2019

The Parliament of the Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Australian Broadcasting Corporation Amendment (Rural and Regional Measures) Bill 2019

No. , 2019

(Communications, Cyber Safety and the Arts)

A Bill for an Act to amend the Australian Broadcasting Corporation Act 1983, and for other purposes
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A Bill for an Act to amend the Australian Broadcasting Corporation Act 1983, and for other purposes

The Parliament of Australia enacts:

1 Short title

This Act is the Australian Broadcasting Corporation Amendment (Rural and Regional Measures) Act 2019.

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.
<table>
<thead>
<tr>
<th>Column 1</th>
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<tr>
<td>1. The whole of this Act</td>
<td>The day after this Act receives the Royal Assent.</td>
<td></td>
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</tbody>
</table>

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act.

Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
Schedule 1—Australian Broadcasting Corporation

Part 1—Amendments

Australian Broadcasting Corporation Act 1983

1 Subsection 3(1) (after paragraph (a) of the definition of "Advisory Council")

Insert:

(aa) the Australian Broadcasting Corporation Regional Advisory Council established under subsection 11(1A); or

2 Subsection 3(1)

Insert:

metropolitan area means an area that is a Greater Capital City Statistical Area within the meaning of the most recent published edition of the Australian Statistical Geography Standard (ASGS) as produced by the Australian Bureau of Statistics.

Regional Advisory Council means the Australian Broadcasting Corporation Regional Advisory Council established under subsection 11(1A).

regional area means an area in Australia that is not a metropolitan area. This definition does not apply to:

(a) paragraph (b) of the definition of Advisory Council; or

(b) subsections 11(2) and (4).

3 Subparagraph 6(1)(a)(i)

After “sense of”, insert “regional and”.

4 Subparagraph 6(1)(a)(i)

After “reflect the”, insert “geographic and”.

5 After subsection 11(1)

Insert:

No. 2019 Australian Broadcasting Corporation Amendment (Rural and Regional Measures) Bill 2019
(1A) The Board must:

(a) establish an Advisory Council under the name Australian Broadcasting Corporation Regional Advisory Council; and

(b) do so within 3 months after the commencement of this subsection.

6 After subsection 11(3)

Insert:

(3A) The function of the Regional Advisory Council is, either on its own initiative or at the request of the Board, to advise the Board on matters relating to the provision by the Corporation of broadcasting services in regional areas.

7 After subsection 11(6)

Insert:

(6A) A person must not be appointed to the Regional Advisory Council unless the person has a substantial connection to, or substantial experience in, a regional area through business, industry or community involvement.

(6B) A person must not be appointed to the Regional Advisory Council if the person is a member of:

(a) another Advisory Council; or

(b) an advisory committee.

8 After subsection 11(10)

Insert:

(10A) If the Board decides that the members of the Regional Advisory Council should be remunerated, those members must be paid by the Corporation such remuneration as is determined by the Remuneration Tribunal.

9 Subsection 11(12)

After “Advisory Council”, insert “, from the Regional Advisory Council”.

4 Australian Broadcasting Corporation Amendment (Rural and Regional Measures) Bill 2019
10 At the end of section 11

Add:

(13) Before making a decision that:

(a) will result in a change to a broadcasting service provided by
the Corporation in a regional area; and

(b) is likely to have a significant impact on audiences in the
regional area;

the Board must consult the Regional Advisory Council.

(14) Subsection (13) does not apply to a decision made during the
period:

(a) beginning at the commencement of this subsection; and

(b) ending when the Regional Advisory Council is established.

11 After subsection 12(5D)

Insert:

(5E) In making recommendations to the Governor-General about the
appointment of Directors referred to in paragraph (1)(b) or (c), the
Prime Minister and the Minister must take all reasonable steps to
ensure that at least 2 of the Directors referred to in those
paragraphs are persons who have a substantial connection to, or
substantial experience in, a regional area through business, industry
or community involvement.

