



Broadcasting Services (Australian Content and Children's Television) Standards 2020

The Australian Communications and Media Authority makes the following standards under subsection 122(1) of the *Broadcasting Services Act 1992*.

Dated: 17 December 2020

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[signed]
Member

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Australian Communications and Media Authority

Contents

Part 1—Preliminary	4
1 Name	4
2 Commencement	4
3 Authority	4
4 Repeal of the <i>Broadcasting Services (Australian Content) Standard 2016</i> and the <i>Children's Television Standards 2009</i>	4
5 References to other instruments	4
6 Objects of these standards	4
7 What these standards do	4
Part 2—Terms used in these standards	6
8 Definitions	6
9 Australian/New Zealand program - definition	10
10 Australian program - definition	10
11 New Zealand program - definition	10
12 Programs deemed to be Australian programs	11
Part 3—Australian content requirements	12
13 Australian content points requirement	12
14 Carry over of excess points	12
15 Indexation of production budget and licence fee figures	12
16 Regional/remote licensees may rely on metropolitan licensees	13
17 Reporting to the ACMA	13
Part 4—Protections for child viewers	14
18 Application of this Division	14
19 Content of advertisements	14
20 Pressure in advertisements	14
21 Clear presentation	14
22 Disclaimers and premium offers	15
23 Competitions	15
24 Prohibition on advertising during and adjacent to P programs	15
25 Identification of C programs and P programs	15
26 Application of this Division	16
27 Program promotions and station identifications	16
28 Non-program material other than news	16
29 News flashes and announcements	17
30 Prizes	17
31 Unsuitable material	17
32 Advertisements	17
33 Maximum advertising time	17
34 Separation of advertisements and sponsorship announcements	17
35 Repetition of advertisements	18
36 Promotions and endorsements by popular characters	18
37 Advertising of alcoholic drinks	18
38 Classification by an eligible classifier	19
39 Provisional classification	19
40 Duration of classifications	19
41 Transitional provision for classification	19
Part 5—Transitional provisions	20
42 Reporting requirements under repealed standards	20
43 Quota eligibility of first release Australian films and programs acquired or commissioned before 2021	20
Schedule 1—Genre point allocation	21

Part 1—Preliminary

1 Name

These are the *Broadcasting Services (Australian Content and Children's Television) Standards 2020*.

2 Commencement

These standards commence on 1 January 2021.

3 Authority

These standards are made under subsection 122(1) of the *Broadcasting Services Act 1992*.

4 Repeal of the *Broadcasting Services (Australian Content) Standard 2016* and the *Children's Television Standards 2009*

The *Broadcasting Services (Australian Content) Standard 2016* (Registration No. F2016L00392) and the *Children's Television Standards 2009* (Registration No. F2009L03416) are repealed.

5 References to other instruments

In these standards, unless the contrary intention appears:

- (a) a reference to the *Broadcasting (Australian Content) Standard 2016* is a reference to that standard as in force on 31 December 2020;
- (b) a reference to the *Children's Television Standards 2009* is a reference to those standards as in force on 31 December 2020; and
- (c) a reference to the Commercial Television Industry Code of Practice is a reference to that code of practice as in force on 31 December 2020.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

6 Objects of these standards

The objects of these standards are to:

- (a) promote the role of commercial television broadcasting services in developing and reflecting a sense of Australian identity, character and cultural diversity by supporting the community's continued access to television programs produced under Australian creative control; and
- (b) provide children with certain protections from the possible harmful effects of television.

7 What these standards do

- (1) These standards:

- (a) require minimum amounts of first release Australian programs from the genres mentioned in the table in Schedule 1 to be broadcast by commercial television broadcasting licensees; and
 - (b) require licensees to comply with certain protections for child viewers.
- (2) In order to be consistent with Australia’s international co-production obligations, these standards recognise Australian official co-productions equally with Australian programs for the purposes of compliance with these standards.
- (3) While Australian culture and New Zealand culture are different from each other, in order to be consistent with the CER Trade in Services Protocol, these standards recognise New Zealand programs and Australian/New Zealand programs equally with Australian programs for the purposes of compliance with these standards.

Note: Section 16 of the *Australian Communications and Media Authority Act 2005* provides that:
“[t]he ACMA must perform its broadcasting, content and datacasting functions, and exercise its powers relating to those functions, in a manner consistent with Australia’s obligations under the CER Trade in Services Protocol (as defined in the *Broadcasting Services Act 1992*).”

