



Television Licence Fees Act 1964

Act No. 118 of 1964 as amended

This compilation was prepared on 1 July 2005
taking into account amendments up to Act No. 48 of 2005

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General's Department, Canberra

Contents

1	Short title [<i>see</i> Note 1]	1
2	Commencement [<i>see</i> Note 1].....	1
3	Incorporation of Broadcasting Act	1
4	Interpretation	1
5	Licence fees.....	2
6	Amount of fees	2
6A	Change of accounting period—effect on fees payable.....	4
6B	Additional licence fees for 1999, 2000 and 2001	6
7	Earnings of subsidiary companies etc.....	7
8	Regulations.....	8
Notes		9

An Act to provide for the payment of fees in respect of certain television licences

1 Short title *[see Note 1]*

This Act may be cited as the *Television Licence Fees Act 1964*.

2 Commencement *[see Note 1]*

This Act shall come into operation on the day on which it receives the Royal Assent.

3 Incorporation of Broadcasting Act

The *Broadcasting Services Act 1992* is incorporated and shall be read as one with this Act.

4 Interpretation

(1) In this Act:

ACMA means the Australian Communications and Media Authority.

gross earnings, in respect of a licence in respect of a period, means the gross earnings of the licensee during that period from the televising, by the service provided under the licence, of advertisements or other matter.

licence means:

- (a) a commercial television broadcasting licence referred to in paragraph 5(1)(b) or (e) of the Transitional Provisions Act; or
- (b) a commercial television broadcasting licence allocated or renewed, whether before, on or after the commencement of this definition, under the *Broadcasting Services Act 1992*.

Transitional Provisions Act means the *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992*.

- (2) Where, in connexion with any transaction, any consideration is paid or given otherwise than in cash, the money value of that consideration shall, for the purposes of this Act, be deemed to have been paid or given.

5 Licence fees

- (1) Subject to subsection (2), there is payable to the Commonwealth by a licensee, by way of tax in respect of the licence, fees in accordance with sections 6, 6A and 6B.
- (2) The regulations may make provision for rebates of fees payable by licensees.

6 Amount of fees

- (2) Subject to section 6A, there is payable by a licensee:
- (a) on each 31 December that occurs during the period of the licence; and
- (b) on:
- (i) if the licence's period ends on a 31 December or a day within the first 6 months of a calendar year—the first 31 December after the licence's period; or
- (ii) if the licence's period ends on any other day in a calendar year—each 31 December that occurs during the 18 months immediately following the licence's period;

a fee of an amount equal to the relevant percentage of the gross earnings in respect of the licence during the period of one year ending on the 30 June last preceding the 31 December.

- (2A) In subsection (2), *relevant percentage*, in relation to the gross earnings in respect of a licence during a period, means:
- (a) where those gross earnings are less than \$5,000,000—the percentage ascertained in accordance with the formula:
- $$0.5 + \left\{ 0.6 \times \frac{A}{1,000,000} \right\};$$
- (b) where those gross earnings are not less than \$5,000,000 but are less than \$6,000,000—the percentage ascertained in accordance with the formula:

$$3.5 + \left\{ 0.5 \times \frac{A - 5,000,000}{1,000,000} \right\};$$

- (c) where those gross earnings are not less than \$6,000,000 but are less than \$7,000,000—the percentage ascertained in accordance with the formula:

$$4 + \left\{ 0.4 \times \frac{A - 6,000,000}{1,000,000} \right\};$$

- (d) where those gross earnings are not less than \$7,000,000 but are less than \$10,000,000—the percentage ascertained in accordance with the formula:

$$4.4 + \left\{ 0.3 \times \frac{A - 7,000,000}{1,000,000} \right\};$$

- (e) where those gross earnings are not less than \$10,000,000 but are less than \$20,000,000—the percentage ascertained in accordance with the formula:

$$5.3 + \left\{ 0.11 \times \frac{A - 10,000,000}{1,000,000} \right\};$$

- (f) where those gross earnings are not less than \$20,000,000 but are less than \$45,000,000—the percentage ascertained in accordance with the formula:

$$6.4 + \left\{ 0.06 \times \frac{20,000,000}{1,000,000} \right\};$$

- (g) where those gross earnings are not less than \$45,000,000 but are less than \$75,000,000—the percentage ascertained in accordance with the formula:

$$7.9 + \left\{ 0.03 \times \frac{A - 45,000,000}{1,000,000} \right\}; \text{ or}$$

