

WIRELESS TELEGRAPHY.

No. 8 of 1905.

An Act relating to Wireless Telegraphy.

[Assented to 18th October, 1905.]

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

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| Short title. | 1. This Act may be cited as the <i>Wireless Telegraphy Act 1905</i> . |
| Interpretation. | 2. In this Act,—
“Australia” includes the territorial waters of the Commonwealth and any territory of the Commonwealth ;
“Wireless telegraphy” includes all systems of transmitting and receiving telegraphic messages by means of electricity without a continuous metallic connexion between the transmitter and the receiver. |
| Exemption of ships of war. | 3. This Act shall not apply to ships belonging to the King's Navy. |
| Exclusive privileges of Postmaster-General. | 4. The Postmaster-General shall have the exclusive privilege of establishing, erecting, maintaining, and using stations and appliances for the purpose of—
(a) transmitting messages by wireless telegraphy within Australia, and receiving messages so transmitted, and
(b) transmitting messages by wireless telegraphy from Australia to any place or ship outside Australia, and
(c) receiving in Australia messages transmitted by wireless telegraphy from any place or ship outside Australia. |
| Licences. | 5. Licences to establish, erect, maintain, or use stations and appliances for the purpose of transmitting or receiving messages by means of wireless telegraphy may be granted by the Postmaster-General for such terms and on such conditions and on payment of such fees as are prescribed. |

6.—(1.) Except as authorized by or under this Act, no person shall—

Penalty for breach of Act.

- (a) establish, erect, maintain, or use any station or appliance for the purpose of transmitting or receiving messages by means of wireless telegraphy; or
- (b) transmit or receive messages by wireless telegraphy.

Penalty : Five hundred pounds, or imprisonment with or without hard labour for a term not exceeding Five years.

(2.) Sub-section (1) of this section shall not, except as prescribed extend to appliances maintained on any ship, arriving from any place beyond Australia, for the purpose of enabling messages to be transmitted from or received on that ship by means of wireless telegraphy; but all such appliances shall, while the ship is within Australia—

Ships fitted with apparatus for wireless telegraphy.

- (a) be subject to the control of the Postmaster-General; and
- (b) only be used by his authority or as authorized by the regulations.

Penalty : Five hundred pounds.

7. All appliances erected, maintained, or used in contravention of this Act or the regulations, for the purpose of transmitting or receiving messages by means of wireless telegraphy, shall be forfeited to the King for the use of the Commonwealth.

Forfeiture of appliances unlawfully erected.

8.—(1.) If a justice of the peace is satisfied by information on oath that there is reasonable ground for supposing that any appliance is established, erected, maintained, or used in contravention of this Act or the regulations, for the purpose of transmitting or receiving messages by means of wireless telegraphy he may grant a search warrant to any person.

Search warrants for appliances unlawfully erected.

(2.) A search warrant under this section shall authorize the person to whom it is addressed to break and enter any place or ship, where the appliance is or is supposed to be, either by day or by night, and to seize all appliances which appear to him to be used or intended to be used for transmitting or receiving messages by means of wireless telegraphy.

9.—(1.) Proceedings for any offence against this Act may be instituted in any Court of Summary Jurisdiction, and any person proceeded against under this section may be dealt with summarily or may be committed for trial.

Proceedings in respect of offences.

(2.) The Court in dealing summarily with any accused person under this section may, if he is found guilty of any offence against this Act, punish him by imprisonment with or without hard labour for any period not exceeding six months or by a penalty not exceeding Fifty pounds.

10. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Regulations.

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