



Broadcasting Legislation Amendment Act 2001

No. 23, 2001

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

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No. 23, 2001

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

[Assented to 6 April 2001]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Broadcasting Legislation Amendment Act 2001*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Amendment of the Broadcasting Services Act 1992

1A Division 2 of Part 11 (heading)

Repeal the heading, substitute:

Division 2—Complaints relating to national broadcasting services or datacasting services provided by the ABC or SBS

1B Paragraph 150(a)

Omit “that national broadcasting service has acted contrary to a code of practice developed by that national broadcasting service”, substitute “the Corporation has, in providing a national broadcasting service or a datacasting service, acted contrary to a code of practice developed by the Corporation”.

Note: The heading to section 150 is altered by adding at the end “**or datacasting services provided by the ABC or SBS**”.

1C Paragraph 151(2)(b)

Omit “that national broadcasting service”, substitute “the Corporation”.

1 At the end of subparagraph 5A(2)(o)(i) of Schedule 4

Add “or the Special Broadcasting Service Corporation”.

2 Paragraphs 6(8)(ca) and 19(8)(ca) of Schedule 4

Repeal the paragraphs.

3 Subparagraphs 37E(2)(a)(i) and 37F(2)(a)(i) of Schedule 4

Omit “SDTV mode”, insert “SDTV digital mode”.

4 Paragraph 27A(1)(d) of Schedule 6

Omit “20A”, substitute “20AA”.

4A After clause 35 of Schedule 6

Insert:

35A This Part does not apply to the ABC or SBS

For the purposes of this Part, the Australian Broadcasting Corporation and the Special Broadcasting Service Corporation are taken not to be datacasting licensees.

Note: If the Australian Broadcasting Corporation or the Special Broadcasting Service Corporation is otherwise a datacasting licensee, it is a duty of the Board of the Corporation to develop a code of practice that relates to the service provided under the licence. See paragraph 8(1)(e) of the *Australian Broadcasting Corporation Act 1983* and paragraph 10(1)(j) of the *Special Broadcasting Service Act 1991*.

4B At the end of clause 37 of Schedule 6

Add:

- (3) Also, this clause does not apply if the datacasting licensee is the Australian Broadcasting Corporation or the Special Broadcasting Service Corporation.

Note: Sections 150 to 153 deal with complaints about a datacasting service provided by the Australian Broadcasting Corporation or the Special Broadcasting Service Corporation.

5 Part 6 of Schedule 6 (heading)

Repeal the heading, substitute:

Part 6—Control of datacasting transmitter licences

6 Clauses 39 and 40 of Schedule 6

Repeal the clauses.

Note: The heading to clause 41 is replaced by the heading “**Datacasting transmitter licences not to be controlled by ABC or SBS**”.

Schedule 2—Amendment of the Australian Broadcasting Corporation Act 1983

1 Subsection 3(1)

Insert:

datacasting licence has the same meaning as in the *Broadcasting Services Act 1992*.

2 Subsection 3(1)

Insert:

datacasting service has the same meaning as in the *Broadcasting Services Act 1992*.

3 After section 6

Insert:

6A Datacasting functions

(1) If:

- (a) the Corporation applies for a datacasting licence; and
- (b) the licence is allocated to the Corporation;

then, in addition to the functions conferred on the Corporation under section 6, the Corporation has the function of providing a datacasting service under, and in accordance with the conditions of, the licence.

(2) However, subsection (1) is not intended to impose any obligation on the Corporation, in relation to the provision of such a service, beyond that imposed on the Corporation as holder of such a licence.

4 Paragraph 8(1)(e)

Repeal the paragraph, substitute:

- (e) to develop codes of practice relating to:
 - (i) programming matters; and

(ii) if the Corporation has the function of providing a datacasting service under section 6A—that service; and to notify those codes to the Australian Broadcasting Authority.

Schedule 3—Amendment of the Special Broadcasting Service Act 1991

1 Section 3

Insert:

datacasting licence has the same meaning as in the *Broadcasting Services Act 1992*.

2 Section 3

Insert:

datacasting service has the same meaning as in the *Broadcasting Services Act 1992*.

3 After section 6

Insert:

6A Datacasting functions

(1) If:

- (a) the SBS applies for a datacasting licence; and
- (b) the licence is allocated to the SBS;

then, in addition to the functions conferred on the SBS under section 6, the SBS has the function of providing a datacasting service under, and in accordance with the conditions of, the licence.

(2) However, subsection (1) is not intended to impose any obligation on the SBS, in relation to the provision of such a service, beyond that imposed on the SBS as holder of such a licence.

4 Paragraph 10(1)(j)

Repeal the paragraph, substitute:

- (j) to develop codes of practice relating to:
 - (i) programming matters; and

(ii) if the SBS has the function of providing a datacasting service under section 6A—that service;
and to notify those codes to the Australian Broadcasting Authority.

*[Minister's second reading speech made in—
Senate on 6 December 2000
House of Representatives on 7 March 2001]*

(200/00)