

34.—(1.) Every person who, at the date on which the Canberra University College is incorporated in the University in pursuance of section nine of this Act, holds any salaried office or employment in the Canberra University College, and has not attained the age of sixty-five years, shall be entitled to be appointed to an office or to be employed in the University on terms and conditions (including terms and conditions as to remuneration and duration of appointment, but not including terms and conditions prescribing the title, duties or status of the office or employment) not less favourable than those upon which he so holds that office or employment :

Persons holding office in Canberra University College.

Provided that this sub-section shall not apply to or in relation to any employment as a part-time lecturer, or any remuneration in respect of a part-time lectureship.

(2.) A person to whom the last preceding sub-section applies shall not have any right to damages or compensation in respect of the termination, in consequence of the coming into operation of this Act, of his tenure of any office or employment in the Canberra University College.

## OVERSEAS TELECOMMUNICATIONS.

### No. 23 of 1946.

An Act to provide for the Establishment and Operation of Overseas Telegraphic, Telephonic and other like Services by the Commonwealth, and for other purposes.

[Assented to 7th August, 1946.]

**W**HEREAS, at a Commonwealth Telecommunications Conference of representatives of the Governments of the United Kingdom, Australia, Canada, New Zealand, South Africa, India and Southern Rhodesia (in this Act referred to as the Partner Governments), held in London in July and August, One thousand nine hundred and forty-five, recommendations were made for the adoption of certain measures for promoting and co-ordinating the efficiency and development of the telecommunications services of the British Commonwealth and Empire :

Preamble.

AND WHEREAS the Partner Governments have adopted those recommendations and, in order to give effect to them, propose to enter into an Agreement, in the form set forth in the First Schedule to this Act :

AND WHEREAS it is desirable that the execution by or on behalf of the Commonwealth of an Agreement in that form be authorized :

AND WHEREAS it is necessary and desirable for the purposes of the Agreement so proposed to be entered into that the Commonwealth should acquire the ownership of the overseas telecommunications assets and services situated or conducted in the Commonwealth or

the Territories of the Commonwealth (except cable-heads and other assets which the Government of the Commonwealth agrees with the Government of the United Kingdom to exclude) and arrange for their operation, control and management as national undertakings :

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

PART I.—PRELIMINARY.

- Short title. 1. This Act may be cited as the *Overseas Telecommunications Act 1946*.
- Commencement. 2. The several Parts, Divisions and sections of this Act shall come into operation on such dates as are respectively fixed by Proclamation.
- Repeal. 3. The *Wireless Agreement Act 1924* and the *Wireless Agreement Act 1927* are hereby repealed.
- Parts. 4. This Act is divided into Parts, as follows :—  
 Part I.—Preliminary.  
 Part II.—The Overseas Telecommunications Services.  
 Division 1.—Establishment and Constitution of the Overseas Telecommunications Commission (Australia).  
 Division 2.—The Service of the Commission.  
 Division 3.—Powers, Functions and Duties of the Commission.  
 Division 4.—Finances of the Commission.  
 Division 5.—Reports.  
 Part III.—Compulsory Acquisition of Property and Termination of certain Agreements and Licences.  
 Part IV.—Compensation.  
 Part V.—Miscellaneous.
- Definitions. 5. In this Act, unless the contrary intention appears—  
 “ Acting Commissioner ” means a person appointed to perform the functions of a Commissioner during the illness or absence of a Commissioner ;  
 “ Australia ” includes the Territories of the Commonwealth and the territorial waters of the Commonwealth and of any such territory ;  
 “ cable-heads ” means the shore ends of submarine cables and the huts in which they are housed but does not include operating and other cable terminal equipment situated in Australia ;  
 “ Chairman ” means Chairman of the Commission and includes a Commissioner or person appointed to act as Chairman ;  
 “ Commissioner ” means member of the Commission and includes an Acting Commissioner ;  
 “ officer ” means officer of the Commission ;

“overseas messages” means messages received from, or intended for transmission to—

- (a) a ship;
- (b) a place outside Australia; or
- (c) commercial or private aircraft (other than aircraft trading or operating exclusively within Australia);

“overseas telecommunication services” means the services specified in paragraphs (a), (c) and (d) of section thirty-four of this Act;

