

# Broadcasting and Television (No. 2)

No. 31 of 1969

An Act relating to Broadcasting and Television.

[Assented to 4 June 1969]

**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) 1969*. Short title  
and citation.

(2.) The *Broadcasting and Television Act 1942–1968*,\* as amended by the *Broadcasting and Television Act 1969*,† is in this Act referred to as the Principal Act.

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\* 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; and No. 69, 1968.  
† Act No. 21, 1969.

(3.) Section 1 of the *Broadcasting and Television Act* 1969 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* 1942–1969.

Commence-  
ment.

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

Parts.

3. Section 3 of the Principal Act is amended—

(a) by omitting the words and figures—

“ Division 2.—Limitation on Ownership or Control of Commercial Broadcasting Stations (Section 90).”

and inserting in their stead the words and figures—

“ Division 2.—Limitation of Ownership or Control of Commercial Broadcasting Stations (Sections 90–90R).”; and

(b) by inserting after the words and figures—

“ Division 5A.—Television Translator Stations (Sections 105B–105F).”

the words and figures—

“ Division 5B.—Television Repeater Stations (Sections 105G–105L).”.

Interpretation.

4. Section 4 of the Principal Act is amended—

(a) by adding at the end of the definition of “ television station ” in sub-section (1.) the words “ or a television repeater station ”; and

(b) by inserting in sub-section (1.), after the definition of “ television receiver ”, the following definitions:—

“ ‘ television repeater station ’ means a station for the transmission by means of wireless telegraphy of television programmes, being a station of low operating power and designed to transmit only programmes recorded on magnetic tape;

‘ television repeater station licence ’ means a licence for a television repeater station;”.

Grant of  
licences.

5. Section 81 of the Principal Act is amended by inserting in sub-section (1A.), after the words “ licence for ”, the words “ a commercial broadcasting station or for ”.

6. Division 2 of Part IV. of the Principal Act is repealed and the following Division inserted in its stead:—

“ Division 2.—*Limitation of Ownership or Control of Commercial Broadcasting Stations.*

Interpretation.

“ 90.—(1.) In this Division, unless the contrary intention appears—

‘ control ’ includes control as a result of, or by means of, trusts, agreements, arrangements, understandings and practices, whether

or not having legal or equitable force and whether or not based on legal or equitable rights;

‘ licence ’ means a licence for a commercial broadcasting station;

‘ metropolitan commercial broadcasting station ’ means a commercial broadcasting station situated within a radius of thirty miles from the General Post Office in the capital city of a State;

‘ transaction ’ includes—

- (a) the allotment to a person of shares, the payment of calls on shares or the repayment of capital in respect of shares; and
- (b) the disposition, by assignment, declaration of trust or by any other means, of, or of any part of, the beneficial ownership of shares.

“(2.) For the purposes of this Division, a person has a prescribed interest in a licence if he is—

- (a) the holder of the licence;
- (b) in a position to exercise control, either directly or indirectly, of the licence; or
- (c) the holder of shareholding interests in the company holding the licence exceeding in amount fifteen per centum of the total of the amounts paid on all shares in that company.

“(3.) For the purposes of this Division—

- (a) a person has a shareholding interest in a company if he is beneficially entitled to, or is beneficially entitled to an interest in, any shares in the company (whether or not the whole or any part of the legal ownership of the shares is vested in the person); and
- (b) the amount of the shareholding interest is an amount equal to the value of the shares, or of the person’s interest in the shares, as the case requires, on the basis that the value of the shares is equal to the amount paid on the shares.

“(4.) For the purposes of this Division, a person who is beneficially entitled to, or is one of the persons beneficially entitled to, any shares shall be deemed (but not to the exclusion of any other person) to be in a position to exercise control of the voting rights in respect of those shares.

“(5.) The express references in this Division to companies shall not be taken to indicate that references to persons do not include references to companies.

“(6.) For the purposes of this Division, a licence granted by way of renewal of a licence shall be deemed to be a continuation of the first-mentioned licence.

“(7.) A reference in this Division to shares in a company, or in a particular company, shall be read as a reference to shares in, or stock forming part of, the capital of a company, or of the particular company.

