

Statement for the Free TV Website

Invitation to provide feedback on Commercial Television Industry Code of Practice (2015)

Have your Say – Free TV Code review

Commercial free-to-air television is regulated under the Commercial Television Industry Code of Practice (the Code). The Code is developed in consultation with the public, and is registered by the regulator, the Australian Communications and Media Authority (the ACMA), under section 123 of the [Broadcasting Services Act 1992](#).

What does the Code cover?

The matters covered by the Code include:

- Classification methods to reflect community values
- Accuracy and impartiality in the reporting of news
- Advertising safeguards
- Protections for children to ensure they are not exposed to inappropriate material
- Complaints handling processes.

To learn more about these and other matters covered by the Code see Free TV's webpage on [Industry Standards](#)

What is the review about?

Free TV Australia has been reviewing the Code to ensure it continues to provide appropriate community safeguards. Overall, we think the Code is operating well to regulate content in accordance with community standards, assists viewers in making informed choices about their own television viewing and that of the children in their care, and provides effective measures for receiving and handling viewer feedback and complaints.

While the Code continues to offer strong and robust safeguards, there are a few areas where we think some improvements could be made:

- Simplifying our M-zone classification times, to better align with the codes of practice of other television broadcasters
- Strengthening and increasing timeliness of corrections and clarifications of errors of fact in news and current affairs programs
- Enhancing the delivery of warnings during high impact news reporting
- Making it easier to lodge a complaint online.

We have also made some changes to remove outdated references and to modernise the language in the Code.

You can find a copy of the draft revised Code, with changes marked up, via a link on the Free TV [homepage](#) and under Resources > [Code of Practice](#) – live from Monday 30 September

What feedback can I provide?

You are invited to provide any feedback you wish in relation to the Code. This can include, but is not limited to, your views on whether the Code provides appropriate safeguards about:

- The suitability of programs for broadcast and content that is of concern to the community
- Classification methods reflecting community standards
- Community attitudes to the portrayal of violence, sexual conduct, nudity, and drugs on TV, as well as the use of offensive language.
- The portrayal of any matter that is likely to be hateful against, or to vilify, anyone based on group membership, such as ethnicity, nationality, race, sex, gender identity, sexual orientation, age, religion or disability
- Methods to protect children from exposure from material that might harm them
- Promoting accuracy and fairness in news and current affairs
- Time devoted to advertising
- Handling of complaints about Code compliance and transparency of complaints.

These are some of the matters that the relevant broadcasting laws say can be dealt with in a Code for commercial television broadcasters.

Are there particular issues to consider?

Additionally, throughout our review process, we have been engaging with the ACMA about issues that may be relevant to the Code review. You might like to provide feedback on these issues:

Issue	Our consideration
<i>Whether the Code should retain the existing requirement to distinguish the reporting of factual material from opinion, analysis and commentary in news programs and also extend it to current affairs programs.</i>	<ul style="list-style-type: none"> • The Code includes a requirement to distinguish factual material from opinion in news programs. We agree this remains important, and there is no change to this requirement. • We are leaving the current affairs provisions as they are, seeing as they already ensure factual material is presented accurately and that no viewpoints are misrepresented. • We also think it is important to protect the editorial voice in the current affairs genre, which is an inherent feature of key programs within the genre.
<i>Whether to include specific provisions to deal with misinformation and disinformation to avoid further amplification of such content through broadcasting channels.</i>	<ul style="list-style-type: none"> • We share concerns about mis and disinformation, particularly when it can circulate online through social media and other digital platforms. • However, free-to-air commercial television broadcasters are not like digital platforms, as they are subject to robust regulation through the Code as well as numerous other industry regulations and journalistic and advertising codes of practice. • We do not propose to make changes as the Code already requires news and current affairs programs to present factual material accurately. This means the risk of mis or disinformation is extremely low.

