



Children's Television Standards 2005

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes these Standards under subsection 122 (1) of the *Broadcasting Services Act 1992*.

Dated 24 November 2005

Lyn Maddock
Acting Chair

Rod Shogren
Member

Australian Communications and Media Authority

CTS 1A Name of Standards

These Standards are the *Children's Television Standards 2005*.

CTS 1B Commencement

These Standards commence on 30 December 2005.

CTS 1 Definitions

In these Standards, unless the contrary intention appears:

Act means the *Broadcasting Services Act 1992*.

Australian C Drama means a program which meets the requirements in CTS 11 (1) or CTS 11 (2).

Australian Content Standard means the *Broadcasting Services (Australian Content) Standard 2005*.

Australian/New Zealand program has the meaning given by section 20 of the Australian Content Standard.

Australian official co-production has the meaning given by section 6 of the Australian Content Standard.

break means any broadcast which interrupts a program or comes between programs.

C band means the following periods of time:

- (a) 7.00am to 8.00am Monday to Friday;
- (b) 4.00pm to 8.30pm Monday to Friday;
- (c) 7.00am to 8.30pm Saturday, Sunday and school holidays.

children means people younger than 14 years of age.

C material means:

- (a) a C program; and
- (b) any of the following material that may be broadcast in a C period in accordance with these Standards:
 - (i) a program promotion;
 - (ii) a community service announcement;
 - (iii) any other announcement;
 - (iv) a station identification;
 - (v) a news flash;
 - (vi) an advertisement;
 - (vii) a G program, including a part of a G program.

Commercial Television Industry Code of Practice means the document:

- (a) published under that name by Free TV Australia; and
- (b) included in the Register of codes of practice under subsection 123 (4) of the Act.

community service announcement means an announcement which promotes a charitable cause or activity or which constitutes a service to the community, and which is broadcast free of charge by a licensee.

C period means a period nominated by, or on behalf of, a licensee under CTS 3 (1) (e) during which the licensee will broadcast C programs.

C program means a program which meets the criteria of suitability for children (other than preschool children) in CTS 2 and has been so classified by the ACMA.

disclaimer means a statement which attempts to limit or deny any legal liability which might otherwise fall on an advertiser.

first release, for a program, has the meaning given by section 8 of the Australian Content Standard.

G classified, in relation to material, means classified G in accordance with the Commercial Television Industry Code of Practice.

G program means a program that is classified G in accordance with the Commercial Television Industry Code of Practice, but does not include:

- (a) an advertisement (whether or not of a commercial kind); or
- (b) sponsorship matter (whether or not of a commercial kind).

licensee means the holder of a commercial television broadcasting licence allocated or renewed in accordance with the Broadcasting Services Act 1992.

live coverage includes a broadcast delayed for time zone reasons and broadcast as plausible “live”, without reformatting.

month means a calendar month.

New Zealand program has the meaning given by section 19 of the Australian Content Standard.

notifying licensee means a licensee which provides schedules to the ACMA in accordance with CTS 3 (1) (e) on behalf of either itself or itself and one or more other licensees.

P band means the period of time 7.00am to 4.30pm Monday to Friday.

P material means:

- (a) a P program; and
- (b) any other material that may be broadcast in a P period in accordance with CTS 5.

P period means a period nominated by, or on behalf of, a licensee under CTS 3 (1) (e) during which the licensee will broadcast P programs.

P program means a program which meets the criteria of suitability for preschool children in CTS 2, and has been classified by the ACMA as a P program.

premium means anything offered with or without additional cost that is intended to induce the purchase of an advertised product or service.

preschool children means children who have not yet started school.

revoked Standards means the Children’s Television Standards revoked under CTS 25.

