



AUSTRALIAN CHILDREN'S
TELEVISION FOUNDATION

**SUBMISSION TO THE
COMMISSION FOR CHILDREN AND YOUNG PEOPLE
AND CHILD GUARDIAN**

**IN RESPONSE TO THE
QUEENSLAND REVIEW OF CHILD LABOUR
DISCUSSION PAPER**

30 September 2004

EXECUTIVE SUMMARY

1. Employment in the film and television industry should be considered as a special category of child employment as there is a public benefit in allowing the child audience to see 'themselves' in films and on television. Programs made specifically for children help the viewer learn about the society in which they live, develop their own creativity and build their own sense of identity.
2. Employment in a production can also be of benefit to the child actors themselves. Acting helps develop a child's communication and analytical skills, as well as their self-confidence. It helps them develop life skills that they will require as an adult. It can lead to a career as an actor, or in a related field, as an adult.
3. Children working in the Australian film and television industry are provided with a range of protections. Their education needs are met by on set tutors who teach work set by their regular school teachers. They are protected from financial exploitation by workplace agreements and membership in an active union. Risks to health and safety are minimised by the application of the Film Industry Safety Code and Industry Safety Guidance Notes, the preparation of Safety Reports, and the presence of stunt doubles, union accredited safety inspectors and unit nurses.
4. The Government should carefully consider how any proposed changes to child employment laws might affect the ability of Queensland children to be involved in the Australian film and television industry.
5. An appropriate way forward would be the creation of a Code of Practice in collaboration with industry stakeholders. An industry Code of Practice is about to be prepared in Victoria as a consequence of its 2001 review of that State's child employment laws. The opportunity exists for Queensland and Victoria to adopt a consistent approach to the employment of children in the industry.

The ACTF

The ACTF is a national, non-profit organisation funded by the Federal Government and the governments of every State and Territory in Australia. Its Queensland funding is administered by the Department of Education and the Arts. The ACTF's principal functions (as detailed in its Constitution) are as follows:

- to encourage the development, production and dissemination of television programs, films and other audiovisual media for children;
- to provide an authoritative source of information on all aspects of television, film and other audiovisual media relevant to children; and
- to undertake, initiate and encourage research and stimulate interest in, promote and improve the quality and suitability of children's television, film and other audiovisual media.

The Current Review

The current review is a broad review of child employment across all industries. It is inappropriate for the ACTF to comment on child employment laws generally. This submission will deal specifically with the employment of children in the film and television industry.

It is submitted that the employment of children in the industry should be considered as a special case of child employment. There is a precedent for this. Victoria is currently preparing a Code of Practice which deals separately with children in the entertainment industry from other industries.

There are several reasons why child employment in the film and television industry should be regarded as a special case. These are outlined in this submission. The most important reason being that there are cultural and social benefits from child audiences seeing their peers in films and television programs.

Cultural Benefits of Children in Film and Television

Mass media has an enormous effect on people's ideas, values and identity. None is more powerful than television. This effect is magnified when dealing with children, who are particularly impressionable.

Children use film and television to:

- find out about the society in which they live;
- understand their own place in that society;
- learn and be educated;
- develop their own creativity;
- be entertained; and
- build their own sense of identity.

If developed with the child audience in mind, children's television can contribute positively to a child's development, creativity and sense of personal identity.

However, in order to maximise these benefits, the film or program must be tailored to the child audience. Children have different tastes, cognitive development and educational needs that are not addressed by television produced for adult audiences.

This fact has been recognised by legislators and regulators for some time. Pursuant to the *Broadcasting Services Act 1992 (Cth)*, commercial television broadcasters are required to broadcast an annual quota of 32 hours of first release Australian drama made specifically for Australian children. Shows in which they can hear and see themselves, their culture and their life experiences. It is these shows, not cheap repeats of US sitcoms, which will help Australian children confirm their sense of self, community and place.

These cultural imperatives are the reasons behind the need for Australian children to continue to work in Australian film and television. It is important for Queensland children to be able to see their peers in familiar situations and dealing with relevant themes.

While there is no suggestion in this review that prohibitions are being considered on children working in the entertainment industry, it is possible that the effect of changes may make such work impractical or uneconomic. For example, it has been contended that changes made to New South Wales' children's employment legislation in 1998 have made the production of certain types of children's shows in that State unfeasible. This is discussed further in the submission.

