

# AUSTRALIAN BROADCASTING.

No. 33 of 1942.

## An Act Relating to Broadcasting.

[Assented to 12th June, 1942.]

**B**E 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.

- Short title. 1. This Act may be cited as the *Australian Broadcasting Act 1942*.
- Commencement. 2. This Act shall commence on a date to be fixed by Proclamation.
- Parts. 3. This Act is divided into Parts, as follows :—

#### Part I.—Preliminary.

#### Part II.—The National Broadcasting Service—

Division 1.—Establishment and Constitution of the Commission.

Division 2.—Powers and Functions of the Commission.

Division 3.—Finances of the Commission.

Division 4.—Technical Services.

Division 5.—Miscellaneous.

#### Part III.—The Commercial Broadcasting Service—

Division 1.—Licences.

Division 2.—Limitation on Ownership or Control of Commercial Broadcasting Stations.

Division 3.—Technical Conditions.

Division 4.—Programmes.

Division 5.—Miscellaneous.

#### Part IV.—Parliamentary Standing Committee on Broadcasting.

#### Part V.—General.

- Definitions. 4. In this Act, unless the contrary intention appears—
- “authorized officer”, in relation to any provision of this Act, means an officer authorized by the Minister for the purposes of that provision ;
- “broadcasting station” means a station for the transmission of matter intended for reception by the general public ;
- “commercial broadcasting station” means a broadcasting station other than a national broadcasting station ;
- “Commissioner” means a member of the Commission ;

- “ national broadcasting stations ” means stations made available by the Postmaster-General for the purpose of the transmission of the national broadcasting programmes ;
- “ the Commercial Broadcasting Service ” means the service provided by the commercial broadcasting stations ;
- “ the Commission ” means the Australian Broadcasting Commission constituted under this Act ;
- “ the Director-General ” means the Director-General of Posts and Telegraphs ;
- “ the Fund ” means the Australian Broadcasting Commission Fund established under this Act ;
- “ the Minister ” means the Postmaster-General ;
- “ the National Broadcasting Service ” means the service provided by the Commission through national broadcasting stations.

5. The *Australian Broadcasting Commission Act 1932* and the *Australian Broadcasting Commission Act 1940* are repealed. Repeal.

6. The provisions of this Act shall extend to the Territories of the Commonwealth. Application to the Territories.

## PART II.—THE NATIONAL BROADCASTING SERVICE.

### *Division 1.—Establishment and Constitution of the Commission.*

7.—(1.) There shall be a Commission, to be known as the Australian Broadcasting Commission. Commission.

(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.

(4.) The Head Office of the Commission shall be established in the Australian Capital Territory on or before a date fixed by the Minister.

8.—(1.) The Commission shall consist of five Commissioners, at least one of whom shall be a woman. Composition of Commission.

(2.) One of the Commissioners shall be Chairman and one shall be Vice-Chairman of the Commission.

(3.) The Commissioners shall be appointed by the Governor-General.

9.—(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, five years, in the case of the Vice-Chairman, four years, and in the case of the remaining Commissioners, four years, three years and two years, respectively. Term of office of Commissioners.

(2.) After the appointment of the five Commissioners first appointed under this Act, each further appointment shall be for a period of three years.

(3.) In the event of a Commissioner ceasing to hold office prior to the termination of the period of his appointment, another Commissioner may be appointed in his place for the remainder of that period.

(4.) 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.

**10.**—(1.) The remuneration of the Commissioners shall be at the rate of—

- (a) in the case of the Chairman—One thousand two hundred and fifty pounds per annum ;
- (b) in the case of the Vice-Chairman—Five hundred pounds per annum ; and
- (c) in the case of each other Commissioner—Three hundred pounds per annum.

(2.) The Commissioners shall receive such travelling and other allowances as the Governor-General determines.

Illness or  
absence of  
Chairman.

**11.**—(1.) In case of the illness or absence of the Chairman, the Vice-Chairman, if present, shall act as 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 remuneration as is determined by the Governor-General, not exceeding the remuneration fixed, in the case of the Chairman, by section ten of this Act.

Illness or  
absence of  
Commissioners.

**12.**—(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 that illness or absence.

(2.) The remuneration of any person so appointed shall be determined by the Governor-General, but shall not exceed the remuneration fixed by paragraph (c) of sub-section (1.) of section ten of this Act.

Determination  
of conditions  
of leave of  
absent  
Commissioners.

**13.** The Governor-General may grant leave of absence to any Commissioner upon such conditions as to remuneration or otherwise as the Governor-General thinks fit.

Dismissal of  
a Commissioner  
or Acting  
Commissioner.

**14.** The Governor-General may terminate the services of a Commissioner or an Acting Commissioner for inability, inefficiency or misbehaviour.

- 15.** 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 with 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 entered into 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.

**16.**—(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. Meetings of Commission.

(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.

(3.) The general manager shall, as far as practicable, attend all meetings of the Commission:

Provided that, if the Commission so directs, he shall temporarily retire from any meeting.

**17.**—(1.) The Commission shall appoint a general manager, who shall be the chief executive officer of the Commission, and such other officers and such servants as it thinks necessary. Appointment of officers.

(2.) A person shall not be admitted to the service of the Commission unless—

- (a) he is a natural-born or naturalized British subject;
- (b) the Commission is satisfied, upon such medical examination as is prescribed, as to his health and physical fitness;
- (c) he has in open competition successfully passed the prescribed entrance examination; and
- (d) he makes and subscribes an oath or affirmation in accordance with the prescribed form:

Provided that the Commission may appoint, to such positions or positions of such classes as are prescribed, persons who have not passed the prescribed entrance examination.

