



COMMERCIAL TELEVISION INDUSTRY

# CODE OF PRACTICE

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## 1. Application & Commencement

- 1.1.1 This Code commences on 1 December 2015.
- 1.1.2 This Code applies to all commercial television broadcasting services operated by a Licensee.
- 1.1.3 The Code is intended to regulate the broadcast content of commercial free-to-air television according to current community standards, and to assist viewers in making informed choices about their television viewing. It also provides a procedure for handling viewer complaints about matters covered by the Code.
- 1.1.4 Licensees will seek to comply fully with the Code, but a Licensee will not be in breach of the Code if the non-compliance was in respect of a minor, peripheral, incidental or trivial matter, or was due to:
- a) a reasonable mistake;
  - b) reasonable reliance by the Licensee on information supplied by another person;
  - c) the broadcast of material which was accidental, provided that the Licensee took reasonable precautions and exercised due diligence; or
  - d) an act or failure to act of another person which was outside of the Licensee's control, or an accident, technical/engineering issue, or some other cause which was outside the Licensee's control.
- 1.1.5 Free TV will maintain a series of Advisory Notes, which are designed to help and encourage members of the commercial free-to-air television broadcasting industry to understand and be responsive to a range of matters, including the portrayal of Aboriginal and Torres Strait Islander Peoples, the portrayal of people with a disability, and the broadcast of emergency information. These Advisory Notes will be published on the Free TV website, and updated from time to time.

## 2. Classification and Proscribed Material

### 2.1 Classification – General rules

2.1.1 Subject to the exceptions in section 2.3, all Programs and non-Program material (including Program Promotions) must be:

- a) classified in accordance with the criteria set out at Appendix 1; and
- b) broadcast in accordance with the classification zones set out at section 2.2.

*Note: For example, a Program Promotion for a Program which is classified M may be broadcast in a PG classification zone, provided that the content of the Program Promotion is classified PG (unless the Special care rules at section 2.4 apply).*

2.1.2 Where a licence area covers areas in which different classification zones are observed, the classification zones for the area containing the largest proportion of the population of the licence area will apply.

2.1.3 In relation to the classification of Commercials and Community Service Announcements, a Licensee may satisfy its obligations under subclause 2.1.1(a) by obtaining the advice of a qualified third party.

### 2.2 Classification zones

2.2.1 **PG Classification zone.** Material that has been classified C, P, G or PG may be broadcast at any time.

2.2.2 **M Classification zone.** Subject to subclause 2.3.2(a), material that has been classified M may only be broadcast at the following times:

- a) School Days  
7.30 pm to 6.00 am  
12 noon to 3.00 pm
- b) Weekends and School Holidays 7.30 pm to 6.00 am
- c) Public Holidays 7.30 pm to 6.00 am

2.2.3 **MA15+ Classification zone.** Subject to subclause 2.3.2(b), material that has been classified MA15+ may only be broadcast between 8.30 pm and 5.00 am on any day.

### 2.3 Exceptions

2.3.1 Films must be classified by applying the classification system provided for by the *Classification (Publications, Films and Computer Games) Act 1995*.

*Note: Films may be modified by a Licensee to ensure they are suitable for broadcast, or for broadcast at particular times.*

2.3.2 For as long as subsection 123(3A) of the Act is in force:

- a) a Film classified M may only be broadcast:
  - i. between the hours of 8.30 pm and 5.00 am on any day, or

- ii. between the hours of noon and 3.00 pm on any School Day;
  - b) a Film classified MA15+ may only be broadcast between the hours of 9.00 pm and 5.00 am on any day.
- 2.3.3 News Programs (including news flashes and news updates), Current Affairs Programs and Sports Programs and Program Promotions for news, Current Affairs or Sports Programs do not require classification and may be shown at any time, however a Licensee will exercise care in selecting material for broadcast, having regard to:
  - a) the likely audience of the Program or Program Promotion; and
  - b) any identifiable public interest reason for presenting the Program or Program Promotion.
- 2.3.4 A Program or non-Program matter may be broadcast outside the applicable classification zone if:
  - a) it deals in a responsible manner with significant moral or social issues;
  - b) its scheduling is justified by the availability of its target audience;
  - c) for a Program, clear advice is given about the nature and content of the Program at its commencement; and
  - d) it is not a Film classified M or MA15+.
- 2.3.5 Excerpts from material (including a Film, Program or computer game) which has been classified M or above (or refused classification) may be broadcast:
  - a) in a news Program or Current Affairs Program, provided the Licensee exercises care taking into account the likely audience of the program, and the excerpt complies with clause 2.6.1; or
  - b) in another Program (such as a review segment, interview or documentary) provided the excerpt is suitable for the classification zone in which the material is shown.

## **2.4 Special care requirements for non-Program material**

- 2.4.1 Subject to clause 2.3.4, between the hours of:
  - a) 5.00 am and 6.00 am; and
  - b) 7.30 pm and 8.30 pm,all non-Program material broadcast during Sports Programs, or Programs classified G or PG, must be no higher than a PG classification.
- 2.4.2 During Sports Programs and Films classified G or PG which commence before 8.30 pm and continue after 8.30 pm, all non-Program material must be no higher than a PG classification.

2.4.3 Clause 2.4.2 does not apply:

- a) after 9.30 pm; or
- b) during Films classified G or PG commencing before 8.30 pm which are neither promoted to Children nor likely to attract substantial numbers of Children.

2.4.4 A Program Promotion for a Program classified M or MA15+ must not be broadcast during any Program classified G:

- a) which is principally directed to Children; and
- b) broadcast between 5.00 am and 8.30 pm;

unless the Program Promotion is for the next scheduled Program.

## **2.5 Viewer information**

2.5.1 Prominent and legible Consumer Advice must be given at the start of:

- a) a Film classified PG or above;
- b) all Programs classified M which commence between 7.30 pm and 8.30 pm;
- c) one-off Programs and very short series classified M;
- d) any Program classified MA15+; and
- e) any other Program which contains material of a strength or intensity which the Licensee reasonably believes viewers may not expect.

2.5.2 Classification symbols for a classified Program must be clearly displayed by a Licensee:

- a) as soon as practicable after the commencement of a Program; and
- b) as soon as practicable after a break in the Program (whether due to a Commercial or for another reason).

2.5.3 Where practicable, a Licensee must include in a Program Promotion an accurate classification symbol for a classified Program which is the subject of the Program Promotion.

*Note: A Licensee will make every effort to include accurate information in a Program Promotion however this may not always be available, for example, if a Program is fast-tracked or has not yet been made available to the Licensee in full for classification.*

2.5.4 A Commercial for a Film, DVD/Blu-Ray, or computer game must display the relevant Australian Classification Board classification (for classified material) or marking (for unclassified material).

## **2.6 Material not suitable for broadcast**

2.6.1 A Licensee must not broadcast any material that cannot be classified MA15+ or any lower television classification.

*Note: Material may be modified by a Licensee to ensure that it is suitable for broadcast, or for broadcast at particular times.*

2.6.2 A Licensee must not broadcast any Program, Program Promotion, Community Service Announcement or Station ID which is likely, in all the circumstances, to provoke or perpetuate in, or by a reasonable person, intense dislike, serious contempt or severe ridicule against a person or group of people because of age, colour, gender, national or ethnic origin, disability, race, religion or sexual preference.

