

Radiocommunications (Transmitter Licence Tax) Amendment Determination 2020 (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: 27 February 2020

Nerida O’Loughlin

[signed]

Member

Chris Jose

[signed]

Member/~~General Manager~~

Australian Communications and Media Authority

1 Name

 This is the *Radiocommunications (Transmitter Licence Tax) Amendment Determination 2020 (No. 1)*.

2 Commencement

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

Note: The Federal Register of Legislation may be accessed free of charge 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 2020 (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 2020 (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 the 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 2020;

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 2020.

Note 2: If a licence is issued on or after the amendment day, and comes into force on or after 5 April 2020, 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 (***anniversary day***); and

(b) the anniversary day is on or after the amendment day but before 5 April 2020;

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

Note 1: If, for a transmitter licence, the anniversary day is before the amendment day, the pre-amendment Determination is used to work out the amount of transmitter licence tax.

Note 2: If, for a transmitter licence, the anniversary day is on or after 5 April 2020, 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 2020;

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 transmitter 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 transmitter licence on a particular day, and that day is on or after 5 April 2020, 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 Schedule 2, Table 202

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 | 1.2308 | 1.2308 | 1.2308 | 1.2308 | 1.2308 |
| >30–70 | 2.7801 | 1.0859 | 0.5776 | 0.1246 | 0.0622 |
| >70–399.9 | 2.8523 | 1.1706 | 0.5357 | 0.1201 | 0.0599 |
| >399.9–403 | 2.8523 | 1.5973 | 0.7308 | 0.1246 | 0.0622 |
| >403–520 | 2.8523 | 2.1139 | 0.7308 | 0.1246 | 0.0000 |
| >520–960  | 2.8523 | 1.5973 | 0.7308 | 0.1246 | 0.0622 |
| >960–2 690 | 2.8480 | 0.6392 | 0.2955 | 0.1486 | 0.0742 |
| GHz |
| >2.69–5.0 | 2.8449 | 0.5285 | 0.2142 | 0.1774 | 0.0887 |
| >5.0–8.5 | 2.4019 | 0.4441 | 0.2068 | 0.0941 | 0.0456 |
| >8.5–14.5 | 1.0585 | 0.3811 | 0.0901 | 0.0066 | 0.0031 |
| >14.5–31.3 | 1.0585 | 0.2818 | 0.0619 | 0.0066 | 0.0031 |
| >31.3–51.4 | 0.2887 | 0.1537 | 0.0334 | 0.0011 | 0.0006 |
| >51.4 | 0.0285 | 0.0029 | 0.0029 | 0.0003 | 0.0003 |

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

3 Schedule 2, Table 206

Repeal the table and the note, substitute:

*Table 206*

|  |  |
| --- | --- |
| Frequency range | Amount ($) |
| *Area density* |
|   | *Australia wide* | *Highdensity* | *Medium density* | *Lowdensity* | *Remote density* |
| **MHz** |
| 0–30 | 0.1231 | 0.1231 | 0.1231 | 0.1231 | 0.1231 |
| >30–70 | 0.2780 | 0.1086 | 0.0578 | 0.0125 | 0.0062 |
| >70–399.9 | 0.2852 | 0.1171 | 0.0536 | 0.0120 | 0.0060 |
| >399.9–403 | 0.2852 | 0.1597 | 0.0731 | 0.0125 | 0.0062 |
| >403–520 | 0.2852 | 0.2114 | 0.0731 | 0.0125 | 0.0000 |
| >520–960 | 0.2852 | 0.1597 | 0.0731 | 0.0125 | 0.0062 |
| >960–2 690 | 0.2848 | 0.0639 | 0.0295 | 0.0149 | 0.0074 |
| **GHz** |  |  |  |  |  |
| >2.69–5.0 | 0.2845 | 0.0529 | 0.0214 | 0.0177 | 0.0089 |
| >5.0–8.5 | 0.2402 | 0.0444 | 0.0207 | 0.0094 | 0.0046 |
| >8.5–14.5 | 0.1058 | 0.0381 | 0.0090 | 0.0007 | 0.0003 |
| >14.5–31.3 | 0.1058 | 0.0282 | 0.0062 | 0.0007 | 0.0003 |
| >31.3–51.4 | 0.0289 | 0.0154 | 0.0033 | 0.0001 | 0.0001 |
| >51.4 | 0.0029 | 0.0003 | 0.0003 | 0.0000 | 0.0000 |

