

Commercial Broadcasting (Tax) (Transmitter Licence Tax Rebate) Rules 2022

I, PAUL FLETCHER, Minister for Communications, Urban Infrastructure, Cities and the Arts, make the following rules.

Dated 5 February 2022

Paul Fletcher

Minister for Communications, Urban Infrastructure, Cities and the Arts

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1 Name

This instrument is the *Commercial Broadcasting (Tax) (Transmitter Licence Tax Rebate) Rules 2022*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument. | The day after this instrument is registered. |  |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 14 of the *Commercial Broadcasting (Tax) Act 2017*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

(a) associated with a commercial broadcasting licence; and

(b) tax.

In this instrument:

***Act*** means the *Commercial Broadcasting (Tax) Act 2017*.

***rebate period*** ***1*** means the period beginning at the start of 9 June 2022 and ending on 8 June 2023.

***rebate period 2*** means the period beginning at the start of 9 June 2023 and ending on 1 June 2024.

***transmitter licence*** means a transmitter licence associated with a commercial broadcasting licence.

***transmitter licence tax*** means tax imposed each financial year under section 6 of the Act and calculated in accordance with section 7 of the Act.

5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

6 Rebate of transmitter licence tax

1. For the purposes of section 14 of the Act, a company specified in an item in column 2 of the table at section 7 is entitled to a rebate of the amount specified for the item in column 3 of transmitter licence tax imposed during each of rebate period 1 and rebate period 2.
2. A rebate under subsection (1) is applied as an offset against transmitter licence tax imposed.
3. A rebate under subsection (1) is applied:
4. if the company holds only one transmitter licence – at the time that transmitter licence tax is imposed during each of rebate period 1 and rebate period 2; or
5. if the company holds more than one transmitter licence:
6. at the time of the first imposition of transmitter licence tax on the transmitter licences held by the company during each of rebate period 1 and rebate period 2;
7. only to the extent the amount of the rebate is equal to or less than the transmitter licence tax imposed; and
8. if due to subparagraph (ii) rebate is still payable – on each subsequent occasion that tax is imposed on the other transmitter licences held by the company within each of rebate period 1 and rebate period 2 until the rebate amount in column 3 of the table in section 7 in respect of the company is reached for that period.

Example 1: Company A holds a transmitter licence with transmitter licence tax liability of $10,000, imposed on 14 August 2022 (the anniversary of the licence coming into force), and $10,000, imposed on 14 August 2023 (the following anniversary of the licence coming into force). The rebate the company is entitled to according to the table is $2000. This rebate will be applied as an offset against the amount of transmitter licence tax ($10,000) on each of 14 August 2022 and 14 August 2023, making a total transmitter licence tax liability for Company A of $8,000 on each of those dates.

Example 2: Company B holds three transmitter licences (TL1, TL2 and TL3). For rebate period 1, the transmitter licence tax liability for TL1 is $10,000 imposed on 14 August 2022, the transmitter licence tax liability for TL2 is $10,000 imposed on 3 May 2023, and the transmitter licence tax liability for TL3 is $60,000 imposed on 31 May 2023. The rebate the company is entitled to according to the table is $22,000. Accordingly, $10,000 of this rebate will be applied as an offset against the transmitter licence tax liability for TL1 on 14 August 2022, $10,000 will be applied as an offset against transmitter licence tax liability for TL2 on 3 May 2023, and the remaining $2,000 will be applied as an offset against transmitter licence tax liability for TL3 on 31 May 2023; making a total transmitter tax liability of $58,000 for Company B in rebate period 1. If the amount of transmitter licence tax liability for TL1, TL2 and TL3 is the same in rebate period 2, $10,000 of this rebate will again be applied as an offset against transmitter licence tax liability on 14 August 2023, $10,000 on 3 May 2024, and $2,000 on 31 May 2024; making a total transmitter tax licence liability for Company B of $58,000 in rebate period 2.

7 Table

| Column 1 Item no. | Column 2 Company | Column 3 Rebate amount |
| --- | --- | --- |
| 1 | Australian Capital Television Pty Ltd | 1,398,000 |
| 2 | Prime Television (Southern) Pty Limited | 945,000 |
| 3 | Network Investments Pty Ltd | 819,000 |
| 4 | WIN Television NSW Pty Limited | 1,331,000 |
| 5 | Star Broadcasting Network Pty Ltd | 3,000 |
| 6 | South Coast & Tablelands Broadcasting Pty Ltd | 22,000 |
| 7 | Blue Mountains Broadcasters Pty Limited | 2,000 |
| 8 | Tweed Radio & Broadcasting Co Pty Ltd | 2,000 |
| 9 | WIN Radio Pty Limited | 22,000 |
| 10 | Wollongong Broadcasters Pty Ltd | 22,000 |
| 11 | WIN Television Griffith Pty Ltd | 16,000 |
| 12 | WIN Television SA Pty Ltd | 66,000 |
| 13 | Rebel FM Stereo Pty Ltd | 9,000 |
| 14 | Midwest Radio Network Pty Ltd | 4,000 |
| 15 | Darwin Digital Television Pty Ltd | 6,000 |
| 16 | West Digital Television No.2 Pty Limited | 19,000 |
| 17 | West Digital Television Pty Ltd | 47,000 |
| 18 | Spencer Gulf Telecasters Pty Limited | 16,000 |
| 19 | Mildura Digital Television Pty Ltd | 15,000 |

Schedule 1—Repeals

Commercial Broadcasting (Tax) (Transmitter Licence Tax Rebate) Rules 2020

1 The whole of the instrument

Repeal the instrument.