2.6.3 A Licensee will not be in breach of clause 2.6.2 if the relevant conduct is said or done reasonably and in good faith:

- a) in broadcasting an artistic work (including comedy or satire);
- b) in the course of any broadcast with a public interest purpose (including a statement, discussion or debate concerning academic, artistic or scientific matters); or
- c) in the course of a broadcast of a fair report of, or fair comment on, a matter of public interest.



### **3. News and Current Affairs**

#### **3.1 *Scope and Interpretation***

- 3.1.1 Except where otherwise indicated, this section applies to news Programs (including news flashes and updates) and Current Affairs Programs.
- 3.1.2 Compliance with this Section 3 must be assessed taking into account all of the circumstances at the time of preparing and broadcasting the material, including:
  - a) the facts known, or readily ascertainable, at that time;
  - b) the context of the segment (or Program Promotion) in its entirety; and
  - c) the time pressures associated with the preparation and broadcast of such programming.

#### **3.2 *Material which may cause distress***

- 3.2.1 In broadcasting a news or Current Affairs Program, a Licensee must:
  - a) not include material which, in the reasonable opinion of the Licensee, is likely to seriously distress or seriously offend a substantial number of viewers, having regard to the likely audience of the Program, unless there is a public interest reason to do so; and
  - b) include a spoken warning before a segment that contains material which, in the reasonable opinion of the Licensee, is likely to seriously distress or seriously offend a substantial number of viewers having regard to the likely audience of the Program; and
  - c) not broadcast reports of suicide or attempted suicide unless there is a public interest reason to do so, and exclude any detailed description of the method used, and exclude graphic details or images; and
  - d) exercise sensitivity in broadcasting images of or interviews with bereaved relatives or people who have witnessed or survived a traumatic incident; and
  - e) have regard to the feelings of relatives and viewers when including images of dead bodies or people who are seriously wounded, taking into account the relevant public interest.

#### **3.3 *Accuracy and fairness***

- 3.3.1 In broadcasting a news or Current Affairs Program, a Licensee must present factual material accurately and ensure viewpoints included in the Program are not misrepresented.
- 3.3.2 Clause 3.3.1 applies to material facts and material misrepresentations of viewpoints only.

- 3.3.3 Licensees must make reasonable efforts to correct or clarify significant and material errors of fact that are readily apparent or have been demonstrated to the Licensee's reasonable satisfaction in a timely manner.
- 3.3.4 If a Licensee makes a correction in an appropriate manner within 30 days of a complaint being received or referred to the ACMA (whichever is later), then the Licensee will not be in breach of clause 3.3.1 in relation to that matter.
- 3.3.5 A correction under clause 3.3.4 may be made in one or more of the following ways:
- a) during a later episode of the relevant Program;
  - b) on a Licensee's news website;
  - c) on the official website of the relevant Program; or
  - d) any other way that is appropriate in the circumstances.

### **3.4 Impartiality**

- 3.4.1 In broadcasting a news Program, a Licensee must:
- a) present news fairly and impartially;
  - b) clearly distinguish the reporting of factual material from commentary and analysis.
- 3.4.2 Nothing in this Section 3 requires a Licensee to allocate equal time to different points of view, or to include every aspect of a person's viewpoint, nor does it preclude a critical examination of or comment on a controversial issue as part of a fair report on a matter of public interest.
- 3.4.3 Current Affairs Programs are not required to be impartial and may take a particular stance on issues.

### **3.5 Privacy**

- 3.5.1 In broadcasting a news Program or Current Affairs Program, a Licensee must not broadcast material relating to a person's personal or private affairs or which invades a person's privacy, unless:
- a) there is a public interest reason for the material to be broadcast; or
  - b) the person has provided implicit or explicit consent for the material to be broadcast (or in the case of a person under 16, a parent or guardian has given implicit or explicit consent).

*Note: The broadcast of material that is publicly available or recorded in a public place will generally not be material relating to a person's personal or private affairs or an invasion of privacy.*

- 3.5.2 For the purposes of clause 3.5.1, a Licensee must exercise special care before broadcasting material relating to a Child's personal or private affairs in a report of a sensitive matter concerning the Child.

### **3.6 *Program Promotions for news and Current Affairs Programs***

- 3.6.1 In broadcasting a Program Promotion for a news or Current Affairs Program, a Licensee must comply with this Section 3 as far as practicable, having regard to its brevity.
- 3.6.2 A Licensee is not required by this clause to portray all aspects or themes of a Program or Program segment in a Program Promotion, or to represent all viewpoints contained in the Program or Program segment.

## 4. Disclosure of Commercial Arrangements

4.1.1 If a Factual Program endorses or features a third party's products or services in accordance with a Commercial Arrangement, the Licensee must bring this to the attention of viewers in accordance with clause 4.1.3.

*Note: Subclause 3.4.1(a) requires news Programs to be presented fairly and impartially.*

*Note: For the avoidance of doubt, a disclosure under clause 4.1.1 is not required for the provision of products and services at no charge, including for the purposes of review.*

4.1.2 If a Licensee commissions the production of a Factual Program by an independent producer, the Licensee will require the independent producer to disclose the existence of any arrangement to endorse or feature a third party's products or services in return for payment or other valuable consideration, in one or more of the ways set out at clause 4.1.3.

4.1.3 A disclosure may be made in one or more of the following ways:

- a) during the Factual Program; or
- b) in the closing credits of the Factual Program; or
- c) in a billboard appearing directly before, during or after the Factual Program; or
- d) on the official website of the Factual Program; or
- e) any other way that adequately brings the arrangement to the attention of viewers.

4.1.4 If a Program principally directed to Children endorses or features a third party's products or services in accordance with a Commercial Arrangement, this must be presented as a discrete segment with sponsorship clearly disclosed.

## **5. Advertising Limits**

The rules in this section operate subject to other regulatory obligations placed on Licensees, such as those in the *Children's Television Standards 2009*.

### **5.1 Non-Program matter**

5.1.1 For the purposes of this section, the following material is counted as non-Program matter (unless it is exempt under section 5.2 below):

- a) a Commercial, including bonus and make-good advertisements;
- b) a Program Promotion that is greater than 10 seconds in length; and
- c) material which otherwise satisfies the definition of Commercial or Program Promotion, but occurs during a Program and is in the form of superimposed text or visual matter that occupies all of the screen during a Program.

