



Children's Television Standards 2008

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

Dated 2008

Member

Member

Australian Communications and Media Authority

Part 1 Preliminary

CTS 1 Name of Standards

These Standards are the *Children's Television Standards 2008*.

CTS 2 Commencement

These Standards commence on <DATE>.

CTS 3 Revocation of the *Children's Television Standards 2005*

The *Children's Television Standards 2005* are revoked.

CTS 4 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 15 (1) or CTS 15 (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 8.30am 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 8 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 5 and has been so classified by ACMA, or a person or body appointed by 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 ACMA in accordance with CTS 8 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 20.

P period means a period nominated by, or on behalf of, a licensee under CTS 8 during which the licensee will broadcast P programs.

P program means a program which meets the criteria of suitability for preschool children in CTS 5, and has been classified as a P program by ACMA, or a person appointed by ACMA for that purpose.

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 3.

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).

- (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 4 (5).

Part 2 Requirement to provide C programs and P programs

CTS 5 Criteria for C programs and P programs

A children’s program is one which:

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

CTS 6 Obligation of a licensee to broadcast C programs and P programs

Each year a licensee must meet the requirements of all of the following provisions of this standard:

- (a) for both C material and P material — CTS 7 and CTS 8;
- (b) for C material — CTS 11;
- (c) for P material — CTS 12.

CTS 7 Requirements that apply to both C material and P material

- (1) For CTS 7, C material or P material is *eligible material* in relation to a licensee if it is:
 - (a) notified in a schedule in accordance with CTS 8; and

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- (b) broadcast by the licensee in accordance with the schedule.
 - (2) A licensee must broadcast a total of at least 390 hours of eligible material in each year.
 - (3) Eligible material must include:
 - (a) at least 260 hours of C material; and
 - (b) at least 130 hours of P material.
 - (4) A licensee must not broadcast:
 - (a) in a C period — any program other than a C program; or
 - (b) in a P period — any program other than a P program.
 - (5) Subject to CTS 7 (6), a licensee must not broadcast more than 3 times within any period of 5 years:
 - (a) in C periods — any one C program that is an episode or program in a series; or
 - (b) in P periods — any one P program that is an episode or program in a series.
 - (6) There is no restriction on the number of times a licensee may broadcast an Australian C Drama.
 - (7) The obligations of a licensee are subject to the exceptions and qualifications contained in subsection 12 (4) and section 12A, of the Australian Content Standard.

CTS 8 Eligible material to be notified in a schedule

- (1) A notifying licensee must provide a schedule to ACMA, in form approved by ACMA for the year in which the schedule is given, showing:
 - (a) the call sign of each licensee on whose behalf the schedule is provided; and
 - (b) the periods during which each of the licensees referred to in the schedule will broadcast C programs and P programs.

Note CTS 4 defines these periods as *C period* and *P period* respectively.

- (2) A schedule must be received by ACMA on or before 31 December in the year preceding the year for which the schedule is given.
- (3) A licensee must include the schedule of the licensee's C programs and P programs on the licensee's website on the main program schedule.

CTS 9 Variations to a schedule

- (1) A licensee may, by notice in writing to the ACMA, vary a schedule provided under CTS 8.
- (2) A variation mentioned in CTS 9 (1) is not effective unless:
 - (a) it is given with at least 14 days notice; and
 - (b) the licensee ensures that the child audience is appropriately notified of:
 - (i) the variation; and

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- (ii) the reason the schedule has been varied; and
 - (iii) when the replaced program or programs will be broadcast; and
 - (c) it is in a form approved by ACMA.
- (3) If a schedule is varied, the licensee must broadcast not less than 2 on-air promotions, as follows:
- (a) one promotion at a time when children and adults may reasonably be expected to be watching television, in order to give appropriate notice of the schedule change; and
 - (b) one promotion immediately before, or during, the time the program was originally scheduled to be broadcast.

CTS 10 Material taken to be broadcast in accordance with schedule

- (1) Material is taken to be broadcast in accordance with a schedule if the licensee:
- (a) fails to broadcast the material in accordance with a schedule mentioned in CTS 8 (1) (b); and
 - (b) the failure occurs in the circumstances mentioned in CTS 10 (2) or (3).
- (2) For CTS 10 (1) (b), and subject to CTS 10 (3), the circumstances are:
- (a) the failure to broadcast in accordance with the schedule provided under CTS 8 (1) (b) was due to the unexpected:
 - (i) cancellation; or
 - (ii) postponement; or
 - (iii) early completion; or
 - (iv) overrun; or
 - (v) availability;of live coverage of an event of national, state or territory importance, or a major sports event, that is suitable for viewing by children and that intrudes into a C period or P period; and
 - (b) 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
 - (c) 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
 - (d) ACMA is notified in writing, within 72 hours after the broadcast of the live coverage, of the failure to broadcast; and
 - (e) the licensee broadcasts details of the change to the schedule provided under CTS 8 (1) (b) immediately before, during, or immediately after, the time of the scheduled C period or P period.
- (3) Subject to CTS 10 (4), a licensee may displace:
- (a) any C period scheduled for a weekday between 7.00am and 8.30am, or 4.00pm and 8.30pm; or
 - (b) any P period scheduled for a weekday between 7.00am and 4.30am; to allow live coverage of:
 - (c) an event of national, state or territory importance which is suitable for viewing by children; or

