



Broadcasting Services (Australian Content in Advertising) Standard 2018

The Australian Communications and Media Authority makes the following standard under section 122 of the *Broadcasting Services Act 1992*.

Dated: 14 December 2018

Nerida O'Loughlin
[signed]
Member

Creina Chapman
[signed]
Member/~~General Manager~~

Australian Communications and Media Authority

Part 1 Preliminary

1 Name

This is the *Broadcasting Services (Australian Content in Advertising) Standard 2018*.

2 Commencement

This standard commences on 1 January 2019.

Note: All legislative instruments are registered on the Federal Register of Legislation kept under the *Legislation Act 2003*. See <https://www.legislation.gov.au>.

3 Authority

This standard is made under section 122 of the *Broadcasting Services Act 1992*.

4 Revocation of *Television Program Standard 23 - Australian Content in Advertising*

Television Program Standard 23 – Australian Content in Advertising (Registration No. F2009B00041) is revoked.

5 Definitions

In this standard:

Act means the *Broadcasting Services Act 1992*.

advertisement means any matter that draws the attention of the public, or a segment of the public, to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose, directly or indirectly, that product, service, person, organisation or line of conduct, but does not include any of the following:

- (a) the broadcasting by a licensee of matter of an advertising character as an accidental or incidental accompaniment of the broadcasting of other matter if the licensee does not receive payment or other valuable consideration for broadcasting the matter; or
- (b) an announcement of not more than 10 seconds duration at the beginning and end of a program giving the name and business of the sponsor of the program, if the program is not less than 15 minutes long; or
- (c) a community service announcement if the licensee does not receive payment or other valuable consideration for broadcasting the announcement; or
- (d) a station identification; or
- (e) a program promotion.

Australian means a person who is a citizen of, or ordinarily resident in, Australia or New Zealand.

Australian produced advertisement means an advertisement:

- (a) that is wholly pre-produced, filmed and post-produced in Australia or New Zealand, or partly in Australia and partly in New Zealand; or
- (b) where, if (a) does not apply, Australians have exercised direction over the creative and administrative aspects of pre-production, filming and post-production, within the meaning of section 6.

exempt advertisements means the following classes of advertisements:

- (a) advertisements for imported cinema films, videos and recordings;
- (b) advertisements for live appearances by overseas entertainers; and
- (c) paid community service announcements for organisations that have a charitable, public health or educational purpose.

licensee means the holder of a commercial television broadcasting licence within the meaning of section 6 of the Act.

year means a calendar year.

6 Exercising direction over creative and administrative aspects of pre-production, filming and post-production

Australians are taken to exercise direction over the creative and administrative aspects of pre-production, filming and post-production of an advertisement if the advertisement meets at least 6 of the following criteria:

- (a) the producer of the advertisement (other than a producer employed by the advertising agency) is Australian;
- (b) the principal director is Australian;
- (c) the director of photography is Australian;
- (d) the writers of the script and storyboards are Australian;
- (e) the visual editing is carried out by Australians;
- (f) the production of the sound track, including recording, sound editing and mixing, is carried out by Australians;

- (g) the role of featured talent appearing in the advertisement is filled by Australians;
- (h) all performance, including voice over, on the sound track is by Australians;
- (i) the music used in the advertisement is composed by Australians;
- (j) if animation and related computer graphic techniques form a substantial and integral part of the advertisement – these are carried out by Australians.

Part 2 – Australian Content in Advertising

7 Objective

The objective of this standard is to ensure that the majority of advertisements on television are Australian made, by means of a flexible regulatory system that recognises the market reality of advertising.

8 Obligation regarding Australian produced advertisements

A licensee must ensure that at least 80% of the total advertising time (other than the time occupied by exempt advertisements) broadcast in a year by the licensee, between the hours of 6 a.m. and midnight, is occupied by Australian produced advertisements.