

- > other way that adequately alerts viewers to the arrangement. For childrens' programs, any products or services subject to a commercial arrangement must be presented as a discrete segment with sponsorship clearly disclosed.²²

As noted above, there are time and classification-based restrictions on advertising certain products and services, including alcohol, betting and gambling, contraceptives and adult services (e.g. telephone sex lines and similar services), and X18+/R18+ rated films or video games.²³

Advertisers are also expected to comply with relevant platform-neutral Codes which cover the content of advertising, such as the *Code of Ethics* and the *Code for Advertising and Marketing to Children* administered by the Australian Association of National Advertisers, and the *ABAC Responsible Alcohol Marketing Code*.²⁴ A number of rules about advertising content have not been retained in the 2015 Code, in favour of these industry-wide rules.

NEWS AND CURRENT AFFAIRS

News and current affairs remain some of the most popular programs on commercial free-to-air television. The Code contains a range of newly streamlined provisions to support the ongoing integrity of these programs including:

- Factual matters must be presented accurately, and broadcasters cannot misrepresent viewpoints.²⁵
- News must be fair and impartial. However, current affairs programs may continue to take a particular stance on issues.²⁶
- Material which invades an individual's privacy cannot be broadcast without consent, unless justified by public interest. Special care must be taken before broadcasting material relating to a child's personal or private affairs.²⁷
- Material that is likely to distress or offend a substantial number of viewers is not permitted, unless justified by public interest.²⁸

- Broadcasters must observe special sensitivity and care requirements in relation to suicide, images or interviews with witnesses or traumatic incidents and images of dead or seriously wounded people.²⁹
- Broadcasters must make reasonable efforts to correct or clarify significant errors of fact, which may be done during a later episode of the program or an appropriate website.³⁰

COMPLAINTS HANDLING

Section 7 of the Code relates to feedback and complaints.

Broadcasters must investigate and respond in writing to valid complaints made about matters covered by the Code that are received within 30 days of the relevant broadcast, subject to some exceptions.³¹ In line with the national broadcasters, standing is required for complaints about privacy matters.³²

If a complainant does not receive a response within 60 days of making the complaint or is dissatisfied with the response received, they can refer the matter to the ACMA.

WHERE TO NOW?

Broadcasters will be running an education campaign for viewers, including a new on-air Community Service Announcement about the changes to the Code. There are also a series of fact sheets for viewers available on the Free TV website, including in relation to parental locks, and protections for children. It will be interesting to see how the response to these changes develops over time.

There was some commentary on the new classification zones, and in particular the change to allow M classified content from 7.30 pm. As a result, the Minister for Communications, Senator Fifield, has asked the ACMA to provide a report on this issue after the first twelve months of the Code's operation.

The media industry will continue to develop at a rapid rate. The 2015 Code equips commercial free-to-air broadcasters with the additional flexibility they need to compete more fairly, while maintaining the key safeguards that viewers rely on.

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22 Ibid cl 4.

23 Ibid cl 6.

24 Ibid cl 5.7.1.

25 Ibid cl 3.3.1.

26 Ibid cl 3.4.

27 Ibid cl 3.5.

28 Ibid cl 3.2.1(a).

29 Ibid cls 3.2.1(c), (d) and (e).

30 Ibid cl 3.3.3.

31 Ibid cl 7.3.1.

32 Ibid cl 7.2.4(a).