



SUBMISSION TO DCITA ON POWERS OF ACMA

15 December 2005

Convergence and consumer representation

YMA applauds the merger of the ABA and the ACA as a means of adapting regulation to convergence in technology; the powers of the new body should be similarly converged in a way that takes the best from both sides. An important part of this would be to **balance up the consumer representation provisions** so that they apply to all technologies, not just telecommunications.

Keeping the focus on children and young people

While the ABA has a history and culture of engaging with the need to protect children and young people from harmful content in the media, the ACA does not. Therefore YMA is concerned that the merger risks losing the focus on children and young people. This is especially so considering indications that the ACA might turn out to be the dominant partner. Looking at the ACMA website, for example, it appears that telecommunication issues are dominant in the new organisation. If ACA policies or models of regulation are followed, or if ACA's organisational culture is allowed to dominate, children and young people risk being pushed aside.

One measure that might help keep the focus on children and young people would be to ensure that a person with knowledge of those groups' needs is closely involved in the administration of the system. Such a measure would be amply justified, in any event, by the fact that the protection of children and young people is one of the stated objectives of the regulation of media and communications. In our view it is also the most important stated objective.

Apart from the assessment of P and C programmes, our experience with the ABA indicates persistent failure to consider issues from a child development perspective. The **inclusion of a child development expert in decision-making** could go a long way to remedying this.

YMA therefore submits that a provision should be included stipulating that at least one member of ACMA should be a person with expertise in child development. It would also be desirable to stipulate that any Division dealing with matters relating to the protection of children and young people contain at least one such person.

We further submit that **child impact studies** need to be done by independent experts in child development when any changes are being proposed in *any* area, not just those with obvious connections to children.

Suggested penalties

The penalties being considered for introduction are:

1. Civil Penalties
2. Injunction to prevent breach of civil penalties provisions
3. Enforceable undertakings
4. On-air statements of ACMA investigation findings
5. Infringement notices

YMA supports the introduction of any combination of these, and agrees that there should be a **broader range of penalties** available to ACMA. Currently mid-range transgressions tend to fall through the cracks. Common sense suggests that a more nuanced range of penalties will enable ACMA to 'make the punishment fit the crime'. Therefore ACMA will be more willing and able to address these mid-range transgressions.

A handwritten signature in black ink, reading "Barbara Biggins", followed by a vertical red line.

Barbara Biggins OAM
Hon CEO