“public communication” means any telecommunication which offices and stations, by virtue of their availability to the public, must accept for transmission;

“radiocommunication” means any telegraphic or telephonic communication of signs, signals, writing, facsimiles and sounds of any kind by the radiation of electromagnetic waves;

“Supplementary Agreement” means an Agreement in the form set forth in the Second Schedule to this Act;

“telecommunications” means telegraphic or telephonic communications of signs, signals, writing, facsimiles and sounds of any kind, by electromagnetic waves or other systems or processes of electric transmission;

“the Agreement” means an Agreement in the form set forth in the First Schedule to this Act;

“the Commission” means the Overseas Telecommunications Commission (Australia) established under this Act;

“the Company” means Amalgamated Wireless (Australasia) Limited;

“this Act” includes the regulations made under this Act.

6. This Act shall extend to all Territories of the Commonwealth.

Extension  
of Act to  
Territories.

## PART II.—THE OVERSEAS TELECOMMUNICATIONS SERVICES.

### Division 1.—Establishment and Constitution of the Overseas Telecommunications Commission (Australia).

7. The execution by or on behalf of the Commonwealth of the Agreement and of the Supplementary Agreement is hereby authorized.

Execution of  
Agreement  
authorized.

8.—(1.) For the purposes of this Act, there shall be a Commission to be known as the Overseas Telecommunications Commission (Australia) which, for those purposes and subject to the provisions of this Act, shall have and may exercise the rights, powers, authorities and functions conferred, and shall be charged with and perform the duties and obligations imposed, upon it by this Act.

Overseas Tele-  
communications  
Commission  
(Australia).

(2.) The Commission shall be a body corporate with perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued in its corporate name.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Commission affixed to any document or notice and shall presume that it was duly affixed.

(4.) The Head Office of the Commission shall be established at such place as the Minister, on the recommendation of the Commission, appoints.

(5.) The performance of the duties, or the exercise of the powers and functions, of the Commission, shall not be affected by reason only of there being a vacancy in the office of a member of the Commission.

**Composition of Commission.**

**9.**—(1.) The Commission shall consist of five Commissioners.

(2.) One of the Commissioners shall be appointed to be Chairman and one shall be appointed to be Vice-Chairman of the Commission.

(3.) The Commissioners shall be appointed by the Governor-General.

**Term of office of Commissioners.**

**10.**—(1.) Subject to this Act, the period for which the Commissioners first appointed under this Act shall hold office shall be, in the case of the Chairman, five years, in the case of the Vice-Chairman, four years, and in the case of the remaining Commissioners, four years, three years and two years respectively.

(2.) After the appointment of the five Commissioners first appointed under this Act, each further appointment shall be for a period of three years.

(3.) In the event of a Commissioner ceasing to hold office prior to the termination of the period of his appointment, another Commissioner may be appointed in his place for the remainder of that period.

(4.) Each person who is appointed a Commissioner shall, upon the expiration of the term for which he was appointed, be eligible for re-appointment.

**Remuneration of Commissioners.**

**11.**—(1.) The remuneration of the Commissioners shall be—

- (a) in the case of the Chairman—at such rate per annum as the Governor-General approves ;
- (b) in the case of the Vice-Chairman—at the rate of Five hundred pounds per annum ; and
- (c) in the case of each other Commissioner—at the rate of Four hundred pounds per annum.

(2.) The Commissioners shall receive travelling and other allowances at such rates as the Governor-General determines.

**Absence of Chairman.**

**12.**—(1.) In case of the absence (whether through illness or otherwise) of the Chairman, the Vice-Chairman, if present, shall act as Chairman.

(2.) In case of the absence (whether through illness or otherwise) of both the Chairman and the Vice-Chairman, the Commissioners present may appoint one of their number to act as Chairman :

Provided that the Governor-General may, if he thinks fit, appoint a person to act as Chairman for such period as the Governor-General specifies.

(3.) If the Governor-General appoints a person to act as Chairman, the appointment shall be at such remuneration as is determined by the Governor-General, not exceeding the remuneration fixed, in the case of the Chairman, in pursuance of section eleven of this Act.

**13.**—(1.) In case of the absence (whether through illness or otherwise) of any other Commissioner, the Governor-General may, if he thinks fit, appoint a person to perform the functions of the Commissioner during that absence. Illness or absence of Commissioners.

