**EXPLANATORY STATEMENT**

Issued by the authority of the Minister for Broadband, Communications

and the Digital Economy

*National Broadcasting Legislation Amendment Act 2012*

Proclamation

Subsection 2(1) of the *National Broadcasting Legislation Amendment Act 2012* (the Act) provides that Schedule 1 to the Act commences on a single day to be fixed by proclamation, but no later than six months after the date the Act receives Royal Assent. That section also provides that Schedule 2 to the Act (with the exception of item 2) commences at the same time as Schedule 1. Item 2 of Schedule 2 to the Act commences immediately after the commencement date for the other provisions.

The Act received the Royal Assent on 24 July 2012. The purpose of the Proclamation is to fix 24 November 2012 as the commencement date.

Schedule 1 to the Act amends the *Australian Broadcasting Corporation Act 1983* (ABC Act) and the *Special Broadcasting Service Act 1991* (SBS Act) to provide a framework for the conduct of a merit‑based process for appointing the Chairperson and other non-executive Directors to the respective board of each national broadcaster.

Schedule 2 to the Act amends the ABC Act to re-establish the position of the staff-elected Director on the ABC Board.

The Act specifies no conditions that need to be satisfied before the Proclamation is made.

The Proclamation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Since the Proclamation provides solely for the commencement of legislative provisions, it is exempt from disallowance under section 42 of the *Legislative Instruments Act 2003*. As a result, no statement of compatibility needs to be prepared under subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The Department of Broadband, Communication and the Digital Economy consulted with the Australian Broadcasting Corporation (ABC) and the Special Broadcasting Service (SBS) in the development of the Act and the Proclamation.

The Office of Best Practice Regulation (OBPR) has confirmed that the preparation of a Regulation Impact Statement is not necessary.

Authority: Subsection 2(1) of the *National Broadcasting Legislation Amendment Act 2012*