“(8.) A reference in this Division to an amount paid on shares in a company shall be read as including a reference to an amount treated by the company as having been so paid.

Companies  
limited by  
guarantee.

“90A.—(1.) In relation to a company limited by guarantee, this Division has effect as if every such company had a share capital and as if every member of such a company, and every person having a beneficial interest in any right or interest of a member of such a company in or in relation to a company, had a shareholding interest in the company of an amount bearing to the total of the amounts paid on all shares in the company the proportion ascertained in accordance with whichever of sub-sections (2.) to (5.), inclusive, of this section is applicable or, if more than one of those sub-sections is applicable, the greatest of the proportions ascertained in accordance with the sub-sections that are so applicable.

“(2.) This sub-section applies in relation to a member of any company limited by guarantee, and the proportion to be ascertained under this sub-section in relation to a member is a proportion equal to the proportion of the property of the company distributable among members of the company to which the member would be entitled in the event of a voluntary winding-up of the company.

“(3.) This sub-section applies in relation to a member of a company limited by guarantee where, under the memorandum and articles of association of the company, any profits of the company are to be, or may be, paid or credited to a member or members otherwise than as dividends on shares, and the proportion to be ascertained under this sub-section in relation to a member is the proportion that the share, or maximum share, of any such profits of the company to which the member is entitled, or could, having regard to the memorandum and articles of association of the company, become entitled, to have paid or credited to him as a member bears to the total of those profits.

“(4.) This sub-section applies in relation to a member of a company limited by guarantee that does not have a fixed capital divided into shares but the undertaking of which is, or purports to be, divided into shares or interests, and the proportion to be ascertained under this sub-section in relation to a member is the proportion of the undertaking of the company that is represented by the shares or interests of the member.

“(5.) This sub-section applies in relation to a person who has a beneficial interest in any right or interest of a member in or in relation to a company limited by guarantee, and the proportion to be ascertained in accordance with this sub-section is the proportion that would be applicable under sub-section (1.) of this section in relation to the person if he was entitled as a member of the company, in lieu of the member concerned, to that right or interest, or so much of that proportion as corresponds with the extent of his beneficial interest, as the case may require.

“(6.) Nothing in this section limits any operation that this Division has, apart from this section, in relation to a company limited by guarantee.

“(7.) In this section, ‘company limited by guarantee’ includes a company limited by both shares and guarantee.

“ 90B.—(1.) For the purposes of this Division, other than section ninety E of this Act, where a person has shareholding interests in a company that has shareholding interests in another company, that person shall be deemed to have shareholding interests in that other company (in addition to any other shareholding interests) of an amount that bears to the amount of the shareholding interests of the first-mentioned company in that other company the same proportion as the amount of the shareholding interests of that person in the first-mentioned company bears to the total of the amounts paid on all shares in the first-mentioned company.

Tracing of shareholding interests through a series of companies.

“ (2.) In ascertaining for the purposes of the application of the last preceding sub-section the extent and amount of the shareholding interests of a company in another company, there shall be taken into account any shareholding interest which that first-mentioned company is to be deemed to have in that other company by any other application or applications of this section.

“ 90C.—(1.) Subject to this section, a person contravenes this section if, and so long as, he has a prescribed interest in the licences for—

Limitation of interests in commercial broadcasting stations.

- (a) more than one metropolitan commercial broadcasting station in any State;
- (b) more than four metropolitan commercial broadcasting stations in Australia;
- (c) more than four commercial broadcasting stations in any one State; or
- (d) more than eight commercial broadcasting stations in Australia.

“ (2.) For the purposes of the last preceding sub-section, the Australian Capital Territory shall be deemed to form part of the State of New South Wales.

“ (3.) Subject to this section and to section ninety Q of this Act, a person who contravenes this section is guilty of an offence against this section punishable, upon conviction, by a fine not exceeding Two thousand dollars and Two hundred dollars for every day on which the contravention continues.

