

Authority submission

Meeting date: 12 March 2026

Agenda item no: (Authority Secretariat to insert number)

Title: Additional licence conditions – the *Kyle & Jackie O Show*

Description: The Authority to approve the additional licence conditions to be imposed on Commonwealth Broadcasting Corporation Pty Ltd and Double T Radio Pty Ltd in relation to the *Kyle & Jackie O Show*

RECOMMENDATION

That the Authority:

- A) **AGREES** to impose the additional licence condition on Commonwealth Broadcasting Corporation Pty Ltd (the Sydney licensee) at **Attachment A**
- B) **AGREES** to impose the additional licence condition on Double T Radio Pty Ltd (the Melbourne licensee) at **Attachment B**

TIMING

While there is not a specific timing imperative on this matter it would be preferable to resolve the issue as expediently as possible.

On 3 March 2026, ARN announced that the *Kyle & Jackie O Show* (the **program**) has been taken off air following an argument between Ms Henderson and Mr Sandilands during the 20 February episode of the program. Ms Henderson has provided notice that she will cease to present the program.

ARN stated that Mr Sandilands behaviour during that episode constituted ‘serious misconduct’, placing him in breach of his service agreement with ARN. Mr Sandilands has 14 days to remedy the breach by 17 March 2026, or his contract will be terminated.

The program will not be returning to the ARN network. Ms Henderson has been offered an opportunity to host another program on the network. It is unclear whether she has accepted this offer, and whether it is with either of the licensees subject to this enforcement action. It is also unclear whether Mr Sandilands will return to ARN in any capacity.

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: GM: Autumn Field EM: Alana Fraser

Legal contact officer: [REDACTED]

File reference: March 2025 investigations (BI-703 and BI-705); and October 2025: (BI-716 (filing for BI-717, BI-729, BI-730, BI-731, BI-732, BI-733, BI-734) and BI-725).

Additional licence conditions in relation to the *Kyle & Jackie O Show*

PURPOSE

1. ACMA staff seek the Authority's decision to impose an additional licence condition, pursuant to subsection 43(1) of the *Broadcasting Services Act 1982* (the **BSA**), on:
 - Commonwealth Broadcasting Corporation Pty Ltd (**Sydney licensee**) in relation to commercial radio broadcasting licence no. 4103; and
 - Double T Radio Pty Ltd (**Melbourne licensee**) in relation to commercial radio broadcasting licence no. 4142,in relation to recent decency breaches relating to the program.
2. The proposed additional licence conditions can be found in **Attachments A and B**. Changes, which have been tracked against the Notices of Intention (NOI) given to the licensee's and published in the *Gazette* in November 2025, incorporate feedback from the Authority meeting on 5 February 2026.
3. The imposition of additional licence conditions must be published in the *Gazette* (subsection 43(4) of the BSA).
4. Statement of Reasons (SoRs) for the additional licence conditions must be provided to the licensees pursuant to section 205 of the BSA. These will be prepared to reflect the final decision made by the Authority.

KEY POINTS

5. On 25 September 2025, the Authority proposed to impose additional licence conditions on the Sydney and Melbourne licensees in response to breaches of the decency provision in the Commercial Radio Code of Practice 2017 (the **Code**) (clause 2.2). The 2 investigation reports detailing these breaches - published in March and October 2025 - can be found at **Attachments C and D**.
6. The ACMA's NOI to impose additional licence conditions were given to the licensees on 11 November 2025 and published in the *Gazette* on 12 November 2025. The terms of the proposed conditions were the same for both licensees.
7. On 2 December 2025, ARN provided representations on the above proposed additional licence conditions. The full submissions can be found in **Attachment E**.
8. While ARN accepts the proposed terms of conditions 1 and 3 in the NOI, it submits that condition 2 should not be imposed at all and that condition 4 should be amended to allow ARN time to consider the auditor's recommendations.

9. [REDACTED]

