

Radiocommunications (Transmitter Licence Tax) Amendment Determination 2021 (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: 28 January 2021

Creina Chapman

[signed]

Member

Cathy Rainsford

[signed]

~~Member~~/General Manager

Australian Communications and Media Authority

1 Name

 This is the *Radiocommunications (Transmitter Licence Tax) Amendment Determination 2021 (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 (F2015L00323)

1 Part 3

Repeal the Part, substitute:

Part 3 Transitional arrangements relating to the *Radiocommunications (Transmitter Licence Tax) Amendment Determination 2021 (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 2021 (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 2021;

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 2021.

Note 2: If a licence is issued on or after the amendment day, and comes into force on or after 5 April 2021, 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 2021;

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 2021, 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 2021;

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 2021, 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, Part 2 (table 202)

Repeal the table (including the note), substitute:

***Table 202***

| **Frequency range** | **Amount ($)** |
| --- | --- |
| *Area density* |
|  | *Australia wide* | *High density* | *Medium density* | *Low density* | *Remote density* |
| **MHz** |
| 0–30 | 1.2172 | 1.2172 | 1.2172 | 1.2172 | 1.2172 |
| >30–70 | 2.7496 | 1.0739 | 0.5712 | 0.1233 | 0.0615 |
| >70–399.9 | 2.8210 | 1.1577 | 0.5298 | 0.1188 | 0.0592 |
| >399.9–403 | 2.8210 | 1.5797 | 0.7227 | 0.1233 | 0.0615 |
| >403–520 | 2.8210 | 2.0907 | 0.7227 | 0.1233 | 0.0000 |
| >520–960  | 2.8210 | 1.5797 | 0.7227 | 0.1233 | 0.0615 |
| >960–2 690 | 2.8167 | 0.6322 | 0.2923 | 0.1470 | 0.0733 |
| **GHz** |
| >2.69–5.0 | 2.8136 | 0.5227 | 0.2119 | 0.1755 | 0.0877 |
| >5.0–8.5 | 2.3755 | 0.4392 | 0.2045 | 0.0931 | 0.0451 |
| >8.5–14.5 | 1.0469 | 0.3769 | 0.0891 | 0.0065 | 0.0031 |
| >14.5–31.3 | 1.0469 | 0.2787 | 0.0612 | 0.0065 | 0.0031 |
| >31.3–51.4 | 0.2855 | 0.1521 | 0.0330 | 0.0011 | 0.0006 |
| >51.4 | 0.0282 | 0.0028 | 0.0028 | 0.0003 | 0.0003 |

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

3 Schedule 2, Part 2A (table 206)

Repeal the table (including the note), substitute:

***Table 206***

| **Frequency range** | **Amount ($)** |
| --- | --- |
| *Area density* |
|   | *Australia wide* | *Highdensity* | *Medium density* | *Lowdensity* | *Remote density* |
| **MHz** |
| 0–30 | 0.1217 | 0.1217 | 0.1217 | 0.1217 | 0.1217 |
| >30–70 | 0.2750 | 0.1074 | 0.0571 | 0.0123 | 0.0061 |
| >70–399.9 | 0.2821 | 0.1158 | 0.0530 | 0.0119 | 0.0059 |
| >399.9–403 | 0.2821 | 0.1580 | 0.0723 | 0.0123 | 0.0061 |
| >403–520 | 0.2821 | 0.2091 | 0.0723 | 0.0123 | 0.0000 |
| >520–960 | 0.2821 | 0.1580 | 0.0723 | 0.0123 | 0.0061 |
| >960–2 690 | 0.2817 | 0.0632 | 0.0292 | 0.0147 | 0.0073 |
| **GHz** |  |  |  |  |  |
| >2.69–5.0 | 0.2814 | 0.0523 | 0.0212 | 0.0175 | 0.0088 |
| >5.0–8.5 | 0.2376 | 0.0439 | 0.0205 | 0.0093 | 0.0045 |
| >8.5–14.5 | 0.1047 | 0.0377 | 0.0089 | 0.0006 | 0.0003 |
| >14.5–31.3 | 0.1047 | 0.0279 | 0.0061 | 0.0006 | 0.0003 |
| >31.3–51.4 | 0.0285 | 0.0152 | 0.0033 | 0.0001 | 0.0001 |
| >51.4 | 0.0028 | 0.0003 | 0.0003 | 0.0000 | 0.0000 |