“ (4.) A person shall not be taken to be in contravention of this section in relation to any licences by reason only of either or both of the following:—

- (a) the holding by him of shareholding interests in any of the companies holding the licences, being interests of which he became the holder before the prescribed date, or other circumstances that came into existence before the prescribed date, where the holding of those interests or the existence of those circumstances did not, immediately before the prescribed date, result in a contravention by that person of section ninety of the *Broadcasting and Television Act 1942-1967*; and
- (b) the holding by him of shareholding interests in any of the companies holding the licences, being interests resulting from the allotment or issue, on or after the prescribed date, of shares in a company to a person who, immediately before that date, held

shares in that company, where that person received or receives the shares so allotted or issued in accordance with rights of a kind enjoyed by him in common with other holders of shares of the same class as the shares that were so held.

“(5.) The last preceding sub-section shall not be construed as applying in relation to a person at any time at which that person is the holder of any shareholding interest in the company holding any of the licences concerned of which he became the holder on or after the prescribed date, other than an interest referred to in paragraph (b) of that sub-section, and the operation of this sub-section is not affected by the fact that, on or after the prescribed date and before that person became the holder of that interest, there had been a reduction in the amount of the shareholding interests held by that person in that company.

“(6.) For the purposes of this section, a shareholding interest that came into existence before the prescribed date shall be deemed to have continued as the same interest notwithstanding a variation of the amount of the interest resulting from the payment of calls on shares on or after the prescribed date.

“(7.) In this section, ‘the prescribed date’ means the twenty-fourth day of September, One thousand nine hundred and sixty-eight.

Meaning of  
control of  
licence.

“90D.—(1.) For the purposes of sections ninety and ninety F of this Act, a person shall be deemed to be in a position to exercise control of a licence if—

- (a) that person is the holder of the licence;
- (b) that person is in a position to exercise control of the company that holds the licence; or
- (c) that person is in a position to exercise control of the operations conducted under or by virtue of the licence, the management of the station in respect of which the licence is in force or the selection or provision of the programmes to be broadcast by that station.

“(2.) Paragraph (c) of the last preceding sub-section does not apply to a person in relation to a licence—

- (a) in the case of an advertiser or other person sponsoring a programme or programmes under an agreement made in the ordinary course of business—by reason only of his rights in respect of that programme or those programmes or of the fact that he has, under a contract relating to his sponsorship of that programme or those programmes, rights that are reasonably necessary to ensure to him the full commercial benefit of that sponsorship; or
- (b) in the case of a person carrying on the business of supplying broadcasting programmes—by reason only of his rights under a contract for the supply by him of programmes to be broadcast by the station in respect of which the licence is in force, being rights created *bona fide* in the ordinary course of that business for the purpose only of protecting his commercial interests as a supplier of programmes.

“ 90E.—(1.) For the purposes of this Division, a person who—

Meaning of  
control of a  
company.

- (a) is in a position to exercise control of more than fifteen per centum of the maximum number of votes that could be cast on a poll at, or arising out of, a general meeting of a company, whether he is in such a position as regards all questions that could be submitted to such a poll or as regards one or more only of such questions;
- (b) has shareholding interests in a company, being shareholding interests in respect of shares of a kind carrying voting rights on all questions at general meetings of the company, exceeding in amount fifteen per centum of the total of the amounts paid on all shares in the company of a kind carrying such voting rights; or
- (c) has shareholding interests in a company exceeding in amount fifteen per centum of the total of the amounts paid on all shares in the company,

shall be deemed (but not to the exclusion of any other person) to be in a position to exercise control of that company, of any votes, in respect of another company, of which that company is in a position to exercise control and of all acts and operations of that company.

“(2.) For the purposes of this section, where a person is, or is to be deemed, by any application or applications of this section, to be in a position to exercise control of a company that has a shareholding interest in another company, that person shall be deemed (but not to the exclusion of any other person) to have that shareholding interest.

“(3.) For the purposes of this section—

- (a) in ascertaining the votes, in respect of a company, of which a person is in a position to exercise control, there shall be included any votes in respect of that company of which that person is to be deemed, by any application or applications of this section, to be in a position to exercise control; and
- (b) in ascertaining the shareholding interests of a company in another company, there shall be included any shareholding interest that the first-mentioned company is to be deemed, by any application or applications of this section, to have in that other company.

“ 90F.—(1.) Subject to this section, a person shall not be a director of two or more companies that are, between them, in a position to exercise control of licences for—

Directors.

