



Television Licence Fees Act 1964

No. 118, 1964 as amended

Compilation start date: 29 March 2013

Includes amendments up to: Act No. 25, 2013

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

The compiled Act

This is a compilation of the *Television Licence Fees Act 1964* as amended and in force on 29 March 2013. It includes any amendment affecting the compiled Act to that date.

This compilation was prepared on 17 April 2013.

The notes at the end of this compilation (the *endnotes*) include information about amending Acts and instruments and the amendment history of each amended provision.

Uncommenced provisions and amendments

If a provision of the compiled Act is affected by an uncommenced amendment, the text of the uncommenced amendment is set out in the endnotes.

Application, saving and transitional provisions for amendments

If the operation of an amendment is affected by an application, saving or transitional provision, the provision is set out in the endnotes.

Modifications

If a provision of the compiled Act is affected by a textual modification that is in force, the text of the modifying provision is set out in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled Act has expired or otherwise ceased to have effect in accordance with a provision of the Act, details of the provision are set out in the endnotes.

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

1 Short title

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

2 Commencement

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 or services 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 and 6A.
- (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 whichever of the following is applicable:

- (a) if those gross earnings are less than \$5,000,000—the percentage worked out using the following formula:

$$0.25 + \left(0.3 \times \frac{\text{Gross earnings number}}{1,000,000} \right)$$

- (b) if those gross earnings are not less than \$5,000,000 but are less than \$6,000,000—the percentage worked out using the following formula:

$$1.75 + \left(0.25 \times \frac{\text{Gross earnings number} - 5,000,000}{1,000,000} \right)$$

- (c) if those gross earnings are not less than \$6,000,000 but are less than \$7,000,000—the percentage worked out using the following formula:

$$2 + \left(0.2 \times \frac{\text{Gross earnings number} - 6,000,000}{1,000,000} \right)$$

- (d) if those gross earnings are not less than \$7,000,000 but are less than \$10,000,000—the percentage worked out using the following formula:

$$2.2 + \left(0.15 \times \frac{\text{Gross earnings number} - 7,000,000}{1,000,000} \right)$$

- (e) if those gross earnings are not less than \$10,000,000 but are less than \$20,000,000—the percentage worked out using the following formula:

$$2.65 + \left(0.055 \times \frac{\text{Gross earnings number} - 10,000,000}{1,000,000} \right)$$

- (f) if those gross earnings are not less than \$20,000,000 but are less than \$45,000,000—the percentage worked out using the following formula:

$$3.2 + \left(0.03 \times \frac{\text{Gross earnings number} - 20,000,000}{1,000,000} \right)$$

- (g) if those gross earnings are not less than \$45,000,000 but are less than \$75,000,000—the percentage worked out using the following formula:

$$3.95 + \left(0.015 \times \frac{\text{Gross earnings number} - 45,000,000}{1,000,000} \right)$$

- (h) if those gross earnings are not less than \$75,000,000—whichever is the lesser of the following percentages:

- (i) 4.5%;
- (ii) the percentage worked out using the following formula:

$$4.4 + \left(0.004 \times \frac{\text{Gross earnings number} - 75,000,000}{1,000,000} \right)$$

where:

gross earnings number means 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*); and
- (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 31 December 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 whichever of the following is applicable:
- (a) if the adjusted gross earnings are less than \$5,000,000—the percentage worked out using the following formula:

$$0.25 + \left(0.3 \times \frac{\text{Adjusted gross earnings number}}{1,000,000} \right)$$
 - (b) if the adjusted gross earnings are not less than \$5,000,000, but are less than \$6,000,000—the percentage worked out using the following formula:

$$1.75 + \left(0.25 \times \frac{\text{Adjusted gross earnings number} - 5,000,000}{1,000,000} \right)$$
 - (c) if the adjusted gross earnings are not less than \$6,000,000 but are less than \$7,000,000—the percentage worked out using the following formula:

$$2 + \left(0.2 \times \frac{\text{Adjusted gross earnings number} - 6,000,000}{1,000,000} \right)$$

- (d) if the adjusted gross earnings are not less than \$7,000,000 but are less than \$10,000,000—the percentage worked out using the following formula:

$$2.2 + \left(0.15 \times \frac{\text{Adjusted gross earnings number} - 7,000,000}{1,000,000} \right)$$

- (e) if the adjusted gross earnings are not less than \$10,000,000 but are less than \$20,000,000—the percentage worked out using the following formula:

$$2.65 + \left(0.055 \times \frac{\text{Adjusted gross earnings number} - 10,000,000}{1,000,000} \right)$$

- (f) if the adjusted gross earnings are not less than \$20,000,000 but are less than \$45,000,000—the percentage worked out using the following formula:

$$3.2 + \left(0.03 \times \frac{\text{Adjusted gross earnings number} - 20,000,000}{1,000,000} \right)$$

- (g) if the adjusted gross earnings are not less than \$45,000,000 but are less than \$75,000,000—the percentage worked out using the following formula:

$$3.95 + \left(0.015 \times \frac{\text{Adjusted gross earnings number} - 45,000,000}{1,000,000} \right)$$

- (h) if the adjusted gross earnings are not less than \$75,000,000—whichever is the lesser of the following percentages:

(i) 4.5%;

(ii) the percentage worked out using the following formula:

$$4.4 + \left(0.004 \times \frac{\text{Adjusted gross earnings number} - 75,000,000}{1,000,000} \right)$$

where:

adjusted gross earnings is the amount worked out using the following formula:

$$\text{Gross earnings in respect of the licence during the period} \times \frac{365}{\text{Number of days in the period}}$$

adjusted gross earnings number is the number of dollars in the adjusted gross earnings.

