# Datacasting Charge (Imposition) Act 1998

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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

[*Assented to 27 July 1998*]

The Parliament of Australia enacts:

### 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:

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

***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 Schedule 4 to the *Broadcasting Services Act 1992*.

***national broadcaster*** has the same meaning as in 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 authorises the holder to transmit datacasting services in digital mode; and

(b) the transmitter licence is held by:

  (i) the holder of a commercial television broadcasting licence; or

  (ii) a national broadcaster; 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

(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 ACA.

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

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

## 8 By whom charge is payable

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

[*Minister's second reading speech made in—*
*House of Representatives on 8 April 1998*
*Senate on 23 June 1998*]

(67/98)