Part 2—Terms used in these standards

8 Definitions

In these standards:

acquired, in relation to a program, means acquired by a commercial television broadcasting licensee or its program supplier under a legally binding agreement, but does not include a program commissioned by the licensee.

ACS means the *Broadcasting Services (Australian Content) Standard 2016*.

Note :This instrument is available free of charge on the Federal Register of Legislation.

Act means the *Broadcasting Services Act 1992*.

Australian, in relation to a person, means a citizen or permanent resident of Australia.

Australian children's program (non-drama) means an Australian program that is a C program or P program, and is not an Australian drama program.

Australian documentary program means an Australian program that is a documentary.

Australian drama program:

- (a) means an Australian program that:
 - (i) has a fully scripted screenplay in which the dramatic elements of character, theme and plot are introduced and developed to form a narrative structure; or
 - (ii) has a partially scripted screenplay in which the dramatic elements of character, theme and plot are introduced and developed to form a narrative structure and has actors delivering improvised dialogue that is based on a script outline or outlines developed by a writer or writers; or
 - (iii) has actors delivering improvised dialogue that is based on a script outline or outlines, developed by a writer or writers, in which the dramatic elements of character, theme and plot are introduced and developed to form a narrative structure; and
- (b) includes a fully scripted sketch comedy program, animated drama or dramatised documentary; but
- (c) does not include a program, or a segment of a program, that involves the incidental use of actors.

Australian film means an Australian program that is a feature film, or a film of like nature, that:

- (a) is scripted and/or a documentary;
- (b) is standalone;
- (c) does not form part of a serial, series or mini-series; and
- (d) is not a pilot.

Australian/New Zealand program has the meaning given by section 9.

Australian official co-production means a program made under an agreement or arrangement between the Government of Australia, or an authority of the Government of Australia, and the Government of another country or an authority of the Government of another country.

Australian program has the meaning given by section 10.

break means any broadcast of material which interrupts a program or comes between programs.

C program means a program that, under Division 3 of Part 4, has been classified as a program which meets all of the following criteria:

- (a) it is made specifically for children, or groups of children, of school age;
- (b) it is entertaining;
- (c) it is well produced using sufficient resources to ensure a high standard of script, cast, direction, editing, shooting, sound and other production elements;
- (d) it enhances the experience and understanding of school age children; and
- (e) it is appropriate for Australian children of school age.

children means people younger than 15 years of age.

commercial television broadcasting licence has the meaning given by the Act.

Commercial Television Industry Code of Practice means the code of practice:

- (a) published under that name by Free TV Australia; and
- (b) included in the Register of codes of practice under subsection 123(4) of the Act.

commissioned, in relation to a program, means that a licensee or its program supplier has made a material and meaningful financial contribution to the production of a program before the production has been completed (and includes in-house production).

community service announcement means an announcement which promotes a charitable cause or activity or which constitutes a service to the community, and which is broadcast free of charge by a licensee.

CPI number means the All Groups Consumer Price Index number (being the weighted average of the 8 Australian capital cities) published by the Australian Statistician.

CTS means the *Children's Television Standards 2009*.

Note :This instrument is available free of charge on the Federal Register of Legislation.

date of classification amendment means the date of registration by the ACMA, under subsection 123(4) of the Act, of an amended Commercial Television Industry Code of Practice which provides for commercial television broadcasting licensees, and/or a person or body appointed in writing by one or more of them for the purpose, to classify C programs and P programs.

Note : The Commercial Television Industry Code of Practice is available free of charge on the ACMA's website.

disclaimer means a statement which attempts to limit or deny any legal liability which might otherwise fall on an advertiser.

documentary means a program that is a creative treatment of actuality other than a news, current affairs, sports coverage, magazine, infotainment or light entertainment program.

eligible classifier means:

- (a) until the date of classification amendment — the ACMA, or a person or body appointed in writing by the ACMA;
- (b) on and after the date of classification amendment — a commercial television broadcasting licensee, or a person or body appointed in writing by one or more

commercial television broadcasting licensees for the purpose of classifying C programs and P programs.

equivalent metropolitan channel, in relation to a relevant regional channel, means a channel which:

- (a) is broadcast by a metropolitan commercial television broadcasting licensee;
- (b) is the subject of a content affiliation agreement between the metropolitan commercial television broadcasting licensee and a regional/remote commercial television broadcasting licensee; and
- (c) by reason of that content affiliation agreement, contains program content which is the same, or substantially the same, as the relevant regional channel.

first release means a program that is first broadcast in a licence area (whether or not the program has already been broadcast in the licence area by a subscription television broadcasting service) within 2 years of the completion of production of the program.

