

EXPLANATORY NOTE

TELEVISION INDUSTRY CODE OF PRACTICE AMENDMENT REQUEST FOR PUBLIC COMMENT BY 5PM FRIDAY 24 AUGUST 2007

Free TV Australia invites public comment on the attached proposed amendment to the Commercial Television Industry Code of Practice (the Code).

The proposed amendment is to clarify the operation of an existing Code provision permitting additional time for the broadcast of political advertising during election periods.

The current provision in the Code allows stations to schedule an extra minute of political advertising in each hour between 6pm and midnight during election periods (clause 5.7.2).

However, in practice, the operation of this clause has been limited by a general Code requirement to schedule on average no more than 13 minutes per hour of non-program matter across the 6pm to midnight period (clause 5.6).

The effect is that broadcasters can not make effective use of the additional minute in election periods as this may breach the averaging requirements.

This often means that there is difficulty meeting all requests for political advertising time during election periods. This may disadvantage smaller political parties and organisations wishing to participate in the public debate.

The proposed amendment makes it clear that stations can use the extra minute provided for in clause 5.7.2.

The additional requirement in clause 5.7.2 to report publicly on the use of the additional minute will remain. This information is posted on Free TV's website during election periods.

The closing date for public comment is **5pm on Friday 24 August** and submissions may be sent to Free TV Australia by:

- Post to 44 Avenue Road, Mosman NSW 2088
- Fax to (02) 9969 3520; or
- Email to code@freetv.com.au

Comments received will be considered and will inform the final amendment submitted to the Australian Communications and Media Authority (ACMA) for approval.

PROPOSED AMENDMENT

The proposed amendment inserts the **bold** text into existing Code clause 5.6:

- 5.6 On any day each licensee may in each hour schedule on average no more than the following amounts of non-program matter:
 - 5.6.1 between 6.00pm and midnight **outside election periods**, 13 minutes;
 - 5.6.2 **between 6.00pm 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;**
 - 5.6.2 at all other times – other than in P or C periods – 15 minutes;
- 5.7 In any hour, each licensee may (provided that the averages in Clause 5.6 are satisfied) schedule the following amounts of non-program matter:
 - 5.7.1 between 6.00pm 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;
 - 5.7.2 between 6.00pm and midnight in election periods – up to 15 minutes per hour, plus one minute per hour of non-program matter that is political matter, provided that the licensee supplies to Free TV Australia for public release an hourly summary of political advertising and other non-program matter in respect of each day in which this additional minute has been utilised;
 - 5.7.3 at all other times – up to 16 minutes.