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

4 Schedule 2, Part 3 (table 302)

Repeal the table (including the note), substitute:

***Table 302***

| **Frequency range** | **Amount ($)** |
| --- | --- |
| *Area density* |
|  | *Australia wide* | *High density* | *Medium density* | *Low density* | *Remote density* |
| **MHz** |
| 0–30 | 89.9990 | 89.9990 | 89.9990 | 89.9990 | 89.9990 |
| >30–70 | 203.2955 | 79.4035 | 42.2359 | 9.1146 | 4.5469 |
| >70–399.9 | 208.5724 | 85.5981 | 39.1699 | 8.7809 | 4.3800 |
| >399.9–403 | 208.5724 | 116.8005 | 53.4362 | 9.1146 | 4.5469 |
| >403–520 | 208.5724 | 154.5813 | 53.4362 | 9.1146 | 0.0000 |
| >520–960  | 208.5724 | 116.8005 | 53.4362 | 9.1146 | 4.5469 |
| >960–2 690 | 208.2595 | 46.7411 | 21.6081 | 10.8666 | 5.4229 |
| **GHz** |
| >2.69–5.0 | 208.0301 | 38.6485 | 15.6638 | 12.9732 | 6.4866 |
| >5.0–8.5 | 175.6388 | 32.4747 | 15.1215 | 6.8829 | 3.3372 |
| >8.5–14.5 | 77.4012 | 27.8653 | 6.5909 | 0.4797 | 0.2294 |
| >14.5–31.3 | 77.4012 | 20.6069 | 4.5260 | 0.4797 | 0.2294 |
| >31.3–51.4 | 21.1075 | 11.2420 | 2.4403 | 0.0834 | 0.0417 |
| >51.4 | 2.0857 | 0.2086 | 0.2086 | 0.0209 | 0.0209 |

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

5 Clause 302A of Schedule 2 (definition of *state or territory of the licence*)

After ‘spectrum’, insert ‘area’.

6 Schedule 2, Part 3A, Division 2 (table 305A)

Repeal the table (including the example), substitute:

***Table 305A***

| **Column 1****State or territory of the licence**  | **Column 2****Tax rate ($)** |  |
| --- | --- | --- |
| Australian Capital Territory  | $1,260 |   |
| New South Wales | $119,249 |   |
| Northern Territory | $3,335 |   |
| Queensland | $88,374 |   |
| South Australia | $20,088 |   |
| Tasmania | $480 |   |
| Victoria | $102,116 |   |
| Western Australia | $22,685 |   |

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 2021 is: 10 x 20,088 = $200,880.

7 Schedule 2, Part 4 (table 402)

Repeal the table (including the note), substitute:

***Table 402***

| **Frequency range** | **Amount ($)** |
| --- | --- |
| *Area density* |
|  | *Australia wide* | *High density* | *Medium density* | *Low density* | *Remote density* |
| **MHz** |
| 0–30 | 22.4997 | 22.4997 | 22.4997 | 22.4997 | 14.2871 |
| >30–70 | 50.8239 | 19.8509 | 10.5590 | 2.2787 | 0.7218 |
| >70–399.9 | 52.1431 | 21.3995 | 9.7925 | 2.1952 | 0.6953 |
| >399.9–403 | 52.1431 | 29.2001 | 13.3591 | 2.2787 | 0.7218 |
| >403–520 | 52.1431 | 38.6453 | 13.3591 | 2.2787 | 0.0000 |
| >520–960  | 52.1431 | 29.2001 | 13.3591 | 2.2787 | 0.7218 |
| >960–2 690 | 1.2307 | 0.2762 | 0.1277 | 0.0642 | 0.0320 |
| **GHz** |
| >2.69–5.0 | 1.2294 | 0.2284 | 0.0926 | 0.0767 | 0.0383 |
| >5.0–8.5 | 1.0380 | 0.1919 | 0.0894 | 0.0407 | 0.0197 |
| >8.5–14.5 | 0.4574 | 0.1647 | 0.0389 | 0.0028 | 0.0014 |
| >14.5–31.3 | 0.4574 | 0.1218 | 0.0267 | 0.0028 | 0.0014 |
| >31.3–51.4 | 0.1247 | 0.0664 | 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 Schedule 2, Part 5 (table 502)

