



Radiocommunications (Transmitter Licence Tax) Amendment Determination 2019 (No. 1)

The Australian Communications and Media Authority makes the following determination under subsection 7(1) of the *Radiocommunications (Transmitter Licence Tax) Act 1983*.

Dated: 25 January 2019

Nerida O'Loughlin
[signed]
Member

Linda Caruso
[signed]
~~Member~~/General Manager

Australian Communications and Media Authority

1 Name

This is the *Radiocommunications (Transmitter Licence Tax) Amendment Determination 2019 (No. 1)*.

2 Commencement

This instrument commences at the start of the day after it is registered on the Federal Register of Legislation.

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

The instrument that is specified in Schedule 1 is amended as set out in the applicable items in that Schedule.

Schedule 1—Amendments

Radiocommunications (Transmitter Licence Tax) Determination 2015 (F2015L00322)

1 Part 3

Repeal the Part, substitute:

Part 3 Transitional arrangements relating to the *Radiocommunications (Transmitter Licence Tax) Amendment Determination 2019 (No. 1)*

3.1 Definitions for Part 3

In this Part:

amendment day means the day on which the Amendment Determination commenced.

Amendment Determination means the *Radiocommunications (Transmitter Licence Tax) Amendment Determination 2019 (No. 1)*.

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

3.2 Transitional arrangements on or 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 2019;
- 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 2019.

Note 2: If a licence is issued on or after the amendment day, and comes into force on or after 5 April 2019, 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
 - (b) the anniversary of the day on which the licence came into force is on or after the amendment day but before 5 April 2019;
- 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.

Schedule 1

Note 2: If the anniversary of the day on which the licence came into force is on or after 5 April 2019, 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 2019;
- 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 on or after 5 April 2019 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.

2 Table 202 (and the note) of Schedule 2

Repeal the table (and the note), substitute:

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	1.2114	1.2114	1.2114	1.2114	1.2114
>30–70	2.7363	1.0688	0.5685	0.1227	0.0612
>70–399.9	2.8074	1.1521	0.5272	0.1182	0.0590
>399.9–403	2.8074	1.5721	0.7192	0.1227	0.0612
>403–520	2.8074	2.0806	0.7192	0.1227	0.0000
>520–960	2.8074	1.5721	0.7192	0.1227	0.0612
>960–2 690	2.8031	0.6291	0.2908	0.1463	0.0730
GHz					
>2.69–5.0	2.8001	0.5202	0.2108	0.1746	0.0873
>5.0–8.5	2.3641	0.4371	0.2035	0.0926	0.0449
>8.5–14.5	1.0418	0.3751	0.0887	0.0065	0.0031

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>
>14.5–31.3	1.0418	0.2774	0.0609	0.0065	0.0031
>31.3–51.4	0.2841	0.1513	0.0328	0.0011	0.0006
>51.4	0.0281	0.0028	0.0028	0.0003	0.0003

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

3 Table 206 (and the note) of Schedule 2

Repeal the table (and the note), substitute:

Table 206

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	0.1211	0.1211	0.1211	0.1211	0.1211
>30–70	0.2736	0.1069	0.0568	0.0123	0.0061
>70–399.9	0.2807	0.1152	0.0527	0.0118	0.0059
>399.9–403	0.2807	0.1572	0.0719	0.0123	0.0061
>403–520	0.2807	0.2081	0.0719	0.0123	0
>520–960	0.2807	0.1572	0.0719	0.0123	0.0061
>960–2 690	0.2803	0.0629	0.0291	0.0146	0.0073
GHz					
>2.69–5.0	0.2800	0.0520	0.0211	0.0175	0.0087
>5.0–8.5	0.2364	0.0437	0.0204	0.0093	0.0045
>8.5–14.5	0.1042	0.0375	0.0089	0.0006	0.0003
>14.5–31.3	0.1042	0.0277	0.0061	0.0006	0.0003
>31.3–51.4	0.0284	0.0151	0.0033	0.0001	0.0001
>51.4	0.0028	0.0003	0.0003	0	0

