



11 April 2025

Australian Communications and Media Authority (ACMA)  
Attention: Autumn Field  
PO Box 78, Belconnen ACT 2616

By email: Autumn.Field@acma.gov.au; Broadcasting@acma.gov.au; [REDACTED]

Dear Delegate,

**Response to Section 173 Notice**

We refer to the Section 173 Notice dated 21 March 2025, issued to Australian Radio Network Pty Limited (**ARN**) by the Australian Communications and Media Authority (**the ACMA**), for the purposes of an investigation conducted under section 170 of the *Broadcasting Services Act 1992* (the *Broadcasting Services Act*) regarding Commonwealth Broadcasting Corporation Pty Ltd (the **Sydney Licensee** that broadcasts The Kyle and Jackie O Show on the frequency 106.5) and Double T Radio Pty Ltd (the **Melbourne Licensee** that broadcasts The Kyle and Jackie O Show on the frequency 101.1) (collectively **the Licensees**).

Please find our responses to the 173 Notice below as Schedule A. This response uses the same defined terms and abbreviations as set out in the 173 Notice, repeated in Schedule B.

For ease of reference, we repeat each request in bold italics and then provide ARN's response. The relevant documents provided as attachments are provided in electronic form to the private group site provided the ACMA, with the files numbered according to the question/s or per the referenced filenames.

The information provided herein reflects the results of our best endeavours and we believe it to be correct. Whilst we believe it to be correct, if it is brought to our attention there are any errors in this information, we reserve the right to correct those errors.

We note the responses to questions 11, 16, 24 and 25 contain information that is commercially sensitive. These responses are marked "*commercially sensitive*". We request that so far as possible this information be kept confidential and if this commercially sensitive information is required to be provided to another entity, that ARN be informed of this prior to the provision of such information.

Please contact me if you would like to discuss any aspects of this matter.

Yours faithfully,



Jeremy Child  
Chief Legal Officer & Company Secretary

Email: [REDACTED]  
Phone: [REDACTED]

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North Sydney NSW 2060  
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**BRISBANE**  
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Bellenden St  
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T 02 6123 4103



SCHEDULE A – RESPONSES TO SECTION 173 NOTICE

**Part 1 – Broadcast material**

1. **For the dates 2 October 2024, 5 December 2024 and 20 January 2025, provide:**
  - a. **a copy of the Show in full,**
  - b. **where possible, a transcript of the Broadcast,**
  - c. **the approximate time stamps for the time where content was Bleeped during the Broadcast of the Show, and**
  - d. **the nature of the content being Bleeped.**

The relevant files are provided in electronic form **attached** as separate subfolders named as follows:

- i. Q1\_2 October 2024;
- ii. Q1\_5 December 2024 – noting this show was a prerecorded “best of” show so no “bleep log” is recorded, however there are censor notes included.
- iii. Q1\_20 January 2025

**Part 2 – Information**

2. **Does ARN have systems in place to assess whether content to be broadcast on the Show complies with the requirements relating to suitability for broadcast under the Code?**

Yes.

3. **If the answer to 2 above is yes:**
  - a. **describe what those systems are and explain how those systems are employed before the Show is broadcast and during the broadcast of the Show;**

*Content Planning*

Content ideas may originate from many different sources which form the genesis of an on-air segment. The sources include news stories, social media, studies and statistics regarding all kinds of topics, guests, stories directly from the lives of the hosts or producers, or listeners calling in.

The producers hold weekly meetings to generate new ideas amongst the core production team. Once a segment has been developed and the concept discussed with the Executive Producer, the segment is placed in an online show planner that is visible to all relevant staff. As the show evolves, the online planner acts as a point of reference for the most up to date plan for the show.

When a segment is being developed, a single producer is often responsible for that particular segment, including conducting appropriate due diligence for the segment.

By way of example – the show has a segment called “*I Want You Back*” where callers have a phone call with their former partner, friend or estranged family member in an attempt to repair the relationship. The producer in charge of that segment would talk to the caller to ensure there is no known history of mental health issues, domestic abuse, legal or other problems in the relationship before proceeding with the segment on air. Informed consent from all parties is obtained and recorded.

Segments are subject to a vetting process. [REDACTED]  
[REDACTED] Where required, risk assessments will also be conducted (potentially in conjunction with insurers) for approval.