### **5.2 Exempt non-Program matter**

5.2.1 For the purposes of this section, the following is counted as exempt non-Program matter:

- a) a Program Promotion that is 10 seconds in length or less;
- b) a prize, competition or information segment which refers to commercial products or services;
- c) product placement and commercial integration within a Program, including material which refers to and/or depicts commercial products or services or brands within a Program in an integrated manner;
- d) short Program excerpts broadcast during a Program break;
- e) a Community Service Announcement;
- f) an announcement on behalf of an election authority;
- g) a sponsorship announcement, before or after a Program, segment or other material, provided that:
  - i. it does not contain a direct reference to the price of goods or services;
  - ii. it is made clear to the viewer either visually or aurally that there is a sponsorship relationship between the sponsor and the Program, segment or other material;
  - iii. it consists of no more than 10 seconds in the case of a single sponsor, or 10 seconds per sponsor in the case of multiple sponsors, to a maximum of 30 seconds in any instance;

- h) a shopping guide, infomercial or similar material, in which the presentation of advertising and information of general interest is an integral part of the Program or segment (including a shopping guide within a Program break that is clearly distinguishable from other advertising e.g. as a community billboard);
- i) a promotion transmitted during the closing credits of a Program;
- j) superimposed text or visual matter occupying only part of the screen during a Program;
- k) any matter of the kind set out below, providing that it contains no more than 30 seconds of visual material from any Program or Programs broadcast by the station:
  - i. a spoken or visual announcement that a Program will not be shown at the advertised time;
  - ii. a spoken or visual listing/line-up or depiction of Programs to be broadcast;
- l) a brief announcement of the next Program ("next-on");
- m) a movie opener, namely a brief introductory sequence to a feature film which typically identifies the station and the film to be presented;
- n) a Station ID, provided that there is no reference to the day and/or time of broadcast of any Program or Programs;
- o) a plot summary at the start of an episode of a Program series or serial;
- p) a Program trailer at the end of an episode of a Program series or serial, provided that it is broadcast before the commencement of the next Program;
- q) a promotion, announcement, or information segment which is broadcast without charge or consideration by the Licensee and which promotes free to air television services (including associated platforms such as HbbTV), provided that no specific product or brand is promoted or endorsed (unless that product or brand is Freeview, or other similar group or organisation comprised of some or all free to air television broadcasters). Such a promotion, announcement or information segment may include reference to or depictions of a specific Program, Programs or channel broadcast by the Licensee, provided that the primary focus of the spot is the promotion of free to air television.

### **5.3 Hourly limits – Primary Commercial Television Broadcasting Services**

5.3.1 This section 5.3 applies to a Licensee's Primary Commercial Television Broadcasting Service only.

5.3.2 On any day each Licensee may in each hour schedule on average no more than the following amounts of non-Program matter:

- a) between 6.00 pm and midnight outside election periods - 13 minutes;
- b) between 6.00 pm and midnight in election periods - 14 minutes, provided that on average no more than 13 minutes per hour comprises non-Program matter that is not political matter;
- c) subject to subclause 5.3.2(d), at all other times - 15 minutes;
- d) where the hour includes a news Program during an election period - 16 minutes, provided that on average no more than 15 minutes per hour comprises non-Program matter that is not political matter.

5.3.3 In any hour, each Licensee may (provided that the averages in clause 5.3.2 are satisfied) schedule the following amounts of non-Program matter:

- a) between 6.00 pm and midnight outside election periods – up to 15 minutes per hour, but with no more than 14 minutes scheduled in any four of those hours;
- b) between 6.00 pm and midnight in election periods – up to 15 minutes per hour, plus one minute per hour of non-Program matter that is political matter;
- c) at all other times outside election periods – up to 16 minutes;
- d) at all other times in election periods – up to 16 minutes per hour, plus one minute per hour of non-Program matter that is political matter and scheduled in a news Program.

### **5.4 Hourly Limits – Multi-channels**

5.4.1 This section 5.4 applies to a Licensee's Multi-channels.

5.4.2 In any hour, each Licensee may schedule the following amounts of non-Program matter:

- a) between 6.00 pm and midnight outside election periods – up to 15 minutes per hour;
- b) between 6.00 pm and midnight in election periods – up to 15 minutes per hour, plus one minute per hour of non-Program matter that is political matter;
- c) at all other times– up to 16 minutes.

## **5.5 Make-Up of Non-Program Matter from Certain Broadcasts**

5.5.1 If a Licensee broadcasts:

- a) the policy speech of a political party or a debate between leaders of political parties; or
- b) a Program or part of a Program of a clearly charitable or community service nature (including telethons and other Programs broadcast on behalf of a charity or community service, or which carry a strong community service message); or
- c) extended coverage of a major news story or public event (for example, disasters, funerals of public figures, events of war);

with a reduced amount of non-Program matter than permitted by clauses 5.3.2 and 5.4.2, then the Licensee may schedule elsewhere additional non-Program matter equivalent to the shortfall, and the additional non-Program matter will not be included in the calculation of the number of minutes of non-Program matter permitted in that hour under section 5.3 or 5.4 (or the calculation of the average number of minutes). That additional non-Program matter may be scheduled on that day or on other days within 14 days before or after the broadcast, up to a maximum of one minute per hour. Where the shortfall occurs in off-peak (midnight – 6.00pm), the additional matter must be scheduled in off-peak.

5.5.2 Where the amount of non-Program matter scheduled during any hour of a broadcast of a Live Sporting Event is less than the average permitted under clauses 5.3.2 and 5.4.2, additional non-Program matter may be scheduled during breaks from the live action (including pre-match, post-match & half-time coverage) or elsewhere on that day. Where the shortfall occurs in off-peak (midnight – 6.00 pm), the additional matter must be scheduled in off-peak. However, a Licensee must ensure that:

- a) the amount of non-Program matter made up does not exceed one minute in any hour; and
- b) the averages required by clause 5.3.2 are maintained.

## **5.6 Assessing compliance with advertising limits**

5.6.1 In determining compliance with this section, the amount of non-Program matter indicated on the Final Schedules will be used as the reference point.

5.6.2 The amount of non-Program matter set out in the Final Schedules for an hour must not exceed the hourly limit in clause 5.3.3. The only exception permitted is where non-Program matter originally intended to fall in one hour (Hour A) is scheduled in an adjoining hour (Hour B) because of the



length of a Program segment or segments. This exception is subject to the following conditions:

- a) the station's earlier schedule prepared prior to the determination of break start times shows that the non-Program matter falling in Hour B was intended to fall in Hour A; and
- b) no more than one break intended in the earlier schedule to fall in Hour A is scheduled in Hour B in the Final Schedules; and
- c) the amount of non-Program matter contained in that break in Hour B in the Final Schedules, when combined with the amount of non-Program matter contained in Hour A in the Final Schedules, would not have exceeded the relevant limit for Hour A.

5.6.3 Clause 5.6.2 does not prevent non-Program matter which was intended in the earlier schedule to fall in another adjacent hour to also be scheduled in Hour A or Hour B in the Final Schedules, provided that the scheduling satisfies the conditions set out in subclauses 5.6.2(a) – (c). In such circumstances, the calculation in subclause 5.6.2(c) would be performed separately in relation to each occurrence.

## **5.7 Additional requirements**

5.7.1 Television advertisers are expected to ensure that advertisements (or other marketing communications) comply with the following Codes, as amended from time to time:

- a) the AANA Code of Ethics;
- b) the AANA Code for Marketing & Advertising Communications to Children;
- c) the AANA Food and Beverages: Advertising and Marketing Communications Code;
- d) the AANA Environmental Claims in Advertising and Marketing Code; and
- e) the ABAC Responsible Alcohol Marketing Code, where applicable.

5.7.2 A Licensee will only broadcast a Commercial that complies with the requirements of Free TV's Operational Practice Notes 48 (Audio Levels and Loudness) and 59 (Measurement and Management of Loudness in Soundtracks for Television Broadcasting), as amended from time to time. This will be satisfied if a person submitting the Commercial certifies compliance with all requirements.