Note: A program may be considered a first release program even if it has already been made available on a subscription or broadcast video on demand service.

G classified, in relation to material, means classified G in accordance with the Commercial Television Industry Code of Practice.

G program means a program that is classified G in accordance with the Commercial Television Industry Code of Practice, but does not include:

- (a) an advertisement (whether or not of a commercial kind); or
- (b) sponsorship matter (whether or not of a commercial kind).

hour broadcast, in relation to a program, includes any time when an advertisement, community service announcement, station promotion or other material is broadcast during the program.

licence fee means the cash component of a fee paid by a licensee to acquire the right to broadcast a program, and does not include the value of services or facilities or other in-kind components.

licensed character means a character used, under licence from the owner of the character, in the promotion or advertising of products or services.

licensee means the holder of a commercial television broadcasting licence allocated or renewed in accordance with the Act.

metropolitan commercial television broadcasting licensee has the meaning given by subsection 121H(5) of the Act.

New Zealander means a citizen or permanent resident of New Zealand.

New Zealand program has the meaning given by section 11

P program means a program that, under Division 3 of Part 4, has been classified as a program which meets all of the following criteria:

- (a) it is made specifically for preschool children;
- (b) it is entertaining;
- (c) it is well produced using sufficient resources to ensure a high standard of script, cast, direction, editing, shooting, sound and other production elements; and
- (d) it enhances the understanding and experience of preschool children; and
- (e) it is appropriate for Australian preschool children.

premium means anything offered with or without additional cost that is intended to induce the purchase of an advertised product or service.

preschool children means children who have not yet started school.

producer means the person who has overall creative responsibility for a program.

production budget, in relation to a program, means expenditure that is incurred in, or that is reasonably attributable to, the making of the program.

program supplier means a commercial television network that supplies a licensee with programs.

pro rata formula means:

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

where:

X is the number of days remaining in the calendar year on the day a licensee commences to provide a commercial television broadcasting service;

Y is the number of days in that calendar year; and

Z is 250 points.

proprietary character means a character used by its owner in the promotion or advertising of products or services.

regional/remote commercial television broadcasting licensee has the meaning given by subsection 121H(5) of the Act.

relevant regional channel means a channel which is broadcast by a regional/remote commercial television broadcasting licensee.

sketch comedy program means:

- (a) a comedy program produced for television comprising sketches that are short, self-contained stories or plots; but
- (b) does not include a stand-up comedy program or an incidental sketch that is a component in a program of another kind.

writer means a person who writes:

- (a) the script for a program; or
- (b) the script outline or outlines for a program that has actors delivering improvised dialogue based on that script outline or those outlines;

(except a person who adapts the screenplay or teleplay of an existing program).

Note: In accordance with paragraph 13(1)(b) of the *Legislation Act 2003*, a number of other expressions used in this instrument have the meaning defined in the Act (unless a contrary intention appears from the context in which they are used), including the following:

- (a) ACMA;
- (b) CER Trade in Services Protocol;
- (c) commercial television broadcasting service;
- (d) licence area;
- (e) primary commercial television broadcasting service;
- (e) program;
- (f) subscription television broadcasting service.

9 Australian/New Zealand program - definition

A program is an *Australian/New Zealand program* if:

- (a) it meets the requirements of section 10 (except that New Zealanders rather than Australians undertake one or more, but not all, of the specified creative roles); or
- (b) it meets the requirements of section 11 (except that Australians rather than New Zealanders undertake one or more, but not all, of the specified creative roles).