Escalation Policy and Procedures exist to ensure that content unsuitable for broadcast does not make it to air. Laminated copies of the Escalation Policy and Procedures are kept on every producer's desk for speedy reference, along with training.

A copy of the Escalation Policy and Procedures document is **attached** (filename April 2023 On-Air and Digital Content Escalation Policy Final).

The escalation process may involve multiple levels of consultation. [REDACTED]

[REDACTED] If the segment passes through these checks, it is then executed on the air during the live show.

A segment may be cancelled at any time and for any reason. Many planned segments that pass these checks and processes simply do not end up going to air for reasons outside the control of the show. For example, a caller may get "cold feet" and decide they no longer want to appear on the show. A guest may drop out of their scheduled spot due to travel disruptions. In the event a segment is cancelled on the same day it is scheduled it can be a challenge for producers to find a replacement segment in time while following due process.

#### *Content Execution*

The next stage show content passes through is "execution".

[REDACTED] Once these final checks have been completed and any changes have been made, the content is ready to go to air.

The Executive Producer conducts a meeting with the team each day before the show commences, to run through planned elements of the day's show, although even as the show goes to air, content is evolving and dynamic. For example, producers approach the censors with calls they have received seeking advice and/or approval before putting the caller on air, and reminding callers not to swear. Developing or breaking news stories may require briefing with the hosts and other on-air talent. Censors may need to review edits of explicit songs that are requested by the hosts. Content may be played from online sources such as YouTube at the host's requests. Callers may suddenly go off on a tangent with a completely different topic than what they previously disclosed to producers off the air.

Bleeping may result from revealing private information or the disclosing of legally sensitive information. Other commonly unplanned content like swearing, drug references or sexual references which may constitute a code breach or a reputational risk for the show are also bleeped.

[REDACTED] such as to take a problematic caller off the air or give out the Lifeline number on the air.

A warning light system is also utilised, where the light is flashed to warn the hosts that the discussion is entering dangerous territory.

**b. confirm whether ARN uses those systems to assess whether content that was broadcast on the Show complied with the requirements relating to suitability for broadcast under the Code, after the Show is broadcast;**

Confirmed that the systems described above in (a) are utilised for on-air live broadcasting.

In relation to material that is broadcast after the show such as the "Hour of Power", we note the following. The Hour of Power is five segments that are the 'best bits' of the Kyle and Jackie O Show that is played out nationally every day from 6pm.

Once the show is off the air for the day, content postproduction management begins to produce the "Hour of Power" show. The Executive Producer selects the five best segments from the day's show and emails their selection to relevant staff. The audio producer then cuts the segments and sends the segments to the censors for edit notes. [REDACTED]

The audio producer then edits the segments according to the censor's edit notes and sends a final edit for sign off from a producer. If edits need to be made to any social media content or the full show podcast, the censors speak to the digital team to ensure the edits are made prior to the content being published online. Any edits to the full show podcast need to be approved by the show director prior to the edits being carried out.

The censors complete a bleep report for the day, listing what content was bleeped and brief reasons why the content was bleeped. The bleep report is then emailed out to the relevant members of staff, including the Chief Content Officer.

Once these tasks have been completed, the Executive Producer holds a meeting to go through the content for the next day's show with the team including the censors.

In the event the hosts are sick or otherwise unable to perform a live show, a pre-recorded show is prepared. These shows are created from segments selected from previous live shows. These shows are prepared in advance. The segments are selected by the Executive Producer and collected for review by the audio producer. The two censors listen to this content first and provide edit notes to the audio producer. The audio producer then edits these segments according to the censor's notes. The censor's edited segments are then sent to the show director for further edits. The audio producer edits the segment a second time based on the notes from the show director. A final edit is then sent to the producing team for a third and final check before playing out on the air. After a 'best of' sick day show is played out, another 'best of' sick day show will be prepared so a show is always ready to go.