(5F) If:

(a) the Governor-General appoints a Director referred to in
paragraph (1)(b); and

(b) the Director is a person who has a substantial connection to,
or substantial experience in, a regional area through business,
industry or community involvement;

the Prime Minister must:

(c) prepare a statement that outlines the person’s substantial
connection to, or substantial experience in, a regional area
through business, industry or community involvement; and

(d) cause copies of the statement to be tabled in each House of
the Parliament within 15 sitting days of that House after the
instrument of appointment was signed by the Governor-General.

(5G) If:

(a) the Governor-General appoints a Director referred to in paragraph (1)(c); and

(b) the Director is a person who has a substantial connection to, or substantial experience in, a regional area through business, industry or community involvement;

the Minister must:

(c) prepare a statement that outlines the person’s substantial connection to, or substantial experience in, a regional area through business, industry or community involvement; and

(d) cause copies of the statement to be tabled in each House of the Parliament within 15 sitting days of that House after the instrument of appointment was signed by the Governor-General.

12 After subsection 24B(2)

Insert:

Nomination Panel to assess applicants’ substantial connection to, or substantial experience in, a regional area through business, industry or community involvement

(2A) If the Nomination Panel conducts a selection process for an appointment of a Director referred to in paragraph 12(1)(b) or (c), the Nomination Panel must:

(a) assess whether each applicant for the appointment is a person who has a substantial connection to, or substantial experience in, a regional area through business, industry or community involvement; and

(b) prepare a report of the assessment; and

(c) include that report in the paragraph (1)(d) report that relates to the selection process.

13 Section 80

Before “The Directors”, insert “(1)”.

6 Australian Broadcasting Corporation Amendment (Rural and Regional Measures) Bill 2019
14 After paragraph 80(g)

Insert:

(h) particulars of any advice received by the Board during the period from the Regional Advisory Council; and

15 At the end of section 80

Add:

; and (m) the total number of individuals employed by the Corporation in regional areas at the end of the period; and

(n) the total number of individuals employed by the Corporation in metropolitan areas at the end of the period; and

(o) the ratio, as at the end of the period, of the total number of individuals employed by the Corporation in regional areas as journalists to the total number of individuals employed by the Corporation in regional areas as support staff; and

(p) the ratio, as at the end of the period, of the total number of individuals employed by the Corporation in metropolitan areas as journalists to the total number of individuals employed by the Corporation in metropolitan areas as support staff; and

(q) for each broadcasting service provided by the Corporation in a regional area during the period—the total number of hours of local or regional news bulletins broadcast on the service during the period.

(2) In this section:

journalist means an individual engaged in the profession or practice of reporting for, photographing, videoing, editing, recording or making:

(a) television or radio programs; or

(b) datacasting content; or

(c) internet content;

of a news, current affairs, information or documentary character.

support staff means staff other than journalists.
Part 2—Application and transitional provisions

16 Application of amendments—annual report

The amendments of section 80 of the *Australian Broadcasting Corporation Act 1983* made by this Schedule apply in relation to an annual report for a period beginning after the commencement of this item.

17 Transitional—tabling of statements

(1) If:

(a) immediately after the commencement of this item, a person held office as a Director referred to in paragraph 12(1)(b) of the *Australian Broadcasting Corporation Act 1983*; and

(b) the Prime Minister is satisfied that the person has a substantial connection to, or substantial experience in, a regional area through business, industry or community involvement;

the Prime Minister must:

(c) prepare a statement that outlines the person’s substantial connection to, or substantial experience in, a regional area through business, industry or community involvement; and

(d) cause copies of the statement to be tabled in each House of the Parliament within 15 sitting days of that House after the commencement of this item.

(2) If:

(a) immediately after the commencement of this item, a person held office as a Director referred to in paragraph 12(1)(c) of the *Australian Broadcasting Corporation Act 1983*; and

(b) the Minister is satisfied that the person has a substantial connection to, or substantial experience in, a regional area through business, industry or community involvement;

the Minister must:

(c) prepare a statement that outlines the person’s substantial connection to, or substantial experience in, a regional area through business, industry or community involvement; and


(d) cause copies of the statement to be tabled in each House of the Parliament within 15 sitting days of that House after the commencement of this item.