



Datacasting Charge (Imposition) Act 1998

No. 98, 1998 as amended

Compilation start date: 29 June 2013

Includes amendments up to: Act No. 103, 2013

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About this compilation

The compiled Act

This is a compilation of the *Datacasting Charge (Imposition) Act 1998* as amended and in force on 29 June 2013. It includes any amendment affecting the compiled Act to that date.

This compilation was prepared on 19 August 2013.

The notes at the end of this compilation (the *endnotes*) include information about amending Acts and instruments and the amendment history of each amended provision.

Uncommenced provisions and amendments

If a provision of the compiled Act is affected by an uncommenced amendment, the text of the uncommenced amendment is set out in the endnotes.

Application, saving and transitional provisions for amendments

If the operation of an amendment is affected by an application, saving or transitional provision, the provision is identified in the endnotes.

Modifications

If a provision of the compiled Act is affected by a textual modification that is in force, the text of the modifying provision is set out in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled Act has expired or otherwise ceased to have effect in accordance with a provision of the Act, details of the provision are set out in the endnotes.

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An Act to impose a charge in relation to the provision of datacasting services by the ABC, the SBS and commercial television licensees

1 Short title

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

2 Commencement

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

3 Interpretation

In this Act:

ACMA means the Australian Communications and Media Authority.

BSA datacasting licence means a datacasting licence under Schedule 6 to the *Broadcasting Services Act 1992*.

charge means charge imposed by this Act.

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

datacasting service has the same meaning as in the *Broadcasting Services Act 1992*.

designated teletext service has the same meaning as in Schedule 4 to the *Broadcasting Services Act 1992*.

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

4 Digital mode

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

5 External Territories

This Act extends to all the external Territories.

6 Imposition of charge

If:

- (a) a transmitter licence, other than one that is a channel B datacasting transmitter licence for the purposes of the *Radiocommunications Act 1992*, authorises the holder to transmit datacasting services in digital mode; and
- (b) the transmitter licence is held by the holder of a commercial television broadcasting licence; and
- (c) the transmitter licence is in force throughout the whole or a part of a particular financial year; and
- (d) at any time during the whole or the part, as the case may be, of the financial year, the transmitter or transmitters concerned were used by the holder of the transmitter licence, or by a person authorised by the holder of the transmitter licence, to transmit datacasting services in digital mode; and
- (da) at least one of those datacasting services:
 - (i) was provided under the authority of a BSA datacasting licence; and
 - (ii) was not a designated teletext service; and
- (e) a determination under section 7 is in force at the beginning of the financial year;

charge is imposed on the transmitter licence in respect of the financial year.

7 Amount of charge

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

Note: Under section 14 of the *Australian Communications and Media Authority Act 2005*, the Minister may give the ACMA directions in relation to the performance of its functions and the exercise of its powers.

- (2) A determination under subsection (1) is a legislative instrument.

8 By whom charge is payable

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

Endnotes

Endnote 1—Legislation history

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This endnote sets out details of the legislation history of the *Datacasting Charge (Imposition) Act 1998*.

Act	Number and year	Assent date	Commencement date	Application, saving and transitional provisions
Datacasting Charge (Imposition) Act 1998	98, 1998	27 July 1998	27 July 1998	
Datacasting Charge (Imposition) Amendment Act 2000	109, 2000	3 Aug 2000	1 Jan 2001 (<i>see</i> s. 2 and <i>Gazette</i> 2000, No. GN50)	—
Datacasting Charge (Imposition) Amendment Act 2005	49, 2005	1 Apr 2005	Schedules 1 and 2: 1 July 2005 (<i>see</i> s. 2(1)) Remainder: Royal Assent	Sch. 2
Communications Legislation Amendment (Information Sharing and Datacasting) Act 2007	178, 2007	28 Sept 2007	Schedule 1 (items 8, 9): 29 Sept 2007	Sch. 1 (item 9)
Statute Law Revision Act 2013	103, 2013	29 June 2013	Schedule 3 (items 99, 343): Royal Assent	Sch. 3 (item 343)

Endnote 2—Amendment history

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This endnote sets out the amendment history of the *Datacasting Charge (Imposition) Act 1998*.

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 3	am. No. 109, 2000; No. 49, 2005
s. 6	am. No. 109, 2000; No. 178, 2007
s. 7	am. No. 49, 2005; No. 103, 2013
Note to s. 7(1)	rs. No. 49, 2005

Endnotes

Endnote 3—Uncommenced amendments [none]

Endnote 3—Uncommenced amendments [none]

There are no uncommenced amendments.

Endnote 4—Misdescribed amendments [none]

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There are no misdescribed amendments.