(3.) Appointments to positions which are open only to persons who have passed the prescribed entrance examination shall be made in order of merit of their passing the prescribed examination.

(4.) Adequate notice and particulars of the prescribed entrance examination shall be given by the Commission, to the public, by advertisements in the *Gazette* and the daily newspapers and by announcements from the national broadcasting stations.

(5.) The rates of 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.

(6.) Officers and servants appointed by the Commission shall not be subject to the provisions of the *Commonwealth Public Service Act* 1922-1941 but shall be subject to such conditions (including tenure of office) as are prescribed.

(7.) Where an officer appointed in pursuance of this section was, immediately prior to his appointment, an officer of the Public Service of the Commonwealth, his service as an officer of the Commission shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth, and the *Officers' Rights Declaration Act* 1928-1940 shall apply as if this Act and this section had been specified in the Schedule to that Act.

(8.) The general manager of the Australian Broadcasting Commission constituted under the *Australian Broadcasting Commission Act* 1932-1940 and all other officers and servants of that Commission holding office, or employed, in the service of that Commission immediately prior to the commencement of this Act, shall be deemed to have been appointed by the Commission under this section as general manager, officers and servants, respectively.

*Division 2.—Powers and Functions of the Commission.*

Functions of  
Commission.

**18.—(1.)** 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.

(2.) Where the Commission considers it necessary for the proper carrying out of its objects or for any purpose incidental thereto, the Commission may make arrangements for the holding of, or may organize or subsidize, any public concert or other public entertainment provided—

- (a) the whole or part of the concert or entertainment is broadcast; or
- (b) the concert or entertainment is held in co-operation with an educational, religious or other non-commercial institution and no charge for admission is made by the Commission.

**19.** 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 broadcasting stations):

Publication of  
journals, &c.

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 Australia.

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

Power to  
purchase and  
dispose of  
assets.

- (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.

**21.** Notwithstanding anything contained in this Act, the Commission shall not be empowered to enter into any agreement involving any expenditure by the Commission 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.

Agreements to  
receive approval  
in certain cases.

**22.**—(1.) The Commission shall provide such studios, offices and other accommodation as are necessary for the proper performance of its powers and functions under 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.

Studios to  
be provided  
by Commission.

(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.

**23.** Subject to this Act, the Commission shall broadcast free of charge from all of the national broadcasting stations, or from such of them as are specified by the Minister, any matter the broadcasting of which is directed by the Minister in writing as being in the public interest.

Authorized  
transmissions.

**24.**—(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 relating to any activity or proposed activity of the Commission ;
- (b) a programme supplied by any organization or person engaged in artistic, literary, musical or theatrical production or in educational pursuits ; or
- (c) a programme supplied by any organization or person, provided the programme is not, in the opinion of the Commission, being used as an advertisement,

or from broadcasting notices and particulars of prescribed entrance examinations in pursuance of sub-section (4.) of section seventeen of this Act or any matter the broadcasting of which is directed by the Minister in pursuance of the last preceding section.

Collection  
of news.

25. 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.

Bands and  
orchestras.

26. 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.

*Division 3.—Finances of the Commission.*

Australian  
Broadcasting  
Commission  
Fund.

27.—(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.) The amount referred to in the last preceding sub-section shall, in respect of the licence fee received in respect of each broadcast listener's licence in force on or after the first day of July, One thousand nine hundred and forty-two, be as follows :—

- (a) If the fee paid for the licence is Twenty shillings or Fourteen shillings—elevenpence for each calendar month after the thirtieth day of June, One thousand nine hundred and forty-two, during which the licence is in force ;
- (b) If the fee paid for the licence is Ten shillings or Seven shillings fivepence half-penny for each such calendar month ; and
- (c) If the fee paid for the licence is Five shillings or Three shillings and sixpence—threepence for each such calendar month.

(3.) For the purposes of the last preceding sub-section, every broadcast listener's licence shall be deemed to have been issued on the first day of the calendar month of issue and to cease to be in force on the expiration of the period of twelve calendar months commencing on that day.

(4.) 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.

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

(6.) Any account certified by such officer of his Department as is designated for that purpose by the Minister and forwarded by that officer 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.

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

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

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

Application of moneys paid into Fund.

- (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 remuneration and allowances of the Commissioners and the salaries, wages and allowances 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.

29. 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 on fixed deposit, with the Commonwealth Bank of Australia, and while so lodged shall be held to be moneys of the Crown.

Moneys in Fund uninvested may be lodged in Bank.

30. 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.

31.—(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.

Audit.

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

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

Compensation.

**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.

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

**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 under any law of a State to which the Commonwealth is not subject.

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).

#### *Division 4.—Technical Services.*

Technical services to be provided by the Postmaster-General.

**36.** The Postmaster-General shall undertake the provision and operation of all technical services associated with the transmission of programmes provided by the Commission, 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.

Lines for conveyance of electric current to broadcasting stations.

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

- (a) erect, place and maintain any electric line which is, in the opinion of the Postmaster-General, necessary for conveying electric current to a national broadcasting station, and in respect of the erection, placing and maintenance of any such 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 1901-1934* 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 national broadcasting station or the operation of any apparatus for the transmission or reception of programmes provided by the Commission.

(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.

