
AUSTRALIAN BROADCASTING COMMISSION.

No. 14 of 1932.

An Act relating to Broadcasting.

[Assented to 17th May, 1932.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Australian Broadcasting Commission Act 1932*. Short title.
2. This Act shall commence on a date to be fixed by Proclamation. Commencement.
3. This Act is divided into Parts, as follows :— Parts.
 - Part I.—Preliminary.
 - Part II.—Establishment and Constitution of Commission.
 - Part III.—Powers and Functions of the Commission.
 - Part IV.—Finance.
 - Part V.—Issue of Debentures by the Commission.
 - Part VI.—Miscellaneous.

Definitions.

4. In this Act, unless the contrary intention appears—
 “Commissioner” means a member of the Commission ;
 “National broadcasting stations” means stations made available by the Minister for the purpose of the transmission of the National Broadcasting Programmes ;
 “the Commission” means the Australian Broadcasting Commission appointed under this Act ; and
 “the Fund” means the Australian Broadcasting Commission Fund established under this Act.

PART II.—ESTABLISHMENT AND CONSTITUTION OF THE
 COMMISSION.

Commission.

5.—(1.) For the purposes of this Act, there shall be a Commission, to be known as the Australian Broadcasting Commission, which shall be charged with the general administration of this Act.

(2.) The Commission shall be a body corporate with perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued in its corporate name.

(3.) All Courts, Judges and persons acting judicially shall take judicial notice of the seal of the Commission affixed to any document or notice and shall deem that it was duly affixed.

Composition of Commission.

6.—(1.) The Commission shall consist of five Commissioners, one of whom shall be a Chairman, and one of whom shall be a Vice-Chairman.

(2.) The Commissioners shall be appointed by the Governor-General, and shall hold office, during good behaviour, for the period for which they were appointed.

Term of office of Commissioners.

7.—(1.) Subject to this Act, the period for which the Commissioners first appointed under this Act shall hold office shall be, in the case of the Chairman, not exceeding five years, in the case of the Vice-Chairman, not exceeding four years, and in the case of each of the remaining Commissioners, not exceeding three years.

(2.) After the appointments of the five Commissioners first appointed under this Act, each further appointment shall be for a period not exceeding three years.

(3.) Each person who is appointed a Commissioner shall, upon the expiration of the term for which he was appointed, be eligible for re-appointment.

Remuneration of Commissioners.

8.—(1.) Subject to this section, the Commissioners shall receive such salaries and allowances as the Governor-General determines.

(2.) The salaries of the Commissioners shall not exceed the following :—

in the case of the Chairman	..	Five hundred pounds per annum ;
in the case of the Vice-Chairman	..	Four hundred pounds per annum ; and
in the case of each other Commissioner		Three hundred pounds per annum.

9.—(1.) In case of the illness or absence of the Chairman, the Vice-Chairman, if present, shall act as Chairman.

Illness or
absence of
Chairman.

(2.) In case of the illness or absence of both the Chairman and the Vice-Chairman, the Commissioners present may appoint one of their number to act as Chairman :

Provided that the Governor-General may, if he thinks fit, appoint a person to act as Chairman for such period as the Governor-General specifies.

(3.) If the Governor-General appoints a person to act as chairman, the appointment shall be at such salary as is determined by the Governor-General, not exceeding the maximum salary fixed by section eight of this Act.

10.—(1.) In case of the illness or absence of any other Commissioner, the Governor-General may, if he thinks fit, appoint a person to perform the functions of the Commissioner during such illness or absence.

Illness or
absence of
Commissioners.

(2.) The salary of any person so appointed shall be determined by the Governor-General but shall not exceed the maximum salary fixed by section eight of this Act in respect of that office.

11. In the event of the absence of any Commissioner, the Governor-General may determine the conditions as to remuneration or otherwise upon which leave may be granted.

Determination
of conditions
of leave of
absent
Commissioners.

12. The Governor-General may terminate the services of a Commissioner or an Acting Commissioner for inability, inefficiency or misbehaviour, or for neglect or failure to carry out any of the provisions of this Act.

Dismissal of a
Commissioner
or Acting
Commissioner.

13. A Commissioner shall be deemed to have vacated his office—

Vacation of
office.

