



BUILDING OUR COMMUNITY'S  
HEALTH & WELLBEING

**Submission to:**

**TV Industry Code of Practice  
Amendment 2009**

**September 2009**

## 1. ACON

ACON was formed in 1985 as part of the community response to the impact of the HIV/AIDS epidemic in Australia. Today, ACON is Australia's largest community-based gay, lesbian, bisexual and transgender (GLBT) health and HIV/AIDS organisation. ACON provides information, support and advocacy for the GLBT community and people living with or at risk of acquiring HIV, including sex workers and people who use drugs.

ACON is home to the Community Support Network (CSN), the Positive Living Centre (PLC), the Lesbian and Gay Anti-Violence Project (AVP) and the Sex Workers Outreach Project (SWOP). ACON has its head office in Sydney as well as branches in the Illawarra, Northern Rivers, the Hunter region and the Mid North Coast.

## 2. GENERAL COMMENT

ACON is pleased to see that the Commercial Television Industry Code of Practice attempts to balance and provide for the various interests of our diverse society in the delivery of commercial television services. Undoubtedly an ongoing commitment to reviewing the Code and taking viewer feedback into consideration ensures commercial television continues to maintain a high standard of programming.

We are providing comment in regards to technical language used within the draft Code.

Sexuality is a complex aspect of people's lives made up of biological, social and environmental influences that may shift and change across life spans. Traditionally, a social model of health, or key social factors, also known as social determinants, that influence and have impact on people's lives include socioeconomic status, race, ethnicity, gender and geographic location. There is, however, recognition that sexual orientation and gender identity also act as key social determinants that greatly influence patterns of health and can act as markers of disadvantage or increased vulnerability.

Like other minority groups, gay, lesbian, bisexual, and transgender people continue to face social and systemic inequalities which pose significant barriers to achieving optimum health and wellbeing.

In reviewing the proposed amendments we have noted two sections we would like to bring to your attention. Section *Proscribed Material*, clause 1.10.6, states:

*1.10.1 A licensee may not broadcast a program, program promotion, station identification or community service announcement which is likely, in all the circumstances, to:*

*1.10.6 Provoke or perpetuate intense dislike, serious contempt or severe ridicule against a person or group of persons on the grounds of age, colour, gender, national or ethnic origin, disability, race, religion or sexual preference.*

And in Appendix 2, Section 2, clause 2.6 titled *Social Values* states:

*2.6 Advertising or Marketing Communications to Children:*

*(b) Must not demean any person or group on the basis of ethnicity, nationality, race, gender, age, sexual preference, religion or mental or physical disability.*

We feel it is necessary to explicitly mention the indicators of sexual orientation and gender identity in the Code as a principle of upholding the Australian Government's vision of social inclusion, which in partnership, aims to reduce disadvantage and increase social participation.<sup>1</sup>

Sexual orientation is a term used to describe a person's enduring pattern of emotional, romantic, and/or sexual attractions. It is a phrase that expresses the inherent part of one's sense of being, while sexual preference implies a person's sexual choice which may or may not be based on their orientation. It is important to recognise that the two terms have different connotations and for some they may interact at different points of people's lives.

Similarly complex, gender identity is a term used to express a person's self-identified gender which may or may not be in relation to their biological sex. It is important to recognise that some gender identities encompass both or neither of the societal binary representations of male and female genders. Identity is a socially constructed and important way of recognising that individuals have a distinct experience of gender and self-identification is an important part of self-determination.

It is understood that television, and the media more broadly, has a great impact on influencing social norms through representation or lack thereof. A research report prepared by LaTrobe University titled, *Writing themselves in again: 6 years on, the 2<sup>nd</sup> national report on the sexuality, health & wellbeing of same sex attracted young people in Australia* investigated the importance of young people's understanding about homophobia and discrimination as a way of helping them to reframe negative messages about sexual difference to ways that describe a problem with the culture rather than with themselves.<sup>2</sup> The study identifies the media as a major source of learning about homophobia and discrimination for young people who identify as same sex attracted.<sup>3</sup>

We feel it is important that in classifying priority groups who have historically been subject to a great deal of stigma and discrimination in mainstream society, including in the media, that sexual orientation and gender identity be explicitly mentioned in clause 1.10.6 and Appendix 2, clause 2.6, as a way of ensuring no material that can provoke or perpetuate dislike is aired on television towards these population groups.

Thank you for the opportunity to provide comment to the draft TV Industry Code of Practice and we hope you will consider our recommendation.

For more information on the above please contact Veronica Eulate, Planning, Evaluation and Policy Officer at ACON on 9206 2061 or at [veulate@acon.org.au](mailto:veulate@acon.org.au).

---

<sup>1</sup> The Australian Government, *Social Inclusion Principles for Australia*, 2008.  
<http://www.socialinclusion.gov.au/Principles/Documents/SIPrinciples.pdf>

<sup>2</sup> Hillier L, Dempsey D, Harrison L, et al. *Writing themselves in: a national report on the sexuality, health and well-being of same-sex attracted young people*. Australian Research Centre in Sex Health & Society, La Trobe University, Melbourne, 1998.

<sup>3</sup> Ibid.

<sup>4</sup> s124A *Anti-Discrimination Act 1991* (QLD).