

**Appendix 7 Federation of Australian Commercial Television
Stations, Code of Practice**



**COMMERCIAL TELEVISION INDUSTRY
CODE OF PRACTICE**

http://www.aba.gov.au/what/program/codes/facts_index.htm

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SECTION 1: INTRODUCTION

Objectives

- 1.1 The Code is intended to:
 - 1.1.1 regulate the content of commercial television in accordance with current community standards;
 - 1.1.2 ensure that viewers are assisted in making informed choices about their own and their children's television viewing;
 - 1.1.3 provide uniform, speedy and effective procedures for the handling of viewer complaints about matters covered by the Code;
 - 1.1.4 be subject to periodic public review of its relevance and effectiveness.

Regulatory Framework

- 1.2 The Code covers the matters outlined in s.123 of the *Broadcasting Services Act 1992* and other program content matters that are of clear concern to the community. It operates alongside:
 - 1.2.1 the Australian Broadcasting Authority's standards which regulate programs for children and the Australian content of programs and advertisements;
 - 1.2.2 any Codes of advertising authorised by the Australian Competition and Consumer Commission, which govern the content of television commercials and advertising in other media, and other voluntary advertising codes to which advertisers have regard;
 - 1.2.3 the Commercial Television Industry Advisory Notes, which are designed to help and encourage industry employees to understand and be responsive to community concerns about privacy and the portrayal of Aboriginal and Torres Strait Island people, cultural diversity, women and men, and people with disabilities.
- 1.3 The *Broadcasting Services Act 1992* empowers the Australian Broadcasting Authority to:
 - 1.3.1 impose a condition on a licensee requiring it to comply with the Code (s.44). A licensee which does not comply with such a condition is guilty under s.142 of an offence carrying a penalty of 20,000 penalty points (currently \$2,200,000); or
 - 1.3.2 determine a standard in relation to a matter if it is satisfied that there is convincing evidence that the Code is not operating to provide appropriate community safeguards (s.125).

Scope and Interpretation of the Code

- 1.4 Where the intent or scope of the Code is in doubt, it must be interpreted in the light of the objectives set out in Clause 1.1.

Compliance with Code

- 1.5 Licensees must seek to comply fully with the Code, but a failure to comply will not be a breach of the Code if that failure was due to:

- 1.5.1 a reasonable mistake;
 - 1.5.2 reasonable reliance on information supplied by another person;
 - 1.5.3 an act or failure to act of another person, or an accident or some other cause beyond the licensee's control, provided that the licensee took reasonable precautions and exercised due diligence to avoid the failure;
 - 1.5.4 an act or failure to act which, in all the circumstances, was clearly peripheral or incidental, and unlikely to offend or materially mislead viewers.
- 1.6 Where it is possible to remedy a failure to comply with the Code resulting from one or more of the circumstances in Clause 1.5, licensees must do so promptly.

Introduction and Future Review of the Code

- 1.7 This Code came into effect on registration by the Australian Broadcasting Authority on 8 April 1999. It will be formally reviewed after three years. If any substantive changes to the Code are needed before then, members of the public will be given an adequate opportunity to comment on those changes.

Proscribed Material

- 1.8 A licensee may not broadcast a program, program promotion, station identification or community service announcement which is likely, in all the circumstances, to:
- 1.8.1 simulate news or events in such a way as to mislead or alarm viewers;
 - 1.8.2 depict the actual process of putting a subject into a hypnotic state;
 - 1.8.3 be designed to induce a hypnotic state in viewers;
 - 1.8.4 use or involve any technique which attempts to convey information to the viewer by transmitting messages below or near the threshold of normal awareness;
 - 1.8.5 seriously offend the cultural sensitivities of Aboriginal and Torres Strait Islander people or of ethnic groups or racial groups in the Australian community;
 - 1.8.6 provoke or perpetuate intense dislike, serious contempt or severe ridicule against a person or group of persons on the grounds of age, colour, gender, national or ethnic origin, disability, race, religion or sexual preference.
- 1.9 Except for Clause 1.8.3, none of the matters in Clause 1.8 will be contrary to this Section if:
- 1.9.1 said or done reasonably and in good faith in broadcasting an artistic work (including comedy or satire); or
 - 1.9.2 said or done reasonably and in good faith in the course of any broadcast of a statement, discussion or debate made or held for an

academic, artistic or scientific purpose or any other identifiable public interest purpose; or

- 1.9.3 said or done in broadcasting a fair report of, or a fair comment on, any event or matter of identifiable public interest.

Requirements for Television Commercials

- 1.10 Television advertisers are expected to ensure that their commercials comply with the Advertiser Code of Ethics (set out as an appendix to this Section). Section Five of this Code sets out restrictions on the amount of advertising and other non-program matter that stations may carry at different times of the day, and Section Six of this Code sets out placement restrictions on certain types of television advertising which are recognised as being sensitive.

Presentation of Broadcast Material

- 1.11 A commercial, community service announcement, program promotion or station promotion must be readily distinguishable by viewers from program material.
- 1.12 Clause 1.11 applies to material broadcast:
- 1.12.1 between programs;
 - 1.12.2 in a commercial break within a program;
 - 1.12.3 as a visual or audio superimposition over a program.
- 1.13 Where a licensee receives payment for material that is presented in a program or segment of a program, that material must be distinguishable from other program material, either because it is clearly promoting a product or service, or because of labelling or some other form of differentiation.

Closed Captioning for Hearing Impaired and Deaf People

- 1.14 Licensees will:
- 1.14.1 ensure that closed-captioning is clearly indicated in station program guides, in press advertising, in program promotions and at the start of the program;
 - 1.14.2 exercise due care in broadcasting closed captioning, and ensure that there are adequate procedures for monitoring closed captioning transmissions;
 - 1.14.3 provide adequate advice to hearing-impaired viewers if scheduled closed captioning cannot be transmitted. If technical problems prevent this advice being provided in closed captioned form, it must be open captioned;
 - 1.14.4 when broadcasting emergency, disaster or safety announcements, provide the essential information visually, whenever practicable. This should include relevant contact numbers for further information;
 - 1.14.5 endeavour to increase the amount of closed-captioned programming, in consultation with organisations representing

hearing-impaired and deaf viewers, and having regard to closed-captioned programming provided by other broadcasters;

- 1.14.5.1 Subclause 1.14.5 does not apply to a station which is subject to a legislative requirement with respect to the provision of closed-captioning programming.

Interviews and Telephone Conversations

- 1.15 Licensees are subject to relevant Federal and State law when broadcasting interviews and telephone conversations.

Premium Charge Telephone Services

- 1.16 If, during a program or program promotion, a licensee invites viewers to use a premium charge telephone service to obtain information, register a view on a matter or participate in a competition, the licensee must provide clearly readable information about the cost of the call.

- 1.16.1 In C programs and program promotions in C viewing periods, and in any G program that has a substantial child audience and commences before 5.00pm:

1.16.1.1 the information about the cost of the call must be in a form which children can understand, and must be presented visually and orally;

1.16.1.2 children must be invited orally to seek parental permission before calling.

APPENDIX: ADVERTISER CODE OF ETHICS

This Code has been adopted by the Australian Association of National Advertisers to be applied as a means of advertising self-regulation in Australia and is intended to be applied to all forms of advertising.

The object of this Code is to ensure that advertisements are legal, decent, honest and truthful and that they have been prepared with a sense of obligation to the consumer and society and fair sense of responsibility to competitors.

In this Code, the term “advertisement” shall mean matter which is published or broadcast in all of Australia or in a substantial section of Australia for payment or other valuable consideration and which draws the attention of the public, or a segment of it, to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly that product, service, person, organisation or line of conduct.

- 1.1 Advertisements shall comply with Commonwealth law and the law of the relevant State or Territory.
- 1.2 Advertisements shall not be misleading or deceptive or be likely to mislead or deceive.
- 1.3 Advertisements shall not contain a misrepresentation which is likely to cause damage to the business or goodwill of a competitor.
- 1.4 Advertisements shall not exploit community concerns in relation to protecting the environment by presenting or portraying distinctions in products or services advertised in a misleading way or in a way which implies a benefit to the environment which the product or services do not have.
- 1.5 Advertisements shall not make claims about the Australian origin or content of products advertised in a manner which is misleading.
- 2.1 Advertisements shall not portray people in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.
- 2.2 Advertisements shall not present or portray violence unless it is justifiable in the context of the product or service advertised.
- 2.3 Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant program time zone.
- 2.4 Advertisements for any product which is meant to be used by or purchased by children shall not contain anything which is likely to cause alarm or distress to those children.
- 2.5 Advertisements shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.
- 2.6 Advertisements shall not depict material contrary to prevailing community standards on health and safety.