(2.) The remuneration of any person so appointed shall be determined by the Governor-General, but shall not exceed the remuneration fixed by paragraph (c) of sub-section (1.) of section eleven of this Act.

**14.** The Governor-General may grant leave of absence to any Commissioner upon such conditions as to remuneration or otherwise as the Governor-General thinks fit. Determination of conditions of leave of absence of Commissioners.

**15.**—(1.) The Governor-General may terminate the appointment of a Commissioner or an Acting Commissioner for inability, inefficiency or misbehaviour. Dismissal and vacation of office.

(2.) A Commissioner shall be deemed to have vacated his office—

(a) if his appointment is terminated by the Governor-General in pursuance of this Act ;

(b) if he becomes bankrupt or compounds with his creditors or makes any assignment of his remuneration for their benefit or takes advantage of any provision of any Act relating to bankruptcy ;

(c) if he becomes of unsound mind ;

(d) if he resigns his office by writing under his hand addressed to the Governor-General and the resignation is accepted by the Governor-General ;

(e) if he absents himself (except with leave granted by the Governor-General) from three consecutive meetings of the Commission ; or

(f) if he, in any way, otherwise than as a member, and in common with the other members, of an incorporated company consisting of more than twenty-five persons—

(i) becomes concerned or interested in any contract or agreement entered into by or on behalf of the Commission ; or

(ii) participates, or claims to participate, in the profit of any such contract or agreement or in any benefit or emolument arising from the contract or agreement.

(3.) A Commissioner shall not be deemed—

- (a) to become concerned or interested in any contract or agreement specified in paragraph (f) of the last preceding sub-section; or
- (b) to participate, or claim to participate, in the profit of, or in any benefit or emolument arising from, any such contract or agreement,

by reason only of his entering into, or obtaining any benefit arising from, a contract or agreement between the Commission and himself for the provision by the Commission of any communication service for himself or any person.

**Meetings of  
Commission.**

16.—(1.) The Commission shall hold such meetings as, in the opinion of the Chairman or at least three other Commissioners, are necessary for the efficient conduct of its affairs.

(2.) At meetings of the Commission three Commissioners shall form a quorum, and the Chairman shall have a deliberative vote, and, in the event of an equality of votes, a second or casting vote.

(3.) Any question arising at any meeting of the Commission shall be determined by a majority of the votes of the Commissioners present.

(4.) The general manager shall, as far as practicable, attend all meetings of the Commission :

Provided that, if the Commission so directs, he shall temporarily retire from any meeting.

**Delegation of  
powers by  
Commission.**

17.—(1.) The Commission may in relation to any particular matters or class of matters or to any particular part of Australia, by writing under its seal, delegate to any officer or employee or other prescribed person all or any of its powers under this Act (except this power of delegation), so that the delegated powers may be exercised by him with respect to the matters or class of matters or the part of Australia specified in the instrument of delegation.

(2.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Commission.

*Division 2.—The Service of the Commission.*

**Appointment  
of officers.**

18.—(1.) The Commission shall appoint a general manager, who shall be the chief executive officer of the Commission, and it may appoint such other officers as it thinks necessary.

(2.) The officers of the Commission shall constitute the Service of the Commission.

(3.) A person shall not be admitted to the Service of the Commission unless—

- (a) he is a natural-born or naturalized British subject ;
- (b) the Commission is satisfied, upon such medical examination as is prescribed, as to his health and physical fitness ; and
- (c) he makes and subscribes an oath or affirmation of allegiance in accordance with the prescribed form,

and shall not be appointed to an office in that Service unless he has in open competition successfully passed the prescribed entrance examination :

Provided that the Commission may appoint, to such positions or positions of such classes as are prescribed, persons who do not possess all the qualifications specified in this sub-section.

(4.) Appointments to positions which are open only to persons who have passed the prescribed entrance examination shall be made in order of merit of their passing that examination.

(5.) Adequate notice and particulars of the prescribed entrance examination shall be given by the Commission, to the public, by advertisement in the *Gazette* and daily newspapers.

(6.) The rate of salary payable to the general manager shall be subject to the approval of the Governor-General.

(7.) The rate of salary payable to any other officer shall, if it exceeds the rate of Fifteen hundred pounds per annum, be subject to the approval of the Minister.