- (a) more than one metropolitan commercial broadcasting station in any one State;
- (b) more than four metropolitan commercial broadcasting stations in Australia;
- (c) more than four commercial broadcasting stations in any one State; or
- (d) more than eight commercial broadcasting stations in Australia.

Penalty: Two hundred dollars, and Twenty dollars for every day on which the offence continues.

“(2.) For the purposes of the last preceding sub-section, the Australian Capital Territory shall be deemed to form part of the State of New South Wales.

“(3.) Where—

(a) a person has a prescribed interest in the licences for—

- (i) more than one metropolitan commercial broadcasting station in any State;
- (ii) more than four metropolitan commercial broadcasting stations in Australia;
- (iii) more than four commercial broadcasting stations in any one State; or
- (iv) more than eight commercial broadcasting stations in Australia; and

(b) by virtue of sub-section (4.) of section ninety C of this Act, that person is not to be taken to be in contravention of that section in relation to those licences,

this section does not operate to prohibit that person or a person designated by that person for the purposes of this sub-section or, if that person is a company, that company, a person so designated by that company or a director of that company, from being a director of two or more companies by reason only of the fact that those companies are, between them, in a position to exercise control of all or any of those licences.

“(4.) The designation of a person for the purposes of the last preceding sub-section—

- (a) shall be effected by delivering notice in writing of the designation to the Minister;
- (b) may be revoked by delivering notice in writing of revocation of the designation to the Minister; and
- (c) has effect in relation to directorships held by the person designated at the time of the designation as well as in relation to directorships that commence after the designation.

“(5.) Where a person is contravening this section immediately after the commencement of this section by reason of directorships that were held by him immediately before the commencement of this section, that contravention is not an offence unless it continues after the thirty-first day of December, One thousand nine hundred and sixty-nine.

Condition as  
to non-  
resident  
shareholding.

“90G. A licence is subject to a condition that, at all times during the currency of the licence—

- (a) shares representing not less than eighty per centum of the issued capital of the licensee will be beneficially owned by persons each of whom is either a resident of Australia (other than a company) or a company controlled by persons (other than companies) who are residents of Australia; and

- (b) shares representing more than fifteen per centum of the issued capital of the licensee will not be beneficially owned by a person (other than a company) who is not a resident of Australia or by a company controlled, directly or indirectly, by persons who are not residents of Australia.

“ 90H. A licence shall not be granted to a company where the circumstances are such that, upon the grant of that licence to that company, a person would be contravening sections ninety C or ninety F of this Act or the condition specified in the last preceding section would be contravened.

Licence not to be granted in certain circumstances.

“ 90J.—(1.) Subject to this section, this section applies to a person in relation to a transaction (whether or not the person is a party to the transaction) where the transaction is in respect of shares in a company holding a licence, or shares in a company having a shareholding interest in such a company, and, as a result of the transaction—

Changes in ownership of shares, &c.

- (a) that person becomes the holder of shareholding interests in the company holding a licence (including any interests previously held) amounting to a prescribed interest in the licence; or
- (b) that person, being already the holder of shareholding interests in the company holding a licence amounting to a prescribed interest in the licence, becomes the holder of a further shareholding interest, or an increase in the amount or proportion of his shareholding interests, in that company.

“ (2.) Where, on or after the date of commencement of this section, a transaction in relation to which this section applies to a person is proposed or has taken place, that person may apply to the Minister for approval of the transaction in so far as it affects that person, and the Minister may, subject to this section, grant or refuse approval.

“ (3.) Where, on or after the date of commencement of this section, a transaction in relation to which this section applies to a person has taken place and the approval of the Minister to the transaction, in so far as it affects that person, has not been given either before or after the transaction, the Minister may, within three months after the date of the transaction or after the date on which the Minister becomes aware of the facts by reason of which this sub-section is applicable, whichever is the later, by notice in writing served on that person by post or as prescribed, direct that, by a date specified in the notice, that person is to cease to have—

- (a) shareholding interests in the company holding the licence amounting to a prescribed interest in the licence; or
- (b) shareholding interests in that company exceeding in amount or proportion the shareholding interests that that person had in that company immediately before the transaction,

as the case requires.

