

This is a submission in relation to the inquiry into the Australian Broadcasting Corporation Amendment Bill 2006, specifically the proposal to abolish the position of staff-elected Director ("SED") on the ABC Board.

In my view the proposal is unjustified and the Bill should not be passed.

The Explanatory Memorandum to the Bill states that:

"A potential conflict exists between the duties of the staff-elected Director under paragraph 23(1)(a) of the Commonwealth Authorities and Companies Act 1997 to act in good faith in the best interests of the ABC, and the appointment of that Director via election by ABC staff. The election method creates a risk that a staff elected Director will be expected by the constituents who elect him or her to place the interests of staff ahead of the interests of the ABC as a whole where they are in conflict."

However, the media release by the Honourable Senator Coonan dated 24 March 2006 notes that "there is a clear legal requirement on the staff-elected Director that means he or she has the same rights, duties and obligations as the other Directors, including to act in the interests of the ABC as a whole."

If SEDs have a legal obligation to act in the interests of the ABC as whole, then how can there be a conflict, real or potential? If an SED does not act in the interests of ABC, he or she will have breached their Director's duties and can be dealt with according to the law.

This legal obligation can be easily explained to the people who vote for the SED, thus eliminating the so-called "risk that a staff elected Director will be expected by the constituents who elect him or her to place the interests of staff ahead of the interests of the ABC as a whole".

I understand from the media that certain allegations have been made about the current SED. I am in no position to comment about the validity of the allegations, however legislation to abolish a position because of alleged conduct by one occupant thereof is a blunt and inappropriate instrument.

I urge the Parliament not to pass this Bill, and to retain the role of staff elected Director on the ABC Board. In order to play its role in a functioning democracy, the ABC must be, and must be seen to be, independent and fearless. Abolishing the position of SED is detrimental to that aim.

Yours faithfully,

Catherine Deakin