- (a) if his appointment is terminated by the Governor-General in pursuance of this Act ;
- (b) if he becomes bankrupt or compounds with his creditors or makes any assignment of his salary for their benefit or takes advantage of any provision of any Act relating to bankruptcy ;
- (c) if he becomes of unsound mind ;
- (d) if he resigns his office by writing under his hand addressed to the Governor-General and the resignation is accepted by the Governor-General ;
- (e) if he absents himself (except on leave granted by the Governor-General) from all meetings of the Commission held during two consecutive months ; or
- (f) if he, in any way, otherwise than as a member, and in common with the other members, of an incorporated company consisting of more than twenty-five persons—
 - (i) becomes concerned or interested in any contract or agreement made by or on behalf of the Commission ; or

- (ii) participates, or claims to participate, in the profit of any such contract or agreement or in any benefit or emolument arising therefrom.

Meetings of Commission.

14.—(1.) The Commission shall hold such meetings as, in the opinion of the Chairman or at least three other Commissioners, are necessary for the efficient conduct of its affairs.

(2.) At meetings of the Commission three Commissioners shall form a quorum, and the Chairman shall have a deliberative vote, and, in the event of an equality of votes, a second or casting vote.

Appointment of officers.

15.—(1.) The Commission shall appoint a general manager and such other officers and such servants as it thinks necessary.

(2.) The salaries payable to the general manager and the next six most highly paid executive officers of the Commission shall be subject to the approval of the Governor-General.

(3.) Officers and servants appointed by the Commission shall not be subject to the provisions of the *Commonwealth Public Service Act* 1922–1931, but shall be subject to such conditions (including tenure of office) as are determined by the Commission.

PART III.—POWERS AND FUNCTIONS OF THE COMMISSION.**Functions of Commission.**

16. The Commission shall provide and shall broadcast from the national broadcasting stations adequate and comprehensive programmes and shall take in the interests of the community all such measures as, in the opinion of the Commission, are conducive to the full development of suitable broadcasting programmes.

Publication of journals, &c.

17. For the purpose of the exercise of its powers and functions under this Act, the Commission may compile, prepare, issue, circulate and distribute, whether gratis or otherwise, in such manner as it thinks fit, such papers, magazines, periodicals, books, pamphlets, circulars and other literary matter as it thinks fit (including the programmes of national broadcasting stations and other stations):

Provided that, prior to the publication of any programme in pursuance of this section, a copy of the programme shall be made available at an office of the Commission on equal terms to the publishers of any newspaper, magazine or journal published in the Commonwealth.

Power to purchase and dispose of assets.

18.—(1.) Subject to this Act, the Commission may—

- (a) acquire by lease or purchase any land, buildings, easements or other property, rights or privileges which it thinks necessary for the purposes of this Act; and
- (b) sell, exchange, lease, dispose of, turn to account or otherwise deal with any property, rights or privileges of the Commission.

(2.) The Commission shall not, without the approval of the Minister—

- (a) acquire any property, the cost of acquisition of which exceeds the sum of Five thousand pounds, or in any manner dispose of any property having an original or book value exceeding the sum of Five thousand pounds; or
- (b) enter into any lease for a period exceeding five years.

19.—(1.) The Commission shall provide such studios, offices and other accommodation as it thinks necessary for the purposes of this Act, and such accommodation in relation to the studios as the Minister requires for the proper carrying out of the technical services to be provided by the Minister, and shall take over, as arranged by the Minister and at the valuation determined by him, any existing studios, buildings, sites, fittings, furniture or other assets controlled by the Minister which are used for broadcasting purposes, and shall accept an assignment of any leases relating thereto, and of the rights and liabilities of the Minister under any agreements relating thereto.

Studios to be taken over.

(2.) The location of any studios to be provided by the Commission in pursuance of this section shall be subject to the approval of the Minister.

20.—(1.) The Commission shall transmit free of charge from all of the national broadcasting stations, or from such of them as are specified by the Minister, any matter the transmission of which is directed by the Minister as being in the public interest.

Authorized transmissions.

(2.) The Commission shall not, without the permission of the Minister, transmit or receive for transmission any message the transmission of which would, without the authority of, or licence granted by, the Minister administering the *Post and Telegraph Act* 1901–1923 or the *Wireless Telegraphy Act* 1905–1919, contravene the provisions of either of those Acts.

21.—(1.) The Commission shall not broadcast advertisements.

Advertisements.