**c. provide evidence that these systems are applied consistently in relation to the broadcast of content on the Show;**

The processes described above generally take place in person by way of verbal conversation. The relevant documentary evidence to the application of these processes is provided in response to Part 3 below, including the following:

- Censorship Guide
- Producer Checklist Guide
- Daily bleep logs
- Edit notes for the Hour of Power

**d. confirm whether there are any reporting mechanisms in place regarding the employment of those systems, and if so, provide evidence of those reporting mechanisms.**

We note the following processes:

- Daily Bleep Reports are sent to the Chief Content Officer and other members of the production team, so they have real time knowledge of the matters being bleeped.
- Edit notes for the Hour of Power segment.

Documentary evidence to the application of these processes is provided in response to Part 3 below.

**4. Do the Licensees have any systems in place to manage Code compliance for content described in Report #3, on page 24, as “unscripted and unplanned”? If yes, describe those systems.**

Please refer to the above response to question 3(a) for context.

Unscripted and unplanned content is primarily managed through the on-air censorship system. The on-air censorship system is comprised of a pre-delay bleeping function, and post delay bleeping function, a partial dump function, a full dump function and a warning light. If required, the senior censor also has the ability to speak to the hosts directly on the air through a microphone.

The ‘warning light’ is the first function employed by the censors. The warning light is an orange light that appears on a light pole in the studio and indicates to the hosts that the discussion on air is approaching risky territory and suggests they change the subject or tone.

The second function is the ‘pre-delay bleep’ [REDACTED]. This function is used to bleep swear words immediately.

The next function is the ‘post delay bleep’ [REDACTED]. The post delay bleep relies on the show’s thirty second delay. [REDACTED]

The ‘part dump’ function is another tool available to the censorship team. A part dump will remove all audio for ten seconds when the button is pressed. No bleep sound is used, it is simply as if the audio has been cut out of the feed. This is used for risky matters that are longer in duration (for example, details on a legal case before the courts, or private information about a health diagnosis) and need to be completely removed. Use of this function can sound strange to listeners, so the censors try to use smaller, shorter bleeps in post delay as much as possible.

The final function is the full dump button. A full dump will take the show off the air completely. Once the button has been pressed, audio automatically starts to play, telling listeners that the show they are listening to has just been dumped.

**5. Are the Censors involved in the preparation and planning of how and when content will be broadcast on the show and if so, specify how they are involved?**

Yes. The censors are involved in the preparation and planning of how and when content will be broadcast on the show.

For content that is of concern or sensitive, the censors will be advised of the content as far ahead of time as possible and the content escalation procedures will be applied as necessary.

The night prior to the show, the censors are sent the paperwork and audio for the next day's show. If the preparatory sheets or audio require censor edits, these edits are performed before the sheets are distributed to the hosts and the wider team.

Pre-show meetings are held each morning prior to the show commencing, which include the censors and team discussing the upcoming show.

[REDACTED] This will be to conduct any content briefings with the hosts as required, as well as to answer questions from the hosts.

If content is considered not suitable to be broadcast during the 'Kids in Cars Hour' (typically considered to start at 7-7:30 and end at 9am), then the censors will work with the Executive Producer and Show Director to find a more suitable timeslot for the content.

Similar content handling procedures apply to the news bulletins and audio played on the show.

Censors communicate directly with the audio editor and Executive Producer to advise what changes were made and why those changes were made to audio material.

This same process applies to the content in the 'Hour of Power', with censors giving advice on the order in which content is played out based on the amount of adult material in the segments selected and the time of day at which those segments are likely to be broadcast.

- 6. Provide a description of the Phone Box Technology with regard to ensuring compliance with the Code, and the following information:**
- a. how this technology works in relation to mitigating the risk of material discussed with Callers breaching the Code.**

The 'Phone Box' system allows the producers to type descriptions of the topic that callers wish to discuss in a text box. The censors are then able to read these written descriptions on a monitor. The censors use this information to decide if they require further information from the producers. The censors may also decide to tell the producers not to put the caller to air. The censors may also choose to tell the producers to brief the caller on what they can and cannot say when the call is put through to the hosts.

- b. how often do the Censors use this technology?**

The censors use this technology multiple times throughout the show every day. The technology is used whenever calls are taken by producers with the intention to put those calls to air.

