



**Broadcasting Services Amendment
(Collection of Datacasting Transmitter
Licence Fees) Act 2006**

No. 153, 2006

**An Act to amend the *Broadcasting Services Act
1992*, and for other purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

Contents

1	Short title	1
2	Commencement	2
3	Schedule(s)	2
Schedule 1—Amendments		3
	<i>Australian Communications and Media Authority Act 2005</i>	3
	<i>Broadcasting Services Act 1992</i>	3
	<i>Radiocommunications Act 1992</i>	5



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No. 153, 2006

An Act to amend the *Broadcasting Services Act 1992*, and for other purposes

[Assented to 8 December 2006]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Broadcasting Services Amendment (Collection of Datacasting Transmitter Licence Fees) Act 2006*.

2 Commencement

This Act commences on 1 January 2007.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Australian Communications and Media Authority Act 2005

1 At the end of paragraph 10(1)(o)

Add:

or (viii) the *Datacasting Transmitter Licence Fees Act 2006*;

Broadcasting Services Act 1992

2 Section 205A

Insert:

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

3 Section 205A (at the end of the definition of *gross earnings*)

Add:

; and (c) in relation to a channel A datacasting transmitter licence—as in the *Datacasting Transmitter Licence Fees Act 2006*.

4 Section 205A (at the end of the definition of *licence fee*)

Add:

; or (c) section 7 of the *Datacasting Transmitter Licence Fees Act 2006*.

5 Section 205A

Insert:

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

6 After section 205B

Insert:

205BA Datacasting transmitter licensees to keep accounts

(1) A channel A datacasting transmitter licensee must:

- (a) keep and maintain, in a recognised business or commercial form, financial accounts in relation to the transmission of matter by radiocommunications transmitters operating under the licence; and
 - (b) make those accounts available for inspection by the ACMA or an authorised officer when requested to do so; and
 - (c) within 6 months after the end of each financial year, give the ACMA:
 - (i) an audited balance-sheet and an audited profit and loss account, in a form approved by the ACMA, in relation to the transmission of matter by radiocommunications transmitters operating under the licence during the financial year; and
 - (ii) a statutory declaration stating the gross earnings in relation to the licence during the financial year; and
 - (d) keep such records in relation to the operation of radiocommunications transmitters under the licence as the ACMA directs, and give copies of those records to the ACMA when requested to do so.
- (2) The declaration referred to in subparagraph (1)(c)(ii) must be made by the chief executive officer or secretary of the licensee.

Nominated datacaster declarations

- (3) Clause 46 of Schedule 6 does not apply to this section.

Definition

- (4) In this section:

authorised officer means a member, or a member of the staff, of the ACMA, authorised by the ACMA in writing for the purposes of this section.

Note: For enforcement of this section, see paragraph 109A(1)(bb) of the *Radiocommunications Act 1992*.

Note: The heading to section 205B is altered by omitting “**Licenses**” and substituting “**Broadcasting licensees**”

7 Subsection 205C(1)

Omit “or a commercial radio broadcasting licensee”, substitute “, a commercial radio broadcasting licensee or a channel A datacasting transmitter licensee”.

8 Paragraph 205C(2)(a)

After “205B(1)(c)”, insert “or 205BA(1)(c)”.

9 Subsection 205D(9) (definition of *due date*)

Omit “or the *Television Licence Fees Act 1964*”, substitute “, the *Television Licence Fees Act 1964* or the *Datacasting Transmitter Licence Fees Act 2006*”.

Radiocommunications Act 1992

10 Section 5

Insert:

datacasting transmitter licence fee means a fee imposed under the *Datacasting Transmitter Licence Fees Act 2006*.

11 After paragraph 109A(1)(b)

Insert:

- (ba) if the licence is a channel A datacasting transmitter licence—
a condition that the licensee will meet all obligations of the licensee to pay amounts of datacasting transmitter licence fee;
- (bb) if the licence is a channel A datacasting transmitter licence—
a condition that the licensee will comply with the requirements of section 205BA of the *Broadcasting Services Act 1992*;

*[Minister's second reading speech made in—
House of Representatives on 12 October 2006
Senate on 30 November 2006]*

(145/06)

6 *Broadcasting Services Amendment (Collection of Datacasting Transmitter Licence Fees)*
Act 2006 No. 153, 2006