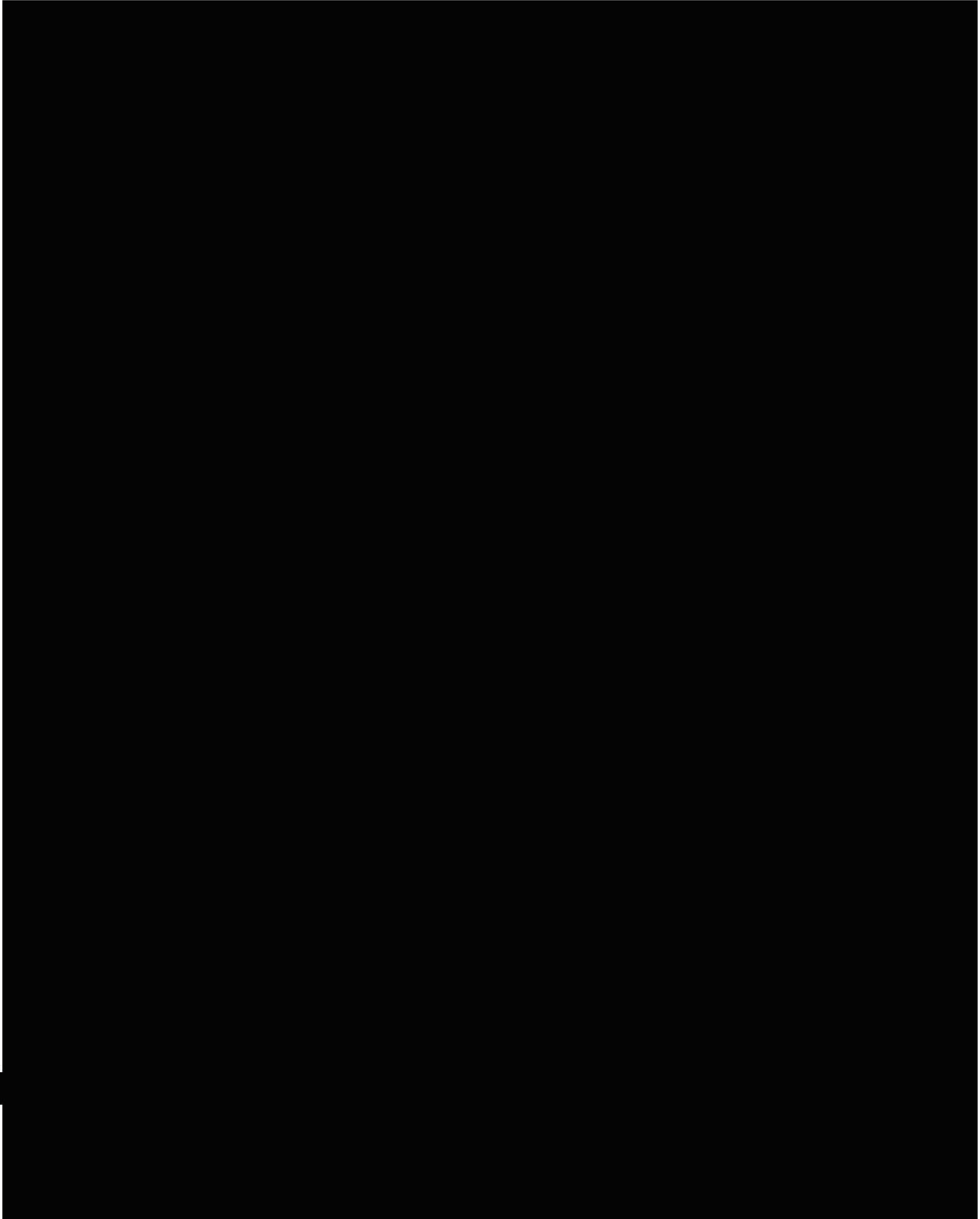
[REDACTED]

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[REDACTED]

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- [REDACTED]

- [REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





NEXT STEPS AND TIMING

35. In accordance with subsection 43(2), the licensees were given the opportunity to make representations on the proposed additional licence condition. Although the condition has changed from what was originally proposed, the review rights within section 204 of the BSA allow the licensees the opportunity to dispute the decision in the Administrative Review Tribunal if they do not agree with it. Therefore, there is no need to give the licensees further opportunity to provide representations on the additional licence condition before the decision is made to impose it.
36. Once the licensees have been notified of the ACMA's decision, the additional licence conditions will be published in the *Gazette*. Staff recommend requesting a specific date for gazettal and advising ARN that the additional licence conditions will come into effect on that date. However, if this is not feasible, then the standard publication on the Federal Register of Legislation will occur within 2 working days, excluding the day of lodgment.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CONSULTATION

48. Legal Services Division (LSD) gave general advice on the draft licence conditions. The recommendations in the paper are consistent with advice provided by LSD.

COMMUNICATIONS

49. **Communications strategy required? Yes.** Enforcement action to be announced once final licence conditions are gazetted. Staff have engaged with the Media Section on a media release.

50. Media section has provided some key messages to address the public's understanding of the ACMA's decision:

- additional licence conditions strengthen governance and oversight to address recent decency breaches by the licensees.
- condition 2 is designed to address the nature of the content that has resulted in repeated breaches involving the program that is of concern to the ACMA.
- imposing an additional licence condition gives the ACMA a more direct enforcement path in the instance of further breaches, including suspending or cancelling the licence.

51. **Ministerial briefing required? Yes.** The Office will be briefed after the Authority has made its decision, before gazettal.

REGULATORY IMPACT ANALYSIS PROCESS

52. We have considered whether a regulatory impact analysis process is required for the notice of intention by undertaking a preliminary assessment. Based on this preliminary assessment the Office of Impact Analysis (OIA) has determined that the proposed regulatory change in this submission is minor or machinery in nature and has therefore verified that no further regulatory impact analysis is required – OIA reference number OIA25-10581.

ATTACHMENTS

- A) Proposed additional licence condition – Commonwealth Broadcasting Corporation Pty Ltd
- B) Proposed additional licence condition – Double T Radio Pty Ltd
- C) Investigation report for March 2025 investigations: (BI-703 and BI-705)
- D) Investigation report for October 2025 investigations: (BI-716, BI-717, BI-729, BI-730, BI-731, BI-732, BI-733, BI-734) and BI-725).
- E) ARN submissions dated 2 December 2025

- F) **Correspondence from ARN in response to statutory notice dated 11 April 2025 – content safeguards**
- G) **Correspondence from ARN to ACMA dated 10 January 2025 – broadcasts referred to by Senator Hanson-Young**