The effects of Television & Multimedia on children & families in Victoria

Community Development Committee
Parliament of Victoria
October 1997
FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Inquiry into the Effects of Television and Multimedia on Children and Families in Victoria

October 2000

Ordered to be Printed

No. 49 Session 1999-2000
National Library of Australia

Family and Community Development Committee (2000)

Inquiry into the Effects of Television and Multimedia on Children and Families in Victoria

ISBN: 0-7311-8127-1

Cover Design:
ColorBox Design
252 Church Street
RICHMOND VIC 3121

Family and Community Development Committee
Level 8, 35 Spring Street
Melbourne, Victoria 3000
Phone: (03) 9651 3526
Fax: (03) 9651 3601
Email: fcdc@parliament.vic.gov.au
Website: http://www.parliament.vic.gov.au/fcdc

© State of Victoria
MEMBERS - 53RD PARLIAMENT

MR GEOFF G. LEIGH, MLA
CHAIRMAN
Member for Mordialloc

MR GEORGE SEITZ, MLA
DEPUTY CHAIR
Member for Keilor

MS CHRISTINE M. CAMPBELL, MLA
Member for Pascoe Vale

HON. DAVID M. DAVIS, MLC
Member for East Yarra Province

MR BERNARD T.C. FINN, MLA
Member for Tullamarine

HON. CAROLINE J. HOGG, MLC
Member for Melbourne North Province

HON. SANG M. NGUYEN, MLC
Member for Melbourne West Province

MRS INGA PEULICH, MLA
Member for Bentleigh

HON. JEANETTE POWELL, MLC
Member for North Eastern Province
MEMBERS - 54TH PARLIAMENT

MR HONG LIM, MLA
CHAIRMAN
Member for Clayton

MRS INGA PEULICH, MLA
DEPUTY CHAIR
Member for Bentleigh

MR BEN HARDMAN, MLA
Member for Seymour

MR DON NARDELLA, MLA
Member for Melton

HON. JEANETTE POWELL, MLC
Member for North Eastern Province

MRS GLENYYS ROMANES, MLC
Member for Melbourne

MR RON WILSON, MLA
Member for Bennettswood

STAFF

MR MARK T. COWIE    EXECUTIVE OFFICER
MR PAUL BOURKE      RESEARCH / EXECUTIVE OFFICER
MS JULIE BURNS      OFFICE MANAGER
MS LARA HOWE        OFFICE MANAGER
MS HELEN GWILLIAM   RESEARCH OFFICER
MS IONA ANNETT      RESEARCH OFFICER
Table of Contents

- Terms of Reference i
- Functions of the Committee ii
- Chairman’s Foreword iii
- List of recommendations v

Chapter 1 Social and Physical Development 1
- Introduction
- Health Dietary Issues
- Coordination Skills
- Replacement of Television and Multimedia for Other Activities
- Development of Intellectual Skills
- Limiting the Use of Imagination and Creativity
- Reduced Attention Span
- Development of Social and Inter–personal Skills
- Positive Social Behaviour
- Multimedia and Social Skills Development
- Families
- Entertainment Value
- Conclusion

Chapter 2 Multimedia and Education 33
- Introduction
- Role of Television in Promoting Learning
- Multimedia as an Educational/Learning Medium
- Media Literacy
- Conclusion

Chapter 3 Television and Multimedia Violence 67
- Introduction
- Prevalence
- Correlation
- Causation
- Context and portrayal of Violence
- Characteristics of Viewers
- Sexually Aggressive Behaviour
- Links with Crime and Offending
- Computer and Video Games
- Conclusions and Concerns
- Preventative Measures

Chapter 4 Access & Cultural Issues 97
- Introduction
- Regional Issues
- Impact of overseas content in television and multimedia
- Australian content in television and multimedia
• Multicultural content in broadcasting
• Cultural stereotyping in broadcasting
• Multicultural and multilingual content in multimedia

Chapter 5 Regulation of Film, Television and Multimedia Content

• Introduction
• The Classification System in Australia
• Regulation of Film and Videos
• Regulation of Computer Games
• Regulation of Television Content
• Film, Television and Multimedia Content Classification - Comparative Issues
• Convergence of Film, Television and Multimedia Technology

Chapter 6 Regulation of Online Services

• Introduction
• The development of a regulatory framework
• The Broadcasting Services Amendment (Online Services) Act 1999 (Cwth)
• Technical mechanisms for the regulation of online content
• States and Territories role in the regulation of online content

Chapter 7 Television Broadcasting

• Role of the Australian Broadcasting Authority
• Children's Programming
• News Programming
• Australian Content
• Digital Television
• Community Television

Chapter 8 Radio Broadcasting

• Introduction
• Program standards
• Youth radio
• Children's radio
• Digital radio

Chapter 9 Electronic Commerce

• Introduction
• Problems with E-commerce
• E-commerce codes of practice
• E-commerce security
• Victorian Government Initiatives
• Federal Government Initiatives
• Consumer Advice
Table of Contents

Appendices 243

- Appendix A
- Appendix B
- Appendix C
- Appendix D
- Appendix E
- List of Submissions
- List of Witnesses

Extracts from the Proceedings 277

Minority Report 279
Parliamentary Committees Act 1968

RENEWAL OF MATTER TO THE FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Order in Council

The Governor in Council, pursuant to Section 4F of the Parliamentary Committees Act 1968, renew the following terms of reference to the Family and Community Development Committee of Parliament for inquiry into the effects of television and multimedia on children and families in Victoria:

1. Examine the impact of television on relationships within the family, lifestyle and leisure patterns of families.
2. Examine the influence of television on the social and physical development and learning patterns of children.
3. Examine the relative usefulness of television in enhancing skills development within families, especially in relation to parenting and children with special needs.
4. Assess the likely impact on children and families of new and emerging forms of multimedia technology, including videos, video games and the internet and consider ways that this technology may enhance the well-being of Victorian families.
5. Examine the relationship between violence on television and violent behaviour within families.
6. Make recommendations to provide advice to families suggesting ways to use television to enhance the positive and minimise the negative effects of television on children.

Parliamentary Committees Act 1968

S.4ED. The Family and Community Development Committee is to inquire into, consider and report to the Parliament on—

(aa) any proposal, matter or thing concerned with the family or the welfare of the family;
(a) any proposal, matter or thing concerned with community development or the welfare of the community;
(b) the role of the Government in community development and welfare including the welfare of the family—

if the Committee is required or permitted so to do by or under this Act.
Chairman’s Foreword

I have great pleasure in presenting the Family and Community Development Committee’s Final Report on its Inquiry into the Effects of Television and Multimedia on Children and Families in Victoria. The Terms of Reference for this Inquiry was originally issued by the previous Government and as such the current Committee received a large amount of work completed by the previous Committee when the reference was renewed earlier this year. Given the vast amount of literature which exists on a wide range of issues surrounding multimedia, and television in particular, the current Committee owes an enormous debt and congratulates the previous Committee on the rigorous way it conducted the process of information collection. It is hoped that this report reflects favourably on their efforts.

The last decade of the last century witnessed a revolution in the development of technology especially related to information, communication and entertainment. In fact the rapid advances in the on-line environment coupled with the convergence of media have, in some cases, out paced the community’s preparedness. Important to the Committee’s considerations and evaluations has been an understanding of new technologies and mediums and their potential for future development. The Committee views multimedia technology, as an emerging and important industry an exciting medium for the exchange of information and a new and challenging source of entertainment.

The Committee has made strenuous efforts to keep up with this rapidly changing environment and hopes that this report can make a significant contribution to optimising Victoria’s ability to utilise the new technology.

The current pace of change also presents challenges for government, industry and the community. Notwithstanding widespread community support for the regulatory and classification system in general, the effectiveness of the current medium-based approach is likely to be challenged by the emergence of interactive multimedia and the increasing convergence of television and multimedia technologies. Consequently the present balance between government, industry and the community in identification and selection of appropriate content will shift towards a greater responsibility for the community.
Similarly, if the opportunities offered by the Internet and new multimedia technologies to those in rural and regional areas and to minority groups in society are to be fully realised, access to these technologies must be made equally available to all in these early stages of the online era.

The Committee recognises that the problems and disadvantages of television and multimedia are often discussed at length in research, the media and the community at large, yet it would like its Report to the Victorian Parliament to emphasise a range of practical and positive outcomes. For example, there have been substantial advances in communication and education that have come about as a result of skilful and appropriate use of the new technology. There is also the flexibility and availability of vast and accessible information resources that are proving to be beneficial to the whole community. This new millennium heralds an even greater reliance on information and multimedia technology and it is, in the view of the Committee, imperative that the impact of these is positive for Victorian children and families.

Hong Lim MLA

Chairman
Recommendations

Chapter 1

Recommendation 1: That the Victorian Government encourages the Australian Broadcasting Authority to review the frequency and the content of advertising during children’s viewing hours.

Recommendation 2: That the Victorian Government should consider re-introducing a television campaign encouraging healthy activity and exercise targeting both children and adults.

Chapter 2

Recommendation 3: That the Victorian Government commits the education system to increase students’ abilities to utilise information technology to maximise the benefits from the growth in this industry and create a platform for life-long learning.

Recommendation 4: That the Victorian Department of Education, Employment and Training takes action to enhance learning and teaching in science and technology to take greater advantage of emerging information and communication technologies to better skill Victorians.

Recommendation 5: That the Victorian Department of Education, Employment and Training ensures that students are aided in the development of skills to evaluate the veracity of information, opinion and argument on the Internet and the appropriate use of this information.

Chapter 3

Recommendation 6: That the Victorian and Federal Governments contribute to enabling more Australian based longitudinal studies to be conducted into the prevalence of violence on Australian television, the correlation between portrayed violence and levels of community violence, and the cause and effect relationship between high levels of violent television and violent behaviour.
**Recommendation 7:** That there be more Australian based longitudinal studies conducted into the effects of violent computer and video games on aggressive and violent behaviour.

**Recommendation 8:** A Television and Multimedia Education and Information strategy needs to be developed to assist parents, teachers and children to use television and multimedia with responsibility, enjoying the educational and entertainment benefits and avoiding the dangers. As a corollary, parents need to be informed of the importance of supervised Internet usage and the need for computer placement in an area of general access and monitoring in the home.

**Chapter 4**

**Recommendation 9:** That the Victorian Government promotes access to technology for the Victorian community, with due emphasis to rural and regional Victoria.

**Recommendation 10:** That the different sectors of the broadcasting industry in Australia, ie national, commercial, community and pay TV broadcasters, consider the development of a code of practice on the presentation of ethnic and indigenous cultures to avoid negative stereotypes and promote multi-cultural diversity and tolerance on Australian television.

**Chapter 5**

**Recommendation 11:** That cinema operators review procedures with regard to the policing of entry to film theatres in multiplex centres to ensure that the film classification system and age-based ratings are observed and enforced.

**Recommendation 12:** That the Office of Film and Literature Classification and retail outlets identify the sale of MA-rated games to under 15 year olds as a priority issue for industry training.

**Recommendation 13:** That all levels of government in association with the computer games industry promote the development of quality non-violent computer games in Australia.
Recommendation 14: That the Ministerial Council of Censorship Ministers reconsiders the introduction of an R18+ (Restricted) classification category for computer games.

Recommendation 15: That television broadcasters in Australia be encouraged to provide an early evening news service of interest to and accessible for children and young people.

Recommendation 16: That a uniform code of practice be developed across the free-to-air television broadcasting industry in Australia, applicable to both national broadcasters and commercial free-to-air licensees.

Recommendation 17: That the Victorian Government supports the provision of disabling devices to enable parents and guardians who wish to prevent unrestricted access to violent or otherwise unsuitable television program content to do so.

Recommendation 18: That the Victorian Government encourages the development of a classification and consumer advice system in Australia that is uniform across film, television and multimedia.

Recommendation 19: That a uniform film, television and multimedia classification system provides for additional graduated age-based classification categories, for example categories that are indicative of content unsuitable for those under the age of 8, 15 and 18 years.

Recommendation 20: That the Victorian Government encourages an inquiry into the implications of multimedia convergence on the existing film, television and multimedia classification mechanisms in Australia.

Chapter 6

Recommendation 21: That the Victorian Government commissions research to assess the economic impact of the provisions of the Broadcasting Services Amendment (Online Services) Act 1999 (Cwth) on Internet Service Providers in Victoria.

Recommendation 22: That the Victorian Government provides for development and promotion of an online educational package to
enable Victorians to access information and resources on Internet safety, filtering and labelling technologies, and Victorian Internet resources appropriate for families and children.

**Recommendation 23:** That the Victorian Government supports the development of uniform national offences for the publication and transmission of prohibited online material by users and content creators as a priority.

**Chapter 7**


**Recommendation 25:** That the issue of funding for the Commercial Television Production Fund is reviewed by the Federal Government as a possible means of expanding the production of quality children’s television.

**Recommendation 26:** That the Federal Government maintains adequate funding to the Australian Broadcasting Corporation (ABC) for the production of quality children’s programming.

**Recommendation 27:** That the Special Broadcasting Service (SBS) be encouraged to broadcast programming for children from non-English speaking backgrounds during school holidays and children’s viewing times.

**Recommendation 28:** The Committee supports recommendation 13 of the Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies Report on the Portrayal of Violence in the Electronic Media, and urges the implementation of that recommendation by television broadcasters.

**Recommendation 29:** That parents and families concerned about their children’s understanding of news and current affairs consider
encouraging their children to watch the ABC schools program "Behind the News".

**Recommendation 30:** The Committee recognises the work of the Australian Children's Television Foundation in the development and production of quality children's television and multimedia resources and recommends it receive the increased support of all Australian governments.

**Recommendation 31:** That the Australian Broadcasting Corporation seek to strengthen its relationship with the Australian Children's Television Foundation with a view to increasing the production of high quality children's television programming.

**Recommendation 32:** That the ABC, when permitted to use digital transmission capacity to transmit multichannel television programming, reserve one digital channel for State-based and regional programming.

**Recommendation 33:** That the cost to families of transition to digital television technology be considered by the Federal Government in its review of digital broadcasting legislation in 2005, and that these costs be factored into the final decision regarding the ending of the analog and digital television simulcast period.

**Recommendation 34:** That all broadcasters are encouraged to provide information and education on parenting skills and other family issues to the Victorian community.

**Recommendation 35:** That the Victorian Government encourages the Australian Broadcasting Authority to review what constitutes core family viewing hours so that the risks of children viewing inappropriate adult material are reduced.

**Chapter 8**

**Recommendation 36:** That research is commissioned in Australia on the influence of song lyrics on vulnerable members of the community, and the role they may play in depression and youth suicide.
Chapter 9

Recommendation 37: Australian on-line providers should be encouraged to adopt guidelines in relation to redress and complaint management which are clearly stated and available as part of their website.

Recommendation 38: Australian on-line providers should be encouraged to provide extensive and accurate information on the nature of their organisation, including where they are located and how they can be contacted.

Recommendation 39: The Committee supports extensive consultation on the issue of internet gambling to enable full consideration of the possible economic benefits, community concerns and regulatory issues associated with this industry.
CHAPTER 1
SOCIAL AND PHYSICAL DEVELOPMENT

- Introduction
- Health and Dietary Issues
- Coordination Skills
- Replacement of Television and Multimedia for Other Activities
- Development of Intellectual Skills
- Limiting the use of Imagination and Creativity
- Reduced Attention Span
- Development of Social and Inter–personal Skills
- Positive Social Behaviour
- Multimedia and Social Skills Development
- Families
- Entertainment Value
- Conclusion

Introduction

1.1 Public figures, the media, interest groups and a large section of the community argue that television is a contributor to almost every social evil from declining intellectual standards to the loss of "family values." Some educators have attacked the medium of television as fundamentally superficial and have argued that it encourages short attention spans and superficial thinking.¹

1.2 At the same time, the public relies on television for its news, its political information and its entertainment. Many people use the television news as their only source of information and trust in its veracity and with the advent of home video-recorders, videotapes of real events have become a new source of "truth".

1.3 The one thing on which the critics and defenders of television agree is that it is a central and pervasive part of modern life. Children can spend more time watching television than any other activity except sleep. Television has often been criticised for portraying the world unrealistically, in either overly positive ways or in excessively negative and stereotyped ways.² Whether or not television reflects our social system accurately, however, it is an important contributor to that system and it is a major socialising force in children's lives.

1.4 It is recognised that children are great behaviour imitators. Even infants as young as 14 months have demonstrated significant and deferred imitation of televised models.³ The
question has rarely been whether television is an influence, but in what way and to what extent it affects children. Consequently it is important, not only to examine television content but also to try to discover the nature and the degree of impact on children's cognitive, social and emotional development at all age levels. The television set is turned on for several hours a day in the average household (see Figure 1). Children are exposed to television from birth onward. It reaches children at a younger age and for more time than any other socialising institutions except school and the family.

Figure 1: Television Viewing in Australia
Minutes watched per Day/ Age in Years

1.5 Most people would agree that television as a medium is neither wholly good nor bad for children. Television can not be easily characterised nor its content simply categorised. Programming can be stimulating, creative and of high quality or it can be dull and badly produced; it can display positive social interactions among people, or it can portray violence and anti-social behavior. Children are often cognitively active when watching television. There is now a solid base of data showing that even very young children watch television actively. They attend when the content is comprehensible and interesting; they do something else when it is incomprehensible or uninteresting. They learn from television. When programs are planned and designed to teach, children can learn academic skills, information and social values. Even when programs are not designed to teach, children learn from them...
and sometimes what they learn is antisocial aggression or negative stereotypes. But children do not completely disengage in front of the set and evidence that television as a medium leads to problems of attention or learning is inconclusive.6

1.6 In general, the effects of television on viewers can be divided into two different types: 1) direct effects due to the content of what is seen (in the programs or commercials); and 2) indirect effects due to the activity of watching TV, regardless of what is being watched.

1.7 This second type of effect is very important, because it usually means that the more time children spend watching non-educational TV, the less time they are spending doing other important activities (like reading, talking with others, getting exercise, playing games, being outdoors, etc.). Many of the negative effects of TV, like lower reading scores, obesity and poor physical fitness, are associated with these indirect effects, as are bulimia and anorexia nervosa and other conditions associated with body image. This chapter begins with an examination of some these indirect effects but is limited by the submissions received by the Committee.

Health and Dietary Issues

1.8 Submissions to the Committee have expressed concern as to the effect on health and fitness associated with the high percentage of time spent by children in non-active leisure activities.7 Concern over a lack of exercise is compounded by the prevalence, particularly on television, of advertising for take-away/convenience food that occurs during children’s viewing hours.

1.9 Two primary mechanisms have been proposed to link television viewing and body fatness: reduced energy expenditure from displacement of physical activity and increased dietary energy intake, either during viewing or in response to food advertising. The available data suggest that both may play a role.8 There is some evidence that children who watch more television are less physically active, although associations are inconsistent.9 The results of the Third National Health and Nutrition Examination Survey, conducted in the U.S., found that children who watch television several hours a day are likely to be physically inactive and have a higher body weight and more body fat. Researchers analysed data from a survey of 4,063 American children taken between 1988 and 1994. 20% of the children participated in physical activity two times a week or less. 26% of the children watched four or more hours of television per day and these children had more body fat and weighed more than children who watched less television.10 Interesting results also come from a study of obese children and their parents, in which encouraging a reduction in sedentary behaviours (including
television viewing) led to greater weight loss than directly encouraging increased exercise. These findings may suggest that the presentation of a choice of options is more conducive to decreasing sedentary behaviour than directly promoting increased exercise.

1.10 Australian research indicates that students who are above average television viewers have poorer diet and are less likely to eat fruit and vegetables. The Australian National Health Data, Standard Fitness Measures indicate significant decline in adolescent fitness levels in the last 15 years. To take a few random examples, the average time for a 10 year old boy to cover 1.6 km in 1985 was 8.14 minutes, in 1994 the time was 9.58 minutes. A flexibility test conducted among 10-year old girls showed average extension of hands beyond the toes at 10.5 cm in 1985; by 1994 the figure had dropped to 6.3 cm. A quarter to a third of all Australian children are now classified as overweight with the figure increasing. The rate of diabetes has increased from 1% of the population in 1970 to an estimate of 5% in the year 2000. These findings have found some support in recent research undertaken at the Royal Children’s Hospital.

1.11 Although the causative link between television and multimedia associated inactivity and a decline in health and fitness is still uncertain, research has suggested that an individual’s metabolic rate is actually lower while watching television than it is when occupied in other sedentary activities such as reading. Interestingly, metabolic rates while using computers and video games are equivalent to low level physical activity.

1.12 On the other side of the energy balance equation, there is evidence that adolescents who watch more television eat higher fat diets and that high calorie food advertisements influence children’s snack choices and consumption. Young Media Australia, a national research and information service, argued that the majority of advertisements which children view (certainly during the off-season for toys) promote food products of low nutritional value. This is confirmed by other Australian research. The selling message for these processed foods is based on the appeal of “fun to eat” and gaining peer esteem. Children may interpret phrases such as “good to eat”, “fruit flavoured”, “containing fruit” as meaning good for you. It is these results that led the Australian Consumers’ Association to conclude that advertising during the afternoon and early evening “skews children’s knowledge about what foods are good to eat towards the very foods they should be eating least of.”

1.13 Despite the requirements set out in the Children’s Television Standards (which require that advertising for food products directed specifically to children may not contain any misleading or incorrect information about the nutritional value of the product), further
Australian research, which investigated the content analysis of advertising during children’s television, revealed that the overall dietary picture portrayed to children is poorly balanced and includes only a narrow range of foods: “Give-aways (20%) and messages relating to taste (16%) and fun (14%) were the main advertising strategies used to sell foods to children.”23 This gives rise to public debate over the message children are receiving about food, with the underlying premise being to ensure that advertising material directed to children is presented clearly and in a way which appeals to children.

Recommendation 1: That the Victorian Government encourages the Australian Broadcasting Authority to review the frequency and the content of advertising during children’s viewing hours.

1.14 Submissions to the Committee generally agreed that children’s participation in physical activity was largely the responsibility of parents and that there was a need to “encourage a balance in their children’s activities between physical and sedentary, noisy and quiet, inside and outside and so on”.24 The point was also made that this situation is not entirely new:—

What is the difference between children who are glued to books and are rather proud to be told that they are bookworms and those who are glued to computers or the television, provided that what they are watching is of reason or of interest?25

1.15 Submissions also argued that a rescheduling of popular children’s programming to “a fairly limited time slot” could counter the replacement of healthier recreational activities. It was also argued that multimedia technology is often chosen as a recreational activity by default—‘there is nothing to do’ and as a consequence the community needs to provide safe, low cost and accessible alternatives to television and multimedia. These alternatives could be promoted through multimedia:—yoga and aerobics classes available on TV; sports coaching classes incorporated into existing programs and information about activities highlighted during children’s viewing hours.26

Recommendation 2: That the Victorian Government should consider re-introducing a television campaign encouraging healthy activity and exercise targeting both children and adults.

Coordination Skills

1.16 Since the introduction of television there have been many critics who claim its influence on young people has led to a decrease in sports participation. Apart from the social,
personal and competitive qualities many people believe participation in sport instils, much has been said about the coordination abilities and motor skill development of young people in the 1990s. Some research has suggested that the use of multimedia technology has meant far less physical recreation and involvement in competitive sport for young people. As a corollary, this lack of activity has led to deterioration in a range of motor skills which develop normally through physical recreation. However, this research seems centred around the effects of television. Other researchers are of the view that multimedia technologies (in particular, computer and video games) have in fact had a positive impact on refining hand-to-eye coordination.

1.17 Better hand-to-eye coordination and visual spatial ability has been associated with increased video-game play. For example, research has shown that video-game users had better eye-hand coordination as measured by physical aptitude tests. Research has also shown a relationship between increased video game playing and improvements in manual dexterity and reaction time.

1.18 For a lot of children, a fascination with video games is a part of growing up, a phase that may correspond to an increasing development of sensory and motor skills. In a sense computer or video games respond to the evolving aptitude of the user—by engaging various levels and degrees of difficulty video games can improve the players hand-eye-ear coordination at a rate suited to the individual.

1.19 Submissions to the Committee recognised the potential of computer and video games to enhance the development of coordination skills:

Video and computer games can be acknowledged as a learning medium in that they do promote physical co-ordination skills. They also provide participants with a virtual setting, which has been trialed for learner drivers. This technique could be extended to other areas of learning.

1.20 However, increased participation in sporting activities was preferred and suggestions made to counteract the effect of inactivity were seen as having the additional benefit of development skills:

We consider that coordination skills are really important and recommend that the development of coordination skills could be promoted in the media by the inclusion of yoga, aerobics and sports programs in which active participation can form part of people’s daily lives. We believe that classes on television would go a long way towards enhancing coordination skills.
Replacement of Television and Multimedia for Other Activities

1.21 In addition to replacing physical activity, there is an argument that suggests valuable activities (such as reading, doing homework, outside recreation pursuits, and social interaction) are being replaced by multimedia usage. However the idea that television and multimedia replace alternative activities is not borne out by the evidence. When television was introduced in the United States and other countries, the most pronounced effect on time use was the reduction in the use of other media (such as radio and movies) that satisfy some of the same entertainment and informational functions that television serves. There is some evidence that television use may reduce time spent in leisure reading, but it is inconsistent.32 In addition there is anecdotal evidence that television viewing is being replaced by the use of newer forms of electronic media such as computer and video games and the Internet.

1.22 It has been argued that the major problem in making sense of this research is that the idea of replacement is too simplistic to explain the diverse reasons people use multimedia.33 Even when there are time trade-offs between television and other activities, the causal directions involved are ambiguous. Television may be the default, filling in time when there are few opportunities for other activities, rather than a force luring children away from alternatives.34

1.23 More importantly, people incorporate television into their lives in complex ways. Children often engage in a wide array of activities simultaneously, with the television a backdrop—playing, reading and socialising with friends and family. It has been proposed that television as well as other media can have a synergistic relationship, often complementing and reinforcing one another.35 A recent study has shown that the amount of time spent watching educational programs is positively related to the time children spent reading, being read to and being engaged in educational play activities. By contrast, there was an inverse relationship between such activities and time spent viewing general entertainment television.36 Hence the type of programming watched is of importance.

Development of Intellectual Skills

1.24 It can be argued that there are both positive and negative influences of television on children's intellectual development, but careful evaluation of the evidence leads to the conclusion that television as a medium does not have clear effects on patterns of cognition or achievement.37 Television can be a rich source of stimulating, entertaining learning opportunities, or it can be a means to simply occupy time.
1.25 The American children’s program ‘Sesame Street’ was not only unique in its popularity, it also initiated a research regime to evaluate the impact of episodes and inform future production. The Educational Testing Service closely monitored the first two seasons of broadcasting, conducting large-scale evaluations of what children in the target populations learned from viewing the program at home or in preschool. These evaluations produced solid evidence that children can gain knowledge and cognitive skills from well-designed television programs. Children who were encouraged to view ‘Sesame Street’ at home gained in basic literacy and numeracy as well as other skills considered important for school preparedness. These early evaluations were criticised, however, because they did not sample "normal" home viewing without intervention.

1.26 The U.S. Center for Research on the Influences of Television on Children has conducted two longitudinal investigations of young children's television use to learn more about what young children watch and how their choices affect development. Groups of children were followed for two to three years with parents keeping written viewing diaries or reporting the child's daily activities periodically, providing a record of all television that the child watched during selected periods. A program was classified as "child informative" if it was “designed for a child audience and if the production provided some evidence that it had an informative purpose (though it may also be entertaining)”. Children were tested both at the beginning and the end of the study period.

1.27 The first of these investigations, known as the Topeka study, was conducted in the early 1980s. The longitudinal data from this study provided evidence that natural home viewing of children's informative programming contributed to the development of children's intellectual skills. Children who were frequent viewers of ‘Sesame Street’ often between ages 3 and 5 showed more improvement in vocabulary than did infrequent viewers. This difference remained even when parent education and other social environmental variables were taken into account and controlled for statistically. Children who were heavy viewers of informational programs designed for children or for general audiences also performed better on pre-reading skills at age 5.

1.28 The second investigation, the Early Window Project, measured school readiness, letter and number skills and vocabulary. Once again, when performance on these measures was analysed in relation to viewing during the previous year, ‘Sesame Street’ viewers had higher scores than children who rarely or never viewed, even when demographic variables...
and the quality of the children's home environment were statistically controlled. The difference was greater for 3 year-olds than for 5 year-olds.  

1.29 By contrast, heavy viewing of programs for children and adults that were not intended to be informative was associated with poor reading skills and lowered attention spans. In the Topeka study, 5 year-olds who had been exposed to a lot of general audience entertainment programs showed poorer pre-reading skills than did low frequency viewers. Ironically, they were also less attentive to televised stimuli shown in laboratory tests and performed less well on tests of short-term memory. It has been argued that for these young viewers, "exposure" to general audience programs occurred primarily as a result of parents' and siblings' viewing choices. In effect, they had spent a lot of time in the room with television programs that they probably did not understand and in which they were not interested. The large amount of "secondary viewing" of adult programs reported for children in the Early Window study supports this interpretation. The older children and adults around them were engrossed in these programs, at least part of the time. The net effect was that television displaced more stimulating interactions with adults while children learned to treat television as a background and engaged in other activities.

1.30 By age 7, when the children from the Topeka study were in first grade, their earlier television viewing did not predict reading skill. Instead, reading skill was associated with earlier vocabulary scores and with early experience with using books, being read to and using print media. The amount of time that children spent in leisure reading was also measured; some educators believe that leisure reading is at least as important as early technical skill for long-term educational attainment. Children who were heavy viewers of cartoons and other children's entertainment programs in the prior two years were unlikely to spend much leisure time with books and print materials at age 7.

1.31 In the Early Window Study, the time use diaries also provided direct information as to how children occupied their time away from the television. There was a direct correlation between time spent looking at books or being read to and time spent watching children’s educational programs rather than adult programming or cartoons. This suggest that the benefits of educational television can be enhanced by experience with print media. Conversely, books and other print sources may be a less important part of children's everyday leisure activities when they watch a lot of cartoons and adult programs.

1.32 In summary, both longitudinal and experimental studies provide evidence that educational programs can enhance children’s intellectual skills and, by contrast, that heavy
viewing of cartoons and adult programming may interfere with acquisition of early academic skills.

**Limiting the use of Imagination and Creativity**

Firstly, please consider the problem of children spending far more time watching TV than they do reading or playing sport. The issue here is the almost certain mixture of good and bad programming that they will be subjected to and the passive nature of their situation in front of the set, possibly leading to the slow or even non-development of their own ideas and imagination.\(^{50}\)

1.33 It has been argued that as television supplies both visual images and auditory content it narrows the scope for imaginative involvement and the need to make inferences or extrapolations beyond what is presented. Once again it appears that the nature of the program is important. Studies have suggested that some programs designed to stimulate imagination and fantasy have been modestly successful.\(^{51}\)

1.34 As a corollary it has been asserted that auditory media or print demand greater imaginative involvement as the participant must generate their own visual imagery. However measures of imagination and creativity are almost all verbal. The converse argument, that television without sound, or at least without language would induce the viewer to generate verbal imagery, has not been made or tested.\(^{52}\)

**Reduced Attention Span**

1.35 Submissions and witnesses to the Committee have suggested that use of multimedia and television in particular has reduced children's attention spans.\(^{53}\) This has been confirmed by the experience of teachers and educators. Research has suggested that educational programs with rapid pace and short segments are processed at a superficial and largely perceptual level by young children.\(^{54}\) Thus even educational programs may cause children to become distractible, reducing concentration and attention. However the research evidence is inconsistent. Studies have shown that heavy viewers of educational programs are rated as being slightly better prepared for school and as having a more attentive positive attitude toward school than infrequent viewers.\(^{55}\) In one experimental study, children were shown programs with short, rapidly changing segments or programs with long segments. There were no differences between the groups on several measures of attention and task persistence in a post-viewing test of perseverance.\(^{56}\) However, these studies examine short-term effects and longitudinal studies need to be conducted to examine longer term effects.
Chapter 1: Social and Physical Development

1.36 Once again the content and form of the program seems to be of paramount importance in determining any effects on concentration and attention span. A study comparing educational with neutral programming suggested that children who were shown episodes of an educational program (Mister Roger’s Neighborhood) containing a story about characters who tried again after failures persisted with activities longer during classroom free play than children who saw neutral films.57

Development of Social and Inter–personal Skills

1.37 In recent times, there has been a great deal of comment on the affect of television on the development of social and inter–personal skills. Research has suggested that children with poor inter-personal skills show a significantly higher usage of television than children whose skills are more developed.58 In a study of 13-year olds, Dr Patricia Edgar of the Australian Children’s Television Foundation, found that children who had a low self-esteem were much heavier viewers of television than children who had a high self-esteem. Only 21.6% of those children with a high self-esteem watched more than 30 hours of television a week, compared with 48.8% of children with low self-esteem. Dr Edgar found that children with low self-esteem suffered from feelings of inadequacy that made it difficult to make and keep friends and to initiate other activities.59

1.38 Television can affect attitudes and behaviour in other ways as well. As children get messages of what to do, wear, feel and think, there are concerns in cognitive, affective, psychomotor and moral domains.60 One study, for example, warned about the possible effects of television viewing on feelings and sensations, judgment, levels of moral development, de-sensitisation, discussion of moral issues and others. Moreover, heavy television viewing may create passivity in which complex messages are not very effective.61 Finally, much incidental learning takes place as a part of the viewing experience and this may not be reflected immediately or directly in a child's behaviour.62

1.39 Heavy television viewing can also affect the quality of a child's social interaction63 and the specific programs viewed clearly affect the social interaction and toy play of preschoolers. In one study, for example,64 first graders who were heavy viewers engaged in less interpersonal play. As a corollary one researcher has mourned the demise of all of the old games, chants, rhymes and other forms of play that children engaged in for generations, that was part of their private world. She noted with sadness the spectre of adults teaching listless children how to play.65 This research noted further that parents report that their
children's playfulness and good humour and energy return when their television time is limited to 30 minutes per day.66

1.40 One study67 suggests that the level of interest a television program generates, directly affects the level of social interaction during viewing. For example the rapid visual and auditory sequences involved in cartoons attracted the most attention, with consequent decreased social interaction. Although “‘Sesame Street’ ” was visually attended to less than cartoons, it elicited the most verbal imitation and seemed to encourage social interaction and active play with toys, especially for boys. Situation comedies were visually attended to least and were also the least favourite program, but they involved social behaviour that was similar to that occurring during ‘Sesame Street’. Older children felt more positive about situation comedies, perhaps because they could appreciate the humour. ‘Sesame Street’ and situation comedies allowed children to divide their activity among the television, toys and peers and to remain active and involved. Only the cartoons led to them being "mesmerised" and to their stopping other interaction or involvement. Thus, the social context of television viewing varies with different programs, a finding that has important implications for monitoring children's viewing.68

1.41 Interesting research has been conducted into the effect of viewer identification with media figures (i.e. actors, presenters and personalities).69 One study noted that viewers become attached to media figures because they seem real and cultural cues are used to identify social situations, roles and personalities. Soap operas can provide viewers with a substitute family and social life and can ease loneliness.70 Research has described television programs as "collective daydreams" that interfere with private daydreams and fantasies and therefore make programs more significant.71 Viewers come to believe in the actors as the actual characters. Accordingly, viewers may even become interactive with the set and talk to it or throw things at it. They may identify with characters on the screen, or they may live vicariously through their heroes; and many television techniques are used to invite and even to force this identification. In fact, viewers may become involved with media figures even after the set is turned off. Identification can then influence goals, values and attitudes and thus have a significant influence on social behaviour.72

1.42 It has also been argued that television can foster emotional and personal isolation by substituting vicarious experience that seems like real involvement for first-hand knowledge and by providing escape or refuge for those who cannot cope. In addition, it may stunt personal responsibility by providing escape and relief from tensions and it may serve as a
"narcotic dysfunction". Television may exert its influence both through its content and through its displacement of a wide range of other activities that an individual could call on in future problem-solving situations.

1.43 Some preschool children talk to television characters and believe that television characters talk to them, in which case the television experience can serve as a limited form of social interaction. Nonetheless, television viewing is a less intensive kind of social contact for preschoolers than actual interaction with peers or parents and it may have considerable impact on their sociability by displacing other social activities and by interfering with the growth of certain skills necessary for the development of communicative ability.

1.44 Even infants respond to television's social stimuli by changing their vocal and visual behaviour. Research has pointed out an important feature of the social nature of television, however. Unlike social interaction with caretakers, during which infants can reach a high level of social control, television is a non-contingent stimulus. When infants apply the same behaviours used with their caretakers toward the television set, they are responded to by television's sounds and characteristics in a totally non-contingent way. What they do does not in any way affect television's response.

1.45 According to one study, we value private life as real life and television serves as our tie to the outside world; our private world is the central way we define ourselves and we use television to stay informed. Even after the set is off, images continue and persist: in discussions about television with family and peers and the influence television has on elements of popular culture. "Television symbolises reality so strangely because the images are extraordinary at the same time that they appear in ordinary settings". They have such a strong effect because they present to the viewer an understanding of the world and an entertainment format simultaneously.

1.46 Researchers have urged the study of personal scripts—those that involve individuals as participants—that are acquired from vicarious learning from television, to try to determine when and for whom television's implicit messages are internalised as scripts and acted upon. Even explicit messages can be missed, especially by children. However some children and even more adults may pick up implicit and unintended messages that are repeated frequently and some may be detrimental. Especially important are those that are related to vital decisions such as career choice or aspects of adulthood that might affect one's decision to marry, or to divorce, or those with an emphasis on health problems, such as alcohol and drug-
use decisions. Dr Anne Sanson (Associate Professor, Department of Psychology, University of Melbourne) also emphasised the importance of scripts:

Mostly children are not just imitating what they see on the screen but more active processes involving internalising scripts, sets of rules and procedures about how to respond to certain situations.

1.47 When researchers interviewed 500 mass communication professors regarding television's effects, they indicated that an increase in knowledge was the greatest effect, with influence also on buying behaviour, an increased need for immediate gratification, reinforced social values and teaching of stereotypes. They saw further effects in increases in aggression, curiosity, verbal ability and distorted political perceptions and decreases in attention span and creativity. The major variables to which these effects were attributed were the amount of time spent in viewing, the content of programming watched, the mental activity that accompanied it and the values and beliefs learned from parents.

1.48 Just as violence and horror can stimulate aggression and fear (see Chapter 3), portrayals of helpful, sympathetic, cooperative interactions can instigate socially positive attitudes and behaviour. In a recent review of a large number of studies, the author concluded that positive social television had at least as much if not more effect than violent television.

1.49 In the 1970s, several American studies were conducted to investigate children's responses to seeing ‘Mr. Rogers' Neighborhood’, a program that portrays positive interactions and adaptive ways of dealing with emotion. Preschoolers who watched the program showed increases in cooperation, helpfulness, ability to verbalise feelings, task persistence and imagination. Other programs have been designed to deal with such difficult issues as gender identity, divorce and alcohol and have proved successful in communicating important messages.

1.50 As discussed elsewhere in this report (see Chapter 4) analysis of television content suggests that the medium still perpetuates a high level of sex-role stereotyping, both in occupational choice and in other behaviours. Women tend to be under-represented and males and females are depicted in very different ways. Television does not appear to accurately reflect reality, either in demographic terms or in the nature of the portrayals. Similar findings have been reported for ethnic and racial minorities and for various age groups (see Chapter 4).

1.51 Developmental and gender differences, however, as well as children's own past experiences, their level of identification with television characters, the frequency of their
viewing and their families’ attitudes, all influence the impact that those portrayals actually have on behaviour. Television has been used successfully to counteract ethnic and gender stereotyping. Moreover, studies have shown that exposure to non-traditional or counter-stereotyped behaviour can effect attitudinal and behaviour changes, at least short-term ones. The long-term impact of such programs has not been established.90

Positive Social Behaviour

1.52 There is often a tendency in the media to concentrate on the negative aspects of television and neglect the fact that the medium can also be used constructively. It can counter negative racial and gender-role stereotypes,91 affect and teach positive social behaviour92 and act as a medium for highlighting community concerns and marshal community support for charitable and philanthropic action.

1.53 Research conducted both within and outside the laboratory has concluded that television can generate increased generosity, cooperation, and friendliness.93 Well-designed programming can teach children positive social behaviours including such attributes as helping, sharing, persistence, and tolerance of other points of view.94 Exposure of preschoolers to such programming has increased positive reinforcement and social interactions with others, especially in those preschoolers who showed little such behaviour initially.95

1.54 Specially prepared programs are not always necessary to bring about the effect, however. Modelling of interpersonal behaviours such as altruism and empathy can be incorporated into regular programming.96 Children also have shown cooperative behaviour following observation of just one episode of positive social behaviour in a commercial television drama97 and cartoons with a positive social message have produced positive behaviours in preschoolers.98 Discussions of complex issues and approaches to conflict resolution have also been successfully utilised in Australian drama.

1.55 Research has pointed to the importance of consistency within such programs of the plot and the characters. Attractive non-aggressive characters are more successful in conveying positive social behaviours99 and research suggests that effectiveness is diminished if discrepancies exist between the plot and the message or a character acts inconsistently with stated intentions.100

1.56 In a large scale analysis of previous research data it was suggested that the difference in the size of the effect between antisocial and positive social behaviours (and the more distinct effect for antisocial ones), was due partly to the fact that antisocial content is meant
to entertain whereas positive social content is usually didactic. It was concluded from this analysis that although there is some qualification regarding the effects of viewing violence on television, if the program is entertaining positive messages can be just as effective.  

1.57 The effectiveness of the program is also dependent on the extent to which viewers are able to identify with characters and issues. Factors that increase the positive social effect include vicarious identification, verbal labelling, rehearsal and role playing and the similarity of the television characters to the child viewer. Moreover, other research suggests that television influences viewers in proportion to the level of experience and familiarity with the concept under discussion. Thus, if a viewer has no familiarity with an issue, he or she will be affected differently—if the program has little effect on behaviour, it may be because viewers lack appropriate or relevant concepts in memory to which they could relate.  

1.58 In addition to the research discussed here much of the work on television and positive social behaviour has been done in relation to the development of critical viewing skills and is discussed further in Chapter 2.  

1.59 Although positive social programs may be effective questions arise as to the attractiveness of this programming when compared to alternatives. It is clearly possible to produce attractive positive social programs. The domestic and international popularity of programs produced by the Australian Children’s Television Foundation and contributions from both public and commercial broadcasters suggest that educational and positive social programs and entertainment are not mutually exclusive. Perhaps the current trend toward using educational and psychological consultants to monitor and advise on content will lead to even more programs with attractive and salient positive social behaviours that will be chosen by child viewers.  

**Multimedia and Social Skills Development**  

1.60 Millions of people communicate through electronic mail (‘e-mail’) with business colleagues, family and friends around the world and others use the public message boards to make contact with people who share common interests. Although the scope of these applications is somewhat difficult to define, as an educational and entertainment tool, users can learn about virtually any topic, undertake a course of study, or play an endless number of computer games with other users or against the computer itself. Accessing thousands of share-ware and free public domain software titles on-line enhances ‘user computing’.  

1.61 Children and teenagers get a lot of benefit from being on-line, but they can also be targets of crime and exploitation. In pursuing these new interests, children and young people
need parental/teacher guidance and common sense advice on how to be sure that their experiences on the Internet are happy, healthy and productive.  

1.62 Earlier research has suggested that some children and young people substitute use of multimedia (particularly the Internet) for social interaction, therefore precluding the development of important social skills and friendships, necessary for self-esteem and personal growth. 

1.63 A child’s or young person’s use of multimedia may also conceal underlying problems—for example, the young person may have an intellectual disability or learning problems that have not been identified. Internet or computer games can then become a means of escape or an avoidance of homework or a way of emotionally dealing with learning difficulties that are confronting that child at school. Depressed or anxious children may avoid social interactions with other children and further isolate themselves. Excessive multimedia interaction tends to be regarded as a solitary activity. 

1.64 It was suggested to the Committee that outcomes could be influenced by other factors. A balanced lifestyle is important to the child and family to avoid the potentially negative impact of multimedia. This includes the social isolation frequently associated with multimedia use. 

1.65 In this regard it was stressed that parents, schools and communities need to assume a greater role in the process of setting boundaries and creating balance in a young person’s life, to reduce the potential negative impact of multimedia. Values, including spiritual values and beliefs, were considered important in establishing a solid base for the young person’s life. 

1.66 Multimedia is a tool that adults can and should use wisely, including vetting programs carefully. Discussions appear to be crucial. Analogies were seen with content in other mediums:

Many feature films are violent. The Romeo and Juliet film is violent, but it raises many issues that young people grapple with. Those issues need to be explored at the right time in the developmental phase of the young person… Adults must carry the role of mentor. I found Dances with Wolves and Braveheart to be violent films. They are also two of the most popular films for young people, particularly boys. The concepts within both films are complex. They involve not only violence but also bravery, fighting for one’s principles, fighting for freedom, liberation, increasing tolerance and understanding and a sense of community. How would a young person fully comprehend all that was being addressed unless those issues were further explored in discussion?
1.67 This implies that teachers, families and relatives need to assume a greater role in the
development of children, particularly in terms of nurturing their spiritual values and morals
and providing understanding and assistance throughout their development.

1.68 The third issue concerns the role of the images, languages and stories that are
circulating within multimedia and their contribution to the development of personal identity,
values and an understanding of how the world works. Work in this area points to the subtle
ways in which the dominant patterns of seeing things and speaking known as ‘dominant
discourses’ work continually to shape values and identities. Computer games represent
particular values and ideologies and present certain versions of masculinity and femininity
and suggest certain solutions to problems. As such, they recirculate patterns familiar from
elsewhere, so that players find confirmation of certain ways of ordering the world. This
happens at a range of levels in the text, not just through the story line or the physical
appearance of the characters, but also through less visible features of the games. Research of
this kind looks at the complex ways in which the values and senses of identity of different
readers or players are affected by the games. However, to date such research is fairly limited
on computer games and tends not to differentiate between different groups of young people in
relation to age, gender, ethnicity and class–different interest groups having different needs
and the research tends to be very global.

1.69 The Australian Teachers of Media (ATOM) acknowledged some of the concerns
identified with multimedia usage, but in relation to de-socialisation or having students more
isolated through the use of technology their experience was the reverse:

I would have to say that certainly in schools our experience is exactly the opposite and we
have any number of examples of that. In fact, some of the exemplary uses that are
documented in CD-ROM and magazine form are students linking up around the world,
discussing issues that they probably would not have discussed, such as issues to do with
multiculturalism, Australian identity and environmental issues. It is a case of stopping
students rather than encouraging them.

1.70 ATOM also highlighted the use of multimedia content as a topic of conversation and
integration in itself:

What we forget to talk about with the videotapes they watch, the CD-ROMS they consume,
the games they play and their trolling the Internet is that those activities also provide a form
of communication for them with their brothers and sisters when they get home at night, or in
the schoolyard or university cafeteria. They talk about episodes of programs they watch on
television in the same way as my generation and yours talked about books or newspaper
articles they may have read.
Chapter 1: Social and Physical Development

1.71 It was also stressed that multimedia and television represent a new form of communication and language, different from what previous generations were used to. Children are not utilising the print media or written journals or texts to the same extent. They are using something more interactive and perhaps more powerful than the text on a page. However, from their experience in running the multimedia projects and awards, ATOM discovered that students still like to work with each other and use each other as actors and to collaborate for stagecraft and construction:

They relied on each other as a means of support, rather than the experts, when it was put together, because students were there most of the time. I tend to teach my tertiary students by putting them in an environment where they almost tutor each other and where they rely on each other for the expertise that goes with what they do.

1.72 Research has highlighted the marketing and the multinational economic dimensions of computer games. It locates computer games in a much wider context, and emphasises the way young people are caught up in the heavy marketing of games. It argues that games are themselves ‘cultural pedagogies’, and that as such the games teach young people to be consumers of amenable kinds. The research also suggests that in doing so, games promote and reinforce particular images and a structure of the way society is and should be organised. This effect ranges from the content and values of individual games, through to more generalised ‘messages’, such as heavy emphasis on material consumption, or the strong implication that responsible parenting is directly linked to computer based expenditure. A related issue concerns the flattening out and internationalisation of culture.

1.73 The role of images, language and stories circulating in society can shape individual subjectivity (that is, a sense of identity, values and an understanding of how the world works). Work in this area suggests that multimedia can be a very powerful influence in developing the value systems and shaping the behaviour of young children and adolescents.

Families

1.74 At the outset of the Inquiry, the Committee was interested in understanding the effect television has on the quality of family relationships and how it aids or restricts communication within the family. Studies have shown that children tend to watch more television in families where there is conflict between parents, between parents and children, or between parents’ expectations and children’s expectations. These studies suggest that heavy use of television can be a symptom of poor adaptation in children, with television being used by young people to escape the unresolved conflicts they are experiencing in real
life.\textsuperscript{125} This research, which includes a joint study conducted by the Australian Broadcasting Authority and the Sydney Family Development Project,\textsuperscript{126} emphasises the importance of parents in fostering the development of their children’s understanding of television content through inter-personal communications.

1.75 The Committee is aware that many parents take the opportunity to discuss and interpret the world with their children and that this can have a significant and positive influence over childhood development.\textsuperscript{127} As such, when parents and children watch television together the opportunity is provided for discussion of issues raised by children. This may mean a discussion, at the child’s level, of political or social issues covered on the news or discussions of why people act in particular ways as portrayed in ‘soapies’ or documentaries.\textsuperscript{128} However, many parents may have limited opportunity for such activity due to work constraints or language difficulties.

1.76 Parents can affect children's media use by setting an example, by exposing children to television, by watching with their children (or not doing so) and by encouraging or regulating their children's viewing.

1.77 The home television is usually positioned in a central place in the home, such as the living room, leading to a degree of shared viewing with children present when parents or older siblings can make programming choices. In the Topeka study, mentioned previously, amongst the 3 to 7 year-olds, a parent was present during the majority of time children watched general audience programs. Conversely, parents were present for about 25% of the time that children viewed programs designed for the family or younger viewers. These findings are supported by other research studies based on diary entries.\textsuperscript{129} Research also suggests that levels of parent/child co-viewing drop as children get older. One study of second, sixth and tenth graders found that parents only watched popular family programs with their children a few times a year.\textsuperscript{130}

1.78 Research analysing the nature of programs co-viewed suggested that the preferences of parents had determined the choice.\textsuperscript{131} The type of programs co-viewed were those likely to be selected by an older viewer irrespective of the presence of children.

1.79 These findings suggest that an early source of exposure to television is provided by parental viewing preferences which may also be formative in determining a child’s viewing habits. This conclusion tends to contradict the notion that early exposure to television and the consequent formation of viewing habits occurs in the absence of parental guidance. Amongst
younger children the majority of time spent viewing television occurs in the presence of parents rather than in their absence.

1.80 Program choice can also be influenced by the presence of older siblings. As mentioned previously, research suggests that the level of parent/child co-viewing drops as children get older. The viewing patterns of older children tend toward cartoons and situation comedies; thus research suggests that children with older siblings move away from educational programs earlier than those without older brothers and sisters.132 By contrast, children with younger siblings watch more programs designed for preschoolers than do those who have no younger siblings.133

1.81 Co-viewing can, however, heighten a child’s appreciation and understanding of programming. Research has suggested that co-viewing with an adult can increase comprehension of educational programs134 and clarify misunderstandings over character and plot in dramatic programs.135 It may also provide a forum for mature comment and discussion of values beliefs and moral issues.136

1.82 There is, however, a tendency for parents to under-utilise these potential benefits. The time children spend watching children’s programming can be seen as an opportunity to minimise supervision and undertake other activities or as a substitute for shared reading.137 Research, conducted under laboratory conditions, suggests that conversation between parent and child decreases when the television is turned on compared to when it is not.138 This may be due to the nature of the program and the difficulty of maintaining continuity without a degree of concentration. The ability to interact may be increased by the newer forms of multimedia with the capacity to pause or stop.

1.83 The fact that the majority of programs co-viewed by parents and younger children are those that fit adult tastes rather than those of the child tends to be a function of circumstances and is not motivated by a parent's desire to share a learning experience. Children in some families spend a lot of time in the room with programming they do not understand or find interesting (e.g. news). Research has shown that as children get older and require less direct supervision they engage in activities of greater interest than programming they neither understand nor find stimulating.139

1.84 Research has also shown that parents are more likely to monitor the type of programs children are allowed to watch rather than the amount of time they spend viewing. Typically parents try to prohibit exposure to programming which includes scenes of violence and sexuality, horror and extreme language.140 The findings of Topeka study suggest that this
prohibition did not extend to programs considered by experts to be violent such as cartoons and adventure programs. The concern was centred around explicit violence and sexuality in naturalistic settings especially on PAY-TV.\textsuperscript{141} As a corollary many parents promote the viewing of educational programs and well produced and entertaining children’s programs.

1.85 The Topeka study identified four types of parental regime ranging from those who stringently regulated their children’s viewing to those who encouraged viewing. Over a two year period children’s viewing habits were related to where parents levels of regulation or encouragement fell within the four categories.\textsuperscript{142}

1.86 Children in families with low encouragement and high regulation were classified as Restrictive. These children watched less television overall than children in other categories with special prohibitions on cartoons and adult programming. However, they also watched less educational programming and were more likely to watch television in the absence of their parents.\textsuperscript{143}

1.87 Children in families with low encouragement and low restriction were classified as Unrestricted and had the least beneficial viewing pattern of all groups. They watched more television in general with the larger proportion spent viewing entertainment programming rather than child informative or educational programming. As in the previous category, a lot of viewing was done in the absence of parents where there was the possibility of watching adult programming without the benefit of parental mediation.\textsuperscript{144}

1.88 Children in families with high encouragement and low restriction were classified as Promotive. While they watched a large amount of television their viewing occurred in the presence of their parents and included high amounts of child informative and educational programming. Television was accepted as a family activity that could be used for positive purposes.\textsuperscript{145}

1.89 The final category Selective families both encouraged and regulated television. They were also characterised by a large amount of television viewing though not as much as the previous category. Children in Selective families watched a lower proportion of entertainment programming and a higher proportion of child informative and educational programming. These families were also positive about television and viewed as families, but they appeared to be somewhat more discriminating than Promotive families in their choices of programs for their children.\textsuperscript{146}

1.90 As previously mentioned parental regulation and encouragement probably becomes less effective as an influence on viewing as children get older. This research suggests that the
first five or six years of exposure to television could be important in the formation of many viewing habits and have a future bearing on the ways in which television is utilised.

1.91 The Catholic Family Association felt that the quality and nature of family life (as represented by the ‘sharing of common experience within the essential social building block of our culture’) was being diminished and damaged. This was seen as occurring through the increased level of unsuitable advertisements appearing during family viewing hours and programs that contain semi–pornographic or violent material–

With increasing frequency we are being forced to reduce the amount of television time which we ‘share’ and this is causing the early movement of our children towards other ‘opportunities’ for entertainment. In many instances these opportunities lack any adult ‘controls’ and carry a high risk (drugs, alcohol abuse etc.).

It was further argued that the advent of ‘Pay TV’ has exacerbated the situation by further reducing the level of general viewing/family shows (eg movies) and sporting coverage.

Unfortunately, while we sit on our hands and ‘cringe at the mention of censorship’ our youth continue to pay the price through behavioural patterns which no longer reflect that they feel part of our ‘fair go’ society.

1.92 The Australian Family Association believes that television/multimedia usage by families interferes with and disrupts inter-family communication.

There are available statistics that show that in many families, parent/child interaction can be measured in minutes per week. As every family knows only too well, television and multimedia intervene in the times otherwise used for communication. Finding solutions for this, other than parenting advice, will be problematic for government. Parenting courses may be a way in which government can assist.

1.93 One suggestion which was repeatedly made to the Committee was that multimedia, especially television, be used to promote good parenting skills. It argued that segments on popular infotainment programs could include advice for parents. Short clips included in these programs would gradually filter through to people and might address certain problems.

1.94 Programs, which show good relational skills and positive role models (between siblings and parents and children), were welcomed and were seen as beneficial to those families who watch pro-actively (i.e. engage in critical discussion). It was generally believed that TV/multimedia has potential either to benefit or be detrimental to family relationships with the major burden for determining this resting on parental ability to control viewing and access in their own family.
1.95 Multimedia can be used to extend the experience of cultural diversity and enhance tolerance and understanding about different cultural and religious practices and ways of life.\textsuperscript{151}

1.96 Submissions also stressed the need for parents to impart critical viewing skills to children:

Throughout the discussions a recurring comment was that parents must right from the beginning teach their children to be discerning about what they watch and for how long they watch. They need to be able to tell the difference between good and bad, fact and fiction and what is worth while and what is rubbish and it needs to be backed up by schools. In fact, schools come into this a lot because they are the other big user of technology and therefore parents see there is a partnership there. On the positive side, if parents and children watch television together it can bridge the generation gap and provide avenues for discussion on attitudes, values and personal behaviour.\textsuperscript{152}

1.97 Television was seen as a successful provider of entertainment and escapism for both children and adults; legitimate functions when used appropriately. It is important that access to TV and multimedia is available as a means of family interaction but such interaction has to be pro-actively planned and engaged in within the family because by default TV/multimedia is likely to stifle interaction between family members. There is a need to educate families in the use of television/multimedia as a source of family interaction encouraging planned viewing together and intentional discussion. One practical suggestion included the use of TV guides to publish questions which people could use as discussion starters for various programs and films that are televised.