SECTION 2: CLASSIFICATION

Objectives

- 2.1 This Section is intended to ensure, since commercial television is a freely-accessible medium, open to all Australians, and providing a very diverse range of entertainment and information to a wide range of viewers, that:
 - 2.1.1 each broadcast day is divided into classification zones which are based on the majority audience normally viewing at that time, with particular regard to the child component of the audience;
 - 2.1.2 only material which is suitable for a particular classification zone is broadcast in that zone;
 - 2.1.3 The most stringent restrictions apply to the G classification zone, with gradually reducing restrictions applying in each successive zone;
 - 2.1.4 In the least restrictive classification zones (MA and AV), nothing is permitted which was not permitted by the former AO television classification;
 - 2.1.5 viewers are provided with appropriate information about the classification and nature of material to be broadcast;
 - 2.1.6 for the purpose of classifying films, a licensee must apply the film classification system administered by the Office of Film and Literature Classification, and make any necessary modifications to films classified under that system to ensure that they are suitable for broadcast, or for broadcast at particular times. In particular, any film classified R, MA or M by the Office of Film and Literature Classification must be suitably modified for television before it is given television classifications;
 - 2.1.7 news, commentary on current events, and serious presentations of moral or social issues are permitted in lower classification zones, but must be presented with appropriate sensitivity to the classification zone.

Scope

- 2.2 This Section applies to all programs and to all non-program matter, namely commercials, program promotions, program listings, community service announcements and station identifications. Section 3: Program Promotions and Section 6: Classification and Placement of Commercials apply more stringent restrictions to certain program promotions and commercials, and those Sections take precedence over this Section wherever the requirements differ.
 - 2.2.1 In this Section:
 - 2.2.1.1 words have the normal dictionary meaning suggested by their context;
 - 2.2.1.2 material means visual or aural material.

Classification of Material

- 2.3 ***All Material to be Classified:*** Except for material specified in Clause 2.3.1, all material for broadcast must be classified according to Clauses 2.10 - 2.20 or, where applicable, the stricter requirements of Section 3: Program Promotions and Section 6: Classification and Placement of Commercials.
- 2.3.1 ***Exception for News, Current Affairs and Live or Near-live Sporting Programs:*** these programs do not require classification, provided that the licensee exercises care in selecting material for broadcast having regard to:
- 2.3.1.1 the likely audience of the program; and
 - 2.3.1.2 any identifiable public interest reason for presenting the program material.
- 2.4 ***Not to be Broadcast:*** Material which does not meet the requirements of any of the television classifications must not be broadcast.
- 2.5 ***Classification Considerations:*** The suitability of material for telecast will depend on the frequency and intensity of key elements such as violence, sexual behaviour, nudity and coarse language, and on the time of day at which it is broadcast. It will also depend on such factors as the merit of the production, the purpose of a sequence, the tone, the camera work, the relevance of the material, and the treatment. These factors must be all taken into account and carefully weighed. This means that some actions, depictions, themes, subject matter, treatments or language may meet current community standards of acceptability in one program, but in another program may require a higher classification, or be unsuitable for television. Contextual factors do not permit the inclusion of material which exceeds a program's classification, except in the limited circumstances set out in Clause 2.7.2.
- 2.6 ***Non-Program Material Dealing in a Responsible Way with Important Moral or Social Issues:*** A commercial or community service announcement which would normally require an M or PG classification may be classified PG or G, respectively, in the following circumstances:
- 2.6.1 if it deals in a responsible way with important moral or social issues; and
 - 2.6.2 if its target audience is unlikely to be available in the classification zone suited to its content; and
 - 2.6.3 if it is in the public interest that it reach that target audience.

Broadcasting of Material

- 2.7 Material may only be broadcast in the classification zone corresponding to its classification, except in the following circumstances:
- 2.7.1 **News, current affairs and live or near-live sporting programs,** while not required to be classified, may be broadcast in the G classification zone, provided that care is exercised in the selection and broadcast of all material.

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- 2.7.1.1 News material broadcast in the G classification zone outside regular bulletins must be compiled with special care.
 - 2.7.2 **Program Material Dealing in a Responsible Way with Important Moral or Social Issues:** A program may be broadcast outside the times appropriate to its classification only if:
 - 2.7.2.1 it deals in a responsible way with important moral or social issues; and
 - 2.7.2.2 its scheduling is justified by the availability of its target audience; and
 - 2.7.2.3 clear advice of its nature and content is given both in promotions for, and at the start of, the program, and that advice avoids detail which may in itself seriously distress or seriously offend viewers;
 - 2.7.3 A licensee need not adjust classification zone transition times to comply with this clause (except as required in Clause 2.16.3 for the school day afternoon M zone) if it is:
 - 2.7.3.1 a remote area licensee serving a part of its licence area which falls in a different time zone;
 - 2.7.3.2 the only licensee serving a part of its licence area which falls in a different time zone.
 - 2.8 **Material Which May Distress or Offend Viewers:** Only if there is an identifiable public interest reason may a licensee broadcast a news or current affairs program containing material which, in the licensee's reasonable opinion, is likely to distress or offend a substantial number of viewers.
 - 2.8.1 If such material is likely, in the licensee's reasonable opinion, to seriously distress or seriously offend a substantial number of viewers, then the licensee must provide the adequate prior warning required by Clause 2.30.
 - 2.9 **Excerpts from Certain Feature Films:** Provided that they are suitable for the time of broadcast, excerpts from feature films classified MA (cinema or television), AV (television) or R (cinema) may be broadcast in a news or current affairs program, in a film review program or a film review segment, in conjunction with an interview directed at a predominantly adult audience, or in a program which deals in a responsible manner with serious moral or social issues.
 - 2.9.1 Where a locally-produced program or segment contains such an excerpt, the classification of the film from which it is drawn must be shown if that film is in current cinema release locally;
 - 2.9.2 If such excerpts are also used in promoting any news, current affairs or other program specified in this clause, the promotion must comply with the additional restrictions in Clause 3.8 - 3.12 of the Code.

The Children's (C) and Preschool Children's (P) Classifications

- 2.10 Material classified C or P must satisfy the requirements of the Australian Broadcasting Authority's Children's Television Standards. C and P classification zones are movable within bands laid down in the Children's Television Standards. These zones overlap other classification zones, and have precedence over them.

The General (G) Classification

- 2.11 Material classified G is not necessarily intended for children but it must be very mild in impact and must not contain any matter likely to be unsuitable for children to watch without supervision.
- 2.11.1 ***Violence***: Visual depiction of physical and psychological violence must be very restrained. The use of weapons, threatening language, sounds or special effects must have a very low sense of threat or menace, must be strictly limited to the story line or program context, must be infrequent and must not show violent behaviour to be acceptable or desirable.
- 2.11.2 ***Sex and Nudity***: Visual depiction of, and verbal references to, sexual behaviour must be brief, infrequent, contain little or no detail and be strictly limited to the story line or program context. Restrained, brief and infrequent visual depiction of nudity only when absolutely necessary to the story line or program context.
- 2.11.3 ***Language***: Mild expletives or language which may be considered socially offensive or discriminatory may only be used in exceptional circumstances when absolutely justified by the story line or program context.
- 2.11.4 ***Drugs***: Visual depiction of, or verbal reference to illegal drugs must be absolutely justified by the story line or program context, contain very little detail and be handled with care. The program must not promote or encourage drug use in any way. The use of legal drugs must also be handled with care.
- 2.11.5 ***Suicide***: Only limited and careful verbal reference to suicide is acceptable, when absolutely justified by the story line or program context, and provided that it is not presented as romantic, heroic, alluring or normal.
- 2.11.6 ***Social or Domestic Conflict***: Themes dealing with social or domestic conflict must have a very low sense of threat or menace to children.
- 2.11.7 ***Imitable and Dangerous Behaviour***: Imitable and dangerous behaviour should only be shown when absolutely justified by the story line or program context, and then only in ways which do not encourage dangerous imitation.
- 2.11.8 ***Other***: Where music, special effects and camera work are used to create an atmosphere of tension or fear, care must be taken to minimise distress to children.
- 2.12 ***General (G) classification zones***

<i>Weekdays</i>	6.00am	-	8.30am
	4.00pm	-	7.30pm
<i>Weekends</i>	6.00am	-	7.30pm

2.12.1 In G zones, only material classified G, C and P may be broadcast (though note limited exemptions in Clause 2.7.1 and 2.7.2).

