm](http://www.aph.gov.au/senate/committee/eca_ctte/broadcasting_codes/index.htm) (accessed 23 June 2008).

29 *Committee Hansard*, 30 April 2008, pp 66-67.

strength or intensity which the parents or guardians of young children may not expect. Examples of consumer advice are: some coarse language, mild violence, sexual references, a sex scene, and adult themes.<sup>30</sup>

### ***Consumer awareness and promotion of the classification system***

4.44 Reviews conducted by ACMA, cited in the Free TV Australia submission, have found high levels of awareness of the system of regulation of television standards generally in Australia:

In both 2003 and 2007, the Australian viewing public overwhelmingly indicated awareness of classification symbols, consumer information shown before programs, warnings about story content before an item in news/current affairs program, and restrictions on the times when different types of programs may be shown.<sup>31</sup>

### ***Complaints about sexualisation of children***

4.45 A viewer who is concerned that children are being exposed to prematurely sexualising material because program content is (a) wrongly classified (b) being played in an unsuitable time zone for its classification or (c) otherwise in conflict with prevailing community standards must first take their complaint to the broadcaster. If not satisfied with the response or processes of the broadcaster, the complainant may then take the complaint to ACMA.

4.46 Free TV Australia submission states that there is 'no level of viewer concern expressed in relation to the contribution of free-to-air television to the sexualisation of children'.<sup>32</sup> Concerning specific complaints about sexualisation of children to broadcasters:

Complaints to broadcasters about the sexualisation of children are non-existent...in...program content and there is no evidence of significant community concern around the sexualisation of children on commercial free to air television.<sup>33</sup>

4.47 Free TV Australia further advised that ACMA is presently undertaking a review of the CTS. Research undertaken for the purposes of the review, as well as submissions received as part of a process of public consultation, have established neither a 'correlation between television programming...[and] the sexualisation of children' nor any 'level of community concern around the issue'.<sup>34</sup>

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30 *Submission 139*, p. 4.

31 ACMA, *Reality Television Review – Final Report*, 30 March 2007, p. 66.

32 Free TV Australia, *Submission 139*, p. 8.

33 *Ibid* p. 2.

34 *Ibid* p. 11.

4.48 The ACMA annual report for 2006-07 provides tables showing that over that period it upheld one complaint relating to a PG classification on the grounds of sex and nudity, and dismissed 14 relating to either G and PG classifications or 'contemporary standards of decency' on the same ground.<sup>35</sup>

### *Video music clips*

4.49 Video music clips were the one area of programming often mentioned in submissions as being a source of inappropriately sexualising material. There were two aspects to this: (a) music video clips broadcast in children's viewing time zones, and thus produced for and directed to children and (b) music video clips broadcast in adult viewing times proximate to children's viewing times, and thus easily or likely to be seen by children.

4.50 Many felt that television programming is tending to blur distinctions between appropriate content for adults and children respectively. For example, shows such as *Rage*, a late night music video program for mature viewers, precede the 6am start of children's weekend morning programming; other music video shows often continue throughout weekend mornings, when children are likely to be at the television:

[*Rage*] runs all night for the older teenage brigade, but we also all know that most young children are up and about at 6am...Mum and Dad sleep in and think [their] little one is watching the Wiggles, when in fact he/she may be being exposed to sexually explicit lyrics, swearing and sexual scenes.<sup>36</sup>

The issue of young children viewing material in adult time zones is primarily one for parents and guardians to deal with.

4.51 Where video clips are approved for showing during G rated time zones, the coarse language is 'bleeped' or edited out but dance and clothing styles may be little changed. The standard letter submission prepared by Kids Free 2B Kids (KF2BK) recommended that 'Sexualised Music Video clips...only be shown outside children's viewing hours'.<sup>37</sup>

4.52 Free TV Australia advised the committee that all music video clips are subject to classification, and subsequently treated in the following way:

If the material is determined to be unsuitable for the relevant time zone (usually G or PG), then the video is edited before broadcast or else is it not included in the respective program. For G classified programs networks take extra steps to ensure the videos are very mild in impact and safe for children to watch without adult supervision as required under the Code. For a PG show, the networks apply the Code at the lower end of the PG

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35 ACMA, *Annual Report 2006-07*, pp 103-109.

36 Ellen Choat, *Submission 1(a)*. See also Ben and Nicole Myers, *Submission 57*, pp 1-2; Trevor Thomas and Jude Powell Thomas, *Submission 79*, p. 2.

37 *Submission 1*, p. 1.

classification requirements as they are mindful that younger viewers could be watching these programs.<sup>38</sup>

4.53 In response to the claims made to the inquiry that music video clips are contributing to the sexualisation of children, the Free TV Australia submission contends that 'network complaint figures do not support this view'. This assertion is based on the very low number of complaints received about music video clips over the past five years: just 32, representing 0.8 per cent of the total of all complaints about television content over that period.<sup>39</sup>

4.54 The committee acknowledges the small number of complaints received with regard to music video clips but equally notes the high level of concern expressed in submissions and correspondence received by the committee. As noted above, the G classification requires, in part, that:

Visual depiction of...sexual behaviour must be brief, infrequent, contain little or no detail and be strictly limited to the story line or program context.

4.55 The committee acknowledges that there can be some debate as to whether certain styles of dancing can be classed as 'visual depiction of sexual behaviour'; however, it does accept that some music video clips contain sexually suggestive material which may be inappropriate for children.

#### **Recommendation 4**

**4.56 The committee recommends that broadcasters review their classification of music videos specifically with regard to sexualising imagery.**

4.57 Complaints about the premature sexualisation of children either through television advertising or program content aimed specifically at children are not significant in number. The main area of concern is with children's exposure to more 'adult' material shown in the PG and M time zones. Here complaints do not refer specifically to sexualisation of children in younger age groups but range over the issues of coarse language, violence, sexual themes, nudity and 'adult' themes generally.

4.58 Taken together, classification, time zones and consumer advice are designed to enable those having care of children to manage their television viewing to minimize their exposure to inappropriate material. It appears from the evidence received by this committee that the system is working effectively. However there is some scope for further refinement.

4.59 In its recent report on broadcasting regulation this committee has commented at some length on the effectiveness of the system and has made a series of recommendations aimed at improving the operation of classifications, time zones and

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38 *Submission 139*, p. 9.

39 *Ibid.*

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consumer advice. A number of those recommendations are relevant to the issue of sexualisation of children, particularly in that they would provide better guidance to television content.

4.60 In that report the committee recommended that ACMA:

- examine whether the G and PG classifications should be extended by including age-specific sub-divisions into those categories—for example, G+8 or PG+13;
- examine the extent to which the current evening time zones in fact reflect children's television viewing habits; and
- review the classification codes to ensure that graphic and disturbing imagery and excerpts from M and higher classification material is not included in news and current affairs programming in early evening time zones.<sup>40</sup>

4.61 The committee also recommended that industry codes of practice, as far as is practical, clarify the meaning of terms used in consumer advice—such as 'frequent', 'impact' and 'some'—and that classification information be displayed for longer periods of time.

4.62 Digital free-to-air television also offers some potential benefits in managing children's television viewing. Parental lock-out systems, already available on subscription services, should be made an industry standard for digital televisions in Australia. Datacasting should also be used to provide more detailed program information about content and to explain the reasons for a program's classification.

### *A children's television channel?*

4.63 In addition to changing the programming requirements for the CTS, the ACTF recommended the establishment of a children's television channel on the ABC digital network. Ms Buckland described the features and benefits of a dedicated channel for children as envisaged by the ACTF:

...what we need in this country is an Australian children's channel,' a digital channel of the ABC, a commercial-free channel which is screening up until at least nine o'clock at night and providing access to all of those programs that are being produced and which could also provide new programs. It could provide news and current affairs; it could work in with the education sector during the day; it could look at the sorts of messages—education, information—that we want to convey to children, be it about sexuality or be it other issues that are important. It could do all of those things and, in the evening, it could entertain them with terrific Australian

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40 The committee's report, *Inquiry into the effectiveness of the broadcasting codes of practice*, is available at [http://www.aph.gov.au/senate/committee/eca\\_ctte/broadcasting\\_codes/index.htm](http://www.aph.gov.au/senate/committee/eca_ctte/broadcasting_codes/index.htm) (accessed 23 June 2008).

drama where they are going to see positive images of children and families working.<sup>41</sup>

4.64 Similarly, Dr Sally Cockburn and Ms Amelia Edwards, who appeared before the committee in a private capacity, called for a 'government funded free-to-air 24-hour commercial-free television...station...dedicated to children's under-16 programming'. This was proposed as a creative initiative 'to reduce the harmful impact of premature sexualisation of children...in the contemporary media and within the greater social context'.<sup>42</sup>

### **Recommendation 5**

#### **4.65 The committee recommends that broadcasters consider establishing dedicated children's television channels.**

4.66 The committee understands that this proposal is under active consideration by the ABC and would encourage other television broadcasters to examine the practicalities of providing children's TV channels.

### **Publications, films and computer games**

4.67 Regulation of the print media, principally certain classes of magazine, is the responsibility of the Classification Board, which is also responsible for film, DVD and electronic games content. The Classification Board administers the criteria set out in the *Classification (Publications, Films & Computer Games) Act 1995*, the National Classification Code and published guidelines. It is of particular relevance to this inquiry to note that the Classification Board plays a limited role with regard to publications.

4.68 The function of the Classification Board is:

...to assist consumers, particularly parents and guardians, to make informed choices about entertainment material for themselves and those in their care. It remains the responsibility of parents and guardians to make decisions about entertainment appropriate for their children and to provide adequate supervision. The scheme also operates to protect people, particularly children, from material which may be offensive or inappropriate for their age, by limiting access to material or by banning it entirely.<sup>43</sup>

4.69 The committee received very little evidence to suggest that film and DVDs are considered to be sources of inappropriate sexualisation of children. This can be viewed as a tribute to the work of the Classification Board. It might also reflect, as is the case with subscription television, the high degree of parental choice involved in

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41 *Committee Hansard*, 29 April 2008, p. 44.

42 *Committee Hansard*, p. 51.

43 Mr Donald McDonald, *Committee Hansard*, 30 April 2008, p. 66.



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the purchase of a DVD or a decision to go to a film, which allows parents to control access to these media.

## **Regulation of children's magazine content in Australia**

### ***Introduction***

4.70 The committee's consideration of magazine content was confined to children's publications. This is because, apart from issues around the placement of adult magazines and 'submittable publications',<sup>44</sup> the committee received little evidence on adult magazine content as a direct or notable source of sexualisation of children.<sup>45</sup> In addition, unlike free-to-air commercial television, for example, exposure of children to magazine content involves a purchasing decision over which parents are assumed to have considerable control if they so wish.

4.71 The majority of evidence presented to the committee on this issue concerned publications directed to female children, and particularly the magazines titled *Girlfriend* and *Total Girl*, which it was claimed are aimed at the female teenage (12-16) and child markets respectively. Despite this, the committee's consideration of the issues raised applies equally to publications produced for male children, as it does more generally to the production of media content specifically for child consumers or the so-called 'tween' market.

## **How children's magazine content is regulated**

### ***The Classification Board***

4.72 The Classification Board is responsible for the classification of, inter alia, 'certain publications' according to criteria defined in the *Classification (Publications, Films and Computer Games) Act 1995* (the Classification Act) and the National Classification Code (NCC).<sup>46</sup> Section 5 of the Classification Act defines 'publication' to mean 'any written or pictorial matter', excluding film, computer games or advertisements for a publication, film or computer game.<sup>47</sup>

4.73 Mr Donald McDonald, Director, Classification Board, advised the committee that the Classification Act criteria are informed by additional processes and concepts:

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44 In this chapter 'adult magazines' simply refers to publications directed to adults. Publications containing explicit content such as nudity and sexual acts are referred to as 'submittable publications' as per the classification scheme outlined at paragraphs 4.74 and 4.86.

45 The committee has acknowledged elsewhere in this report the role that material produced for adults but readily accessible to children may have in creating and reinforcing stereotypes images, particularly of young women.

46 Mr Donald McDonald, *Committee Hansard*, 20 April 2008, p. 66.

47 Advertising in children's magazines is regulated by the ASB as described in Chapter 5.

Classification tools applied by the boards in making classification decisions are agreed by Commonwealth, state and territory censorship ministers under the cooperative arrangements of the National Classification Scheme. Various mechanisms are also used to ensure board members remain abreast of community standards, including consumer feedback on decisions, community research and community consultation.<sup>48</sup>

### *The classification scheme*

4.74 The classification scheme employs three classifications in relation to publications: Refused Classification (RC), Category 2 restricted and Category 1 restricted. RC publications are not able to be sold or disseminated, Category 2 restricted publications can be sold only in 'restricted premises', and Category 1 restricted publications can be sold in regular retail outlets but must be sold in 'sealed packs'.<sup>49</sup> Neither category 1 nor category 2 publications are suitable for sale to minors—persons under the age of 18.<sup>50</sup>

4.75 Apart from the three classifications outlined, all other publications are regarded as unrestricted publications and are thus able to be sold without restriction.

4.76 Mr McDonald noted that the RC (Refused Classification) classification had particular references and applications to the portrayal of children in particular sexual contexts:

...material...[is] refused classification...if it describes or depicts, in a way that is likely to cause offence to a reasonable adult, a person who is or appears to be a child under 18, whether they are engaged in sexual activity or not...

The guidelines for the classification of publications also note that sexualised depictions and descriptions of nudity involving minors...generally warrant 'refused classification' as they '... deal with matters of sex ... in such a way as to offend against the standards of morality, decency and propriety generally accepted by reasonable adults ...'<sup>51</sup>

4.77 Depictions of exploitative child nudity and sexual activity involving a child, sexual abuse or other exploitative or offensive depictions involving children are routinely refused classification.<sup>52</sup>

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48 *Committee Hansard*, 30 April 2008, p. 66.

49 *Ibid* p. 70.

50 Details of the classifications can be found at the ComLaw website, <http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/framelodgmentattachments/A4DD01BB110AD94DCA25700D002EF73E> (accessed 10 June 2008).

51 *Committee Hansard*, 30 April 2008, pp 66-67.

52 *Ibid*.

4.78 The board may require each edition of any 'submittable publication' (see paragraph 4.86) to be submitted or may grant a serial classification for a period of 12 or 24 months, which requires the publication to conform to certain guidelines. Complaints against magazines subject to serial classification may result in the cancellation of that classification and a requirement that every future edition of the publication be submitted. Other publications may be brought to the board's attention by members of the public and may, depending on content, become subject to classification.

*Principles underlying the classification system*

4.79 The committee heard that the design of the classification system seeks to promote the principles of (a) informed choice for adults and (b) protection from harmful or disturbing material for children, to which the NCC requires classification decisions to give effect. Mr McDonald explained that the classification scheme:

...is primarily designed to assist consumers, particularly parents and guardians, to make informed choices about entertainment material for themselves and those in their care. It remains the responsibility of parents and guardians to make decisions about entertainment appropriate for their children and to provide adequate supervision. The scheme also operates to protect people, particularly children, from material which may be offensive or inappropriate for their age, by limiting access to material or by banning it entirely.<sup>53</sup>

4.80 These principles are embodied in the NCC, which states that classification decisions are, as far as possible, to give effect to the following principles:

- (a) adults should be able to read, hear and see what they want; [and]
- (b) minors should be protected from material likely to harm or disturb them...<sup>54</sup>

4.81 There was considerable discussion in submissions and at the committee's hearings of the content of magazines marketed specifically to teenage and younger children. Submissions were critical of a number of aspects of these publications:

- content which presented girls purely in terms of their sexual attractiveness and relationships with boys;
- content which dealt with the lives of celebrities, presenting them as desirable role models;
- advice columns which dealt with explicitly sexual issues; and

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53 Ibid.

54 National Classification Code, *Classification (Publications, Films and Computer Games) Act 1995*, ComLaw website, <http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/framelodgmentattachments/A4DD01BB110AD94DCA25700D002EF73E> (accessed 9 June 2008).

- advertising which relied on 'adult' images of girls to promote products, particularly clothes and cosmetics.