## **6. Advertising restrictions**

### **6.1 Application**

6.1.1 In this Section, Commercials include information within Programs or segments of Programs for which Licensees receive payment or other valuable consideration (excluding the free/discounted provision of products or services).

*Note: These requirements do not apply where goods or services are provided free of charge or at a discount for use on the production of a Program, such as for the purposes of review, or as set dressing/props, or access to a setting/location, unless the Licensee also receives some other form of payment or valuable consideration.*

### **6.2 Alcoholic Drinks**

6.2.1 A Commercial for Alcoholic Drinks may be broadcast at any of the following times:

- a) in the M and MA15+ classification zones set out in Section 2 (except between 5.00 am and 6.00 am, and 7.30 pm and 8.30 pm); and
- b) as an accompaniment to a Sports Program on a Weekend or a Public Holiday; and
- c) as an accompaniment to the broadcast of a Live Sporting Event broadcast simultaneously across more than one licence area, if one of subclauses (a) or (b) is satisfied for:
  - i. the licence area in which the Live Sporting Event being broadcast is held, for an event taking place in Australia;
  - ii. the majority of metropolitan licence areas in which the Live Sporting Event is shown, for an event taking place overseas.

### **6.3 Intimate products and services**

6.3.1 A Commercial or Community Service Announcement for condoms or other contraceptive products must not be broadcast in a Program that is classified G or lower, unless it contains a public health or safety message.

6.3.2 A Commercial for a sex service (including a sex line) must only be broadcast between 11.00 pm and 5.00 am.

### **6.4 Films and computer games**

6.4.1 A Licensee must not broadcast a Commercial for a Film classified X18+.

6.4.2 A Commercial for a Film classified R18+ (including for purchase as a DVD or Blu-Ray) or a computer game classified R18+ may only be broadcast in the M and MA15+ classification zones set out in Section 2 (except between 5.00 am and 6.00 am, and 7.30 pm and 8.30 pm).

*Note: These provisions apply regardless of the classification of the relevant Commercial or other material.*

## **6.5 Betting and gambling**

6.5.1 A Commercial relating to betting or gambling must not be broadcast:

a) in any Program classified G or lower between:

i. 6.00 am and 8.30 am; and

ii. 4.00 pm and 7.00 pm; and

b) during any Program that is broadcast between 5.00 am and 8.30 pm and principally directed to Children.

6.5.2 For the avoidance of doubt, the restrictions in clause 6.5.1 do not apply during news, Current Affairs or Sports Programs.

6.5.3 The restrictions at clause 6.5.1 do not apply to the following:

a) a Commercial relating to such things as Government lotteries, lotto, keno or contests;

b) a Commercial relating to entertainment or dining facilities at places where betting or gambling take place, or a tourism Commercial which incidentally depicts betting or gambling, provided in each case that the contents do not draw attention to betting or gambling in a manner calculated to directly promote their use.

*Note: Appendix 3 sets out separate restrictions on Commercials relating to Betting and Gambling and Promotion of Odds which are broadcast during a Live Sporting Event.*

## **7. Feedback and Complaints**

### **7.1 Feedback**

7.1.1 Licensees welcome feedback from viewers at all times. Feedback is an informal way for viewers to communicate their views to a Licensee and can be provided via a number of methods, including by telephone, via social media or by letter.

7.1.2 Feedback is distinguished from a Code Complaint, which is a formal complaint made about a matter covered by this Code of Practice, and which must satisfy the criteria set out at section 7.2.

### **7.2 Code Complaints**

7.2.1 A Code Complaint must be made in one of the following ways:

- a) in writing, posted to the person and address nominated by the Licensee in the table at Appendix 2; or
- b) if the Licensee is a Free TV member, by lodging an electronic form on the Free TV Australia website.

*Note: Where, by reason of a disability, a complainant cannot lodge a complaint that satisfies the requirements of clause 7.2.1, a telephone complaint or a complaint in another audio format accessible by the Licensee will be a Code Complaint, provided in each case that it otherwise satisfies the criteria in section 7.2.*

7.2.2 A Code Complaint must contain the following information:

- a) sufficient detail about the material broadcast (such as the approximate date, time, channel and service/location, and name or brief description of the material);
- b) the nature of the complaint;
- c) the identity of the complainant; and
- d) accurate contact details (including address).

*Note: An address may be a PO Box or c/o address.*

7.2.3 A Code Complaint must be:

- a) about a matter covered by the Code;
- b) about a matter that the complainant has seen broadcast by the Licensee in Australia; and
- c) received within 30 days of the relevant broadcast.

*Notes: For example, material that appears on an internet site (whether operated by the Licensee or another person), in social media, or on a social media app is not covered by the Code.*

*If a person has recorded the broadcast on a personal video recorder (PVR) and viewed it at a later time, then a complaint may still be made, so long as it is within 30 days of the original broadcast, as required by subclause 7.2.3(c).*

7.2.4 A Code Complaint under section 3.5:

- a) can only be made by the person (or a representative of the person) who considers their privacy was intruded upon; and
- b) is not subject to subclause 7.2.3(b).

*Note: For the avoidance of doubt, a privacy complaint under section 3.5 must still relate to material that has been broadcast by the Licensee in Australia, and be received within 30 days of the broadcast.*

### **7.3 Responding to Code Complaints**

7.3.1 A Licensee must send a written response to a Code Complaint within 30 Working Days of receiving the complaint, unless one or more of subclause 7.3.3(b) to clause 7.3.5 (inclusive) apply.

7.3.2 A written response provided by a Licensee under clause 7.3.1 will inform the complainant that they may refer the complaint to the ACMA if they are not satisfied with the response.

7.3.3 The Advertising Standards Bureau (ASB) administers a national system of advertising self-regulation. Licensees will use their best efforts to refer complaints to the ASB where the ASB is better placed to deal with the substance of the issues raised. In particular, as a general rule, complaints received by a Licensee in relation to an advertisement or other marketing communication broadcast by the Licensee for a third party will be dealt with as follows:

- a) A complaint that (in the Licensee's reasonable opinion) predominantly relates to the placement/scheduling or classification or the amount of advertising/non-Program matter, should be treated as a Code complaint and responded to in accordance with clause 7.3.1;
- b) A complaint that (in the Licensee's reasonable opinion) predominantly relates to the content of an advertisement or other marketing communication (and not to placement/scheduling or classification), should be referred to the ASB. A complaint so referred will not be treated as a Code Complaint.

7.3.4 If a Code Complaint received by a Licensee relates to material provided on broadcast relay by another Licensee, or was otherwise the responsibility of another Licensee, the first Licensee may refer the Code Complaint to that Licensee (the second Licensee) within 10 Working Days of receipt of the complaint. The second Licensee will have 30 Working Days from receipt of the referred Code Complaint to provide a response to the original complainant.

- 7.3.5 A Licensee is not required to provide a written response to a Code Complaint that:
- a) is frivolous, vexatious, or an abuse of the Code process;
  - b) is offensive or vulgar;
  - c) is the second or later complaint in a series of complaints from a single person about a Program or series of Programs and does not raise new and distinct issues; or
  - d) expressly indicates a response is not required.
- 7.3.6 If a Code Complaint is about a broadcast that the Licensee is aware is the subject of threatened or formal proceedings in any Court or Tribunal in Australia, where the Licensee or any of its agents or employees is a party or intended party, then the Licensee may choose not to treat the matter as a Code Complaint, provided that the Licensee acknowledges receipt of the complaint in writing and indicates the reason the matter will not be dealt with under the Code.

