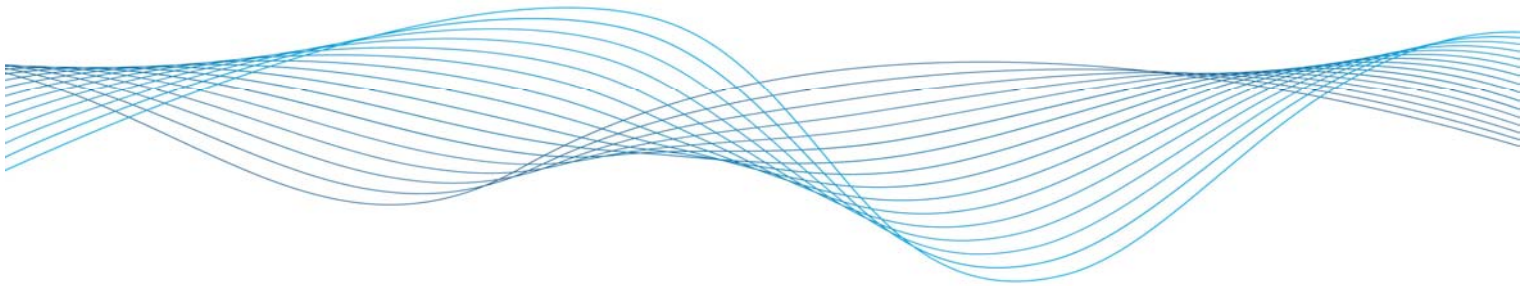




**Codes of Practice 2007**  
**Subscription Broadcast Television**



## SUBSCRIPTION BROADCAST TELEVISION CODES OF PRACTICE

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## **1. INTRODUCTION**

### **1.1 Preamble**

The Australian Subscription Television and Radio Association ('**ASTRA**') is the industry body representing, among others, companies allocated subscription television broadcasting licences ('**Licensees**') by the Australian Communications and Media Authority ('**ACMA**') under Part 7 of the *Broadcasting Services Act 1992* (the Act). The majority of Licensee companies and suppliers of subscription television services are members of ASTRA.

These Codes are intended to apply to all Licensees in accordance with Section 123(1) of the Act and are registered by ACMA in accordance with Section 123(4) of that Act.

Subscription (multi-channel) television broadcasting extends audience choice in terms of the range and diversity of entertainment and information programming. Subscription television services may be delivered by a number of technologies including: multipoint microwave distribution systems (MDS); broadcast direct by satellite to the home (DS or DTH); and broadband cable communications systems (CTV or Cable).

A major distinctive feature of subscription television is the direct contractual relationship between the service provider and the subscriber. This voluntary relationship between the provider of a retail service and a subscriber to that service provides subscribers with freedom of choice along with the capability and responsibility to select the programs they wish to receive. In this sense, Subscription TV is in the nature of an invited guest, brought into the home in the full and prior knowledge of the guest's character.

ACMA (then the Australian Broadcasting Authority) recognised the unique characteristics of Subscription TV when it commented in its *Final Report on Australian Content for Pay TV* that, "Pay TV operates by offering as a package a range of 'niche' or specialised programming channels which subscribers must pay to receive. Within this context it enhances viewing options and complements free to air services. Pay TV has a smaller target audience to commercial television which is provided free to air with no direct cost to the viewer ... Pay TV is further differentiated from free to air television in terms of the number of different channels, total hours broadcast, reduced advertising opportunities and the niche nature of much of its programming."

These Codes are designed to recognise the fundamental differences between the mass appeal and mass market target of free to air television and the niche nature of Subscription TV. It is especially sensitive to the expectations of the audience about program and advertising content of particular channels at particular times especially as the audience is paying for the service.

Licensees will provide services in accordance with these Codes of Practice which are intended to provide clear and consistent information to enable consumers to make informed decisions about the nature of the programming they elect to receive.

Additionally, Licensees are committed to the protection of subscribers' interests in all aspects of their service provider-subscriber relationships. This will include issues relating to subscriber options, fault repair, subscriber privacy, credit management and billing, all of which are covered by the Codes.

