



Children's Television Standards Variation 2011 (No. 1)¹

Broadcasting Services Act 1992

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Instrument under subsection 122 (1) of the *Broadcasting Services Act 1992*.

Dated 15 December 2011

Chris Chapman
[signed]
Member

Richard Bean
[signed]
Member/~~General Manager~~

Australian Communications and Media Authority

1 Name of Instrument

This Instrument is the *Children's Television Standards Variation 2011 (No. 1)*.

2 Commencement

This Instrument commences on the day after it is registered.

3 Variation of *Children's Television Standards 2009*

Schedule 1 varies the *Children's Television Standards 2009*.

Schedule 1 Variations

(section 3)

[1] Part 1, Division 1, heading

omit

[2] CTS 3

omit

[3] Part 1, Division 2, heading

omit

[4] CTS 5

omit

In these Standards,

insert

(1) In these Standards,

[5] CTS 5, after definition of *break*

insert

broadcasting commencement day, in relation to a licensee, means the earlier of the following:

- (a) the day on which the licensee is required to start providing a commercial television broadcasting service under the licensee's licence conditions; and

- (b) the day on which the licensee starts providing the commercial television broadcasting service.

[6] CTS 5, after definition of *first release*

insert

first year of broadcasting, in relation to a licensee whose broadcasting commencement day is in 2011 or a subsequent year but is not 1 January of that year, means the year in which the licensee's broadcasting commencement day falls.

[7] CTS 5, definition of *notifying licensee*

omit

CTS 3 or

[8] CTS 5, after definition of *proprietary character*

insert

pro rata formula has the meaning given by CTS 5A.

[9] CTS 5, definition of *school holidays*

substitute

school holidays has the meaning given by CTS 5B.

[10] After CTS 5

insert

CTS 5A Meaning of *pro rata formula*

- (1) In these Standards, *pro rata formula*, in relation to a licensee mentioned in CTS 5A (2), means:

$$\frac{X}{Y} \times Z$$

where:

X is the number of days remaining in a quota period on the licensee's broadcasting commencement day.

Y is the number of days in a quota period (that is, 365 days in a year or 366 days in a leap year).

Z is the quota hours to be broadcast under a provision of these Standards.

- (2) The licensee is a licensee whose broadcasting commencement day is in 2011 or a subsequent year, but is not 1 January of that year.

CTS 5B Meaning of *school holidays*

- (1) In relation to a licence area that is in one State or Territory, *school holidays* means the public holidays and government primary school holidays in the licence area.
- (2) CTS 5B (3), (4) and (5) apply in relation to a licensee for a licence area that is in more than one State or Territory.
- (3) If the licensee broadcasts C programs in C periods by uniform transmission of the programs throughout the licence area, *school holidays* means the public holidays and government primary school holidays in the State or Territory that contains the largest proportion of the population of the licence area.
- (4) If the licensee broadcasts C programs in C periods using a separate transmission of the programs for each State or Territory in the licence area, *school holidays* means, for each of the States or Territories in the licence area, the public holidays and government primary school holidays in that State or Territory.
- (5) If the licensee broadcasts C programs in C periods using separate transmissions of the programs for groups of States or Territories in the licence area, *school holidays* means, for each group of States or Territories in the licence area, the public holidays and government primary school holidays in the State or Territory that contains the largest proportion of the population of the licence area in that group.
- (6) In CTS 5B, the proportion of population is to be determined in accordance with census data collected by the Australian Bureau of Statistics.

[11] CTS 8 (2) and (3)

substitute

- (2) A licensee must broadcast in each year a total of at least:
- (a) 390 hours of eligible material; or
- (b) for the licensee's first year of broadcasting — the amount of hours of eligible material worked out using the pro rata formula where **Z** is 390 hours of eligible material.
- (3) Eligible material must include:
- (a) at least:
- (i) 260 hours of C material; or
- (ii) for a licensee's first year of broadcasting — the amount of hours of C material worked out using the pro rata formula where **Z** is 260 hours of C material; and

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- (b) at least:
- (i) 130 hours of P material; or
 - (ii) for a licensee's first year of broadcasting — the amount of hours of P material worked out using the pro rata formula where *Z* is 130 hours of P material.

[12] CTS 8 (7)

omit

12A,

insert

12A

[13] CTS 9 (2)

substitute

- (2) A schedule for a year must be received by the ACMA:
- (a) by 31 December of the previous year; or
 - (b) for a licensee's first year of broadcasting — before the licensee's broadcasting commencement day.

[14] CTS 10 (2) (b)

omit

CTS 10 (3);

insert

CTS 10 (3), (4), (5) or (6);

[15] CTS 10 (3)

substitute

- (3) If a licensee varies a schedule by moving a C period or a P period to a later time in the schedule, the licensee must broadcast at least 2 on-air promotions containing details of when the C period or the P period will be rescheduled, as follows:
- (a) one promotion when children and their parents or carers may reasonably be expected to be watching television together;
 - (b) one promotion immediately before, during or immediately after the time the period was originally scheduled.

