Television Licence Fees Regulations²
(Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Television Licence Fees Act 1964.

Dated 1996.

[20 December]

WILLIAM DEANE
Governor-General

By His Excellency's Command,

RICHARD ALSTON
Minister for Communications and the Arts

PART 1—PRELIMINARY

1. Commencement
1.1 Part 2 is taken to have commenced on 25 January 1990.

[NOTE: This is the date of commencement of the original Regulations.]
1.2 Part 3 is taken to have commenced on 1 January 1991.

[NOTES:
1. The remainder of these Regulations commence on gazetted, see Acts Interpretation Act 1901, s. 48.
2. For the application of Part 3, see regulation 7.]

2. Amendment
2.1 The Television Licence Fees Regulations are amended as set out in these Regulations.

PART 2—RETROSPECTIVE AMENDMENTS ABOUT DUE DAY FOR REBATE SCHEME A

3. Regulation 2 (Interpretation)
3.1 Subregulation 2 (1) (definitions of “consolidated licence”, “direction day”, “former licence”, “former licensee” and “relevant anniversary”):
Omit the definitions.

3.2 Subregulation 2 (1):
Insert the following definitions:

“consolidated licence’ see subregulation 2AA (1);

due day’ means:
(a) for a licence—a day when a fee is payable for the licence under subsection 6 (2) of the Act; or
(b) for a former licence—a day when a fee would have been payable for the licence under the subsection if the licence had not been revoked;

‘former licence’ see subregulation 2AA (2);

‘former licensee’ see subregulation 2AA (3);”.
4. New regulation 2AA
4.1 After regulation 2, insert:

**Meaning of “consolidated licence”, “former licence” etc.**

"2AA. (1) A ‘consolidated licence’ is a licence granted under section 81 of the Broadcasting Act 1942 because of a direction (the ‘revocation direction’) of the Minister under section 94ZC (1) or (2) of that Act.

“(2) A ‘former licence’, for the consolidated licence, is a licence revoked because of the revocation direction and, if the revoked licence was itself a consolidated licence, includes:

(a) a licence that is a former licence for the revoked licence; and

(b) any other licence that is in turn a former licence for the licence mentioned in paragraph (a).

“(3) A ‘former licensee’, for the consolidated licence, is a licensee of a former licence for the consolidated licence.”.

5. Regulation 3 (Rebate Scheme A)
5.1 Paragraph 3 (3) (a):
Omit “anniversary of the date of commencement of the licence”, substitute “due day”.

5.2 Paragraphs 3 (3) (b), (c) and (d):
Omit “such anniversary”, substitute “due day”.

6. Regulation 4 (Rebate Scheme A—certain consolidated licences)
6.1 Paragraph 4 (1) (b):
Omit “relevant anniversary in relation to the former licence”, substitute “first due day after the grant of the consolidated licence”.

6.2 Subregulations 4 (2) and (3):
Omit the subregulations, substitute:

“(2) If 2 or more former licensees for a consolidated licence would have been entitled under regulation 3 to a rebate of fees, subregulation (1) applies only to the former licensee in relation to
whom a direction about the former licence that is mentioned in paragraph 3 (1) (b) or (2) (b) first applies.

“(3) The amount of the rebate to which the licensee of the consolidated licence is entitled for the fee payable for the consolidated licence on a due day is the relevant percentage of the fee.

“(4) In subregulation (3), the ‘relevant percentage’ of the consolidated licence fee on a due day is the percentage (the ‘notional percentage’) that would have applied to the former licence under subregulation 3 (3) in relation to that day if the former licence had not been revoked.”

PART 3—RETROSPECTIVE AMENDMENTS ABOUT DUE DAY FOR REBATE SCHEME B

7. Application of Part to certain fees
7.1 This Part applies to fees payable on or after:
   (a) 1 January 1990 by licensees for licences in Approved Market C; and
   (b) 1 January 1991 by licensees for other licences.

7.2 In subregulation 7.1:


[NOTES:
1. The amendments of the Regulations that introduced Rebate Scheme B commenced on 1 January 1991.