- (h) where those gross earnings are not less than \$75,000,000—whichever is the lesser of 9% or the percentage ascertained in accordance with the formula:

$$8.8 + \left\{ 0.008 \times \frac{A - 75,000,000}{1,000,000} \right\};$$

where A is the number of dollars in those gross earnings.

- (3) If a licensee:

- (a) had, before the commencement of the Transitional Provisions Act, in accordance with the *Broadcasting Act 1942*; or

- (b) had, before the day on which the *Television Licence Fees Amendment Act 1997* received the Royal Assent, in accordance with subsection 123(2) of the *Broadcasting Act 1942* as applied by section 22 of the *Transitional Provisions Act*; or
- (c) has, on or after the day on which the *Television Licence Fees Amendment Act 1997* received the Royal Assent, in accordance with subsection 205B(2) of the *Broadcasting Services Act 1992*;

adopted an accounting period ending on a day other than 30 June, the reference in subsection (2) of this section to 30 June shall, in relation to the licence, be read as a reference to that other day.

- (4) A reference in subsection (2) to a licence shall be read as including a reference to a licence granted before the commencement of this Act.
- (4A) For the purposes of subsection (2), the period of a licence shall be taken to include any period of renewal or further renewal of the licence.
- (5) Where the amount of the gross earnings in respect of a licence during a period consists of a number of dollars and a number of cents, then, for the purposes of this section, the cents shall be disregarded.

6A Change of accounting period—effect on fees payable

Where:

- (a) a fee is payable under subsection 6(2) on a 31 December in respect of earnings during a period (in this section referred to as the *first fee period*);
 - (b) a fee would, but for this section, be payable under that subsection on the next 31 December in respect of earnings during a period (in this section referred to as the *second fee period*); and
 - (c) by reason of a change in the accounting period used by the licensee, the second fee period commences before or does not commence immediately after the end of the first fee period;
- section 6 applies in relation to the fee payable on the anniversary referred to in paragraph (b) as if:

- (d) references in that section to a period of one year ending on a day were references to the period commencing immediately after the end of the first fee period and ending on the day on which the second fee period ends; and
- (e) subsection 6(2A) were omitted and the following subsection were substituted:

“(2A) In subsection (2), *relevant percentage*, in relation to gross earnings in respect of a licence during a period, means:

- (a) where A is less than \$5,000,000—the percentage ascertained in accordance with the formula:

$$0.5 + \left\{ 0.6 \times \frac{A}{1,000,000} \right\};$$

- (b) where A is not less than \$5,000,000 but is less than \$6,000,000—the percentage ascertained in accordance with the formula:

$$3.5 + \left\{ 0.5 \times \frac{A - 5,000,000}{1,000,000} \right\};$$

- (c) where A is not less than \$6,000,000 but is less than \$7,000,000—the percentage ascertained in accordance with the formula:

$$4 + \left\{ 0.4 \times \frac{A - 6,000,000}{1,000,000} \right\};$$

- (d) where A is not less than \$7,000,000 but is less than \$10,000,000—the percentage ascertained in accordance with the formula:

$$4.4 + \left\{ 0.3 \times \frac{A - 7,000,000}{1,000,000} \right\};$$

- (e) where A is not less than \$10,000,000 but is less than \$20,000,000—the percentage ascertained in accordance with the formula:

$$5.3 + \left\{ 0.11 \times \frac{A - 10,000,000}{1,000,000} \right\};$$

- (f) where A is not less than \$20,000,000 but is less than \$45,000,000—the percentage ascertained in accordance with the formula:

$$6.4 + \left\{ 0.06 \times \frac{A-20,000,000}{1,000,000} \right\};$$

- (g) where *A* is not less than \$45,000,000 but is less than \$75,000,000—the percentage ascertained in accordance with the formula:

$$7.9 + \left\{ 0.03 \times \frac{A-45,000,000}{1,000,000} \right\}; \text{ or}$$