(8.) Officers appointed by the Commission shall, subject to this Division, be subject to such terms and conditions of employment as are determined by the Commission.

(9.) Nothing in the last preceding sub-section shall affect the operation of—

(a) any award made by the Commonwealth Court of Conciliation and Arbitration prior to the commencement of this section in its application to such employees of the Company or of Cable and Wireless Limited as are appointed to positions in the service of the Commission under sub-section (11.) or (12.) of this section ; or

(b) any agreement filed prior to the commencement of this section under section twenty-four of the *Commonwealth Conciliation and Arbitration Act 1904-1946* in its application to the employees referred to in the last preceding paragraph.

(10.) Where an officer appointed in pursuance of this section was, immediately prior to his appointment, an officer of the Public Service of the Commonwealth, his service as an officer of the Commission shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth and the *Officers' Rights Declaration Act 1928-1940* shall apply as if this Act and this section had been specified in the Schedule to that Act.

(11.) Notwithstanding anything contained in this section, every employee of the Company who, in pursuance of the Agreements between the Commonwealth and the Company, dated respectively the twenty-eighth day of March, One thousand nine hundred and twenty-two, the twentieth day of August, One thousand nine hundred and twenty-four, and the fifteenth day of November, One thousand

nine hundred and twenty-seven, was taken over from the Commonwealth by the Company and is at the date of acquisition by the Commission of the radiocommunication assets specified in sub-section (1.) of section thirty-seven of this Act exclusively or mainly engaged in Australia in or in connexion with radiocommunication services shall be entitled to appointment to a position in the service of the Commission of such status and salary, having regard to the period of service of that employee, as the Commission in the circumstances thinks just, and shall preserve any pension, superannuation, retiring allowance or furlough rights which would have accrued to him if his service in the Commission had been a continuance of his service with the Company.

(12.) Notwithstanding anything contained in this section, any other employee of the Company or any employee of Cable and Wireless Limited who, at the date of acquisition by the Commission of the telecommunication assets referred to respectively in sub-sections (1.) and (2.) of section thirty-seven of this Act, is exclusively or mainly engaged in Australia in or in connexion with telecommunication services and for whom the Commission can find suitable employment shall be entitled to a position in the service of the Commission with such status and salary and under such conditions (subject to this Division) as the Commission thinks just :

Provided that, in determining the conditions as to the employment of any such employee, the Commission shall take into consideration any pension, superannuation, retiring allowance or furlough rights accruing to him in respect of his service with whichever Company he was previously employed and shall, subject to the approval of the Treasurer of the Commonwealth, make such allowance for those rights as, in the view of the Commission, is just.

Creation,  
abolition and  
reclassification  
of positions.

**19.**—(1.) The Commission may, from time to time, create any position in the Service of the Commission and may abolish any such position.

(2.) The Commission may, from time to time, reclassify any position in the Service of the Commission by raising or lowering the salary, or the range of salary, applicable to the position.

(3.) Whenever any position is reclassified the position shall be deemed to be vacant.

Filling of  
vacant  
positions.

**20.** The Commission may transfer or promote an officer to fill a vacant position in the Service of the Commission.

Selection of  
officers for  
promotion.

**21.**—(1.) In the selection of an officer for promotion to a vacant position, consideration shall be given first to the relative efficiency of the officers available for promotion and, in the event of equality of efficiency of two or more officers, then to the relative seniority of those officers.



(2.) For the purposes of this section—

- (a) “efficiency” means special qualifications and aptitude for the discharge of the duties of the position to be filled, together with merit, diligence and good conduct, and, in the case of an officer who has at any time been engaged on war service, includes such efficiency as, in the opinion of the Commission, the officer would have attained but for his absence on war service; and
- (b) the seniority of officers shall be determined as prescribed.

**22.**—(1.) The promotion of an officer to a vacant position shall be provisional and without increased salary pending confirmation of the promotion, and shall be notified in the prescribed manner, and shall be subject to appeal as provided by this section. Appeals against promotions.

(2.) Any officer who considers that he should have been promoted to a vacant position in preference to the officer provisionally promoted, may appeal to the Promotions Appeal Board on the ground of superior efficiency or equal efficiency and seniority.

(3.) The regulations may prescribe the manner in which, and the time within which, appeals may be made under this section.