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

4 Schedule 2, Table 302

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 | 90.9978 | 90.9978 | 90.9978 | 90.9978 | 90.9978 |
| >30–70 | 205.5516 | 80.2847 | 42.7046 | 9.2158 | 4.5973 |
| >70–399.9 | 210.8870 | 86.5480 | 39.6046 | 8.8783 | 4.4286 |
| >399.9–403 | 210.8870 | 118.0967 | 54.0293 | 9.2158 | 4.5973 |
| >403–520 | 210.8870 | 156.2968 | 54.0293 | 9.2158 | 0.0000 |
| >520–960  | 210.8870 | 118.0967 | 54.0293 | 9.2158 | 4.5973 |
| >960–2 690 | 210.5707 | 47.2598 | 21.8479 | 10.9872 | 5.4831 |
| GHz |
| >2.69–5.0 | 210.3387 | 39.0774 | 15.8376 | 13.1172 | 6.5586 |
| >5.0–8.5 | 177.5880 | 32.8351 | 15.2893 | 6.9593 | 3.3742 |
| >8.5–14.5 | 78.2602 | 28.1745 | 6.6640 | 0.4850 | 0.2320 |
| >14.5–31.3 | 78.2602 | 20.8356 | 4.5762 | 0.4850 | 0.2320 |
| >31.3–51.4 | 21.3418 | 11.3668 | 2.4674 | 0.0844 | 0.0422 |
| >51.4 | 2.1089 | 0.2109 | 0.2109 | 0.0211 | 0.0211 |

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

5 Schedule 2, Table 305A

Repeal the table and the example, substitute:

***Table 305A***

| **Column 1****State or territory of the licence**  | **Column 2****Tax rate ($)** |  |
| --- | --- | --- |
| Australian Capital Territory  | $1,274 |   |
| New South Wales | $120,573 |   |
| Northern Territory | $3,372 |   |
| Queensland | $89,355 |   |
| South Australia | $20,311 |   |
| Tasmania | $485 |   |
| Victoria | $103,249 |   |
| Western Australia | $22,936 |   |

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 on 6 April 2020 is: 10 x 20,311 = $203,110.

6 Schedule 2, Table 402

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 | 22.7494 | 22.7494 | 22.7494 | 22.7494 | 14.4457 |
| >30–70 | 51.3879 | 20.0712 | 10.6762 | 2.3039 | 0.7298 |
| >70–399.9 | 52.7218 | 21.6370 | 9.9011 | 2.2196 | 0.7030 |
| >399.9–403 | 52.7218 | 29.5242 | 13.5073 | 2.3039 | 0.7298 |
| >403–520 | 52.7218 | 39.0742 | 13.5073 | 2.3039 | 0 |
| >520–960  | 52.7218 | 29.5242 | 13.5073 | 2.3039 | 0.7298 |
| >960–2 690 | 1.2444 | 0.2793 | 0.1291 | 0.0649 | 0.0324 |
| GHz |
| >2.69–5.0 | 1.2430 | 0.2309 | 0.0936 | 0.0775 | 0.0388 |
| >5.0–8.5 | 1.0495 | 0.1940 | 0.0904 | 0.0411 | 0.0199 |
| >8.5–14.5 | 0.4625 | 0.1665 | 0.0394 | 0.0029 | 0.0014 |
| >14.5–31.3 | 0.4625 | 0.1231 | 0.0270 | 0.0029 | 0.0014 |
| >31.3–51.4 | 0.1261 | 0.0672 | 0.0146 | 0.0005 | 0.0002 |
| >51.4 | 0.0125 | 0.0012 | 0.0012 | 0.0001 | 0.0001 |

