



Appendix B – Text of the Bill

2010-2011-2012-2013

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Broadcasting Legislation Amendment
(Digital Dividend) Bill 2013**

No. , 2013

(Broadband, Communications and the Digital Economy)

**A Bill for an Act to amend legislation relating to
broadcasting, and for other purposes**

Contents

1	Short title	1
2	Commencement	1
3	Schedule(s)	1
Schedule 1—Amendments		3
	<i>Broadcasting Services Act 1992</i>	3
	<i>Radiocommunications Act 1992</i>	4

1 **A Bill for an Act to amend legislation relating to**
2 **broadcasting, and for other purposes**

3 The Parliament of Australia enacts:

4 **1 Short title**

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

7 **2 Commencement**

8 This Act commences on the day after this Act receives the Royal
9 Assent.

10 **3 Schedule(s)**

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12 repealed as set out in the applicable items in the Schedule

1
2

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:

- Datacasting service providers must hold datacasting licences.

substitute:

- 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

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

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

4 **6 Subclause 36(2) of Schedule 6**

5 Before “datacasting service”, insert “designated”.

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

7 Before “datacasting”, insert “designated”.

8 **8 Clause 49 of Schedule 6 (heading)**

9 Before “datacasting”, insert “designated”.

10 **9 Paragraph 49(1)(a) of Schedule 6**

11 Before “datacasting”, insert “designated”.

12 **10 Subclause 49(3) of Schedule 6**

13 Before “datacasting”, insert “designated”.

14 ***Radiocommunications Act 1992***

15 **11 Section 5**

16 Insert:

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

19 **12 Subsection 100A(1)**

20 Before “datacasting”, insert “designated”.

21 **13 Subsection 100A(1B)**

22 Before “datacasting service”, insert “designated”.

23 **14 Subsection 100B(2)**

24 Before “datacasting”, insert “designated”.

25 **15 Subsection 100B(2B)**

26 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),”.

