

**Australian Broadcasting Corporation  
Amendment (Appointment of Directors) Bill 2019**

**No. , 2019**

*The Hon. dyljam MP*

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

## **Explanatory Memorandum**

The purpose of the Australian Broadcasting Corporation Amendment (Appointment of Directors) Bill 2018 is to strengthen the independence, autonomy, transparency and integrity of the process for appointing non-executive Directors to the Board of the ABC in line with the merit-based arrangements introduced by the National Broadcasting Legislation Amendment Act 2012.

## **Second Reading Speech**

Mr Speaker,

The independence of our own national broadcaster, the ABC, has been the subject to partisan attacks in the all too-recent past. Historically, we have seen political parties attempt to manipulate the ABC by appointing to the board people with significant conflicts of interest and whom harbour malicious intent. These people have sought to turn the national broadcaster into a biddable propaganda machine for whomever is the government of the day.

Thankfully, recent governments have not meddled with the independence of the ABC as have their predecessors. However, we must close this loophole to ensure that future governments do not attempt to weaken the integrity of the Australian Broadcasting Corporation. We must ensure that only the best people for the job are appointed to the ABC board, not partisan interests. Hence, I call on all Members in this place to support this bill.

# The Parliament of Australia enacts the following

## 1. Short Title

This Act may be referred to as the *Australian Broadcasting Corporation Amendment (Appointment of Directors) Act 2019*.

## 2. Commencement

This Act is to commence the day after it receives the Royal Assent.

## 3. Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## 4. Objects of this Act

The objects of this act are:

- (a) Ensure transparency in the selection of Chairperson and other non-executive Directors to the board of the Australian Broadcasting Corporation.

## Schedule 1—Amendments

### Part 1—Amendment of the *Australian Broadcasting Corporation Act 1983*

#### *Australian Broadcasting Corporation Act 1983*

##### 1. Subsection 3(1)

Insert:

***opposition leader*** means the Leader of the Opposition in the House of Representatives.

##### 2. After paragraph 24B(1)(d)

Insert:

(da) as soon as practicable after a report under paragraph (d) has been prepared—to cause the list of candidates contained in the report to be published on the internet;

##### 3. Subsection 24X(1)

Omit “Leader of the Opposition in the House of Representatives”, substitute “opposition leader”.

**4. Subsection 24X(1)**

Repeal the sections, substitute:

(2) If a person not nominated by the Nomination Panel is to be appointed as Chairperson, the Prime Minister must, at least 30 days before the appointment is made:

- (a) publish reasons for the appointment (including an assessment of the person against the selection criteria) on the Department’s website; and
- (b) inform the opposition leader of the appointment in writing; and
- (c) invite the opposition leader to comment on the appointment within a reasonable period specified in writing.

(3) If:

- (a) the opposition leader is informed of an appointment in accordance with paragraph (2)(b); and
- (b) within the period specified in accordance with paragraph (2)(c) in relation to the appointment, the opposition leader informs the Prime Minister in writing that the opposition leader does not agree with the appointment;

the Prime Minister:

- (c) must cause a statement of reasons for the appointment (including an assessment of the appointee against the selection criteria) to be tabled in each House of the Parliament; and
- (d) must not recommend that the Governor-General make the appointment until after the end of the 90 day period beginning when the statement was tabled in the second of those Houses.

*Other non-executive Directors:*

(4) 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, at least 30 days before the appointment is made:

- (c) publish reasons for the appointment (including an assessment of the person against the selection criteria) on the Department's website; and
- (d) inform the opposition leader of the appointment in writing; and
- (e) invite the opposition leader to comment on the appointment within a reasonable period specified in writing.

(5) If:

- (a) the opposition leader is informed of an appointment in accordance with paragraph (4)(d); and
- (b) within the period specified in accordance with paragraph (4)(e) in relation to the appointment, the opposition leader informs the Minister in writing that the opposition leader does not agree with the appointment;

the Minister

- (c) must cause a statement of reasons for the appointment (including an assessment of the appointee against the selection criteria) to be tabled in each House of the Parliament; and
- (d) must not recommend that the Governor-General make the appointment until after the end of the 90 day period beginning when the statement was tabled in the second of those Houses.