- c. since the latter of the introduction of the technology, or the commencement of the Enforceable Undertaking, were there instances where the Censors used this technology, and a producer did not make the Announcers aware that this technology was being used by the Censors? If so, how often has this happened?**

As described in the response to 6(a) above, the Phone Box process is handled by the producers and censors more as a behind the scenes process that is not readily visible to the Announcers. The Phone Box screening is completed off the air, with the Announcers then taking calls after the screening and briefing procedures have been completed by the producers and censors. That is, the Announcers are aware

As such, the announcers are generally not aware of calls that the censors have used the Phone Box system to decide not to put a caller to air.

**7. Are there measures in place, other than the Phone Box Technology, to manage compliance with the Code when Callers are on air?**

Yes. Callers can be 'hung up' on by the Announcers, the producers (via Phone Box) or the studio panel operator (via Phone Box). Otherwise, compliance with the code is chiefly managed by the censorship system (as further described above such as in response to question 4).

**8. Do the producers vet or screen Callers before they are put on air and if so how is the vetting or screening process conducted?**

Yes. The details of the screening process depends on the nature of the phone topic, and each call is unique so treated on a case-by-case basis.

For the regular segment 'First Calls', the producers will take the caller's name, age, gender and the city they live in. The producers then ask what topic the caller wishes to discuss and get the information regarding the caller's chosen topic or question for the Announcers. The producers would use the 'Phone Box' screen to list details such as the caller's name, age and location along with a short description of the topic.

If the caller is calling for a particular topic, the producer will get detailed information on what the caller wishes to say. The producer may also include information such as whether the caller is angry, passionate or crying in the 'Phone Box' written description of the caller. If the producer is given information which raises concerns, the producer will put the caller on hold and speak to the censors.

If the caller wishes to discuss a topic of concern, the details are given to the censors by the producers. If it is possible to put the call to air, the censors will give the producer specific advice about how to coach the caller to speak in a way which will not result in the caller getting bleeped. This may include advice to use euphemisms, to use fake names or omit other details from their story.

Vulnerable people may call the show, in which case the producer would give the caller the number for Lifeline, Beyond Blue or other resources for mental health. Vulnerable callers are not put to air, and if there is serious concern for a caller's safety, the producer will contact the caller's local area police station to request a welfare check on that caller.

If a caller becomes distressed on air over a sensitive topic, this would also be considered on a case by case basis.

**9. Do the producers provide any advice to Callers or Guests about what can be discussed on air including advice about aspects of the Code that may be relevant to what is to be discussed on air?**

Yes. For example, the most common advice given to callers and guests regarding the Code is to remind them not to swear.

If the call is being put to air during the 'Kids in Cars Hour' (approx 7:30 am – 9 am) callers or guests may also be briefed to keep their commentary clean or to use euphemisms if they are going to discuss more adult topics like relationships and dating.

Advice provided by producers depends on the nature of the caller and topic to be discussed.

**10. How often has the Show, or part of the Show, been Fully Dumped since the commencement of the Enforceable Undertaking? What were the dates this occurred? What was the nature of the content that was dumped?**

There has been one incident when the show was dumped since the commencement of the Executive Undertaking (on 17 March 2023). This dumping occurred on 19 August 2024.

[REDACTED]

For further reference, please refer to the **attachment**, filename:

- Full Dump 19 Aug 2024

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

**12. Since the commencement of the Enforceable Undertaking, what management decisions, if any, have resulted in changes to internal policies about compliance with the Code that have affected content broadcast on the Show?**

The relevant management decision was that made in September 2024 to remove “graphic sexual content” from the Kyle & Jackie O Show.

The decision to remove graphic sexual content occurred on Sunday 1 September 2024 in a meeting between Kyle Sandilands, ARN CEO & MD Ciaran Davis and ARN Chief Content Officer Duncan Campbell. The decision was further facilitated by the hosts and content production team which involved the following:

- Content guidelines were reviewed to eliminate graphic sexual content.
- Content planning meetings will focus on developing topics that are engaging, relatable, and aligned with evolving audience preferences. Content themes are to focus on key pillars of the show without explicit graphic sexual material. New segments are continually being introduced that ensure a broader appeal throughout 2025.
- [REDACTED]
- Past segments were reviewed to identify and replace any recurring content and themes that may not align with the new direction.
- A new marketing campaign, with the tagline “Listen Now. We’re Behaving” has commenced in Melbourne. This tagline is aimed at encouraging listeners to retry the show and also reflects that more explicit content has been removed.
- [REDACTED]
- Ongoing support and monitoring from ARN leadership, including regular check-ins with the Head of Content - KIIS Network and Chief Content Officer, to ensure the ongoing implementation.