Services providing programs which appeal to a limited audience are known as "narrowcasting" services. They are subject to separate Codes of Practice for that sector of the broadcasting industry administered by ASTRA. Licensees who provide both broadcasting and narrowcasting programming are subject to both sets of Codes of Practice.

Where a subscriber contracts to take a licensee's service by an agent of the licensee, rather than the licensee itself, these Codes will apply to the licensee.

### **1.2 Compliance with the Codes**

Licensees undertake to comply fully with the Codes, but a failure to comply will not be a breach of the Codes if that failure was due to:

- (a) a reasonable mistake;

- (b) a reasonable reliance on information supplied by another person;
- (c) an act or default of another person, or an accident or some other cause beyond the Licensee's control, and the Licensee took reasonable precautions and exercised due diligence to avoid the failure.

Where it is possible to remedy a failure to comply with the Codes resulting from one or more of those circumstances, Licensees must do so promptly.

Licensees and subscribers may seek the advice of ACMA in relation to compliance with the Codes.

While individual Licensees and the Subscription TV industry are committed to implementing the Codes, it is ultimately the responsibility of, under the terms of broadcasting regulatory arrangements laid down by the Parliament in the Act, to require compliance with the Codes by Licensees.

In the unlikely event that a Licensee breaches the Codes and makes insufficient effort to correct that breach, the Act enables ACMA to take appropriate action, up to and including imposing a condition of licence requiring that the Licensee comply with the Code. Continued breach of a condition of licence can lead to the revocation of the licence.

### **1.3 Review and Amendment of the Codes**

ASTRA will monitor the operation of these Codes and review them every three years. Any review will be undertaken in full consultation with the public and representative organisations. If any substantive changes to the Codes are necessary such amendments will be made in consultation with ACMA.

## **2. PROGRAM CODES**

These program codes have been adopted by Licensees to ensure the quality and reliability of services provided to subscribers, and to ensure a system of adequate prior knowledge on the part of subscribers as to the nature of programs being provided.

### **2.1 General Programs**

- (a) Licensees will not knowingly broadcast any program which is likely to incite or perpetuate hatred against, or vilify, any person or group on the basis of ethnicity, nationality, race, gender, sexual preference, transgender status, HIV/AIDS status, age, religion or disability.
- (b) Licensees will not knowingly broadcast programs that:
  - simulate news or events in a way that misleads or alarms the audience;
  - depict the actual process of putting a person into a hypnotic state; or
  - are designed to induce a hypnotic state in the audience; or
  - use or involve the process known as "subliminal perception" or any other technique that attempts to convey information to the audience by broadcasting messages below or near the threshold of normal awareness.
- (c) Licensees will not breach clause 2.1 (a) and (b) of these Codes if a program includes matter said or done reasonably and in good faith:
  - in broadcasting an artistic work including comedy and satire;
  - in the course of any broadcast or statement, discussion or debate made or held for an academic, artistic or scientific purpose or any other identifiable public interest purpose;
  - in broadcasting a fair and accurate report of, or a fair comment on, any event or matter of identifiable public interest.

## 2.2 News and Current Affairs Programs

- (a) News and current affairs programs, including news updates, broadcast by Licensees must:
  - (i) present news accurately, fairly and impartially;
  - (ii) clearly distinguish the reporting of factual material from commentary, analysis or simulations;
  - (iii) not simulate news or events in a way that misleads or alarms the audience.
- (b) In broadcasting news and current affairs programs to the extent practicable licensees:
  - (i) must not present material in a manner which creates public panic;
  - (ii) must include only sparingly material likely to cause some distress to a substantial number of viewers;
  - (iii) must display sensitivity in broadcasting images of, or interviews with, bereaved relatives and survivors or witnesses of traumatic incidents;
  - (iv) will take all reasonable efforts to provide warnings when there are identifiable public interest reasons for broadcasting material which may seriously distress or seriously offend a substantial number of viewers;
  - (v) will only broadcast reports of suicide or attempted suicide where there is an identifiable public interest to do so and will exclude any detailed description of the method used and any graphic details and will not glamourise suicide in any way; and
  - (vi) will make reasonable efforts to correct significant errors of fact at the earliest opportunity.
- (c) In broadcasting news and current affairs programs licensees must not use material relating to a person's personal or private affairs, or which invades an individual's privacy, other than where there are identifiable public interest reasons for the material to be broadcast.