(4.) Upon any such appeal being made, the Promotions Appeal Board shall make full inquiry into the claims of the appellant and those of the officer provisionally promoted and shall determine the appeal.

(5.) Where the appeal is upheld the appellant shall be promoted to the vacant position and the provisional promotion shall be cancelled.

(6.) Where the appeal is disallowed, or where no appeal is lodged within the prescribed time, the provisional promotion shall be confirmed.

(7.) Notwithstanding anything contained in this section, the Commission may, at any time after notification has been made of a provisional promotion to a vacant position, and before the promotion has been confirmed, cancel the provisional promotion if the Commission is satisfied that the position is unnecessary or can be filled by the transfer of another officer, or that in the circumstances notification or further notification of the vacant position is desirable.

(8.) The powers of the Commission under the last preceding sub-section may be exercised whether an appeal has been made or not.

**23.**—(1.) For the purposes of this Division, there shall be an Overseas Telecommunications Commission Promotions Appeal Board (in this Act referred to as “the Promotions Appeal Board”). Promotions Appeal Board.

(2.) The Promotions Appeal Board shall consist of—

- (a) a Chairman, who shall be appointed by the Governor-General and shall hold office on such terms and conditions as the Governor-General determines;
- (b) an officer appointed by the Commission; and

(c) an officer elected by the officers of the Commission in the prescribed manner (in this section referred to as the "officers' representative").

(3.) The officers' representative shall hold office for such period as is prescribed but shall be eligible for re-election.

(4.) The officers of the Commission may, in the prescribed manner, elect a deputy of the officers' representative and the deputy so elected shall hold office for such period as is prescribed but shall be eligible for re-election.

(5.) A deputy so elected may, in the event of there being a vacancy in the office of officers' representative, or in the event of the absence of the officers' representative (whether in pursuance of a direction given under the next succeeding sub-section, or through illness or otherwise), attend and vote at meetings of the Promotions Appeal Board, and, when so attending and voting at a meeting, shall, for the purposes of sub-section (7.) of this section, be deemed to be a member of the Promotions Appeal Board in lieu of the officers' representative.

(6.) Where the Chairman of the Promotions Appeal Board is of opinion that the officers' representative is personally interested in, or affected by, any question to be considered at a meeting of the Promotions Appeal Board, the Chairman may direct that the officers' representative shall absent himself from that meeting while that question is considered and decided.

(7.) Where, at any meeting of the Promotions Appeal Board, the members are divided in opinion on any question, that question shall be decided according to the decision of the majority.

**Term of office.**

**24.**—(1.) Every officer who has attained the age of sixty years (or, in the case of a female officer, fifty-five years) shall be entitled to retire from the Service of the Commission if the officer desires to do so, but any such officer may, subject to this Division, continue in the Service of the Commission until the officer attains the age of sixty-five years (or, in the case of a female officer, sixty years).

(2.) If any officer continues in the Service of the Commission after the officer has attained the age of sixty years (or, in the case of a female officer, fifty-five years), the officer may at any time before attaining the age of sixty-five years (or, in the case of a female officer, sixty years) be retired by the Commission from the Service of the Commission.

(3.) Every officer shall, on attaining the age of sixty-five years (or, in the case of a female officer, sixty years), be retired by the Commission from the Service of the Commission.

**Excess officers.**

**25.**—(1.) If at any time the Commission finds that a greater number of officers is employed than is necessary for efficient working, any officer whom the Commission finds is in excess may be transferred to such other position of equal classification as the officer is competent to fill, and, if no such position is available, the officer may be transferred to a position of lower classification.

(2.) If no position is available for the officer, the Commission may retire him from the Service of the Commission.

(3.) An officer shall not be retired from the Service of the Commission under this section unless he has been given one month's notice or is paid salary in lieu of notice.

**26.**—(1.) A married woman shall not be appointed to the Service of the Commission except in special cases. Employment of married women.

(2.) Every female officer shall cease to be an officer on her marriage unless the Commission is satisfied that there are special circumstances which make it desirable that she should continue in the Service of the Commission.

**27.** Unless the Commission, in any particular case, otherwise directs, the appointment of every officer (not being an officer to whom sub-section (11.) or (12.) of section eighteen of this Act applies) shall be on probation for a period not exceeding twelve months and the appointment may be terminated by the Commission at any time during that period. Appointments to be on probation.