[REDACTED]

**13. What measures have been identified by ARN and the Censors as “areas of opportunity for a more proactive approach to content management to minimise risk of future issues”, as described on page 3 of Report #3?**

By way of context, the comment on page 3 of Report #3 referred to discussions regarding complaints that arose in the prior week, context of the related audio, so as to provide opportunity for a more proactive approach to content management to minimise risk of future issues. This is essentially recognition of the dynamic nature of the censors’ role – needing to be aware of current affairs and likely topics for discussion on the show so as to be prepared to censor appropriately, both for Code related issues and also other issues such as defamation risk, contempt of court and so on.

As noted on page 4 of Report #3, an ongoing step involved “review and approval of all prep sheets by censors prior to segments going to air.” This is further described above in the response to question 3(a) above under Content Execution, noting that this includes: the day prior to a live show, all preparatory paperwork, the show log and all available audio files are sent to the show’s censors for checking and final approval.

Another measure that involved a more proactive approach to content management to minimise risk involved increased focus on the Content Escalation Procedures, including training, awareness and support from producers to encourage them to approach [REDACTED] in the first instance if they are concerned about the content of a future segment. The Content Escalation Procedures are further described in the response to question 3(a) above.

An additional measure taken on has been the adherence to team production meetings occurring both before and after the live show. The pre-show meeting runs through the details of the show that day, the post-show meeting runs through the proposed content for the show the next day.

**14. Which of the measures above, at 13, have been implemented and when were these implemented?**

An updated copy of the Escalation Procedure was circulated on 11 January 2023. Refresher meetings and training were also conducted, with the latest refresher conducted on 7 January 2025.

**15. What directions, if any, have the board, or executive management, given to the Announcers about compliance with the requirements relating to suitability of content for broadcast under the Code?**

We refer to the response for question 12 regarding the management decision made in September 2024 to remove “graphic sexual content” from the Kyle & Jackie O Show.

There are also regular meetings held between ARN executive management and the Announcers regarding the show. While these meetings are not minuted, they would involve discussions regarding content – both from a general audience viewpoint and suitability under the Code.

It is also noted that the daily Bleep Reports are sent to the Chief Content Officer, so they have real time knowledge of the matters being bleeped.

[REDACTED]

**Part 3 – Internal policies or compliance documents**

**17. Provide copies of all ARN's Censorship Guides (Censorship Guide) in place from 17 March 2023 to the Date of this Notice (both inclusive) and the dates that each version of the Censorship Guide was, or is, in force for the Licensees.**

Provided as **attachment**, refer to filename/s:

- Censorship Guide for KJ August 2024
- Censorship Guide for KJ Updated July 2024
- Censorship Guide for KJ

**18. Provide a copy of the "Censor Playbook", as referred to in the Independent Assessment Report. If this is not available, please provide an explanation as to why.**

There is no such document entitled as the "Censor Playbook." This was discussed in the body of the Independent Assessment Report but was not a recommendation. In any case, the Censorship Guide plays essentially the same role.

Refer however to the following **attachments** being a producer checklist:

- Producer Checklist Email 5 Oct 2023
- Producer Checklist Guide 5 Oct 2023

We also refer you to the Escalation Policy and Procedures as **attached** above (filename April 2023 On-Air and Digital Content Escalation Policy Final).

**19. Provide a copy of training, or other formal guidance documents, provided to any Censors who have been working on the Show for the period 17 March 2023 to the Date of this Notice (both inclusive).**

Provided as **attachment**, refer to filename/s:

- Additional Censor Training Classification Board Inquiry Email
- Additional Censor Training Classification Board Response

**20. Provide a copy of the Prep Sheets from the Censors' Daily Meetings for the Broadcasts of the Show on the following dates: 14 August 2024, 15 August 2024, 4 September 2024, 1 October 2024 and 5 December 2024.**

Provided as **attachment**, refer to filename/s:

- Kyle and Jackie O Show Censor's Log Complete Wed 14 Aug 2024
- Kyle and Jackie O Show Censor's Log Complete Thur 15 Aug 2024
- Kyle and Jackie O Show Censor's Log Complete Wed 4th Sept 2024 Pt 1
- Kyle and Jackie O Show Censor's Log Complete Wed 4th Sept 2024 Pt 2
- Kyle and Jackie O Show Censor's Log Complete Tues 1 Oct 2024 Pt 1
- Kyle and Jackie O Show Censor's Log Complete Tues 1 Oct 2024 Pt 2

For 5 December 2024, this show was a prerecorded "best of" show so no Prep Sheet is made.