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- (d) a major sports event which is suitable for viewing by children.
- (4) For CTS 10 (3), if a C period or a P period is displaced:
 - (a) the displaced C period or P period must be placed in a C band or P band, as the case may be, 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
 - (b) ACMA must be notified of the event, in a form approved by ACMA, at least 14 days prior to the scheduled broadcast; and
 - (c) the licensee, at one or more times immediately before, during or immediately after the live coverage, must broadcast details of when the C programs will be broadcast.
 - (5) If it can be reasonably expected that a scheduled live sporting event will run over time a licensee may displace:
 - (a) any C period scheduled for a weekday between 7.00am and 8.30am, or 4.00pm and 8.30pm; or
 - (b) any P period scheduled for a weekday between 7.00am and 4.30am.
 - (6) If a C period or P period is displaced in accordance with CTS 10 (3), CTS 10 (4) or CTS 10 (5), the licensee must broadcast not less than 2 on-air promotions, as follows:
 - (a) one promotion at a time when children and adults may reasonably be expected to be watching television, in order to give appropriate notice of the schedule change; and
 - (b) one promotion immediately before, or during, the time the program was originally scheduled to be broadcast.

CTS 11 Requirements that apply only to C material

- (1) A licensee must broadcast C material for a continuous period of time by electing to comply with:
 - (a) CTS 11 (2); or
 - (b) CTS 11 (3).
- (2) For CTS 11 (1) (a), a licensee complies with this provision if the licensee broadcasts for a continuous period of time of not less than 30 minutes:
 - (a) every weekday between the hours of 7.00am and 8.30am or 4.00pm and 8.30pm, to a total of not less than 130 hours per year; and
 - (b) in addition, at any time in the C band to a total of not less than 130 hours per year; and
 - (c) does not broadcast more than one episode of a C program series during any one C period unless the program is:
 - (i) an Australian C Drama; or
 - (ii) a C program that is part of a non-Australian mini-series.
- (3) For CTS 11 (1) (b), a licensee complies with this provision if the licensee:
 - (a) broadcasts in periods of not less than 60 minutes:
 - (i) on not less than 2 days a week, to a total of not less than 104 hours per year; and

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- (ii) in addition, at any time in the C band, to a total of not less than 156 hours per year; and
 - (b) in relation to any C program — does not broadcast more than 2 episodes of the program series during any one C period unless the program is:
 - (i) an Australian C Drama; or
 - (ii) a C program that is part of a non-Australian mini-series.

CTS 12 Requirements that apply only to P material

A licensee must broadcast P material in the P band for a period not less than 30 minutes every weekday.

CTS 13 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 ACMA otherwise determines at the time of classification or renewal.
- (2) On application in writing, ACMA may at any time renew the classification of a C program or P program.
- (3) ACMA may revoke the classification if 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.
- (4) In CTS 13:
ACMA includes a person or body appointed by ACMA.

CTS 14 Provisional classification

- (1) If a person submits to 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 presentation, in a format specified by ACMA, indicating the nature of the program; or
 - (b) an Australian C Drama;

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 ACMA is satisfied that the program will satisfy the criteria in CTS 5 for a C program or P program, and CTS 5 and CTS 15 for an Australian C Drama.
- (2) On application in writing, ACMA may, at any time, renew a provisional C classification or a provisional P classification.
- (3) If 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.
- (4) In CTS 14:
ACMA includes a person or body appointed by ACMA.

CTS 15 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 ACMA as a C program;
 - (b) the program must, in the opinion of 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;
 - (c) the program may include sketch comedy programs, animated drama and dramatised documentary, but may 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;
 - (d) the program must, in the opinion of ACMA, meet the requirements for an Australian program in the Australian Content Standard.
- (2) A proposed Australian C Drama may be classified as meeting the requirements of CTS 15 if, in the opinion of ACMA, the program will, when completed, comply with those requirements.
- (3) If a proposed Australian C Drama is classified under CTS 15 (2), a copy of the completed program must be sent to ACMA, in a format specified by ACMA, within one month of completion.
- (4) In CTS 15:
ACMA includes a person or body appointed by ACMA.

CTS 16 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 7 (2) and (3), the hour value of a first release Australian C Drama is its duration under the Australian Content Standard.