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

7 Schedule 2, Table 502

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 | 90.9978 | 90.9978 | 90.9978 | 90.9978 | 57.0476 |
| >30–70 | 205.5516 | 80.2847 | 42.7046 | 9.2158 | 2.8821 |
| >70–399.9 | 210.8870 | 86.5480 | 39.6046 | 8.8783 | 2.7764 |
| >399.9–403 | 210.8870 | 118.0967 | 54.0293 | 9.2158 | 2.8821 |
| >403–520 | 210.8870 | 156.2968 | 54.0293 | 9.2158 | 0 |
| >520–960  | 210.8870 | 118.0967 | 54.0293 | 9.2158 | 2.8821 |
| >960–2 690 | 1.2444 | 0.2793 | 0.1291 | 0.0649 | 0.0324 |
| GHz |
| >2.69–5.0 | 1.2430 | 0.2309 | 0.0936 | 0.0775 | 0.0388 |
| >5.0–8.5 | 1.0495 | 0.1940 | 0.0904 | 0.0411 | 0.0199 |
| >8.5–14.5 | 0.4625 | 0.1665 | 0.0394 | 0.0029 | 0.0014 |
| >14.5–31.3 | 0.4625 | 0.1231 | 0.0270 | 0.0029 | 0.0014 |
| >31.3–51.4 | 0.1261 | 0.0672 | 0.0146 | 0.0005 | 0.0002 |
| >51.4 | 0.0125 | 0.0012 | 0.0012 | 0.0001 | 0.0001 |

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

8 Schedule 2, Table 602

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 | 0.6314 | 0.6314 | 0.6314 | 0.6314 | 0.6314 |
| >30–70 | 1.4262 | 0.5571 | 0.2963 | 0.0639 | 0.0319 |
| >70–399.9 | 1.4632 | 0.6005 | 0.2748 | 0.0616 | 0.0307 |
| >399.9–960 | 1.4632 | 0.8194 | 0.3749 | 0.0639 | 0.0319 |
| >960–2 690 | 1.4610 | 0.3279 | 0.1516 | 0.0762 | 0.0380 |
| GHz |
| >2.69–5.0 | 1.4594 | 0.2711 | 0.1099 | 0.0910 | 0.0455 |
| >5.0–8.5 | 1.2322 | 0.2278 | 0.1061 | 0.0483 | 0.0234 |
| >8.5–14.5 | 0.5430 | 0.1955 | 0.0462 | 0.0034 | 0.0016 |
| >14.5–31.3 | 0.5430 | 0.1446 | 0.0318 | 0.0034 | 0.0016 |
| >31.3–51.4 | 0.1481 | 0.0789 | 0.0171 | 0.0006 | 0.0003 |
| >51.4 | 0.0146 | 0.0015 | 0.0015 | 0.0001 | 0.0001 |

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

9 Schedule 2, Table 702

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)  | $41.83 per transmitter |
| 2 | Datacasting licence | $41.83 per transmitter |
| 3 | Licence that authorises the operation of point to point (5.8 GHz band) stations | $41.83 per pair of spectrum accesses |
| 4 | Licence that authorises the operation of point to point (self‑coordinated) stations | $239 per pair of spectrum accesses |
| 5 | Television outside broadcast network  | $420,514 |
| 6 | Television outside broadcast system (Australia wide density area) | $45,058 |
| 7 | Television outside broadcast system (high density area) | $8,332 |
| 8 | Television outside broadcast system (medium density area) | $3,879 |
| 9 | Television outside broadcast system (low density area) | $1,767 |
| 10 | Television outside broadcast system (remote density area) | $885 |
| 11 | PABX cordless telephone service  | $41.83 |
| 12 | PMTS Class B operated in the frequency range 935–960 MHz (Paired) | $3,411,655 for each MHz on which the service may be operated |
| 13 | PMTS Class C  | $41.83 |
| 14 | Wireless audio system | $41.83 |

10 Schedule 2, item 702A, paragraph (a) of the definition of *3.5 GHz band*

Omit “3425”, substitute “3475”.

11 Schedule 2, sub-item 704A(3)

Omit “$0.0040”, substitute “$0.0041”.

12 Schedule 2, sub-item 704A(3B)

Omit “$0.0040”, substitute “$0.0041”.

