



Radiocommunications (Transmitter Licence Tax) Amendment Determination 2016 (No. 1)

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: 15 December 2016

Richard Bean
[signed]
Member

Anita Jacoby
[signed]
Member / ~~General Manager~~

Australian Communications and Media Authority

1 Name

This instrument is the *Radiocommunications (Transmitter Licence Tax) Amendment Determination 2016 (No. 1)*.

2 Commencement

This instrument commences as follows:

- (a) this section, and the whole of the rest of this instrument apart from subsection 4(2) and Schedule 2, commence on the day after this instrument is registered; and
- (b) subsection 4(2) and Schedule 2 commence on 5 April 2017.

Note: The Federal Register of Legislation may be accessed at www.legislation.gov.au.

3 Authority

This instrument is made under subsection 7(1) of the *Radiocommunications (Transmitter Licence Tax) Act 1983*.

4 Amendments

- (1) Schedule 1 amends the *Radiocommunications (Transmitter Licence Tax) Determination 2015* [F2015L00322].
- (2) Schedule 2 amends the *Radiocommunications (Transmitter Licence Tax) Determination 2015* [F2015L00322].

Schedule 1 Amendments to the Radiocommunications (Transmitter Licence Tax) Determination 2015 [F2015L00322] (consumer price index increase and satellite tax changes)

(subsection 4(1))

[1] Section 1.4

Repeal the section.

[2] Part 3

Repeal the Part, substitute:

Part 3 Transitional arrangements relating to Schedule 1 of the Radiocommunications (Transmitter Licence Tax) Amendment Determination 2016 (No. 1)

3.1 Definitions for Part 3

In this Part:

amendment day means the day on which Schedule 1 to the Amendment Determination commenced.

Amendment Determination means the *Radiocommunications (Transmitter Licence Tax) Amendment Determination 2016 (No. 1)*.

pre-amendment Determination means this Determination as in force immediately before the amendment day.

3.2 Transitional arrangements after commencement of Amendment Determination

(1) Despite Part 2 of this Determination, if:

- (a) transmitter licence tax is imposed on the issue of a transmitter licence; and
- (b) the licence is issued on or after the amendment day; and
- (c) the licence comes into force before 5 April 2017;

use the pre-amendment Determination to work out the amount of transmitter licence tax.

Note 1: If a licence is issued before the amendment day, the pre-amendment Determination is used to work out the amount of transmitter licence tax, whether or not the licence comes into force before 5 April 2017.

Note 2: If a licence is issued after the amendment day, and comes into force on or after 5 April 2017, this Determination as amended by the Amendment Determination is used to work out the amount of transmitter licence tax.

(2) Despite Part 2 of this Determination, if:

- (a) transmitter licence tax is imposed on the anniversary of the day on which a transmitter licence came into force; and

*Radiocommunications (Transmitter Licence Tax) Amendment
Determination 2016 (No. 1)*

(b) the anniversary of the day on which the licence came into force is on or after the amendment day but before 5 April 2017;
use the pre-amendment Determination to work out the amount of transmitter licence tax.

Note 1: If the anniversary of the day on which the licence came into force is before the amendment day, the pre-amendment Determination is used to work out the amount of transmitter licence tax.

Note 2: If the anniversary of the day on which the licence came into force is on or after 5 April 2017, this Determination as amended by the Amendment Determination is used to work out the amount of transmitter licence tax.

(3) Despite Part 2 of this Determination, if:
(a) transmitter licence tax is imposed on the holding of a transmitter licence; and
(b) the day on which the tax is payable is on or after the amendment day but before 5 April 2017;
use the pre-amendment Determination to work out the amount of transmitter licence tax.

Note 1: If tax is imposed on the holding of a licence on a particular day, and that day is before the amendment day, the pre-amendment Determination is used to work out the amount of transmitter licence tax.

Note 2: If tax is imposed on the holding of a licence on a particular day, and that day is after 5 April 2017, this Determination as amended by the Amendment Determination is used to work out the amount of transmitter licence tax.

Note 3: Subsections 6(5) and (6) of the Act impose tax on the holding of a licence.

