



Australian Broadcasting Corporation Act 1983

Act No. 6 of 1983 as amended

This compilation was prepared on 29 March 2000
taking into account amendments up to Act No. 156 of 1999

The text of any of those amendments not in force
on that date is appended in the Notes section

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

Part I—Preliminary

1 Short title [see Note 1]

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

2 Commencement [see Note 1]

- (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

In this Act, unless the contrary intention appears:

ABA means the Australian Broadcasting Authority established under the *Broadcasting Services Act 1992*.

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.

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

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.

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

Deputy Chairperson means Deputy Chairperson of the Board.

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

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.

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.

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;
 - (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.

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 [see Note 2]

- (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 public 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;

- (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
 - (c) to encourage and promote the musical, dramatic and other performing arts in Australia.
- (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 public sectors of the Australian broadcasting system;
 - (ii) the standards from time to time determined by the Australian Broadcasting Authority 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.
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- (4) Nothing in this section shall be taken to impose on the Corporation a duty that is enforceable by proceedings in a court.

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:
 - (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 programming matters and to notify those codes to the Australian Broadcasting Authority.
- (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 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

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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
 - (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;
 - (b) the staff-elected Director; and
 - (c) not fewer than 5 nor more than 7 other Directors.
- (2) A Director referred to in paragraph (1)(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.
- (3) The Governor-General shall appoint one of the non-executive Directors to be the Chairperson of the Board and another 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 or staff-elected Director, by reason that there is no Chairperson or Deputy Chairperson or by reason of the number of Directors referred to in paragraph (1)(c) falling below 5 for not longer than 6 months.
- (4A) If an election of a person as the staff-elected Director or as the deputy of the staff-elected Director is invalid by reason of a defect or irregularity in or 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) A person shall not be appointed as a Director referred to in paragraph (1)(c) unless he or she appears to the Governor-General to be suitable for appointment because of having had experience in

connection with the provision of broadcasting services or in communications or management, because of having expertise in financial or technical matters, or because of having cultural or other interests relevant to the oversight of a public organization engaged in the provision of broadcasting services.

- (6) A person shall not continue to hold the position of Chairperson, Deputy Chairperson or acting Chairperson if he or she ceases to be a Director.

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.

13A Staff-elected Director

- (1) Subject to this section, the staff-elected Director shall be elected in accordance with the regulations.
- (2) Subject to subsection (6), 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 24 hours per week to the duties of that employment;
 - (b) the person performs services for the Corporation, under the direction and control of the Managing Director or an employee of the Corporation, pursuant to:
 - (i) a written contract entered into between the Corporation and the person performing the services; or
 - (ii) a written contract entered into between the Corporation and a person other than the person performing the services, being a contract that specified the

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- last-mentioned person as the person who would perform the services under the contract; or
- (c) the person is included in a prescribed class of persons, being persons who perform services for the Corporation pursuant to a contract, other than a contract referred to in paragraph (b), under the direction and control of the Managing Director or an employee of the Corporation.
- (3) Where 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 shall be held as if the person were not a candidate;
- (b) if there is only one other eligible candidate—the other candidate shall be declared to be elected; or
- (c) if there is no other eligible candidate—fresh invitations shall be issued for the nomination of candidates.
- (4) A person who is eligible to be a candidate for election, and to hold office, as the staff-elected Director is eligible to vote at the election.
- (5) Subject to sections 16 and 18, the staff-elected Director holds office on a part-time basis for a period of 2 years commencing:
- (a) if, on the day on which the staff-elected Director is declared to be elected, the person so declared to be elected already holds office as the staff-elected Director pursuant to a previous election—on the day next following the day on which that person would, but for having been re-elected, cease to hold office;
- (b) if, on the day on which the staff-elected Director is declared to be elected, another person holds office as the staff-elected Director pursuant to a previous election—on the day next following the day on which the other person ceases to hold office; or
- (c) in any other case—on the day on which the staff-elected Director is declared to be elected.

- (6) A person who has been elected as the staff-elected Director at 2 successive elections is not eligible for election at the next following election of the staff-elected Director.

13B Deputy of staff-elected Director

- (1) For the purposes of this Act, there shall be a deputy of the staff-elected Director, who shall be elected in accordance with the regulations.
- (2) A person is eligible to be a candidate for election, and to hold office, as the deputy of the staff-elected Director if, were the election an election of the staff-elected Director, the person would be eligible to be a candidate at the election and, in the event of being elected as the staff-elected Director at the election, would be eligible to hold that office.
- (3) A person who is eligible to be a candidate for election, and to hold office, as the deputy of the staff-elected Director is eligible to vote at the election.
- (4) The deputy of the staff-elected Director holds office for a period of 2 years commencing:
- (a) if, on the day on which the deputy is declared to be elected, the person so declared to be elected already holds office as the deputy of the staff-elected Director pursuant to a previous election—on the day next following the day on which that person would, but for having been re-elected, cease to hold office;
 - (b) if, on the day on which the deputy is declared to be elected, another person holds office as the deputy of the staff-elected Director pursuant to a previous election—on the day next following the day on which the other person ceases to hold office; or
 - (c) in any other case—on the day on which the deputy is declared to be elected.
- (5) The deputy of the staff-elected Director:
- (a) may resign from office by notice in writing given to the Managing Director; and

