



Broadcasting Legislation Amendment (Digital Dividend) Act 2013

No. 51, 2013

**An Act to amend legislation relating to
broadcasting, and for other purposes**

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

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Broadcasting Legislation Amendment (Digital Dividend) Act 2013

No. 51, 2013

An Act to amend legislation relating to broadcasting, and for other purposes

[Assented to 28 May 2013]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Broadcasting Legislation Amendment
(Digital Dividend) Act 2013*.

2 Commencement

- (1) This Act, other than items 1 to 24 of Schedule 1, commences on the day after this Act receives the Royal Assent.
- (2) Items 1 to 24 of Schedule 1, commence on 1 October 2013.

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Broadcasting Services Act 1992

1 Subsections 34(5) and (6)

Repeal the subsections.

2 Section 215A

Repeal the section.

3 Clause 1 of Schedule 6

Omit:

- | |
|---|
| <ul style="list-style-type: none">• Datacasting service providers must hold datacasting licences. |
|---|

substitute:

- | |
|---|
| <ul style="list-style-type: none">• A person who provides a designated datacasting service must hold a datacasting licence. |
|---|

4 Subclause 2(1) of Schedule 6

Insert:

designated datacasting service has the meaning given by clause 2A.

5 After clause 2 of Schedule 6

Insert:

2A Designated datacasting service

- (1) For the purposes of this Schedule, a *designated datacasting service* is a datacasting service that:
 - (a) is provided by a person who is:
 - (i) a commercial television broadcasting licensee; or
 - (ii) a commercial radio broadcasting licensee; or
 - (iii) a national broadcaster; or

(b) is of a kind specified in an instrument under subclause (2).

(2) The Minister may, by legislative instrument, specify kinds of datacasting services for the purposes of paragraph (1)(b).

6 Subclause 36(2) of Schedule 6

Before “datacasting service”, insert “designated”.

7 Division 1 of Part 8 of Schedule 6 (heading)

Before “datacasting”, insert “designated”.

8 Clause 49 of Schedule 6 (heading)

Before “datacasting”, insert “designated”.

9 Paragraph 49(1)(a) of Schedule 6

Before “datacasting”, insert “designated”.

10 Subclause 49(3) of Schedule 6

Before “datacasting”, insert “designated”.

Radiocommunications Act 1992

11 Section 5

Insert:

designated datacasting service has the same meaning as in Schedule 6 to the *Broadcasting Services Act 1992*.

12 Subsection 100A(1)

Before “datacasting”, insert “designated”.

13 Subsection 100A(1B)

Before “datacasting service”, insert “designated”.

14 Subsection 100B(2)

Before “datacasting”, insert “designated”.

15 Subsection 100B(2B)

Before “datacasting service”, insert “designated”.

16 Subsection 102(3)

Before “datacasting”, insert “designated”.

17 Subsection 102(5)

Before “datacasting service”, insert “designated”.

18 Subsection 102A(3)

Before “datacasting”, insert “designated”.

19 Subsection 102A(5)

Before “datacasting service”, insert “designated”.

20 Paragraph 109A(1)(i)

Repeal the paragraph.

21 Section 118M (definition of *content service*)

Repeal the definition, substitute:

content service means:

(a) a datacasting service that is authorised by:

- (i) a BSA datacasting licence; or
- (ii) another licence allocated by the ACMA under the *Broadcasting Services Act 1992*; or

(b) a datacasting service provided in accordance with a class licence under the *Broadcasting Services Act 1992*;

but does not include a service covered by subparagraph 109A(1)(ib)(i) or (ii).

22 Paragraph 125(1)(a)

Omit “(i),”.

23 Subsection 128C(1)

Omit “(i),”.

24 Section 128D

Omit “(i),”.

25 ACMA review and report

Schedule 1 Amendments

The Minister must direct the ACMA to review and report on the provision of spectrum for low interference potential device class licences and provide a transition pathway for such licences by 30 July 2013.

*[Minister's second reading speech made in—
House of Representatives on 13 February 2013
Senate on 20 March 2013]*

(11/13)

6 *Broadcasting Legislation Amendment (Digital Dividend) Act 2013* No. 51, 2013