

2004-2005-2006

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

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

No. , 2006

(Communications, Information Technology and the Arts)

**A Bill for an Act to amend the *Broadcasting
Services Act 1992*, and for other purposes**

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1 **A Bill for an Act to amend the *Broadcasting***
2 ***Services Act 1992*, and for other purposes**

3 The Parliament of Australia enacts:

4 **1 Short title**

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

7 **2 Commencement**

8 This Act commences on 1 January 2007.

9 **3 Schedule(s)**

10 Each Act that is specified in a Schedule to this Act is amended or
11 repealed as set out in the applicable items in the Schedule

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concerned, and any other item in a Schedule to this Act has effect according to its terms.

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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:

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

22 *Nominated datacaster declarations*

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

24 *Definition*

- 25 (4) In this section:

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

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

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

33 **7 Subsection 205C(1)**

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

4 **8 Paragraph 205C(2)(a)**

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

6 **9 Subsection 205D(9) (definition of *due date*)**

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

10 ***Radiocommunications Act 1992***

11 **10 Section 5**

12 Insert:

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

15 **11 After paragraph 109A(1)(b)**

16 Insert:

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