[3] Part 2 of Schedule 2

Repeal the Part, substitute:

Part 2—Assigned licences

201 Licences

- (1) This Part applies to a licence that relates to any of the following:
- (a) an aeronautical assigned station;
 - (b) an aeronautical assigned system station;
 - (c) an aircraft assigned station;
 - (d) an HF Domestic Service station;
 - (e) an HF Overseas Service station;
 - (f) an HF Overseas (IBL) Service station;
 - (g) a narrowcasting service station;
 - (h) an ambulatory station, other than an ambulatory station that is operated under a harmonised government spectrum area licence;
 - (i) a CBRS repeater station;

- (j) a major coast A station;
 - (k) a major coast B station;
 - (l) a limited coast assigned system;
 - (m) a ship station class B assigned;
 - (n) a ship station class C assigned;
 - (o) an outpost assigned station;
 - (p) a PMTS Class B operated in the frequency range 870–890 MHz;
 - (q) a radiodetermination station, other than a station that is operated under a radiodetermination licence to which Part 7 of this Schedule applies;
 - (r) a scientific assigned station;
 - (s) a 900 MHz studio to transmitter link station;
 - (t) a defence licence.
- (2) This Part also applies to any other licence that is not mentioned in another Part of this Schedule.

202 Annual amount of tax for spectrum access

Subject to item 203, the amount of tax in respect of each spectrum access under the licence is the amount specified in Table 202 for the frequency range and area density type applicable to the spectrum access, multiplied by the bandwidth (in kHz) of the spectrum access.

Table 202

Frequency range	Amount (\$)				
	Area density				
	<i>Australia wide</i>	<i>High density</i>	<i>Medium density</i>	<i>Low density</i>	<i>Remote density</i>
MHz					
0–30	1.1643	1.1643	1.1643	1.1643	1.1643
>30–70	2.6301	1.0273	0.5464	0.1179	0.0588
>70–399.9	2.6983	1.1074	0.5067	0.1136	0.0567
>399.9–403	2.6983	1.5111	0.6913	0.1179	0.0588
>403–520	2.6983	1.9999	0.6913	0.1179	0.0000
>520–960	2.6983	1.5111	0.6913	0.1179	0.0588
>960–2 690	2.6943	0.6047	0.2795	0.1406	0.0702

Frequency range	Amount (\$)				
	Area density				
	<i>Australia wide</i>	<i>High density</i>	<i>Medium density</i>	<i>Low density</i>	<i>Remote density</i>
GHz					
>2.69–5.0	2.6913	0.5000	0.2026	0.1678	0.0839
>5.0–8.5	2.2723	0.4201	0.1956	0.0890	0.0432
>8.5–14.5	1.0014	0.3605	0.0853	0.0062	0.0030
>14.5–31.3	1.0014	0.2666	0.0586	0.0062	0.0030
>31.3–51.4	0.2731	0.1454	0.0316	0.0011	0.0005
>51.4	0.0270	0.0027	0.0027	0.0003	0.0003

Note: Schedule 1 sets out the area density types of spectrum accesses.

203 Low power spectrum access

The amount of tax in respect of a low power spectrum access is the amount worked out under item 202 for the spectrum access, divided by 10.

204 Minimum annual amount

If the amount of tax worked out in respect of a spectrum access using items 202 or 203 is less than the minimum annual amount, the amount of tax is taken to be the minimum annual amount.

[4] Table 302 (and the note) of Schedule 2

Repeal the table and the note, substitute:

Table 302

Frequency range	Amount (\$)				
	Area density				
	<i>Australia wide</i>	<i>High density</i>	<i>Medium density</i>	<i>Low density</i>	<i>Remote density</i>
MHz					
0–30	86.0869	86.0869	86.0869	86.0869	86.0869
>30–70	194.4586	75.9520	40.4000	8.7184	4.3492
>70–399.9	199.5061	81.8773	37.4673	8.3992	4.1896
>399.9–403	199.5061	111.7234	51.1135	8.7184	4.3492
>403–520	199.5061	147.8620	51.1135	8.7184	0.0000

Note: Schedule 1 sets out the area density types of spectrum accesses.	>520–960	199.5061	111.7234	51.1135	8.7184	4.3492
	^N >960–2 690	199.2069	44.7093	20.6688	10.3943	5.1872
	GHz					
	>2.69–5.0	198.9874	36.9685	14.9829	12.4093	6.2046
	>5.0–8.5	168.0041	31.0631	14.4642	6.5837	3.1921
	>8.5–14.5	74.0367	26.6540	6.3044	0.4589	0.2195
	>14.5–31.3	74.0367	19.7112	4.3293	0.4589	0.2195
	>31.3–51.4	20.1900	10.7534	2.3342	0.0798	0.0399
	>51.4	1.9951	0.1995	0.1995	0.0200	0.0200

[5] Item 303A (including Table 303A and the example) of Schedule 2

Repeal the item, including Table 303A and the example.