\textbf{Entertainment Value}

1.98 The Committee is aware that television is one of the best entertainment mediums available. It is also one of the cheapest and, in most homes, it is the one most constantly available. Studies show that one of the most attractive things about television for most people, both children and adults, is its passive entertainment value.\textsuperscript{153}

1.99 The Committee is also aware that entertainment serves a valuable function in both personal and social senses. It is possible that it can be a stimulus for the imagination, the provider of essential relaxation time and an escape or temporary respite from the tensions of everyday life.\textsuperscript{154}

1.100 More importantly, submissions to the Committee stressed the relative safety of home-based entertainment and television and multimedia in particular—
The days of our children playing outdoors in streets or parks are slowly diminishing as the danger and safety factor increases. It is very sad, but our children play more inside the house today than yesteryear. Many families have computers and or video games and an increasing number of children choose to remain indoors to play on these.\textsuperscript{155}

1.101 For children and adults alike, the primary reason for watching television is to be entertained. The medium has always been strongly associated with relaxation, escape and lack of intense mental effort. Even if the content is well designed, children may learn relatively little from it because they do not engage in it seriously. Research has argued that the strong association of television with entertainment is a result of the ways society has chosen to use it, not of something inherent in the medium itself.\textsuperscript{156} Further, this research has shown differences between the ways television is utilised in different countries—American children, for instance invest less mental effort in processing television than Israeli children, presumably because television is more often a means of learning vital news or other information in that country.\textsuperscript{157}

**Conclusion**

1.102 Television as a medium is neither good nor bad; its effects and value depend on the types of programs broadcast and the ways in which they are used by viewers. Television viewing is not inherently passive. Children are often cognitively active while they view; they make choices about when and what to watch that depend on their understanding and interests. Nevertheless, in the early years, children's exposure to television depends most importantly on their families. In turn, family patterns can be affected by media usage and are partly governed by the social institutions and conditions in which they live.

1.103 The early years are a critical time for the socialisation of television viewing habits. Children learn about what to watch and how much to watch through the example set by parents, siblings and significant others. Much of their exposure to adult programs is a direct result of viewing choices by others in their families. Parents who are selective or restrictive influence their children's viewing patterns, but their own viewing also serves as a powerful model for their children. The popular view that heavy viewing results from parental absence or neglect seems to be misguided. Young children with employed mothers do not watch more than those whose mothers are at home full time and the majority of adult programming that young children watch is in the company of their parents.\textsuperscript{158}

1.104 Although families are crucial mediators of their children's exposure to television, their choices are constrained by decisions in the broadcasting industry about what to produce and broadcast and by the time requirements of jobs and schools. If television is to become a more
positive force for children's development, the industry has a responsibility for supplying varied, well-designed, creative programming rather than using children's programs primarily as marketing devices for advertisers' products. Parents, schools and childcare settings can also use television in positive ways to enhance development rather than ignoring television altogether or using it primarily for entertainment.

Endnotes

1  Ms Helena Bradley, St Monica’s School Submission #11; Dr Adam Graycar, Salt Shakers Submission #30; Mrs Gabrielle Walsh, Dandenong Ranges Steiner Pre-school Centre Submission #40; amongst many others.


7  Mrs Jenny Walker, Victorian Parents Council,  Minutes of Evidence, 8 February 1999


14  Mr Mike Fewster, Click on click Off Project, Submission #57.

15  Dr Melissa Wake, Director, Policy and Research Unit, Centre for Community and Child Health, Royal Children’s Hospital, Melbourne,  Minutes of Evidence, Monday 5 June 2000.


Chapter 1: Social and Physical Development


26 Ms Noelle Sullivan, Women’s Action Alliance, Submission #15.


30 Mrs Mary Helen Woods, Australian Family Association, Submission # 12.

31 Mrs Noelle Sullivan, Womens Action Alliance, Minutes of Evidence.


Center for Research on the Influences of Television on Children (1993). ‘Sesame Street’ viewing as a predictor of preacademic skills. A Report to the Children's Television Workshop, University of Kansas, Lawrence, KS.


Center for Research on the Influences of Television on Children. (1993). ‘Sesame Street’ viewing as a predictor of preacademic skills. A Report to the Children's Television Workshop, University of Kansas, Lawrence, KS.

Center for Research on the Influences of Television on Children. (1993). ‘Sesame Street’ viewing as a predictor of preacademic skills. A Report to the Children's Television Workshop, University of Kansas, Lawrence, KS.

Mr Desmond Kenneally, Submission #13.


Chapter 1: Social and Physical Development

84 , Dr Anne Sanson Associate Professor, Department of Psychology, University of Melbourne, Minutes of Evidence, 7 September 1998.


H.M. Bradley, St Monica’s School, *Submission* #11.


CHAPTER 2
MULTIMEDIA AND EDUCATION

Introduction

2.1 It is accepted in psychological and sociological circles that very young children imitate their behaviours directly from important people in their environment such as parents, teachers and peers. Children older than about two years of age engage in much more complex learning processes. Older children need to pay attention to behaviour, remember the behaviour and be motivated to reproduce it in one form or another. This process is called ‘modelling’ (as distinct from imitation) and shows that children often produce behaviours that are novel variations on what they have observed.¹ This understanding has clear implications for the ways in which we understand the effects of multimedia on children. It also highlights the importance multimedia can play in the learning processes of children.

2.2 TV has a role in promoting learning, can supply news, current affairs and general information. Multimedia, if used appropriately in the classroom, provides opportunities for children to work together and hence learn co-operative and communication skills as they each contribute to a combined project. Children can also create their own games and books and use the material they access from multimedia sources creatively. This way of using the multimedia resources available is already working well in many classrooms across the state. However it must not replace the face to face interaction of the parent or the teacher with the child.²

Role of Television in Promoting Learning

2.3 Although one of the most popular forms of mass communication and entertainment in Australia, television has been under-utilised as an educative tool. This may be because the medium is often appreciated only as an entertainment and that entertainment and education are not considered as complementary. While many submissions to the Committee agreed
with this contention, other reasons were cited, for the perceived ineffectiveness of television as an educative medium.

2.4 In a questionnaire circulated by the Victorian Parents Council\(^3\) very few respondents saw television as a tool for learning. Parents saw it primarily as entertainment, at best showing different social behaviours, giving incidental information and maybe introducing new interests, but not as a tool for intellectual or scholastic learning. They saw the computer, Internet and other electronic equipment primarily as tools, albeit multifaceted tools and there was a strong indication that they should be promoted as just that: tools. In addition, people saw television as capable of error and of supplying flawed, sometimes inappropriate and perhaps hazardous information. It was seen as a fundamental task that parents and schools ensure that the user is taught to be discriminating in television use, to verify information from alternative sources and question the underlying values of providers of information. In contrast, most saw multimedia, used properly, as having a real value in the learning process.\(^4\)

2.5 In research designed to gauge commonly made assertions regarding the use of television in homes and in school settings, parents and teachers consistently identified basic concepts such as literacy, numeracy and the visual arts and science as being fundamental to any program designed for children. They also expressed a wish for more programming with these features. Both parents and teachers made comments that reflected that they wanted a program that included more content about Australia. There was also interest in the area of developing children’s imagination. Both groups mentioned that imagination and creativity should be included in the development of learning experiences presented in each episode.\(^5\)

2.6 Parents and teachers both commented that they would like to see books and kits designed as a follow-up to specific episodes in programs. These resources would provide follow-up activities, recommended readings and notes from each episode, for example the games that were played, the songs that were sung, the books that were read, the experiences that were presented.\(^6\)

2.7 American media commentator Neil Postman described television and school as two competing learning systems and he estimated that television was fast becoming "the first curriculum." Consequently, he exhorted educators to make sure that students study television's effects, its biases and its relationship to learning.\(^7\)

2.8 There is a view that education can equip children with the critical skills to interpret meaning and critically use television as a text, thus making it a valuable entry point into cultural, historic, environmental and literary information.\(^8\) In addition, qualitative evidence
suggests that quality children’s television can enhance child development by providing positive role models of cooperation and collaboration as a responsible way of acting in the world. Similarly, television can stimulate developmentally appropriate play by providing content and ideas which children can build into their play, rather than just imitating what they have seen on television.\(^9\) (Ironically, the suggestion that television could be used as a valuable resource is occurring when many believe the medium is in its twilight stage.)

2.9 Submissions to the Committee expressed concern about the impacts on learning and to children’s personal development from sub-standard and poor quality television programming. Much of the general criticism of television and multimedia technology is that it is inane fodder for minds of young people and that there is very little redeeming quality about it.\(^{10}\) In this regard, the Children’s Television Standards attempt to ensure a certain amount of quality television for children in the pre-school and primary school age ranges which is stimulating and challenging for them. However, the provision of exclusively educational programs is not the aim of the ‘C’ classification concept (see Chapter 7). One such criterion of the Standards requires a program “to enhance a child’s understanding and experience”, meaning that children should leave a program with something added to their experience or perspective.

2.10 Submissions to the Committee concurred with the view that appropriate programming can promote learning.

> I have noticed that the arts shows can stimulate a child’s imagination and show them how any medium can be used to create almost anything. This may be very effective in helping them learn and play as well as doing something enjoyable. It is difficult to say what is the best type of learning obtained from the television because each child will be interested in different subjects and will choose different things to hold their attention. Almost all subjects could be covered during programs eg. Maths, spelling, art, geography, history or language but not all students will learn from it. Any television program that is used as a learning tool probably needs either a manual or subtext to help the parent or teacher.\(^{11}\)

2.11 However this programming was seen to be limited to documentary type programs—history, geography, nature studies and showing life in other countries and among other cultures. It was also commented that the programs which were screened during school hours to teach maths, science and grammar were well put together and could be beneficial but they were seldom included in the curriculum at local schools and children never saw them unless they happened to be at home for some reason.\(^{12}\)
2.12 Dr Patricia Edgar of the Australian Children’s Television Foundation claimed that the benefits of television as an educator were limited:

Firstly there are not many benefits of television for children in terms of the programs made particularly for them. You can educate and educate but the people you want to reach are the ones who are least interested. One third of the viewers do two thirds of the viewing and the children who watch television excessively are children who are deprived in all sorts of ways. They don’t have other friends to go and play with. There are very few children who put watching television at the top of the list of things they would want to do. People go to television in the absence of other things and you find patterns where kids who don’t have friends, who aren’t doing well at school, who are not involved in a whole range of activities, who are often in conflict with their parents in the home. These kids watch television more than other kids. So kids who use television in a balanced way are not harmed by television. I don’t think they gain a lot from television but that is because of the absence of good content. They could gain a great deal.

2.13 However Dr Edgar stressed the under utilisation of television educationally and the need for schools and teachers to resist the temptation to disregard television and to concentrate on computers and other newer forms of multimedia. The Foundation has established very clearly that you can bring children to reading via television and everything produced by the Foundation has novels and materials associated with it. The foundation sold a million books associated with programs and children who don’t normally read will often increase the frequency of their reading if they see a television program.

2.14 Submissions from Victorian schools stressed the fact that over all the multimedia, television in particular is a wasted opportunity as a vehicle for learning. There was seen to be a general lack of quality programs for children. It was seen as important that programs are age specific and that programming suitable for all age groups is provided. Because of modelling behaviour and imitation, producers and networks were seen to have a responsibility to stress children’s quality programming. In addition submissions stressed the need for a higher Australian content in children’s programs to enable children to learn about their culture rather than American culture. It was seen as important that parents are encouraged in their role as watchdogs over the use of multimedia by their children and that television, video and computer games be monitored for content and restricted in the same way as unhealthy products.

2.15 It was also argued that children grow up watching television and learn much about their world, especially through educational programs and the news. However, because they are immersed in the television culture and therefore desensitised to it, it is only the
exceptional child who is able to be objective enough to use critical skills in order to assess television as a text, even if such skills are effectively taught to children. It is adults who must be critical of the content of television programs so that children are exposed to good quality programs of socially positive benefit. If children’s viewing is limited to such material, they will then be more likely to be able to recognise its distinction from other sources which is of poor quality or which is promoting negative values.\textsuperscript{16}

2.16 Since the late 1960’s research on educational television programming has identified the medium’s potential as well as its limitations and although convergence may reduce television’s influence in comparison to other media it is important to stress the primacy of television as a mass communicator for at least the near future.

**Personal and Social Development**

2.17 A large number of children’s educational programming is created specifically to enhance personal and social development, illustrating such positive social behaviours as cooperation, sharing, helping, non-violent conflict resolution; to enhance children's self-esteem and their understanding of others’ feelings and behaviour; to reduce unrealistic fear and acceptance of social stereotypes based on gender, ethnic group, disability and the like.\textsuperscript{17} These programs were the subject of extensive research and evaluation during the 1970s with studies generally proving their effectiveness in heightening a range of positive social behaviours among pre-school children.\textsuperscript{18} Research to evaluate older children’s programs designed to diminish the effects of stereotyping,\textsuperscript{19} increase preparedness for adolescence\textsuperscript{20} and discuss solutions for general social issues,\textsuperscript{21} have shown increases in the knowledge of the content transmitted, and changes in attitudes and proposed responses. Due to the difficulty of design and expense there have been few longitudinal studies conducted, thus evaluation of the affect of this programming on long-term behavioural change is inconclusive.\textsuperscript{22}

2.18 In conclusion it appears that television can effectively teach certain topics to certain students—a limited statement challenged by some teachers and social critics who believe the medium ill suited as an educator and a negative influence in childhood development. Even that limited statement has been challenged by some.\textsuperscript{23} This chapter turns now to some of the criticisms and questions about television as an educator, attempting to identify the ways in which the role of television as a teacher can be enhanced.
Television as a passive medium

2.19 It is often argued that television does not engage the viewer enough to be a successful educator and number of the medium’s passive features are emphasised.\textsuperscript{24} Obviously there is little physical activity involved nor overt response to content, however such inactivity when engaged in reading or computer use does not in itself preclude thinking and critical judgment. In the traditionally view the conditions under which learning is maximised are those of quiet contemplation of reading materials and attention to teachers.

2.20 Although children may be physically inactive while viewing the nature of the medium calls for intellectual activity to determine continuity comprehensibility and credibility.\textsuperscript{25}

Non-interactive Content

2.21 It is also argued that the nature of the medium limits any interactivity between the viewer and the content, so that what appears on television is not contingent upon the viewers response. There have been many strategies designed to overcome this limitation and children’s educational programs often include segments which attempt to elicit a response from viewers or make choices between competing options.

Lack of control of pace and structure

2.22 As a corollary, television programs give viewers little control over the structure of the content including the pace at which segments are presented. Thus if certain sections are not comprehended or misunderstood the continuity of the content can be lost. Videotapes address this problem as they provide the opportunity to repeat or skip sections depending on the viewers requirements.\textsuperscript{26} Children tend to view a favourite videotape many times just as popular books are re-read.

Lack of Sequential Presentation

2.23 Due to the informal nature of the medium, the designers of television programs cannot make the assumption that viewers have seen all the programs in a series or that they have seen them in the correct order. Thus the advantages of the sequential presentation of an educational curriculum are often lost with home viewing. Attempts have been made to alleviate this limitation by presenting material at varying levels of difficulty within the same program. This technique called ‘layering’, can broaden the viewing age of a particular program while making it appropriate for repeated viewing by the same child in different stages of development. Familiarity prompts successive shifts of focus to higher levels of message comprehension.
Visual emphasis of television

2.24 Despite the fact that most programs utilise sound and depend heavily on spoken language to develop plot and character television is primarily seen as a visual medium. In fact as young children tend to learn from concrete, visual presentations over verbally presented information some educators consider television well suited to their learning styles.27

2.25 In comparison visual presentation is considered by definition less abstract than linguistic presentation and content presented visually limited to concrete simplistic actions rather than words and ideas. Research has been conducted which compares the presentations of various types of media (e.g. radio and print) and measures the relative effectiveness of conveying content. An evaluation of this research generally shows that television is at least as effective in conveying content as other forms of media,28 with at least one experiment suggesting children who had seen televised stories recalled actions and action sequences better, but specifics of language presentations less well, than those who had seen and heard storybooks.29

2.26 It has also been argued that programs designed for young children primarily teach rote learning of letters and numbers which are inapplicable taken outside of the context in which they were portrayed. In both experimental and longitudinal evaluations, children exhibited positive abstract knowledge that could be generalised and applied to different contexts and the effects of viewing such programs were observed on general tests of vocabulary and school-readiness skills.30

2.27 Research to evaluate the effectiveness of “Square One”, an American program designed "to promote positive attitudes toward and enthusiasm for, mathematics; to encourage the use and application of problem-solving processes; and ... to present sound mathematical content"31 showed that fifth-grade viewers improved significantly more than non-viewers did on problem-solving skills. The number and variety of actions and logical techniques used, as well as the completeness and sophistication of the solutions obtained suggested complex approaches to mathematics were learnt not just simple arithmetic.32

2.28 Criticism has also been leveled at television for delaying language skills by presenting intense visually interesting images that interrupt a child’s processing of verbal information.33 Evidence, however tends to contradict this theory–research suggests that children who watch 30-60 minutes a day of educational television do better than non-viewers on vocabulary tests
2.29 Given these research findings the visual qualities of television are more likely to make a positive than a negative contribution to learning. The difficulty lies in integrating the visual with the auditory to maximise the medium’s capabilities for learning for different levels of content and skills development.

**Longevity of Educational Effects**

2.30 Many educational activities undertaken in early childhood have effects that last into adolescence or adulthood, for others the effect is comparatively short-lived and negligible after a few years at school. The longevity of the educational effects of television has received little research attention until recently, thus concrete knowledge has been scant. Research conducted in the US to address this issue, utilised two teams of investigators, collaborating in finding and interviewing 570 adolescents whose media use, families and intellectual abilities had been studied in their preschool years. The most interesting finding of this research was that frequent viewers of child informative programs at age 5 had higher high school grades in English, mathematics and science than infrequent viewers, even with controls for early language ability and the educational level achieved by parents.

2.31 A similar pattern occurred in a sample of students followed from preschool to grade 6 in Sweden. Children who watched programs in preschool that were educational or had a positive social message, had a high level of academic performance in first grade and high school marks in grade 6.

2.32 Researchers have argued that one explanation for the persistence of early viewing effects is that early learning initiates an interest in learning which in turn aids school preparedness. Students who are already prepared for the school environment can gain confidence from initial successes and are perceived by teachers as above average. These events in turn facilitate learning in school, which perpetuates the positive cycle. In the Swedish study, watching documentary television was also found to be a link from early informational viewing to later strong academic performance.

**Multimedia as an Education/Learning Medium**

2.33 The Committee is aware of the increasing use of multimedia technology, both in educational forums and to promote learning in general. The widespread availability of
multimedia technology means that people have greater access to the broadest range of information ever available.41

2.34 Its importance in the education of young people is now being realised. As a result, the introduction of multimedia technology into the way school curricula are developed is now gaining credence within the general education system. Accordingly, school students are relying less on the traditional blackboard and textbook methods of learning and are instead emphasising computer-generated technology as the most significant learning tool.42

2.35 However, the largely unregulated nature of many resources such as the Internet, video and computer games (which can be downloaded from the net to escape the classification requirements of the National Classification Code43), give rise to concerns over content, manipulation and exploitation.

2.36 Educators are recognising the potential for the use of multimedia to enhance learning outcomes. The National Council for Educational Technology (NCET) in identifying potential outcomes, states that the effective use of multimedia can:

- provide the flexibility to meet the individual needs and abilities of each student
- reduce the risk of failure at school
- provide students with immediate access to richer source materials
- present information in new, relevant ways which help students to understand, assimilate and use it more readily
- motivate and stimulate learning
- enhance learning for students with special needs
- motivate students to try out new ideas and take risks
- encourage analytical and divergent thinking
- encourage teachers to take a fresh look at how they teach and ways in which students learn
- help students learn when used in well-designed, meaningful tasks and activities
- offer potential for effective group work44

2.37 This optimism was supported by The Effectiveness of Technology in Schools Report (1996) based on 176 research reviews and reports–70 of which were published in professional journals, 33 were doctoral dissertations. The research studies synthesise and analyse data from similar studies; some compare the use of technology with traditional teaching methods, others compare different software designs or the use of technology in
different environments. Other studies are based on interviews and surveys of classroom teachers. The three parts of the report address

- the effect of technology on student achievement
- the effect of technology on student attitudes to learning and self image
- the effect of technology on student and teacher communication

2.38 The main findings of this report are that:

- educational technology has demonstrated a significant, positive effect on achievement through all subject areas, from kindergarten to year 12, in regular and special education situations–interactive video is the most effective and use of on-line telecommunications for collaborative projects has improved academic skills;
- educational technology has positive effects on student self-learning and learning attitudes;
- the most important influences on the effectiveness of educational technology are the nature of the student population, software design, teacher support, student grouping, and the level of access to technology.

**Technological Advances**

2.39 Technological advances are challenging traditional approaches to education in Australia, particularly with regard to the presentation of information. Before the advent of electronic media, children were taught largely by the presentation of material by teachers and parents and the use of textbooks. Books tend to present material in a systematic and often narrative style, history classes being a classic example of this approach.

2.40 Today, multimedia technology is playing a progressively bigger role in education, with some educators viewing the technology as revolutionising teaching and learning. For example, computers have revolutionised the teaching of engineering. In addition, Internet and on-line campuses (with cyber-classes) are now common in the education arena, particularly at the tertiary level. Such educational forums are without walls (‘open architecture universities’) and based on electronic learning. In such an environment, there are electronic admissions, electronic activities, electronic student counselling, electronic bookstores, electronic assessment and electronic libraries.

2.41 The evolution of technology is never easy to understand and predict. However, it can be summarised in two basic premises. Firstly, computer power will continue to prove the veracity of Moore's law into the foreseeable future. That is, it can be expected to double approximately every 18 months. This makes multimedia a key trend. The second is that
communications bandwidth will rapidly become affordable and abundant, making interactive local and wide-area communications cost-effective and commonplace. This highlights networking as a key trend.\(^{48}\)

2.42 The Internet provides the basis for an invisible global schoolhouse. Nothing better epitomises the trend more obviously than the evolution of the Internet and particularly the World Wide Web. The Internet is more than millions of computers connected to massive centrally controlled file servers; it is potentially millions of individuals connected to one another and to millions of independent data banks. Theoretically, every computer on the network represents a processing centre, production studio and data bank.

2.43 With the evolution of streaming audio and video, the Internet is already making it possible for teachers and students to conduct classes from widespread locations without sacrificing interaction or collaboration. The question is not whether Internet-based ‘schools without walls’ catering to a large number of students will exist. The question is what role educators will play in it.\(^{49}\)

2.44 Communities all over the world are pushing for the use of computers in schools. The interconnection of children in thousands of schools provides the noblest goal for the utilisation of computers. However, educators are still not convinced about the effectiveness of computers in education. One fact that is constantly cited is that Asian students rank first in physics and math while American students who have greater access to technology rank 12th to 18th, internationally. Another reason for the reluctance is the human factor, which may contribute more to learning than the best hyper-linked courseware.\(^{50}\)

**Teaching Methods**

2.45 From an analysis of two seemingly separate issues—the thinking underpinning the more recent research and development in information technology and the theories that have emerged from the work of educational theorists to explain how knowledge is acquired—it appears that the two are working along similar themes. There is a need for a convergence to occur between educational ideas and those of technology.

2.46 Should such a convergence occur it could produce a powerful new synergy bringing advantages to both education and technology, having the potential to speed up the advance towards more appropriate application of the newer information technologies to school education and more effective approaches to learning and teaching. Such advances, however, have fuelled concerns about the ability of educators and teachers to keep pace with technology development.\(^{51}\) For example, will the on-line style of teaching and learning
discourage interaction between teacher and student as well as discourage critical thought? Will complex knowledge and analysis be reduced to formulaic and self-selected packages? At the primary and secondary levels, some parents and teachers have expressed concerns about moves to swap readers for computer games in English classes. This concern arises as a result of some academics recently suggesting that computer technology could be used as teaching tools from preparatory age through to Year 12 students. While one witness who appeared before the Committee stressed the use of computer games as the textbooks of the future, others are concerned that the emphasis on technology in schools threatens to divide society into “knowledge elites” and “computer illiterates”, with the cost of multimedia technology determining the post-school pathways of many students.

2.47 Widespread effective use of multimedia in enhancing learning requires a significant accompanying change in education theory. There are a number of commonly identified factors that accompany more widespread effective use of multimedia. These include:

- recognising the key role of the classroom teacher
- access to appropriate information technologies
- awareness of the potential
- solutions to technical and logistical solutions
- access to professional development
- well articulated school level multimedia policies
- re-engineering - changing attitudes to new technology
- shared understanding of teaching and learning
- technology available for constant use

2.48 Conversely, some suggest that the narrative style of teaching plays an important role in the education of children and that the reliance on computers as tools of teaching is coming at the expense of the development of values and social skills and a public culture grounded in shared and understood stories. In line with this, one University of Melbourne academic argues that multimedia cannot match the unique abilities of the teaching profession and can only develop derivative societies and not creative ones:

Nothing can properly replicate the educator who completes mathematical tasks before your eyes; nor the logical philosopher who debates paradoxes extempore; nor the historian who has smelt the archives and brought their dusty documents to life; nor the professor of English who weeps as he reads Scottish border ballads. Books have been doing for centuries what multimedia can do and still, in all their variety and brilliance they never replaced the living, breathing, creative teacher.
2.49 The most important question therefore, is how to incorporate computers into teaching/learning activities in schools maintaining the benefits that have arisen from the previous teacher based system. Technology is turning out to be far larger in its implications for teaching and learning than was thought a decade ago.\(^{57}\) Even without computers, many teachers have tried for a long time to reduce their role as the centre of all activity and to become facilitators more than presenters. Thus, not coincidentally, teachers in many fields are experimenting with ways for information technology to accelerate these trends.\(^{58}\)

2.50 Although the technology may not have been necessary for a focus on process or collaboration (or an appreciation of views of the construction of knowledge), it may be necessary for the realisation of those efforts. At the least, substantial affinity exists between newer teacher methods and the capabilities of information technologies; it is likely that the sum of the two will be greater than either aspect alone.\(^{59}\)

2.51 It is argued that the problem now is that information technology has enabled many teachers to achieve such an enormous acceleration in their move toward process and collaboration that it is hard for them to convey their experience to their colleagues who have not yet shared it. In a traditional classroom, they may have had to struggle to make instruction "de-centred"–not focused on them in their role as conveyor of all knowledge. In the multimedia environment teachers may find themselves struggling to deal with multiple centres of activity and energy. In their early experiments, these teachers may feel that their role has been greatly reduced almost irrelevant to their students at times.\(^{60}\)

2.52 Similarly, many teachers have long expressed a desire that students experience more directly the process of how knowledge is discovered, created, shared and shaped in their fields. Instead of reading a textbook about Australian history, for example, teachers want students to get closer to primary materials or to history-in-the-making, to understand the complexity of analysing events in context. Instead of reading about medical ethics in a textbook, teachers would like students to see the story of a person who, because of injuries, calls into question beliefs about "the right to die." They want their classrooms not to have four walls but to have connections to the world–not to be closed off but to open out.\(^{61}\)

2.53 Again, though, as their students begin to "surf the Web," connecting to nearly live images down-linked from satellites, for example, the four walls of the classroom may be breaking down more quickly than teachers had thought.\(^{62}\)

2.54 Before new technologies began to alter the circumstances and means for developing knowledge, knowledge products (print elements such as books, articles, reports) were not–
and, in general, still are not connected with the process of creation. Because of this separation, the products took on a solidity, permanence and authority that belied the changeability of the knowledge domain behind them. Thus, beliefs about thinking, teaching and collaboration tend to be tied too much to the highly visible product and not to the almost invisible process of its creation. But as knowledge products become more apparently tied to their process of creation—because of Internet discussion lists, a much quicker publishing cycle, digital publishing on the Web that changes weekly or even daily, e-mail, videoconferencing, broader collaborative involvement, connection to new databases—the products will be perceived as less final and more tentative. They may be seen to be the representation of a temporary coalescence of beliefs about what is true in any field.

Because information technologies have the ability to mediate and manage this knowledge "negotiation" process more dynamically, efficiently, inclusively and at a much greater scale and reach than before, teachers can now bring their students into more direct contact with the process itself. That may mean teachers invite students to name just a few examples—inviting them to

- view discussion on a professional Internet discussion list;
- connect to databases formerly open only to professionals in the field;
- create compelling simulations of real life situations;
- visit sites in foreign countries and contact residents via Internet discussion lists or e-mail,
- create learning spaces on the Net where they and fellow learners grapple with problem-solving,
- make contact via electronic mail or conferencing with experts in their field as they go about their daily work.

Computer technology provides an undeniable benefit to special education classroom environments, offering children with various learning difficulties the opportunity to learn in a highly interactive setting. The graphical elements of many educational software programs help retain the attention of special education students with comparatively low powers of concentration and programs are useful in many spheres of learning. However, computers should be viewed primarily as a source of stimulation for students and there is no guarantee that the quality of work from special education students will increase dramatically. Educators should be sure to utilise technology that is designed to aid different sets of students, for students with physical disabilities have different needs from those with cognitive disabilities.
2.57 In conclusion the Committee heard testimony outlining the need for increased research into the effective application of technology and its effect on learning.

One of the things most important for me, particularly being a multimedia practitioner and teacher and which I am most concerned about with this element of the review, is not so much television and video, because that has already been canvassed heavily in lots of literature, but the way that multimedia is lagging a little behind with the theoretical and conceptual knowledge used to teach it to students in the primary, secondary and tertiary areas and in family life. It is a new medium and there is a lot of emphasis on teaching the practical skills of using multimedia, such as how to construct something on a web page and the mechanics of how to make something. What is missed out on most of all with that are the issues about content that go with it? Where does the content come from? What is the importance of the content that people are using and creating? And how does the content relate to what students and parents look at? Content is a very important element of what goes on.66

The Internet and the World Wide Web

2.58 One of the advantages of the Internet is that it has vastly widened access to information that can be of enormous benefit; for example, it aids young people and children when researching for a project, essay, hobby or topic of interest. It can also be used as an educational tool for various types of learning. However, this wider access to information poses serious problems as well as benefits. Many media, particularly the Internet, are virtually unregulated and children can easily view material that is inappropriate and damaging. They can be exploited and victimised. Submissions to the Committee67 revealed some of the problems. Access to the Internet is available at schools for educational purposes and teachers often find that the students download violent games onto their discs to take home, access pornographic material and deliberately search for material that is inappropriate. This is despite the presence of a teacher in the room at all times and the threat of detention and other penalties if the student is caught using the Internet in such ways…While the Internet is virtually unregulated, schools should emphasise its use for learning as the dangers are very great.68

2.59 The World Wide Web as an educational tool presents some big difficulties. Accessing material on the Internet can be time consuming and has been called “a World Wide Wait”.69 The diversity of material available also can also present problems. There are millions of sites, ranging vastly in quality of presentation and content—some sites contain content, which is extremely dangerous. Presence on the Internet is not a sign of quality, nor
legitimacy and credibility. The Web has been accused of being the “pinnacle of vanity publishing.”

2.60 At the same time, the Web and related on-line services have provided unprecedented access to knowledge and communication on a global scale. Today students can just as easily study at a university in the UK, use a library in Canada, as access information in Sydney or Melbourne.

2.61 But, it is argued that when a student needs to research a topic for a project, it is better to start with a book, or book-like, albeit electronic (CD form) encyclopaedia. Then perhaps, depending on the topic, use the Internet to access relevant information. Downloading material and arranging it on a page does not prove productive for the development of critical thinking and communication skills. This process has been likened to photocopying chunks of material from a book or magazine and then pasting them on a sheet of paper.

2.62 In recent years, the Internet has crossed the boundaries of all traditional software categories by enabling access to and interaction with remote sites, often containing “live” data. Children can find experiences and information on practically anything—educational and enchanting, unique and useful, weird and wonderful, but just as easily—dangerous and disgusting.

2.63 A vivid example of the power of this technology occurred with the landing of the US probe on Mars and the Thredbo disaster. The NASA site relaying up to the minute pictures of Mars, details of scientific findings and technical information about the mission was widely accessed. Similarly the Sydney Morning Herald’s site on Thredbo had hundreds of thousands of visits in the week of the disaster. Information was available 24 hours a day to potentially every computer in the world.

2.64 In addition the Web has the potential to be a powerful medium both in and out of the classroom—for communicating and sharing information, for exploring and navigating and for publishing—for adults and children. The vast resources of the Net are an aid to teachers world wide. Sites such as oz-TeacherNet, The Education Network of Australia (EdNA) and the Victorian Department of Education SOFweb site make finding information quick and easy.

2.65 Given the amount of information available via the Internet and the fact that not all of it is useful, accurate or wanted, obviously schools must all use a filtering process. Schools filter information by creating Intranets, whereby selected information or web sites are downloaded and saved in computer memories. In fact, the preferred Internet supplier for Victorian schools Schools-Net has an exclusion list of about 18,000 web sites. In this way
students are restricted to accessing only suitable or relevant material. In the same way, parents can install screening programs on their home computers to prevent offensive material from being accidentally or otherwise downloaded by minors.77

**Current Objectives**

2.66 In education there has been a strong policy emphasis on computers in Australian primary and secondary schools since the mid 1980’s. In each state there are policy statements and curriculum documents that highlight the need for students to gain information technology skills and for teachers to harness computer-based learning experiences to enhance learning opportunities across the curriculum. Research has suggested that translation of policy to practice has been far slower though and the degree to which teachers have incorporated computer-based experiences in their teaching varies dramatically from school to school, class to class and subject to subject.78

2.67 In the preschool education sector the pattern of computer use has been even more variable, largely because of early scepticism about the appropriateness and value of computers for young children. The main arguments were that computers were detrimental to the development of children’s social skills, that children lacked the fine motor skills required for keyboard manipulation, that software was poorly designed and that young children were unable to interact meaningfully with symbolic and two dimensional screen-based images.79 Even today, despite the fact that computers are common everyday tools and a plethora of studies highlighting the cognitive benefits of various types of computer based learning activities80 few preschools and childcare centres provide computers for children’s use.

2.68 The importance of literacy, mathematics and problem solving skills becomes more apparent as the technological age progresses. Time is very well spent learning maths facts, correct spelling and constructing a cogent and compelling argument. As previously stated, transferring large amounts of disembodied or disjointed text and pictures from a server across the other side of the world cannot be compared with the cognitive processes required, for example, to plan, analyse, paraphrase or interpret text. Similarly, spelling and grammar are appropriate for picking up minor errors, but children need to develop skills of constructing and shaping text to explain a point, report on something, convey an argument or position, or tell a story.

2.69 Notwithstanding concerns for the inappropriate use of computer technologies education is, in one sense, poised to capitalise on the potential of technology to empower children to be critical thinkers, problem-solvers and writers. In another way, state-of-the-art
computers, Internet connections and associated technology are not yet commonplace in every classroom.

2.70 The cultural collaborators on the side of appropriate use of technology in learning are parents and the community—all anxious that children are computer literate. Paralleling schools’ initiatives to embrace information technology has been a dramatic rise in home computing. This means that many students are likely to have access to a computer at home.81

2.71 Today’s workers in medicine, science, engineering, building, architecture business, financial and hospitality services, all rely on computers and their by-products, such as the Internet. In each of these areas computers have become a major tool for day to day administration and for problem solving. And, understandably, parents want their children to have the skills needed in their occupational future. A major problem is the uncertainty that centres around what constitutes “appropriate” computer experiences.

2.72 The real barriers blocking initiatives to integrate meaningful computer experiences across the curriculum concern infrastructure and priorities, teacher education and orientation and conceptions of learning and curriculum. Many teachers would prefer a good set of reading materials and access to specialist remedial support for struggling learners than a computer. Yet, other teachers may have the technology, but limited training and experience in using it appropriately and narrow perceptions of its utilisation in teaching.

2.73 Independent of the availability of the technology, the real issue is how teachers teach. For technology to have a positive impact on children’s learning, teachers must look carefully at their conceptions of teaching and learning, their understanding of children’s development and classroom goals, processes and outcomes.

2.74 Teaching requires a sound knowledge of children’s learning, of computers’ roles in learning, familiarity with the technology and understanding how to manage all this in the classroom. Clearly, computers do not directly bring about learning. Children learn because they want to construct an understanding of their world. Software and on-line access to information can support this if used properly.

2.75 An additional reason to incorporate computer-based experiences in the classroom is research showing that many computer activities are engaging enough to tempt the most reluctant or poorly motivated learner. As sophistication of the technology improves, so does its motivational quality.82
2.76 Computers do not have the capacity to change internal motivations and attitudes to learning, but they can affect children’s desire to engage in many day-to-day activities they might otherwise dislike. And, this is the case, especially for low achieving children, those who have poor on task behaviours or those who find some tasks, such as handwriting, difficult.

2.77 The reverse, however, can also be true. It is argued that a large amount of software and Web sites are so vibrant and interesting, that any experience failing to match their dynamism, such as a book, or teacher might be considered boring by many children. Combinations of text, sound, video images and graphics can be so personalised, interactive and compelling that they are difficult to replicate in traditional classroom teaching approaches. Indeed, harnessing the power and dynamism (but not the violence or sexism) of Sega and Nintendo type presentations to classroom learning might well be a major educational imperative for teachers in the millennium.

2.78 Major technologies seem, at first, to offer ways to do better or faster or on a larger scale what teachers already do. Eventually, through a growing familiarity, teachers begin to understand more of the implications of the technologies–their actual possibilities and limits.


2.80 Implicit in the statement is recognition that change is incremental and there is no single, large scale centrally driven initiative that can bring about the desired integration of new learning technologies in schools. Instead, the strategies recommended provide a range of options including several and many smaller, low key initiatives which, consistently sustained over a three to five year period, will lead to comprehensive achievements in learning technologies all over the State.

2.81 The clear objective outlined in this statement is for all Victorian schools by the year 2001 to have implemented a Learning Technologies Plan, which results in principals, staff and students:

- Having access to computers, a range of applications and curriculum products and regularly using on-line information communications as a regular part of the school’s educational and operational program
- Being routine competent and discriminating users of learning technology in the daily programs of the school
• Developing skills in the use of a range of technology tools
• Showing leadership and innovation in the use of learning technology

The focus of the Department of Education’s communication and multimedia strategy is to realise the potential of technology to enhance the quality of all aspects of education, especially student learning.\(^83\)

**The Challenge for Teachers**

2.82 The unsettling changes for those venturing into the applied application of information technology in their teaching and learning are not only in the teacher-student relationship, but also in the scholar-scholar and the scholar-sources relationships. Teachers are finding that, for a small but growing percentage of people, new forms of communications, publications and collaboration and the way data are accessed, represented and manipulated are changing the way knowledge is conceived, challenged, justified and disseminated in their disciplines. Perhaps changes of this depth will occur more frequently across all fields and disciplines: changes in how the process of deciding what is true is organised, whose opinions voices take precedence and how the dynamics of communication and work in groups. Familiar boundaries and categories in the academic landscape may already be changing. Potentially, information technology may not only permit teachers to enhance current practices and systems, but it may also change the whole enterprise of teaching and learning.\(^84\)

2.83 How the new information technologies are applied and whether to advantage or disadvantage will depend largely upon the decisions that are made concerning their acquisition and application. It became apparent during this Inquiry that although technological aspects were of prime importance, of almost equal significance was the human dimension. Many of the difficulties identified related to the attitudes people generate towards the adoption and application of a technology.\(^85\)

2.84 In 1994 the Victorian Working Party on the use of Technology as an Education and Communication Facility in Schools found that attention should be directed to the human dimension, which promises to provide the key to more successful implementation of information technology in schools. It believed the issue should be addressed through structured professional development programs based on information technology and an understanding of such matters as learning, change and the factors that affect school culture.\(^86\)

2.85 Awareness that change of this scale and depth is possible may be the chief obstacle to large-scale integration of technology in schools. For not only will information technology accelerate the move toward a process focus and collaborative learning, it may change the
fundamental relationships and understandings teachers developed during the era when most
information was stored on paper.87

2.86 The use of the Internet in schools is being touted as a panacea and a rush is on to
subsidise technology in schools, but the fact that the Web is an anarchic marketplace of ideas
presents a fundamental conflict with the core philosophy underlying education. Schools have
traditionally been semi-closed environments designed to teach values and beliefs as well as
fundamental skills; the introduction of the Internet threatens this situation by breaking down
the walls. Educators are accustomed to control over the content of textbooks, but an Internet
search engine brings up numerous conflicting ideas. Schools will be forced to consider and
debate issues on their merits and teach critical thinking to help students sort out what is fact.88

2.87 There are a number of ways to encourage the adoption of computer technology in
educational settings. One method is to form a technology committee composed of people
enthusiastic about computers who can become mentors to those trying to learn technology.
The involvement of parents in the process can help by providing technical and monitoring
assistance. Another approach is to find out how teachers feel about technology by
conducting an internal survey to measure the attitudes of instructors and then focus on their
needs. The data from the surveys can be used to develop a technology plan that will fit the
needs of a particular school.89

2.88 Multimedia technology is only as effective as the teachers and the children in the
class. Schools may acquire technology and access to multimedia but it is the appropriate
utilisation that is important. The teacher’s role is vital in providing a supporting and
challenging environment for children so that they can develop to be able, global learners.
Students also need routine access to hardware, software and peripherals. At the schools the
Committee visited during the course of the Inquiry children had routine access to technology;
where every classroom has at least four desktop computers, access to digital cameras, video
cameras and scanners. The children were able to use it as it is appropriate rather than having
to go to a cupboard or a separate computer laboratory.

If multimedia is to be used in schools, it should be about students creating through
multimedia, because if they are creating they can follow through their personal interests.
Kids take different routes to get to the same information and it caters for different learning
styles. They construct their own meaning and researching, writing, illustrating, composing
and problem-solving styles in the process. They are involved in lots of decision making.
Authentic learning is a dynamic process where kids are actively involved, so anything
involving multimedia needs to be reactive. The kids are creating and sharing, but the
teacher’s role in actively guiding and supporting is critical. The teacher may not know as much about the technology and the different aspects of multimedia as the students, but their role is still to guide and challenge them so that learning is continuing to renew.  

2.89 Ideally every school should have similar resources. The resources, coupled with professional development for teachers in teaching and learning and technical skills, can make a difference. It will not make a difference if teachers just learn how to use a program and do not think about what a difference it can make in the classroom and about different teaching and learning strategies.  

Once again it comes back to the basic thing—put the content first, get the teachers over their hurdles of fear and empower them by saying, ‘We have processes in place we want to distribute to primary schools that show how you can develop and guide kids to make their own interactives on paper. You do not even need to know how to turn a computer on. You can get the communication skills across to the kids and then assess the products they have made or the assignments they have put together without even needing to be within a computer environment.’ That might be the first step to get over.  

2.90 Schools need educators with knowledge of interactive content and an ability to impart that knowledge. To a large degree that does not mean computer skills. It does not mean that every teacher becomes an information technologist or a computer scientist. It means that educators will have a basic comprehension of what the medium’s capabilities and how to communicate effectively with it.  

2.91 While technology is not a panacea for all educational ills, today’s technologies are essential tools of the teaching trade. To use these tools well, teachers need visions of the technologies’ potential, opportunities to apply them, training and support and time to experiment. Only then can teachers be informed and fearless in their use of new technologies.  

2.92 Using technology can change the way teachers teach. Some teachers use technology in traditional “teacher centred” ways, such as drill and mastery of basic skills, or to supplement teacher controlled activities. On the other hand, some teachers use technology to support more student-centred approaches to instruction, so that students can conduct their own scientific inquiries and engage in collaborative activities while the teacher assumes the role of facilitator or coach. Teachers who fall into the latter group are among the most enthusiastic technology users because technology is particularly suited to support this kind of instruction.
2.93 Increased communication is one of the biggest changes technology offers classroom teachers. Telecommunications, from simple telephones to advanced networks, can transcend the walls of isolation that shape the teaching profession and allow teachers to converse with colleagues, school administrators, parents and experts in the field. Helping teachers use technology effectively may be the most important step to assuring that current and future investments in technology are realised.

2.94 In the US it was found that most teachers did not have adequate training to prepare them to use technology effectively in teaching.\(^94\) Currently, most funds for technology are spent on hardware and software, but experienced technology using sites advocate larger allocations for training and support.

2.95 A majority of teachers reported feeling inadequately trained to use technology resources, particularly computer-based technologies. Although many teachers saw the value of students learning about computers and other technologies, some were not aware of the resources technology could offer them as professionals in carrying out the many aspects of their jobs.\(^95\)

2.96 Although schools have made significant progress in helping teachers to use basic technological tools such as word processing and databases, they still struggle with integrating technology into the curriculum. Curriculum integration is central if technology is to become a truly effective educational resource, yet integration is a difficult, time consuming and resource intensive endeavour.\(^96\)

2.97 Technology can be a valuable resource for improving teacher education overall. It can bring models of the best teacher live from the classroom into the colleges of education, or provide video case studies of teaching styles and approaches. It can forge stronger connections among student teachers, mentor teachers in the field and university faculty.\(^97\)

**Recommendation 3:** That the Victorian Government commits the education system to increase students’ abilities to utilise information technology to maximise the benefits from the growth in this industry and create a platform for life-long learning.

**Recommendation 4:** That the Victorian Department of Education, Employment and Training takes action to enhance learning and teaching in science and technology to take greater advantage of emerging information and communication technologies to better skill Victorians.
Media Literacy

The impact of television within the family can be informative or positively injurious. If the parents or adults responsible for children are disciplined in their own consumption of TV and consequently teach the children to be discriminating in their choice of programs and the amount of time spent viewing, the outcome can be educational and enjoyable.98

2.98 Submissions to the Committee consistently expressed concerns at the impact of the media on children’s development socially emotionally and physically. Teaching appropriate skills that acquit children to critically view the messages relayed by television and the Internet and to discriminate between different viewpoints and sense contradiction between family values and morals and those espoused is a central concern. The late 1970s was a period of growth of media curricula. As the 1980s progressed, there was a decline in the number of published media literacy programs, but with the advent of the 1990s there was a resurgence of critical viewing skills curricula for children of all ages but especially those directed to children of elementary-school age.99

2.99 A critical review of viewing skills curricula developed in the 1970s and 1980s100 shows an emphasis on what has been termed "critical autonomy" 101: motivation for students to formulate their own opinions and ideas through examination of the evidence and through inquiry, reflection and response, rather than a concentration on or degeneration into the laborious accumulation of facts.

2.100 One reviewer has stated that an important process in any media literacy program is the awareness that one receives numerous messages daily through the media and that these messages can affect one's behaviour, attitudes and values.102 As such the process of communication, involves "receiving a message, selecting relevant information, forming appropriate responses and responding to the message".103

2.101 As previously mentioned research has shown that the primary reasons children watch television is for entertainment and escape.104 One of the salient characteristics of this escape mode is a tacit acceptance by the viewer of inherent contradictions, inconsistencies and illogicalities of plot and character which enables engagement with the program. As a consequence there may be disengagement with reality outside the screen making it difficult to adopt a distanced and critical view. Among the characteristics of the medium of television exacerbating this tendency are complexity of language, manifest and latent messages, the emotional aspect, embedded values and the impact of cumulative messages.105
2.102 Research has suggested that television literacy develops as a combination of intellectual development, verbal acuity, general experience and "also as a consequence of learning the forms and formats that constitute the medium's critical features." This research has also elucidated the formal features of television based on perceptual salience: intensity, movement, contrast, change, novelty and incongruity. The physical activity of characters, rapid pace, variability of scenes, visual special effects, loud music, sound effects and peculiar or non-peculiar human voices represent various aspects of the television medium that may influence a child's cognitive processing. In addition this research suggests that the youngest viewers attend primarily to the obvious features of the medium. As the viewer becomes more familiar with television, they ignore many of the perceptually obvious cues and "selects for attention those features that are informative, interesting or pertinent to their reasons for viewing." With increasing age, the viewer uses more search strategies and deeper processing. As a result, extensive evaluation occurs of material worthy of attention.

2.103 Importance lies in the ability of the viewer to remain attentive so that critical processing can occur. One researcher has put forward a theory involving the “amount of invested mental effort required” in elaboration of material and encompassing both the idea of mindfulness or depth and its opposites. Mental effort increases when the material presented cannot fit easily into established ideas. Conversely it decreases when the material fits easily into existing intellectual frameworks and there is little need for mental exertion or in-depth processing. When this mental effort is expanded, more learning occurs. When children are specifically instructed to pay attention to the medium, they generally gather more information from it and develop higher critical skills than when television is treated as an easy source of information.

2.104 In addition, studies have demonstrated that when children receive follow-up information and engage in discussion about the content of a specific program viewed, they make significant gains in comprehension of the story as well as specific cognitive gains compared to control groups that merely watch the programs with neither mediation nor any directions prior to viewing concerning the need for attention.

Goals of Media Literacy

2.105 The general goals of critical television viewing curricula developed by individuals, the television industry and national organisations are have been encompassed under two areas: (1) understanding the technical nature of the medium (how television works, that is, special effects, camera techniques, its genre, its conventions) and (2) understanding program
content in terms of literary devices (that is, character development, plot line, conflict resolution, values and ethics). Leading from this, specific objectives in understanding the technical nature of the medium have been categorised as follows:

- to understand how television works in terms of simple electronics and economics;
- to understand the different types of television programs such as news, documentaries, situation comedies, dramas and so on;
- to understand what aspects of a program are real and how fantasy or pretend elements are created for programs or commercials through camera techniques or special effects (such as zooms, slow-motion and lighting); and
- to understand about casting, makeup, costumes, music, sound effects and the large-scale team effort of writers, directors, editors, actors and technical staff in the production of even the simplest talk show or news broadcast as well as fictional programming.

2.106 Goals of the second area, literary devices, are as follows:

- to understand who the characters in a show are, how they look, move, talk and dress and to be aware of stereotypes;
- to understand the setting (what historical period is emphasised and what geographic location is involved);
- to understand the major conflicts;
- to identify the plot and any subplots;
- to integrate the major themes;
- to understand whether a story is logical and if it is realistic or a fantasy; and
- to understand how our emotions, positive and negative, are influenced by the content of the programs and to be aware of what in the program is causing such feelings.

Media Literacy and Multimedia

2.107 There are many arguments for including the study of multimedia within the school curriculum. Schools provide perhaps the only forum in which young people are encouraged to reflect critically on the many texts with which they engage out of school ranging from television programs through pop music lyrics through to computer games. This need is recognised in State and National Curriculum policy documents (the Victorian Curriculum and Standards Framework and Statement on English for Australian Schools), in their incorporation of the study of ‘every day’ and ‘mass media’ texts within the texts strand of the English Key Learning Area. Analysis should be directed both at greater understanding of the
nature of multimedia, how it is structured, the values inherent, aesthetics and discussion of issues raised—for example, issues of violence, masculinity, problem solving and relationships and their role in shaping young people’s development and understanding of themselves and the world.\textsuperscript{114}

2.108 As research has shown “extraordinary changes are impacting upon literacy practices, changes which derive from global, economic, social, cultural, technological transformations”.\textsuperscript{115} Multimedia extends traditional notions of what literacy might entail to embrace electronic forms and as such provide opportunities for teachers and students to explore new dimensions of literacy. The study of computer games ought not displace traditional forms of literature and literacy however, but rather should be incorporated alongside them by extending the spectrum of texts and available definitions of literacy.\textsuperscript{116}

\[W\]e need to stretch our understanding of literacy and help students become competent and literate in the electronic media as well as just within print literacy. I argue that we need computer games to enable students who are already computer literate to understand how electronic texts work and to become critical users of electronic literature.\textsuperscript{117} The second point about computer games is that if they are things the kids are already playing you have the chance (a) to get them to reflect on what they are doing already and (b) to see if they can make use of what they know to help them learn the things they need to know. For example, if they know from the games they play how an image or a story will manipulate the reader, that sets you up to do more mainstream literacy work as well. The third point, as I said, is to have the occasion for the discussion of violence…One of the recommendations I wanted to put up is that we need to develop materials to do this.\textsuperscript{118}

\begin{center}
\textbf{Recommendation 3: That the Victorian Department of Education, Employment and Training ensures that students are aided in the development of skills to evaluate the veracity of information, opinion and argument on the Internet and the appropriate use of this information.}
\end{center}

\textbf{Conclusion}

2.109 Clearly, the mere application of a combination of information technologies, no matter how sophisticated, will not enhance thinking and problem-solving skills. With careful planning though, computer-based environments even with moderately sophisticated technologies can afford experiences that foster thinking and problem solving.

Thus TV/multimedia can only ever be an aid to learning and development. The role of adults in the child’s education is irreplaceable as only another human being can provide the emotional support for learning to take place.\textsuperscript{119}
2.110 Computer-supported learning environments offer a range of individualised, connected and increasingly interactive opportunities not previously available in classrooms. In the case of newer, more sophisticated activities, such as creating an adventure game, making a homepage, or working in a virtual science lab, computers become true mindtools. Such activities inherently draw upon multiple knowledge bases across a range of curriculum domains.

2.111 Hybrid forms, blurring of boundaries, altering literacies, changing the way knowledge is constructed--these terms suggest powerful forces at work in education. As the work of schools is digitised, the desires of those teachers who want students to have greater access to research opportunities, to participate more fully in professional conversations, to collaborate more easily with peers, to ask questions and exchange ideas more frequently and comfortably with faculty members, to learn more on their own, to become more active managers of their own learning, to get out of the ivory tower and explore ideas in real-life settings, or generally to have more power in the teaching-learning equation, may be fulfilled.

Good teachers are better than good technology. They always have been and they always will be. We aren't even close to automating the art of teaching. Modern technology comprises the richest set of educational tools in the history of the world, but the art of teaching is still safely and surely the province of human teachers only. 120

2.112 The best uses of technology occur not when it is used to replace the teacher, but when its role is orchestrated by a teacher who understands the delicate balance between stimulating and agitating, between probing and providing and between observing and directing the flow of learning. It is the teacher, not the technology, that possesses a philosophy of education and that has the ability to cultivate in students a hunger for academic and intellectual independence.

2.113 Multimedia technology offers considerable potential for delivering learning programs on stand-alone or networked computers within the classroom or beyond the classroom. Its eventual effectiveness as an educational tool will depend upon the quality of the content and the way the software is presented to the students, as well as how teachers generally apply the medium. The new technologies offer a differential approach to learning with considerable potential to advantage students at all levels of ability. Students with learning disabilities can be assisted to higher levels of achievement and understanding. Those who are already achieving can find new mental challenges to extend their understandings through self-directed exploration and discovery. 121
Endnotes


2 Mrs. Noelle Sullivan, Women’s Action Alliance, Submission #15


The *Classification (Publications, Films and Computer Games) Act 1995* is administered by the Office of Film and Literature Classification.


Chapter 2: Multimedia and Education


65 Mr. Brett McLennan, Australian Teachers of Media, *Minutes of Evidence*, 8 February 1999

66 Mr. D, Gawler, Dr. M. Piercy, & Dr. E. Gawler, *Submission #49*


77 Mr Simon Clayer, Australian Interactive Multimedia Association, *Minutes of Evidence*, 1 December 1998


Lynne Davie, Essendon North Primary School, Minutes of Evidence, 12 October 1998.

Lynne Davie, Essendon North Primary School, Minutes of Evidence, 12 October 1998.

Professor Tim Austin, Swinburne University of Technology, Minutes of Evidence, 1 December 1998.

Professor Tim Austin, Swinburne University of Technology, Minutes of Evidence, 1 December 1998.


Mr D. Kenneally, Submission #13.


114 Dr Catherine Beavis, Faculty of Education, Deakin University, Submission #7.


116 Dr Catherine Beavis, Faculty of Education, Deakin University, Submission #7.

117 Dr Catherine Beavis, Faculty of Education, Deakin University Minutes of Evidence, 30 November 1998.

118 Dr Catherine Beavis, Faculty of Education, Deakin University Minutes of Evidence, 30 November 1998.

119 Mrs. Noelle Sullivan, Women’s Action Alliance, Submission #15.


CHAPTER 3

TELEVISION AND MULTIMEDIA VIOLENCE

Introduction

3.1 Concerns about the influence of television, and the prevalence of violence in particular, began with the introduction of the new medium. Predictably, the first formal expressions of concern can be found in the United States, the first country to enthusiastically adopt the new technology. Throughout the 1950s congressional hearings, such as the United States Senate Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, were held on the impact of television programs on juvenile crime. These hearings set the stage for continuing congressional investigations by this committee and others in the United States, House and Senate, from the 1950s to the present. Similarly, Australian governments have felt the need to investigate the influence of television and the relationship between the portrayal of violence, and violence in the community. Peter Sheehan in a paper presented at the Violence, Crime and Entertainment Media Conference in Sydney in 1997, states that twelve Australian government reports concerned with violence and the media have been commissioned since 1987.

3.2 These early U.S. congressional inquiries initiated research into violence and the new medium of popular entertainment. Although there was a body of research on movies and comic books, these were quite different forms of media and different effects might be expected. Still, prominent social scientists testified at the 1954–55 hearings that, although more research was needed, there were important reasons for concern about televised violence.
3.3 In addition to the congressional hearings begun in the 1950s (that continued through to 1994), there are landmark reports conducted in the U.S. that include the National Commission on the Causes and Prevention of Violence,\(^4\) the Surgeon General’s Scientific Advisory Committee on Television and Social Behaviour (1972), the report on children and television drama by the Group for the Advancement of Psychiatry (1982), the National Institute of Mental Health, Television and Behaviour Report,\(^5\) the National Research Council (1993), violence report; and reports from the American Psychological Association’s Task Force on Television and Society\(^6\) and the Commission on Violence and Youth.\(^7\) All of these reports suggest that the effects of media violence on the behaviour of children, youth, and adults who view such programming are harmful.