**38.** The Postmaster-General shall, for the purposes of the National Broadcasting Service, provide free of cost to the Commission -

Technical services to be provided free 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.

**39.** The Postmaster-General shall, for the purposes of the National Broadcasting Service, provide, at the expense of the Commission -

Technical services to be provided at Commission's expense.

- (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 that apparatus is to be installed at any place other than a recognized national broadcasting service studio.

**40.** 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.

Indemnity to Postmaster-General.

#### *Division 5.—Miscellaneous.*

**41.—(1.)** Subject to this Act, the Minister may, from time to time, by notice given orally, by telegram or 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.) If any such notice is given orally, the Minister shall forthwith confirm it in writing.

Report and  
balance-sheet.

**42.**—(1.) The Commission shall, as soon as possible, but not later than six months, after the expiration of each financial year, prepare a statement of income and expenditure and a balance-sheet in accordance with the prescribed form, 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.

(2.) The Commission shall include in the report details of—

- (a) each transmission arranged at the written direction of the Minister in pursuance of section twenty-three of this Act;
- (b) each case in which the Minister has exercised the powers conferred on him by the last preceding section; and
- (c) any case in which the Minister has, otherwise than in pursuance of the provisions of this Act, issued directions concerning the broadcasting by the Commission of any matter or prohibited the broadcasting by the Commission of any matter.

Commission  
to assume  
certain  
obligations and  
liabilities.

**43.** All rights, property and assets and all obligations and liabilities which, immediately prior to the commencement of this Act, were vested in or imposed on the Australian Broadcasting Commission constituted under the *Australian Broadcasting Commission Act 1932-1940* shall by virtue of this Act be vested in or imposed on the Commission, and in any contract, agreement or other instrument to which the first mentioned Commission was a party any reference to that Commission shall be read as a reference to the Commission.

### PART III.—THE COMMERCIAL BROADCASTING SERVICE.

#### Division 1.—Licences.

Grant of  
licences for  
commercial  
broadcasting  
stations.

**44.**—(1.) The Minister may grant to any person a licence for a commercial broadcasting station upon the conditions and in accordance with the form determined by the Minister.

(2.) The Minister may require any applicant for a licence for a commercial broadcasting station to furnish such particulars as he thinks fit.

Rights of  
licensees.

**45.** The establishment, erection, maintenance or use, in pursuance of a licence granted under this Part, of a commercial broadcasting station shall be deemed not to be in contravention of the *Wireless Telegraphy Act 1905-1936* or the regulations thereunder.

Period of licence  
and renewals  
thereof.

**46.**—(1.) A licence for a commercial broadcasting station may be granted for such period, not exceeding three years, as the Minister determines.

(2.) The Minister, if he deems it desirable, may from time to time renew a licence for any period not exceeding one year from the date of expiration of the current licence or renewal.

(3.) A licensee who desires a renewal of his licence shall make application for the renewal thereof at least six months before the date of expiration of his current licence or renewal, except in cases

where a licence has been granted or renewed for a period of less than one year, when the application for a renewal shall be made at least one month before the date of expiration of the current licence or renewal.

47. A licence for a commercial broadcasting station shall be renewed by the issue of a fresh licence or by attaching thereto a memorandum signed by an authorized officer, stating the period for which it is renewed. Renewal of licences.

48.—(1.) There shall be payable by the licensee in respect of a licence for a commercial broadcasting station granted or renewed under this Act, for each year or part of a year of the currency of the licence or renewal, the fee prescribed by the *Commercial Broadcasting Stations Licence Fees Act 1942*. Licence fee.

(2.) The licence fee shall be payable at such times and in such instalments (if any) as the Minister determines.

49.—(1.) The Minister may, by notice in writing, suspend for such period as is specified in the notice, or revoke and determine, any licence for a commercial broadcasting station on the ground that— Revocation and suspension of licences.

(a) the licensee has failed to comply with any provision of this Act or the regulations or with any condition of the licence ;  
or

(b) he considers it advisable in the public interest to do so.

(2.) A person shall not be entitled to any compensation from the Commonwealth by reason of the suspension or revocation and determination of any licence effected in pursuance of this section.

(3.) During any period of suspension of a licence, the licence shall not be of any force or effect, but the period of currency of the licence shall continue to run.

50.—(1.) Except with the consent in writing of the Minister, a licensee of a commercial broadcasting station shall not transfer the licence or assign, sublet or otherwise dispose of the licence or admit any other person to participate in any of the benefits of the licence, or to exercise any of the powers or authorities granted by the licence. Transfer of licences.

(2.) Where, with the consent in writing of the Minister, any licence for a commercial broadcasting station is transferred, assigned or sublet or otherwise disposed of, to any other person, or any other person is admitted to participate in the benefits of the licence or to exercise any of the powers or authorities granted by the licence, the application of the provisions of this Act relating to licensees of commercial broadcasting stations shall extend to that person as if he were the licensee, and any reference in this Act to the licensee of a commercial broadcasting station shall, in respect of that station, be read as including a reference to that person :

Provided that the performance by the licensee or that person of any obligation imposed upon the licensee by any provision of this Act shall, to the extent of that performance, release both the licensee and that person from the obligation.

Commencement  
of service.

**51.** A licensee of a commercial broadcasting station shall commence a satisfactory service in accordance with the terms and conditions of the licence within three months from the date of the grant of a licence for that station or within such further period as the Minister approves.

Saving as  
to existing  
broadcasting  
stations.