The Parental Guidance Recommended (PG) Classification

2.13 Material classified PG may contain careful presentations of adult themes or concepts but must be mild in impact and remain suitable for children to watch with supervision.

2.13.1 ***Violence***: Visual depiction of violence must be inexplicit, restrained, and justified by the story line or program context. More leeway is permitted when the depiction is stylised rather than realistic, but all violence shown must be mild in impact, taking into account also the language, sounds and special effects used.

2.13.2 ***Sex and Nudity***: Visual depiction of and verbal reference to sexual behaviour must be restrained, mild in impact and justified by the story line or program context. Restrained visual depiction of nudity is permitted, but only where justified by the story line or program context.

2.13.3 ***Language***: Low-level coarse language may only be used infrequently, when justified by the story line or program context.

2.13.4 ***Drugs***: Mild visual depiction of and restrained verbal reference to illegal drug use, if justified by the story line or program context, but the program must not promote or encourage illegal drug use. The use of legal drugs must be handled with care.

2.13.5 ***Suicide***: Visual depiction of and verbal reference to suicide or attempted suicide must be inexplicit and restrained, and be mild in impact. It must not be presented as the means of achieving a desired result or as an appropriate response to stress, depression or other problems.

2.13.6 ***Adult Themes***: The treatment of social and domestic conflict and other themes directed to a more adult audience should be carefully handled and mild in impact.

2.13.7 ***Other***: Supernatural or mild horror themes may be included.

2.14 ***Parental Guidance Recommended (PG) classification zones***

<i>Weekdays</i> (schooldays)	5.00am	-	6.00am
	8.30am	-	12.00 noon
	3.00pm	-	4.00pm
	7.30pm	-	8.30pm
<i>Weekdays</i> (school holidays)	5.00am -	-	6.00am
	8.30am -	-	4.00pm

	7.30pm -	-	8.30pm
Weekends	5.00am-	-	6.00am
	7.30pm	-	8.30pm

2.14.1 In PG zones, only material classified PG, G, C and P may be broadcast (though note exemptions in Clause 2.7.2).

2.14.2 School holidays mean Government primary school holidays in the State or Territory in which the service originates.

The Mature (M) Classification

2.15 Material classified M is recommended for viewing only by persons aged 15 years or over because of the matter it contains, or of the way this matter is treated.

2.15.1 **Violence:** May be realistically shown only if it is not frequent or of high impact, and is justified by the story line or program context. Violence should not be presented as desirable in its own right. Any visual depiction of or verbal reference to violence occurring in a sexual context must be infrequent and restrained, and strictly justified by the storyline or program context.

2.15.2 **Sex and Nudity:** Visual depiction of intimate sexual behaviour may only be implied or simulated in a restrained way. It must be justified by the story line or program context. Verbal references to sexual activity should not be detailed. Visual depiction of nudity must be justified by the story line or program context, and must not be detailed if in a sexual context.

2.15.3 **Language:** The use of coarse language must be appropriate to the story line or program context, infrequent and neither detailed nor very aggressive. It may be used more than infrequently only in exceptional circumstances when it is particularly important to the story line or program context.

2.15.4 **Drugs:** Intravenous use of illegal drugs may not be shown in detail. The program must not promote or encourage the use of illegal drugs.

2.15.5 **Suicide:** Suicide must not be promoted or encouraged by the program, and methods of suicide must not be shown in realistic detail.

2.15.6 **Adult Themes:** Most themes can be dealt with, but intense themes should be handled with care.

2.16 ***Mature (M) classification zones***

	Weekdays (schooldays)	12.00 midnight - 5.00am
2.16.3)		12.00 noon - 3.00pm (see clause
		8.30pm - 12.00 midnight
	Weekdays (school holidays)	8.30pm - 5.00am

& Weekends

- 2.16.1 In M zones, any material which qualifies for a television classification may be broadcast, except that material classified MA and AV is restricted to the times set out in Clauses 2.18 and 2.20 respectively.
- 2.16.2 School holidays mean Government primary school holidays in the State or Territory in which the service originates.
- 2.16.3 When the time of reception anywhere in a licence area is more than one hour in advance of the time of origin of the service, the M classification zone on schooldays extends between noon and 2.30pm, rather than 3.00pm.

The Mature Audience (MA) Classification

- 2.17 Material classified MA is suitable for viewing only by persons aged 15 years or over because of the intensity and/or frequency of sexual depictions, or coarse language, adult themes or drug use.
 - 2.17.1 ***Violence***: The requirements are those set out in 2.15.1 for the M classification.
 - 2.17.2 ***Sex and Nudity***: Visual depiction of intimate sexual behaviour (which may only be discreetly implied or discreetly simulated) or of nudity only where relevant to the storyline or program context. However, a program or program segment will not be acceptable where the subject matter serves largely or wholly as a vehicle for gratuitous, exploitative or demeaning portrayal of sexual behaviour or nudity. Exploitative or non-consenting sexual relations must not be depicted as desirable.
 - 2.17.3 ***Language***: The use of very coarse language must be appropriate to the story line or program context and not overly frequent or impactful.
 - 2.17.4 ***Drugs***: No detailed depiction of intravenous use of illegal drugs. The program must not promote or encourage the use of illegal drugs.
 - 2.17.5 ***Adult Themes***: Exceptionally intense themes should be carefully handled.
 - 2.17.6 ***Suicide***: Methods of suicide should not be shown in realistic detail. The program must not promote or encourage suicide.
- 2.18 ***Mature Audience (MA) classification zones***. All days between 9.00pm and 5.00am.

In MA zones, any material which qualifies for a television classification may be broadcast, except that material classified AV may only be broadcast after 9.30pm.

The Adult Violent (AV) Classification

- 2.19 Material classified AV is suitable for viewing only by persons aged 15 years or over. It is unsuitable for MA classification because of the intensity and/or frequency of violence, or because violence is central to the theme. In other respects, the classification's requirements are identical to the MA classification.
- 2.19.1 **Violence:** Realistic depictions may contain some detail, but should not be prolonged and should not be unduly bloody or horrific. Such depictions must be justified by the story. Violence occurring in a sexual context must not be detailed, and must be brief and infrequent, justified by the story line and not exploitative.
- 2.19.2 **Sex and Nudity:** The requirements are those set out in 2.17.2 for the MA classification.
- 2.19.3 **Language:** The requirements are those set out in 2.17.3 for the MA classification.
- 2.19.4 **Drugs:** The requirements are those set out in 2.17.4 for the MA classification.
- 2.19.5 **Adult Themes:** The requirements are those set out in 2.17.5 for the MA classification.
- 2.19.6 **Suicide:** The requirements are those set out in 2.17.6 for the MA classification.
- 2.20 **Adult Violent (AV) classification zones:** All days between 9.30pm and 5.00am. In AV zones, any material which satisfies a television classification may be broadcast.

Material Not Suitable for Television

- 2.21 Material which cannot appropriately be classified AV or any lower television classification, because of the matter it contains, or the way that matter is treated, is unsuitable for television, and must not be broadcast. In accordance with the *Broadcasting Services Act*, television licensees may not broadcast a program that has been refused classification, or has been classified as X, by the Office of Film and Literature Classification.
- 2.22 The following categories indicate material which will invariably be unsuitable for television:
- 2.22.1 **Violence:** Sustained, relished or excessively detailed acts of violence, unduly bloody or horrific depictions, strong violence that has high impact or which is gratuitous or exploitative or depiction of exploitative or non-consensual sexual relations as desirable;
- 2.22.2 **Sex and Nudity:** Detailed genital nudity in a sexual context, or explicit depiction of sexual acts;
- 2.22.3 **Language:** Very coarse language which is aggressive and very frequent;
- 2.22.4 **Drugs:** Detailed depiction of intravenous drug use, or instruction or encouragement in illegal drug use;

- 2.22.5 ***Suicide***: Realistic depiction of methods of suicide, or promotion or encouragement of suicide.

