

1996-97-98

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

## **Datacasting Charge (Imposition) Bill 1998**

**No.     , 1998**

*(Communications, the Information Economy and the Arts)*

**A Bill for an Act to impose a charge in relation to  
the provision of datacasting services by the ABC,  
the SBS and commercial television licensees**



---

## Contents

1	Short title.....	1
2	Commencement .....	2
3	Interpretation.....	2
4	Digital mode.....	2
5	External Territories .....	2
6	Imposition of charge .....	2
7	Amount of charge .....	3
8	By whom charge is payable .....	3



1     **A Bill for an Act to impose a charge in relation to**  
2     **the provision of datacasting services by the ABC,**  
3     **the SBS and commercial television licensees**

4     The Parliament of Australia enacts:

5     **1 Short title**

6                     This Act may be cited as the *Datacasting Charge (Imposition) Act*  
7                     1998.

1     **2 Commencement**

2                     This Act commences on the day on which it receives the Royal  
3                     Assent.

4     **3 Interpretation**

5                     In this Act:

6                     **ACA** means the Australian Communications Authority.

7                     **charge** means charge imposed by this Act.

8                     **commercial television broadcasting licence** has the same meaning  
9                     as in the *Broadcasting Services Act 1992*.

10                    **datacasting service** has the same meaning as in Schedule 4 to the  
11                    *Broadcasting Services Act 1992*.

12                    **national broadcaster** has the same meaning as in the *Broadcasting*  
13                    *Services Act 1992*.

14                    **transmitter licence** has the same meaning as in the  
15                    *Radiocommunications Act 1992*.

16     **4 Digital mode**

17                    For the purposes of this Act, a datacasting service is transmitted in  
18                    **digital mode** if the service is transmitted using a digital modulation  
19                    technique.

20     **5 External Territories**

21                    This Act extends to all the external Territories.

22     **6 Imposition of charge**

23                    If:

- 1 (a) a transmitter licence authorises the holder to transmit  
2 datacasting services in digital mode; and  
3 (b) the transmitter licence is held by:  
4 (i) the holder of a commercial television broadcasting  
5 licence; or  
6 (ii) a national broadcaster; and  
7 (c) the transmitter licence is in force throughout the whole or a  
8 part of a particular financial year; and  
9 (d) at any time during the whole or the part, as the case may be,  
10 of the financial year, the transmitter or transmitters  
11 concerned were used by the holder of the transmitter licence,  
12 or by a person authorised by the holder of the transmitter  
13 licence, to transmit datacasting services in digital mode; and  
14 (e) a determination under section 7 is in force at the beginning of  
15 the financial year;  
16 charge is imposed on the transmitter licence in respect of the  
17 financial year.

## 18 **7 Amount of charge**

- 19 (1) The amount of charge imposed on a transmitter licence in respect  
20 of a financial year is the amount ascertained in accordance with a  
21 written determination made by the ACA.

22 Note: Under section 12 of the *Australian Communications Authority Act*  
23 *1997*, the Minister may give the ACA directions in relation to the  
24 performance of its functions and the exercise of its powers.

- 25 (2) A determination under subsection (1) is a disallowable instrument  
26 for the purposes of section 46A of the *Acts Interpretation Act*  
27 *1901*.

## 28 **8 By whom charge is payable**

29 Charge imposed on a transmitter licence is payable by the holder  
30 of the licence.