Personal Benefits of Working in Children's Film and Television

Children's film and television can also provide benefits directly to the children who work in the industry beyond monetary reward. Again, this is different to many other industries.

To confirm this view, in 2001 the ACTF prepared a survey for children who have worked on a number of the ACTF's productions and the parents of those children. The results of the survey demonstrated a number of positive effects of employment on the ACTF's television programmes and are discussed below.

Entry to a possible career

Acting in television and film productions is one of the few employment opportunities available to children that can actually lead to a fully fledged career in that field or related fields.

Examples from the ACTF's experience include:

- Jeffrey Walker, a child actor who worked on the ACTF's *Round the Twist* series, has worked as a director on the children's television drama series *Holly's Heroes* and on *Neighbours*;
- Nathan Croft, a child actor who worked on several of the ACTF's series, was Second Assistant Director on the children's television series *Legacy of the Silver Shadow*;

- Paul Walton, a child actor in the UK has worked as First Assistant Director on the children's television series *Round The Twist* and *Crash Zone*; and
- Nicole Kidman, who appeared as a child actor in the ACTF's *Winners* series is now one of Hollywood's leading female actors.

The results from the survey support the above. The vast majority of children who responded indicated that they were either actively pursuing an acting career or considering pursuing one. This demonstrates that their employment as a child actor could have a bearing on their employment as they enter adulthood.

Social skills

Acting in the productions helps children learn self-confidence and communication skills in a similar way to school public speaking, debating or drama classes.

The results from the survey supported this contention. The vast majority of parents who responded indicated that they believed working on the production improved their child's social skills and maturity. In effect, their children's employment on the production assisted them develop life skills that they will require in their adult lives.

Protections Against Potential Negative Effects

Children working in the children's film and television industry are currently provided with a range of protections against the potential negative effects of child employment.

Education

Unlike other children's jobs, the film and television industry specifically caters for children's education by providing on set tutoring.

Tutors are selected from the education sector. Producers check that the prospective tutor is a registered teacher and that they have appropriate references from the prospective tutor's previous schools. The chosen tutor will be a teacher who can cover the school age range of the child cast appropriately. If no such person is available, more than one tutor will be engaged. In addition to the general tutor, the ACTF has in the past employed specialist tutors. For example when one of its child cast was studying German.

During the production, the tutor teaches course work set by the childrens' regular school teachers. This enables the child to stay up to date with his or her classmates during the course of the production. If the child is not required on set on any given day, the ACTF will encourage that child to return to school for that period.

The results of the ACTF's survey indicated that children's employment on productions did not interfere with their performance at school.

The vast majority of children who responded said that they felt that their academic performance either improved or did not change during the production. The vast majority of parents who responded thought their child's academic performance either improved or did not change during the production.

Exploitation

Children working in the Australian film and television industry are better placed than most child employees against exploitative employers.

All actors, adult or child, working on film or television productions in Queensland will be members of the Media and Entertainment Arts Alliance (“**MEAA**”), an active union.

Child actors receive all the benefits of other MEAA members. Minimum rates of pay are set out in workplace agreements. As MEAA members, child actors are also entitled to benefit from the success of any film or program in which they have worked by means of “repeats and residuals fees”. Actors receive such fees when the film or program is repeated on television, or exploited through other channels, for example, video sales.

Occupational health and safety

Occupational health and safety issues are typically dealt with more vigourously in the Australian children’s film and television industry than other industries.

In the mid-80s the industry, in association with MEAA, developed the Industry Safety Code. Further safety checks and balances were set out in the Industry Safety Guidance Notes. The Code and Notes set out a range of practical requirements aimed to minimise the risk of injury to cast and crew.

Once shooting scripts are finalised on a production, an independent safety supervisor will read the scripts and visit the proposed locations. It is then required that the supervisor will prepare a Safety Report which contains recommendations such as when stunt doubles or traffic control is required.

Child actors are not be used in dangerous situations during production. Professional adult stunt people will attend to any dangerous scenes.

Additional safety checks are provided by MEAA accredited safety supervisors, who will physically be on set at any times identified as needing attention in the Safety Report.