Repeal the table (including the note), substitute:

***Table 502***

| **Frequency range** | **Amount ($)** |
| --- | --- |
| *Area density* |
|  | *Australia wide* | *High density* | *Medium density* | *Low density* | *Remote density* |
| **MHz** |
| 0–30 | 89.9990 | 89.9990 | 89.9990 | 89.9990 | 56.4215 |
| >30–70 | 203.2955 | 79.4035 | 42.2359 | 9.1146 | 2.8505 |
| >70–399.9 | 208.5724 | 85.5981 | 39.1699 | 8.7809 | 2.7459 |
| >399.9–403 | 208.5724 | 116.8005 | 53.4362 | 9.1146 | 2.8505 |
| >403–520 | 208.5724 | 154.5813 | 53.4362 | 9.1146 | 0.0000 |
| >520–960  | 208.5724 | 116.8005 | 53.4362 | 9.1146 | 2.8505 |
| >960–2 690 | 1.2307 | 0.2762 | 0.1277 | 0.0642 | 0.0320 |
| **GHz** |
| >2.69–5.0 | 1.2294 | 0.2284 | 0.0926 | 0.0767 | 0.0383 |
| >5.0–8.5 | 1.0380 | 0.1919 | 0.0894 | 0.0407 | 0.0197 |
| >8.5–14.5 | 0.4574 | 0.1647 | 0.0389 | 0.0028 | 0.0014 |
| >14.5–31.3 | 0.4574 | 0.1218 | 0.0267 | 0.0028 | 0.0014 |
| >31.3–51.4 | 0.1247 | 0.0664 | 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.

9 Schedule 2, Part 6 (table 602)

Repeal the table (including the note), substitute:

***Table 602***

| **Frequency range** | **Amount ($)** |
| --- | --- |
| *Area density* |
|  | *Australia wide* | *High density* | *Medium density* | *Low density* | *Remote density* |
| **MHz** |
| 0–30 | 0.6245 | 0.6245 | 0.6245 | 0.6245 | 0.6245 |
| >30–70 | 1.4106 | 0.5509 | 0.2931 | 0.0632 | 0.0315 |
| >70–399.9 | 1.4472 | 0.5939 | 0.2718 | 0.0609 | 0.0304 |
| >399.9–960 | 1.4472 | 0.8104 | 0.3708 | 0.0632 | 0.0315 |
| >960–2 690 | 1.4450 | 0.3243 | 0.1499 | 0.0754 | 0.0376 |
| **GHz** |
| >2.69–5.0 | 1.4434 | 0.2682 | 0.1087 | 0.0900 | 0.0450 |
| >5.0–8.5 | 1.2187 | 0.2253 | 0.1049 | 0.0478 | 0.0232 |
| >8.5–14.5 | 0.5370 | 0.1933 | 0.0457 | 0.0033 | 0.0016 |
| >14.5–31.3 | 0.5370 | 0.1430 | 0.0314 | 0.0033 | 0.0016 |
| >31.3–51.4 | 0.1465 | 0.0780 | 0.0169 | 0.0006 | 0.0003 |
| >51.4 | 0.0145 | 0.0014 | 0.0014 | 0.0001 | 0.0001 |

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

10 Schedule 2, Part 7 (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)  | $41.37 per transmitter |
| 2 | Datacasting licence | $41.37 per transmitter |
| 3 | Licence that authorises the operation of point to point (5.8 GHz band) stations | $41.37 per pair of spectrum accesses |
| 4 | Licence that authorises the operation of point to point (self‑coordinated) stations | $236 per pair of spectrum accesses |
| 5 | Television outside broadcast network  | $415,899 |
| 6 | Television outside broadcast system (Australia wide density area) | $44,563 |
| 7 | Television outside broadcast system (high density area) | $8,241 |
| 8 | Television outside broadcast system (medium density area) | $3,836 |
| 9 | Television outside broadcast system (low density area) | $1,748 |
| 10 | Television outside broadcast system (remote density area) | $875 |
| 11 | PABX cordless telephone service  | $41.37 |
| 12 | PMTS Class B operated in the frequency range 935–960 MHz (Paired) | $3,374,209 for each MHz on which the service may be operated |
| 13 | PMTS Class C | $41.37 |
| 14 | Wireless audio system | $41.37 |

