



# **Radiocommunications (Spectrum Licence Tax) Determination 2014**

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made under subsections 4(1) and 7(1) of the

*Radiocommunications (Spectrum Licence Tax) Act 1997*

## **Compilation No. 3**

**Compilation date:** 16 September 2020

**Includes amendments up to:** *Radiocommunications (Spectrum Licence Tax)  
Amendment Determination 2020 (No. 1)* [F2020L01167]

Prepared by the Australian Communications and Media Authority, Melbourne

# About this compilation

## This compilation

This is a compilation of the *Radiocommunications (Spectrum Licence Tax) Determination 2014* that shows the text of the law as amended and in force on 16 September 2020 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

## Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Federal Register of Legislation ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Federal Register of Legislation for the compiled law.

## Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

## Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Federal Register of Legislation for the compiled law.

## Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

## 1 Name of Determination

This Determination is the *Radiocommunications (Spectrum Licence Tax) Determination 2014*.

## 2 Interpretation

For the purposes of this Determination:

**Designated Spectrum Licence** means a spectrum licence issued under Part 3.2 of the *Radiocommunications Act 1992*, other than the following:

- (a) a spectrum licence issued to:
  - (i) a Department of State of the Commonwealth of Australia; or
  - (ii) an Executive Agency established under section 65 of the *Public Service Act 1999*; or
  - (iii) a Statutory Agency within the meaning of section 7 of the *Public Service Act 1999*;
- (b) a spectrum licence issued with one or more conditions that require the licensed spectrum to be used only for the provision of a television outside broadcast service; and
- (c) a spectrum licence issued with one or more conditions that require the licensed spectrum to be used only for the provision of rail safety, rail operations or rail control.

**EME Component**, for a spectrum licence, means the amount calculated in accordance with Schedule 2.

**Main Component**, for a spectrum licence, means the amount calculated in accordance with Schedule 1.

Note: For a spectrum licence, the Main Component may be affected by subsection 5(3).

## 4 Initial holding date

- (1) For a spectrum licence in force on 11 October 2014, that day is the initial holding date for the licence.
- (2) For a spectrum licence that comes into force on 11 October in a year after 2014, that day is the initial holding date for the licence.
- (3) For any other spectrum licence, the initial holding date for the licence is the first 11 October that happens after the licence comes into force.

## 5 Working out spectrum licence tax

- (1) Subject to subsection (3), for a spectrum licence other than a Designated Spectrum Licence, the amount of tax in relation to the licence is the Main Component.
- (2) For a Designated Spectrum Licence, the amount of tax in relation to the licence is the sum of:
  - (a) subject to subsection (3), the Main Component; and
  - (b) the EME Component.

- (3) If a spectrum licence authorises the use of spectrum in either of the following frequency ranges:
- (a) 2570 – 2585 MHz;
  - (b) 2605 – 2620 MHz;
- the Main Component is reduced by one third.

## Schedule 1 Working out the Main Component

(section 2)

### Part 1 Base amounts

The **base amount** for the frequency range mentioned in an item in Table 1 is the base amount specified in the item in relation to the frequency range.

**Table 1**

Item	Column 1 Frequency range	Column 2 Total specified spectrum	Column 3 Base amount (\$)
1	703–748 MHz and 758–803 MHz	90 MHz	49,938
2	825–845 MHz and 870–890 MHz	40 MHz	22,195
3	1710–1755 MHz and 1805–1850 MHz	90 MHz	49,864
4	1755–1785 MHz and 1850–1880 MHz	60 MHz	33,243
5	1920–1980 MHz and 2110–2170 MHz	120 MHz	66,485
6	2302–2400 MHz	98 MHz	54,296
7	2500–2570 MHz and 2620–2690 MHz	140 MHz	77,566
8	2570–2620 MHz	50 MHz	27,702
9	3425–3492.5 MHz and 3542.5–3575 MHz	100 MHz	55,344
10	3575–3700 MHz	125 MHz	69,180

Note: Each frequency range in column 1 comprises either or both:

- (a) a part of the spectrum designated to be allocated by issuing spectrum licences, in a written notice given to the ACMA under subsection 36(1) of the *Radiocommunications Act 1992*;
- (b) a part of the spectrum declared to be subject to re-allocation by issuing spectrum licences, under subsection 153B(1) of the *Radiocommunications Act 1992*;

regardless of whether the written notice or declaration is still in force.

### Part 2 Method statement

**Step 1A** Step 1A is to be used when working out the Main Component for the initial holding date for the licence, and for each anniversary of the initial holding date except the last anniversary.

For each relevant frequency range in relation to a licence, take the base amount for that frequency range and multiply it by:

$$\frac{\text{area population}}{\text{Australian population}} \times \frac{\text{SL bandwidth}}{\text{total specified spectrum}}$$

**Step 1B** Step 1B is to be used only when working out the Main Component for the last anniversary of the initial holding date for the licence.