“(4.) The Minister shall not refuse to grant approval under this section, and shall not give a notice under the last preceding sub-section, unless there has been a report by the Board upon such matters as are determined by the Board to be relevant to the application of this sub-section in relation to the transaction and the Minister, after considering the report of the Board and any recommendation made in that report—

- (a) is of the opinion that the transaction has resulted or would result in a contravention by the person concerned of section ninety c of this Act; or
- (b) considers it necessary to do so in order to maintain such ownership and control, whether direct or indirect, of the company holding the licence as, in his opinion, best accord with the public interest.

“(5.) A person who becomes a party to, or accepts benefits under, a transaction, being a transaction in relation to which this section applies to him, without the approval of the Minister having been given to the transaction in so far as it affects that person, is guilty of an offence against this section.

“(6.) Where a person to whom a notice has been given under sub-section (3.) of this section continues for any period after the date specified in the notice to have shareholding interests in the company referred to in the notice that do not accord with the direction in the notice, that person is guilty of an offence against this section, and the offence shall be deemed to continue on every day of that period.

“(7.) An offence against this section is punishable by a fine not exceeding Two thousand dollars, and Two hundred dollars for every day on which the offence continues.

“(8.) A reference in this section to the proportion of a person's shareholding interests in a company shall be read as a reference to the proportion that the amount of that person's shareholding interests in that company bears to the total of the amounts paid on all shares in that company.

Changes in memorandum or articles of association of licensee.

“90k.—(1.) A licence is subject to a condition that a change in the memorandum or articles of association of the company holding the licence will not take place without the approval of the Minister.

“(2.) A purported change in the memorandum or articles of association of a company holding a licence that is made without the approval of the Minister is void.

“(3.) The Minister shall grant his approval under this section unless he is satisfied that it is desirable in the public interest not to do so for reasons related to the holding of a licence by the company.

“(4.) Sub-sections (1.) and (2.) of this section do not apply in relation to a change in the articles of association of a company for the purpose of complying with the condition specified in the next succeeding section.

“ 90L.—(1.) A licence is subject to a condition that the articles of association of the company holding the licence will at all times contain—

Articles to contain certain provisions.

- (a) provisions under which a person is not eligible to become, or to continue to be, the holder of shares in the company where, by reason of his holding those shares and of any other relevant circumstances—
  - (i) he or some other person would contravene section ninety C of this Act; or
  - (ii) there would be a contravention of the condition specified in section ninety G of this Act;
- (b) provisions under which the company may secure the disposal of shares held by a person to the extent necessary to prevent the continuance of a contravention of the provisions referred to in the last preceding paragraph or of shares held by a person who refuses or fails to furnish a statutory declaration as required under the provisions referred to in paragraph (d) of this sub-section;
- (c) provisions under which a person seeking to become the holder of shares in the company is required to present to the company a statutory declaration made by him or, where the person is a company, made by a competent officer thereof—
  - (i) stating whether the shares will be held by the person beneficially and, if not, who will have beneficial interests in the shares; and
  - (ii) stating whether the person, or any person who will have a beneficial interest in the shares, has a prescribed interest, within the meaning of this Division, in a licence held by any other company, and giving particulars of any such prescribed interest; and
- (d) provisions under which a person holding shares in the company may be required by the company, from time to time, to furnish to the company statutory declarations concerning matters relevant to his eligibility to continue to be the holder of those shares, having regard to the provisions referred to in paragraph (a) of this sub-section.

“(2.) Where the Minister, by writing under his hand, approves any provisions of the articles of association of a company holding or applying for a licence as complying substantially with the requirements of this section, those provisions shall be deemed to comply with those requirements.

“(3.) A licence shall not be granted unless the articles of association of the company concerned will, upon the grant of the licence, comply with the condition specified in sub-section (1.) of this section.

“(4.) A licence is subject to a condition that the company, and the directors and officers of the company, will take reasonable measures to enforce the provisions of the articles containing the provisions referred to in sub-section (1.) of this section.

“(5.) In the case of a company that held a licence at the commencement of this section, the preceding provisions of this section do not apply until the thirty-first day of December, One thousand nine hundred and sixty-nine, or such later date as the Minister approves in relation to that company.