<p><i>Whether to include obligations to correct or clarify significant material errors of fact in a specific manner (for news and current affairs)</i></p>	<ul style="list-style-type: none"> • We are going to adjust the requirements so that corrections happen as soon as practicable. • The Code already provides flexibility in the way that corrections and clarifications can be made. This can occur during a later episode of the relevant program, on the broadcaster's news website or a website for the program, or any other appropriate way. • We think it is important to work with individuals who seek corrections and clarifications, rather than lock in one particular way of acknowledging an error.
<p><i>Whether to strengthen provisions relating to high impact news material.</i></p>	<ul style="list-style-type: none"> • The Code already prevents news broadcasts from containing seriously distressing or seriously offensive content, except in the public interest. • News broadcasts must already contain a spoken warning before such material is presented. We are going to strengthen this provision so that warnings are given in a flexible manner and additional warnings are given when appropriate. • Our broadcasters go to great lengths to present news coverage appropriately and always with our viewers front of mind, often in fast-moving and challenging circumstances. • The stronger provisions proposed by us in this area will assist broadcasters to provide appropriate warnings to viewers.
<p><i>Whether to require new disclosure arrangements relating to commercial arrangements and news programs</i></p>	<ul style="list-style-type: none"> • News programs must be presented fairly and impartially, meaning they cannot be impacted by commercial arrangements a network might have (such as an agreement to provide advertising to a business that also happens to be the subject of a news story). • We have not been made aware of any case or investigation where commercial arrangements with the network more broadly have been of concern with respect to news content. • Therefore, we do not consider it necessary to impose new rules.
<p><i>Whether to clarify how the personal privacy protections in the Code apply to material in the public domain and whether the provisions that apply to children should be extended to vulnerable persons.</i></p>	<ul style="list-style-type: none"> • Under the Code, all our news and current affairs programs are privacy-protective, only allowing the broadcast of personal or private material where there is consent or it is in the public interest. • Where information is already in the public arena, in most cases, it will not be personal or private material. • The Code already requires us to take special care if we are considering broadcasting material relating to the private material of a child. • Seeing as we only broadcast such material with consent or in the public interest, changing these

	provisions is unnecessary. Any matters that a vulnerable person raises will already be considered.
<i>Whether to require that classification consumer advice applies to all programs rated PG and above.</i>	<ul style="list-style-type: none"> • We have looked at available evidence which shows that Australians are very familiar with the classification symbols G, PG, M and MA15+. • In addition to displaying the classification symbols, the Code requires consumer advice to be given for films classified PG and for programs classified MA15+, programs classified M shown at certain times and in any program that contains unexpectedly strong and intense material. • We think that the Code already provides viewers with enough information to help them decide what they and their children watch.
<i>Whether to require broadcasters to provide prominent and accessible complaint mechanisms on their websites</i>	<ul style="list-style-type: none"> • We will include in the Code a new requirement for broadcasters to provide a link to Free TV's website, which contains an electronic form for lodging complaints. • The Code already requires broadcasters to respond to a complaint, generally within 30 working days of receipt, and sets out how a complaint can be made. Individuals may still make a complaint by post or email, if they wish.
<i>Whether Free TV should be required to publish an annual complaints report and responses to issues of audience concern.</i>	<ul style="list-style-type: none"> • Free TV already provides, under the Code, an annual report to the ACMA setting out a summary of the number and substance of Code complaints. • We think the best data of issues of audience concern are the investigation reports, which are already published by the ACMA.

What research is available?

We have considered relevant information, including research the ACMA has conducted as well as its investigation reports. You may find these on the [ACMA's website](#):

- [What audiences want – Audience expectations for content safeguards](#)
- [Investigations into TV broadcasters](#).

Has gambling advertising changed?

The Code already contains a series of safeguards relating to gambling advertising. Further to these, the Australian Government is considering changing the laws that regulate gambling advertising. As such, we have not yet reviewed the parts of the Code that deal with gambling advertising. These parts of the Code may need to be reviewed separately and may require a separate public consultation process.

How to provide feedback

We invite you to provide your feedback to us by **11 November 2024**. You can provide your feedback by:

- Online form
- Email
- In writing, posted to Free TV

These methods are set out below.

Online form via a link on the Free TV [homepage](#) and under Resources > [Code of Practice](#) – live from Monday 30 September

Email:

codereview@freetv.com.au

Post

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