CTS 17 Australia's international obligations

- (1) Subject to CTS 17 (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 17 (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 standards (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 7 (5),

CTS 7 (6), CTS 11 (3) (b), CTS 14 (1), CTS 18 (3), CTS 25 (1) and CTS 25 (2).

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 Co-production 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, these Standards:

- (a) allow Australian official co-productions the full enjoyment of all the benefits accorded to Australian programs; and
- (b) allow 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, treat New Zealanders and services provided by New Zealanders no less favourably than Australians and services provided by Australians.

Part 3 Requirements relating to protection of children

CTS 18 Program promotions and station identifications

- (1) Subject to CTS 25 (2), 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 18 (1) and CTS 25 (2), voice-over announcements promoting C programs may be made during the end credits of C programs.

CTS 19 Non-program material other than news

Subject to CTS 25 (2), each 30 minutes of a C period may contain no more than 7 minutes in total of:

- (a) advertisements broadcast in accordance with CTS 24 to 34 inclusive; and
- (b) program promotions and station identifications broadcast in accordance with CTS 18 (1); and

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- (c) G-classified community service announcements.

CTS 20 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 21 Actual times falling short

If, 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, meets the criteria in CTS 5.

CTS 22 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) if the prize is not a cash prize, the price or value of the prize may not be mentioned; and
 - (c) any description by the presenter should be only to clarify the nature of the prize.

CTS 23 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; or
- (b) present images or events in a way which is unduly frightening or unduly distressing to children; or
- (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; or
- (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.

CTS 24 Advertisements

- (1) Only G-classified advertisements which also meet CTS 23, and CTS 28 to CTS 34 (inclusive), may be broadcast during C periods.
- (2) No advertisements may be broadcast during P periods.
- (3) The requirements of CTS 24 are in addition to the requirements of the Commercial Television Industry Code of Practice.

CTS 25 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.
- (2) 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 26 Separation of advertisements and sponsorship announcements

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

CTS 27 Repetition of advertisements

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

CTS 28 Content of advertisements

- (1) No advertisement may mislead or deceive children.
- (2) Nothing in these Standards is to be taken to limit the obligation imposed by CTS 28.

CTS 29 Pressure in advertisements

- (1) A licensee may not broadcast any advertisement designed to put undue pressure on children to ask their parents or another person 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 30 Clear presentation

- (1) Advertisements must accurately represent the advertised product or service.
- (2) Claims made in advertisements must not be ambiguous.
- (3) 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.
- (4) If the size of the product is not clear in an advertisement it must be made clear by reference to something which a child can readily recognise.

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- (5) 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; and
 - (b) reference to price must clearly differentiate between the price of the product and the price of any accessories.
 - (6) Prices, if mentioned, must be accurately presented in a way which can be clearly understood by children, and must not be minimised by words such as 'only' or 'just'.
 - (7) An advertisement for a food product may not contain any misleading or incorrect information about the nutritional value of that product.

CTS 31 Disclaimers and premium offers

- (1) A disclaimer must be presented conspicuously.
- (2) An advertisement that contains a premium offer:
 - (a) must not make reference to the premium in a way that is more than merely incidental to the reference to the advertised product or service; and
 - (b) must not stimulate any unreasonable expectation of the product or service offered; and
 - (c) must clearly set out any conditions that must be met before the premium may be obtained.
- (3) For CTS 31 (2) (a), the following matters are relevant in the consideration of whether a premium offer is merely incidental:
 - (a) the amount of time devoted to the premium offer compared to the amount of time devoted to the product or service being advertised;
 - (b) the way in which pictures, text or moving images are used to promote the premium offer;
 - (c) the way in which sound is used to promote the premium offer.
- (4) If an advertisement advertises a product that has both food and non-food components, the reference to the non-food component must be merely incidental to the reference to the food component.

CTS 32 Competitions

If competitions for children are referred to in programs or advertisements:

- (a) a summary of the basic rules must be stated; and
- (b) any statement about the chance of winning must be clear, fair and accurate.

CTS 33 Promotions and endorsements by program characters

- (1) No material broadcast during a C period or P period, or in the break immediately before or after a C period or P period, may contain an endorsement, recommendation or promotion of a commercial product or service by:

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- (a) a principal personality or character from a C program or P program; or
 - (b) a popular program or movie character; or
 - (c) a popular cartoon, animated or computer generated character; or
 - (d) a popular personality or celebrity; or
 - (e) a licensed character.
- (2) An advertisement during a C period may use a character or personality mentioned in CTS 33 (1) to endorse, recommend or promote a non-commercial product or service if the advertisement:
- (a) contains only generic statements about nutrition, safety, education or like matters; and
 - (b) is suitable to be contained in a children's program described in CTS 5.

CTS 34 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.