

BROADCASTING AND TELEVISION ACT 1974

No. 55 of 1974

An Act to amend the *Broadcasting and Television Act 1942-1973* in relation to certain Licences, and for related purposes.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

Short title and citation.

1. (1) This Act may be cited as the *Broadcasting and Television Act 1974*.¹

(2) The *Broadcasting and Television Act 1942-1973*² is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Broadcasting and Television Act 1942-1974*.

Commencement.

2. This Act shall be deemed to have come into operation on 18 September 1974.

Interpretation.

3. Section 4 of the Principal Act is amended—

(a) by adding at the end of the definition of “broadcast receiver” in sub-section (1) the words “, but does not include an appliance also capable of being used for the transmission, by means of wireless telegraphy, of broadcast programmes or other matter”;

(b) by adding at the end of the definition of “television receiver” in sub-section (1) the words “, but does not include an appliance also capable of being used for the transmission, by means of wireless telegraphy, of television programmes or other matter”.

Repeal.

4. Sections 125, 126, 126AA, 126A, 126B, 126C, 126D, 127, 128 and 128A of the Principal Act are repealed.

Licences subject to Act.

5. Section 129 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:—

“(2) In this section, ‘licence’ includes a television translator station licence and a television repeater station licence.”.

Application of Wireless Telegraphy Act.

6. Section 130 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(2) The erection, maintenance or use of a broadcast receiver or of a television receiver shall be deemed not to be in contravention of the *Wireless Telegraphy Act 1905-1973* or the regulations under that Act.”.

7. Section 130A of the Principal Act is amended by omitting subsection (6). Community television aerials.
8. Section 132 of the Principal Act is amended by omitting from subsection (1A) the words “a broadcast listener’s licence, a television viewer’s licence, a combined receiving licence, a hirer’s licence, a lodging house licence.” Trial of offences.
9. Sections 132A and 133 of the Principal Act are repealed. Repeal.
10. (1) Any licence fee paid, whether before or after the commencement of this Act, for a broadcast listener’s licence, a television viewer’s licence, a combined receiving licence, a hirer’s licence, a lodging house licence or a combined lodging house licence, or for a renewal of such a licence, being a licence or a renewal for a period commencing on or after the date of commencement of this Act, may be refunded to the person who paid the fee or to such other person as the Director-General of Posts and Telegraphs, or a person authorized in writing by the Director-General to exercise the powers of the Director-General under this section, considers appropriate. Refund of certain licence fees.
- (2) Notwithstanding the repeal of the provisions of the Principal Act effected by this Act, refunds of licence fees, in whole or in part, may, except in cases where the Minister otherwise directs, be made under section 128A of the Principal Act after the commencement of this Act as if the provisions so repealed, and the regulations made for the purposes of that section, had continued in force.
11. After the commencement of this Act, undefaced postage stamps affixed to a card issued by the Postmaster-General for the purposes of having affixed thereto postage stamps in payment or part payment for a broadcast listener’s licence or a television viewer’s licence may be re-purchased, not later than 30 June 1975, under regulation 117 of the Postal Regulations notwithstanding that the postage stamps are not tendered in payment or part payment for such a licence. Re-purchase of postage stamps under regulation 117 of Postal Regulations.

NOTES

1. Act No. 55, 1974; assented to 27 September 1974.
2. Act No. 33, 1942, as amended by No. 39, 1946; No. 64, 1948; No. 80, 1950; No. 41, 1951; No. 12, 1953; No. 82, 1954; Nos. 33, 65 and 92, 1956; No. 36, 1960 (as amended by No. 32, 1961); No. 96, 1962; No. 82, 1963; Nos. 67 and 121, 1964; Nos. 38 and 120, 1965; No. 57, 1966; No. 47, 1967; No. 69, 1968; Nos. 21 and 31, 1969; Nos. 8, 72 and 136, 1971; No. 49, 1972; No. 50, 1973; and No. 216, 1973 (as amended by No. 20, 1974).