11 Schedule 2, Part 8 (table 802)

Repeal the table (including the note), substitute:

*Table 802*

| Item | Location of open narrowcasting service | Amount ($) |
| --- | --- | --- |
| 1 | Sydney | $41,134 |
| 2 | Melbourne | $41,134 |
| 3 | Brisbane | $14,930 |
| 4 | Adelaide | $14,930 |
| 5 | Perth | $14,930 |
| 6 | Perth City | $14,930 |
| 7 | Newcastle | $3,809 |
| 8 | Canberra | $3,809 |
| 9 | Wollongong | $3,809 |
| 10 | Gold Coast | $3,809 |
| 11 | Gosford | $3,809 |
| 12 | Penrith | $3,809 |
| 13 | Hobart | $1,677 |
| 14 | Geelong | $1,677 |
| 15 | Nambour | $1,677 |
| 16 | Townsville | $1,677 |
| 17 | Cairns | $1,677 |
| 18 | Any other location | $989 |

Note: For an open narrowcasting services broadcasting licence that is mentioned in item 801, a location mentioned in column 2 of table 802 is not the same as the density area of the same or a similar name described in Schedule 1.

12 Schedule 2, Part 8, sub-item 803(2)

Omit each mention of ‘$992’, substitute ‘$989’.

13 Schedule 2, Part 8A (table 802A)

Repeal the table (including the note), substitute:

***Table 802A***

| **Frequency range** | **Amount ($)** |
| --- | --- |
| *Area density* |
|  | *Australia wide* | *High density* | *Medium density* | *Low density* | *Remote density* |
| **MHz** |   |
| 0–30 | 1.2172 | 1.2172 | 1.2172 | 1.2172 | 1.2172 |  |
| >30–70 | 2.7496 | 1.0739 | 0.5712 | 0.1233 | 0.0615 |  |
| >70–399.9 | 2.8210 | 1.1577 | 0.5298 | 0.1188 | 0.0592 |  |
| >399.9–403 | 2.8210 | 1.5797 | 0.7227 | 0.1233 | 0.0615 |  |
| >403–520 | 2.8210 | 2.0907 | 0.7227 | 0.1233 | 0.0000 |  |
| >520–960  | 2.8210 | 1.5797 | 0.7227 | 0.1233 | 0.0615 |  |
| >960–2 690 | 2.8167 | 0.6322 | 0.2923 | 0.1470 | 0.0733 |  |
| **GHz** |   |
| >2.69–5.0 | 2.8136 | 0.5227 | 0.2119 | 0.1755 | 0.0877 |   |
| >5.0–8.5 | 2.3755 | 0.4392 | 0.2045 | 0.0931 | 0.0451 |   |
| >8.5–17.3 | 1.0469 | 0.3769 | 0.0891 | 0.0065 | 0.0031 |   |
| >17.3–31.3 | 0.7328 | 0.1951 | 0.0306 | 0.0032 | 0.0000 |   |
| >31.3–51.4 | 0.1998 | 0.1064 | 0.0165 | 0.0006 | 0.0000 |   |
| >51.4 | 0.0282 | 0.0028 | 0.0028 | 0.0003 | 0.0003 |   |

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

14 Schedule 2, Part 9 (table 902)

Repeal the table, substitute:

***Table 902***

| Item | Station | Amount ($) |
| --- | --- | --- |
| 1 | Amateur station | $50.76 |
| 2 | Limited coast marine rescue station | $41.37 |
| 3 | Limited coast non‑assigned station | $41.37 |
| 4 | Outpost non‑assigned station | $41.37 |
| 5 | Scientific non‑assigned station | $41.37 |
| 6 | Ship station class B non‑assigned | $41.37 |
| 7 | Ship station class C non‑assigned | $41.37 |
| 8 | Sound outside broadcast station | $41.37 |
| 9 | Temporary fixed link station | $2,304.51 |

15 Dictionary, definition of *minimum annual amount*

Omit ‘$41.49’, substitute ‘$41.37’.