Display of Classification Symbols

- 2.23 For any program required by Clause 2.3 to be classified, an appropriate classification symbol of at least 32 television lines in height, in a readily legible typeface, must be displayed for at least 3 seconds at the following times:
- 2.23.1 as close as practicable to the program's start;
 - 2.23.2 as soon as practicable after each break;
 - 2.23.3 in any promotion for the program.
- 2.24 Clearly visible classification symbols must accompany all press advertising of programs on behalf of a licensee, and all program listings in program guides produced by a licensee.
- 2.24.1 Program classification advice is not required in radio or outdoor advertising by a licensee.

Consumer Advice for Certain Programs

- 2.25 Consumer advice provides viewers with information about the principal elements which contribute to a program's classification, and indicates their intensity and/or frequency. It is intended to help people to make informed choices about the programs they choose.
- 2.25.1 Consumer advice is mandatory for all MA and AV programs and for one-off programs classified M and very short series classified M - that is, feature films, telemovies, mini-series, series episodes presented in a feature film format, documentaries and specials.
 - 2.25.2 A licensee should also supply consumer advice with any other program which contains material of a strength or intensity which the licensee reasonably believe viewers may not expect.
- 2.26 Consumer advice must be broadcast at the start of programs covered by clause 2.25. It must be both spoken and written. The consumer advice must be in a readily legible typeface, and must remain visible for at least five seconds. It must take the following form:
- 2.26.1 **Classification Text:** The M symbol must be accompanied by the text: "Recommended for mature audiences". The MA and AV symbol must be accompanied by the text: "Suitable only for adult audiences".
 - 2.26.2 **Consumer Advice Text:** The advice must specify one or more of the classification elements set out below. Where the frequency of classification elements is not indicated in the listed terms, the adjective "some" or "frequent" should be used (e.g. "some nudity").
 - 2.26.2.1 **Language**
 - some coarse language
 - frequent coarse language

- very coarse language
- frequent very coarse language

2.26.2.2 **Violence**

- some violence
- frequent violence
- strong violence

2.26.2.3 **Sex**

- sexual references
- sex scenes
- strong sex scenes

2.26.2.4 **Drugs**

- drug references
- drug use

2.26.2.5 **Other**

- adult themes
- medical procedures
- horror
- nudity

2.26.3 **Classification and Consumer Advice Voice-over:**

2.26.3.1 for required M programs, the voice-over must say: "The following program [or film or movie] is classified M. It contains [consumer advice corresponding to the graphic]. [This channel] recommends viewing by mature audiences".

2.26.3.2 for all MA and AV programs, the voice-over must say: "The following program [or film or movie] is classified [insert classification]. It contains [consumer advice corresponding to the graphic]. [This channel] advises that it is suitable only for adult audiences".

2.26.4 Except for programs which now require an AV classification, programs classified before this revised Code came into effect may use the consumer advice required at the time of the original classification.

2.27 **Consumer Advice After Breaks:** Briefer written consumer advice must be broadcast as soon as is practicable after the resumption of the program at each break. A lower frame graphic or graphics must show (in addition to any station/network logo) the title plus the classification symbol and the consumer advice, abbreviated in letter form, beside the symbol. The letters to be used are one or more of:

A = adult themes or medical procedures

D	=	drug use/references
H	=	horror
L	=	coarse language
N	=	nudity
S	=	sexual references/sex scenes
V	=	violence

- 2.28 **Press Advertising and Program Guides:** Clearly visible consumer advice must accompany:
- 2.28.1 all press advertising of programs placed by the licensee. This must be spelt out (e.g. “some coarse language”) in all advertisements of one quarter page by four columns or larger. In smaller press advertisements, it may be abbreviated, as set out in Clause 2.27;
- 2.28.2 relevant program listings in any program guides produced by a licensee.
- 2.29 **Radio Advertising:** Consumer advice is not required in radio advertising by a licensee.

Warnings Before Certain News, Current Affairs and Other Programs

- 2.30 A licensee must provide prior warning to viewers when a news, current affairs, or other program which does not carry consumer advice includes, for an identifiable public interest reason, material which in the licensee’s reasonable opinion is likely to seriously distress or seriously offend a substantial number of viewers. The warning must precede the relevant item in a news and current affairs program and precede the program in other cases.
- 2.31 Warnings before the broadcast of material of this nature must be spoken, and may also be written. They must provide an adequate indication of the nature of the material, while avoiding detail which may itself seriously distress or seriously offend viewers.
- 2.32 If, in a promotion for a program, a licensee includes advice that the program contains material which may seriously distress or seriously offend viewers, that advice must comply with every requirement for program promotions in the period in which it is broadcast.

SECTION 3: PROGRAM PROMOTIONS

Objectives

- 3.1 This Section is intended to ensure that:
 - 3.1.1 no program classified higher than PG is promoted in programs directed mainly to children;
 - 3.1.2 higher classified programs are only to be promoted elsewhere in the G and PG viewing periods if the excerpts shown comply in every respect with the classification criteria of those viewing periods and with the more stringent content restrictions specified in Clauses 3.8 and 3.9.

Scope

- 3.2 This Section applies to all material transmitted in breaks within or between programs, or by superimposition on a program, which promotes a program or programs to be broadcast on the station. The only material not subject to these requirements is a program listing (line-up), provided that:
 - 3.2.1 At times when a promotion for an M, MA or AV program would not be permitted by this Section, only the title, time of broadcast, broadcast status and program type of such a program may be included in a program listing; and
 - 3.2.2 The listing shows the classification of each program it contains.
- 3.3 In this Section, the following definitions apply:
 - 3.3.1 “cartoon program” means an animated program aimed predominantly at a children’s audience;
 - 3.3.2 “children” means children of or below primary school age;
 - 3.3.3 “substantial numbers of children” means that children comprise 30 percent or more of the program’s total audience or that 20 percent or more of all children in television homes in the licence area are viewing the program;
 - 3.3.4 “material” means visual or aural material.

Promotions Within and Adjacent to P and C Programs and Between 4.00pm and 5.00pm on Weekdays

- 3.4 A promotion for a P, C or G program, or for unclassified news, current affairs or a live or near-live sporting program to be broadcast in the G viewing zone may be broadcast during the following programs, provided that the content of the promotion complies with Clause 3.8 (and, in the case of C and P programs, with the Children’s Television Standards):
 - 3.4.1 C programs and the breaks adjacent to C and P programs;
 - 3.4.2 programs between 4.00pm and 5.00pm on any weekday.
- 3.5 The content of those promotions must comply with Clause 3.8 and the Children's Television Standards.

Promotions in G Programs

- 3.6 Only a promotion for a P, C, G or PG program, or for an unclassified news, current affairs or live or near-live sporting program, may be broadcast during the following programs, provided that the content of the promotions complies with Clause 3.8:
- 3.6.1 cartoon programs in G viewing periods on any day;
 - 3.6.2 G programs in weekend G viewing periods which are promoted for viewing by children, or are likely to attract substantial numbers of children (as defined in Clause 3.3.3);
 - 3.6.3 programs between 5.00pm and 6.00pm on any weekday, other than news, current affairs, live or near-live sporting programs and other programs that are not promoted to children nor are likely to attract substantial numbers of children. In those programs a promotion for an M program may be broadcast, provided that the content of the promotion complies with Clause 3.8.
- 3.7 In other G programs, and in news, current affairs and live or near-live sporting programs, a promotion for a P, C, G, PG or M program may be broadcast, provided that the content of the promotion complies with Clause 3.8.