10 Australian program - definition

- (1) Subject to subsections (3) and (4), a program is an Australian program if it is produced under the creative control of Australians.
- (2) For subsection (1), a program is produced under the creative control of Australians if:
 - (a) the producer of the program is, or the producers of the program are, Australian (whether or not the program is produced in conjunction with a co-producer, or an executive producer, who is not an Australian); and
 - (b) either:
 - (i) the director of the program is, or the directors of the program are, Australian; or
 - (ii) the writer of the program is, or the writers of the program are, Australian; and
 - (c) at least 50% of the leading actors, including voice actors, or on-screen presenters appearing in the program are Australians; and
 - (d) in the case of a drama program — at least 75% of the major supporting cast appearing in the program are Australians; and
 - (e) the program is produced and post-produced in Australia (whether or not it is filmed in Australia); and
 - (f) in the case of an animated program — the program satisfies at least 3 of the following requirements:
 - (i) the production designer is Australian;
 - (ii) the character designer is Australian;
 - (iii) the supervising layout artist is Australian;
 - (iv) the supervising storyboard artist is Australian;
 - (v) the key background artist is Australian.
- (3) If a program includes segments that, if they were individual programs, would not comply with subsection (2), only a segment that, if it were an individual program, would comply with subsection (2) is taken to be an Australian program.

Examples:

A sketch comedy program including Australian skits or a documentary including Australian segments.

- (4) A documentary that complies with subsection (2) is not an Australian program if it is a reversioning of one or more existing documentaries that are not Australian programs, Australian official co-productions, New Zealand programs or Australian/New Zealand programs.

11 New Zealand program - definition

- (1) Subject to subsections (3) and (4), a program is a *New Zealand program* if it is produced under the creative control of New Zealanders.

Section 12

- (2) For subsection (1), a program is produced under the creative control of New Zealanders if:
- (a) the producer of the program is a New Zealander, or the producers of the program are New Zealanders (whether or not the program is produced in conjunction with a co-producer, or an executive producer, who is not a New Zealander); and
 - (b) either:
 - (i) the director of the program is a New Zealander, or the directors of the program are New Zealanders; or
 - (ii) the writer of the program is a New Zealander, or the writers of the program are New Zealanders; and
 - (c) at least 50% of the leading actors, including voice actors, or on-screen presenters appearing in the program are New Zealanders; and
 - (d) in the case of a drama program — at least 75% of the major supporting cast appearing in the program are New Zealanders; and
 - (e) the program is produced and post-produced in New Zealand (whether or not it is filmed in New Zealand); and
 - (f) in the case of an animated program — the program satisfies at least 3 of the following requirements:
 - (i) the production designer is a New Zealander;
 - (ii) the character designer is a New Zealander;
 - (iii) the supervising layout artist is a New Zealander;
 - (iv) the supervising storyboard artist is a New Zealander;
 - (v) the key background artist is a New Zealander.
- (3) If a program includes segments that, if they were individual programs, would not comply with subsection (2), only a segment that, if it were an individual program, would comply with subsection (2) is taken to be a New Zealand program.

Examples:

A sketch comedy program including New Zealand skits or a documentary including New Zealand segments.

- (4) A documentary that complies with subsection (2) is not a New Zealand program if it is a reversioning of one or more existing documentaries that are not Australian programs, Australian official co-productions, New Zealand programs or Australian/New Zealand programs.

12 Programs deemed to be Australian programs

In these standards, noting Australia's international obligations, an Australian program is deemed to include each of the following:

- (a) an Australian official co-production;
- (b) an Australian/New Zealand program;
- (c) a New Zealand program.

Part 3—Australian content requirements

13 Australian content points requirement

- (1) Subject to this Part, each licensee must broadcast in each calendar year at least 250 points of first release Australian programs from any of the genres mentioned in the table in Schedule 1, calculated by reference to the applicable points and limitations (if any) for each genre category set out in the table in Schedule 1.
- (2) A licensee cannot claim more than 50 points of commissioned first release Australian documentary programs per calendar year to satisfy the requirement in subsection (1).
- (3) A licensee may accrue points on any combination of its primary commercial television broadcasting service and the other commercial television broadcasting services which it is authorised to provide under its licence.

Note: For the services authorised by a commercial television broadcasting licence, see section 41C of the Act.

- (4) Points do not accrue if the program is not broadcast between 6:00am and midnight.
- (5) If a licensee commences to provide a commercial television broadcasting service on or after 2 January in a calendar year, the points quota needed to satisfy subsection (1) in that year is worked out using the pro rata formula.

14 Carry over of excess points

If a licensee accrues 250 points of first release Australian programs in a calendar year, any further points it accrues in that calendar year may be carried over to satisfy section 13 in the following year, up to a maximum of 50 points.

