

OFFICIAL

BM-15558

Dear [REDACTED]

RE: Your complaint about *Ben Fordham Breakfast Show* broadcast by 2GB Sydney on 10 July 2024

~~I refer to~~ Thank you for your email addressed to the Chair of the Australian Communications and Media Authority (ACMA), Ms Nerida O'Loughlin, dated 31 October 2025 regarding an update on your above complaint. I have been asked to respond to your ~~e-mail~~ on behalf of Ms ~~Nerida~~ O'Loughlin.

I note that your previous emails dated 7 and 10 September 2025 were not delivered to the ACMA due to the size of the files, and you resent the emails and information to the ACMA on 26 September 2025.

I understand [REDACTED] from the ACMA Customer Service Centre (CSC) left a message on 26 September 2025, advising you that the Content Investigations Section was in receipt of your email dated 26 September 2025. ~~I note that you also asked three questions regarding the ACMA's processes, I apologise for the delay in responding to your questions regarding the ACMA's processes.~~

~~As set out in our previous emails, while the ACMA can assess complaints about broadcasting issues, we work in a co-regulatory framework. Under this model, if a listener believes what they heard may have been in breach of a Code of practice, they are required to send their complaint to the broadcaster for a response in the first instance. I understand that you have now followed this process, and you are not satisfied with 2GB's response and have advised the ACMA accordingly. The ACMA is currently assessing your complaint, including 2GB's response dated 8 July 2025 and will advise you soon with the outcome of the assessment.~~

In responding to your specific questions,

1. Does the ACMA process involve meetings or phone contact with any party or their representatives?

In assessing complaints, ~~the ACMA does not usually meet or speak to licensees or complainants. In making its assessment, the only information the ACMA usually requires is relies on a copy of the broadcast, and other relevant information, for example, the complaints to the licensee/ACMA and the response from the licensee's response to the complaint, or the complainant's letters to the licensee and the ACMA. In some instances, the ACMA may also seek further information from the complainant or licensee. The ACMA does not meet with licensees or complainants when assessing complaints. In rare circumstances if the ACMA requires further information to complete its assessment and the information cannot be provided in writing the ACMA may use a telephone call to obtain the information required.~~

2. Are all documents and information forwarded to ACMA shared with all parties?

Under the co-regulatory framework, ~~Code complaints need to be addressed to licensees the complainant raises their concerns in the first instance, hence the licensee with the licensee so they should have the relevant information. The ACMA, in some circumstances, may forward the complaint information to the licensee but only when it is seeking further clarification or information on issues that may not have been presented to the licensee about the broadcast.~~

3. Does ~~the~~ ACMA encourage mediation for the parties to resolve the complaint (which I would support)?

Commented [REDACTED]: Feel free to ignore but sometimes I think the overly polite approach works well.

Commented [REDACTED]: Not sure he did follow the process - I think we may have contact Nine for him so its probably safer to work it like this.

Commented [REDACTED]: Do we actually have a copy of the broadcast? If not we better not mention this.

OFFICIAL

OFFICIAL

~~4.—Regarding matters covered by the Commercial Radio Code of Practice 2017 (the Code), the ACMA's role is to ensure that broadcast licensees comply with the rules in the Code. While complaints are a means of bringing potential compliance issues to the attention of the ACMA (and the ACMA may communicate the outcome of its assessment or investigation findings to complainants) the ACMA's role is limited to considering the licensees' compliance. The ACMA's role does not include dispute resolution such as mediation nor does the ACMA offer personal remedies to complainants. The ACMA's role regarding commercial radio is to ensure that the content broadcast by commercial radio licensees complies with the relevant license conditions in the Broadcasting Services Act 1992, relevant Standards, and the Commercial Radio Code of Practice 2017. The ACMA has no role in dispute resolution between parties, and we do not offer mediation services.~~

5.4. Any other issues you can advise me to understand how the complaint is resolved.

~~If you consider that you have a personal dispute with 2GB, beyond concerns that they may have breached the Code, you may wish to seek independent legal advice.~~

~~n terms of the ACMA's complaints handling process, when we receive a complaint about a broadcast, we weigh up a number of factors to help us decide whether to investigate further. These include the specifics and merits of the matter, the nature and seriousness of the issue, the matter's potential to affect the community, and its priority in relation to other matters. As stated above, the ACMA is currently assessing whether to investigate and will advise shortly of the outcome.~~

~~The ACMA is currently assessing your complaint, including 2GB's response dated 8 July 2025 and we will advise you soon of with the outcome of ourthe assessment.~~

I trust this information has been of assistance.

OFFICIAL