



The ABA has registered the revised Commercial Television Industry Code of Practice, developed by Free TV Australia after consultation with the industry and the public.

Revised code of practice for commercial television

The ABA has welcomed the revised commercial television industry code of practice which it registered on 1 July 2004, and which took effect immediately.

'Free-to-air television is an important and trusted part of most Australian homes. The ABA and Free TV Australia have recognised this by working together to introduce important new community safeguards in the revised code,' said Ms Maddock.

The code contains new rules requiring the disclosure of commercial agreements in factual programming, limits on the loudness of advertisements, specific protection for children's privacy in news and current affairs reports, and tighter regulation of food and beverage advertisements to children.

PG time zones have been extended on weekends and in the early evening. They now run from 10 am to 8.30 pm on weekends, and commence half an hour earlier on weeknights, at 7 pm. This improves choice for viewers in the mix of programming on offer, particularly on weekends.

To assist parents with the introduction of the new time zones, licensees are required to

provide consumer advice for all PG-rated films, and for other PG programs in the new time zones that contain material of a strength or intensity that parents of young children may not expect. Special restrictions also apply to program promotions broadcast in the new time zones.

The registration of the code concludes an extensive review by Free TV Australia, the industry group representing the commercial television broadcasting sector. Public consultation was an important part of the review. Free TV (then known as Commercial Television Australia) released a draft version of the code on 9 August 2003, for public comment. The deadline for submissions was 19 September 2003, although extensions were granted, and more than one thousand, a record number of submissions, were received on a range of topics.

Free TV and the ABA responded to these comments by making a number of changes to the code before its registration.

Process

Under section 123 of the *Broadcasting Services Act 1992* the industry group responsible for



representing the commercial television industry must develop a code of practice applicable to that industry. The code must be developed in consultation with the ABA and take account of any relevant research conducted by the ABA.

Once the revised code has been agreed, it is provided to the ABA for inclusion on the Register of Codes. The ABA must register a code if it is satisfied that the code is endorsed by a majority of the industry, provides appropriate

community safeguards, and that there was adequate opportunity for the public to comment on the proposed code (ss.123 (4)).

Copies of the code

The code, *The Commercial Television Industry Code of Practice*, is available on the ABA's web site at: www.aba.gov.au/tv/content/codes/commercial/index.htm or from Free TV Australia. Tel: 02 9660 2622, Web: www.ctva.com.au



What's new in the code?

- Advertisements should not be excessively noisy or strident, and licensees must try to ensure that commercials do not sound louder than adjacent programming. Free TV has prepared a technical document, Operational Practice Note on Audio Levels and Loudness for Advertisements (OP-48), in conjunction with the advertising industry, setting audio standards for television advertisements. Compliance with OP-48 will, in general, be sufficient to satisfy the code requirements.
- Commercial arrangements to feature or endorse a third party's product or services in factual programs (that is, a documentary, infotainment, or current affairs program) must be disclosed. The disclosure covers agreements between a third party and the licensee, presenter or independent producer.
- PG time zones are extended to 10.00 am – 8.30 pm on weekends, and from 7.00 pm – 8.30 pm on weeknights. Previously, PG time zones were limited to 7.30 pm – 8.30 pm on weekends and weeknights, and from 8.30 am – 4.00 pm in school holidays (this remains unchanged).
- To assist parents with the introduction of the new PG time zones, licensees are required to provide consumer advice for all PG-rated films, and for other PG programs in the new time zones that contain material of a strength or intensity that parents of young children may not expect. Special restrictions also apply to program promotions broadcast in the new PG time zones.
- Tighter measures for food and beverage advertising to children. Food and beverage advertisements directed at children should not encourage or promote an inactive lifestyle or unhealthy eating and drinking habits. The Australian Association of National Advertisers voluntary Code for Advertising to Children is also included as an appendix.
- A new children's privacy clause for news and current affairs reporting. Licensees must now exercise special care before using material relating to a child's personal or private affairs when broadcasting sensitive matter concerning the child. They must also seek parental consent before broadcasting information about, or identifying, a child unless there are exceptional circumstances or an identifiable public interest reason not to do so.

Changes to requirements for broadcasting political matter

The ABA has amended its requirements for the broadcast of political matter to ensure the 'required particulars' (or tag) are broadcast in the same language as the political matter.

The change is contained in the *Guidelines for Broadcasting Political Matter* which are designed to assist broadcasters, governments, advertisers, the general public and other interested parties in determining what is, or is not, political matter for the purposes of the Broadcasting Services Act.

The Act requires broadcasters broadcasting political matter at the request of another person to, immediately afterwards, announce the person authorising the broadcast, the person's location, and the name of every speaker.

The requirement assists the general public to identify broadcasts which are political, is not limited to election periods and extends to all who request the broadcast of political matter.

By contrast, material that deals with political issues, most notably news and current affairs programs, which is generally not broadcast at the request of another person is outside the reach of the requirements of the Act.