Radiocommunications (Transmitter Licence Tax) Amendment Determination 2011 (No. 3)

*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 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. 3)*.

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)

[] Paragraph 1.3(1)(b)

omit

 ‘, made under subsection 54(1) of the *Australian Communications Authority Act 1997* and continued in force under subsection 64(1) of the *Australian Communications and Media Authority Act 2005*’

[2] Part 4

substitute

Part 4 Transitional arrangements relating to Radiocommunications (Transmitter Licence Tax) Amendment Determination 2011 (No. 3)

4.1 Definitions for Part 4

 In this Part:

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

*Note*The Amendment Determination commenced on the day after it was registered on the Federal Register of Legislative Instruments.

***Amendment Determination*** means the *Radiocommunications (Transmitter Licence Tax) Amendment Determination 2011 (No. 3)*.

***pre‑amendment Determination*** means this Determination as in force immediately before the commencement of the Amendment Determination.

4.2 Transitional arrangements after commencement of Amendment Determination

 (1) In spite of the amendments made by the Amendment Determination, if:

 (a) apparatus 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 on or after 4 April 2011 and before 5 April 2012;

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

 (2) In spite of the amendments made by the Amendment Determination, if:

 (a) apparatus 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 2012;

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

 (3) In spite of the amendments made by the Amendment Determination, if:

 (a) apparatus licence tax is imposed on the holding of a transmitter licence; and

 (b) the day when the tax is payable is on or after the amendment day but before 5 April 2012;

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

 (4) If:

 (a) apparatus 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 on or after 5 April 2012;

use this Determination, as amended by the Amendment Determination, to work out the amount of the transmitter licence tax.

 (5) If:

 (a) apparatus 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 5 April 2012;

use this Determination, as amended by the Amendment Determination, to work out the amount of the transmitter licence tax.

 (6) If:

 (a) apparatus licence tax is imposed on the holding of a transmitter licence; and

 (b) the day when the tax is payable is on or after 5 April 2012;

use this Determination, as amended by the Amendment Determination, to work out the amount of the transmitter licence tax.

[3] Schedule 2, Part 2, table 202, including the note

substitute

*Table 202*

| Frequency range | Amount ($) |
| --- | --- |
| *Area density* |
|  | *Australia wide* | *High density* | *Medium density* | *Low density* | *Remote density* |
| MHz |
| 0–30 | 1.0641 | 1.0641 | 1.0641 | 1.0641 | 1.0641 |
| >30–70 | 2.4037 | 0.9387 | 0.4994 | 0.1077 | 0.0539 |
| >70–399.9 | 2.4660 | 1.0121 | 0.4631 | 0.1038 | 0.0518 |
| >399.9–960 | 2.4660 | 1.3810 | 0.6318 | 0.1077 | 0.0539 |
| >960–2 690 | 2.4624 | 0.5526 | 0.2555 | 0.1285 | 0.0641 |
| GHz |
| >2.69–5.0 | 2.4597 | 0.4570 | 0.1852 | 0.1534 | 0.0767 |
| >5.0–8.5 | 2.0767 | 0.3838 | 0.1788 | 0.0814 | 0.0394 |
| >8.5–14.5 | 0.9151 | 0.3294 | 0.0780 | 0.0057 | 0.0027 |
| >14.5–31.3 | 0.9151 | 0.2437 | 0.0536 | 0.0057 | 0.0027 |
| >31.3–51.4 | 0.2495 | 0.1329 | 0.0288 | 0.0010 | 0.0004 |
| >51.4 | 0.0247 | 0.0025 | 0.0025 | 0.0002 | 0.0002 |

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

[4] Schedule 2, Part 3, table 302, including the note

substitute

*Table 302*

| Frequency range | Amount ($) |
| --- | --- |
| *Area density* |
|  | *Australia wide* | *High density* | *Medium density* | *Low density* | *Remote density* |
| MHz |
| 0–30 | 78.6742 | 78.6742 | 78.6742 | 78.6742 | 78.6742 |
| >30–70 | 177.7142 | 69.4119 | 36.9213 | 7.9677 | 3.9747 |
| >70–399.9 | 182.3270 | 74.8270 | 34.2410 | 7.6760 | 3.8288 |
| >399.9–960 | 182.3270 | 102.1031 | 46.7122 | 7.9677 | 3.9747 |
| >960–2 690 | 182.0536 | 40.8595 | 18.8891 | 9.4993 | 4.7404 |
| GHz |
| >2.69–5.0 | 181.8530 | 33.7853 | 13.6927 | 11.3408 | 5.6703 |
| >5.0–8.5 | 153.5376 | 28.3884 | 13.2186 | 6.0168 | 2.9173 |
| >8.5–14.5 | 67.6616 | 24.3590 | 5.7615 | 0.4194 | 0.2006 |
| >14.5–31.3 | 67.6616 | 18.0139 | 3.9565 | 0.4194 | 0.2006 |
| >31.3–51.4 | 18.4515 | 9.8274 | 2.1332 | 0.0728 | 0.0365 |
| >51.4 | 1.8232 | 0.1823 | 0.1823 | 0.0182 | 0.0182 |