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- (b) ceases to hold office if he or she becomes the staff-elected Director.
- (6) Section 18 applies to and in relation to the deputy of the staff-elected Director as if:
 - (a) paragraph 18(2)(c) were omitted; and
 - (b) the deputy were the staff-elected Director.
- (7) If there is no staff-elected Director, or the staff-elected Director is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office of staff-elected Director, the deputy of the staff-elected Director may act as the staff-elected Director during the vacancy or the period of the absence or inability.
- (8) The deputy of the staff-elected Director shall not act as the staff-elected Director during a vacancy in the office of the staff-elected Director for a continuous period of more than 6 months.
- (9) While the deputy of the staff-elected Director is acting as the staff-elected Director:
 - (a) the deputy shall be paid the same allowances as are payable to the staff-elected Director; and
 - (b) the deputy has and may exercise all the powers, and shall perform all the functions and duties, of the staff-elected Director under this Act.
- (10) The validity of anything done by or in relation to the deputy of the staff-elected Director while the deputy is purporting to act as the staff-elected Director shall not be called in question on the ground that the occasion for the deputy to act had not arisen or had ceased.

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.

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

- (1A) Where a matter being considered or about to be considered by the Board relates to the terms and conditions of employment of employees, or to the terms and conditions on which a person

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performs services for the Corporation pursuant to a contract, section 27F of the *Commonwealth Authorities and Companies Act 1997* does not require the staff-elected Director or the deputy of the staff-elected Director to disclose an interest that he or she has by reason of being such an employee or performing services pursuant to the contract.

- (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*;

- (aa) a staff-elected Director who is eligible to hold office as such a Director under paragraph 13A(2)(a) or paragraph 13A(2)(b):
 - (i) ceases to be eligible to hold office under the relevant paragraph; and
 - (ii) is not, upon so ceasing, eligible to hold office under another paragraph of subsection 13A(2);
- (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.

- (3) If, in the case of a staff-elected Director who is eligible to hold office as such a Director under paragraph 13A(2)(c), the prescribed circumstances occur and the staff-elected Director is not eligible to hold office under paragraph 13A(2)(a) or (b), the Governor-General shall remove the staff-elected Director concerned from office.

19 Acting Chairperson

- (1) 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 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

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- (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.
- (2) The appointment of a person under paragraph (1)(b) ceases to have effect if he or she resigns the appointment by writing signed by him or her delivered to the Governor-General.
- (3) While a Director is acting as Chairperson he or she has and may exercise all the powers, and shall perform all the functions and duties, of the Chairperson under this Act.
- (4) The validity of anything done by or in relation to a person purporting to act under subsection (1) shall not be called in question on the ground that the occasion for his or her appointment had not arisen, that there was a defect or irregularity in or in connection with the appointment, that the appointment had ceased to have effect or that the occasion for him or her to act had not arisen or had ceased.

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; but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.
- (2) An appointment of a person under subsection (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.
- (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.
- (5) Where a person is acting as Managing Director in accordance with paragraph (1)(b) and the office of Managing Director becomes vacant while that person is so acting, then, subject to subsection (2), that person may continue so to act until the Board otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.
- (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.
- (7) While a person is acting as Managing Director, he or she has and may exercise all the powers, and shall perform all the functions and duties, of the Managing Director under this Act.
- (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.
- (9) The validity of anything done by or in relation to a person purporting to act under subsection (1) shall not be called in question on the ground that the occasion for his or her appointment had not arisen, that there was a defect or irregularity in or in connection with the appointment, that the appointment had ceased

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to have effect or that the occasion for him or her to act had not arisen or had ceased.

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.
- (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.
- (4) The appointment of a person to act as a non-executive Director ceases to have effect if he or she resigns the appointment by writing signed by him or her delivered to the Governor-General.
- (5) While a person is acting as a non-executive Director, he or she has and may exercise all the powers, and shall perform all the functions and duties, of a non-executive Director under this Act.
- (6) The validity of anything done by or in relation to a person purporting to act under subsection (1) shall not be called in question on the ground that the occasion for his or her appointment had not arisen, that there was a defect or irregularity in or in connection with the appointment or that the appointment had ceased to have effect.
- (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
 - (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

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

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

- (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

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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.

- (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).