**52.** Any licence for a broadcasting station in force immediately prior to the commencement of this Act shall, subject to the provisions of this Act, continue in force as if this Act had been in force at the date on which it was granted and it had been granted thereunder as a licence for a commercial broadcasting station.

*Division 2.—Limitation on Ownership or Control of Commercial Broadcasting Stations.*

Limitation of  
ownership of  
commercial  
broadcasting  
stations.

**53.**—(1.) Any person making application for the grant or renewal of a licence for a commercial broadcasting station shall furnish to the Minister such information as he requires and shall lodge with the application a statutory declaration stating that the grant or renewal of the licence will not result in the ownership by any person, or in any person being in a position to exercise control, either directly or indirectly, of more than —

- (a) one metropolitan commercial broadcasting station in any State ;
- (b) four metropolitan commercial broadcasting stations in Australia ;
- (c) four commercial broadcasting stations in any one State ; or
- (d) eight commercial broadcasting stations in Australia.

(2.) Where the applicant is a company, the statutory declaration referred to in the last preceding sub-section shall be made by a majority of the directors of the company and the manager or secretary of the company.

(3.) In this section the expression “metropolitan commercial broadcasting station” means a commercial broadcasting station situated within a radius of thirty miles from the General Post Office in the capital city of a State.

*Division 3.—Technical Conditions.*

Technical  
equipment  
to be to the  
satisfaction of  
the Minister.

**54.** The technical equipment of a commercial broadcasting station shall be designed, installed and maintained to the satisfaction of the Minister and shall not be altered without his consent.

Power of  
stations.

**55.** The power of a commercial broadcasting station shall be as approved by the Minister and shall not be altered without his consent.

**56.** The frequency on which each commercial broadcasting station shall operate shall be as determined by the Minister, and it shall, during operation of the transmitting equipment of the station, be maintained to a constancy to the satisfaction of the Minister.

Operating frequency.

**57.** The location of a commercial broadcasting station and the periods of operation thereof shall be subject to the approval of the Minister.

Location and periods of operation of station.

**58.** The technical equipment of a commercial broadcasting station shall be operated only by such persons as, in the opinion of the Minister, are competent to operate the equipment.

Operation of technical equipment.

**59.** A commercial broadcasting station shall, at all reasonable times, be open to inspection by any authorized officer, and the licensee shall afford every such officer every facility for any such inspection.

Inspection of licensed installation.

#### *Division 4.—Programmes.*

**60.—(1.)** The licensee of each commercial broadcasting station shall provide programmes and shall supervise the broadcasting of programmes from his station, in such manner as to ensure, as far as practicable, that the programmes broadcast are to the satisfaction of the Minister.

Functions of licensee of commercial broadcasting station.

(2.) If the programmes broadcast from a commercial broadcasting station are not, in whole or in part, to the satisfaction of the Minister, the licensee shall, if directed so to do by the Minister, vary the programmes with a view to making them satisfactory to the Minister.

(3.) The Minister may, from time to time, by notice given orally, by telegram or in writing, prohibit the licensee from broadcasting any matter, or matter of any class or character, specified in the notice, or may require the licensee to refrain from broadcasting any such matter.

(4.) If any such notice is given orally, the Minister shall forthwith confirm it in writing.

**61.—(1.)** The licensee of a commercial broadcasting station may broadcast advertisements.

Advertisements.

(2.) A licensee desiring to broadcast advertisements shall publish a tariff of advertising charges, and, except as prescribed, shall make his advertising service available without discrimination to any person.

(3.) A licensee shall not broadcast advertisements on a Sunday except in such manner and in accordance with such conditions as the Minister determines.

(4.) Except as prescribed, an advertisement relating to any medicine shall not be broadcast unless the text of the proposed advertising matter has been approved in writing by the Director-General of Health or, on appeal to the Minister under this section, by the Minister.

(5.) The Director-General of Health may delegate to any medical officer of a State his power under this section to approve of the text of advertising matter.

(6.) Any such delegation shall be revocable in writing at will and no such delegation shall prevent the exercise of the power by the Director-General of Health.

(7.) Any person may appeal to the Minister from any decision of the Director-General of Health or a delegate of the Director-General of Health.

Censorship of  
broadcasting  
matter.

**62.** All matter, including advertisements, to be broadcast by a commercial broadcasting station shall be subject to such censorship as the Minister determines.

Relaying or  
broadcasting  
programmes of  
other stations.

**63.** The licensee of a commercial broadcasting station shall not relay or broadcast any part of the programme of another broadcasting station, whether situated in Australia or elsewhere, without the consent of the owner or licensee of the originating station and the approval of the Minister.

Transmission  
of news or  
copyright  
works.

**64.** The licensee of a commercial broadcasting station shall not—

- (a) broadcast any work or part of a work in which copyright subsists except with the consent of the owner of the copyright; or
- (b) broadcast news or information of any kind published in any newspaper or obtained, collected, collated or co-ordinated by any newspaper, or association of newspapers or any news agency or service, except in accordance with the terms of an agreement as to payment and conditions between the licensee and the newspaper, association of newspapers, news agency or service.

Items of  
general interest  
included in  
programmes.

**65.** The Minister may, by notice in writing, require the licensee of a commercial broadcasting station to include, without charge, in any programme broadcast from the station, such items of general interest or utility as the Minister, from time to time, determines:

Provided that the requirements of the Minister shall not be such as to entail the broadcasting of matter for a period in excess of thirty minutes in any period of twelve consecutive hours.