4.82 The question of advertising is dealt with in the next chapter. However, due to the Classification Board's role in the classification of publications, the committee sought the board's view with regard to some of the content of these magazines.<sup>55</sup>

#### *Classification of content in children's magazines*

4.83 Magazines marketed to children in the younger age groups—early teens and younger—are not generally subject to regulation and come under the scrutiny of the Classification Board only as a result of complaints from the public. The board has reviewed the content of magazines aimed at teenage girls but did not find it to be in breach of the code.

4.84 The committee's consideration of children's magazine content centred exclusively on the magazines *Girlfriend* and *Total Girl*. Selected material from these magazines was provided by KF2BK in submissions as well as handouts provided at the Melbourne hearing; and the publisher of these titles, Pacific Magazines, provided issues of both magazines at the Sydney hearing. These materials formed the basis for consideration of appropriate standards and the potential for premature sexualisation of children by these magazines and similar publications.

4.85 The committee considered parts of the material contained in *Girlfriend* magazine to be sexually explicit. A number of examples of such material were drawn from a regular sealed-section advice column, which included advice on 'oral sex' and 'anal sex' in answer to such questions as 'Can I perform oral sex if I have braces?'.<sup>56</sup>

4.86 Despite the inclusion of such material, the committee heard that children's magazines are not submitted to or otherwise routinely classified by the Classification Board, because they are not 'submittable publications'. Mr McDonald explained that submittable publications are those which contain:

...depictions or descriptions of sexual matters, drugs, nudity or violence that are likely to cause offence to a reasonable adult to the extent that the publication should not be sold as an unrestricted publication or is unsuitable for a minor to see or read.<sup>57</sup>

4.87 The material described at paragraph 4.85 was not considered as coming under the definition of a submittable publication, because:

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55 The Classification Board may also consider advertising when classifying 'submittable magazines'. See *Committee Hansard*, 30 April 2008, p. 73.

56 *Committee Hansard*, 30 April 2008, p. 67.

57 *Ibid.*

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[The classification Act]...speaks about causing offence...[That] information is not necessarily, of its nature, offensive.<sup>58</sup>

4.88 Using the example of nudity, Mr McDonald explained that the context and purpose for which material is presented are important considerations in determining whether or not material is regarded as offensive and is thus submittable for the purposes of the Classification Act:

[Nudity]...is of itself not necessarily offensive...It is the way in which nudity is treated in publications that the guidelines to the act, in particular, require us to take account of. The way in which information is presented will be very important to the way that the judgement is made about the material. If it is not presented in a way that is gratuitously offensive, then it is simply information.<sup>59</sup>

4.89 The importance of context and purpose thus means that the classification scheme does not prevent the 'exploration' of 'strong themes' or 'controversial views' on issues such as 'child sexual abuse' or 'children's sexuality'.<sup>60</sup>

#### *Complaints about content in unrestricted publications*

4.90 The committee was advised that the Classification Board will examine an unrestricted publication's content against the classification scheme in cases where a formal complaint is received.<sup>61</sup> The Classification Board advised that it had in fact previously determined a complaint concerning a sealed section in *Dolly* magazine, similar in content to that mentioned above.

4.91 In answer to a question on notice, the Classification Board advised that despite the content contained in the sealed section the magazine was found not to be a submittable publication. It found:

With specific reference to the 'sealed section' of the magazine...it contained references to sexual matters which are not detailed and are justified by context. This section includes information about safe sexual practices, advice on medical matters that teenagers may feel embarrassed to consult their parents or other adults about, and encourages readers to seek help by contacting counselling/information services if they believe they have a problem with drugs...[None] of the content in this section appears gratuitous or unsuitable for minors (although it is noted that some children and parents may be embarrassed by the frankness of the information presented).

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58 Ibid p. 68.

59 Ibid.

60 Ibid.

61 Mr Donald McDonald, *Committee Hansard*, 30 April 2008, p. 67.

It is ultimately the responsibility of parents or guardians to make decisions about appropriate reading material for their children and to provide adequate supervision.<sup>62</sup>

4.92 It is important to note in this and in other contexts that parental discomfort or embarrassment is not an indicator of itself that material is offensive:

The act speaks about causing offence. The information is not necessarily, of its nature, offensive. Some parents might not want their children to have certain information, but that does not necessarily of itself make it offensive...<sup>63</sup>

## **Effectiveness of regulation of children's magazine content**

### *Complaints about sexualisation*

4.93 Pacific Magazines and ACP advised the committee that in general they 'receive a negligible number of complaints in relation to content in their magazines'.<sup>64</sup> Specifically in relation to the sexualisation of children the companies believed that:

...the Australian Press Council has never received a complaint in relation to the sexualisation of children in any magazine published by ACP Magazines or Pacific Magazines.<sup>65</sup>

As noted above, the Classification Board has been asked to consider a complaint against *Dolly* magazine.

4.94 The committee notes that submissions it received were mainly concerned about the explicitly sexual content of advice columns in some of these magazines. However, in terms of more general sexualising imagery it is obvious that the focus of the advertising and the content is on a very limited range of subjects—clothes, cosmetics, celebrities—and the range of female images presented is limited to the slender and glamorous. While there are valuable articles on real issues of concern to young people, they occupy a small proportion of the pages.<sup>66</sup>

### *Lack of age classifications/application of classification scheme*

4.95 A recurring theme throughout this report has been that informed and assisted parental choice is the best way to reconcile the principles of freedom of choice on the

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62 Classification Board, answer to question on notice, 30 April 2008 (received 26 May 2008).

63 Mr Donald McDonald, *Committee Hansard*, 30 April 2008, p. 68.

64 Pacific Magazines, answer to question on notice, 30 April 2008 (received 26 May 2008).

65 Ibid.

66 Even where a magazine adopts a particular positive theme—for example, *Girlfriend's* 'Perfection is Boring' slogan that 'rejects the idea of beauty that's constantly rammed down our throats'—it is contradicted by the images presented in the advertising and other sections that make up the majority of the magazine.

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part of adults and the need to protect children from inappropriate or offensive material. The chief concern raised with the committee was whether the current classification scheme, under which children's magazines are classed as unrestricted publications, is sufficient to enable parents to make informed choices about what type or amount of sexual content their children are exposed to.

4.96 A particular concern of the committee was the apparently broad spectrum of readership ages of magazines such as *Girlfriend*. Information supplied by Pacific Magazines in answer to a question taken on notice indicates that, although the average reader age is close to 16, around 20 per cent of *Girlfriend's* readership is between 11 and 12 years of age.<sup>67</sup>

4.97 Accordingly, the committee considered the possibility of requiring magazines to display front-cover age classifications, such as 'Suitable for children aged 12 to 16', or, alternatively, the classifications used for television, film and computer games: G, PG, M et cetera.

4.98 In a response provided to a question on notice, Pacific Magazines and ACP, the publishers of *Dolly*, suggested that:

[In general the]...limited number of complaints [received] indicates that the vast majority of consumers have no concerns around their current ability to choose age-appropriate publications.<sup>68</sup>

4.99 In addition, the publishers expressed a number of doubts and concerns about the effectiveness of age classifications. Primarily, age classifications were thought to be of limited value in assisting parents to choose appropriate publications for their children because of the significant 'variance in the developmental levels of people in their early teenage years'.<sup>69</sup>

4.100 At the Sydney hearing, Mrs Nicole Sheffield, Publisher, Pacific Magazines, explained:

...I can sit in front of one 12-year-old and she will feel like a 21-year-old—she got her period when she was nine, and she has a totally different family situation—and I can meet another 12-year-old who is completely different. Their bodies and their minds are going through a totally different developmental cycle...I think putting a specific age on *Girlfriend* is challenging, because everyone's development is different. I really believe that, with *Girlfriend*...a lot of it is dependent on a girl's developmental cycle. To answer your question, there are some 12-year-olds who outgrew *Total Girl* at 10 or 11; they were over slumber parties et cetera. They were interested in the latest things, and their music tastes were different.<sup>70</sup>

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67 Ibid.

68 Ibid.

69 Ibid.

70 *Committee Hansard*, 30 April 2008, p. 63.

4.101 Other concerns raised were that age classifications did not inform as to the nature of content, could act to encourage consumption by younger age groups and, without broader application to publications such as books and newspapers, would effectively discriminate against magazine publishers.<sup>71</sup>

4.102 Mrs Sheffield considered that the alternative of applying the existing classification scheme codes to magazines was the more effective and preferable option:

I think if you say PG, parental guidance, then the parent is the one to decide and I am more than comfortable with that...I totally feel comfortable with giving parents the right to know and to understand.<sup>72</sup>

4.103 The committee, having reviewed the comments received about the content of magazines aimed specifically at girls—from concerned parents, from specialists in the field of child development, from the regulator and from the industry—acknowledges that there are some sound arguments for assisting parents by bringing these publications within the classification system.

4.104 The committee does not support more rigorous control of the content of these magazines, particularly the sealed sections and advice columns. It is important to recognise that young people in their early to mid-teens are developing their identities including their sexual identities and need access to reliable advice and information:

Many young people access existing media in ways that may assist the formation of healthy sexual identities, including seeking factual information on sex and relationships from sex advisers and problem pages in magazines...<sup>73</sup>

4.105 An alternative view, which reflected opinions expressed in many submissions is that magazines targeted at girls:

...feature sexually promiscuous stories awaking young girl's sexuality before they are mentally able to be responsible for their actions or have a morally formed conscience only to be deeply hurt leading to an increase in teenage pregnancy, sexual diseases and mental breakdown.<sup>74</sup>

4.106 To assist parents who share these concerns, the committee does believe that it would assist them in making decisions about the material their children have access to if some indicator of the probable content of magazines were available. With regard to age-specific classification of magazines, the committee notes the argument that age is an unreliable indicator of a child's stage of development.

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71 Pacific Magazines, answer to question on notice, 30 April 2008 (received 26 May 2008).

72 *Committee Hansard*, 30 April 2008, p. 63.

73 Dr Katherine Albury, *Committee Hansard*, 30 April 2008, p. 99.

74 Parents for a Real Choice, *Submission 144*, p. 4.



4.107 The committee does not believe that the Classification Board should be given the responsibility for classifying girls' magazines. This would represent a significant extension of its duties from its current and clearly limited role. The logic of classifying girls' magazines could equally be applied to other types of publication—for example, frank discussions of sexual matters in *Cleo* or *Cosmopolitan* could be said to warrant an M15+ rating—which would represent a significant and unwarranted extension of government regulation.

#### **Recommendation 6**

**4.108 The committee recommends that publishers consider providing reader advice, based on the Office of Film and Literature Classification systems of classifications and consumer advice, on magazine covers indicating the presence of material that may be inappropriate for children.**



# Chapter 5

## Advertising

5.1 Advertising standards in Australia are governed by a system of industry self-regulation that is funded by a voluntary levy paid by advertisers. The Advertising Standards Bureau (ASB) submission states that the self-regulation system of advertising standards in Australia:

...recognises that advertisers share a common interest in promoting consumer confidence and respect for general standards of advertising.<sup>1</sup>

5.2 The system was established in 1998 by the Australian Association of National Advertisers (AANA) the industry body representing some 85 per cent of Australian advertisers. The AANA established the ASB as an independent authority to set and administer standards and to hear complaints with regard to advertising.

5.3 Advertising is regulated through a voluntary system of compliance with industry codes that establish the relevant standards for various types of media and is given effect through determinations on public complaints by the Advertising Standards Board (the board). The board is administered by the ASB.

5.4 The ASB submission states that it was established for the purposes of:

- establishing and monitoring a self-regulatory system to regulate advertising standards in Australia;
- promoting confidence in, and respect for, the general standards of advertising on the part of the community and the legislators;
- explaining the role of advertising in a free enterprise system; and
- running other regulatory systems as contracted from time to time.<sup>2</sup>

5.5 The ASB system is a broad one insofar as it effectively applies to all product and service advertising regardless of medium and including promotional activities. However, it does not cover program promotions or particular advertising for broadcasters.

### *Coverage*

5.6 The board considers complaints about all advertising in Australia.<sup>3</sup> At the Melbourne hearing of the inquiry, Ms Alison Abernethy, Chief Executive Officer,

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1 ASB, *Submission 89*, p. 5.

2 Ibid.

3 However, see paragraph 5.33 for exceptions to complaints accepted for consideration by the board.

ASB, advised that the system administered by the ASB is premised on the 'universality' of its application to 'all advertising' and support by 'advertisers, [advertising] agencies and the media'.<sup>4</sup>

5.7 The ASB code covering advertising and marketing to children contains a broad definition of advertising that applies to all forms of media and advertising, and also captures promotional activity:

Advertising or Marketing Communication means:

(a) matter which is published or broadcast using any Medium in all of Australia or in a substantial section of Australia for payment or other valuable consideration and which draws the attention of the public or a segment of it to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly the product, service, person, organisation or line of conduct; or

(b) any activity which is undertaken by or on behalf of an advertiser or marketer for payment or other valuable consideration and which draws the attention of the public or a segment of it to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly the product, service, person, organisation or line of conduct...<sup>5</sup>

5.8 The board considers complaints about material that constitutes an 'advertising or marketing communication' under one of the codes administered by the ASB. The codes relevant to this inquiry are:

- section 2 of the AANA Code of Ethics (the Ethics Code); and
- the AANA Code for Advertising & Marketing Communications to Children (the Children's Code).

5.9 Ms Abernethy advised that in practice the ASB '[looks] at all advertising, whether the advertiser is...[an AANA] member or not'.<sup>6</sup> The board may still consider a matter that falls outside the code(s) if it is unable to be referred to any other regulatory or self-regulatory body and is the subject of a 'number of complaints'.<sup>7</sup>

### ***Complaints about sexualisation of children in advertising***

5.10 The ASB submission states that complaints about the sexualisation of children are dealt with according to:

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4 *Committee Hansard*, 29 April 2008, p. 2.

5 AANA, *Submission 89*, Attachment B, Code for Advertising and Marketing Communications to Children, p. 1.

6 *Committee Hansard*, 29 April 2008, p. 2.

7 ASB, *Submission 89*, p. 10.

- section 2.3 of the AANA Ethics Code, which relates to matters of 'sex, sexuality and nudity'; and
- the AANA Children's Code.<sup>8</sup>

5.11 Section 2.3 of the Ethics Code provides that:

Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.<sup>9</sup>

5.12 Section 2.4 requires advertisements that are directed or have appeal to children to comply with the Children's Code:

Advertisements which, having regard to the theme, visuals and language used, are directed primarily to children aged 14 years or younger and are for goods, services and facilities which are targeted toward and have principal appeal to children, shall comply with the AANA's [children's code]...

5.13 Since 18 April 2008, the revised Children's Code has applied. Unlike the previous code for advertising to children, the new code makes specific provision for complaints about the issue of sexualisation of children. The ASB submission states that the new code:

- provides the board with a clearer mandate to uphold complaints about advertisements which sexualise children;
- provides the public with a specific code provision against which they can make complaints about advertisements that allegedly sexualise children; and
- provides advertisers with the clear message that advertisements which sexualise children are unacceptable.<sup>10</sup>

5.14 The new provisions concerning sexualisation of children are contained in section 2.4 of the Children's Code:

Advertising or Marketing Communications to Children:

(a) must not include sexual imagery in contravention of Prevailing Community Standards;

(b) must not state or imply that Children are sexual beings and that ownership or enjoyment of a Product will enhance their sexuality.

5.15 More generally, section 2.1 requires that:

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8 Ibid p. 2. This code came into operation on 18 April 2008, replacing the AANA's Code for Advertising to Children.

9 AANA, Advertiser Code of Ethics, p. 1, [http://www.apf.gov.au/senate/committee/eca\\_ctte/sexualisation\\_of\\_children/submissions/sub89atta.pdf](http://www.apf.gov.au/senate/committee/eca_ctte/sexualisation_of_children/submissions/sub89atta.pdf) (accessed 30 May 2008).

10 ASB, *Submission 89*, p. 2.

Advertising or Marketing Communications to Children must not contravene Prevailing Community Standards.