- (4) If a licensee varies a schedule by moving a C period or a P period to an earlier time in the schedule, the licensee must broadcast at least 2 on-air promotions, containing details of when the C period or the P period will be rescheduled, at times when children and their parents or carers may reasonably be expected to be watching television together.
- (5) If a licensee varies a schedule by adding a C period or a P period that was not originally scheduled, the licensee must broadcast at least 2 on-air promotions, containing details of when the C period or the P period will be scheduled, at times when children and their parents or carers may reasonably be expected to be watching television together.
- (6) If a licensee varies a schedule by removing, and not rescheduling, a C period or a P period, the licensee must broadcast at least 2 on-air notifications advising that the C period or the P period will not be rescheduled, as follows:
 - (a) one notification when children and their parents or carers may reasonably be expected to be watching television together;
 - (b) one notification immediately before, during or immediately after the time the period was originally scheduled.

[16] CTS 11 (1) (a)

omit

CTS 3 (3) (b) or

[17] CTS 11 (4) to (6)

substitute

- (4) For CTS 11 (2) and (3), if a C period or a P period is displaced, the licensee must ensure that:
 - (a) a displaced C period is rescheduled in the C band within 14 days of the date of the broadcast of the live coverage; and
 - (b) a displaced P period is rescheduled in the P band within 14 days of the date of the broadcast of the live coverage; and
 - (c) the ACMA is notified of the event, in a form approved by the ACMA, at least 14 days before the originally scheduled period.
- (5) If a C period or a P period is displaced in accordance with CTS 11 (2) or (3) to a later time in the licensee's schedule, the licensee must broadcast at least 2 on-air promotions containing details of when the displaced C period or P period will be rescheduled, as follows:
 - (a) one promotion when children and their parents or carers may reasonably be expected to be watching television together;
 - (b) one promotion immediately before, during or immediately after the time the period was originally scheduled.

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- (6) If a C period or a P period is displaced in accordance with CTS 11 (2) or (3) to an earlier time in the licensee's schedule, the licensee must broadcast at least 2 on-air promotions, containing details of when the displaced C period or P period will be rescheduled, at times when children and their parents or carers may reasonably be expected to be watching television together.
 - (7) If a C period or a P period is displaced in accordance with CTS 11, the licensee may broadcast:
 - (a) up to 2 episodes of a C program series in the rescheduled C period; or
 - (b) up to 2 episodes of a P program series in the rescheduled P period.

[18] CTS 12 (1) (a)

substitute

- (a) a licensee fails to broadcast:
 - (i) the material in accordance with a schedule mentioned in CTS 9 (1) (b); or
 - (ii) a C program in a C period, or a P program in a P period, that had been rescheduled in accordance with CTS 11 (4) or CTS 12 (3); and

[19] CTS 12 (3) (a) to (d)

substitute

- (a) a displaced C period is rescheduled in the C band within 14 days after the date of the broadcast of the live coverage; and
- (b) a displaced P period is rescheduled in the P band within 14 days after the date of the broadcast of the live coverage; and
- (c) the ACMA is notified of the circumstances, in a form approved by the ACMA, within 72 hours after the broadcast of the live coverage; and
- (d) the licensee broadcasts details of when the displaced C period or P period will be rescheduled:
 - (i) before the rescheduled C period or P period; and
 - (ii) either:
 - (A) during the C band for a C period or during the P band for a P period; or
 - (B) when children and their parents or carers may reasonably be expected to be watching television together.

[20] CTS 12 (4)

substitute

- (4) If a C period or a P period is displaced in accordance with CTS 12, the licensee may broadcast:
 - (a) up to 2 episodes of a C program series in the rescheduled C period; or

- (b) up to 2 episodes of a P program series in the rescheduled P period.

[21] CTS 13 (2) (a) and (b)

substitute

- (a) every weekday between the hours of 7.00 am and 8.30 am or 4.00 pm and 8.30 pm, to a total in each year of at least:
- (i) 130 hours; or
 - (ii) for the licensee's first year of broadcasting — the amount of hours worked out using the pro rata formula where **Z** is 130 hours; and
- (b) at any time in the C band to a total in each year of at least:
- (i) 130 hours; or
 - (ii) for the licensee's first year of broadcasting — the amount of hours worked out using the pro rata formula where **Z** is 130 hours; and

[22] CTS 13 (2) (c) (iii)

omit

CTS 11 (6)

insert

CTS 11 (7)

[23] CTS 13 (3) (a)

substitute

- (a) broadcasts in periods of at least 60 minutes:
- (i) on at least 2 days a week in the C band, to a total in each year of at least:
 - (A) 104 hours; or
 - (B) for the licensee's first year of broadcasting — the amount of hours worked out using the pro rata formula where **Z** is 104 hours; and
 - (ii) at any time in the C band, to a total in each year of at least:
 - (A) 156 hours; or
 - (B) for the licensee's first year of broadcasting — the amount of hours worked out using the pro rata formula where **Z** is 156 hours; and

[24] After CTS 13 (3)

insert

- (4) In a licensee's first year of broadcasting, the licensee must comply with CTS 13 (2) or (3) starting on the licensee's broadcasting commencement day.
- (5) If a licensee's broadcasting commencement day is a Saturday in 2011 or a subsequent year, to comply with CTS 13 (3) (a) (i) the licensee must broadcast:
 - (a) at least 60 minutes of C material on that day; and
 - (b) at least 60 minutes of C material on at least 2 days a week in the C band in each subsequent week.

[25] CTS 14

substitute

CTS 14 Requirements that apply only to P material

- (1) A licensee must broadcast P material in the P band for a period of at least 30 minutes every weekday.
- (2) In a licensee's first year of broadcasting, the licensee must comply with CTS 14 (1) starting on the licensee's broadcasting commencement day.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.