Programmes  
of broadcast  
items.

**66.** The licensee of a commercial broadcasting station shall, prior to the publication of any programme to be broadcast from the station, make a copy of the programme available at the office of the station on equal terms to the publishers (including the Commission) of any newspaper, magazine or journal published in Australia.

#### *Division 5.—Miscellaneous.*

Licensee to  
keep accounts,  
records, &c.

**67.—(1.)** The licensee of a commercial broadcasting station shall—

- (a) compile and maintain in a recognized business or commercial form, separate accounts in respect of his broadcasting activities;
- (b) make such accounts available for inspection by the Minister or an authorized officer as required;

- (c) furnish to the Minister a duly audited annual balance-sheet and profit and loss account in accordance with the prescribed form for each year ending on the thirtieth day of June ;
- (d) within three months after the thirtieth day of June in each year, furnish to the Minister a statutory declaration stating—
- (i) whether the operations of the station during the year ended on that date resulted in a profit to the person operating the station or otherwise ; and
  - (ii) the gross earnings, from the operations of the station during that year, of the person operating the station ; and
- (e) keep such records relating to the broadcasting service, as the Minister, from time to time, directs, and supply copies thereof to the Minister as required.

(2.) Any licensee may, with the leave of the Minister, adopt an accounting period being the twelve months ending on some day other than the thirtieth day of June, and thereupon the provisions of paragraphs (c) and (d) of the last preceding sub-section shall apply in relation to that licensee as if the references therein to the thirtieth day of June were read as references to that other day.

(3.) Where the person required to make the statutory declaration specified in paragraph (d) of sub-section (1.) of this section is a company, it shall be made by a majority of the directors of the company and the manager or secretary of the company.

68. The licensee of a commercial broadcasting station shall, at all times, keep the Minister indemnified against any claim for royalties in respect of any equipment operated under his licence, and against any claims whatsoever arising out of the licensee's operations.

Indemnification of Minister against claims for royalty, &c.

69.—(1.) The Minister may, during the currency of a licence for a commercial broadcasting station, vary all or any of the conditions upon which the licence is granted.

Reservation of right to Minister to vary conditions of licence.

(2.) The licensee shall, at his own expense and to the satisfaction of the Minister, give effect to any such variation.

70. The licensee of any commercial broadcasting station shall, at his own expense, if and as directed by the Minister, install and maintain beacon lights on, and paint, the masts of his station.

Lights on masts.

71. Any notice, requirement, or consent (whether expressed to be in writing or not) to be given or made under any of the provisions of this Part, by or for the Minister, may be under the hand of any authorized officer, and may be served on the licensee of a commercial broadcasting station by sending it by registered letter addressed to the licensee at the usual or last-known place of residence or business of the licensee.

Notices.

PART IV.—PARLIAMENTARY STANDING COMMITTEE ON  
BROADCASTING.

Constitution of  
Committee.

**72.**—(1.) As soon as conveniently practicable after the commencement of this Act, and thereafter at the commencement of the first session of every Parliament, a Joint Committee of nine members of the Parliament, to be called the Parliamentary Standing Committee on Broadcasting (in this Part referred to as “the Committee”), shall be appointed according to the practice of the Parliament with reference to the appointment of members to serve on Joint Select Committees of both Houses of the Parliament.

(2.) Three of the members of the Committee shall be members of and appointed by the Senate, and six of the members of the Committee shall be members of and appointed by the House of Representatives.

(3.) The members of the Committee shall include at least one Senator for, or at least one member of the House of Representatives chosen in, each State.

(4.) A Minister of State, the President of the Senate, the Speaker of the House of Representatives and the Chairman of Committees of either House of the Parliament shall be ineligible for appointment as a member of the Committee.

Tenure of  
office of  
members of  
Committee.

**73.** The members of the Committee shall hold office as a Joint Committee for the duration of the Parliament for the time being, but shall cease to hold office as soon as the House of Representatives expires by dissolution or effluxion of time; and shall have and may exercise such powers and authorities, perform such duties, and be liable to such obligations as are by this Act vested in or imposed upon the Committee.

Declaration to  
be subscribed  
by members.

**74.** Every member of the Committee shall, before entering on the duties of his office or sitting at any meeting of the Committee, make and subscribe a declaration in accordance with the Form in the Schedule to this Act.

Resignation.

**75.**—(1.) Any member of the Committee may resign his seat on the Committee by writing under his hand addressed to the President of the Senate if he be a Senator, or to the Speaker of the House of Representatives if he be a Member of the House of Representatives.

(2.) The seat of any member of the Committee shall also be deemed to have become vacant if he ceases to be a Senator or a member of the House of Representatives (as the case may be).

Vacancies.

**76.** Where a vacancy occurs in the Committee, it shall be filled by appointment according to the practice referred to in section seventy-two of this Act within thirty days from the happening of the vacancy if the Parliament is then sitting, and, if not, then within thirty days after the next meeting of the Parliament.

Quorum.

**77.** At any meeting of the Committee, five members shall form a quorum.

**78.**—(1.) There shall be a Chairman and a Vice-Chairman of the Committee, who shall be elected by the members of the Committee at their first meeting, or as soon thereafter as is practicable.

*Chairman and Vice-Chairman.*

(2.) The Chairman, or in case of his absence or other disability the Vice-Chairman, shall preside at all meetings of the Committee :

Provided that at any meeting of the Committee at which a quorum is present, the members in attendance may, in the absence of the Chairman and Vice-Chairman, appoint one of their number then present to be temporary chairman, and the temporary chairman shall have, during the absence of the Chairman and Vice-Chairman, all the powers given by this Act to the Chairman or Vice-Chairman.

