

More political advertising during elections allowed under revised commercial TV code

ACMA recently registered a revised version of the Commercial Television Industry Code of Practice that permits an additional minute per hour of political non-program matter to be broadcast between 6.00 pm and midnight during election periods.

ACMA was satisfied that the commercial free-to-air television industry peak body, Free TV Australia, has fulfilled the requirement for public consultation on this matter as set out in the *Broadcasting Services Act 1992*. Based on the evidence from submissions, there was no strong view that the proposed amendment would result in a lessening of community safeguards during an election period.

Under section 123(4)(b) of the *Broadcasting Services Act*, ACMA must register a code of practice if it is satisfied that:

- the code of practice provides appropriate community safeguards for the matters covered by the code
- the code is endorsed by a majority of the providers of the broadcasting services in that section of the industry and

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

Free TV Australia, the commercial free-to-air television industry peak body, proposed the amendment to clause 5.6 as a clarification. The effect of the clarification is to specify that licensees may broadcast an additional minute of political non-program matter between 6.00 pm and midnight during election periods, as already permitted under clause 5.7.2. Under the previous version of the code, broadcasting this additional minute would breach restrictions regarding the average amount of non-program matter, which applied without distinction between election and non-election periods.

The free-to-air commercial television networks are governed through a co-regulatory scheme. This scheme takes the form of an industry-created code of practice that gives effect to their legislative obligations, including under the *Broadcasting Services Act*, and is registered with ACMA.

The Commercial Television Industry Code of Practice includes Television Classification Guidelines

that apply to programs other than films, news, current affairs and sport. It sets out the criteria for G, PG, M, MA and AV classifications, and also defines material that is not suitable for broadcast.

The code also specifies the times that programs classified other than G can be broadcast. In addition, the code regulates the broadcast of program promotions, news and current affairs programs, non-program matter, commercials and community service announcements and complaints-handling procedures.

Free TV is reviewing other aspects of its industry code of practice, a process that will continue into 2008. The code was last reviewed in 2004. More information about the code amendment is on Free TV's website at www.freetv.com.au.



Do Not Call Register continues to grow

Registrations on the Do Not Call Register have passed 1.8 million, demonstrating the popularity of this initiative with consumers. Registrations commenced on 3 May 2007 and the register was in full operation from 31 May.

By 27 September 2007, the telemarketing industry had taken out 1,745 subscriptions to check or 'wash' more than 317 million telephone numbers against the register, with 99.5 per cent of all telephone contact lists submitted for washing washed within one minute, and an average washing time of half a second.

ACMA has commenced nine formal investigations following persistent complaints about calls to numbers that are on the register. Many other telemarketers have responded responsibly to warning letters from ACMA, resulting in a decrease in complaints about them. This indicates that, while the number of complaints remains high, ACMA's approach of issuing warnings before taking formal investigatory action is proving successful.

For more information, go to www.dontcall.gov.au



Do Not Call Register