

## **Statement from The Australian Communications and Media Authority (ACMA):**

### **Complaints about the Kyle and Jackie O Show**

The ACMA has received 37 contacts this year about the Kyle and Jackie O Show, 28 since 29 April. At least 20 of those 28 complaints have come from Victoria.

We have not received any complaints about the peeing competition. Although, when controversial content is amplified by outlets outside of the intended program audience it sometimes generates additional complaints, so that number may increase.

We are not currently investigating the program.

### **Audience complaints**

Audiences will generally make up their own minds about whether a program they choose to watch or listen to meets their tastes. Likewise, advertisers will also decide whether certain programs fit their brand.

However, community safeguards and standards are also applied through the relevant broadcasting codes of practice.

If a person believes there has been a breach of the code, they can complain to the broadcaster. If they don't receive a response in the required time or they are dissatisfied with the response, they may then complain to the ACMA.

The ACMA may also undertake 'own motion' investigations in the absence of complaints. We will undertake such investigations when there is clear and significant community interest to do so.

For example, the ACMA undertook an 'own motion' investigation in 2019 into coverage of the Christchurch terrorist attack by Australia's commercial, national and subscription television broadcasters.

## **Penalties and licence suspensions**

The ACMA does not have the legislative power to fine broadcasters.

Neither the ACMA nor any of its predecessors has ever cancelled a commercial broadcasting licence because of the content they have broadcast.

It is exceedingly rare in a democracy for a media regulator to effectively shut down a broadcaster. Australians would rightly expect that the regulator would set a very high bar for doing so.

## **Broadcasting co-regulation**

The Broadcasting Services Act sets out the intention by Parliament that in Australia regulation of broadcast media operate under a co-regulatory framework.

This system is designed with a graduated range of sanctions, depending on the nature of the breaches. Where there is a breach of a code, the ACMA negotiates with broadcasters on steps to address problems and ensure future compliance. Actions may include additional training of staff, changed editorial or technological processes and periodical reporting to the ACMA on actions taken.

Where there is repeated or systemic breach of a code by a licensee, the ACMA may impose a licence condition. If the ACMA considers there is an industry-wide problem and a code is totally or partially deficient, it may put in place an industry standard which applies to all licenses in a broadcasting sector. Breach of a standard may lead to formal warnings and court-imposed penalties.