**79.**—(1.) All questions which arise in the Committee shall be decided by a majority of votes of the members present, and when the votes are equal the chairman shall have a second or casting vote.

*Divisions.*

(2.) In all cases of divisions the names of the persons voting shall be stated on the minutes and in the report.

**80.**—(1.) The Committee may, subject to this section, sit and transact business during any adjournment or recess as well as during the session, and may sit at such times and in such places, and conduct their proceedings in such manner, as they deem proper.

*Power to sit during recess.*

(2.) The Committee shall not hold any meeting while either House of the Parliament is actually sitting, except by leave of that House.

**81.**—(1.) The Committee shall, before the commencement of each session of the Parliament, make a report to the Governor-General of their proceedings under this Act.

*Reports.*

(2.) The report shall be laid before each House of the Parliament within fourteen sitting days of that House after the making thereof.

**82.** The Committee shall keep full minutes of their proceedings in such manner as the Governor-General directs.

*Minutes.*

**83.** Where any matter is referred to any Committee, and the Committee lapses or ceases to have legal existence before it reports thereon, the evidence taken before the Committee shall be considered by any subsequent Committee to which the same matter is referred for report, as if it had been given before the subsequent Committee.

*Evidence taken before previous Committees.*

**84.** The powers, privileges and immunities of the Committee and of its members shall, subject to this Part, be those of each of the Houses of the Parliament and of its members and its committees.

*Powers, privileges and immunities of Committee.*

**85.**—(1.) The Committee shall, subject to the provisions of this Act, consider and report to the Parliament upon every matter affecting broadcasting in Australia or the Territories of the Commonwealth which either House of the Parliament, by resolution, refers to the Committee and upon every other such matter referred to the Committee by the Minister.

*Functions of Committee.*

(2.) The Minister shall refer to the Committee any such matter which the Commission or the body known, at the commencement of this Act, as the Australian Federation of Commercial Broadcasting Stations requests him to refer to the Committee.

PART V.—GENERAL.

Transmission  
of certain  
messages.

86. The Commission or a licensee of a commercial broadcasting station shall not, except in so far as it or he is permitted by or under this Act so to do, 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* 1901-1934, or the *Wireless Telegraphy Act* 1905-1936, contravene the provisions of either of those Acts.

State  
Broadcasting  
Advisory  
Committees.

87.—(1.) The Minister shall appoint in each State a Broadcasting Advisory Committee.

(2.) The functions of each such Committee shall be to advise the Minister in relation to all or any matters connected with broadcasting programmes or the exercise of any powers, duties or functions conferred or imposed by this Act or the regulations upon the Commission or the licensees of commercial broadcasting stations.

Local talent  
to be  
encouraged.

88.—(1.) The Commission and the licensee of each commercial broadcasting station 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 their opinion, are competent to make useful contributions to broadcasting programmes.

(2.) Not less than two and one-half per centum of the total time occupied by the National Broadcasting Service and not less than two and one-half per centum of the total time occupied by any commercial broadcasting station in the broadcasting of music shall be devoted to the broadcasting of works of Australian composers, produced either on sound records made in Australia or by artists actually present in the studio of the broadcasting station concerned.

Political  
broadcasts.

89.—(1.) Subject to the provisions of this section, the Commission may determine to what extent and in what manner political speeches or any matter relating to a political subject may be broadcast from national broadcasting stations, and the licensee of a commercial broadcasting station may arrange for the broadcasting of such speeches or matter from that station.

(2.) The Commission or the licensee of a broadcasting station shall not, at any time prior to the close of the poll on the day on which any election for the Parliament of the Commonwealth or a State or for any House of any such Parliament or for any vacancy in any such House is held, or at any time on either of the two days immediately preceding that day, broadcast, in whole or in part, any speech or matter—

(a) commenting on, or soliciting votes for, any candidate at the election ;

- (b) commenting on, or advocating support of, any political party to which any candidate at the election belongs ;
- (c) commenting upon, stating or indicating any of the issues being submitted to the electors at the election or any part of the policy of any candidate at the election or of the political party to which he belongs ; or
- (d) referring to any meeting held in connexion with the election.

(3.) The Commission or the licensee of a commercial broadcasting station shall not, at any time on or after the date of the issue of the writs and before the close of the poll for any such election, broadcast any dramatization of matter relating to any candidate, political party, issues, policy or meeting referred to in the last preceding sub-section.

**90.**—(1.) The Commission, in the case of a national broadcasting station, or the licensee, in the case of a commercial broadcasting station, shall cause to be announced the true name of every speaker who is, either in person or through the agency of a sound recording device, to deliver an address or make a statement relating to a political subject or current affairs for broadcasting from the station. If the address is to be delivered or the statement is to be made on behalf of a political party, the name of the party shall be included in the announcement.

Names of speakers to be announced.

(2.) The announcement shall be made at such a time and in such a manner, before and after the address or statement, as fully to disclose the identity of the speaker to any person listening to the broadcast of the address or statement.

(3.) The Commission or the licensee, as the case may be, shall keep a record of the name, postal address and credentials or occupation of each such speaker, and shall furnish to the Minister any particulars of the record which the Minister by notice in writing requires.

**91.**—(1.) The Commission or the licensee of a commercial broadcasting station shall not broadcast any matter which is blasphemous, indecent or obscene.