Note The revoked Standards comprise the standards relating to programs for children, determined by the Australian Broadcasting Tribunal under paragraph 16 (1) (d) of the *Broadcasting Act 1942* and taken, under subsection 21 (2) of the *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992*, to be a standard determined by the Australian Broadcasting Authority under paragraph 122 (1) (a) of the *Broadcasting Services Act 1992*.

school holidays, in relation to a licensee, means:

- (a) the government primary school holidays in each licensee’s licence area; and
- (b) each public holiday in the licensee’s licence area.

year means a calendar year starting on 1 January and ending on 31 December.

Note Certain words and expressions used in these Standards are defined in subsection 6 (1) of the Act, including **ACMA** (the Australian Communications and Media Authority).

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- (2) These Standards apply to:
 - (a) all C programs; and
 - (b) all P programs; and
 - (c) all breaks immediately before, during and immediately after both C programs and P programs.
 - (3) These Standards apply to C programs and P programs in a series as they do to single C programs and P programs, except that for the purposes of classification a number of C programs or P programs in a series may be treated as if they were one program.
 - (4) The Australian Content Standard applies in addition to these Standards. However, in the event of an inconsistency between the two standards, these Standards prevail.
 - (5) These Standards may be referred to by the abbreviation 'CTS'. For example, this is CTS 1 (5).

CTS 2 Criteria for C Programs and P Programs

A children's program is one which:

- (a) is made specifically for children or groups of children;
- (b) is entertaining;
- (c) is well produced using sufficient resources to ensure a high standard of script, cast, direction, editing, shooting, sound and other production elements;
- (d) enhances a child's understanding and experience; and
- (e) is appropriate for Australian children.

CTS 3 Obligation of a Licensee to Broadcast C Programs and P Programs

- (1)
 - (a) A licensee must broadcast a combined total of at least 390 hours of C material and P material in each year.
 - (b) Material broadcast for CTS 3 (1) (a) must include at least 260 hours of C material and at least 130 hours of P material.
 - (c) A licensee must broadcast C material for a continuous period of time of not less than 30 minutes:
 - (i) every weekday between the hours of 7.00am and 8.00am or 4.00pm and 8.30pm; to a total of at least 130 hours per year; and in addition
 - (ii) at any time in the C band to a total of at least 130 hours per year.
 - (d) A licensee must broadcast P material for a period not less than 30 minutes every weekday in the P band.
 - (e) A notifying licensee must, by notice in writing to the ACMA, provide a schedule showing:
 - (i) the call sign of each licensee on whose behalf the schedule is provided; and

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- (ii) the periods during which each of the licensees referred to in the schedule will broadcast C programs and P programs (referred to in these standards as C periods and P periods respectively).
 - (f) Subject to CTS 3 (1) (k), for C material or P material to count towards the total hours required for the year, it must be broadcast in accordance with the schedule provided under CTS 3 (1) (e).
 - (g) In C periods and P periods a licensee must not broadcast any program other than a C program or P program, as the case may be.
 - (h) A licensee may, by notice in writing to the ACMA, vary a schedule provided under CTS 3 (1) (e), provided that 14 days' written notice is given of any such variation.
 - (i) A licensee may displace any C period scheduled for a weekday between 7.00am and 8.00am, or 4.00pm and 8.30pm to allow live coverage of:
 - (i) an event of national importance which is suitable for viewing by children; or
 - (ii) a major sports event which is suitable for viewing by children;provided that:
 - (iii) the displaced C period is placed in a C band in the period of time from the beginning of the weekend preceding the date of the event to the end of the weekend following the event; and
 - (iv) the ACMA is notified in writing of the event at least 14 days prior to the scheduled broadcast.
 - (j) A licensee must ensure that the child audience is appropriately notified of:
 - (i) any variation, under CTS 3 (1) (h), to the schedule provided under CTS 3 (1) (e); and
 - (ii) why the schedule has been varied; and
 - (iii) when the C programs or P programs will be broadcast.If a C period is displaced due to live coverage of an event specified in CTS 3 (1) (i) (i) or (ii), the licensee must, at one or more times immediately before, during or immediately after the live coverage, broadcast details of when the C programs will be broadcast.
 - (k) A failure to broadcast as specified in the schedule provided under CTS 3 (1) (e) is not a breach of these Standards, and the C material or P material will count, when broadcast, toward the total hours required for the year, if:
 - (i) the failure to broadcast as specified in the schedule provided under CTS 3 (1) (e) was due to the unexpected:
 - (A) cancellation; or
 - (B) postponement; or
 - (C) early completion; or
 - (D) overrun; or
 - (E) availability;of live coverage of an event of national importance, or a major sports event, that is suitable for viewing by children and that intrudes into a C period or P period; and

