



Remedial Direction issued under subsection 141(1) of the *Broadcasting Services Act 1992*

TO: Radio 3AW Melbourne Pty Ltd (the *Licensee*) – ACN 006 962 358

OF: GPO Box 369 Melbourne Vic 3001

The Australian Communications and Media Authority (the **ACMA**) being satisfied that the Licensee has breached subsection 10(2) and section 13 of the *Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2012* (the **Disclosure Standard**), and, as a result, breached the licence condition at paragraph 8(1)(b) of Schedule 2 to the *Broadcasting Services Act 1992* (the **BSA**);

HEREBY directs the Licensee under subsection 141(1) of the BSA to take the actions specified below, directed towards ensuring that it does not contravene the licence condition, or is unlikely to contravene the licence condition, in the future.

The Licensee must:

1. Conduct formal training with all relevant staff on the requirements of the Disclosure Standard within a period of 6 months from the date of this direction. For the purpose of this direction, **relevant staff** means staff of the Licensee (including presenters, producers and commercial and sales staff) who are:
 - (a) involved in the negotiation and/or implementation of **commercial agreements**¹; or
 - (b) responsible for maintaining the online register required to be kept under Part 3 of the Disclosure Standard.
2. Establish systems, processes and practices (**SPPs**) to ensure ongoing compliance with the Disclosure Standard and introduce methods to monitor the effectiveness of those SPPs within 1 month of the date of this direction.
3. Within 6 months from the date of this direction, provide a report to the ACMA which sets out:
 - a. In relation to item 1:
 - i. the names and roles of all relevant staff;
 - ii. the dates on which each of the relevant staff attended the formal training;
 - iii. the duration and content of the training (including providing a copy of any written materials used in the training, or a summary of the training provided if no written materials were used); and
 - iv. the name and relevant credentials of the person who provided the training.

¹ *Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2012*, section 6

- b. In relation to item 2:
 - i. any action answering this part taken by the Licensee between 27 May 2024 (being the date on which the Licensee received the ACMA's preliminary breach finding) and the date of this direction, as required by item 2 above;
 - ii. the new SPPs introduced in response to this remedial direction and the date they were introduced;
 - iii. identification of those SPPs which are in place to ensure the online register is current; and
 - iv. what methods are being used to monitor the effectiveness of the SPPs referred to in item 3(b)(i), (ii) and (iii).
- 4. Within 6 months from the date of this direction, provide a statement to the ACMA, confirming that the online register is up to date.

TAKE NOTE:

1. Paragraph 8(1)(b) of Schedule 2 to the BSA provides that each commercial radio broadcasting licensee will comply with program standards applicable to the licence under Part 9 of the BSA.
2. The Disclosure Standard is made under subsection 125(1) of the BSA. As this is a program standard under Part 9 of the BSA, where applicable, a commercial radio broadcasting licensee must comply with this standard in accordance with paragraph 8(1)(b) of Schedule 2 to the BSA.
3. Under section paragraph 141(1)(b) of the BSA, if the ACMA is satisfied that a person who is a commercial radio broadcasting licensee has breached, or is breaching, a condition of the licence, the ACMA may, by written notice given to the person, direct the person to take action directed towards ensuring that the person does not breach that condition, or is unlikely to breach that condition in the future.
4. Section 142 of the BSA provides that a person commits an offence if a person has been given a notice under section 141, and the person is a commercial radio broadcasting licensee, and the person engages in conduct that contravenes a requirement in the notice. The penalty for this offence is up to 500 penalty units and the maximum penalty for a corporation is \$782,500.
5. Subsection 142A(1) provides that a person must comply with a notice under section 141. Subsection 142A(2) provides that subsection 142A(1) is a civil penalty provision. Subsection 142A(3) provides that person who contravenes subsection 142A(1) commits a separate contravention of that subsection in respect of each day (including a day of the making of a relevant civil penalty order or any subsequent day) during which the contravention continues. The pecuniary penalty for a contravention of this civil penalty provision for a corporation must not exceed \$782,500.



Signature of Member

Creina Chapman

Name (Please Print)



Signature of Member

Samantha Yorke

Name (Please Print)

Dated this 22nd day of August 2024.