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## SUBMISSION TO THE DEPARTMENT OF COMMUNICATIONS, CYBERSAFETY AND THE ARTS ON

### Supporting Australian stories on our screens

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July 3, 2020

**1. Introduction:** The Australian Council on Children and the Media is a national peak not-for-profit body representing the interests of children as media consumers. Its mission is to support families, industry and decision makers in building and maintaining an enjoyable media environment that fosters the health, safety and wellbeing of Australian children. Its membership includes major national and state education, welfare and parent organisations and individuals.

This submission was prepared on behalf of the Board of ACCM by Barbara Biggins OAM CF, Hon CEO, and President ACCM, Prof Elizabeth Handsley.

**2. Overview:** The Australian Council on Children and the Media welcomes this opportunity to emphasise the importance of the provision of content relevant to the needs of Australian children. Such content must reflect and embody Australian values, and enable children to see and hear Australian faces, places and voices.

ACCM does not support Model 1, 2 or 4.

It supports Model 3 as the most effective way to ensure that all major players in the Australian home screen scene contribute financially to the provision of Australian content, and a fund of sufficient size to enable the production of a suitable quantity of Australian live action drama, including quality age-appropriate programs for children.

For children to be able to access age-appropriate programs to serve their diverse interests, there needs to be a diverse range of outlets from which they can choose. Moreover, it must be recognised that “children’s programs” are not just one program category, but cover drama, documentary, mystery, adventure, comedy and arts, and children at different ages and stages of development require different kinds of content. Therefore there should be a range of content available at any given time.

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### Promoting healthy choices and stronger voices in children’s media

**3. ACCM's experience in this field:** ACCM's members have been involved in developing and supporting regulation governing the provision of Australian content for children since 1973. It made influential submissions to the Australian Broadcasting Tribunal's Inquiry into Self-regulation in Australia which led to the establishment of the Children's Program Committee in 1978, and the Children's, and later Preschool children's, standards and quotas. Members also served on the Children's Program Committee, assessing programs for eligibility for the quotas.

The children's content quotas were introduced in recognition of the fact that children have special needs as an audience based on their stage of development, and there is little commercial incentive to meet those needs. Because children's purchasing power is lower than that of adults, programming dedicated to them does not attract the same level of advertising revenue. The other side of this coin is that children's content carries a great temptation to circumvent advertising restrictions, for example by favouring programs with high merchandising potential. This has occurred to the point where some material (especially Preschool programs, and those shown outside the quotas) is really a program-length advertisement for related merchandise. Although the quotas have not been perfect in this regard, they have at least in principle offered a path towards the provision of access to age-appropriate, experience-enhancing content for children.

ACCM has supported the continuing existence and value of the quotas for the past 40 years, through numerous submissions to reviews of Australian content requirements and of the Children's Television Standards.

In particular, it has noted and promoted the value of the Australian Children's drama quota and the ongoing success of many dramas produced under this system. The live action dramas have been particularly enjoyed by Australian children, and ACCM notes with regret the growing proportion of the quotas made up of animated dramas in recent years.

ACCM also notes the long-standing and ongoing reluctance, and often, antagonism towards the quotas on the part of the commercial networks. Their performance in delivery of quota programs has been marked by court cases, low budgets, poor scheduling, lack of promotion and general uninterest. It has been observed that such performance could be characterised as "putting more creativity into evading their obligations than into the programs to be produced".

Nevertheless, the quotas have not been without value, and ACCM has until recently been of the opinion that they were the best way to try to ensure free-to air commercial networks in Australia met their obligations as a protected service, ie to serve the rights of children to have easy access to a diverse range of quality programs of relevance to them.

ACCM now finds there may be more effective ways to ensure that those obligations are properly and effectively met.

#### 4. Comment on Models:

##### *Model 1: Status quo*

*Policy objective: This model would retain the existing regulations and incentives to make and show Australian programs, which focus on traditional platforms. The status quo would prevail in circumstances where no future regulatory option can be implemented.*

For reasons above in 3, ACCM does not support continuation of the status quo.

In light of the expansion of media platforms in Australia, there is now an opportunity finally to give up on enforcing quotas and for children to be better served with diverse sources of programs.

##### *Model 2: Minimal*

*Policy objective: The purpose of this model is to fine-tune and modernise existing regulatory and funding arrangements to better reflect the contemporary media landscape. This model seeks to engage subscription streaming services on a voluntary basis, potentially as a precursor to future regulation, if needed.*

ACCM does not support this model as it relies on the engagement of streaming services on a voluntary basis. ACCM takes the position that all broadcasters making profit in Australia should make a mandatory contribution to the provision of Australian content, especially to children.

##### *Model 3: Significant*

*Policy objective: The purpose of this model is to establish platform-neutral, future facing obligations and incentives that take into account individual platform offerings and audience engagement.*

##### **Obligations**

###### *Australian content investment requirements*

*All commercial content service providers, including subscription services, that meet scale thresholds, would be required to invest a percentage of their revenue (across all services) in new Australian scripted programming and report their investment to the ACMA. The investment rate, as a proportion of Australian revenue, would be approved by the ACMA, potentially reflecting the various platforms' business models, program formats and content genres.*

**Option A:** *Service providers would be required to contribute to an Australian Production Fund (APF), to be administered by Screen Australia (APF funding would be allocated to drama, documentary and children's programming).*

ACCM believes that children's screen content deserves and is in need of unique funding assistance as per this model and Option.

Assistance from the fund should be extended to the ABC and SBS along with obligations for them to screen high levels of new Australian children’s content across a range of ages and program types, and to report to the ACMA.

This model is preferable to Option B, which gives the ACMA too much discretion, but at the same time it needs to include a requirement which supports the screening of children’s programs on multiple platforms.

#### *Model 4: Deregulation*

##### **Policy objective**

*The purpose of this model is to remove all regulation and remove or revise incentives to make Australian programs, in order to support platform neutral deregulation.*

##### **Obligations**

*All obligations removed*

*All content providers would have the ability to make programming decisions based on their business models, audience preferences and objectives, without government intervention. A level playing field would be established as a consequence of deregulating screen sector support arrangements.*

ACCM does not support this option. Children need access to a diverse range of age-specific programming on a diverse range of outlets. The provision of age-specific programming, on a voluntary basis, is unlikely to be attractive for sufficient numbers of providers to result in children’s access to a diverse range of age –appropriate programs.

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