3.4 And yet, despite decades of research, there is division between commentators as to whether the evidence on television violence is clear or inconclusive. As was stated to the Committee by Megan Simes from the Australian Visual Software Distributors Association:

> I was a member of the ABA’s Inquiry into Violence on Television just about 3 or 4 years ago and the fact is that no matter which way you look at it you are not going to get any definitive answers on that one. Social Science simply is unable to make the fine distinctions that people would like to make. So you get these endless fights with one side saying this and one side saying that.\(^8\)

In contrast, Associate Professor Michael Carr-Gregg states:

> Contrary to some claims, many people in the medical, public health, and scientific communities are in agreement that the relationship between television violence and aggression and violence in young people does exist. Exhaustive reviews of the evidence accumulated over 40 years—and we are talking about 3000 different studies—have led researchers to conclude unequivocally that mass media significantly contributes to the aggressive behaviour and attitudes of many children, adolescents and, of course, adults.\(^9\)

3.5 This difference of opinion amongst commentators is due to the difficulty of proving direct cause and effect, isolating the effect of television violence and excluding psychological, social environmental and economic influences. In addition, broadcasters and scientists continue to debate the degree to which the viewing of television violence contributes to aggressive behaviour. Some commentators believe that there is not enough evidence to prove that TV violence is harmful in the long term, and evaluate its effect as minor beside psychological and socio-economic factors.

3.6 An additional problem is the lack of Australian–based research. Associate Professor Carr-Gregg states again:
In the years of research done, and in those 3000 different studies… The only problem I have with the research is that none is Australian.\textsuperscript{10}

While there is nothing to suggest that U.S. based research is inapplicable in an Australian context (a large percentage of television programming viewed in this country is produced in the U.S.), Australian based research may reveal subtle cultural differences.

Recommendation 6: That the Victorian and Federal Governments contribute to enabling more Australian based longitudinal studies to be conducted into the prevalence of violence on Australian television, the correlation between portrayed violence and levels of community violence, and the cause and effect relationship between high levels of violent television and violent behaviour.

Accordingly, the majority of the research discussed in this chapter was conducted in the United States.

3.7 The research on the effect of television violence can be roughly divided into three streams: research concerned with the prevalence of violence on television; the correlation between excessive viewing of television violence and aggressive or violent behaviour; and the issue of causation. In addition there is specialised research on the effect of the context of portrayed violence and the characteristics of viewers who appear to be more susceptible to influence.

Prevalence

One of the startling figures which the committee needs to bear in mind is that the average American child will have watched 8000 murders on television by the time he or she is 12 years old. I think it would probably be fairly similar in Australia although, as I said, the research is not really there.\textsuperscript{11}

3.8 An early study of television content and the prevalence of violence was begun in conjunction with the U.S. National Commission on the Causes and Prevention of Violence\textsuperscript{12} and the Surgeon General’s Scientific Advisory Committee on Television and Social Behaviour\textsuperscript{13} and they continued annually throughout the 1990’s.\textsuperscript{14}

3.9 The typical method involved video-taping all evening prime-time and Saturday morning television programs (programming associated with normal family viewing hours), on broadcast or cable-cast during one week, at the beginning of the autumn television season. Included in the analysis of these programs was an extensive coding of the frequency and nature of violence portrayed. Although violence was not the only issue addressed in this
research (the study was initially titled *Cultural Indicators*) it was given prominence because it was seen as a “definer of power” in the sense that those who are the victims of violence are usually portrayed as powerless.

**Trends in the level of violence on four U.S. Television networks 1973–95.**

(Source:—Murray, 1997)\(^{15}\)

3.10 With regard to the prevalence of violence, the initial study found that eight out of every 10 programs broadcast during their survey period in 1969 contained some form of violence. Similar studies conducted each year documented consistently high levels of violence. The annual reports on the percentage of prime time programs containing violence on the three major networks (ABC, CBS, and NBC) and the newer FOX network, from 1993 to 1995 are displayed in the diagram above. It can be seen that the average for the three major networks is about 70% of all programs with peaks at 80% and several drops to around 60%, or even 50%.

3.11 It has been argued that these drops correspond to years in which there was significant public concern expressed about media violence (eg. 1973–74 following the 1972 release of the American Surgeon General’s report on the harmful effects of television violence; 1982–83 following public concern about the high level of violence in the 1981–82 season which saw an all time peak in the number of violent acts on children’s Saturday morning television; and drops in 1990 and 1995 following US Congressional hearings on the *Children's*
Television Act and continuing congressional and FCC hearings concerning the V-Chip and educational programming). Nonetheless, this analysis conducted over more than twenty-five years has found the average level of violence in prime time consistently around five violent acts per hour, while children’s weekend morning programming has averaged around 25 violent acts per hour.

3.12 Other U.S. studies designed to assess the prevalence of television violence have also found high levels of violence. In 1992, the Center for Media and Public Affairs monitored one day (6:00 a.m. to midnight) of television programming available on broadcast and cable channels in Washington DC. This analysis recorded 1,846 violent scenes during this one 18-hour period. Furthermore, a follow-up study in 1994 found 2,605 violent scenes in a similar 18-hour day—a 41% increase from 1992 to 1994.

3.13 Continuing studies of the prevalence of television violence have included studies sponsored by both broadcast and cable networks. The University of California Los Angeles’ Center for Communication Policy, in a 1995 study funded by the commercial television networks, concluded:

The world of television, from broadcast networks, to syndication, to cable, to home videos, is not as violent as we had feared and not as wholesome as we might have hoped. There is room for substantial improvement.

Concurrently, other studies funded by the National Cable Television Association (known as the Mediascope studies) found evidence of fairly extensive levels of violence on both broadcast and cable television based on their analysis of a 20-week composite involving 2,693 programs on 23 channels. The Mediascope results showed that the percentage of programs containing violence on the broadcast network stations was 44%; while the figure for independent broadcast stations was 55%; basic cable stations logged 59%; premium cable subscription channels had violence in 85% of the programs; and public television had violence in only 18% of its programming.

3.14 In the most recent large scale study, the National Television Violence Study examined nearly 10,000 hours of television programming throughout 3 years (1995 and 1997) and found that 60% contained violence, with children’s programming being the most violent. These figures were based on a 7-day, 6:00 a.m. to 11:00 p.m. composite week representative sample of roughly 2,700 programs each year. This study also carefully monitored the context in which violence was presented. The final results of this study are summarised in the diagram below. In prime time the proportion of violence was found to have increased on broadcast networks and basic cable. During this 3-hour period (between 8:00 p.m.–
11:00 p.m.) the percentage of programs that contained violence increased by 14% through the length of the study.

**Media Violence: Overall Industry Averages 1995–97**

Source: U.S. National Television Violence Study Part 3, Executive Summary
3.15 The studies of prevalence of television violence, indexed by content analysis of programming, demonstrate high levels of violence in television entertainment. Although the various studies have used different approaches to sampling— one week, prime time and Saturday morning, one 18-hour day, and a composite 20-week period—the overall conclusions from these differing studies are similar in concluding the existence of extensive violence in television programming.

To gauge the effect of this violent television content it is necessary to move from studies of prevalence to initially demonstrating a co-occurrence between viewing violence and aggressive or violent behaviour.

Correlation

3.16 It is useful as a prelude to the study of direct causation to discuss the co-occurrence of violent actions or aggression and viewing aggressive material. Correlational studies developed simultaneously with, but independently of, studies of causation and tended to be survey based using real-world rather laboratory settings. These studies also tend to be of a longer term and do not attempt to make a direct link between violence on television and aggressive behaviour but make observations on the frequency with which they co-exist.

3.17 Although early research surveys of the impact of television on children addressed some of these concerns about violence, later research has been more targeted in studying the correlation between aggression and violent content.

3.18 In studies, conducted for the US Surgeon General’s research program, the researchers found consistent patterns of significant correlations between the number of hours of television viewed or the frequency of viewing violent programs and various measures of aggressive attitudes or behaviour. A later study found that heavy television violence viewers were more likely to choose physical and verbal aggressive responses to solve hypothetical interpersonal conflict situations (i.e. 45% of the heavy violence viewers chose physical/verbal aggressive responses versus 21% of the low violence viewers). Another more recent study of a similar type found that adolescents who reported enjoying television violence were more likely to hold attitudes and values favourable to behaving aggressively in conflict situations.

3.19 There have also been studies conducted of large samples of the population designed to measure fluctuations in behaviour and attitude. Two studies of this type assessed the relationship between television and adult fatalities. In the first study, national death certificate records compiled by the American Centres for Disease Control were used to
evaluate the impact of televised suicides portrayed in ‘soap operas’ on the incidence of suicide in the American population. This research found that whenever a major suicide (i.e. suicide of a popular character) was portrayed in a soap opera in the 1960s, within three days of the telecast there was a significant increase in the national incidence of suicide among women (the major proportion of the program’s demographic). Similarly, The Victorian Suicide Prevention Taskforce reported in 1997 a correlation between sympathetic portrayals of suicide, and increases in suicide rates. The second study examined the correlation between the telecast of a major boxing event and increases in levels of homicide. It was found that the level of violent death among men (the major audience) who were similar in age and ethnicity to the loser of the boxing match increased significantly. This research suggests that television portrayals can influence decisions and precipitate actions by either making a violent response seem acceptable or presenting this behaviour as an option.

3.20 In addition to tracking the prevalence of violence on television the previously mentioned Cultural Indicators Project, has been used to explore the relationship between television portrayals and viewers’ understanding of their social environment. This research identified differences in the perceived risk level of becoming a victim of violence (described as the ‘mean world syndrome’) between light and heavy television viewers. The heavy viewers (usually, five or more hours per day) were much more fearful of the world around them than were light viewers (about three or fewer hours per day). When questioned about their perceptions of risk, heavy viewers were much more likely to overestimate the chance that they would be the victim of crime in the ensuing six months in comparison to what the Federal Bureau of Investigation crime reports for their locale would suggest. They had also taken greater precautions by changing the security of their homes or restricting their travels at night and were generally more fearful of the world. As the research states:

We have found that long-term exposure to television, in which frequent violence is virtually inescapable, tends to cultivate the image of a relatively mean and dangerous world...in which greater protection is needed, most people cannot be trusted, and most people are just looking out for themselves.

3.21 These research studies stress the co-occurrence of viewing and violence and do not address the issue of causation. Other correlational research studies, conducted in a large-scale panel format, have suggested causation by the fact that they were conducted over different time periods. There have been three of these studies: a study funded by CBS, one funded by NBC, and the third funded by the Surgeon General’s Committee and National Institute of Medical Health (NIMH).
3.22 The CBS study was conducted in England with 1,565 youths that were a representative sample of 13 to 17 year old males living in London. The participants were interviewed on numerous occasions concerning the frequency of their exposure to a selection of violent television programs broadcast during the period 1959 through 1971. The level and type of violence in these programs was rated by members of a BBC viewing panel. By use of this method a personalised record of the type and frequency of exposure to televised violence was available for each of the participants. In addition, the level of violent behaviour demonstrated by each boy was determined by a personal report of how often he had been involved in any of 53 categories of violence over the previous six months. The categories ranged in seriousness from only slightly violent aggravation, such as taunting, to more serious and very violent behaviour. In the final results, approximately 50% of the participants were not involved in any violent acts during the six-month period. However, of those who were involved in violence, 12% were involved in 10 or more acts during the six-month period. When the behaviour of boys who had higher exposure to televised violence were compared to those who had lower exposure (taking into account a wide variety of possible contributing factors), it was found that the high-violence viewers were more involved in serious interpersonal violence.

3.23 The NBC study was conducted in the United States, over a three-year period from 1970 to 1973 in two cities, Fort Worth and Minneapolis. Interviews were conducted with samples of second- to sixth-grade boys and girls and a special sample of teenage boys. In the elementary school sample, the information on television viewing and measures of aggression were collected in six time periods over the three years. The aggression measure consisted of peer ratings of aggressive behaviour based on scale derived from a previous study. In the teenage sample there were five waves of interviews over the three years and the aggression measures were self-report rather than peer-reported aggression. In summarising the results of this study, the authors concluded:

> On the basis of the analyses we carried out to test for such a causal connection there is no evidence that television exposure has a consistently significant effect on subsequent aggressive behaviour in the [elementary school] sample of boys.

The findings reported for the elementary school girls and the teenage boys were similar. It has been suggested, however, that there may be small causal effects in this and that these effects might become more apparent when the period of analysis is extended.

3.24 The final study was initially, conducted for the Surgeon General’s investigation of television violence. Researchers in this study were able to document the long-term effects
of violence viewing by studying children over a 10-year period from age eight to age 18 years. The participants were interviewed concerning their program preferences and information was collected from peer ratings of aggressive behaviour both initially and at the completion of the time period. The co-occurrence of a preference for violent television programs and high measures of aggression across these two time periods suggested the possibility that early television violence viewing was one factor in producing later aggressive behaviour. In illustration of this trend the findings for 211 participants showed significant correlation between viewing television violence at age 8 years and aggression at the same age and at 18 years. Conversely, a for preference television violence reported at age 18 years but not at the earlier time period was not related to aggressive behaviour at age 8 years. In addition, this trend was apparent even when variables such as parenting style and level of discipline were controlled. Moreover, in a follow-up study, when the participants were aged 30 years, the authors found a significant correlation between television violence levels at age 8 years and serious interpersonal criminal behaviour (eg, assault, murder, child abuse, spouse abuse, rape) at age 30 years.46

3.25 In summary, a correlation between television violence and aggression may be established from studies using a wide range of methodologies. Furthermore, longitudinal correlational studies can lead to suggestions of causation. However, it has been argued that the study of causation needs to be addressed as an issue in itself and is best assessed in experimental designs that allow for the isolation of television violence as a major and direct contributor to aggressive and violent behaviour, and take account of variations in television viewing experiences that occur naturally.47

Causation

3.26 As previously noted, the potential role of television violence in the causation of aggressive behaviour was among the first subjects investigated by social scientists upon the introduction of the medium. The early studies of the 50’s48 and 60’s49 provided the basis for experimental studies designed to evaluate the causal influences of television violence by subjecting random subjects to differing viewing conditions. These later studies were conducted both in a structured, laboratory-based environment and more naturally occurring settings in schools and communities.

3.27 An early study of this type evaluated the effects of viewing the violent segments of a television program, on the aggressive behaviour of 5–9 year old boys and girls.50 In this study, the participants viewed either the violent material or a non-violent yet active program. Directly after viewing, the subject was placed in a playroom setting and a situation was
created where a child playing in another room could be assisted or hampered depending upon the decision of the subject. The child in the other room played a game the difficulty or ease of which was directly controlled by the subject at the push of a button. The results indicated that participants who had viewed the violent material were more willing to retard the ability of the other child to play the game than were those who had watched the non-violent material. Furthermore a sophisticated variation on this study which included the recording of the facial expressions of the participants while they were watching the violent material indicated that those whose facial expressions registered interest or pleasure while watching were more inclined to hamper the other child than those whose facial expressions indicated disinterest or displeasure while viewing.51

3.28 Studies have also been conducted to measure the level of physiological arousal, encountered by those watching violent animation. Such physiological changes as increased heart rate and respiration were used to monitor emotional responsiveness and suggested that children can even be affected by cartoon violence.52 In addition, studies conducted in structured playroom settings have suggested that the viewing of a single violent cartoon can lead directly to increased aggressiveness.53 Research has also suggested that exposure to violent programming can lead to desensitisation and increased tolerance of violence in others.54 This effect can be heightened in children with attention-deficit-hyperactivity disorder, oppositional defiant disorder, or conduct disorder. Research conducted among eight to 12 year-olds who were diagnosed with the above disorders were more tolerant of violent portrayals and displayed less sympathy for victims than a control group without such disorders.55

3.29 Due to the fact that the above research was conducted in controlled laboratory conditions, questions have arisen as to their applicability to normal viewing environments where displays of aggressive behaviour, desensitisation and arousal are not structured nor immediately monitored after viewing. Another study, however, has compared the affect on behaviour of viewing different types of programming in naturalistic school and childcare settings.56 This research involved the participants viewing programs with violent, positive social, and neutral content with a viewing frequency consisting of 12 half-hour episodes that were viewed one half-hour per day, three days per week, for three weeks. Children were observed in the classroom and playground for three weeks prior to the commencement of viewing to ascertain the participants existing behaviours with this observation continuing during the four weeks of viewing and for an additional two weeks. Children who initially exhibited aggressive behaviour displayed increased levels of classroom disruptiveness,
played more roughly with toys and got into more aggressive encounters upon watching the violent material. In contrast, children who had watched the positive social programming increased their level of consideration and helping. This study has suggested that viewing aggressive program content can lead to changes in the nature and extent of aggressive behaviour, while the opposite is also true for positive social programming. These results were also observed in a short period of viewing time (12 half-hours) without consideration of other viewing outside of the study.

3.30 Studies have also been conducted in isolated populations examining detainees such as juveniles in detention centres and secure residential settings. In research conducted for NBC, pre-adolescent and adolescent males in a security facility were exposed to aggressive and non-aggressive television programs over a six week period with their level of aggressive behaviour assessed daily. The results showed an increase in aggressive behaviour among those participants who viewed the violent material compared to those who did not. The validity of this study has been questioned on methodological grounds relating to the selection of subjects and the assignment of viewing conditions. In a later study using a similar research approach, adolescent males who viewed aggressive films were compared with those watching non-aggressive films while living in minimum security institutions. As in the above study, the group viewing the violent material did demonstrate increases in both verbal and physical interpersonal aggression. However this study is open to the same methodological criticism.

3.31 Other studies have used naturally occurring ‘isolations’ as their basis. These studies compare communities whose access to television came at a later stage due to technological remoteness or those with a difference in available content. In a series of studies conducted in Australia, researchers were able to examine the effects of the introduction of television in a rural community, in contrast to two similar communities that had experienced television for longer periods of time. Similarly, in a second set of studies, researchers were able to study the introduction of television in a rural Canadian community, in contrast to two similar communities with different television experiences. Both of these studies show that the introduction of television has had a major impact in restructuring social interaction among children in these different communities by replacing the use of other media such as radio and cinema as well as involvement in various sporting and social activities. Such results had been suggested in studies of children conducted in England or the United States and Canada. With regard to the effects of television violence, however, these studies provide evidence of negative influence, in differing but complementary ways. In the Australian study the children
in a specially designated ‘high-television’ town had a much more complex and tolerant attitude to crime than their peers in towns designated as having access to low amounts of television or none.\textsuperscript{65} In the other community-level analysis of the impact of television, the study of children in three Canadian communities, the authors found that the introduction of television in a community led to increases in aggressive behaviour.\textsuperscript{66} The research reported that:

\begin{quote}
the effects of television were not restricted to a subset of children. Boys and girls, children initially high and low in aggression, and those watching more or less television were equally likely to show increased aggressive behaviour [upon the introduction of television].\textsuperscript{67}
\end{quote}

3.32 In conclusion, the research presented, both in structured laboratory experiments and field studies, suggests that television violence is a contributor to the production of desensitisation, aggressive attitudes, values and behaviour in the short term with individuals affected to a greater or lesser degree. Importantly, other studies have examined the context in which violent material is presented and the extent by which the effect may be accentuated or diminished.

\textbf{Context and Portrayal of Violence}

3.33 One of the findings from the large body of research that exists relating to the subject of violence in the media and its effects on children is that the context of the violence is as important as the amount watched. Rewards, punishments, justifications, and consequences of violent activities are critical to the way a child interprets what is viewed.\textsuperscript{68}

3.34 The following are factors related to how violence is portrayed which may heighten the likelihood of television influence. Research on these factors is summarised:

- reward or lack of punishment for the portrayed perpetrator of violence;\textsuperscript{69}
- portrayal of the violence as justified;\textsuperscript{70}
- cues in the portrayal of violence that resemble those likely to be encountered in real life. For example, a victim in the portrayal with the same name or characteristics as someone towards whom the viewer holds animosity;
- portrayal of the perpetrator of violence as similar to the viewer;
- Violence portrayed so that its consequences do not stir distaste or arouse inhibitions;
- violence portrayed as real events rather than events concocted for a fictional film;
- portrayed violence that is not the subject of critical or disparaging commentary;
- portrayals of violent acts that please the viewer;
- portrayals in which violence is not interrupted by violence in a light or humorous vein;
• portrayed abuse that includes physical violence and aggression instead of or in addition to verbal abuse; and
• portrayals, violent or otherwise, that leaves the viewer in a state of unresolved excitement.\textsuperscript{71}

3.35 Consequently it is argued that these contingencies represent four dimensions:
1. Efficacy (reward or lack of punishment);
2. Corresponding with normal behaviour (justified, without consequence, intentionally hurtful, physical violence);
3. Pertinence (commonality of cues, similarity to the viewer, absence of humorous violence); and
4. susceptibility (pleasure, anger, frustration, absence of criticism).\textsuperscript{72}

**Characteristics of Viewers**

3.36 Violence on television and in multimedia affects different children in different ways. Certain children are more susceptible to influence by media violence. Strong predictors include factors such as identifying with one of the characters. A child’s response can depend on which character he or she identifies with. Since aggressors in the media, in movies particularly, are commonly males and victims are often females, boys are more likely to respond with aggression and girls with fear.\textsuperscript{73}

3.37 The following characteristics of viewers have been shown to affect the influence of television violence on behaviour:\textsuperscript{74}

• **Age**: A relationship between television violence and aggression has been observed in children as young as three.\textsuperscript{75} Longitudinal data suggest that the relationship is much more consistent and substantial for children in middle childhood than at earlier ages.\textsuperscript{76} Aggression in early adulthood is also related to the amount of violence watched in middle childhood, although it is not related to the amount watched in early adulthood.\textsuperscript{77} It has been proposed that there is a sensitive period between ages eight and 12 years during which children are particularly susceptible to the influence of television violence.\textsuperscript{78}

• **Amount of television watched**: Aggressive behaviour is related to the total amount of television watched, not only to the amount of violent television watched. Aggressive behaviour can be stimulated also by frenetic, hectic programming that creates a high level of arousal in children.\textsuperscript{79}
• **Identification with television personalities**: Especially for boys, identification with a character substantially increases the likelihood that the character’s aggressive behaviour will be modelled.80

• **Belief that television violence is realistic**: Significant relationships have been found between children’s belief that television violence is realistic, their aggressive behaviour, and the amount of violence that they watch.81

• **Intellectual achievement**: Children of lower intellectual achievement generally watch more television, watch more violent television, believe violent television reflects real life, and behave more aggressively.82

3.38 In addition the following factors may increase the likelihood of television influence:

• Viewers who are in a state of anger or provocation before seeing a violent portrayal; and

• Viewers who are in a state of frustration after viewing a violent portrayal, whether from an extraneous source or as a consequence of viewing the portrayal.83

3.39 Another factor that influences the effect of violence in the media on children is if they interpret what they see as realistic and relevant to their own lives. For example, media violence is more likely to have a strong impact on children who see violence in their own lives. Attitudes to violence are formed from a number of sources. Attitudes that support the use of violence are often forged out of experiences by children as witnesses to, or victims of, violence in their own homes. These attitudes inform or create beliefs, perceptions and values that make sense of experience. For children growing up in violent environments, the lessons learnt are that violence is used to gain control and that violence is an acceptable means of control.84

3.40 Children coming from violent families may accept the use of violence as normal. If what they watch on television or the multimedia reinforces that idea and they have no other moderating influences around to teach them alternative ways of resolving conflict, the media serves as a reinforcement of the attitudes that lead to an acceptance and perhaps use of violence in their own lives.85

**Sexually Aggressive Behaviour**

3.41 There is much public concern over the availability, particularly to minors, of sexually explicit media material. A study conducted by the South Australian Council for Children’s Films and Television Inc. found that many young people under the age of 18 years are gaining access to explicit material in the form of ‘R’- and ‘X’-rated videos.86
3.42 Research findings suggest that pornographic films, especially those containing violence, can contribute to callous sexual behaviour and violence towards women. This can be due to the manner in which women are portrayed in these films—often either as promiscuous or submissive. The images portrayed of women as objects to be used by men for sex are potentially damaging in the social messages that they present. A recent study found erotica had a potentially negative effect on the attitude of men toward women, even without incorporating violence. However, as with other research findings about the effect of viewing violent or erotic material, it is important to remember that there are other variables that influence the behaviour of any particular viewer. The same complex issues which surround the debate about the effects of violence apply to the effects of pornography.

3.43 One substantial American experiment conducted in the early 1980s on the viewing of pornography found that those frequently exposed to pornography came to believe, much more than did non-viewers, that unusual sexual behaviour was widespread. Viewers exposed to pornography also became more callous toward sexual exploitation and more tolerant of rape than the non-viewers were.

3.44 Sexualising factors are the arena where television and multimedia seem to have a role in explaining the genesis of sexually aggressive behaviours. The Birrell Centre for Children reported to the Committee that it was the Centre’s experience that if a child demonstrates medium or high sexual behaviour below the age of seven, then it is highly likely that the child has experienced sexual abuse, which can explain the sexual content of the child’s behaviours. If the child is over age six, then the most commonly cited sexualising factor, is television or video programs with sexual content. The next most common factor, is Internet access to sexual content. The third is magazine pornography.

3.45 In the 6-10 age range, it is overwhelmingly the Centre’s experience that the child has viewed the material in circumstances indicating a) a lack of parental supervision, or b) actively poor boundaries. In a) frequent examples are of children staying up late and watching M or MA rated movies, dramas or infotainment shows. In b) the children describe not being excluded from the area where adults are watching M, MA, R, X rated videos or movies. Where b) is the case, it tends to take place repetitively.

3.46 The Victoria Police also expressed concern at the availability of sexually explicit material to minors. Although laws in Victoria prohibit the sale of pornography to children and the sale of X-rated videos at all, there is little doubt that young people are accessing such material for their own titillation or being shown such material in an attempt to induce them to engage in similar activity. Recent studies suggest “over 50% of various categories of
paraphiliacs (sex offenders) had developed their deviant arousal patterns prior to age 18”.

Accordingly, it is of concern that children are exposed to pornographic material at an age when they are ill equipped to develop appropriate responses. In 1992 a study of 247 American high school students, found very high levels of rape supportive beliefs and acceptance of rape myths about the effect of rape on women amongst boys who were frequent consumers of pornography. The Victoria Police commented that some young victims exposed to pornography, both via the Internet and other media have in turn, offended against even younger children.

**Links with Crime and Offending**

3.47 Media portrayal of violence has been cited as one of the risk factors associated with antisocial and criminal behaviour by the National Crime Prevention Unit of the Federal Attorney-General’s Department. Media portrayal of violence is described in the report as one of several community and cultural factors. Other categories of risk factors include child factors, family, school context and life events.

3.48 The debate over the extent of influence the media has over offending behaviour continues. However, research finds it difficult to prove whether multimedia violence causes crime and no firm predictions can be made without conducting extensive longitudinal studies that examine future offending behaviour.

3.49 For example, it is very easy to show the number of offences of various types committed by young people (from statistical information available from a range of sources). However it is much more difficult to subjectively assess how many of these crimes were carried out by young people acting under the immediate influence of violent media, and as stated previously, that an anti-social or criminal disposition was created by long term exposure to media violence.

3.50 Although concerns about imitative violence most often focus on pre-schoolers (with their lack of life experience and their belief in television’s reality), it is actually ‘copycat’ crimes or other acts of violence committed by adolescents that most come to public attention. Those programs which adolescents are likely to copy are those that demonstrate in detail the method of committing a crime. There is the view that adolescents, with their superior abstract reasoning ability, are capable of imagining and planning a real-life re-enactment, including detecting and correcting the gaps or flaws that may have caused the television crime to fail.
Computer and Video Games

3.51 The popularity of video games has reached phenomenal proportions. The video-game industry’s leader, Nintendo, sold an average of three games every second of the 12 years from 1983 to 1995 for a total of 1 billion games sold. Children are playing video games in large numbers and in much larger numbers than adults. Research conducted in South Australia found that adult males aged on average 22 years spent 90 minutes a week with video, arcade or home computer games. In contrast, males between 13 and 17 years played on average 12 hours per week.

3.52 Although superficially there are similarities between television and computer and video games in the visual presentation of violence, the interactive nature of game playing has led to greater concern. Indeed one prominent American researcher believes that there is similarity between the presentation of computer/video games and programs used by the military to desensitise soldiers for combat. In addition, although playing computer games in some ways resembles reading stories or watching films or television, computer games also appear more as problem-solving exercises or puzzles, so that the emotional investment in character and action is less. However, the growing sophistication of virtual reality and other technological advances means that the boundaries between fact and fiction are becoming increasingly blurred.

3.53 The second qualitative stage of the project ‘Computer Games and Australians Today’, commissioned by the OFLC, found that subjects between 5 to 25 years of age find no difficulty in distinguishing between the surreal nature of violence in a game and aggression in real life. Games were played for the challenge, skill and fun of the game, and because this is an activity which can be shared with friends, as with non-electronic games. No clear preference for one type of game emerged and players identified as at risk (ie. without family support) rejected any link between violence in games and aggressive behaviour. Research such as Sanger’s two year study of 4 to 9 year-olds and their experiences with computers, computer games and videos at home and school confirms the capacity of children to make such distinctions in relation to computer games, and the relative sophistication of their responses.

3.54 The correlation and causation research presents similar ambiguities to those described in the television research. As was stated to the Committee:

The media presents straightforward answers to the questions of the effects and influence of computer and video games, but the research is more ambiguous. The committee’s discussion paper notes the difficulty in establishing direct cause–and–effect relationships
between games and ill effects, while also pointing to research identifying apparent correlations. So we definitely have correlations, but no, we do not have anything definitive linking cause and effect, or at least, nothing that is not contested by the next study.  

3.55 In 1995 the Office of Film and Literature Classification undertook an extensive review of the Australian and international literature on computer games. In conclusion the review states that on the basis of the limited research available caution is required when claiming causal connections even when they seem to be implied:

The amount of research into this important topic is still rather small. Some correlational studies have provided evidence of a modest relationship between video game play in arcades and aggressiveness ratings, but no link between home play and aggressiveness ratings. This leaves us uncertain as to causal direction. Even if we assume a causal relationship due to the video arcade, we cannot distinguish on present evidence whether the problem is the games played or the social milieu of the arcade itself. A small number of experimental studies have been reported. Either no or minimal effects have been obtained. Some very tentative evidence indicates that aggressive game play may be cathartic (promote the release of aggressive tensions) for some individuals, although this work is open to methodological criticisms. Overall, evidence is limited, but so far does not lend strong support to the claims that computer game play promotes aggressive behaviour.

Durkin concludes:

The most dramatic anxieties about the negative effects of computer games have not been supported by the research to date. Some research indicates that there may be positive outcomes associated with computer game play, in terms of cognitive, perceptual and social development. At this stage of our knowledge, neither negative nor positive effects should be overstated, but both are important issues in the face of the likely continuing appeal of this form of entertainment among young people.

3.56 A recent Australian study has found the possibility of a negative effect from the use of video-games due to the reward these games attach to violent and aggressive actions:

If violent games are more realistic and more immersive it’s possible they could have a negative effect, because basically you’re being rewarded for being aggressive within the game.

However, it was also suggested that action or combat video-games could have a cathartic effect:

If you’re feeling aggressive and you play a video game, it can satisfy your aggression. You can get a release from it. So if you get home and you’re upset because someone cut you off in traffic or you’ve had a hard day at work, playing one of these games can help release all of those irritations, which is much better than transferring that aggression to the real world.
In the end, however, this research stands alone and needs to be supported by further Australian and international research. As the researcher readily admits:

Essentially we don’t know enough about the problem– there’s so little research being done on this anywhere in Australia. There’s a real need for some balanced, well-thought research, because without it we can’t have an educated debate about video game violence.111

Recommendation 7: That there be more Australian based longitudinal studies conducted into the effects of violent computer and video games on aggressive and violent behaviour

Conclusions and Concerns

3.57 The overall pattern of research findings indicates a positive association between television violence and aggressive behaviour. The preponderance of evidence from more than 3,000 research studies over two decades shows that the violence portrayed on television influences the attitudes and behaviour of children who watch it. Furthermore, most of the scientific evidence reveals a relationship between television and aggressive behaviour. While few would say that there is absolute proof that watching television caused aggressive behaviour, the overall cumulative weight of all the studies gives credence to the position that they are related. Essentially, television violence is one of the things that may lead to aggressive, antisocial, or criminal behaviour; it does, however, usually work in conjunction with other factors. As was stated to the Committee by the Victorian Community Council against Violence:

The council would like to say that what causes violence and what causes some to be victims of violence is very complex and can be influenced by the interplay of a range of factors. It is difficult to isolate one cause, but the council takes the view that TV and multimedia have pervasive influence in our community and society and have played a role in promoting and supporting what we would call a culture of violence.112

3.58 In general, the research on television and multimedia violence suggests three main classes of effects:

- Aggression: viewing televised violence can lead to increases in aggressive behaviour and/or changes in attitudes and values favouring the use of aggression to solve conflicts;
- Desensitisation: extensive violence viewing may lead to decreased sensitivity to violence and a greater willingness to tolerate increasing levels of violence in society;
- Fearfulness: extensive exposure to television violence may produce the ‘mean world syndrome’ in which viewers overestimate their risk of victimisation.113
3.59 In addition the following observations can be made:

1. violence in the media may contribute to violent crime, but it is not a single cause, because there are many variables which contribute to violent behaviour;
2. some people may imitate what they see on television and video (and many do not);
3. violence on screen may reinforce the behaviour of already aggressive people;
4. the relationship between viewing violent screen images and exhibiting aggressive behaviour appears to be bi-directional. That is, aggressive people are more likely to watch violence, and people who watch violence are more likely to be aggressive;
5. the context in which violence is portrayed plays a critically important role in relation to its effects;
6. the effects from on-screen violence can be short or long-term;
7. children are most at risk from these effects, and young adults may also be at risk;
8. males appear to be slightly more at risk than females;
9. the general public is concerned about the effects of screen violence;
10. parents have an important role to play in supervising their children’s viewing, teaching children about the differences between television or film violence and real-life situations, and encouraging critical evaluation of on screen images; and
11. despite the potential influence of violent entertainment on violence in society, it is not clear whether the impact of other environmental factors such as family circumstances, violence or abuse in the home, parental influence, poverty, health, education, racism, cultural disintegration, and substance abuse is of more importance or is in fact critical.  

3.60 Another concern addressed by the National Association for the Education of Young Children (1990) is the negative effect on children’s play of viewing violent television:

In short, children who are frequent viewers of media violence learn that aggression is a successful and acceptable way to achieve goals and solve problems; they are less likely to benefit from creative, imaginative play as the natural means to express feelings, overcome anger, and gain self-control.  

3.61 Although the body of research on the effects of viewing television violence is extensive and fairly coherent in demonstrating patterns of influence, it provides surprisingly little information about the processes involved in the production of these effects. In addition more needs to be known about the social factors that cause the high prevalence of television
violence, as well as factors that may reduce the prevalence of gratuitous violence in programming. Finally, further research is required about the success or failure of efforts to intervene or remedy the harmful effects of violence viewing. Therefore, avenues for future research should include continuing analysis of the process, prevalence, and prevention of television violence.

**Preventative Measures**

3.62 The connection between children creating violent settings for their games having just watched adventure programs with violence, and becoming aggressive and anti-social in their social interactions cannot be assumed. Children have been playing war-like games since long before television existed. One might note that levels of violence in society were much higher in previous centuries, prior to the advent of television.\(^{116}\)

3.63 Much of the debate about violent material has been centred on the effect of multimedia, in other words, the outcomes. This rationale has assumed a linear model– for example, that watching violence on television leads directly to aggression in children. It was suggested to the Committee that this model was simplistic, and that a more appropriate one was circular.

3.64 Not only does one need to include outcomes or effects of the use of multimedia but also the needs or motivations of the family and schooling environment to use multimedia. These needs or motivations may be based on the values of the family, the school or the support network of that young person or child.

3.65 In addition consideration must be given to the temperament, predisposition and current state of being of the child; for example, whether that young person is depressed, having learning problems, grief issues, anxiety, peer problems or various developmental issues that generally emerge during that time.

3.66 These considerations will vary at different stages and at different points or milestones in a child’s life. For example, every day in the media individuals are exposed to scenes or records of death. It is between the ages of five and seven that children develop a clearer concept of death. This represents a milestone in the development of the child, which should alert parents and schools to the needs of the child at that time. The question then is how parents and schools can use multimedia to assist a child to gain a clear understanding of the process of death, and as a result a reverence for life.\(^{117}\)
3.67 If children have a small exposure to media violence, influence will come from other interactions in the environment, such as the home and school. In addition the Committee heard that:

If they are exposed to large amounts of media violence but it is discordant with what is happening in the rest of the environment at home– not being punished, being listened to, not getting the message that it is okay to hit to get your way, and if their school is reinforcing non-violent attitudes then nothing else is giving them the message that violence is okay and they are given opportunities to learn other strategies to meet their ends–the media violence is likely to have less impact.118

Clearly stated, parents supplied with good information, supported by teachers and schools and encouraged by clear expressions of community opinion and support, are best placed to mediate their children’s experiences of the media. As Professor Michael Carr-Gregg states

There are three key areas of socialisation in the life of a young Victorian. They are, firstly and most importantly, the family; secondly, the school; and thirdly, the peers. We are saying that television violence is a contributing factor, not the causal factor. In considering the risk and protective factors, I believe if a child is in a functional family and has friends at school the protective factor will be so strong that it will almost outweigh what the child sees on television. In those circumstances the child will feel safe, valued and listened to.119

3.68 Research also supports the importance of parental influence: ‘I have not found any cases of children over the age eight, who are medium TV viewers in supportive families, who have expressed any deep fears arising from their television viewing. The fact these children view most television with their families makes a big difference’.120

3.69 In 1996, The Commission of European Communities published a “Green Paper on the protection of minors and human dignity in audiovisual and information services. In it the Canadian government is cited with approval, for its strategy to curb violence on TV. This strategy was based on four complementary measures. These were:

1. codes of conduct worked out with the industry;
2. classification of programs;
3. anti-violence or V-chip; and
4. information campaigns to increase public awareness and media education campaigns.

3.70 In terms of the relative importance of these different measures in the overall strategy, the Canadian authorities are quoted as believing that the first three accounted for a mere 20% of the answer (the V-chip accounting for 10%). The main thing was seen to be the changing of attitudes in the long term, through information awareness raising and education.121
3.71 Two strategies present themselves to parents for controlling their children’s media exposure—limiting access and education in critical use of the media. The first is self−explanatory. The second is more complex

3.72 Research has suggested the following strategies can be successful:

1. Moderating, according to the age and stage of development, the amount of time that children spend with the media, and the programs that they see.\textsuperscript{122}

2. Being aware that parents’ own viewing habits are highly influential\textsuperscript{123}

3. Establishing a TV diet (including a TV free day) with planned levels of consumption of selected TV programs to reduce conflict over what can and can’t be watched.\textsuperscript{124}

4. Discussing the content of programs may raise questions about the suitability of material among younger children and for older children, encourage greater mental investment in watching, which improves their critical approach to viewing.\textsuperscript{125}

5. Using and teaching their children about the classification system for films, videos, videogames, and TV; looking for age specific programs on TV.

6. Providing children and teenagers with entertaining non-violent material\textsuperscript{126} which can replace features that attract children to a violent story such as images of power.\textsuperscript{127}

7. Advocating for media literacy courses in schools.

8. Approaching decisions about children’s media viewing with the same seriousness used when making decisions about other aspects of their well being.\textsuperscript{128}

3.73 Children can learn from alternative sources of information that can counteract existing biases, attitudes and beliefs. In this regard, schooling and the education system are very important. The media plays a vital role in shaping children’s understanding of the world and how it works. It can be used positively, reinforcing powerful messages including the inappropriateness of violence as a means of resolving conflict.\textsuperscript{129}

\begin{boxedtext}
\textbf{Recommendation 8: A Television and Multimedia Education and Information strategy needs to be developed to assist parents, teachers and children to use television and multimedia with responsibility, enjoying the educational and entertainment benefits and avoiding the dangers. As a corollary, parents need to be informed of the importance of supervised Internet usage and the need for computer placement in an area of general access and monitoring in the home.}
\end{boxedtext}
### Endnotes


Mr Evan Walker, Victorian Community Council Against Violence, Submission # 37.

Dr Patricia Edgar, Australian Children’s Television Foundation, Minutes of Evidence 9 February 1998.

Dr Catherine Beavis Deakin University Minutes of Evidence, 30 November 1998.


Ms Jo Fuller, Victorian Community Council Against Violence, Minutes of Evidence, 30 November 1998.

Professor Robyn Williams, RMIT, Minutes of Evidence, 22 June 1998.

Clapp (1988)


Ms Jo Fuller, Victorian Community Council Against Violence, Minutes of Evidence, 30 November 1998.
Chapter 3: Television and Multimedia Violence

85 Professor Robyn Williams, RMIT Minutes of Evidence, 22 June 1998
86 Ms Jo Fuller, Victorian Community Council Against Violence Minutes of Evidence, 30 November 1998.
87 Professor Robyn Williams, Minutes of Evidence RMIT, 22 June 1998
93 Jari Evertsz, The Birrell Centre for Children, Submission #22.
96 Assistant Commissioner W. J Severino, Victoria Police Submission #23.
97 National Crime Prevention (1999). Pathways to prevention: Development and early intervention approaches to crime in Australia, National Crime Prevention, Attorney-General’s Department, Canberra,
99 Assistant Commissioner W. J Severino, Victoria Police, Submission #23.
104 Grossman Col. D., reported in The Age 25 March 1999
105 Dr Catherine Beavis, Deakin University, Minutes of Evidence, 30 November 1998.
108 Dr Catherine Beavis, Deakin University, Minutes of Evidence, 30 November 1998.
114 Mr Evan Walker, , Victorian Community Council against Violence, Submission #37.

Dr Anne Sanson, Melbourne University, Psychology Department, *Minutes of Evidence*, 7 September 1998.


CHAPTER 4
ACCESS & CULTURAL ISSUES

- Introduction
- Regional Issues
- Impact of Overseas Content in Television and Multimedia
- Australian Content in Television and Multimedia
- Multicultural Content in Broadcasting
- Cultural Stereotyping in Broadcasting
- Multicultural and Multilingual Content in Multimedia

Introduction

4.1 Among the benefits of the new technologies, such as the Internet and multimedia, is the opportunity for people and communities who were previously socially or culturally isolated to communicate across distances and borders, to access information and services, and to be involved in worldwide cultural exchange. However, the tendency of communications technologies in the past, such as printing and publishing, radio, and television, is that their control has been centralised geographically and socially, to metropolitan areas and to the dominant cultural groups in society. If the opportunities offered by the Internet and multimedia to those in rural and regional areas and to minority groups in society are to be fully realised, access to these technologies must be equally available to all. This chapter considers some of the barriers to equal access, and surveys some of the resources already available to enable Victorians to overcome those barriers.

Regional Issues

Rural and regional representation in television programming

4.2 Whilst one of the objectives of the Broadcasting Services Act 1992 (Cwth) is to encourage broadcasters to be responsive to the need for coverage of matters of local significance, it is not clear whether this statutory objective requires broadcasters to develop and maintain regional representation in program production.

4.3 The different sectors of the Australian television industry vary considerably in their approach to this issue. The Commercial Television Industry Code of Practice makes no reference to regional access or representation in programming, whereas the Community Broadcasting Code of Practice implies that the needs of regional audiences should be
considered by stations, the underlying rationale of the community broadcasting sector being community involvement.³

4.4 As the premier national broadcaster, the ABC is often viewed as having the greatest responsibility to reflect Australia's regional diversity, the ABC Charter pledging to provide broadcasting that contributes to a sense of national identity and which reflects the cultural diversity of the Australian community.⁴

4.5 Whilst the term "national identity" is interpreted in the ABC Editorial Policies as requiring the provision of programs that "allow geographically and culturally distinct communities to explore and share experiences of being Australian",⁵ it does not expressly require regional balance in program production. However, the ABC's Editorial Policies further require the national broadcaster to be guided by the principle that it should "develop the natural specialised strengths which States and Territories can contribute to national diversity".⁶

4.6 Despite this stated commitment to all States and Territories the ABC has been subject to criticism for its perceived Sydney-centralism, a charge that has been denied, the ABC asserting that whilst a significant proportion of program production may emanate from Sydney it does not automatically follow that programming is Sydney-centric.⁷

4.7 The One ABC re-structure led to the relocation of some functions to a regional centre, with the designation of Adelaide as the ABC national centre for development and management of education and life-long learning services,⁸ and the opening of a cross-media newsroom, also in Adelaide.⁹ The ABC has further indicated that the conversion to digital technology in the near future will enable more use of local material reflecting State and regional interests,¹⁰ although this was considered to some extent conditional upon the ABC's capacity to multi-channel,¹¹ an issue recently resolved by the Federal Government with the the ABC and SBS allowed restricted multichannelling, with their additional channels able to show a wide range of programs including educational programs, regional news and current affairs, science and arts programs, children's programs and occasional dramas.¹²

Regional access to on-line services

4.8 Access to the Internet is capable of providing a wide range of community benefits to rural and regional users. In addition to the opportunity to access and exchange information worldwide, there are also opportunities in distance education,¹³ the benefits of which are not solely related to achieving new skills and qualifications. The ability to access secondary and
tertiary education on-line may also enable young people to stay in rural and regional areas, rather than transferring to regional centres or capital cities.

4.9 In addition to facilitating greater access to education and training, the Internet and multimedia technologies are increasingly being used by governments as a means of service-delivery, exemplified by the MAXI kiosk project in Victoria, which is intended to bring all appropriate government services and information on-line by 2001. The Victorian Department of Human Services is also utilising these technologies to deliver telehealth programs, providing easier access to centralised medical services for those in rural and regional areas.

4.10 Logically, the ability to access these services is dependent upon access to telecommunications infrastructure, at a reasonable cost. In this regard there are particular issues for rural and regional areas.

Of the large population of rural and remote customers, 37,000 households and farming families in Australia do not have access to untimed local calls - in other words customers in this category always incur timed call charges when logging on to the Internet or when sending a facsimile. Even where rural and remote customers do have access to an untimed local call rate, a large number have to make an STD call to connect to an ISP, due to the limited number of ISPs within rural areas... these problems are compounded by lower data rates available over the PSTN, and this requires that rural and remote customers need to maintain longer connections than metropolitan customers to complete identical tasks.

The barriers to achieving higher data rates also include the computer equipment used, the data capacity of the Internet Service Provider, and the quality and structure of the telecommunications network. The data rate capability of the public switched telephone network, (PSTN) used by the majority of network users in Australia is significantly lower in rural areas than in urban and provincial areas, longer telephone lines being a significant contributor to this problem. The information in the table below, taken from the Australian Communications Authority (ACA) Digital Data Inquiry, indicates the disparities in the rates of PSTN data transmission between rural and urban users in Australia.

<table>
<thead>
<tr>
<th>Data Transmission Rate</th>
<th>2.4kbit/s</th>
<th>9.6kbit/s</th>
<th>14.4kbit/s</th>
<th>28.8kbit/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban &amp; Provincial Centres Network Coverage</td>
<td>99%</td>
<td>95%</td>
<td>85%</td>
<td>60%</td>
</tr>
<tr>
<td>Rural Areas Network Coverage</td>
<td>99%</td>
<td>70%</td>
<td>45%</td>
<td>30%</td>
</tr>
</tbody>
</table>
4.11 The Committee heard evidence of such problems in regional Victoria, with areas where it is still difficult even to get fax signals, and consequently Internet access is also difficult to achieve. Rural communities may therefore be limited in their ability to take advantage of information technology in the way that those in urban areas take for granted. The lack of local Internet Service Providers (ISP’s) was also presented as a problem in regional areas compared to the choice available in metropolitan areas. For example, one directory of over 200 ISP services available in Victoria indicated that around 32% of ISPs offered connections outside the metropolitan Melbourne area. This concern was also demonstrated in the Farmwide Survey into Internet usage by the farming community, undertaken by the National Farmers Federation. The survey found that of the 1000 NFF members who volunteered for the survey, 60% did not live within a local call of an ISP and consequently would incur significantly higher call charges than customers with an ISP in their local call area. A recent survey by the Australian Bureau of Statistics further indicated that 41% of Internet households outside capital cities reported experiencing problems when accessing the Internet compared with 24% of Internet households in capital cities.

4.12 The ACA noted that in order to assist such communities, all levels of government in Australia have been establishing telecentres to enable remote and rural users to access high quality digital data services at local call rates. In Victoria the State Library of Victoria's ISP, VICNET, has begun the process of installing local access points in regional Victoria in areas without local call access for Internet users, such as Apollo Bay and Mallacoota.

4.13 The cost of access is also an issue for rural schools, which are linked to the Internet but are at a greater distance from the major telecommunications infrastructure than their urban counterparts. Consequently, schools still moving towards on-line education need competent technology advice in order to access the Internet without incurring excessive cost, as the Navigator schools in Victoria have found that an allocation of 4-7% of the total school global budget has been required to achieve the necessary upgrades of network, hardware, software, and technical support.

4.14 The Department of Education is currently in the process of connecting 1900 educational sites throughout Victoria to VicOne, the whole-of-government network that plans to link all Victorian government departments and agencies. Each school connection to VicOne can be used 24 hours a day, 7 days a week, to provide lower cost access to the Internet and on-line resources throughout the State, by using the Department of Education
preferred ISP. The Victorian Office of the Auditor-General has recently surveyed the use of the VicOne service by primary schools in Victoria and noted that:

VicOne provides schools with access to the Victorian whole-of-government wide-area-network. All Victorian government schools are now connected to this facility, with 66 per cent of the schools responding to the survey indicating that they currently use VicOne for student teaching purposes.

Audit found that at the date of the audit survey around 78 per cent of primary schools surveyed used an internet connection for educational purposes. The majority of schools that had not yet made the internet available for educational purposes consisted of the smaller rural schools. To address this position, the Government has recently announced that all government school students will have their own internet and e-mail accounts and personal homepage on the web.

4.15 Data transmission rates can also be improved through use of an Integrated Services Digital Network (ISDN) rather than through the PSTN, an ISDN service having the capacity to support a total digital capability of 128kbit/s. Due to this high data capability ISDN can support more voice, facsimile and data transmission, in addition to supporting more intensive applications such as digital imaging or videoconferencing, than can be supported by the standard PSTN service.

4.16 In order to address the need for improved digital data services and transmission rates the Telecommunications Act 1997 required Telstra to ensure that 96% of the population had available to them digital data capability broadly comparable to ISDN service by 31 December 1998. However, the take-up rate of this ISDN service in Australia has not been high compared to other countries, despite Australians having a reputation as intensive users of telecommunications. The ACA has suggested that the reasons for this may be the comparably high cost of ISDN in Australia, and the inflexibility of the service compared with alternative data services.

4.17 Consequently, the ACA was asked to consider in its Inquiry whether provision of data capability equivalent to ISDN should be included in the Universal Service Obligation (USO) enshrined in the telecommunications legislation ie. whether telecommunications services should ensure that data capability equivalent to ISDN is reasonably accessible to all people in Australia on an equitable basis, wherever they reside or carry on business. The ACA found that rural and remote area users were disadvantaged due to limited choice of ISPs, increased cost of connection and limited data rate capabilities, and that the higher cost of ISDN, or
alternative satellite-based data services, would continue to limit access in rural and remote areas.  

4.18 Following the ACA Inquiry, the Federal Government has committed to amending the USO legislation to provide that a digital data service of at least 64kbit/s is available to all Australians on demand. The amended legislation will therefore require the telecommunications industry to provide:

- a 64 kbit/s ISDN service on demand for 96% of the population; and
- for the 4% of the population not able to access the 64 kbit/s ISDN on demand, i.e. rural and remote area users, access on demand to a broadly comparable 64 kbit/s digital data service using satellite technology, and reimbursement of up to 50% of the price of purchasing the necessary satellite receiving equipment.

4.19 Whilst these services are to be available "on demand", the costs associated with ISDN or equivalent services may still provide a barrier to rural and regional users. It may be that future developments in technologies will further assist in providing affordable access to telecommunications for on-line services. In 1997 Norweb, a regional electricity company in the UK, announced that they were able to transmit Internet data over power lines rather than over telephone lines, and were promising that it could carry data 20 times faster than the fastest existing telephone modem. A school in Manchester is already using this technology and Norweb is planning to launch a regional pilot program for Internet service in the near future, with a view to licensing the technology worldwide. The transmission of data through the existing electricity network, at potentially cheaper rates, could have benefits for rural and regional areas.

**Recommendation 9:** That the Victorian Government promotes access to technology for the Victorian community, with due emphasis to rural and regional Victoria.

**Impact of Overseas Content in Television and Multimedia**

Australian kids, especially in early adolescence, dream of becoming American citizens. The geography of their imaginative world is American…When my students write imaginatively their pieces are set in California or the Bronx…It is obvious why. My students' imaginative life is fed from a river whose source is Hollywood. The Australian film industry has not produced films for kids that have the power of Hollywood's blockbusters, and Australian TV provides them only with Ramsay Street and Summer Bay, programs about relationships that lack the style and excitement of which dreams are made…
My students know they aren't Americans. Their desertion is not an ungracious or unpatriotic act. Quite simply they have never been given a choice. Australian adolescent culture is a consumer item, and like the rest of our consumption it is the outcome of market forces. Australian culture just can't compete right now.


4.20 For many years, consumers have complained about excessive overseas content in Australian entertainment, particularly the high American content of much television broadcasting. Whilst noting that a definitive study has not been conducted, the Australian Broadcasting Authority suggested to the Committee that Australia's home-grown drama programs are less violent than American programs, and that consequently Australian television has less violence during prime time than the United States. Australian television also tends to broadcast a high proportion of infotainment and lifestyle programs during prime time, rather than violent drama or movies.

4.21 The differences between the US and Australian classification systems also mean that the American content viewed in Australia is actually less violent than that shown in the US, or is shown in a later time slot than would apply in the US. Overseas programs are subject to the same classification system as those produced in Australia, so that the portrayal of sex and violence in such programs must be ascribed an appropriate classification ie. be classified for general, PG or adult viewing. Additionally, overseas programs submitted for classification as suitable for pre-school and primary school children in Australia, (ie. C or P classified programs), must meet the ABA Children's Television Standards (CTS) criteria, which require that C and P programs be "appropriate for Australian children", ie. that they should not contain sexually explicit material and the use of violence must be very strongly justified and may not be gratuitous.

4.22 Notwithstanding the application of Australian classification standards to US imports, and the regulation of minimum levels of Australian content on free-to-air television, there appears to be strong community belief that the level of American programs in television schedules has negative impacts on Australian society, and that Australian culture is being diminished by these imports, despite the popularity of many American programs in ratings terms.

4.23 The concern about excessive American content in information and entertainment sources is intensified if one considers the American domination of the film industry. US academics have stated that more than half of Hollywood movies now contain scenes of extreme violence, and that there are few examples of modern American films that explore the
long-term impact to victims of violence or to society in general.\textsuperscript{51} The multimedia and video game industry in Australia is also US dominated. The Committee heard evidence that there is a limited range of Australian-based games available for commercial sale, and that as it may cost between $100,000-$3 million to make a commercially viable computer game, few such games are made in Australia. This submission appears to be supported by the Office of Film and Literature Classification (OFLC) figures provided on country of origin of computer games classified in Australia in recent years: \textsuperscript{52}

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No</td>
<td>%</td>
<td>No</td>
</tr>
<tr>
<td>USA</td>
<td>238</td>
<td>39.4%</td>
<td>266</td>
</tr>
<tr>
<td>UK</td>
<td>138</td>
<td>22.8%</td>
<td>131</td>
</tr>
<tr>
<td>Australia</td>
<td>35</td>
<td>5.8%</td>
<td>32</td>
</tr>
</tbody>
</table>

4.24 An additional problem in seeking to promote non-violent and/or Australian multimedia product is that the Australian classification process can now be subverted through the sale of multimedia products over the Internet. In 1997 the OFLC refused classification to a game called "Postal", which was freely available in the US, because it contained scenes of extreme violence. However, the game is currently available unedited on the Internet.\textsuperscript{53} The developing multimedia content industry in Australia is therefore confronted with a massive commercial problem in competing with US product, increasingly bought via the Internet.\textsuperscript{54}

**Australian Content in Television and Multimedia**

4.25 The difficulty in competing with overseas television and multimedia industries can also have the effect of limiting the choice available to Australian consumers, with significant effect on the maintenance and development of national culture. Many countries have therefore sought to promote national culture through regulation of the percentage of national product or content to be broadcast by free-to-air television stations.\textsuperscript{55}

4.26 In Australia similar concerns led to the creation of the Australian Content Standard for television. Since 1960 there has been a regulatory requirement for the Australian television industry to provide a minimum level of Australian content in programming, and since 1979 regulation for minimum levels of Australian children's programs. Prior to the introduction of the Australian Content Standard and the Children's Television Standards,
children's television in Australia consisted largely of imported material from the UK and the US.\textsuperscript{56} The Australian Content Standard for television will be discussed in more detail in Chapter 8.