(2.) Nothing in this section shall be construed as preventing the Commission from broadcasting, if it thinks fit—

- (a) any announcement of its own future programmes;
- (b) a programme supplied by any organization, firm or person engaged in artistic, literary, musical or theatrical production or in educational pursuits; or
- (c) a programme supplied by any organization, firm or person, provided the programme is not, in the opinion of the Commission, being used as an advertisement.

22. The Commission may collect in such manner as it thinks fit news and information relating to current events in any part of the world and may subscribe to news agencies.

Collection of news.

Commission to encourage local talent.

23. The Commission shall, as far as possible, give encouragement to the development of local talent and endeavour to obviate restriction of the utilization of the services of persons who, in the opinion of the Commission, are competent to make useful contributions to broadcasting programmes.

Bands and orchestras.

24. The Commission shall endeavour to establish and utilize, in such manner as it thinks desirable in order to confer the greatest benefit on broadcasting, groups of musicians for the rendition of orchestral, choral and band music of high quality.

Advisory Committees.

25. The Commission may, if it thinks fit, appoint Committees to advise it in relation to all or any matters connected with the provision or rendition of broadcasting programmes, or the exercise of any powers, duties or functions conferred or imposed upon it by this Act.

PART IV.—FINANCE.

Australian Broadcasting Commission Fund.

26.—(1.) There shall be an Australian Broadcasting Commission Fund into which shall be paid from time to time out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, an amount which represents such portion of the fees received from broadcast listeners' licences as is fixed by or under this Act.

(2.) For the year commencing on the first day of July One thousand nine hundred and thirty-two, the amount referred to in the last preceding sub-section shall be twelve shillings in respect of each broadcast listener's licence fee received, and this amount shall continue to be paid in each subsequent year unless some other amount is fixed by the Minister.

(3.) The payments provided for by the preceding provisions of this section shall be made monthly, and as soon as possible after the last day of each calendar month, and shall in each case represent an amount approximating the appropriate sum relating to the licences in force during the previous month.

(4.) The final adjustments shall be made as soon as conveniently possible after the end of each quarter.

(5.) Any account certified by such officer of his Department as is designated for that purpose by the Minister and forwarded by the Minister to the Commission purporting to set out the sum payable to the Commission in pursuance of the foregoing provisions of this section shall be final and conclusive for all purposes.

(6.) There shall also be paid into the Fund any other revenue or money received by the Commission.

(7.) Income derived from the investment of any portion of the Fund shall form part thereof.

Application of moneys paid into Fund.

27. The moneys paid into the Fund shall be applied by the Commission as follows :—

(a) In payment of the expenses, charges and other obligations incurred or undertaken by the Commission in the exercise of its powers, duties and functions under this Act ;

- (b) In payment of the salaries, wages and allowances of Commissioners and of officers and servants of the Commission ; and
- (c) In investment in any securities of, or guaranteed by, the Government of the Commonwealth or of any State.

28. Moneys held in the Fund, uninvested by the Commission, may be lodged either in an account at call or on fixed deposit, or partly in an account at call and partly in an account at fixed deposit, with the Commonwealth Bank, and while in such Bank shall be held to be moneys of the Crown.

Moneys in Fund uninvested may be lodged in Bank.

29. Cheques drawn on any account referred to in the last preceding section shall be signed in such manner as the Commission directs.

How cheques signed.

30.—(1.) For the purpose of enabling the Commission to defray any expenses incidental to its establishment and operation, the Treasurer may advance, out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, such amounts not exceeding in all the sum of Thirty thousand pounds as are, in the opinion of the Minister, required by the Commission.

Advance for expenses.

(2.) In addition to the moneys advanced in pursuance of the last preceding sub-section, the Treasurer may advance to the Commission such sums, if any, as are from time to time appropriated by the Parliament for the purpose.

(3.) The terms and conditions of any advances made in pursuance of this section, including the security and basis of re-payment, shall be as determined by the Treasurer.

31.—(1.) The accounts of the Commission shall be subject to inspection and audit, at least once yearly, by the Auditor-General for the Commonwealth.

Audit.

(2.) The Auditor-General shall report to the Minister the result of each inspection and audit.

32. The Commission shall, as soon as possible after the expiration of each financial year, prepare a profit and loss statement and balance-sheet in the form prescribed, and shall forward them, together with a report on the operations of the Commission during that year, to the Minister, for presentation to both Houses of the Parliament.