*Note: The question of intrusion into private domains, such as bereavement or personal tragedy, is one of real difficulty for all providers of news and current affairs programs. It is a matter of balance between what should be reported in the interests of the general public and what, if reported, would cause an individual or group of individuals' unnecessary anguish. It is noted that ACMA has published advisory Privacy Guidelines for Broadcasters available on the ACMA website at [www.acma.gov.au](http://www.acma.gov.au).*

## 2.3 Program Promotions and News Updates

Licensees will have particular regard to the need to protect children from unsuitable material in program promotions, news updates and news promotions.

The content of program promotions, news updates and news promotions will be consistent with the classification of the programs during which updates or promotions appear and will, where relevant, include classification information about the programs being promoted, (see Part 3 of these Codes).

Program promotions, station promotions and advertisements must be readily distinguishable from program material.

## 2.4 Closed Captioning

ASTRA members take very seriously their obligations and responsibilities under the various legislative requirements relating to the delivery of its services to the Australian community. ASTRA supports the provision of captioning where possible and have an agreed roll-out plan with the Human Rights and Equal Opportunity Commission.

Where closed captioning programming is made available it will be clearly identified with program schedule information provided to the press and in program guides.

When a Licensee introduces closed captioned programming, or extends the range of programs captioned, it will consult with organisations representing deaf or hearing impaired and organisations specialising in providing closed-captioning.

### 3. PROGRAM CLASSIFICATION CODE

Licensees will classify films and drama programs, applying the program classification system contained in the Guidelines for the Classification of Films and Computer Games ('**Guidelines**') which appear below (relevant extract - The Categories). Classifications, together with appropriate consumer advice, will be provided to ensure adequate warning regarding program content as set out in clauses 3.4 and 3.5.

Licensees will use their best endeavours to ensure that, where other programs are classified they will carry only classification symbols (identified below in the Classification Categories). This classification will have particular regard to the protection of children and will take into account relevant aspects of the Guidelines.

#### 3.1 Program Classifications

Licensees will apply relevant aspects of the Guidelines to all films and drama programs. The full text of the Guidelines can be found as an Annexure to these Codes.

The Guidelines are a tool for classifying films and drama programs. They help explain the different classification categories, and the scope and limits of material suitable for each category.

Classification decisions are to give effect, as far as possible, to the following principles:

- (a) adults should be able to read, hear and see what they want;
- (b) minors should be protected from material likely to harm or disturb them;
- (c) everyone should be protected from exposure to unsolicited material that they find offensive;
- (d) the need to take into account community concerns about:
  - (i) depictions that condone or incite violence, particularly sexual violence; and
  - (ii) the portrayal of persons in a demeaning manner.

#### Classification categories

*Note: Some of the terms used in these categories are defined in the Guidelines attached.*



#### **G General**

##### Impact test

The impact of the classifiable elements for material classified G should be very mild only.

*Note: The G classification is for a general audience. However, it does not necessarily indicate that children will enjoy the film or computer game. Some G films and games contain themes, story-lines or game play that do not interest children.*

##### Classifiable elements

**THEMES**

The treatment of themes should have a very low sense of threat or menace, and be justified by context.

**VIOLENCE**

Violence should have only a low sense of threat or menace, and be justified by context.

Sexual violence is not permitted.

**SEX**

Sexual activity should be very mild and very discreetly implied, and be justified by context.

**LANGUAGE**

Coarse language should be very mild and infrequent, and be justified by context.

**DRUG USE**

Drug use should be implied only very discreetly, and be justified by context.

**NUDITY**

Nudity should be justified by context.

**PG Parental Guidance****Impact test**

The impact of the classifiable elements for material classified PG should be no higher than mild.