[6] Table 304A (and the example) of Schedule 2

Repeal the table and the example, substitute:

Table 304A

Column 1	Column 2
State or territory of the licence	Tax rate (\$)
Australian Capital Territory	964
New South Wales	109,411
Northern Territory	2,551
Queensland	79,879
South Australia	14,561
Tasmania	366
Victoria	93,023
Western Australia	17,044

Example: A harmonised government spectrum area licence authorises the use, by transmitters, of 5 MHz in every part of the Northern Territory. The base amount for the licence for 2017 is:

$$5 \times 2,551 = \$12,755$$

[7] Table 305A (and the example) of Schedule 2

Repeal the table and the example, substitute:

Table 305A

Column 1	Column 2
State or territory of the licence	Tax rate (\$)
Australian Capital Territory	1,205
New South Wales	114,066
Northern Territory	3,190
Queensland	84,533
South Australia	19,215
Tasmania	458
Victoria	97,677
Western Australia	21,699

Example: A harmonised government spectrum area licence authorises the use, by transmitters, of 10 MHz in every part of South Australia. The base amount for the licence for 2018, or any subsequent year, is:

$$10 \times 19,215 = \$192,150$$

[8] Table 402 (and the note) of Schedule 2

Repeal the table and the note, substitute:

Table 402

Frequency range	Amount (\$)	<i>Area density</i>				
		<i>Australia wide</i>	<i>High density</i>	<i>Medium density</i>	<i>Low density</i>	<i>Remote density</i>
MHz						
0–30	21.5217	21.5217	21.5217	21.5217	21.5217	14.2182
>30–70	48.6147	18.9880	10.1000	2.1796	0.7183	
>70–399.9	49.8765	20.4693	9.3668	2.0998	0.6920	
>399.9–403	49.8765	27.9309	12.7784	2.1796	0.7183	
>403–520	49.8765	36.9655	12.7784	2.1796	0	
>520–960	49.8765	27.9309	12.7784	2.1796	0.7183	
>960–2 690	1.1772	0.2642	0.1221	0.0614	0.0307	

Frequency range	Amount (\$) Area density				
	<i>Australia wide</i>	<i>High density</i>	<i>Medium density</i>	<i>Low density</i>	<i>Remote density</i>
GHz					
>2.69–5.0	1.1759	0.2185	0.0885	0.0733	0.0367
>5.0–8.5	0.9928	0.1836	0.0855	0.0389	0.0189
>8.5–14.5	0.4375	0.1575	0.0373	0.0027	0.0013
>14.5–31.3	0.4375	0.1165	0.0256	0.0027	0.0013
>31.3–51.4	0.1193	0.0635	0.0138	0.0005	0.0002
>51.4	0.0118	0.0012	0.0012	0.0001	0.0001

Note: Schedule 1 sets out the area density types of spectrum accesses.

[9] Table 502 (and the note) of Schedule 2

Repeal the table and the note, substitute:

Table 502

Frequency range	Amount (\$) Area density				
	<i>Australia wide</i>	<i>High density</i>	<i>Medium density</i>	<i>Low density</i>	<i>Remote density</i>
MHz					
0–30	86.0869	86.0869	86.0869	86.0869	56.1492
>30–70	194.4586	75.9520	40.4000	8.7184	2.8367
>70–399.9	199.5061	81.8773	37.4673	8.3992	2.7326
>399.9–403	199.5061	111.7234	51.1135	8.7184	2.8367
>403–520	199.5061	147.8620	51.1135	8.7184	0
>520–960	199.5061	111.7234	51.1135	8.7184	2.8367
>960–2 690	1.1772	0.2642	0.1221	0.0614	0.0307
GHz					
>2.69–5.0	1.1759	0.2185	0.0885	0.0733	0.0367
>5.0–8.5	0.9928	0.1836	0.0855	0.0389	0.0189
>8.5–14.5	0.4375	0.1575	0.0373	0.0027	0.0013
>14.5–31.3	0.4375	0.1165	0.0256	0.0027	0.0013

Frequency range	Amount (\$)				
	Area density				
	<i>Australia wide</i>	<i>High density</i>	<i>Medium density</i>	<i>Low density</i>	<i>Remote density</i>
>31.3–51.4	0.1193	0.0635	0.0138	0.0005	0.0002
>51.4	0.0118	0.0012	0.0012	0.0001	0.0001

Note: Schedule 1 sets out the area density types of spectrum accesses.