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- (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 Treasurer 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 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:

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- (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

- (1) The Corporation shall not broadcast advertisements.
- (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

- (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.

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 Minister for Finance 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; 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 Minister for Finance 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 Minister for Finance.
- (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.

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70B Borrowings otherwise than from Commonwealth

- (1) The Corporation may, with the approval of the Treasurer:
 - (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 Treasurer 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 Treasurer 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 Treasurer 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 Treasurer makes such a determination, the repayment of that money and the payment of that interest are, or

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the payment of that money is, by force of this subsection, guaranteed by the Commonwealth.

- (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.

70F Delegation by Treasurer

The Treasurer may by signed instrument delegate to a person performing the duties of an office in the Department of the Treasury all or any of the Treasurer's powers under sections 70B and 70C.

71 Taxation

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

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.
- (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), section 28 of the *Commonwealth Authorities and Companies Act 1997* does 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 ABA 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 ABA 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.
- (3) The Corporation must, in relation to political matter broadcast at the request of another person, keep a record of the name, address

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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 ABA any particulars of the record that the ABA, 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 of 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);
- (c) particulars of any broadcast by the Corporation during that year pursuant to a direction by the Minister otherwise than under this Act;
- (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;
- (da) codes of practice developed under subsection 8(1);
- (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;
- (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;
- (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
- (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.

Section 81

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*.

Table of Acts**Notes to the *Australian Broadcasting Corporation Act 1983*****Note 1**

The *Australian Broadcasting Corporation Act 1983* as shown in this compilation comprises Act No. 6, 1983 amended as indicated in the Tables below.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Australian Broadcasting Corporation Act 1983</i>	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)	
<i>Statute Law (Miscellaneous Provisions) Act (No. 2) 1983</i>	91, 1983	22 Nov 1983	S. 3: 20 Dec 1983 (a)	S. 6(1)
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1985</i>	65, 1985	5 June 1985	S. 3: (b)	—
<i>Broadcasting and Television (Consequential Amendments) Act 1985</i>	67, 1985	5 June 1985	1 Jan 1986	S. 4
<i>Broadcasting and Television Legislation Amendment Act 1986</i>	2, 1986	19 Feb 1986	19 Feb 1986	Ss. 4(2), (4), 5(2), (4), 5(3A), (3B) (ad. by 76, 1986) and 14(2)
as amended by				
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1986</i>	76, 1986	24 June 1986	S. 3: (c)	S. 9

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Industrial Relations (Consequential Provisions) Act 1988</i>	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)	—
<i>Statutory Instruments (Tabling and Disallowance) Legislation Amendment Act 1988</i>	99, 1988	2 Dec 1988	2 Dec 1988	—
<i>Telecommunications Amendment Act 1988</i>	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
<i>Broadcasting Legislation Amendment Act 1988</i>	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
<i>Telecommunications and Postal Services (Transitional Provisions and Consequential Amendments) Act 1989</i>	63, 1989	19 June 1989	Ss. 1 and 2: Royal Assent Part 5 (ss. 17, 18): 30 June 1989 (see s. 2(3) and <i>Gazette</i> 1989, No. S216) Remainder: 1 July 1989 (see <i>Gazette</i> 1989, No. S230)	—

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Telecommunications (Transitional Provisions and Consequential Amendments) Act 1991</i>	99, 1991	27 June 1991	S. 25: 1 July 1991 (d)	—
<i>Special Broadcasting Service Act 1991</i>	180, 1991	25 Nov 1991	S. 116: 23 Dec 1991 (e)	—
<i>Superannuation Legislation (Consequential Amendments and Transitional Provisions) Act 1992</i>	94, 1992	30 June 1992	S. 3: 1 July 1990 Remainder: Royal Assent	S. 4
<i>Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992</i>	105, 1992	9 July 1992	5 Oct 1992 (see s. 2 and <i>Gazette</i> 1992, No. GN38)	—
<i>Transport and Communications Legislation Amendment Act (No. 3) 1992</i>	216, 1992	24 Dec 1992	Part 2 (ss. 3-5): Royal Assent (f)	—
<i>Australian Broadcasting Corporation Amendment Act 1993</i>	3, 1994	18 Jan 1994	18 Jan 1994	S. 4(2), (3)
<i>Communications and the Arts Legislation Amendment Act (No. 1) 1995</i>	32, 1995	12 Apr 1995	S. 3 (item 1): Royal Assent (g)	—
<i>Statute Law Revision Act 1996</i>	43, 1996	25 Oct 1996	Schedule 4 (items 16, 17) and Schedule 5 (item 19): Royal Assent (h)	—
<i>Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997</i>	59, 1997	3 May 1997	Schedule 1 (items 1, 2): 1 July 1997 (i)	—
<i>Audit (Transitional and Miscellaneous) Amendment Act 1997</i>	152, 1997	24 Oct 1997	Schedule 2 (items 201-215): 1 Jan 1998 (see <i>Gazette</i> 1997, No. GN49) (j)	—
<i>National Transmission Network Sale (Consequential Amendments) Act 1998</i>	131, 1998	21 Dec 1998	21 Dec 1998	S. 4
<i>Public Employment (Consequential and Transitional) Amendment Act 1999</i>	146, 1999	11 Nov 1999	Schedule 1: (item 112): 5 Dec 1999 (see <i>Gazette</i> 1999, No. S584) (k)	—