Broadcasting of objectionable items.

(2.) A person shall not render for broadcasting any item, or pass or select for broadcasting any item, which contains any matter which is blasphemous, indecent or obscene.

(3.) The Minister shall obtain a report from the State Broadcasting Advisory Committee, appointed in pursuance of section eighty-seven of this Act, with regard to any matter broadcast from a national or a commercial broadcasting station in respect of which a person is alleged to have contravened this section.

(4.) An offence against this section shall not be prosecuted without the written consent of the Minister.

**92.**—(1.) Where a person is convicted under the last preceding section, or where the Minister has reason to believe that any person has rendered for broadcasting any item, or has passed or selected for broadcasting any matter broadcast from any broadcasting station, which has caused or may have caused offence to any section of the

Restrictions on participation in broadcasts.

public, he may call upon that person to show cause why an order should not be made directing that he be prohibited from rendering any item or from passing or selecting any matter, for broadcasting, or that restrictions be placed on his rendering items, or passing or selecting matter, for broadcasting.

(2.) If the person fails within the period specified by the Minister to show cause to the satisfaction of the Minister, the Minister may by order—

- (a) direct that the person shall refrain during such period as is specified in the order from rendering any item, or passing or selecting matter, for broadcasting, from any broadcasting station ;
- (b) direct that the person may render items or pass, or select matter, for broadcasting from a broadcasting station, subject to such conditions as are specified in the order and not otherwise.

(3.) A person to whom any order made under this section applies shall not do any act or thing in contravention of the order.

Publication of  
text of item  
transmitted by  
broadcasting  
station.

**93.** A person shall not, without the consent of the owner or licensee of the station and the approval of the Minister, publish, in any manner whatsoever, any portion of the text of an item transmitted by a broadcasting station, whether situated in Australia or elsewhere.

Medical talks.

**94.—(1.)** Except as prescribed, a person shall not broadcast a talk on a medical subject unless the text thereof has been approved by the Director-General of Health, or, on appeal to the Minister under this section, by the Minister.

(2.) The Director-General of Health may delegate to any medical officer of a State his power under this section to approve of the text of talks on medical subjects.

(3.) Any such delegation shall be revocable in writing at will and no such delegation shall prevent the exercise of the power by the Director-General of Health.

(4.) Any person may appeal to the Minister from any refusal of the Director-General of Health or a delegate of the Director-General of Health to approve of the text of a talk on a medical subject.

Broadcast  
items not  
to be in  
code.

**95.—(1.)** The text of any matter broadcast shall not, without the permission of the Minister or an authorized officer, be in code.

(2.) For the purposes of this section, the text of any matter shall be deemed to be in code when any part thereof consists of—

- (a) words which have no connected meaning or the meaning of which is secret except to a limited number of persons ; or
- (b) artificial words.

Broadcast  
listeners'  
licences.

**96.—(1.)** The Minister may grant to any person, upon application and upon payment of the prescribed fee, a broadcast listener's licence.

(2.) Except as otherwise prescribed by the regulations, a person shall hold such number of broadcast listeners' licences as is equivalent to the number of appliances in his possession which are capable of being used for the reception of broadcast programmes.

(3.) A broadcast listener's licence in accordance with the form determined by the Minister or in accordance with any form used for the grant of broadcast listeners' licences prior to the commencement of this Act may be granted at any Post Office on payment of the prescribed fee.

(4.) The grant of broadcast listeners' licences shall be subject to such conditions as are prescribed.

(5.) The erection, maintenance or use, in pursuance of a broadcast listener's licence, under this Act, of an appliance capable of being used for the reception of broadcast programmes shall be deemed not to be in contravention of the *Wireless Telegraphy Act 1905-1936* or the regulations thereunder.

(6.) The occupier of any premises or place, or part of any premises or place, in which there is any appliance which is capable of being used for the reception of broadcast programmes and in respect of which a broadcast listener's licence is not in force shall be guilty of an offence against this Act.

(7.) It shall be a defence to a prosecution for any such offence if the defendant proves that he was not aware and could not, with reasonable diligence, have become aware of the existence in the premises or place, or part of the premises or place, of the appliance in question.

(8.) Any person who, without reasonable excuse (proof whereof shall lie upon him)—

- (a) establishes, erects, maintains or uses ;
- (b) has in his possession ; or
- (c) is in occupation of any premises or place, or part of any premises or place, in which there is,

any appliance capable of being used for the reception of broadcast programmes, and who does not, on demand by an authorized officer, forthwith produce, or cause to be produced, a broadcast listener's licence authorizing the erection and operation of the appliance, which was in force at the time the appliance was established, erected, maintained or used by, in the possession of, or in the premises or place, or part of the premises or place, occupied by, the person, shall be guilty of an offence against this Act.

**97.**—(1.) For the purpose of the granting of broadcast listeners' licences and the payment of fees therefor, Australia and the Territories of the Commonwealth shall be divided into two zones as follows : —

- (a) Zone 1 shall include all the territory within an approximate radius of two hundred and fifty miles from any broadcasting station which the Minister specifies ; and

Zones.

- (b) Zone 2 shall include all the territory of Australia and the Territories of the Commonwealth outside Zone 1.
- (2.) The Minister may determine within which zone any appliance, for which a broadcast listener's licence is required to be held, is situated.
- (3.) The Minister may modify the boundaries of the zones specified in sub-section (1.) of this section, or establish additional zones.