Restrictions in G Viewing Periods and in Certain Other G Programs

- 3.8 Special restrictions apply to the content of program promotions in G viewing periods, or in G programs which start at 3.30pm on a weekday, or which are broadcast between 7.30pm and 8.30pm on any day. All such program promotions must comply with the G classification requirements set out in Clause 2.11, and in addition must include no material which involves any of the following:
- 3.8.1 the use of guns, other weapons or dangerous objects in a manner clearly intended to inflict harm on, or to seriously menace, people or animals;
 - 3.8.2 punches, blows or other physical or psychological violence against people or animals (other than in sequences which clearly depict comedy or slapstick behaviour);
 - 3.8.3 any form of violence or cruelty to children;
 - 3.8.4 sequences that involve loss of life;
 - 3.8.5 close-up vision of dead or wounded bodies;
 - 3.8.6 any visual depiction of suicide or intended means of suicide;
 - 3.8.7 anything which has more than a very low sense of threat or menace;
 - 3.8.8 visual depiction of nudity or partial nudity;
 - 3.8.9 visual depiction of, or verbal reference to, sexual behaviour except of the most innocuous kind;

3.8.10 socially offensive or discriminatory language.

Restrictions in PG Programs Between 7.30pm and 8.30pm

3.9 Special restrictions apply to the content of program promotions in PG programs broadcast between 7.30pm and 8.30pm on any day. All such program promotions must comply with the PG classification requirements set out in Clause 2.13 and in addition must include no material which involves any of the following:

- 3.9.1 the use of guns, other weapons or dangerous objects against people or animals in the foreground;
- 3.9.2 violence against people or animals which has more than a very mild impact;
- 3.9.3 action sequences which include obvious loss of life;
- 3.9.4 close-up vision of dead or seriously wounded people;
- 3.9.5 any visual depiction of suicide or intended means of suicide;
- 3.9.6 sexual behaviour other than of a very restrained kind;
- 3.9.7 visual depiction of nudity, other than of a very restrained or incidental nature;
- 3.9.8 coarse language, other than of a very mild nature;

3.10 For the purposes of Clause 3.9, all sporting coverage between 7.30 and 8.30pm is deemed to be PG.

Restrictions in G or PG Programs at 8.30pm

3.11 In G or PG programs scheduled to start at 8.30pm, or in a station break preceding such programs, program promotions must comply with the requirements of the PG viewing period set out in Clause 2.13.

- 3.11.1 This clause also applies to any part of a G or PG program which continues past 8.30pm, having started before that time.
- 3.11.2 This clause does not apply to G or PG programs which follow a program which starts at or continues past 8.30pm (e.g. a PG program starting at 9.00pm).
- 3.11.3 Where a program of the kind referred to in this clause continues beyond 10.30pm, these restrictions will cease to apply beyond that time.

3.12 For the purposes of Clause 3.11, all sporting coverage broadcast between 8.30pm and 10.30pm is deemed to be PG.

Promotions for News, Current Affairs, Live or Near-Live Sport and Certain Other Programs

3.13 Promotions for news, current affairs and live or near-live sporting programs, and for programs dealing in a responsible way with important social or moral issues, must comply in every respect with the requirements for the viewing

zone in which they are broadcast and, as far as is practicable, with the additional restrictions set out in Clauses 3.8 to 3.11.

Promotions for Programs Classified MA or AV

- 3.14 Promotions for MA or AV programs may not be broadcast between 5.00am and 7.30pm on any day or in G programs between 7.30pm and 8.30pm on any day.

Display of Classification Symbols

- 3.15 All promotions for programs other than news, current affairs and live or near-live sporting programs must display the classification of the program promoted, as required by Clause 2.23.

3.15.1 Voice-over program promotions transmitted during the closing credits of a program are not required to comply with this clause.

3.15.2 Program promotions need not include consumer advice.

Excerpts from Films Not Yet Classified for Television Included in Composite Station Promotions

- 3.16 Restrained and very brief excerpts from films which have been classified M or higher for cinema or video, but have not yet been classified for television, may be included in station promotions featuring a number of films to be broadcast. The content of these promotions must comply with the requirements of the classification zone in which they appear and, where relevant, with Clauses 3.8, 3.9 and 3.11.

SECTION 4: NEWS AND CURRENT AFFAIRS PROGRAMS

Objectives

- 4.1 This Section is intended to ensure that:
 - 4.1.1 news and current affairs programs are presented accurately and fairly;
 - 4.1.2 news and current affairs programs are presented with care, having regard to the likely composition of the viewing audience and, in particular, the presence of children;
 - 4.1.3 news and current affairs take account of personal privacy and of cultural differences in the community;
 - 4.1.4 news is presented impartially.

Scope of the Code

- 4.2 Except where otherwise indicated, this Section applies to news programs, news flashes, news updates and current affairs programs. A “current affairs program” means a program focussing on social, economic or political issues of current relevance to the community.

News and Current Affairs Programs

- 4.3 In broadcasting news and current affairs programs, licensees:
 - 4.3.1 must present factual material accurately and represent viewpoints fairly, having regard to the circumstances at the time of preparing and broadcasting the program;
 - 4.3.2 must not present material in a manner which creates public panic;
 - 4.3.3 should have appropriate regard to the feelings of relatives and viewers when including images of dead or seriously wounded people. Images of that kind which may seriously distress or seriously offend a substantial number of viewers should be displayed only when there is an identifiable public interest reason for doing so;
 - 4.3.4 must provide the warnings required by Clauses 2.8 and 2.30 of this Code when there is an identifiable public interest reason for selecting and broadcasting visual and/or aural material which may seriously distress or seriously offend a substantial number of viewers;
 - 4.3.5 must not use material relating to a person's personal or private affairs, or which invades an individual's privacy, other than where there is an identifiable public interest reason for the material to be broadcast;
 - 4.3.6 must exercise sensitivity in broadcasting images of or interviews with bereaved relatives and survivors or witnesses of traumatic incidents;
 - 4.3.7 should avoid unfairly identifying a single person or business when commenting on the behaviour of a group of persons or businesses;

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- 4.3.8 must take all reasonable steps to ensure that murder and accident victims are not identified directly or, where practicable, indirectly before their immediate families are notified by the authorities;
 - 4.3.9 should broadcast reports of suicide or attempted suicide only where there is an identifiable public interest reason to do so, and should exclude any detailed description of the method used. The report must be straightforward, and must not include graphic details or images, or glamourise suicide in any way;
 - 4.3.10 must not portray any person or group of persons in a negative light by placing gratuitous emphasis on age, colour, gender, national or ethnic origin, physical or mental disability, race, religion or sexual preference. Nevertheless, where it is in the public interest, licensees may report events and broadcast comments in which such matters are raised;
 - 4.3.11 must make reasonable efforts to correct significant errors of fact at the earliest opportunity.
- 4.4 In broadcasting news programs (including news flashes) licensees:
- 4.4.1 must present news fairly and impartially;
 - 4.4.2 must clearly distinguish the reporting of factual material from commentary and analysis.
- 4.5 In broadcasting a promotion for a news or current affairs program, a licensee must present factual material accurately and represent featured viewpoints fairly, having regard to the circumstances at the time of preparing and broadcasting the program promotion, and its brevity. A licensee is not required by this clause to portray all aspects or themes of a program or program segment in a program promotion, or to represent all viewpoints contained in the program or program segment.

SECTION 5: TIME OCCUPIED BY NON-PROGRAM MATTER

Objectives

- 5.1 This Section is intended to ensure that:
- 5.1.1 there is a reasonable balance between program and non-program matter broadcast by a licensee, having regard to the interests of viewers in uncluttered program presentation, and the commercial interests of advertisers and stations;
 - 5.1.2 a station may exercise some flexibility in scheduling non-program content, having regard to the needs of advertisers and the artistic integrity of programs;
 - 5.1.3 there are firm limits on the amount of commercial and promotional matter scheduled in any one hour, and lower overall limits between 6.00pm and midnight;
 - 5.1.4 in P and C periods, the limits imposed by the Australian Broadcasting Authority's Children's Television Standards are observed.

