

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]

~~Membe~~r/General Manager

Australian Communications and Media Authority

1 Name

This is the *Radiocommunications (Transmitter Licence Tax) Amendment Determination 20**19 (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](http://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.

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* | | | | | | | | |
|  | | *Australia wide* | *High density* | | *Medium density* | | *Low density* | *Remote density* | |
| **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 |
| >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* | | | | | | | |
|  | *Australia wide* | | *High density* | *Medium density* | *Low density* | | *Remote density* | |
| **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* | | | | | | | |
|  | | *Australia wide* | *High density* | | *Medium density* | *Low density* | *Remote density* | |
| **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:

(a) the bandwidth (in MHz) authorised for use by a transmitter under the licence; multiplied by

(b) 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 x 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 ($)** | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| *Area density* | | | | | | | | |
|  | | *Australia wide* | *High density* | *Medium density* | | *Low density* | *Remote density* | | |
| **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 |

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* | | | | | | | | |
|  | | *Australia wide* | *High density* | | *Medium density* | | *Low density* | *Remote density* | |
| **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 |
| 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 ($)** | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| *Area density* | | | | | | | | | |
|  | | | *Australia wide* | | *High density* | | | *Medium density* | *Low density* | | *Remote density* |
| **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 | |  |
| >8.5–17.3 | | | 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”.