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- (ii) any C programs that were not broadcast are broadcast in the C band within 14 days of the date of the broadcast of the live coverage; and
 - (iii) any P programs that were not broadcast are broadcast in the P band within 14 days of the date of the broadcast of the live coverage; and
 - (iv) the ACMA is notified in writing, within 72 hours after the broadcast of the live coverage, of the failure to broadcast; and
 - (v) the licensee broadcasts details of the change to the schedule provided under CTS 3 (1) (e) immediately before, during, or immediately after, the time of the scheduled C period or P period.
- (1) Subject to CTS 3 (1) (k), failure to give the ACMA 14 days' written notice or the child audience appropriate notice of any variation in the schedule without reasonable excuse will mean that any C material or P material broadcast other than in accordance with the schedule, will not count towards the total hours required for the year.
- (2) If a program in a series is broadcast in a C period, no other program in the same series may be broadcast during that C period unless the program is:
- (a) an Australian C Drama; or
 - (b) a C program that is part of a non-Australian mini series.
- Note* Sections 14 and 15 of the Australian Content Standard set out rules about first release C programs, and about P programs being Australian programs. The former CTS 3 (3) dealt with the same subjects, but was omitted in 2005 to avoid duplication.
- (4) A licensee may not broadcast:
- (a) in C periods — any one C program which is an episode or program in a series more than three times within any period of five years; or
 - (b) in P periods — any one P program which is an episode or program in a series more than three times within any period of five years.
- However, there is no restriction on the number of times a licensee may broadcast an Australian C Drama.
- (5) The obligations of a licensee under CTS 3 are subject to the exceptions and qualifications contained in:
- (a) these Standards; and
 - (b) subsection 12 (4), and section 12A, of the Australian Content Standard.

CTS 4 Program Promotions and Station Identifications

- (1) Subject to CTS 14 (3), each 30 minutes of a C period may contain no more than one minute of G classified program promotions and station identifications.
- (2) Only C programs, P programs, G programs and coverage of sports events suitable for viewing by children may be promoted during any breaks immediately before, during, or immediately after, C programs or P programs.
- (3) In addition to the program promotions permitted by CTS 4 (1) and CTS 14 (3), voiceover announcements promoting C Programs may be made during the end credits of C programs.

CTS 4A Community Service Announcements

Subject to CTS 14 (3), each 30 minutes of a C period may contain no more than 7 minutes in total of:

- (a) advertisements broadcast in accordance with CTS 14 (1); and
- (b) program promotions and station identifications broadcast in accordance with CTS 4 (1); and
- (c) G classified community service announcements.

CTS 5 News Flashes and Announcements

A P period or a C period must not be interrupted except for the broadcast of a news flash or announcement which cannot, in the public interest, be delayed until completion of the P period or C period.

CTS 6 Actual Times Falling Short

When, during the last 30 minutes of a C period, the total time occupied by C programs and breaks permitted by these Standards is less than 30 minutes, but more than 25 minutes, the difference may be made up by G programs, including a part of a G program, which, as far as practicable, meet the criteria in CTS 2.

CTS 7 Duration of Classifications

- (1) The classification of a program under these Standards, or the revoked Standards, expires five years after the date on which it was given or last renewed, unless the ACMA otherwise determines at the time of classification or renewal.
- (2) On written application, the ACMA may at any time renew the classification of a C program or P program.
- (3) When, at any time, the ACMA considers that a C program or P program is not consistent with the representative sample on the basis of which its classification was granted or renewed, it may revoke the classification.

