


**Chair and Agency Head**

Mr Greg Hywood  
Chair  
Free TV Australia  
Suite 1, 2/76 Berry Street  
North Sydney NSW 2060

Email: [REDACTED]

ACMA file reference: ACMA2023/115

Dear Mr Hywood 

**Progress on the review of the Commercial Television Industry Code of Practice 2015**

Thank you again for the opportunity for the Authority to meet with the Free TV Board in late 2023. It was useful for the Authority to understand the views of board members on the state of the sector and its priorities for reform.

Further to that meeting, I would appreciate an update on the progress of Free TV's review of its *Commercial Television Industry Code of Practice 2015* and seek your assurance that Free TV is progressing this review as a matter of priority.

It has been a number of years since there has been a substantive review of the Code, including the opportunity for public feedback on the Code, and more than 18 months since the publication of the ACMA's *What Audiences Want* position paper. That paper was informed by our regulatory compliance activities, including monitoring and observations of complaints and findings in recent content investigations, as well as research into contemporary content consumption habits, current market trends and developments and international best practice.

We are now seeking a substantive update about the progress of your review based on the detailed feedback the ACMA provided in June 2023, which outlines the code provisions we consider may need amending.

Confidence in the co-regulatory framework for broadcasting relies upon industry actively engaging and participating in processes such as code reviews. While we appreciate that Free TV is contributing to the government's significant media reform agenda, it is our expectation that code reviews are advanced alongside that work.

Where government reforms may have implications for a specific part of a code, such as gambling advertising provisions, we can discuss the best way to take the work forward on a case-by-case basis.

To provide us with greater visibility about the review, the ACMA asks that Free TV provide a revised timetable outlining plans for finalising its code review in 2024. This should include key milestones, including when Free TV expects to undertake any further research, when it intends to commence public consultation on a draft code, and plans to submit a final draft for Authority consideration.

We would also like to understand what work has been done to date, including an early indication about which provisions Free TV agrees need to be revised as part of its current review, and broadcasters' intentions in relation to extending code safeguards to their online services.

Your response to the requested information would be appreciated by Monday 12 February 2024.

The ACMA is keen to work collaboratively with Free TV to jointly review the Code. However, if the Code review is not adequately progressed to ensure there are appropriate safeguards that meet the expectations of contemporary TV audiences, it is open for the ACMA to consider taking other

regulatory actions, including the making of industry standards for issues where we consider the Code is deficient.

I encourage Free TV to arrange an officer-level meeting to discuss the ACMA's feedback and to hear your views on alternative drafting or ideas for achieving the intended outcomes. The ACMA contact is Jenny Allen, Acting Executive Manager, Content Safeguards Branch on [REDACTED]

Yours sincerely



Nerida O'Loughlin PSM

24 January 2024

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