

12 February 2024

Ms Nerida O'Loughlin PSM
Chair and Agency Head
Australian Communications and Media Authority

By email: officeofthechair@acma.gov.au

Dear Ms O'Loughlin

Progress on the review of the Commercial Television Industry Code of Practice (the Code)

Thank you for your letter to Free TV Chair Greg Hywood dated 24 January 2024 regarding our Code of Practice review. Greg has asked me to respond on behalf of Free TV and its members. Thank you also to you and the Authority members for attending our Board meeting in November. We appreciated the opportunity to engage with the Authority on a wide range of issues, including some relevant to the Code Review.

Free TV has been actively engaged in considering the issues raised by the ACMA in correspondence in the *What Audiences Want* position paper. Free TV has convened a Code Review working group with senior representation from all networks, which meets regularly. We have also convened a number of meetings with ACMA representatives, at both staff level and at Chair/CEO level in August 2023 and with the Free TV Board in November 2023.

The Free TV Code working group has thoroughly considered each of the provisions of the Code, reviewed audience feedback through complaints and other mechanisms, taken into account the positions put forward in the *What Audiences Want* position paper as well as the feedback from the ACMA in its letter of 23 June 2023 (following our meeting with ACMA representatives in March 2023).

As discussed in our meeting in August 2023 and again at the Board meeting in November, while we are committed to updating the Code, Free TV does not believe that the Code requires wholesale rewriting. It is a principles based document that has been able to adapt with the times, has largely served the community well and while no doubt in need of some modernisation, remains broadly reflective of current community standards and provides appropriate community safeguards. That said, we have worked through the ACMA's feedback and have prepared drafting that will reflect some, but not all, of the issues raised. As we canvassed with the ACMA in meetings last year, and at our Board meeting, many of the concerns of Free TV members stem from the breadth of changes being proposed, and ensuring we understand their rationale and necessity and that they are in line with the nature of audience feedback we receive directly.

Section 47E of the FOI Act

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[REDACTED]

[REDACTED]

[REDACTED]

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Given these considerations, we would expect to be in a position to release a draft Code for public consultation in accordance with section 123(4)(a) of the *Broadcasting Services Act 1992* in the second half of this calendar year.

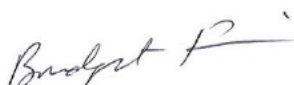
BVOD and online services

Free TV members each maintain comprehensive internal editorial and commercial guidelines in relation to their BVOD and online services.

However, as the Broadcasting Services Act is currently framed, there is no legal basis to extend the Code to these services, and no ability for the ACMA to register or to enforce such a document. While we believe it is important to continue to engage with ACMA on this issue, particularly in the context of further media reform as flagged by Minister Rowland, we are constrained by these limitations.

We would welcome the opportunity to discuss the review with officers of the ACMA and will be in touch to arrange a meeting.

Yours sincerely



Bridget Fair
Chief Executive Officer