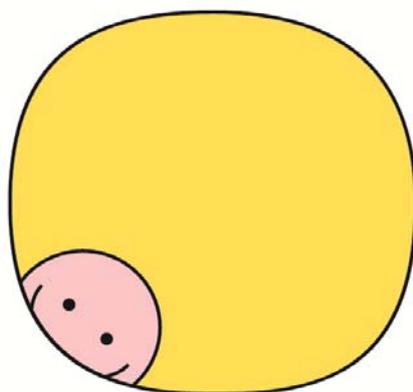


# **Review of the Australian Communications and Media Authority**

## **Australian Children's Television Foundation Submission**



**AUSTRALIAN CHILDREN'S  
TELEVISION FOUNDATION**

The Australian Children's Television Foundation ('**ACTF**') is pleased to have the opportunity to respond to the Department of Communications *Review of the Australian Communications and Media Authority – Issues Paper* July 2015.

The ACTF is a national children's media production and policy hub and performs a wide range of functions in children's media: as a voice in policy matters; as a distributor of and investor in Australian children's television series; as an instigator of new, innovative and entertaining children's media and as a developer of valuable screen resources for the education sector.

Our submission focuses on the important role the ACMA plays in regulating minimum content requirements for children's television content as well as contributing high quality research and data to policy discussion concerning the children's television environment. We have responded to specific questions included in the Issues Paper that relate to these areas.

## **ACMA Functions (Question 6)**

*What functions are unique to the ACMA (that is, not present or relevant to other regulators or industry sectors) and will these remain relevant in the future?*

The ACMA has exclusive oversight over compliance by free-to-air broadcasters and subscription television licensees of their obligations in respect of Australian content on Australian television.

The ACMA monitors the compliance of:

- commercial free-to-air broadcasters in relation to Australian Content requirements under the Australian Content Standard, including the children's television sub-quota;
- subscription television services providers in relation to their obligations under the New Eligible Drama Expenditure program.

In addition to these roles, the ACMA also engages in regular qualitative research and analysis of trends in media consumption by Australian audiences. The most recent publication relating to children's television was the report, *Children's television viewing research* report released in March 2015.

The ACMA's role in ensuring compliance with regulatory requirements, as well as conducting qualitative research, are critical in ensuring that government, the television production industry, and the general public have accurate, timely and comprehensive data on the levels and availability of children's television content made available to Australian children.

This data gathering is essential in determining the continued efficacy of the children's television regulatory framework in providing Australian with continued access to distinctively Australian children's media.

Screen Australia also has a research branch that provides insights into the children's television production sector based on its resource. Screen Australia's research is derived from the insights it gains from being the primary screen agency investor in television content.

The research activities of both organisations complement each other. The ACTF regularly engages with both the ACMA and Screen Australia in an informal level, as well as partnered on specific research projects, the most recent being *Child's Play – Issues in Australian Children's Television*, 2013.

Together, all three organisations assist government and the industry to build a coherent picture of the sector that assists in developing policy objectives, identifying areas in need of improvement and shaping future directions for the regulatory environment.

## Enduring Concepts (Question 24)

*Does the list of 'enduring concepts' capture the policy concepts that are likely to continue to be central to the communications regulatory regime in the future? What are the most important communications sector public policy aims that are likely to require regulation?*

The need to develop and articulate 'enduring concepts' was perhaps not so critical in an analog environment, where the regulator's area of concern and influence was clearly defined by the physical limitations implicit in terrestrial broadcasting and cable based subscription services.

In a fragmented, multi-platform, digital, online and globalised media environment, the 'enduring concepts' that have been articulated by the ACMA play an important role in focus the policy objectives and priorities of government and the regulator.

With the plethora of new technologies and platforms emerging for the delivery of content, the principles outlined in the 'enduring concepts' are more important than ever before. It represents a pragmatic approach to articulating community standards and expectations in respect of the communications and media sector, and aids the development of strategies to meet these standards.

The 'enduring concepts' are a set of inter-related principles that cover a broad sweep of the communications and media environment. However, one concept in particular is critical to the expectations of the Australian community

*'Australian identity' – Australians should be able to experience Australian voices and stories when using or consuming media and communication services.*

The consistent delivery of high quality, distinctively Australian children's content on Australian screens is valued by the community and has been a key priority for successive governments. A fragmented, interactive, multi-platform, time-shifted and global smorgasbord of content is now challenging the previously dominant linear broadcasting of the past. In this environment, effective support for local children's content creation is even

more critical than before, and the reference to 'Australian identity' in the 'enduring concepts' reflects its importance.

While it is essential that Government prioritise the efficient operation of the media and communications environment<sup>1</sup>, ensure broad social and economic participation<sup>2</sup> and a diversity of voices<sup>3</sup>, all while ensuring reasonable community safeguards are in place<sup>4</sup>, it would be redundant if the key issue of Australian identity were neglected. The Australian community would be significantly poorer if the Australian media landscape did not actually reflect the Australian community: its values, concerns, issue, unique outlook and appearance.

## The communications regulatory framework (Question 25)

*What combination of regulatory interventions might be needed in the future? How much discretion should be provided to the regulator in their application?*

The ACTF is currently developing a number of proposals aimed at optimising existing Government support mechanisms to ensure the continued creation of high quality, distinctively Australian live action drama for children. This is the genre of content most loved by children and currently the most vulnerable.

Government has long recognised that market forces cannot be relied on to ensure the continued creation of high quality, Australian live action drama for children. Without regulation (via content quotas) and development and production funding (via Screen Australia, State film and television agencies, and the ACTF), such content would not get made.

However, updating the existing regulatory framework (developed in the context of an analog broadcast environment) to ensure continued support for the creation of Australian content well into the digital online age, will require a wide ranging review by government beyond the scope of this Issues Paper.

The ACMA is well attuned to the challenges of regulating a communications and media environment characterised by continuing technological change.

Any future regulatory interventions must therefore be designed to ensure support for the creation of distinctive Australian content occurs in a platform neutral framework, and is aimed at achieving the best outcome for audiences however they choose to watch content.

For example, broadcast television content requirements may need to be based on production spend (as is the case with the NEDE scheme) rather than the current arrangement of broadcast hours.

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<sup>1</sup> Enduring Principles: *Competition and Efficient allocation and use of Resources.*

<sup>2</sup> Enduring Principles: *Access to services /participation in society.*

<sup>3</sup> Enduring Principles: *Diversity of Voices*

<sup>4</sup> Enduring Principles: *Values and safeguards.*

Also, while existing regulatory requirements require commercial free-to-air broadcasters to meet quotas, delivery of content via the internet by foreign and domestic internet based platforms are not required to meet any content obligations. This anomaly may need to be addressed in the future.

Any reforms will need to provide creative and workable solutions that balance the commercial interests of the broadcast television licencees, subscription television licencees and other future content providers that may fall under the jurisdiction of the ACMA, with the expectations of the community as articulated in the ACMA's 'enduring concepts'.

We would be pleased to discuss further any of the ideas set out in this submission.

**ACTF**

**August 2015**