



TV Code faces first review

Tony Branigan, General Manager, Federation of Australian Commercial Television Stations

Broadcast codes of practice are recent innovations, being the offspring of the Broadcasting Services Act 1992 (the Act). The Act effectively privatised much of the cost and effort of broadcast regulation, while retaining a supervisory role for the Australian Broadcasting Authority. The resulting system has aptly been called 'guide self-regulation'.

These codes of practice predicably reflect their diverse antecedents. The Commercial Television Industry Code of Practice (the Code) contains large, barely digested lumps of the old television and advertising standards, and reflects these standards' marked preferences for proscriptive 'musts' and 'must nots' over advisory 'shoulds'. By contrast, the ABC - never subject to those standards - reflects in its enviably brief code the discursive, recommendatory tone of its long-standing editorial policy guidelines.

We have now had almost three years' experience with the Code. When we introduced it in September 1993, we committed ourselves to reviewing it after three years. We have brought the review forward slightly in response to current concerns about media violence, and we will be seeking public comment on the Code in August.

What have we learned since 1993? Firstly, that the code system is demonstrably better and more responsive than the old standards. It is better for the public because it provides for a much more prompt response to complaints. It is better for the industry because it gives it the privilege and responsibility to draft its own rules, while making stations directly accountable for what they do.

A related point is that after only three years the code system seems to be better known and better under-

stood than the old standards were after more than 30 years. This is largely because of the extensive publicity stations have given it. A measure of this recognition is the 2,000 or so written complaints that have been received by stations since September 1993.

after only three years the code system seems to be better known and better understood than the old standards were after more than 30 years

We have also learned a lot about what a code should contain and how it should be drafted. With some misgivings, we took over much of the old standards. The alternative 'clean slate' approach was initially attractive, as it would have allowed a simpler, more limpidly written document which advised rather than directed. We recognised at the time that this was not a practical or political possibility. Nor is it today, though it may still be some stations' private preference.

One thing we resisted strongly was the inclusion of additional provisions which had no direct bearing on what stations broadcast. We take the view that broadcast codes of practice should be confined to what is broadcast. They should not include such things as broadcasters' employment practices, the behaviour of reporters, or casting or scripting decisions by producers. Any other approach could make the ABA - as the court of appeal for dissatisfied complainants - the arbiter of journalist dress standards or of the fairness of individual staff promotions made by stations.

On some issues where formal code provisions are not appropriate, industry guidelines make good sense. That is why we have advisory notes

on the portrayal of Aboriginals and Torres Strait Islanders, people of multicultural diversity, and of women and men. These advisory notes operate alongside the Code, but set out recommended practice rather than mandatory rules.

One other cogent lesson from the past three years is that 'deregulation' does not mean less political or regulatory scrutiny. We have already had a Senate Committee inquiry into broadcasting codes of practice which has flagged its intention to assist FACTS with its review of the Code. State and federal classification Ministers have also shown increasing interest in television program classification, even though it clearly falls outside their authority.

How are we proposing to review the Code? We have already given much thought to necessary changes. There are many of these, though few of great significance. Most are intended to make a generally sensible and workable document clearer and even more workable.

We are committed to a public review process. This will involve a widely advertised discussion paper on aspects of the Code which may need to be reworked, in the light of comments received from industry interest groups and individual viewers. We may release a proposed revision of the Code incorporating many of these possible changes.

We will allow at least two months for public comment and consultation, and will then put together a final draft to submit to the ABA. Subject to its views and processes, we can expect to have a new Code of Practice by the New Year. □

FACTS will shortly be advertising in the national press, announcing its review of the Code and inviting public submissions.