The committee considers the question of community standards below.

5.16 Given the recent introduction of the Children's Code, it is too early to make any judgement concerning its effectiveness. It is to be hoped that it has the effect of removing overtly sexualising images from advertising. However, the committee cannot help but feel that some parts of the Children's Code lack real substance and fail to address the broader issue of advertising that, while not explicitly sexualising, promotes atypical or unrealistic stereotypes. For example, sub-paragraphs 2.4(a) and (b) do not preclude advertising in magazines specifically produced for and directed at girls which, almost without exception, feature images of slim, glamorous young women—the type of images that have been identified as contributing to problems of low self-esteem and eating disorders in girls.<sup>11</sup>

### **Recommendation 7**

**5.17 The committee recommends that, in 18 months, the Senate review the effectiveness of the operation of the Australian Association of National Advertisers' Code for Advertising and Marketing Communications to Children, introduced in April 2008.**

### **Complaints procedures**

5.18 The advertising standards are voluntary and the ASB does not engage in pre-vetting of advertising. Thus complaints to the ASB are both the earliest and clearest indicator that an advertisement may have breached the code and an opportunity to test the extent to which the code is being observed. In view of this, the committee believes that the process of making complaints should be simple, accessible and user-friendly.

### ***Fragmentation and complexity of regulation***

5.19 Many submissions, from both private submitters and organisations, observed that the variety of regulatory systems in Australia has led to a fragmentation of responsibility that makes it difficult and complex to lodge complaints. It was felt that this leads to low numbers of complaints, meaning that complaints do not adequately or accurately reflect and represent prevailing community standards or concerns about the exposure of children to potentially inappropriately or prematurely sexualising material.<sup>12</sup>

5.20 Ms Julie Gale, Director, Kids Free 2B Kids, observed:

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11 Readers who may doubt this statement are directed to any copy of magazines such as *Dolly* or *Girlfriend*, where the clothes and cosmetics advertisements and the beauty and style sections are almost indistinguishable.

12 Figures provided to the committee by the ASB show that, in the years 2004 to 2007, between one-quarter and one-third of complaints received fell outside the advertising codes.

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The general complaints I get from so many people are (1) people feel powerless, so they do not bother, and (2) if they do bother they give up fairly quickly. It is not an easy system. They do not know where or who or what to complain to, so I do not believe that we have a true indication of prevailing community standards because no-one has bothered to go out and ask, fundamentally.<sup>13</sup>

5.21 Some submissions called for a one-stop shop or single body for the administration of media codes and the hearing and determination of complaints. Conversely, there was recognition by some critics of the current system that reform and improvement of the self-regulatory model is the best strategy to pursue. Appearing before the committee in a private capacity, Dr Lauren Rosewarne, who made substantial criticisms about the performance of the ASB, observed:

There is no impetus in Australia, from my perspective, to abandon self-regulation and move towards government regulation. This is not done anywhere except in countries like Saudi Arabia.<sup>14</sup>

5.22 Whilst the committee recognises the basic appeal of a single system of regulation and complaint for all media and advertising, it is not convinced that such an approach would deliver a cost-effective and better system. The cost and complexity of establishing the broad administrative structures and expertise that would be necessary for such a system would likely be prohibitive.

5.23 All the complaints systems have at their core a requirement to consider community standards when addressing a complaint. It is preferable to have a range of different bodies performing this task simply because it is an arrangement likely to introduce a greater diversity of views into the process. A single body would have to be limited in size to allow it to function efficiently, its workload would be very large and it would, because of these factors, be more dependent on a supporting secretariat to enable it to manage the demands made on it.

5.24 In addition, apart from requirements of and efforts by broadcasters and advertisers to promote the existence and working of standards and complaints regimes, organisations such as Young Media Australia (YMA) offer services to help complainants identify appropriate bodies and processes for the lodgement of complaints.<sup>15</sup>

5.25 However, the committee notes that television and radio broadcasters, as the bodies that receive complaints about their content and programming in the first instance, have a particular obligation to ensure complainants are not frustrated by overly complex or difficult-to-access complaints systems. As the committee heard in the recent inquiry into broadcasting regulation, broadcasters and ACMA have an

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13 *Committee Hansard*, 29 April 2008, p. 17.

14 *Ibid* p. 30.

15 See Young Media Australia, *Submission 141A*.

understanding that misdirected complaints will be forwarded to the appropriate recipient.

5.26 There may be advantages in creating a single clearing-house for complaints—a body with a post-box and email address to receive complaints about all media and whose sole responsibility would be to transmit them to the appropriate broadcaster/regulator. Such a body would be in addition to the existing complaints administrations such as the ASB. This body would be widely advertised and would remove the requirement for complainants to have a clear understanding of the confusing and sometimes overlapping responsibilities of the existing systems.

5.27 The committee endorses the current self-regulatory systems for the maintenance of advertising and media standards in Australia as both cost-effective and appropriate. However, the committee is sympathetic to the views expressed in submissions that the system can be confusing because of the need to approach different bodies according to medium or form of content about which a complaint is to be made. The main areas of confusion are between advertising, commercial television content and program promotions.

### **Recommendation 8**

**5.28 The commissioner recommends that the Advertising Standards Board and Free TV Australia consider establishing a media and advertising complaints clearing house whose functions would be restricted to:**

- **receiving complaints and forwarding them to the appropriate body for consideration;**
- **advising complainants that their complaint had been forwarded to a particular organisation; and**
- **giving complainants direct contact details and an outline of the processes of the organisation the complaint had been forwarded to.**

5.29 In its report on broadcasting regulation, the committee made a number of recommendations and suggestions with regard to improving the operation of complaints systems, particularly:

- that all broadcasters and ACMA should ensure that the homepage of their websites have a clearly marked 'complaints' icon;
- that the complaints page be accessed by only one key-stroke or mouse click; and
- that complaints should be received electronically and by email in addition to written or faxed complaints.<sup>16</sup>

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16 The committee's report, *Inquiry into the effectiveness of the broadcasting codes of practice*, was tabled in the Senate on 19 June 2008. It is available at [http://www.aph.gov.au/senate/committee/eca\\_ctte/broadcasting\\_codes/index.htm](http://www.aph.gov.au/senate/committee/eca_ctte/broadcasting_codes/index.htm) (accessed 23 June 2008).



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*Form of complaints*

5.30 A number of submitters felt that the complaints system is not accessible enough and should be improved by allowing complaints to be lodged by telephone. The committee does not support a system whereby the complaints process is initiated merely on the basis of a telephone call. However, it does believe that the ASB should consider establishing a 1800 number where the public can receive advice, if necessary from a recorded message, on how to make a complaint.

5.31 The committee notes that the ASB website already carries a very visible red 'Lodge a Complaint' button and that the process is reasonably simple. However, the committee believes that wider public knowledge of the complaints process is important. The committee notes from its submission that the ASB is seeking to raise public awareness of its existence and its responsibilities.

5.32 The committee believes that the ASB should on a regular basis place advertisements specifically publicising its complaints procedure in all media. Given the amount of comment about billboard advertising and the difficulty of regulating children's access to it, the ASB should also consider placing details of how to access its complaints procedures on billboards.

*Exceptions under complaints process*

5.33 One element in the complexity of the complaints system is the number of matters that are excluded from it. The following matters are not forwarded to and considered by the board:

- a complaint that would involve determining questions of law or truth and accuracy;
- a complaint that concerned trivial issues;
- a complaint that involved public advocacy issues;
- a complaint that concerned a communication that is local advertising;
- a complaint that concerned a communication that is the subject of litigation or order of a court or government agency;
- a complaint that concerned unlawful business practices;
- a commercial that is complained about has been withdrawn or discontinued; and
- a complaint that concerns highly technical issues.

5.34 The ASB website seeks to deal with this by requiring complainants to answer a short questionnaire which clarifies whether their complaint can be accepted by the board. Attachment C to the ASB submission shows that, between 2004 and 2007, the proportion of complaints that were classed as 'outside charter' and therefore did not proceed to a determination by the board ranged from around 30 to over 50 per cent.

5.35 There is no suggestion that legitimate complaints are being weeded out by this system. However, it would be useful to know whether the system weeds out dual complaints, in which part of the complaint falls within the charter and part falls outside; for example, a complaint might easily combine an issue of content and an issue of accuracy or truth. The committee suggests that the ASB analyse a representative sample of 'outside of charter' complaints and determine whether some part of those complaints could be accepted. Such a study might assist in refining the questionnaire which determines whether a complaint can be accepted in the first place.

### **Effectiveness of regulation of advertising standards**

5.36 The performance of the ASB complaints system was central to the committee's consideration of how effectively advertising is regulated in Australia. The following areas and factors were relevant or raised by submitters concerning the effectiveness of the ASB's management of complaints about premature sexualisation of children in advertising. The committee has looked at complaints to the ASB generally and notes that there are very few complaints about advertising directed to children. Those that there are usually relate to matters other than sexualisation—product or consumer safety, for example.<sup>17</sup>

5.37 It may be that the combination of the debate over the Australia Institute's *Corporate paedophilia* report and the development of the Children's Code has resulted in a tightening of standards in advertising directed at children. Whatever the reason, concerns about sexualisation of children in the media seem to focus on other areas.

5.38 Complaints which may fall within the definition of inappropriate or premature sexualisation more commonly relate to advertising targeted at adult audiences that is easily accessible by children. The assumed impact on children is usually a subset of a general complaint. For example, a number of complaints about Advanced Medical Institute advertising make the point that the adult complainant finds the material personally offensive *and* that it is inappropriate for children.

5.39 Similarly, complaints about advertising for women's underwear and other clothing often make a general point about unrealistic presentations of female body shapes and objectification of women, and then add that such images make it hard for girls to develop healthy attitudes to their body shapes or see themselves as individuals free from a sexual stereotype. Some complaints also mention the advertisement's impact in terms of shaping boys' attitudes towards women.<sup>18</sup>

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17 *Bratz* dolls have been the subject of some adverse comment in submissions to the committee for their sexualising impact. The only recent complaint to the ASB with regard to *Bratz* dolls related to light sensitive accessories and whether they might encourage inappropriate exposure to the sun.

18 The ASB's website lists complaints and their outcomes at [http://www.advertisingstandardsbureau.com.au/pages/casestudy\\_a.asp?PageIndex=1](http://www.advertisingstandardsbureau.com.au/pages/casestudy_a.asp?PageIndex=1).

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*Complaints about sexualisation of children*

5.40 Due to the absence of an explicit ground of complaint concerning sexualisation of children prior to 18 April 2008, the ASB was unable to provide the committee with the number of specific complaints received on the issue. It advised that, in the past, such complaints have been considered under section 2.3 of the Ethics Code relating to sex, sexuality and nudity.

5.41 The ASB submission nevertheless reported that it had received 'very few complaints relating to advertisements that could be described as sexualising children',<sup>19</sup> describing the number of complaints about this issue as 'negligible'.<sup>20</sup> An example of an upheld complaint about sexualisation of children was provided in attachment G to the ASB submission.

5.42 The committee observes that the Children's Code prior to 18 April 2008 was clearly inadequate, lacking as it did an explicit ground of complaint relating to sexualisation of children. The statistics provided in attachment C to the ASB submission show that between 2005-07 numbers of complaints under the Children's Code ranged from between 0.20 per cent and 2.95 per cent, while those relating to the 'sex, sexuality and nudity' category were generally the highest (comprising, for example, 37 per cent in 2007).

5.43 It therefore seems likely that more than a 'negligible number' of this class of complaints involved, at least in part, concerns about the sexualising effect of certain material on children. Whilst a search of the ASB's complaints archives on the term 'sexualisation' shows only 10 complaints involving sexualisation since 2003, it is clear that many other complaints relate to this issue without using the term 'sexualisation'. For example, a search on the term 'children' returns 41 pages of complaints.<sup>21</sup> Among these can be found complaints that are based on grounds of sexualisation of children as defined for the purposes of the inquiry. Complaint 73/99, for example, clearly concerns the effects of sexually suggestive material on children during a program and time likely to include children as the relevant audience.<sup>22</sup>

5.44 Furthermore, the committee notes that complaints concerning the sexualisation of children appear under the category of 'Discrimination or vilification' (section 2.1 of the Ethics Code). Complaint 130/08, for example, clearly concerns the effects of sexual innuendo and sexual objectification of women on children,

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19 ASB, *Submission 89*, p. 3.

20 *Ibid* p. 4.

21 ASB, [http://www.adstandards.com.au/pages/casestudy\\_search.asp](http://www.adstandards.com.au/pages/casestudy_search.asp) (accessed 2 June 2008).

22 ASB, complaint no. 130/08, March 1999, [http://www.adstandards.com.au/pages/casestudy\\_search.asp?keyword=children&PageIndex=37](http://www.adstandards.com.au/pages/casestudy_search.asp?keyword=children&PageIndex=37) (accessed 2 June 2008). See also, for example, CRN 173d/06 (May 2006) and CRN 16/08 (February 2008).

particularly young girls, in respect to a billboard advertisement to which children are obviously exposed.<sup>23</sup>

5.45 As noted above, complaints are an important indicator of community attitudes towards particular advertisements or classes of advert. Thus it is important that there should be a clear indicator of the number of complaints that relate in whole or in part to children.

### **Recommendation 9**

**5.46 The committee recommends that the Advertising Standards Board produce a consolidated half-yearly list of all complaints, including those received by 'phone, where the impact of an advertisement on children, however described, is a factor in the complaint.**

#### *Board determinations and enforcement processes*

5.47 The board is able to uphold or dismiss a complaint. The board may also decline to consider a complaint if it believes that it is outside its jurisdiction or is trivial. Board decisions are confirmed by vote requiring a simple majority. In reaching a determination, the following factors are considered:

- the complaint;
- all relevant advertising and marketing communications submitted by the advertiser or marketer;
- the advertiser or marketer's response, if any;
- all relevant provisions of the codes; and
- any other relevant supporting materials, representations or submissions.<sup>24</sup>

5.48 Advertisers or marketers are usually informed of a board determination within 12-14 days. Where breach of a code is found, the advertiser or marketer is asked to modify or discontinue the advertising or marketing communication within five days. If there is a failure to comply with or respond to such a request, the board will pursue the following options:

- refer the determination report to a government agency (where appropriate);
- include the advertiser or marketer's failure to respond in the case report;
- forward the case report to media proprietors; and
- post the case report on the ASB's website.

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23 ASB, complaint no. 73/99, May 2008, [http://www.adstandards.com.au/pages/casestudy\\_search.asp](http://www.adstandards.com.au/pages/casestudy_search.asp) (accessed 2 June 2008).

24 ASB, [http://www.adstandards.com.au/pages/images/Complaints\\_%20process.pdf](http://www.adstandards.com.au/pages/images/Complaints_%20process.pdf) (accessed 20 June 2008).

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### *Review of board determinations*

5.49 Both complainants and advertisers or marketers can seek review of board determinations on three possible grounds:

- that new information has become available;
- that there is a substantial flaw in the board's decision; and
- that there was a substantial flaw in the process by which the decision was made.<sup>25</sup>

5.50 Requests for review are considered by an independent reviewer, who must make a recommendation to the board within 10 days as to whether a review should be undertaken.

5.51 A small proportion of complaints made are actually upheld. Excluding complaints that are outside the board's jurisdiction and those that are withdrawn, approximately 15 per cent of complaints were upheld in 2007; although this figure was considerably higher than for the previous three years, in which approximately five per cent were upheld.<sup>26</sup>

5.52 The committee notes that, although there is an apparent lack of penalty or powers to enforce board determinations, the industry's compliance with instructions to modify or take down advertisements found to have breached the codes is excellent. There has been only one instance of a product advertiser refusing such an order, and in that case the offending advertisement was in any case removed by action of the company that controlled the advertising space.

5.53 Given the high level of compliance with board determinations, the committee sees little benefit in the board being granted greater enforcement or penalty powers. This would of necessity require significantly higher levels of legality and procedure. Such an approach would risk the introduction of additional expense and delay to the system for little discernible benefit.