#### **7.4 Transparency**

- 7.4.1 Each Licensee will maintain records regarding the number and substance of Code Complaints received. Free TV members will provide these to Free TV.
- 7.4.2 Free TV will provide the ACMA with an annual report containing a summary of the number and substance of Code Complaints received by Licensees who are members of Free TV.
- 7.4.3 A Licensee must broadcast at least 180 Community Service Announcements in each calendar year across all classification zones containing information about the Code and how to obtain copies of the Code.

## 8. Interpretation

In this Code, where a word appears in the singular it also applies in the plural, unless otherwise specified.

In this Code, unless the contrary intention appears, the following words have the meaning set out below:

**ACMA** means the Australian Communications and Media Authority.

**Act** means the *Broadcasting Services Act 1992* (Cth).

**Alcoholic Drink** means a beverage which at 20° Celsius contains more than 1.15 per cent alcohol by volume.

**Child** means a person under the age of 15.

**Code Complaint** means a complaint received by a Licensee about a matter that is directly covered by this Code of Practice and complies with the requirements set out at section 7.2.

**Commercial** means any advertising for a product, service, belief or course of action which is scheduled within a Program break or between Programs, and for which a Licensee receives payment or other valuable consideration. Commercial also includes superimposed text or visual matter occupying only part of a screen during a Program, for which the Licensee receives payment or other valuable consideration, except for the purposes of Section 5.

**Commercial Arrangement** means an arrangement under which a Licensee, or a presenter employed by a Licensee, agrees with a third party to endorse or feature the third party's products or services in a Factual Program in return for payment or other valuable consideration.

**Commercial for Alcoholic Drinks** means a Commercial that directly promotes the use or purchase of one or more Alcoholic Drinks. It does not include:

- a) Program sponsorship announcements which make no direct reference to the price of goods or services;
- b) a Commercial which does not directly promote an Alcoholic Drink for an entity or company that participates in the manufacture, distribution or sale of Alcoholic Drinks;
- c) a Commercial where alcohol or a brand associated with alcohol is incidental and any alcohol consumption responsibly depicted;

- d) a Commercial for a licensed restaurant or club, entertainment venue, tourist attraction or dining establishment.

**Community Service Announcement** means an announcement or other material broadcast by a Licensee, which promotes a charitable cause or activity or which constitutes a service to the community, and for which the Licensee does not receive payment or other valuable consideration.

**Consumer Advice** means information regarding the key elements that contributed to a classification of a Program.

**Current Affairs Program** means a Program focusing on social, economic or political issues of current relevance to the community.

**Documentary Program** has the same meaning as in the *Broadcasting Services (Australian Content) Standard 2010* or subsequent equivalent instrument made pursuant to section 122 of the Act.

**Exempt non-Program matter** means the material listed at section 5.2.

**Factual Program** means a Current Affairs Program, Infotainment Program or Documentary Program.

**Film** means any feature film, documentary or short film that has had first release in Australia through public exhibition (including cinematic release) or sale/hire and which has been classified by the Classification Board.

**Final Schedules** are the last schedules prepared prior to broadcast, which indicate the scheduled commencement time of each break and identify the items to be broadcast within the break. The Final Schedules are intended to be used in the final presentation of a Program.

**Freeview** means Freeview Australia Pty Limited, the company formed by some or all Australian free-to-air television broadcasters to promote the free to view platform.

**Infotainment Program** means a Program which has the sole or dominant purpose of presenting factual information in an entertaining way through one or more presenters.

**Licensee** means a person who is licensed to provide a commercial television broadcasting service pursuant to Part 4 of the Act.



**Live Sporting Event** includes:

- a) live-to-air sporting broadcasts;
- b) broadcasts delayed in the licence areas in which the event is being held pursuant to a requirement of the relevant sporting organisation ("delay against the gate");
- c) sporting broadcasts delayed for time zone reasons and broadcast as plausible live.

**Multi-channel** means a commercial television broadcasting service authorised by a Licensee's commercial television broadcasting licence, excluding the Primary Commercial Television Broadcasting Service.

**Primary Commercial Television Broadcasting Service** means the primary commercial television broadcasting service declared by the ACMA.

**Program** means material the primary purpose of which is to entertain, educate or inform an audience and excludes matter such as Commercials, Community Service Announcements, Station ID and Program Promotions and all other matter set out in sections 5.1 and 5.2. Program includes a Film.

**Program Promotion** means material broadcast by a Licensee within a Program break or between Programs which is designed to promote or draw attention to a Program on the Licensee's broadcasting services and includes reference to the date and time of the Program which is being promoted.

**Public Holiday** means a day proclaimed, Gazetted or nominated as a public holiday under the relevant State or Territory legislation. Where a licence area covers areas in which different Public Holidays are observed, the Public Holidays for the area containing the largest proportion of the population of the licence area will apply.

**School Day** means a weekday that is not during the School Holidays and is not a Public Holiday.

**School Holidays** means Government primary school holidays in the relevant State or Territory. Where a licence area covers areas in which different School Holidays are observed, the School Holidays for the area containing the largest proportion of the population of the licence area will apply.

**Sports Program** means a Program predominantly consisting of:

- a) coverage of a sporting event (whether live, replay or highlights);

- b) sporting commentary, analysis, interviews and news;
- c) presentations/awards and ceremonies associated with a sporting event;

but does not include comedy or light entertainment/variety programs with a sports theme or association.

**Station ID** means material broadcast by a Licensee which is designed to promote or draw attention to the Licensee's broadcasting services.

**Weekends** commence at 6.00 pm on a Friday and conclude at midnight on the following Sunday.

**Working Days** means Monday to Friday (inclusive), excluding Public Holidays in the relevant State or Territory. Where a licence area covers areas in which different Public Holidays are observed, the Public Holidays for the area containing the largest proportion of the population of the licence area will apply.

## Appendix 1: Television Classification Guidelines

These Guidelines apply to all broadcast material required to be classified, except for Films (see clause 2.3.1).

### *Using these guidelines: essential principles*

The suitability of material for broadcast will depend on the context, frequency and intensity of key elements such as violence, sexual behaviour, nudity and coarse language, and on the time of day at which it is broadcast. It will also depend on such factors as the merit of the production, the purpose of a sequence, the tone, the camera work, the relevance of the material, and the treatment; be it dramatic, comedic or documentary.

These factors must be all taken into account and carefully weighed. This means that some actions, depictions, themes, subject matter, treatments or language may meet current community standards of acceptability in one Program, but in another Program may require a higher classification, or be unsuitable for television. In other circumstances sequences that clearly depict comedy or slapstick behaviour may reduce the classification.

### Children's (C) and Preschool Children's (P) Classifications



Material classified C or P must satisfy the requirements of the ACMA's Children's Television Standards.

### The General (G) Classification



Material classified G is not necessarily intended for children but it must be very mild in impact and must not contain any matter likely to be unsuitable for children to watch without supervision. All elements must be justified by context.

**Violence:** Depictions of physical and psychological violence must be very restrained. The use of weapons, threatening language, sounds or special effects must have a very low sense of threat or menace, must be infrequent and must not show violent activity to be acceptable or desirable.