**21. For the Prep Sheets referred to at 20 above, include:**  
**a. the date(s) of the corresponding meeting(s) and whether these occurred before or after the Broadcast of the Show**  
**b. the attendees at those meeting(s) (attendees may be identified by means of their job title or role in the organisation rather than their name).**

The corresponding meetings would have occurred the day prior to the show. The meetings would have included the censors and the production team.

**22. Provide any other relevant documents which detail examples of content that the Censors have excluded from the Show, including:**

- a. the date of the document**
- b. the proposed date that the content was to be broadcast.**

Earlier responses such as to question 3(a) set out the process involved for excluding content. These processes are generally done verbally or by meeting and are not documented individually.

Instances of segments that are excluded from the Show are not routinely documented. If the idea is excluded from going forward at the pitch stage, there is generally no documentation regarding the proposed segment, unless an email is sent to escalate the idea through the Escalation Policy procedures.

[REDACTED]

[REDACTED]

**23. Provide copies of the following documents, referred to in the Independent Assessment Report:**

- a. Post-show logs and interactions for 14 August 2024, 15 August 2024, 4 September 2024, 1 October 2024 and 5 December 2024.**
- b. A short summary of reasons for the Censors' decisions for 14 August 2024, 15 August 2024, 4 September 2024, 1 October 2024 and 5 December 2024.**

Provided as **attachment**, refer to filename/s:

- Bleep Log 1st October 2024
- Bleep Log 4th September 2024
- Bleep Log 14th August 2024
- Bleep Log 15th August 2024
- Bleep Log 20th January 2025
- Censor Edit Notes for 'Best of Show 4' aired Thursday 5th December 2024
- HOP Edits 1st October 2024
- HOP Edits 4th September 2024
- HOP Edits 14th August 2024
- HOP Edits 15th August 2024
- Producer's Meeting 15th August 2024

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

**Part 4 – Complaints handling**

- 26. For each Complaint or Complaint Enquiry received by the Licensees about content on the Show for the period 1 August 2024 – 31 October 2024 (both inclusive) provide (where available):**
- a. the name of the complainant**
  - b. the date the Complaint or Complaint Enquiry was received by the Licensees**
  - c. the submitted date of the Broadcast being complained about**
  - d. where the submitted date of the Broadcast was assessed as incorrect, provide the licensee(s)' nominated broadcast date**
  - e. the Broadcast location.**

**For the purpose of paragraph 26, above, you do not need to provide Complaints or Complaint Enquiries if they are:**

- i. made only about the Hour of Power and not The Kyle and Jackie O Show; where this distinction cannot be made you should include the Complaint or Complaint Enquiry;**
- ii. in relation to Broadcasts outside of the Sydney or Melbourne licence areas;**
- iii. made about the Announcers themselves, as distinct from statements made by the Announcers during the broadcast of the Show.**

Please refer to the **attached** file in response (filename Para 26 Content Complaints 1 Aug 24 to 31 Oct 24). You will note general complaints do not always capture the date of broadcast – this is noted in the file provided.

- 27. For the period 16 March 2023 to the Date of this Notice (both inclusive), provide internal policy documents, such as standard operating procedures, training manuals or induction documents, which articulate how staff should assess, handle and categorise Complaints about content broadcast on the Show. Include the dates that these Documents are, or were, in force.**

Please refer to the **attached** files in response (filename 27.zip).

We note that ARN's response dated 18 September 2023 headed "Report #1 at 6 Months following Enforceable Undertaking". In response to question 5.2, ARN provided a copy of the sensitivity training as delivered on 8 June 2023. In response to question 5.3, ARN confirmed the online Code compliance training had been expanded to include a section on the topic of sensitivity (as per the EU) and on LGBTIQ+ matters (as per the Monkeypox Report). Copies of the various online training programs were attached to that response dated 18 September 2023 and for ease of reference, these documents are again included with this response.

