



Australian Broadcasting Corporation Act 1983

No. 6, 1983 as amended

Compilation start date: 31 March 2013

Includes amendments up to: Act No. 29, 2013

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

The compiled Act

This is a compilation of the *Australian Broadcasting Corporation Act 1983* as amended and in force on 31 March 2013. It includes any amendment affecting the compiled Act to that date.

This compilation was prepared on 8 April 2013.

The notes at the end of this compilation (the *endnotes*) include information about amending Acts and instruments and the amendment history of each amended provision.

Uncommenced provisions and amendments

If a provision of the compiled Act is affected by an uncommenced amendment, the text of the uncommenced amendment is set out in the endnotes.

Application, saving and transitional provisions for amendments

If the operation of an amendment is affected by an application, saving or transitional provision, the provision is set out in the endnotes.

Modifications

If a provision of the compiled Act is affected by a textual modification that is in force, the text of the modifying provision is set out in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled Act has expired or otherwise ceased to have effect in accordance with a provision of the Act, details of the provision are set out in the endnotes.

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An Act relating to the Australian Broadcasting Corporation, and for other purposes

Part I—Preliminary

1 Short title

This Act may be cited as the *Australian Broadcasting Corporation Act 1983*.

2 Commencement

- (1) Part I, Part II (other than sections 5, 6 and 8), Part III and sections 34, 69 and 83 shall come into operation on the day on which this Act receives the Royal Assent.
- (2) The remaining provisions of this Act shall come into operation on a day to be fixed by Proclamation.

3 Interpretation

- (1) In this Act, unless the contrary intention appears:

ACMA means the Australian Communications and Media Authority.

advisory committee means an advisory committee established under subsection 11(8).

Advisory Council means:

- (a) the Australian Broadcasting Corporation Advisory Council established under subsection 11(1); or
- (b) an Advisory Council established under subsection 11(2) in relation to a State, Territory or region.

allowance does not include an allowance in the nature of remuneration.

Australia includes the external Territories.

Board means the Australian Broadcasting Corporation Board referred to in section 7.

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broadcasting service means a service that delivers programs to persons having equipment appropriate for receiving that service, whether the delivery uses the radiofrequency spectrum, cable, optical fibre, satellite or any other means or a combination of those means, but does not include:

- (a) a service (including a teletext service) that provides no more than data or no more than text (with or without associated still images); or
- (b) a service that makes programs available on demand on a point-to-point basis, including a dial-up service; or
- (c) a service, or a class of service, determined by the Minister under paragraph (c) of the definition of **broadcasting service** in subsection 6(1) of the *Broadcasting Services Act 1992*.

Chairperson means Chairperson of the Board.

cinematograph film has the same meaning as in the *Copyright Act 1968*.

commencing day means the day fixed under subsection 2(2).

Corporation means the Australian Broadcasting Corporation referred to in section 5.

datacasting licence has the same meaning as in the *Broadcasting Services Act 1992*.

datacasting service has the same meaning as in the *Broadcasting Services Act 1992*.

dealing, in relation to securities, has the meaning given by subsection (2).

Deputy Chairperson means Deputy Chairperson of the Board.

digital electronic communications means communications that:

- (a) are carried by means of guided and/or unguided electromagnetic energy; and
- (b) involve the use of digital technology.

digital media service has the meaning given by section 3A.

Director means a member of the Board, and includes the Chairperson, the Deputy Chairperson and the Managing Director.

Finance Minister means the Minister who administers the *Financial Management and Accountability Act 1997*.

interest, in relation to money, includes interest on interest payable on that money.

literary material includes books, periodicals, newspapers, magazines, pamphlets, circulars, manuscripts, musical scores, maps, plans, pictures, photographs and prints.

Managing Director means the Managing Director of the Corporation.

national broadcasting service has the same meaning as in the *Broadcasting Services Act 1992*.

non-executive Director means a Director other than the Managing Director.

Prime Minister's Department means the Department of the Prime Minister and Cabinet.

program means a radio program or a television program.

rules means rules under this Act.

securities includes stocks, debentures, debenture stocks, notes, bonds, promissory notes, bills of exchange and similar instruments or documents.

senior political staff member means a person included in a class of persons specified in an instrument under subsection (3).

sound recording has the same meaning as in the *Copyright Act 1968*.

Special Broadcasting Service Corporation means the body corporate preserved and continued in existence as the Special Broadcasting Service Corporation under section 5 of the *Special Broadcasting Service Act 1991*.

- (2) A reference in this Act to dealing with securities includes a reference to:
- (a) creating, executing, entering into, drawing, making, accepting, endorsing, issuing, discounting, selling, purchasing or re-selling securities;

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- (b) creating, selling, purchasing or re-selling rights or options in respect of securities; and
 - (c) entering into agreements or other arrangements relating to securities.
- (3) The Minister may, by legislative instrument, specify a class of persons for the purposes of the definition of *senior political staff member* in subsection (1).

3A Digital media service

- (1) For the purposes of this Act, *digital media service* means:
- (a) a service that delivers content to persons having equipment appropriate for receiving that content, where the delivery of the service is by means of digital electronic communications; or
 - (b) a service that allows end-users to access content using digital electronic communications;
- but does not include:
- (c) a broadcasting service; or
 - (d) a datacasting service.
- (2) For the purposes of this section, *content* means content:
- (a) whether in the form of text; or
 - (b) whether in the form of data; or
 - (c) whether in the form of speech, music or other sounds; or
 - (d) whether in the form of visual images (animated or otherwise); or
 - (e) whether in any other form; or
 - (f) whether in any combination of forms.

4 Extension to external Territories

This Act extends to all the external Territories.

Part II—Establishment, functions and management of the Corporation

5 Australian Broadcasting Corporation

- (1) The body corporate that was, immediately before the commencing day, in existence by virtue of section 30 of the *Broadcasting and Television Act 1942* under the name Australian Broadcasting Commission continues in existence by force of this subsection as a body corporate, under and subject to the provisions of this Act, under the name Australian Broadcasting Corporation.

Note: The *Commonwealth Authorities and Companies Act 1997* applies to the Corporation. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of officers.

- (2) The Corporation:
- (a) shall have a seal; and
 - (b) may sue and be sued.
- (3) All courts, judges and persons acting judicially shall take judicial notice of the imprint of the seal of the Corporation appearing on a document and shall presume that the document was duly sealed.

6 Charter of the Corporation

- (1) The functions of the Corporation are:
- (a) to provide within Australia innovative and comprehensive broadcasting services of a high standard as part of the Australian broadcasting system consisting of national, commercial and community sectors and, without limiting the generality of the foregoing, to provide:
 - (i) broadcasting programs that contribute to a sense of national identity and inform and entertain, and reflect the cultural diversity of, the Australian community; and
 - (ii) broadcasting programs of an educational nature;

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- (b) to transmit to countries outside Australia broadcasting programs of news, current affairs, entertainment and cultural enrichment that will:
 - (i) encourage awareness of Australia and an international understanding of Australian attitudes on world affairs; and
 - (ii) enable Australian citizens living or travelling outside Australia to obtain information about Australian affairs and Australian attitudes on world affairs; and
- (ba) to provide digital media services; and
- (c) to encourage and promote the musical, dramatic and other performing arts in Australia.

Note: See also section 31AA (Corporation or prescribed companies to be the only providers of Commonwealth-funded international broadcasting services).

- (2) In the provision by the Corporation of its broadcasting services within Australia:
 - (a) the Corporation shall take account of:
 - (i) the broadcasting services provided by the commercial and community sectors of the Australian broadcasting system;
 - (ii) the standards from time to time determined by the ACMA in respect of broadcasting services;
 - (iii) the responsibility of the Corporation as the provider of an independent national broadcasting service to provide a balance between broadcasting programs of wide appeal and specialized broadcasting programs;
 - (iv) the multicultural character of the Australian community; and
 - (v) in connection with the provision of broadcasting programs of an educational nature—the responsibilities of the States in relation to education; and
 - (b) the Corporation shall take all such measures, being measures consistent with the obligations of the Corporation under paragraph (a), as, in the opinion of the Board, will be conducive to the full development by the Corporation of suitable broadcasting programs.

- (3) The functions of the Corporation under subsection (1) and the duties imposed on the Corporation under subsection (2) constitute the Charter of the Corporation.
- (4) Nothing in this section shall be taken to impose on the Corporation a duty that is enforceable by proceedings in a court.

6A Datacasting functions

- (1) If:
 - (a) the Corporation applies for a datacasting licence; and
 - (b) the licence is allocated to the Corporation;then, in addition to the functions conferred on the Corporation under section 6, the Corporation has the function of providing a datacasting service under, and in accordance with the conditions of, the licence.
- (2) However, subsection (1) is not intended to impose any obligation on the Corporation, in relation to the provision of such a service, beyond that imposed on the Corporation as holder of such a licence.

7 Establishment of Australian Broadcasting Corporation Board

There shall be a Board of Directors of the Corporation under the name Australian Broadcasting Corporation Board, which shall be constituted as provided by Part III.

8 Duties of the Board

- (1) It is the duty of the Board:
 - (a) to ensure that the functions of the Corporation are performed efficiently and with the maximum benefit to the people of Australia;
 - (b) to maintain the independence and integrity of the Corporation;
 - (c) to ensure that the gathering and presentation by the Corporation of news and information is accurate and impartial according to the recognized standards of objective journalism; and
 - (d) to ensure that the Corporation does not contravene, or fail to comply with:
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- (i) any of the provisions of this Act or any other Act that are applicable to the Corporation; or
 - (ii) any directions given to, or requirements made in relation to, the Corporation under any of those provisions; and
- (e) to develop codes of practice relating to:
 - (i) programming matters; and
 - (ii) if the Corporation has the function of providing a datacasting service under section 6A—that service; and to notify those codes to the ACMA.
- (2) If the Minister at any time furnishes to the Board a statement of the policy of the Commonwealth Government on any matter relating to broadcasting or digital media services, or any matter of administration, that is relevant to the performance of the functions of the Corporation and requests the Board to consider that policy in the performance of its functions, the Board shall ensure that consideration is given to that policy.
- (3) Nothing in subsection (1) or (2) is to be taken to impose on the Board a duty that is enforceable by proceedings in a court.

9 Managing Director

There shall be a Managing Director of the Corporation, who shall be appointed and hold office as provided by Part III.

10 Duties of the Managing Director

- (1) The affairs of the Corporation shall, subject to subsection (2), be managed by the Managing Director.
- (2) The Managing Director shall, in managing any of the affairs of the Corporation and in exercising any powers conferred on him or her by this Act, act in accordance with any policies determined, and any directions given to him or her, by the Board.
- (3) All acts and things done in the name of, or on behalf of, the Corporation by the Managing Director shall be taken to have been done by the Corporation.

