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Submission to the Commonwealth Department for
Communications, Information Technology and the Arts

Protecting consumers
against illegal or offensive content on mobiles

Enquiries about this submission should be directed to:
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Introduction to YMA

Young Media Australia is a unique national community organisation whose members share a strong commitment to the promotion of the healthy development of Australian children. Their particular interest and expertise is in the role that media experiences play in that development.

YMA is committed to promoting better choices, and providing stronger voices in children's media.

What we do

YMA:

- 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 in 2004

YMA:

- 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.
- **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

YMA:

- 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 (Association of Heads of Independent Schools of Australia), AEU (Australian Education Union), SAPPA (South Australian Primary Principals Association), Federation of NSW P&C (Parents & Citizens), Mothers' Union in Australia, Gowrie Child Centres.

Young Media Australia: Submission on the review of the regulation of content delivered over mobile communication devices

- 1) Identify new and emerging communication devices and platforms, capable of receiving and delivering audiovisual services (including text), and related features.**

New mobile phone technology allows people to access a wide range of services and information. People can communicate not only by voice but by text messaging (SMS), and picture messaging (MMS) but mobile phone users can also take photographs on their phone and send them instantly to other mobile phone users. Access to the internet, the ability to download games and obtain news and information are also available on a mobile phone. Many of these features are available on the internet, in a fixed environment, such as the home where parents can supervise their children. Young Media Australia (YMA) is concerned that mobile technology prevents parents supervising their children's access to the internet and other mobile phone features. Young Media Australia provides parents with information on how they can safer access to the internet for their children and has provided 12 tips for safe internet use. Key among these is:

Be aware of what your children are doing on-line. Have the computer in a public area in the home, not in a bedroom or children's playroom.¹

Parents can keep some control over their children's use of the telephone and internet in a fixed environment. In particular parents can adopt Safe Internet Use Strategies in their home. However the nature of mobile phone technology is that it is not used in a fixed environment and can be used by only one person at a time, making parental supervision very difficult unlike a computer or television.

2) Report on the types of audiovisual services, and related features, that are available or are being developed for mobile devices and platforms in Australia and overseas.

The law should place positive obligations on parents in the same way that parents have obligations with film and video. Under the classification model applying to film and video parents are not permitted to do certain things, such as rent an R rated video for a 12 year old child. Parents should also have obligations in relation to the purchase of a mobile phone for a child. However parents also need to be informed of the risks posed by some features on mobile phones. Parents also need to teach their children not to take risks.

Children may be exposed to explicit sexual material through mobile phones services which are intended for adults. This content could be available through a wide range of services such as SMS and MMS, phone 'wallpapers', interactive chat services and streamed audiovisual content. Exposure to graphic pornography can cause emotional distress to children and contribute to the development of disrespectful attitudes towards women.

Children may also be exposed to violence in the form of static images or streamed audio visual content or games. Research has shown that violence in any form of screen media such as films, videos, television, computer game and the internet can have a negative effect on children in particular young children.²

¹ Young Media Australia, Tips for safe Internet use, www.youngmedia.org.au/mediachildren/06_07_tips_net.htm.

² Anderson, Craig et al (2003) "The influence of media violence on youth" Psychological Science in the Public Interest 3, Dec 2003 pp81-106.

YMA is also concerned at the ease with which children could access online gaming, and the damaging effects to children and the financial effect on the family.

Audio streaming, precise location determination and advanced browsers may also pose a greater risk for children who inadvertently may come into contact with paedophiles and other predators. They may provide their details or images of themselves to strangers or arrange to meet people through chat sites without knowing who they are.

Children may experience bullying and be harassed over their mobile phone by peers or adults in the form of constant telephone calls, text messages, explicit images or photographs. Precise location determination would provide a bully or a paedophile with the location of a child. YMA understands that many parents may see location determination capabilities as desirable for their own use, that is to keep track of their own children, but in our view the risks to children outweigh the benefits that can in any event be achieved in other ways.

3) Report on the relevant technical features, marketable characteristics and commercial drivers for take-up of such services and features including, but not limited to:

a) Their means of delivery

b) Commercial arrangements established for their supply

The Australia Broadcasting Authority provides standards for advertising to children in the Children's Television Standards.³ Marketing to children of mobile phones and services on television are required to conform to these standards. Communication Service Providers and Content Providers may also choose to advertise their products to their customers directly on their mobile phones. There should be similar legislation or regulations that provide protection for children from marketing content that is classifiable.

c) Their importance in contributing to the commercial viability of platform investment

Young Media Australia is interested reading the submissions of others with respect to part 3 c) and having the opportunity to comment on them.

d) The commercial availability and performance of filtering technologies for mobile devices.