Condition as  
to statutory  
declarations.

“90M. A licence is subject to a condition that the Chairman of Directors of the licensee or another director approved by the Minister, and the person holding or acting in the office of manager of the licensee or the person holding or acting in the office of secretary of the licensee, will make and lodge with the Board, not less than four weeks, and not more than six weeks, before the end of each year of the currency of the licence, statutory declarations, made on the same day, in respect of the period that commenced on the day next following the end of the period in respect of which the last declarations under this section were made (or, in the case of the first declarations under this section in relation to a licence, that commenced on the day on which the licence was granted) and ended on the day next preceding the day on which the declarations are made, stating, in the case of each declarant—

- (a) whether, to the best of his knowledge and belief, there has been, at any time during that period, any contravention of section ninety C of this Act in relation to licences that include that licence and the particulars of any such contravention;
- (b) the name and address of each person, who, to the best of his knowledge and belief, has had, at any time during that period, a prescribed interest in the licence and particulars of every such prescribed interest;
- (c) whether, to the best of his knowledge and belief, the condition specified in section ninety G of this Act has been complied with at all times during that period, and the particulars of any contravention of that condition; and
- (d) what steps he has taken to ascertain the matters referred to in the declaration.

Trusts not  
valid unless  
notified.

“90N.—(1.) For the purpose of facilitating the enforcement of this Division, where a trust is or has been created, by writing (other than a will) or orally, of a share in a company, and that company is the holder of a licence, the trust is not, and shall be deemed not to have been, valid for any purpose after the expiration of a period of three months after the prescribed date unless, before the expiration of that period, notice of the existence and nature of the trust and of the name of the beneficiary was or is given in writing to the company.

“(2.) The prescribed date for the purposes of the last preceding subsection is—

- (a) the thirty-first day of December, One thousand nine hundred and sixty-nine; or
- (b) the date of creation of the trust; or

(c) the date of the grant of the licence,  
whichever is the latest.

“(3.) This section extends to a trust created by a person before that person became or becomes the owner of the share, and in such a case the trust shall, for the purposes of this section, be deemed to be or to have been created at the time at which that person became or becomes the owner of the share.

“(4.) Nothing in this section shall be taken to render valid as against a company a trust of shares in the company that would not have been valid as against the company if this section had not been enacted.

“(5.) A company to which a notice is given for the purposes of this section shall forthwith acknowledge in writing the receipt of the notice.

“90P.—(1.) Where a person is the holder of shares in a company holding a licence or in any other company and it appears to the Board that, by virtue of that shareholding, that person or some other person has a shareholding interest in a company holding a licence, the Board may, by notice in writing served on that person by post or as prescribed, require that person to furnish to the Board, in the manner and within the time specified in the notice, a statutory declaration of that person or, if that person is a company, of the secretary or a director of that company, stating whether that person is the beneficial owner of the shares, and, if not, who is the beneficial owner of the shares.

Board may  
require  
declarations  
as to beneficial  
ownership.

“(2.) A person on whom a notice is served under this section shall comply with the requirement of the notice.

“90Q. It is a defence to a prosecution for a contravention of section ninety C or ninety F of this Act if the defendant satisfies the court that—

Defences.

- (a) the contravention arose by reason of circumstances beyond his control or through inadvertence; and
- (b) as soon as practicable after becoming aware of the contravention, he took all reasonable steps with a view to causing the contravention to cease.

“90R.—(1.) An offence against a provision of this Division may be prosecuted at any time.

Prosecutions.

“(2.) The fact that a person has been convicted of an offence against a provision of this Division does not prevent a further prosecution and conviction in respect of a continuation of the offence after the date on which he was so convicted.

“(3.) A prosecution for an offence against a provision of this Division shall be brought only in the Commonwealth Industrial Court.

“(4.) Jurisdiction is conferred on the Commonwealth Industrial Court to hear and determine prosecutions so brought.

“(5.) The jurisdiction of the Commonwealth Industrial Court under this section may be exercised by a single Judge.

“(6.) Proceedings in the Commonwealth Industrial Court in accordance with this section—

- (a) may be instituted by summons upon information; and
- (b) shall not be instituted except with the consent in writing of the Attorney-General or of a person authorized by the Attorney-General, by writing under his hand, to give such consents.”.