11 Advisory Councils and committees

- (1) The Board shall establish an Advisory Council under the name Australian Broadcasting Corporation Advisory Council.
- (2) The Board may also establish:
 - (a) an Advisory Council in relation to any State;
 - (b) an Advisory Council in relation to any Territory; and
 - (c) an Advisory Council in relation to any region of Australia.
- (3) The function of the Australian Broadcasting Corporation Advisory Council is, either on its own initiative or at the request of the Board, to advise the Board on matters relating to the Corporation's broadcasting programs.
- (4) The function of an Advisory Council established under subsection (2) in relation to a State, Territory or region is, either on its own initiative or at the request of the Australian Broadcasting Corporation Advisory Council, to advise the Australian Broadcasting Corporation Advisory Council on matters relating to the Corporation's broadcasting programs in that State, Territory or region.
- (5) An Advisory Council shall consist of such persons as the Board from time to time appoints.
- (6) In making appointments to the Australian Broadcasting Corporation Advisory Council, the Board shall have regard to the desirability of including in the membership of that Advisory Council a broad representation of the Australian community.
- (7) In the case of each Advisory Council, the Board shall appoint one of the members of the Advisory Council to be the Chairperson of the Advisory Council and another of the members of the Advisory Council to be the Deputy Chairperson of the Advisory Council.
- (8) In addition to Advisory Councils, the Board may establish advisory committees, consisting of such persons as the Board appoints, to furnish advice to the Board on particular matters or classes of matters relating to the functions of the Corporation.
- (9) The Board may determine:
 - (a) the manner in which an Advisory Council or advisory committee is to perform its functions; and

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- (b) the procedure to be followed at or in relation to meetings of an Advisory Council or advisory committee, including matters with respect to:
 - (i) the convening of meetings of the Advisory Council or advisory committee;
 - (ii) the number of members of the Advisory Council or advisory committee who are to constitute a quorum;
 - (iii) the selection of a member of the Advisory Council or advisory committee to preside at meetings of the Advisory Council or advisory committee at which the Chairperson and the Deputy Chairperson of the Advisory Council or advisory committee are not present; and
 - (iv) the manner in which questions arising at a meeting of the Advisory Council or advisory committee are to be decided;

and the Managing Director shall notify each Advisory Council or advisory committee in writing of any determination by the Board under this subsection in relation to that Advisory Council or advisory committee.

- (10) If the Board decides that the members of the Australian Broadcasting Corporation Advisory Council should be remunerated, those members shall be paid by the Corporation such remuneration as is determined by the Remuneration Tribunal.
- (11) Subject to the *Remuneration Tribunal Act 1973*, members of an Advisory Council or advisory committee shall be paid by the Corporation such allowances as are prescribed by the regulations.
- (12) Where the Board receives any advice from the Australian Broadcasting Corporation Advisory Council or from an advisory committee, the Board shall have regard to the advice.

Part III—The Board of Directors and the Managing Director

12 Membership of Board

- (1) The Board shall consist of:
 - (a) the Managing Director; and
 - (b) the Chairperson; and
 - (ba) the staff-elected Director; and
 - (c) not fewer than 4 nor more than 6 other Directors.
- (2) A Director referred to in paragraph (1)(b) or (c) shall be appointed by the Governor-General and, subject to sections 16 and 18, holds office on a part-time basis for such period, not exceeding 5 years, as is specified in the instrument of his or her appointment, but is eligible for re-appointment.
- (2A) The sum of the periods for which a person holds either or both of the following offices must not exceed 10 years:
 - (a) an office referred to in paragraph (1)(b);
 - (b) an office referred to in paragraph (1)(c).

Example 1: Assume a person holds office as Chairperson for an initial period of 5 years and then holds office as Chairperson for a further period of 5 years.

The person cannot hold office as Chairperson again and cannot hold office as a Director referred to in paragraph (1)(c).

Example 2: Assume a person holds office as a Director referred to in paragraph (1)(c) for a period of 5 years and then holds office as Chairperson for a period of 3 years.

The person may now hold office as Chairperson, or as a Director referred to in paragraph (1)(c), for a maximum period of 2 years.
- (3) The Governor-General shall appoint one of the non-executive Directors to be the Deputy Chairperson of the Board.
- (4) The performance of the functions or the exercise of the powers of the Board is not affected by a vacancy in the office of Managing Director, of Chairperson or of staff-elected Director, by reason that there is no Deputy Chairperson or by reason of the number of

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Directors referred to in paragraph (1)(c) falling below 4 for not longer than 6 months.

- (4A) If an election of a person as the staff-elected Director is invalid because of a defect or irregularity in connection with that election, the performance of the functions, or the exercise of the powers, of the Board is not affected by anything done, or omitted to be done, by or in relation to that person while he or she purported to be, or to act as, the staff-elected Director.
- (5) Before the Governor-General appoints a person as a Director referred to in paragraph (1)(b) or (c):
- (a) if the appointment is of the Chairperson—the Prime Minister; or
 - (b) if the appointment is not of the Chairperson—the Minister; must be satisfied that the person is suitable for appointment because of:
 - (c) having had experience in connection with the provision of broadcasting services or in communications or management; or
 - (d) having expertise in financial or technical matters; or
 - (e) having cultural or other interests relevant to the oversight of a public organisation engaged in the provision of broadcasting services.
- (5A) The following persons are not eligible for appointment as a Director referred to in paragraph (1)(b) or (c):
- (a) a member or former member of the Parliament of the Commonwealth;
 - (b) a member or former member of the Parliament of a State, of the Legislative Assembly for the Australian Capital Territory or of the Legislative Assembly of the Northern Territory;
 - (c) a person who is or was a senior political staff member.
- (5AA) However, so far as subsection (5A) relates to a person who:
- (a) is a former member of a Parliament or a Legislative Assembly referred to in that subsection; or
 - (b) was a senior political staff member;
- that subsection applies only for the period of 12 months beginning on the day the person ceased to be a member of that Parliament or that Legislative Assembly or a senior political staff member.

- (5AB) A person who:
- (a) is a former member of a Parliament or a Legislative Assembly referred to in subsection (5A); or
 - (b) was a senior political staff member;
- must not be appointed as a Director referred to in paragraph (1)(b) or (c) unless, in accordance with Part IIIA, the Nomination Panel has nominated the person for the appointment.
- (5B) Subject to subsections (5C) and (5D), a person must not be appointed as a Director referred to in paragraph (1)(b) or (c) unless Part IIIA is complied with.
- (5C) The Prime Minister may recommend to the Governor-General that a particular person be re-appointed as Chairperson without Part IIIA being complied with.
- (5D) The Minister may recommend to the Governor-General that a particular person be re-appointed as a Director referred to in paragraph (1)(c) without Part IIIA being complied with.
- (6) A person shall not continue to hold the position of Deputy Chairperson or acting Chairperson if he or she ceases to be a Director.
- (7) The appointment of a Director referred to in paragraph (1)(b) or (c) is not invalid merely because of a defect or irregularity in relation to the appointment (including a failure to comply with Part IIIA).

13 Tenure of Managing Director

- (1) Subject to subsection (2), the Managing Director shall be appointed by the Board for a period of 5 years, but is eligible for re-appointment.
- (2) Where the person holding office as Managing Director is re-appointed, the re-appointment shall be for a period not exceeding 5 years.
- (3) The Managing Director holds office, subject to this Part, on such terms and conditions as are determined by the Board.

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13A Staff-elected Director

- (1) Subject to this section, the staff-elected Director must be elected in accordance with the regulations.

Note: As a member of the Board, the staff-elected Director is a director of a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997*: see the definition of **director** in section 5 of that Act.

Eligibility for election

- (2) A person is eligible to be a candidate for election, and to hold office, as the staff-elected Director if:
- (a) the person is an employee of the Corporation who, by the terms of his or her employment, is required to devote at least 22 hours a week to the duties of that employment; or
 - (b) the person (the **relevant person**) performs services for the Corporation, under the direction and control of the Managing Director or an employee of the Corporation, under:
 - (i) a written contract entered into between the Corporation and the relevant person; or
 - (ii) a written contract entered into between the Corporation and a person other than the relevant person, being a contract that specified the relevant person as the person who would perform the services under the contract.

Effect of candidate ceasing to be eligible after nomination

- (3) If a person who has been nominated as a candidate for election as the staff-elected Director ceases to be eligible to be such a candidate after having been nominated and before the day on which the election takes place:
- (a) if there are 2 or more other eligible candidates—the election must be held as if the person were not a candidate; or
 - (b) if there is only one other eligible candidate—the other candidate must be declared to be elected; or
 - (c) if there is no other eligible candidate—fresh invitations must be issued for the nomination of candidates.

Candidate may vote at election

- (4) A person who is eligible to be a candidate for election as the staff-elected Director is eligible to vote at the election.

Period of office

- (5) Subject to sections 16 and 18, the person who is the staff-elected Director holds office on a part-time basis for a period of 5 years starting:
- (a) if, on the day on which the person is declared to be elected, the person already holds office as the staff-elected Director because of a previous election—on the day after the day on which that person would, but for having been re-elected, cease to hold office; or
 - (b) if, on the day on which the person is declared to be elected, another person holds office as the staff-elected Director because of a previous election—on the day after the day on which the other person ceases to hold office; or
 - (c) in any other case—on the day on which the person is declared to be elected.
- (6) A person who has been elected as the staff-elected Director at 2 elections is not eligible for election at any other election of the staff-elected Director.

14 Remuneration and allowances

- (1) The Managing Director shall be paid by the Corporation such remuneration as is determined by the Remuneration Tribunal.
- (2) The non-executive Directors shall be paid by the Corporation such remuneration as is determined by the Remuneration Tribunal.
- (3) Subject to the *Remuneration Tribunal Act 1973*:
- (a) the Managing Director shall be paid by the Corporation such allowances as are determined by the Board; and
 - (b) the non-executive Directors shall be paid by the Corporation such allowances as are prescribed by the regulations.

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14A Leave of absence of Managing Director

- (1) The Managing Director has such recreation leave entitlements as are determined by the Remuneration Tribunal.
- (2) The Managing Director may take recreation leave only with the Board's approval.
- (3) The Board may grant the Managing Director leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Board determines.

15 Leave of absence

- (1) The Minister may grant leave to the Chairperson to be absent from a meeting of the Board upon such conditions as to remuneration or otherwise as the Minister thinks fit.
- (2) The Chairperson may grant leave to any other non-executive Director to be absent from a meeting of the Board upon such conditions as to remuneration or otherwise as the Chairperson thinks fit.
- (3) References in subsections (1) and (2) to the Chairperson shall, if a Director is acting as Chairperson, be construed as references to the Director so acting.

16 Resignation of non-executive Directors

A non-executive Director may resign by writing signed by him or her delivered to the Governor-General.

17 Disclosure of interests

- (3) A member of an Advisory Council, or of an advisory committee, who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Advisory Council or by the committee shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of the interest at a meeting of the Advisory Council or of the committee.
- (4) A disclosure under subsection (3) shall be recorded in the minutes of the meeting of the Advisory Council or of the committee and the member shall not:

- (a) be present during any deliberation of the Advisory Council or of the committee with respect to that matter; or
- (b) take part in any decision of the Advisory Council or of the committee with respect to that matter.

18 Removal from office of non-executive Directors

- (1) The Governor-General may remove a non-executive Director from office for misbehaviour or physical or mental incapacity.
- (2) If:
 - (a) a non-executive Director:
 - (i) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
 - (ii) fails, without reasonable excuse, to comply with his or her obligations under section 27F or 27J of the *Commonwealth Authorities and Companies Act 1997*; or
 - (aa) the staff-elected Director ceases to be eligible to hold office as the staff-elected Director; or
 - (b) the Chairperson, or a Director acting as Chairperson, is absent, except with the leave of the Minister, from 3 consecutive meetings of the Board; or
 - (c) a non-executive Director (other than the Chairperson or a Director acting as Chairperson) is absent, except with the leave of the Chairperson or, if a Director is acting as Chairperson, with the leave of the Director so acting, from 3 consecutive meetings of the Board;

the Governor-General shall remove the Director concerned from office.

19 Acting Chairperson

Where there is no Chairperson or the Chairperson is absent from duty or from Australia or is, for any other reason, unable to perform the functions of Chairperson:

- (a) the Deputy Chairperson shall act as Chairperson; or
- (b) if there is no Deputy Chairperson, or the Deputy Chairperson is absent from duty or from Australia or is, for any other

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reason, unable to act as Chairperson, the Governor-General may appoint a non-executive Director to act as Chairperson, but any such appointment ceases to have effect if:

- (i) where there is no Deputy Chairperson—a non-executive Director is appointed as Deputy Chairperson; or
- (ii) where the Deputy Chairperson is absent from duty or from Australia or is, for any other reason, unable to act as Chairperson—the Deputy Chairperson ceases to be so absent or becomes able to act as Chairperson.