*Note: Material classified PG may contain material which some children find confusing or upsetting, and may require the guidance of parents or guardians. It is not recommended for viewing by persons under 15 without guidance from parents or guardians.*

**Classifiable elements****THEMES**

The treatment of themes should generally have a low sense of threat or menace and be justified by context.

**VIOLENCE**

Violence should be mild and infrequent, and be justified by context.

Sexual violence is not permitted.

**SEX**

Sexual activity should be mild and discreetly implied, and be justified by context.

**LANGUAGE**

Coarse language should be mild and infrequent, and be justified by context.

**DRUG USE**

Drug use should be justified by context.

**NUDITY**

Nudity should be justified by context.



## **M Mature**

### *Impact test*

The impact of the classifiable elements for material classified M should be no higher than moderate.

*Note: Material classified M is not recommended for persons under 15 years of age. There are no legal restrictions on access.*

### *Classifiable elements*

#### **THEMES**

The treatment of themes may have a moderate sense of threat or menace, if justified by context.

#### **VIOLENCE**

Moderate violence is permitted, if justified by context.

Sexual violence should be very limited and justified by context.

#### **SEX**

Sexual activity should be discreetly implied, if justified by context.

#### **LANGUAGE**

Coarse language may be used.

Aggressive or strong coarse language should be infrequent and justified by context.

#### **DRUG USE**

Drug use should be justified by context.

#### **NUDITY**

Nudity should be justified by context.



## **MA15+ Mature Accompanied**

### *Impact test*

The impact of material classified MA15+ should be no higher than strong.

*Note: Material classified MA15+ is considered unsuitable for persons under 15 years of age. It is a legally restricted category.*

### *Classifiable elements*

**THEMES**

The treatment of strong themes should be justified by context.

**VIOLENCE**

Violence should be justified by context.

Sexual violence may be implied, if justified by context.

**SEX**

Sexual activity may be implied.

**LANGUAGE**

Strong coarse language may be used.

Aggressive or very strong coarse language should be infrequent.

**DRUG USE**

Drug use should be justified by context.

**NUDITY**

Nudity should be justified by context.

**R18+ Restricted***Impact test*

The impact of material classified R 18+ should not exceed high.

*Note: This classification category applies only to films. Material classified R18+ is legally restricted to adults. Some material classified R18+ may be offensive to sections of the adult community.*

*Classifiable elements***THEMES**

There are virtually no restrictions on the treatment of themes.

**VIOLENCE**

Violence is permitted.

Sexual violence may be implied, if justified by context.

**SEX**

Sexual activity may be realistically simulated. The general rule is “simulation, yes – the real thing, no”.

**LANGUAGE**

There are virtually no restrictions on language.

**DRUG USE**

Drug use is permitted.

**NUDITY**

Nudity is permitted.

### **3.2 Programs not to be Broadcast**

Licensees will ensure that access to programs classified as "R18+", if and when permitted by Parliament, can be restricted by disabling devices acceptable to the ACMA.

*Note: It is a condition of licence that:*

*X18+ rated programs and programs classified 'RC' (refused classification) by the Office of Film and Literature Classification will not be broadcast by Licensees.*

*Programs classified as "R18+" will not be broadcast by Licensees until Parliament has approved the broadcast of such programs on subscription television.*

### **3.3 Disabling Devices**

Licensees will ensure that information on the operation of such disabling devices will be provided to subscribers on installation.

### **3.4 Television Classification Symbols**

For programs classified "PG" and above, the classification symbol (identified in the Classification categories above) for the film or drama program being shown will be clearly displayed at the commencement of the program and in program guides.

### **3.5 Consumer Advice**

For "M" and "MA15+" films and drama programs consumer advice concerning the reasons for a classification must be given at the commencement of a program. The advice will be in a style consistent with relevant aspects of the Guidelines.

## **4. SUBSCRIBER CODE**

As the basis of all subscription television broadcasting is dependent on a direct contractual relationship between the supplier and the consumer, Licensees will inform prospective subscribers about the nature of the service they are subscribing to, including service options, prices and program content.

