

## Authority submission

Meeting date: TBC

Agenda item no: XX

Title: Enforcement action for Kyle & Jackie O Show –proposed  
Enforceable Undertaking regarding complaints handling  
compliance

Description: The Authority to agree to accept an enforceable undertaking in  
response to complaints handling breach findings in recent  
investigations into the *Kyle & Jackie O Show*

[Redacted content]

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### COMMITTEE OR PROJECT BOARD CONSIDERATION

<input checked="" type="checkbox"/> Content Committee	<input type="checkbox"/> Gambling Committee
<input type="checkbox"/> Spectrum Committee	<input type="checkbox"/> Telecommunications and Consumer Committee
<input type="checkbox"/> Compliance Priority (please specify)	<input type="checkbox"/> Project Board (please specify)

Paper by: [Redacted]

Cleared by: EM: Alana Fraser GM: Autumn Field

Legal contact officers: [Redacted]

File reference: BI-716, BI-717 (complaints handling investigations)

## Enforcement action for Kyle & Jackie O Show – complaints handling

### PURPOSE

1. ACMA staff seek the Authority's agreement to accept an Enforceable Undertaking (**EU**) from the Sydney licensee and the Melbourne licensee (together the **licensees**) as enforcement action in response to breach findings of the complaints handling provisions in clause 10.11 of the Commercial Radio Code of Practice (the **Code**), detailed in the investigation reports at **Attachments A** and **B**.

### KEY POINTS

2. The ACMA finalised 2 investigations into the *Kyle & Jackie O Show* (**Attachment A**) which were published in October 2025. We found that each of the licensees breached clause 10.11 of the Code [requirement to respond to complaints within 30 days].
3. The Melbourne licensee has an existing history of non-compliance with the complaints handling provisions in the Code, following a previous breach finding on 17 March 2025 (**Attachment B**).

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#### **Sydney licensee**

26. Since the *Kyle & Jackie O Show* moved to ARN in January 2014, the Sydney licensee has been found in breach of the complaints handling provisions of the Code on the following occasions:

- a) Breach of clause 10.11 in relation to systemic delays and inadequate escalation processes (BI-716, September 2025);
- b) Breach of clause 10.11 in relation to governance failures and incomplete tracking of complaint responses (BI-725, September 2025).

#### **Melbourne licensee**

27. Since March 2025, the Melbourne licensee has been found in breach of the complaints handling provisions of the Code on the following occasions:

- a) Breach of clause 10.11 for failing to respond to a formal complaint within 30 days (BI-703, March 2025)
- b) Breach of clause 10.11 for failing to respond to formal complaints within 30 days. This investigation also confirmed systemic weaknesses in the licensee's complaints handling processes, including delays, unclear escalation pathways, and inadequate governance oversight (BI-716 and BI-717, September 2025).

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## BACKGROUND

33. Enforcement options available to the ACMA for a breach of the Code may include accepting agreed measures, accepting an EU, or the imposition of additional licence conditions. The ACMA's graduated approach to enforcement is outlined in the [ACMA's Compliance and Enforcement Policy](#).

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## ATTACHMENTS

- A. Investigation report: BI716 and BI717 –systemic complaints handling issues (October 2025)
- B. Investigation report: BI703 – Melbourne licensee complaints handling breach (March 2025)

[REDACTED]