Note: For rules that apply to persons acting as the Chairperson, see section 33A of the *Acts Interpretation Act 1901*.

20 Acting Managing Director

- (1) The Board may appoint a person to act as Managing Director:
 - (a) during a vacancy in the office of Managing Director, whether or not an appointment has previously been made to the office; or
 - (b) during any period, or during all periods, when the Managing Director is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

- (3) The Board may:
 - (a) determine the terms and conditions of appointment, excluding remuneration and allowances, of a person acting as Managing Director; and
 - (b) terminate such an appointment at any time.
- (4) An employee of the Corporation who is acting as Managing Director shall continue to be paid the remuneration and allowances payable to him or her as such an employee but shall also be paid:
 - (a) so much of any remuneration payable to the Managing Director as exceeds the remuneration that so continues to be paid to the employee;
 - (b) so much of any allowance payable to the Managing Director as exceeds the corresponding allowance that so continues to be paid to the employee; and

- (c) if an allowance is payable to the Managing Director in respect of which there is no corresponding allowance payable to the employee—that allowance.
- (6) The appointment of a person to act as Managing Director ceases to have effect if he or she resigns the appointment by writing signed by him or her delivered to the Chairperson or, if a Director is acting as Chairperson, to the Director so acting.
- (8) A reference in this Act other than this section and section 9 to the Managing Director shall, if a person is acting as Managing Director, be construed as a reference to the person so acting.

21 Acting non-executive Directors

- (1) If a non-executive Director is, or is expected to be, absent from duty or from Australia or, for any other reason, unable to perform the functions of his or her office, the Governor-General may appoint a person to act as a non-executive Director during the period of the absence or inability.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

- (2) The Governor-General may:
 - (a) determine the terms and conditions of appointment, excluding remuneration and allowances, of a person acting as a non-executive Director; and
 - (b) terminate such an appointment at any time.
- (3) A person acting as a non-executive Director shall be paid the same remuneration and allowances as are payable to a non-executive Director.
- (7) In this section, *non-executive Director* does not include the staff-elected Director.

22 Meetings of the Board

- (1) The Chairperson:
 - (a) shall convene such meetings of the Board as he or she considers necessary for the efficient performance of its functions; and
-

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- (b) shall convene a meeting of the Board on receipt of a written request signed by:
 - (i) if there are not more than 6 non-executive Directors holding office under section 12—not less than 4 Directors; or
 - (ii) if there are more than 6 non-executive Directors holding office under that section—not less than 5 Directors.
- (2) Meetings of the Board shall be held at such places as the Chairperson determines.
- (3) The Chairperson shall preside at all meetings of the Board at which he or she is present.
- (4) In the absence of the Chairperson from a meeting of the Board, the Deputy Chairperson shall preside at the meeting.
- (5) In the absence of both the Chairperson and the Deputy Chairperson from a meeting of the Board:
 - (a) if another Director is acting as Chairperson—that Director shall preside at the meeting; or
 - (b) in any other case—the Directors present shall elect one of their number other than the Managing Director to preside at the meeting.
- (6) The Director presiding at a meeting of the Board may give directions regarding the procedure to be followed at or in connection with the meeting.
- (7) At a meeting of the Board:
 - (a) a quorum is constituted by:
 - (i) if there are not more than 6 non-executive Directors holding office under section 12—4 Directors; or
 - (ii) if there are more than 6 non-executive Directors holding office under that section—5 Directors;
 - (b) all questions shall be decided by a majority of the votes of the Directors present; and
 - (c) the Director presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.
- (8) The Managing Director shall not be present during any deliberation, or take part in any decision, of the Board with respect

to the appointment, or any of the terms and conditions of employment, of the Managing Director.

- (9) For the purposes of this section:
- (a) a reference to the Chairperson (other than a reference in subsection (3), (4) or (5)) shall, if a Director is acting as Chairperson, be construed as a reference to the Director so acting; and
 - (b) a reference to a Director (other than a reference to a non-executive Director holding office under section 12) shall, if a person is acting as a Director, be construed as including a reference to the person so acting.

23 Delegation by Corporation

- (1) The Corporation may, either generally or as otherwise provided by the instrument of delegation, by writing under its seal, delegate to a Director or to an employee of the Corporation all or any of its powers under this Act, the regulations or the rules, other than this power of delegation.
- (2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, the regulations or the rules, be deemed to have been exercised by the Corporation.
- (3) A delegation of a power under this section does not prevent the exercise of the power by the Corporation.
- (4) A reference in this section to a Director shall, if a person is acting as a Director, be construed as including a reference to a person so acting.

24 Delegation by Managing Director

- (1) The Managing Director may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him or her, delegate to an employee of the Corporation all or any of his or her powers under this Act, the regulations or the rules, other than this power of delegation.
- (2) A power delegated under this section, when exercised by the delegate, shall, for the purposes of this Act, the regulations or the rules, be deemed to have been exercised by the Managing Director.

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- (3) A delegation under this section does not prevent the exercise of a power by the Managing Director.

Part IIIA—Merit-based appointment of non-executive Directors

Division 1—Establishment and functions of Nomination Panel

24A Establishment

The Nomination Panel is established by this section.

24B Functions

- (1) The Nomination Panel has the following functions:
 - (a) to conduct a selection process for each appointment of a Director referred to in paragraph 12(1)(b) or (c);
 - (b) to assess all applicants for the appointment against the selection criteria determined under subsection 24W(1) and any additional selection criteria notified under subsection 24W(2);
 - (c) to assess all applicants for the appointment on the basis of merit;
 - (d) to give a written report:
 - (i) if the appointment is of the Chairperson—to the Prime Minister and the Minister; or
 - (ii) if the appointment is not of the Chairperson—to the Minister;on the outcome of the selection process that contains a list of at least 3 candidates who are nominated for the appointment and a comparative assessment of those candidates;
 - (e) other functions that are conferred on it by, or under, this Act;
 - (f) other functions that are conferred on it by, or under, the *Special Broadcasting Service Act 1991*.
- (2) For the purposes of paragraph (1)(c), the assessment of applicants for appointment as a Director referred to in paragraph 12(1)(b) or (c) is based on merit if:

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- (a) an assessment is made of the comparative suitability of the applicants for the duties of that Director, using a competitive selection process; and
- (b) the assessment is based on the relationship between the applicants' experience, skills and competencies and the experience, skills and competencies genuinely required for the duties of that Director; and
- (c) the assessment focuses on the capability of the applicants to achieve outcomes related to the duties of that Director; and
- (d) the assessment is the primary consideration in nominating the candidates for that appointment.

Advertising appointments

- (3) The Nomination Panel must invite written applications by persons seeking to be appointed as a Director referred to in paragraph 12(1)(b) or (c) by advertisements published:
 - (a) in either or both of the following:
 - (i) a newspaper circulating generally throughout Australia;
 - (ii) for each State, the Australian Capital Territory and the Northern Territory—a newspaper circulating generally in that State or Territory; and
 - (b) on the Department's website.

One selection process for 2 or more appointments

- (4) The Nomination Panel may conduct one selection process for 2 or more of the following appointments (including any combination of them):
 - (a) an appointment of the Chairperson;
 - (b) an appointment of a Director referred to in paragraph 12(1)(c);
 - (c) an appointment of the Chairperson under the *Special Broadcasting Service Act 1991*;
 - (d) an appointment of a non-executive Director referred to in paragraph 8(b) of the *Special Broadcasting Service Act 1991*.

Selection process creates another appointment

- (5) If:

- (a) under subsection (3), the Nomination Panel invites applications by persons seeking to be appointed as Chairperson (whether or not it also invites applications by persons seeking to be appointed as a Director referred to in paragraph 12(1)(c)); and
 - (b) as a result of the selection process, a Director referred to in paragraph 12(1)(c) is appointed as the Chairperson (allowing another appointment (the *new appointment*) of a Director referred to in that paragraph to be made);
- then:
- (c) the Panel is not required to conduct another selection process for the new appointment; and
 - (d) if the Panel does not do so—paragraphs (1)(b), (c) and (d) of this section apply in relation to the new appointment as if:
 - (i) the unsuccessful applicants (other than a Director referred to in paragraph 12(1)(c)) for the appointment as Chairperson were applicants for the new appointment; and
 - (ii) if the Panel also invited applications by persons seeking to be appointed as a Director referred to in paragraph 12(1)(c)—the unsuccessful applicants for the appointment were applicants for the new appointment.

24C Nomination Panel not subject to direction

The Nomination Panel is not subject to direction by or on behalf of the Government of the Commonwealth.

24D Nomination Panel has privileges and immunities of the Crown

The Nomination Panel has the privileges and immunities of the Crown in right of the Commonwealth.

Division 2—Constitution and membership of Nomination Panel

24E Membership

The Nomination Panel consists of the following members:

- (a) the Chair of the Nomination Panel;
- (b) at least 2, and not more than 3, other members.

24F Appointment of members

- (1) A member of the Nomination Panel is to be appointed by the Secretary of the Prime Minister's Department by written instrument.

Note: A member of the Nomination Panel may be reappointed: see the *Acts Interpretation Act 1901*.

- (2) A member holds office on a part-time basis.
- (3) A member holds office for the period specified in the instrument of appointment. The period must not exceed 3 years.
- (4) The Secretary of the Prime Minister's Department must give notice on the Prime Minister's Department's website of each person appointed to the Nomination Panel.

24G Acting appointments

- (1) The Secretary of the Prime Minister's Department may, by written instrument, appoint a member of the Nomination Panel to act as the Chair:
 - (a) during a vacancy in the office of Chair (whether or not an appointment has previously been made to the office); or
 - (b) during any period, or during all periods, when the Chair is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.
- (2) The Secretary of the Prime Minister's Department may, by written instrument, appoint a person to act as a member (other than as Chair):

- (a) during a vacancy in the office of such a member (whether or not an appointment has previously been made to the office);
or
 - (b) during any period, or during all periods, when such a member is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.
- (3) Anything done by or in relation to a person purporting to act under an appointment is not invalid merely because:
- (a) the occasion for the appointment had not arisen; or
 - (b) there was a defect or irregularity in connection with the appointment; or
 - (c) the appointment had ceased to have effect; or
 - (d) the occasion to act had not arisen or had ceased.

Note: See sections 20 and 33A of the *Acts Interpretation Act 1901*.

24H Remuneration

- (1) A member of the Nomination Panel is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the member is to be paid the remuneration that is prescribed by the regulations.
- (2) A member of the Nomination Panel is to be paid the allowances that are prescribed by the regulations.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

24J Leave

- (1) The Secretary of the Prime Minister's Department may grant the Chair leave of absence on the terms and conditions that the Secretary of the Prime Minister's Department determines.
- (2) The Chair may grant leave of absence to any other member on the terms and conditions that the Chair determines.

24K Disclosure of interests to the Secretary of the Prime Minister's Department

A member of the Nomination Panel must give written notice to the Secretary of the Prime Minister's Department of all interests, pecuniary or otherwise, that the member has or acquires and that conflict or could conflict with the proper performance of the member's functions.

24L Disclosure of interests to the Nomination Panel

- (1) A member of the Nomination Panel who has an interest, pecuniary or otherwise, in a matter being considered or about to be considered by the Nomination Panel must disclose the nature of the interest to a meeting of the Nomination Panel.
- (2) The disclosure must be made as soon as possible after the relevant facts have come to the member's knowledge.
- (3) The disclosure must be recorded in the minutes of the meeting.