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

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	89.5647	89.5647	89.5647	89.5647	89.5647
>30–70	202.3146	79.0204	42.0321	9.0706	4.5249
>70–399.9	207.5660	85.1851	38.9809	8.7385	4.3589
>399.9–403	207.5660	116.2370	53.1784	9.0706	4.5249
>403–520	207.5660	153.8355	53.1784	9.0706	0.0000
>520–960	207.5660	116.2370	53.1784	9.0706	4.5249
>960–2 690	207.2546	46.5155	21.5038	10.8142	5.3967
GHz					
>2.69–5.0	207.0263	38.4620	15.5882	12.9106	6.4553
>5.0–8.5	174.7913	32.3180	15.0485	6.8497	3.3211
>8.5–14.5	77.0277	27.7308	6.5591	0.4774	0.2283
>14.5–31.3	77.0277	20.5075	4.5042	0.4774	0.2283
>31.3–51.4	21.0057	11.1878	2.4285	0.0830	0.0415
>51.4	2.0757	0.2076	0.2076	0.0208	0.0208

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

5 Item 305A (including Table 305A and the example) of Schedule 2

Repeal the item (including Table 305A and the example), substitute:

305A Base amount for a licence

The *base amount* for a licence is:

- the bandwidth (in MHz) authorised for use by a transmitter under the licence; multiplied by
- the tax rate in column 2 of Table 305A for the state or territory of the licence.

Table 305A

Column 1 State or territory of the licence	Column 2 Tax rate (\$)
Australian Capital Territory	\$1,254
New South Wales	\$118,674
Northern Territory	\$3,319
Queensland	\$87,948
South Australia	\$19,991
Tasmania	\$477
Victoria	\$101,623
Western Australia	\$22,575

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 is: $10 \times 19,991 = \$199,910$.

6 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	22.3912	22.3912	22.3912	22.3912	14.2182
>30–70	50.5786	19.7551	10.5080	2.2677	0.7183
>70–399.9	51.8915	21.2963	9.7452	2.1846	0.6920
>399.9–403	51.8915	29.0592	13.2946	2.2677	0.7183
>403–520	51.8915	38.4589	13.2946	2.2677	0
>520–960	51.8915	29.0592	13.2946	2.2677	0.7183
>960–2 690	1.2248	0.2749	0.1271	0.0639	0.0319
GHz					
>2.69–5.0	1.2234	0.2273	0.0921	0.0763	0.0381
>5.0–8.5	1.0329	0.1910	0.0889	0.0405	0.0196
>8.5–14.5	0.4552	0.1639	0.0388	0.0028	0.0013
>14.5–31.3	0.4552	0.1212	0.0266	0.0028	0.0013
>31.3–51.4	0.1241	0.0661	0.0144	0.0005	0.0002
>51.4	0.0123	0.0012	0.0012	0.0001	0.0001

Schedule 1

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

7 Table 502 (and the note) of Schedule 2

Repeal the table (and the note), substitute:

Table 502

Frequency range	Amount (\$) Area density				
	Australia wide	High density	Medium density	Low density	Remote density
MHz					
0–30	89.5647	89.5647	89.5647	89.5647	56.1492
>30–70	202.3146	79.0204	42.0321	9.0706	2.8367
>70–399.9	207.5660	85.1851	38.9809	8.7385	2.7326
>399.9–403	207.5660	116.2370	53.1784	9.0706	2.8367
>403–520	207.5660	153.8355	53.1784	9.0706	0
>520–960	207.5660	116.2370	53.1784	9.0706	2.8367
>960–2 690	1.2248	0.2749	0.1271	0.0639	0.0319
GHz					
>2.69–5.0	1.2234	0.2273	0.0921	0.0763	0.0381
>5.0–8.5	1.0329	0.1910	0.0889	0.0405	0.0196
>8.5–14.5	0.4552	0.1639	0.0388	0.0028	0.0013
>14.5–31.3	0.4552	0.1212	0.0266	0.0028	0.0013
>31.3–51.4	0.1241	0.0661	0.0144	0.0005	0.0002
>51.4	0.0123	0.0012	0.0012	0.0001	0.0001

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

8 Table 602 (and the note) of Schedule 2

Repeal 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	0.6214	0.6214	0.6214	0.6214	0.6214
>30–70	1.4038	0.5483	0.2916	0.0629	0.0314
>70–399.9	1.4402	0.5911	0.2705	0.0606	0.0302
>399.9–960	1.4402	0.8065	0.3690	0.0629	0.0314
>960–2 690	1.4380	0.3227	0.1492	0.0750	0.0374
GHz					
>2.69–5.0	1.4365	0.2669	0.1082	0.0896	0.0448
>5.0–8.5	1.2128	0.2242	0.1044	0.0475	0.0230
>8.5–14.5	0.5345	0.1924	0.0455	0.0033	0.0016
>14.5–31.3	0.5345	0.1423	0.0313	0.0033	0.0016
>31.3–51.4	0.1457	0.0776	0.0169	0.0006	0.0003
>51.4	0.0144	0.0014	0.0014	0.0001	0.0001