### ***The ASB board***

#### *Function and composition*

5.54 The ASB board plays the central role in the regulation of advertising in Australia. Thus its appointment, membership and processes are of considerable importance. The inquiry received a number of complaints that the qualifications or interests of some board members reflect advertising and/or media industry interests too closely, and that the board was thus subject to 'industry capture'. It was felt that

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25 The independent reviewer process was introduced in April 2008.

26 ASB, answer to question on notice, 29 April 2008 (received 23 May 2008).

this may have arisen due to involvement of the Australian Association of National Advertisers (AANA) in the selection of board members.

5.55 There may have been some grounds for this concern in the early years of the ASB's existence, when the board's original membership was appointed by the AANA. However, the selection processes for appointments to the board described below appear to guarantee a membership that is both independent and broadly representative.

5.56 Operations of the board were also criticised:

[The board's]...problems include the voluntary nature of the participation of advertising agencies, the board's low profile, the lack of pre-vetting of advertisements, the lack of media monitoring, the weak code of ethics, the flawed complaints procedure, the flawed notion of community standards, inappropriate board composition, regulatory capture, flawed funding mechanisms, and the board's inability to punish recalcitrant advertisers.<sup>27</sup>

5.57 The ASB submission explains that the sole function of the board is 'to decide complaints about advertisements by applying the relevant codes'.<sup>28</sup> The board has 16 members who, according to the ASB submission, represent:

...people from different walks of life with a diverse cross-section of views and skills. It also represents a broad range of age groups and is gender-balanced.<sup>29</sup>

5.58 The ASB claims that board members are 'individually and collectively clearly independent of the industry'.<sup>30</sup> Mr Collin Segelov, Executive Director, AANA, asserted that, despite the AANA's role in establishing and corporate ownership of the ASB, it is 'managed at arm's length by its own administrative board and its own management'.<sup>31</sup>

5.59 The committee heard that board members must disclose any personal interests in a matter that is the subject of a complaint, and any conflict in their duties of loyalty and confidentiality to the board that might arise from other memberships or employment.<sup>32</sup> Members must withdraw from a determination or from their board duties where any such interest or conflict arises.

5.60 The rules governing the appointment of the board were revised in 2006 to 'ensure...board membership continued to be representative of the broad professional,

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27 Dr Lauren Rosewarne, *Committee Hansard*, 29 April 2008, p. 29.

28 ASB, *Submission 89*, p. 9.

29 Ibid. Attachment H to the ASB submission describes the backgrounds of current board members.

30 ASB, *Submission 89*, p. 9.

31 *Committee Hansard*, 30 April 2008, p. 81.

32 AANA, *Submission 89*, Attachment B, 'Advertising Standards Board Complaints Process', p. 6.

cultural and community interests in Australian society'.<sup>33</sup> New members are appointed for a period of three years and appointments are staggered to refresh the membership on a regular basis.

5.61 The ASB, which oversees the appointments process, seeks people who 'ideally have an interest in, and views on, advertising and community standards', while not being advertising insiders or experts. Members are intended to be broadly representative 'of the age, gender, cultural and geographic make-up of the Australian community'.<sup>34</sup>

5.62 The recruitment process for 2008 is managed by a recruitment agency and involves extensive public advertising seeking expressions of interest in becoming a board member. Applicants are required to submit a short response to the selection criteria set out in the advertisement and are chosen by a panel drawn from the ASB and the board. In selecting new members, the panel has regard to the overall make-up of the board and must seek to maintain the overall balance of its membership.

5.63 The ASB reserves the right to invite applications where it is considered necessary in order to retain balance on the board. Membership of the board 'comprises individuals who do not represent industry, consumer or special interest groups' and who have:

- ability to interpret codes;
- demonstrated involvement in the community;
- the ability to apply reason, commonsense and sensitivity when assessing a wide variety of material; and
- demonstrated ability to work as part of a team.<sup>35</sup>

5.64 The committee acknowledges that the recent reforms to board selection procedures to ensure a regular turnover in membership and community understanding, and to avoid any 'desensitising' of members, should ensure that the board is both representative and independent.

### ***Prevailing community standards***

5.65 The concept of prevailing community standards (PCS) plays a critical role in board determinations on complaints:

Advertising or Marketing Communications to Children must not contravene  
Prevailing Community Standards.<sup>36</sup>

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33 ASB, answer to questions taken on notice, 29 April 2008 (received 23 May 2008).

34 Ibid.

35 Ibid.

36 AANA, *Submission 89*, Attachment B (Children's Code), p. 2.

5.66 The AANA Children's Code provides the following definition of PCS:

**Prevailing Community Standards** means the community standards determined by the Advertising Standards Board as those prevailing at the relevant time, and based on research carried out on behalf of the Advertising Standards Board as it sees fit, in relation to Advertising or Marketing Communications to Children.<sup>37</sup>

5.67 The committee heard that PCS are not prescribed in a list or set of rules that describe what these standards are, but are intended to be reflected in the composition of the board. It is important to note that 'community standards' are a reflection of what people actually do—the language they use, the preferences they express by their actions, the television programs they watch, the products they purchase, et cetera—and are not an expression of how individuals or sections of the community might wish them to be.

5.68 The board's determinations on individual complaints are thus taken to be a contemporaneous expression of these standards. The underlying logic of this approach was explained by Ms Abernethy:

Community standards are always subject to change. I think to qualify or quantify a community standard would be a very difficult task. Also, different sectors of the community have different standards, so a prevailing community standard is a holistic approach rather than a factional approach.<sup>38</sup>

5.69 There is an element of confusion in this position—on the one hand community standards cannot be quantified or qualified yet on the other they are sufficiently clear to inform the board's decision making. Clearly more work needs to be done on the questions of determining and applying community standards.

5.70 The ASB advised the committee that a research project it undertook on the question of community standards found that the board was in fact out of step with the community in two areas, which included issues of 'sex, sexuality and nudity'. The project demonstrated:

...that Board decisions generally reflect community standards on the key provisions of the Ethics Code. However, the research also showed that the community is more broadminded about politically incorrect statements when used with humour, but were more conservative than the Board in their attitude towards sex, sexuality and nudity. Board members have embraced the community feedback and since the research was released at the end of 2007, Board members have taken the results into account in their consideration of complaints under the Code.<sup>39</sup>

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37 Ibid.

38 *Committee Hansard*, 29 April 2008, p. 13.

39 ASB, *Submission 89*, p. 10.



5.71 The committee supports Dr Rosewarne's endorsement of the use of regular research to inform the board's approach to making determinations:

I have suggested...the use of focus groups in order to gauge community standards, which is something that is done overseas and has not been done frequently in Australia.<sup>40</sup>

5.72 The various regulatory bodies in Australia employ a common approach, which recognises that community standards are constantly shifting and that, in order to have regard to those standards in decision-making, regulatory organisations must be engaged in constant monitoring, and must regularly test their decisions against, those standards. In evidence from the Classification Board some insight into the question of community standards was provided (see Chapter 4).

5.73 In its recent report on broadcasting regulation, the committee recommended that ACMA, in addition to its other research and testing of community standards, develop and conduct an annual poll on community standards with regard to the content of television and radio.<sup>41</sup> With greater uniformity in the various industry codes, such a poll could have general relevance across content and advertising in all media, particularly by exploring community attitudes to the issue of sexualisation of children.

5.74 The committee also took the view in that report that the business realities of commercial television meant that TV channels would inevitably push the limits of the codes in their pursuit of audience share and hence advertising revenue. The same consideration holds true for the advertising industry itself. The imperatives of getting attention in an ever more competitive market leads advertisers and their agencies to push the boundaries of what is acceptable.

5.75 There is some evidence that deliberately provoking public controversy in this way is, in a small number of cases, part of the advertising strategy. If an advertising campaign moves on to the news pages because the response to it becomes a story in its own right then the campaign's impact is massively increased.<sup>42</sup> Given these pressures, the committee believes that all regulators should be acting as a brake on this tendency by interpreting their own guidelines and community standards in a conservative way.

## **Recommendation 10**

**5.76 The committee recommends that the Advertising Standards Bureau consider adopting a process of pre-vetting advertisements either (a) at the**

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40 *Committee Hansard*, 29 April 2008, p. 30.

41 The committee's report, *Inquiry into the effectiveness of the broadcasting codes of practice*, was tabled in the Senate on 19 June 2008. It is available at [http://www.aph.gov.au/senate/committee/eca\\_ctte/broadcasting\\_codes/index.htm](http://www.aph.gov.au/senate/committee/eca_ctte/broadcasting_codes/index.htm) (accessed 23 June 2008).

42 Two examples of this are discussed in Lauren Rosewarne, *Sex in public: women, outdoor advertising and public policy*, 2007, pp 178-199.

**request of the advertiser where they are concerned that the content of the material may be pushing the boundaries of the codes or (b) where an advertiser or agency has regularly produced advertising material that has been the subject of complaints.**

5.77 The committee notes that the design/composition of the board in seeking/appointing members without specific industry expertise is a model also employed by, for example, the Classification Board. While the membership and decisions of the board may be criticised and contested, the approach is one that properly seeks to achieve a contemporaneous reflection of the diverse views that comprise prevailing community standards. However, there was evidence that demonstrated it is possible for the board to be out of step with those standards.

### **Recommendation 11**

**5.78 The committee recommends that, to ensure that the Advertising Standards Board is able to make determinations that are in keeping with prevailing community standards, the Advertising Standards Bureau should develop a formal schedule or process for community consultation, including the use of focus groups, and research to act as a benchmark for board determinations.**

5.79 Committee members raised with witnesses the question of seeking advice from specialists in child development when considering complaints about advertising directed at children. In general, the board does not seek expert advice, which is in keeping with the concept of applying PCS. The committee has also noted earlier in the report that research establishing clear causal relationships between particular content and harm to children is lacking.

#### *Billboard and radio advertising*

5.80 Complainants in submissions frequently referred to the difficulty of avoiding advertising considered inappropriate for children, particularly in the case of billboards and, to a lesser extent, radio. Billboard advertising is, necessarily, large, highly visible, designed to attract attention and placed where it will be seen by large numbers of people. It is also distinct from other forms of advertising in that it is, literally, 'in your face'. Magazines can be left on the shelf, radio and television can be turned off, but billboards in a heavily trafficked public area are very hard to avoid. Submitters to the committee and complainants to the ASB were particularly incensed when questionable billboard advertising was placed near schools.

5.81 As mentioned above, radio does not produce any programming for children and thus does not have G or PG restricted time zones. Thus advertising with a sexual or adult content may be heard at any time of the day. Complainants to the ASB acknowledged that they could turn the radio off but clearly felt 'ambushed' by advertising which contained offensive language or adult themes relating to men's sexual health (the most common complaint).

5.82 Billboard advertising as a source of children's exposure to sex-related messages and concepts was consistently raised in submissions to the inquiry. It might be argued that this type of exposure is not actually sexualisation of children but falls more in the area of exposure to offensive and inappropriate material. Nonetheless, it serves as an instructive case study.

5.83 Private submissions offered many examples of parents concerned by the exposure of their children to sexual innuendo and material contained in billboard advertisements. A particular aspect of concern was that, due to their high visibility and location in public spaces, billboards are essentially unavoidable:

...children...are forced to digest inappropriate messages simply on a trip to the local shops. One billboard screams out in giant letters "Want Longer Lasting Sex" and another depicts a 'soft' pornographic image regarding a drug for premature ejaculation.<sup>43</sup>

5.84 Dr Rosewarne characterised the problem as the forcing of billboard content on:

...a captive audience of public space users who have not chosen to see these images and who are in fact completely unable to avoid exposure to them.<sup>44</sup>

5.85 Dr Rosewarne explained:

...[people's] need to commute and our desire to participate in public life means that we...are faced with highly sexualised images that we did not solicit and which we are completely unable to avoid. We cannot turn the page or change the channel and we cannot avoid seeing these images. I identify this as a significant public policy concern.<sup>45</sup>

5.86 Many parents felt that such advertising effectively removes their ability to make and effect choices about their children's sexual awareness and development. Ms Gale offered the following example:

As I was wandering around the community, I was seeing billboards at the end of my own street which read 'Sex for life', 'premature ejaculation problems', 'erection problems', and it was a problem for me that my young kids were asking questions about male sexual dysfunction before I had even had the opportunity to discuss their own naturally emerging sexuality with them...<sup>46</sup>

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43 Sophie Eley, *Submission 1(a)*. See also Kym Keady, *Submission 53*, p. 1; Gerard and Andrea Calilhanna, *Submission 82*, p. 1-2; Rosalind Hecker, *Submission 88*, p. 1; Dr David van Gend, *Submission 119*, p. 1; Gillian Sofatzis, *Submission 125*, p. 2.

44 *Committee Hansard*, 29 April 2008, p. 28.

45 *Ibid.*

46 *Ibid* p. 13.

5.87 Complaints to the inquiry about billboard advertisements centred on those promoting the products and services of the Advanced Medical Institute (AMI), a company that specialises in the treatment of male erectile dysfunction. AMI's billboard advertisements are characterised by blunt references to sex and erection problems, including the terms 'erectile dysfunction' and 'sex'.

5.88 Dr Christopher Fenton, Senior Doctor on Staff, AMI, justified the blunt references used in AMI's advertisements as necessary to overcome both men's general disinclination to seek professional assistance for health matters and their particular reluctance to seek treatment for erectile dysfunction. He explained:

I do not think a proper census has been done, but only 11 per cent of sufferers seek medical help and that means 89 per cent do not...AMI gets men to act because of its bold messages which men do respond to.<sup>47</sup>

5.89 It should be noted that AMI's 'Corporate Adviser and major shareholder', Mr Richard Doyle, acknowledged that, with regard to a particular AMI advertisement:

I am not responsible for every ad that is done by the company. I do not like that particular advertisement. I do not think it is an appropriate advertisement. It is not one that is currently run, as far as I am aware, nor is it one that I believe should be run in the future.<sup>48</sup>

This suggests a degree of uncertainty in the company about what is and is not appropriate or necessary.

5.90 In answer to a question on notice taken at the Sydney hearing, AMI advised that the ASB received 211 complaints about AMI billboard advertisements in the 18 months ending 16 May 2008.<sup>49</sup> An example of one such complaint is ASB complaint 20/07, which concerned the advertisement mentioned in the quote reproduced at paragraph 5.83. Representative comments on which the complaint was grounded include that the 'blatant sexual content is offensive and inappropriate' and that it is 'not appropriate to plaster sex-related information on billboards, in front of our children'.<sup>50</sup>

5.91 In answer to these complaints, AMI submitted that to prevent the use of the word 'sex' on such grounds amounted to a form of 'censorship...[that denies] legitimate medical services to large numbers of men'.<sup>51</sup> He also pointed to the widespread use of the word in a forthcoming film title.

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47 Ibid.

48 Ibid p. 35.

49 AMI, answer to question on notice, 30 April 2008 (received May 23 2008).

50 ASB, complaint no. 20/07, [http://www.advertisingstandardsbureau.com.au/pages/casestudy\\_search.asp](http://www.advertisingstandardsbureau.com.au/pages/casestudy_search.asp) (accessed 5 June 2008).

51 AMI, answer to question on notice, 30 April 2008 (received May 23 2008).

5.92 Complaint 20/07 was dismissed by the board of the ASB. The following reasoning was provided as the basis of the determination:

The Board noted that the billboard did not contain any graphic images and that the word 'sex' was itself not offensive. ...the size of the billboard's lettering meant that the text of the advertisement would be more visible and hence would be confronting to some people. ...the Board expressed its view that this advertisement was at the 'higher end' of what might be considered acceptable by the Australian community.

On balance however the Board held that the advertisement was not insensitive and did not breach Section 2.3 of the [Ethics] Code [relating to sex, sexuality and nudity].<sup>52</sup>

5.93 The committee regards the ability of parents to make and effect decisions about their children's sexual development as justifying the application of stricter standards to billboard advertising in terms of language and concepts related to sex, sexuality and nudity. The real inability of parents to prevent the exposure of their children to billboard advertising would be a legitimate justification for the ASB and outdoor media advertisers and marketers treating this as a special case under the current system of self-regulation.