- (h) where *A* is not less than \$75,000,000—whichever is the lesser of 9% or the percentage ascertained in accordance with the formula:

$$8.8 + \left\{ 0.008 \times \frac{A-75,000,000}{1,000,000} \right\};$$

where:

A is the amount ascertained in accordance with the formula

$$B \times \frac{365}{C};$$

B is the number of dollars in the gross earnings in respect of the licence during the period; and

C is the number of days in the period.”.

6B Additional licence fees for 1999, 2000 and 2001

- (1) On 31 December 1999, a licensee must pay a fee that is calculated in accordance with the formula in this subsection:

$$\$1,210,000 \times \frac{\text{Licensee's fee}}{\text{Total licensees' fees}}$$

where:

licensee's fee means the amount of fee payable by the licensee under section 6 or 6A on 31 December 1998.

total licensees' fees means the sum of all fees payable under section 6 and all fees payable under section 6A (if any), on 31 December 1998.

- (2) On 31 December 2000, a licensee must pay a fee that is calculated in accordance with the formula in this subsection:

$$\$1,210,000 \times \frac{\text{Licensee's fee}}{\text{Total licensees' fees}}$$

where:

licensee's fee means the amount of fee payable by the licensee under section 6 or 6A on 31 December 1999.

total licensees' fees means the sum of all fees payable under section 6 and all fees payable under section 6A (if any), on 31 December 1999.

- (3) On 31 December 2001, a licensee must pay a fee that is calculated in accordance with the formula in this subsection:

$$\$990,000 \times \frac{\text{Licensee's fee}}{\text{Total licensees' fees}}$$

where:

licensee's fee means the amount of fee payable by the licensee under section 6 or 6A on 31 December 2000.

total licensees' fees means the sum of all fees payable under section 6 and all fees payable under section 6A (if any), on 31 December 2000.

- (4) A fee payable under this section is in addition to a fee payable under section 6 or 6A.

7 Earnings of subsidiary companies etc.

Where the ACMA is of the opinion that:

- (a) an amount, or part of an amount, earned during any period by a person other than a licensee would, if the licensee and that person were the same person, form part of the gross earnings in respect of the licence in respect of that period for the purposes of this Act; and
- (b) a relationship exists between the licensee and the other person (whether by reason of any shareholding or of any agreement or arrangement, or for any other reason) of such a kind that the amount or the part of the amount, as the case may be, should, for the purposes of this Act, be treated as

part of the gross earnings in respect of the licence in respect of that period;

the ACMA may direct that the amount or the part of the amount, as the case may be, shall be so treated.

8 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed in carrying out or giving effect to this Act.