**28.**—(1.) If an officer appears to the Commission to be inefficient or incompetent, or unfit to discharge or incapable of discharging the duties of his position, the Commission may retire him from the Service of the Commission, or may transfer him to some other position in the Service of the Commission with salary appropriate to that other position. Retirement of inefficient, &c., officers.

(2.) An officer shall not be retired from the Service of the Commission under this section unless he has been given at least one month's notice or is paid salary in lieu of notice.

**29.** The Commission may dismiss an officer, or reduce his status or rate of pay, for incapacity or misconduct. Dismissal for misconduct.

**30.**—(1.) Where an officer is dismissed, retired, transferred or reduced in status or rate of pay under either of the last two preceding sections, the officer may appeal to the Disciplinary Appeal Board. Appeals.

(2.) The regulations may prescribe the manner in which, and the time within which, appeals may be made under this section.

(3.) The Disciplinary Appeal Board shall hear each appeal submitted to it under this section and may confirm, vary or set aside the decision of the Commission.

(4.) The decision of the Disciplinary Appeal Board shall be final and the Commission shall take such action as is necessary to give effect to the decision.

(5.) On the hearing of an appeal under this section, the Disciplinary Appeal Board may take evidence on oath.

**31.**—(1.) For the purposes of this Division, there shall be an Overseas Telecommunications Commission Disciplinary Appeal Board (in this Act referred to as "the Disciplinary Appeal Board"). Disciplinary Appeal Board.

(2.) The Disciplinary Appeal Board shall consist of—

- (a) a Chairman, who shall be appointed by the Governor-General and shall hold office on such terms and conditions as the Governor-General determines;
- (b) an officer appointed by the Commission; and
- (c) an officer elected by the officers of the Commission in the prescribed manner (in this section referred to as the "officers' representative").

(3.) The Chairman of the Disciplinary Appeal Board shall be a person who is or has been a Police, Stipendiary or Special Magistrate of a State or Territory of the Commonwealth.

(4.) The officers' representative shall hold office for such period as is prescribed but shall be eligible for re-election.

(5.) The officers of the Commission may, in the prescribed manner, elect a deputy of the officers' representative and the deputy so elected shall hold office for such period as is prescribed but shall be eligible for re-election.

(6.) A deputy so elected may, in the event of there being a vacancy in the office of the officers' representative, or in the event of the absence of the officers' representative (whether in pursuance of a direction under the next succeeding sub-section, or through illness or otherwise), attend and vote at meetings of the Disciplinary Appeal Board, and, when so attending and voting at a meeting, shall, for the purposes of sub-section (8.) of this section, be deemed to be a member of the Disciplinary Appeal Board in lieu of the officers' representative.

(7.) Where the Chairman of the Disciplinary Appeal Board is of opinion that the officers' representative is personally interested in, or affected by, any question to be considered at a meeting of the Disciplinary Appeal Board, the Chairman may direct that the officers' representative shall absent himself from that meeting while that question is considered and decided.

(8.) Where, at any meeting of the Disciplinary Appeal Board, the members are divided in opinion on any question, that question shall be decided according to the decision of the majority.

**32.** Sections nineteen to thirty-one (inclusive) of this Act shall not apply to the general manager of the Commission.

**33.** The Commission may appoint such temporary or casual employees as it thinks fit, on such terms and conditions as the Commission determines.

*Division 3.—Powers, Functions and Duties of the Commission.*

**34.** For the purposes of this Act and subject to the provisions of this Act, the Commission may do all that is necessary or convenient to be done for, or as incidental to, in relation to, or in connexion with—

- (a) the establishment, maintenance and operation in Australia by the Commission of cable and radiotelegraph services

Certain sections not to apply to general manager.

Temporary and casual employees.

General functions and duties of Commission.