24M Resignation

- (1) A member of the Nomination Panel may resign his or her appointment by giving the Secretary of the Prime Minister's Department a written resignation.
- (2) The resignation takes effect on the day it is received by the Secretary of the Prime Minister's Department or, if a later day is specified in the resignation, on that later day.

24N Termination of appointment

- (1) The Secretary of the Prime Minister's Department may terminate the appointment of a member of the Nomination Panel for misbehaviour or physical or mental incapacity.
- (2) The Secretary of the Prime Minister's Department may terminate the appointment of a member of the Nomination Panel if:
 - (a) the member:
 - (i) becomes bankrupt; or
 - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or

- (iii) compounds with his or her creditors; or
- (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
- (b) the member is absent, except on leave of absence, from 3 consecutive meetings of the Nomination Panel; or
- (c) the member fails, without reasonable excuse, to comply with section 24K or 24L (disclosure of interests).

24P Other terms and conditions

A member of the Nomination Panel holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Secretary of the Prime Minister's Department.

Division 3—Meetings of Nomination Panel

24Q Holding of meetings

- (1) The Nomination Panel is to hold such meetings as are necessary for the performance of its functions.
- (2) The Chair may convene a meeting at any time.

24R Presiding at meetings

- (1) The Chair presides at all meetings at which he or she is present.
- (2) If the Chair is not present at a meeting, the members present must appoint one of themselves to preside.

24S Quorum

At a meeting of the Nomination Panel, 3 members constitute a quorum.

24T Voting at meetings

- (1) At a meeting of the Nomination Panel, a question is decided by a majority of the votes of members present and voting.
- (2) The person presiding at a meeting has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

24U Conduct of meetings

The Nomination Panel may, subject to this Division, regulate proceedings at its meetings as it considers appropriate.

Note: Section 33B of the *Acts Interpretation Act 1901* provides for participation in meetings by telephone etc.

24V Minutes

The Nomination Panel must keep minutes of its meetings.

Division 4—Role of Minister and Prime Minister etc.

24W Selection criteria

- (1) The Minister must, by legislative instrument, determine selection criteria for the appointment of a Director referred to in paragraph 12(1)(b) or (c).
- (2) The Minister may, in relation to a particular such appointment, give a written notice to the Nomination Panel of additional selection criteria for that appointment.
- (3) A notice under subsection (2) is not a legislative instrument.

24X Consultation, and selection of candidate not nominated by Nomination Panel

Chairperson

- (1) If the Nomination Panel gives the Prime Minister a report under paragraph 24B(1)(d) in relation to the appointment of the Chairperson, the Prime Minister must consult the Leader of the Opposition in the House of Representatives before recommending to the Governor-General the person to be appointed as Chairperson.
- (2) If a person not nominated by the Nomination Panel is appointed as Chairperson, the Prime Minister must table the reasons for that appointment in each House of the Parliament no later than 15 sitting days of that House after that appointment is made. Those reasons must include an assessment of that person against the selection criteria.

Other non-executive Directors

- (3) If:
 - (a) the Nomination Panel gives the Minister a report under paragraph 24B(1)(d) in relation to the appointment of a Director referred to in paragraph 12(1)(c); and
 - (b) the Minister considers that a person not nominated by the Nomination Panel should be appointed;the Minister must give the Prime Minister a written notice that:

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- (c) specifies the name of that person; and
 - (d) sets out the Minister's reasons for preferring that person.
- (4) If that person is so appointed, the Minister must table the reasons for that appointment in each House of the Parliament no later than 15 sitting days of that House after that appointment is made. Those reasons must include an assessment of that person against the selection criteria.

24Y Department's annual report

The Department's annual report for a financial year must include a statement in relation to each selection process for the appointment of a Director referred to in paragraph 12(1)(b) or (c) that was completed in that financial year.

Part IV—Powers and duties of the Corporation

25 General powers of Corporation

- (1) Subject to this section, the Corporation has power to do all things necessary or convenient to be done for or in connection with the performance of its functions and, in particular, has power:
 - (a) to enter into contracts;
 - (b) to acquire, hold and dispose of real or personal property;
 - (c) to occupy, use and control any land or building owned or held under lease by the Commonwealth and made available for the purposes of the Corporation;
 - (d) to erect buildings and structures and carry out works;
 - (da) to produce, promote or present programs or arrange, or provide facilities, for the production, promotion or presentation of programs;
 - (db) to transmit programs or other matter by means of guided or unguided electromagnetic energy, or provide facilities for such transmissions;
 - (dc) to arrange for the transmission of programs or other matter by means of guided or unguided electromagnetic energy;
 - (e) to appoint agents and attorneys, and to act as an agent for other persons;
 - (f) to engage persons to perform services for the Corporation;
 - (g) to accept gifts, devises and bequests made to the Corporation, whether on trust or otherwise, and to act as trustee of moneys or other property vested in the Corporation on trust; and
 - (h) to do anything incidental to any of its powers.
- (3) Subject to subsection (5), the Corporation does not have power to accept any payment or other consideration for the broadcasting of any announcement, program or other matter.
- (4) Subject to subsection (5), the Corporation does not have power:
 - (a) to accept the performance of any service, or the provision of any facility, for the Corporation; or

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- (b) to accept any gift, devise or bequest to the Corporation, whether offered or made unconditionally or subject to conditions;
where it is likely that the independence or integrity of the Corporation would be affected.
- (5) Nothing in subsection (3) or (4) precludes the Corporation from:
- (a) accepting the performance of services, the provision of facilities or the payment of moneys by or on behalf of the Commonwealth, a State or a Territory or an authority of the Commonwealth, of a State or of a Territory; or
 - (b) entering into an agreement or arrangement with:
 - (i) a *bona fide* producer of:
 - (A) broadcasting programs;
 - (B) cinematograph films or sound recordings; or
 - (C) public concerts or other public entertainments;or
 - (ii) a *bona fide* publisher of any literary material, in relation to the sharing of any expense or risk associated with the production, distribution, sale or presentation of any such program, film, recording, concert, entertainment or literary material; or
 - (c) providing, or entering into an agreement or arrangement with another person for providing, subscription television broadcasting services within the meaning of the *Broadcasting Services Act 1992*; or
 - (d) providing, or entering into an agreement with another person for providing:
 - (i) subscription radio broadcasting services; or
 - (ii) subscription radio narrowcasting services; or
 - (iii) subscription television narrowcasting services; or
 - (iv) open narrowcasting radio services; or
 - (v) open narrowcasting television services;within the meaning of the *Broadcasting Services Act 1992*; or
 - (e) accepting any payment or other consideration for or in relation to any announcement, program or other matter provided by the Corporation's international television service and its associated audio channels outside Australia.

- (6) The Corporation may provide studios, at such places as the Minister approves, for the performance of its functions.
- (7) The Corporation shall provide such offices and other accommodation as are necessary for the performance of its functions.
- (8) The powers of the Corporation may be exercised within or outside Australia.

25A Power to form companies etc.

- (1) In this section:

authorized business means a business or other activity related to or incidental to the performance of any of the functions of the Corporation.

prescribed company means a company that carries on, or proposes to carry on, an authorized business.

- (2) The Corporation may:
 - (a) form, or participate with other persons in the formation of, a company to carry on an authorized business;
 - (b) acquire, hold and dispose of shares or stock in the capital of, or debentures or other securities of, a prescribed company;
 - (c) enter into a partnership, or an arrangement for the sharing of profits or expenses, with a prescribed company for the purpose of carrying on an authorized business; and
 - (d) provide technical or other assistance and facilities (whether in or outside Australia) for a prescribed company or for a partnership, or for the purposes of an arrangement, referred to in paragraph (c).

Note: Section 15 of the *Commonwealth Authorities and Companies Act 1997* requires Directors to notify the Minister of significant business activities and arrangements.

- (4) An agreement or arrangement between the Corporation and a prescribed company shall include a term empowering the Corporation to terminate the agreement or arrangement if the prescribed company ceases to be a prescribed company.

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- (5) Where:
- (a) the Corporation has an interest in, or is a party to an agreement or arrangement with, a prescribed company; and
 - (b) the prescribed company ceases to be a prescribed company;
- the Minister may give to the Corporation such directions as the Minister thinks appropriate with respect to:
- (c) the disposal of the interest of the Corporation in the company; or
 - (d) the termination of the agreement or arrangement between the Corporation and the company;
- as the case may be, and the Corporation shall comply with any such directions.
- (6) This section does not authorize a prescribed company to carry on an authorised business otherwise than in accordance with the relevant law.

25B Hedging contracts etc.

- (1) Subject to subsection (3), the Corporation may enter into or deal with contracts, and make other arrangements, in relation to financial futures or foreign currency (including foreign currency futures) for the purpose of reducing or eliminating risks of adverse financial consequences to the Corporation in relation to:
- (a) any contract (including a contract that may be entered into under this section), or proposed contract, involving the payment or receipt of money by the Corporation; or
 - (b) a borrowing or raising of money by the Corporation or a proposed borrowing or raising of money by the Corporation (including a borrowing or raising of money by the Corporation by dealing with securities);
- being risks that may arise from variations in the rate of currency exchange or rate of interest applicable to the contract or proposed contract, or to the borrowing or raising of money or proposed borrowing or raising of money, as the case may be, referred to in paragraph (a) or (b).
- (2) The Minister may, by determination in writing:
- (a) set guidelines for the purpose of the exercise by the Corporation of its power under subsection (1); and

- (b) revoke or vary guidelines set for that purpose or set new guidelines for that purpose;
and shall give to the Corporation a copy of each determination made under this subsection.
- (3) If the Corporation enters into a contract, dealing or other arrangement under subsection (1), it must do so in accordance with the guidelines (if any) in force under subsection (2).
- (4) A contract, dealing or other arrangement under subsection (1) does not require the approval of the Minister under subsection 70(1).
- (5) In this section:

proposed borrowing or raising of money means a proposed borrowing or raising of money that has been approved by the Finance Minister under section 70B.

26 Corporation to have regard to services of the Special Broadcasting Service Corporation

In performing its functions, the Corporation must have regard to the services provided by the Special Broadcasting Service Corporation.

27 News services

- (1) The Corporation shall develop and maintain an independent service for the broadcasting of news and information by the Corporation pursuant to this section.
- (2) Subject to subsection (5), the Corporation must broadcast daily from each broadcasting service regular sessions of news and information relating to current events within and outside Australia.
- (3) The Managing Director shall ensure that the employees of the Corporation include an adequate number of persons, both within and outside Australia, for the purpose of collecting the news and information to be broadcast pursuant to this section.
- (4) Without affecting the obligations of the Managing Director under subsection (3), the Corporation may also procure news and information relating to current events from such news agencies and

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other sources, whether within or outside Australia, as the Board thinks fit.

- (5) Subsection (2) does not apply to:
- (a) a subscription broadcasting service within the meaning of section 16 of the *Broadcasting Services Act 1992*; or
 - (b) a subscription narrowcasting service within the meaning of section 17 of that Act; or
 - (c) an open narrowcasting service within the meaning of section 18 of that Act;
- unless the service is specified by the Minister by notice in the *Gazette*.
- (6) A specification under subsection (5) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

28 Orchestras, bands, concerts etc.

For the purposes of the performance of its functions, the Corporation may:

- (a) establish, maintain and utilize, in such manner as the Board thinks desirable, orchestras, bands and other groups of musicians for the performance of music of high quality; and
- (b) make arrangements for the holding of, or organize or subsidize, any public concert or other public entertainment.