For each relevant frequency range in relation to the licence, take the base amount for that frequency range and multiply it by:

$$\frac{\text{area population}}{\text{Australian population}} \times \frac{\text{SL bandwidth}}{\text{total specified spectrum}} \times \frac{\text{days}}{365}$$

**Step 2** Add together the amounts worked out in step 1A or 1B for each relevant frequency range and round the result to the nearest dollar (an amount ending in 50 cents is to be rounded up).

**Step 3** The amount of the Main Component for the spectrum licence is the greater of:

- (a) the amount worked out in step 2; and
- (b) \$7.

## Part 3 Definitions

For the purposes of this Schedule:

**area population**, for a spectrum licence, means the population of the area covered by the spectrum licence, as reported in the 2016 census.

**Australian population** means the population of Australia, as reported in the 2016 census.

**days**, for step 1B, means the number of days in the period:

- (a) starting on the last anniversary of the initial holding date for a spectrum licence; and
- (b) ending when the licence ends.

**relevant frequency range**, for a spectrum licence, means a frequency range mentioned in an item in Table 1 which includes some or all of the spectrum covered by the licence.

**SL bandwidth**, for a relevant frequency range in relation to a spectrum licence, means the actual amount of the spectrum covered by the spectrum licence falling within that range.

**total specified spectrum**, for a frequency range mentioned in an item in Table 1, means the amount of spectrum specified in that way in the item.

## Schedule 2 Working out the EME Component

(section 2)

### Part 1 Definitions

For the purposes of this Schedule:

**MCL**, for a spectrum licence, means the Main Component for the licence calculated for the relevant day.

**relevant day**: see subitem (2) of Part 2.

**total annual EME Component** means:

- (a) for the 2020-2021 financial year—\$2.6 million;
- (b) for the 2021-2022 financial year—\$2.6 million;
- (c) for the 2022-2023 financial year—\$2.6 million; and
- (d) for the 2023-2024 financial year, and each subsequent financial year—\$1.9 million.

Note: The *Australian Communications and Media Authority (Modification to Apparatus and Spectrum Licences Taxes) Direction 2020* requires the ACMA to increase the amount in paragraph (d) annually, by reference to the Consumer Price Index. See subsection 6(2) of that direction.

**total Main Component**, for a financial year, means the sum of the Main Component for each Designated Spectrum Licence in force on the relevant day in that financial year, worked out for that day.

Note: The relevant day will be the initial holding date, or an anniversary of the initial holding date, for a Designated Spectrum Licence.

### Part 2 Method statement

- (1) This method statement is to be used when working out the EME Component for a spectrum licence on the initial holding date for the licence, and on each anniversary of the initial holding date for the licence.
- (2) Each date mentioned in subitem (1) is a **relevant day**.
- (3) The amount of the EME Component for a Designated Spectrum Licence on a relevant day in a financial year is calculated in accordance with the following formula:

$$\frac{MCL}{\text{total Main Component for that financial year}} \times \text{total annual EME Component for that financial year}$$

Example: For the 2020-2021 financial year, where:

- (a) the total annual EME Component for the financial year is \$2.6 million;
- (b) the total Main Component for the financial year is \$400,000; and
- (c) for a particular spectrum licence, *MCL* is \$100,000;

the EME Component for that licence in that financial year is:

$$\frac{\$100,000}{\$400,000} \times \$2.6 \text{ million} = \$650,000$$

- (4) The amount of the EME Component must be rounded down to the nearest whole dollar.

## Endnotes

### Endnote 1 – About the endnotes

The endnotes provide information about this compilation and the compiled law.

Endnote 2 (Abbreviation key) sets out abbreviations that may be used in the endnotes.

Endnote 3 (Legislation history) provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

Endnote 4 (Amendment history) provides information about the amendments at the provision (generally section or equivalent) level and includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

It also includes information about any misdescribed amendment (that is, an amendment that does not accurately describe the amendment to be made). If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history. If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

### Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

F = Federal Register of Legislation

LA = *Legislation Act 2003*

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)



**Endnote 3—Legislation history**

<b>Name</b>	<b>Registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
<i>Radiocommunications (Spectrum Licence Tax) Determination 2014</i>	4 July 2014 (F2014L00957)	5 July 2014	
<i>Radiocommunications (Spectrum Licence Tax) Amendment Determination 2018 (No. 1)</i>	6 June 2018 (F2018L00720)	7 June 2018	
<i>Radiocommunications (Spectrum Licence Tax) Amendment Determination 2018 (No. 2)</i>	27 July 2018 (F2018L01066)	28 July 2018	
<i>Radiocommunications (Spectrum Licence Tax) Amendment Determination 2020 (No. 1)</i>	15 September 2020 (F2020L01167)	16 September 2020	

**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
s 2.....	rep. LA s 48C, ad. No.1 of 2020
s 3.....	rep. LA s 48D
s.5.....	am. No. 1 of 2018; rs. No.1 of 2020
<b>Schedule 1</b>	
Part 1 .....	rs. No. 1 of 2018; am. No. 2 of 2018; am. No 1 of 2020
Part 2 .....	am. No. 1 of 2020
Part 3 .....	am. No. 1 of 2018
<b>Schedule 2</b>	ad. No.1 of 2020

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