(whichever means of communication is applicable) for the conduct of public communications between—

- (i) Australia and other countries,
  - (ii) Australia and ships at sea,
  - (iii) Australia and commercial or private aircraft (except aircraft trading or operating exclusively within Australia),
  - (iv) the Commonwealth and any territory under the authority of the Commonwealth (not being part of the Commonwealth), and
  - (v) any territories under the authority of the Commonwealth (not being part of the Commonwealth);
- (b) the establishment and maintenance in Australia by the Commission of radio transmitting and receiving apparatus to permit of the conduct of overseas telephone services in respect of public communications;
- (c) the establishment, maintenance and operation in Australia by the Commission of any other radiocommunication services in respect of which a licence is granted in pursuance of the *Wireless Telegraphy Act* 1905–1936;
- (d) all further developments of cable or radio transmission or reception for overseas telecommunication purposes in Australia as related to public communications, including the establishment, maintenance and operation of overseas facsimile services;
- (e) the conduct of investigations and researches with the object of improving the efficiency of the overseas telecommunication services generally; and
- (f) the maintenance of overseas telecommunication assets in Australia or the maintenance or operation of telecommunication assets and services in regional areas adjacent to Australia which are owned by a national body established by any of the Partner Governments, other than the Commonwealth, and in respect of which that body has arranged for the Commission to act as its agent in performing this work, on terms agreed upon between the Commission and the body concerned.

**35.**—(1.) In establishing, maintaining or operating the services specified in the last preceding section, the Commission shall comply, on behalf of the Commonwealth, with the provisions of any International Telecommunication Convention, or International Convention for the Safety of Life at Sea or in the Air, to which the Commonwealth is a party, in so far as those provisions impose obligations on the Commonwealth.

Commission to  
comply with  
International  
Tele-  
communication  
Conventions,  
&c.

(2.) Terminal or transit or land-line charges accruing to the Commonwealth under the provisions of any International Telecommunication Convention to which it is a party shall be paid over

by the Commission to the Department of the Postmaster-General on all messages or communications received at or despatched from the stations controlled by the Commission.

Duty of Commission in relation to the Agreement.

**36.** Upon the Agreement being executed by or on behalf of the Commonwealth the Commission shall do all things necessary on its part to be done to give effect thereto.

Commission to acquire overseas telecommunication assets situate in Australia.

**37.—(1.)** The Commission shall acquire, in accordance with this Act, such of the overseas telecommunication assets owned, operated and maintained by the Company in Australia as are required by the Commission for the purposes specified in section thirty-four of this Act.

(2.) Subject to the next succeeding sub-section, upon the purchase by His Majesty's Government in the United Kingdom of all the shares of Cable and Wireless Limited, the Commission shall acquire, at a price in cash to be agreed between His Majesty's Government in the United Kingdom and His Majesty's Government in the Commonwealth, such of the cable communication assets of that Company as are situated in Australia, not being cable-heads or other assets which it is agreed to exclude for this purpose or which are not required for the purposes of this Act.

(3.) If, by reason of the provisions of the Supplementary Agreement, His Majesty's Government in the United Kingdom may have previously procured that Cable and Wireless Limited sell to the Commonwealth the assets of that Company situated in Australia, other than assets which it is agreed to exclude or which are not required for the purposes of this Act, those assets may be acquired by the Commission in such manner and at such price as are agreed or otherwise determined.

(4.) Pending the establishment of the Commission, the Minister may exercise any power conferred on the Commission by this Part.

(5.) Upon the establishment of the Commission, any property which has been acquired by the Minister under this section and is still held by him shall become the absolute property of, or be vested in, the Commission, as the case requires.

Power to purchase and dispose of assets.

**38.—(1.)** Subject to this Act, the Commission may also—

(a) acquire by lease or purchase any land, buildings, easements or other property (whether real or personal), rights or privileges which it thinks necessary for the purposes of this Act; and

(b) exchange, lease, dispose of, turn to account or otherwise deal with, any property, rights or privileges of the Commission.

(2.) The Commission shall not, without the approval of the Minister—

(a) acquire by purchase any land the cost of acquisition of which exceeds the sum of Five thousand pounds;

(b) enter into any lease of land for a period exceeding five years; or

(c) in any manner dispose of any property, right or privilege having an original or book value exceeding the sum of Five thousand pounds.

(3.) The Commission shall not, without the consent of the Minister, enter into any contract in any case where the contract is for the supply, either directly or indirectly, from places outside Australia, of equipment or materials of a greater value than Five thousand pounds.

39. Subject to this Act, the Commission may contract for the execution of any work or service authorized by this or any other Act to be executed by the Commission, in such manner, upon such terms, for such sums, and under such stipulations, conditions, and restrictions as the Commission thinks proper.