5.94 Because parents cannot physically control the exposure of their children to billboard messages in the same way that they can, for example, with advertising delivered by electronic media—such as television, radio or the internet—billboards are clearly a form of unsolicited material. In cases such as the AMI 'Want longer-lasting sex' billboard, where advertisements contain material that is likely to be at the 'higher end' of PCS, the standards should be interpreted to provide greater protection to children from exposure to material inappropriate to their age or stage of development.

5.95 One possible solution that has been suggested is the 'classification' of billboard sites so that sites likely to be viewed by children, particularly those close to schools, would be classified as G and would only display material that was wholly inoffensive. However, while superficially attractive, this proposal seems unrealistic because the whole point of display advertising is that it be positioned in a way that ensures it is seen by the maximum number of people. Thus all billboards can be assumed to readily viewable by children.

## **Recommendation 12**

**5.96 The committee recommends that the Advertising Standards Board rigorously apply standards for billboards and outdoor advertising to more closely reflect community concern about the appropriateness of sexually explicit**

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52 ASB, complaint no. 20/07, [http://www.advertisingstandardsbureau.com.au/pages/casestudy\\_search.asp](http://www.advertisingstandardsbureau.com.au/pages/casestudy_search.asp) (accessed 5 June 2008).

**material and the inability of parents to restrict exposure of children to such material.***Compliance with upheld complaints*

5.97 As noted above, the consequences of a complaint being upheld is a request to the advertiser or marketer to modify or discontinue the advertisement. The ASB submission notes that there has been only one case of an advertiser refusing to comply with such a request. Generally, given the costs involved in producing, for example, a television advertising campaign, the prompt compliance with ASB requests for advertisements to be removed suggests that self-regulation is taken seriously by the industry.

*Timeliness of complaints system*

5.98 Many submitters felt that the board takes too long to process complaints, which acts as a disincentive to potential complainants and effectively frustrates meaningful outcomes where complaints are upheld.

5.99 The committee heard that the board meets monthly, although it is able to convene where the secretariat considers that a matter must be urgently addressed. The ASB has provided the committee with a breakdown of the time taken to handle complaints that were upheld in 2007. In general, the time from a first complaint to a board determination is three to six weeks.

5.100 The figures also suggest that, where there are a large number of complaints, the matter is dealt with relatively quickly. For example, a motor vehicle advertisement which attracted the highest number of complaints for the year 2007 was dealt with in 16 days; and two advertisements for a fast food franchise, which attracted the second and third highest numbers of complaints, were dealt with in 18 and 14 days respectively. These figures compare favourably with complaints resolution in other media.

5.101 The committee notes that advertisements continue to run while determinations are made, and thus it would be desirable if the timeliness of the system was further improved. The committee believes that the ASB should consider more frequent meetings of the board or arrangements for making determinations or convening remotely, particularly where the volume of complaints indicates a high level of community concern.

*Classification of television advertising*

5.102 Advertising on television is subject to the system of classification prescribed by the Commercial Code, which is based on the Office of Film and Literature Classification guidelines for its general categories: G, PG, M and MA15+. The Free TV Australia submission advises that:

All advertisements on commercial free to air television are classified and cleared by Commercials Advice...The advertisements are checked for

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compliance with a range of state and federal legislation and then classified under the Code of Practice. A placement code is assigned to each advertisement and this advises the broadcasters of the times of the day the advertisement can be broadcast.<sup>53</sup>

5.103 For a description and discussion of the classification system see Chapter 4.

### **Other issues**

5.104 The following issues, not covered by a particular industry code or complaints system, were raised with the committee:

#### *Availability of certain merchandise in unrestricted stores*

5.105 Ms Gale presented the committee with examples of merchandise with graphic sexual themes that are available from particular novelty or gift stores. These items included a blow-up doll and picture books describing various sexual acts and positions. These stores also contain products advertised for children. Such matters are clearly analogous to billboard advertising since they can confront children (and adults) with inappropriate or offensive material without warning. However, the committee understands that such issues come under state laws in relation to, for example, minor summary offences (Victoria).

5.106 Similarly the placement of pornographic material in newsagents or DVD rental shops, for example, is a matter for state regulation.

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53 *Submission 139*, p. 8.





# Chapter 6

## Education

6.1 This chapter considers, under term of reference (c), the potential role of school-based sexuality, reproductive health and relationships education in preventing and/or reducing the effects of inappropriate or premature sexualisation of children in the media.

### *Potential benefits of sexual health and relationships education*

6.2 Much of the evidence received by the committee went to the issue of education, and its potential to enable children to develop healthy sexual and emotional attitudes. Many submitters expressed the view that education is able to play a defining role in ameliorating or countering any harms that might flow from the premature sexualisation of children. Ms Amelia Edwards, who appeared before the committee in a private capacity, observed:

I think education is the first step. If we educate and empower our young children to make the right choices, to be able to differentiate between what is a healthy image or what is a healthy behaviour and what is not, then they will feel able to make those decisions for themselves...<sup>1</sup>

6.3 Ms Ann Brassil, Chief Executive Officer, Family Planning NSW (FPNSW), emphasised that modern conceptions of sexual education involve a broad set of aims and considerations, which seek to protect children from potential harms by enabling them to make informed and responsible decisions or choices about relationships and sex:

The focus of sexual education should be on healthy choices, healthy relationships and healthy decision making. It is not about the promotion of active sexual relationships...it is about getting kids from a very young age to start thinking about what are responsible relationships and how to start making responsible choices in an informed way about issues that are relevant to their lives...<sup>2</sup>

6.4 On the same point, Professor Anne Mitchell, Director, Community Liaison and Education Unit, Australian Research Centre in Sex, Health and Society (ARCSHS), observed that education can act as a valuable counterpoint to media influence:

...sex education...is inevitably a team activity. But there are good members of the team and less desirable members of the team. On the team for young children, the schools, the parents and the health authorities might be

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1 *Committee Hansard*, 29 April 2008, p. 53.

2 *Committee Hansard*, 30 April 2008, pp 3-4.

considered the useful partners; and then the media is an unhelpful partner, maybe even an undermining partner.<sup>3</sup>

6.5 Ms Kaisu Vartto, Chief Executive Officer, SHine SA, asserted that appropriate education, tied to a child's age and learning ability, could achieve significant health and wellbeing outcomes for children:

I believe, and research indicates, that the countries that have the best results in young people's health, wellbeing and safety—so if you are looking at rates of rape and sexual assault in children, for example—are those countries that have started off with comprehensive relationships and sexual health education, which in the early years is about 'my personal safety' and 'my personal rights'.<sup>4</sup>

6.6 Professor Mitchell agreed that sexual education should properly encompass a range of different objectives across the majority of a child's schooling:

...from a K-12 perspective, the primary objective would be to assist young people to understand their own sexuality...and to make good decisions for themselves in that territory. Of course, secondary things that fall out of that are the reduction of teenage pregnancy, the reduction in STIs, trying to get young people to delay the initiation of intercourse and then, when they do initiate intercourse, ensuring that they are ready and able to prevent some of the negative outcomes. If we look at it more in primary school, we would also have protective behaviours.<sup>5</sup>

6.7 Sexual Health and Family Planning Australia (SHFPA) also supported the creation of a system of 'comprehensive age-appropriate relationships and sexual health education programs in schools beginning in early primary years'.<sup>6</sup>

6.8 Professor Mitchell observed that sex education programs could enable children to more easily resist any compulsion or pressure to engage in sexual activity which might arise from the sexualising influences they are exposed to:

We have to allow...young people [who are not engaging in sexual activity] to live in a world where their behaviour is deemed normal, and [is] even desirable to a certain extent. It is becoming increasingly hard for young people, without the support of authority such as they would get in sex education in school, to feel that they can be abstinent or that they can initiate sexual activity later...<sup>7</sup>

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3 *Committee Hansard*, 29 April 2008, p. 82.

4 *Ibid* pp 79-80.

5 *Ibid* p. 83.

6 *Submission 90*, p. 4.

7 *Committee Hansard*, 29 April 2008, p. 83.

6.9 A number of submitters called for school-based sexual education programs to include a component dealing with the representation of sex and sexuality in the contemporary media and popular culture. On this issue, Dr Sally Cockburn, observed:

...one of my criticisms of sexual health education in schools to date is that it seems to be very much physiologically and anatomically based, and I believe one of the most important things that we need to teach young people is risk management, body image, understanding exploitation—all of those issues in the broadest sense.<sup>8</sup>

6.10 Similarly, Ms Jennifer Walsh, Education Officer, ARCSHS, observed:

We need to take the subject of sex in hand and critically interrogate all these different messages we get around us all the time—for example, the billboards that we now see on Punt Road and no longer just down in the red-light district. What do those images mean, and what do they mean for me? If I see a pornographic image, how does that relate to an ordinary, everyday person in a healthy, happy relationship? Ultimately, this is about being able to have non-coercive relationships and gain value and favour in the world as something other than a sexual creature.<sup>9</sup>

6.11 Professor Mitchell viewed 'critical literacy around the media as being a really important part of sexual health information', particularly given children's ready access to the internet:

...access to the internet means that we have got a kind of given territory that was not there before. There is almost a protective behaviours process to be developed around that, where young people are given an opportunity to understand what they are reading, what messages they are getting, what is a good internet site and what is a less useful one and what might be damaging, and to discuss some of that stuff in the classroom.<sup>10</sup>

6.12 Ms Amanda Gordon, President, Australian Psychological Society (APS), also endorsed the inclusion of media studies as a 'healthy way' of empowering children to critically evaluate the messages delivered via the media.<sup>11</sup>

6.13 Women's Forum Australia (WFA), however, was more cautious about the benefits of school based sexual health and relationships education, and called instead for a review to inform implementation and models of such programs. Ms Melinda Tankard Reist, Director, WFA, observed that the potential of education strategies to counter negative sexualising influences is not well understood. Equally, she felt there is potential for inappropriate programs or materials to contribute to any harms associated with premature sexualisation:

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8 *Committee Hansard*, 29 April 2008, p. 57.

9 *Ibid* p. 83.

10 *Ibid* p. 85.

11 *Ibid* p. 18.

...we need more of an understanding of the effectiveness of school based sexuality and reproductive health education in addressing the sexualisation of schoolchildren. I do not think we have a base point or a starting point to even say what should happen next, because I do not know exactly how the issue of premature sexualisation of children is being addressed in schools as it stands now.

So we have suggested there needs to be some kind of a review of school based programs undertaken to establish how many programs directly address the issue and give students the skills necessary to understand and contend with sexualisation in the media and popular culture.

We have suggested that the review should include an examination of whether age and developmentally inappropriate materials may contribute to the problem.<sup>12</sup>

6.14 Ms Gordon also identified the current understanding of the effectiveness of sex education as deficient:

...we need to know more about how talking about things at an age appropriate level will allow them to engage emotionally in a way that is developmentally growthful...<sup>13</sup>

6.15 She continued:

In Australia we lack significant longitudinal studies about a whole range of things that would help to inform us what is legitimate in the way we look at children. Starting by understanding how a nine-year-old now is different from a nine-year-old 20 years ago and finding out more about nine-year-olds in 10 years time would be extremely useful in informing us about educational policy et cetera.<sup>14</sup>

6.16 Professor Elizabeth Handsley, Vice President, Australian Council on Children and the Media (ACCM), also questioned the ability of education strategies alone to counteract the effects of the great amount of sexualising material to which children are exposed. She believed that strategies focused on regulation of advertising and media are therefore essential, observing:

The argument that we often hear about this issue is that it could be addressed by the provision of better, positive sex education for children. While I would not oppose that, I would question what kind of sex education program would be needed in order to counter the onslaught of messages and images that we see in the media...

The amount of resources that would have to go into anything that would be effective to counter the power of the messages that are coming out would be a misallocation of resources. I would suggest that there are far better

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12 Ibid pp 34-35.

13 *Committee Hansard*, 30 April 2008, p. 17.

14 Ibid.

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things that we could be spending our education dollars on than trying to undo the damage that has been done by the media in this field.<sup>15</sup>

6.17 Submitters and witnesses generally stressed the importance of parents in the sex education of children. Ms Gordon suggested that public information campaigns could be worthwhile in assisting parents with their own understanding of the operation of the media:

Parents have to know that it is okay to talk to their children about everything, but they also have to understand how to critically evaluate what they see...[The] problem is that parents were not taught to critically evaluate the media, so, when their children ask them to do it, they do not know how to; they cannot do it.<sup>16</sup>

6.18 Ms Gordon continued:

The Australian Psychological Society is convinced that, if we could support parents to talk about what they see and evaluate things themselves rather than just staring at the idiot box, then they are going to be better able to help their children. Parents who have a diet of soap operas and who are not critically evaluating what they are seeing on the television are not going to be able to help their children in their discussions and in their growth.<sup>17</sup>

6.19 Accordingly, the APS called for a national public education campaign designed to:

...increase adults' awareness of the risks of cumulative exposure to sexualising messages in our community, the importance of parents' monitoring their children's exposure to media and, more specifically, as a way of deliberately modelling how to develop skills in critically viewing media.<sup>18</sup>

*The current approach to sexual health and relationships education in Australia*

6.20 The committee heard that Australia does not have a nationally consistent sexual health and relationships education program. SHine SA submitted that this represents:

...a serious imbalance between the profile, importance and resources invested in the selling of sex and that invested in dealing with the problems potentially caused by this promotion. For example, Australia is one of the last developed countries without comprehensive relationships and sexual

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15 *Committee Hansard*, 29 April 2008, pp 100-101.

16 *Committee Hansard*, 30 April 2008, p. 17.

17 *Ibid* pp 17-18.

18 APS, answer to question on notice, 30 April 2008 (received 30 May 2008).

health education programs delivered to children and young people as a part of the compulsory core school curriculum.<sup>19</sup>

6.21 Ms Brassil observed that, although there were examples of well-delivered sexual education programs across Australia, the lack of an agreed national curriculum resulted in disparate experiences and outcomes:

...there are vast differences in the experience of children in terms of their sexual health education, and in the experience of parents in terms of their access to sexual health education, and therefore in the impact of that on their healthy choice making.<sup>20</sup>

6.22 Professor Mitchell advised that comprehensive sex education programs are not well integrated into Australian schools funding and national curriculum standards and frameworks. Sex education is predominantly resourced by health departments. Limited funding restricts the scope and consistency of teaching programs.<sup>21</sup> Professor Mitchell described the teaching of sex education in Australian schools as 'very ad hoc', explaining:

There are some schools who do nothing at all, even though it is in the curriculum standards. They might cover a bit about puberty in a science class or they might have a bit of a pastoral care subject where there is one lesson that the school nurse runs on contraception or something like that. It is very easy to cover your bases with a one-off and tick the box that says, 'Yes, we have covered that bit of the curriculum.'<sup>22</sup>

6.23 Ms Walsh identified lack of teacher training as further contributing to unsatisfactory levels of sex education:

...the research overseas and locally shows time and again that the reason that teachers do not teach sex ed is that they do not get any training; that the principals are reluctant to take it on because they are concerned about the flak that they will get if they start teaching it...[Again,] we need to see it as part of a department stamped part of education.<sup>23</sup>

6.24 SHFPA also identified the role of 'trusted and trained teachers' as a needed improvement to the delivery of effective sex education programs in schools.<sup>24</sup>

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19 *Submission 39*, p. 2

20 *Ibid* p. 3.

21 *Ibid* p. 82.

22 *Ibid* p. 90.

23 *Ibid* p. 82.

24 *Submission 90*, p. 4.

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*SHARE program*

6.25 Ms Vartto informed the committee that, since 2003, her organisation, SHine SA, has run a sexual health and relationships education program, SHARE, which is targeted at years 8, 9 and 10 in South Australian secondary schools. The program is being expanded in 2008 to involve 60 per cent of South Australian secondary schools, from coverage of around 10 per cent previously.