Report and balance-sheet.

33. The payment by the Commission of compensation exceeding in any individual case One hundred pounds to members of the Commission, its officers or servants, or other bodies or persons, shall not be made without the approval of the Minister.

Compensation.

34. The income, property and operations of the Commission shall not be subject to any rates, taxes or charges, under any law of the Commonwealth or a State, to which the Commonwealth is not subject.

Exemption of income, &c., of Commission from rates, taxes and charges.

Operations of Commission to be financially self-supporting.

35.—(1.) The Commission shall exercise the powers and functions conferred and imposed upon it by this Act, in such a manner that its operations will be financially self-supporting.

(2.) The Commission shall establish such sinking funds as are, in the opinion of the Treasurer, necessary to enable the Commission to meet repayment of loans and other obligations and to meet losses and depreciation in assets, and may set aside out of its revenue such sums as it thinks proper as a reserve fund for such purposes as the Commission deems desirable (not being purposes for which any sinking fund has been established).

PART V.—ISSUE OF DEBENTURES BY THE COMMISSION.

Issue of debentures.

36.—(1.) Subject to this section, the Commission may, from time to time, issue debentures to such amount, bearing such rate of interest, and subject to such conditions, as the Treasurer and the Minister approve.

(2.) The total amount of debentures so issued, and current at any one time, shall not exceed Fifty thousand pounds.

Form of debentures.

37. Debentures shall be in accordance with the form approved by the Treasurer, and shall be under the seal of the Commission and shall be signed and countersigned in such manner as the Treasurer directs.

Commonwealth guarantee.

38. The Commonwealth by this Act guarantees the payment by the Commission of the principal and interest due in respect of any debenture issued by the Commission in pursuance of this Act, and the Consolidated Revenue Fund is hereby appropriated for the purpose of this section.

Negotiability of debentures.

39.—(1.) Every debenture issued in pursuance of this Act shall be payable to the bearer thereof, and shall pass by delivery only without any assignment or indorsement, and the bearer of a debenture shall have the same rights and remedies as if he were expressly named therein.

(2.) At the request of the bearer of a debenture, the Commission may in lieu thereof issue to him inscribed stock of the same currency, and bearing the same interest, and transferable only in manner prescribed.

(3.) At the request of the holder of any inscribed stock of the Commission, the Commission may in lieu thereof issue to him debentures of the same currency and bearing the same interest.

Sale of debentures.

40. The Commission may sell debentures, or cause them to be sold, at such times and at such places and in such sums and on such conditions as the Treasurer approves.

Investment of trust moneys in Commission debentures.

41. A trustee, executor or administrator may invest any trust moneys in his hands in the purchase of debentures issued by the Commission.

42.—(1.) Any person who, with intent to defraud—

Forgery of securities.

- (a) forges any security of the Commission, or
- (b) utters any forged security of the Commission, or
- (c) makes any instrument for forging any security of the Commission, or
- (d) has in his possession any such instrument, or
- (e) has in his possession any forged security of the Commission,

shall be guilty of an indictable offence.

Penalty : Imprisonment for ten years.

(2.) Any person who, without authority, proof whereof shall lie upon him—

- (a) makes any form of security of the Commission,
- (b) has in his possession any form of security of the Commission, or
- (c) makes or has in his possession any instrument or thing by which any distinctive mark or signature on any security of the Commission may be made or imitated,

shall be guilty of an offence.

Penalty : Imprisonment for two years.

(3.) In this Part “security of the Commission” means any Commission debenture, Commission inscribed stock, or any coupon, warrant or document for the payment of interest thereon, and includes any transfer of any Commission inscribed stock, and any indorsement on any coupon, warrant or document for the payment of interest on any security of the Commission.

43. All forged securities of the Commission, and all unauthorized forms of security of the Commission, and all unauthorized instruments and things by which any distinctive mark or signature on any security of the Commission, may be unlawfully made or imitated, shall be forfeited to the King and may be seized by any member of the police force of the Commonwealth or of a State.

Forfeiture of forged securities, &c.

PART VI.—MISCELLANEOUS.

44. The Postmaster-General shall undertake the provision and operation of all technical services associated with the transmission of programmes, including any transmission and reception for the interchange of programmes with other broadcasting administrations which is mutually agreed upon between the Commission and the Postmaster-General.