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

[5] Schedule 2, Part 4, table 402, including the note

substitute

*Table 402*

| Frequency range | Amount ($) |
| --- | --- |
| *Area density* |
|  | *Australia wide* | *High density* | *Medium density* | *Low density* | *Remote density* |
| MHz |
| 0–30 | 19.6685 | 19.6685 | 19.6685 | 19.6685 | 14.2182 |
| >30–70 | 44.4285 | 17.3529 | 9.2303 | 1.9919 | 0.7183 |
| >70–399.9 | 45.5817 | 18.7067 | 8.5603 | 1.9190 | 0.6920 |
| >399.9–960 | 45.5817 | 25.5258 | 11.6780 | 1.9919 | 0.7183 |
| >960–2 690 | 1.0759 | 0.2414 | 0.1116 | 0.0560 | 0.0280 |
| GHz |
| >2.69–5.0 | 1.0747 | 0.1996 | 0.0809 | 0.0669 | 0.0336 |
| >5.0–8.5 | 0.9073 | 0.1677 | 0.0781 | 0.0354 | 0.0172 |
| >8.5–14.5 | 0.3999 | 0.1439 | 0.0340 | 0.0025 | 0.0011 |
| >14.5–31.3 | 0.3999 | 0.1064 | 0.0234 | 0.0025 | 0.0011 |
| >31.3–51.4 | 0.1091 | 0.0581 | 0.0126 | 0.0004 | 0.0002 |
| >51.4 | 0.0108 | 0.0010 | 0.0010 | 0.0001 | 0.0001 |

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

[6] Schedule 2, Part 5, table 502, including the note

substitute

*Table 502*

| Frequency range | Amount ($) |
| --- | --- |
| *Area density* |
|  | *Australia wide* | *High density* | *Medium density* | *Low density* | *Remote density* |
| MHz |
| 0–30 | 78.6742 | 78.6742 | 78.6742 | 78.6742 | 56.1492 |
| >30–70 | 177.7142 | 69.4119 | 36.9213 | 7.9677 | 2.8367 |
| >70–399.9 | 182.3271 | 74.8271 | 34.2410 | 7.6760 | 2.7326 |
| >399.9–960 | 182.3271 | 102.1031 | 46.7122 | 7.9677 | 2.8367 |
| >960–2 690 | 1.0759 | 0.2414 | 0.1116 | 0.0560 | 0.0280 |
| GHz |
| >2.69–5.0 | 1.0747 | 0.1996 | 0.0809 | 0.0669 | 0.0336 |
| >5.0–8.5 | 0.9073 | 0.1677 | 0.0781 | 0.0354 | 0.0172 |
| >8.5–14.5 | 0.3999 | 0.1439 | 0.0340 | 0.0025 | 0.0011 |
| >14.5–31.3 | 0.3999 | 0.1064 | 0.0234 | 0.0025 | 0.0011 |
| >31.3–51.4 | 0.1091 | 0.0581 | 0.0126 | 0.0004 | 0.0002 |
| >51.4 | 0.0108 | 0.0010 | 0.0010 | 0.0001 | 0.0001 |

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

**[7] Schedule 2, Part 6, table 602, including the note**

substitute

*Table 602*

| Frequency range | Amount ($) |
| --- | --- |
| *Area density* |
|  | *Australia wide* | *High density* | *Medium density* | *Low density* | *Remote density* |
| MHz |
| 0–30 | 0.5458 | 0.5458 | 0.5458 | 0.5458 | 0.5458 |
| >30–70 | 1.2330 | 0.4816 | 0.2562 | 0.0553 | 0.0276 |
| >70–399.9 | 1.2651 | 0.5191 | 0.2376 | 0.0531 | 0.0266 |
| >399.9–960 | 1.2651 | 0.7085 | 0.3241 | 0.0553 | 0.0276 |
| >960–2 690 | 1.2632 | 0.2834 | 0.1311 | 0.0659 | 0.0329 |
| GHz |
| >2.69–5.0 | 1.2617 | 0.2344 | 0.0950 | 0.0786 | 0.0393 |
| >5.0–8.5 | 1.0653 | 0.1969 | 0.0918 | 0.0418 | 0.0203 |
| >8.5–14.5 | 0.4695 | 0.1690 | 0.0401 | 0.0029 | 0.0013 |
| >14.5–31.3 | 0.4695 | 0.1250 | 0.0275 | 0.0029 | 0.0013 |
| >31.3–51.4 | 0.1280 | 0.0682 | 0.0148 | 0.0004 | 0.0002 |
| >51.4 | 0.0126 | 0.0012 | 0.0012 | 0.0001 | 0.0001 |