6.26 SHARE was developed with La Trobe University. It is designed with a focus on 'education', 'prevention and early intervention', and includes:

...training of teachers to deliver the South Australian curriculum framework around relationships and sexual health, which is a direct model of the national curriculum framework.<sup>25</sup>

6.27 SHARE also involves parents in the broader aims of the program:

It is about parents talking to their young people. It is also about a school community ethos of developing respectful relationships and having knowledgeable young people who know about safe decisions and unsafe decisions and where they can go for assistance if they get themselves into a difficult situation.<sup>26</sup>

6.28 Ms Vartto emphasised that parents' involvement is a fundamental aspect of the SHARE program's design. Ms Vartto advised that parents are included on teams established to tailor the design of SHARE programs to the particular ethos and curriculum of individual schools:

...[The SHARE program] takes a whole-of-school-community approach...[which]...is about having trained teachers and involving parents...[We] assist each school to establish a student health and wellbeing team, which comprises teachers, school counsellors, parents, health services that are in that regional school community, and students. The student health and wellbeing team looks at things like the school ethos and looks across the broad curriculum areas to see how it might implement [SHARE] policy, for example, in that school.<sup>27</sup>

6.29 Research by La Trobe University had found positive outcomes for parents through the SHARE model of parental involvement. Parents' knowledge of SHARE subject matter and curriculum had improved their ability to effectively communicate with and educate their children about sex health and relationships:

...[SHARE] has subsequently been reviewed and very thoroughly researched by La Trobe, not only in terms of the impact of the delivery of the curriculum for young people but also in terms of the impact on parents'

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25 *Committee Hansard*, 29 April 2008, p. 68.

26 *Ibid* p. 69.

27 *Ibid* p. 74.

levels of comfort and knowledge about relationships and sexual health. It is about parents talking to their young people.<sup>28</sup>

6.30 The committee notes that this aspect of the SHARE program—whereby parents are able both to influence program design and to improve their own knowledge and ability to communicate around the subject of sexual identity and health—complements the repeated emphasis in this report on the critical role and responsibility of parents in their children's exposure to certain types of media and development.

6.31 The committee rejected calls for media information campaigns targeting parents because, on balance, it was felt that such approaches were unproven and unlikely to result in measurable benefits for parents and children alike. However, the committee feels that there are good arguments for the content and implementation of SHARE-type programs in the future to expand on the current involvement of parents in both the design and delivery of sexual health and relationships education in schools.

6.32 Significantly for the subject of the inquiry, the committee heard that the SHARE program involves 'media literacy training for teachers' that is specifically designed to counter the effects of sexualisation of children in the media.<sup>29</sup> Various forms of media are used as resources for this component of the curriculum, including magazines, 'video clips and general advertising'.<sup>30</sup>

6.33 In terms of the program's effectiveness, Ms Vartto explained that, despite the limited coverage of SHARE to date, there was some indication that it had had a positive effect on children's sexual behaviour since its inception:

A good indicator of the sexual health of young people in any country is the teenage pregnancy rate, and it is used as a major indicator in developed and developing nations. The teenage pregnancy rate in South Australia for 15- to 19-year-olds has reduced from 47.4 per 1,000 in 2002 to 36.1 per 1,000 in 2005. That is a significant reduction and it has occurred both in births and in terminations of pregnancy.<sup>31</sup>

6.34 Ms Brassil confirmed that pregnancy and abortion rates are meaningful indicators or factors 'in determining the effectiveness of sexual education'.<sup>32</sup>

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28 Ibid p. 69.

29 Ibid.

30 Ibid.

31 Ibid.

32 *Committee Hansard*, 30 April 2008, p. 4. Supplementary information provided by Ms Brassil cites research which demonstrates that comprehensive relationships and sexuality education is overwhelmingly positive in its outcomes, reducing the risk of pregnancy, vulnerability to sexual abuse and, in some studies, delaying the onset of sexual activity (SHFPA, answer to question on notice, 30 April 2008 (received 4 June 2008)).



6.35 In addition, Ms Vartto compared the average age of first intercourse in Australia to countries where comprehensive sexual health and relationships programs are in place. In the 1950s, the average age of first intercourse in Australia was 18; in 2005 it had fallen to 16. In Sweden, Finland and Holland the reverse had occurred, with the average age going from 16 to 18. Ms Vartto concluded:

So there is very good evidence out there that says, if you have a comprehensive relationships and sexual health education program in place in the country, it actually delays the onset of sexual activity.<sup>33</sup>

6.36 Professor Mitchell advised that the ARCSHS had evaluated the SHARE program as being 'very successful'.<sup>34</sup>

6.37 Concerning the acceptance of the program, Ms Vartto advised that, despite some initial controversy, SHARE is finding increasing support from, for example, Catholic schools. Principals surveyed by La Trobe University and the University of South Australia regarded share as a 'really good program'.<sup>35</sup> Professor Mitchell observed that SHARE 'seems to have widespread acceptance in the school communities, if not across South Australia as a whole'.<sup>36</sup>

6.38 The committee believes that the SHARE program and overseas experience amply demonstrate the benefits that can flow from sexual health and relationships education, both in encouraging responsible sexual behaviour and in equipping children to deal with the pressures placed on them in contemporary society. A vital component of such programs is education that enables young people to think critically about the media images and constructions that this report has been examining.

### **Recommendation 13**

**6.39 The committee recommends that state and territory governments, which have the responsibility for education, consider the introduction into all Australian schools of comprehensive sexual health and relationships education programs which are inclusive of both young people and parents, adopting a consistent national approach to the question.**

#### ***Television***

6.40 The Australian Children's Television Foundation (ACTF) identified the positive potential of television for education and socialisation of children:

Because of its ubiquity and influence, television is a powerful agent of socialisation. Recent research has suggested that viewing of children's programs with pro-social messages enhances children's own pro-social

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33 *Committee Hansard*, 29 April 2008, p. 77.

34 *Ibid* p. 84.

35 *Ibid* p. 76.

36 *Ibid*.

behaviour, understanding and managing emotions and learning interpersonal skills. A child's exposure to the medium can be a positive influence on his or her development of identity and sense of self.

Conversely...lack of access to television programs that depict positive and relevant representations of characters...is considered to be harmful to children...<sup>37</sup>

6.41 In relation to television, Ms Jenny Buckland, Chief Executive Officer, ACTF, emphasised the importance of the Children's Television Standard (CTS) requirements for the screening of P- and C-classified programs:

We cannot underscore enough how important we think it is that, in a media environment where children are exposed to so many different images, that they are exposed to, or have available to them, some content that reflects children being children and reflects to them our Australian culture, our values, our way of life and material that is entertaining to them.<sup>38</sup>

6.42 Ms Buckland continued:

It is not only about the important issue of protecting children from content that is harmful to them but also about promoting content for children that is positive and is advantageous for children to be exposed to.<sup>39</sup>

6.43 On the particular issue of sexualisation of children, Ms Buckland felt that it is important that such negative influences are balanced by the positive messages contained in Australian content created for children and family viewing:

We have all got a different view and a different tolerance level as to whether...[certain] content is sexualising children or sexualising them too early, but, if that is all that you see, that is obviously a really negative influence. If you do not see real children and real families, then you are missing out. We think that is what is special about some of the Australian content that is created.<sup>40</sup>

6.44 The ACTF suggested the establishment of a dedicated ABC digital children's channel (outlined at paragraph 4.60) as having the potential not only to educate children in its own right but also to integrate with government and/or school educational programs more generally.

6.45 The committee observes that education strategies appear particularly well-suited to Australia's main approach to regulation of advertising and media content standards. Systems of self- or co-regulation are not prescriptive of public tastes and community standards but instead seek to strike a responsible balance between the

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37 *Submission 55*, p. 1.

38 *Committee Hansard*, 29 April 2008, p. 43.

39 *Ibid.*

40 *Ibid* p. 49.

protection of children and the preservation of the individual's right to choose what they see and hear.

6.46 Well-designed sexual health and relationships education can equip children to contextualise and interpret the great variety of media and messages to which they are exposed. On this point, Professor Catharine Lumby, Director, Journalism and Media Research Centre, University of New South Wales, and Dr Katherine Albury, Postdoctoral Research Fellow, Journalism and Media Research Centre, University of New South Wales, observed:

Like other aspects of contemporary culture, sexuality is rightly the subject of vigorous inquiry and debate. It is important that children and young people's rights to age-appropriate sexual expression and learning are not undermined by the over-regulation of media content. It is equally important that mechanisms are in place to assist parents, educators, children and young people in understanding and discussing representations of sex, love and relationships in media and popular culture.<sup>41</sup>

**Senator Anne McEwen  
Chair**

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41 *Submission 146*, pp 3-4.



# **Family First**

## **Additional Comments**

### **Inquiry into the sexualisation of children in the contemporary media environment**

The Committee found significant community concern about the sexualisation of children. From parents, through to community groups, non-government organisations and expert bodies, there was agreement, backed by thorough research and evidence, that sexualisation of children is excessive, harmful, and must be addressed.

The Committee report acknowledges much of this concern. It states:

Regulation of children's advertising is also undermined by the strongly sexual character of all-pervasive adult advertising and media. Much of the evidence put to the inquiry confirms this analysis. Submitters and witnesses continually expressed concern about children's exposure to sexual and objectifying images in the media and society more broadly.<sup>1</sup>

In addition, the Committee acknowledges that commercial interests commonly seek to test the boundaries of regulations and standards in order to seek advantage in the market. For this reason, recommendations made in later chapters seek to improve regulatory complaints systems to ensure that parents and other individuals are able to contribute to the setting and application of the prevailing community standards by which media standards are judged.<sup>2</sup>

Advertising which targets children and presents inappropriately sexualised images helps contribute, cumulatively, to creating a climate which can lead to the abuse of children. This exploitative behaviour is having a worrying impact on the health and wellbeing of children. The sexualisation of children takes away their childhood and makes them vulnerable to exploitation in various forms.

Family First is concerned that the report has not adequately reflected these concerns and not provided recommendations strong enough to address them. While the Committee says a “precautionary approach” is justified<sup>3</sup>, it should have taken a tougher stand.

Family First is disappointed the views of Professor Catharine Lumby and Professor Alan McKee were prominent in the report. Professors Lumby and McKee are authors

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1 Paragraph 2.10

2 Paragraph 2.17

3 Paragraph 3.48

of *The Porn Report*. They questioned concern about sexualisation and characterised community concern as 'moral panic'.<sup>4</sup> But the Committee also heard from other experts that the sexualisation of children is a real problem.

Amanda Gordon, President of the Australian Psychological Society stated:

I am concerned because I see in my practice what I believe are the consequences of some of this overt sexualisation of girls. I see girls younger and younger becoming depressed. We see girls younger and younger being hospitalised with eating disorders and with concerns about their body and their self-esteem. We have heard the evidence about girls younger and younger being engaged in sexual intercourse, before they can possibly have a sensible definition of themselves as whole people, as real human beings, with the ability to make decisions and to understand what it means to say yes or no.<sup>5</sup>

The Australian Childhood Foundation also gave evidence that:

There is ample evidence of sexualised messages being presented to Australian children. Over the past two years, the Foundation has identified and publicly commented on advertising campaigns which have positioned children and young people in a sexualised fashion and promoted products which are associated with sexualised content to children ... it is our view that a contributing factor to the genesis of problem sexual behaviour is the increasing volume of sexualised imagery and themes available in popular culture and accessible to children.<sup>6</sup>

It is clear that a problem exists and should be addressed by the government and by other parts of the community.

### **Advertising Standards Board**

Family First is extremely disappointed - as will be those who have provided evidence of the many failures of the Advertising Standards Board (ASB) - that while recommending a more streamlined complaints system, the Committee designates this task to the ASB, along with Free TV Australia.

Both the ASB and Free TV Australia are industry bodies established by and representing advertisers and commercial broadcasters. Both industries have been reluctant to address the issue of sexualisation.

What is clearly required is an independent complaints handling mechanism, outside the industry body. The Committee report has not kept faith with the public, many of

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4 Professor McKee, Committee Hansard, 30 April 2008, page 106; submission 146

5 Ms Amanda Gordon, Committee Hansard, 30 April 2008, page 19

6 Australian Childhood Foundation, submission 109

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whom have complained about the ASB, by giving this responsibility to the very body which has come in for so much criticism.

As Dr Lauren Rosewarne, manager of the Centre for Public Policy at the University of Melbourne told the Committee:

My research identifies a series of problems with the operations of the board which contribute to the continual display of sexualised outdoor advertising images, as well as the continual dismissal of complaints about these ads. These problems include the voluntary nature of the participation of advertising agencies, the board's low profile, the lack of pre-vetting of advertisements, the lack of media monitoring, the weak code of ethics, the flawed complaints procedure, the flawed notion of community standards, inappropriate board composition, regulatory capture, flawed funding mechanisms, and the board's inability to punish recalcitrant advertisers.<sup>7</sup>

A clear case has been established for additional regulation. A body such as the Australian Communications and Media Authority (ACMA) should be given a more active role in receiving complaints and addressing the failure of industry self regulation.

### **Penalties and enforcement powers**

Family First is disappointed that the Committee report did not see fit to recommend penalties or greater enforcement powers for advertisers who are found to be in breach of advertising codes.

The report states that compliance rates are "excellent".<sup>8</sup> However this fails to take into account the fact that by the time the complaint has gone through the process, the ad campaign has often finished, as pointed out by Dr Rosewarne, in her evidence to the Committee.<sup>9</sup>

### **Advertising Code**

Family First is disappointed the Committee report has not taken on board numerous recommendations from concerned organisations for amendments to the Australian Association of National Advertisers' (AANA) Code of Ethics. The Code must be amended to incorporate and implement the concept of sexualisation, so that problematic advertising that can harm young people is able to be identified and stopped.

Amendments to the Code are crucial to ensuring industry is able to effectively address the problem and to demonstrate good faith participation in self regulation. Without

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7 Dr Rosewarne, Committee Hansard, 29 April 2008, page 29

8 Paragraph 5.52

9 Dr Rosewarne, Committee Hansard, 29 April 2008, page 31

such amendments the industry can continue to duck responsibility by refusing to acknowledge the extent of the problem.

The ASB should be required to focus on taking complaints seriously and apply an improved Code. Regular research such as that completed last year on community attitudes to ASB decisions should continue. However, the ASB must be committed to adjusting its decision making as a result of this research and also as a result of complaints.

Research in 2007 found the community indicated strong levels of dissatisfaction with the ASB's handling of matters of sexual content. Despite this, and despite admitting receipt of a very large number of complaints about the Nandos pole dancing ad, for example, the ASB continues to defend its decision. So far there has been only a minimal change in the ASB's treatment of sexual content or possible sexualising impacts.

### **Magazines**

The Committee recommends that publishers may wish to consider a degree of self-regulation by providing some reader advice on their covers indicating the presence of material that may be inappropriate for children. This is an improvement, but it does not go far enough as it avoids addressing inappropriate content in magazines marketed to children.

The report quotes a response to a question on notice from Pacific Magazines and ACP, publishers of Dolly, who state:

[In general the]...limited number of complaints [received] indicates that the vast majority of consumers have no concerns around their current ability to choose age-appropriate publications.<sup>10</sup>

The Committee should have asked how many pre-teen girls would even consider writing to publishers of magazines questioning inappropriate content for their age level. Quoting these comments shows a misunderstanding of the culture of childhood and adolescence.

### **Music videos**

Family First supports recommendation 3 calling for broadcasters to "review" music video classification, but would prefer the recommendation was stronger. Broadcasters have consistently demonstrated a reluctance to take action to protect children from the sexualising impacts and the strong sexual themes and messages in music videos.

Proper classification of music videos requires broadcasters to show some understanding of the likely effects on children and young adolescents.

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10 Paragraph 4.98



### **Critical media literacy skills**

A number of submissions called for programs to provide critical media literacy skills to enable students to assess advertising and media. They also wanted to see positive body image programs established in schools. The recommendation for a 'comprehensive sexual health and relationship education program' does not adequately capture this. The case has not been established that sex education is the best way to address the issue of premature sexualisation.

Proposals for greater implementation of comprehensive sex education programs are misplaced in this inquiry.

### **Conclusion**

This Committee report has not put forward the recommendations necessary to address the issue of sexualisation of children, which authorities worldwide have recognised as causing exploitation, harm and violence to children and young people. The better recommendations are not expressed strongly enough to make them effective. The industry has gotten off lightly.