Scope

- 5.2 This Section sets limits for non-program matter scheduled, as distinct from non-program matter actually broadcast. This is because an "as broadcast" clock hour requirement would need complex exemption provisions so that licensees were not obliged to force breaks as a result of unpredictable segment lengths in live programs (and programs broadcast "as live" on short delay), or technical or operational problems.
- 5.2.1 In determining compliance with this Section, the amount of non-program matter indicated on the Final Schedules will be used as the reference point.
 - 5.2.1.1 The Final Schedules are the last schedules prepared prior to broadcast, which indicate the scheduled commencement time of each break and identify the items to be broadcast within the break. The Final Schedules are intended to be used in the final presentation of the program.
 - 5.2.2 The amount of non-program matter set out in the Final Schedules for an hour must not exceed the hourly limit in Clause 5.7. The only exception permitted is where non-program matter originally intended to fall in one hour (Hour A) is scheduled in an adjoining hour (Hour B) because of the length of a program segment or segments. This exception is subject to the following conditions:
 - 5.2.2.1 The station's earlier schedule prepared prior to the determination of break start times shows that the non-program matter falling in Hour B was intended to fall in Hour A; and

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- 5.2.2.2 No more than one break intended in the earlier schedule to fall in Hour A is scheduled in Hour B in the Final Schedules; and
 - 5.2.2.3 The amount of non-program matter contained in that break in Hour B in the Final Schedules, when combined with the amount of non-program matter contained in Hour A in the Final Schedules, would not have exceeded the relevant limit for Hour A.
 - 5.2.3 Clause 5.2.2 does not prevent non-program matter which was intended in the earlier schedule to fall in another adjacent hour to also be scheduled in Hour A or Hour B in the Final Schedules, provided that the scheduling satisfies the conditions set out in Clauses 5.2.2.1 - 5.2.2.3. In such circumstances, the calculation in Clause 5.2.2.3 would be performed separately in relation to each occurrence.
 - 5.3 The provisions in Clause 5.2 are not intended to allow increased levels of non-program matter, and may not be interpreted by licensees in that way.
 - 5.4 **Non-Program Matter:** For the purposes of this Section, any of the following material will be counted as non-program matter:
 - 5.4.1 a spot commercial, namely any advertising for a product, service, belief or course of action which is scheduled within a program break or between programs, and for which a licensee receives payment or other valuable consideration;
 - 5.4.1.1 This includes bonus and make-good advertisements;
 - 5.4.2 advertising of the kind specified in Clause 5.4.1 but which takes the form of superimposed text or visual matter occupying all of the screen during a program;
 - 5.4.2.1 This does not include matter which relates to a prize or competition, or which refers to a commercial product or service in an information segment;
 - 5.4.3 a program promotion which is scheduled within a program break or between programs, or in the form of superimposed text or visual matter occupying all of the screen during a program;
 - 5.4.3.1 This includes material of any length which promotes a program or programs broadcast by the station, or which promotes the station or its activities;
 - 5.4.3.2 This does not include any of the matter defined in Clause 5.5.8, or a community service announcement, as defined in Clause 5.5.2;
 - 5.4.4 any matter of the kind set out in Clause 5.5.8 but which contains more than ten seconds of visual material from any program or programs broadcast by the station.
 - 5.5 **Exempt Non-Program Matter:** For the purposes of this Section, none of the following will be counted as non-program matter:

- 5.5.1 a prize, competition or information segment which refers to commercial products or services;
- 5.5.2 a community service announcement, namely 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;
 - 5.5.2.1 “free of charge” means without the station’s receiving payment or other valuable consideration;
 - 5.5.2.2 any reference to a company or commercial brand must be discreet and clearly subsidiary to the community service announcement’s message;
- 5.5.3 an announcement on behalf of an election authority;
- 5.5.4 a sponsorship announcement, before or after a program or segment, provided that:
 - 5.5.4.1 it is made clear to the viewer that there is a sponsorship relationship between the sponsor and the program;
 - 5.5.4.2 it makes no reference to the price of goods or services;
 - 5.5.4.3 it consists of no more than 10 seconds, in the case of a single sponsor, or 10 seconds per sponsor in the case of multiple sponsors, to a maximum of 30 seconds in any instance;
- 5.5.5 a shopping guide, infomercial or similar material, in which the presentation of advertising and information of general interest is an integral part of the program or segment;
 - 5.5.5.1 this includes a shopping guide within a program break that is clearly distinguishable from other advertising e.g. as a community billboard;
 - 5.5.5.2 such material is subject to the requirements of Clauses 1.12 and 6.2.1;
- 5.5.6 a voice-over program promotion transmitted during the closing credits of a program;
- 5.5.7 superimposed text or visual matter occupying only part of the screen during a program;
- 5.5.8 any matter of the kind set out below, providing that it contains no more than ten seconds of visual material from any program or programs broadcast by the station:
 - 5.5.8.1 a spoken or visual announcement that a program will not be shown at the advertised time;
 - 5.5.8.2 a spoken or visual listing of programs to be broadcast that day/evening;
 - 5.5.8.3 a brief announcement of the next program (“next-on”);

- 5.5.8.4 a movie opener, namely a brief introductory sequence to a feature film which typically identifies the station and the film to be presented;
- 5.5.8.5 a station identification, provided that there is no reference to the day and/or time of broadcast of any program or programs;
- 5.5.9 a plot summary at the start of the second or subsequent episode of a program series or serial;
- 5.5.10 a program trailer at the end of the first or subsequent episode of a program series or serial, provided that it is broadcast before the closing credits.

Hourly Limits

- 5.6 On any day each licensee may in each hour schedule on average no more than the following amounts of non-program matter:
 - 5.6.1 between 6.00pm and midnight, 13 minutes;
 - 5.6.2 at all other times - other than in P or C periods - 15 minutes;
- 5.7 In any hour, each licensee may (provided that the averages in 5.6 are satisfied) schedule the following amounts of non-program matter:
 - 5.7.1 between 6.00pm and midnight outside election periods - up to 15 minutes per hour, but with no more than 14 minutes scheduled in any four of those hours;
 - 5.7.2 between 6.00pm and midnight in election periods - up to 15 minutes per hour, plus one minute per hour of non-program matter which is political matter, provided that the licensee supplies to FACTS for public release an hourly summary of political advertising and other non-program matter in respect of each day in which this additional minute has been utilised;
 - 5.7.3 at all other times - up to 16 minutes.
- 5.8 In P and C periods scheduled in accordance with the Children's Television Standards:
 - 5.8.1 no commercials may be broadcast in any P period;
 - 5.8.2 each 30 minutes of a C period may contain no more than 5 minutes of commercials and one minute of G program promotions or station identification.

Non-Program Content Displaced by Policy Speeches or Debates

- 5.9 If a licensee broadcasts free of charge the policy speech of a political party or a debate between leaders of political parties, and by doing so is unable to broadcast the non-program matter permitted by Clause 5.6, the licensee may schedule additional non-program matter equivalent to the shortfall. That additional matter is to be scheduled elsewhere in the same zone (i.e. 6.00pm to midnight or off-peak) on that day or on other days within fourteen days before or after the broadcast.

- 5.9.1 These provisions apply to policy speeches during election campaigns, and to debates between leaders of political parties at any time;
- 5.9.2 The amount of non-program matter made up in other hours may not exceed one minute in total in any one hour.

Make-Up of Non-Program Matter from Certain Broadcasts

- 5.10 If a licensee broadcasts a program or part of a program of a clearly charitable or community service nature without the insertion of non-program matter, the licensee may schedule elsewhere additional non-program matter equivalent to the shortfall. That additional non-program matter is to be scheduled elsewhere in the same zone (i.e. 6.00pm to midnight or off-peak) on that day or on other days within fourteen days before or after the broadcast;
 - 5.10.1 Programs of a clearly charitable or community service nature include telethons and other programs broadcast on behalf of a charity or community service, or which carry a strong community service message;
 - 5.10.2 The amount of non-program matter made up in other hours may not exceed one minute in total in any one hour.

SECTION 6: CLASSIFICATION AND PLACEMENT OF COMMERCIALS AND COMMUNITY SERVICE ANNOUNCEMENTS

Objectives

- 6.1 This Section is intended to ensure that television commercials and community service announcements:
- 6.1.1 are classified and broadcast appropriately, in the light of current community attitudes, the need to limit the exposure of children to material intended for adult viewing, and the fact that such material is typically very brief, and cannot in practice be preceded by a warning;
 - 6.1.2 are subject to appropriate placement restriction when they are for products and services which are of particular concern and sensitivity, but that public health and safety messages are not unreasonably restricted;
 - 6.1.3 comply with Federal and State law and meet the relevant requirements of the Australian Broadcasting Authority's Children's Television Standards.