## Licence fees.

98. The fees payable for broadcast listeners' licences or renewals thereof granted under this Act shall be as follows :—

- (a) In the case of a licence for Zone 1—
- (i) in the case of a licence in respect of the possession by a person of one appliance which is capable of being used for the reception of broadcast programmes—Twenty shillings for each year or part of a year of the currency of the licence or renewal ; and
  - (ii) in the case of a licence in respect of the possession by that person of each such appliance in excess of one—Ten shillings for each year or part of a year of the currency of the licence or renewal ; and
- (b) In the case of a licence for Zone 2—
- (i) in the case of a licence in respect of the possession by a person of one such appliance—Fourteen shillings for each year or part of a year of the currency of the licence or renewal ; and
  - (ii) in the case of a licence in respect of the possession by that person of each such appliance in excess of one—Seven shillings for each year or part of a year of the currency of the licence or renewal :

Provided that—

- (i) a broadcast listener's licence or any renewal thereof may be granted free of charge to any blind person over the age of sixteen years, or, with the approval of the Minister, to any school which has an enrolment of less than fifty pupils ;
- (ii) a broadcast listener's licence or any renewal thereof may be granted on payment of half the ordinary fees to any person who is in receipt of a pension under the *Invalid and Old-age Pensions Act 1908-1942*, and who lives alone or with another such person ; and
- (iii) the Minister may exempt any public hospital or other charitable institution from the payment of the fees for appliances (in excess of one) capable of receiving broadcast programmes which are installed in any portion of that hospital or institution for the benefit of inmates.

**99.**—(1.) The keeper of any hotel, inn, boarding house or lodging house who has on his premises— Receiving equipment in hotels.

- (a) a master receiving equipment, capable of being utilized for the reception of broadcast programmes or other wireless signals, which is connected, or capable of being connected, by wires to a receiving-appliance in any room occupied, or available for occupation, by any lodger or tenant; or
- (b) any other receiving appliance capable of being so utilized which is installed in any such room,

shall be in possession of a current broadcast listener's licence in respect of every such master receiving equipment and a current broadcast listener's licence in respect of every such receiving appliance in any such room.

(2.) For the purposes of this section—

- “keeper”, in relation to a hotel, inn, boarding house or lodging house, includes any person who, for reward, receives any person to lodge therein, either on his own behalf or as manager or otherwise on behalf of any other person;
- “lodging house” means any premises, whether furnished or unfurnished, where lodging or sleeping accommodation is provided for reward, and includes a flat.

**100.** Any vendor of appliances capable of being used for the reception of broadcast programmes shall, at the end of each month, supply, to the Senior Radio Inspector in the State in which the vendor is located or to such other officer, as is prescribed, the name and address of each person to whom he has, during the month, sold, hired, lent, leased, or otherwise disposed of, any such appliance. Disposal of receiving equipment.

**101.** Any broadcast listener's licence in force immediately prior to the commencement of this Act shall, subject to the provisions of this Act, continue in force as if this Act had been in force on the date on which it was granted and it had been granted thereunder. Saving of existing licences.

**102.** Every licence granted or deemed to have been granted under this Act shall be subject to the provisions of this Act and the regulations so far as they are applicable to the licence, and those provisions shall be deemed to be incorporated in the licence as terms and conditions of the licence. Licences subject to Act.

**103.** Notwithstanding anything contained in the *Wireless Telegraphy Act 1905-1936*, the Minister administering that Act shall not— Certain licences not to be granted under *Wireless Telegraphy Act 1905-1936*.

- (a) grant any licence for any purpose for which a licence may be granted under this Act; or
- (b) except on the recommendation of the Parliamentary Standing Committee on Broadcasting grant licences in respect of facsimile, television or frequency modulation services.

Control of  
broadcasting  
in case of  
emergency.

**104.** The Governor-General may, whenever, in his opinion, any emergency has arisen, which 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 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 or any licensee of a commercial broadcasting station and may exercise full authority over all rights and privileges possessed by the Commission or the licensee.

Trial of  
offences.

**105.—(1.)** Any person who contravenes, or fails to comply with, any provision of this Act or the regulations, or any condition of a licence granted or deemed to have been granted under this Act, shall be guilty of an offence against this Act.

(2.) An offence against this Act may be prosecuted either summarily or upon indictment, but an offender shall not be liable to be punished more than once in respect of the same offence.

(3.) The punishment for an offence against this Act shall be—

(a) if the offence is prosecuted summarily—a fine not exceeding Fifty pounds or imprisonment for a term not exceeding six months; or

(b) if the offence is prosecuted upon indictment—a fine not exceeding Five hundred pounds or imprisonment for a term not exceeding five years.

Evidence.

**106.** A certificate in writing, signed by an authorized officer, certifying that a broadcast listener's licence was not, at the time specified in the certificate, in force in respect of any appliance (specified in the certificate) which is capable of being used for the reception of broadcast programmes shall be *prima facie* evidence that a broadcast listener's licence was not, at that time, in force in respect of that appliance.

Regulations.

**107.** 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 varying or adding to the conditions governing the erection or operation of commercial broadcasting stations or appliances for which a broadcast listener's licence is required to be held.

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## THE SCHEDULE.

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Section 74.

### DECLARATION BY MEMBERS.

I, A.B., do solemnly and sincerely promise and declare that, according to the best of my skill and ability, I will faithfully, impartially, and truly execute the office and perform the duties of a member of the Parliamentary Standing Committee on Broadcasting.

[A.B.]