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Ms Andrea Malone
Manager
Industry Review Section
Australian Broadcasting Authority
PO Box Q500
QUEEN VICTORIA BUILDING NSW 1230

Dear Ms Malone

Proposed technical variations to the Children's Television Standard

Thank you for the Australian Broadcasting Authority's (ABA) letter dated 29 March, which sought comment from free-to-air broadcasters on the proposed technical changes to the Children's Television Standards (CTS). This letter is on behalf of all Free TV Australia members.

Licensees welcome the ABA's decision to vary the CTS to fix technical drafting anomalies. The policy intent of the CTS is well understood by the industry and the ABA, and has been consistently applied by both for a considerable period of time. It is sensible to ensure that the wording of the Standard aligns with that policy intent and existing practice.

Licensees support the majority of variations proposed by the ABA. Accordingly, our comments are restricted to the few areas where the drafting still requires amendment to align it with the policy intent of the CTS, or to make the intention of the drafting clearer. I have attached a list of comments on the clauses of the CTS which still require minor amendment.

In order to progress the technical review of the CTS, Free TV members propose to meet with the ABA to discuss the concerns outlined in the attachment. I will contact you shortly to arrange a meeting.

Yours sincerely,

A handwritten signature in black ink that reads "Julie Flynn".

JULIE FLYNN
Chief Executive Officer

Comments on proposed variation to the Children's Television Standard

CTS 1: Definitions (varied by Clause 1, Schedule 1 Variations)

Definition of C Program

The variation amends the definition of C program to refer to 'suitability for primary school children' from the current definition of 'suitability for children.' The current definition is correct because children are defined as younger than 14 under the CTS, and therefore a C program may be suitable for children above primary school age.

Treatment of Unclassified Programs

The variation inserts a new definition of a G classified program. To avoid doubt this definition should be amended to include unclassified programs under the Commercial Television Code of Practice.

Public Holidays

Broadcasters would like to have the CTS clarify that school holidays includes gazetted public holidays. This is consistent with the interpretation of the CTS by broadcasters and means that on gazetted public holidays broadcasters have increased flexibility with the scheduling of C programs.

CTS 3: Obligation of a Licensee to Broadcast C Programs and P Programs

Notification Of Schedule Variations – CTS 3(1)(j) (varied by Clause 17, Schedule 1)

This clause currently specifies that a licensee must ensure that the child audience is appropriately notified of any schedule variation, including why the schedule has been varied and when the C program or P program will be broadcast.

The CTS should be varied to clarify that notification is not required where it is unlikely children would be aware of, or expect a C or P program to be shown at, the previously scheduled time.

If left unamended, this clause could be read as requiring licensees to advise children of minor schedule changes that will not impact on children, for example, where the schedule is changed well before a series or program commences.

CTS 4: Program Promotions, Station Identifications and Community Service Announcements (varied by Clause 22, Schedule 1)

The variation amends CTS 4 to include station IDs and community service announcements (CSAs) within the one-minute time limit on program promotions per 30 minute C period.

The explanatory notes to this clause state that this change confirms that CSAs are permitted within C periods. While licensees appreciate the formal recognition of CSAs, the variation to CTS 4 is unnecessary in this respect because the proposed variation to CTS 1 now includes them within the definition of C material.

If the current variation to CTS 4(1) is passed it will entrench an existing problem because neither stations IDs nor CSAs should count towards the overall advertising and promotion limit in C periods. This is consistent with their treatment under the Commercial Television Code of Practice, which defines CSAs and station IDs as 'exempt non program matter' and therefore excludes them from the non-program matter time limits.

Licensees use CSAs and station IDs as filler. The constraint of typical program durations (24 minutes) means that filler is only used to make up very short gaps in the schedule, usually

between 30 seconds and 1 minute. In practice, therefore, exempting CSAs and station IDs from the advertising limit will not result in a noticeable increase in non-program matter. However, under the proposed variation, licensees will face small gaps in the schedule which the CTS will not allow them to fill.'

Accordingly, the variation to CTS 4(1) should be amended to delete the references to station IDs and CSAs.

CTS 14 (varied by Clause 38, Schedule 1)

The new drafting specifying the maximum advertising time is confusing. It appears to state (correctly) that a C drama can include a total of 13 minutes of advertisements and promotions, however it then implies that within the 13 minutes only 5 minutes of advertising can be shown.

Licensees appreciate that this is not the intent of the new drafting. However, the current drafting is clearer because it states that in a C drama the 5 minute advertising limit does not apply. A similar statement should be retained in varied CTS 14.