7. After section 91 of the Principal Act the following section is inserted:—

Companies  
limited by  
guarantee.

“91AA.—(1.) In relation to a company limited by guarantee, this Division has effect as if every such company had a share capital and as if every member of such a company, and every person having a beneficial interest in any right or interest of a member of such a company in or in relation to a company, had a shareholding interest in the company of an amount bearing to the total of the amounts paid on all shares in the company the proportion ascertained in accordance with whichever of sub-sections (2.) to (5.), inclusive, of this section is applicable or, if more than one of those sub-sections is applicable, the greatest of the proportions ascertained in accordance with the sub-sections that are so applicable.

“(2.) This sub-section applies in relation to a member of any company limited by guarantee, and the proportion to be ascertained under this sub-section in relation to a member is a proportion equal to the proportion of the property of the company distributable among members of the company to which the member would be entitled in the event of a voluntary winding-up of the company.

“(3.) This sub-section applies in relation to a member of a company limited by guarantee where, under the memorandum and articles of association of the company, any profits of the company are to be, or may be, paid or credited to a member or members otherwise than as dividends on shares, and the proportion to be ascertained under this sub-section in relation to a member is the proportion that the share, or maximum share, of any such profits of the company to which the member is entitled, or could, having regard to the memorandum and articles of association of the company, become entitled, to have paid or credited to him as a member bears to the total of those profits.

“(4.) This sub-section applies in relation to a member of a company limited by guarantee that does not have a fixed capital divided into shares but the undertaking of which is, or purports to be, divided into shares or interests, and the proportion to be ascertained under this sub-section in relation to a member is the proportion of the undertaking of the company that is represented by the shares or interests of the member.

“(5.) This sub-section applies in relation to a person who has a beneficial interest in any right or interest of a member in or in relation to a company limited by guarantee, and the proportion to be ascertained in accordance with this sub-section is the proportion that would be applicable

under sub-section (1.) of this section in relation to the person if he was entitled as a member of the company, in lieu of the member concerned, to that right or interest, or so much of that proportion as corresponds with the extent of his beneficial interest, as the case may require.

“(6.) Nothing in this section limits any operation that this Division has, apart from this section, in relation to a company limited by guarantee.

“(7.) In this section, ‘company limited by guarantee’ includes a company limited by both shares and guarantee.”.

8. Section 92B of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the words “the company holding the licence” and inserting in their stead the words “a company”;
- (b) by inserting in sub-section (2.), after the word “is”, the words “, or is to be deemed, by any application or applications of this section, to be ”; and
- (c) by omitting from paragraph (a) of sub-section (3.) the words “shares in ” (twice occurring).

Meaning of control of a company.

9. Section 92JA of the Principal Act is amended by inserting in sub-section (1.), after the word “licence” (first occurring), the word “or”.

Board may require declarations as to beneficial ownership.

10. After Division 5A of Part IV. of the Principal Act the following Division is inserted:—

“*Division 5B.—Television Repeater Stations.*

“105G.—(1.) The Minister may, after receipt of a recommendation by the Board and upon payment of the prescribed fee, grant to a person a licence for a television repeater station upon such conditions, and in accordance with such form, as the Minister determines.

Grant of television repeater station licences.

“(2.) The Board shall not recommend that a licence be granted for a television repeater station if, in the opinion of the Board, satisfactory reception of television programmes from a television station or a television translator station is being obtained in the area in which the signals from that television repeater station are designed to be satisfactorily received.

“(3.) The conditions upon which a licence for a television repeater station is granted may include conditions as to the televising of advertisements.

“(4.) The establishment, erection, maintenance and use of a television repeater station in pursuance of a licence under this section shall be deemed not to be a contravention of the *Wireless Telegraphy Act 1905-1967* or the regulations under that Act.

“105H. Subject to this Act, a television repeater station licence continues in force—

Duration of licences.

- (a) in the case of a licence granted otherwise than by way of the renewal of a licence—for such period (not exceeding five years) as is specified in the licence; and

- (b) in the case of a licence granted by way of the renewal of a licence—  
for a period of one year commencing on the day after the date of  
expiration of the last previous licence in respect of the station.