Scope

- 6.2 The requirements of this Section apply to commercials and to community service announcements (as defined in Clause 5.5.2) that are broadcast in breaks within or between programs or by visual and/or oral superimposition on a program:
- 6.2.1 information within programs or segments of programs for which licensees are paid must comply with Clauses 6.4.4, 6.4.5, 6.5, 6.7, 6.12, 6.14, 6.15, 6.18 and 6.22.
- 6.3 In this Section, the following definitions apply (unless otherwise stated):
- 6.3.1 “children” means children of or below primary school age;
 - 6.3.2 “substantial numbers of children” means that children comprise 30 percent or more of the program’s total audience or that 20 percent or more of all children in television homes in the licence area are viewing the program.

Compliance Requirements

- 6.4 A commercial or community service announcement must comply with:
- 6.4.1 Section 2: Classification;
 - 6.4.2 when broadcast in breaks within or between programs in G viewing periods, the additional requirements of Clause 3.10, and when broadcast in the circumstances set out in Clauses 6.25 - 6.27, the relevant additional requirements of those clauses;
 - 6.4.3 any relevant requirements of the Australian Broadcasting Authority's Children's Television Standards;

- 6.4.4 any relevant requirements of Federal and State law;
- 6.4.5 any relevant requirements of advertising codes authorised by the Australian Competition and Consumer Commission.

Approval of Commercials and Community Service Announcements

- 6.5 The responsibility to ensure that a commercial or community service announcement complies with the requirements set out in Clause 6.4 rests with the licensee.
 - 6.5.1 A licensee may meet that responsibility by obtaining the advice of a qualified third party.
 - 6.5.2 A commercial relating to therapeutic goods must by law be approved for publication by the Proprietary Medicines Association of Australia Incorporated.
 - 6.5.3 Television advertisers are also expected to ensure that their commercials comply with the Advertiser Code of Ethics (set out as an appendix to Section One of this Code).

Classification of Commercials or Community Service Announcements

- 6.6 A commercial or community service announcement must be given a television classification appropriate to its content, and broadcast at a time which its classification allows.
 - 6.6.1 In classifying such material, contextual factors such as brevity, the absence of substantial context, and the inability in practice to precede an item with a warning need to be taken into account.
 - 6.6.2 It is not necessary to display the classification of a commercial or community service announcement.

Commercials which Advertise Alcoholic Drinks

- 6.7 A commercial which is a “direct advertisement for alcoholic drinks” (as defined in Clause 6.9) may be broadcast only in M, MA or AV classification periods, or as an accompaniment to the live broadcast of a sporting event on weekends and public holidays.
 - 6.7.1 A commercial which is a direct advertisement for an “alcoholic drink” or a “very low alcohol drink” (as both are defined in Clause 6.8) may not be broadcast during a C classification period, as defined in the Children's Television Standards.
- 6.8 **An “alcoholic drink”** means any beer, wine, spirits, cider, or other spirituous or fermented drinks of an intoxicating nature, and is generally understood to refer to drinks of 1.15% or more alcohol by volume. The view of the Commonwealth Department of Health is that drinks of less than 1.15% alcohol by volume should be classified as “**very low alcohol**” drinks.
- 6.9 **“Direct advertisement for alcoholic drinks”** means a commercial broadcast by a licensee that draws the attention of the public, or a segment of it, to an alcoholic drink in a manner calculated to directly promote its purchase or use. This does not include the following, provided that their

contents do not draw attention to an alcoholic drink in a manner calculated to directly promote its purchase or use:

6.9.1 a program sponsorship announcement on behalf of a brewing company or other liquor industry company;

6.9.2 a commercial for a licensed restaurant; or

6.9.3 a commercial for a company whose activities include the manufacture, distribution or sale of alcoholic drinks.

6.10 **Live sporting event** means:

6.10.1 live-to-air sporting broadcasts, including breaks immediately before and after the broadcast;

6.10.2 sporting broadcasts delayed for time zone reasons and broadcast as plausible “live”, without reformatting;

6.10.2.1 this does not include sporting broadcasts delayed on contractual grounds, or highlights packages;

6.10.3 replay material where a scheduled live-to-air sporting telecast has been temporarily suspended (e.g. during rain breaks in cricket coverage), provided that normal or stand-by programs have not been resumed.

6.11 **Public holidays** are those days proclaimed, Gazetted, or nominated in a statute as public holidays under the relevant State or Territory legislation. These holidays generally affect either an entire State or Territory (such as the various Queen's Birthday holidays) or a particular city or region (such as Melbourne Cup Day in Melbourne).

6.11.1 Where a licence area covers areas in which different public holidays are observed, the station should schedule according to the public holidays in the area which contains the majority of the licence area population.

Commercials Relating to Betting or Gambling

6.12 Except for a commercial in a news, current affairs or sporting program, a commercial relating to betting or gambling must not be broadcast in G classification periods Monday to Friday, nor on weekends between 6.00am and 8.30am, and 4.00pm and 7.30pm.

6.13 A commercial relating to betting or gambling does not include:

6.13.1 a commercial relating to such things as Government lotteries, lotto, keno or contests;

6.13.2 a commercial relating to entertainment or dining facilities at places where betting or gambling take place, or a tourism commercial which incidentally depicts betting or gambling, provided in each case that the contents do not draw attention to betting or gambling in a manner calculated to directly promote their use.

Commercials Relating to Products of a Particularly Intimate Nature

- 6.14 A commercial for condoms may only be broadcast in PG, M, MA and AV classification periods.
- 6.14.1 The only exception to this Clause is where a commercial of this kind contains a public health or safety message, and is classified in compliance with Clause 2.6.
- 6.15 A commercial for feminine hygiene products (such as sanitary napkins, tampons and vaginal deodorants) may be broadcast in the G classification period if it is unlikely to cause embarrassment or offence to a broad cross-section of viewers.
- 6.15.1 A commercial for feminine hygiene products which highlights product design features or involves an absorbency demonstration may only be broadcast in PG, M, MA and AV classification periods.
- 6.16 A commercial for a telephone sex-line or similar service must be classified 'MA'. It may only be scheduled after 11.00pm and before 5.00am on any day, and should not be placed within any religious program or sports program or in any drama program with a religious theme.

Commercials for Cinema, Video and Videodisc Films and Video, Computer and CD Games

- 6.17 Subject to Clause 6.17, a commercial for a cinema film, video film, videodisc film or video game, computer game or CD game must be scheduled in accordance with Section 3: Program Promotions.
- 6.18 All such commercials must display the Office of Film and Literature Classification's cinema classification for the cinema film, video film, videodisc film, video game, computer game or CD game advertised.
- 6.19 A commercial for an R film may only be broadcast after 8.30pm, and a commercial for an X film may not be broadcast.

Commercials or Community Service Announcements Directed to Children

- 6.20 Commercials or community service announcements directed to children must exercise special care and judgement, and comply with Children's Television Standards 17 - 21.¹
- 6.20.1 For the purposes of this Clause alone, "children" means people younger than 14 years of age.
- 6.21 Only commercials and community service announcements which satisfy G classification requirements and which comply with Children's Television Standards 10, 17 - 21 and 22 - 23 may be broadcast during a C period or in breaks immediately before or after a C or P period.

¹ Children's Television Standards 10, 17-21 and 22-23 are set out in the Appendix to this Section.

- 6.21.1 C and P periods are as defined in the Children's Television Standards.
- 6.22 A commercial or community service announcement which is classified at a lower level than its content would normally require, in accordance with Clause 2.6, may be scheduled in programs where children are likely to form a substantial part of the audience only where children are appropriately a target audience.

Promotion of Products or Services in Programs Directed to Children

- 6.23 In any program mainly directed to children:
- 6.23.1 The host or any other regular presenter or character in the program must not sell or promote products or services; and
- 6.23.2 Products that have names or packaging featuring the host or any other regular presenter or character in the program must not be recommended or promoted within the program; and
- 6.23.3 Material in the program which recommends or promotes products or services must be presented as discrete segments, and its sponsorship must be advised to viewers in a way that will be clear to them; and
- 6.23.4 References to prizes for competitions must be brief.