The ACTF also takes the extra precaution on its productions of having a unit nurse permanently on set.

The ACTF’s survey supported the contention that the children’s film and television industry is relatively safe, with the vast majority of parents who responded, and all of children who responded, indicating that adequate safety procedures were employed on the productions.

Commercial Benefits

Australia now has a well established children’s television industry. Queensland is no exception.

Recent children’s live action series filmed in Queensland include *New MacDonald’s Farm*, *The Sleepover Club*, *Cybergirl* and the *Ocean Girl* series. Each production would contribute many millions of dollars to the Queensland economy. *Sleepover Club* and *Cybergirl* would each have had production budgets of over \$9 million dollars.

The economic benefit these productions bring to the State is a significant by-product of the primary purpose of providing quality television to children. Each production also provides valuable employment opportunities and training for members of the local film and television industry.

The Government should consider carefully how any proposed changes to child employment laws would effect the film and television industry in Queensland. Film and television production companies are unlike conventional businesses in that they can relatively easily relocate to other cities, if regulatory changes effect the viability of production. Indeed, States offer financial incentives to attract productions.

This has been shown in respect of children's production in New South Wales. Television aimed at younger children in that State has been difficult to produce, due to relatively restrictive regulation of work hours for younger children. It is particularly telling that New South Wales based production companies, such as Southern Star, have chosen to shoot programs such as *Pig's Breakfast* and *High Flyers* in Victoria rather than in their own home state.

Recommendations

It is reasonable to say that a number of the protections referred to above in this submission rely on the diligence and integrity of the producer. Accordingly, the government may wish to "codify" some or all of them. If this option was taken, it is recommended that the Government adopt a similar to model to the current Victorian model, recently reviewed.

In Victoria, child employment in the film and television industry is monitored through a permit system.

Permits need to be approved by the school, the child's parents and the employer. This provides for a considered and informed approach to a child's employment.

Permits could be provided on the basis that the producer complies with an industry Code of Practice which covers issues such as work hours, education, and occupational health and safety.

Working hours

For the main cast of a television series or film (in ACTF productions typically three or four children), the workload is significant as those children are the stars of the production and are, in effect, carrying the show. However, it should be remembered that working on such productions is a one-off special event for the children involved. If the production is a children's television series, production will last from somewhere between 13 and 26 weeks, after which the child will return to school. Feature films are shorter. Even if the child is one of the main cast, he or she is unlikely to be required to attend the set every day.

While it may seem attractive to legislators to reduce the possible work hours for children in the film and television industry, such reductions may be unworkable given the commercial realities of film and television production.

It has been contended that this has been the cause of children's production difficulties in New South Wales. In that State, possible working hours are split into bands according to the child's age. Children in the entertainment industry can only

perform for 4 hours per day if they are 11 years old up to 15 years old, and 3 hours a day if they are between 6 years and 11 years old.

As discussed above, the highly restrictive hours for younger children has just meant that New South Wales television producers have focused their productions on shows featuring children 15 years and over. This results in younger children being unable to see their peers on television, and receive the social and cultural benefits previously described in this submission.

The ACTF would support work hour limits similar to those employed in Victoria. This is, that children can work up to eight hours per day, excluding meals, travel time and breaks. Such hourly limits are in tune with the practicalities of children's television production. Indeed, Victoria is the leading production State for children's television.

The children and parents who took part in the ACTF's survey in 2001 worked under those Victorian work hour limits. All respondents (including parents and children) indicated that they would be willing to be employed, or let their child be employed, under those same conditions again.

Balancing employment and education

While initially attractive, proposals such as imposing restrictions on employment of children during school terms or making a permit contingent on the ongoing educational performance of a child are also impractical. Children's television productions cannot all be filmed during school holidays.

However, the Code of Practice could certainly cover requirements dealing with appropriate tutoring.

Occupational health and safety

Issues such as compliance with the Industry Safety Code and Industry Safety Guidance Notes could also be dealt with in the Code of Practice.

Further consultation

The ACTF considers that the best path forward is for the Government to consult further with key stakeholders in the film and television industry to develop a workable Code of Practice for the employment of children in the industry.

Further information

Please contact Tim Phillips or Kris Darmody on (03) 9419 8800.

ACTF
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