29 Publication of journals etc. and making etc. of sound recordings etc.

- (1) The Corporation may:
- (a) compile, prepare, issue, circulate and distribute literary material (including the program schedules of broadcasting services provided by the Corporation and other persons); and
 - (b) make, promote, circulate and distribute:
 - (i) cinematograph films and sound recordings of, or relating to:
 - (A) programs of the Corporation (whether or not broadcast); and
 - (B) public concerts and other public entertainment referred to in paragraph 28(b); and

- (ii) any article or thing bearing a mark that is associated with any program, concert or entertainment referred to in subparagraph (i).
- (2) The Corporation may from time to time determine charges payable in respect of any matter or activity referred to in subsection (1), with a view to raising as much net revenue as is practicable, having regard to the proper performance of its functions and to the matter or activity concerned.
- (3) A program schedule referred to in paragraph (1)(a) shall be made available at an office of the Corporation on equal terms to the publishers of any newspaper, magazine or journal published in Australia before the publication of the program schedule pursuant to subsection (1).
- (4) In this section, *mark* includes a symbol, design, colour, device, brand, heading, label, sign, ticket, name, signature, word, letter, numeral, drawing or picture, or any combination of the foregoing.

29A Broadcasting facilities may be made available

The Corporation may make broadcasting facilities and staff available to a person for the purpose of providing a broadcasting service under the *Broadcasting Services Act 1992*.

31 Advertisements

Broadcasting services

- (1) The Corporation shall not broadcast advertisements on any of the Corporation's broadcasting services.
- (2) Subsection (1) does not prevent the Corporation, if the Board thinks fit, from broadcasting:
 - (a) any announcement relating to any activity or proposed activity of the Corporation;
 - (b) a program supplied by any organization or person engaged in artistic, literary, musical or theatrical production or in educational pursuits; or

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- (c) a program supplied by any organization or person other than a program that is, in the opinion of the Corporation, being used as an advertisement;
or from broadcasting any matter the broadcasting of which is directed by the Minister pursuant to subsection 78(1).
- (3) Subsection (1) does not apply to:
 - (a) the broadcasting of any matter by the Corporation's international television service and its associated audio channels outside Australia; or
 - (b) the broadcasting of any matter by the Corporation's international television service and its associated audio channels inside Australia that is merely incidental to the broadcasting of the matter outside Australia.

Digital media services

- (4) The Corporation must not have advertisements in any of the Corporation's digital media services.
- (5) Subsection (4) does not prevent the Corporation, if the Board thinks fit, from having in a digital media service:
 - (a) content relating to an activity or proposed activity of the Corporation; or
 - (b) content supplied by an organisation or person engaged in:
 - (i) artistic, literary, musical or theatrical production; or
 - (ii) educational pursuits; or
 - (c) content that is supplied by an organisation or person other than content that is, in the opinion of the Corporation, being used as an advertisement; or
 - (d) content the provision of which is directed by the Minister under subsection 78(3A).
- (6) Subsection (4) does not apply to a digital media service that relates to the Corporation's international television service and its associated audio channels.
- (7) Subsection (4) does not apply to an eligible electronic publication.
- (8) For the purposes of this section, if:
 - (a) content consists of:

- (i) an electronic edition of a book, magazine or newspaper;
or
 - (ii) an audio recording of the text, or abridged text, of a book, magazine or newspaper; and
 - (b) a print edition of the book, magazine or newspaper is or was available to the public (whether by way of purchase or otherwise) in Australia;
- the content is an *eligible electronic publication*.

31AA Corporation or prescribed companies to be the only providers of Commonwealth-funded international broadcasting services

The Commonwealth must not enter into a contract or other arrangement with a person or body other than:

- (a) the Corporation; or
 - (b) a prescribed company (within the meaning of section 25A);
- if the contract or arrangement:
- (c) is for the provision of international broadcasting services;
and
 - (d) provides for the Commonwealth to make payments to the person or body.

Part IVA—Corporate plans

31A Corporate plans

- (1) The Board must prepare corporate plans.
- (2) The first corporate plan:
 - (a) is to be for a period of not less than 3 years, and not more than 5 years; and
 - (b) must be given to the Minister within a period of 6 months after the day on which this section commences.
- (3) Each subsequent corporate plan is to be for a period of not less than 3 years, and not more than 5 years, beginning immediately after the period of the previous corporate plan.
- (4) The Board may review and revise a corporate plan at any time.

31B Matters to be included in corporate plans

- (1) Each corporate plan must:
 - (a) set out the objectives of the Corporation and its subsidiaries; and
 - (b) outline the overall strategies and policies that the Corporation and its subsidiaries are to follow:
 - (i) to achieve the Corporation's objectives; and
 - (ii) to fulfil the Corporation's functions; and
 - (iii) to ensure that the Board fulfils its duties under section 8; and
 - (c) include a forecast of the revenue and expenditure of the Corporation and its subsidiaries, including a forecast of capital expenditure and borrowings; and
 - (d) include such performance indicators and targets (whether financial or operational) as the Board considers appropriate; and
 - (e) include such other matters as are prescribed in the regulations.

(2) In this section:

subsidiary means a prescribed company within the meaning of section 25A that the Corporation controls.

31C Corporate plans to be given to Minister

As soon as practicable after the Board prepares or revises a corporate plan, it must give a copy of the plan to the Minister.

31D Board to notify Minister of certain matters

If the Board forms the opinion that matters have arisen:

- (a) that may prevent, or significantly affect, achievement of the objectives in the Corporation's corporate plan; or
- (b) that may significantly affect the strategies and policies that are to be followed under that plan; or
- (c) that may prevent, or significantly affect, the forecasts of revenue and expenditure under that plan;

the Board must immediately notify the Minister of its opinion and the reasons for the opinion.

Part V—Employees

32 Staff of Corporation

- (1) The Corporation may engage such employees as are necessary for the performance of its functions and the exercise of its powers.
- (2) The terms and conditions of employment shall be determined by the Corporation.

33 The Corporation is to achieve and maintain high standards as an employer

The Corporation shall endeavour to achieve and maintain high standards as an employer in relation to terms and conditions of employment, occupational health, industrial safety, industrial democracy, non-discriminatory employment practices and other matters.

Part VI—Finance

67 Moneys of the Corporation

- (1) There are payable to the Corporation such moneys as are appropriated by the Parliament for the purposes of the Corporation.
- (2) The Finance Minister may give directions as to the amounts in which, and the times at which, moneys referred to in subsection (1) are to be paid to the Corporation.

68 Application of money

- (1) The money of the Corporation shall be applied only:
 - (a) in payment or discharge of the expenses, charges, obligations or liabilities incurred or undertaken by the Corporation in or in connection with the performance of its functions or the exercise of its powers;
 - (b) in payment of any remuneration or allowances payable under this Act (other than Part IIIA); and
 - (c) in making any other payments that are required by this Act to be made out of the moneys of the Corporation.
- (2) Subsection (1) does not prevent investment of surplus money of the Corporation under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

70A Borrowing from Commonwealth

- (1) The Finance Minister may, on behalf of the Commonwealth, lend money to the Corporation.
- (2) The money shall be lent on the terms and conditions determined by the Finance Minister.
- (3) A determination under subsection (2) shall be in writing.
- (4) The money shall be lent out of money appropriated by the Parliament for that purpose.

70B Borrowings otherwise than from Commonwealth

- (1) The Corporation may, with the approval of the Finance Minister:
 - (a) borrow money from someone other than the Commonwealth;
or
 - (b) raise money otherwise than by borrowing it.
- (2) An approval under subsection (1) shall be in writing.
- (3) The Corporation may borrow or raise money under subsection (1) only on terms and conditions that are specified in, or are consistent with, the approval under that subsection.
- (4) Without limiting subsection (1), the Corporation may borrow or raise money under that subsection by dealing with securities.
- (5) Without limiting subsection (1), the Corporation may borrow or raise money under that subsection in the currency of a foreign country.
- (6) The Finance Minister may give an approval under subsection (1) either:
 - (a) in relation to a particular transaction; or
 - (b) in relation to all transactions in a particular class of transactions.
- (7) For the purposes of this section, if:
 - (a) the Corporation issues an instrument that acknowledges a debt;
 - (b) the instrument is issued in consideration of the payment or deposit of money; and
 - (c) the instrument is issued in relation to a transaction that is not a routine operational transaction;the Corporation shall be taken to raise money otherwise than by borrowing and the amount of money raised shall be taken to be the amount of the money paid or deposited.
- (8) For the purposes of this section, if:
 - (a) the Corporation issues an instrument that acknowledges a debt;
 - (b) the instrument is issued in consideration of the provision of credit; and

- (c) the instrument is issued in relation to a transaction that is not a routine operational transaction;
the Corporation shall be taken to raise money otherwise than by borrowing and the amount of money raised shall be taken to be the amount of the value of the credit provided.
- (9) For the purposes of this section, if:
- (a) the Corporation obtains credit; and
 - (b) the credit is obtained in relation to a transaction that is not a routine operational transaction;
- the Corporation shall be taken to raise money otherwise than by borrowing and the amount of money raised shall be taken to be the amount of the value of the credit obtained.
- (10) In subsections (7), (8) and (9):
- routine operational transaction*** means a transaction that is carried out in the ordinary course of the day-to-day operations of the Corporation.

70C Guarantee of borrowings by Corporation

- (1) The Finance Minister may, on behalf of the Commonwealth, enter into a contract that:
- (a) guarantees the repayment of money borrowed under paragraph 70B(1)(a) and the payment of interest on that money; or
 - (b) guarantees the payment of an amount that the Corporation is liable to pay in relation to money raised under paragraph 70B(1)(b).
- (2) The Finance Minister may determine:
- (a) that the Commonwealth guarantees the repayment of money borrowed under paragraph 70B(1)(a) and the payment of interest on that money; or
 - (b) guarantees the payment of an amount that the Corporation is liable to pay in relation to money raised under paragraph 70B(1)(b);
- and, where the Finance Minister makes such a determination, the repayment of that money and the payment of that interest are, or the payment of that money is, by force of this subsection, guaranteed by the Commonwealth.

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- (3) A determination under subsection (2) shall be in writing.
- (4) The amounts referred to in paragraphs (1)(b) and (2)(b) may be amounts of interest.
- (5) A contract may be entered into under subsection (1), and a determination may be made under subsection (2), either:
 - (a) in relation to a particular transaction; or
 - (b) in relation to all transactions in a particular class of transactions.
- (6) A contract entered into under subsection (1) may include a provision agreeing, on behalf of the Commonwealth, that proceedings under the contract may be taken in the courts, or a specified court, of a foreign country.
- (7) A contract entered into under subsection (1) may include a provision waiving the immunity of the Commonwealth from suit in the courts, or a specified court, of a foreign country in relation to any proceedings under the contract.

70D Corporation may give security

The Corporation may give security over the whole or any part of its land or other assets for:

- (a) the repayment of money borrowed under section 70A or paragraph 70B(1)(a) and the payment of interest on that money;
- (b) the payment of amounts (including any interest) that the Corporation is liable to pay in relation to money raised under paragraph 70B(1)(b); or
- (c) the payment to the Commonwealth of amounts equal to any amounts that the Commonwealth may become liable to pay under:
 - (i) a contract entered into under subsection 70C(1); or
 - (ii) a determination made under subsection 70C(2).

70E Borrowings not otherwise permitted

The Corporation may borrow money, or raise money otherwise than by borrowing, only in accordance with sections 70A and 70B.

71 Taxation

- (1) The Corporation is not subject to taxation under any law of the Commonwealth, of a State or of a Territory.

