

**Submission on the Exposure Draft of the
Crimes Legislation Amendment
(Telecommunications Offences and Other
Measures) Bill 2004**

April 2004

Mission Statement

Our mission is to promote a quality media environment for Australian children and to raise community awareness of children's needs in relation to the media.

What we do

Young Media Australia:

- collects and reviews research and information related to children and the media
- provides information and advice on the impact of print, electronic and screen based media on children and young people
- advocates for the needs and interests of children in relation to the media
- conducts and acts as a catalyst for relevant research.

How we do it

Young Media Australia:

- provides information to parents and caregivers via the **Young Media Australia website** www.youngmedia.org.au with over 60 topics relating to children and media use (including [movie reviews](#)) These topics are also available in hard copy format.
- provides advice and information via a 24 hour a day / seven days a week, national freecall **Young Media Australia Helpline 1800 700 357**. Helpline operators come from a strong child development and parenting perspective and can provide callers with research based information about the media. They can suggest strategies both for creating healthy media use and minimising harms that may have already occurred.
- **represents community concerns** about the impact of print, electronic and screen based media on children and young adults to legislators, regulators and the media.

Who we are

Young Media Australia:

- is a national not-for-profit community organisation, structured as a company limited by guarantee
- is registered for the GST, has tax deductible status and is a Deductible Gift Recipient (DGR)
- has a national Board representative of all Australian states and its corporate members
- has a comprehensive organisational membership which includes:

- [ECA \(Early Childhood Australia\)](#) (formerly AECA Australian Early Childhood Association),
- [ACSSO \(Australian Council of State Schools Organisations\)](#),
- [AHISA \(Australian Heads of Independent Schools\)](#),
- [AEU \(Australian Education Union\)](#),
- [SAPPA \(South Australian Primary Principals Association\)](#),
- [Federation of NSW P&C \(Parents & Citizens\)](#),
- [Mothers' Union in Australia](#),
- [Gowrie Child Centres](#).

Submission

Introduction

Young Media Australia (YMA) welcomes the opportunity to comment on this legislation.

While our mission is primarily concerned with children as the consumers of media and communications technologies, rather than as subjects therein, we applaud any effort to protect children.

Moreover, we believe that with new technologies the boundary between consumers and subjects is becoming blurred. We are aware that numerous children are using mobile telephones and the internet, two of the main technologies that are having this effect. These children are therefore vulnerable to unscrupulous individuals who might persuade them to participate in activities that turn them from consumer to subject. Consequently it is becoming necessary for us to think of addressing our efforts to children as both subjects and consumers of media and communications.

Proposed sections 474.17-.22

YMA supports the introduction of these sections. In particular, we agree that the availability of the material in question has a tendency to increase demand for it, with ensuing detrimental effects.

No doubt there will be submissions to the effect that these provisions will be difficult to police, and that may be true. Successful prosecutions under these provisions may turn out to be rare. In our view, however, this is not a sufficient reason not to introduce them. Legislation contains important statements on behalf of the whole community about what behaviour is and is not acceptable. These statements provide support to people and organisations like YMA, who try to make a positive difference in the community. It is entirely appropriate that they be given the imprimatur of parliament.

Our only reservation would be whether the defences are sufficiently broad to cover the actions of community organisations with a bona fide, demonstrated interest in the protection of children. Such organisations will no doubt find it helpful from time to time to be in possession of offending material, in order to achieve their aims. We submit that it would improve the legislation to extend the protection of sections 474.19 and 474.22 in this way.

Proposed sections 474.23-26

Once again, YMA supports the creation of these offences and defences. We have long been seriously concerned about the potential for children to be exploited and lured into harmful situations. While it is vastly preferable to prevent these situations from occurring at all, the community would demand that the law provide a mechanism for holding these unscrupulous individuals accountable.

Community education

With any initiative creating offences to protect children, there is a danger that parents will become complacent. Parenting is arguably more difficult now than at any time in history, with the high and growing sophistication of techniques used by the media to undermine parental authority and decision-making. Many parents feel powerless and the temptation to hand over the reins to anyone who seems to be offering is very great. With legislation like this, parliament can easily be perceived as making such an offer, so steps should be taken to counteract the perception.

We therefore submit that the introduction of the legislation should be accompanied by a public education campaign to remind parents of their responsibility to keep their children safe when using these technologies. YMA is in a position to provide practical advice and assistance in this process. We have a long history of supporting parents in the making of careful choices about their children's media experience.

The rest of the legislation

YMA makes no comment on the rest of the legislation.

Thank you once again for the opportunity to comment on this legislation. This submission was prepared by YMA Vice President and Acting Honorary CEO Associate Professor Elizabeth Handsley, School of Law, Flinders University, and she would be pleased to answer any questions arising out of the submission. She can be contacted at Elizabeth.Handsley@flinders.edu.au, or on (08) 8201 5256.

END OF SUBMISSION