4.27 Whilst regulation for minimum levels of domestic television content has been a feature of the Australian TV industry for some years, it is not an approach that can be easily transferred to multimedia, because the sources of development and distribution of multimedia product are so numerous and diverse. The difficulties provided by the diversity of content are exacerbated by the issue of convergence. This was a factor stressed in the Productivity Commission’s recent Inquiry into Australian Broadcasting.\textsuperscript{57} However, some countries with a special concern for the protection of non-English language culture have begun to promote cultural multimedia development. For example, the Canada-France Bilateral Working Group on Cultural Multimedia Products was established in 1996 to promote development of French language content, amongst other things.\textsuperscript{58} The Canadian Federal Government also established in 1998 a CA$30 million Multimedia Fund, intended to increase the availability of and access to Canadian cultural multimedia products in English and French, assisting Canadian content developers overcome some of the financing difficulties associated with a small and developing market for domestic content.\textsuperscript{59}

4.28 The Committee heard evidence with regard to the presently limited commercial capacity to communicate Australian culture through multimedia, advocating more active promotion of Australian multimedia content development.\textsuperscript{60} This issue is particularly relevant for educational institutions moving towards increased use of electronic resources, which will need to access relevant local and culturally accurate information from multimedia and on-line sources that reflects the local curriculum, particularly for history or cultural subjects.\textsuperscript{61} It was suggested that it would be valuable if multimedia educational resources, such as the CD-ROM and on-line databases that are now becoming the common tools of research, were also able to provide Australian material adequate to meet Australian needs, rather than being predominantly American or European.\textsuperscript{62}

4.29 State and Federal governments have also begun to take initiatives to promote the development of Australian multimedia. The Federal Department of Communications, Information Technology and the Arts (DCITA) web-site supports the distribution and licensing of the ‘Australia on CD’ showcases, a program which brings together multimedia and arts professionals and institutions for the development of Australian multimedia content. The series is being sent to all Australian primary and secondary schools, which are able to
licensure the CD-ROM series free of charge, as well as being distributed to public libraries, Austrade offices and overseas missions. The series includes CDs concerning Australian prehistory, migration and multicultural Australia, and Australian veterans' WW2 experiences.\textsuperscript{63} The Australian Film Commission also supports a catalogue of over 700 multimedia products with audio-visual content developed by Australians.\textsuperscript{64}

4.30 The need to develop Australian multimedia content was also addressed by the DCITA in the December 1998 paper “A strategic framework for the information economy: Identifying priorities for action”. The report identified the following as necessary actions for the development and promotion of Australian multimedia:

- Acknowledgment of the cultural industries as significant producers of Australian on-line product;
- Access to low level kickstart funding and other venture capital initiatives;
- Assistance to universities, research and cultural organisations to enable them to put their cultural and heritage collections on-line.

4.31 The report also noted that the Victorian Government is supporting a range of projects aimed at stimulating local content development and the local multimedia industry. Multimedia Victoria\textsuperscript{65} has carriage of the Victorian Government's Victoria 21 multimedia strategy, which includes the following cultural multimedia initiatives:

- The \textit{Multimedia 21 Fund}, which supports enterprise in business, educational software, interactive documentaries, and promotion of multimedia in screen culture;
- The \textit{Waypoint 1} CD-ROM project, which provides interactive multimedia displaying the collection of the Museum of Victoria;
- Assistance to Victoria's State Library to place its heritage collection of over 100,000 photographs onto the Internet.

4.32 There are also opportunities for the Victorian community to add to the available cultural on-line resources through another State Library of Victoria and VICNET initiative, First Families, which is a database and collection of stories about the people of Australia, past and present. People are invited to submit information on the first person in their family known to have lived in Australia, and on their own life stories. It is intended to create a document on the history and development of Australia, to be completed by 2001 for the celebration of the Centenary of Federation.\textsuperscript{66}
Multicultural Content in Broadcasting

4.33 One of the objects of the Broadcasting Services Act 1992 is the promotion of the role of broadcasting services in developing and reflecting a sense of cultural diversity.\(^6^7\) The approaches taken by the different sectors of the broadcasting industry to meet this objective, as reflected in their Codes of Practice and other public policy statements, vary quite considerably.

4.34 The Commercial Television Industry Codes of Practice do not require the promotion of cultural diversity in programming, although the Federation of Australian Commercial Television Stations has developed Advisory Notes on the Portrayal of Cultural Diversity and the Portrayal of Aboriginal and Torres Strait Islander Peoples, which state that management and producers "should be concerned to reflect Australia's complex and culturally diverse society" and the "place of the Aboriginal and Torres Strait Islander peoples in contemporary Australia".\(^6^8\)

4.35 Similarly, the pay TV Codes of Practice do not require the positive promotion of cultural diversity. However, as the pay TV industry in Australia offers a range of non-English language channels, broadcasting to the Arab, Greek, Italian, Chinese, and Japanese-speaking communities amongst others, in addition to channels providing a variety of non-English language movies,\(^6^9\) this sector is clearly able to meet the broadcasting needs of some sectors of the multicultural community, for those who can afford subscription television services.

4.36 The ABC Charter requires the national broadcaster to broadcast programs that reflect the cultural diversity of the Australian community.\(^7^0\) The Editorial Policies develop this requirement further, requiring programming and the make-up of the ABC workforce to reflect cultural diversity and the range of views in Australia's multicultural community, as well as the culture and concerns of the Aboriginal and Torres Strait Islander communities.\(^7^1\) The Community Broadcasting Codes of Practice also require community broadcasters to present programs that contribute to expanding the variety of viewpoints broadcast in Australia.\(^7^2\)

4.37 SBS has a specific mandate for and makes the most significant contribution to free-to-air multicultural broadcasting in Australia, providing coverage of settlement, multicultural and ethnic issues in SBS television and programs.\(^7^3\) The SBS Charter commits the service to:

- Contribute to meeting the communications needs of Australia's multicultural society, including ethnic, Aboriginal and Torres Strait Islander communities; and
• Increase the awareness of the contribution of a diversity of cultures to the continuing development of Australian society; and
• Promote understanding and acceptance of the cultural, linguistic and ethnic diversity of the Australian people.74

4.38 Despite these various commitments by the television industry, submissions to the Committee argued that there is still insufficient program content that reflects the multicultural nature of Australia, particularly for children.75 Whilst SBS and, to some extent, the pay TV industry provide some of this programming, a majority of their programming is sourced from overseas and was perceived as not necessarily representative of multicultural experiences in Australia or Victoria, for families or children.76 However, the Committee recognises that this may in part be due to ratings considerations and commercial viability, and that children's ability to access such material may mitigate against these concerns.

4.39 Submissions to the Committee also suggested that the over-representation of American culture in Australian broadcasting limits the opportunities for Australians to experience the voices of those who hold differing religious or cultural beliefs and practices in their own country.77 It was further proposed that television could assist diverse groups in Australia to reach a greater understanding of each other and dispel some of the cultural myths from which racism and intolerance stem.78

**Recommendation 10:** That the different sectors of the broadcasting industry in Australia, ie national, commercial, community and pay TV broadcasters, consider the development of a code of practice on the presentation of ethnic and indigenous cultures to avoid negative stereotypes and promote multi-cultural diversity and tolerance on Australian television.

**Cultural Stereotyping in Broadcasting**

4.40 A UNESCO study of race relations in the UK discovered that most of the respondents views about race were derived from the media.79 Similar concerns have been raised in the US, where a study for the Chicago Council on Urban Affairs found that a high percentage of African-Americans and Latino-Americans are shown as victimisers of society and few as social helpers.80 The media can therefore be responsible for the creation and perpetuation of stereotypes about entire communities, and can also break them down. As agencies of
information and opinion the media play a basic role in the process of either exacerbating or calming insecurities over ethnic identity.81

4.41 In Australia the Racial Hatred Act 1995 (Cwth) provides a formal legal prohibition on the more extreme forms of cultural stereotyping. The Act provides a means of redress for those people who are subject to racial or ethnic hatred or abuse, and imposes rights and obligations on all Australians, including the media. The Human Rights and Equal Opportunity Commission (HREOC) has published The Racial Hatred Act - A Guide for People Working in the Australian Media, to assist those working in the media to avoid cultural and racial stereotyping.82

4.42 In the years immediately before the passage of the Act, the report of the National Inquiry into Racist Violence (NIRV) released by HREOC in 1991, found that racist attacks, both physical and verbal, were on the increase. One of the report's conclusions was that

the perpetuation and promotion of negative racial stereotypes, a tendency towards conflictual and sensationalist reporting on race issues and an insensitivity towards and often ignorance of minority cultures can all contribute to creating a social climate which is tolerant of racist violence.

4.43 The television industry in Australia has attempted to address these concerns through the development of code provisions and policies on the portrayal of cultural diversity, and of Aboriginal and Torres Strait Islander cultures. These codes and policies require broadcasters to avoid the unnecessary use of ethno-specific labels, outdated representations of cultural groups, and promote consultation with ethnic and Indigenous communities in program-making.83

4.44 The Commercial Television Industry Codes of Practice provide that a licensee may not broadcast any material that would seriously offend the cultural sensibilities of ethnic or racial groups in the Australian community, or of the Aboriginal and Torres Strait Islander community.84 The Codes also prohibit licensees from broadcasting material that would be likely to provoke or perpetuate intense dislike, serious contempt or severe ridicule against such persons or communities.85

4.45 Additionally, the Federation of Australian Commercial Television Stations has developed Advisory Notes on the Portrayal of Cultural Diversity and the Portrayal of Aboriginal and Torres Strait Islander Peoples, which encourage broadcasters to avoid misrepresentation of ethnic and Indigenous Australians and communities, and to reflect these communities in programming and in the commercial television industry workforce.86
However, as these commitments are contained in the Advisory Notes, rather than in the Code of Practice, they cannot be made the subject of a formal complaint to the ABA. Consequently, whilst there are minimum obligations regarding the avoidance of negative portrayal of ethnic and indigenous cultures, the more positive portrayal advocated in the Advisory Notes cannot be enforced.

4.46 Similarly, the pay TV Codes of Practice prohibit licensees from "knowingly" broadcasting any program likely to incite or perpetuate hatred against any person or group on the basis of ethnicity, nationality, race or religion, amongst other things. In contrast, the Community Broadcasting Codes of Practice expressly prohibit the broadcasting of any material which may stereotype, incite, vilify, perpetuate hatred against or attempt to demean any person or group on the basis of ethnicity, nationality or race, inter alia, a lower threshold for complaint than that available from the commercial and pay TV codes of practice. The Community Broadcasting Codes also require broadcasters to incorporate programming policies which "oppose and attempt to break down prejudice" on the basis of race, religion, nationality and ethnic background.

4.47 The ABC Code of Practice provides that the presentation or portrayal of people in a way which is likely to encourage denigration of or discrimination against persons or sections of the community on account of race, ethnicity, nationality or the holding of any religious or cultural belief will be avoided. The ABC Editorial Policies also require programmers to avoid the use of language and images that perpetuate myths or reinforce stereotypes.

4.48 The ABA have on occasions found that broadcasters have breached codes of practice with regard to ethnic, cultural or religious concerns, but as the codes generally require that complainants demonstrate that the comment or program concerned was likely to "seriously" offend cultural sensibilities, the threshold for success in a complaint is reasonably high. This limitation does not encourage the positive portrayal of multicultural Australia, instead only punishing overwhelmingly negative portrayals.

4.49 Notwithstanding these limitations, it is important that ethnic and Indigenous communities are informed about, and encouraged to use, complaints mechanisms with regard to misrepresentation or stereotyping in the media, and that these communities have an opportunity to contribute to media regulatory bodies. Complaints procedures should therefore be equally accessible to those from non-English speaking backgrounds. In this regard, it should be noted that the 1998 Ethnic Community Broadcasters Conference
recommended that the Community Broadcasting Codes of Practice be translated into all major community languages, after being reviewed and re-written in plain English.\textsuperscript{94}

4.50 In Victoria, the Victorian Multicultural Commission 1999-2000 Strategy Plan identifies as a key strategy the use of the media to regularly and effectively highlight the benefits of a culturally diverse community. The Commission has, to this end, developed networks with the ethnic and mainstream print and electronic media, including Channel 31, SBS and 3ZZZ.\textsuperscript{95} Some of the Commission’s recent media-related activities have included:

- Organisation of an \textit{Ethnic Media Forum}, which was attended by approximately 130 representatives of the ethnic and mainstream media, and the marketing and communications representatives of the Government;
- Funding to the Victorian Chapter of the Vietnamese Community in Australia, to identify and address issues of concern in the community by using the media and other means to encourage people to speak out; and
- Sponsorship of the Australian Arabic Council Media Award.

\textbf{Multicultural and Multilingual Content in Multimedia}

4.51 As discussed previously, the multimedia and video game industry in Australia is largely US dominated. The Committee heard evidence from the Australian Visual Software Distributors Association (AVSDA) that most Australian video and software distributors would distribute very few products that were non-English language. Additionally, AVSDA was of the opinion that multilingual video importations from overseas are poorly monitored, with the result that much of the non-English-language product that is brought into the country is not classified.\textsuperscript{96} There is therefore some concern amongst ethnic communities about these videos and their availability from video stores.

4.52 However, this Committee notes that CD-Rom multilingual packages are becoming more available in Australia and that access to multimedia in languages other than English is being facilitated by the Internet, although consumers who access or purchase multimedia online should be aware that such content may not necessarily meet Australian community and regulatory standards.

4.53 There is also a wide range of multicultural resources available on the Internet for Victorians, particularly through the VICNET site,\textsuperscript{97} which links to sites providing information and communications opportunities to the Victorian Aboriginal and multicultural community\textsuperscript{98} via the Aboriginal and Torres Strait Islander, Chinese, Danish, Irish, Malaysian, Latvian, Polish, Somalian, Spanish and Vietnamese web pages, amongst many others. The
site also links to umbrella agencies such as the National Ethnic and Multicultural Broadcasters Council,99 the peak organisation representing ethnic community broadcasters across Australia, as well as government multicultural resources.

4.54 In order to enable Victorians to utilise on-line services, the Skills.net program100 will provide free or affordable Internet access and training to more than 40,000 Victorians who wouldn’t otherwise have such access by July 2001.101 In particular, the Skills.net roadshow has been travelling around the State, working with local community organisations to promote and raise awareness of the Internet. The roadshow is especially aimed at bringing the Internet to those Victorians who are currently excluded from learning on-line skills due to lack of access to equipment, training and ongoing support. These include people in remote areas of Victoria, people from Non-English Speaking Backgrounds, and the Indigenous community.102

4.55 Whilst the new technologies offer opportunities for ethnic and indigenous communities to communicate cheaply and internationally,103 there are some structural barriers in that the multimedia and on-line industries are currently dominated by the English language and the Roman alphabet, although views differ on whether this situation will continue. On the one hand, the "universal language" argument is that English has driven the development of the Internet to date and will continue to do so, partly because the provision of non-English language Internet services had previously created problems in computer memory and processing power, although these problems are diminishing.104 The alternative argument is that, in time, people will reassert their cultural demands over the technology and insist upon the provision of services in their own language.105 This is to some extent supported by the increasing commercial availability of Web browsers in many languages, including Mandarin, Korean, Japanese, Vietnamese, Russian, Greek, Gujarati, Italian, Spanish and French, amongst others.106

4.56 This issue is currently being addressed at the international level by the World Wide Web Consortium, an international group of experts which aims to promote common Internet protocols and greater access to the Web. It is undertaking work on internationalisation, the goal of which is to ensure that the Web formats and protocols are useable world-wide in all languages and all writing systems, so that multilingual software has sufficiently broad application.107 CD-ROM technology is also offering some language choice, although examples provided to the Committee were predominantly those available in Japanese, presumably due to Japan's relative expertise and market share in multimedia.108
4.57 The increased provision of government services via Internet and multimedia also raises the issue of multilingual access, i.e. that such information should be equally available to all sectors of the multicultural community. It has also been suggested that multilingual Internet information could have significant benefits for the tourist industry. In this regard, the Committee notes that State government MAXI kiosk services are not yet available in languages other than English.

4.68 In Victoria the need to provide web-based information in languages other than English has been recognised by VICNET, the Victorian network which provides public access to the Internet through public libraries and other community access points. VICNET has formed, with the State Library of Victoria and the Victorian Association of Community Information Centres, the Non-English-Speaking Background Information Technology Working Party (NESBIT), to undertake translation of VICNET pages into languages other than English. Ethnic communities in Victoria are encouraged to become involved in this project. The State Library of Victoria is also administering websites for the Languages Other Than English (LOTE) project, which will allow users to locate and access both printed and on-line resources in languages other than English in Victoria.

Endnotes

1 Mr S. Clayer, Australian Interactive Multimedia Industry Association, Evidence, 1 December 1998.
2 Section 3(g), Broadcasting Services Act 1992 (Cwth)
3 Sections 1.8 & 1.9, Code 1 - Responsibilities of broadcasting to the community, Community Broadcasting Codes of Practice, 1995, Community Broadcasting Association of Australia.
4 Section 6(1)(a)(i), Australian Broadcasting Corporation Act 1983 (Cwth)
5 Section 2.3.3, The ABC’s Functions, ABC Editorial Policies, Australian Broadcasting Corporation, April 1998.
6 Section 2.5.2, The Role of the ABC, ABC Editorial Policies, Australian Broadcasting Corporation, April 1998.
7 Aunty brings news focus further south, The Australian, 10 March 1999; ABC rejects relocation proposal, Media Release, Australian Broadcasting Corporation, 7 April 1999.
8 The ABC Boosts Commitment to Education and Lifelong Learning; Media Release, Australian Broadcasting Corporation, 20 October 1998.
11 TV Dividend to Regional Australia, Media Release, Australian Broadcasting Corporation, 30 April 1998.
12 Broadcasting Services Amendment (Digital Television and Datacasting) Act 2000
15 Dr Anand Kulkani, Multimedia Victoria, Evidence, 5 June 2000
16 State and Territory Government Strategies for the Provision of Information Technology Services, Digital Data Inquiry: Public Inquiry under Section 486(1) of the Telecommunications Act 1997, Report to the
Minister for Communications, the Information Economy and the Arts, Australian Communications Authority, 15 August 1998, Appendix 4.

Mr V Perton, Chairman, Law Reform Committee, Parliament of Victoria, Evidence, 31 August 1998.

Mr B. W. McLennan, representative, Australian Teachers of Media and La Trobe University, Bendigo, Evidence, 8 February 1999; Internet banking revolution 'long way off', ABC News, ABC On-line, 23 April 1999.

Digital Data Inquiry: Public Inquiry under Section 486(1) of the Telecommunications Act 1997, Report to the Minister for Communications, the Information Economy and the Arts, Australian Communications Authority, 15 August 1998, at para. 5.3.

Digital Data Inquiry: Public Inquiry under Section 486(1) of the Telecommunications Act 1997, Report to the Minister for Communications, the Information Economy and the Arts, Australian Communications Authority, 15 August 1998, at para. 2.4.1.

Digital Data Inquiry: Public Inquiry under Section 486(1) of the Telecommunications Act 1997, Report to the Minister for Communications, the Information Economy and the Arts, Australian Communications Authority, 15 August 1998, Executive Summary.

Mr B. W. McLennan, representative, Australian Teachers of Media and La Trobe University, Bendigo, Evidence, 8 February 1999.

Mr B. W. McLennan, representative, Australian Teachers of Media and La Trobe University, Bendigo, Evidence, 8 February 1999.


Digital Data Inquiry: Public Inquiry under Section 486(1) of the Telecommunications Act 1997, Report to the Minister for Communications, the Information Economy and the Arts, Australian Communications Authority, 15 August 1998, at paras. 8.5.3 & 8.5.4.


Digital Data Inquiry: Public Inquiry under Section 486(1) of the Telecommunications Act 1997, Report to the Minister for Communications, the Information Economy and the Arts, Australian Communications Authority, 15 August 1998, at para. 4.9.


Mr B. W. McLennan, representative, Australian Teachers of Media and La Trobe University, Bendigo, Evidence, 8 February 1999.


The scope of the review included a survey of a representative sample of 150 primary schools, of which 120 schools provided responses, and account for 13 per cent of State primary students, stratified by region and school size covering primary schools located in 4 metropolitan and 2 rural areas of Victoria. Para. 3.1.25, Report on Ministerial Portfolios, May 1999, Victorian Auditor-Generals Office, 1999.


Digital Data Inquiry: Public Inquiry under Section 486(1) of the Telecommunications Act 1997, Report to the Minister for Communications, the Information Economy and the Arts, Australian Communications Authority, 15 August 1998, at para. 1.2.2.

Digital Data Inquiry: Public Inquiry under Section 486(1) of the Telecommunications Act 1997, Report to the Minister for Communications, the Information Economy and the Arts, Australian Communications Authority, 15 August 1998, at para. 3.9.1.

Digital Data Inquiry: Public Inquiry under Section 486(1) of the Telecommunications Act 1997, Report to the Minister for Communications, the Information Economy and the Arts, Australian Communications Authority, 15 August 1998, at paras. 5.4 & 5.5.

Section 149(1), Telecommunications Act 1997, (Cwth).

Digital Data Inquiry: Public Inquiry under Section 486(1) of the Telecommunications Act 1997, Report to the Minister for Communications, the Information Economy and the Arts, Australian Communications Authority, 15 August 1998, at paras. 2.7 & 2.8.
Digital Data Inquiry: Public Inquiry under Section 486(1) of the Telecommunications Act 1997, Report to the Minister for Communications, the Information Economy and the Arts, Australian Communications Authority, 15 August 1998, at para. 5.9.

Equality of telecommunications access, Media Release, Senator the Hon Richard Alston, Minister for Communications, Information Technology and the Arts, 28 April 1999.

The Net, Norweb, 2 March 1998, http://www.bbc.co.uk/the_net/1/2/item2.html


Australian Broadcasting Authority, Evidence, 3 June 1998.

Australian Broadcasting Authority, Evidence, 3 June 1998.

Australian Broadcasting Authority, Submission #2.

CTS 2(e), Criteria for C and P programs, Children's Television Standards, Australian Broadcasting Authority, January 1996.

Australian Broadcasting Authority, Submission #2.


Professor Donald Roberts, Stanford University, cited in Media get beating for portrayal of violence, The Age, 5 December 1997.


Certified as "Refused Classification" by the Office of Film and Literature Classification, 4 November 1997; Horror at computer kill game, Herald Sun, 1 October 1997.


Ms Patricia Edgar, Director, Australian Children's Television Foundation, Evidence, 9 February 1998.


Mr V Perton, Chairman, Law Reform Committee, Parliament of Victoria, Evidence, 31 August 1998.


Mr V Perton, Chairman, Law Reform Committee, Parliament of Victoria, Evidence, 31 August 1998.

Australia on CD, Overview, Department of Communications, Information Technology and the Arts, 1998.


http://www.mmv.vic.gov.au


Section 3(e), Broadcasting Services Act 1992 (Cwth)


Appendix E, Pay TV Channels, Australian Content on Pay TV, Report to the Minister for Communications and the Arts, Australian Broadcasting Authority, 1997.

Section 6(1)(a)(i), Australian Broadcasting Corporation Act 1983, (Cwth)

Inquiry into the Effects of Television and Multimedia on Children and Families

Code 1, Responsibilities of broadcasting to the community, Community Broadcasting Codes of Practice, Community Broadcasting Association of Australia, 1995.

Special Broadcasting Service, Submission #46.

Section 6(2), Special Broadcasting Service Act 1991 (Cwth)

Professor Michael Carr-Gregg, Director, Centre for Adolescent Health, Evidence, Melbourne, 16 February 1998; Mrs B. Biggins, President, Young Media Australia, Evidence, 30 November 1998.

Professor Michael Carr-Gregg, Director, Centre for Adolescent Health, Evidence, Melbourne, 16 February 1998; Mrs B. Biggins, President, Young Media Australia, Evidence, 30 November 1998.

Women's Action Alliance (Victoria) Inc., Submission #15; Professor Michael Carr-Gregg, Director, Centre for Adolescent Health, Evidence, 16 February 1998.

Women's Action Alliance (Victoria) Inc., Submission #15.


TV violence and what to do about it, Nieman Reports, Fall 1996, p.10.


The Portrayal of Aboriginal and Torres Strait Islander Peoples, Advisory Notes and The Portrayal of Cultural Diversity, Advisory Notes Federation of Australian Commercial Television Stations, 1994; Section 6, Cultural Diversity, Editorial Policies, Australian Broadcasting Corporation, 1998; Sections 2.1.2 & 2.2.1, General Program Codes and Policies, SBS Codes of Practice, Special Broadcasting Service, 1996; Section 1.6, Responsibilities of broadcasting to the community: Codes of Practice, Community Broadcasting Association of Australia.


Section 2.1, General Programs, Subscription Television Broadcasting Codes of Practice, Australian Subscription Television and Radio Association, 1999.

Section 2.3, Guidelines for general programming, Community Broadcasting Codes of Practice, Community Broadcasting Association of Australia, 1995.

Code 1, Responsibilities of broadcasting to the community, Community Broadcasting Codes of Practice, Community Broadcasting Association of Australia, 1995.

ABC Code of Practice, General Program Codes, Australian Broadcasting Corporation.


http://www.vicnet.net.au/


http://www.vicnet.net.au/~nembc/

http://www.skills.net.au


Vicnet Skills.net roadshow, Bringing the Internet to all Victorians, http://www.skills.net.au

Mr V Perton, Chairman, Law Reform Committee, Parliament of Victoria, Evidence, 31 August 1998.
Chapter 4: Access & Cultural Issues

104 Professor R. Williams, Department of Visual Education, Royal Melbourne Institute of Technology, 

105 Professor R. Williams, Department of Visual Education, Royal Melbourne Institute of Technology, 


107 [http://www.w3.org/International/Activity](http://www.w3.org/International/Activity)

108 Professor R. Williams, Department of Visual Education, Royal Melbourne Institute of Technology, 


110 [http://www.vicnet.net.au/](http://www.vicnet.net.au/)


CHAPTER 5
THE REGULATION OF FILM, TELEVISION AND MULTIMEDIA CONTENT

Introduction

5.1 The content of film, television and multimedia in Australia is regulated through a system of classification and censorship. The classification of films, videos and computer games is undertaken primarily by the Commonwealth Office of Film and Literature Classification (OFLC). The classification of television content, apart from some children's programming, is undertaken by the television broadcasters and licensees themselves, with reference to the OFLC classification system and in accordance with standards laid down by the Australian Broadcasting Authority (ABA).

5.2 This chapter will discuss the way in which films, videos, computer games and television programs are classified into age-appropriate categories, in order that consumers may decide upon their suitability for viewing. The new regulatory structure for online content is examined in Chapter 7. The role of the ABA in regulating the broadcasting sector in Australia is further discussed in Chapter 8.

The Classification System in Australia

5.3 The classification and censorship of multimedia content in Australia is undertaken, either directly or indirectly, through the application of the Classification (Publications, Films and Computer Games) Act 1995 (Cth), which is part of a cooperative classification scheme agreed upon by the Commonwealth, States and Territories. The legislation establishes the Classification Board, which is responsible for the classification of films, videos and computer games, inter alia. The Board makes classification decisions primarily in accordance with criteria set out in the National Classification Code and classification guidelines specific to each of the media.
5.4 The National Classification Code (NCC) expresses the policy basis of classification in Australia which is to give effect, as far as possible, to the principle that adults should be able to read, hear and see what they want. Nevertheless, some material is restricted, being available only to specified age groups. Moreover, some material is refused classification altogether, generally due to excessive violence and/or unacceptable sexual content, and consequently cannot legally be distributed or exhibited. The rationale for such restriction or prohibition is the additional NCC principles that everyone should be protected from exposure to unsolicited material that they find offensive and that minors in particular should be protected from material likely to harm or disturb them.

5.5 Decisions of the Classification Board may be reviewed by the Classification Review Board, on application from the Commonwealth Attorney-General, in his own right or on behalf of any State or Territory Censorship Minister; from the person who applied for classification; or from any "person aggrieved". In this context a person aggrieved must be someone who can demonstrate a direct interest in the subject matter, beyond the general interest of a member of the public. This term was tested recently during the debate on the film Lolita, when applications for review of the film's classification from two community organisations were received by the Review Board. Neither of the organisations, HALO (Helping All Little Ones) and the CPC (Child Protection Connection), were found to have demonstrated the special interest required, although this was not the only basis upon which the Review Board declined to deal with those particular applications.

5.6 In 1997-98 the Classification Review Board considered 7 applications for review, all of which concerned films and videos, four of which were upheld. In three of those cases the Review Board replaced the classification previously given by the Classification Board with a lower classification, and in the remaining case the original classification was replaced with a higher rating. No applications for review of computer games classification were made.

5.7 In addition to the powers of review available at the Commonwealth level, Western Australia, South Australia, Tasmania and the Northern Territory have reserved the power to review decisions made by the Classification Board, enabling State-based reconsideration of classification where there is local concern. Victoria has not reserved this power and relies upon the Commonwealth classification and review processes, although the Victorian Minister with responsibility for censorship issues may of course seek review of classification decisions through the Commonwealth Attorney-General.

5.8 These State-based powers of classification and review have been used primarily in
relation to film festivals on occasions when exemption from classification for unclassified films has been approved by the Director of the Commonwealth Classification Board. For example, in Western Australia the Minister responsible for Censorship initially banned the film Sick from an independent film festival, due to sado-masochistic content. Following classification as an R-rated film by the OFLC, the film was later approved for screening in WA. The film had also been shown in other States around Australia, including Victoria, at festivals where the audiences have been restricted to over 18 years of age.

5.9 States and Territories also enforce the national classification scheme in their capacity as legislators with primary responsibility for criminal law, enforcement legislation having been enacted by each State and Territory. Under the Victorian legislation, Victoria Police undertook 70 prosecutions in 1996-97 and 51 prosecutions in 1997-98, for various offences relating to the possession, exhibition, production, sale, delivery or display of illegal or unclassified films and videos. The number of prosecutions do not necessarily reflect the number of films or videos involved, as Victoria Police target commercial quantities of objectionable material, so that one prosecution may concern many hundreds of films and/or videos.

5.10 Enforcement of the national classification scheme is also supported through the Community Liaison Officer Scheme. Under the scheme, a Community Liaison Officer (CLO) was appointed in 1997 for a trial period, to operate across all jurisdictions, to educate and assist publishers, retailers, distributors and exhibitors of films and games to meet the requirements of the classification regime. A second CLO has since been appointed to the scheme. The OFLC submission to this Committee noted that 85% of the 3800 breaches identified to date have been resolved through education and the provision of information regarding classification legislation requirements. Whilst the OFLC is not a law enforcement body as such, the CLO also identifies serious breaches of the legislation and may refer such breaches to enforcement agencies in each jurisdiction.

Regulation of Film and Video Content

5.11 Films and videos to be exhibited, sold or made available for hire in Australia are classified under the OFLC Guidelines for the Classification of Films and Videotapes, which may be found at Appendix A. The Guidelines provide that films and videos must be classified within one of the following seven categories:

- G - General;
- PG - Parental Guidance;
Inquiry into the Effects of Television and Multimedia on Children and Families

- M15+ - Mature, recommended for mature audiences 15 years and over;
- MA15+ - Mature Accompanied, those under 15 years of age are not permitted to view MA films at the cinema or hire MA videos unless in the company of a parent or guardian;
- R18+ - Restricted to adults 18 years and over;
- X18+ - Contains sexually explicit material, restricted to adults 18 years and over. X-rated material is available only on video in the ACT and the Northern Territory;
- RC - Refused Classification, and cannot legally be brought into or distributed in Australia.

5.12 The decision on which of these classifications is awarded to a film or video is made with reference to six classifiable elements: violence; sex; coarse language; adult themes; drug use, and nudity. These elements also form the basis of consumer advice, which must be shown with the classification symbol on posters, advertisements and video jackets.20

5.13 The G, PG and M classifications are advisory only, and do not legally restrict anyone from seeing a film or hiring a video, whereas the MA, R, and X categories are legally restricted. The majority of films for cinema release and approximately 45% of videos recently classified in Australia fall within the advisory categories, as indicated in the table below.21

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>G</td>
<td>8.5%</td>
<td>22.4%</td>
<td>9.3%</td>
<td>22.1%</td>
<td>8.8%</td>
<td>23.2%</td>
</tr>
<tr>
<td>PG</td>
<td>17.8%</td>
<td>9.4%</td>
<td>15.9%</td>
<td>10.4%</td>
<td>16.7%</td>
<td>14.6%</td>
</tr>
<tr>
<td>M15+</td>
<td>49.3%</td>
<td>14.2%</td>
<td>50.4%</td>
<td>14.3%</td>
<td>49.1%</td>
<td>18.4%</td>
</tr>
<tr>
<td>MA15+</td>
<td>18.5%</td>
<td>5.2%</td>
<td>17.4%</td>
<td>5.5%</td>
<td>20.9%</td>
<td>7.5%</td>
</tr>
<tr>
<td>R18+</td>
<td>5.2%</td>
<td>5.2%</td>
<td>6.7%</td>
<td>6.9%</td>
<td>4.4%</td>
<td>3.3%</td>
</tr>
<tr>
<td>X18+</td>
<td>N/A</td>
<td>41.9%</td>
<td>N/A</td>
<td>39.4%</td>
<td>N/A</td>
<td>32.1%</td>
</tr>
<tr>
<td>RC</td>
<td>0.7%</td>
<td>1.6%</td>
<td>0.3%</td>
<td>1.5%</td>
<td>0%</td>
<td>1.0%</td>
</tr>
</tbody>
</table>

5.14 OFLC-commissioned research into awareness and understanding of the G and PG advisory classification categories in 1995 indicated that the G classification was widely, and correctly, understood to signify that a film is suitable for any audience. However, the research also indicated that some parents did not make a distinction between G and PG classification, although parents of younger children were more cautious in this respect.22

5.15 Whilst the M-rating is also advisory, it contains material that is not recommended for those under 15 years of age because it is considered to be potentially harmful or disturbing to
that group. The MA-rating was introduced in 1993 in response to community concerns about children having access to material at the "higher end" of the M classification. Material classified MA deals with issues or contains depictions that require a mature perspective, and children under 15 years of age are not allowed to see MA films in the cinema or hire them on video unless in the company of a parent or adult guardian.\textsuperscript{23}

5.16 Since the introduction of the MA classification OFLC-commissioned research has indicated ongoing public confusion about the application of and differences between the M and MA categories, also supported in submission to this Committee.\textsuperscript{24} In 1995 research on community standards and attitudes to film and video material found that the respondents\textsuperscript{25} were not clear on the differences between the M, MA and R categories, the latter two being restricted categories.\textsuperscript{26} Research undertaken in 1998 indicated that confusion with respect to PG, M and MA categories remains:

In relation to MA, the Panels still tended to focus on a notion of parental intervention [rather] than on the recommendation of unsuitability for an audience under 15 years. The Guidelines recommendation at M/MA seemed to equate with the lower PG level in the general belief, as mentioned earlier, that the majority of films were acceptable as long as an adult accompanied a young viewer. The legal restriction accompanying the MA level was often interpreted as having less stringency than intended in the Guidelines. Rather than being seen as the 'top' (ie. strongest segment) of the M classification, MA was sometimes discussed as though it sat closer to PG. In other words, the Panels did not appear to absorb fully the serious intention of MA.\textsuperscript{27}

5.17 The R-rated category is legally restricted to adults and deals with issues or contains depictions that require an adult perspective,\textsuperscript{28} such as strong violence, simulated sexual activity or drug use. Under the recently revised \textit{Guidelines for the Classification of Films and Videotapes}\textsuperscript{29} material that contains a high level of violence is excluded from the R-rated category, as is material containing detailed depictions of sexual violence, so that such material is now refused classification.\textsuperscript{30}

5.18 The X category is restricted to persons 18 years and over and available only on video in the ACT and Northern Territory. This is material that contains real depictions of sexual intercourse and other sexual activity between consenting adults.\textsuperscript{31} The Federal Government has indicated that the X classification is likely to be replaced with a new classification for non-violent sexually explicit material, with tighter guidelines to exclude sexually violent and other unacceptable material,\textsuperscript{32} although the terminology of the new classification has not yet been decided.\textsuperscript{33}
5.19 Aside from the limited availability of X-rated videos, film and videotapes are classified against identical criteria, although this approach has been challenged. Both the 1993 Senate Select Committee report on Video and Computer Games and Classification Issues and the 1996 Senate Select Committee report on the Portrayal of Violence in the Electronic Media recommended that videos be classified more strictly than films for cinema release, on the basis that videos are not only easily accessible once in the home, but can also be replayed over again so that the viewer may experience a concentration of violent material. Similar suggestions were made in submission to this Committee. Federal Governments have not supported such recommendations, the current Federal Government stating that:

There are persuasive arguments that the system should continue in its present form to promote community understanding of, and confidence in, the classification process, and to provide business certainty on a national basis…

The hire or purchase of a video involves a conscious choice by a person. In relation to denying access by children to unsuitable material so obtained, this is a matter which falls directly into the area of parental responsibility. There are definite limits to what governments can do or be expected to do in controlling what occurs in individual homes.

5.20 The Committee also received comment regarding the display of material not recommended for children in video shops, suggesting that some video retailers are screening M and MA rated videos on preview screens during the day, visible to children, and displaying associated promotional material that is also unsuitable for viewing by minors. The Committee is also concerned that current admission procedures for multiplex cinemas, whereby tickets are checked at a single entry point rather than at each screen, allow unchecked entry to inappropriate films for minors. It was suggested to the Committee that cinema operators should staff the entry to each screen within a multiplex to ensure MA material is not being accessed by under 15 year olds, and that R-rated material is not being accessed by under 18 year olds. The Committee notes that a code of practice is currently being developed by rental retailers of video and interactive product and considers that such issues should be addressed by the proposed code, in addition to being monitored by the OFLC Community Liaison Officer Scheme.

Recommendation 11: That cinema operators review procedures with regard to the policing of entry to film theatres in multiplex centres to ensure that the film classification system and age-based ratings are observed and enforced.
Community Involvement in Classification

5.21 In 1997 the Federal Government established the Community Assessment Panels Scheme to regularly examine decisions of the Classification Board and to ensure greater community involvement in the classification process for films and videos. Under the scheme the panels award classification to selected feature films which have previously been classified by the Board. The panel classifications are made in an advisory capacity only, intended to assist in informing the Board of current community standards.

5.22 Panels have been conducted in Sydney, Brisbane and Wagga Wagga, each panel considering three films. (Three more panels are to be convened, although the terms of the extension of the scheme are yet to be finalised.) The panels were each comprised of 20 adults, drawn from across metropolitan, suburban and regional Australia, of various ages and backgrounds. In their advisory classification of nine films to date, the panels concurred with the classification given by the Board in six cases. Of the other three cases, a lower classification was advised in two cases, and in the remaining case the panel advised an MA classification, where the Board had awarded an M classification. With reference to the latter case, the consultant's report to the OFLC considered that this was due to the panellists misunderstanding of terminology, the report stating that:

Panellists capacity to understand and to apply the Classification Guidelines was unknown at the outset. In the event, participants undertook the task with diligence and appeared to orientate themselves well to the principles of the Guidelines, even though they had started with only a consumer or lay person's knowledge of the classification system…

This training process, coupled with the in-depth discussion about levels of violence, sex, language etc. appeared to sensitise the viewers to these issues in a way that they may not have been in the course of their usual film/video viewing.

5.23 In submission to this Committee the OFLC reiterated this comment on the panellist's lack of expertise. Neither the consultants report nor the OFLC submission discussed the fact that it is the lay person's understanding of the classification system that is relied upon daily in the selection of appropriate films and videos for family viewing. The capacity of members of the public to apply classification guidelines if trained as quasi-classifiers, irrespective of whether they achieve similar outcomes, does not necessarily indicate that the system is widely understood or being accurately interpreted within the broader community.
Regulation of Computer Games Content

5.24 One of the most common uses of home computers is for computer games, ABS statistics indicating that 3.3 million frequent computer users used their home computers for this purpose in 1998. The Computer Games Classification Scheme was established in May 1993, and is also administered by the OFLC. Games for sale, hire or arcade use are classified against the Guidelines for the Classification of Computer Games, (see Appendix B) which provide that computer games must be classified within one of the following five categories:

- G - General, suitable for all ages;
- G8+ - General, suitable for children 8 years and over;
- M15+ - Mature, suitable for persons 15 years and over;
- MA15+ - Mature Accompanied, restricted to those 15 years and over;
- RC - Refused Classification, and cannot legally be brought into or distributed in Australia.

5.25 The content of computer games is also evaluated against a set of classifiable elements, including level and degree of violent content, sexual content, horror, and coarse language. The majority of computer games classified in Australia fall within the general categories, as indicated in the table below.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>G</td>
<td>45.2%</td>
<td>47.7%</td>
<td>42.5%</td>
</tr>
<tr>
<td>G8+</td>
<td>26.0%</td>
<td>27.0%</td>
<td>32.4%</td>
</tr>
<tr>
<td>M</td>
<td>16.4%</td>
<td>14.2%</td>
<td>16.2%</td>
</tr>
<tr>
<td>MA15+</td>
<td>11.9%</td>
<td>10.8%</td>
<td>8.4%</td>
</tr>
<tr>
<td>RC</td>
<td>0.5%</td>
<td>0.2%</td>
<td>0.4%</td>
</tr>
</tbody>
</table>

5.6 The system for the classification of computer games is stricter than that applied for film and video, on the policy basis that the interactive nature of games may have greater impact and therefore greater potential for harm and detriment on young people. Accordingly, the range of classifications available for computer games differs from that available for films and videos. For example, there is an additional classification category, G8, which denotes material not suitable for children aged 8 and under, to reflect concern about the impact of even very mild levels of violence on children too young to properly interpret the fantasy elements of game-playing.

5.27 Additionally, computer games that would require an adults-only classification are refused classification and there is currently no R or X classification for computer games. The question of whether computer games should be able to gain an R or X classification was
initially to be a matter for each of the States and Territories to decide, reflecting divergent views across jurisdictions on this issue.\textsuperscript{51} However, the issue was reconsidered with all jurisdictions subsequently agreeing to limit the classification regime so that R and X classifications are not available for computer games, and consequently the strictest classification available is MA.\textsuperscript{52} This approach appears to contradict the first principle of the National Classification Code with regard to the right of adults to read, hear and see what they like, and raises questions of consistency in regulating the content of converging and increasingly interactive multimedia, an issue discussed further in this chapter.

5.28 Notwithstanding the absence of an adult-restricted level of classification, very few games have been refused classification. The US game \textit{Postal} was the first game to be refused classification purely for its violent content. Aside from that classification decision, only four other games have been refused classification, due to sexualised violence, coercion or association of sex with violence.\textsuperscript{53}

5.29 There is also a difference between the classification of films and videos and the classification of computer games in that the legislation allows an "approved assessor", a person who has undergone training by the OFLC, to submit an application for classification of a computer game accompanied by a recommended classification and consumer advice, if the game is likely to be classified as G, G8, or M. Whilst this process allows quicker classification at lower cost than if all games were to be classified solely by the OFLC, the OFLC 1997-98 Annual Report indicates that the training undertaken is of a few hours only, and no information is provided evaluating the correlation between approved assessors recommendations and the final classification awarded.\textsuperscript{54}

5.30 Assessment of the impact of interactive computer games content in Australia has been the subject of limited research to date, notwithstanding the more restrictive classification regime.\textsuperscript{55} A 1996 joint study by the ABA and OFLC into the use of computer games by children and teenagers surveyed more than 600 children and teenagers who identified 260 games they most liked to play. The research identified a gender difference in game-preference, which also reflected to a lesser extent the classification of the games. In the lists of top-ten preferred games, girls listed only G-rated games, and whilst the majority of games preferred by boys were also G-rated, three of their top ten games were MA-rated, including their top two preferred games.

5.31 The research also found that children between 8-11 years were most likely to prefer G-rated games, which could be interpreted as an indicator of preference as well as of parental
supervision. However, the top ten preferred games in both the 12-14 years and 15-17 years age ranges included three MA-rated games. Whilst the latter group would be able to access MA games legally, the 12-14 age group would not. No comment on this issue was made in the research report.56

5.32 In 1995 the Standing Committee of Attorneys-General acknowledged the need for further research into the use of computer games in Australia, and approved a three-stage research project entitled Computer Games and Australians Today, encompassing:

- An examination of the extent, nature and relative popularity of aggressive content in top-selling computer games in Australia - completed in 1995;
- Focus groups and interviews in video arcades, observing respondents perceptions of and responses to aggressive content in computer games - completed in 1996;
- The provision of statistically viable data that will assist policy formulation and the classification decision-making process.57

The material collated from the three-stage research project was released in December 1999. Although the report stressed that there is little reason to believe that game play “should be a cause for concern, and little evidence that it is a major source of anxiety within the community” 58 the report drew attention to an anomaly within the current classification regime. The lack of provision for games which exceed an MA (15+) classification:

Games that contain themes or other content which may warrant restriction to adults only are not currently permitted, even though comparable content in other media is permitted. It appears anomalous, and without scientific basis, to treat one medium as different from others in this respect.59

Recommendation 12: That the Office of Film and Literature Classification and retail outlets identify the sale of MA-rated games to under 15 year olds as a priority issue for industry training.

Recommendation 13: That all levels of government in association with the computer games industry promote the development of quality non-violent computer games in Australia.

Recommendation 14: That the Ministerial Council of Censorship Ministers reconsiders the introduction of an R18+ (Restricted) classification category for computer games.
Regulation of Television Content

5.33 The primary source of regulation over the broadcast of television and radio content in Australia is the Broadcasting Services Act 1992 (Cwth) which empowers the Australian Broadcasting Authority (ABA) to set certain program standards and to monitor industry-developed codes of conduct, as part of a co-regulatory framework. The Act provides that commercial, community and pay TV licensees may address methods of classifying programs that reflect community standards when establishing codes of practice. Further, commercial and community licensees are required to classify films using the OFLC Guidelines for the Classification of Films and Videotapes, so that films are suitable for broadcast at their scheduled time.

5.34 Whilst the Act does not set specific classification standards across the entire broadcasting industry, the practical response of all sectors of the industry has been to classify a broad range of programs in accordance with, or with reference to, the OFLC system. For example, the codes of practice of the commercial television industry and of the national broadcasters ABC and SBS require in-house classification of all programs, with the exception of news, current affairs and live sporting programs. The pay TV code of practice applies the OFLC film and video guidelines to all films and drama programs.

5.35 The exemption of news and current affairs from the classification system has been justified on the basis of the broader public interest and the increasing immediacy of news-gathering. However, broadcasters are required to take account of the likely composition of the audience at the time of broadcast, and all codes of practice make reference to the need to avoid sensationalising violent events in news reports, and to provide warnings prior to broadcasting distressing material.

5.36 Notwithstanding these principles, submissions to this Committee repeatedly identified concern regarding news content, particularly in the early evening when children are more likely to be watching and may not appreciate the broader context in which the information is delivered. Submissions therefore proposed that disturbing footage or distressing events should only be screened in the later evening time slot, a recommendation made by the Senate Select Committee inquiry into the Portrayal of Violence in the Electronic Media, established following the Port Arthur tragedy. The Federal Government acknowledged this concern in its response, and strongly urged broadcasters to meet the requirements of their codes of practice in this regard.
5.37 The Committee also identified the lack of news services for children, other than ABC programmes such as Behind the News, which are broadcast during school hours. In the UK a television news service for children, Newsround, has been broadcast since 1972 and provides news which is focussed on issues of interest to children, as well as the main news of the day in an appropriate context, from Monday-Friday at 5pm each evening.  

**Recommendation 15:** That television broadcasters in Australia be encouraged to provide an early evening news service of interest to and accessible for children and young people.

5.38 Breach of classification guidelines in the codes of practice may be the subject of complaint by individuals to the ABA. The Senate Select Committee also recommended that wider powers of classification be reserved to the ABA, to enable random audits of in-house film classification and that the ABA undertake all classification of children's programs, including cartoons. The Federal Government considered that the ABA's existing powers of review were adequate to meet such concern and consequently did not support these recommendations.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Commercial Free-To-Air</th>
<th>ABC</th>
<th>SBS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>G</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weekdays</td>
<td>6.00-8.30am</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4.00-7.30pm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weekends</td>
<td>6.00-7.30pm</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PG</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weekdays (schooldays)</td>
<td>5.00-6.00am</td>
<td>Weekdays</td>
<td>Weekdays</td>
</tr>
<tr>
<td></td>
<td>8.30am-Midday</td>
<td>8.30am-4.00pm</td>
<td>8.30am-4.00pm</td>
</tr>
<tr>
<td></td>
<td>3.00-4.00pm</td>
<td>Any day between 7.30pm-6.00am</td>
<td>Any day between</td>
</tr>
<tr>
<td></td>
<td>7.30-8.30pm</td>
<td></td>
<td>7.30pm-6.00am</td>
</tr>
<tr>
<td>Weekdays (school holidays)</td>
<td>5.00-6.00am</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8.30am-4.00pm</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>7.30-8.30pm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weekends</td>
<td>5.00-6.00am</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>7.30-8.30pm</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>M</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weekdays (schooldays)</td>
<td>Midnight-5.00am</td>
<td>Weekdays (schooldays)</td>
<td>Weekdays (schooldays)</td>
</tr>
<tr>
<td></td>
<td>Midnight-3.00pm</td>
<td>Midday-3.00pm</td>
<td>Midday-3.00pm</td>
</tr>
<tr>
<td></td>
<td>8.30pm-Midnight</td>
<td>Any day between 8.30pm-5.00am</td>
<td>Any day between</td>
</tr>
<tr>
<td></td>
<td>8.30pm-5.00am</td>
<td></td>
<td>8.30pm-5.00am</td>
</tr>
<tr>
<td><strong>MA</strong></td>
<td>Any day between</td>
<td>Any day between</td>
<td>Any day between</td>
</tr>
<tr>
<td></td>
<td>9.00pm-5.00am</td>
<td>9.30pm-5.00am</td>
<td>9.00pm-5.00am</td>
</tr>
<tr>
<td><strong>AV</strong></td>
<td>Any day between</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>9.30pm-5.00am</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>MAV</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>Any day between</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>9.30pm-5.00am</td>
</tr>
</tbody>
</table>

"Stronger" MA material is classified in-house as MAZ and screened after 10.30pm.
5.39 Free-to-air broadcasters also broadcast programs within a system of time zones which broadly reflect the likely composition of the audience at those times, so that programs may only be broadcast at a time appropriate to their classification. Whilst all broadcasters codes of practice make reference to the OFLC film and video classification guidelines, the approach to classification and labelling does vary across the sector. A table setting out the various time zones used by free-to-air broadcasters in Australia, in conjunction with classification categories, is provided above. Each of the sectors is discussed further in this chapter.

5.40 In addition to the minor differences in classification guidelines and labelling, the interpretation of the guidelines and codes of practice is informed by the different programming policies and target audiences of each sector, so that classification is undertaken with regard to a broader context, as well as the key classifiable elements such as violence or nudity. For example, the ABC identifies context as the guiding principle in the application of program codes, noting that the code of practice is not intended to ban certain types of language or images from bona fide dramatic or literary treatments, nor to exclude such references from legitimate debate.

5.41 The free-to-air commercial television sector also provides room for contextual interpretation, so that program material "dealing responsibly with important moral or social issues" may be broadcast outside the time appropriate to its classification, and material that may distress or offend viewers may also be broadcast if there is an identifiable public interest in doing so. Whilst broadcasters are required to provide warnings if such material is to be broadcast, it was suggested to the Committee that the availability of the context argument undermines the intent of the regulatory system, although such flexibility is also necessary if Australia is to have a creative and diverse broadcasting sector.

5.42 The consumer advice warnings that accompany television program material (classified or otherwise) can also vary across the broadcasting sector. For example, SBS provides that consumer advice will be in a style consistent with the consumer advice guidelines provided by the OFLC, whereas the recently reviewed commercial free-to-air code of practice specifies its own consumer advice text. Whilst such differences may be minor, in application and effect, the lack of uniformity may inhibit community appreciation of the classification system.
Commercial free-to-air television

5.43 The commercial free-to-air television industry classification system is broadly based upon the OFLC Guidelines for the Classification of Films and Videotapes. Program material has until recently been classified within one of the following classifications:

- C - Children's or P - Preschool Children's (See Chapter 7)
- G - General;
- PG - Parental Guidance recommended;
- M - Mature, recommended for viewing only by persons aged 15 years or over; and
- MA - Mature Adult, suitable for viewing only by persons aged 15 years or over.

5.44 The broadcasting legislation provides that material that would require classification as R or X-rated under the film and video guidelines cannot be broadcast on free-to-air television, so that until recently the most restrictive classification that could be viewed on free-to-air television was MA.

5.45 However, following a recent commercial television industry review of the code of practice a new classification category has been introduced for programs containing significant levels of violence. This does not mean that more violent material can now be broadcast, but that violent material that would previously have been classified at the higher end of the MA-rating will now be classified as AV. The new AV category is unsuitable for viewing by persons aged under 15 years and cannot be broadcast until 9.30pm or later, whereas such material could previously be broadcast at 9.00pm.

5.46 Additionally, a revised G classification was introduced to impose stricter limits on imitable and dangerous behaviour, and the classification requirements concerning sexual depictions and nudity in MA programs (which may only be shown after 9.00pm) were tightened.

National Broadcasters—ABC and SBS Television

5.47 The ABC and SBS Codes of Practice also refer to the OFLC Guidelines for the Classification of Films and Videotapes as the appropriate means of program classification, and both use the following classifications:

- G - General, suitable for all ages (including pre-school and children's programs);
- PG - Parental Guidance recommended for persons under 15 years;
- M - Mature, recommended for viewing only by persons aged 15 years or over; and
- MA - Mature Adult, recommended for viewing only by persons aged 15 years or over.
5.48 The ABC does not have a corollary to the new AV classification used by the free-to-air commercial television industry. However, ABC programs containing more intense or explicit material, especially violence, are categorised as MA, which may not be broadcast until 9.30pm, as required for the free-to-air commercial television AV category.86

5.49 The SBS does have such an additional classification category, MAV, (Mature Adult Audience - strong violence) which indicates more intense or frequent violence than MA and is recommended for viewing only by persons aged 15 years or over. The MAV category also begins from 9.30pm, making it comparable in broadcast to the commercial free-to-air AV-rating and the ABC's MA-rating categories. Consequently, an identical program could in theory be broadcast from 9.30pm on ABC, SBS and the commercial free-to-air channels with three different classifications, ie. MA, MAV and AV. SBS also operates an in-house classification for "stronger" MA material, MAZ, which is screened after 10.30pm, although viewers are not advised of this classification and will not therefore be made aware of the forthcoming stronger material, other than through accompanying consumer advice. The transmission of controversial material has been identified by SBS as a consequence of their mandate to develop a multicultural tradition in broadcasting:

The pivotal link between multiculturalism and changing values gives SBS its mandate to examine traditional and established values critically and continually. Naturally, with this background, on occasions SBS's programming will be controversial and provocative. This may include the presentation of points of view or values which are distasteful, or even offensive, to particular individuals or groups. SBS regards the careful handling of such conflict and contradiction as one of its inherent responsibilities as a multicultural broadcaster.

SBS believes that its audiences are best served by unobstructed exposure to a wide range of cultures, values and perspectives. The challenge for SBS is to present diversity in a responsible manner, which includes ensuring a balance of diverse views over time.87

5.50 These minor differences in classification above the M-rating on free-to-air television have no obvious benefit and, echoing the confusion over the M and MA categories in film

**Understanding of the difference between M and MA classifications**88

<table>
<thead>
<tr>
<th></th>
<th>1994 (n=902)</th>
<th>1995 (n=878)</th>
<th>1996 (n=866)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Displayed understanding of difference</td>
<td>42%</td>
<td>42%</td>
<td>40%</td>
</tr>
<tr>
<td>Did not display understanding of difference</td>
<td>20%</td>
<td>27%</td>
<td>29%</td>
</tr>
<tr>
<td>Said there was no difference</td>
<td>14%</td>
<td>2%</td>
<td>1%</td>
</tr>
<tr>
<td>Couldn’t say/ No response</td>
<td>24%</td>
<td>29%</td>
<td>30%</td>
</tr>
</tbody>
</table>
and video, the ABA has also identified similar issues with regard to the M and MA classification categories, at least with regard to commercial television:

5.51 Whether the addition of the MAV and AV categories to the free-to-air sector has done anything other than add to this confusion is a matter that could be considered by the ABA, in its proposed inquiry into the possible benefits of a uniform code of practice across the free-to-air industry. The inquiry was foreshadowed by the Federal Government during the 1998 election campaign, although a direction has not yet been issued to the ABA.89

**Recommendation 16:** That a uniform code of practice be developed across the free-to-air television broadcasting industry in Australia, applicable to both national broadcasters and commercial free-to-air licensees.

**Pay TV**

5.52 Pay TV licensees directly apply the OFLC *Guidelines for the Classification of Films and Videotapes* to films and drama programs, their codes providing for the following classifications:90

- G - General, suitable for all ages;
- PG - Parental Guidance recommended for persons under 15 years;
- M15+ - Mature, recommended for mature audiences 15 years and over;
- MA15+ - Mature, restrictions apply to persons under the age of 15 years; and
- R18+ - Restricted to adults 18 years and over.

5.53 The direct application of the OFLC system within the pay TV code of practice raises an interesting question with regard to MA-classified programs on pay TV, in that whilst the under-15's may be legally restricted from accessing MA-classified films and videos at cinema complexes and rental/retail outlets, it is unclear how such legal restriction can be enforced in the context of pay TV viewing. Clearly in this context an MA rating is unlikely to be anything other than advisory, although the pay TV code of practice does not reflect this fact.91

5.54 In common with free-to-air commercial and national broadcasters, pay TV licensees may not broadcast programs that would require an X-rated classification. However, whilst the codes of practice do make reference to the R-rated category and the broadcasting legislation does not prohibit pay TV licensees from broadcasting R-rated programs, the broadcast of such programs is subject to Federal parliamentary approval, which has not yet been granted. The availability of R-rated material will also be conditional on the ABA
accepting forms of disabling devices (such as Personal Identification Numbers) provided by pay TV operators.\textsuperscript{92}

5.55 The issue has been the subject of research by the ABA in a national survey of 2440 Australian adults in which more than 82\% agreed that adults should have the option of watching R-rated programs on pay TV, but did not support unrestricted availability of R-rated programs. The ABA noted that majority support was apparent across all segments of the population as defined by age, gender, parental status, and area of residence.\textsuperscript{93} These findings were echoed in submissions to this Committee, which proposed that if sexually explicit and/or violent material were to be available on television, it should only be available through pay TV, and perhaps be restricted to late at night.\textsuperscript{94}

\textit{V-Chip}

5.56 Disabling devices to prevent unrestricted access to violent program content have also been the subject of debate in the United States, where all new television sets with screens 13 inches or larger were required to have "V-chip" technology by 1 January 2000, to enable filtering of violent content.\textsuperscript{95} The V-chip enables the scrambling of signals from a TV station for selected programs, making use of a voluntary ratings system, the \textit{TV Parental Guidelines}, to enable such selection to take place by viewers, although not all broadcasters have chosen to participate in the scheme. The debate on the introduction of the V-chip in the US considered two different types of ratings systems:

1. An age-based advice, indicating that program content is suitable for children 7 years and over, 14 years and over, etc;

2. Content-based advice, describing program content with regard to the degree of violence, sex, coarse language or other matters of concern.

