

Wireless Telegraphy

No. 59 of 1967

An Act to amend the *Wireless Telegraphy Act 1905–1966* in relation to Broadcasts from Ships in Waters adjacent to Australia.

[Assented to 11 September 1967]

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

1.—(1) This Act may be cited as the *Wireless Telegraphy Act 1967*. Short title and citation.

(2) The *Wireless Telegraphy Act 1905–1966** is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Wireless Telegraphy Act 1905–1967*.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section 2 of the Principal Act is amended by inserting after the definition of “Australia” the following definitions:— Definitions.

“ ‘Broadcast programme’ means matter intended for reception by the general public whether by means of a broadcast receiver or a television receiver;

‘Ship’ means any vessel used in navigation other than air navigation;”.

4. After section 6 of the Principal Act the following section is inserted:—

“6A.—(1) Except as authorized by or under this Act, a person shall not, on a ship outside Australia but in waters adjacent to Australia— Broadcasts from ships in waters adjacent to Australia.

(a) establish, maintain or use any station or appliance for the purpose of transmitting broadcast programmes by means of wireless telegraphy; or

(b) transmit a broadcast programme by means of wireless telegraphy.

“(2) A person shall not, in Australia or in waters adjacent to Australia—

(a) sell or otherwise supply to another person any goods knowing, or having reasonable cause to believe, that the goods are for use—

(i) in or in connexion with the making of unauthorized broadcasts; or

* Act No. 8, 1905, as amended by No. 33, 1915; No. 4, 1919; No. 10, 1936; No. 80, 1950; and No. 93, 1966.

- (ii) in or connexion with the navigation, working, operation or maintenance of a ship used, or to be used, in or in connexion with the making of unauthorized broadcasts;
- (b) maintain or install, or do any act or thing in or in connexion with the maintenance or installation of, any appliance or apparatus knowing, or having reasonable cause to believe, that the appliance or apparatus is used, or is to be used, in or in connexion with the making of unauthorized broadcasts;
- (c) do any act or thing in or in connexion with the navigation, working, operation or maintenance of any ship which the person knows, or has reasonable cause to believe, is used, or is to be used, in or in connexion with the making of unauthorized broadcasts; or
- (d) transport any goods to a ship which the person knows, or has reasonable cause to believe, is used, or is to be used, in or in connexion with the making of unauthorized broadcasts.

“(3.) In the last preceding sub-section, ‘unauthorized broadcast’ means the transmission, except as authorized by or under this Act, of a broadcast programme by means of wireless telegraphy from a ship outside Australia but in waters adjacent to Australia.

Penalty: One thousand dollars or imprisonment for a term not exceeding Five years”.

5. After section 8 of the Principal Act the following section is inserted:—

“8A.—(1.) Subject to this section—

- (a) the several courts of the States are invested with federal jurisdiction; and
- (b) jurisdiction is conferred on the several courts of the Territories, with respect to offences against section six A of this Act that are committed outside Australia.

“(2.) The jurisdiction invested in or conferred on courts by the last preceding sub-section is invested or conferred within the limits (other than limits having effect by reference to the places at which offences are committed) of their several jurisdictions, but, in the case of a court of a State, subject to the conditions and restrictions specified in paragraphs (a), (b) and (c) of sub-section (2.) of section thirty-nine of the *Judiciary Act* 1903–1966.

“(3.) The jurisdiction invested in a court of summary jurisdiction of a State by this section shall not be judically exercised except by a Chief, Police, Stipendiary, Resident or Special Magistrate.

“(4.) The trial on indictment of an offence against section six A of this Act that was not committed within any State may be held in any State or Territory.

Jurisdiction
of courts.

“(5.) Subject to this Act, the laws of a State or Territory with respect to the arrest and custody of offenders or persons charged with offences and the procedure for—

- (a) their summary conviction;
 - (b) their examination and commitment for trial on indictment;
 - (c) their trial and conviction on indictment; and
 - (d) the hearing and determination of appeals arising out of any such trial or conviction or out of any proceedings connected therewith,
- and for holding accused persons to bail apply, so far as they are applicable, to a person who is charged in that State or Territory with an offence against section six A of this Act that was committed outside Australia.

“(6.) Except as provided by this Act, the *Judiciary Act* 1903–1966 applies in relation to offences against this Act.”.

6. Section 9 of the Principal Act is amended—

- (a) by inserting in sub-section (1.), after the words “ Court of Summary Jurisdiction ”, the words “ having jurisdiction with respect to the offence ”; and
- (b) by omitting from sub-section (1.) all the words after the word “ section ” and inserting in their stead the words “ may be committed for trial or, with his consent, dealt with summarily ”.

Proceedings
in respect of
offences.