

2019

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

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

**No.     , 2019**

*(Communications, Cyber Safety and the Arts)*

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



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**Commencement information**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	The day after this Act receives the Royal Assent.	

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Note: This table relates only to the provisions of this Act as originally enacted.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

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(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

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### **3 Schedules**

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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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1 **Schedule 1—Australian Broadcasting**  
2 **Corporation**

3 **Part 1—Amendments**

4 *Australian Broadcasting Corporation Act 1983*

5 **1 Subsection 3(1) (after paragraph (a) of the definition of**  
6 ***Advisory Council*)**

7 Insert:

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

10 **2 Subsection 3(1)**

11 Insert:

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

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

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

- 21 (a) paragraph (b) of the definition of *Advisory Council*; or  
22 (b) subsections 11(2) and (4).

23 **3 Subparagraph 6(1)(a)(i)**

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

25 **4 Subparagraph 6(1)(a)(i)**

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

27 **5 After subsection 11(1)**

28 Insert:

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- 1 (1A) The Board must:  
2 (a) establish an Advisory Council under the name Australian  
3 Broadcasting Corporation Regional Advisory Council; and  
4 (b) do so within 3 months after the commencement of this  
5 subsection.

6 **6 After subsection 11(3)**

7 Insert:

- 8 (3A) The function of the Regional Advisory Council is, either on its own  
9 initiative or at the request of the Board, to advise the Board on  
10 matters relating to the provision by the Corporation of broadcasting  
11 services in regional areas.

12 **7 After subsection 11(6)**

13 Insert:

- 14 (6A) A person must not be appointed to the Regional Advisory Council  
15 unless the person has a substantial connection to, or substantial  
16 experience in, a regional area through business, industry or  
17 community involvement.
- 18 (6B) A person must not be appointed to the Regional Advisory Council  
19 if the person is a member of:  
20 (a) another Advisory Council; or  
21 (b) an advisory committee.

22 **8 After subsection 11(10)**

23 Insert:

- 24 (10A) If the Board decides that the members of the Regional Advisory  
25 Council should be remunerated, those members must be paid by  
26 the Corporation such remuneration as is determined by the  
27 Remuneration Tribunal.

28 **9 Subsection 11(12)**

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

1 **10 At the end of section 11**

2 Add:

3 (13) Before making a decision that:

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

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

8 the Board must consult the Regional Advisory Council.

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

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

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

13 **11 After subsection 12(5D)**

14 Insert:

15 (5E) In making recommendations to the Governor-General about the  
16 appointment of Directors referred to in paragraph (1)(b) or (c), the  
17 Prime Minister and the Minister must take all reasonable steps to  
18 ensure that at least 2 of the Directors referred to in those  
19 paragraphs are persons who have a substantial connection to, or  
20 substantial experience in, a regional area through business, industry  
21 or community involvement.

22 (5F) If:

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

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

28 the Prime Minister must:

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

32 (d) cause copies of the statement to be tabled in each House of  
33 the Parliament within 15 sitting days of that House after the

1 instrument of appointment was signed by the  
2 Governor-General.

3 (5G) If:

- 4 (a) the Governor-General appoints a Director referred to in  
5 paragraph (1)(c); and  
6 (b) the Director is a person who has a substantial connection to,  
7 or substantial experience in, a regional area through business,  
8 industry or community involvement;  
9 the Minister must:  
10 (c) prepare a statement that outlines the person’s substantial  
11 connection to, or substantial experience in, a regional area  
12 through business, industry or community involvement; and  
13 (d) cause copies of the statement to be tabled in each House of  
14 the Parliament within 15 sitting days of that House after the  
15 instrument of appointment was signed by the  
16 Governor-General.

## 17 **12 After subsection 24B(2)**

18 Insert:

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

- 22 (2A) If the Nomination Panel conducts a selection process for an  
23 appointment of a Director referred to in paragraph 12(1)(b) or (c),  
24 the Nomination Panel must:  
25 (a) assess whether each applicant for the appointment is a person  
26 who has a substantial connection to, or substantial experience  
27 in, a regional area through business, industry or community  
28 involvement; and  
29 (b) prepare a report of the assessment; and  
30 (c) include that report in the paragraph (1)(d) report that relates  
31 to the selection process.

## 32 **13 Section 80**

33 Before “The Directors”, insert “(1)”.

1 **14 After paragraph 80(g)**

2 Insert:

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

5 **15 At the end of section 80**

6 Add:

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

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

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

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

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

24 (2) In this section:

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

28 (a) television or radio programs; or

29 (b) datacasting content; or

30 (c) internet content;

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

32 ***support staff*** means staff other than journalists.

1 **Part 2—Application and transitional provisions**

2 **16 Application of amendments—annual report**

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

7 **17 Transitional—tabling of statements**

8 (1) If:

- 9 (a) immediately after the commencement of this item, a person  
10 held office as a Director referred to in paragraph 12(1)(b) of  
11 the *Australian Broadcasting Corporation Act 1983*; and  
12 (b) the Prime Minister is satisfied that the person has a  
13 substantial connection to, or substantial experience in, a  
14 regional area through business, industry or community  
15 involvement;

16 the Prime Minister must:

- 17 (c) prepare a statement that outlines the person's substantial  
18 connection to, or substantial experience in, a regional area  
19 through business, industry or community involvement; and  
20 (d) cause copies of the statement to be tabled in each House of  
21 the Parliament within 15 sitting days of that House after the  
22 commencement of this item.

23 (2) If:

- 24 (a) immediately after the commencement of this item, a person  
25 held office as a Director referred to in paragraph 12(1)(c) of  
26 the *Australian Broadcasting Corporation Act 1983*; and  
27 (b) the Minister is satisfied that the person has a substantial  
28 connection to, or substantial experience in, a regional area  
29 through business, industry or community involvement;

30 the Minister must:

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

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