13 Schedule 2, Table 802

Repeal the table and the note, substitute:

*Table 802*

| Item | Location of open narrowcasting service | Amount ($) |
| --- | --- | --- |
| 1 | Sydney | $41,591 |
| 2 | Melbourne | $41,591 |
| 3 | Brisbane | $15,096 |
| 4 | Adelaide | $15,096 |
| 5 | Perth | $15,096 |
| 6 | Perth City | $15,096 |
| 7 | Newcastle | $3,851 |
| 8 | Canberra | $3,851 |
| 9 | Wollongong | $3,851 |
| 10 | Gold Coast | $3,851 |
| 11 | Gosford | $3,851 |
| 12 | Penrith | $3,851 |
| 13 | Hobart | $1,696 |
| 14 | Geelong | $1,696 |
| 15 | Nambour | $1,696 |
| 16 | Townsville | $1,696 |
| 17 | Cairns | $1,696 |
| 18 | Any other location | $1,000 |

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

14 Schedule 2, sub-item 803(2)

Omit “$984”, substitute “$1000” (both occurrences).

15 Schedule 2, Table 802A

Repeal the table, substitute:

***Table 802A***

| **Frequency range** | **Amount ($)** |
| --- | --- |
| *Area density* |
|  | *Australia wide* | *High density* | *Medium density* | *Low density* | *Remote density* |
| MHz |   |
| 0–30 | 1.2308 | 1.2308 | 1.2308 | 1.2308 | 1.2308 |  |
| >30–70 | 2.7801 | 1.0859 | 0.5776 | 0.1246 | 0.0622 |  |
| >70–399.9 | 2.8523 | 1.1706 | 0.5357 | 0.1201 | 0.0599 |  |
| >399.9–403 | 2.8523 | 1.5973 | 0.7308 | 0.1246 | 0.0622 |  |
| >403–520 | 2.8523 | 2.1139 | 0.7308 | 0.1246 | 0.0000 |  |
| >520–960  | 2.8523 | 1.5973 | 0.7308 | 0.1246 | 0.0622 |  |
| >960–2 690 | 2.8480 | 0.6392 | 0.2955 | 0.1486 | 0.0742 |  |
| GHz |   |
| >2.69–5.0 | 2.8449 | 0.5285 | 0.2142 | 0.1774 | 0.0887 |   |
| >5.0–8.5 | 2.4019 | 0.4441 | 0.2068 | 0.0941 | 0.0456 |   |
| >8.5–17.3 | 1.0585 | 0.3811 | 0.0901 | 0.0066 | 0.0031 |   |
| >17.3–31.3 | 0.7409 | 0.1973 | 0.0309 | 0.0033 | 0.0000 |   |
| >31.3–51.4 | 0.2021 | 0.1076 | 0.0167 | 0.0006 | 0.0000 |   |
| >51.4 | 0.0285 | 0.0029 | 0.0029 | 0.0003 | 0.0003 |   |

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

16 Schedule 2, item 803A, heading

Omit “**Space licence**”, insert “**Space licence – 2483.5 MHz to 2500 MHz**”.

17 Schedule 2, after item 803A

Insert

803AA Space licence – above 10.7 GHz

If a spectrum access under a space licence involves the use of spectrum in one of the following frequency ranges, the annual amount of tax in respect of the spectrum access is the minimum annual amount:

(a) from 10.7 GHz up to and including 11.7 GHz;

(b) from 18.2 GHz up to and including 18.8 GHz;

(c) from 19.3 GHz up to and including 19.7 GHz.

18 Schedule 2, Table 902

Repeal the table, substitute:

*Table 902*

| Item | Station | Amount ($) |
| --- | --- | --- |
| 1 | Amateur station | $51.32 |
| 2 | Limited coast marine rescue station | $41.83 |
| 3 | Limited coast non‑assigned station | $41.83 |
| 4 | Outpost non‑assigned station | $41.83 |
| 5 | Scientific non‑assigned station | $41.83 |
| 6 | Ship station class B non‑assigned | $41.83 |
| 7 | Ship station class C non‑assigned | $41.83 |
| 8 | Sound outside broadcast station | $41.83 |
| 9 | Temporary fixed link station | $2,330.08 |

19 Dictionary, subparagraph (a)(i) of the definition of *low power spectrum access*

Omit “201(1)(u) and (v)”, substitute “201(1)(s) and (t)”.

20 Dictionary, after subparagraph (a)(i) of the definition of *low power spectrum access*

Insert:

 (ia) item 205;

21 Dictionary, definition of *minimum annual amount*

Omit “$41.17”, substitute “$41.83”.