Technical services to be provided by the Postmaster-General.

45.—(1.) For the purpose of providing and operating the technical services referred to in this Act, the Postmaster-General, or any person acting under the authority of the Postmaster-General, may—

Lines for conveyance of electric current to broadcasting stations.

- (a) erect, place and maintain any electric line which is, in the opinion of the Postmaster-General, necessary for conveying electric current to a broadcasting station, and in respect of the erection, placing and maintenance of any electric line, the Postmaster-General and any person acting under

his authority shall have the same powers, and be subject to the same obligations, as are conferred or imposed under Part IV. of the *Post and Telegraph Act 1901-1923* in relation to the erection, placing and maintenance of telegraph lines ; and

- (b) arrange for and obtain from any person the supply of any electric current which, in the opinion of the Postmaster-General, is necessary or advisable for the working of any broadcasting station or the operation of any apparatus for the transmission or reception of programmes.

(2.) In this section "electric line" includes all means used for the purpose of conveying, transmitting, transforming or distributing electricity and any casing, coating, covering, tube, tunnel, pipe, pillar, pole, post, frame, bracket or insulator enclosing, surrounding or supporting the same or any part thereof or any apparatus connected therewith.

Technical services to be provided free to the Commission.

46. The Postmaster-General shall provide free of cost to the Commission—

- (a) the transmissions emanating from recognized National Broadcasting Service studios which are to be radiated from the national broadcasting stations, including such simultaneous transmissions from two or more stations as are mutually agreed upon ; and
- (b) microphones, pick-up equipment and all other necessary portable apparatus for occasional or periodical transmission from various places within the Commonwealth.

Technical services to be provided at Commission's expense.

47. The Postmaster-General shall provide, at the expense of the Commission—

- (a) for the installation and operation of the apparatus referred to in paragraph (b) of the last preceding section ;
- (b) the circuits required to connect the various pick-up points with the recognized relevant studios ; and
- (c) apparatus required permanently for pick-up purposes or for other purposes affecting the rendering of programmes where such apparatus is to be installed at any place other than a recognized National Broadcasting Service studio.

Agreements to receive approval in certain cases.

48. Notwithstanding anything contained in this Act, the Commission shall not be empowered to enter into any agreement involving any expenditure in excess of Five thousand pounds, or extending over a period of more than five years, unless the approval of the Minister thereto has first been obtained.

Indemnity to Postmaster-General.

49. The Commission shall at all times indemnify and keep indemnified the Postmaster-General against any action claim or demand brought or made by any person against the Postmaster-General or

against any officer of the Postmaster-General's Department in respect of any act done by the Postmaster-General or by such officer on behalf, at the request, or in the interests, of the Commission.

50. The control of the provision and rendition of broadcasting programmes by the Commission shall commence on the first day of July One thousand nine hundred and thirty-two, but the Commission may exercise, prior to that date, any powers or functions conferred on it by this Act for the purpose of enabling it to assume full control on that date.

Commission to take over functions.

51.—(1.) The Minister may, from time to time, by notice in writing, prohibit the Commission from broadcasting any matter, or matter of any class or character, specified in the notice, or may require the Commission to refrain from broadcasting any such matter.

Power to require Commission to refrain from broadcasting any matter.

(2.) The Minister may at any time revoke or vary any requirement made in pursuance of the last preceding sub-section.

52. The Commission shall have the power to determine to what extent and in what manner political speeches may be broadcast.

Broadcasting political speeches.

53. The Governor-General may, whenever any emergency has arisen, which, in his opinion, renders it desirable in the public interest so to do, authorize the Minister to exercise during the emergency complete control over the matter to be broadcast from the national broadcasting stations, and, thereupon and so long as the emergency continues, such persons as are thereto authorized in writing by the Minister shall have access at all times to any premises controlled by the Commission and may exercise full authority over all rights and privileges possessed by the Commission.

Control of broadcasting in case of emergency.

54. Nothing in this Act shall be deemed to diminish or affect the rights of any person under any contract or agreement made prior to the commencement of this Act to which the Commonwealth is a party.

Prior contracts not affected.

55. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for providing for the issue, inscription, transfer, transmission and redemption of inscribed stock of the Commission, and all matters in relation thereto.

Regulations.