Radio Licence Fees Act 1964

Act No. 119 of 1964 as amended

This compilation was prepared on 8 April 2005 taking into account amendments up to Act No. 53 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
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An Act to provide for the payment of fees in respect of certain radio licences

1 Short title [see Note 1]

This Act may be cited as the Radio 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, unless the contrary intention appears:

ABA means the Australian Broadcasting Authority established by the Broadcasting Services Act 1992.

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

licence means:

(a) a commercial radio broadcasting licence referred to in paragraph 5(1)(a), (d) or (f) of the Transitional Provisions Act; or

(b) a commercial radio broadcasting licence allocated or renewed, whether before, on or after the commencement of this definition, under the Broadcasting Services Act 1992.
Section 5


(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**

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.

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:

\[
0.25 + \left( 0.3 \times \frac{A}{1,000,000} \right);
\]
(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:

$$1.75 + \left\{ 0.45 \times \frac{A - 5,000,000}{1,000,000} \right\}$$;

(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:

$$2.2 + \left\{ 0.4 \times \frac{A - 6,000,000}{1,000,000} \right\}$$;

(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:

$$2.65 + \left\{ 0.15 \times \frac{A - 7,000,000}{1,000,000} \right\}$$;

(e) where those gross earnings are not less than $10,000,000—whichever is the lesser of 3.25% or the percentage ascertained in accordance with the formula:

$$3.1 + \left\{ 0.1 \times \frac{A - 10,000,000}{1,000,000} \right\}$$;

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 Radio 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 Radio 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) 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.

(5) 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.

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:

$$0.25 + \left\{0.3 \times \frac{A}{1,000,000}\right\};$$

$$0.25 + \left\{0.3 \times \frac{A}{1,000,000}\right\};$$
(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:
\[
1.75 + \left\{ 0.45 \times \frac{A - 5,000,000}{1,000,000} \right\};
\]
(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:
\[
2.2 + \left\{ 0.4 \times \frac{A - 6,000,000}{1,000,000} \right\};
\]
(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:
\[
2.65 + \left\{ 0.15 \times \frac{A - 7,000,000}{1,000,000} \right\};
\]
(e) where \( A \) is not less than $10,000,000—whichever is the lesser of 3.25% or the percentage ascertained in accordance with the formula:
\[
3.1 + \left\{ 0.1 \times \frac{A - 10,000,000}{1,000,000} \right\}
\]
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."

7 Earnings of subsidiary companies etc.

Where the ABA 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 ABA 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.
Notes to the *Radio Licence Fees Act 1964*

**Note 1**

The *Radio Licence Fees Act 1964* as shown in this compilation comprises Act No. 119, 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

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<tr>
<th>Act</th>
<th>Number and year</th>
<th>Date of Assent</th>
<th>Date of commencement</th>
<th>Application, saving or transitional provisions</th>
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### Notes to the Radio Licence Fees Act 1964

#### Table of Acts

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<th>Act</th>
<th>Number and year</th>
<th>Date of Assent</th>
<th>Date of commencement</th>
<th>Application, saving or transitional provisions</th>
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<tr>
<td>Radio Licence Fees Amendment Act (No. 2) 1987</td>
<td>116, 1987</td>
<td>16 Dec 1987</td>
<td>16 Dec 1987</td>
<td>Ss. 8 and 9</td>
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<td>Ss. 16, 18, 19, 20(1) and 21: (b)</td>
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<td>Ss. 22–25: 1 Jan 1992</td>
<td>Remainder: Royal Assent</td>
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<td>Schedule 1 (item 4): 5 Oct 1992 (c)</td>
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<td>Radio Licence Fees Amendment Act 2005</td>
<td>53, 2005</td>
<td>1 Apr 2005</td>
<td>Schedules 1 and 2: [see (d), Note 2 and Table A]</td>
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<td>Remainder: Royal Assent</td>
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Act Notes

(a) The Radio Licence Fees Act 1964 was amended by Part IV (sections 51 and 52) only of the Broadcasting Legislation Amendment Act 1988, subsection 2(4) of which provides as follows:

(4) Sections 51 and 52 are to have commenced on 16 December 1987.

(b) The Radio Licence Fees Act 1964 was amended by Part 4 (sections 22–26) only of the Transport and Communications Legislation Amendment Act 1992, subsections 2(1) and (5) of which provide as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(5) Sections 22, 23, 24 and 25 are taken to have commenced on 1 January 1992.

(c) The Radio Licence Fees Act 1964 was amended by Schedule 1 only of the Radio Licence Fees Amendment Act 1997, subsections 2(1) and (2) of which provide as follows:

(1) Subject to subsection (2), sections 1, 2 and 3, and the items of Schedule 1 other than item 4, commence on the day on which this Act receives the Royal Assent.

(2) Item 4 of Schedule 1 is taken to have commenced on 5 October 1992.

(d) Subsection 2(1) (item 2) of the Radio Licence Fees Amendment Act 2005 provides as follows:

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<table>
<thead>
<tr>
<th>Provision(s)</th>
<th>Commencement</th>
<th>Date/Details</th>
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<tr>
<td>2. Schedules 1 and 2</td>
<td>At the same time as section 6 of the Australian Communications and Media Authority Act 2005 commences.</td>
<td>[see Note 2 and Table A]</td>
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### Table of Amendments

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<tr>
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<th>S. 6</th>
<th>S. 6A</th>
<th>S. 6B</th>
<th>S. 6C</th>
<th>S. 7</th>
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<td><strong>How affected</strong></td>
<td>rs. No. 68, 1985</td>
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Radio Licence Fees Amendment Act 2005 (No. 53, 2005)

The following amendments commence on 1 July 2005 unless proclaimed earlier:

Schedule 1

1 Subsection 4(1) (definition of ABA)
   Repeal the definition.

2 Subsection 4(1)
   Insert:
   
   \textit{ACMA} means the Australian Communications and Media Authority.

3 Section 7
   Omit “ABA” (wherever occurring), substitute “ACMA”.

As at 8 April 2005 the amendments are not incorporated in this compilation.
Table A

Application, saving or transitional provisions

Radio Licence Fees Amendment Act 2005 (No. 53, 2005)

The following provisions commence on 1 July 2005 unless proclaimed earlier:

Schedule 2

1 Definitions

In this Schedule:


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.