Revocation  
and suspension  
of licences.

“ 105J.—(1.) The Minister may, by notice in writing to the holder of a television repeater station licence, suspend or revoke the licence where he is satisfied that any of the following grounds exists, namely:—

- (a) that the area in which the signals from the station are designed to be satisfactorily received is an area in which satisfactory reception of television programmes from a television station or a television translator station is being obtained;
- (b) that the holder of the licence has failed to comply with a provision of this Act or of the regulations insofar as that provision is applicable to the licence; or
- (c) that a condition of the licence has not been complied with.

“(2.) The suspension of a licence shall be for a specified period not exceeding seven days.

Transfer of  
licences.

“ 105K. The holder of a television repeater station licence may, with the consent in writing of the Minister, but without that consent shall not, transfer the licence.

Application  
of this Act in  
relation to  
television  
repeater  
stations.

“ 105L. The provisions of Division 4 of this Part and of section ninety-nine, sections one hundred and seven to one hundred and twelve (inclusive), sections one hundred and sixteen to one hundred and eighteen (inclusive) and section one hundred and twenty-one of this Act apply in relation to a television repeater station and the holder of a television repeater station licence as they apply in relation to a commercial television station and the holder of a licence for a commercial television station.”.

11. After section 113 of the Principal Act the following section is inserted:—

Commission  
may make  
programmes  
available to  
television  
repeater  
stations.

“ 113A. The Commission may make available to a television repeater station, on such terms and conditions as are agreed upon between the Commission and the holder of the television repeater station licence, such programmes of the Commission as the Commission thinks fit.”.

Broadcasting  
and televising  
of political  
matter or  
controversial  
matter.

12. Section 116 of the Principal Act is amended—

- (a) by omitting from sub-section (4.) the words “ The Commission ” and inserting in their stead the words “ Subject to the next succeeding sub-section, the Commission ”; and
- (b) by inserting after sub-section (4.) the following sub-section:—
  - “(4A.) Where, in respect of—
    - (a) an election of a member of the House of Representatives that is not a general election; or
    - (b) an election of a member or members of a House of the Parliament of a State,

the Board is of the opinion that programmes broadcast from a particular broadcasting station or televised from a particular television station are not ordinarily received in the part of the Commonwealth to which the election relates, the Board may, by notice in writing served on or sent by post to the Commission or the licensee of the station, as the case requires, exempt the Commission or the licensee, as the case requires, from compliance with the last preceding sub-section in respect of the broadcasting or televising from that station of election matter relating to that election.”.

**13.** Section 120 of the Principal Act is amended by omitting the words “or a television station” and inserting in their stead the words “, a television station, a television translator station or a television repeater station ”.

Publication of text of item transmitted by broadcasting or televising.

**14.** Section 124 of the Principal Act is amended by inserting after the words “ television station ” the words “ (including a television translator station or a television repeater station) ”.

Defamatory broadcast or televised statements.

**15.** Section 129 of the Principal Act is amended by inserting in sub-section (2.), after the words “ television translator station licence,” the words “ a television repeater station licence,”.

Licences subject to Act.

**16.** Section 130 of the Principal Act is amended by inserting after the words “ television translator station licence ” the words “ or a television repeater station licence ”.

Certain licences not to be issued under Wireless Telegraphy Act.

**17.** Section 131 of the Principal Act is amended by inserting after the words “ television stations ” the words “ (including television translator stations and television repeater stations) ”.

Control of broadcasting and television in case of emergency.

**18.** Section 132 of the Principal Act is amended by inserting in sub-section (1A.), after the words “ television translator station licence,” the words “ a television repeater station licence,”.

Trial of offences.

**19.** For the purposes of Division 3 of Part IV. of the Principal Act, as amended by this Act, a person shall not be taken to have a prescribed interest in a licence, or to be in a position to exercise control of a licence, by reason only of facts and circumstances that existed on the nineteenth day of March, One thousand nine hundred and sixty-nine, if, for the purposes of Division 3 of Part IV. of the *Broadcasting and Television Act* 1942–1968, that person did not have a prescribed interest in that licence, or was not in a position to exercise control of that licence, as the case may be, on that date.

Saving.