**Sex:** Depictions of, and verbal references to, sexual activity must be brief, infrequent, and contain little or no detail.

**Nudity:** Restrained, brief and infrequent visual depiction of nudity only when absolutely necessary to the story line or program context.

**Language:** Very mild coarse language considered socially offensive or discriminatory may only be used infrequently when absolutely justified by the story line or program context.

**Drugs:** Depictions of, or verbal reference to, illegal drugs must be absolutely justified by the story line or program context, contain very little detail and be handled with care. The program must not promote or encourage drug use in any way. The use of legal drugs must also be handled with care.

**Suicide:** Only limited and careful verbal reference to suicide is acceptable, when absolutely justified by the story line or program context, and provided that it is not presented as romantic, heroic, alluring or normal.

**Themes:** Themes dealing with social or domestic conflict must have a very low sense of threat or menace to children.

**Dangerous imitable activity:** Dangerous imitable activity should only be shown when absolutely justified by the story line or program context, and then only in ways which do not encourage dangerous imitation.

**Other:** Music, special effects and camera work may be used to create an atmosphere of tension or fear, but the overall impact should be very mild.

### The Parental Guidance Recommended (PG) Classification



Material classified PG may contain adult themes or concepts but must be mild in impact and remain suitable for children to watch with supervision. All elements must be justified by context.

**Violence:** Depictions of violence must be inexplicit and restrained. More leeway is permitted when the depiction is stylised and/or unrealistic.

**Sex:** Depictions of and verbal reference to sexual activity must be restrained.

**Nudity:** Restrained depictions of nudity are permitted.

**Language:** Mild or socially offensive coarse language may be used infrequently, when justified by the story line or program context.

**Drugs:** Depictions of and restrained verbal reference to illegal drug use are permitted, but the program must not promote or encourage illegal use. The use of legal drugs must be handled with care.

**Suicide:** Visual depiction of and verbal reference to suicide or attempted suicide must be inexplicit and restrained. It must not be presented as the means of achieving a desired result or as an appropriate response to stress, depression or other problems.

**Themes:** The treatment of social or domestic conflict and psychological themes should be carefully handled. Supernatural or mild horror themes may be included.



### The Mature (M) Classification

Material classified M is for mature audiences. It is recommended for viewing only by persons aged 15 years or over. The impact must be moderate (i.e. higher than mild but lower than strong). All elements must be justified by context.

**Violence:** Depictions of violence may be realistically shown only if they are not detailed or prolonged. Any depiction of or verbal reference to violence occurring in a sexual context must be infrequent and restrained, and strictly justified by the story line or program context.

**Sex:** Depictions of sexual activity may be implied or simulated in a restrained way. Verbal references to sexual activity may be more detailed than depictions if this does not increase the impact.

**Nudity:** Depictions of nudity are permitted but must not be detailed if in a sexual context.

**Language:** The use of coarse language is permitted but aggressive or strong coarse language should be infrequent overall.

**Drugs:** The use of illegal drugs may be shown but the program must not promote or encourage their use.

**Suicide:** Suicide must not be promoted or encouraged by the program and methods of suicide must not be instructional or shown in realistic detail.

**Themes:** Most adult themes can be dealt with, but intense adult themes should be handled with care.



### The Mature Audience (MA) Classification

Material classified MA is suitable for viewing only by persons aged 15 years or over because of the intensity and/or frequency of violence, sexual depictions, or coarse language, adult themes or drug use. The impact may be strong. All elements must be justified by context.

**Violence:** Realistic depictions may contain some detail, but should not be prolonged and should not be unduly bloody or horrific. Violence occurring in a sexual context may be implied and must not be detailed.

**Sex:** Depictions of implied sexual activity may contain detail. Non-consenting sexual relations must not be depicted as desirable. Verbal sexual references may be detailed.

**Nudity:** Depictions of nudity must be justified by the narrative context.

**Language:** The use of very coarse language must be appropriate to the story line or program context and not overly frequent or impactful.

**Drugs:** No detailed depiction of intravenous use of illegal drugs. The program must not promote or encourage the use of illegal drugs.

**Suicide:** Methods of suicide should not be shown in realistic detail. The program must not promote or encourage suicide.

**Themes:** The treatment of strong adult themes should be justified.

## Appendix 2: Television Station Contacts for Code Complaints

A Code Complaint under section 7.2 of the Code can be made online via the Free TV website ([www.freetv.com.au](http://www.freetv.com.au)), or in writing to the following addresses:

Complaints Officer Seven Network Pty Limited PO Box 777 PYRMONT NSW 2009
Complaints Officer Nine Network Pty Ltd PO Box 27 WILLOUGHBY NSW 2068
Complaints Officer Network Ten Limited GPO Box 10 SYDNEY NSW 2000
Complaints Officer WIN Television NSW Pty Ltd Locked Bag 8800 WOLLONGONG NSW 2500

Complaints Officer Prime Television PO Box 878 DICKSON ACT 2602
Complaints Officer Southern Cross 46 Aspinall Street WATSON ACT 2602
Complaints Officer Imparja Television Pty Ltd PO Box 52 ALICE SPRINGS NT 5750
Complaints Officer NBN Limited PO Box 750 NEWCASTLE NSW 2300

Written complaints to any Licensee may also be sent to:

Code Complaints  
Free TV Australia  
44 Avenue Road  
MOSMAN NSW 2088

## **Appendix 3: Restrictions on Promotion of Odds and Commercials relating to Betting and Gambling which are broadcast during a Live Sporting Event**

### **Commercials relating to Betting or Gambling during a Live Sporting Event**

#### **5.00am to 8.30pm**

3.1 From 5.00am to 8.30pm a Commercial relating to Betting or Gambling during the broadcast by the Licensee of a Live Sporting Event is not permitted:

from:

3.1.1 five minutes before the Scheduled Start of Play of the Live Sporting Event, where live-to-air coverage of Play commences no earlier than the Scheduled Start of Play;

3.1.2 in all other cases, five minutes before the broadcast of the first Program that includes the Live Sporting Event;

to:

3.1.3 five minutes after the conclusion of live-to-air coverage of Play by the Licensee or 8.30pm, whichever is sooner.

3.2 The restrictions at clause 3.1 above do not apply to:

3.2.1 program that is not a Related Program and:

(a) that is broadcast within a planned suspension of coverage of a Live Sporting Event or a Scheduled Break; and

(b) that is at least 30 minutes duration; and

(c) the start time of which is either:

a. Listed in the Licensee's EPG at least 24 hours prior to the broadcast of the program; or

b. Published on the Licensee's website at least 24 hours prior to broadcast of the program and notified to relevant EPG providers at least 24 hours prior to broadcast of that program.

3.2.2 a program that is not a Related Program and that is:

(a) broadcast within an Unscheduled Break or due to changes in the broadcast schedule; and

(b) at least 30 minutes duration; and



(c) accompanied by an advice in the form of a pull through or announcement that alerts the viewer that the Live Sporting Event will be suspended;

3.2.3 a live cross to a Live Sporting Event, from within a program that is not a Related Program, so long as the total duration of all live crosses to Live Sporting Events within the program is no more than five minutes in any 30 minute period. The 30 minute period will be based on the time of commencement of the program.

