

# BROADCASTING.

No. 41 of 1951.

## An Act to amend the *Broadcasting Act* 1942-1950.

[Assented to 5th December, 1951.]

**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 :—

- 1.—(1.) This Act may be cited as the *Broadcasting Act* 1951. Short title  
and citation.
- (2.) The *Broadcasting Act* 1942-1950\* 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 Act* 1942-1951.
2. This Act shall come into operation on a date to be fixed by Commencement,  
Proclamation.
3. Section four of the Principal Act is amended by inserting after the definition of “ authorized person ” the following definition :— Definitions.  
“ ‘ broadcast receiver ’ means an appliance capable of being used for the reception of broadcast programmes ; ”

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\* Act No. 33, 1942, as amended by No. 39, 1946 ; No. 64, 1948 ; and No. 80, 1950.

4. Sections ninety-six to one hundred and one, inclusive, of the Principal Act are repealed and the following sections inserted in their stead :—

Broadcast  
listeners'  
licences.

“ 96.—(1.) A broadcast listener's licence in accordance with a form determined by the Postmaster-General may be granted, on behalf of the Postmaster-General, at any Post Office on payment of the prescribed fee.

“ (2.) A broadcast listener's licence shall be granted for a period of twelve months (which may, in such cases as are prescribed, be a period commencing before the date on which the licence is granted), but may be renewed for successive periods of twelve months.

“ (3.) A broadcast listener's licence is subject to such conditions as are prescribed.

“ (4.) The address specified in a broadcast listener's licence may be altered, or shall be deemed to be altered, as prescribed.

“ (5.) During the currency of a broadcast listener's licence, the licence applies to every broadcast receiver which is—

- (a) in the possession of the holder of the licence, or of a member of his family, at the address specified in the licence ;
- (b) in the possession of that holder, or of a member of his family, being a receiver which is ordinarily kept at that address ; or
- (c) installed in a vehicle which is ordinarily in the possession of that holder, or of a member of his family, and is ordinarily kept at that address while not in use.

“ (6.) Except as prescribed, a person shall not use, maintain or have in his possession a broadcast receiver unless there is in force a broadcast listener's licence which applies to that receiver.

“ (7.) The erection, maintenance or use of a broadcast receiver, being a receiver to which a broadcast listener's licence in force under this Act applies, shall be deemed not to be in contravention of the *Wireless Telegraphy Act 1905-1950* or the regulations under that Act.

“ (8.) The occupier of any premises or place, or part of any premises or place, in which there is a broadcast receiver, not being a receiver to which a broadcast listener's licence in force under this Act applies, is guilty of an offence against this Act.

“ (9.) It is a defence to a prosecution for an offence under the last preceding sub-section 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 broadcast receiver.

“ (10.) In this section, ‘ member of his family ’, in relation to the holder of a broadcast listener's licence, means a person who is related by blood or marriage to that holder.

“ 97.—(1.) For the purposes of the grant of broadcast listeners’ <sup>Zones.</sup> licences and the payment of fees for those licences, Australia and the Territories of the Commonwealth are divided into two zones, to be known as Zone 1 and Zone 2.

“ (2.) Subject to this section, Zone 1 includes all places within a circle having a radius of two hundred and fifty miles from a broadcasting station specified by the Board.

“ (3.) Zone 2 includes all places in Australia or a Territory of the Commonwealth outside Zone 1.

“ (4.) The Board may determine that a place which is on or near the boundary of an area comprised in Zone 1 (whether or not it is in, or partly in, Zone 1) shall be deemed to be or not to be in Zone 1, and that place shall, for the purposes of this section, be treated as being, or as not being, as the case may be, in Zone 1.

“ 98.—(1.) Subject to this section, the fee payable for a broadcast <sup>Licence fees.</sup> listener’s licence or a renewal thereof is—

- (a) in the case of a licence specifying an address in Zone 1—  
Two pounds ; and
- (b) in the case of a licence specifying an address in Zone 2—One pound eight shillings.

“ (2.) A broadcast listener’s licence or a renewal thereof may be granted free of charge to a blind person over the age of sixteen years or to a person or authority conducting a school.

“ (3.) A broadcast listener’s licence or a renewal thereof may be granted, on payment of one-quarter of the fee otherwise payable to a pensioner who—

- (a) lives alone ;
- (b) lives with another pensioner ; or
- (c) lives with another person or persons, if the income of each such other person does not exceed the maximum amount of income and pension allowed under Part III. or Part IV. of the *Social Services Consolidation Act 1947-1951* or section eighty-seven of the *Repatriation Act 1920-1951*.

“ (4.) In this section, ‘ pensioner ’ means a person who is in receipt of a pension under Part III. or Part IV. of the *Social Services Consolidation Act 1947-1951* or a service pension, or a pension in respect of total and permanent incapacity, under the *Repatriation Act 1920-1951*.”

5. Section one hundred and six of the Principal Act is repealed and the following section inserted in its stead :—

“ 106. A certificate in writing, signed by an authorized officer, <sup>Evidence.</sup> certifying that a broadcast listener’s licence applying to a broadcast receiver specified in the certificate was not, at the time specified in the certificate, in force under this Act is *prima facie* evidence of the fact stated in the certificate.”

**Existing  
licences  
and forms.**

**6.—(1.)** A broadcast listener's licence in force under the Principal Act immediately before the commencement of this Act shall, subject to the Principal Act as amended by this Act, remain in force for the remainder of the period of the licence as if granted under the Principal Act as so amended, and shall, notwithstanding the terms of the licence, have effect as if granted under the Principal Act as so amended and as if not limited to one appliance.

(2.) A broadcast listener's licence granted on or after the date of commencement of this Act may be in accordance with the form in use in Post Offices for the grant of broadcast listeners' licences immediately before that date, and a licence so granted in accordance with that form shall, notwithstanding the terms of the licence, have effect in accordance with the provisions of the Principal Act, as amended by this Act, and as if not limited to one appliance.

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