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Corporate Law Economic Reform Program Act 1999</i>	156, 1999	24 Nov 1999	Schedule 10 (items 18, 19): 13 Mar 2000 (see <i>Gazette</i> 2000, No. S114) (i)	—

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- (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:
- (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) The *Australian Broadcasting Corporation Act 1983* was amended by Part 2 (sections 3-5) only of the *Transport and Communications Legislation Amendment Act (No. 3) 1992*, 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.
- (g) The *Australian Broadcasting Corporation Act 1983* was amended by section 3 (item 1) only of the *Communications and the Arts Legislation Amendment Act (No. 1) 1995*, 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 *Australian Broadcasting Corporation Act 1983* was amended by Schedule 4 (items 16 and 17) and Schedule 5 (item 19) only of the *Statute Law Revision Act 1996*, 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.
- (i) The *Australian Broadcasting Corporation Act 1983* was amended by Schedule 1 (items 1, 2) only of the *Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997*, subsection 2(2)(d) of which provides as follows:
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Act Notes

- (2) The following provisions commence on 1 July 1997:
 - (d) Schedule 1;
- (j) The *Australian Broadcasting Corporation Act 1983* was amended by Schedule 2 (items 201-215) of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
 - (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.
- (k) The *Australian Broadcasting Corporation Act 1983* was amended by Schedule 2 (item 112) only of the *Public Employment (Consequential and 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.
- (l) 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.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
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
Note to s. 5(1)	ad. No. 152, 1997
S. 6.....	am. No. 3, 1994
S. 8.....	am. No. 105, 1992; No. 3, 1994; No. 152, 1997
S. 10.....	am. No. 146, 1988; No. 3, 1994
S. 11.....	am. No. 3, 1994; No. 43, 1996
S. 12.....	am. No. 91, 1983; No. 2, 1986; No. 3, 1994
S. 13.....	am. No. 3, 1994
S. 13A	ad. No. 2, 1986 am. No. 146, 1988
S. 13B	ad. No. 2, 1986
S. 14.....	am. No. 43, 1996
S. 14A	ad. No. 3, 1994 am. No. 146, 1999
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
S. 18.....	am. No. 2, 1986; No. 3, 1994; No. 152, 1997; No. 156, 1999
S. 19.....	am. No. 3, 1994
S. 20.....	am. No. 146, 1988; No. 3, 1994
S. 21.....	am. No. 2, 1986; No. 3, 1994
S. 22.....	am. No. 3, 1994
S. 23.....	am. No. 146, 1988
S. 24.....	am. No. 146, 1988; No. 3, 1994
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
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
S. 31.....	am. No. 216, 1992; No. 3, 1994

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part IVA..... (ss. 31A-31D)	ad. No. 3, 1994
Ss. 31A-31D.....	ad. No. 3, 1994
Part V..... (ss. 32-66, 66A, 66B)	rep. No. 146, 1988
Part V..... (ss. 32, 33)	ad. 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
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..... (ss. 66A, 66B)	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

Table of Amendments

 ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
	rep. No. 146, 1988
Heading to s. 68	am. No. 152, 1997
S. 68.....	am. No. 146, 1988; No. 152, 1997
S. 69.....	am. No. 3, 1994
	rep. No. 152, 1997
S. 70.....	am. No. 3, 1994
	rep. No. 32, 1995
Ss. 70A-70F	ad. No. 146, 1988
S. 71	am. No. 65, 1985
S. 72	am. No. 65, 1985
	rep. No. 152, 1997
Part VII (ss. 73-77)	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
S. 78.....	am. No. 67, 1985; No. 2, 1986; No. 3, 1994; No. 152, 1997
S. 79.....	am. No. 67, 1985; No. 105, 1992; No. 3, 1994
S. 79AA	ad. No. 131, 1998
Ss. 79A, 79B	ad. No. 105, 1992
S. 80.....	am. No. 2, 1986; No. 105, 1992; No. 3, 1994; No. 152, 1997;
	No. 131, 1998
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

Note 2

Note 2

Section 6—Section 30 and Schedule 2 of the *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992* provides as follows:

Section 6

Omit “public sector” (wherever occurring), substitute “community sector”.

The proposed amendment was misdescribed and is not incorporated in this compilation.