

Broadcasting and Television (No. 2)

No. 72 of 1971

An Act relating to Licences for Broadcast and Television
Receivers.

[Assented to 30 September 1971]

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

Short title
and citation.

1.—(1.) This Act may be cited as the *Broadcasting and Television Act (No. 2) 1971*.

(2.) The *Broadcasting and Television Act 1942–1969*,* as amended by the *Broadcasting and Television Act 1971*,† is in this Act referred to as the Principal Act.

* 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; and Nos. 21 and 31, 1969.

† Act No. 8, 1971.

(3.) Section 1 of the *Broadcasting and Television Act* 1971 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* 1942–1971.

2. This Act shall come into operation on the first day of October, One thousand nine hundred and seventy-one. Commencement.

3. Section 126B of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words “ or a lodging house licence in respect of a television receiver ” and inserting in their stead the words “ , a lodging house licence in respect of a television receiver or a combined lodging house licence ”; Lodging house licences.
- (b) by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“ (2.) Except as prescribed, the keeper of a lodging house shall not cause, suffer or permit a receiver (other than a receiver provided by a lodger or tenant for his own use) to be in any room or part of the lodging house occupied, or available for occupation, by lodgers or tenants unless—

(a) if the receiver is a television receiver, a current lodging house licence in respect of a television receiver or a current combined lodging house licence is attached in a prescribed manner to that receiver; or

(b) if the receiver is a broadcast receiver—

(i) a current lodging house licence in respect of a broadcast receiver is attached in a prescribed manner to that receiver; or

(ii) a current combined lodging house licence is attached in a prescribed manner to a television receiver that is in the same room as that broadcast receiver.”;

(c) by inserting in sub-section (3.), after the word “ manner ”, the words “ or a broadcast receiver that is in the same room as a television receiver to which a current combined lodging house licence is attached in a prescribed manner ”; and

(d) by inserting in sub-sections (5.), (6.) and (7.), after the words “ lodging house licence ” (wherever occurring), the words “ or combined lodging house licence ”.

4. Section 126D of the Principal Act is amended by omitting from sub-section (2.) the words “ or a lodging house licence ” and inserting in their stead the words “ , a lodging house licence or a combined lodging house licence ”. Grant of licence from past date not to affect liability for offence.

5. Section 128 of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the words “ Six dollars fifty cents ” and inserting in their stead the words “ Eight dollars ”; Licence fees.

- (b) by omitting from paragraph (b) of sub-section (1.) the words "Three dollars thirty cents" and inserting in their stead the words "Four dollars twenty-five cents";
- (c) by omitting from sub-section (1A.) the words "Fourteen dollars" and inserting in their stead the words "Nineteen dollars";
- (d) by omitting sub-section (1B.) and inserting in its stead the following sub-section:—

"(1B.) Subject to this section, the fee payable for a combined receiving licence or a combined lodging house licence or a renewal of any such licence is Twenty-six dollars fifty cents."; and

- (e) by inserting after sub-section (1D.) the following sub-sections:—

"(1E.) Where—

- (a) a combined lodging house licence is granted to a person;
- (b) the person is the holder of a lodging house licence granted for a period that ends after the commencement of the period for which the combined lodging house licence is granted; and
- (c) the person surrenders the lodging house licence to an officer of the Postmaster-General's Department,

the fee payable under sub-section (1B.) of this section shall be reduced by an amount that bears to the fee paid for the lodging house licence the same proportion as the number of months (treating a part of a month as a month) in the unexpired period of the other licence, calculated as from the commencement of the period for which the combined lodging house licence is granted, bears to twelve.

"(1F.) Where a lodging house licence is surrendered under the last preceding sub-section on the grant of a combined lodging house licence, the lodging house licence ceases to have effect as from the commencement of the period for which the combined lodging house licence is granted.".

Refund of fees
on surrender
of licences.

6. Section 128A of the Principal Act is amended by omitting from sub-section (2.) the words "or a lodging house licence" and inserting in their stead the words ", a lodging house licence or a combined lodging house licence".

Licences
subject to Act.

7. Section 129 of the Principal Act is amended by omitting from sub-section (2.) the words "and a lodging house licence" and inserting in their stead the words ", a lodging house licence and a combined lodging house licence".

Amendment of
Regulations.

8.—(1.) The Broadcasting and Television Regulations are amended as set out in the Schedule to this Act.

(2.) Nothing in this section prevents the amendment or repeal by a regulation under the *Broadcasting and Television Act 1942-1971* of the Broadcasting and Television Regulations as amended by this section.

THE SCHEDULE

Section 8 (1.).

AMENDMENTS OF THE BROADCASTING AND TELEVISION REGULATIONS

1. Regulation 3 of the Broadcasting and Television Regulations is amended—
 - (a) by inserting after the definition of “broadcast listener’s licence” in sub-regulation (1.) the following definition:—

“‘combined lodging house licence’ means a combined lodging house licence granted under section 126B of the Act;” and
 - (b) by omitting from the definition of “licence” in sub-regulation (1.) the words “or a lodging house licence” and inserting in their stead the words “, a lodging house licence or a combined lodging house licence”.

Interpretation.
 2. Regulation 12 of the Broadcasting and Television Regulations is amended—
 - (a) by omitting from paragraph (a) of sub-regulation (2.) the words “Six dollars fifty cents” and inserting in their stead the words “Eight dollars”;
 - (b) by omitting from paragraph (b) of sub-regulation (2.) the words “Three dollars thirty cents” and inserting in their stead the words “Four dollars twenty-five cents”; and
 - (c) by omitting from sub-regulation (3.) the words “Fourteen dollars” and inserting in their stead the words “Nineteen dollars”.

Fees for hirer’s licences.
 3. Regulation 14 of the Broadcasting and Television Regulations is amended by omitting from sub-regulation (1.) the words “to a receiver a hirer’s licence in respect of the receiver or a lodging house licence in respect of the receiver, as the case may be,” and inserting in their stead the words “a licence to a receiver”.

Manner of attaching licences and manner of making receivers.
 4. Regulation 17 of the Broadcasting and Television Regulations is amended by inserting in paragraph (b) of sub-regulation (5.), after the word “licence”, the words “, or a current combined lodging house licence,”.

Ante-dating of licences.
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