Licensees are conscious of the importance of being open and informative in their relationship with subscribers and the need to implement arrangements which ensure fairness in their dealings with subscribers. These considerations will be reflected in management processes, methods of billing, responsibility for fault repair, service costs, credit arrangements and subscriber privacy.

Licensees will express agreements with subscribers in "plain English".

### **4.1 Subscriber Options**

If a Licensee rents domestic reception equipment to a subscriber, the rental agreement must allow the subscriber to terminate the agreement on giving one month's written notice to the Licensee.

*Note: It is a requirement of the Act that Licensees must make available as an option, domestic reception equipment on a rental basis.*

### **4.2 Fault Repair**

Licensees will ensure a high quality service is available to subscribers. This includes timely response to reported service faults.

Subscribers should initially contact the Licensee with questions or disputes about Fault Repair. In the event that a subscriber is not satisfied with the outcome of discussions with the Licensee, the Licensee will advise subscribers to contact the relevant consumer advisory service of the state or territory in which the subscriber resides. A list of relevant consumer advisory services prepared by ACMA is attached to these Codes as Attachment B.

*Note: The viability of subscription television broadcasting is directly dependent on the level of customer service achieved, including ensuring the subscribers' service is always in full working order.*

#### **4.3 Subscriber Privacy**

Licensees will collect, use, disclose and store subscribers' personal information in accordance with the Privacy Act 1988 and the National Privacy Principles, as set out in Schedule 3 of the Privacy Act 1988 as amended. These principles are included at Attachment A.

#### **4.4 Credit Management and Billing**

Subscribers should initially contact the Licensee with questions or disputes about credit management and billing. In the event that a subscriber is not satisfied with the outcome of discussions with the Licensee, the Licensee will refer the subscriber to the relevant consumer advisory service of the state or territory in which the subscriber resides (see Attachment B).

#### **4.5 Review of Subscriber Code**

ASTRA will monitor subscriber response to credit management, billing, fault repair and servicing and give specific consideration to this area when Codes of Practice are being reviewed.

### **5. COMPLAINTS CODE**

This section applies to any matter covered by the preceding Codes which is the subject of a complaint to a Licensee. Licensees will ensure that relevant staff are aware of the Codes and their provisions, the importance of handling customer complaints professionally and the procedures to be followed in doing so.

#### **5.1 Oral and Written Complaints**

A complaint in the first instance should be made to the Licensee. A complaint must adequately identify the matter complained of, the nature of the complaint, and the identity of the complainant.

- (a) Every effort will be made to deal with a telephone complaint during the course of the telephone call. If the complaint cannot be properly dealt with immediately Licensees will respond within the shortest possible period from initial receipt of the complaint.
- (b) In some circumstances complainants may be asked to put their complaint in writing, for example, if it concerns a matter which is too complex to be dealt with in a telephone conversation. Licensees will respond to written complaints within the shortest practicable period from the date of receipt of the complaint. If the complainant has not received a response to a telephone or written complaint within 60 days of making the complaint, or considers the response to be inadequate, he or she may refer the complaint to ACMA.
- (c) The Licensee will make every reasonable effort to resolve complaints except where a complaint is frivolous, vexatious or not made in good faith.
- (d) If a Licensee receives a written complaint within 30 days of the date of broadcast, then the licensee will use its best endeavors to ensure that the tape of the program will be retained by the licensee until the matter is resolved.

Licensees will maintain a record of written complaints received and make a summary available to ACMA annually or on request.

#### **5.2 Referral of Complaints to ACMA**

In responding to a written complaint Licensees will advise complainants that if he or she is not satisfied with the Licensee's response, the complaint may be referred to ACMA.

### 5.3 Publicising of Codes

Licensees will publicise the availability of the ASTRA Codes of Practice at regular intervals in program guides and will advise subscribers at the time of subscription that the Codes (including complaints procedures) are available. Copies of the Codes will be provided to the public on request. The Codes are also available on the ASTRA website [www.astra.org.au](http://www.astra.org.au).