Table of Acts**Notes to the *Television Licence Fees Act 1964*****Note 1**

The *Television Licence Fees Act 1964* as shown in this compilation comprises Act No. 118, 1964 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 1 April 2005 is not included in this compilation. For subsequent information *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Television Stations Licence Fees Act 1964</i>	118, 1964	24 Nov 1964	24 Nov 1964	
<i>Statute Law Revision (Decimal Currency) Act 1966</i>	93, 1966	29 Oct 1966	1 Dec 1966	—
<i>Television Stations Licence Fees Amendment Act 1976</i>	103, 1976	12 Oct 1976	1 Sept 1977	—
<i>Television Stations Licence Fees Amendment Act (No. 2) 1976</i>	189, 1976	15 Dec 1976	1 Jan 1977	—
<i>Television Stations Licence Fees Amendment Act 1977</i>	96, 1977	22 Sept 1977	1 Sept 1977	S. 3(2)
<i>Television Stations Licence Fees Amendment Act 1978</i>	51, 1978	12 June 1978	12 June 1978	S. 4
<i>Television Stations Licence Fees Act 1981</i>	169, 1981	2 Dec 1981	1 Sept 1981	S. 3(2)
<i>Television Stations Licence Fees Amendment Act 1982</i>	156, 1982	31 Dec 1982	31 Dec 1982 (see s. 2)	—
<i>Television Stations Licence Fees Amendment Act 1983</i>	59, 1983	12 Oct 1983	1 Sept 1983	S. 3(2)
<i>Television Stations Licence Fees Amendment Act 1985</i>	69, 1985	5 June 1985	1 Jan 1986	S. 11
<i>Television Licence Fees Amendment Act 1987</i>	14, 1987	18 May 1987	14 Sept 1987 (see Gazette 1987, No. S231)	S. 8

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Television Licence Fees Amendment Act (No. 2) 1987</i>	67, 1987	5 June 1987	14 Sept 1987 (see <i>Gazette</i> 1987, No. S231)	S. 7
<i>Television Licence Fees Amendment Act (No. 3) 1987</i>	117, 1987	16 Dec 1987	16 Dec 1987	S. 6
<i>Television Licence Fees Amendment Act 1991</i>	185, 1991	6 Dec 1991	31 Dec 1992	—
<i>Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992</i>	105, 1992	9 July 1992	5 Oct 1992 (see s. 2 and <i>Gazette</i> 1992, No. GN38)	—
<i>Television Licence Fees Amendment Act 1997</i>	141, 1997	8 Oct 1997	8 Oct 1997	—
<i>Television Licence Fees Amendment Act 1999</i>	129, 1999	13 Oct 1999	13 Oct 1999	—
<i>Television Licence Fees Amendment Act 2005</i>	48, 2005	1 Apr 2005	Schedules 1 and 2: 1 July 2005 (see s. 2(1)) Remainder: Royal Assent	Sch. 2 [see Table A]

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Title	am. No. 156, 1982 rs. No. 69, 1985
S. 1	am. No. 69, 1985
S. 3	am. No. 156, 1982; No. 69, 1985; No. 105, 1992
S. 4	am. No. 69, 1985; No. 14, 1987; No. 105, 1992; No. 141, 1997; No. 48, 2005
S. 5	am. No. 156, 1982; No. 69, 1985; Nos. 14 and 67, 1987; No. 141, 1997; No. 129, 1999
S. 6	am. No. 93, 1966; No. 141, 1997 rs. No. 103, 1976 am. No. 189, 1976; No. 96, 1977; No. 51, 1978; No. 169, 1981; No. 156, 1982; No. 59, 1983; No. 69, 1985; Nos. 14, 67 and 117, 1987; No. 185, 1991; No. 105, 1992
S. 6A	ad. No. 67, 1987 am. No. 117, 1987; No. 185, 1991
S. 6B	ad. No. 129, 1999
S. 7	am. No. 69, 1985; No. 141, 1997; No. 48, 2005
S. 8	ad. No. 156, 1982 rep. No. 69, 1985 ad. No. 14, 1987

Table A

Table A

Application, saving or transitional provisions

Television Licence Fees Amendment Act 2005 (No. 48, 2005)

Schedule 2

1 Definitions

In this Schedule:

Imposition Act means the *Television Licence Fees Act 1964*.

transition time means the commencement of this Schedule.

2 Continued effect of directions about gross earnings

A direction made by the ABA under section 7 of the Imposition Act that was in force immediately before the transition time has effect on and after the transition time as if it had been made by the ACMA under that section as amended by Schedule 1 to this Act.