



Queensland
Family & Child
Commission

Telephone: 07 3900 6000
Reference: OoC - TF22/577 – D22/11985

3 August 2022

Ms Megan McEwin
Director of Policy & Regulatory Affairs
Australian Association of National Advertisers
Suite 301, 100 William Street
SYDNEY NSW 2011

Dear Ms McEwin

The Queensland Family and Child Commission (QFCC) welcomes the opportunity to provide a submission to the Australian Association of National Advertisers (AANA) review of the Children's Advertising Code (the Code).

The QFCC is a statutory body of the Queensland Government responsible for promoting the safety, wellbeing and best interests of children and young people.¹ This includes advocating for the voices of children to be heard and their views to be taken into consideration in all decisions affecting them.²

As children and young people are an invaluable source of information on the issues that impact them, the QFCC has spoken with members of our Youth Advisory Council (YAC) about specific issues raised in the AANA Discussion Paper and included their experiences and perspectives in this response, refer attachment 1 for the details of their response.

In addition to the views and experiences of the YAC, the QFCC encourages the AANA to consider incorporating articles 12 and 13 of the UNCRC into the Code and the AANA Practice Notes. These articles outline a child's right to participate in all matters affecting them and their right to seek, receive and impart information.³

The QFCC has created a *Child and Youth Participation Framework* and a *Model of Participation* to assist organisations to have inclusive and meaningful youth participation in their processes.⁴ A copy of the model and framework is attached for your reference.

The QFCC believes that child and youth participation in the review of the Code, representation on the AANA Community Panel and in developing a child friendly complaints process will strengthen the AANA's awareness of and responses to advertising issues arising for children and young people.

¹ *Family and Child Commission Act 2014* (Qld), s.4.

² United Nations 1989, *Convention on the Rights of the Child*, Article 12 accessed 9 March 2022
<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

³ Ibid, Articles 12 and 13.

⁴ Queensland Family and Child Commission, *Child and Youth Participation Framework*, accessed 20 July 2022
<https://www.qfcc.qld.gov.au/about-us/our-work/child-youth-participation-framework>;
Queensland Family and Child Commission, *Model of Participation*, accessed 20 July 2022
<https://www.qfcc.qld.gov.au/node/266>

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We appreciated the opportunity to take part in this process. If you or your officers have any queries in relation to this matter they may contact [REDACTED] Executive Director, Government Relations and Corporate Services, by email at [REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to read 'L. Twyford', written in a cursive style.

Luke Twyford
Principal Commissioner
Queensland Family and Child Commission

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Attachment 1 – Youth Advisory Council Feedback

Attachment 2 - Child and Youth Participation Framework

Attachment 3 - Model of participation

Attachment 1 – Queensland Family and Child Commission’s Youth Advisory Council (YAC) Feedback

YAC members were of the view:

- the definition of ‘Advertising or Marketing Communication’ should be expanded to include labels and packing for products. These are considered to be one of the main forms of advertising and marketing to convince children and young people to buy a product outside of social media.
- the definition of ‘children’ should reflect community understanding that the definition of a child is a person aged under 18 years. We note the United Nations *Convention on the Rights of the Child* (UNCRC) also defines a child as under 18 years.⁵ Increasing the age to 18 years will ensure there are stronger guidelines for advertisers to remain accountable and that products are advertised appropriately to all children.
- the current definition of ‘medium’ is appropriate, noting that the definition effectively ensured all communication methods were considered.
- with respect to *Section 2.4 – Sexuality*, that it is important for advertising and marketing to be age appropriate. A distinction should be drawn between advertising and marketing for education, support services or public service announcements regarding consent or respectful relationships, rather than only referring to advertisements featuring children behaving in a sexualised manner to promote a product.
- advertising and marketing which made products appear child friendly or harmless, and specifically referenced vapes (including non-nicotine), tobacco, alcohol and sexual toys are of concern. The vape, tobacco and alcohol industries were said to use packaging and labels to entice children to purchase or use the products. Concerns were also raised about social media influencers and their collaboration with brands or companies and the negative impact this kind of advertising and marketing can have on children.
- the amount of control advertisers can have over children and how this can undermine family advice and financial literacy. Concerns were raised regarding the method and tactics used by some advertisers, for example clickable ads on mobile games or fear-based advertising. Regulation which targets this kind of advertising and marketing approaches and methods may address or reduce this influence and control over children.

⁵ Ibid, Article 1.