## 6. ADVERTISING CODE

### 6.1 Content of Advertising

#### (a) *Adopting Other Codes*

Advertisements broadcast by Licensees must comply with any relevant Australian Association of National Advertisers' Codes, including the Code of Ethics, the Code for Advertising to Children and the Food and Beverages Advertising & Marketing Communications Code and Licensees must refer advertising complaints to the Advertising Standards Bureau where appropriate.

Licensees must, to the extent applicable, ensure advertisements promoting goods or services defined in the:

- Weight Management Code of Practice;
- Therapeutic Goods Advertising Code; and
- Alcohol Beverages Advertising Code,

comply with those Codes and must refer any specific complaints relating to these types of advertisements to the body administering those Codes.

#### (b) *Offensive Advertising*

Advertising shall not deliberately cause serious offense to the intended audience of the channel on which the program, with which the advertisement is broadcast, is shown.

#### (c) *Compliance with Legislation*

Advertising must comply with all relevant requirements of State and Federal Law, including without limitation the *Trade Practices Act 1952*.

#### (d) *Dangerous Behaviour*

Advertising shall not promote illegal or unsafe road usage practices or encourage other similar, dangerous behaviour.

#### (e) *Discrimination*

Advertising shall not unlawfully discriminate against any individual or group.

#### (f) *Tobacco Advertising*

A Licensee shall not, in contravention of the *Tobacco Advertising Prohibition Act 1992*, broadcast a tobacco advertisement within the meaning of that Act.

#### (g) *Competitions*

Advertising inviting the public to take part in competitions shall comply with relevant laws.

## 6.2 Classification of Advertisements

All advertisements must be given an appropriate television classification based on the usual classification criteria.

## 6.3 Advertising Directed at Children

This code recognises that special care must be shown in the broadcast of advertisements on channels intended for consumption by children. This clause applies only to advertising broadcast within a block or blocks of programming aimed at children (**'Children's Advertising'**). Advertisements broadcast must comply with the Australian Association of National Advertisers' Code for Advertising to Children and the Food and Beverages Advertising & Marketing Communications Code.

- (a) No products or services may be advertised, or advertising styles deployed, that could place children in physical, mental or moral jeopardy. All Children's Advertising must be clearly distinguishable from the programming in which it appears.
- (b) Children's Advertising should not seek to exploit children's innate credulity, loyalty and sense of fair play.
- (c) Each channel that broadcasts Children's Advertising will publish its own code specifically addressing advertising directed at children.
- (d) Any advertising directed to children, involving the use of premium rate telephone services will include the basic terms of any competition and information about the cost of the call in a form which children can reasonably understand.
- (e) For the purposes of this code, unless specifically stated, "children" are defined as those people within the pre-school or the primary school age range, and generally refers to all children aged fourteen and under.

## 6.4 Approval of Advertisements

Where the Licensee is responsible for the production of any of the content of an advertisement to be carried it shall be responsible for ensuring that the advertisement complies with the requirements set out in clause 6.1 of this Code.

## 6.5 Scheduling of Advertisements

This clause has been developed to acknowledge the unique relationship between a Licensee and its audience. It also acknowledges the technology available to Subscription Television subscribers which includes the ability to entirely block out the channel or in some instances to block certain levels of classified material (see "Disabling Device").

- (a) The Licensee must take into account the intellectual and emotional maturity of its intended audience when scheduling advertisements in the following categories:
  - Advertising of Alcoholic Beverages
  - Advertising relating to Betting or Gambling
  - Advertising relating to intimate products such as condoms, sanitary napkins and tampons etc
  - Advertising for cinema or video, particularly those products aimed at an adult audience
  - Advertising relating to religion
  - Advertising inviting responses via a *Premium Rate Telephone Service* (ie, 0055, 1 900 numbers)

- Advertising relating to merchandising particularly when associated with children's programming
- Advertising directed at children
- Advertising relating to competitions.

(b) Where appropriate the Licensee will promote the use of the Parental Lockout device or other similar technology.

## 7. DEFINITIONS

"**ACMA**" is the Australian Communications and Media Authority.