5.57 Initially, the television industry chose to introduce two age-based systems, one for the general audience and one for children. The lack of accompanying content advice left many parents still unable to accurately select program content, within 6 months the industry had also decided to add such advice, to indicate violence, sex, language and adult dialogue.\textsuperscript{96} The impact of the V-chip and associated ratings systems on programming decisions and levels of television violence in the US are yet to be assessed.\textsuperscript{97}

5.58 In 1996 the Australian Federal Government accepted the recommendation of a Ministerial Committee that V-chip technology should be built into all new television sets in
The Federal Government is still considering how best to implement this decision.99

5.59 Notwithstanding Federal Government acceptance of the V-chip, the technology has been criticised for its potential inability to distinguish between violence in positive or negative contexts. Whilst submissions to this Committee evidenced some support for exploring use of the "V-chip" in Australia, there was also concern that the proposal merely represented use of technology as a babysitter.100

5.60 It was also suggested to this Committee that the V-chip itself will quickly become outdated due to the introduction of digital television, which will be accompanied by Electronic Program Guide (EPG) technology,101 where information embedded in the digital data stream enables searching of television program content by keyword, genre or rating, inter alia.102 Similar technology exists with respect to digital video discs, enabling parents to control the type of material their children are able to access through use of a password, although this technology is not yet available in Australia.103

5.61 Whilst the increasing convergence of television and the Internet would indicate that the technology for filtering television and Internet sites are also likely to converge, this Committee supports the provision of age-based and content-based indicators and filtering technologies for TV content, however it is delivered, to enable parents and guardians to take a more direct role in managing the program content available in their homes.

Recommendation 17: That the Victorian Government supports the provision of disabling devices to enable parents and guardians who wish to prevent unrestricted access to violent or otherwise unsuitable television program content to do so.

Film, Television and Multimedia Content Classification - Comparative Issues

5.62 In addition to the differential application of classification guidelines in television, and the differences between the classification of film and videos, and computer games, submissions to this Committee and research indicate that the differential application of the OFLC classification principles across film, television and multimedia as a whole is also a cause of confusion to the viewing public. (A table setting out the differential classification and labelling across film, video, computer games and television is set out at Appendix C.)

5.63 One submission to the Committee noted that where movies are edited for television, they might carry a different classification to the classification awarded for the same film in
the cinema or video store. In another submission, the Australian Visual Software Distributors Association (AVSDA) noted that of the approximately 1280 videos newly released by AVSDA members in 1998, over 200 were programs that had already been broadcast on television, under the broadcasters’ in-house classifications. These programs included a large range of children’s and sports events, and whilst some changes may have been made for television, distributors may also be incurring unnecessary costs in applying for classification of a product for sale, when classification and broadcast has already been undertaken by the television sector.

5.64 Additionally, the ABA indicated to the Committee that the consumer advice warnings that accompany television program material, which are not uniform in any case, differ from those provided with films and videos under the OFLC guidelines. The consumer advice guidelines for film and video have in any case been criticised as confusing to the public by the Senate Select Committee report on the Portrayal of Violence in the Electronic Media, the Committee stating that:

Under the present system, the advice 'Medium level violence' on a video cassette can have four different meanings according to whether the advice accompanies a movie rated PG, M, MA or R. 'Medium level violence' in a PG-rated movie is very different in intensity and frequency to 'Medium level violence' in an M-rated or MA-rated context.

The Committees view is that the current system is confusing for many parents and makes it difficult to guide their children...If the advice received was consistent across all classifications, a parent would be in a position to make a more accurate judgement of what an adolescent should be permitted to watch and there would be greater public confidence in the classification system.

5.65 Further, while X-rated programs are currently available on video, and may therefore be available in the home, R-rated programs cannot be broadcast on pay TV until Parliament has approved its broadcast. The Senate Select Committee recommended that separate guidelines be introduced for the classification of videos, in recognition of their availability in the home. The Federal Government did not support this recommendation, on the basis that similarity between film, television and video classifications aided community understanding, considering that:

The situation already exists where a free-to-air TV M, a film and video M and a computer game M may differ. Considerable consumer confusion is likely to follow if further differences are introduced, for example a difference in content between a video M and a cinema M…
The fact that some parents may act in what some may consider to be an irresponsible manner in this area [allowing children access to inappropriate videos] is not an adequate excuse for curtailing the availability of material to adults generally ...or parents who do act responsibly.109

However, a similar rationale does not apply to the regulation of pay TV or computer games content, adult material being unavailable in either format.

5.66 Whilst these differences are the outcome of a broadcasting policy that seeks to promote diversity in the broadcasting sector, and a classification policy that attempts to recognise the potentially different impacts of various forms of multimedia on users, it should at least be possible to provide consistent consumer advice. A recommendation to this effect was made by a Senate Select Committee in 1993, before the current classification legislation was in place, proposing that the various regulatory bodies coordinate their activities to establish and maintain definitions that will ensure that there is uniform interpretation of terms and expressions used in their respective guidelines. The Federal Government of the day did not support this recommendation.110

5.67 A subsequent Senate Committee found that the lack of consistent and detailed consumer advice regarding the classification of movies and games poses difficulties for parents and guardians who wish to exercise their responsibilities seriously.111 Submissions to this Committee echoed these sentiments.112

5.68 Submissions to the Committee also indicated concern with regard to the breadth of some film and video classifications, and consequently their appropriateness for the age group to which they apply. For example, it was suggested that the range of content allowable within one classification is too broad for useful selection, noting that the *Blues Brothers* and *Silence of the Lambs* both have an M classification, although the latter contained disturbing elements of horror and violence, compared to the more stylised violence of the former.113 Similar comments have been made in the media with regard to the films *As Good as it Gets* and *Good Will Hunting*, both of which had an M15+ classification, despite claims that the latter contained a significant amount of bad language.114 Submissions also identified concern with regard to the breadth of the PG classification, also advisory for children up to 15 years of age,115 one contributor suggesting that a wider variation of PG could be introduced eg. PG1-PG5 (toddler to teenager).116

5.69 The breadth of film and video classification in Australia, for example, a G-rated film or video is the only classification guaranteed suitable for children under 15 years, can be contrasted with other systems overseas. For example, the UK has introduced a classification
category that identifies films and videos unsuitable for viewing by those under 12 years of age, in addition to categories for aged 15+ and 18+.\footnote{117} The breadth of classification for film and video can also be contrasted with the additional category used in Australia, G8, for classification of computer games, which identifies games unsuitable for those 8 years and under.

5.70 It must also be said though, that whilst age-appropriate classification categories may provide some guidance for parents and guardians, they cannot provide a failsafe mechanism for selecting film, television and multimedia content for all children, due to varying maturity. Consequently, in the view of the Committee, the consumer advice provided in addition to classification information must be consistent, clear and sufficiently informative for parents and guardians.

Recommendation 18: That the Victorian Government encourages the development of a classification and consumer advice system in Australia that is uniform across film, television and multimedia.

Recommendation 19: That a uniform film, television and multimedia classification system provides for additional graduated age-based classification categories, for example categories that are indicative of content unsuitable for those under the age of 8, 15 and 18 years.

Convergence of Film, Television and Multimedia Technology

5.71 As stated previously, differentiated regulatory mechanisms have been applied to film television and multimedia, partly due to their different means of delivery, ie. interactive (games) rather than linear (movies) and their perceived differential capacity to influence the viewer. For example, television content is received by a wide audience without the ability to make a selection beyond the scheduled programming, whereas viewing a film at the cinema represents a more individual choice. The emergence of interactive multimedia and the increasing convergence of television and multimedia technologies question the appropriateness and effectiveness of this medium-based approach in the future.\footnote{118}

5.72 For example, currently classification is undertaken with reference to context, ie. violent content may not be assessed solely with reference to the physical harm caused or the weapon used, but also with regard to the moral message within a film or video. However, as identified by the recently retired Director of the OFLC, the prospect of interactive films and videos, where plots and outcomes may be manipulated, undermines this context approach:
Inquiry into the Effects of Television and Multimedia on Children and Families

What are we going to do about the click-on films, the films with multiple endings, and when they hit the market, the interactive films…does it make a difference to the classification we give to a DVD [digital video disc] if you can program it to see only part of the film. What does that do to the argument we all use about the importance of context.

There are some different problems with computer games. The number of levels in each game is astounding…The experienced game players come back to us and say that you can't really make an informed decision about these things until you can actually play the game and determine whether there are compensatory offsets to put the sometimes grotesque into perspective.119

5.73 Whilst interactive films could be compared with computer games, and a policy decision made on their appropriate classification, the implication is that multimedia convergence will enable content selection by a user in a way that has never taken place before, so that the classification decisions made by TV and OFLC classifiers based upon context will become increasingly meaningless.

5.74 The term "convergence" in this context is used to describe the merging of the telephone, fax, radio, television, games machine and the personal computer to provide a ‘one-stop shop’ device for both business and home entertainment communications:120

Envision a device that will incorporate the functions of a number of home entertainment devices. It plays CDs, and can tune into radio signals and blast out sound from a set of high-fidelity, surround sound speakers. It can play videos and tune into television signals. It lets you surf the Web, send and receive e-mail, arrange your finances, make your own music and type up your resume.121

The implications of such convergence is that multimedia delivery will tend towards the online model, so that it will become increasingly difficult to differentiate between films, videos, games, and television. For example, one US film maker has indicated his intention to produce a feature film that will première on the Internet.122 Internet-capable TV systems are also available in the US and being tested in the UK, in various formats, offering TV, Web browsing and e-mail function, through television sets with a built-in processor and modem, and attached to a telephone line.123Whilst such a sophisticated "PC-TV" model is not likely to be available to the mass market in Australia in the immediate future, due to technological and bandwidth limitations, it is a possibility that is driving many in the communications and entertainment industry,124 and the issue of converged multimedia is very much in the forefront of regulatory debate.

5.75 The new online services regulatory model (discussed in Chapter 8) aims to limit access to prohibited material through the use of the R, X and RC classifications for film and
video. There is no attempt to undertake advisory classification, such as identifying G, PG or M rated material; indeed any such attempt would be cost-prohibitive and impossible to implement given the volume of material on the Internet. It is instead intended that those wishing to classify certain content choose to do so with the aid of filtering and/or labelling programs. However, the filter programs available for Internet content selection do not necessarily reflect the OFLC classification categories or consumer advice.

5.76 The delivery of content online could also lead to a further anomaly, with the classification system requiring distributors of a physical multimedia product to submit it for classification, and meet the costs involved, whereas a similar product on the Internet which does not come within R or X-rating, will not require such classification. For example, many computer games being sold in Australia are available on the Internet, often in different and stronger versions than those classified by the OFLC.125 This issue has recently been raised in the UK, the Professional Association of Teachers calling for consistent age ratings for Internet sites, computer games and videos, to assist parents in making decisions about the appropriateness of content being accessed by their children.126

5.77 It is therefore likely that censorship and classification of film, television and multimedia content by government agencies will become increasingly difficult, with such content being provided from many diffuse sources and being presented in interactive formats that are less easily subject to definition. Consequently, the previous balance between government, industry and the community in classifying and selecting material will shift towards a greater responsibility for the community in selecting information. The implications of this shift for the current classification systems for film, television and multimedia have not been fully considered in the debate on the regulation of online services.

**Recommendation 20: That the Victorian Government encourages an inquiry into the implications of multimedia convergence on the existing film, television and multimedia classification mechanisms in Australia.**

**Endnotes**

1 See Chapter 7 for discussion of the content of children's programming.
2 Schedule, Classification (Publications, Films And Computer Games) Act 1995, (Cwth)
3 Office of Film and Literature Classification, Submission #53.
4 Office of Film and Literature Classification, Submission #53; Schedule, Classification (Publications, Films And Computer Games) Act 1995, (Cwth)
5 Office of Film and Literature Classification, Submission #53; Schedule, Classification (Publications, Films And Computer Games) Act 1995, (Cwth)
Inquiry into the Effects of Television and Multimedia on Children and Families

Section 42, Classification (Publications, Films And Computer Games) Act 1995, (Cwlth)
Lolita's lesson learned, Tara Gutman, Communications Update,

Western Australia and Tasmania also operate their own publications classification schemes, and Queensland has retained the power to classify publications under its legislation where no decision exists under the Commonwealth legislation. Classification Board & Classification Review Board, Annual Report 1997-1998, Office of Film and Literature Classification, Commonwealth of Australia, 1998, p.12.


Lolita's lesson learned, Tara Gutman, Communications Update,

10 Western Australia and Tasmania also operate their own publications classification schemes, and Queensland has retained the power to classify publications under its legislation where no decision exists under the Commonwealth legislation. Classification Board & Classification Review Board, Annual Report 1997-1998, Office of Film and Literature Classification, Commonwealth of Australia, 1998, p.12.


12 Censored film to be screened at REVelation Film Festival, Media Release, The Hon Cheryl Edwardes, Minister for the Environment, 16 March 1999.


Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 (Vic)

Victoria Police, supplementary information provided in support of Submission #23.

Office of Film and Literature Classification, Submission #53.

Office of Film and Literature Classification, Submission #53.


Office of Film and Literature Classification, Submission #53.

Camberwell Primary School, Submission #38.

Project Community 3, Final Report, prepared for the Office of Film and Literature Classification by Diagnostics & Creative Workshop, August 1995, p.7. The sample contained 166 respondents, 120 of whom were parents of children under 18 years of age, "a function of the purposeful focus on parents for five of the six sessions."


Community Assessment Panels Report, prepared for the Office of Film and Literature Classification by Keys Young, June 1998.

Office of Film and Literature Classification, Submission #53.

Office of Film and Literature Classification Guidelines for the Classification of Films and Videotapes, Amendment No. 2, 15 April 1999.

Office of Film and Literature Classification, Submission #53.

Office of Film and Literature Classification, Submission #53.


Senate Hansard, Tuesday 25 May 1999, p.5362.


Salt Shakers, Submission #31; Mr. David M Gawler, Dr Mathew Piercy and Dr Eloise Gawler, private citizens, Submission #49.
Government Response to the Report on the Portrayal of Violence in the Electronic Media by the Senate
Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic

Craig Homburg, private citizen, Submission #61.

Mrs Barbara Biggins, Young Media Australia, Evidence, 30 November 1998.

Australian Visual Software Distributors Association, Submission #5.

Ensuring Community Involvement in Classification, News Release, Attorney-General and Minister for
Justice, Daryl Williams, 27 December 1996.

Classification Board & Classification Review Board, Annual Report 1997-1998, Office of Film and

Office of Film and Literature Classification, Submission #53.

Office of Film and Literature Classification, Submission #53.

Office of Film and Literature Classification, Submission #53.

Classification Board & Classification Review Board, Annual Report 1997-1998, Office of Film and

Office of Film and Literature Classification, Submission #53.

Computer Games Classification Scheme Underway, Press Release, Commonwealth Attorney-General,

Computer Games Classification Scheme Underway, Press Release, Commonwealth Attorney-General,

Government Response to the Senate Select Committee on Community Standards Relevant to the Supply
of Services Utilising Electronic Technologies Report on Video and Computer Games and Classification
Issues, Senate Hansard, 22 September 1994. The Guidelines were further reviewed in 1999, and now
expressly provide that games are to be refused classification if they promote or provide instruction in
paedophile activity.

Certified as "Refused Classification" by the Office of Film and Literature Classification, 4 November
1997; Horror at computer kill game, Herald Sun, 1 October 1997; Games we won't play, Australian
Personal Computer, January 1998, p79; Classification Board & Classification Review Board, Annual
Report 1996-1997, Office of Film and Literature Classification, Commonwealth of Australia, 1997;
Classification Board & Classification Review Board, Annual Report 1997-1998, Office of Film and

Classification Board & Classification Review Board, Annual Report 1997-1998, Office of Film and

Computer Games, Their Effects on Young People: A Review, A study for the Office of Film and
Literature Classification, K. Durkin, 1995; Violence on the screen and its implications for censorship,

Families and Electronic Entertainment, Monograph 6, Australian Broadcasting Authority and the
Office of Film and Literature Classification, June 1996 p.80-81.

Classification Board & Classification Review Board, Annual Report 1997-1998, Office of Film and

Office of Film and Literature, Classification, Computer Games and Australians Today, December 1999
Office of Film and Literature, Classification, Computer Games and Australians Today, December 1999
Section 123(2)(c), Broadcasting Services Act, 1992, (Cwth)
Section 123(3)(A), Broadcasting Services Act, 1992, (Cwth)
Section 2.3, Commercial Television Industry Code of Practice, Federation of Australian Commercial
Television Stations, April 1999.

Section 7, ABC Code of Practice, Australian Broadcasting Corporation.
Section 3.1, SBS Codes of Practice, Special Broadcasting Service.
Subscription Television Broadcasting Codes of Practice, Australian Subscription Television and Radio
Association, April 1999.

Sections 2.30 & 4, Commercial Television Industry Code of Practice, Federation of Australian
Commercial Television Stations, April 1999; Sections 9.2 & 9.7, ABC Code of Practice, Australian
Broadcasting Corporation; Section 2.4.4, SBS Codes of Practice, Special Broadcasting Service.

Association of Catholic Families, Submission #3; Ms D Burford, Submission #4; Women's Action
Alliance, Submission #15; Mr Bill Muchenberg, Research Officer, Salt Shakers, Submission #31;
Family Council of Victoria, Submission #45;


www.bbc.co.uk/newsround


Australian Broadcasting Authority, *Submission #2*. The pay TV codes of practice do not provide for broadcast of or programs at a time appropriate to their classification, but do provide that the content of program promotions and news updates should be consistent with classification of the programs during which such promotions and updates appear. M and MA classified programs must also be accompanied by appropriate consumer advice to ensure adequate warning regarding content. See Sections 2.3 & 3.5, *Subscription Television Broadcasting Codes of Practice*, The Australian Subscription Television and Radio Association (ASTRA), April 1999.


Section 2, *General Program Codes, ABC Code of Practice*, Australian Broadcasting Corporation.


Salt Shakers, *Submission #31*

Section 3.5, *SBS Codes of Practice*, Special Broadcasting Service


Australian Broadcasting Authority, *Submission #2*.


Federation of Commercial Television Stations, *Submission #8*.

Section 7, *ABC Code of Practice*, Australian Broadcasting Corporation; Section 3.5, *Classification Symbols, Consumer Advice and Scheduled Times, SBS Codes of Practice*, Special Broadcasting Service.

Section 7.1, *ABC Code of Practice*, Australian Broadcasting Authority.

Preamble, *SBS Codes of Practice*, Special Broadcasting Service.


Section 3.1, *Subscription Television Broadcasting Codes of Practice*, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, *Subscription Television Broadcasting Codes of Practice*, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, *Subscription Television Broadcasting Codes of Practice*, The Australian Subscription Television and Radio Association (ASTRA), April 1999. (Although one licensee was found to have breached the codes of practice having broadcast an R-rated program in 1997-98. See *Annual Report 1997-98*, Australian Broadcasting Authority, Sydney, 1998.)


Family Council of Victoria, *Submission #45*; National Civic Council, *Submission #44*.

Chapter 5: The Regulation of Film, Television and Multimedia Content

Violence, Classification and the V-chip, Professor Dale Kunkel, Professor of Communication, University of California, An address to the Caring for Children in the Media Age Conference, University of New South Wales, Sydney, March 1998; Executive Summary. National Television Violence Study. Volume 3, Centre for Communications and Social Policy, University of California at Santa Barbara, 1998.

Violence, Classification and the V-chip, Professor Dale Kunkel, Professor of Communication, University of California, An address to the Caring for Children in the Media Age Conference, University of New South Wales, Sydney, March 1998.

Government to tighten controls on media violence, Media Release, Senator the Hon Richard Alston, Minister for Communications, the Information Economy and the Arts, 9 July 1996.


Mr Chris Sharp, Policy Manager, Special Broadcasting Service (SBS) Corporation, Submission #47.


Camberwell Primary School, Submission #38.

Australian Visual Software Distributors Association, Submission #5.

Australian Broadcasting Authority, Submission #2.


Report on the Portrayal of Violence in the Electronic Media, Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, February 1997, p.27.

Victorian Parent’s Council Inc., Submission #56; Ms Margaret O’Brien, private citizen, Submission #59.

Camberwell Primary School, Submission #38.


Ms Jari Evertsz, Program Coordinator, The Birrell Centre for Children, Submission #22.

St. Monica’s School, Kangaroo Flat, Victoria, Submission #11.

Classification Policy-Broad Guidelines, British Board of Film Classification, www.bbfc.co.uk

How Do You Cope With Censorship? An Analysis for IT Services Executives, Roger Clarke, Visiting Fellow, Department of Computer Science, Australian National University, Conference for the Australian Universities’ Directors of IT, Magnetic Island, Townsville, on 23 August 1996, Revised Version of 27 August 1996

Challenges for Classifiers, Mr John Dickie, Office of Film and Literature Classification, paper presented at the Violence, Crime and the Entertainment Media Conference, convened by the Australian Institute of Criminology and the Office of Film and Literature Classification, 4-5 December 1997.

Mr R. Naughton, Radio Australia, Minutes of Evidence, 13 July 1998.

The world at home, Australian Personal Computer, May 1997.

Prepare to click for the flicks, The Australian, 30 August 1999.


Future Of the Net, Australian Personal Computer, November 1998.

Australian Visual Software Distributors Association, Submission #5.

CHAPTER 6
THE REGULATION OF ONLINE SERVICES

- Introduction
- The Development of a Regulatory Framework
- The Broadcasting Services Amendment (Online Services) Act 1999 (Cwth)
- Technical Mechanisms for the Regulation of Online Content
- States and Territories Role in the Regulation of Online Content

Introduction

6.1 The development of the online services environment, generally referred to as the Internet, can be traced from its origins in the 1960s as a communications platform for the United States military services, through later development as an academic network, to its present use as a broad based community information exchange. Online services now include the following:¹

- **E-mail** (Electronic mail) - which is often used as a form of private communication, similar to sending a letter or making a phone call;
- **Newsgroups and bulletin boards** - which function as "meeting places" where users can discuss matters of common interest;
- **Internet Relay Chat** - which enables interactive discussions between computer users on the Internet and takes place in real time;
- **World Wide Web** - which enables users to search worldwide for text, graphics, sound and video through the use of search engines. The Web also allows international publication of such data by individuals, companies and governments;
- **Proprietary networks** - networks operated commercially to enable access to a specific set of services such as home shopping, banking or entertainment; and
- **Intranets** - in-house or private networks, such as those established within a company or organisation to make available a common library of information.

6.2 Increased access to the Internet by families and children has been the primary focus of the debate on Internet regulation. In its latest release on the subject the Australian Bureau of Statistics (ABS) reported that in February 2000, 22% of all households had home Internet access with many more Australians having access at work or other locations.² ABS research
from May 1999 also suggested that Internet access was more prevalent in households comprising a couple with children (36% of such households) than in households comprising a couple with no children (16% of these households) and single person households (8% of these). Over a quarter (27% or 480,000) of persons aged 18-24 accessed the Internet from home, compared with 21% (885,000) of 25-39 year olds, 20% (771,000) of 40-54 year olds, and 5% (174,000) of persons aged 55 years and over. 3

6.3 Whilst the increase in family and child access to the Internet implies that to some extent the community sees the new technology as exciting and beneficial, there has also been increased government and community concern about the availability of objectionable material online, ie. material that could not be legally distributed as a film, video, or computer game in Australia. This includes material that has extreme violence or child pornography, and material that would not be illegal for an adult to view in Australia, but is considered unsuitable for children to access.4

6.4 As discussed in Chapter 6, the content of television and radio broadcasting, video, computer games and literature has for some years been regulated by censorship and classification provisions derived from the principles of the National Classification Code.5 These principles state that, whilst adults should be able to read, hear and see what they want, within legal limits in Australia, there is a public interest in protecting minors from material that may be harmful or disturbing to them. However, until recently there has been no such comparable regulatory structure to deal with the newest form of delivering content, online services.

6.5 As online services are capable of presenting content in a variety of formats, delivering text, video and audio, increasingly in real-time, it was not unreasonable that the existing classification regime should be considered as a model for the regulation of online content. However, it has been argued that the differences between the traditional broadcasting services, and the way the Internet works, will limit the effectiveness of any such regulatory framework.

6.6 The primary difference lies in the means of delivery. The Internet is delivered in a diffuse manner, from many content providers, to many users, often based upon a specific request, rather than from one point source or authority at one time, the traditional free-to-air broadcasting means of delivery. The point-to-multipoint nature of traditional mass broadcasting has of itself enabled regulation of content at source, whereas the Internet is not
controlled by a defined number of authorities or providers. The distinction may be summarised as follows:

The Internet most closely resembles the postal network and the telephone system. It is not a broadcast or mass media at all. It is a bi-directional, point-to-point, global communications network - three of the many factors that distinguish it from the unidirectional, one-to-many, nationally confined distributive model of broadcasting...Broadcasting involves a relatively small number of source controlled streams of material which viewers simply switch between.6

6.7 The Internet is also an internationalised network, content often being sourced from across national borders and jurisdictions. Whereas traditional broadcasters can test their content against Australian broadcasting standards, whether or not the content was created in Australia, overseas online content providers, who may be individuals or large organisations, will have little knowledge of Australian classification guidelines. Additionally, some content may be legal overseas but illegal in Australia, so that the application of Australian classification standards to overseas content raises questions regarding Australia's ability to enforce such standards.

6.8 Notwithstanding these difficulties, the Broadcasting Services Amendment (Online Services) Act 1999 (Cwlth), which came into effect on 1 January 2000, seeks to apply just such a regulatory framework to online services in Australia. This chapter provides some background to the development of the legislation, the technical means available for limiting access to or receipt of objectionable material, and considers the implications of the new Commonwealth legislation for families and children in Victoria.7

The Development of a Regulatory Framework

6.9 The issues surrounding regulation of the content of new technologies have regularly been the subject of inquiry in the Federal Parliament in recent years, culminating in the introduction of the Broadcasting Services Amendment (Online Services) Act 1999.

6.10 In a series of reports from 1993 onwards,8 the Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies (SSCCS) made a number of recommendations which have provided the basis for regulation of online services, including that:
• It should be an offence to use a computer service to transmit, obtain possession of, demonstrate, advertise or request the transmission of material equivalent to the RC, R and X categories under the National Classification Code.9
• A system of self-regulation for the Internet industry involving codes of practice and an independent complaints body should be instituted.10
• Personal Identification Numbers (PINs) should be mandatory for those wishing to access restricted material.11

6.11 During this period the Australian Broadcasting Authority (ABA) was also directed to investigate the possible regulation of online services, recommending that Internet Service Providers (ISPs) develop their own codes of practice to be registered with the ABA, which would then monitor the application and effectiveness of the codes. Whilst the ABA acknowledged that objectionable and unsuitable material was available online, it considered that the chances of being involuntarily exposed to such material was low, and that such risks could be minimised by an effective community education program.12

6.12 In July 1997 the Federal Government released draft Principles for a Regulatory Framework for Online Services in the Broadcasting Services Act 1992,13 the aim of which was "to establish a national framework of effective industry self-regulation for on-line service providers", and included the following underlying principles for the framework:

- Material accessed through online services should not be subject to a more onerous regulatory framework than off-line material such as books, videos, films and computer games;
- The need to address community concerns in relation to content should be balanced with the need to ensure that regulation does not inhibit industry growth and potential;
- Online service providers cannot be held responsible in every case for material they have not created, as they are often not in a position to be aware of all material transmitted through their service.

6.13 At this stage in the debate the Internet Industry Association (IIA), a peak Internet industry organisation, supported this approach and began developing a non-compulsory code of practice to take account of the proposed framework, with reference to the need for a system of classification and labelling of online content. The key phrase in this debate, as far as the industry was concerned, was "self regulation", interpreting the framework to mean that any supporting legislation would not place a heavy regulatory burden on ISPs, endorsing the
findings of the ABA reports. The IIA code was also developed initially on the basis that classification and labelling of content would be the responsibility of content providers, rather than ISPs, stating that:

We categorically oppose any obligation on ISPs to routinely monitor Internet content, whether or not hosted by them. ISPs have no control over traffic that passes through their systems. We therefore oppose any obligation on ISPs, as mere conduits of information, to act in anticipation of any direction by a relevant authority regarding content.

6.14 However, industry support for the proposed regime diminished when it became clear that, whilst the Federal Government did not consider that ISPs should be held liable in the first instance for objectionable material carried on their services, ISPs would be held liable if they failed to remove such material once notified of its existence, whether the material originated in Australia or overseas. The IIA and other industry and community based organisations objected to this proposal on the basis that, as the majority of such material was sourced from overseas, the technical difficulties and commercial costs associated with blocking or filtering all such sites would be prohibitive, particularly to small-medium ISPs and, as a result, slow down the Internet (and by implication e-commerce) in Australia.

6.15 Regulation of the Internet was also challenged on the basis that such regulation is a restriction on free speech. In the US, parts of the Communications Decency Act 1996, which also attempted to prohibit the transmission of objectionable or unsuitable online content, were overturned when the Supreme Court ruled that it violated First Amendment rights to free speech. Whilst the right to free speech is also highly regarded in Australia, the fact that such rights of free expression are not constitutionally entrenched means that the legislature may more easily describe the limits of acceptable expression.

6.16 Public debate also focussed upon the effectiveness of Internet censorship. On the one hand, it has been argued that censorship in itself may be counter-productive, limiting access to information which a substantial proportion of the public claims it has a right to access and leading to the "forbidden fruit" phenomenon and the development of black markets. However, those in favour of some regulation of Internet content argue that pushing material underground does in some way limit availability, and is not of itself a compelling argument against the regulation of objectionable material online.

6.17 Notwithstanding these objections the Broadcasting Services Amendment (Online Services) Act 1999 was introduced to provide just such a regime, the Federal Government
stating that whilst there may be technical difficulties associated with blocking overseas material, where it is technically feasible such action should be required.\textsuperscript{23}

**The Broadcasting Services Amendment (Online Services) Act 1999**

6.18 The Act provides that, in addition to its responsibilities with regard to television and radio broadcasting services, the ABA is now responsible for dealing with complaints about "prohibited" or "potential prohibited Internet content".\textsuperscript{24} Under the Act the term "Internet content" includes not only the Web, but also newsgroups and bulletin boards. However, the legislation will not apply to private e-mail or restricted distribution communications such as Intranets.\textsuperscript{25}

6.19 Any person may complain to the ABA with regard to objectionable online content. In addition, a community advisory body, to be called NetWatch, will operate a "hotline" to receive complaints about illegal material and pass this information to the ABA and police authorities. It will also advise the public about options such as filtering software.\textsuperscript{26} The ABA may also undertake investigations on its own initiative, although it is not intended that these powers will be used actively\textsuperscript{27} to seek out prohibited content, rather it would enable the ABA to receive information outside the complaints process and liaise with other regulatory bodies in Australia and overseas.\textsuperscript{28}

6.20 The Office of Film and Literature Classification *Guidelines for the Classification of Film and Videotapes*\textsuperscript{29} are to be used to identify "prohibited" or "potential prohibited" Internet content. The question of what is prohibited further depends upon whether the content is hosted within Australia or overseas:

- Internet content hosted **in Australia** is prohibited if it has been, or is substantially likely to be, classified as:
  - RC (Refused Classification) or X under the classification guidelines; or
  - R (Restricted to 18 years and over) where access to the content is not subject to a restricted access system. (For example, through credit card or Personal Identification Number)

- Where Internet content is hosted **outside Australia**, it is prohibited only if it has been, or is substantially likely to be, classified as RC or X.

6.21 R-rated material is therefore treated inconsistently, in that if it is hosted in Australia it will be deemed prohibited content unless it is subject to a restricted access system, whereas if it is hosted overseas it will not be prohibited. (A simplified representation of this
differentiated process is provided in Figure 1 on the following page) This is one point at
which the legislation does not follow the recommendations of the Senate Select Committees,
which had recommended that all R-rated online material be subject to restrictions.30

6.22 It has been suggested that this differentiation is designed to limit the workload on the
ABA;31 as the majority of online material originates overseas, it is likely that the majority of
complaints about R-rated material will concern material that has originated overseas.32
However, the Government has also acknowledged that the differentiation is due to the
technical difficulties associated with blocking overseas material.33 In the debate on the Bill
the Federal Minister for Communications, Information Technology and the Arts stated that:

We simply say that, given that you cannot readily distinguish between R-rated and X-rated
material coming in from offshore, particularly where it is all contained within the one web
site or portal, then it may well be that you have to have a differential approach at this stage.
But ideally we would like to have the same treatment accorded both internationally and
domestically.34

6.23 Where the ABA finds that content is, or should be, classified as prohibited, the ISP or
ICH (Internet Content Host) concerned35 may be penalised if they take no remedial
measures within 24 hours of being notified of hosting prohibited content. (Although
the ISP or ICH may apply to the Classification Review Board for review of such
classification.)36

6.24 If the material is sourced overseas, the ABA has the power to notify an Australian
Police force, or another authorised body, and may direct the ISP or ICH in Australia to take
all reasonable steps to prevent user access to the site.37 The issue of what was required by
the phrase "all reasonable steps" was debated extensively during the passage of the
legislation.38 Following amendment, the Act provides that regard must be had to the
technical and commercial feasibility of taking steps to block prohibited content, and that
regulation should not impose "unnecessary financial and administrative burdens" on ISPs and
ICHs,39 but encourage a "best efforts" service.40 Consequently, the legislative regime may
lead to differential treatment of small and large ISPs with regard to their responsibilities to
deal with prohibited content, on the basis of their technical and financial resources.41
Whether this will undermine the intent of the legislation in any way remains to be seen.
Figure 1. Internet Content Regulation Processes under the Broadcasting Services Amendment (Online Services) Act 1999 (Cwth)

The Australian Broadcasting Authority (ABA) receives a complaint, either directly or via NetWatch, regarding prohibited or potentially prohibited material on the Internet.

If the material is hosted in Australia, and is classified as, or substantially likely to be classified as:
- RC - (Refused Classification);
- X - (Restricted to adults 18+, sexually explicit); or
- R - (Restricted to adults 18+), if not protected by adult verification procedures;
Then the ABA may issue a take-down notice to the Internet Service Provider or Internet Content Host concerned, directing them to prevent access to the material.

If the material is hosted outside Australia, and is classified as, or substantially likely to be classified as:
- RC - (Refused Classification); or
- X - (Restricted to adults 18+, sexually explicit);
Then the ABA may:
- Request the Internet Service Provider or Internet Content Host to take reasonable steps to prevent access to the material, if such action is technically and commercially feasible;
- Notify an Australian Police Force.

If an Internet Service Provider or Internet Content Host breaches an ABA take-down notice, or the provisions of the legislation, sanctions may be applied, ranging from formal warnings, court proceedings ordering the cessation of the service, or fines of up to:
- $5,500 for an individual;
- $27,500 for a corporation.
(Such fines to accumulate for each day in which the Internet Service Provider or Internet Content Host is in breach)

Sources:
Broadcasting Services Amendment (Online Services) Act 1999 (Cwth);
Bills Digest No 179 1998-99, Broadcasting Services Amendment (Online Services) Bill 1999, Mark Tapley, Kim Jackson & Matthew James, 12 May 1999, Bills Digest Service, Information and Research Services, Department of Parliamentary Library, Commonwealth of Australia;
Chapter 6: The Regulation of Online Services

6.25 Where ISPs fail to respond to directions from the ABA, a graduated scale of sanctions may apply, including fines of up to $5,500 for an individual, and $27,500 for a corporation, which may accumulate per day of breach. These penalties have been considered excessive by the Internet industry, citing the apparently low level of public concern:

In the past 12 months, neither the Internet Industry Association nor AIMIA [Australian Interactive Multimedia Industry Association] has received a single complaint from any member of the public concerning the availability of pornography online. Optus Cable and Wireless reported that of 61,000 telephone contacts received in the period March and April 1999, only 15 mentioned pornography at all.

OzEmail advised that it receives some 20,000-25,000 contacts per week…Over the 12 months to April 1999, complaints concerning online content available through the OzEmail service consisted of three emails concerning bestiality, three emails concerning paedophilia, and only six emails concerning the availability of pornography generally, other than complaints about adult spam. [unsolicited email]

6.26 Whilst these statistics may appear to indicate a low level of public concern with regard to Internet content, it may also be that the lack of classification standards and a central agency to receive and act upon complaints has kept the level artificially low. In 1998 the Internet Watch Foundation, which performs the online content complaints-handling function in the UK, received 2407 reports regarding Internet content, itemising 14,580 matters of concern. Of these matters of concern, 541 were referred to police authorities, 9176 referred to the National Criminal Intelligence Service, and 9498 referred to ISPs to respond. (The UK has an industry self-regulatory scheme, and does not provide a separate legal regime for online content, relying instead upon existing criminal law regarding illegal and pornographic publications and images.)

6.27 In addition to the sanctions provided by the legislation, the Internet industry has developed codes of practice that address community concerns about Internet content (see Appendix D). The legislation prescribed that one of the codes must deal exclusively with procedures to be followed by ISPs when notified of prohibited or potential prohibited overseas-hosted content, and must include the following:

- Procedures for ensuring that online accounts are not provided to children without the consent of a parent or responsible adult;
- Procedures providing customers with the option to subscribe to a filtered Internet carriage service;
• Information for parents and responsible adults about how to supervise and control children's access to Internet content, including information on the use of Internet content filtering software;

• A commitment to assist in the development and implementation of Internet content labelling technologies; and

• Information for customers regarding their right to make complaints.

6.28 Despite the constitutional difficulties with legislating for online content regulation in the US, an industry agreement to provide similar services to online users was made in May 1999, following the school shootings in Littleton, Colorado. The major US Internet companies, which account for 95% of US Internet traffic, agreed to include on their home pages a link to a site featuring lists of tools to enable parents to restrict and monitor online material, such as violent video games and hate sites, limit the time children spend online, and to check which sites are being visited. The new legislation in Australia provides that the industry codes must ensure that similar information is provided to parents and responsible adults. Indeed, at least one ISP provided free copies of a filtering program to subscribers in advance of the new legislation.

6.29 In the event that the required Australian industry codes were not developed or were deemed inadequate, the Government could impose rules in the form of a regulatory "backstop," to ensure that online service providers are taking reasonable steps to deal with the issue of objectionable content online. As stated previously, the Internet Industry Association has developed just such a code of practice. Although the development of the code is an ongoing process, there are concerns as to whether the code will be able to strike a workable balance between the Federal Governments' concerns and industry demands for a less restrictive approach:

If the bill itself outlines the methodology of blocking, there's every chance that it would quickly be outstripped by the pace of online technology. In theory, an updateable code of practice should ensure that this doesn't happen. However, the lack of synchronisation between the legislation and the code may make it harder to enforce.

6.30 On the December 16, the ABA registered three codes of practice outlining the obligations on ISPs and ICHs to Internet content. Developed by the Internet Industry Association for implementation with the Act from January 1, the codes are integral to the co-regulatory scheme established through the legislation. They will operate in conjunction with the ABA’s complaints investigation procedures (see Appendix D).
8.31 The codes outline the rights and responsibilities of clients, ISPs and ICHs including:
customer advice and content management; the requirement for parental permission for children’s Internet accounts as well as parental supervision of child Internet access; complaint procedures; informing producers of legal responsibilities for content; and making provision for the use of approved client and server side filters for overseas content (see Appendix D).

8.32 In evidence before the Committee the ABA reported the number of complaints which had been received since the commencement of the scheme:

In the seven weeks since we started we are up to about 180 complaints. The profile of the complaints has changed. In the first month we received as many complaints about Australian-hosted material as overseas–hosted material. At that stage we were receiving more complaints about material that was not classified RC but might be classified X and hosted in Australia. Over the past month this has changed and we are receiving more complaints about international material that is classified RC and it tends to focus on child pornography. All of that has been referred on. I think we have probably referred 37 items so far.52

The regulatory framework provided by the Act is to be reviewed before 1 January 2003.53 Whilst it is too early for this Committee to be able to evaluate the effectiveness of the regulatory structure and associated industry codes, it appears that in addition to the effectiveness of the reporting scheme, a great deal depends upon community understanding of, and satisfaction with, the technical controls made available to them for regulation of Internet content.

**Technical Mechanisms for the Regulation of Online Content**

6.31 The legislation requires that industry codes of practice and standards include a commitment to the development, implementation and promotion of Internet content filtering and labelling technologies.54 As a schedule to the IIA codes of practice the industry currently recommends 16 filter products.55 As the ABA explains

From the industry’s viewpoint, increasingly as information on those filters becomes more publicly accessible, people or families who are deciding to go online will look at the ISP that provides the type of filter that is probably suitable for their family, perhaps their child. The type of filter that you might choose if your child is five or under is probably quite different from the one you might choose if your child is 15 or under. If you have two children in those age groups, it might be a third filter that offers you better coverage.56
ISP elect to take one or other of the filter products and offer them to their users. Whilst there is widespread agreement that none of these technologies can be 100% effective, there does appear to be support for the view that such controls will be most effective when applied by end users. The technologies currently available to restrict access to online material include the following:

- Proxy servers;
- Filtering software;
- Labelling or ratings systems;
- Adult verification procedures;
- Password controls;
- Safe sites and other mechanisms.

**Proxy servers**

6.32 Proxy servers are a mechanism that enables application level blocking of objectionable or unsuitable content. Simply explained, a proxy server is established by an ISP as an intermediary version of the Internet, so that users are accessing a limited version of the Internet, rather than the Internet proper. The proxy server then acts as a filter between the users and the Internet, so that a request for access to an Internet site is checked against a blacklist of objectionable sites. If the address is not on the blacklist, the requested page or file is then forwarded to the user from the proxy server. If that data is not held by the proxy server, it will be brought from the Internet proper for the user.

6.33 A recent CSIRO report discussed at some length the efficacy of application blocking based on the use of proxy servers. Whilst it concluded that such blocking is technically possible, it also found that it could be easily circumvented. For example, sites and addresses can easily be renamed and the filter process can be bypassed, often unintentionally, through the use of different port numbers that form part of addresses, or the use of translation and conversion services. Additionally, the task of creating and distributing a "blacklist" may leave ISPs in the somewhat invidious position of blocking otherwise legal material published by their own clients.

6.34 The report also noted that a requirement to operate proxy servers would place a financial burden on ISPs. Internet industry representatives in Australia identified this as a particular concern if the use of proxy servers was mandated in the legislation, stating that:
… while it may be technically possible to screen out predetermined blacklisted sites, the economic and administrative costs are likely to be astronomical. Initial cost estimates provided by IIA [Internet Industry Association] members suggest a figure in the order of $690 million for starters. While this is extrapolated from the cost of running proxy filters for school programs, even economies of scale will still give us a considerable figure. And this assumes the proxy technologies are scalable and can cope with the task at all. One thing that is certain is that the resultant loss of speed will not be appreciated by users.61

6.35 This concern was addressed to some extent through amendment of the legislation in the Senate, providing that the regulatory framework is required to take into account the commercial viability of such filtering,62 ie, the differential application of the regulatory regime based upon commercial considerations, so that smaller ISPs may be required to use or promote mechanisms other than proxy filtering. Members of this Committee consider that such differentiation between larger and smaller ISPs on the basis of commercial viability is impractical and further demonstrates the difficulties of regulating Internet content.

6.36 However, as the Internet Industry Association has indicated that it will not support the inclusion of provisions on mandatory filtering of overseas content in an industry code, because they consider that such provisions cannot be implemented,63 the success of the regulatory framework appears to rest, to some extent, upon the effective use, by the industry and users, of mechanisms other than proxy filtering.

**Recommendation 21: That the Victorian Government commissions research to assess the economic impact of the provisions of the Broadcasting Services Amendment (Online Services) Act 1999 (Cwth) on Internet Service Providers in Victoria.**

**Filtering software**

6.37 In addition to placing a responsibility on ISPs with regard to online content, it is also Federal Government policy to encourage the use of filtering programs by online users.64 Filtering programs may be applied by the end user of a computer to filter or block out material they do not wish to access or to be accessed by those under their supervision, rather than filtering taking place at the server level, as discussed in relation to proxy servers. Filtering products work through the following mechanisms:

- A list of known newsgroups and Internet sites can be blocked, with decisions on blocking being made and updated either by the software producer, and/or by the user themselves;
- Requests for, or receipt of, information containing specified key words or phrases may be blocked, with decisions on blocking also being made either by the software producer, and/or by the user; and
- All sites are blocked except for a list of acceptable sites. For example, a school could allow access to a list of known educational sites only, with no ability on the part of the students to access other sites.65

6.38 Both the ABA66 and recent Senate Select Committee reports67 recommended that industry codes of practice require Internet Service Providers to provide information to customers on available filtering products, and that any community education campaign on responsible Internet use should include discussion and evaluation of these products. Such evaluation and education is extremely important given the differences in the way in which filtering products work, and recent controversy regarding the creation and development of their "blacklisted" sites.

6.39 Some of the more well known filtering systems, many of which can be downloaded from the Worldwide Web at no cost, include the US products Net Nanny, Cybersitter, and CyberPatrol, whilst in Australia the filtering packages ifilter and iseek have recently been launched.68 Whilst these products undoubtedly prevent access to a wide range of objectionable material, they have also been criticised as providing only limited protection, and in some ways inhibiting appropriate use of online materials.69 One of the main problems with the software is that it can block a site on finding a key word, without reference to the context in which the key word is used. An example often given is the blocking of the key word "breast" on the basis that it will block pornographic sites, but as a consequence also blocking sites on human biology, pathology and those providing information for cancer patients and survivors.70

6.40 In addition to unintentional blocking of sites due to context, which can be remedied reasonably easily, there have been concerns that the blocking decisions made by the filtering companies have on occasion been of a political or moralistic nature, rather than solely offering protection from violent or pornographic content. For example, the US company that sells the Cybersitter software was accused of blocking the website of the US National Organisation for Women (NOW), the filtering company stating that this was because the site had links to groups discussing issues of sexual preference. Cybersitter has also been accused of blocking sites that are opposed to its censorship practices such as the blocking of the
online magazine *The Ethical Spectacle*, whose most used resource was an archive on the Holocaust, consequently blocked to those who used *Cybersitter*. 71

6.41 This approach is somewhat in contrast with CyberPatrol, whose decisions on blocking can be appealed to an "oversight committee" which includes representatives from NOW, the National Rifle Association, Morality in Media (a conservative watchdog group) and the Gay and Lesbian Alliance Against Defamation. CyberPatrol offers 12 different categories of sites of potentially inappropriate material that can be blocked, such as sexual acts, hate speech, profanity and contraception. Parents are therefore able to choose to block those categories that most concern them, although some of *CyberPatrol*’s blocking decisions have also been criticised. 72

6.42 However, whilst filtering programs could be considered something of a blunt instrument in providing protection against objectionable material online, they may give parents and guardians a degree of comfort when children are surfing the Internet unaccompanied. Parents could then elect to search the Internet for or with their children when trying to find appropriate information about more sensitive subjects. *CyberPatrol* took this approach when it decided to continue blocking an animal rights site that contained pictures of animals killed or mutilated through hunting or vivisection, taking the view that parents wishing to discuss such issues with their children could unblock the site if they wished. 73

6.43 The ability of families to use such products in accordance with their own moral and ethical framework is to some extent dependent upon an understanding of how the products work, and what is or is not being blocked. The Senate Select Committee on Community Standards had for this reason recommended that any community education campaign on the responsible use of online services address the pros and cons of filtering products. 74 Those considering the use of filters may also wish to view the blacklists used by those products, a recommendation made in a minority report to the Senate Select Committee inquiry into the new legislation, 75 although software companies in the US have previously objected to such proposals on the basis that it would undermine their competitive edge. 76

6.44 It should also be remembered that filtering programs cannot be 100% effective in preventing access to offensive content, due to readily available information and software which enables the avoidance of filters:
The most well known method is “tunnelling”. This involves the user connecting to a web address outside the filter that is not blocked and using services supplied at that site to visit the blocked site. When the information is received by the filter it appears to come from the site that is not blocked and is allowed through the filter.

There are even more obvious means. The user can make a telephone call to an overseas ISP and connect to an unfiltered service...Another obvious channel for unfiltered content is the private international Intranet which connects to the Internet outside Australia...in relation to those individuals that might be determined to seek out such material, the proposed scheme will not be effective.77

6.45 Community education on filtering programs should therefore stress that such technologies do not offer a substitute for parenting, but are simply one mechanism through which users can seek to protect themselves and children from unintentional access to objectionable or unsuitable online content.

Labelling or ratings systems

6.46 Another recent innovation in limiting access to online information is the development of the Platform for Internet Selection (PICS). This is a new Internet protocol that will enable the labelling of online material according to a classification system. The Internet industry is also required by the new legislation to address the development and implementation of labelling technologies in their codes and standards.

6.47 PICS does not of itself provide the classification or ratings process, but provides the structure through which labels, classification or ratings can be attached to online material. The key advantage of PICS appears to be its greater flexibility compared with filter software, as it enables users to select a labelling system to meet their concerns, and is capable of labelling sites, documents or parts of documents. To date there has been limited development of ratings systems, the best known being the Recreational Software Advisory Council on the Internet (RSACi) ratings system, developed in the United States.

6.48 Whilst the PICS concept was endorsed by some regulatory authorities and sections of the Internet industry, there was also concern that such ratings systems be developed to better reflect differing cultural values and concerns in Australia with regard to online material.78 Similarly, the European Commission has recommended the development of a European ratings system, and UK Internet Watch Foundation has been developing a system for the UK.79
6.49 Although strongly supportive of the PICS concept, the ABA has joined with four international organisations, including the Internet Watch Foundation (UK), RSAC (USA), the ECO Forum (Germany) and Childnet International to develop an internationally acceptable rating system which is appropriate for cross-cultural use. The group has agreed that an international labelling scheme should describe rather than evaluate Internet content, so that users may apply their own standards and values to the labels, and for this reason the group will use RSACi as a starting point for further discussions.\(^\text{80}\)

**Adult verification procedures**

6.50 The new legislation also requires the Internet industry to limit access to R-rated material hosted in Australia through the use of restricted access systems. These systems rely upon identification of adults on the Internet through use of a designated PIN number, credit card, or some other reliable process that identifies that the user is over 18 years of age, although the Senate Select Committee has noted that access to a parental PIN is "unlikely to represent an insurmountable obstacle for the enterprising child."\(^\text{81}\).

6.51 Adult verification procedures are used extensively in the US, relying predominantly on access to adult-oriented sites through use of credit card. This approach is considered "a reasonable de-facto age checker" by the IIA, although they do not advocate any particular technology for this purpose. The IIA have also suggested that once digital signatures are established and accepted in Australia, they will provide a sound basis for adult verification, although nothing will ever be foolproof.\(^\text{82}\) The future use of digital signatures could also meet concerns raised with the Committee regarding the exploitation of minors in electronic commerce.\(^\text{83}\)

**Password controls, safe sites and other mechanisms**

6.52 Whilst it appears to be common belief that children will be able to outwit their parents and supervisors in the application of Internet controls, filtering technologies and other controls are likely to be most useful when coupled with adult supervision.\(^\text{84}\) In addition to the filtering and classification processes discussed above, there are more simple processes that parents and guardians can take to prevent access to inappropriate material. One of the simplest expedients is the use of password protection on computers, so that a password is required to access the hard disc, and/or a password control to access the modem, which enables a home computer to communicate over the Internet. It is also possible to buy
computers with an external rather than an internal modem, which may be disconnected when not required.

6.53 The filtering technologies discussed previously work from the perspective of screening out the more undesirable content on the Internet. However, parents will also need information that will enable them to select safe web sites and appropriate multimedia products. In Victoria a system of guidelines to describe, categorise and appraise the content of new multimedia products is being developed by the Department of Education to assist schools and parents in selecting, purchasing and using multimedia resources appropriately. An evaluation worksheet to guide parents and teachers through the process of evaluating online resources may be found on the Department's SOFWeb web site. SOFWeb also provides information on Rules and Tools for Families Online and Child Safety on the Internet. The Children and Content Online Task Force also developed a set of "key messages" for parents and children to guide safe use of the Internet, reproduced at Appendix D. The ABA and the National Office for the Information Economy have designed a similar site called Australian Families Guide to the Internet, which may be found on the ABA's website.

6.54 Another example of a safe site for children is KAHooTZ, developed by the Australian Children's Television Foundation, which allows discussion, creative multimedia expression and game-playing, but is not connected to the World Wide Web. There is no advertising on the site, nor any content created by adults. Parents may wish to develop a list of such "safe sites" and bookmark them as "favourite" sites on their browsers, thereby making them easily accessible by children. (However, parents should be careful when bookmarking their own personal "favourites" as such sites are obviously easily accessible by even young children with a passing familiarity with the technology.)

6.55 Parents and guardians could also create a home library of acceptable multimedia material, such as CD-Rom encyclopaedia and age-appropriate interactive game packages, so that children do not always need to access the Internet for information or multimedia entertainment. Parents may also consider the placement of computers in a shared area of the home, rather than in a child's bedroom. However, constant supervision in the home is obviously difficult and may be an undesirable approach with older children, implying a lack of trust. Additionally, children will often access the Internet or use multimedia away from the family home, so that ultimately parents must trust that their children have understood their concerns regarding their online behaviour, as with any other aspect of their behaviour.
This approach is favoured by Bendigo Senior Secondary College, one of Victoria's Navigator schools, whose online policy firmly places responsibility for online behaviour with students, in the knowledge that network administrators may review files and communications to insure that users are using the system responsibly.93

6.56 Ultimately, parents and guardians may wish to consider using a variety of the available technologies and mechanisms to manage access to online content, but should obviously select those mechanisms they consider most suited to their families' needs. What is paramount in this regard, is access to sufficient information to be able to make an informed decision.

**Recommendation 22:** That the Victorian Government provides for development and promotion of an online educational package to enable Victorians to access information and resources on Internet safety, filtering and labelling technologies, and Victorian Internet resources appropriate for families and children.

**State and Territory Legislation**

6.57 The Commonwealth legislation for the regulation of online content was introduced partly to avoid fragmented regulation through the emergence of different regulatory regimes in each State and Territory.

6.58 Most States and Territories have general criminal provisions regarding the publication of obscene and indecent material. For example, in Victoria it is an offence to produce or possess child pornography, whether in the form of film, photograph, publication or computer game.94 The difficulty, however, with prosecuting such provisions with regard to online material has been the requirement of possession, which tends to emphasise the physical existence of photographs or videos rather than the more ephemeral existence of computer images.

6.59 Consequently, some States and Territories have passed legislation specific to online content. Queensland,95 Western Australia,96 the Northern Territory97 and Victoria98 have all legislated to create offences regarding the transmission of inappropriate online content, using the National Classification Code as the benchmark for content classification or censorship. (Other States are relying upon general criminal provisions regarding the transmission of objectionable content).
6.60 The Queensland legislation has been tested in court, with limited success. A prosecution brought regarding the copying from the Internet of computer games alleged to include pornographic material was unsuccessful, the judge ordering an acquittal due to the confusing terminology of the Act. Although the legislation clearly applied to computer games and videos, the knowledge that the Act was not intended to deal with bulletin board content, (unlike the new Commonwealth legislation) led Robertson DCJ to conclude that the accused could not be successfully prosecuted for copying the objectionable material from the Internet.99

6.61 Under the Victorian legislation it is an offence to use an online information service to publish or transmit, or make available for transmission, objectionable material100 or to publish or transmit, or make available for transmission to a minor material unsuitable for minors of any age.101 Unlike the Commonwealth provisions, the legislation provides a broad definition of an online services, as "a service which permits, through a communication system, on-line computer access to or transmission of data or computer programs, which appears to include all Internet use, including bulletin boards and e-mail.102 The legislation applies not only to online users and content creators, but also to ISPs and ICHs.

6.62 The legislation also provides a number of defences to such dealings with objectionable or unsuitable material, if the defendant:

- Reasonably believed that the material was not objectionable;
- Did not knowingly publish the material to a minor; or
- Reasonably believed that the parent or guardian of the minor had consented to the material being published or transmitted, or made available for transmission, to the minor.

6.63 However, the effectiveness of the Victorian legislation is difficult to assess, its provisions being largely untested to date. Although a recent case involved the creation of a web site of sexual images of young boys, the offender was charged under stalking laws rather than with any offence relating to the Internet, as he had physically followed, observed and photographed one of the boys concerned.103

6.64 The introduction of the Commonwealth legislation may in any case require some consequential review of the various State and Territory provisions, for two reasons. Firstly, the Federal legislation provides that the Commonwealth, rather than States and Territories,
will be responsible for regulating the activities of ISPs and ICHs. Consequently, some State and Territory provisions will have no effect, but only to the extent that they:

- Subject an Internet Content Host or Internet Service Provider to civil or criminal liability for hosting or carrying particular Internet content, where the host or provider was not aware of the nature of the Internet content; or
- Require an Internet Content Host or Internet Service Provider to monitor, make inquiries about, or keep records of, Internet content hosted by the host or carried by the provider.

