

OFFICIAL

## AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

### Broadcasting Services Act 1992

#### NOTICE OF ADDITIONAL CONDITION ON COMMERCIAL RADIO BROADCASTING LICENCE NO. 4103

Pursuant to paragraph 43(2)(a) of the *Broadcasting Services Act 1992* (BSA), the Australian Communications and Media Authority (the **ACMA**) hereby gives notice that it proposes to impose an additional condition on the commercial radio broadcasting licence number 4103 held by Commonwealth Broadcasting Corporation Pty Ltd (the **Licensee**) in the following terms:

##### Definitions

In this licence condition:

**Commencement** means the date of Gazettal of this licence condition.

**Sexual References** includes spoken words, innuendo and/or sound effects that would be understood by the ordinary reasonable listener as having a sexual meaning.

**Governance Framework** means the Licensee's systems, processes, contracts, policies and training that are relevant to the Licensee's compliance with clause 2.2 of the *Commercial Radio Australia Code of Practice 2017* (revised in 2018) (the **Code**), or any equivalent provision in any replacement code registered by the ACMA under section 123 of the BSA. For the purposes of this definition, **contracts** include program supply agreements and employment contracts.

**Program** means the *Kyle & Jackie O Show* or any other show hosted by and/or featuring Kyle Sandilands and/or Jacqueline Henderson, alone or in combination with another presenter(s) or guest(s).

1. This licence condition will be in effect for a period of 5 years from Commencement. The Licensee must, in respect of the Program, comply with clause 2.2 of the Code, or any equivalent provision in any replacement code registered by the ACMA under section 123 of the BSA.

2. Without limiting paragraph 1, the Licensee must ensure that the Program does not broadcast content which is highly offensive or which contains strong and explicit Sexual References by the standards of an ordinary reasonable listener.

3. The Licensee must commission an independent audit of the Governance Framework by a compliance expert on the basis that:

a. the audit will be completed no later than 6 months after the date of Commencement of this licence condition; and

b. the auditor's report of the independent audit will be provided to the Licensee and the ACMA within 7 days after completion of the independent audit.

4. The Licensee must:

**Deleted:** means references to sexual activity or sexual descriptions. Sexual references include spoken words, innuendo and/or sound effects that would be understood by the ordinary reasonable listener as having a sexual meaning.

**Deleted:** items 1 and 2 of this licence condition

**Deleted:** For a period of 5 years from the date that this condition comes into effect the Licensee must:

**Deleted:** Commercial Radio Australia Code of Practice 2017 (revised in 2018) (the

**Deleted:** )

**Deleted:** to an ordinary reasonable listener

**Deleted:** Note: A Sexual Reference can be any single reference within the Program and does not need to be recurring throughout the Program.

**Deleted:** .

**Deleted:** The Licensee must commission the independent audit

**Deleted:** comes into effect

**Deleted:** If the auditor recommends improvements to the Governance Framework, these must be implemented by the Licensee no later than 3 months after the receipt by the Licensee of the auditor's report.

OFFICIAL

- a. within 3 months of receipt of the independent auditor's report, provide the ACMA with a board-approved implementation plan setting out the steps the Licensee has taken, or will take, to implement all recommendations made by the auditor, including timeframes within which those recommendations will be implemented (unless the ACMA specifically agrees that any recommendation need not be implemented upon request in writing from the Licensee);
- b. comply with the board-approved implementation plan and timeframes (save to the extent to which that plan or timeframes may be modified as permitted by a written approval from the ACMA); and
- c. produce a written report to the ACMA 12 months after the date the implementation plan is provided to the ACMA, and every 12 months after this date for the duration of the licence condition, which details the status of recommendations made in the audit report and progress against the implementation plan.