CTS 8 Provisional Classification

- (1) When a person submits to the ACMA a written proposal for:
 - (a) a C program (other than an Australian C Drama) or a P program, accompanied by a pilot episode or by a videotape presentation indicating the nature of the program; or
 - (b) an Australian C Drama;the ACMA may classify the proposed program or the pilot episode or both as 'provisional C' or 'provisional P'. A provisional classification of that kind will be granted if the ACMA is satisfied that the program will satisfy the criteria in CTS 2 for a C program or P program, and CTS 2 and CTS 11 for an Australian C Drama.
- (3) On written application, the ACMA may, at any time, renew a provisional C classification or a provisional P classification.
- (4) When the ACMA has classified a pilot episode of a proposed program as provisional C or provisional P, the pilot episode will be deemed to be a C program or P program as the case may be until the classification expires.

CTS 9 Prizes

- (1) No prizes may be offered or given during a P program.
- (2) In C programs which involve the giving or offering of prizes:
 - (a) the presenter may not recommend or endorse a product or service which is presented as a prize, nor encourage children to buy it;
 - (b) the price or value of a prize may not be mentioned; and
 - (c) any description by the presenter should only be to clarify the nature of the prize.

CTS 10 Unsuitable Material

No material broadcast during a C period or P period may:

- (a) demean any person or group on the basis of ethnicity, nationality, race, gender, sexual preference, religion, or mental or physical disability;
- (b) present images or events in a way which is unduly frightening or unduly distressing to children;
- (c) present images or events which depict unsafe uses of a product or unsafe situations which may encourage children to engage in activities dangerous to them;
- (d) advertise products or services which have been officially declared unsafe or dangerous by a Commonwealth authority or by an authority having jurisdiction within the licensee's licence area.

CTS11 Australian C Drama

- (1) In these Standards, an Australian C Drama is a television program which meets all the following requirements:
 - (a) the program must be classified by the ACMA as a C program;
 - (b) the program must, in the opinion of the ACMA, be a fully scripted screenplay or teleplay in which the dramatic elements of character, theme and plot are introduced and developed so as to form a narrative structure. It includes sketch comedy programs, animated drama and dramatised documentary, but does not include sketches within variety programs, or characterisations within documentary programs, or any other form of program or segment within a program which involves only the incidental use of actors;
 - (c) the program must, in the opinion of the ACMA, meet the requirements for an Australian program in the Australian Content Standard.
- (2) A proposed Australian C Drama may be classified as complying with the requirements of CTS 11 if, in the opinion of the ACMA, the program will, when completed, comply with those requirements.
- (3) Where a proposed Australian C Drama is classified under CTS 11 (2), a copy of the completed program on VHS format videotape must be sent to the ACMA within one month of completion.

CTS 12 Obligation of a licensee to broadcast Australian C Drama

- (1) A licensee must broadcast, in the C band, Australian C Drama in accordance with sections 12, 12A and 13 of the Australian Content Standard.
- (2) For CTS 3 (1) (a) and (b), the hour value of a first release Australian C Drama is its duration under the Australian Content Standard.

CTS 13 Advertisements

- (1) Only G classified advertisements which also meet CTS 10, and CTS 17 to CTS 23 (inclusive), may be broadcast during C periods.
- (2) No advertisements may be broadcast during P periods.
- (3) The requirements of this Standard are in addition to the requirements of the Commercial Television Industry Code of Practice.

CTS 14 Maximum Advertising Time

- (1) Except during a C period in which an Australian C Drama is broadcast, each 30 minutes of a C period may contain no more than 5 minutes of advertisements.
- (3) During a C period in which an Australian C Drama is broadcast, the maximum amount of advertisements, program promotions, station identifications and community service announcements is 13 minutes per hour.