15 Indexation of production budget and licence fee figures

- (1) On 1 January 2022, and on 1 January of each subsequent year, the value of each production budget and licence fee figure mentioned in column 1 of the table in Schedule 1 will:
 - (a) if the CPI number has increased over the twelve months to the September quarter preceding 1 January of the relevant year, increase to the amount calculated using the formula in subsection (2); and
 - (b) not change if there is a decrease or no change to the CPI number over the twelve months to the September quarter preceding 1 January of the relevant year.
- (2) For paragraph (1)(a) the formula to be applied is:

$$\frac{\textit{previous indexable amount} \times \textit{latest CPI number}}{\textit{earlier CPI number}}$$

where:

earlier CPI number is the CPI number for the quarter ending on 30 September two years before the relevant year;

indexable amount means:

- (a) subject to paragraph (b), the amount of a production budget or licence fee figure set out in column 1 of the table in Schedule 1; or

- (b) if an amount of a production budget or licence fee figure set out in that table has previously been taken to be altered by substituting another amount in accordance with this section – the last substituted amount;

latest CPI number is the CPI number for the quarter ending on 30 September before the relevant year; and

previous indexable amount means the indexable amount in force immediately before 1 January of the relevant year.

- (3) The amount worked out under subsection (2) is to be rounded to the nearest thousand dollars and, if the amount to be rounded is \$500, rounded down.
- (4) For subsection (2):
 - (a) if the Australian Statistician publishes a CPI number for a quarter in substitution for a CPI number previously published by the Australian Statistician for that quarter, the publication of the later index number must be disregarded; and
 - (b) if the Australian Statistician changes the reference base for the Consumer Price Index, then, for this section after the change is made, regard must be had only to the CPI numbers published using the new reference base.

16 Regional/remote licensees may rely on metropolitan licensees

A regional/remote commercial television broadcasting licensee is deemed to have complied with section 13 for a calendar year if the amount of time of first release Australian programs, from any of the genres mentioned in the table in Schedule 1, broadcast by the licensee in that year on its relevant regional channels is not less than the amount broadcast by a metropolitan commercial television broadcasting licensee on its equivalent metropolitan channels during the same year.

17 Reporting to the ACMA

- (1) By 31 March 2022, and by each 31 March thereafter, each licensee must provide to the ACMA in writing in respect of the preceding calendar year:
 - (a) the number of hours of programming of each genre category specified in the table in Schedule 1 that was broadcast in that year;
 - (b) the licence fees and/or production budget cost per hour for each program claimed against the quota;
 - (c) the licensee's total expenditure on first release Australian programs in each genre category specified in the table in Schedule 1 that was broadcast in that year; and
 - (d) such further information (if any) as the ACMA may specify in writing as being reasonably required to demonstrate a licensee's compliance with section 13.
- (2) The ACMA may specify a form to be used by licensees for the purposes of subsection (1).
- (3) Any form specified under subsection (2) must be published by the ACMA on its website.
- (4) Any requirement for further information under paragraph (1)(d) must be published by the ACMA on its website.

Part 4—Protections for child viewers

Division 1 – General protections for child viewers

18 Application of this Division

This Division applies to the broadcast by a licensee of:

- (a) a C program or P program at any time; and
- (b) breaks immediately before, during and immediately after a program referred to in paragraph (a).

19 Content of advertisements

- (1) A licensee must not broadcast an advertisement that misleads or deceives children.
- (2) Nothing in these standards is to be taken to limit the obligation imposed by this section.

20 Pressure in advertisements

- (1) A licensee must not broadcast an advertisement designed to put undue pressure on children to ask their parents or another person to purchase an advertised product or service.
- (2) A licensee must not broadcast an advertisement that states or implies that:
 - (a) a product or service makes children who own or enjoy it superior to their peers; or
 - (b) a person who buys an advertised product or service for a child is more generous than a person who does not.

