



MEDIA RELEASE

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2DAY FM TO APPEAL IF ACMA IMPOSES ONEROUS LICENCE CONDITION

Southern Cross Austereo (SCA) has today announced that if the Australian Communications and Media Authority (ACMA) imposes an onerous licence condition on 2Day FM, it will pursue all available remedies to have the licence condition revoked.

The ACMA has investigated three potential breaches of the Commercial Radio Australia Codes of Practice (Code) and found that 2Day FM has committed one breach. The investigation by the ACMA concerned comments made by Kyle Sandilands about a journalist on the morning of 22 November 2011.

2Day FM regrets the comments made by Mr Sandilands and has apologised both publicly and privately to the journalist. Mr Sandilands has also apologised and issued an open letter to the media. 2Day FM positively re-set The Kyle & Jackie O Show in 2012, implementing rigorous, comprehensive and unprecedented new systems and processes to ensure against issues of this nature in the future. Relevant management and team members have been advised that if there is to be an occurrence like this again there will be significant penalties.

The ACMA intends to impose an onerous licence condition which will prohibit 2Day FM broadcasting material that 'offends generally-accepted standards of decency, demeans or is likely to demean women or girls, places undue emphasis on gender, uses overt sexual references in relation to a woman's physical characteristics, and/or condones or incites violence against women.'

Southern Cross Austereo CEO Rhys Holleran said, "2Day FM's core audience is women, predominantly young women. 2Day FM has built its significant audience over the past decade by broadcasting programs which appeal to women and their interests in a relevant and entertaining way."

"Our difficulty with the proposed licence condition is that terms such as 'decency', 'demeaning' and 'undue emphasis on gender' are broad and ambiguous and mean different things to different people. The ACMA has issued no guidance on the licence condition and in light of that, we consider the condition to be unworkable."

"The ACMA also appears to have ignored the steps which 2Day FM put in place, well before the investigation commenced. It is also relevant that, in a 10 year period in which 2Day FM has broadcast approximately 87,000 hours of programming, it has breached the Code only four times."

"We are concerned that the ACMA's response is disproportionate to the breach of the Code. 2Day FM considers that the ACMA has given undue weight to complaints received from people who were not listeners of the program."

Less than 400 complaints were received in response to Mr Sandilands' comments. Approximately 80% of these were not from listeners of the program, and each complaint was considered and fully-responded. The ACMA expressed its satisfaction with the considerable work undertaken by Southern Cross Austereo and 2Day FM.



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