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.

Endnotes

Endnote 1—Legislation history

Endnotes

Endnote 1—Legislation history

This endnote sets out details of the legislation history of the *Television Licence Fees Act 1964*.

Act	Number and year	Assent date	Commencement date	Application, saving and transitional provisions
Television Stations Licence Fees Act 1964	118, 1964	24 Nov 1964	24 Nov 1964	
Statute Law Revision (Decimal Currency) Act 1966	93, 1966	29 Oct 1966	1 Dec 1966	—
Television Stations Licence Fees Amendment Act 1976	103, 1976	12 Oct 1976	1 Sept 1977	—
Television Stations Licence Fees Amendment Act (No. 2) 1976	189, 1976	15 Dec 1976	1 Jan 1977	—
Television Stations Licence Fees Amendment Act 1977	96, 1977	22 Sept 1977	1 Sept 1977	s. 3(2)
Television Stations Licence Fees Amendment Act 1978	51, 1978	12 June 1978	12 June 1978	s. 4
Television Stations Licence Fees Act 1981	169, 1981	2 Dec 1981	1 Sept 1981	s. 3(2)
Television Stations Licence Fees Amendment Act 1982	156, 1982	31 Dec 1982	31 Dec 1982 (<i>see</i> s. 2)	—
Television Stations Licence Fees Amendment Act 1983	59, 1983	12 Oct 1983	1 Sept 1983	s. 3(2)

Endnote 1—Legislation history

Act	Number and year	Assent date	Commencement date	Application, saving and transitional provisions
Television Stations Licence Fees Amendment Act 1985	69, 1985	5 June 1985	1 Jan 1986	s. 11
Television Licence Fees Amendment Act 1987	14, 1987	18 May 1987	14 Sept 1987 (<i>see Gazette</i> 1987, No. S231)	s. 8
Television Licence Fees Amendment Act (No. 2) 1987	67, 1987	5 June 1987	14 Sept 1987 (<i>see Gazette</i> 1987, No. S231)	s. 7
Television Licence Fees Amendment Act (No. 3) 1987	117, 1987	16 Dec 1987	16 Dec 1987	s. 6
Television Licence Fees Amendment Act 1991	185, 1991	6 Dec 1991	31 Dec 1992	—
Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992	105, 1992	9 July 1992	5 Oct 1992 (<i>see s. 2 and Gazette</i> 1992, No. GN38)	—
Television Licence Fees Amendment Act 1997	141, 1997	8 Oct 1997	8 Oct 1997	—
Television Licence Fees Amendment Act 1999	129, 1999	13 Oct 1999	13 Oct 1999	—
Television Licence Fees Amendment Act 2005	48, 2005	1 Apr 2005	Schedules 1 and 2: 1 July 2005 (<i>see s. 2(1)</i>) Remainder: Royal Assent	Sch. 2 [<i>see Endnote 3</i>]
Television Licence Fees Amendment Act 2006	123, 2006	4 Nov 2006	1 Jan 2007	—
Television Licence Fees Amendment Act 2013	25, 2013	28 Mar 2013	Schedules 1 and 2: 29 Mar 2013 Remainder: Royal Assent	Sch. 1 (items 3, 4) [<i>see Endnote 3</i>]

Endnotes

Endnote 2—Amendment history

Endnote 2—Amendment history

This endnote sets out the amendment history of the *Television Licence Fees Act 1964*.

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

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; No. 123, 2006
s. 5	am. No. 156, 1982; No. 69, 1985; Nos. 14 and 67, 1987; No. 141, 1997; No. 129, 1999; No. 25, 2013
s. 6	am. No. 93, 1966 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; No. 141, 1997; No. 25, 2013
s. 6A	ad. No. 67, 1987 am. No. 117, 1987; No. 185, 1991; No. 25, 2013
s. 6B	ad. No. 129, 1999 rep. No. 25, 2013
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

Endnote 3—Application, saving and transitional provisions

Endnote 3—Application, saving and transitional provisions

This endnote sets out application, saving and transitional provisions for amendments of the *Television Licence Fees Act 1964*.

Application, saving and transitional provisions prior to 1 April 2005 are not included in this endnote.

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.

Television Licence Fees Amendment Act 2013 (No. 25, 2013)**Schedule 1****3 Application**

The amendments made by this Schedule apply to a fee payable by a licensee after the commencement of this item.

4 Transitional—licence fee rebate scheme

A licensee is not entitled to a rebate under Part 4 of the *Television Licence Fees Regulations 1990* for an accounting period (within the meaning of that Part) if the fee for the accounting period is payable after the commencement of this item.

Endnotes

Endnote 4—Uncommenced amendments

Endnote 4—Uncommenced amendments

This endnote sets out amendments of the *Television Licence Fees Act 1964* that have not yet commenced.

There are no uncommenced amendments.

Endnote 5—Misdescribed amendments

Endnote 5—Misdescribed amendments

This endnote sets out amendments of the *Television Licence Fees Act 1964* that have been misdescribed.

There are no misdescribed amendments.