Protecting children from risks associated with mobile phones and mobile services is of the utmost importance. Arguments that filtering controls would cost too much, are too difficult to implement or that the cost of the control would not warrant the use of the control technology should be rejected if children's safety is compromised. Our community does not profit from putting children's safety at risk.

Young Media Australia is also interested reading the submissions of others with respect to part 3 d) and having the opportunity to comment on them.

³ http://www.aba.gov.au/tv/content/childtv/pdf/rftf/chstdvarn_03.pdf

4) Report on the extent to which existing regulatory approaches apply to the different new and emerging audiovisual services and features including:

a) whether the content of the service is of a type that is suitable for categorization under the Classification Act.

The Classification Act covers the classification of publications, film and computer games. The classification of audiovisual services and other mobile phone features such as games prior to being released to the public would prevent inappropriate material being available to children. While YMA believes that parents should be talking to their children about their mobile phone and the features they have on the phone, classification would prevent children from being accessing unsafe audiovisual services or other features.

b) Whether the content of various service types fall within the definition of Internet Content under Schedule 5 to the BSA or other regulatory framework.

Internet services on mobile phones fall within the definition of internet content. The definition of internet content in Schedule 5 of the Broadcasting Services Act is:

"Internet content" means information that:

- (a) is kept on a data storage device; and
- (b) is [accessed](#), or available for [access](#), using an Internet [carriage service](#); but does not include:
- (c) ordinary electronic mail; or
- (d) information that is transmitted in the form of a broadcasting service.

Many features can be viewed on the internet before downloading them onto the mobile phone. However not all services are available to view on the internet, instead they are advertised in magazines, newspapers and on television.

5) Consider:

a) what, if any, measures are necessary in order that the supply and accessibility of audiovisual services are managed

YMA believes that government regulation is the best method to protect the safety of children. Regulations should be more restrictive than other platforms to take into account that there is less parental control possible.

Direct regulation which limits certain features on mobile phones is a more effective system and more helpful to parents than models which place responsibility in the hands of those with an interest in reading the regulatory rules and guidelines in a restrictive fashion.

YMA believes that self regulation is the least effective measure that could be taken, while co-regulation has not worked in other areas such as television. A parent should not have to complain *to* the body he or she is complaining *about*.

Complaints should be handled by a body established to take complaints in all related areas (publications, film, television, computer games, internet and

mobile phone services), for example a body that is an amalgamation of the ABA and ACA. This “one stop shop” would need to be well publicized and run independently. The body should be the consumer’s friend.

We submit that regulation for children under 15 years old should include provisions requiring:

- (a) No connection to Internet or WAP;
- (b) No Geo-location device;
- (c) No access to any adult content via SMS, MMS, video playback and telephone numbers;
- (d) No downloading of games, ringtones or wallpapers, or other information or services; and
- (e) No access to chat rooms.

While many of the above features are available on the internet parents have a greater ability to supervise their child’s use of these features YMA suggest that all consumers should *opt in* to additional features on their mobile phone, and be made aware of the risks to children of the optional features.

Effective regulation is the most important measure that can be taken, even assuming that parents take all possible measures and adequate public education is undertaken. There also should be secondary measures including an education campaign for parents, and mobile phone safety and anti-bullying campaigns for children at school. Provided with adequate financial support, YMA would be willing to conduct a campaign to educate parents about mobile phone safety.

b) whether there are additional measures that carriage service providers, content service providers and content hosts might take to address contact and child safety issues arising from contact type services.

Effective regulations would reduce the risks to children. However the governing principle for telecommunications providers should be a responsibility to make parents aware of risks to children of certain technologies. A parent purchasing a mobile phone for a child, or a phone that may be used by their child should sign an acknowledgment that they are aware that some features on their mobile phone may put their child at risk, before they purchase a mobile phone. A system where parents opt in for additional features that are considered risky for children as mentioned above would protect all interests.

6) In conducting the review, regard should be had to:

- a) the interaction of existing and proposed regulation with provisions under Commonwealth and State criminal laws aimed at child protection and criminal activity using communications devices**

The State and Commonwealth law that legislates against predatory behaviour should not be compromised by any regulations regarding mobile phones and mobile phone services.

c) the desirability of regulatory consistency across different technological platforms.

YMA encourages consistency of regulations where the government can ensure there is a suitable level of regulation across all technologies that protects children, but if any of the regulations are inadequate it is not desirable to have consistency. Better to have a patchy landscape with some bright spots than a consistent but inadequate regime.

Young Media Australia welcomes the opportunity to make these brief comments on an issue of great concern to parents, and is happy to provide further information on request.

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for Young Media Australia
September 2004