The evidence for harm is now on the public record and Family First will continue to work to bring about the change needed in the long run.

Senator Steve Fielding  
Family First Leader



# Appendix 1

## Submissions

1 The committee received correspondence to its inquiry in the form of a standard letter. This correspondence was received from:

Anita Rujnic	Toni Lynch	Lianna Muscat
Tina Gray	James Armstrong	Rebecca Schultz
Corinne Grant	Melanie Penglase	Susanna Chase
Joanne Perrin	Jo-Lee Lane	Katrina McKay
Meagan Byrne	Felicity Clelland	Adrian Chase
Dave Annison	Wendy Van Ossten	Naomi Studach
Sandra Richardson	Kirsty Van Der Steeg	Tina Bakalla
Jasmine Lloyd	Sana Zreika	Hannah Ching
Melissa Lavender	Victoria Bennett	Lance & Fiona Drum
Julee Yelavich	Lisa Carr	Nicole Hart
Cynthia Watson	Victoria Lawson	Tracey Jenkins
Dale Clark	Linda Walshe	Lorraine Homewood
Rachelle Kenny	Christopher Huges-Gage	Julie Rochforte
Marcus Dustmann	Paul Pettitt	Gary Stewart
Beth Sadler	Jon Kenny	Elizabeth Holloway
Cathy Sandow	Arthur Cherrie	Cindy Cosar
Richard Hedley	Ann Aafjes	Amanda McQuarrie
Emma Ryan	Joanne Neil-White	Christine Barrie
Julien Chick	Karen Flavell	Kris Sokoloff
Crystal Scully	Karen Marsh	Christine Warner
Silvana Snaelli	Stephanie Stubberfield	Sonia Horsburgh
Kristene Pangilinan	Aiden Weir	Kimberly Naylor
Aimee Prenter	Andrea Darley	Belinda Wilson
John McPhee	Pamela Cox	Peter Uren
Aletia Summerfield	Alexander Pyke	Lily Peyroux Henderson
Garry Porter	Sharon Smellie	Vicki Gee
Bill Xintarianos	Maha Sawan	Andrea Tully
Madonna Hennessy	Melissa Clarke	Rochelle Boyle
Helen Preston	Catherine Carroll	Keren Baxter
Mark Tully	Deborah O'Leary	Tracey Poynter
Wanda Howard	Rachel Megow	Adam & Kim Kirk
Kathy Fowles	Russell Hunt	Lara Norman
Karl Martin	Wendy & Kai Nethercott	Heather Chambers
Annette Sims	Sue Mansfield	Luke & Anita Stanley
Dianne Graham	Maxwell Anderson	Debra Speers
Diane Hooper	Trevor & Joan Harslett	Janelle Henry
Debbie Lane	Elaine Cairns	Maria Brown
Jennifer Holmesby	Louise Taylor	Julie Hayes
Christopher Duggan	Jason Whitehand	Ruth Mitchell
Christine Kreutzberger	Carolyn Murray	Gordon Paterson
Julie Rietdyk	Anne Manning	Danae Andrawos
Glenn Oosthuysen	Janice Bade	Kim Oosthuysen
Margaret Walsh	Janelle Marsh	Leah Christie
Julia Groves	Jennifer Power	Brenda Foord
Kristy Davis	Danielle Edwards	Nicole Best
Rebecca Vidler	Monique Allerton	Renae Norris
Sharon Fittler	Jenny & Shane Russell/O'Brien	Jennifer Wilkinson
Dianne Greenwood	Gavin Maitland	Jennifer Peard
Tabeya Anyang	Clare Bowley	Nicholas Ioannou
Raelene Kuether	Shannon Maclarn	Grant Hodges

Therese Andrea	Jason Lancaster	Cheree McConaghy
Bradley Armstrong	Kaye McLeod	Eness Douglas
Lance Garrett	Stacy Bunney	Megan Carter
Jodi McGuirk	Win Beston	Peter & Janice Lonsdale
Leonie Oxley	Ian & Faye Bristow	Debbie Clark
Les Price	Sam & Liz Albrecht	Pauline Travers
Christine Hutchison	Gwen Simmonds	Sarah Ireton
Nicole Adams	Taryn Lee	Elvira Miano
David Hutchison	Dawn Mcalister	Suzanne Potts
Kathleen Graham	Chelsea Avietti	Judy Pullen
Kate Messenger	Sarah Edmonds	Louise Sharp
David & Roberta Field	Amelia Lloyd	Name Withheld
Melissa Hillery	Gary McCole	Pamela Hitchcock
Tim Bond	Barbara Sharp	Bernadette Mostyn
Kylie Weller	Deborah Graetz	Jennifer Beckett
Matthew Scott	Judith Wolski	Annemarie Comerford
Siti Zubaidah Hassan	Evelyn Patterson	Lesley Maxwell
Nicole Oakley	Rene Stansell	Tracey Ekeberg
Amy Dosek	Sonya Martyn	Amanda Smith
Richard Taylor	Moirra Wilson	Helen Young
Vicky da Costa	Lis Boyd	Carol Leslie
Susan Douglass	Anne Fletcher	Karen King
Patricia Mau	Lynette Purcell	Caryn Page
Allan Walker	Phillipa Taylor	Kylie Aldin
Patricia Jeffrey	Jacinta Donovan	Sally Nankiville
Jackie Reed	Anisha John	Tina Olsen
Maria Bothwell	Sonya Shipman	Sharon Dixon
Ebony Mychajlyk	Elizabeth Broadhurst	Lisa Turner
Cathryn Tully	Lindsay Sutton	Kathryn Berthelsen
Wendy Noble	Amanda Rogers	Barbra Kypriotis
Mike Kriewaldt	Dianne Lee	Karen Drough
Kylie Hooklyn	Marta Occhipinti	Angela O'Donnell
Beverley Healey	Shannan Flaherty	Peter Handy
Steve Dewar	Gloria Maloney	Margaret Taylor
Kristine Tsutsulis	Michelle Fisher	Josefine Blandford
Karen Hemmings	Pauline McGinnes	Sabine Dorn
Kellee Morris	Shirley Morris	Christine Pes
Karen Fogarty	Maree Hicks	Kylie Carr
Allison Maestas	Justine Smith	Susan Lanyon
Cathryn Metcher	Sheila Baldock	Kerry Young
Amanda Druce	Kelli Aitken	Matthew Blake
Lynda Ferguson	Lesley Button	Anne Lawlor
Rebecca Fransos	Anna Greco	Mary Bruce
Beth Ritchie	Craig Scott	Mike Cooper
Barbara Caldarola	Kath Pointon	Tanya Maxwell
Rae Askew	Chelsea Wright	Joanne Hackett
K & D McGiffen	Ian & Bridget Leneham	Catherine Player
Barry & Lyndell Krueger Thomson	Donna Duncan	Lisa Thomson
Andrew & Angela Wilcher	Lisa Jurd	Julina King
Max Hilbig	Kanathi Hogarth	Fatima Kahlil
Eiriol Davies	Justine Grant	Jennifer Peters
Jenny Graetz	Leanne Parnis	Dimitrios & Vera Kapos
Tracy Ehlers	Terri Trewin	Sharon Uthmann
William Felsch	Alex Kofler	Cheryl Dumas
Christine Torrance	Andrea Egan	John Evans
Glenda Green	Susan Taylor	Liesl Baldock
Janice Lewis	Chris Harmon	Stacey Radcliffe
Gabriella Sabatini	Peter Stanton	Amanda Jessamine
Lisa Venning	Victoria Mason	Jo-Anne Holmes
Lois Collinder	Arzu Issa	Bob Mitchinson

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Katherine Selkirk	Susan Thomson	Angel Washington
Laura Rigby	Georgina Bueti	Rebecca Trovato
Kathryn Humby	Dale Davis	Ally Paolino
Holanda Meurs	Sharon Barter	Reed Clark
Owen Ames	Heather Treloar	Robert Rothwell
Leonie Wyatt	Pamela Scarfo	Kerryn Suthern
Steven & Marcia Mudge	Ngairé Lowry	Monica Moss
Lynn Hucker	Louise James	Mary Kavanagh
Suzanne Karlsson	Melissa Weaver	Tina Booth
Yvonne Hughes	Elizabeth Robson	Sharon Johnson
Ebony Janz	David & Zoe Thwaites	Jane Catlow
Julia Cassidy	Deanne Hardwick	Fiona Lynch
Todd Williams	Katrina Williams	Theresa McCormack
Miriam Leary	Lynda Prowse	Naomi Struve
Sandra Currie	Samuel Brennan	Julie Savina
Mabs O'Brien	Susan Johnson	Rachel Simpson
Debbie Shumack	Vicki Bellette	Catherine Jordan
Jahna Bennetts	Georgette Courtenay	Janelle Duncan
Radmila Wright	Deborah Layton	Neil Biggs
Fiona Griffith	Julie Roese	Joanne Cooper
Linda Plunkett	Donna Baker	Sally Page
Gina Magro	Andrea Philipp	Christine Ferguson
Tracey & Colin Jenkin	Tabitha Pandey	Carol Grinter
Naarah Harrison	Lyndel McGorlick	Alison Bealing
Rae Bennett	Naomi Tempny	Yvette Kaman
Beverly James	Donna de Zoete	Sandra Barton
Shannon Bachelor	Nichole Lloyd-Jones	Michelle Elmslie
Stella Tsetis	Rita De Grandis	Shannon Vogt
Rebecca Jackson	John Southgate	Nicole Ye
Madeleine Ward	Nadene Flick	Elizabeth Franklin
Amy Dixon	Susan Sweeney	Tony McMahan
Carolann Williams	Karen England	Margaret Brady
John Prosser	Christine Mann	Christine Savides
Shane Pearson	Claudia Citton	Jackie Pritchard
Jacinta Evans	Kathryn Arnold	Stephanie O'Collins
Andrew McLean	Deborah Albrecht	Anne Last
Kate Tubman	Susie Richards	Sandra Rohde
Bill Brown	Ken Brown	Julie Brown
Karan Kennedy	Joel Muir	Youna Angevin-Castro
James Muir	Christine Muir	Ross Ramm
Dana Radisavljevic	Matt & Deb Long	Rebecca Toole
Suzanne Ellis	Sonja Heyne	David Annetts
Lyn Wood	John Wall	Judith Taylor-Wall
Tamara Mibus	Susanne Houlihan	Shane Drew
Trevor Templeton	Kristine Templeton	Brad Templeton
Marion Trabe	Joanne Somerville	Brendon Carroll
Sarah & Garry Grosvenor	Sarah Hayes	Davina Engelman
Kirstyn Justice	Marie Marendoli-Murray	Mary-Anne Kos
Shelley Tyson	Jessica Black	Julie Bridgeford
Georgina Piggott	Norm Jones	Natalie Buckle
David Lucas	Mandy McCarthy	Nicole Widdows
Lorraine Yeatman-Grant	Anne Turner	Lyn Cormack
Justine Cashman	Kerri Thomas	Dianne Redford
Annette Murphy	Michelle Stevens	Jan Forrest
Rachael Casey	Alice Solomon	Kirsty Findell
Sandra Eley	Robyn Flett	Catherine Layland
Jane Tibby	Carolyn Briggs	Alicia Hollingsworth
Amanda Rasmussen-Huang	Melissa White	Jaime Watson
Megan Rule	Kerry-Anne Hinchcliffe	Jim & Trish Lever
Christie McCreadie	Bettina Venner	Torsten Kofler

Jade Hudson	Donelle Hall	Nadine Brown
Tara DeVries	Sarah Dye	John Varley
Gaik Ong	Georgina Taylor	Lyn Robinson
Sonya Jorgensen	Yvi Leadbetter	Monica Nunez
Vincent Occhipinti	Fadwa Mollat	Emili Coppe
Brett Hohn	Peter & Jody McTier	Samantha Hohn
Michelle Neve	Stephen Venn	Cindy Palmer
Jillian Bonanno	Suzanne Lyon	Ramona Hamon
Eve Dembowski	Lorna Williamson	Noelene Bugaj
Bruce & Deborah Lloyd	Tania Force	Sevdalinka Zmejkovska
Nicole Hughes	Amber Siegersma	Daniel & Liz Brooke
Zoe Trudgeon	Narelle Elliott	Donna Shipway
Georgina Kirkpatrick	Caroline O'Donnell	Doug Beecroft
Vikki Anderson	Melissa Want	Fabiola Superina
Rajend Naidu	Mary Ross	Renee Bailey
Angela Fraser	Kate Bastian	Eric Walters
Barbara Petrie	Sarah Wilson	Raisa Silvonen
Mark McTier	Mike Cable	Ann-Louise Coulson
Fay Radford	Rina Aitken	Allison McKeon
Fay Radford	Rina Aitken	Allison McKeon
Melanie Price	Erin Berry	Belinda Cornwell
Samuel Upleger	Kevin McKenzie	Reanna Modistach
Maris Berry	Katrina Frazer	Neville McIntosh
Michelle Jeffrey	Evelyn Butler	Julette Kentish
Kelvin Hicks	Lisa Toso	Judy Avisar
Amanda Drury	Yolanda Charalambous	Shelley Wieden
Ana Sybenga	Marie Walker	Janice Kerrigan
Wendy Ferri	Jennifer Ward	Kylie Tytler
Fiona Fisher	Michael Mifsud	Karen Wilson
Bernadette Dutton	Kate Johnson	Lee-Anne Kupke
Kirstie Calder	Anna Koren	Rhonda Henry
Jacinda Barnard	Sally Balhorn	Terri Hardwick
Darren Saffin	Sarah Riches	Ingrid & Steve Hartog
Anita Gow	Felicity Polley	Angela Weeden
Deidre Petrakis	Name Withheld	Marie Bedggood
Gregory Brien	Judith Meiklejohn	Elizabeth Hutton
Cherie Clark	Kellie Noonan	Cherie Aston
Sonya Reid	Luke & Clair Haines	Joyce Mifsud
Dan Miller	Daniel Berris	Chantelle Withford-Cave
Sue Garrett	Gerard Bridgeman	Erica Burger
Mike & Tracey Paton	Angela Arden	Kelly Hartley
Michelle Bridgeman	Sacha Barry	Denise McNeill
Donna Caulfield	Amanda Galbraith	Heidi & Krl Kirsch
Vivien Ray	Angeliquen Williams	Dorothy Daniells
Cathy Brown	Sonia Lyne	Julie Kukainis
Greg Magee	Fay Magee	Fiona Ostoja
Jacinta Levy	Lisa Wynne	Ann Trojan
Rebecca Harris	Frederic Pomi	Darryl D'Costa
Peter Van der Linden	Leanne Hardy	Nada Previn
Di Davis	Walter Lago	Elke Gaarde
Geoff & Jo Baker	Debbie Edge	Lisa Trueman
Peter Morabito	Melissa McKain	Peter Elliott
Donna Margrie	Toby Marquette	Gary Decru
Lloyd Walker	Stacey Cheeseman	David Persson
Sandy Vassiliou	Cindy Masaberg	Trevor Prentice
Johan Svensson	Karyn West	Nicole Ovens
Dirce Walton	Leonie Lupton	Michael Lancaster
Louise Wynd	Dianne Odendaal	Karen Grice
James & Eva Van Strijp	Philip Ovens	Peter & Kerry Watson
Graham Clark	Sylvia Tucker	Jeannie Pegg

Sharole O'Hara	Terri Adorna	Melanie Hassall
Myriam Savides	Emma Baxter	Nona Adam
Fiona Darroch	Sally Rea	Nicole Hammerl
Aida White	Sumaya Ismail	Kristian Mathiopoulos
Ricky Murray	Christine Blakey	Lionel Lim
Matthew J Miller	Thomas Lowrie	Theo Maroulakos
Trista Connelly	Troi McColl	Bianka Basic
Georgina Swanick	Jessica O'Brien	Katelyn Brodie
Ben Prosch	Matt Edwards	Tracey Hilton
Roseanne Hansen	Jasmyn Martyn	Jessica Eastman
Jodie White	Lisa Rowswell	Bulaale Muuse
Teagan Romari	Emily Thurau-Clayton	Kirsten Shepherd
Israa Mahdi	Annie Wang	Fiona Arduis
Mohamed Abukar Sheikh Hussein	Geraldine Halliday	Felicity Whibley
Jodie White	Danny Moosa	Chee Cheong
Daniel Liang	William Servinis	Mohamed Kasim
Jayden Debono	Zeona Macointosh	Zaidon al Suhayli
Ryan Storey	James Roberts	Zoey Baritakis
Samantha Ratcliffe	Karen Brough	Larissa Patch
Anne Manning	Jenny Gerard	Francine Kyte
Helen Lindton	Fiona Turner	Kate Hoppe
David Francuz	Catherine Mary Ludeman	Kathleen Rawson
Diane Savage	Nadine & Russell Reynolds	Heather Morrison
Angela Leneham	Jennifer Tuke	Patricia Coloe
Judy Ward	Dwayne Keefe	Carolyn Scarpino
Chris Andrews	Mina Choubassi	Dana Hoppe
Katie Ward	Reina Michaelson	Astrid Heckler
Kirk Vagg	Deborah Mwayeya	Tess Blackwood
Mary Elias	Joanne Smyth	Margaret Macdonald
Michelle McDonald	Cecily Agnew	Zion Jang
Carly McGan	Colin Stubbs	Peter Drew
Jennifer Sykes	Patricia Sykes	Helen Rooke
Malia Sykes	Matthew Sykes	Lisa Ruigrok
Brian Symons	Kathryn Hobbs	Anna Martin
Julia Chai	Ian & Alison Gould	Louise Nott
Jane Munro	Elizabeth Branicki	Christine Maxfield
Fiona Long	Cherie DeVries	Linda Hartwig
John John	Clara Amonini	Ann Eldridge
Nell Hutton	G. Holding	D.L. Kelly
Amanda Varley	Alexandra Dumitrescu	Brett Coleman
Vishamber Pujari	Sarita Murphy	

**1a** The committee also received correspondence to its inquiry in the form of the same standard letter with additional individual comments.