6.65 Whilst the principles of the Victorian legislation do not at first sight appear to be inconsistent with these requirements, the Commonwealth has expressed concern that current State and Territory legislation places a high degree of prima facie responsibility on ISP's to prove the relevant statutory defences in relation to alleged offences, with the subsequent costs and uncertainty this would create.

6.66 Secondly, under the Commonwealth framework States and Territories are being encouraged to create uniform offences for the publication and transmission of prohibited material by users and content creators. The different regimes in the States that have legislated to date and the lack of legislation in other States means that, until uniform offences are agreed, there is the risk of inconsistent treatment of those who create or seek to access objectionable online content across Australia.

Recommendation 23: That the Victorian Government supports the development of uniform national offences for the publication and transmission of prohibited online material by users and content creators as a priority.

Endnotes

Investigation into the content of on-line services, Report to the Minister for Communications and the Arts, Australian Broadcasting Authority, Sydney, 30 June 1996, p.62.


Section 51(v), of the Constitution Act, 1901, (Cwth), provides that one of the powers of the Commonwealth Parliament is to legislate for the government of "postal, telegraphic, telephonic and other like services". Confirmed in Jones v The Commonwealth (1965) 112 CLR 206; Herald and Weekly Times Ltd v The Commonwealth (1966) 115 CLR 418.

Report on Video and Computer Games and Classification Issues, Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, October 1993; Report on Regulation of Computer On-Line Services, Part 2, Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, November 1995; Report on Regulation of Computer On-Line Services, Part 3, Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, June 1997.

Report on Regulation of Computer On-Line Services, Part 2, Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, November 1995.

Report on Regulation of Computer On-Line Services, Part 3, Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, June 1997.


Submission to the Select Committee on Information Technologies in Respect of Self-Regulation in the Information and Communication Industries, Internet Industry Association, 29 January 1998; Govt Internet Proposals - Threat to Free Speech; Burden on ISPs, Media Release, Electronic Frontiers Australia Inc., 20 July 1997.


Internet content regulation, Media Release, Minister for Communications and the Arts, Senator Richard Alston, 19 March 1999.


Inquiry into the Broadcasting Services Amendment (Online Services) Bill 1999, Senate Select Committee on Information Technologies; Ms Helen Ransom, private citizen, Submission #19.

ISPs oppose Internet Censorship, ABC Online, 19 April 1999; Fury at Alston Net Bill, The Australian, 27 April 1999; Internet Censorship: Solution or Overkill?, Communications Update, Issue 154, May 1999.


Salt Shakers, Submission #31; Mrs Isobel C Gawler, private citizen, Submission #49; Mr David Gawler, Dr Mathew Piercy & Dr Eloise Gawler, private citizens, Submission #51.

Endeavour Forum, Submission #53.

Regulation of Objectionable Online Material, Fact Sheet, Department of Communications, Information Technology and the Arts, April 1999.

Sections 10 & 11, Schedule 5, Online Services, Broadcasting Services Act 1992, (Cwth).

However, current provisions of the Crimes Act 1914 (Cwth) in relation to offensive or harassing use of a telecommunications service will apply in this context. Senate Hansard, 21 April 1999, p.3462; Regulation of Objectionable Online Material, Fact Sheet, Department of Communications, Information Technology and the Arts, April 1999.

Senate Hansard, Tuesday 25 May 1999, p.5156; Regulation of Objectionable Online Material, Fact Sheet, Department of Communications, Information Technology and the Arts, April 1999.


See Appendix D.

Recommendation 1, Report on Regulation of Computer On-Line Services, Part 2, Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, November 1995; Recommendation 1, Report on Regulation of Computer On-Line Services, Part 3, Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, June 1997

National Office for the Information Economy, Evidence to the Senate Select Committee on Information Technologies, 29 April 1999.


Regulation of Objectionable Online Material, Frequently Asked Questions, Department of Communications, Information Technology and the Arts, April 1999.

Senate Hansard, Monday 24 May 1999, p5066.

Internet Service Providers offer access to the Internet, whereas Internet Content Hosts host content available on the Internet on behalf of other parties without providing an Internet connection. (A single entity may fulfil both functions).


Regulation of Objectionable Online Material, Fact Sheet, Department of Communications, Information Technology and the Arts, April 1999.


Section 4(3)(a), Broadcasting Services Act 1992, (Cwth).


Regulation of Objectionable Online Material, Frequently Asked Questions, Department of Communications, Information Technology and the Arts, April 1999.


Submission to the Senate Select Committee on Information Technologies, Inquiry into the Broadcasting Services Amendment (Online Services) Bill 1999, Australian Interactive Multimedia Industry Association (AIMIA) and the Internet Industry Association (IIA), 28 April 1999.

http://www.internetwatch.org.uk/stats/stats.html

Gore says Internet limits 'honor the lives' of school victims', Associated Press, May 5 1999, CNN Interactive.

Section 60, Schedule 5, Online Services, Broadcasting Services Act 1992, (Cwth).

C&W Optus puts Nanny on Internet, ComputerWorld Australia, 20 April 1999.

www.computerworld.idg.com.au

Regulation of Objectionable Online Material, Fact Sheet, Department of Communications, Information Technology and the Arts, April 1999.


Net censorship legislation, Australian Personal Computer, September 1999, p.126.

Ms A. Wright, Australian Broadcasting Authority, Public Hearing, 5 June, 2000

Section 95, Schedule 5, Online Services, Broadcasting Services Act 1992, (Cwth).

Section 60, Schedule 5, Online Services, Broadcasting Services Act 1992, (Cwth).

See Appendix E.


Submission to the Senate Select Committee on Information Technologies, Inquiry into the Broadcasting Services Amendment (Online Services) Bill 1999, Australian Interactive Multimedia Industry Association (AIMIA) and the Internet Industry Association (IIA), 28 April 1999.
Inquiry into the content of on-line services, Report to the Minister for Communications and the Arts, Australian Broadcasting Authority, Sydney, 30 June 1996, p.11; Dr Phil McCrea, CSIRO, Evidence to Senate Select Committee on Information Technologies Inquiry into the Broadcasting Services Amendment (Online Services) Bill 1999, 3 May 1999, p.166.

Application level blocking involves blocking a particular item at the server level, whether by blocking a specific web page, a set of web pages, a specific news item or newsgroup, or a file from an ftp (file transfer protocol) site. Application level blocking requires the specification of the address or URL (uniform resource locator) of such sources.

Blocking content on the Internet: a technical perspective, CSIRO Mathematical and Information Sciences, June 1998, Chapter 4.

Dead Hand of the Cyber-Censors, Peter Coroneos, Executive Director of the Internet Industry Association, Computer Section, The Australian, 30 March 1999.

Regulation of Objectionable Online Material, Frequently Asked Questions, Department of Communications, Information Technology and the Arts, April 1999.


Regulation of Objectionable Online Material, Frequently Asked Questions, Department of Communications, Information Technology and the Arts, April 1999.

Investigation into the content of on-line services, Report to the Minister for Communications and the Arts, Australian Broadcasting Authority, June 1996, p.151; See no evil, Hear no evil, Surf no evil, Australian Personal Computer, September 1999, p.118.

Investigation into the content of on-line services, Report to the Minister for Communications and the Arts, Australian Broadcasting Authority, June 1996, p.155.


Launch of "ifilter" National Content Filtering Service, Senator the Hon Richard Alston Australian Minister for Communications, Information Technology and the Arts, March 1st 1999.


No Virginia, you can’t exist in cyberspace, The Australian, 3 June 1999.


Recommendation 12, Chapter 3, Report on Regulation of Computer On-Line Services, Part 3, Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, June 1997.


Reporters claim to have list of blocked sites, CyberTimes, New York Times on the Web, 6 July 1996.

Submission to the Senate Select Committee on Information Technologies, Inquiry into the Broadcasting Services Amendment (Online Services) Bill 1999, Australian Interactive Multimedia Industry Association (AIMIA) and the Internet Industry Association (IIA), 28 April 1999.

Chapter 3, Report on Regulation of Computer On-Line Services, Part 3, Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, June 1997.

Chapter 3, Report on Regulation of Computer On-Line Services, Part 3, Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, June 1997.

http://www.aba.gov.au; The Internet and some international regulatory issues relating to content: A pilot comparative study prepared for UNESCO, Australian Broadcasting Authority,, October 1997, p.60.
Chapter 6: The Regulation of Online Services

Recommendations 6 & 7, Chapter 3, Report on Regulation of Computer On-Line Services, Part 3, Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, June 1997.

Correspondence from Mr Peter Coroneos, Executive Director of the Internet Industry Association, 24 May 1999.

Victoria Police, Submission #23.

Investigation into the content of on-line services, Report to the Minister for Communications and the Arts, Australian Broadcasting Authority, June 1996, p.153.

Professor T. Austin, Swinburne University of Technology, Evidence, 1 December 1998.


http://www.aba.gov.au

http://www.actf.com.au

Government welcomes KAHooTZ child-safe Net site; Media Release, Senator the Hon Richard Alston, Minister for Communications, Information Technology and the Arts, 7 April 1998.

College Online Policy, Bendigo Senior Secondary College, http://www.bssc.edu.au

Section 67A, Crimes Act 1958, (Vic).

Classification of Computer Games and Images (Interim) Act 1995 (Qld).

Division 6, Censorship Act 1996 (WA).


R. v Quincey, Unrep, District Court, Ipswich, Robertson DCJ, 29/10/96.


Regulation of Objectionable Online Material, Frequently Asked Questions, Department of Communications, Information Technology and the Arts, April 1999.


Regulation of Objectionable Online Material, Frequently Asked Questions, Department of Communications, Information Technology and the Arts, April 1999.

Regulation of Objectionable Online Material, Frequently Asked Questions, Department of Communications, Information Technology and the Arts, April 1999.
The Role of the Australian Broadcasting Authority

7.1 The Australian Broadcasting Authority (ABA) is the broadcasting regulator for television and radio in Australia, operating within a co-regulatory framework with broadcasters. Within this system, commercial, community and pay TV broadcasting licensees must develop codes of practice for registration with the ABA.\(^1\) The national broadcasters (ABC and SBS) are also required to develop codes of practice but are required only to notify, rather than register, their codes with the ABA.\(^2\)

7.2 In the event of serious breach of broadcasting licences, conditions or codes of practice, the ABA has the power to suspend or cancel commercial broadcasting licences. However, the ABA cannot take the same action with respect to the ABC and SBS as they are not licensees, although it does have the capacity to raise its concerns with either the Minister or the Commonwealth Parliament. (This procedure has not been used to date.)\(^3\)

7.3 Whilst the different codes developed by the various sectors of the broadcasting industry have areas of commonality, the fact that free-to-air television broadcasters refer to at least 3 different code systems can be confusing for the general public.

7.4 This concern was recognised by the Federal Government during the 1998 election campaign, when it proposed that the ABA should be directed to consider the possible benefits of the introduction of a uniform code of practice across the free-to-air industry.\(^4\) The direction has yet to be issued, and if such a review is undertaken it may raise issues regarding the present regulatory policy behind the *Broadcasting Services Act 1992*, which allows the application of different levels of regulatory control across the various sectors of the broadcasting industry.\(^5\)
A Enforcement of Codes of Practice

7.5 The ABA is empowered to investigate complaints about broadcasting services, including failure to meet program standards through broadcast of inappropriate program content. The ABA may not initiate such investigations, but may only act upon a complaint from a member of the public, which has not been satisfactorily resolved with the broadcaster, or on a direction from the Minister.

7.6 The ABA usually responds to a breach of a code of practice by negotiating with the broadcaster concerned to ensure that such a breach does not recur. If a breach is particularly serious or recurs a number of times, the ABA is able to impose additional and increasingly severe penalties, such as the placing of conditions on a broadcasting licence, or the suspension or cancellation of a licence. The Committee heard evidence from the ABA that when threatened with such action broadcasters generally seek to comply with the directions of the Authority.

7.7 At the time of renewal of a licence the ABA may also consider any breaches that might have occurred during the period of the licence, to assess whether the renewal of the licence is suitable. However, it would be unusual for a licensee to fall foul of this procedure, as the test of "suitability" is strictly applied. Although the ABA has this range of sanctions at its disposal no television broadcaster has lost a licence in recent years, or been faced with severe penalties, for breach of codes of practice, although breaches are regularly found, as shown in the table below.

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of investigations completed by ABA</th>
<th>No. of breaches found *</th>
<th>No. of breaches relating to codes of practice**</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998-99</td>
<td>109</td>
<td>132</td>
<td>75</td>
</tr>
<tr>
<td>1997-98</td>
<td>135</td>
<td>84</td>
<td>59</td>
</tr>
<tr>
<td>1996-97</td>
<td>115</td>
<td>42</td>
<td>34</td>
</tr>
<tr>
<td>1995-96</td>
<td>170</td>
<td>46</td>
<td>35</td>
</tr>
</tbody>
</table>

*The number of breaches represents a total - some investigations may have resulted in findings of more than one breach and/or findings against more than one licensee.

**Other breaches may relate to breach of licence conditions or breach of the Act.

7.8 Submissions made to the Committee indicate that the formal limitations on the ability of the ABA to investigate breaches are perceived to have turned it into a "toothless tiger" or "just another critic or commentator of the TV programs". The apparently limited use of its enforcement powers by the ABA was also raised, and appeared to denote some lack of confidence in the willingness of the ABA to incorporate community views into standards, or its ability fulfil its role as the effective monitor of the broadcasting industry.
Chapter 7: Television Broadcasting

7.9 The capacity of the ABA to address community concerns with regard to breaches of codes of practice was considered by the Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, following the tragic events at Port Arthur, in its Report on the Portrayal of Violence in the Electronic Media. The Report included a number of recommendations with regard to the capacity of the ABA to monitor compliance with codes of practice and to penalise those found in breach of those codes.

7.10 Recommendation 4 of the Report proposed that the Broadcasting Services Act be amended to allow the ABA to impose penalties, including "on the spot" fines of up to $100,000 on television stations on proven breaches of their own codes or practice, and that a decision on whether a breach had occurred should then be made within a 48-hour period. The Federal Government response indicated continued commitment to the current co-regulatory model, but did note that:

"The BSA [Broadcasting Services Act] provides a range of sanctions that can be applied by the ABA, subject to the statutory requirement that it use its powers in a manner commensurate with the seriousness of the breach. This is a matter for the ABA's judgement, informed by its assessment of contemporary community standards. The government will encourage broadcasters to give serious consideration to alternative approaches to addressing community concerns…. The government will consider, in the light of industry responses, whether any changes consistent with the co-regulatory framework are required to supplement existing sanctions and strengthen the effectiveness of the system."22

8.11 Recommendation 18 of the Report further proposed that the ABA review the number of viewer complaints about the amount and level of violence shown by a television network in order to highlight those networks showing the most violence, and encourage a reduction in violent programming by linking it to the commercial television licence renewing process. The Federal Government indicated that the quality of such information may not be a sufficiently accurate representation of community views on television violence, but did encourage licensees to monitor such complaints, including those that were made to the licensee but not subsequently made to the ABA.23

ABA Program Standards

7.12 Whilst the ABA has a statutory responsibility to encourage providers of broadcasting services to respect community standards, the primary responsibility for ensuring that programs reflect community standards rests with broadcasters under their system of industry developed codes of practice. There are, however, two categories of broadcasting by commercial licensees that are compulsorily regulated by ABA standards - children's programming and Australian program content.

7.13 The regulation of such broadcasting aims to correct the biases of commercial free-to-air broadcasters for mass appeal and lower costs programs. These biases arise from the fact that commercial television derives its revenue from advertisers. As viewers make no direct payment to view a free-to-air program, their intensity of demand for different programs receives little consideration in the programming decisions of commercial broadcasters.

7.14 In order to prevent such commercial considerations overriding all other concerns and thereby inhibiting the level of children's and Australian programming, the ABA Children's Television Standards and Australian Content Standard require commercial broadcasters to provide a prescribed level of children's and domestic programming. Whilst these standards apply only to commercial free-to-air licensees, it should be noted that the ABC also addresses these issues through its Editorial Policies, and that pay TV licensees are required to make a minimum expenditure commitment to Australian drama.

Children's Programming

Commercial Television

7.15 The primary objective of the Children's Television Standards (CTS) is to ensure that free-to-air commercial broadcasters provide children in the pre-school and primary school age ranges with access to a variety of quality television programs made especially for them.

7.16 The CTS apply to all programs seeking classification as "C" (suitable for primary school children) or "P" programs (suitable for pre-school children). To be identified in programming schedules as C or P programs, material must be submitted to the ABA for pre-classification, rather than being classified by the broadcasters themselves. Pre-classification of children's programs is based upon initial assessment by the ABA and, if necessary, additional assessment by specialist consultants using the criteria set out in the CTS, which provide that a program must be:

- made specifically for children in the pre-school or primary school age range;
• entertaining;
• well-produced and of a high standard;
• appropriate for Australian children; and
• must enhance a child's understanding and experience.

7.17 It is not therefore the aim of the CTS to provide exclusively educational programming, but rather to ensure quality and variety in children's programming by commercial broadcasters, although the criteria do require that programs enhance understanding and focus on the needs of particular age groups. This approach received support in evidence provided to the Committee from the president of one of the peak children's media organisations in Australia, Young Media Australia, who considered that:

…the Australian Broadcasting Authority’s criteria that it is currently using to judge the quality quota for television are an admirable set of criteria. They encompass the notions of a program made specifically for an age group. That is the very first essential: that you are actually saying something relevant and understandable to a child of a particular age. They call for programs to be entertaining, not stuffy educational material, but material that actually engages a child’s interest; programs that are well made technically and artistically; and programs that are culturally relevant to Australian children.

7.18 The CTS currently require commercial broadcasters to provide a minimum of 390 hours of children's programming each year. Within this quota, broadcasters are required to provide a minimum of 260 hours of C-classified programming, of which at least 130 hours is first release Australian programs, and 130 hours of P-classified programming, all of which must be Australian. The CTS also provide that each commercial network is required to screen both C and P programs for 30 minutes each weekday, thereby ensuring regularity in children's programming. All commercial network stations exceeded the overall C quota of 260 hours of children's classified programs in 1998. The Committee would like to take this opportunity to commend commercial broadcasters with regard to their response to the CTS programming quota.

7.19 In fact from 1994-98 there have been relatively few instances of commercial broadcasters failing to meet the children's programming quota. For example, in 1994 TCN, (part of the Nine Network) had a shortfall of one hour in its provision of C programs, whilst in 1997 the Seven network had a shortfall of 30 minutes in both the first release Australian C drama and repeat C drama categories. Both breaches led to the licensees concerned undertaking to broadcast additional Australian children's programs in the following year.
7.20 However, whilst commercial broadcasters are meeting the minimum requirements with respect to children's programming, the provision of children's television by commercial licensees remains very limited compared to that provided by the ABC, which has regularly broadcast more than three times the amount of children's programming required from the commercial networks.  

7.21 Commercial broadcasters argue that the primary reason is the high cost of developing children's programming, which cannot be justified by them on a commercial basis, as Australian children's drama costs between $300,000-400,000 per half-hour episode to produce, but will be sold to networks for only $55,000 or less per episode.  

7.22 The ability of commercial broadcasters to recoup those costs through advertising is limited, as the CTS do not allow advertising during P (pre-school) programs, and restrictions are placed on the amount of advertising that may be broadcast during C (primary school) programs. The limited provision of children's and family television on commercial stations was also attributed to the abolition of the Commercial Television Production Fund, which provided Federal Government funding of $20million per annum from 1995-1998 to the television production industry to promote the production of quality Australian commercial television.  

7.23 In addition to concerns over the availability of children's programming on commercial television, the Committee received submissions regarding the content of children's programming. Specifically, concerns were raised that program promotions and/or advertisements broadcast when children may be viewing unsupervised are often sexually explicit or violent.  

7.24 The CTS require that no material or advertisement broadcast during a C or P period may present images or events in a way that is unduly frightening or distressing to children. The Commercial Television Industry Codes of Practice also reinforce this requirement, stipulating that only promotions for P, C and G programs may be broadcast within or in the breaks adjacent to C and P programs.  

7.25 The appropriate scheduling of program promotions broadcast during P, C, and G program periods was also considered by the Senate Select Committee in its Report on the Portrayal of Violence in the Electronic Media. The Committee recommended that the ABA undertake, at different times and for different periods, a review of television stations practice in the area of program promotion between the hours of 3.30pm and 8.30pm, to assess the extent of compliance with their Codes of Practice. In response to this recommendation, the
Federal Government indicated that it considered that such an undertaking was already within the role and responsibilities of the ABA under the Act.48

7.26 However submissions identified a more particular problem regarding the screening of program promotions during films and sporting events that are G-classified, (for general viewing) when children should be able to watch unsupervised,49 but the broadcast extends beyond the G viewing zone, ie. beyond 7.30pm.50 The codes of practice also address this issue, prohibiting the depiction of violence in program promotions broadcast during G viewing periods and in G-classified programs broadcast between 7.30-8.30pm.51

7.27 The differences between the strict regulation of C and P program content, and the standards required of G programs are clearly of central importance in parental decision-making regarding their children's television viewing. It should be reinforced that the CTS apply only to programs seeking a C or P classification, whereas G-classified material may not necessarily meet all elements of the CTS program criteria or even have been made specifically for children.52 For example, G-classified cartoon programs may be aimed predominantly at a children's audience, but would not necessarily meet the requirements of the CTS, a distinction of which parents may not be aware.53 There is evidence that this distinction between these classifications is not well understood.

7.28 ABA research into audience concerns and dislikes found that 50% of those surveyed (over an eight month period in 1995) were "very concerned" about children's programming viewed during that time, and that 50% were "somewhat concerned", whereas none was unconcerned. The research showed higher levels of concern for cartoons, with 71% "very concerned" and 29% "somewhat concerned".54 The research also indicated that most of the issues described as causing concern arose from programs broadcast on commercial television.55

7.29 However, research undertaken over the same period found that awareness of classification symbols and ratings was particularly low for C and P classifications, (11% and 1%, respectively, of those surveyed) and that there was no significant difference between parents and non-parents regarding their recall of classification systems, although parents with children under 16 had the highest level of recall.56

7.30 The implications of such research are that, whilst parents are concerned at the availability and content of children's programming on commercial free-to-air television, their ability to select appropriate viewing for their children may be limited by their understanding of the program classifications and may be further confused by the distinctions between the C,
P and G classifications, all of which are intended to denote programming suitable for children to watch unsupervised.

7.31 Parents should therefore be made aware that the recently reviewed Commercial Television Industry Code of Practice is attempting to highlight the difference between the C, P and G classifications, stating clearly that "material classified G is not necessarily intended for children…", this distinction not being made in the previous code of practice.

**Recommendation 25:** That the issue of funding for the Commercial Television Production Fund is reviewed by the Federal Government as a possible means of expanding the production of quality children’s television.

**ABC Children’s Television**

7.32 As one of the national broadcasters, the ABC has a statutory responsibility to meet children's and family's educational and cultural broadcasting needs, in addition to its responsibility to fulfil State and regional broadcasting requirements. In meeting these obligations, the ABC has become the largest producer and broadcaster of children's television in Australia. For example, in 1998/99 the ABC will have transmitted 1,738 hours of programs designed for younger audiences, compared with approximately 400 hours provided by each free-to-air commercial broadcaster.

7.33 The current ABC commitment to children's programming output is:

- 2½ hours each weekday morning;
- 3 hours each weekday afternoon;
- 2½ hours each Sunday morning;
- Plus an additional two hours each weekday morning during school holidays.

7.34 The ABC Charter also requires the ABC to provide broadcasting of an educational nature, and in the provision of this service to take account of the responsibilities of the States in relation to education. Submissions to the Committee supported the use of public television programming as a tool for learning.

7.35 In fulfilment of this obligation, the ABC broadcasts programs for use in primary and secondary school classrooms, following learning objectives set out in national curriculum statements and profiles, with input sought from States and Territory Departments of Education. The ABC schools service goes to air weekdays between 10am-12 noon for 35 weeks of the year, providing 350 hours of programming annually, with reportedly 80% of
teachers in Australian schools making use of ABC television programs live or recorded off-air.\textsuperscript{65}

7.36 In the course of this Inquiry, it has been clear to the Committee that with regard to the provision of children's television, the ABC is widely held as leading the field, both in terms of output and quality of Australian pre-school and primary school material. The Committee is impressed by the ABC’s commitment to children's television, and commends the Corporation for its contribution to children's programming.

**Recommendation 26: That the Federal Government maintains adequate funding to the Australian Broadcasting Corporation (ABC) for the production of quality children’s programming.**

**Special Broadcasting Service**

7.37 The Special Broadcasting Service (SBS) Charter provides that the national broadcaster must, as far as it is practicable, inform educate and entertain Australians in their preferred languages.\textsuperscript{66} Whilst the terms of the Charter do not appear to prevent SBS from undertaking children's programming, very little material is developed or broadcast which addresses the needs or interests of Australian children.\textsuperscript{67}

7.38 In its submission to the Committee,\textsuperscript{68} SBS stated that, although this issue is considered regularly through corporate planning processes, current levels of funding prohibit entry into the relatively expensive field of children's programming. SBS further stated that even if funding were available, it was considered that such production would represent unnecessary and costly duplication of ABC production and expertise, although obviously the ABC children's programming is almost entirely in English.

7.39 SBS also contended that their main production capacity lies in sub-titling, which is not appropriate for children's programming, although there is the possibility of translating and dubbing overseas children's programming. However, the SBS view is that general children's programming in English remains the most cost-effective way of serving non-English speaking communities in Australia.\textsuperscript{69}

7.40 This approach appears at odds with other provisions of the SBS Charter which require the service to contribute to the communications needs of Australia's multicultural society, and contribute to the retention and continuing development of language and other cultural skills.\textsuperscript{70} It is not clear why SBS differentiates between children and adults in this respect.
7.41 SBS therefore intends to maintain its current approach to children's broadcasting, which is to provide occasional programming, (usually on a seasonal basis in line with school holiday periods) and through its role as a co-producer of some children's programming via its commissioning arm SBS Independent (SBSI).  

Recommendation 27: That the Special Broadcasting Service (SBS) be encouraged to broadcast programming for children from non-English speaking backgrounds during school holidays and children's viewing times.

Pay TV

7.42 Although the pay TV industry is still in its infancy in Australia, around 16% of Australian households subscribe to pay TV services, with Victoria and Queensland having the highest subscription rates. A survey conducted in 1999 has shown that in pay TV households 46% of viewing is of pay TV, as opposed to the free-to-air networks.

7.43 Whilst the content of free-to-air television has for some years been regulated on the basis of adherence to existing industry-developed codes of practice, the need for similar codes of practice to regulate the content of the growing pay TV industry in Australia has only recently been addressed, the Subscription Television Broadcasting Codes of Practice, having been registered by the ABA in April 1999. However, aside from some restrictions with regard to advertising directed at children the codes do not make any special provision for "C" and "P" classification of programs suitable for young children, as is required of free-to-air commercial licensees by the Children's Television Standards. The classification regime used by the pay TV industry ranges from "G" (general viewing) through to "R" (restricted to adults 18 years and over).

7.44 "G" classified programs are defined in the codes as "suitable for all ages", although the codes also indicate that "the G classification does not necessarily indicate that the film is one that children will enjoy", and that "whether or not the film is intended for children, the treatment of themes and other classifiable elements will be careful and discreet."

7.45 The codes further note that in addition to the provision of classification symbols, films may occasionally be accompanied by a consumer advice line, and that on very rare occasions a "G" classified film may accompanied by consumer advice stating that "some scenes may be unsuitable for very young children". The lack of any classification on pay TV of programs suitable for pre-school or primary school children means that, as with free-to-air commercial
programming, parents must exercise care before leaving young children unattended to view "G" classified programs on pay TV.

7.46 Whilst there is no regime for the regulation of the content of children's programming directly comparable to that applied to free-to-air licensees, there are three pay TV channels that provide programming specifically for children - the Disney Channel Australia, Nickelodeon and Fox Kids - which are understood to have developed their own guidelines to ensure sensitivity to the special needs of children.

7.47 Notwithstanding the ability of pay TV broadcasters to provide niche channels dedicated to children's viewing interests, the Committee received submissions concerned that the advent of pay TV has reduced the level of general viewing of free-to-air broadcasters. There is some support for this contention, media reports noting that the recent decline in the ratings of free-to-air viewing, including by children, has been claimed as evidence of the success of pay-TV, although the decline can also be attributed to the increase in the use of the Internet and computer games.

7.48 If this proves to be the case, the success of pay TV may in the future reduce the advertising revenue available to free-to-air commercial broadcasters in Australia, as is already occurring in the US, where free-to-air commercial networks are attracting only 66% of advertising revenue compared with 80% a few years ago. It is possible that the consequent reduction in revenue to free-to-air broadcasters will affect the more costly and more vulnerable areas of programming, such as children's programming.

**News Programming**

7.49 A particular concern raised with the Committee during this inquiry has been the level of violence and the portrayal or discussion of sexual issues broadcast during early evening news bulletins and news flashes, when children are likely to be watching television. ABA research has also demonstrated a high degree of public concern with regard to news and current affairs. In a study assessing concern about television programs broadcast over a period of 8 months in 1996, 62% of respondents to the survey indicated that they were very concerned about or had very much disliked a news item that they had viewed during that time.

7.50 Under the Commercial Television Industry Codes of Practice, news and current affairs programs are required to be presented with due care, having regard to the likely composition of the viewing audience at the time of the broadcast, and in particular having regard to the presence of children. Additionally, material broadcast during the general G-
classification, (ie. between 6.00-8.30am and 4.00-7.30pm weekdays, and between 6.00am-7.30pm weekends) must not contain any matter likely to be unsuitable for children to watch without the supervision of a parent, such as inappropriate or excessive depiction of violence, sex, nudity, language, drug use, or suicide.90

7.51 The ABC Code of Practice also requires that special care will be taken in news and current affairs to ensure that programs likely to be watched unsupervised by children will not cause alarm or distress.91 Both national broadcasters codes of practice also require that news updates and news promotions that portray elements of violence should not appear during obviously inappropriate programs, particularly those directed at young children.92

7.52 The pay TV Codes of Practice also requires licensees to have particular regard to the need to protect children from unsuitable material in program promotions, news updates and news promotions, and that the content of these programs should be consistent with the classification of the program during which these promotions and updates occur.93 However, there is no specific requirement to take account of child audiences during news programs proper.94

7.53 However, the codes of practice also indicate that such restrictions are not binding, but may instead be balanced against the "newsworthiness" of events,95 although broadcasters agreed, in evidence before the Committee, that if news programs are to go beyond the G classification guidelines they must be able to justify that action in the public interest and should portray the information as sensitively as possible.96

7.54 It was also suggested that the Australian public have a long-standing preference for early evening news and current affairs.97 Notwithstanding this assertion, the Committee heard evidence suggesting that there is a community preference for early evening news services to be family-sensitive, with an adult news service to be broadcast at 9.00pm or later, drawing comparisons with similar television news services in the UK.98

7.55 This issue was also considered by the Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, in its 1997 report on the Portrayal of Violence in the Electronic Media. The Committee recommended that "when reporting news items which are identified by the television stations themselves as being accompanied by "disturbing footage", that footage should only be shown in later evening news bulletin, and not during the early evening news bulletin when large numbers of children are watching."99
7.56 The government response to this recommendation acknowledged the concerns regarding disturbing footage on early evening news bulletins, and "strongly" urged broadcasters to be vigilant in meeting the requirements of their codes of practice, but did not make any commitment to further regulation of news broadcasting.¹⁰⁰

7.57 In the absence of such provision, parents and families may wish to consider encouraging children to watch the ABC schools program "Behind the News", which each week covers the major news stories and their background in clear, accessible language. (Tuesday 11.30am, repeated Wednesday 11am.)

| Recommendation 28: The Committee supports recommendation 13 of the Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies Report on the Portrayal of Violence in the Electronic Media, and urges the implementation of that recommendation by television broadcasters. |
| Recommendation 29: That parents and families concerned about their children's understanding of news and current affairs consider encouraging their children to watch the ABC schools program "Behind the News". |

Advertising and Merchandising

7.58 Submissions to the Committee raised concerns regarding the impact on families of advertising and merchandising on television,¹⁰¹ noting that children are increasingly the targets of advertising and marketing campaigns.¹⁰² Whilst this child-targeted marketing used to concentrate on sweets and toys, it now includes clothes, shoes, a range of fast foods, sports equipment, and computer products. In Australia, children under 18 have an average $31.60 to spend each week and they influence more than 70% of their parents clothes and fast food purchases.¹⁰³

7.59 Concerns raised included the influence of advertising on children's expectations of life, their understanding of community and personal values as well as the pressure on parents to provide advertised goods,¹⁰⁴ the transmission of commercials in an inappropriate time-slot,¹⁰⁵ and advertisements for toys and other products that present images of violence.¹⁰⁶

Commercial Free-to-Air Television

7.60 Advertising on commercial free-to-air television directed specifically to children must meet the requirements of the ABA's Children's Television Standards (CTS).¹⁰⁷ The CTS
recognise that children require special consideration in areas such as advertising and the presentation of material that may be harmful to them. Consequently the CTS limit the quantity of advertising that can be broadcast during C periods and prohibits advertising during P periods.\textsuperscript{108} The CTS also require that no advertisement shall mislead or deceive a child.\textsuperscript{109} In applying these restrictions to the C and P program periods only, the regulatory framework recognises that advertising is the basis of commercial television funding, and does not place similar restrictions on advertising during other program periods, when parental guidance or control over children's viewing is advised.

7.61 In addition to their obligations under the CTS, the commercial television industry codes of practice also provide guidelines on the promotion of products or services in programs directed to children. The codes require that advertising segments within programs must be clearly separated from the program content itself, and that products or services must not be sold or promoted by presenters within children's programming.\textsuperscript{110} The codes also require that advertisers are to comply with the Australian Association of National Advertisers Code of Ethics.\textsuperscript{111}

7.62 Complaints about advertising directed specifically to children can be made directly to the ABA, without first having to complain to the licensee.\textsuperscript{112} Whilst few complaints regarding advertising or commercial content in programs are progressed to the ABA, in 1997 the Seven Network's program \textit{Agro's Cartoon Connection} was found to have breached the commercial television industry code of practice in failing to adequately distinguish segments of sponsor's information from program material.\textsuperscript{113}

\textbf{Pay TV}

7.63 The pay TV codes of practice provide that all advertisements must be classified based upon the Office of Film and Literature Classification guidelines for film and video classification.\textsuperscript{114} The codes also recognise the potential impact of advertising on child audiences, and provide that within blocks of programming aimed at children, no products or services may be advertised, or advertising styles deployed, that could place children in physical, mental or moral jeopardy, and that advertising must be clearly distinguishable from the programming in which it appears.\textsuperscript{115} The codes further provide that licensees must take into account the maturity of the intended audience when scheduling advertising relating to merchandising, particularly when associated with children's programming.\textsuperscript{116}

7.64 However, breach of these provisions cannot be the subject of complaint to the ABA. Complaints must instead be referred to the Advertising Standards Bureau of the Australian
Association of National Advertisers, whose code of ethics licensees must also comply with.\textsuperscript{117}

\textbf{Merchandising}

7.65 In addition to questions regarding direct advertising to children, concern has been raised with regard to the merchandising of products in association with children's programs. A growing market exists for products tied to children's TV shows, films, videos and books. Licensed merchandise made up at least 20% of toys on show at the 1998 Australian Toy and Hobby Fair.\textsuperscript{118}

7.66 The concern is not confined to commercial television, but also relates to merchandising by the national broadcasters, particularly by the ABC. In 1997 11.6 million videos were sold in Australia, 4 million of these were made for children, the ABC having 25% of the market with products from the Wiggles, Bananas in Pyjamas and Play School.\textsuperscript{119}

7.67 The ABC as a national broadcaster is not permitted to undertake advertising.\textsuperscript{120} In particular the ABC Editorial Policies indicate that product placement within ABC programming is not acceptable.\textsuperscript{121} However, the Editorial Policies also provide for the licensed use of the ABC logo by third parties, and whilst the guidelines governing such licensing require the ABC to maintain appropriate levels of editorial and quality control with regard to the use of its logo, the guidelines do not discuss the use of the logo attached to children's products.\textsuperscript{122} The ABC Enterprises Product Charter requires that all output from ABC enterprises must be compatible with ABC style and quality, and that this may include "quality children's material."\textsuperscript{123}

7.68 Whilst there appears to be widespread agreement that with regard to the provision of quality Australian pre-school material the ABC is leading the field,\textsuperscript{124} there also appears to be concern that the ABC is increasingly selecting or developing programming for children which is linked to merchandising opportunities. \textit{Bananas in Pyjamas} and \textit{Teletubbies} were particularly identified by Patricia Edgar (Chairperson of the Australian Children's Television Foundation) as predominantly vehicles for revenue raising rather than programs providing diversity and innovation,\textsuperscript{125} describing this trend as an alternative mechanism to advertising which allowed public broadcasters to recoup the high costs of children's television production.\textsuperscript{126}
Australian Content

Commercial Television

7.69 The ABA and previous broadcasting regulators have applied an Australian Content Standard to commercial television licensees over a period of nearly forty years. An Australian content standard was first introduced in 1960, requiring commercial broadcasters to program an overall 40% level of Australian content, with specific requirements during prime time.127

7.70 In the years that followed, the overall Australian content required on commercial television has risen, and within that quota additional specific requirements have been imposed with regard to Australian content in prime time television, Australian drama, Australian children's and pre-school programming, and documentaries, so that in 1999 each commercial licensee will be required to meet the following Australian content standards:128

- Australian programming transmission quota of 55%;
- 130 hours of Australian children's programming;
- 32 hours of first release Australian children's drama and 8 hours of repeat Australian children's drama;
- 15 hours of Australian first-release documentary programs; and
- Australian drama score of 225 points.129

In 1998 all commercial television networks increased their Australian programming in line with the ABA's requirement for a minimum 55% Australian transmission quota.130

7.71 The need for such domestic content regulation has primarily been thought necessary to correct the inherent bias of commercial broadcasters towards lower cost, mass-appeal foreign programs.131 For example, a first run children's drama television program in Australia will be bought by Australian networks for $55,000 or less per episode, whereas broadcasters can buy repeat US product for as little as $1000 per episode. Additionally, overseas networks pay very little for Australian programs, so that recouping the cost of an Australian production is very difficult.132

7.72 Notwithstanding these challenges, the not-for-profit Australian Children's Television Foundation, which is largely funded by Federal, State and Territory governments, has been able to produce over 150 hours of children's programming, such as Kaboodle, Touch the Sun, Captain Johnno, Round the Twist, Lift Off, and The Genie from Down Under, amongst others, sold to 96 countries around the world. This production output has relied upon government
funding since the Foundation's establishment in 1982, but has also been able to recoup a significant proportion of this from sales in Australia and overseas.\textsuperscript{133}

7.73 The standard has also been considered necessary because freely operating markets do not take account of benefits such as the enhancement of national culture,\textsuperscript{134} although research suggests that what people recognise as the uniquely Australian qualities of programs add to the enjoyment, and therefore consumption, of television by adult viewers.\textsuperscript{135} With respect to Australian children's programming, research has found that 60\% of adults surveyed agree that Australian children's programs were more meaningful to children than imported children's programs.\textsuperscript{136} However, this finding is in contrast with ABA studies, which indicated that a strong sense of location in television programming is not as important to children, although it may have added to their subconscious enjoyment.\textsuperscript{137}

7.74 The Committee received submissions supporting the continued protection and promotion of Australian content for television, considering that without the Australian Content Standard and the Children's Television Standards, Australia would not have a diversity of program types for Australian families and children.\textsuperscript{138}

7.75 While the current quantity of Australian television programming has public support its current composition does not, as research shows that large proportions of the population would like to see an increase in the provision of Australian documentaries, news and current affairs and children's programs, and a decrease in the levels of sport, drama serials and light entertainment programming.\textsuperscript{139}

7.76 Submissions also suggested that more could be done to promote Australian culture through the serialisation of Australian classics as children’s television programs,\textsuperscript{140} and that the community would welcome more Australian children’s programs that present a positive image of society, so that children get a sense that life is worth living.\textsuperscript{141}  

\begin{quote}
\begin{center}
\textbf{Recommendation 30:} The Committee recognises the work of the Australian Children's Television Foundation in the development and production of quality children's television and multimedia resources and recommends it receive the increased support of all Australian governments.
\end{center}
\end{quote}

\section*{The Review of the Australian Content Standard}

7.77 The current Australian Content Standard represents the outcome of a review undertaken by the ABA following the decision of the High Court of Australia, which found
that the previous ABA standard contravened Australia's treaty obligations under the *Trade in Service Protocol to the Australia New Zealand Closer Economic Relations (CER) Trade Agreement*.\(^ {142} \)

7.78 Under the Agreement, Australia is under an obligation not to create or maintain any legal impediment which would adversely affect the capacity of the New Zealand film and television industry to compete equally with the Australian industry in the Australian market for the broadcasting of film and television products.\(^ {143} \) However, the previous standard was found to have treated New Zealanders and New Zealand programs less favourably than Australians and Australian programs.

7.79 During the consequent review of the standard the ABA received submissions from Young Media Australia and the Australian Film Commission, both concerned that change to the previous standard would affect the ability of Australian children to access their own culture through television, as funding for Australian children's television is vulnerable to ratings levels and market share.\(^ {144} \)

7.80 Young Media Australia advocated legislative change so that the ABA would no longer be required to act consistently with such international obligations. The Federal Government has since announced that it intends limited amendment to the Act, so that foreign access to local content quotas will be explicitly confined to New Zealand, so that a similar situation will not arise with respect to television programs from other countries.\(^ {145} \)

7.81 The review has produced a new Australian Content Standard consistent with those obligations, enabling equal treatment for New Zealand programs, and the ABA remains confident that a wide range of Australian programs will continue to be broadcast on commercial television.\(^ {146} \)

7.82 It should, however, be noted that the ABA did consider it necessary to protect Australian children's television to some extent, by introducing a licence fee of $45,000 per half hour for broadcasting rights for children's drama, to assist in maintaining current levels of quality Australian children's programming.

7.83 Key media groups in Australia supported this approach, although in their submission to the ABA it was proposed that such licence fees should also be introduced to ensure maintenance of levels of Australian adult drama and documentaries.\(^ {147} \) The ABA did not accept this argument, on the basis that audience preference is currently ensuring levels of adult Australian drama, and that as the New Zealand television market is relatively small,
there is very little New Zealand drama that can be substituted for Australian programming in the Australian market.  

7.84 The ABA also noted that the requirement for Australian commercial licensees to broadcast minimum amounts of first release Australian drama and documentaries provide a safeguard for the continued provision of Australian drama and documentary. The new Australian Content Standard is to be reviewed by the ABA after two years of operation, after which time the issue of minimum standards of Australian drama and documentaries could be revisited if necessary.  

7.85 In the interim, the Productivity Commission commenced a public inquiry examining, inter alia, the Broadcasting Services Act 1992. The inquiry stemmed from the Federal Government's commitment under the Competition Principles Agreement to review legislation for its anti-competitive effects, and considered the effectiveness of the regulatory controls regarding minimum Australian content on commercial television.  

7.86 The Commission’s final report released in March 2000 found that in the long term a fully digital and convergent media environment would make the current system of technology-specific content regulation inappropriate and ineffective in meeting the community’s social and cultural objectives. To continue addressing these objectives, the current system would have to be reviewed, and alternative policies implemented, before the switch-off of analog broadcasting (commencing in 2009).  

7.87 In the interim, until the implementation of new policies to address social and cultural objectives, the Commission recommended that much of the current content regulation system be retained. However, as this system has economic as well as social and cultural effects; it is not costless to the community. The Commission’s recommendations that most of these content regulations be maintained over the interim period are influenced by the uncertainties of the transition period and by the costs of introducing additional instability. The Commission therefore emphasised that appropriate policies be developed for the pursuit of cultural and social objectives in the future converged media environment.  

**ABC Television**  

7.88 The ABC Charter requires the national broadcaster to provide programming that contributes to a sense of national identity, and reflects the cultural diversity of the Australian community. Whilst the ABC is not bound by the ABA Australian content standard, its 1997-2000 Corporate Plan set a target of a minimum Australian program content of 50% for network television, similar to the requirement placed upon commercial broadcasters.
7.89 Whilst the ABC self-imposed quota for Australian material was supported, evidence to the Committee raised concern that there is very little local content made in Victoria, particularly for Victorian children. It was also suggested that the ABC could take the opportunity to work more with local content producers.

7.90 However, it was also drawn to the attention of the Committee that under the ABC agreement with the Australian Children's Television Foundation (ACTF) $8.5 million will be invested over 9 years on co-productions, almost entirely directed towards production managed from and based in Victoria.

7.91 Concern over the provision of specific Victorian content went beyond the provision of local material for children. There were also indications that the adult audience has expressed a preference for more provision of Victorian news. However, the ABC submitted that their obligation is to seek to meet the needs of audiences in all parts of the country from a national rather than a regional perspective, without treating the needs of Victorian viewers as different from those of other States.

Recommendation 31: That the Australian Broadcasting Corporation seek to strengthen its relationship with the Australian Children's Television Foundation with a view to increasing the production of high quality children's television programming.

Pay TV

7.92 Australian content requirements for pay TV only apply to licensees of subscription services devoted predominantly to drama programs, section 102 of the Broadcasting Services Act 1992 requiring such licensees to allocate at least 10% of their programming expenditure for new Australian drama. Whilst a 10% quota seems insubstantial compared with the 55% Australian content now required from commercial free-to-air broadcasters, the nature of pay TV does not enable direct comparison, as pay TV tends to provide format-specific channels such as news or movies rather than the broader range of material transmitted by free-to-air broadcasters.

7.93 However, the 10% expenditure requirement in the Act has been found to be largely unenforceable, as licensees don't tend to make program expenditure themselves, but instead buy programming from other providers. As an interim measure, the ABA developed guidelines to encourage voluntary expenditure on new Australian drama by those in the pay TV industry that do make program expenditure. However, the ABA has found that in

-192-
1996-97 only 5% was spent overall by pay TV in that year on new Australian drama, and that in 1997-98 that only 4 of the 16 pay TV drama channels met the 10% expenditure requirement.

7.94 Consequently, the ABA was directed to undertake an investigation into Australian content on pay TV, to identify the problems in enforcing the existing quota and to consider the implications of raising the Australian content quota to 20%.

7.95 During this review process the pay TV industry argued for the repeal of the Australian content expenditure requirement and the establishment of self-regulatory processes, on the basis that pay TV channels have a direct relationship with their subscribers, and should be allowed to develop program schedules to meet subscriber needs and interests rather than regulatory quotas.

7.96 However, the ABA formed the view that section 102 of the Act was largely unenforceable, as a requirement or as a voluntary scheme, but that an expenditure requirement should be retained to facilitate the provision of diversity and choice by the pay TV sector. The Federal Government subsequently proposed legislative amendment to enable enforcement of the quota, although as the ABA considered that a 20% requirement could not be sustained by the developing pay TV industry in Australia, the new enforceable scheme will continue to require only 10% of expenditure on new Australian drama, with the scheme to be reviewed again after three years.

7.97 There was limited discussion of community views of Australian content on pay TV in the ABA report, although it was noted that the majority of submissions from community organisations supported Australian content regulation and that there was particular concern regarding the impact on Australian children of the level of US content on pay TV.

7.98 Whilst all three channels that provide programming specific to children - the Disney Channel Australia; Nickelodeon and Fox Kids - stress the importance of localising their channels to the specific needs of the Australian audience, it has been suggested that the absence of enforceable content requirements to date has led to a significant lack of Australian content on these channels.

7.99 It was therefore recommended to the ABA inquiry that children's pay TV channels should be made subject to Australian content regulation. However, the ABA viewed this proposal as unnecessary, on the basis that children's channels were predominantly drama channels, and would therefore be regulated de facto by the 10% expenditure requirement with regards to Australian content.
The recent Productivity Commission *Inquiry into Broadcasting* also examined the production expenditure quota for pay TV noting the relative ineffectiveness of the mandatory quota for drama channels in addressing the fulfilment of the 10% requirement. As the quota is on *production* there is no requirement for subscription channel providers to broadcast the programs and feature films they have funded. In addition, the direct financial relationship between subscriber and broadcaster and the large number of subscription channels designed to cater for small target audiences were seen by the Commission as distinguishing subscription broadcasters from free-to-air. As a conclusion the Commission found that “[T]hese qualities mean that subscription television does not readily lend itself to the effective application of content quotas aimed at providing particular types of socially and culturally valuable programs for mass Australian audiences” and recommended that the expenditure quota for subscription drama channels be removed.

**Digital Television**

One of the present difficulties for free-to-air broadcasters in meeting diverse community expectations in broadcasting is their limited capacity to provide such a range of services when each free-to-air broadcaster has one channel only available to them. However, the advent of digital television can allow the provision of multi-channel programming, (ie different television programs from the one transmitter at the same time) which raises the possibility of broadcasters providing more specialised and/or diverse programming, such as children's or family-oriented television. Digital television broadcasting transmitters can also use residual capacity to transmit information, independently or linked to television programs, a process known as datacasting. In Australia free-to-air broadcasters will be required to provide a standard definition digital television broadcast (SDTV) in metropolitan areas from 1 January 2001 and in all regional areas by 1 January 2004. Within two years of the commencement of digital broadcasting in each area, and in addition to their analogue and SDTV transmissions commercial television broadcasters will be required to provide at least 20 hours per week of programs in high definition television (HDTV).

The Federal Government has indicated that commercial free-to-air broadcasters will not be allowed to multi-channel in the immediate future, to protect pay TV operators from digital competition, although this issue can be reviewed in 2005, when the digital broadcasting legislation is to be reviewed. They are, however, allowed limited periods of multi-channelling when certain events, such as sports matches, extend over time due to
circumstances beyond the broadcasters control, and overlap with a regularly scheduled news service.\textsuperscript{179}

7.103 In contrast, the Government has recognised that digital technology provides an opportunity for the national broadcasters (ABC and SBS) to multi-channel certain kinds of programming by allowing restricted multichanneling, with their additional channels able to show a range of programs including educational programs, regional news and current affairs, science and arts programs, children’s programs and occasional dramas.\textsuperscript{180}

7.104 The ABC has previously provided a range of examples of how it may use multi-channeling. These include:

- time-shifting of popular programs and production and broadcast of services which target the needs and interests of local audiences, particularly in rural and regional Australia;
- special public events and festivals, major conferences and forums on issues of public significance, and important parliamentary debates and committee hearings (at both state and federal level);
- local news and information programs;
- educational services combining audio, vision, text and on-line material; and
- sporadic theme programming (eg national science or literacy week schedule) to allow additional programs to be scheduled relating to specific themes or events.\textsuperscript{181}

7.105 The SBS has indicated that it aims to develop dedicated program streams relevant to SBS’s Charter responsibilities, which could include:

- a separate multilingual news and language services program stream;
- a multicultural arts and community stream, partnerships with cultural and community bodies to be encouraged as a means of generating programming revenues.\textsuperscript{182}

7.106 Spectrum in the broadcasting services band will also be made available for new datacasting services.\textsuperscript{183} There will be some restrictions on the services able to be offered on datacasting services, to ensure that datacasting services cannot be used to circumvent the ban on new commercial television licences. Nevertheless, datacasters will be able to provide a wide range of services, such as information programs, interactive home shopping, banking and bill paying education programs and interactive games. Datacasters will also be able to provide their customers with access to the Internet, and electronic mail. Datacasters will be able to provide substantial amounts of news and current affairs programs, programs on business and financial information, and weather bulletins. These may be provided either in
the form of short broadcast bulletins, or through interactive selection of stories on individual news items or topics. In keeping with the Governments desire that datacasters be different from traditional commercial broadcasters, datacasters will be able to show short extracts from most genres of traditional entertainment programs, including drama, sporting programs and events, music programs, infotainment and lifestyle programs, comedy programs, documentaries, reality television programs, children's programs, light entertainment and variety programs, compilation programs, quiz programs and game shows - for example, extracts from movies as part of a ‘what's on in the city' type round-up.184

7.107 Irrespective of whether broadcasters are able to undertake digital multichannelling or datacasting, the advent of digital television also raises issues of cost to the consumer. Whilst the Federal Government has indicated that Australians will have access to existing analog broadcasting until at least December 2008,185 there are likely to be significant costs in converting to digital television after this simulcast period.

7.108 Overseas experience shows that a 68-70cm High Definition Television (HDTV) set may cost between $6000-$10,000,186 in the early years of digital television, and that the less expensive set-top digital decoders are likely to cost several hundred dollars, based on current prices overseas,187 although it should be noted that predictions on the cost of digital TVs and decoders is largely guesswork, as the price of the technology will be influenced by its take-up rate overseas and in Australia.

Recommendation 32: That the ABC, when permitted to use digital transmission capacity to transmit multichannel television programming, reserve one digital channel for State-based and regional programming.

Recommendation 33: That the cost to families of transition to digital television technology be considered by the Federal Government in its review of digital broadcasting legislation in 2005, and that these costs be factored into the final decision regarding the ending of the analog and digital television simulcast period.

Community Television

Regulatory Framework

7.109 In 1992 the House of Representatives Standing Committee on Transport, Communications and Infrastructure (HORSCOTCI) recommended that the last terrestrial free-to-air television channel available to provide a high power broadcasting service in
Australia, the so-called "sixth channel", be used for community television, until a decision was made on its permanent use. Broadcasting of community programming began in 1994 through a trial licensing arrangement established under the provisions of the *Broadcasting Services Act*.

7.110 In 1996, the Minister for Communications and the Arts directed the ABA to conduct a public inquiry into the future use of the sixth channel. Submissions to the Inquiry variously advocated the use of the channel for niche community programming such as educational, children's, youth, and family/Christian television.

7.111 Most submissions that addressed the use of the channel for educational programming considered that educational institutions are moving towards use of computers and interactive multimedia to deliver educational content and that television should now be considered as a complementary mechanism, rather than a primary means of delivery of educational content. Consequently, the ABA recommended that the sixth channel not be used solely for educational purposes.

7.112 The ABA also recommended that the channel not be dedicated solely for either children's or youth television, being of the view that children's needs are already met by existing national and commercial free-to-air broadcasters, as well as pay TV services. The ABA also noted that most submissions considered that community access television would in any case broadcast programs designed for and of appeal to children, although the present community sector programming does not appear to show evidence of this. It was further considered that a designated children's community channel would not be commercially viable, also the principal reason for not supporting a dedicated youth channel.

7.113 The ABA report also noted some support for a family channel that reflected Christian values, but considered that Christian groups should be able to access community programming on the same footing as other sectors of the community, rather than being provided with a dedicated channel.

7.114 Accepting the recommendations of the ABA against the reservation of the sixth channel for a specific format, the Commonwealth Government decided that the channel should continue to be used for broad-based community access television. Additionally, the Minister announced that the community sector will be able to continue broadcasting via the sixth channel until the beginning of digital transmission on 1 January 2001, after which date the community television sector will be guaranteed free access to the spectrum needed to broadcast on a digital channel.
7.115 Aside from the issue of spectrum allocation, an ongoing issue for community broadcasters is revenue raising, not only with regard to the costs of transferring to digital technology. Whilst there is some support for proposals to further commercialise the sector through closer relations with the commercial television sector, there are also concerns that such an approach may undermine the independence of community broadcasting.196

7.116 Such commercial support has been a long-standing feature of community television funding in Canada, a country with a similar co-regulatory approach to the broadcasting sector as Australia. In 1975, in its first community broadcasting policy, the Canadian Radio-television and Telecommunications Commission stipulated that cable companies with more than 6000 customers must provide a local channel for residents of the community.197 The policy was reviewed in 1991 so that cable companies are now required to allocate 5% of their basic revenues for the support of community programming.198

7.117 These arrangements have enabled the sector to develop to the stage where there are presently over 225 community channels operating in Canada, although it should be stressed that Canada has a well-developed cable TV network, which has assisted distribution of community and educational programming.199 Canadian provision of community and public television also benefits significantly from its proximity to the extensive public broadcasting service in the United States.

**Victorian Community Television**

7.118 Operated by the Melbourne Community Television Consortium (MCTV), Channel 31 in Melbourne is the most successful of the 5 full-time community television stations operating in Australia,200 providing over 60 hours of original first-run programming to over a million viewers each week, broadcasting 24 hours a day, 7 days a week.201

7.119 Ninety-five per cent of this programming is either sourced from community groups or produced by the station, and Channel 31’s programming includes sporting telecasts, variety shows, lifestyle magazines, music programs, animation, religious studies and educational programs. Revenue is primarily derived from sponsorship from the racing industry, and the station is sustained by the efforts of over 70 volunteers each week.202

7.120 Whilst community broadcasters in Australia are not bound by the ABA Children's Television Standards and have no statutory responsibility to provide niche programming for children and/or their families, the Committee received support for community broadcasting as a forum for programming on parenting skills and other family issues for Victorians.203
Recommendation 34: That all broadcasters are encouraged to provide information and education on parenting skills and other family issues to the Victorian community.

Recommendation 35: That the Victorian Government encourages the Australian Broadcasting Authority to review what constitutes core family viewing hours so that the risks of children viewing inappropriate adult material are reduced.