2. However, those amendments applied from 1 January 1990 to fees payable by licensees for licences in Approved Market C.]

8. Regulation 5 (Rebate Scheme B)
8.1 Subregulations 5 (3) and (4):
Omit “anniversary of the date of commencement of”, substitute “relevant due day for”.
8.2 Add at the end:

"(6) In this regulation:

'relevant due day', for a licence, means a due day for the licence that happens after a direction mentioned in subregulation (1) (b) or (2) (b) was given about the licence.".

9. Regulation 6 (Rebate Scheme B—certain consolidated licences)
9.1 Paragraph 6 (1) (b):
Omit "relevant anniversary in relation to the former licence", substitute "first due day after the grant of the consolidated licence".

9.2 Subregulation 6 (2):
Omit the subregulation, substitute:

"(2) If 2 or more former licensees for the consolidated licence would be entitled to a rebate of fees for the licence under subregulation (1), the subregulation applies only to the former licensee in relation to whom a direction about the former licence that is mentioned in paragraph 5 (1) (b) or (2) (b) first applies."

9.3 Subregulations 6 (3) and (4):
Omit "anniversary of the date of commencement of", substitute "relevant due day for".

9.4 Subregulation 6 (5):
 Renumber as subregulation 6 (6).

9.5 After subregulation 6 (4), insert:

"(5) In subregulations (3) and (4):

'relevant due day', for a consolidated licence, means a due day for a former licence for the consolidated licence that happens after the commencement of the consolidated licence."."
10. Regulation 7 (Working out unused credit amounts—Rebate Scheme B)
10.1 Paragraph 7 (3) (a):
Omit "anniversary of the date of commencement of", substitute "relevant due day for".

10.2 Subregulation 7 (4):
Omit "anniversary of the date of commencement of", substitute "relevant due day for".

10.3 Subregulation 7 (5):
Omit the subregulation, substitute:

"(5) In this regulation:

'licensee' includes:
(a) a former licensee; and
(b) the holder of a consolidated licence;

'relevant due day' means:
(a) for a licence to which regulation 5 applies—a due day for the licence that happens after the direction mentioned in subregulation 5 (1) (b) or (2) (b) was given about the licence; or
(b) for a licence to which regulation 6 applies—a due day for a former licence for the consolidated licence that happens after the commencement of the consolidated licence.".

PART 4—AMENDMENTS COMMENCEING ON NOTIFICATION

11. Regulation 2 (Interpretation)
11.1 Subregulation 2 (1) (definition of "the Act"):
Omit the definition.
11.2 Subregulation 2 (1):
Insert the following definition:

"Act' means the Television Licence Fees Act 1964;"

11.3 Subregulation 2 (1) (definition of "relevant authority", subparagraph (b) (ii)):
Omit "subregulation (3);", substitute "regulation 2AB;".

11.4 Subregulations 2 (2) and 2 (3):
Omit the subregulations.

12. New regulation 2AB
12.1 After regulation 2AA, insert:

Specification for definition of "relevant authority"

"2AB. (1) This regulation applies for the definition of
'relevant authority' in regulation 2.

"(2) For a claim for a rebate of fees, the Minister may, by
written notice to the licensee, specify a Commonwealth agency or
authority."

13. Regulation 3 (Rebate Scheme A)
13.1 Paragraphs 3 (1) (c) and (2) (e):
Omit the paragraphs, substitute:

"(c) not more than 4 years have elapsed since the direction
was given; and".

13.2 Subregulation 3 (3):
Omit the subregulation, substitute:

"(3) The amount of the rebate of a fee to which a licensee is
entitled under subregulation (1) or (2) is the following percentage of
the fee:

(a) for the fee payable on the first relevant due day—100%;
or
(b) for the fee payable on the second relevant due day—
75%; or
(c) for the fee payable on the third relevant due day—50%;
or
(d) for the fee payable on the fourth relevant due day—25%.

"(4) In this regulation:

'relevant due day', for a licence, means a due day for the licence that happens:
(a) while the licence is in force or within 2 years after its expiry; and
(b) after a direction mentioned in subregulation (1) (b) or (2) (b) was given about the licence.”.

