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ACMA reference: BM-15558

Dear [REDACTED]

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

I am writing to respond to your complaint about the compliance of the above broadcast with the Commercial Radio Code of Practice 2017 (the Code).

~~While you did not listen at the time of broadcast,~~ I understand your concerns relate to comments made by ~~the program host~~ Ben Fordham about the Milsons Point Community Group and its members. ~~I note your advice that you did not hear the broadcast but were advised of the contents.~~

Commented [REDACTED]: It reads a bit accusatory

We appreciate that this matter is of concern to you and thank you for your patience while we assessed your complaint.

When we receive a complaint about a broadcast, we weight 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.

We have assessed your complaint under clauses 2.2, 3.2.1 and 3.9 of the Code.

Clause 2.2 of the Code states 'Program content must not offend generally accepted standards of decency (for example, through the use of unjustified language), having regard to the demographic characteristics of the audience of the relevant program.' This is a subjective standard that requires a high threshold.

Clause 3.2.1 of the Code states 'In broadcasting Current Affairs Programs, a Licensee must use reasonable efforts to ensure that factual material is reasonably supportable as being accurate.'

Clause 3.9 of the Code states 'Current Affairs programs are not required to be impartial and may take a particular stance on issues. However, a licensee must provide reasonable opportunities for significant alternative viewpoints to be presented when dealing with controversial issues of public importance, while the issue has immediate relevance to the community.'

Nothing in section 3 of the Code obliges the licensee to allocate equal time to different points of view, nor to include every aspect of a person's point of view, nor does it preclude a critical examination of, or comment on, a controversial issue as part of a fair report on a matter of public interest.

Based on the information provided, the broadcast is unlikely to breach the Code as:

- The comments were brief in the context of the 3.5 hour program and were not material to the rest of the broadcast
- The comments do not reach the high threshold for offending generally accepted standards of decency with regard to the demographic characteristics of the audience
- The Milsons Point Community Group's opposition to the proposed development is in the public domain
- The licensee is not obligated to include ~~your all~~ viewpoints in ~~the a~~ broadcast, ~~but and review of the~~ extensive correspondence ~~you~~ provided indicates that the licensee conscientiously and thoroughly engaged with you about your concerns.

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Therefore, having carefully reviewed your complaint, the licensee's response, the relevant rules in the Code, and considering the relevant public interest considerations, we have decided to take no further action.

We have logged your complaint in our database to help us identify potential recurring or systemic issues with legislation, codes of practice and standards. We will publish the outcome of this complaint on our [outcomes of our complaint assessments](#) webpage.

~~I note the questions in your email dated 26 September 2025. As advised in our email of 5 November in response to your questions regarding mediation between the parties, the ACMA does not have a dispute resolution function. You can find out more about our approach to broadcast investigations on the [ACMA website](#).~~

If you have concerns about the way we have handled this matter, you can contact the [Office of the Commonwealth Ombudsman](#) or seek independent advice.

Thank you for bringing this matter to our attention.

Kind regards,

Commented [REDACTED]: [REDACTED] wrote to him on 5 November
[email to Jeff Hudson](#)

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