



The ABA registered the revised Commercial Television Industry Code of Practice on 8 April. The new code replaced the original September 1993 version.

# ABA registers revised commercial television industry code of practice

The ABA has registered the revised Commercial Television Industry Code of Practice. The revised code came into effect immediately on its registration on 8 April, replacing the original September 1993 version.

The registration concludes an extensive process of consultation between the ABA and the Federation of Australian Commercial Television Stations (FACTS). Public input was also sought at key points during the development of the revised code.

'The revised code provides valuable mechanisms for addressing matters of community concern,' said Professor David Flint, ABA Chairman. 'The ABA is encouraged by the commercial television industry's positive response during this code review.'

The ABA considered the revised code against the requirements set out at section 123 of the *Broadcasting Services Act 1992*. The ABA is satisfied that the revised code provides appropriate community safeguards, is endorsed by a majority of licensees and that

members of the public have been given adequate opportunity to comment on the revised code.

One of the major changes to the revised code is the inclusion of a new classification category—AV—for those programs at the MA level due to violence. AV classified programs are permitted to start only after 9.30 p.m.

The revised code also sets out clearer limits on the reporting and depiction of suicide, and the depiction of sex and nudity during MA programs. Additional provisions relate to advertising to children. Advertisements for telephone sex services are also subject to more stringent requirements than previously.

There have been changes to the way that the amount of non-program matter is measured in some circumstances. The ABA is strongly committed to monitoring the impact of these changes, and also stations' performance against the revised code as a whole.

The revised code will be subject to further review after three years of operation.

## Process

The revised code was developed by FACTS and was initially submitted for consideration by the ABA in May 1997, after two rounds of public consultation.

Following a high level of consultation and negotiation between the ABA and FACTS, the revised code was included in the ABA's Register of Codes of Practice on 8 April 1999. It replaces that version of the code in place since September 1993.

In the period since the revised code was first submitted, officers and Members of the ABA have met with FACTS a number of times to discuss the safeguards provided by the draft revised code on various key issues. These have included FACTS' response to the recommendations of the 1996 Ministerial committee on the Portrayal of Violence in the Media, as well as other classification issues such as the broadcast of advertisements for phone sex services. Also discussed were the code's restrictions on advertising directed to children. In Novem-

ber 1998, following a number of investigations by the ABA which found breaches of the code relating to non-program matter, FACTS submitted a proposal for major changes to the section of the code relating to the amount of non-program matter scheduled by licensees.

Given the nature and scope of changes made to the draft revised code since public comment was last invited, (in December 1996), FACTS embarked on a final round of public consultation in March 1999. The final draft of the revised code was provided to the ABA for registration in early April 1999.

## Matters covered by the revised code

The Act (section 123(2)) sets out a number of matters to which codes may relate. These include preventing the broadcasting of programs that, in accordance with community

Copies of the Commercial Television Industry Code of Practice are available on the ABA web site, <[www.aba.gov.au](http://www.aba.gov.au)>.



standards, are not suitable to be broadcast by that section of the industry. Another high priority is the need to ensure that children are protected from exposure to program material which may be harmful to them.

In developing the code the industry is required to take account of community attitudes to matters such as the portrayal of violence, sexual conduct and nudity, and the use in programs of offensive language. The industry is also required to take account of concerns about the way the use of drugs, including alcohol and tobacco, is portrayed.

The Act (section 123(4)) states that the ABA must include a code of practice in the Register of Codes of Practice if it is satisfied that:

- (i) the code of practice provides appropriate community safeguards for the matters covered by the code; and
- (ii) the code is endorsed by a majority of the providers of broadcasting services in that section of the industry; and
- (iii) members of the public have been given an adequate opportunity to comment on the code.

The revised code addresses these issues through its provision of:

- proscriptions on the broadcast of certain material;
- a commitment for ongoing review of the code;
- affirmation of the industry's commitment to provide closed-captioned programming;
- a system of program classification, based on that administered by the Office of Film and Literature Classification (OFLC);
- provisions relating to the broadcast of news and current affairs programs;
- restrictions on the broadcast of program promotions

and some types of advertisements;

- limits on the amount of non-program matter scheduled in any hour; and
- procedures for handling complaints about code matters.

FACTS has included the following additional features in the revised code:

- licensees will take responsibility for accepting complaints about the content of advertisements, and referring them to the appropriate regulatory body;
- there is a new classification category—AV—for programs at the MA level due to their violent content. Programs classified AV are only permitted to commence after 9.30 p.m.;
- the limits on the depiction of sex and nudity during M and MA programs have been clarified;
- there are clearer limits on the reporting and depiction of suicide;
- the section relating to news and current affairs programs now requires licensees to 'have appropriate regard' to the feelings of relatives and also viewers when including images of dead or seriously wounded people;
- licensees are to avoid unfairly identifying a single person or business in commenting on the behaviour of a group of persons or businesses;
- licensees are to take 'all reasonable steps' to ensure that they do not identify murder/accident victims before the immediate families have been notified by the authorities;
- the requirements for the accurate presentation of factual material and the fair representation of viewpoints has been extended to apply to promotions for news and current affairs programs;

- the section relating to the amount of non-program matter per hour has been substantially redrafted. The 'as scheduled' approach to advertising placement has been clarified, to reflect actual industry practice;
- the code now includes provisions relating to premium charge telephone services, particularly those directed to children. Provisions relating to 'host selling' in programs mainly directed to children have also been included; and
- the code now places further restrictions on the broadcast of advertisements for 'phone sex services.'

### Implementation

FACTS have advised the ABA that industry training on the new code will take place over the next few weeks. Commercial television staff will be made aware of the changes to the code's requirements and relevant procedures will be introduced or amended. This will ensure a smooth transition between the old and the revised codes over the period.

### Codes of practice—section 123 of the Broadcasting Services Act

Codes of practice are developed under the provisions of section 123 of the Act. This section sets out Parliament's intention that groups representing particular sections of the broadcasting industry will develop, in consultation with the ABA and taking account of any research by the ABA, codes of practice that are to be applicable to those sections of the industry.

## Pay TV

The ABA has registered codes of practice for subscription television broadcasting services.

The codes have been developed by the Australian Subscription Television and Radio Association (ASTRA) on behalf of the industry sector.

Their registration follows consultation between the ABA and ASTRA and public consultation by ASTRA, most recently on the advertising code.

'The ABA is encouraged by the responsiveness shown by the pay TV industry, particularly to concerns about program classification and the need to protect children from harmful or distressing material,' said Professor David Flint, ABA Chairman. 'The ABA is satisfied that the codes provide appropriate safeguards for the community.'

The codes set out the obligations for subscription television broadcasting services in relation to issues such as classification of program material, presentation of news and