71A Delegation by Finance Minister

- (1) The Finance Minister may, by written instrument, delegate any of the Finance Minister's powers or functions under section 70B or 70C to an official (within the meaning of the *Financial Management and Accountability Act 1997*).
- (2) In exercising powers or functions under a delegation, the official must comply with any directions of the Finance Minister.

Part VIII—Miscellaneous

78 Power of Minister to give directions to Corporation in the national interest

- (1) If the Minister is of the opinion that the broadcasting of particular matter by the Corporation would be in the national interest, the Minister may direct the Corporation to broadcast that matter over all of its national broadcasting services or over such of them as are specified in the direction. If such a direction is given, the Corporation must broadcast that matter, free of charge, in accordance with the direction.
- (2) In subsection (1):

national broadcasting services has the meaning given by section 13 of the *Broadcasting Services Act 1992*.
- (3) Subsection (1) has effect subject to section 79A.
- (3A) If the Minister is of the opinion that the provision of particular content by the Corporation would be in the national interest, the Minister may direct the Corporation to provide that content on all of its digital media services or on such of them as are specified in the direction. If such a direction is given, the Corporation must provide that content, free of charge, in accordance with the direction.
- (4) A direction under this section shall be sent by telegraph, or by notice in writing, to the Managing Director.
- (5) Where the Minister gives a direction to the Corporation under this section, the Minister shall cause a statement setting out particulars of, and the reasons for, the direction to be laid before each House of the Parliament within 7 sitting days of that House after the direction was given.
- (6) Except as provided by this section, or as expressly provided by a provision of another Act, the Corporation is not subject to direction by or on behalf of the Government of the Commonwealth.

- (7) Without limiting subsection (6), sections 28 and 48A of the *Commonwealth Authorities and Companies Act 1997* do not apply in relation to the Corporation.

79 Application of Broadcasting Act

Except where the *Broadcasting Services Act 1992* otherwise expressly provides, that Act does not apply in relation to the broadcasting services provided by the Corporation.

79AA Report by ACMA on degradation of signal quality

If:

- (a) a person has made a complaint to the Corporation about degradation of the quality of signal reception of a national broadcasting service; and
- (b) within 60 days after making the complaint, the person did not receive a response that the person regarded as adequate; and
- (c) the signal concerned is received from an analog terrestrial radiocommunications transmitter;

the Minister may direct the ACMA to conduct an investigation into the matter.

79A Broadcasting of political or controversial matter

- (1) Subject to this Act, the Corporation may determine to what extent and in what manner political matter or controversial matter will be broadcast by the Corporation.
- (2) If the Corporation broadcasts political matter at the request of another person, the Corporation must, immediately afterwards:
 - (a) if the matter was broadcast by radio—cause the required particulars in relation to the matter to be announced; or
 - (b) if the matter was televised:
 - (i) cause the required particulars in relation to the matter (other than the particulars referred to in paragraph (c) of the definition of *required particulars* in subsection (5)) to be announced; and
 - (ii) cause all the required particulars in relation to the matter to be transmitted in the form of images of words.

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- (3) The Corporation must, in relation to political matter broadcast at the request of another person, keep a record of the name, address and occupation of the person or, if the person is a company, the name and the address of the principal office of the person, for the required period and must give to the ACMA any particulars of the record that the ACMA, by written notice, requires.
- (4) For the purposes of this section, a person authorises the broadcasting of political matter only if the person is responsible for approval of the content of the political matter and the decision to present it for broadcasting.
- (5) In this section:

election means an election to a Parliament or a local government authority of a State or Territory.

election period means:

- (a) in relation to an election to the Legislative Council of Tasmania, or an ordinary election to the Legislative Assembly for the Australian Capital Territory—the period that starts 33 days before the polling day for the election and ends at the close of the poll on that day; and
- (b) in relation to any other election to a Parliament—the period that starts on:
 - (i) the day on which the proposed polling day for the election is publicly announced; or
 - (ii) the day on which the writs for the election are issued; whichever happens first, and ends at the close of the poll on the polling day for the election; and
- (c) in relation to an election to a local government authority—the period that starts 33 days before the polling day for the election and ends at the close of the poll on that day; and
- (d) in relation to a referendum whose voting day is the same as the polling day for an election to the Parliament of the Commonwealth—the election period in relation to that election; and
- (e) in relation to any other referendum—the period that starts 33 days before the voting day for the referendum and ends at the close of voting on that day.

Parliament means:

- (a) the Parliament of the Commonwealth; or
- (b) a State Parliament; or
- (c) the legislature of a Territory.

person includes a political party, a corporation and any other association (whether incorporated or unincorporated).

political matter means any political matter, including the policy launch of a political party.

referendum means the submission to the electors of a proposed law for the alteration of the Constitution, whether or not the proposal to make the submission has been announced.

required particulars, in relation to a political matter that is broadcast, means:

- (a) if the broadcasting was authorised by a political party:
 - (i) the name of the political party; and
 - (ii) the town, city or suburb in which the principal office of the political party is situated; and
 - (iii) the name of the natural person responsible for giving effect to the authorisation; and
- (b) if the broadcasting of the political matter was authorised by a person other than a political party:
 - (i) the name of the person who authorised the broadcasting of the political matter; and
 - (ii) the town, city or suburb in which the person lives or, if the person is a corporation or association, in which the principal office of the person is situated; and
- (c) the name of every speaker who, either in person or by means of a sound recording device, delivers an address or makes a statement that forms part of that matter.

required period, in relation to the keeping of a record in relation to political matter, means the period of 2 years commencing on the day on which the matter was broadcast.

79B Records of matter broadcast

- (1) If the Corporation broadcasts matter relating to a political subject or current affairs, being matter that is in the form of news, an

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address, a statement, a commentary or a discussion, the Corporation must cause a record of the matter to be made:

- (a) in the case of a radio broadcast—by using a device for recording sound; or
 - (b) in the case of a television broadcast—by using a device for recording images and associated sound.
- (2) Subject to this section, the Corporation must retain in its custody a record so made for a period of:
- (a) 6 weeks from the date on which the matter was broadcast; or
 - (b) if a complaint has been made about the matter—for 70 days from the date on which the complaint was made.
- (3) If a person considers that a record so made is admissible in evidence in proceedings instituted, or proposed to be instituted, in a court, being a record that is held under subsection (2), the person may give to the Corporation a notice in writing informing the Corporation that the record may be required for the purposes of the proceedings.
- (4) If such a notice is given to the Corporation in respect of a record, the Corporation must, subject to this section, retain the record until the proceedings or the proposed proceedings to which the notice relates have been finally determined.
- (5) If the proceedings are not instituted within a period of 3 months after the notice is given to the Corporation, subsection (4) ceases to apply to the record at the end of that period.
- (6) The obligation imposed by this section on the Corporation to retain a record does not apply at any time when the record is in the custody of a court in connection with proceedings instituted in the court.
- (7) Subsection (1) does not apply to or in relation to proceedings of the Senate or of the House of Representatives broadcast or re-broadcast by the Corporation pursuant to the *Parliamentary Proceedings Broadcasting Act 1946*.

80 Matters to be included in annual report

The Directors must include in each annual report on the Corporation prepared under section 9 of the *Commonwealth Authorities and Companies Act 1997*:

- (a) particulars of each broadcast by the Corporation during the year to which the report relates pursuant to a direction by the Minister under subsection 78(1); and
- (b) particulars of each provision of content by the Corporation on a digital media service during the year to which the report relates in accordance with a direction by the Minister under subsection 78(3A); and
- (c) particulars of any broadcast by the Corporation during that year pursuant to a direction by the Minister otherwise than under this Act; and
- (ca) particulars of any provision of content by the Corporation on a digital media service during that year in accordance with a direction by the Minister otherwise than under this Act; and
- (d) particulars of any direction not to broadcast matter that was given to the Corporation during that year by the Minister otherwise than under this Act; and
- (daa) particulars of any direction not to provide content on a digital media service that was given to the Corporation during that year by the Minister otherwise than under this Act; and
- (da) codes of practice developed under subsection 8(1); and
- (e) particulars of any request made to the Board by the Minister during that year under subsection 8(2) and the action (if any) taken by the Board in respect of the request; and
- (f) particulars of any gift, devise or bequest accepted by the Corporation during that year; and
- (g) particulars of any advice received by the Board during that year from the Australian Broadcasting Corporation Advisory Council; and
- (i) an assessment of the extent to which the operations of the Corporation and its subsidiaries during the year have achieved the objectives of the Corporation and its subsidiaries under the corporate plan and fulfilled the functions of the Corporation; and
- (j) particulars of any activities carried out during the year by the Corporation under subsection 25A(2); and

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- (k) particulars of any activities during the year of any authorised business with which the Corporation is associated under that subsection; and
- (l) particulars of any significant changes during the year in the transmission coverage, or transmission quality, of national broadcasting services provided by the Corporation.

81 Joint Consultative Committee

- (1) There is hereby established a Joint Consultative Committee comprising:
 - (a) representatives of the Corporation; and
 - (b) either or both of the following:
 - (i) representatives of organizations of employees of the Corporation;
 - (ii) representatives of employees of the Corporation.
- (2) The rules shall make provision for and in relation to the manner in which the Joint Consultative Committee is to be constituted, the functions of that Committee and the manner in which that Committee is to carry out its functions.

83 Regulations and rules

- (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:
 - (a) required or permitted by this Act to be prescribed by regulations; or
 - (b) necessary or convenient to be prescribed by regulations for carrying out or giving effect to this Act.
- (2) The Board may make rules, not inconsistent with this Act or with any regulations in force under subsection (1), prescribing matters:
 - (a) required or permitted by this Act to be prescribed by rules; or
 - (b) necessary or convenient to be prescribed by rules for carrying out or giving effect to this Act.
- (4) Rules made under this section are disallowable instruments for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Endnotes

Endnote 1—Legislation history

This endnote sets out details of the legislation history of the *Australian Broadcasting Corporation Act 1983*.

Act	Number and year	Assent date	Commencement date	Application, saving and transitional provisions
Australian Broadcasting Corporation Act 1983	6, 1983	1 June 1983	Part I (ss. 1–4), ss. 7, 9–24, 34, 69 and 83: Royal Assent Remainder: 1 July 1983 (see <i>Gazette</i> 1983, No. S124)	
Statute Law (Miscellaneous Provisions) Act (No. 2) 1983	91, 1983	22 Nov 1983	s. 3: 20 Dec 1983 (<i>a</i>)	s. 6(1)
Statute Law (Miscellaneous Provisions) Act (No. 1) 1985	65, 1985	5 June 1985	s. 3: (<i>b</i>)	—
Broadcasting and Television (Consequential Amendments) Act 1985	67, 1985	5 June 1985	1 Jan 1986	s. 4
Broadcasting and Television Legislation Amendment Act 1986	2, 1986	19 Feb 1986	19 Feb 1986	ss. 4(2)–(4), 5(2), (4) and 14(2) s. 5(3A) and (3B) (ad. by 76, 1986, Sch. 1)

as amended by

Endnotes

Endnote 1—Legislation history

Act	Number and year	Assent date	Commencement date	Application, saving and transitional provisions
Statute Law (Miscellaneous Provisions) Act (No. 1) 1986	76, 1986	24 June 1986	s. 3: (c)	s. 9
Industrial Relations (Consequential Provisions) Act 1988	87, 1988	8 Nov 1988	ss. 1 and 2: Royal Assent Remainder: 1 Mar 1989 (see s. 2(2) and <i>Gazette</i> 1989, No. S53)	—
Statutory Instruments (Tabling and Disallowance) Legislation Amendment Act 1988	99, 1988	2 Dec 1988	2 Dec 1988	—
Telecommunications Amendment Act 1988	121, 1988	14 Dec 1988	ss. 5, 6, 10, 12, 13, 23(2) and 26(1): 1 Jan 1989 (see <i>Gazette</i> 1988, No. S402) ss. 14, 23(3) and 26(2): 30 June 1989 (see <i>Gazette</i> 1989, No. S216) Remainder: Royal Assent	s. 39
Broadcasting Legislation Amendment Act 1988	146, 1988	26 Dec 1988	s. 8: 4 May 1994 (see <i>Gazette</i> 1994, No. GN17) ss. 11 and 12: 15 June 1994 (see <i>Gazette</i> 1994, No. S212) ss. 15, 16, 36, 47, 48(2) and 49: 1 Mar 1989 ss. 51 and 52: 16 Dec 1987 s. 54(1)(b): 4 Aug 1987 Remainder: 23 Jan 1989	ss. 8(2)–(6) and 12