21 Clear presentation

- (1) A licensee must not broadcast an advertisement that inaccurately represents the advertised product or service.
- (2) A licensee must not broadcast an advertisement that includes claims that are ambiguous.
- (3) A licensee must not broadcast an advertisement in which children are depicted using products (including toys and games) unless those depictions fairly represent the performance which a child, of the age depicted, can obtain from those products.
- (4) If the size of the product is not clear in an advertisement broadcast by a licensee it must be made clear by reference to something which a child can readily recognise.
- (5) If accessories (for example, batteries, transformers or doll's clothes) are needed to operate or enjoy a product depicted in an advertisement then a licensee must not broadcast the advertisement unless:
 - (a) the need for accessories is able to be clearly understood by children; and
 - (b) any reference to price clearly differentiates between the price of the product and the price of any accessories.
- (6) A licensee must not broadcast an advertisement that includes mention of prices unless all such mentions are:
 - (a) accurately presented in a way which can be clearly understood by children; and
 - (b) not attended by words which convey that the price is a low price, such as 'only' or 'just'.

- (7) A licensee must not broadcast an advertisement for a food product that contains any misleading or incorrect information about the nutritional value of that product.

22 Disclaimers and premium offers

- (1) A licensee must not broadcast an advertisement that includes a disclaimer unless the disclaimer is presented conspicuously.
- (2) An advertisement that contains a premium offer must:
- (a) not make reference to the premium in a way that is more than merely incidental to the reference to the advertised product or service; and
 - (b) not stimulate any unreasonable expectation of the product or service offered; and
 - (c) clearly set out any conditions that must be met before the premium may be obtained.

Example If an advertisement advertises a product that has both food and non-food components, and the non-food component is a premium, the reference to the non-food component must be merely incidental to the reference to the food component.

- (3) For paragraph (2)(a), the following matters are relevant in the consideration of whether a premium offer is merely incidental:
- (a) the amount of time devoted to the premium offer compared to the amount of time devoted to the product or service being advertised; and
 - (b) the way in which pictures, text or moving images are used to promote the premium offer; and
 - (c) the way in which sound is used to promote the premium offer.

23 Competitions

A licensee must not broadcast a program or advertisement that refers to competitions for children unless:

- (a) a summary of the basic rules is stated; and
- (b) any statement about the chance of winning is clear, fair and accurate.

24 Prohibition on advertising during and adjacent to P programs

A licensee must not broadcast any advertising immediately before, during or immediately after a P program.

25 Identification of C programs and P programs

- (1) A licensee must identify any C program it broadcasts by including the classification symbol 'C':
- (a) in the broadcast itself; and
 - (b) alongside any mention of the program in:
 - (i) a broadcast schedule;
 - (ii) an entry relating to the program in any electronic program guide maintained by the licensee; and
 - (iii) material relating to the program on the licensee's website.
- (2) A licensee must identify any P program it broadcasts by including the classification symbol 'P':
- (a) in the broadcast itself; and
 - (b) alongside any mention of the program in:
 - (i) a broadcast schedule;

- (ii) an entry relating to the program in any electronic program guide maintained by the licensee; and
- (iii) material relating to the program on the licensee's website.

Division 2 – Other protections during C programs and P programs

26 Application of this Division

- (1) This Division applies to the broadcast by a licensee of:
 - (a) a C program or P program between 6:00am and midnight; and
 - (b) breaks immediately before, during and immediately after a program referred to in paragraph (a).
- (2) For the application of the limitations imposed by subsection 27(1) and sections 28, 33 and 35 on the broadcast of specified material for each 30 minutes during which a C program is broadcast, the measurement of time commences from:
 - (a) the start of the break immediately before the first C program broadcast; or
 - (b) if there is no break immediately before that C program, the commencement of the first C program broadcast;and the limitations apply during any other program or non-program material broadcast in the next 30 minutes.
- (3) For subsection (2), if the broadcast of a C program, or successive C programs, exceeds 30 minutes, or an exact multiple of 30 minutes, the limitations referred to in subsection (2) apply during each successive period of 30 minutes in which a C program, or part of a C program, is broadcast.

27 Program promotions and station identifications

- (1) A licensee must not broadcast more than one minute of program promotions and station identifications that are G classified for each 30 minutes during which a C program is broadcast.
- (2) A licensee must not broadcast a program promotion in any C program or P program, or in any breaks immediately before, during or immediately after a C program or P program, unless the promotion is for a C program, a P program, a G program or coverage of sports events suitable for viewing by children.
- (3) In addition to the program promotions permitted by subsections (1) and (2), voice-over announcements promoting C programs may be made during the end credits of C programs.

