

## BROADCASTING AND TELEVISION (No. 2).

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**No. 121 of 1964.**

An Act to amend the *Broadcasting and Television Act* 1942-1963, as amended by the *Broadcasting and Television Act* 1964.

[Assented to 24th November, 1964.]

**B**E 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 *Broadcasting and Television Act (No. 2) 1964*.

Short title  
and citation.

(2.) The *Broadcasting and Television Act 1942-1963*,\* as amended by the *Broadcasting and Television Act 1964*,† is in this Act referred to as the Principal Act.

(3.) Section one of the *Broadcasting and Television Act 1964* is amended by omitting sub-section (3.).

(4.) The Principal Act, as amended by this Act, may be cited as the *Broadcasting and Television Act 1942-1964*.

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

3. Section one hundred and six of the Principal Act is amended— Licensee to keep accounts, records, &c.

(a) by omitting sub-paragraph (ii) of paragraph (c) of sub-section (1.) and inserting in its stead the following sub-paragraph:—

“(ii) a statutory declaration stating the gross earnings of the station during that year; and ”; and

(b) by adding at the end thereof the following sub-section:—

“(5.) In this section, ‘ gross earnings ’—

(a) in relation to a commercial broadcasting station—has the same meaning as in the *Broadcasting Stations Licence Fees Act 1964*; and

(b) in relation to a commercial television station—has the same meaning as in the *Television Stations Licence Fees Act 1964*.”.

4. After section one hundred and twenty-six B of the Principal Act the following sections are inserted:—

“ 126c.—(1.) A person who is the lessor in relation to a lease of furnished premises that include a broadcast receiver or a television receiver is guilty of an offence against this Act unless— Broadcast or television receiver let as part of furnished premises.

(a) he, or a member of his family, is the holder of a current broadcast listener’s licence or a current television viewer’s licence, as the case requires, or a current combined receiving licence, that specifies the address of the premises;

(b) the person who is the lessee in relation to the lease, or a member of his family, is the holder of a current broadcast listener’s licence or a current television viewer’s licence, as the case requires, or a current combined receiving licence, that applies to the receiver;

or

\* 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; and No. 82, 1963.

† Act No. 67, 1964.

(c) the receiver is, under sub-section (4.) of section one hundred and twenty-six A of this Act, to be deemed to be a receiver to which a broadcast listener's licence or a television viewer's licence, as the case requires, applies.

“(2.) A person who is the lessee in relation to a lease of a kind referred to in the last preceding sub-section, or a member of his family, is not guilty of an offence against sub-section (6.) or (8.) of section one hundred and twenty-five, or sub-section (6.) or (8.) of section one hundred and twenty-six, of this Act, or the *Wireless Telegraphy Act 1905–1950* or the regulations under that Act, by reason only that he uses or maintains the broadcast receiver or television receiver that is included in the furnished premises to which the lease relates, has the receiver in his possession or occupies the premises.

“(3.) A reference in this section to a lease shall be read as including a reference to a sub-lease and, in the application of this section in relation to a sub-lease, a reference in this section to a lessor or to a lessee shall be read as a reference to the sub-lessor or to the sub-lessee, as the case requires, under the sub-lease.

“(4.) In this section, ‘furnished premises’ means furnished residential premises.

Grant of licence from past date not to affect liability for offence.

“126D.—(1.) Where a licence is granted for a period commencing before the date on which it is granted, the licence shall not, for the purposes of sub-section (6.), (7.) or (8.) of section one hundred and twenty-five of this Act, sub-section (6.), (7.) or (8.) of section one hundred and twenty-six of this Act or sub-section (3.) of section one hundred and twenty-six A of this Act, be deemed to have been in force before the time when it is granted.

“(2.) In the last preceding sub-section, ‘licence’ means a broadcast listener's licence, a television viewer's licence, a combined receiving licence, a hirer's licence or a lodging house licence.”

5. After section one hundred and twenty-eight of the Principal Act the following section is inserted:—

Refund of fees on surrender of licences.

“128A.—(1.) An officer of the Postmaster-General's Department may, in a prescribed case, on the surrender of a licence to him, refund the licence fee paid for the licence or such part of the licence fee as he considers appropriate having regard to the circumstances of the case.

“(2.) In the last preceding sub-section, ‘licence’ means a broadcast listener's licence, a television viewer's licence, a combined receiving licence, a hirer's licence or a lodging house licence.”