This correspondence was received from:

Karin Arvidson	Shelley Wild	Julianne Valentine
Don Gillies	Kevin & Jenny McCoy	Deborah Van Keulen
Kylie Hyett	Annette Simpson	Brenda Bianco
Sally Joye Davis	Cheryl Gordon	Nicole Hyde-Giezekamp
Carolyn McMahan	Helen Rubin	Luise Hayes
Natalie Nekrep	Raelene Ramsden	Lynette Thorley
Jeynelle Grimshaw-Hughes	Karina Grundy	Debbie Charter
Robert & Denise Williams	Ruth Cox	Stephen Abraham
Sally Clark	Fay Williams Burton	Kathryn Whatmore
Susan Bogner	Patricia McQueen	Sally Linaker
Nona Westenrieder	Jodie Laphorne	Kellie Mahler
Rachel Grant	Nicole Cartwright	Lisa Bagaric
Brett Middleton	Ellen Choat	Melissa Neal

Gail Irvine	Pamela Mawby-Wilkinson	Tracey Morter
Leigh Winter	Amelia Jones	Bridie Hellings
Matthew Kaspar	Clare Chiarizia	Karen Hunter
Angelina & Talib Al Kaaby	Greg McKenzie	Lisa Botten
Alison McRae	Pamela Coulson	Natalie Sinn
Angela Hunter	Kerith Roby	Victoria Hay
Tony Mingo	Claire Brunner	Linda Mira-Bateman
Yvonne Dunse	Lynda & James Harris	Gwendolyn van West
Narelle Cullen	Peter Thornton	Rachael Flanagan
Bonita Kennedy	Amanda Daam	Sophie Eley
Jillian Whittaker	Nick Potten	Catherine Thompson-Boyd
Karen Brooks	Bernard Hemingway	Carlos Paciocco
Pauline Inglis	Luke Hutchinson	Tom Budahazy
Nick Crowther		
Jacinta & Nathan Peterson & Fitzpatrick		
Julie, Gordon, Jordon, Erin & Elyse McPherson		

- 2 Mrs Dhiree Raniga
- 3 Mrs Karen Trojan
- 4 Mr Stuart Torrance
- 5 Mr Ian Mitaxa
- 6 Mr Peter Van der Linden
- 7 Mr Lee Matthews
- 8 Ms Faye Galbraith
- 9 Ms Jacque Galloway
- 10 Ms Rachel Oliver-Peel
- 11 Ms Ethel Hotchkin
- 12 Ms May and Mr John Forrest
- 13 Ms Kim Burnet
- 14 Mrs Jan and Mr Kevin Lewis
- 15 Mr Sean T Cahillane
- 16 The Australia Institute Ltd
- 17 Ms Naomi Gloria Harley
- 18 Confidential
- 19 Name Withheld



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- 20 Mr Richard M Perin
- 21 Mr Graham and Mrs Carol Phillips
- 22 Ms Robyn Grace
- 23 Ms Kyla Miller
- 24 Mrs Denise den-Bakker
- 25 Commercial Radio Australia
- 26 Ms Bette Lyra
- 27 Ms Carol Keutmann
- 28 Ms J H
- 29 Mrs Leslie McCawley
- 30 Catholic Archdiocese of Sydney
- 31 Ms Margaret McDonald
- 32 Ms Nicole T G Bristow
- 33 Mrs Bernadette O'Connor
- 34 Ms Debra Black
- 35 Mrs Renee Leach
- 36 Mr Warwick and Mrs Josie Drew
- 37 Festival of Light Australia
- 38 Mrs Margaret Macdonald
- 39 SHine SA
- 40 Name Withheld
- 41 Open Doors Counselling & Educational Services
- 42 Mrs Cath Nohlmans
- 43 Mrs Maureen James
- 44 Mrs Eileen Hanrahan
- 45 Mrs Mary Flanagan

- 46 Ms Mary Harrold
- 47 Ms Leanne Nicholson
- 48 Ms Glenda Dennler
- 49 Mr Jonathan and Mrs Renee Dillon
- 50 Mr Alan and Mrs Susan Johnson
- 51 Mrs Norma O'Loughlin
- 52 Ms Mary Carolan
- 53 Ms Kym Keady
- 54 Mr Brent and Mrs Kathy Ducker
- 55 Australian Children's Television Foundation
- 56 Mr Gerry Sertori
- 57 Dr Nicole Myers
- 58 Mr Peter Feltoe
- 59 Mr Ian Bell
- 60 Ms Anthea Patterson
- 61 Ms Pam Andreallo
- 62 Ms Myree Cabarles
- 63 Kids Free 2B Kids
- 63A Kids Free 2B Kids (Supplementary Submission)
- 64 Ms Grace Judd
- 65 Mrs Debbie Gadd
- 66 Mrs Corrina Fairweather
- 67 Ms Justine Edward
- 68 Australian Association of National Advertisers
- 69 Women in Sport Media Group
- 70 Mrs Jane and Mr Chris Clark

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71	Mr Peter Dolan
72	Mr Ken and Mrs Judy Seach
73	Mr Greg Byrne
74	Mrs Jill Ireland
75	Mr Peter Murphy
76	Bravehearts Inc
77	Tasmanian State School Parents & Friends Inc
78	Mrs Patricia Craven
79	Mr Trevor Thomas and Mrs Jude Powell Thomas
80	Ms Maurine Wearne
81	Mrs Rebecca and Mr David Field
82	Mr Gerard and Mrs Andrea Calilhanna
83	Ms Jolanda Challita
84	Mr Bradley Hooper
85	Mr Spero Katos
86	Commissioner for Children and Young People Western Australia
87	Ms Dina Fernandez
88	Ms Rosalind Hecker
89	Advertising Standards Bureau
89A	Advertising Standards Bureau (Supplementary Submission)
90	Sexual Health and Family Planning Australia Inc
91	Br Christopher Greck
92	Mrs Raema J Walker
93	Mr Paul and Mrs Brenda Hoffman
94	Family Planning Queensland
95	Mr Malcolm and Mrs Rosemary Pryor

- 96** Catholic Women's League Tasmania Inc
- 97** The Most Reverend Dr Philip Freier, Archbishop of the Anglican Diocese of Melbourne
- 98** Associate Professor Alan McKee (revised)
- 99** Ms Lisa Gaston
- 100** Ms Liz Spicer
- 101** Screen Producers Association of Australia (SPAA)
- 102** Child Safety Commissioner, State Government Victoria
- 103** Ms Louise Nott
- 104** Mr Fred and Mrs Mary Mauloni
- 105** National Council of Women of Australia Inc Ltd
- 106** Mr David Westaway
- 107** Mrs Lennyce Westaway
- 108** CWL Victoria & Wagga Wagga Inc
- 109** Australian Childhood Foundation
- 110** Ms Jenny McDonald
- 111** Australian Human Rights and Equal Opportunity Commission
- 112** Human Rights Commission
- 113** Media Standards Australia
- 114** Caroline House
- 115** Australian Psychological Society
- 116** Ms Catherine Bonner
- 117** Australian Research Centre in Sex, Health and Society, La Trobe University
- 118** Ms Katie Donovan
- 119** Dr David van Gend
- 120** Ms Lynette Cormack

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121	Dr Philippa Martyr
122	Dr Clare Boothroyd
123	Women's Forum Australia
124	Ms Dominica O'Reilly
125	Mrs Gillian Sofatzis
126	National Council of Women Tasmania Inc
127	FINRRAGE Australia
128	Australian Press Council
129	Ms Diana Plunkett
130	Pacific Magazines and ACP Magazines
131	Enlighten Education Victoria
132	Dr Sally Cockburn and Ms Amelia Edwards
133	Children's Rights International
134	Australian Publishers' Bureau
135	Ms Anne Kirkwood
136	Enlighten Education
137	Ms Tara DeVries)
138	Australian Subscription Television & Radio Association (ASTRA)
139	Free TV Australia (Revised)
140	Splash Consulting
141	Young Media Australia
142	Incest Survivors' Association Inc
143	Australian Christian Lobby
144	Parents for a Real Choice
145	Associate Professor Brian Simpson
146	Professor Catharine Lumby & Dr Kath Albury

- 146A** Professor Catharine Lumby & Dr Kath Albury (Supplementary Submission)
- 147** Australian Education Union
- 148** Mrs Helena Knox
- 149** Women's Action Alliance (Australia) Inc
- 150** Mrs Jo-Ann Murphy
- 151** NSW Commission for Children and Young People
- 152** Mrs Shirley Owen
- 153** Women's Health
- 154** Mrs Catherine Nunes
- 155** Names Withheld
- 156** Australian Family Association of Western Australia
- 157** Child Sexual Abuse Prevention Program (CSAPP)
- 158** Mr David Grincer
- 159** Australian Toy Association
- 160** Mr Nick Bellas
- 161** Rev. Peter Krigovsky
- 162** Australian Family Association
- 163** Mr & Mrs Mortimer Stamm
- 164** Mr John Gresser
- 165** Mr Hugh Wilson
- 166** Name Withheld
- 167** Name Withheld

## **Appendix 2**

### **Public hearings**

*Tuesday, 29 April 2008 – Melbourne*

#### **Advertising Standards Bureau**

Ms Alison Abernethy, Chief Executive Officer

Ms Simone Carton, Legal Research Officer

#### **Kids Free 2B Kids**

Ms Julie Gale, Director

#### **Women's Forum Australia**

Ms Melinda Tankard Reist, Director

#### **Dr Lauren Rosewarne (Private Capacity)**

#### **Australian Children's Television Foundation**

Ms Jenny Buckland, Chief Executive Officer

#### **Dr Sally Cockburn and Ms Amelia Edwards (Private Capacity)**

#### **SHine SA**

Ms Kaisu Vartto, Chief Executive Officer

#### **Australian Research Centre in Sex, Health and Society**

Professor Anne Mitchell, Director, Community Liaison and Education Unit

Ms Jennifer Walsh, Education Officer

#### **Australian Council on Children and the Media**

Ms Barbara Biggins, Hon. Chief Executive Officer

Professor Elizabeth Handsley, Vice President

*Wednesday, 30 April 2008 – Sydney*

**Family Planning New South Wales**

Ms Ann Brassil, Chief Executive Officer

Dr Devora Lieberman, President, Sexual Health and Family Planning Australia

**Australian Psychological Society**

Ms Amanda Gordon, President

**Advanced Medical Institute**

Dr Christopher Fenton, Senior Doctor on Staff

Mr Richard Doyle, Corporate Adviser and Major Shareholder

**Commercial Radio Australia**

Ms Sarah Herbert, Manager, Legal and Regulatory

Ms Emma McDonald, General Counsel, Austereo Group Ltd

**ACP Magazines Ltd and Pacific Magazines**

Ms Gemma Crisp, Editor, *Dolly*, ACP Magazines

Mr Adrian Goss, Corporate Counsel, ACP Magazines

Ms Claire Mullins, National Advertising Manager, Youth Titles, Pacific Magazines

Mrs Nicole Sheffield, Publisher, Pacific Magazines

**Classification Board**

Mr Donald McDonald, Director

Ms Olya Booyar, Deputy Director

**Australian Association of National Advertisers**

Mr Collin Segelov, Executive Director

**Dr Katherine Albury, Postdoctoral Research Fellow, Journalism and Media Research Centre, University of New South Wales**

**Professor Catharine Lumby, Director, Journalism and Media Research Centre, University of New South Wales**



**Associate Professor Alan McKee, Film and Television, Queensland University of Technology**

**Free TV Australia**

Ms Alina Bain, Director, Legal and Broadcast Policy

Mr James Poulos, Lawyer



## Appendix 3

### Tabled documents, additional information and answers to questions taken on notice

#### Tabled documents

Folder, containing extracts from assorted magazines, tabled by Julie Gale, Kids Free 2B Kids, 29 April 2008

Booklet, *Articles on objectification of women and sexualisation of girls*, tabled by Melinda Tankard Reist, 29 April 2008

Women's Forum Australia Magazine, *Faking it*, tabled by Melinda Tankard Reist, 29 April 2008

Article, *Sex in Public: Women, Outdoor Advertising and Public Policy*, by Lauren Rosewarne, tabled by Dr Lauren Rosewarne, 29 April 2008

Sexual Health Fact sheet 6, *Sexual knowledge and behaviours*, tabled by Ms Kaisu Vartto, SHine SA, 29 April 2008

Copies of letters from Rosemary and Jade, Copies of *Total Girl* magazine; No 59, August 2007 and No 68, May 2008 and copies of *Girlfriend* magazine: December 2006, January, March and May 2008, tabled by Ms Nicole Sheffield, Publisher Youth Titles, Pacific Magazines, 30 April 2008

Extract, Chapter 7, from *The Porn Report*, by Alan McKee, Katharine Albury and Catharine Lumby, tabled by Professor Catharine Lumby and Dr Kath Albury, 30 April 2008

#### Additional information

Commission for children and young people and child guardian:

Fact Sheet 1 - Reporting on issues concerning children and young people)

Fact Sheet 2 - Tips for children and young people engaging with the media)

Fact Sheet 3 - Tips for parents on photography of children and young people)

Fact Sheet 4 - Children and young people in advertising

**Answers to questions taken on notice**

Commercial Radio Australia (from public hearing, Sydney, 30 April 2008)

ACP Magazines Ltd (from public hearing, Sydney, 30 April 2008)

Advertising Standards Bureau (from public hearing Melbourne, 29 April 2008)

Pacific Publications Pty Ltd (from public hearing Sydney, 30 April 2008)

Free TV Australia (from public hearing Melbourne, 29 April 2008)

Classification Board (from public hearing Sydney, 30 April 2008)

Australian Psychological Society (from public hearing Sydney, 30 April 2008)

Australian Publishers' Bureau (from public hearing Melbourne, 29 April 2008)

Advanced Medial Institute (from public hearing Sydney, 30 April 2008)

Sexual Health and Family Planning Australia and Family Planning New South Wales (from public hearing Sydney, 30 April 2008) and attachment

Australian Association of National Advertisers (from public hearing Sydney, 30 April 2008)