Endnote 1—Legislation history

Act	Number and year	Assent date	Commencement date	Application, saving and transitional provisions
Telecommunications and Postal Services (Transitional Provisions and Consequential Amendments) Act 1989	63, 1989	19 June 1989	ss. 1 and 2: Royal Assent Part 5 (ss. 17, 18): 30 June 1989 (<i>see</i> s. 2(3) and <i>Gazette</i> 1989, No. S216) Remainder: 1 July 1989 (<i>see Gazette</i> 1989, No. S230)	—
Telecommunications (Transitional Provisions and Consequential Amendments) Act 1991	99, 1991	27 June 1991	s. 25: 1 July 1991 (<i>d</i>)	—
Special Broadcasting Service Act 1991	180, 1991	25 Nov 1991	s. 116: 23 Dec 1991 (<i>e</i>)	—
Superannuation Legislation (Consequential Amendments and Transitional Provisions) Act 1992	94, 1992	30 June 1992	s. 3: 1 July 1990 Remainder: Royal Assent	s. 4
Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992	105, 1992	9 July 1992	5 Oct 1992 (<i>see</i> s. 2 and <i>Gazette</i> 1992, No. GN38)	—
as amended by				
Statute Law Revision Act 2006	9, 2006	23 Mar 2006	Schedule 2 (item 8): (<i>f</i>)	—
Transport and Communications Legislation Amendment Act (No. 3) 1992	216, 1992	24 Dec 1992	Part 2 (ss. 3–5): Royal Assent (<i>g</i>)	—
Australian Broadcasting Corporation Amendment Act 1993	3, 1994	18 Jan 1994	18 Jan 1994	s. 4(2) and (3)

Endnotes

Endnote 1—Legislation history

Act	Number and year	Assent date	Commencement date	Application, saving and transitional provisions
Communications and the Arts Legislation Amendment Act (No. 1) 1995	32, 1995	12 Apr 1995	s. 3 (item 1): Royal Assent (<i>h</i>)	—
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Schedule 4 (items 16, 17) and Schedule 5 (item 19): Royal Assent (<i>i</i>)	—
Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997	59, 1997	3 May 1997	Schedule 1 (items 1, 2): 1 July 1997 (<i>j</i>)	—
Audit (Transitional and Miscellaneous) Amendment Act 1997	152, 1997	24 Oct 1997	Schedule 2 (items 201–215): 1 Jan 1998 (<i>see Gazette</i> 1997, No. GN49) (<i>k</i>)	—
National Transmission Network Sale (Consequential Amendments) Act 1998	131, 1998	21 Dec 1998	21 Dec 1998	s. 4
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Schedule 1: (item 112): 5 Dec 1999 (<i>see Gazette</i> 1999, No. S584) (<i>l</i>)	—
Corporate Law Economic Reform Program Act 1999	156, 1999	24 Nov 1999	Schedule 10 (items 18, 19): 13 Mar 2000 (<i>see Gazette</i> 2000, No. S114) (<i>m</i>)	—
Broadcasting Legislation Amendment Act 2001	23, 2001	6 Apr 2001	6 Apr 2001	—
Financial Framework Legislation Amendment Act 2005	8, 2005	22 Feb 2005	Schedule 2 (items 29–39, 174): Royal Assent	Sch. 2 (item 174) [see Endnote 3]

Endnote 1—Legislation history

Act	Number and year	Assent date	Commencement date	Application, saving and transitional provisions
Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005	45, 2005	1 Apr 2005	Schedule 1 (items 1–4) and Schedule 4: 1 July 2005 (<i>n</i>) Schedule 2: (<i>n</i>)	Sch. 4 [<i>see</i> Endnote 3]
Australian Broadcasting Corporation Amendment Act 2006	49, 2006	1 June 2006	Schedule 1: 15 June 2006 Remainder: Royal Assent	Sch. 1 (item 11) [<i>see</i> Endnote 3]
Commonwealth Authorities and Companies Amendment Act 2008	20, 2008	26 May 2008	Schedule 2 (item 1): 1 July 2008	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Schedule 2 (items 107–115) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11) [<i>see</i> Endnote 3]
National Broadcasting Legislation Amendment Act 2012	112, 2012	24 July 2012	Schedule 1 (items 1–17): 24 Nov 2012 (<i>see</i> F2012L02226) Schedule 2 (items 1, 3–7): 24 Nov 2012 Schedule 2 (item 2): (<i>o</i>)	Sch. 1 (item 17) and Sch. 2 (item 7) [<i>see</i> Endnote 3]
Statute Law Revision Act 2012	136, 2012	22 Sept 2012	Schedule 1 (item 12): Royal Assent	—
Broadcasting Legislation Amendment (Convergence Review and Other Measures) Act 2013	29, 2013	30 Mar 2013	Schedule 1 (items 18–35): 31 Mar 2013	—

- (a) The *Australian Broadcasting Corporation Act 1983* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1983*, subsection 2(1) of which provides as follows:

Endnote 1—Legislation history

- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (b) The *Australian Broadcasting Corporation Act 1983* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, subsections 2(1) and (5) of which provide as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (5) The amendment of subsection 71(2) of the *Australian Broadcasting Corporation Act 1983* made by this Act shall come into operation, or be deemed to have come into operation, as the case requires, on the commencement of the *Radiocommunications (Transitional Provisions and Consequential Amendments) Act 1983*.
- The date fixed in pursuance of subsection 2(1) was 3 July 1985.
The date fixed in pursuance of subsection 2(5) was 27 August 1985 (see *Gazette* 1985, No. S322).
- (c) The *Broadcasting and Television Legislation Amendment Act 1986* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1986*, subsection 2(5) of which provides as follows:
- (5) The amendments of the *Broadcasting and Television Legislation Amendment Act 1986* made by this Act shall be deemed to have come into operation on 19 February 1986.
- (d) The *Australian Broadcasting Corporation Act 1983* was amended by section 25 only of the *Telecommunications (Transitional Provisions and Consequential Amendments) Act 1991*, subsection 2(2) of which provides as follows:
- (2) Part 2, Part 3 (except section 24) and Part 4 commence on 1 July 1991.
- (e) The *Australian Broadcasting Corporation Act 1983* was amended by section 116 only of the *Special Broadcasting Service Act 1991*, subsection 2(1) of which provides as follows:
- (1) Subject to subsection (2), this Act commences 28 days after the day on which it receives the Royal Assent.
- (f) Subsection 2(1) (item 25) of the *Statute Law Revision Act 2006* provides as follows:
- (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.

Endnote 1—Legislation history

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
25. Schedule 2, item 8	Immediately after the time specified in the <i>Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992</i> for the commencement of the amendments in Schedule 2 to that Act of section 6 of the <i>Australian Broadcasting Corporation Act 1983</i> .	5 October 1992
(g)	The <i>Australian Broadcasting Corporation Act 1983</i> was amended by Part 2 (sections 3–5) only of the <i>Transport and Communications Legislation Amendment Act (No. 3) 1992</i> , subsection 2(1) of which provides as follows: (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.	
(h)	The <i>Australian Broadcasting Corporation Act 1983</i> was amended by section 3 (item 1) only of the <i>Communications and the Arts Legislation Amendment Act (No. 1) 1995</i> , subsection 2(1) of which provides as follows: (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.	
(i)	The <i>Australian Broadcasting Corporation Act 1983</i> was amended by Schedule 4 (items 16 and 17) and Schedule 5 (item 19) only of the <i>Statute Law Revision Act 1996</i> , subsection 2(1) of which provides as follows: (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.	
(j)	The <i>Australian Broadcasting Corporation Act 1983</i> was amended by Schedule 1 (items 1 and 2) only of the <i>Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997</i> , subsection 2(2)(d) of which provides as follows: (2) The following provisions commence on 1 July 1997: (d) Schedule 1;	
(k)	The <i>Australian Broadcasting Corporation Act 1983</i> was amended by Schedule 2 (items 201–215) of the <i>Audit (Transitional and Miscellaneous) Amendment Act 1997</i> , subsection 2(2) of which provides as follows: (2) Schedules 1, 2 and 4 commence on the same day as the <i>Financial Management and Accountability Act 1997</i> .	
(l)	The <i>Australian Broadcasting Corporation Act 1983</i> was amended by Schedule 2 (item 112) only of the <i>Public Employment (Consequential and</i>	

Endnotes

Endnote 1—Legislation history

Transitional) Amendment Act 1999, subsections 2(1) and (2) of which provide as follows:

- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
 - (2) Subject to this section, this Act commences at the commencing time.
- (m) The *Australian Broadcasting Corporation Act 1983* was amended by Schedule 10 (items 18 and 19) only of the *Corporate Law Economic Reform Program Act 1999*, subsection 2(2)(c) of which provides as follows:
- (2) The following provisions commence on a day or days to be fixed by Proclamation:
 - (c) the items in Schedules 10, 11 and 12.
- (n) Subsection 2(1) (items 2, 3 and 10) of the *Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005* provides as follows:
- (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.

Provision(s)	Commencement	Date/Details
2. Schedule 1	At the same time as section 6 of the <i>Australian Communications and Media Authority Act 2005</i> commences.	1 July 2005
3. Schedule 2	Immediately after the commencement of the provision(s) covered by table item 2.	1 July 2005
10. Schedule 4	At the same time as section 6 of the <i>Australian Communications and Media Authority Act 2005</i> commences.	1 July 2005

- (o) Subsection 2(1) (items 2 and 4) of the *National Broadcasting Legislation Amendment Act 2012* provides as follows:
- (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.

Endnote 1—Legislation history

Provision(s)	Commencement	Date/Details
2. Schedule 1	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	24 November 2012 (see F2012L02226)
4. Schedule 2, item 2	Immediately after the commencement of the provision(s) covered by table item 2.	24 November 2012

Endnotes

Endnote 2—Amendment history

Endnote 2—Amendment history

This endnote sets out the amendment history of the *Australian Broadcasting Corporation Act 1983*.

