Radiocommunications (Transmitter Licence Tax) Amendment Determination 2011 (No. 2)

Radiocommunications (Transmitter Licence Tax) Act 1983

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Determination under subsection 7 (1) of the Radiocommunications (Transmitter Licence Tax) Act 1983.

Dated 13 September 2011

Chris Chapman
[signed]
Member

Richard Bean
[signed]
Member/General Manager

Australian Communications and Media Authority
1 Name of Determination
This Determination is the Radiocommunications (Transmitter Licence Tax) Amendment Determination 2011 (No. 2).

2 Commencement
This Determination commences on the day after it is registered.

Note All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the Legislative Instruments Act 2003. See http://www.frli.gov.au.

3 Amendment of Radiocommunications (Transmitter Licence Tax) Determination 2003 (No. 2)
Schedule 1 amends the Radiocommunications (Transmitter Licence Tax) Determination 2003 (No. 2).

Schedule 1 Amendments
(section 3)

[1] Schedule 2, Part 2, item 202
omit
items 203 and 204,
insert
item 203, item 204 and Part 4A,
[2] Schedule 2, Part 2, item 204
omit
item 202
insert
item 202 or Part 4A

[3] Schedule 2, Part 2, item 205
omit
items 202, 203 and 204
insert
item 202, item 203, item 204 or Part 4A

omit
item 303,
insert
item 303 and Part 4A,

[5] Schedule 2, Part 3, item 303
omit
item 302
insert
item 302 or Part 4A

omit
items 302 and 303
insert
item 302, item 303 or Part 4A
[7] **Schedule 2, Part 4, item 402**

*omit*

The amount

*insert*

Subject to Part 4A, the amount

[8] **Schedule 2, Part 4, item 403**

*omit*

item 402

*insert*

item 402 or Part 4A

[9] **Schedule 2, after Part 4**

*insert*

Part 4A  **Certain licences within the 400MHz frequency band**

401A  **Annual amount of tax for spectrum access**

(1) If:

(a) a spectrum access under a licence referred to in Part 2, 3 or 4 of this Schedule authorises the operation of a radiocommunications transmitter on a frequency within either of the following frequency ranges:

(i) 452.5-453 MHz;

(ii) 462-462.5 MHz; and

(b) in the period starting on the variation day and ending on 31 December 2011 all the following conditions are met:

(i) the holder of the licence surrenders the licence;

(ii) the holder makes an application in writing to the ACMA for acceptance of the surrendered licence in exchange for a new licence under which each spectrum access would authorise the operation of a radiocommunications transmitter on either of the following terms:

(A) the transmitter would operate on a frequency within a frequency range in paragraph (a) for a period ending within 6 months after the day the new licence is issued, and on a
frequency within the frequency range 440-450 MHz or
469.9875-520 MHz for a period ending no later than 31
December 2015; or

(B) the transmitter would operate on a frequency within
the frequency range 440-450 MHz or 469.9875-520 MHz for a
period ending no later than 31 December 2015;

(iii) the ACMA accepts the surrendered licence and issues a new
licence in exchange for the surrendered licence in accordance with
the holder’s application; and

(iv) the new licence is otherwise in the same, or substantially the same,
terms as the surrendered licence;

the amount of tax in respect of the spectrum access under the new licence is the
amount worked out under item 202, 302 or 402 (as the case may be) divided by
2.

(2) If:

(a) a spectrum access under a licence referred to in Part 2, 3 or 4 of this
Schedule authorises the operation of a radiocommunications transmitter
on a frequency within the frequency range 469.4875-469.9875 MHz; and

(b) in the period starting on the variation day and ending on 31 December
2011 all the following conditions are met:

(i) the holder of the licence surrenders the licence;

(ii) the holder makes an application in writing to the ACMA for
acceptance of the surrendered licence in exchange for a new licence
under which each spectrum access would authorise the operation of
a radiocommunications transmitter on either of the following terms:

(A) the transmitter would operate on a frequency within a
frequency range in paragraph (a) for a period ending within 6
months after the day the new licence is issued, and on a
frequency within the frequency range 462-462.5 MHz or
469.9875-520 MHz for a period ending no later than 31
December 2015; or

(B) the transmitter would operate on a frequency within the
frequency range 462-462.5 MHz or 469.9875-520 MHz for a
period ending no later than 31 December 2015;

(iii) the ACMA accepts the surrendered licence and issues a new
licence in exchange for the surrendered licence in accordance with
the holder’s application; and
Amendments

Schedule 1

Radiocommunications (Transmitter Licence Tax) Amendment Determination 2011 (No. 2)

(iv) the new licence is otherwise in the same, or substantially the same, terms as the surrendered licence;

the amount of tax in respect of the spectrum access under the new licence is the amount worked out under item 202, 302 or 402 (as the case may be) divided by 2.

(3) If:

(a) a spectrum access under a licence referred to in Part 2, 3 or 4 of this Schedule authorises the operation of a radiocommunications transmitter on a frequency within either of the following frequency ranges:

(i) 453-457.5 MHz;

(ii) 462.5-467.50625 MHz; and

(b) the licence is used for government purposes; and

(c) in the period starting on the variation day and ending on 31 December 2013 all the following conditions are met:

(i) the holder of the licence surrenders the licence;

(ii) the holder makes an application in writing to the ACMA for acceptance of the surrendered licence in exchange for a new licence under which each spectrum access would authorise the operation of a radiocommunications transmitter on either of the following terms:

(A) the transmitter would operate on a frequency within a frequency range in paragraph (a) for a period ending within 6 months after the day the new licence is issued or no later than 30 June 2014, whichever is the sooner, and on a frequency within a frequency range in the harmonised government band for a period ending no later than 31 December 2015; or

(B) the transmitter would operate on a frequency within a frequency range in the harmonised government band for a period ending no later than 31 December 2015;

(iii) the ACMA accepts the surrendered licence and issues a new licence in exchange for the surrendered licence in accordance with the holder’s application; and

(iv) the new licence is otherwise in the same, or substantially the same, terms as the surrendered licence;

the amount of tax in respect of the spectrum access under the new licence is the amount worked out under item 202, 302 or 402 (as the case may be) divided by 2.

