

Responses from Nine Radio:

ACMA member Creina Chapman said the breaches “have the potential to erode the public’s trust in current affairs programming” and “listeners deserve to know what commercial agreements are in place”. Does Nine Radio share those concerns?

Yes.

Does Nine Radio believe the laws should apply to other types of programming and the ABC? If so, why?

Yes. The world of media and advertising has changed transformationally since the laws were introduced 25 years ago. The Disclosure Standard only applies to commercial radio programs whose substantive purpose is "to provide interviews, analysis, commentary or discussion, including open-line discussion with listeners, about current social, economic or political issues".

It also applies immediately to broadcasters who perform just one week of fill in work. Hence a sports, entertainment or casual broadcaster must comply with the standard if they move shifts for just one week.

The effect is it’s highly confusing and onerous to comply with.

The Disclosure Standard came to life at a time when music stations largely played music - and broadcasters stuck to their respective genres.

Now most of them are doing more talk than music, and they move easily between content areas and between full time and part time work.

The modern day commercial imperative also calls for “integration” of advertising more than ever before. As a result commercial endorsements are rife across music, sports and entertainment broadcasters and between their stations and clients. But they're not required to disclose any agreements.

The ABC is exempt altogether, but what of the conflict when the ABC partners with any number of tourism or community events? Like Vivid Sydney or the

Australia Day Council. Shouldn't that be disclosed because it has the potential to influence what their broadcasters say?

If the spirit and intention of the Disclosure Standard within the Broadcasting Services Act is to ensure that "listeners know what commercial agreements are in place and how those deals might relate to what they are hearing on air" as Creina Chapman said, then the Standard should apply to everyone.

For background...

During the NSW State Election of 2023, Kyle Sandilands' company was paid by the NSW Labor Party to advise on radio advertising. He interviewed Chris Minns and Dom Perrottet on several occasions.. but never had to disclose - nor did he - that he was being paid by the ALP. Why? Because the ACMA doesn't consider Kyle's show a news based show. But does that mean his listeners don't deserve to know he's being paid by Labor? In the middle of an election campaign?

<https://www.afr.com/companies/media-and-marketing/kyle-sandilands-personal-firm-quietly-advised-labor-on-its-ad-spend-20231024-p5eepv>

Will Nine Radio comply with the requirements from ACMA on further training and an external audit?

Yes.

And here is the original statement we made in relation to the ACMA findings:

Nine Radio acknowledges the finding by ACMA today with regard to the Disclosure Standard.

Nine Radio fully endorses the Standard and consistently seeks to comply with it completely. After being made aware of inadvertent breaches of the Standard, Nine's radio stations moved quickly to update their commercial registers and adjust any third party agreements as required.

Nine Radio employs more than 60 broadcasters across four talk stations. Brief comments on two programs were found to be in breach.

The Disclosure Standard was introduced 24 years ago to prevent broadcasters from passing commercial content as editorial content. It only applies to commercial radio programs whose substantive purpose is "to provide interviews, analysis, commentary or discussion, including open-line discussion with listeners, about current social, economic or political issues".

This has the effect of excluding all Sports and Entertainment based shows. I.e. - the only programs captured by the Disclosure Standard are commercial talk radio news based shows. Music stations and shows are exempt. The ABC is exempt. Listeners to commercial music stations would have no idea if what they are listening to is editorial or advertorial. Listeners to the ABC would have no idea if a broadcaster has a vested interest, or if the station has a promotional agreement with a local festival or event.

Only Nine's radio stations are obliged to make the appropriate disclosures.

The standard is heavily onerous, relying on constant vigilance to determine news content from sport or entertainment content, and define broadcasters as either full time or part time - but the modern broadcaster moves easily between content genres and between part time and full time employment.

Nine Radio takes its obligations under the Standard very seriously and has increased training, updated employment contracts, and conducts checks more frequently to ensure compliance.