By way of additional observation, we note that the date 16 March 2023 was the day *prior* to the date the Enforceable Undertaking was accepted by ACMA. We also note that the Enforceable Undertaking did not include any undertakings specific to the management of Code Complaints.

\* \* \* \* \*

**SCHEDULE B – DEFINITIONS  
AS SET OUT IN THE SECTION 173 NOTICE**

In this Notice, unless the context otherwise requires:

The singular includes the plural and vice versa.

Terms that are defined in the *Broadcasting Services Act 1992* have the same meaning as in that Act.

Terms that are defined in the Commercial Radio Code of Practice 2017 have the same meaning as in that Code.

**ACMA** means the Australian Communications and Media Authority.

**Announcers** means Mr Kyle Sandilands and Ms Jacqueline Henderson or any other person who is performing the duties and carrying out the responsibilities that Mr Sandilands and Ms Henderson are contracted to perform and carry out, pursuant to their contract of employment, during a Broadcast of the Show.

**ARN** means the Australian Radio Network Pty Ltd (ACN 065 986 987)

**Bleep** means the process by which content broadcast on the Show that, in the Censors' assessment, would not comply with the requirements relating to suitability for broadcast under the Code, is muted with a beep sound, as that content is being broadcast on the Show.

**Broadcast** means a program that is delivered using a broadcasting service and does not include delivery of a program using an online content service or podcast.

**Broadcasting Services Act** means the *Broadcasting Services Act 1992*.

**Caller** means any person who contacts the program via telephone and is put on air.

**Censors** means both censors, who are employed to:

1. review and approve content that is to be broadcast on the Show; and
2. Bleep content broadcast on the Show; and
3. monitor the program's compliance with the Code in accordance with the Enforceable Undertaking.

**Code** means the Commercial Radio Code of Practice 2017 (amended in 2018)

**Complaint** means any formal complaint made pursuant to clauses 10.01 to 10.10 of the Code.

**Complaint Enquiry** means any written or oral contact, directed to the complaints team within the Licensees' organisation, which has come from an individual raising possible concerns about the Show but does not include a formal complaint made under the Code.

**Daily Meetings** means the meetings with Censors referred to in Report #3 for the Enforceable Undertaking as "continued daily meetings with KJ Studio" that occur "each morning prior to the Show and as needed".

**Date of Notice** means the date this Notice is executed by the ACMA.

**Document** means any record of information and includes:

- (a) anything on which there is writing
- (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them
- (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else, and
- (d) a map, plan, drawing or photograph.

**Enforceable Undertaking** means the enforceable undertaking offered by the Sydney Licensee and accepted by the ACMA on 17 March 2023 following the ACMA's Code breach findings in investigation BI-630.

**Fully Dumped** means the process by which the Show is censored, consistent with the Independent Assessment Report.

**Guest** means a person who is invited to speak on the Show.

**Independent Assessment Report** means the assessment report prepared pursuant to clause 5.4 of the Enforceable Undertaking by Holding Redlich.

**KIIS FM** is the brand name of the radio station under which the Show is broadcast on the frequency 106.5 in Sydney and frequency 101.1 in Melbourne.

**Licensees** means collectively the Melbourne Licensee and the Sydney Licensee.

**Melbourne Licensee** means Double T Radio Pty Ltd (ACN 003 181 244).

**Phone Box Technology** means the technology implemented by ARN to allow the Censors to have visibility of incoming Callers and communicate with the Announcers about possible risks, as outlined in the Independent Assessment Report.

**Prep Sheets** means the documents prepared by producers in advance of each Show that detail the content to be broadcast on the Show that are provided to the Censors to review and approve, as per Report #3 for the Enforceable Undertaking.

**Record** includes information stored or recorded by means of a computer.

**Report #3** means the correspondence from ARN to ACMA on 17 September 2024 titled "Report #3 at 18 months following Enforceable Undertaking by Commonwealth Broadcasting Corporation (Investigation Report No. BI-630)".

**Show** means The Kyle and Jackie O Show program broadcast by the Licensees on weekday mornings between 6am and 10am on KIIS FM.

**Sydney Licensee** means Commonwealth Broadcasting Corporation (ACN 000 019 796).

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