

Southern Cross Austereo
Level 14/50 Goulburn Street
Sydney NSW 2000



NSWNMA	
File No:	GPO Box 4442 Sydney NSW 2001
ED/.....	T: +612 9367 1000 southerncrossaustereo.com.au
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Your ref: BH:AG

11 January 2013

Att: Mr Brett Holmes
General Secretary
New South Wales Nurses and Midwives' Association
50 O'Dea Avenue
WATERLOO NSW 2017

Dear Mr Holmes

Summer Hot 30 broadcast – Telephone call to King Edward VII Hospital in London

Thank you for your letters dated 6 and 11 December 2012 (your reference: BH:AG) concerning the telephone call to the King Edward VII Hospital in London which was broadcast on the Summer Hot 30 program on Tuesday, 4 December 2012 by Today FM. We take comments and complaints concerning our programs very seriously and Rhys has requested that I reply on behalf of Southern Cross Austereo.

We are all deeply saddened by the tragic and unforeseeable death of Nurse Jacintha Saldanha, who answered our announcers' telephone call and transferred the call to the Duchess of Cambridge's ward. Our thoughts and deepest sympathies are with Ms Saldanha's family and friends, and with the staff at the hospital. The hosts of the Summer Hot 30 program, Mel and Michael, have expressed their deepest sympathy for Ms Saldanha's family.

Prank telephone calls and stunts have been part of commercial radio and television in Australia and other countries for many years. The prank call was intended to provide light-hearted entertainment and humour to listeners of the entertainment program, not to be offensive or cause harm to the recipients of the call or the general public. It was certainly not our intention to jeopardise the professional standing of the staff at the Kind Edward VII Hospital. We appreciate your comments regarding the regulation of health care professionals and how such a prank call could cause serious personal and professional ramifications.

All of the Southern Cross Austereo (SCA) radio stations including Today FM, have specific guidelines and policies that set out the procedures as to how such calls are to take place and be broadcast. We have conducted a review of the process undertaken in airing the segment and found that our announcers and producers followed our internal processes and procedures. We are, however, very committed to upholding rigorous processes and broadcasting standards and are in the process of reviewing our policies and procedures that relate to the broadcasting of material on air.

We are taking this situation very seriously and have responded by:

- donating all profits from advertising on 2Day FM from 13 December 2012 to 31 December 2012 to an appropriate fund that will directly benefit the family of Jacintha Saldanha with a minimum contribution of A\$500,000;
- cancelling 2Day FM's Hot 30 program; and
- suspending all "prank" calls across the SCA radio network.

As you know, the content we broadcast is governed by the Commercial Radio Australia Codes of Practice (the **Codes**). In your letter, you mentioned that the Codes require that an identifiable person should not be broadcast without their permission. With respect, it is our view that no breach of the Codes has occurred. The relevant Code that prevents the unauthorised broadcast of statements by identifiable persons is Code 6. We do not consider that the two nurses whose words were broadcast were identifiable. At no time during the segments did we broadcast (or indeed even know) the name of either of the two nurses.

You may be aware that the Australian Communications and Media Authority (**ACMA**) has announced that it will exercise its powers under section 170 of the *Broadcasting Services Act 1992* (Cth) to investigate the broadcast. We will fully cooperate with that investigation and any other investigation.

We note that if you are not satisfied with our response you may refer your concern to the ACMA. The details for making complaints to the ACMA are available from the ACMA's website – www.acma.gov.au

We also value the relationship with the NSW Nurses and Midwives' Association and truly hope this will continue in the future. I value your comments and they will have a significant impact on the content we broadcast and our internal procedures.

Yours sincerely,



Jeremy Simpson
General Manager
Today FM (Sydney) Pty Ltd