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

[8] Schedule 2, Part 7, table 702

substitute

*Table 702*

| Item | Service | Amount |
| --- | --- | --- |
| 1 | Broadcasting licence (other than a service operated in the frequency range 2.3 MHz–26.1 MHz)  | $36.17 per transmitter |
| 2 | Datacasting licence | $36.17 per transmitter |
| 3 | Licence that authorises the operation of point to point (5.8 GHz band) stations | $36.17 per pair of spectrum accesses |
| 4 | Licence that authorises the operation of point to point (self‑coordinated) stations | $208 per pair of spectrum accesses |
| 5 | Television outside broadcast network  | $363,564 |
| 6 | Television outside broadcast system (Australia wide density area) | $38,956 |
| 7 | Television outside broadcast system (high density area) | $7,204 |
| 8 | Television outside broadcast system (medium density area) | $3,354 |
| 9 | Television outside broadcast system (low density area) | $1,528 |
| 10 | Television outside broadcast system (remote density area) | $765 |
| 11 | PABX cordless telephone service  | $36.17 |
| 16 | PMTS Class B operated in the frequency range 935–960 MHz | $2, 949, 623 for each MHz on which the service may be operated |
| 17 | PMTS Class B operated in the frequency range 1805–1880 MHz | $0.01 for each paired MHz of spectrum on which the service may be operated multiplied by the population of the area to which the service relates as worked out in the 2006 Census |
| 17A | PMTS Class B operated in the frequency range 2110–2170 MHz  | $0.06 for each paired MHz of spectrum on which the service may be operated, multiplied by the population of the area to which the service relates, as worked out in the 2006 Census |
| 17B | PMTS Class C  | $36.17 |
| 18 | Non‑geostationary orbit satellite system operated at a frequency of more than 8.5 GHz | $258 for each MHz on which the service may be operated |

[9] Schedule 2, Part 8, table 802, including the note

substitute

*Table 802*

|  |  |  |
| --- | --- | --- |
| Item | Location of open narrowcasting service | Amount ($) |
| 1 | Sydney | 127,849 |
| 2 | Gosford | 17,313 |
| 3 | Melbourne | 113,198 |
| 4 | Geelong | 17,313 |
| 5 | Adelaide | 23,972 |
| 6 | Perth | 38,620 |
| 7 | Hobart | 1,466 |

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

[10] Schedule 2, Part 9, table 902, including the note

substitute

*Table 902*

| Item | Location of open narrowcasting service | Amount ($) |
| --- | --- | --- |
| 1 | Sydney |  35,958  |
| 2 | Melbourne |  35,958  |
| 3 | Brisbane |  13,051  |
| 4 | Adelaide |  13,051  |
| 5 | Perth |  13,051  |
| 6 | Perth City |  13,051  |
| 7 | Newcastle |  3,329  |
| 8 | Canberra |  3,329  |
| 9 | Wollongong |  3,329  |
| 10 | Gold Coast |  3,329  |
| 11 | Gosford |  3,329  |
| 12 | Penrith |  3,329  |
| 13 | Hobart |  1,466  |
| 14 | Geelong |  1,466  |
| 15 | Nambour |  1,466  |
| 16 | Townsville |  1,466  |
| 17 | Cairns |  1,466  |
| 18 | Any other location |  865  |

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

[11] Schedule 2, Part 10, table 1002

substitute

*Table 1002*

| Item | Station | Amount ($) |
| --- | --- | --- |
| 1 | Amateur station | 44.37 |
| 2 | Limited coast marine rescue station | 36.17 |
| 3 | Limited coast non‑assigned station | 36.17 |
| 4 | Outpost non‑assigned station | 36.17 |
| 5 | Scientific non‑assigned station | 36.17 |
| 6 | Ship station class B non‑assigned | 36.17 |
| 7 | Ship station class C non‑assigned | 36.17 |
| 8 | Sound outside broadcast station | 36.17 |
| 9 | Temporary fixed link station  | 2,014.53 |

[12] Further amendments

| *Provision* | *omit each mention of* | *insert* |
| --- | --- | --- |
| Schedule 2, items 205, 304, 403, 504 and 603 | $34.91, the amount of tax is taken to be $34.91. | $36.17, the amount of tax is taken to be $36.17. |
| Schedule 2, item 904 | $835, the amount of tax is taken to be $835. | $865, the amount of tax is taken to be $865. |
| Schedule 3, step 3 of tables 103, 104 and 105 | $34.91, increase the amount to $34.91. | $36.17, increase the amount to $36.17. |