Datacasting Charge (Imposition) Act
1998

Act No. 98 of 1998 as amended

This compilation was prepared on 8 October 2007
taking into account amendments up to Act No. 178 of 2007

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General’s Department, Canberra
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## Notes

5
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 [see Note 1]

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

2 Commencement [see Note 1]

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.
Section 5

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 disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901.

2 Datacasting Charge (Imposition) Act 1998
8 By whom charge is payable

Charge imposed on a transmitter licence is payable by the holder of the licence.
Notes to the *Datacasting Charge (Imposition) Act 1998*

**Note 1**

The *Datacasting Charge (Imposition) Act 1998* as shown in this compilation comprises Act No. 98, 1998 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions see Table A.

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ad. = added or inserted  am. = amended  rep. = repealed  rs. = repealed and substituted

Note to the Datacasting Charge (Imposition) Act 1998
Notes to the *Datacasting Charge (Imposition) Act 1998*

**Table A**

### Application, saving or transitional provisions

*Datacasting Charge (Imposition) Amendment Act 2005* (No. 49, 2005)

**Schedule 2**

1 **Definitions**

In this Schedule:

- *transition time* means the commencement of this Schedule.

2 **Continued effect of amount determinations**

A determination made by the ACA under subsection 7(1) of the *Imposition Act* that was in force immediately before the transition time has effect on and after the transition time as if it had been made by the ACMA under that subsection as amended by Schedule 1 to this Act.

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*Communications Legislation Amendment (Information Sharing and Datacasting) Act 2007* (No. 178, 2007)

**Schedule 1**

9 **Application of amendment**

The amendment of the *Datacasting Charge (Imposition) Act 1998* made by this Division applies to the financial year starting on 1 July 2007 and later financial years.

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8 *Datacasting Charge (Imposition) Act 1998*