[10] Table 602 (and the note) of Schedule 2

Repeat the table and the note, substitute:

Table 602

Frequency range	Amount (\$)				
	Area density				
	<i>Australia wide</i>	<i>High density</i>	<i>Medium density</i>	<i>Low density</i>	<i>Remote density</i>
MHz					
0–30	0.5973	0.5973	0.5973	0.5973	0.5973
>30–70	1.3493	0.5270	0.2803	0.0605	0.0302
>70–399.9	1.3843	0.5681	0.2600	0.0583	0.0291
>399.9–960	1.3843	0.7752	0.3547	0.0605	0.0302
>960–2 690	1.3822	0.3102	0.1434	0.0721	0.0360
GHz					
>2.69–5.0	1.3807	0.2565	0.1040	0.0861	0.0431
>5.0–8.5	1.1657	0.2155	0.1004	0.0457	0.0221
>8.5–14.5	0.5137	0.1849	0.0437	0.0032	0.0015
>14.5–31.3	0.5137	0.1368	0.0300	0.0032	0.0015
>31.3–51.4	0.1401	0.0746	0.0162	0.0006	0.0003
>51.4	0.0138	0.0014	0.0014	0.0001	0.0001

Note: Schedule 1 sets out the area density types of spectrum accesses.

[11] Table 702 of Schedule 2

Repeal the table, substitute:

Table 702

Item	Service	Amount
1	Broadcasting licence (other than a service operated in the frequency range 2.3 MHz–26.1 MHz)	\$39.57 per transmitter
2	Datacasting licence	\$39.57 per transmitter
3	Licence that authorises the operation of point to point (5.8 GHz band) stations	\$39.57 per pair of spectrum accesses
4	Licence that authorises the operation of point to point (self-coordinated) stations	\$226 per pair of spectrum accesses
5	Television outside broadcast network	\$397,820
6	Television outside broadcast system (Australia wide density area)	\$42,626
7	Television outside broadcast system (high density area)	\$7,882
8	Television outside broadcast system (medium density area)	\$3,669
9	Television outside broadcast system (low density area)	\$1,671
10	Television outside broadcast system (remote density area)	\$837
11	PABX cordless telephone service	\$39.57
12	PMTS Class B operated in the frequency range 935–960 MHz (Paired)	\$3,227,539 for each MHz on which the service may be operated
13	PMTS Class C	\$39.57
14	Radiodetermination licence that authorises the operation of one or more stations that are body scanners at an Australian international airport for the purpose of aviation security screening (high density area)	\$36,000 for each airport
15	Radiodetermination licence that authorises the operation of one or more stations that are body scanners at an Australian international airport for the purpose of aviation security screening (medium density area)	\$7,918 for each airport
16	Radiodetermination licence that authorises the operation of one or more stations that are body scanners at an Australian international airport for the purpose of aviation security screening (low density area)	\$842 for each airport
17	Wireless audio system	\$39.57

*Radiocommunications (Transmitter Licence Tax) Amendment
Determination 2016 (No. 1)*

[12] Table 802 (and the note) of Schedule 2

Repeal the table and the note, substitute:

Table 802

Item	Location of open narrowcasting service	Amount (\$)
1	Sydney	\$39,346
2	Melbourne	\$39,346
3	Brisbane	\$14,281
4	Adelaide	\$14,281
5	Perth	\$14,281
6	Perth City	\$14,281
7	Newcastle	\$3,643
8	Canberra	\$3,643
9	Wollongong	\$3,643
10	Gold Coast	\$3,643
11	Gosford	\$3,643
12	Penrith	\$3,643
13	Hobart	\$1,605
14	Geelong	\$1,605
15	Nambour	\$1,605
16	Townsville	\$1,605
17	Cairns	\$1,605
18	Any other location	\$946

Note: These areas are not the same as the density areas described in Schedule 1.

[13] Subitem 803(2) of Schedule 2

Omit “\$937” (wherever occurring), substitute “\$946”

[14] After Part 8 of Schedule 2

Insert:

Part 8A—Space system licences**801A Licences**

This Part applies to a licence that relates to any of the following:

- (a) a fixed earth station;
- (b) a mobile earth station;
- (c) a space station.

802A Annual amount of tax for licence

Subject to items 803A and 804A, the amount of tax in respect of each spectrum access under the licence is the amount specified in Table 802A for the frequency range and area density type applicable to the spectrum access, multiplied by the bandwidth (in kHz) of the spectrum access.