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

9 Table 702 (and the note) of Schedule 2

Repeal the table (and the note), substitute:

Table 702

Item	Service	Amount
1	Broadcasting licence (other than a service operated in the frequency range 2.3 MHz–26.1 MHz)	\$41.17 per transmitter
2	Datacasting licence	\$41.17 per transmitter
3	Licence that authorises the operation of point to point (5.8 GHz band) stations	\$41.17 per pair of spectrum accesses
4	Licence that authorises the operation of point to point (self-coordinated) stations	\$235 per pair of spectrum accesses
5	Television outside broadcast network	\$413,892
6	Television outside broadcast system (Australia wide density area)	\$44,348

Schedule 1

Item	Service	Amount
7	Television outside broadcast system (high density area)	\$8,201
8	Television outside broadcast system (medium density area)	\$3,818
9	Television outside broadcast system (low density area)	\$1,739
10	Television outside broadcast system (remote density area)	\$871
11	PABX cordless telephone service	\$41.17
12	PMTS Class B operated in the frequency range 935–960 MHz (Paired)	\$3,357,928 for each MHz on which the service may be operated
13	PMTS Class C	\$41.17
14	Wireless audio system	\$41.17

10 Item 701A

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) 1800 MHz band;
- (b) 2.1 GHz band;
- (c) 3.5 GHz band; and
- (d) 3.6 GHz band.

11 Item 702A, definition of 700 MHz band

Repeal the definition.

12 Sub-subparagraph 703A(a)(i)(A)

Omit “700 MHz band,”.

13 Sub-subparagraph 703A(b)(i)(A)

Omit “700 MHz,”.

14 Sub-item 704A(3)

Omit “\$0.0039/MHz/pop”, substitute “\$0.0040/MHz/pop”.

15 Sub-item 704A(3A)

Repeal the sub-item.

16 Sub-item 704A(3B)

Omit “\$0.0039/MHz/pop”, substitute “\$0.0040/MHz/pop”.

17 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	\$40,936
2	Melbourne	\$40,936
3	Brisbane	\$14,858
4	Adelaide	\$14,858
5	Perth	\$14,858
6	Perth City	\$14,858
7	Newcastle	\$3,790
8	Canberra	\$3,790
9	Wollongong	\$3,790
10	Gold Coast	\$3,790
11	Gosford	\$3,790
12	Penrith	\$3,790
13	Hobart	\$1,669
14	Geelong	\$1,669
15	Nambour	\$1,669
16	Townsville	\$1,669
17	Cairns	\$1,669
18	Any other location	\$984

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

18 Sub-item 803(2)

Omit all occurrences of “\$946”, substitute “\$984”.

19 Table 802A (and the note) of Schedule 2

Repeal the table (and the note), substitute:

Table 802A

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	1.2114	1.2114	1.2114	1.2114	1.2114
>30–70	2.7363	1.0688	0.5685	0.1227	0.0612

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>
>70–399.9	2.8074	1.1521	0.5272	0.1182	0.0590
>399.9–403	2.8074	1.5721	0.7192	0.1227	0.0612
>403–520	2.8074	2.0806	0.7192	0.1227	0.0000
>520–960	2.8074	1.5721	0.7192	0.1227	0.0612
>960–2 690	2.8031	0.6291	0.2908	0.1463	0.0730
GHz					
>2.69–5.0	2.8001	0.5202	0.2108	0.1746	0.0873
>5.0–8.5	2.3641	0.4371	0.2035	0.0926	0.0449
>8.5–17.3	1.0419	0.3751	0.0887	0.0065	0.0031
>17.3–31.3	0.7293	0.1942	0.0305	0.0032	0
>31.3–51.4	0.1989	0.1059	0.0165	0.0006	0
>51.4	0.0281	0.0028	0.0028	0.0003	0.0003

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

20 Table 902 of Schedule 2

Repeal the table, substitute:

Table 902

Item	Station	Amount (\$)
1	Amateur station	\$50.51
2	Limited coast marine rescue station	\$41.17
3	Limited coast non-assigned station	\$41.17
4	Outpost non-assigned station	\$41.17
5	Scientific non-assigned station	\$41.17
6	Ship station class B non-assigned	\$41.17
7	Ship station class C non-assigned	\$41.17
8	Sound outside broadcast station	\$41.17
9	Temporary fixed link station	\$2,293.39

21 Dictionary, definition of *minimum annual amount*

Omit “\$40.32”, substitute “\$41.17”.