(4) If:
(a) a spectrum access under a licence referred to in Part 2, 3 or 4 of this Schedule authorises the operation of a radiocommunications transmitter on a frequency within either of the following frequency ranges:

(i) 457.50625-459.9875 MHz;
(ii) 467.50625-469.4875 MHz; and

(b) the licence is used for purposes other than government purposes; and

(c) in the period starting on the variation day and ending on 31 December 2013 all the following conditions are met:

(i) the holder of the licence surrenders the licence;
(ii) the holder makes an application in writing to the ACMA for acceptance of the surrendered licence in exchange for a new licence under which each spectrum access would authorise the operation of a radiocommunications transmitter on either of the following terms:

(A) the transmitter would operate on a frequency within a frequency range in paragraph (a) for a period ending within 6 months after the day the new licence is issued or no later than 30 June 2014, whichever is the sooner, and on a frequency within a frequency range not in the harmonised government band for a period ending no later than 31 December 2015; or

(B) the transmitter would operate on a frequency within a frequency range not in the harmonised government band for a period ending no later than 31 December 2015;

(iii) the ACMA accepts the surrendered licence and issues a new licence in exchange for the surrendered licence in accordance with the holder’s application; and

(iv) the new licence is otherwise in the same, or substantially the same, terms as the surrendered licence;

the amount of tax in respect of the spectrum access under the new licence is the amount worked out under item 202, 302 or 402 (as the case may be) divided by 2.

(5) If:

(a) a spectrum access under a licence referred to in Part 2, 3 or 4 of this Schedule authorises the operation of a radiocommunications transmitter on a frequency within a frequency range not in the harmonised government band; and

(b) the licence is used for government purposes; and

(c) in the period starting on the variation day and ending on 31 December 2014 all the following conditions are met:
(i) the holder of the licence surrenders the licence;

(ii) the holder makes an application in writing to the ACMA for acceptance of the surrendered licence in exchange for a new licence under which each spectrum access would authorise the operation of a radiocommunications transmitter on either of the following terms:

(A) the transmitter would operate on a frequency within a frequency range not in the harmonised government band for a period ending within 6 months after the day the new licence is issued or no later than 30 June 2015, whichever is the sooner, and on a frequency within a frequency range in the harmonised government band for a period ending no later than 31 December 2015; or

(B) the transmitter would operate on a frequency within a frequency range in the harmonised government band for a period ending no later than 31 December 2015;

(iii) the ACMA accepts the surrendered licence and issues a new licence in exchange for the surrendered licence in accordance with the holder’s application; and

(iv) the new licence is otherwise in the same, or substantially the same, terms as the surrendered licence;

the amount of tax in respect of the spectrum access under the new licence is the amount worked out under item 202, 302 or 402 (as the case may be) divided by 2.

(6) If:

(a) a spectrum access under a licence referred to in Part 2, 3 or 4 of this Schedule authorises the operation of a radiocommunications transmitter on a frequency within any frequency range in the harmonised government band other than either of the following frequencies:

(i) 453–457.5 MHz;

(ii) 462.5–467.50625 MHz; and

(b) the licence is used for purposes other than government purposes; and

(c) in the period starting on the variation day and ending on 31 December 2014 all the following conditions are met:

(i) the holder of the licence surrenders the licence;

(ii) the holder makes an application in writing to the ACMA for acceptance of the surrendered licence in exchange for a new licence under which each spectrum access would authorise the operation of a radiocommunications transmitter on either of the following terms:
(A) the transmitter would operate on a frequency within any frequency range in the harmonised government band for a period ending within 6 months after the day the new licence is issued or no later than 30 June 2015, whichever is the sooner, and on a frequency within a frequency range not in the harmonised government band for a period ending no later than 31 December 2015; or

(B) the transmitter would operate on a frequency within a frequency range not in the harmonised government band for a period ending no later than 31 December 2015;

(iii) the ACMA accepts the surrendered licence and issues a new licence in exchange for the surrendered licence in accordance with the holder’s application; and

(iv) the new licence is otherwise in the same, or substantially the same, terms as the surrendered licence;

the amount of tax in respect of the spectrum access under the new licence is the amount worked out under item 202, 302 or 402 (as the case may be) divided by 2.

[10] Dictionary

*insert*

government purposes means, in relation to Schedule 2, the purposes of:

(a) a department or an agency of the Commonwealth, a State or a Territory;

(b) a body (whether incorporated or unincorporated) established for a public purpose by or under the law of the Commonwealth, a State or a Territory; or

(c) any other body corporate in which:

(i) the Commonwealth, a State or a Territory; or

(ii) a body referred to in paragraph (b);

has a controlling interest.


*insert*

harmonised government band, in relation to Schedule 2, comprises the following frequency ranges:

(a) 403-403.9875 MHz;
(b) 405.0125-406 MHz;
(c) 409.0375-410.5375 MHz;
(d) 412.4625-413.4375 MHz;
(e) 414.4625-415.5625 MHz;
(f) 418.4875-430 MHz;
(g) 457.50625-459.9875 MHz; and
(h) 467.50625-469.9875 MHz.

[12] Dictionary

insert

variation day means, in relation to Schedule 2, the day on which the Radiocommunications (Transmitter Licence Tax) Amendment Determination 2011 (No. 2) commenced.