



Radiocommunications (Transmitter Licence Tax) Amendment Determination 2021 (No. 2)

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

Dated: 27 May 2021

James Cameron
[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. 2)*.

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.

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. 2)*

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. 2)*.

implementation day means the day occurring 40 days after the amendment day.

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 the implementation day;
- 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 the implementation day.

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

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 the implementation day, 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 the implementation day;

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 the implementation day, 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, item 202

Omit “item 203”, substitute “items 203, 203A and 204”.

3 Schedule 2, Part 2 (table 202)

Omit:

>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

substitute:

>5.0–8.5	1.1878	0.2196	0.1023	0.0465	0.0226
>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

4 Schedule 2, Part 2, after item 203

Insert:

203A Micro power spectrum access

The amount of tax in respect of a micro power spectrum access is the amount worked out under item 202 for the spectrum access, divided by 20.

5 Schedule 2, Part 2, item 204

Omit “items 202 or 203”, substitute “items 202, 203 or 203A”.

6 Schedule 2, Part 2A (table 206)

Omit:

>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

substitute:

>5.0–8.5	0.1188	0.0220	0.0102	0.0047	0.0023
>8.5–14.5	0.0105	0.0038	0.0009	0.0001	0.0000
>14.5–31.3	0.0105	0.0028	0.0006	0.0001	0.0000
>31.3–51.4	0.0029	0.0015	0.0003	0.0000	0.0000
>51.4	0.0003	0.0000	0.0000	0.0000	0.0000

7 Schedule 2, Part 3, item 302

Omit “item 303”, substitute “items 303, 303A and 304”.

8 Schedule 2, Part 3 (table 302)

Omit:

>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

substitute:

>5.0–8.5	87.8194	16.2374	7.5607	3.4414	1.6686
>8.5–14.5	7.7401	2.7865	0.6591	0.0480	0.0229
>14.5–31.3	7.7401	2.0607	0.4526	0.0480	0.0229
>31.3–51.4	2.1108	1.1242	0.2440	0.0083	0.0042
>51.4	0.2086	0.0209	0.0209	0.0021	0.0021

9 Schedule 2, Part 3, after item 303

Insert:

303A Micro power spectrum access

The amount of tax in respect of a micro power spectrum access is the amount worked out under item 302 for the spectrum access, divided by 20.

10 Schedule 2, Part 3, item 304

Omit “items 302 or 303”, substitute “items 302, 303 or 303A”.

11 Schedule 2, Part 4 (table 402)

Omit:

>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

substitute:

>5.0–8.5	0.5190	0.0960	0.0447	0.0203	0.0099
>8.5–14.5	0.0457	0.0165	0.0039	0.0003	0.0001
>14.5–31.3	0.0457	0.0122	0.0027	0.0003	0.0001
>31.3–51.4	0.0125	0.0066	0.0014	0.0000	0.0000
>51.4	0.0012	0.0001	0.0001	0.0000	0.0000

12 Schedule 2, Part 5 (table 502)

Omit:

>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

substitute:

>5.0–8.5	0.5190	0.0960	0.0447	0.0203	0.0099
>8.5–14.5	0.0457	0.0165	0.0039	0.0003	0.0001
>14.5–31.3	0.0457	0.0122	0.0027	0.0003	0.0001
>31.3–51.4	0.0125	0.0066	0.0014	0.0000	0.0000
>51.4	0.0012	0.0001	0.0001	0.0000	0.0000

13 Schedule 2, Part 6 (table 602)

Omit:

>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

substitute:

>5.0–8.5	0.6093	0.1127	0.0525	0.0239	0.0116
>8.5–14.5	0.0537	0.0193	0.0046	0.0003	0.0002
>14.5–31.3	0.0537	0.0143	0.0031	0.0003	0.0002
>31.3–51.4	0.0146	0.0078	0.0017	0.0001	0.0000
>51.4	0.0014	0.0001	0.0001	0.0000	0.0000

14 Schedule 2, Part 8A, item 802A

Omit “items 803A and 804A”, substitute “items 803A to 805A”.

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

Omit:

>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

substitute:

>5.0–8.5	1.1878	0.2196	0.1023	0.0465	0.0226
>8.5–17.3	0.1047	0.0377	0.0089	0.0006	0.0003
>17.3–31.3	0.0733	0.0195	0.0031	0.0003	0.0000
>31.3–51.4	0.0200	0.0106	0.0017	0.0001	0.0000
>51.4	0.0028	0.0003	0.0003	0.0000	0.0000

16 Schedule 2, Part 8A, after item 804A

Insert:

804AA Co-located and co-frequency earth stations authorised by single licence

(1) This section applies to an earth licence that authorises the operation of 2 or more earth stations (*the co-located earth stations*), where:

(a) one of the following applies:

- (i) if at least one of the co-located earth stations is located within a high density area – all of the co-located earth stations are located within a circle that has a radius of 500 metres; or
 - (ii) if at least one of the co-located earth stations is located in a medium density area, and none of the co-located earth stations is located within a high density area – all of the co-located earth stations are located within a circle that has a radius of 1 kilometre; or
 - (iii) in any other case – all of the co-located earth stations are located within a circle that has a radius of 2 kilometres; and
- (b) each of the co-located earth stations is authorised to operate:
- (i) on the one centre frequency; and
 - (ii) using the same bandwidth.
- (2) The amount of tax in respect of each spectrum access for a co-located earth station operated under the earth licence is:
- (a) the sum of the amounts worked out under item 802A for each of those spectrum accesses; divided by
 - (b) the number of those spectrum accesses.
- Note 1: Paragraph (a) is the numerator. Paragraph (b) is the denominator.
- Note 2: See the Dictionary for the definition of *spectrum access*.
- (3) The amount of tax in respect of each spectrum access for any other earth station operated under the earth licence is the amount worked out under item 802A.

17 Dictionary, definition of *low power spectrum access*

Repeal paragraph (b) and the notes, substitute:

- (b) permits the operation of 1 or more devices:
 - (i) each with a maximum permitted radiated power level of 8.3 watts EIRP; and
 - (ii) radio emissions from each of which do not, or are not likely to, cause interference to radiocommunications at any point more than 2 kilometres from:
 - (A) if the spectrum access involves a particular site – that site; or
 - (B) if the spectrum access involves a particular area – the centre of that area; and
- (c) is not a micro power spectrum access.

18 Dictionary

Insert:

micro power spectrum access means a spectrum access that:

- (a) is authorised under a licence mentioned in any of the following provisions of Schedule 2:
 - (i) paragraph 201(h);
 - (ii) paragraph 301(d);
 - (iii) paragraph 301(f); and
- (b) permits the operation of 1 or more devices:
 - (i) each with a maximum permitted radiated power level of 1.7 watts EIRP; and
 - (ii) radio emissions from each of which do not, or are not likely to, cause interference to radiocommunications at any point more than 200 metres from:
 - (A) if the spectrum access involves a particular site – that site; or

- (B) if the spectrum access involves a particular area – the centre of that area.