For the avoidance of doubt, a live cross as contemplated in this clause will not make the program a Related Program.

3.3 Any Commercial relating to Betting and Gambling broadcast pursuant to clauses 3.2.1 or 3.2.2 must not be broadcast:

3.3.1 within five minutes immediately following the suspension of the broadcast of the Live Sporting Event; or

3.3.2 five minutes immediately before the re-commencement of the broadcast of the Live Sporting Event.

### **8.30pm to 5.00am**

3.4 From 8.30pm to 5.00am a Commercial relating to Betting or Gambling during the broadcast by the Licensee of a Live Sporting Event is permitted only:

- (a) before Play;
- (b) during Scheduled Breaks;
- (c) during Unscheduled Breaks; and
- (d) after Play.

### **Promotion of Betting Odds**

3.5 The Promotion of Betting Odds by Commentators during a Live Sporting Event is not permitted at any time:

- (a) from 30 minutes before Play;
- (b) to 30 minutes after Play.

### **5.00am to 8.30pm**

3.6 From 5.00am to 8.30pm, a Promotion of Betting Odds during the broadcast of a Live Sporting Event by the Licensee is not permitted:

from:

3.6.1 five minutes before the Scheduled Start of Play of the Live Sporting Event, where live-to-air coverage of Play commences no earlier than the Scheduled Start of Play;

3.6.2 in all other cases, five minutes before the broadcast of the first Program that includes the Live Sporting Event

to:

3.6.3 five minutes after the conclusion of live-to-air coverage of Play by the Licensee or 8.30pm, whichever is sooner.

3.7 The restrictions at clause 3.6 above do not apply to:

3.7.1 a program that is not a Related Program and:

(a) that is broadcast within a planned suspension of coverage of a Live Sporting Event or a Scheduled Break; and

(b) that is at least 30 minutes duration; and

(c) the start time of which is either;

a. Listed in the Licensee's EPG at least 24 hours prior to the broadcast of the program; or

b. Published on the Licensee's website at least 24 hours prior to broadcast of the program and notified to relevant EPG providers at least 24 hours prior to broadcast of that program;

3.7.2 a program that is not a Related Program and that is:

(a) broadcast within an Unscheduled Break or due to changes in the broadcast schedule; and

(b) at least 30 minutes duration; and

(c) accompanied by an advice in the form of a pull through or announcement that alerts the viewer that the Live Sporting Event will be suspended; and

3.7.3 a live cross to a Live Sporting Event, from within a program that is not a Related Program, so long as the total duration of all live crosses to Live Sporting Events within the program is no more than five minutes in any 30 minute period. The 30 minute period will be based on the time of commencement of the program.

For the avoidance of doubt, a live cross as contemplated in this clause will not make the program a Related Program.

3.8 Any Promotion of Betting Odds broadcast pursuant to clauses 3.7.1 or 3.7.2 must not be broadcast:

3.8.1 within five minutes immediately following the suspension of the broadcast of the Live Sporting Event; or

3.8.2 five minutes immediately before the re-commencement of the broadcast of the Live Sporting Event.

### 8.30pm to 5.00am

3.9 From 8.30pm to 5.00am the Promotion of Betting Odds during a Live Sporting Event is permitted only:

- (a) before Play; and
- (b) after Play.

3.10 From 8.30pm to 5.00am, the prohibition at clause 3.9 does not prevent a Promotion of Betting Odds (in the form of spot commercials or paid, clearly identified sponsorship segments, delivered by persons other than Commentators) during a Long Form Live Sporting Event, in accordance with the rules set out below:

- (a) during Play, as part of a distinct break of 90 seconds, and otherwise in accordance with the rules set out below for each Long Form Live Sporting Event:

Tennis	Not more than once per Session. To be placed between matches where the broadcast moves from one match to another.
Golf	Not more than once on each day of competition.
Formula 1, Moto GP and Supercars	Not more than once on each day of competition. To be placed no later than the end of the warm-up lap for Supercars Championship Series Race, or the relevant feature race.
Cricket	Not more than once on each day of competition. To be placed between Sessions.
Olympic and Commonwealth Games	Not more than once every 3 hours on each day of competition.
Other	Not more than once on each day of competition.

provided that the Promotion of Betting Odds is not for a race, event, match or game that has already commenced.

### **Representatives of gambling organisations**

- 3.11 During a Live Sporting Event, a representative of a gambling organisation must be clearly identified at all times and must not:
- (a) appear as a Commentator; or
  - (b) appear in a Promotion of Betting Odds, or a Commercial relating to Betting or Gambling, at or around the venue, or be represented as being at or around the venue, where the game or match which is the subject of the Live Sporting Event is taking place.

### **General**

- 3.12 The Promotion of Betting Odds and Commercials relating to Betting or Gambling during a Live Sporting Event must be accompanied by a Responsible Gambling Message.
- 3.13 The Promotion of Betting Odds and Commercials relating to Betting or Gambling must not:
- (a) be directed to children;
  - (b) portray children as participating in betting or gambling;
  - (c) portray betting or gambling as a family activity;
  - (d) make exaggerated claims;
  - (e) promote betting or gambling as a way to success or achievement; or
  - (f) associate betting or gambling with alcohol.
- 3.14 The Promotion of Betting Odds and Commercials relating to Betting or Gambling must be socially responsible and not mislead the audience.
- 3.15 Where live-to-air coverage of a Live Sporting Event is broadcast on or across multiple channels, the restrictions in this Appendix 3 apply separately to each channel solely for the period that coverage of a Live Sporting Event is broadcast on that channel.

### **Exceptions**

- 3.16 It will not be a breach of this Appendix 3 where:
- (a) a failure to comply arises from a Live Sporting Event originating from outside Australia; and
  - (b) the Licensee has not added the Promotion of Betting Odds or the Commercial relating to Betting or Gambling; and
  - (c) it is not reasonably practicable to remove material that includes the Promotion of Betting Odds or a Commercial relating to Betting or Gambling; and

- (d) the Licensee does not receive any direct or indirect benefit for the Promotion of Odds or the Commercial relating to Betting or Gambling in addition to any direct or indirect benefit received from broadcasting the event.
- 3.17 This Appendix 3 does not apply to a Live Sporting Event that focuses on live horse, harness or dog racing.
- 3.18 This Appendix 3 does not apply where the viewer's exposure to the Promotion of Betting Odds or Commercials relating to Betting or Gambling is the result of an active choice to switch to an alternative service related to the broadcasting of the event (for example, by accessing a URL or subscription service).
- 3.19 Clauses 3.1.2 and 3.6.2 will not be contravened in respect of any Promotion of Betting Odds or Commercial relating to Betting or Gambling broadcast during a Live Sporting Event in circumstances where:
- (a) the Live Sporting Event has a Scheduled Start of Play; and
  - (b) live to air coverage of Play commences at a different time to the Scheduled Start of Play; and
  - (c) the Licensee was only made aware less than one hour prior to the broadcast of the first program that includes the Live Sporting Event, that the commencement of Play would be different to the scheduled start time for that event; and
  - (d) there would have been no contravention had Play commenced at or after the Scheduled Start of Play.