Table 802A

Frequency range	Amount (\$)				
	Area density				
	<i>Australia wide</i>	<i>High density</i>	<i>Medium density</i>	<i>Low density</i>	<i>Remote density</i>
MHz					
0–30	1.1643	1.1643	1.1643	1.1643	1.1643
>30–70	2.6301	1.0273	0.5464	0.1179	0.0588
>70–399.9	2.6983	1.1074	0.5067	0.1136	0.0567
>399.9–403	2.6983	1.5111	0.6913	0.1179	0.0588
>403–520	2.6983	1.9999	0.6913	0.1179	0.0000
>520–960	2.6983	1.5111	0.6913	0.1179	0.0588
>960–2 690	2.6943	0.6047	0.2795	0.1406	0.0702
GHz					
>2.69–5.0	2.6913	0.5000	0.2026	0.1678	0.0839
>5.0–8.5	2.2723	0.4201	0.1956	0.0890	0.0432
>8.5–17.3	1.0014	0.3605	0.0853	0.0062	0.0030

Frequency range	Amount (\$)				
	Area density				
	<i>Australia wide</i>	<i>High density</i>	<i>Medium density</i>	<i>Low density</i>	<i>Remote density</i>
>17.3–31.3	0.7010	0.1866	0.0293	0.0031	0.0000
>31.3–51.4	0.1912	0.1018	0.0158	0.0006	0.0000
>51.4	0.0270	0.0027	0.0027	0.0003	0.0003

Note: Schedule 1 sets out the area density types of spectrum accesses.

803A Space licence

If:

- (a) a spectrum access under a space licence involves the use of spectrum in the frequency range from 2483.5 MHz up to and including 2500 MHz; and
- (b) the spectrum access is not a low power spectrum access; and
- (c) CDMA technology is used to transmit on a frequency within that frequency range;

the amount of tax in respect of the spectrum access is the amount worked out under item 802A for the spectrum access, divided by 4.

804A Co-located and co-frequency earth stations

If the licence is an earth licence that relates to a fixed earth station (*the first station*) which:

- (a) is located within:
 - (i) a high density area and at a fixed point within a circle of radius 500 metres from the fixed location of another earth station or earth receive station; or
 - (ii) a medium density area and at a fixed point within a circle of radius 1000 metres from the fixed location of another earth station or earth receive station; or
 - (iii) a low or remote density area and at a fixed point within a circle of radius 2000 metres from the fixed location of another earth station or earth receive station; and
- (b) operates on a transmit frequency that is coincident or overlaps with the receive or transmit frequency of the other earth station or earth receive station,

the amount of tax in respect of the spectrum access under the licence for the first station is the amount worked out under item 802A, multiplied by 70 per cent.

Note: The licence does not need to authorise the licensee to operate each of the stations referred to in item 804A.

805A Minimum annual amount

If the amount of tax worked out in respect of a spectrum access using this Part is less than the minimum annual amount, the amount of tax is taken to be the minimum annual amount.

[15] Table 902 of Schedule 2

Repeal the table, substitute:

Table 902

Item	Station	Amount (\$)
1	Amateur station	\$48.55
2	Limited coast marine rescue station	\$39.57
3	Limited coast non-assigned station	\$39.57
4	Outpost non-assigned station	\$39.57
5	Scientific non-assigned station	\$39.57
6	Ship station class B non-assigned	\$39.57
7	Ship station class C non-assigned	\$39.57
8	Sound outside broadcast station	\$39.57
9	Temporary fixed link station	\$2,204.34

[16] Dictionary (definition of *minimal annual amount*)

Omit “\$39.18”, substitute “\$39.57”

[17] Dictionary (note at the end)

Insert:

- earth licence
- earth receive station

**Schedule 2 Amendments to the Radiocommunications
(Transmitter Licence Tax) Determination 2015
[F2015L00322] (700 MHz band changes)**

(subsection 4(2))

[1] Item 701A of Schedule 2

Repeal the item, substitute:

701A Licences

This Part applies to a PMTS Class B licence that authorises operation of a transmitter in any of the following frequency bands:

- (a) 700 MHz band;
- (b) 1800 MHz band;
- (c) 2.1 GHz band; and
- (d) 3.5 GHz band.

[2] Item 702A of Schedule 2

Insert:

700 MHz band means the spectrum from 788 MHz up to and including 803 MHz.

[3] Subparagraph 703A(a)(i)(A) of Schedule 2

Omit “1800 MHz”, substitute “700 MHz band, 1800 MHz band”.

[4] Subparagraph 703A(b)(i)(A) of Schedule 2

Omit “1800 MHz”, substitute “700 MHz band, 1800 MHz band”.

[5] After subitem 704A(3) of Schedule 2

Insert:

- (3A) The base rate of tax for a PMTS Class B licence that authorises the operation of a transmitter in the 700 MHz band is \$0.07/MHz/pop.