"**Advertising**" means all advertising for which the Licensee receives payment or other valuable consideration for broadcast in breaks within or between the programs or by visual and/or oral superimposition on a program. For the avoidance of doubt Advertising does not include on-air station ID's promotional spots or image campaigns for the individual channel nor does it include community service announcement or advertisements on behalf of election authorities.

"**broadcasting service**" means a service that delivers television programs or radio programs to persons having equipment appropriate for receiving that service, whether the delivery uses the radiofrequency spectrum, cable, optical fibre, satellite or any other means or a combination of those means, but does not include:

- (a) a service (including a teletext service) that provides no more than data, or no more than text (with or without associated still images); or
- (b) a service that makes programs available on demand on a point-to-point basis, including a dial-up service; or
- (c) a service, or a class of services, that the Minister determines, by notice in the *Gazette*, not to fall within this definition.

"**Channel Provider**" means an entity which provides an entire channel of programming to a Licensee in return for payment or other valuable consideration.

"**closed captioning**" means the subtitling of programs for the hearing impaired, accessible through a digital set top box or Teletext-capable receivers.

"**Codes**" are rules, developed and endorsed by the subscription television broadcasting industry, formulated to reflect community standards in program content and presentation, and to ensure fair dealing with customers with regard to billing, fault repair, privacy and credit management.

"**consumer advice**" is a printed or spoken notification explaining why a program is classified as "PG", "M", "MA15+" or "R18+", indicating the presence and level of violence, explicit sex scenes and/or language in the program.

"**domestic reception equipment**" is defined by the ACMA as meaning all equipment supplied by the licensee, including both hardware and software, that is necessary to receive the service for home consumption by a subscriber. This includes the device that is used to descramble electromagnetic signals to allow programs to be displayed, for example, on a conventional television set used by the subscriber.

"**disabling device**" is an appliance which allows consumers to disable reception of a particular program or channel by the domestic reception equipment.

"**drama**" for the purposes of these Codes drama means:

- (a) a program that has a fully scripted screenplay in which the dramatic elements of character, theme and plot are introduced and developed to form a narrative structure; or
- (b) a program that has:
  - (i) a partially scripted screenplay in which the dramatic elements of character, theme and plot are introduced and developed to form a narrative structure; and
  - (ii) actors delivering improvised dialogue that is based on a script outline or outlines developed by a writer or writers; or
- (c) a program that has actors delivering improvised dialogue that is based on a script outline or outlines:
  - (i) developed by a writer or writers; and
  - (ii) in which the dramatic elements of character, theme and plot are introduced and developed to form a narrative structure;

and includes:

- (d) a fully scripted sketch comedy program; and
  - (e) an animated drama; and
  - (f) a dramatised documentary;
- but does not include:

- (g) a program that involves the incidental use of actors; or
- (h) advertising or sponsorship matter (whether or not of a commercial kind).

**"Licensee"** means a holder of a subscription television broadcasting licence allocated by the ACMA under the Act.

**"licence"** means a licence allocated by the ACMA under the Act.

**"news and current affairs programs"** means programs which report on current or recent happenings and include short bulletins, filmed coverage of international, national and local events, report on weather and essential services.

**"personal information"** means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion (Definition taken from the Privacy Act 1988).

**"program"**, in relation to a broadcasting service, means:

- (a) matter the primary purpose of which is to entertain, to educate or to inform an audience; or
- (b) advertising or sponsorship matter, whether or not of a commercial kind.

**"program promotions"** are announcements and previews advertising scheduled programs.

**"subscriber"** means a person that enters into an agreement with a subscription television broadcaster to receive a subscription television broadcast service.

**"subscription fee"** means any form of consideration given or requested in exchange for the reception of programs.

**"subscription broadcasting service"** are broadcasting services that:

- (a) provide programs that, when considered in the context of the services being provided, appear to be intended to appeal to the general public; and
- (b) are made available to the general public but only on payment of subscription fees (whether periodical or otherwise); and
- (c) comply with any determinations or clarifications under section 19 of the Act in relation to subscription broadcasting services.

**"subscription television broadcast services"** are subscription broadcasting services that provide television programs to subscribers.