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ACMA'S PROPOSED IMPOSITION OF A LICENCE CONDITION ON 2DAY FM

QUESTIONS AND ANSWERS

1. What is the ACMA investigation about?

The investigation by the ACMA concerns comments by Kyle Sandilands about a journalist on "The Kyle and Jackie O Show" early on the morning of 22 November 2011. The ACMA has investigated three potential breaches of the Commercial Radio Australian Codes of Practice (**Code**) and found that 2DAY FM has only committed one breach, being the less serious of the three.

2. What does the proposed licence condition do?

The proposed licence condition will prohibit 2DAY FM broadcasting material which 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.

3. Has the condition been imposed yet?

No. 2DAY FM has until this Friday, 30 March to make submissions to the ACMA and, if the ACMA still proposes to impose the condition (which is anticipated), the condition must first be published in the Government Gazette.

4. How long will the proposed condition operate for?

5 years.

5. Does the proposed licence condition only apply to The Kyle and Jackie O Show or to all 2DAY FM programs?

It will apply to all 2DAY FM programs.

6. Does the proposed licence condition apply to any other radio or television station owned by Southern Cross Austereo apart from 2DAY FM?

No. It only applies to 2DAY FM.

7. Why does 2DAY FM object to the proposed licence condition?

Above all, we think that the proposed licence condition is uncertain and will be difficult to comply with. For example, terms such as “decency”, “demeaning”, and “undue emphasis” are broad and ambiguous and mean different things to different people. In 2DAY FM’s view this makes the proposed licence condition unworkable.

Also, our position is that it is a disproportionate response by the ACMA which fails to take proper account of the steps 2DAY FM has taken to ensure that inappropriate material is not again broadcast. Lastly 2DAY FM has only committed four breaches of the relevant Code in the past 10 years.

8. Does this mean 2DAY FM wishes to be able to broadcast material which is demeaning of women?

No. The core audience of 2DAY FM is women, predominantly young women. 2DAY FM has built its significant audience by broadcasting programs which are relevant to women and which women find entertaining and interesting. 2DAY FM does not broadcast programs which are demeaning or offensive to women – if it did it would lose its audience.

9. What does 2DAY FM propose to do if the licence condition is imposed?

2DAY FM has the right to appeal the imposition of the licence condition to the Administrative Appeals Tribunal and will do so immediately.

10. Will the licence condition apply to 2DAY FM even though an appeal to the Administrative Appeals Tribunal is pending?

2DAY FM will also be applying to the Administrative Appeals Tribunal to have the operation of the condition stopped pending the outcome of the appeal.

11. What has 2DAY FM done to prevent further inappropriate broadcasts?

2DAY FM has undertaken instruction and training of all those involved in the production of The Kyle and Jackie O Show and other programs. The broadcast delay for The Kyle and Jackie O Show has been extended from 10 seconds to 30 seconds and two Content Managers monitor the content of the program. In addition, a warning light system has been installed in the Sydney and Los Angeles Studios to allow production staff and content advisors to notify announcers when content may be of concern. 2DAY FM has also addressed all relevant issues with Kyle Sandilands personally.