28 Non-program material other than news

A licensee must not broadcast a total of more than seven minutes of any combination of the following material for each 30 minutes during which a C program is broadcast:

- (a) advertisements broadcast in accordance with all applicable requirements in these standards;
- (b) program promotions and station identifications broadcast in accordance with subsection 27(1); or
- (c) G classified community service announcements.

29 News flashes and announcements

A licensee must not interrupt the broadcast of a C program or a P program except for the broadcast of a news flash or announcement which cannot, in the public interest, be delayed until completion of broadcast of the C program or P program.

30 Prizes

- (1) A licensee must not broadcast a P program that offers or gives a prize.
- (2) In C programs which involve the giving or offering of prizes:
 - (a) the presenter may not recommend or endorse a product or service which is presented as a prize, nor encourage children to buy it;
 - (b) if the prize is not a cash prize, the price or value of the prize may not be mentioned; and
 - (c) any description by the presenter should be only to clarify the nature of the prize.

31 Unsuitable material

A licensee must not broadcast any material during a C program or P program, or in breaks immediately before, during or immediately after a C program or P program, which:

- (a) demeans any person or group on the basis of ethnicity, nationality, race, gender, sexual orientation, religion, or mental or physical disability; or
- (b) presents images or events in a way which is unduly frightening or unduly distressing to children; or
- (c) presents images or events which depict unsafe uses of a product or unsafe situations which may encourage children to engage in activities dangerous to them; or
- (d) advertises products or services which have been officially declared unsafe or dangerous by a Commonwealth authority or by another authority having jurisdiction within the licensee's licence area.

32 Advertisements

Only G classified advertisements which also meet the requirements of sections 19 to 23, 31, 34, 36 and 37 may be broadcast during a C program or in breaks immediately before, during or immediately after a C program.

33 Maximum advertising time

- (1) Subject to subsection (2), a licensee must not broadcast more than 5 minutes of advertisements for each 30 minutes during which a C program is broadcast.
- (2) A licensee must not broadcast more than 6 minutes and 30 seconds of advertisements for each 30 minutes during which a C program that is an Australian drama program is broadcast.

34 Separation of advertisements and sponsorship announcements

A licensee must not broadcast advertisements or sponsorship announcements during a C program, or in breaks immediately before, during or immediately after a C program, unless the advertisement or sponsorship announcement is clearly distinguishable as such to a child viewer.

35 Repetition of advertisements

A licensee must not broadcast the same advertisement more than twice for each 30 minutes during which a C program is broadcast.

36 Promotions and endorsements by popular characters

(1) Subject to subsections (2) and (3), a licensee must not broadcast material during a C program or P program, or in the break immediately before, during or immediately after a C program or a P program, that contains an endorsement, recommendation or promotion of a commercial product or service by:

- (a) a principal personality or character from a C program or P program; or
- (b) a popular program character or popular movie character; or
- (c) a popular cartoon, animated or computer generated character; or
- (d) a popular personality; or
- (e) a licensed character; or
- (f) a proprietary character.

Note 1: Popular personality includes well known sporting and music personalities.

Note 2: *licensed character* and *proprietary character* are defined in section 8 and include characters from fiction, television, movies etc.

(2) Subsection (1) does not apply to an advertisement:

- (a) if:
 - (i) the advertisement depicts a commercial product or service in the form the product or service is usually offered for sale; and
 - (ii) no endorsement, recommendation or promotion of the commercial product or service is provided by way of voice-over, animation or any other means by a character or personality mentioned in subsection (1); or
- (b) if:
 - (i) the advertisement contains an endorsement, recommendation or promotion of a commercial toy or game; and
 - (ii) the endorsement, recommendation or promotion is made by a character mentioned in subsection (1); and
 - (iii) the character is represented in the toy or game.

(3) An advertisement immediately before, during or immediately after a C program may use a character or personality mentioned in subsection (1) to endorse, recommend or promote a non-commercial product or service if the advertisement:

- (a) contains only generic statements about nutrition, safety, education or like matters; and
- (b) is suitable to be contained in a C program.

37 Advertising of alcoholic drinks

- (1) A licensee must not broadcast an advertisement for alcoholic drinks during a C program, or in a break immediately before, during or immediately after a C program.
- (2) A licensee must not broadcast an advertisement or sponsorship announcement immediately before, during or immediately after a C program that identifies or refers to a company, person, or organisation whose principal activity is the manufacture, distribution or sale of alcoholic drinks.