Endnotes

1 Section 23(1), Broadcasting Services Act 1992, (Cwth).
2 Section 8(1)(e), Australian Broadcasting Corporation Act 1983, (Cwth); Section 10(1)(j), Special Broadcasting Service Act 1991, (Cwth).
5 Section 4(1), Broadcasting Services Act 1992, (Cwth).
8 Section 162, Broadcasting Services Act 1992, (Cwth).
10 Section 158(c) Broadcasting Services Act 1992, (Cwth).
18 Media Group, St. Leonard's Parish, Glen Waverley, Submission #29.
19 Mr Bill Meuhlenberg, Research Officer, Salt Shakers, Submission #31.
20 Mr Bill Muehlenberg, Research Officer, Salt Shakers, Submission #31; Mr Paul Steinfort, Chairman, Media Group, St. Leonards Parish, Glen Waverley, Submission #29.
21 Section 5, Broadcasting Services Act 1992, (Cwth)
24 Subsections 158(h) & (j), Broadcasting Services Act 1992, (Cwth).
28 Section 102, Broadcasting Services Act 1992, (Cwth).
29 Australian Broadcasting Authority, Submission #2.
30 CTS 1 - Definitions, Children's Television Standards, Australian Broadcasting Authority, Sydney, 1996.
31 CTS 2, Criteria for C and P Programs, Australian Broadcasting Authority, Sydney, 1996.
32 Australian Broadcasting Authority, Submission #2.
33 Mrs B. Biggins, President, Young Media Australia, Evidence, 30 November 1998.
Inquiry into the Effects of Television and Multimedia on Children and Families

35 CTS 3, Obligation of a Licensee to Broadcast C and P Programs, Australian Broadcasting Authority, Sydney, 1996.
39 Australian Broadcasting Corporation, Submission #48.
40 Australian Children's Television Foundation, Submission #10.
41 Australian Broadcasting Authority, Submission #2.
42 CTS 14, Maximum Advertising Time, Australian Broadcasting Authority, Sydney, 1996.
44 Australian Children's Television Foundation, Submission #10; Australian Commercial Television Production Fund - Fact Sheet, Department of Communications, Information Technology and the Arts.
45 Mr Leo de Bruyn and Ms Bernadette de Bruyn, private citizens, Submission #26.
48 Section 2.11, Classification, Commercial Television Industry Code of Practice, Federation of Australian Commercial Television Stations, April 1999.
49 Mr Leo de Bruyn and Ms Bernadette de Bruyn, private citizens, Submission #26.
50 Sections 3.8 & 3.9, Program Promotions, Commercial Television Industry Code of Practice, Federation of Australian Commercial Television Stations, April 1999.
51 Although it must not contain any matter likely to be unsuitable for children to watch without the supervision of a parent, such as inappropriate or excessive depiction of violence, sex, nudity, language, drugs, or suicide. Section 2.11, Classification, Commercial Television Industry Code of Practice, Federation of Australian Commercial Television Stations, April 1999.
52 Australian Broadcasting Authority, Submission #2.
56 Section 6, Australian Broadcasting Corporation Act 1983, (Cwth)
57 Australian Broadcasting Corporation, Submission #48.
58 Australian Broadcasting Corporation, Submission #48.
59 Section 6(1)(a), Australian Broadcasting Corporation Act 1983, (Cwth)
60 Section 6(2)(a)(v), Australian Broadcasting Corporation Act 1983, (Cwth)
61 Victorian Parents Council Inc, Submission #56.
62 Australian Broadcasting Corporation, Submission #48.
63 The ABC Boosts Commitment to Education and Lifelong Learning; Media Release, Australian Broadcasting Corporation, 20 October 1998.
64 SBS Corporation, Submission #46.
65 Mrs B. Biggins, President, Young Media Australia, Evidence, 30 November 1998.
66 SBS Corporation, Submission #46.
67 SBS Corporation, Submission #46.
68 SBS Corporation, Submission #46.
69 SBS Corporation, Submission #46.
72 Survey indicates boom in pay TV, ABC News Online, 2 August 1999.
73 ABA Registers pay TV codes of practice, News Release, Australian Broadcasting Authority, 23 April 1999.
Chapter 7: Television Broadcasting

Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.


Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.

Section 3.1, Program Classifications, Subscription Television Broadcasting Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.
March 1998, by The New College Institute for Values Research, University of New South Wales, Sydney and Young Media Australia.

104 Victorian Parents Council Inc, Submission #56.
105 Mr Leo de Bruyn & Ms Bernadette de Bruyn, private citizens, Submission #26; Ms Jari Evertsz, Program Coordinator, The Birrell Centre for Children, Submission #22.
106 Mr D. M. Gawler, Dr M. Piercy & Dr E. Gawler, Submission #49.
107 Section 6.16, Commercial Television Codes of Practice, Federation of Australian Commercial Television Stations.
109 CTS 17, Content of Advertisements, Australian Broadcasting Authority, Sydney, 1996.
1010 Section 6.23, Promotion of Products or Services in Programs directed to Children, Commercial Television Industry Code of Practice, Federation of Australian Commercial Television Stations, April 1999.
111 Section 6.10, Requirements for Television Services, Commercial Television Industry Code of Practice, Federation of Australian Commercial Television Stations, April 1999. The Australian Association of National Advertisers Code of Ethics provides, inter alia, that:
- Advertisements shall not present violence unless it is justifiable in the context of the product or service advertised;
- Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience;
- Advertisements shall not be misleading or deceptive or be likely to deceive or mislead.
114 Section 6.2, Classification of Advertisements, Subscription Television Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.
115 Section 6.3, Classification of Advertisements, Subscription Television Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.
116 Section 6.5, Classification of Advertisements, Subscription Television Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.
117 Section 6.1(a), Adopting other codes, Subscription Television Codes of Practice, The Australian Subscription Television and Radio Association (ASTRA), April 1999.
118 Playing hard in TV’s toyland, The Age, 1 April 1998; Oh toy, look at us now, Herald Sun, 24 March 1998.
120 Section 31(1), Australian Broadcasting Corporation Act 1983 (Cwth).
124 Dr Patricia Edgar, Director, Australian Children’s Television Foundation, Programmed for Purchasing, a generation takes the Banana bait, The Sunday Age, 22 March 1998.
125 Dr Patricia Edgar, Director, Australian Children's Television Foundation, Evidence, 9 February 1998; In 1997 the ABC grossed $8 million in program sales for Bananas in Pyjamas. From Programmed for Purchasing, a generation takes the Banana bait, The Sunday Age, 22 March 1998.
126 Dr Patricia Edgar, Director, Australian Children’s Television Foundation, True Blue Culture Vultures, The Age, 27 April 1998.
129 Drama scores for Australian Drama programs are calculated on the basis of their duration and format. See Broadcasting Services (Australian Content) Standard 1999, Australian Broadcasting Authority, 1 March 1999.
131 F. Papandrea, Cultural Regulation of Australian Television Programs, Commonwealth Bureau of Transport and Communications Economics, Australian Government Publishing Service, Canberra, 1996,
However, Papandrea also suggests that the basic transmission quota of 55% is in fact the least effective aspect of the regulation in terms of providing quality Australian programming, and that the most effective elements are the targeted requirements to provide set levels of Australian drama for adults and children, without which commercial networks would be likely to screen substantially lower levels of drama. (at pp. xxii-xxiii)

Dr Patricia Edgar, Director, Australian Children's Television Foundation, Evidence, 9 February 1998; Australian Children's Television Foundation, Submission #10.


Kids talk TV: 'super wickid' or 'dum', Monograph 7, Australian Broadcasting Authority, 1996, p.73.

Mrs B. Biggins, President, Young Media Australia, Evidence, 30 November 1998; Australian Family Association, Evidence, 8 February 1999.


Women's Action Alliance, Evidence, 8 February 1998.

Australian Family Association, Evidence, 8 February 1999.

ATS 1983 No. 0002


Response to the Australian Broadcasting Authority's Proposed Standards, November 1998, Review of Australian Content Standard, Australian Film Commission, Australian Children's Television Foundation, Australian Film Institute, Australian Guild of Screen Composers, Australian Screen Directors Association, Australian Screen Editors, Australian Writers Guild, Communications Law Centre, Film Australia Ltd, Media Entertainment and Arts Alliance, December 1998.


Section 6(1)(a), Australian Broadcasting Corporation Act 1983, (Cwth)


Mrs B. Biggins, President, Young Media Australia, Evidence, 30 November 1998; Dr Patricia Edgar, Director, Australian Children's Television Foundation, Evidence, 9 February 1998.

Dr Patricia Edgar, Director, Australian Children's Television Foundation, Evidence, 9 February 1998.

Australian Broadcasting Corporation, Submission #48.

Mr P. Ryan, Victorian Head of Television News and Current Affairs, Australian Broadcasting Corporation, Evidence, 30 November 1998.

Australian Broadcasting Corporation, Submission #48.

Australian Broadcasting Authority, Australian Content on Pay TV: Report to the Minister for Communications and the Arts, Australian Broadcasting Authority, Sydney, May 1997, p82.

Community television broadcasters in Australia are not bound by the ABA Children's Television Broadcasting Services Amendment (Digital Television and Datacasting) Act 2000.
Chapter 7: Television Broadcasting


195 Minister guarantees support for Community Television, Media Release, Senator the Hon. Richard Alston, Minister for Communications, the Information Economy and the Arts, 7 July 1998.

196 The Sixth Channel for Community Purposes - A Model for Diversity in Television, Community Broadcasting Association of Australia, Submission to the Inquiry into the Future Use of the Sixth Television Channel.

197 Community Television, Media Awareness Network, http://www.media-awareness.ca/


200 Others operate in Brisbane, Lismore, Sydney and Adelaide.


203 Ms Elizabeth Hibbs, private citizen, Submission #17.
CHAPTER 8
RADIO BROADCASTING

Introduction

8.1 While the Committee’s Terms of Reference relate specifically to the impact of television and multimedia on Victorian children and families - and this may not at first appear to relate to radio - the Committee has come to understand that a technologically driven convergence of media is occurring. This multimedia convergence means that all media are now closely interconnected.

8.2 The Australian Broadcasting Authority has responsibility for regulation of spectrum and licensing of radio and television broadcasting, under the co-regulatory framework established by the Broadcasting Services Act 1992 (Cwlth), as discussed in Chapter 8.

8.3 However, the codes of practice for radio are less prescriptive than those applied to television, reflecting the intention of Parliament\(^1\) that different levels of control be applied across the range of broadcasting services according to the capacity of different forms of broadcasting to influence community views in Australia. It is implicit in this difference between regulation of radio and television content that radio is perceived to be less likely to influence the community than the visual images of television, video or computer games.\(^2\)

8.4 Consequently, radio programs are not subject to classification, and decisions on content are very much based upon what is considered by broadcasters likely to be acceptable to the audience.\(^3\) For example, whereas classification criteria in television codes of practice contain specific requirements regarding the portrayal of suicide, so that in the G classification (general viewing) suicide cannot be presented as romantic, heroic, or alluring, there is no such requirement in the current commercial or community radio codes.\(^4\)

8.5 The Minister for Communications, Information Technology and the Arts has raised similar concerns with regard to inappropriate sexual content on radio.\(^5\) A particular example that raised public concern regarding the freedom available to radio broadcasters, is that of a
commercial radio station that broadcast from a brothel. Following the broadcast the former Senate Select Committee on Information Technologies attacked commercial radio stations for having virtually no rules governing what could go to air.\textsuperscript{6}

8.6 The difficulty in supervising children's and adolescent listening also raises the question as to whether the discrepancy between regulation of television and radio content accurately reflects the influence radio has over impressionable audiences.\textsuperscript{7}

The Committee notes that the Federation of Australian Radio Broadcasters, the peak industry body, has recently reviewed the commercial radio codes of practice including discussion of issues such as the portrayal of suicide, the use of offensive language, and broadcast of sexual material, in the new Commercial Radio Code of Practice and Guidelines registered in October 1999.\textsuperscript{8}

**Program Standards**

*Commercial sector*

8.7 The commercial radio industry is bound by the Commercial Radio Codes of Practice, which provide guidelines with regard to: programs unsuitable for broadcast; news and current affairs programs; advertising; Australian music; complaints; and interviews and talk-back programs. Guidelines are also provided with reference to the appropriate portrayal of indigenous Australians and women.

8.8 As previously discussed, radio broadcasters are not required to apply program classifications in the way that television broadcasters are required to do. However, there are general program standards to be found in the commercial radio codes of practice. Programs considered unsuitable for broadcast include those that encourage violence,\textsuperscript{9} or present as desirable the misuse of drugs, alcohol or tobacco.\textsuperscript{10}

8.9 Additionally, programs shall not broadcast language that would offend to a substantial degree the contemporary standards of decency held by the audience of the station.\textsuperscript{11} Restrictions on the broadcast of programs with sexual content or a sexual theme have been introduced. As a result of submissions from the public, warnings about programs with an explicit sexual theme as the core component must be made at hourly intervals during the broadcast of the program as well as prior to the commencement of the program.\textsuperscript{12} Licensees must not broadcast a feature program which has an explicit sexual theme as its core component unless it is broadcast between 9.30pm and 5.00am and an appropriate warning is made prior to commencement of the program and at hourly intervals during
broadcast of the program. This approach does not attempt to impose a uniform standard across the industry, but accepts that different stations and programs are aimed at different audiences, whose standards may differ.

Community radio sector

8.10 The community radio sector is governed by the Community Broadcasting Codes of Practice, which require community broadcasters to present programs that contribute to expanding the variety of viewpoints broadcast in Australia, and enhance the diversity of programming choices available to the general public.

8.11 As with the Commercial Codes of Practice, the Community Broadcasting Codes also identify programs unsuitable for broadcast as including those that encourage violence, or present as desirable the misuse of drugs, alcohol or tobacco. The codes do not mandate levels of programming directed at children or adolescents, or levels of educational content programming.

ABC radio

8.12 ABC radio programming, including Triple J, is governed by the ABC Code of Practice and ABC Editorial Policies. Material containing strong language or subject matter must be assessed as having considerable artistic or editorial merit to pass through the broadcast assessment process, and the standards require that the use of such language, including those contained in song lyrics, not be gratuitous.

8.13 Similarly, the Policies state that the portrayal of violence must not be gratuitous and must be justifiable in the context, and that advance notice to the audience of such content may be 'appropriate'.

8.14 The Editorial Policies on Program Standards also note that variations in use of language and matters of offensiveness are largely a matter of personal taste. The guiding principle in relation to application of program standards is that of context.

Youth Radio

Commercial radio

8.15 ABA research suggests that radio still plays a significant role in the lives of teenagers, with the majority (85%) listening to commercial radio, (9% to national broadcasters and 6% to community radio stations). However, there is little programming specific to adolescent's interests and tastes in the commercial radio sector.
8.16 Due to commercial pressures, most research conducted by the commercial radio industry focuses on adult audiences. The teenage listening market, on the other hand, is seen to comprise listeners who are often at school during the day, and when they are listening they tend to be station switchers.23

8.17 An ABA research study into young adults broadcasting preferences indicated support for the development of a greater choice in radio stations.24 However, provision of such programming is not an obviously beneficial investment from the commercial perspective.

8.18 Whilst teenagers are increasingly able to wield considerable purchasing power, and are likely to expend a considerable ratio of their income on music, when asked how radio could be improved, one of the most common responses from a survey of adolescents was a requirement for less advertising.25

8.19 Notwithstanding this apparent dislike of advertising and the reputation of adolescents as "channel surfers", their overwhelming preference for commercial radio should indicate their status as a ready-made market for advertisers.

**Community/public radio**

8.20 The lack of specific code requirement to cater for the tastes of adolescents has not, however, prevented the community broadcasting sector from generating radio stations which successfully broadcast alternative music formats, many of which cater specifically for youth audiences.

8.21 Additionally, a number of temporary FM station licences are occasionally issued by the ABA, which has enabled some broadcasters to position themselves at the youth end of the market, developing considerable local support, and challenging traditional radio rivals and some commercial FM stations for ratings.

8.22 The provision of radio for youth audiences by community broadcasters has however, predominantly been limited to the provision of music-based formats, rather than educational or discussion-based programming.

8.23 Whilst adolescents may be interested predominantly in music programming, ABA research has found that 13% of teenagers interested in the provision of new radio stations would be interested in access to educational programming, and a further 21% indicated interest in accessing student/campus stations.26
Triple J

8.24 Most of the programming undertaken by ABC Radio caters for adult audiences. The exception is Triple J, a national radio network that is one of the few radio stations targeted at young people. ABA research indicates that in Melbourne 6% of 10-17 year olds listen to Triple J, which is lower than the national average of 9.8% for that age group.

10.25 There have been suggestions that there is a 'Sydney feel' to Triple J that may in part explain its smaller audience in Victoria, although the ABC emphasised in its submission to the Committee that Triple J's live music programming is predominantly recorded in Melbourne, and that a weekday evening program is also broadcast from Melbourne.

10.26 Triple J is generally described as having a ‘new emerging music format’. Given the nature of the station’s musical content and the culture associated with such music, concern is often expressed over some lyric content, particularly that using bad language or describing drug usage, suicide, sexual stereotyping and violence. Some members of the Committee share these concerns, especially in view of the vulnerability of adolescents.

8.27 In submission to the Committee, the ABC stated that Triple J is "careful to avoid airplay of lyrics that promote the misuse of drugs and alcohol, suicide as an answer to problems, negative sexual stereotyping or gratuitous violence".

8.28 The decision whether possibly offensive material is justified by the context is made by Triple J staff, who make editorial judgments about the prevailing community standards of its target youth audience. The ABC views this approach as having been successful on the basis that the station receives very few complaints from this target audience. The Committee does not necessarily regard this approach as a satisfactory indicator of concern.

8.29 Whilst the number of complaints received from outside Triple J's target audience was not discussed with the Committee, it should be noted that only 6 unresolved complaints about Triple J standards have been referred to the ABA in the last three years and, of those complaints regarding lyric content, none was found to breach the ABC Code of Practice. In all cases the songs complained of (eg. Closer, by Nine Inch Nails, You Suck, by the Murmurs, and Not the Sunscreen Song by John Safran) had also been played unedited on commercial radio.

8.30 Additionally, the ABA noted in its 1997-98 Annual Report that, although the number of breaches relating to ABC radio increased significantly from one to six, the majority of breaches concerned complaints handling rather than content issues.
Effects of lyrics

8.31 The capacity of lyric content to adversely influence listeners, particularly younger listeners, is a controversial issue, requiring consideration of complex questions of personality and environment as well as content.

8.32 The majority of submissions and evidence presented to the Committee on this issue were critical of the extremes of lyric content which may be broadcast in Australia, and emphasised the vulnerability of young people to negative or aggressive content, often exacerbated during adolescence. It was suggested that the vulnerability of adolescents predicates that lyric content should be as positive as possible.36

8.33 Of particular concern was emphasis in lyrics on suicide, violence and sex,37 demeaning depictions of women,38 and the ability of FM broadcasters in general (not solely the ABC) to broadcast such content at either end of the school day.39

8.34 There is very little research that has examined the effects of lyrics in Australia, the majority of such work having been undertaken in the U.S. One U.S. study of adolescents hospitalised in psychiatric care assessed their moods before and after music listening, and found that the adolescents who preferred heavy metal reported a significant increase in positive affect or mood, whereas adolescents who preferred other types of music did not show such an increase. The study concluded, inter alia, that music such as rap or heavy metal may appeal to some adolescents as a coping mechanism, allowing an outlet for anger.40 Other studies have found that preferences for hard rock or heavy metal music may also be associated with higher levels of sensation seeking in young people,41 lower academic achievement,42 and that adolescents' frequency of music listening is related negatively to the amount of time spent with their family.43 However, as stated by the American Academy of Pediatrics, the difficulty lies in establishing a direct relationship of cause and effect.44

8.35 Whilst such work may be of some relevance in Australia, airplay in Australia being dominated by U.S. content, the different cultural environment of adolescents may limit the direct applicability of these studies in Australia.

8.36 In a week of programming on Triple J aimed at highlighting youth suicide in Australia, the possible influence of lyric content was discussed at some length with Australian experts in this field. There was agreement that, whilst lyric content is powerful and is likely to exercise some degree of influence over listeners, the majority of young people will not be affected by negative lyrics. However, the view was also expressed that some vulnerable young people will seek out such material as a point of focus45 or play something
over and over again, to resonate with their internal view of the world, or to validate their thoughts and feelings.\textsuperscript{46}

8.37 Notwithstanding the lack of conclusive research on this issue in Australia, the Australian Record Industry Association (ARIA) has developed the \textit{Code of Practice for Labelling Product with Explicit and Potentially Offensive Lyrics}, in response to community concern in this area. The Code provides for a self-regulatory system of labelling of CDs and cassette tapes containing "problematic" lyrics into two categories, one for explicit language, and another for content not recommended for those under 18 years of age.\textsuperscript{47}

8.38 The Guidelines also provide that albums containing lyrics which explicitly and gratuitously deal with criminal or sexual violence, suicide, hard drug abuse, inter alia, may not be sold.\textsuperscript{48} Complaints regarding unlabelled products or products unfit for sale may be made to ARIA, which may then require the product to be labelled, expel the record company concerned from ARIA and, in cases of repetitive failure to act, refer the matter to police authorities.\textsuperscript{49}

8.39 Whilst a direct relationship between violent or antisocial lyric content and violent, antisocial or depressive behaviour in young and/or vulnerable people has been difficult to establish, the issue continues to be raised in the context of unusual and tragic incidents, such as the school shootings in Littleton, Colorado, and with reference to the increase in youth suicide. The Committee agrees with those experts in the field who have advocated that research be undertaken in Australia to try to establish whether lyric content can influence some vulnerable people, and in particular how that influence operates in depression and youth suicide.\textsuperscript{50}

\begin{quote}
\textbf{Recommendation 36: That research is commissioned in Australia on the influence of song lyrics on vulnerable members of the community, and the role they may play in depression and youth suicide.}
\end{quote}

\section*{Children's Radio}

8.40 In Australia there are over 400 radio stations (commercial, public and community), providing music and discussion 24 hours a day. Although Australians aged under 12 comprise approximately 18\% of the population, there is very little programming made specifically for children.\textsuperscript{51}
8.41 The key reason for this, from a regulatory perspective, is that unlike television, radio is not required to provide a quota of children's programming, although minimum content levels of Australian music are required.\(^{52}\)

**Commercial radio**

8.42 The provision of children's programming by commercial stations is almost non-existent, the rationale given for this situation being the commercial realities of their funding, ie. that they are reliant upon advertisers, who target adult tastes and interests.\(^{53}\)

8.43 However, the commercial potential for children’s radio may have been underestimated. Children exercise considerable purchasing power, and there is clear compatibility between two very large markets - children's books and children’s music. Australia has a significant children's book market, which has been quantified as 30-40% of the market for books for adults.\(^{54}\)

8.44 The commercial power of children is also evident in television advertising and programming directed at the children's market. This parallel has been acted upon in the U.S., where advertising companies with clients who manufacture for the children's market are beginning to take an interest in children's radio, seeing in it the advertising potential that children's cable-TV networks such as Nickelodeon have displayed.\(^{55}\)

8.45 However, the targeting of children and young people as an audience for advertising raises additional problems. The young are vulnerable to excessive advertising, and there is a special responsibility involved in broadcasting to them.

8.46 A particular example of the commercial use made of a child audience is that of the Disney Corporation, which has recently been buying AM radio services in the US. This dual ownership of television and radio broadcasting services enables Disney to attract children to the Disney TV channel during the day and at 4.30pm, or when the news is televised, they are then able, or encouraged, to listen to Disney radio.\(^{56}\)

**ABC radio**

8.47 The national broadcasters, ABC and SBS, are pledged to provide services for all Australians, which is deemed to include children, although the actual provision of dedicated children's programming is minimal.

8.48 The ABC Charter makes no specific commitment to provision of dedicated children's broadcasting, although the recent Mansfield inquiry into the role and functions of the ABC recommended that, as a programming priority, there be reference to children’s programming
in the ABC Charter,\textsuperscript{57} although the supporting discussion to that recommendation did not discuss radio.

8.49 Similarly, ABC Editorial Policies make no specific mention of children's broadcasting, although the policy on educational broadcasting does provide that the ABC Radio strategy should include meeting the educational needs of the audience, including secondary school students.\textsuperscript{58}

8.50 The lack of radio programming for children appears incongruous in comparison with the commitment made by the ABC towards quality children's television programming, and the not inconsiderable revenue created by books and music developed as a part of that programming, which are not read or played on ABC radio.\textsuperscript{59}

8.51 It may be, however, that the increasing convergence of ABC services, exemplified by ABC Online, which provides an educational service for primary and secondary students, may lead to greater provision of audio material for children, educational or otherwise.

\textbf{The potential for children's radio}

8.52 The Committee heard evidence of the untapped potential for the development of dedicated children's radio in Australia, particularly as a substitute for television viewing. A number of studies have compared and contrasted children's responses to television and radio. Radio appears to encourage greater use of the imagination and to develop concentration skills,\textsuperscript{60} whereas television is criticised as passive by comparison.\textsuperscript{61}

8.53 Notwithstanding the limited extent of children's radio available in Australia, children are daily consumers of radio programming, many part of a captive audience listening to their parent's choice of radio or tapes in the car. Radio could also be providing children with entertaining programming at the beginning and end of the school day, as is currently required from free-to-air television programmers.

8.54 Further, radio has unused potential in providing inexpensive, accessible educational content for children, particularly in the development of language skills. In developing countries, children's radio is also used to send important health messages, because of little infrastructure and low literacy rates.\textsuperscript{62}

8.55 The Committee received submissions supporting the development of educational programming for young people and families, although it was stated that such programs would be more appealing if not commercially driven, and implemented by people with enough knowledge and experience to address teenage issues.\textsuperscript{63} It was also submitted that discussions
conducted on daytime radio that talk through some of the problems faced by families can also be useful.\textsuperscript{64}

8.56 Radio programming could also be used as an alternative to television in the early evening, to provide an alternative to families concerned about the content of television news bulletins. The program Secret Clubhouse, broadcast in the U.S. on weekday evenings for 30 minutes from 6pm, provided a viable alternative to the news, or alternatively an opportunity for parents to watch the news whilst children are occupied with the radio.\textsuperscript{65}

**Digital Radio**

**Background**

8.57 In the near future, digital broadcasting will enable the delivery of more radio stations to consumers and deliver CD quality sound. It will also enable text to be transmitted concurrently with radio programming, utilising the same spectrum, so that if you hear music or other programming that you enjoy on the car radio, it will be possible to download information about the song from the radio - where to buy it, the biography of the artist, etc.\textsuperscript{66}

8.58 Statistics show that the average Australian household has 7 radios.\textsuperscript{67} However, these radios are only capable of receiving current analog transmissions, and there are likely to be significant expenses for listeners wishing to use digital radio services in the short-medium term, as receivers may cost between $1000-$1500.\textsuperscript{68}

8.59 Whilst broadcasters believe that the public will want to use this technology, notwithstanding the cost,\textsuperscript{69} there are obvious questions of equity of access to broadcasting services, particularly in the provision of radio programming for children and adolescents.

8.60 The equity debate has focussed upon possible regulation by the Commonwealth Government for the continued provision of analog radio services during the introduction of digital radio broadcasting for an, as yet, unspecified period of time.

8.61 The Digital Radio Advisory Council, established by the Commonwealth Department of Communications, Information Technology and the Arts, recommended that no target date should be set for phasing out analog services,\textsuperscript{70} whilst the Victorian Communications Law Centre has argued that a dual system should run for 20 years, to enable the price of the technology to come down, and make services more accessible.\textsuperscript{71}

8.62 Whilst an initial investment will be required to switch to digital radio, it is argued that in the longer run it has the potential to be lower cost per station than present analogue transmissions. This lower cost combined with the narrower bandwidth required for digital
delivery, may result in more stations within a given market and should enable the
development of niche stations that are able to cater to specific tastes in music and other
programming.72

8.63 However, the development of such niche stations is dependent upon sufficient market
interest and the consequent ability to attract advertisers, which may disadvantage children
and adolescents who have limited disposable income and tend to station-switch.

8.64 It has also been suggested that the introduction of digital radio may have parallels
with the earlier introduction of FM radio in Australia. FM radio was aimed at the 18-30 age
group, playing album music rather than chart hits, and is considered to have contributed
substantially to the decline of teenage radio listening.73

8.65 The Digital Radio Advisory Council also recommended that existing free-to-air
broadcasters and narrowcasters should have a right to automatic access to digital radio
broadcasting facilities, which could provide some degree of equity of access to the general
community. Such access would not, however, guarantee any greater level of programming
for children or adolescents than presently provided by those broadcasters.74

Educational and children's programming

8.66 There is potential for digital broadcasting to provide an enormous range of
educational programming, in conjunction with State education departments and national
curricula. Examples provided to the Committee of possible programming included literacy
skills; creative writing; languages other than English; and music programs.75 Radio Australia
is currently moving in this direction, offering on-line delivery of radio, which allows the
reading and hearing of reports and discussion simultaneously, opening up a number of
windows to education, with pronunciation guides and language learning.76

8.67 The development of more educational and curriculum based radio programming for
children could not only fill a gap in the provision of children's radio services in Australia, but
could also facilitate a core shared culture, with children across the country growing up with
shared experiences via radio.

8.68 Most schools, for example, used to tune in to the 'Let's Sing' and 'Music for Schools'
programs, and children grew up learning to sing the same songs. Whilst Australia may
arguably be moving towards a more diverse culture, which has its strengths and weaknesses,
a degree of common culture remains important.77
8.69 There is also potential for digital radio programming to offer general entertainment to children, as many stations will have extra capacity and require additional content. However, the funding imperatives of the new digital broadcasters may require advertising revenue to support stations. It may therefore be necessary, in order to bridge the funding gap, for digital broadcasters to attract sponsors such as large corporations, which may be prepared to sponsor rather than directly advertise.\textsuperscript{78}

Additionally, whilst digital broadcasting could offer potential benefits for children, there will also be a need for content to be culturally appropriate, ie. new, innovative and Australian, rather than a reproduction of U.S. content, \textsuperscript{79} as discussed with regard to pay TV.

### Endnotes

2. Endeavour Forum, *Submission #51*.
4. Australian Broadcasting Authority, *Evidence*, 3 June 1998. It should be noted that section 4.1(d) of the ABC Code of Practice provides guidelines on the reporting of suicide in news and current affairs, and that section 9.7.5 of the ABC Editorial Policies provides similar guidelines with regard to general program standards.
7. Women's Action Alliance (Vic) Inc., *Submission #15*.
9. Section 1.3(a), *Code 1 - Programs Unsuitable for Broadcast*, Federation of Australian Radio Broadcasters.
10. Sections 1.3(c), *Code 1 - Programs Unsuitable for Broadcast*, Federation of Australian Radio Broadcasters.
11. Section 1.5 (a) & (b), *Code 1 - Programs Unsuitable for Broadcast*, Federation of Australian Radio Broadcasters.
12. Section 1.6 & 1.7 *Code 1 - Programs Unsuitable for Broadcast*, Federation of Australian Radio Broadcasters.
13. Section 1.7 *Code 1 - Programs Unsuitable for Broadcast*, Federation of Australian Radio Broadcasters.
14. Section 1.4 & 1.8 *Code 1 - Programs Unsuitable for Broadcast*, Federation of Australian Radio Broadcasters.
15. Section 1.8, *Code 1 - Responsibilities of broadcasting to the community*, Community Broadcasting Association of Australia.
17. Section 2.1(c), *Code 2 - Guidelines for general programming*, Community Broadcasting Association of Australia.


Mr Russell Stendell, Australian Broadcasting Corporation, *Submission # 50*.


Australian Broadcasting Corporation, *Submission # 48*.

Ms Elizabeth Hibbs, private citizen, *Submission #17*.

Media Group, St Leonard's Parish, Glen Waverley, *Submission #29*.

Endeavour Forum, *Submission #51*.

Ms Helena M. Bradley, Parents and Friends representative, St. Monica's Catholic Primary School, *Submission #11*.


Ms Elizabeth Hibbs, private citizen, *Submission #17*.


CHAPTER 9

ELECTRONIC COMMERCE

Introduction

9.1 Electronic commerce (‘e-commerce’/‘e-business’/‘on-line retailing’) which utilises the Internet to promote or sell products or services is set for exponential growth, with every possibility that the landscape of commerce and finance and the manner in which Australians conduct business will be revolutionised.

9.2 Over 740,000 Australians purchased or ordered goods or services over the Internet in the 12 months to February 2000. At 8%, men were more then twice as likely to shop online than women at 3%. As well, adults living in metropolitan areas were also more than twice as likely to shop online at 7% as compare to regional areas at 3%. In addition, those earning $40,000 or more were four times more likely to shop online than those making less then $39,999, 12% as compared to 3%.  

9.3 The Committee is aware that already national and international markets are developing whereby a range of products can be purchased via the Internet. Currently, $6 billion of business and commerce is conducted per annum in the United States of America. (This is predicted to increase to $300 billion by 2002.) It is estimated that in 1997 e-commerce and on-line retailing in Australia was an $85 million industry (0.02% of Gross Domestic Product). Another example of the e-commerce revolution is illustrated by the 20% of Australian households with computers that purchased goods and services over the Internet in the last three months of 1997. Out of some 1.6 million Internet users in Australia at the start of 1998, 1.09 million were commercial Internet users. The most recent ABS figures show that 650,000 Australians bought or ordered goods over the net last year. It is expected that in the consumer business arena, the use of the Internet for customer transactions will rise significantly over the short-term.
9.4 While the Committee appreciates that the advent of e-commerce and on-line retailing presents opportunities for both business and the consumer, it is of the view, however, that e-commerce will only ever be viable if consumers are confident that there is protection from unethical business conduct. International commerce has always posed potential difficulties for overseas consumers trying to enforce their rights. Accordingly, all business and commercial enterprises have a vested interest in building and maintaining confidence in privacy and security issues. In terms of the Committee’s reference security of access, payment and confidentiality have been identified as important considerations for families in Victoria.

Problems with E-commerce

Payment

9.5 Provision of secure payment methods is essential to creating a safe and efficient online marketplace. The success of electronic commerce is largely dependent on the availability of online mechanisms for payments. Research shows that concerns about the security of online payment methods is the area of greatest concern to consumers who are considering making an online transaction.

9.6 The risk to consumers of using credit cards is twofold. First, information such as credit card details and personal information could be intercepted on route to the trader and used improperly by a third party. Secondly, the business itself might improperly use the information, or a breach in electronic security allows third parties access. The increasing effectiveness of security measures such as encryption should help increase consumer confidence in the safe handling of payment information. However, identifying disreputable traders who might misuse payment information is a more difficult problem for consumers. Educating consumers on the information that reputable traders should provide may help consumers in making these decisions.

9.7 Credit card companies have been active in seeking to minimise fraud and to protect their clients in the Internet environment. As credit card payments are likely to be the primary form of consumer payment for Internet transactions, providers of such credit facilities have a clear interest in promoting consumer confidence in online commerce. Initiatives such as the development of the Secure Electronic Transaction (SET) system by payment card companies will help to protect consumers and traders from fraud. In the future, such systems may offer a greater level of protection than current methods.
9.8 Another consumer protection initiative operated by credit card companies involves ‘chargebacks’. This allows a credit card holder who paid for goods or services using the credit card to dispute certain or all aspects of the transaction through the payment card issuer. Where disputes occur, chargebacks allow consumers to bypass legal proceedings and may also encourage the co-operative resolution of consumer complaints by traders wishing to retain their status with the card company. Chargebacks can help to increase consumer confidence in electronic commerce by allowing consumers to place greater reliance on the trader’s representations.

**Redress**

9.9 The cross-border nature of electronic commerce means that access to redress for consumers is often very limited. Access to effective forms of redress is essential for consumers engaging in electronic commerce. If Australia is to establish a reputation as a centre of excellence in electronic commerce, the provision of adequate, effective, speedy and inexpensive redress for Australian and overseas consumers shopping in Australia will be essential.

9.10 Existing forms of redress in Australia include specialist courts and tribunals as well as national self-regulatory dispute schemes for specific industry sectors, such as financial services and telecommunications. Some disputes, where both the consumer and trader are located in Australia, may be settled using these existing redress mechanisms.

9.11 The unique features of electronic commerce, including the prevalence of cross-border transactions, will require the development of other dispute resolution mechanisms specifically for online transactions. Redress should be available to overseas consumers shopping in Australia and for domestic consumers.

9.12 The issue of redress for Australian consumers dealing with overseas businesses is difficult and current protection is extremely limited. Even where overseas dispute resolution is available, it is often impractical due to the distances involved. However, access to redress will be crucial if consumer confidence is to be improved. In this context it is worth noting that most transactions in Australia involve businesses overseas.\(^{11}\)

*Recommendation 37: Australian On-line providers should be encouraged to adopt guidelines in relation to redress and complaint management which are clearly stated and available as part of their website.*
Jurisdiction

9.13 There is currently no international agreement on how to determine the appropriate jurisdiction for electronic commerce transactions. The situation where a business and consumer are resident in different states or countries raises two related problems. First, there is the problem of establishing the appropriate jurisdiction for the contract between the business and the consumer. Secondly, the appropriate forum for resolving any subsequent dispute. Different jurisdictions can have significantly different laws on consumer contracts and consumers who are dealing with a supplier outside their jurisdiction may not be protected by domestic consumer protection laws.

9.14 There are currently a variety of views on whether consumer contracts should be regulated according to the consumer’s country (or state) of residence or according to the trader’s country (or state) of origin, or according to the law of any jurisdiction agreed on by the consumer and the trader. This raises the difficult issue of whether the trader or the consumer should bear the burden of understanding the laws of different jurisdictions when engaging in electronic commerce.

9.15 Emerging International practices in this area are likely to be greatly influenced by existing principles established in several international conventions and treaties, some of which stipulate that, although traders can specify the law of a particular jurisdiction as the applicable law, this should not deprive a consumer of the protection afforded them by their country of residence at the time when the contract was formed.

Privacy

9.16 The technology used in electronic commerce increases the ability of business to collect consumers’ personal information. Maintaining the privacy of personal information is important to increasing consumer confidence in electronic commerce.

9.17 Protection of personal information is a long-standing issue for consumers. Many consumers are anxious to ensure that they do not receive unsolicited advertising material as a result of providing information to businesses. In the past, personal information about consumers, gathered means other than the Internet, has been traded and then used for direct marketing campaigns.

9.18 The potential for gaining information about individuals and using it is greatly increased on the Internet. For example, the use of ‘cookies’ can provide traders and other organisations with the opportunity to develop profiles of users by monitoring the particular
parts of a site that a user accesses. A cookie is a small piece of information sent to a consumer’s computer from a Web site and written to the computer’s hard disk. Cookies provide a Web site with the means of identifying a consumer and can be used for such things as identifying repeat customers; storing password and membership information; recalling personal preferences; and tracking the way people navigate through a Web site. Most popular Web browsers allow consumers to set their preferences to warn them that a cookie is about to be received.

9.19 There is also increasing concern about the use of this information for sending unsolicited e-mails or ‘spam’. The risk of consumers receiving unsolicited electronic messages is increased by the low cost of sending them compared to conventional mail or phone calls.

9.20 A recent survey undertaken by Freehill, Hollingdale & Page found that Internet users are becoming increasingly concerned about their privacy. In particular, Internet users are:
sceptical about the security of sensitive personal information disclosed across the Internet,
uncertain about how personally identifiable information will be used or disclosed by the recipient organisation and concerned about unsolicited advertising material and other intrusions into their personal cyberspace.\textsuperscript{13}

9.21 The survey also included polling of E-commerce providers. Encouragingly 80\% of respondents had adopted either an industry based or some other recognised privacy protection code, 97\% of respondents did not disclose personal information obtained through their websites to other organisations and 77\% of respondents offered electronic payment facilities that provided secure (encrypted) transmission of personal data.\textsuperscript{14}

9.22 Other findings were indicative of the need for a greater commitment to and better communication of privacy protection policies: only 18\% of respondents offered their website visitors options to protect users' personal privacy; only 12\% of respondents had a privacy statement accessible from their website; and only 6\% of respondents utilised independent external auditors to monitor their compliance with privacy standards.\textsuperscript{15}

9.23 The Committee agrees with the conclusion of the survey that:

\begin{quote}
Enhancing the level of confidence in Internet usage will involve: commitment by Australian companies to fair information handling practices and the prominent display of privacy protection statements on their websites, clear and unambiguous explanations of information usage practices offering website visitors options to protect their privacy taking a pro-active approach to educating consumers about how to protect their own privacy on the Internet and a commitment to independent monitoring and auditing of privacy protection measures.\textsuperscript{16}
\end{quote}
9.24 As a response to these concerns the Minister for Communications, Information Technology and the Arts and the Attorney General co-sponsored the Federal Government's initiative to amend the Privacy Act 1988 to extend privacy protection to the private sector. The Attorney General introduced the legislation into Parliament on 12 April 2000. The Bill amends the Privacy Act 1988 and concerns the creation of a national scheme to provide for the collection, holding, use, correction, disclosure and transfer of personal information by private sector organisations. State and Territory laws that provide for such use of personal information will continue to operate to the extent that they are not inconsistent with the provisions of the Bill. The Explanatory Memorandum refers to the Bill as 'part of the Commonwealth Government's commitment to enacting balanced privacy legislation for the private sector to ensure that full advantage may be taken of the opportunities that electronic commerce presents for Australian business within Australia and overseas.'

9.25 The Bill provides benchmarks, but private sector organisations can adopt higher standards, such as an opt-in approach. For example, the Internet Industry Association has recently adopted a code that includes a qualified opt-in approach (see Appendix E). This issue is also being considered by the Minister for Financial Services and Regulation in the context of a model code for internet traders.

9.26 The Federal Government subsequently referred the Privacy Amendment (Private Sector) Bill 2000 to the House Standing Committee on Legal and Constitutional Affairs, which tabled a review of the legislation with recommended amendments in June 2000.

**Information**

9.27 Access to adequate information is essential for consumers to make informed decisions in the online marketplace. A lack of adequate information is more likely to occur in electronic commerce than conventional transactions.

9.28 Before consumers enter into an online transaction, they need information that allows them to make an informed decision. Provision of this information will facilitate electronic commerce with benefits for both business and consumers. The nature of electronic commerce means that consumers need additional information to conventional transactions.

9.29 In particular, consumers need information on:

- The identity and location of a business; and
- The details of the contract (including delivery arrangements, warranties, returns, refunds etc.).
Chapter 9: Electronic Commerce

9.30 Obtaining information on the identity and location of a trader is essential for consumers to be confident that they are dealing with a reputable business. Such information is often readily apparent in the traditional marketplace but this is not the case in electronic commerce where the only information that a consumer will definitely have is the location of the supplier’s home page. This will not even categorically indicate which country the supplier is in. It is, therefore, important that businesses provide consumers with their physical location as well as relevant contact information.

Recommendation 38: Australian On-line providers should be encouraged to provide extensive and accurate information on the nature of their organisation, including where they are located and how they can be contacted.

9.31 Information on the terms and conditions of a contract is particularly important in electronic commerce. In online transactions there is often a considerable distance between the trader and consumer. This complicates issues such as the delivery of products, returns, refunds and after sales service. More detail on the information that businesses should provide to consumers is contained in Consumer Protection in Electronic Commerce: Principles and Key Issues that was developed by the National Advisory Council on Consumer Affairs. Businesses engaging in electronic commerce should provide consumers with the information they need to make informed decisions.

9.32 Consumers International has completed a study evaluating consumer experiences in buying 150 items from 17 countries. It looked at three stages of the online buying process—placing the order, delivery of goods and returns. It found a lack of information available to consumers at all stages of the process which was likely to reduce consumer confidence, at least in the short term.

9.33 The main recommendations of Consumers International are designed to improve the transparency of online buying by keeping consumers informed at all steps—providing the full price, conditions that are applicable, time of delivery, and the mechanisms for returns and complaints. There should be no ambiguity in the ordering process, and there should be clear security and privacy policies so that consumers can make informed decisions before purchasing. Its key findings and recommendations are below.
Key findings

<table>
<thead>
<tr>
<th>Finding</th>
<th>Overall % of Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pricing information was clear</td>
<td>76%</td>
</tr>
<tr>
<td>Indication of stock availability</td>
<td>22%</td>
</tr>
<tr>
<td>Terms and conditions presented before purchase finalised</td>
<td>27%</td>
</tr>
<tr>
<td>Payment options available</td>
<td>85% credit card, 25% debit card, 29% non-Internet</td>
</tr>
<tr>
<td>Order was confirmed</td>
<td>64%</td>
</tr>
<tr>
<td>Returns policy available</td>
<td>53%</td>
</tr>
<tr>
<td>Privacy policy available</td>
<td>21%</td>
</tr>
<tr>
<td>Secure site used for ordering</td>
<td>61%</td>
</tr>
<tr>
<td>Complaints procedure available</td>
<td>32%</td>
</tr>
<tr>
<td>Returns procedure easy to follow</td>
<td>62%, 67% had restrictions on returns</td>
</tr>
<tr>
<td>Opportunity to review purchase</td>
<td>89%, 49% had an opportunity to cancel the order</td>
</tr>
<tr>
<td>Met target time for delivery</td>
<td>59% gave a target, but only 54% met it</td>
</tr>
<tr>
<td>Goods contained receipt</td>
<td>44%</td>
</tr>
<tr>
<td>Problems in obtaining a refund</td>
<td>21%</td>
</tr>
</tbody>
</table>

Recommendations

- The total cost of the purchase should be given before the order is completed, including taxes and delivery charges.
- Retailers should state up front the locations where they'll deliver.
- The legal aspects of the purchase (terms and conditions) should be offered before completion of an order.
- There should be three stages to the ordering process:
  First, an expression of interest in buying (by adding an item to a shopping cart for example); secondly, an opportunity to review the details of the order to confirm them; finally, there should be a clear final stage where the customer agrees to the order.
- Web sites should only collect essential information.
Chapter 9: Electronic Commerce

- There should be an explicit privacy policy available. Customers should be told why information is being collected, and given a choice to opt in to mailing lists and similar marketing devices, rather than it being the default.

- There should be a clear returns policy shown before ordering, which should be also delivered with the goods.

- There should be a complaints procedure, including how to complain and who to complain to. Target times for response should be given. 24

E-commerce Codes of Practice

9.34 The concept of an e-commerce code of practice is now seen as essential, and business is being encouraged to develop appropriate and workable regulatory codes. 25 Industry codes have become even more important given the difficulty of extending the Privacy Act to the private sector. 26 The Australian Banking Industry Ombudsman explains that, “While some new issues arise for sellers and consumers using the new media, the existing rules for traders, and the conduct for transactions, should still apply.” 27 For example, Australians buying goods and services from Australian-based companies are protected by the Trade Practices Act 1974. Yet, where consumers purchase items outside the country, there is a risk of potential difficulties should a dispute arise over some aspect of the transaction. E-commerce is unlikely to be as successful as imagined if the public perception of on-line security is negative. 28 An adequate level of security for each type of transaction should be part of the standard contract between consumer and trader.

9.35 Model codes assist industry to adopt the elements of effective self-regulation. To assist industry to self-regulate in this area, the Federal Government, through the Department of the Treasury, has agreed to work with industry and consumer groups to develop a model code of conduct for electronic commerce. This code will set standards in a range of areas including: the provision of information to consumers, identification of businesses, good business conduct, security of payments, dispute resolution, privacy, advertising and marketing. The Government will review and respond to identified and emerging consumer problems in the electronic marketplace, in close consultation with industry and consumer groups. The Government will closely monitor industry self-regulatory schemes to ensure that they are effective.

9.36 In developing a model code, the Government is supportive of industry efforts to develop codes of conduct for the Internet, such as the Internet Industry Association’s (IIA) recently released Internet Industry Code of Practice. 29 The proposed model code would build on the IIA’s code in relation to consumer issues such as dispute resolution, as well as
incorporating the elements of the *Consumer Protection in Electronic Commerce*\textsuperscript{30} principles. Model codes have previously been used by the Ministerial Council on Consumer Affairs to assist industry self-regulation in the direct marketing industry.

**E-commerce Security**

9.37 One means of assisting on-line security is by using the method of Secure Electronic Transaction (SET). SET technology digitalises and encrypts personal information as a form of digital signature which, in turn, identifies and verifies both the purchaser and the trader. In the United States, a logo system is being trialed in which clicking on a logo on a retailer’s site checks back with the purchaser to ensure that the site is legitimate (sometimes called ‘end-to-end validation’). The logo system means that the retailer accepts liability for the data and has insured against mishaps. Intended as a global standard for credit card transactions, SET has the support of the major banking institutions and card issuers, but is yet to be formally ratified.\textsuperscript{31}

9.38 The key factor in developing the new electronic marketplace is consumer confidence and adequate protection.\textsuperscript{32} The United Nations has considered this matter and has produced *Guidelines for Consumer Protection*, which facilitate and enhance the benefits of trade for both consumers and business.\textsuperscript{33} The UN Guidelines set out 12 principles to govern electronic trade, beginning with achieving appropriate levels of protection in the electronic marketplace. These are similar to those in traditional trade and touch on the need for plain language and avoidance of jargon to create ease of use. Other principles deal with properly establishing the identity and location of an on-line trader, getting comprehensive information before and after a purchase and how complaints should be handled.

**Commonwealth Government Initiatives**

9.39 Although the previous Victorian Government pursued the need for a State legislative framework for electronic commerce, it ‘strongly support[ed] the establishment of an appropriate regulatory framework at a national level by monitoring industry developments and supporting suitable federal initiatives’.\textsuperscript{34} Indeed, the federal Attorney-General has said that ‘all [Australian] Governments, through their involvement with the Online Council, have expressed their strong desire to rapidly and effectively develop the information economy in Australia’.\textsuperscript{35} The Standing Committee of Attorneys-General has recognised also ‘the need for swift, cooperative and uniform action to encourage the information economy in Australia to grow’.\textsuperscript{36}
9.40 The objective is to build a framework of law and regulation for the information economy in Australia that:

- secures the confidence of all Australians;
- provides at least the same level of protection for consumers engaged in electronic commerce as is provided for other forms of commerce;
- favours market-based regulation led by industry, with government support and – where appropriate – statutory back-up;
- is nationally consistent across States and Territories;
- is consistent with widely agreed international positions – in light of the global nature of electronic commerce, government-based or industry-based approaches should be coordinated and harmonised domestically and internationally, as far as possible.

9.41 Work is progressing in relation to the following key priorities:

1. Legal framework for electronic commerce – The Commonwealth *Electronic Transactions Act 1999* (ETA) is now in place, and it aims to give electronic transactions the same weight in law as off-line transactions. Responsibility for the ETA is with the Attorney-General's Department. Complementary State and Territory legislation is to be enacted by end 2000.
2. Security and authentication – the Commonwealth has established a National Electronic Authentication Council.
3. Privacy and data protection – as previously mentioned the Commonwealth’s has introduced the *Privacy Amendment (Private Sector) Bill 2000* into Parliament.
4. Online content regulation – the Commonwealth’s draft legislation was passed by Parliament in May 1999.
5. Domain name system – a not-for-profit organisation, the .au Domain Administration (auDA), was established in April 1999 to administer the .au domain space.
6. Consumer protection – an exposure draft of the Commonwealth's policy framework for consumer protection in electronic commerce was released in May 1999.37

9.42 The Government will pursue a range of initiatives, many of which are already in progress, to promote the objectives outlined above. These initiatives fall into five categories:

- Self-regulation.
- International Co-operation.
- Education.
9.43 In addition the Government set up the Australian Information Economy Advisory Council (AIEAC) as the chief advisory body for industry and community input to the Commonwealth Government on the information industries and information economy issues.

**Dispute resolution**

9.44 Ensuring that effective, accessible and inexpensive dispute resolution mechanisms are available to consumers is an integral part of consumer protection and will be essential to establish Australia’s reputation as a centre of excellence in consumer protection. As part of developing an effective industry code, the Government, through the Department of the Treasury, will consider how best it can provide support for a trial industry dispute resolution scheme.

9.45 The Government will work with consumers, industry and other government bodies such as State and Territory consumer protection agencies to research the number and type of complaints that consumers have regarding electronic commerce. The Government will then assess whether the special nature of electronic commerce and the problems which consumers are experiencing justify supporting a specialised form of dispute resolution for Internet commerce.

9.46 Such an industry based dispute resolution mechanism would differ from previous schemes by covering all businesses engaging in electronic commerce. Previous schemes have generally been limited to particular industry sectors. Such a scheme would confer significant benefits on traders who undertook to participate in it. Indicating compliance with such a scheme would significantly improve consumer confidence, particularly in small and medium sized businesses that do not have the brand recognition of larger overseas companies.

**International co-operation**

9.47 The consumer protection issues which are confronting Australia are also confronting other countries. A unified and co-ordinated approach to addressing these issues will ensure that consumers are able to confidently participate in electronic commerce. The Federal Government is committed to working with other governments (both bilaterally and in international fora) to establish and promote dialogue, information exchange and co-operation
on all issues relevant to electronic commerce, including international consumer protection issues, at both the policy and enforcement levels.

9.48 The Australian Government participates in various international fora, such as the OECD and APEC, to ensure that consumer interests are advanced in electronic commerce. Participation in the OECD and APEC is important as they are inter-governmental, multilateral bodies and in view of the cross-border nature of electronic commerce, consumers will rely heavily on inter-governmental bodies to come up with the right framework for consumer protection.

9.49 Australia has been an active contributor to the work of the Committee on Consumer Policy within the Organisation for Economic Co-operation and Development (OECD). The Committee on Consumer Policy is currently preparing draft Consumer Protection Guidelines for Electronic Commerce. Australia has undertaken extensive consultation with industry bodies, consumer groups and government departments on the draft guidelines.

9.50 Australia has negotiated a Joint Statement with the United States on electronic commerce and is currently negotiating a joint agreement with Japan and is involved in preliminary negotiations with New Zealand, the European Union and Canada.

**Legal framework**

9.51 In addition to the initiatives outlined below, the existing legal framework provided by the Trade Practices Act 1974 and the Corporations Law also applies to electronic commerce as well as traditional transactions. This existing framework provides the necessary certainty for both consumers and business in the majority of areas.

**Electronic Transactions Act**


9.53 The Act creates a light handed regulatory regime for using electronic communications in transactions. The Act facilitates electronic commerce in Australia by removing existing legal impediments that may prevent a person using electronic communications to satisfy legal obligations under Commonwealth law. The Act gives business and the community the option of using electronic communications when dealing with Government agencies.
9.54 The Act identifies four types of requirements under a law of the Commonwealth that can be met in electronic form:

(a) a requirement to give information in writing (section 9);
(b) a requirement to provide a signature (section 10);
(c) a requirement to produce a document (section 11); and
(d) a requirement to record or retain information (section 12). 40

9.55 A person must consent to receiving electronic communications. Consent can be inferred from a person's conduct. The consent provisions do not extend to Commonwealth entities. This would be inconsistent with Government's commitment to delivering all appropriate Commonwealth services electronically.41

9.56 As the Commonwealth is excluded from the operation of the consent provisions, they must accept electronic communications. However the Commonwealth is given certain specific powers. The ability to satisfy a legal requirement electronically is conditional upon a person complying with any particular information technology requirements for communication with a particular Commonwealth agency, including any particular electronic signature technology that must be used, and any action a person must take to verify receipt of information.42

9.57 The Act provides that any other laws that deal specifically with the use of electronic communications to satisfy writing, signature, production or retention requirements will be preserved. It is not the intention of the Act to override any existing or future laws that deal specifically with these matters.43

**Uniform Australian Legislation**

9.58 A uniform national approach to electronic transactions is essential to the success of electronic commerce in Australia. To this end the Commonwealth Government has worked in close cooperation with the State and Territory Governments to develop the uniform Electronic Transactions Bill 2000. The uniform Bill is closely modelled on the Commonwealth's Electronic Transactions Act 1999 and mirrors the substantive provisions of the Commonwealth's Act. On 3 April 2000 the Attorney-General announced that all jurisdictions had endorsed the uniform Bill.

9.59 When enacted by the States and Territories the uniform Bill will have two important effects. First, it will allow people to deal with many State and Territory departments and agencies electronically in a much the same way that they are now able to deal with many
Commonwealth departments and agencies following the enactment of the Commonwealth's Act.

9.60 The Bill will also apply to contract law. All contracts in Australia are based in the laws of the States and Territories. Enactment of the uniform Bill will mean that the law will make absolutely clear the general principle that a person can enter into contracts electronically.

9.61 The Electronic Transactions Bill 2000 was introduced into the Victorian Parliament on 6 April 2000. The Act was given Royal Assent on 16 May 2000 and will come into operation on 1 September 2000.

**Principles for handling of cross-border disputes**

9.62 It is the Committee’s view that due to the cross-border nature of electronic commerce a uniform approach between the States, Territories and the Commonwealth is essential to effective consumer protection. The States, in conjunction with the Commonwealth, are formulating guidelines to determine the relevant enforcement body for the handling of cross-jurisdictional disputes relating to electronic commerce. These principles will establish which State, Territory or Commonwealth agency will be responsible for handling a complaint relating to electronic commerce where the trader and consumer are located in different jurisdictions in Australia. In the view of the Committee this will simplify the process of investigating consumers’ complaints.

**National Electronic Authentication Council**

9.63 The National Office for the Information Economy (NOIE) released a discussion paper in August 1998 containing a proposal for a National Authentication Authority (NAA). The rationale for the creation of a NAA has been explained as follows:

> the NAA would provide independent reassurance that providers of authentication services meet international best practice standards, but in a way that did not constrain the market in its search for viable technologies and business models. The incentive for businesses to have themselves and/or their systems and/or their technologies approved by the NAA would be increased user acceptance and increased marketability.

9.64 At the end of consultation the Minister for Communications, Information Technology and the Arts, Senator Richard Alston, announced the establishment of the National Electronic Authentication Council (NEAC):

> Electronic authentication (EA) can be thought of as providing the digital equivalent of physical signatures, or to forms of identification such as driver's licences and passports.
There has been widespread concern within industry that consumer and small business distrust of electronic transactions is inhibiting the development of online commerce. The Government recognises that it has a leadership role to play in building trust. However, the market for authentication technologies is developing rapidly, and it is important that any government involvement adopts a "light touch" approach.  