CTS 15 Separation of Advertisements and Sponsorship Announcements

During C periods advertisements and sponsorship announcements must be clearly distinguishable as such to the child viewer. This requirement is in addition to the requirements of the Commercial Television Industry Code of Practice.

CTS 16 Repetition of Advertisements

During any 30 minutes of a C period a licensee may broadcast the same advertisement no more than twice.

CTS 17 Content of Advertisements

No advertisement may mislead or deceive children, and nothing in these standards is to be taken to limit the obligation imposed by this standard.

CTS 18 Pressure in Advertisements

- (1) A licensee may not broadcast any advertisement designed to put undue pressure on children to ask their parents or other people to purchase an advertised product or service.
- (2) No advertisement may state or imply:
 - (a) that a product or service makes children who own or enjoy it superior to their peers; or
 - (b) that a person who buys an advertised product or service for a child is more generous than a person who does not.

CTS 19 Clear Presentation

- (1) Advertisements must accurately represent the advertised product or service.
- (2) Claims made in advertisements must not be ambiguous.
- (3)
 - (a) Advertisements in which children are depicted using products (including toys and games) must fairly represent the performance which a child of the age depicted can obtain from those products.
 - (b) If the size of the product is not clear in a live action advertisement it must be made clear by reference to something which a child can readily recognise.

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- (4) If accessories (for example batteries, transformers or doll's clothes) are needed to operate or enjoy a product depicted in an advertisement then:
 - (a) this must be able to be clearly understood by children;
 - (b) reference to price must clearly differentiate between the price of the product and the price of any accessories.
 - (5) Prices, if mentioned, must be accurately presented in a way which can be clearly understood by children, and not minimised by words such as 'only' or 'just'.
 - (6) An advertisement for a food product may not contain any misleading or incorrect information about the nutritional value of that product.

CTS 20 Disclaimers and Premium Offers

- (1) Any disclaimer must be presented conspicuously.
- (2) A premium offer should not stimulate any unreasonable expectation of the product or service advertised. If a premium is offered, then:
 - (a) any reference to the premium must be incidental to the main product or service advertised; and
 - (b) any conditions which must be met before obtaining the premium must be clearly presented.

CTS 21 Competitions

If competitions for children are referred to in programs or advertisements, a summary of the basic rules must be stated. Any statement about the chance of winning must be clear, fair and accurate.

CTS 22 Promotions and Endorsements by Program Characters

- (1) No material broadcast during a C program or P program, or in the break immediately before or after a C program or P program, may contain an endorsement, recommendation or promotion of a commercial product or service by a principal personality or character from a C program or P program.
- (2) This standard does not apply if the C program or P program featuring the personality or character:
 - (a) is not currently being broadcast in the licensee's licence area; and
 - (b) has not been broadcast in the licensee's licence area within the preceding 12 months.

CTS 23 Advertising of Alcoholic Drinks

- (1) Advertisements for alcoholic drinks may not be broadcast during a C period.
- (2) No advertisement or sponsorship announcement broadcast during a C period may identify or refer to a company, person, or organisation whose principal activity is the manufacture, distribution or sale of alcoholic drinks.

This requirement is in addition to the requirements of the Commercial Television Industry Code of Practice.

- (3) No advertisement for alcoholic drinks may be broadcast during a C program or P program that is broadcast outside a C period or P period, or in a break immediately before or after any C program or P program.
- (4) No advertisement or sponsorship announcement broadcast during a C program or P program that is broadcast outside a C period or P period, or in a break immediately before or after such a C program or P program, may identify or refer to a company, person or organisation whose principal activity is the manufacture, distribution or sale of alcoholic drinks. This requirement is in addition to the requirements of the Commercial Television Industry Code of Practice.