Division 3 – Classification of C programs and P programs

38 Classification by an eligible classifier

- (1) If a person submits a program to an eligible classifier requesting that it be classified as a C program or P program, and does so in a format, and accompanied by any supporting material, specified by the eligible classifier, the eligible classifier may classify the program.
- (2) A classification of ‘C’ must be granted if the eligible classifier is satisfied that the program meets the criteria in the definition of *C program* in section 8.
- (3) A classification of ‘P’ must be granted if the eligible classifier is satisfied that the program meets the criteria in the definition of *P program* in section 8.

39 Provisional classification

- (1) If a person submits a written request to an eligible classifier for provisional classification of a proposed C program or P program, accompanied by a pilot episode, script, or other supporting material, in a format, or of a kind, specified by the eligible classifier, the eligible classifier may classify the proposed program or the pilot episode or both as ‘provisional C’ or ‘provisional P’.
- (2) A provisional classification must be granted if the eligible classifier is satisfied that the program is likely to be a C program or P program.
- (3) On application in writing, the eligible classifier may, at any time, renew a provisional C classification or a provisional P classification.
- (4) If an eligible classifier has classified a pilot episode of a proposed program as provisional C or provisional P, the pilot episode will be deemed to be a C program or P program as the case may be, until the classification expires.

40 Duration of classifications

- (1) The classification of a program under these standards expires 5 years after the date on which it was given or last renewed, unless an eligible classifier otherwise determines at the time of classification or renewal.
- (2) On application in writing, an eligible classifier may at any time renew the classification of a C program or P program.
- (3) An eligible classifier may revoke a classification if the eligible classifier considers that a C program or P program is not consistent with the representative sample on the basis of which its classification was granted or renewed.

41 Transitional provision for classification

If an application has been made under section 38, section 39 or subsection 40(2) to the ACMA as an eligible classifier prior to the date of classification amendment, the ACMA may decide that application after the date of classification amendment, and, if made, that decision will be valid for all purposes under these standards.

Part 5—Transitional provisions

42 Reporting requirements under repealed standards

A licensee must report to the ACMA on its compliance with the ACS and the CTS to the end of 2020 as if the ACS and CTS had not been repealed.

Note: Licensees must report to the ACMA on their compliance with annual quotas imposed by the ACS and the CTS for 2020, and the triennial quota for Australian C drama imposed by the ACS for 2018-2020. Reporting for the triennial quota for Australian drama programs imposed by the ACS for 2020-2022 is not required.

43 Quota eligibility of first release Australian films and programs acquired or commissioned before 2021

- (1) Any first release Australian film that was acquired before 1 January 2021 and broadcast on or after 1 January 2021, may be used by the licensee to satisfy the section 13 points quota, if it otherwise meets the applicable requirements of these standards.
- (2) Any first release Australian program that was commissioned before 1 January 2021, and broadcast on or after 1 January 2021, may be used by a licensee to satisfy the section 13 points quota, if it otherwise meets the applicable requirements of these standards.
- (3) Other first release Australian programs acquired before 1 January 2021 cannot be used by a licensee to satisfy the section 13 points quota but, for the avoidance of doubt, can still be used to acquit the overall Australian content transmission quota in section 121G of the Act.
- (4) For the avoidance of doubt, licensees cannot carry forward any program points or program hours accrued in excess of annual sub-quotas set out in the ACS, from 2020 to the 2021 compliance year.

Schedule 1—Genre point allocation

Column 1	Column 2
Genre	Points per hour broadcast
Commissioned first release Australian documentary program (capped at a maximum 50 points per calendar year)	1
Commissioned first release Australian children's program (non-drama)	1.5
Commissioned first release Australian drama program (less than or equal to \$450,000 production budget per hour)	1.5
Commissioned first release Australian drama program (more than \$450,000 up to \$700,000 production budget per hour)	4
Commissioned first release Australian drama program (more than \$700,000 up to \$1,000,000 production budget per hour)	5
Commissioned first release Australian drama program (more than \$1,000,000 up to \$1,400,000 production budget per hour)	6
Commissioned first release Australian drama program (more than \$1,400,000 production budget per hour)	7
Acquired first release Australian film (licence fee per film less than \$50,000)	1
Acquired first release Australian film (licence fee per film equal to or more than \$50,000)	2