9.65 The NEAC will:

- provide a national focal point on authentication matters including, where appropriate, co-ordination of authentication-related activities at a national and international level; provide advice to Government on authentication and related matters and monitoring market developments in authentication;
- oversee the development by industry bodies and Standards Australia of a framework of technical standards and codes of business practice on authentication matters (including, as appropriate, promoting future interoperability between authentication systems) and provide policy advice to those processes;
- provide information and advice to industry and consumers on authentication issues such as a broad 'map' of authentication technology types and best practice relating to electronic authentication which Australian organisations and companies will be encouraged to follow; and
- as the Government expands its delivery of services online, facilitate the wider use of authentication products issued by Government agencies for other transactions.  

Consumer Education

9.66 Consumer protection information can assist consumers in assessing the advantages and the risks associated with electronic commerce and in minimising those risks. Consumer protection information can also assist business to adopt best practice initiatives and to reduce the possibility of misunderstandings with consumers. Government can play a role in facilitating the growth of electronic commerce by providing this information. Consumer education material should be provided online to consumers as well as in a conventional manner so that consumers who are not yet using the Internet will be made aware of the potential advantages of electronic commerce.

9.67 A coordinated approach between those responsible for education is essential to ensuring consumers and business are provided with accurate and up to date information. The Federal Department of the Treasury in conjunction with the National Office for the Information Economy (NOIE) is preparing material that will give consumers balanced information on the advantages and the risks of shopping online. This will include a number
Chapter 9: Electronic Commerce

of ‘fact sheets’ containing useful information for consumers shopping online. Information for consumers will need updating regularly to reflect the changes that are occurring in the online marketplace.

9.68 The Australian Competition and Consumer Commission (ACCC) and the Australian Securities and Investments Commission (ASIC) and State and Territory fair trading bodies will also be actively involved in this area.

9.69 The Commonwealth Department of the Treasury, Consumer Affairs Division has established an Internet ‘one-stop-shop’ for consumers, intended as a major source of consumer protection information in Australia. The site includes material and links related to: product recalls and product safety, consumer complaints and enquiries, electronic commerce and shopping on the Internet, legislation and legal resources, relevant organisations, children as consumers.

Gambling Online

9.70 Problem gambling has become a major social concern in Australia and since it’s advent interactive wagering or online gambling has grown rapidly. It is estimated that overall, around 293,000 adults (or 2.1 per cent of the adult Australian population) have significant problems associated with gambling. As well as the gambler, family, friends and financial partners may also be adversely effected by serious gambling problems.

9.71 Following the Prime Minister's release of the Productivity Commission's report of the Inquiry into Australia’s Gambling Industry on 16 December 1999, the Federal Government decided to act to control the industry while in its infancy. The National Office for the Information Economy was instructed to coordinate the development of a Commonwealth position on interactive wagering and gaming. Whilst the regulation of gambling has traditionally been a State responsibility, the Commonwealth has a direct responsibility in relation to the use of the Internet for gambling. The Government is particularly concerned about the effect of a rapid expansion of interactive gambling and will be investigating the feasibility and consequences of banning interactive gambling.

9.72 In a statement accompanying the release of the Productivity Commission report, the Prime Minister expressed the Government's concern about the growth of gambling in Australia and the need to improve services to problem gambling. The Prime Minister also called for the establishment of a new Ministerial Council to provide national leadership on the issue of gambling.
Excessive gambling blights the lives of thousands of Australians and their families every year. Problem gambling has become a major social concern. The challenge for all governments in Australia is to find a response which balances the undoubted right of individual Australians to gamble if they wish with the ongoing responsibility of governments for overall community welfare.  

9.73 The first meeting of the Ministerial Council on Gambling was held on 19 April 2000. The Commonwealth Government's representatives at the meeting, the Ministers for Family and Community Services and for Communications, Information Technology and the Arts, Senators Newman and Alston, called on the States and Territories to join it in a 12-month moratorium on new forms of interactive gambling in order to allow the Council to fully examine the feasibility and consequences of banning new interactive gambling services. The majority of States and all of the self-governing Territories rejected the Commonwealth's call for a moratorium. Only NSW supported the Commonwealth's call and Western Australia provided qualified support.

9.74 On 27 June 2000, the Minister for Communication, Information Technology and the Arts and the Minister for Family and Community Services announced that during the Spring Sitting of Parliament the Commonwealth intended to introduce legislation that would:

- impose a 12-month moratorium with effect from 19 May 2000 on the introduction of new interactive gambling services—including new services being offered by existing providers;
- apply to all Australian-based interactive gambling service providers regardless of whether or not the service targets Australian residents;
- be based on the date of introduction of new interactive gambling services and not the date of licensing;
- broadly cover all forms of interactive gambling including gaming and wagering with specific exclusions for those services not intended to be affected (eg phone betting and online stock trading); and
- impose maximum penalties of up to $1.1 million a day and be enforced by the Australian Federal Police as a criminal offence.

A moratorium provides a break in the further expansion of interactive gambling in Australia while the Commonwealth thoroughly investigates banning this new form of gambling.

9.75 On 7 July 2000, the Minister announced that the Government, through the NOIE, would undertake a study into the feasibility and consequences of banning interactive gambling. Banning options considered will include bans on Australian hosted service providers, blocking Australian’s access to overseas gambling Web sites and blocks based on
transactions. Critics have pointed out that banning local providers may drive people to unregulated overseas providers with more risks and fewer consumer protections. Restricting access to overseas Web sites could only be done through the use of mandatory Internet filters and/or Web site block lists. As described in Chapter 7, Australia already has Internet censorship legislation that requires ISPs to block Web sites if directed to by the Australian Broadcasting Authority.

9.76 Evidence presented to the Committee by the Internet gambling company Gamble.com, argued that:

Unlike the domestic gaming industry, Internet gaming has greater control. We have histories of our customers. At the local level you can go into any club, hotel or racetrack, spend as much money as you like in each place in one day and no-one in this room will know how much you spend, but many of those things can be controlled on an Internet site.\(^{57}\)

Online security measures undertaken by Gamble.com include, registration through a 100 point identification check, a pre-arranged transfer of funds involving cleared bank transfer, as well as predetermined maximum betting limit for each player.

9.77 Further it is proposed by Gamble.com that such an online gaming environment also allows for monitoring of behaviour that–

Where players fit into a danger pattern–we can tell, because we have a history of play on each player–we can trigger screen messages to let them know that they are betting outside the normal limits or the confines of what they normally bet and that that will lead to gambling problems. We also have self-exclusion for registered players and automatic links for people wishing to seek help from problem gaming agencies.\(^{58}\)

9.78 The Productivity Commission report also examined online gambling, recognising both the low current level of use and the significant potential benefits to some consumers and scope for commercial returns. The new medium was also seen to pose significant new risks for problem gambling, representing a quantum leap in accessibility in an environment less likely to attract people other than those already gambling using conventional methods.\(^{59}\)

9.79 The Commission did not make a firm recommendation for either of the two alternative courses of action, regulation or prohibition. In the view of the Committee prohibition of online gambling would clearly reduce gambling problems associated with the Internet, but would also eliminate any benefits of the technology.

9.80 However, there also grounds for the regulation of Internet gambling, along the lines of regulations applying to other gambling forms. The Commission considered that there are ways of controlling online gambling sufficiently to exercise such regulations.\(^{60}\)
Conclusion

9.81 In the view of the Committee, setting a legal and regulatory framework for electronic commerce is a vital step in building the confidence of business and consumers that online information and transactions are authentic, private, secure and legally sound, and that redress mechanisms are available. National consistency in regulatory arrangements is essential.

9.82 Competitive, industry-based solutions to regulation are to be preferred, but governments should also provide a back-up or default regulatory regime where these solutions prove to be insufficient or ineffective. Where government regulation is necessary, it should be ‘light touch’, without unnecessary regulations and compliance costs. A co-regulatory approach strikes the best balance between the development of the information economy and the building of business and community confidence and certainty.61

Endnotes

8 W. J. Severino, Assistant Commissioner, Strategic Development Department, Victoria Police, Submission, 17 December 1998
10 The Second Annual Ernst & Young Internet Shopping Study, Ernst & Young, page 11
Chapter 9: Electronic Commerce


Inquiry into the Effects of Television and Multimedia on Children and Families


38 http://www.noie.gov.au

39 Electronic Transactions Act 1999

40 Electronic Transactions Act 1999

41 Electronic Transactions Act 1999

42 Electronic Transactions Act 1999

43 Electronic Transactions Act 1999


54 http://www.pm.gov.au/media/pressrel/1999/gambling1612.htm


57 Minutes of Evidence, Mr A. Spinks, Chief Executive Officer, Gamble.com.au Ltd, Public Hearings, June 5 2000.

58 Minutes of Evidence, Mr A. Spinks, Chief Executive Officer, Gamble.com.au Ltd, Public Hearings, June 5 2000.


APPENDICES
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Violence may be very discreetly implied or stylised, and should also be:</td>
<td>Recommended for mature audiences 15 years and over</td>
<td>- Mild in impact, and - not shown in detail.</td>
<td>Generally, depictions of violence should not have a high impact.</td>
<td>Depictions of violence which are excessive will not be permitted.</td>
<td>Available only on video. Available only in the ACT and Northern Territory.</td>
<td>Films or videos which fall within the criteria for refused classification cannot legally be brought into Australia.</td>
</tr>
<tr>
<td>V - Violence</td>
<td>Violence may be very discreetly implied or stylised, and should also be:</td>
<td>Restricted to adults 18 years and over</td>
<td>- be infrequent, and - not be gratuitous</td>
<td>Depictions with a high impact should be infrequent, and should not be prolonged or gratuitous.</td>
<td>Strong depictions of realistic violence may be shown but depictions with a high degree of impact should not be gratuitous or exploitative.</td>
<td>No depiction of sexual violence, sexualised violence or coercion, offensive fetishes, or depictions which purposefully debase or abuse for the enjoyment of viewers is permitted in this classification.</td>
<td>These include films that depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should be classified RC.</td>
</tr>
<tr>
<td></td>
<td>- have a light tone, or - have a very low sense of threat or menace, and</td>
<td>Restrictions apply to persons under the age of 15 years</td>
<td>In realistic treatments, depictions of violence that contain detail should: - be infrequent, and - not have a high impact and/or - not be gratuitous.</td>
<td>Realistic treatments may contain detailed depictions, but these should not be prolonged.</td>
<td>Depictions of violence may only be implied and should not be detailed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- be infrequent, and - not be gratuitous.</td>
<td>In stylised treatments, depictions of violence may contain more detail and be more frequent if this does not increase the impact.</td>
<td>Depictions of violence in stylised treatments may be more detailed and more frequent than depictions of violence in close to real life situations or in realistic treatments if this does not increase the impact.</td>
<td>Depictions of violence in stylised treatments may contain more detail and be more frequent if this does not increase the impact.</td>
<td>Depictions must not be frequent, gratuitous or exploitative.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>In verbal and indirect visual references to sexual violence may only be included if they are: - discreet and infrequent, and - strongly justified by the narrative or a documentary context.</td>
<td>Visual suggestions of sexual violence are permitted only if they are not frequent, prolonged, gratuitous or exploitative.</td>
<td>Visual suggestions of sexual violence are permitted only if they are not frequent, prolonged, gratuitous or exploitative.</td>
<td>Visual suggestions of sexual violence are permitted only if they are not frequent, prolonged, gratuitous or exploitative.</td>
<td>Visual suggestions of sexual violence are permitted only if they are not frequent, prolonged, gratuitous or exploitative.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Office of Film and Literature Classification Guidelines for the Classification of Films and Videotapes, Amendment No.2, 15 April 1999
<table>
<thead>
<tr>
<th>Classification categories and consumer advice symbols</th>
<th>G - General</th>
<th>PG - Parental Guidance</th>
<th>M15+ - Mature</th>
<th>MA15+ - Mature Accompanied</th>
<th>R18+ - Restricted</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>S - Sex</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual activity should:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- only be suggested in very discreet visual or verbal references, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- be infrequent, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- not be gratuitous.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual activity may be implied.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- be discreet, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- be infrequent, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- not be gratuitous.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depictions of nudity in a which contain detail should not be exploitative.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Verbal references may be more detailed than depictions, if this does not increase the impact.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| **CL - Coarse Language**                             |             |                        |               |                             |                  |
| Coarse language should:                              |             |                        |               |                             |                  |
| - be very mild and infrequent, and                    |             |                        |               |                             |                  |
| - not be gratuitous.                                 |             |                        |               |                             |                  |
| Coarse language may be used.                         |             |                        |               |                             |                  |
| Generally, coarse language that is stronger, detailed or very aggressive should: |             |                        |               |                             |                  |
| - be infrequent and                                  |             |                        |               |                             |                  |
| - not be gratuitous.                                 |             |                        |               |                             |                  |
| Coarse language that is very strong, aggressive or detailed should not be gratuitous. |             |                        |               |                             |                  |

| **AT - Adult Themes**                                |             |                        |               |                             |                  |
| Supernatural or mild horror themes may be included.  |             |                        |               |                             |                  |
| The treatment of adult themes should be discreet and mild in impact. |             |                        |               |                             |                  |
| More disturbing themes are not generally dealt with at PG level. |             |                        |               |                             |                  |
| Most themes can be dealt with, but the treatment should be discreet and the impact should not be high. |             |                        |               |                             |                  |
| The treatment of themes with a high degree of intensity should be discreet. |             |                        |               |                             |                  |
| The treatment of themes with a very high degree of intensity should not be exploitative. |             |                        |               |                             |                  |

| **DU - Drug Use**                                    |             |                        |               |                             |                  |
| Discrete verbal references and mild, incidental visuals of drug use may be included, but these should not promote or encourage drug use. |             |                        |               |                             |                  |
| Drug use may be discreetly shown.                    |             |                        |               |                             |                  |
| Drug use should not be promoted or encouraged.       |             |                        |               |                             |                  |
| More detailed depictions should not have a high degree of impact. |             |                        |               |                             |                  |
| Drug use may be shown but not gratuitously detailed. |             |                        |               |                             |                  |
| Drug use should not be promoted or encouraged.       |             |                        |               |                             |                  |
| Detailed instruction in drug misuse is not permitted. |             |                        |               |                             |                  |

<p>| <strong>N - Nudity</strong>                                       |             |                        |               |                             |                  |
| Nudity outside of a sexual context should not be detailed or gratuitous. |             |                        |               |                             |                  |
| Nudity outside of a sexual context may be shown but depictions that contain any detail should not be gratuitous. |             |                        |               |                             |                  |
| N/A                                                  |             |                        |               |                             |                  |
| N/A                                                  |             |                        |               |                             |                  |
| N/A                                                  |             |                        |               |                             |                  |</p>
<table>
<thead>
<tr>
<th>Classification categories</th>
<th>General (G) - Suitable for all ages.</th>
<th>General G(8+) - Suitable for children 8 years and over.</th>
<th>Mature M(15+)- Suitable for persons 15 years and over.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Classification criteria</td>
<td>This classification is suitable for the youngest child and should not require parental supervision.</td>
<td>Material which falls into this category would contain elements which might disturb or distress very young children. Elements which might warrant this category would include: - Depictions of unrealistic or stylised violence even where these are considered mild. - Mild horror or potentially frightening fantasy characters or situations. - The mildest expletives, but only if infrequent.</td>
<td>Material which falls into this category would contain elements which might disturb, harm or offend those under 15 years to the extent that it is recommended for use by those 15 years and over. Elements which might warrant this category would include: - Depictions of realistic violence of low intensity (e.g. punches, kicks, blows to realistic animated characters or real-life images). - Supernatural or horror scenarios, but not if graphic or impactful. - Mild sexual references. - Low level coarse language, but not if excessive.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Classification categories</th>
<th>MA (15+) - Restricted to persons 15 years and over</th>
<th>RC - Refused Classification.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Classification criteria</td>
<td>Material which falls into this category would contain elements which might disturb, harm or offend those under 15 years to the extent that it is restricted to those 15 years and over. Elements which might warrant this category would include: - Depictions of realistic violence of medium intensity (e.g. impactful punches, kicks, blows and blood-shed to realistic animated characters or real-life images). - Graphic or impactful supernatural or horror scenarios. - Strong sexual references. - Use of frequent crude language, but not if excessive, unduly assaultive or sexually explicit. - Nudity, including genital detail, but only if there is a bona fide educational, medical or community health purpose.</td>
<td>Any depiction of sexual violence or sexual activity involving non-consent of any kind; Depictions of child sexual abuse, bestiality, sexual acts accompanied by offensive fetishes, or exploitative incest fantasies. Language - Use of sexually explicit language. - Promotion or provision of instruction in paedophile activity. Detailed instruction or encouragement in matters of crime or violence, or the abuse of prescribed drugs; Depictions which encourage the use of tobacco or alcohol, or which depict drug abuse; or Depictions which are likely to endorse or promote ethnic, racial or religious hatred.</td>
</tr>
</tbody>
</table>
## Classification categories for film, video, computer games and television in Australia

<table>
<thead>
<tr>
<th>Organisation</th>
<th>All ages</th>
<th>8 years and over</th>
<th>Parental guidance recommended under 15 years</th>
<th>15 years and over - advisory</th>
</tr>
</thead>
<tbody>
<tr>
<td>OFLC Film and Video classification categories (Also used by Pay TV)</td>
<td>G - General</td>
<td>Suitable for the youngest child and should not require parental supervision.</td>
<td>PG - Parental Guidance Parental guidance recommended for those under 15 years</td>
<td>M15+ - Mature Recommended for mature audiences 15 years and over</td>
</tr>
<tr>
<td>OFLC Computer Games classification categories</td>
<td>General (G)</td>
<td>Suitable for all ages.</td>
<td>General G(8+) Suitable for children 8 years and over.</td>
<td>Mature M(15+) Suitable for persons 15 years and over.</td>
</tr>
<tr>
<td>Commercial free-to-air television classification categories</td>
<td>G - General</td>
<td>Not necessarily intended for children, but suitable for unsupervised viewing by children</td>
<td>PG - Parental Guidance Parental guidance recommended for those under 15 years</td>
<td>M - Mature Recommended for mature audiences 15 years and over</td>
</tr>
<tr>
<td>SBS television classification categories</td>
<td>G - General</td>
<td>Programs suitable for all ages and for children to watch on their own</td>
<td>PG - Parental Guidance Parental guidance recommended for those under 15 years</td>
<td>M - Mature Recommended for mature audiences 15 years and over</td>
</tr>
<tr>
<td>ABC television classification categories</td>
<td>G - General</td>
<td>Does not necessarily indicate a program which children will enjoy, but should be suitable for all ages</td>
<td>PG - Parental Guidance Parental guidance recommended for those under 15 years</td>
<td>M - Mature Recommended for mature audiences 15 years and over</td>
</tr>
<tr>
<td>Organisation</td>
<td>15 years and over</td>
<td>15 years and over</td>
<td>18 years and over</td>
<td>18 years and over</td>
</tr>
<tr>
<td>--------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>OFLC Film and Video classification categories</td>
<td>MA15+ - Mature Accompanied</td>
<td>Restrictions apply to persons under the age of 15 years (Also used by Pay TV)</td>
<td>R18+ - Restricted to adults 18 years and over (May not be shown on Pay TV without Commonwealth Parliamentary approval)</td>
<td>X18+ - Contains Sexually explicit material Restricted to adults 18 years and over. Available on video only in the ACT and Northern Territory</td>
</tr>
<tr>
<td>OFLC Computer Games classification categories</td>
<td>MA (15+) Restricted to persons 15 years and over</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial free-to-air television classification categories</td>
<td>MA- Mature Audience Suitable for viewing only by persons aged 15 years or over</td>
<td>AV - Adult Violent. Suitable for viewing only by persons aged 15 years or over. It is unsuitable for MA classification because of the intensity and/or frequency of violence, or because violence is central to the theme</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SBS television classification categories</td>
<td>MA- Mature Adult Audience Recommended for mature audiences 15 years and over</td>
<td>MAV - Mature Adult Audience - Strong Violence Recommended for mature audiences 15 years and over</td>
<td>MAZ - stronger MA material In-house classification only - not displayed to viewers</td>
<td></td>
</tr>
<tr>
<td>ABC television classification categories</td>
<td>MA- Mature Adult Audience Recommended for mature audiences 15 years and over</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Key messages for Internet use for parents and children

(taken from Report of the Children and Content Online Taskforce to the Australian Broadcasting Authority, 1998)

For parents

• As parents, you have probably already set rules for your children such as how to deal with strangers, what books they can borrow from the library and what television programs they can watch. These types of rules are also relevant online. Set appropriate guidelines within the environment (eg. home or school, depending on age and values) and discuss these with your child. Make sure the guidelines are clear and simple.

• Make using the Internet a family activity. Know what the Internet is and what it can provide, spend time with your children online. This will help instil your values in your children and serve you when you cannot be together.

• Encourage a careful approach to information (content) found online. Explore together and explore more often.

• Have the computer or online access available in a public area in the library, school, home etc. where possible.

• Encourage children to only send email to, and chat with, friends or family so they will have no need to correspond with strangers. If they do correspond online with strangers, teach your child to keep you informed.

• Teach your child not to respond if someone says something inappropriate or makes them feel uncomfortable or worried, and to always talk about it to a parent or guardian.

For children

• Always ask your parent or guardian if it's ok before you give out your name, address, email address, phone number or other personal information, or personal information about your family or friends on the Internet.

• Always tell your parents or another adult you know and trust if something on the Internet is confusing, scary or threatening.
• Always ask your parent or another adult you know to go with you if you are meeting someone you have met online, and always meet in a public place.

• Tell an adult you trust if you are sent a message, or if you are chatting online, and someone uses bad words, or the message is scary or threatening, or makes you feel uncomfortable. Don't respond to these types of messages or chat.

• Always ask your parents or guardian if it's ok before you go into an online area that asks for money, credit card details or other payment.

• Always ask your parents or guardian if it's ok before you send a picture (by email or regular mail) of yourself or your family to someone you don't know or haven't met face to face before.
INTERNET INDUSTRY CODES OF PRACTICE

CODES FOR INDUSTRY SELF REGULATION
IN AREAS OF INTERNET CONTENT
PURUSANT TO THE REQUIREMENTS OF THE
BROADCASTING SERVICES ACT 1992 AS AMENDED

December 1999

Internet Industry Association
www.iia.net.au
CONTENTS

1 Preamble ................................................................................................................. 3

2 Objectives ................................................................................................................. 4

3 Principles .................................................................................................................. 4

4 Terminology and Interpretation .............................................................................. 4

5 CONTENT CODE 1: ISP Obligations in Relation to Internet Access Generally ................................................................................................................. 7

6 CONTENT CODE 2: ISP Obligations in Relation to Access to Content Hosted Outside Australia ............................................................................................................. 9

   Designated notification scheme ............................................................................... 9

   ISP procedures in relation to access to content hosted outside Australia ....................... 9

   Designated alternative access prevention arrangements ....................................... 10

7 CONTENT CODE 3: Internet Content Host Obligations in Relation to Hosting of Content Within Australia ................................................................. 10

   SCHEDULE 1: Approved Filters ........................................................................... 13
1. **Preamble**

1.1 In relation to content control, the IIA recognises that the Internet should provide a means to enable control of access to content in certain circumstances, while acknowledging the limitations of present filtering technologies and impracticality of filtering all Internet content.

1.2 Nevertheless, the IIA endorses end user empowerment including education, the provision of information, and filtering methods as the most practical means by which responsible adults can facilitate appropriate controls, particularly in the case of children.

2. **Objectives**

2.1 The aims of this Code include:

   (a) to establish confidence in and encourage the use of the Internet;

   (b) to support systems for management of access to content on the Internet including, without limitation, resource discovery schemes and metadata systems;

   (c) to improve the fairness and accuracy of disclosure to users of the Internet and the community in general;

   (d) to provide standards of confidentiality and privacy afforded to users of the Internet;

   (e) to provide a transparent mechanism for complaint handling for the Internet industry and ensure that complaints against Code Subscribers are handled in a fair and efficient manner;

   (f) to promote positive user relations with the Internet industry.

3. **Principles**

3.1 In seeking to achieve its objectives this Code applies the following principles:

   (a) as far as possible, there should be “electronic equivalence” i.e. behaviour and transactions that can take place in the real world should be permissible over the Internet without additional requirements or restrictions;

   (b) the Code should be technology neutral;

   (c) requirements should be fair to all concerned;

   (d) requirements should not adversely affect the economic viability of the parties to the Code and the services they make available;
4. **Terminology and Interpretation**

4.1 In this Code:

- “ABA” means the Australian Broadcasting Authority.
- “Administration Council” means that body as provided for in this Code to administer this Code.
- “Approved Filter” means one of the products or services listed in Schedule 1 of this Code.
- “Code” means this Code of Practice.
- “Content” means all forms of information and, without limitation, includes text, pictures, animation, video and sound recording, separately or combined, may include software and includes a “Content Service” within the meaning of the *Telecommunications Act*, 1997.
- “Content Provider” means a person who, in the course of business, makes available the content of a Web Site or database on the Internet and includes:
  - advertisers
  - information providers
  - “content service providers” within the meaning of the *Telecommunications Act*, 1997,
  - but not a person acting in its capacity as an ISP or Internet Content Host, or a person who simply provides an automated general-purpose search engine, cache, catalogue or directory service or similar automated service
- “filter” means to restrict or deny access to a Web Page or other Internet content.
- “Home Page” means in relation to a Code Subscriber, a Web Page or interactive service used by the Code Subscriber as the starting point for users to
obtain information regarding products or services of the Code Subscriber.

“Internet” means the public network of computer networks known by that name which enables the transmission of information between users or between users and a place on the network.

“IIA” means the Internet Industry Association (ACN 071 075 575).

“Internet Content Host” has the meaning given by the *Broadcasting Services Act*, 1992 (as amended).

“ISP” stands for Internet Service Provider and means those persons so defined by the *Broadcasting Services Act*, 1992 (as amended).

“NetAlert” means the community advisory body currently known by that name within Australia, and refers to the ‘designated body’ as defined by the Act.

“Online Services Schedule” means Schedule 5 of the Act.

“person” includes partnerships, bodies corporate and the Crown.

“Potential Prohibited Content” means that content so defined by the *Broadcasting Services Act*, 1992 (as amended).

“Prohibited Content” means that content so defined by the *Broadcasting Services Act*, 1992 (as amended).

“Relevant Authority” means a body authorised by statute, ministerial direction or parliamentary intent to adjudicate on matters relevant to this Code, including questions of fact. Without limitation, Relevant Authorities include the Telecommunications Ombudsman, the Australian Competition and Consumer Commission, the Australian Broadcasting Authority, the Federal Police, each State Police service and the Racing and Gaming Authorities of each State of Australia.

“Software” means computer software.

“Suppliers” means persons who develop, import, sell or distribute Approved Filters, but excludes ISPs who merely provide filters for use in compliance with Clause 6.2 of this Code and do not determine the content or operation of Approved Filters.
“URL” stands for “Uniform Resource Locator” which is the address of a file of Content on the Internet.

“User” means a user of the Internet who is resident within Australia.

“Unsolicited Email” means electronic mail that is unrequested by the recipient and is of an advertising or promotional nature, except where the predominant purpose of the electronic mail is that of a contractual, operational or other service-related customer notice.

“Web Page” means a file of Content accessible on the World Wide Web by requesting a single URL.

4.2 In this Code where examples are provided of the manner in which a Code provision may be satisfied, these examples should not be read as limiting the manner in which the provision may be satisfied.

4.3 Where other documents are referred to in this Code by means of URLs, the URLs are intended for reference only and the operation of the Code will not be affected where the document referred to is subsequently relocated to another URL.

4.4 As stated in subclause 4(3) of Schedule 5 of the Act, the Parliament intends that Internet content hosted in Australia, and Internet carriage services supplied to end-users in Australia, be regulated in a manner that:

(a) enables public interest considerations to be addressed in a way that does not impose unnecessary financial and administrative burdens on Internet content hosts and Internet service providers; and

(b) will readily accommodate technological change; and

(c) encourages:

(i) the development of Internet technologies and their application; and

(ii) the provision of services made practicable by those technologies to the Australian community; and

(iii) the supply of Internet carriage services at performance standards that reasonably meet the social, industrial and commercial needs of the Australian community.

4.5 To give effect to Parliament's intent as expressed above, all obligations on Internet content hosts and ISPs set out in this Code will be interpreted in a manner that is consistent with that intent. Further, consistent with the Act, in this Code ISP Obligations in Relation to Internet Access to Content Hosted Outside of Australia set
out procedures that have regard to the technical and commercial feasibility of taking steps to prevent access to Prohibited Content and Potential Prohibited Content.

4.6 For the purposes of registration and amendment of Content Code 2, Schedule 1 is intended as forming part of that Code. Approved Filters are included on the basis of having met the following criteria:

(a) Ease of installation (where applicable)
(b) Ease of use
(c) Configurability
(d) Ability for updates in respect of content to be filtered having regard to the requirements of the designated notification scheme provided for in Clause 6.1 of this Code; and
(e) Availability of support.

CONTENT CODE 1

5. ISP OBLIGATIONS IN RELATIONS TO INTERNET ACCESS GENERALLY

5.1 ISPs will take reasonable steps to ensure that Internet access accounts (‘access accounts’) are not provided to persons under the age of 18 years without the consent of a parent, teacher or other responsible adult. For the purposes of this clause reasonable steps may include one or more of the following:

(a) limiting the opening of access accounts by means of a valid credit card;
(b) by requiring any application to open an access account to be accompanied by some other from of identification by which the age of the person wishing to open the access account can be reasonably ascertained;
(c) placing a prominent notice on the packaging in which the Internet access account is marketed that persons under the age of 18 years should obtain the consent of a parent, teacher or other responsible adult prior to using the Internet access account;
(d) offering a service of a kind described in Schedule 1 in association with the Internet access account or otherwise taking reasonable steps to ensure that the Internet access account does not provide access to Prohibited Content or Potential Prohibited Content such as by means as a closed content system; or
(e) including a procedure in the registration process for the Internet access account through which the person wishing to open the account confirms that they are not under the age of 18 years or that they have obtained the consent of a parent, teacher or other responsible adult prior to using the Internet access account.

5.2 In respect of those of their subscribers who are Content Providers ISPs will:
(a) encourage them to use appropriate labelling systems, in respect of Content which is likely to be considered unsuitable for children according to the National Classification Code, though not Prohibited or Potential Prohibited content; and

(b) inform them of their legal responsibilities, as they may exist under the Act or complementary State or Territory legislation in relation to Content which they intend to provide to the public via the Internet from within Australia.

5.3 ISPs will take reasonable steps to provide users with information about:

(a) supervising and controlling children's access to Internet content;

(b) procedures which parents can implement to control children's access to Internet content, including the availability, use and appropriate application of Internet Content filtering software, labelling systems and filtered Internet carriage services.

5.4 For the purposes of clauses 5.2 and 5.3 ISPs shall be deemed to have fulfilled these requirements where they direct users, by means of a link on their Home Page or otherwise, to resources made available for the purpose from time to time by the IIA, the ABA, NetAlert or other organisation approved by the IIA.

5.5 ISPs must take reasonable steps to inform their subscribers:

(a) that placing content on the Internet may entail legal responsibilities under applicable State, Territory or Commonwealth law;

(b) about their right to make complaints to the ABA about Prohibited Content or Potential Prohibited Content; and

(c) about the procedures by which such complaints to the ABA can be made.

5.6 For the purposes of clause 5.5, ISPs shall be deemed to have taken reasonable steps where they have included, on their Home Page or prominent Web Page:

(a) information stipulated in paragraphs 5.5 (a), (b) and (c); or

(b) a link to a Web Page containing that information and approved for that purpose by the IIA.

5.7 ISPs will have procedures in place to deal with complaints from subscribers in respect of unsolicited email that promotes or advertises Internet sites or parts of Internet sites that enable, or purport to enable, end users to access information that is likely to cause offence to a reasonable adult. An ISP shall be deemed to have complied with this provision where they have provided complainants with, or directed them to, information describing methods by which receipt of unsolicited email of this nature can be minimised.
5.8 To the extent applicable, and pursuant to paragraph 60(m) of the Online Services Schedule, an ISP on becoming aware that an Internet Content Host is hosting Prohibited Content in Australia will, provided the ISP is aware of the identity and email address of the Content Host, advise the relevant Content Host by email about the Prohibited Content.

5.9 This code was registered by the ABA on 16 December 1999 and will come into effect for implementation on 1 January 2000. It will be formally reviewed within 18 months from the date of implementation.

**CONTENT CODE 2**

6. **ISP OBLIGATIONS IN RELATION TO ACCESS TO CONTENT HOSTED OUTSIDE AUSTRALIA**

Designated notification scheme:

6.1 For the purposes of Content Code 2 and pursuant to the requirements of Clause 40(1)(b) of the Online Services Schedule, a designated notification scheme comprises:

- (a) direct notification, whether by means of email or otherwise, by the ABA to the Suppliers of Approved Filters of information by which the relevant Prohibited or Potential Prohibited Content can be identified; and

- (b) notification by email by the ABA to ISPs on a regular basis of Prohibited or Potential Prohibited Content.

**ISP Procedures in Relation to Access to Content Hosted Outside Australia**

6.2 ISPs must follow the procedure in either paragraph (a) or (b) with respect to content notified under the Designated Notification Scheme set out in clause 6.1. These are the procedures to be followed by ISPs in dealing with Internet content pursuant to paragraph 60(2)(d) of the Online Services Schedule.

(a) ISPs who provide Internet access to subscribers within Australia will as soon as reasonably practicable for each person who subscribes to an ISP’s Internet carriage service provide for use, at a charge determined by the ISP, an Approved Filter.

For the purposes of this paragraph, provision for use includes the provision of an Approved Filter as part of:

- an online registration process, and in the case of user installable filters, links to effect download activation and instructions for use;

- a disk based registration process; or

- a notification containing, in the case of user installable filters, links to effect download activation and instructions for use.

(a) In the case of commercial subscribers, the ISP will, as soon as practicable, provide for use, at a charge and on terms determined by the ISP, such other facility or arrangement that takes account of the subscriber’s network requirements and is likely to provide a reasonably
effective means of preventing access to Prohibited and Potential Prohibited Content. In this clause, provision for use includes:

- providing appropriate software, including any of the Approved Filters; or
- facilitating access to consultancy services with respect to firewalls or other appropriate technology.

The ABA will not issue standard access prevention notices or special access prevention notices while the designated notification scheme contained in clause 6.1 of this Code is in effect.

**Designated alternative access prevention arrangements**

6.3 The arrangements set out in the following paragraphs 6.4(a), (b) and (c) constitute ‘designated alternative access prevention arrangements’ for the purposes of Clause 60(3) of the Online Services Schedule.

6.4 Clause 6.2 of this Code shall have no application in respect of the supply of Internet carriage services by an ISP where an end user is subject to an arrangement that is likely is to provide a reasonably effective means of preventing access to Prohibited or Potential Prohibited Content, for example:

(a) a commercial subscriber who has advised their ISP that they have in place a form of content filtering or control, whether by means of firewall technology or otherwise;

(b) a school, educational or other institutional subscriber similarly protected; or

(c) any other subscriber who has advised their ISP that he or she already has installed an Approved Filter.

6.5 This code was registered by the ABA on 16 December 1999 and will come into effect for implementation on 1 January 2000. It will be formally reviewed within 18 months from the date of implementation.
CONTENT CODE 3

7. INTERNET CONTENT HOST OBLIGATIONS IN RELATION TO HOSTING OF CONTENT WITHIN AUSTRALIA

7.1 To the extent applicable, each Internet Content Host will take reasonable steps to ensure that content subscription accounts for content hosted by the Internet Content Host (‘subscription accounts’) are not provided to persons under the age of 18 years without the consent of a parent, teacher or other responsible adult, which reasonable steps may include one or more of the following:

(a) limiting the opening of subscription accounts by means of a valid credit card;

(b) by requiring any application to open an subscription account to be accompanied by some other form of identification by which the age of the person wishing to open the subscription account can be reasonably ascertained;

(c) placing a prominent notice on the site (or promotional material) on which the subscription account is marketed that persons under the age of 18 years should obtain the consent of a parent, teacher or other responsible adult prior to using the subscription account;

(d) offering a service of a kind described in Schedule 1 in association with the subscription account; or otherwise taking reasonable steps to ensure that the subscription account does not provide access to Prohibited Content or Potential Prohibited Content such as by means as a closed content system; or

(e) including a procedure in the registration process for the subscription account through which the person wishing to open the account confirms that they are not under the age of 18 years.

7.2 To the extent applicable Internet Content Hosts will:

(a) encourage Content Providers to use appropriate labelling systems, in respect of Content which is likely to be considered unsuitable for children according to the National Classification Code, though not Prohibited or Potential Prohibited content; and

(b) inform Content Providers of their legal responsibilities, as they may exist under the Act or complementary State or Territory legislation in relation to Content which they intend to provide to the public via the Internet from within Australia.

7.3 To the extent applicable, Internet Content Hosts will take reasonable steps to provide users with information about:

(a) supervising and controlling children's access to Internet content;
procedures which users including parents and others responsible for children can implement to control access to Internet content, including the availability, use and appropriate application of Internet Content filtering software, labelling systems and filtered Internet carriage services.

7.4 For the purposes of this clause 7.3, Internet Content Hosts shall be deemed to have fulfilled their requirements where they direct users, by means of a link on their Home Page or otherwise, to resources made available for the purpose from time to time by the IIA, the ABA, NetAlert, or other organisation approved by the IIA.

7.5 Internet Content Hosts will take reasonable steps, for example through the inclusion of a relevant term of the relevant hosting contract or an acceptable use policy, to inform Content Providers for whom hosting services are provided by the Internet Content Host not to place on the Internet content in contravention of any State, Territory or Commonwealth law.

7.6 To the extent applicable, Internet Content Hosts will take reasonable steps to inform users about:

(a) their right to make complaints to the ABA about Prohibited Content or Potential Prohibited Content; and

(b) procedures as determined by the ABA by which users can make complaints to the ABA about Prohibited Content or Potential Prohibited Content.

7.7 For the purposes of clause 7.6 Internet Content Hosts shall be deemed to have taken reasonable steps where they have included a relevant term or statement in any hosting contract with end-users, any acceptable use policy, a notice on the Internet Content Host's Home Page, a link to the information on a Web Page approved by the IIA for that purpose.

7.8 To the extent applicable, Internet Content Hosts will have procedures in place to deal with complaints from subscribers in respect of unsolicited email that promotes or advertises Internet sites or parts of Internet sites that enable, or purport to enable, end users to access information that is likely to cause offence to a reasonable adult. An Internet Content Host shall be deemed to have complied with this provision where it has provided complainants with, or directed them to, information describing methods by which receipt of unsolicited email of this nature can be minimised.

7.9 When an Internet Content Host has been given a notice under the Act by the ABA that it is hosting on a server or other content database within its control and within Australia, material which is deemed by the ABA to be Prohibited Content or Potential Prohibited Content:

(a) the Internet Content Host must, within the timeframe required under the Act:

(i) remove that Content from the Web Site or database

(ii) in the case of R-rated content which is not subject to a restricted access system, apply to it such a system; or
(iii) take any other action provided for under the Act in relation to the notice; and

(b) upon doing so, the Internet Content Host must, where applicable, inform the customer who placed that content on the Internet Content Host’s Web Site or database that the customer’s conduct is a breach of the customer’s service conditions.

7.10 In addition to the requirements under this section in relation to Prohibited or Potential Prohibited Content, Code Subscriber Internet Content Hosts will act in accordance with the direction of a Relevant Authority as mandated under applicable legislation in respect of any other Content that they host within its control and within Australia.

7.11 To the extent applicable, and pursuant to paragraph 60(m) of the Online Services Schedule an Internet Content Host, on becoming aware that another Internet Content Host is hosting Prohibited Content in Australia will, provided the first Internet Content Host is aware of the identity and email address of the second Content Host, advise the second Content Host by email about the Prohibited Content.

7.12 This code was registered by the ABA on 16 December 1999 and will come into effect for implementation on 1 January 2000. It will be formally reviewed within 18 months from the date of implementation.
Appendix

Key messages for Internet use for parents and children

(taken from Report of the Children and Content Online Taskforce to the Australian Broadcasting Authority, 1998)

For parents

- As parents, you have probably already set rules for your children such as how to deal with strangers, what books they can borrow from the library and what television programs they can watch. These types of rules are also relevant online. Set appropriate guidelines within the environment (e.g. home or school, depending on age and values) and discuss these with your child. Make sure the guidelines are clear and simple.

- Make using the Internet a family activity. Know what the Internet is and what it can provide, spend time with your children online. This will help instil your values in your children and serve you when you cannot be together.

- Encourage a careful approach to information (content) found online. Explore together and explore more often.

- Have the computer or online access available in a public area in the library, school, home etc. where possible.

- Encourage children to only send email to, and chat with, friends or family so they will have no need to correspond with strangers. If they do correspond online with strangers, teach your child to keep you informed.

- Teach your child not to respond if someone says something inappropriate or makes them feel uncomfortable or worried, and to always talk about it to a parent or guardian.

For children

- Always ask your parent or guardian if it's ok before you give out your name, address, email address, phone number or other personal information, or personal information about your family or friends on the Internet.

- Always tell your parents or another adult you know and trust if something on the Internet is confusing, scary or threatening.

- Always ask your parent or another adult you know to go with you if you are meeting someone you have met online, and always meet in a public place.
• Tell an adult you trust if you are sent a message, or if you are chatting online, and someone uses bad words, or the message is scary or threatening, or makes you feel uncomfortable. Don't respond to these types of messages or chat.

• Always ask your parents or guardian if it's ok before you go into an online area that asks for money, credit card details or other payment.

• Always ask your parents or guardian if it's ok before you send a picture (by email or regular mail) of yourself or your family to someone you don't know or haven't met face to face before.

SCHEDULE 1: APPROVED FILTERS

1. The filtering products and services in this Schedule may be modified from time to time in the following manner:

   (a) if the IIA believes a product or service should be added to or removed from the list, IIA will in consult with NetAlert and the ABA; and

   (b) if ABA agrees with IIA the product or service will be added to or removed from the list. Where the ABA does not agree that a product of service be added it will provide a statement of reasons for so doing within a reasonable time.

2. For the purposes of amendment of the Code, the ABA regards any addition or removal of a filter product or service to this Schedule as a replacement Code that differs only in minor respects from the original (pursuant to section 65 of the Online Services Schedule) and consequently the IIA need not follow paragraphs 62(1)(e) and (f) of the Online Services Schedule when making any such changes.

3. The inclusion of filtering products and services in this Schedule is subject to satisfaction of the following criteria:

   (a) Ease of installation (where applicable)

   (b) Ease of use

   (c) Configurability

   (d) Ability for updates in respect of content to be filtered having regard to the requirements of the designated notification scheme provided for in Clause 6.1 of this Code; and

   (e) Availability of support.
4. The following filter products and services are currently approved for use under this Code:

1. AOL PARENTAL CONTROL
2. BAIR FILTERING SYSTEM
3. CSM PROXY SERVER
4. CYBER PATROL
5. CYBER SENTINEL
6. EYEGUARD
7. GENESIS
8. IFILTER
9. INTERNET SHERIFF
10. I-GEAR
11. KAHOO Tz
12. KIDZ.NET
13. NET NANNY
14. SURFWATCH
15. TOO C.O.O.L
16. WEBSENSE
<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr Peter Horsfield</td>
<td>Reverend</td>
<td>The Uniting Church in Australia</td>
</tr>
<tr>
<td>Ms Rosalie O'Neale</td>
<td>Assistant Manager</td>
<td>Australian Broadcasting Authority</td>
</tr>
<tr>
<td>Ms Mary Clare Meney</td>
<td>President</td>
<td>Association of Catholic Families</td>
</tr>
<tr>
<td>Ms Desma Burford</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Ms Megan Simes</td>
<td>Chief Executive</td>
<td>Australian Visual Software Distributors Ltd</td>
</tr>
<tr>
<td>Mr Peter Ryan</td>
<td>Head TV News and Current Affairs (Victoria)</td>
<td>Australian Broadcasting Corporation</td>
</tr>
<tr>
<td>Dr Catherine Beavis</td>
<td>School of Social and Cultural Studies</td>
<td>Faculty of Education</td>
</tr>
<tr>
<td>Mr Tony Branigan</td>
<td>General Manager</td>
<td>FACTS</td>
</tr>
<tr>
<td>Ms Carmel Pittari</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Ms Emma Fitzsimons</td>
<td>Corporate Lawyer’</td>
<td>The Australian Children's Television Foundation</td>
</tr>
<tr>
<td>Ms Helena Bradley</td>
<td>Parents and Friends</td>
<td>St Monica's School</td>
</tr>
<tr>
<td>Ms Helen Woods</td>
<td>National Vice President</td>
<td>The Australian Family Association</td>
</tr>
<tr>
<td>Mr Desmond Kenneally</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Mr Frank P. O'Leary</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Mrs Noelle Sullivan</td>
<td>State President</td>
<td>Women's Action Alliance (Vic) Inc.</td>
</tr>
<tr>
<td>Dr A. Jago</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Position</td>
<td>Organisation</td>
</tr>
<tr>
<td>----------------------</td>
<td>---------------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>Ms Elizabeth Hibbs</td>
<td>Maternal &amp; Child Health</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nurse</td>
<td></td>
</tr>
<tr>
<td>Ms Joan Gibbs</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Miss Helen Ransom</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Mr Ted Weissenfeld</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>V. W. Hickey</td>
<td>Program Co-ordinator</td>
<td>The Birrell Centre for Children</td>
</tr>
<tr>
<td>Ms Jari Evertsz</td>
<td>Assistant Commissioner</td>
<td>Strategic Development Department</td>
</tr>
<tr>
<td>Mr W. J. Severino</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Ms Karen Weston</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Ms Antonella Cahill</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Mr Leo de Bruyn</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Mr Robert S. Denahy</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Mr Gilbert Boffa</td>
<td>Chairman</td>
<td>Media Group</td>
</tr>
<tr>
<td>Mr Paul Steinfort</td>
<td>Director</td>
<td>Australian Institute of Criminology</td>
</tr>
<tr>
<td>Dr Adam Graycar</td>
<td>Research Officer</td>
<td>Salt Shakers</td>
</tr>
<tr>
<td>Mr Bill Muehlenberg</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Mr Matt Furlong</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Mrs Agnes Furlong</td>
<td>Australian Family</td>
<td>Sandringham Branch</td>
</tr>
<tr>
<td></td>
<td>Association</td>
<td></td>
</tr>
<tr>
<td>Mr Frank Scully</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Ms Wendy Duff</td>
<td></td>
<td>Roy Morgan Research</td>
</tr>
<tr>
<td>Dr Patricia Gillard</td>
<td></td>
<td>Victorian Council Against Violence</td>
</tr>
<tr>
<td>Name</td>
<td>Position</td>
<td>Organisation</td>
</tr>
<tr>
<td>-----------------------</td>
<td>---------------------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>Mr Evan Walker</td>
<td></td>
<td>Camberwell Primary School</td>
</tr>
<tr>
<td>Mr Tom R. Wilcox</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Mrs Gabrielle Walsh</td>
<td></td>
<td>Dandenong Ranges Steiner Pre-school Centre Inc.</td>
</tr>
<tr>
<td>Ms Hellen Andalis</td>
<td>Chairman</td>
<td>TV for all</td>
</tr>
<tr>
<td>Mr Philip G. Brabin</td>
<td></td>
<td>Melbourne Rudolf Steiner School</td>
</tr>
<tr>
<td>Ms Pauline Ward</td>
<td>Research Officer</td>
<td>National Civic Council</td>
</tr>
<tr>
<td>Ms Marcia Riordan</td>
<td>Research Officer</td>
<td>Family Council of Victoria</td>
</tr>
<tr>
<td>Mr Chris Browning</td>
<td>Head National Networks</td>
<td>ABC</td>
</tr>
<tr>
<td>Mr Andy Lloyd-James</td>
<td>Policy Manager</td>
<td>SBS Corporation</td>
</tr>
<tr>
<td>Mr Chris Sharp</td>
<td>Media Group</td>
<td>St Leonard's Parish &amp; School</td>
</tr>
<tr>
<td>Mr Paul Steinfort</td>
<td>Registered Nurse</td>
<td></td>
</tr>
<tr>
<td>Mrs Isobel C. Gawler</td>
<td></td>
<td>ABC</td>
</tr>
<tr>
<td>Mr Russell Stendell</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Mr David M. Gawler</td>
<td></td>
<td>SOAP</td>
</tr>
<tr>
<td>Ms Valerie Tinmouth</td>
<td>Committee Member</td>
<td>Endeavour Forum</td>
</tr>
<tr>
<td>Mrs Phyllis Boyd</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Ms Tinmouth</td>
<td></td>
<td>SOAP</td>
</tr>
<tr>
<td>Mrs Boyd</td>
<td>Committee Member</td>
<td>Endeavour Forum</td>
</tr>
<tr>
<td>Kathryn Patterson</td>
<td>Director</td>
<td>Office of Film and Literature Classification</td>
</tr>
<tr>
<td>Christine Cochrane</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Barbara Biggins</td>
<td>Executive Director</td>
<td>Young Media Australia</td>
</tr>
<tr>
<td>Name</td>
<td>Position</td>
<td>Organisation</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Jenny Walker</td>
<td>Executive Director</td>
<td>Victorian Parents Council</td>
</tr>
<tr>
<td>Helen McCulloch</td>
<td>Human Development Teacher</td>
<td>Heatherhill Secondary College</td>
</tr>
<tr>
<td>Mike Fewster</td>
<td></td>
<td>Click On Click Off Project</td>
</tr>
<tr>
<td>Margaret O’Brien</td>
<td>Private Citizen</td>
<td></td>
</tr>
<tr>
<td>Rodney Land</td>
<td>Teacher</td>
<td>Koonung Secondary College</td>
</tr>
<tr>
<td>Craig Homberg</td>
<td>Teacher – Librarian</td>
<td>Terang College – Secondary Campus</td>
</tr>
<tr>
<td>Hon David Davis</td>
<td>Member of the Legislative Council</td>
<td>East Yarra Province</td>
</tr>
</tbody>
</table>
Monday, 2 February 1998
Ms Nicky Capponi, Project Manager, Information Industries Multimedia Victoria

Monday, 9 February 1998
Dr Patricia Edgar, Executive Director, The Australian Children’s Television Foundation

Monday, 16 February 1998
Associate Professor M. Carr-Gregg, Director, Centre for Adolescent Health
Ms P. White, Chairperson, Interest Group on Child, Adolescent and Family Psychology, Australian Psychological Society

Monday, 6 April 1998
Mrs D. Fleming, Principal, Kilvington Baptist Girls Grammer School

Wednesday, 6 June 1998
Ms J. Ritter; and Mr D. Smith, Australian Broadcasting Authority

Monday, 22 June 1998
Professor R. Williams, Department of Visual Education, Royal Melbourne Institute of Technology

Monday, 13 July 1998
Mr R. Naughton, Radio Australia

Monday, 31 August 1998
Mr V. Perton, Chairman, Law Reform Committee

Monday, 7 September 1998
Dr A. Sanson, Associate Professor, Department of Psychology, University of Melbourne

Monday, 28 September 1998
Chief Inspector R. Norman, Director, Youth Advisory Unit, Victoria Police

Monday, 5 October 1998
Rev. Dr P. Horsfield, Synod of Victoria, The Uniting Church
Monday, 12 October 1998

Ms L. Davie, Project Officer, Essendon North Primary School

Monday, 30 November 1998

Dr Catherine Beavis, Faculty of Education, Deakin University

Mrs Barbara Biggins, Young Media Australia

Mr Tony Branigan, Federation of Australian Commercial Television Stations

Mr S. Castleman, Executive Producer, Today Tonight, Melbourne

Mr W. Crook, Chief of Staff, Seven News, Melbourne

Ms Jo Fuller, Victorian Community Council Against Violence

Mr D. O’Brien, News Manager, Network Ten, Melbourne

Mr Peter Ryan, Australian Broadcasting Corporation

Ms Megan Simes and Ms Rosalyn Wilson, Australian Visual Software Distributors Association

Mr Les Twentyman, Open Family Victoria

Tuesday, 1 December 1998

Professor Tim Austin, Multimedia, Swinburne University of Technology

Mr Simon Clayer, Australian Interactive Multimedia Industry Association

Mr Mike van Neikerk, Editor, I.T. Section, ‘The Age’

Mr Bruce Rigby, Group Manager of Learning Technologies, Department of Education

Monday, 8 February 1999

Mr Brett McLennan, Australian Teachers of Media (ATOM)

Mrs Noelle Sullivan, Women’s Action Alliance

Ms Jenny Walker, Victorian Parents Council

Ms Mary Helen Woods, Australian Family Association
Monday, 5 June 2000

Mr S. Cutting, Coordinator, Talkback Classroom project, Australian Broadcasting Corporation Education Services

Professor D. Flint, Chairperson and Ms A. Wright, Australian Broadcasting Authority

Mr A. Kulkarni, Acting Director, Policy and Regional Access, Multimedia Victoria

Mr A. Spinks, Chief Executive Officer, Gamble.com.au Ltd

Dr M. Wake, Director, Policy and Research Unit, Centre for Community and Child Health, Royal Children’s Hospital, Melbourne

Associate Professor J. Walkley, Department of Human Biology and Movement Science, RMIT University
EXTRACTS FROM PROCEEDINGS

The following extracts from the Minutes of the Proceedings of the Committee show divisions which took place during the consideration of the draft report on Monday 23 October 2000.

 Paragraph 9.81

Mrs Inga Peulich, MLA moved that a new recommendation (40) be included and it should read:

Recommendation 40: That the Victorian Government appoints a dedicated Minister for Multimedia, Information Technology and Telecommunications to ensure prompt, effective and co-ordinated government action and policy. This would signal a stronger commitment to the development of the industry as well as the ensuing economic, educational and social benefits of the Multimedia, Information Technology and Telecommunications industry.

The Committee divided on the motion–Mr. Hong Lim in the Chair

Ayes: 2
Mrs Inga Peulich, MLA
Mr Ron Wilson, MLA

Noes: 4
Mr Hong Lim, MLA
Mr Ben P Hardman, MLA
Mr Don A Nardella, MLA
Hon. Glenyys D Romanes, MLC

And so it was resolved in the negative.
(Hon. E. J. Powell, MLC was absent from the voting)

Adoption of Report

The Chairman, Mr. Hong Lim, MLA, moved: “That the Draft Report (as amended) be the Report of the Committee”

The Committee divided on the motion–Mr. Hong Lim in the Chair

Ayes: 2
Mr Hong Lim, MLA
Mr Ben P Hardman, MLA
Mr Don A Nardella, MLA
Hon. Glenyys D Romanes, MLC

Noes: 4
Mrs Inga Peulich, MLA
Mr Ron Wilson, MLA

And so it was resolved in the affirmative
(Hon. E. J. Powell, MLC was absent from the voting)
MINORITY REPORT

BY

Inga Peulich, MLA for Bentleigh
Jeanette Powell, MLC for North Eastern Province
Ron Wilson, MLA for Bennettswood

Pursuant to S4 N (4)

of the

Parliamentary Committees Act 1968
Between 1992 and 1999, Victoria was heralded as a world leader in regard to government commitment to Multimedia, Information Technology and Telecommunication.

As part of that commitment, the former Coalition Government appointed the worlds’ first Minister for Multimedia and established an internationally acclaimed Premier’s Multimedia Taskforce and the world’s first e-commerce agency, Multimedia Victoria.

To ensure that internationally respected work of the past continues in Victoria, non-government members of the committee believe that it is imperative to have a dedicated Minister for Multimedia, Information Technology and Telecommunication.

This would send a strong, positive message to the Multimedia, IT and Telecommunications community and give greater government focus and impetus to the fastest growing sector in the economy to ensure that investment and economic opportunities are maximized for the benefit of Victoria and Victorians.

Likewise, having a dedicated Minister for Multimedia, Information Technology and Telecommunications would mean that the myriad of emerging social and policy issues would receive dedicated and on-going Ministerial consideration and attention.

This improved government structure would allow for comprehensive tracking of the changes in the industry as well as an improved opportunity for the Victorian Government to extend and broaden the benefits of the industry to Victorians and their families as it has done under the former Coalition Government.

Applications of technology and multimedia in the field of education, medicine as well as programs such as Skills.net were implemented by the former Coalition Government to improve community access to skills and new technology, receiving world acclaim as well as community support.

However, to ensure that the experience and outcomes of new technologies remains predominantly positive for Victorians and Victorian families, there is also a need and responsibility for the community and policy makers to monitor, understand and if need be, take action to minimize and offset the possible negatives of new technologies and their applications.

It is the view of the non-government members of the committee that a structure allowing a more co-ordinated Victorian Government response and policies is required now and into the future and can be best delivered by the adoption of the recommendations of this minority report.

Throughout this inquiry, all members were acutely aware of the pace of change in this field of inquiry and that there is a necessity for all levels of government and the community to keep its finger on the pulse of change given the capacity of new technology to dramatically affect the lives of children, families and the broader community. The non-government members of the committee are supportive of the key recommendations of the report. However, we believe that
the report on this important reference would be seriously deficient without the recommendations proposed and supported by the authors of the minority report.

Recommendations:

40 A

That the Victorian Government appoints a dedicated Minister for Multimedia, Information Technology and Telecommunications to ensure prompt, effective and co-ordinated government action and policy. This would signal a stronger commitment to the development of the industry as well as the ensuing economic, educational and social benefits of the Multimedia, Information Technology and Telecommunications industry.

40 B

That the Victorian Government immediately re-establish the Premier’s Multimedia Taskforce to offer high level advice on the benefits from and the challenges facing the industry.

Inga Peulich MLA for Bentleigh (Deputy Chair)

Jeanette Powell MLC for North Eastern Province

Ron Wilson MLA for Bennettswood