14. Regulation 4 (Rebate Scheme A—certain consolidated licences)
14.1 Subregulation 4 (1):
Omit all the words before paragraph (a), substitute:

“(1) A licensee is entitled on a due day to a rebate of fees for a consolidated licence if:”.

14.2 Paragraph 4 (1) (b):
Omit the paragraph, substitute:

“(b) a former licensee for the consolidated licence would have been entitled under regulation 3 to a rebate of fees for a former licence on the relevant due day if the former licence had not been revoked; and”.

14.3 Subregulation 4 (2):
Omit the subregulation, substitute:

“(2) Subregulation (1) does not apply to a consolidated licence if the licensee is entitled to a rebate of fees under regulation 3.”.

14.4 Add at the end:

“(5) However, if there are 2 or more former licensees for the consolidated licence who would have been entitled to a rebate of fees for the relevant due day and the notional percentages for any of their licences are different, the ‘relevant percentage’ for that day is the lowest notional percentage for the day.
“(6) Also, if there are 2 or more former licences for the consolidated licence and directions mentioned in paragraph 3 (1) (b) or (2) (b) were given about the former licences (or some of them) on different days, a ‘relevant due day’ for the consolidated licence is the due day for the applicable former licence that happens after the direction was given.

“(7) In subregulation (6), the ‘applicable former licence’ is the former licence in relation to which the earliest direction mentioned in the subregulation was given.”.

15. Regulation 6 (Rebate Scheme B—certain consolidated licences)
15.1 Subregulation 6 (1):
Omit all the words before paragraph (a), substitute:

“(1) A licensee is entitled on a due day to a rebate of fees for a consolidated licence if:”.

15.2 Paragraph 6 (1) (b):
Omit the paragraph, substitute:

“(b) a former licensee for the consolidated licence would have been entitled under regulation 5 to a rebate of fees for a former licence on the relevant due day if the former licence had not been revoked; and”.

15.3 Subregulation 6 (2):
Omit the subregulation, substitute:

“(2) However, subregulation (1) does not apply to the licence if:
(a) the licensee is entitled to a rebate of fees under regulation 5; or
(b) subregulation (4) applies to the licence.”.

15.4 Subregulation 6 (5):
Omit the subregulation, substitute:

“(5) In subregulations (3) and (4):
‘relevant due day’, for a consolidated licence, means a due day for a former licence for the consolidated licence that happens after the
direction mentioned in paragraph 5 (1) (b) or (2) (b) was given about the former licence.”.

15.5 Add at the end:

“(7) However, if there are 2 or more former licences for the consolidated licence and directions mentioned in paragraph 5 (1) (b) or (2) (b) were given about the former licences (or some of them) on different days, a ‘relevant due day’ for the consolidated licence is the due day for the applicable former licence that happens after the direction was given.

“(8) In subregulation (7), the ‘applicable former licence’ is the former licence in relation to which the earliest direction mentioned in the subregulation was given.”.

16. Regulation 7 (Working out unused credit amounts—Rebate Scheme B)
16.1 Paragraph 7 (3) (a):
Omit the paragraph, substitute:

“(a) under Rebate Scheme B, a licensee is entitled to a rebate of fees payable for a licence on a due day for the licence that is the second, or a later, relevant due day for the licence under regulation 5 or 6; and”.

16.2 Subregulation 7 (4):
Omit the subregulation, substitute:

“(4) If, under Rebate Scheme B, a licensee is entitled to a rebate of fees payable for a licence on a due day for the licence that is the seventh, or a later, relevant due day for the licence under regulation 5 or 6, the amount of the rebate is deducted from the unused credit amount and any balance becomes the unused credit amount for the licence for the following year.”.

16.3 Subregulation 7 (5):
Omit the subregulation, substitute:

“(5) In this regulation:

‘licensee’ includes:
(a) a former licensee; and
(b) the holder of a consolidated licence;

'relevant due day', for a licence, means a due day for the licence that happens after the direction mentioned in subregulation 5 (1) (b) or (2) (b) was given about the licence.”.

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