### **Time Zones**

- 3.20 Where a Live Sporting Event is broadcast simultaneously across more than one licence area, the relevant time-zone for the application of this Appendix 3 is the time-zone that applies in the licence area.
- 3.21 Where a Licensee's licence area covers areas in which different time-zones are observed, the time-zone for the part of the licence area that contains the largest proportion of the population will apply.

### **Commencement**

- 3.22 The commencement date of this Appendix is 30 March 2018.

## DEFINITIONS

### In this Appendix 3:

**Accidental** means an unscripted and unplanned reference (including remarks by a Commentator) for which the Licensee does not receive any direct or indirect benefit (whether financial or not, and in addition to any direct or indirect benefit that the Licensee receives for the broadcast).

**Betting Odds** means comparative, generally monetary, odds offered in respect of a game or event for a bet on the chance of any occurrence or outcome within that particular game or event, or the overall outcome of the game or event. For the avoidance of doubt, Betting Odds includes comparative odds offered in respect of horse, harness or greyhound racing.

**Commentator** means a person who is a host, guest, or is otherwise participating in, a Live Sporting Event and includes a person calling, or providing analysis on, the sporting event or game. It does not include discrete and distinguishable contributors, including clearly identified representatives of gambling organisations.

**Commercial relating to Betting or Gambling** means a distinct promotional reference to:

- (a) a gambling or betting service; or
- (b) a gambling or betting organisation that provides generic information about the organisation's brand, business or services.

A Commercial relating to Betting or Gambling does not include:

- a commercial relating to such things as Government sanctioned lotteries, lotto, keno or competitions;
- a commercial relating to entertainment or dining facilities at places where betting or gambling takes place, or a tourism commercial which incidentally refers to betting or gambling, provided in each case that the contents do not draw attention to betting or gambling in a manner calculated to directly promote their use;
- a reference that is Accidental; or
- a reference that is an Incidental Accompaniment.

**Incidental Accompaniment** means a reference or other material which occurs in the normal course of broadcasting a Live Sporting Event for which the Licensee does not receive any direct or indirect benefit (whether financial or not, and in addition to any direct or indirect benefit that the Licensee receives for broadcasting the Live Sporting Event) and includes:

- (a) the name of a sporting venue; and

- (b) a player's or official's uniform; and
- (c) advertising or signage at the venue of the Live Sporting Event, for example, on a field barrier, big screen or scoreboard.

**Live Sporting Event** means live-to-air coverage of a sporting event that includes Play. A Live Sporting Event includes a Long Form Live Sporting Event.

Live-to-air includes:

- (a) a delay of less than 90 minutes where broadcast as plausible live without reformatting; and
- (b) replay material during Play and any Unscheduled Break in Play.

**Long Form Live Sporting Events** include:

- sporting events of extended duration, such as golf, cricket (excluding 20/20 cricket) and motor sports events;
- tournaments for single sports that involve concurrent games or matches, such as tennis championships; and
- multi-sport events, such as the Olympic and Commonwealth Games.

**Play** means the period of the actual run of play or active progress of the sporting event which is the subject of a Live Sporting Event. It commences at the formal commencement of the relevant match/game, race or similar (for example, first siren, whistle, coin toss or the commencement of active play as applicable), and concludes at the formal conclusion of play (for example, final siren, whistle or the conclusion of active play) for the relevant match, game, race or similar. In respect of Long Form Live Sporting Events over multiple days and/or involving multiple concurrent matches or events, Play commences at the formal commencement of the first match, game or race or each day, and ends at the conclusion of active play of each day.

Play includes *ad hoc* unscheduled breaks such as:

- stoppages for injuries; and
- stoppages for adjudication by third or TV umpires/referees; and
- time outs and substitutions in games such as basketball.

**Promotion of Betting Odds** means a distinct promotional reference that provides Betting Odds and includes any writing, still or moving pictures, signs, symbols or other visual images or any audible message/s (or any combination of those things). It does not include a reference that is:

- (a) Accidental; or
- (b) an Incidental Accompaniment.

**Related Program** means a program that:

- (a) is hosted and/or takes place at the venue of the Live Sporting Event; or
- (b) contains commentary or analysis on the Live Sporting Event; or
- (c) contains highlights or replay coverage of the Live Sporting Event; or
- (d) involves or profiles participants in the Live Sporting Event.

A news or current affairs program will not be a Related Program where the items in (b), (c) and/or (d) form no more than an insubstantial part of the program as a whole.

**Responsible Gambling Message** means a short statement designed to encourage the listener and/or viewer to gamble responsibly. Responsible Gambling Messages include statements required by State Laws and industry codes of practice or where not required by law or a code, includes: "Gamble Responsibly", "[name of advertiser] supports responsible gambling", "Bet within your limits", or "Stay in control when gambling".

**Scheduled Breaks** means stoppages in a sporting event or game that is the subject of a Live Sporting Event. A Scheduled Break will differ depending on the sporting event or game that is the subject of the broadcast, for example:

Sport	Scheduled Break
Test Cricket	Between each Session (ie., lunch break and tea break) Drinks break Change of innings
One Day International Cricket	Between each Session / Change of innings Drinks break
T20 Cricket	Between each Session / Change of innings Between the conclusion of second innings and Super Overs Between Super Overs
Rugby League	Half time Between full time and commencement of extra time



Rugby Union	Half time Between full time and commencement of extra time
Soccer	Half time Between full time and extra time Between extra time and the commencement of a penalty shoot-out
AFL	Quarter time, half time and three-quarter time Between full time and extra time
Tennis	Between each set In a break of at least 90 seconds between two matches during a Session (including when during a Session the broadcast switches from one match still in Play to another match in Play at the same time)
Formula 1, Moto GP and Supercars (non-endurance races)	Between each practice round, qualifying round and race
Basketball	Between each quarter Between full time and overtime
Netball	Quarter time, half time and three-quarter time Between full time and overtime
Golf, Supercars (endurance races), Swimming Championships	Not more than once every hour as part of a distinct break of at least 90 seconds
Olympic and Commonwealth Games	Between each day, twilight and night Session Not more than once every two hours as part of a distinct break of at least 90

	seconds (including when during a Session the broadcast switches from one event still in Play to another event in Play at the same time)
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This is not an exhaustive list and sporting events or games may also contain other Scheduled Breaks, as determined by the rules and regulations of the sport, or if the sport does not provide for breaks, then a Scheduled Break will be not more than once every hour as part of a distinct break of at least 90 seconds.

**Scheduled Start of Play** means the scheduled commencement of live-to-air coverage of Play as:

- a) listed in the Licensee's EPG at least 24 hours prior to the broadcast of the program; or
- b) published by the Licensee on its website at least 24 hours prior to broadcast and notified to the Licensee's EPG provider(s) at least 24 hours prior to broadcast.

**Session** means:

- in relation to tennis, the day, twilight or evening session of matches as scheduled by the organisers of the relevant tournament or competition; and
- in relation to Olympic or Commonwealth Games, the day, twilight and night group of events as scheduled by the organisers; and
- in relation to test cricket, the three distinct sessions of a match that are divided by lunch, tea or dinner breaks; and
- in relation to one-day cricket, each innings; and
- in relation to motorsport, an individual race or practice session or qualifying session.

**Unscheduled Break** means a break when Play is suspended or delayed due to weather or other uncontrollable events, and participants are yet to enter the area of Play or have left the area of Play.