CTS 24 Australia's international obligations

- (1) Subject to CTS 24 (2), a licensee's obligations under these Standards relating to Australian content may be reduced by the extent to which the licensee broadcasts Australian official co-productions, New Zealand programs or Australian/New Zealand programs.
- (2) To reduce a licensee's obligation under CTS 24 (1), an Australian official co-production, New Zealand program or Australian/New Zealand program must satisfy the same requirements that an Australian program must satisfy under the relevant standard (except the requirement to be Australian).
- (3) Australian official co-productions, New Zealand programs and Australian/New Zealand programs are accorded treatment no less favourable than that allowed to an Australian C Drama under CTS 3 (2), CTS 3 (4), CTS 4 (3), CTS 8 (1), CTS 14 (1) and CTS 14 (3).

Note In 1983, the Government of Australia and the Government of New Zealand entered into the Australia New Zealand Closer Economic Relations Trade Agreement (the CER). On 18 August 1988, the Government of Australia and the Government of New Zealand entered into a Protocol on Trade in Services to the CER, the scope of which covers the production of programs for television and the broadcasting of programs on television.

Section 16 of the *Australian Communications and Media Authority Act 2005* requires that the Australian Communications and Media Authority perform its broadcasting, content and datacasting functions in a manner consistent with Australia's obligations under the CER Trade in Services Protocol.

Australia has international obligations under Official Film Coproduction Agreements with the United Kingdom of Great Britain and Northern Ireland, Canada, Italy, Israel, Ireland and Germany. In addition to these agreements, Official Film Co-production Memoranda of Understanding exist between the Australian Film Commission and relevant government agencies in New Zealand and France.

For the purpose of meeting Australia's obligations under these agreements, this standard:

- (a) allows Australian official co-productions the full enjoyment of all the benefits accorded to Australian programs; and
- (b) allows New Zealanders and services provided by New Zealanders access to the Australian market for television programs no less favourable than that allowed to Australians and services provided by Australians; and
- (c) in like circumstances, treats New Zealanders and services provided by New Zealanders no less favourably than Australians and services provided by Australians.

CTS 25 Revocation of the Children's Television Standards

The Children's Television Standards are revoked.

Note The revoked Standards comprise the standards relating to programs for children, determined by the Australian Broadcasting Tribunal under paragraph 16 (1) (d) of the *Broadcasting Act 1942* and taken, under subsection 21 (2) of the *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992*, to be a standard determined by the Australian Broadcasting Authority under paragraph 122 (1) (a) of the *Broadcasting Services Act 1992*.

CTS 25A Obligation of a Licensee — arrangements for Melbourne 2006 Commonwealth Games

- (1) Despite anything in CTS 3 (1) (d), a licensee holding the rights to live coverage of the Melbourne 2006 Commonwealth Games may displace any P period within the Games period to another time in the P band within the week either side of the Games period, to allow coverage of the Melbourne 2006 Commonwealth Games.

Note For a P period to be displaced in accordance with this section, it must first be scheduled by a licensee in accordance with the requirements in CTS 3 (1) (d) and (e). ACMA must be notified of any change to the schedule in accordance with CTS 3 (1) (h).

- (2) The licensee must ensure that the child audience is notified appropriately of the displacement of a P period under CTS 25A (1) by complying with the following requirements:
 - (a) the licensee must commence the notification of the displacements at least two weeks before the start of the Games period;
 - (b) the licensee must broadcast a notification immediately before or after every P period scheduled by the licensee in the two weeks before the start of the Games period;
 - (c) a notification must:
 - (i) state that the P programs will be displaced for the duration of the Games; and
 - (ii) if the displaced P programs have not yet been broadcast at the time when the notification takes place — advise the child audience when the P programs that are not to be broadcast in the Games period will be broadcast.
- (3) A failure to broadcast P material as specified in the schedule provided under CTS 3 (1) (e) is not a breach of these Standards, and the P material will count, when broadcast, toward the total hours required for the year, if the P material is displaced, and broadcast, in accordance with CTS 25A.
- (4) CTS 25A ceases to have effect on 1 January 2007.
- (5) In CTS 25A (1), (2) and (4):

Games period means the period starting on 16 March 2006 and ending on 24 March 2006.