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected

How affected

Part I

s. 3 am. No. 67, 1985; Nos. 87 and 146, 1988; No. 63, 1989; Nos. 99 and 180, 1991; No. 3, 1994; No. 131, 1998; No. 23, 2001; Nos. 8 and 45, 2005; No. 112, 2012; No. 29, 2013

s. 3A ad. No. 29, 2013

Part II

Note to s. 5(1) ad. No. 152, 1997

s. 6 am. No. 105, 1992 (as am. by No. 9, 2006); No. 3, 1994; No. 45, 2005; No. 29, 2013

Note to s. 6(1) ad. No. 29, 2013

s. 6A ad. No. 23, 2001

s. 8 am. No. 105, 1992; No. 3, 1994; No. 152, 1997; No. 23, 2001; No. 45, 2005; No. 29, 2013

s. 10 am. No. 146, 1988; No. 3, 1994

s. 11 am. No. 3, 1994; No. 43, 1996

Part III

s. 12 am. No. 91, 1983; No. 2, 1986; No. 3, 1994; No. 49, 2006; No. 112, 2012

s. 13 am. No. 3, 1994

s. 13A ad. No. 2, 1986
am. No. 146, 1988
rep. No. 49, 2006
ad. No. 112, 2012

s. 13B ad. No. 2, 1986
rep. No. 49, 2006

s. 14 am. No. 43, 1996

s. 14A ad. No. 3, 1994
am. No. 146, 1999

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
ss. 15, 16.....	am. No. 3, 1994
s. 17.....	am. No. 2, 1986; No. 146, 1988; No. 3, 1994; No. 152, 1997; No. 156, 1999; No. 49, 2006
s. 18.....	am. No. 2, 1986; No. 3, 1994; No. 152, 1997; No. 156, 1999; No. 49, 2006; No. 112, 2012
Heading to s. 19.....	am. No. 3, 1994
s. 19.....	am. No. 3, 1994; No. 46, 2011
Note to s. 19.....	ad. No. 46, 2011
s. 20.....	am. No. 146, 1988; No. 3, 1994; No. 46, 2011
Note to s. 20(1).....	ad. No. 46, 2011
s. 21.....	am. No. 2, 1986; No. 3, 1994; No. 49, 2006; No. 46, 2011; No. 112, 2012
Note to s. 21(1).....	ad. No. 46, 2011
s. 22.....	am. No. 3, 1994
s. 23.....	am. No. 146, 1988
s. 24.....	am. No. 146, 1988; No. 3, 1994
Part IIIA	
Part IIIA.....	ad. No. 112, 2012
Division 1	
s. 24A.....	ad. No. 112, 2012
s. 24B.....	ad. No. 112, 2012
s. 24C.....	ad. No. 112, 2012
s. 24D.....	ad. No. 112, 2012
Division 2	
s. 24E.....	ad. No. 112, 2012
s. 24F.....	ad. No. 112, 2012
s. 24G.....	ad. No. 112, 2012
s. 24H.....	ad. No. 112, 2012
s. 24J.....	ad. No. 112, 2012
s. 24K.....	ad. No. 112, 2012
s. 24L.....	ad. No. 112, 2012
s. 24M.....	ad. No. 112, 2012

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 24N	ad. No. 112, 2012
s. 24P	ad. No. 112, 2012
Division 3	
s. 24Q	ad. No. 112, 2012
s. 24R	ad. No. 112, 2012
s. 24S	ad. No. 112, 2012
s. 24T	ad. No. 112, 2012
s. 24U	ad. No. 112, 2012
s. 24V	ad. No. 112, 2012
Division 4	
s. 24W	ad. No. 112, 2012
s. 24X	ad. No. 112, 2012
s. 24Y	ad. No. 112, 2012
Part IV	
s. 25	am. No. 146, 1988; Nos. 105 and 216, 1992; No. 3, 1994; No. 131, 1998
s. 25A	ad. No. 2, 1986 am. No. 3, 1994; No. 152, 1997
Note to s. 25A(2)	ad. No. 152, 1997
s. 25B	ad. No. 146, 1988 am. No. 3, 1994; No. 8, 2005
s. 26	am. No. 67, 1985 rs. No. 180, 1991
s. 27	am. No. 146, 1988; No. 3, 1994
s. 29	am. No. 3, 1994
s. 29A	ad. No. 146, 1988 rs. No. 105, 1992
s. 30	rep. No. 105, 1992
Subhead. to s. 31(1)	ad. No. 29, 2013
s. 31	am. No. 216, 1992; No. 3, 1994; No. 29, 2013
s. 31AA	ad. No. 29, 2013
Part IVA	

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Part IVA	ad. No. 3, 1994
ss. 31A–31D	ad. No. 3, 1994
Part V	
Part V	rs. No. 146, 1988
s. 32	am. No. 3, 1994
	rs. No. 146, 1988
s. 33	am. No. 2, 1986; No. 3, 1994
	rs. No. 146, 1988
ss. 34–37	rep. No. 146, 1988
ss. 38–40	am. No. 3, 1994
	rep. No. 146, 1988
s. 41	am. No. 87, 1988; No. 3, 1994
	rep. No. 146, 1988
s. 42	am. No. 3, 1994
	rep. No. 146, 1988
s. 43	rep. No. 146, 1988
s. 44	am. No. 3, 1994
	rep. No. 146, 1988
s. 45	rep. No. 146, 1988
s. 46	am. No. 91, 1983; No. 3, 1994
	rep. No. 146, 1988
s. 47	rep. No. 146, 1988
ss. 48–51	am. No. 3, 1994
	rep. No. 146, 1988
s. 52	rep. No. 146, 1988
ss. 53–56	am. No. 3, 1994
	rep. No. 146, 1988
s. 57	am. No. 87, 1988; No. 3, 1994
	rep. No. 146, 1988
ss. 58–61	am. No. 3, 1994
	rep. No. 146, 1988

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 62	am. No. 94, 1992; No. 3, 1994 rep. No. 146, 1988
s. 63	rep. No. 146, 1988
ss. 64, 65	am. No. 3, 1994 rep. No. 146, 1988
s. 66	am. No. 2, 1986; No. 87, 1988; No. 3, 1994 rep. No. 146, 1988
Div. 5 of Part V	ad. No. 2, 1986 rep. No. 146, 1988
s. 66A	ad. No. 2, 1986 rep. No. 146, 1988
s. 66B	ad. No. 2, 1986 am. No. 94, 1992 rep. No. 146, 1988
Part VI	
s. 67	am. No. 8, 2005
Heading to s. 68	am. No. 152, 1997
s. 68	am. No. 146, 1988; No. 152, 1997; No. 112, 2012
s. 69	am. No. 3, 1994 rep. No. 152, 1997
s. 70	am. No. 3, 1994 rep. No. 32, 1995
ss. 70A–70C	ad. No. 146, 1988 am. No. 8, 2005
ss. 70D, 70E	ad. No. 146, 1988
s. 70F	ad. No. 146, 1988 rep. No. 8, 2005
s. 71	am. No. 65, 1985
s. 71A	ad. No. 8, 2005
s. 72	am. No. 65, 1985 rep. No. 152, 1997

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Part VII	rep. No. 131, 1998
s. 73	am. No. 67, 1985; No. 105, 1992; No. 3, 1994 rep. No. 131, 1998
s. 74	am. No. 3, 1994 rep. No. 131, 1998
s. 75	rep. No. 131, 1998
s. 76	am. No. 43, 1996 rep. No. 131, 1998
s. 77	am. No. 121, 1988; No. 63, 1989; No. 99, 1991; No. 59, 1997 rep. No. 131, 1998
Part VIII	
s. 78	am. No. 67, 1985; No. 2, 1986; No. 3, 1994; No. 152, 1997; No. 20, 2008; No. 29, 2013
s. 79	am. No. 67, 1985; No. 105, 1992; No. 3, 1994
Heading to s. 79AA	am. No. 45, 2005
s. 79AA	ad. No. 131, 1998 am. No. 45, 2005
s. 79A	ad. No. 105, 1992 am. No. 45, 2005; No. 136, 2012
s. 79B	ad. No. 105, 1992
s. 80	am. No. 2, 1986; No. 105, 1992; No. 3, 1994; No. 152, 1997; No. 131, 1998; No. 29, 2013
s. 81	am. No. 146, 1988
s. 82	am. No. 91, 1983 rep. No. 3, 1994
s. 83	am. No. 65, 1985; Nos. 99 and 146, 1988; No. 3, 1994

Endnote 3—Application, saving and transitional provisions

This endnote sets out application, saving and transitional provisions for amendments of the *Australian Broadcasting Corporation Act 1983*.

For application, saving and transitional provisions made by the *Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005*, see Act No. 45, 2005.

Application, saving and transitional provisions prior to 22 February 2005 are not included in this endnote.

Financial Framework Legislation Amendment Act 2005 (No. 8, 2005)

Schedule 2

174 Saving provision—provisions that formerly referred to the Treasurer

- (1) Any thing that:
- (a) was done by the Treasurer, or by a delegate of the Treasurer, before the commencing time under an affected provision; and
 - (b) was in effect immediately before the commencing time;
- continues to have effect after the commencing time as if it had been done by the Finance Minister under the affected provision.

- (2) In this item:
- affected provision*** means a provision that is amended by an item in this Schedule so as to replace references to the Treasurer with references to the Finance Minister.

commencing time means the day this Act receives the Royal Assent.

Finance Minister means the Minister who administers the *Financial Management and Accountability Act 1997*.

Endnote 3—Application, saving and transitional provisions

Australian Broadcasting Corporation Amendment Act 2006 (No. 49, 2006)

Schedule 1

11 Cessation of staff-elected Director and deputy

- (1) Any person who is the staff-elected Director immediately before the commencement of item 2 of this Schedule ceases, by force of this subitem, to be a member of the Board on the commencement of that item.
- (2) Any person who is the deputy of the staff-elected Director immediately before the commencement of item 5 of this Schedule ceases, by force of this subitem, to be the deputy of the staff-elected Director on the commencement of that item.

Acts Interpretation Amendment Act 2011 (No. 46, 2011)

Schedule 3

10 Saving—appointments

The amendments made by Schedule 2 do not affect the validity of an appointment that was made under an Act before the commencement of this item and that was in force immediately before that commencement.

11 Transitional regulations

The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments and repeals made by Schedules 1 and 2.

National Broadcasting Legislation Amendment Act 2012 (No. 112, 2012)

Schedule 1

17 Application and transitional

- (1) The amendments made by items 7, 12 and 14 apply in relation to appointments made after the commencement of those items.

Endnote 3—Application, saving and transitional provisions

- (2) Subject to subitem (3), the amendment made by item 8 applies in relation to appointments made before, on or after the commencement of that item (including because of subitem (4)).
- (3) For the person holding the position of Chairperson under the *Australian Broadcasting Corporation Act 1983* immediately before the commencement of this item, any period occurring before that commencement for which both of the following applied:
 - (a) the person held an office referred to in paragraph 12(1)(c) of that Act;
 - (b) the person was not the Chairperson under that Act;is to be disregarded for the purposes of subsection 12(2A) of that Act (as inserted by this Act).
- (4) The person holding the position of Chairperson under the *Australian Broadcasting Corporation Act 1983* immediately before the commencement of this item is taken, on the commencement of this item, to have been appointed by the Governor-General under section 12 of that Act as the Director referred to in paragraph 12(1)(b) of that Act:
 - (a) for the balance of the person's term of appointment that remained immediately before the commencement of this item; and
 - (b) on the same terms and conditions as applied to the person immediately before the commencement of this item.
- (5) Subitem (4) does not prevent those terms and conditions being varied after the commencement of this item.
- (6) The amendments made by this Schedule do not affect the validity of an appointment of a person as a Director referred to in paragraph 12(1)(c) of the *Australian Broadcasting Corporation Act 1983* that was made before the commencement of this item.

Schedule 2

7 Application

Subsection 13A(6) of the *Australian Broadcasting Corporation Act 1983*, as inserted by this Act, applies in relation to persons elected as the staff-elected Director under that Act before or after the commencement of this item.

Endnote 4—Uncommenced amendments

Endnote 4—Uncommenced amendments

This endnote sets out amendments of the *Australian Broadcasting Corporation Act 1983* that have not yet commenced.

There are no uncommenced amendments.

Endnotes

Endnote 5—Misdescribed amendments

Endnote 5—Misdescribed amendments

This endnote sets out amendments of the *Australian Broadcasting Corporation Act 1983* that have been misdescribed.

There are no misdescribed amendments.