Premium Charge Telephone Services in Certain Commercials

- 6.24 In any commercial involving the use of premium charge telephone services (e.g. 0055 and 1900 numbers) which is directed to children, or is placed in a G program that has a substantial child audience and commences before 5.00pm:
- 6.24.1 the basic terms of any competition involved must be presented in a form which children can understand; and
- 6.24.2 the information about the cost of the call should be in a form which children can understand, and must be presented both in a clearly readable form and orally; and
- 6.24.3 children must be invited orally to seek parental permission before calling.

Commercials or Community Service Announcements in G Programs Between 7.30pm and 8.30pm

- 6.25 In breaks within or between G programs broadcast between 7.30pm and 8.30pm, commercials and community service announcements must comply with the requirements of the PG viewing period and with the additional restrictions in Clause 3.9.

Commercials and Community Service Announcements in G or PG Programs at 8.30pm

- 6.26 In breaks within G or PG programs scheduled to start at 8.30pm, or in a station break preceding such programs, commercials and community service announcements must comply with the requirements of the PG viewing period.

- 6.26.1 This clause also applies to breaks at or after 8.30pm within a G or PG program which starts before 8.30pm.
 - 6.26.2 This clause does not apply to breaks within G or PG programs which follow a program which starts at or continues past 8.30pm (e.g. a PG program starting at 9.00pm).
 - 6.26.3 Where a program of the kind referred to in this clause continues beyond 10.30pm, these restrictions will cease to apply beyond that time.
- 6.27 For the purposes of Clause 6.24, all sporting coverage between 8.30pm and 10.30pm will be deemed to be PG.

APPENDIX : CHILDREN'S TELEVISION STANDARDS RELEVANT TO COMMERCIAL PLACEMENT

CTS 10 - UNSUITABLE MATERIAL: PROGRAMS AND ADVERTISEMENTS

10. No program, advertisement or other 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 service area.

CTS 17 - CONTENT OF ADVERTISEMENTS

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

CTS 18 - PRESSURE IN ADVERTISEMENTS

18. (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 advertisements 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

19. (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.
- (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

- 20. (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

- 21. 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

- 22. (1) No material broadcast during C or P programs or in the break immediately before or after a C 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 or P program.
- (2) This standard does not apply if the C or P program featuring the personality or character is not currently being broadcast in the service area and has not been broadcast to it within the preceding 12 months.

CTS 23 - ADVERTISING OF ALCOHOLIC DRINKS

- 23. (1) Advertisements for alcoholic drinks may not be broadcast during C programs.
- (2) No advertisement or sponsorship announcement during C programs may identify or refer to a company, person, or organisation whose principal activity is the manufacture, distribution or sale of alcoholic drinks. This is in addition to the requirements of section 6.6 of the Commercial Television Industry Code of Practice.

SECTION 7: HANDLING OF COMPLAINTS TO LICENSEES

Objectives

- 7.1 This Section is intended to ensure that licensees:
 - 7.1.1 publicise the existence of the Code and its complaints procedures;
 - 7.1.2 maintain adequate procedures for receiving oral complaints;
 - 7.1.3 advise complainants of their right to make a written complaint about material broadcast by a licensee which allegedly breaches the Code;
 - 7.1.4 respond promptly to written complaints of this kind, and make every reasonable effort to resolve them.

Scope

- 7.2 The main requirements of this Section apply to any complaint about a matter covered by the Code which is in writing (or in some other form specified in Clause 7.3), and adequately identifies the material broadcast, the nature of the complaint, and the identity of the complainant.
 - 7.2.1 The complaint need not refer to this Code, nor specify the Section of the Code to which the complaint relates.
- 7.3 In this Section, a Code complaint means:
 - 7.3.1 a written complaint which satisfies Clause 7.2;
 - 7.3.1.1 this includes a complaint sent by facsimile to the licensee's main facsimile number but, unless a licensee specifically agrees, does not include complaints lodged by electronic mail or on computer disk;
 - 7.3.2 where, by reason of disability, a complainant cannot lodge a written complaint, a telephoned complaint or a complaint on an audio cassette in a common format, provided in each case that it otherwise satisfies Clause 7.2.
- 7.4 If a written complaint is made to a licensee more than 30 days after the broadcast to which the complaint refers, this Section does not oblige the licensee to comply with the requirements of this Section in responding to the complaint.

Publicising of Code

- 7.5 Licensees will provide regular on-air information about the Code and its complaints procedures.
 - 7.5.1 Licensees will broadcast 360 on-air spots each calendar year, across all viewing zones. This information must be closed captioned.
 - 7.5.2 A reasonable proportion of this on-air information will also explain how viewers may obtain copies of the Code.

Oral Complaints and Advising Callers of the Code Complaint Procedure

- 7.6 Licensees will ensure that switchboard staff record the substance of telephoned comments from viewers, and that this is brought to the attention of key staff.
- 7.7 When a viewer complains by telephone about material covered by the Code, and wishes to pursue the complaint further, the licensee will advise him or her that a written complaint may be made within 30 days of the particular broadcast, and that the licensee is obliged to respond in writing to that complaint.
- 7.7.1 If a complaint of this nature is made to a licensee by means of a telephone typewriter, it will be treated as an oral complaint but the licensee will write to the complainant within 10 working days to advise him or her of the formal complaint procedures set out in Clause 7.7.

Complaints About the Content of Commercials

- 7.8 A licensee will accept a written complaint about a television commercial which it has broadcast. The licensee will:
- 7.8.1 Deal with a complaint concerning the placement of the commercial, or the amount of non-program matter broadcast, in accordance with the requirements of this Section.
- 7.8.2 Refer a complaint relating to the content of a commercial to the Advertising Standards Board or, in the case of advertising directed to children, to the Australian Broadcasting Authority, and advise the complainant of its referral within ten working days of receipt of the complaint.

Time Limits on Responses to Code Complaints

- 7.9 Where a Code complaint is made about material broadcast by a station within thirty days of its broadcast, the licensee must provide a substantive written response.
- 7.10 That response must be made as soon as practicable, but in any case no longer than 30 working days after receipt of the complaint.
- 7.11 If the material complained of was provided on broadcast relay by another licensee, or was otherwise the responsibility of another licensee, the first licensee may refer the complaint to that licensee for written response direct to the complainant.
- 7.11.1 The licensee will advise the complainant of doing so within ten working days of receipt of the complaint, and provide the complainant with the name of a contact person at the second licensee.
- 7.11.2 The second licensee will have 30 working days from receipt of the referred complaint to provide a substantive response to the original complainant.

- 7.12 In all cases, a licensee's substantive reply will also advise the complainant that he or she may refer the matter to the Australian Broadcasting Authority if not satisfied with the licensee's response.

Resolution of Complaints

- 7.13 Licensees will make every reasonable effort to resolve Code complaints promptly, except where a complaint is clearly frivolous, vexatious or an abuse of the Code process.

Referral of Code Complaints to the ABA

- 7.14 If a complainant is not satisfied with a response to a Code complaint, and raises the matter further in writing with the licensee, then the licensee will reply substantively to the further letter, and further advise the complainant that he or she may take the complaint to the Australian Broadcasting Authority.
- 7.15 If the ABA requests a response concerning a complaint made in accordance with Clause 7.2 and subsequently referred to it by a viewer, the licensee will provide the response within 30 working days of receipt of the request.
- 7.15.1 Where it is not practicable to respond within this period, the licensee will so advise the ABA, and will respond as soon as practicable.

Licensees to Report Code Complaints to FACTS

- 7.16 Each licensee will report to FACTS, within 15 working days of the end of each quarter, the number and substance of Code complaints, including for each complaint the date received and date or dates of response, and details of any complaint upheld and of action taken by the licensee. These reports to FACTS will not include the name or address of any complainant.
- 7.17 FACTS will provide a summary of this information to the Australian Broadcasting Authority within 10 working days of receiving it.

Code Administration

- 7.18 FACTS Code Administration Council will meet four times each year to review administration of the Code. A member of the ABA will be invited to attend each meeting of the Council as an observer.
- 7.19 FACTS will publish each year a report on Code administration by licensees. This report will be available to the public and will contain the number and substance of Code complaints received by licensees, and details of each complaint upheld and of action taken by the licensee in each case.