General contractual powers of Commission.

40.—(1.) Any contract which, if made between private persons, would by law be required to be in writing and under seal, may be made by the Commission in writing in its corporate name under its common seal, and may be varied or discharged in the same manner.

Contracts by the Commission—how made.

(2.) Any contract which, if made between private persons, would by law be required to be in writing and signed by the parties to be charged with the contract, may be made by the Commission in writing in its corporate name, and may be varied or discharged in the same manner.

(3.) Every contract made according to the provisions contained in this section and duly executed by the parties to the contract respectively shall be effectual in law and shall be binding upon the Commission and all other parties to the contract, their successors, heirs, executors and administrators.

41. The Commission may compound and agree with any person with whom any contract has been entered into by the Commission in pursuance of, or under the authority of, this Act, or against whom any action or suit is brought for any penalty contained in the contract, or in any bond or other security for the performance of the contract, or for or on account of any breach or non-performance of the contract, bond or security, for such sum of money or other consideration as the Commission thinks proper.

Commission may compound for breach of contract.

42. Nothing in this Act shall be construed to confer on the Commission any powers which, for the time being, are exercisable by the Minister for the time being administering the provisions of the *Wireless Telegraphy Act 1905-1936* and the *Post and Telegraph Act 1901-1934* and the regulations under those Acts, and those Acts and regulations shall, so far as applicable, apply to and in relation to the Commission in like manner as they apply to and in relation to other persons.

Limitation of powers and application of *Wireless Telegraphy and Post and Telegraph Acts* and regulations

#### *Division 4.—Finances of the Commission.*

43. For the purposes of enabling the Commission to meet such expenditure as is necessary for the purposes of this Act, the Treasurer may advance to the Commission—

Advance for expenses.

(a) out of the Consolidated Revenue Fund or out of the proceeds of any loan raised under the authority of any

Act, which Fund and which proceeds are hereby appropriated accordingly, such amounts, not exceeding in all the sum of Three million pounds ; and

(b) out of such sums as are from time to time appropriated by the Parliament for the purpose, such further amounts, as are, in the opinion of the Minister, required by the Commission, and the Commission may accept those advances but shall not otherwise borrow moneys.

Terms and conditions of advances.

44. The terms and conditions of any advances made by the Treasurer to the Commission, including the security and basis of re-payment, shall be as determined by the Treasurer.

Commission to prepare annual estimates.

45. The Commission shall prepare estimates, in such form as the Minister directs, of its receipts and expenditure for each financial year and shall submit those estimates to the Minister.

Moneys uninvested may be lodged in Bank.

46. Moneys held by the Commission which are uninvested may be lodged either in an account at call or on fixed deposit, or partly in an account at call and partly on fixed deposit, with the Commonwealth Bank of Australia or with such other bank as the Minister approves, and while so lodged shall be held to be moneys of the Crown.

Application of moneys.

47. Subject to this Act, the moneys of the Commission may be applied as follows :—

- (a) In payment of the expenses and charges and in discharge of other obligations incurred or undertaken by the Commission in the exercise of its powers, duties and functions under this Act ;
- (b) In payment of the remuneration and allowances of the Commissioners and the salaries, wages and allowances of officers and employees of the Commission ; and
- (c) In investment in any securities of, or guaranteed by, the Government of the Commonwealth.

Accounts.

48. The Commission shall keep its accounts in such form as is approved by the Treasurer.

Audit.

49.—(1.) The accounts of the Commission shall be subject to inspection and audit, at least once yearly, by the Auditor-General for the Commonwealth.

(2.) The Auditor-General shall report to the Minister the result of each inspection and audit.

Exemption of Commission from rates, taxes and charges.

50. The income, property and operations of the Commission shall not be subject to any rates, taxes or charges, under any law of the Commonwealth or a State, to which the Commonwealth is not subject.

Reserves.

51.—(1.) Subject to the provisions of this Act and of the Agreement the Commission may, with the approval of the Treasurer, set aside, out of its revenue, such sums as it thinks proper as reserves for specified purposes.



(2.) Any sums so set aside shall, until required for the purposes of any reserve, be invested by the Commission in any securities of, or guaranteed by, the Government of the Commonwealth.

52. Any net profit derived from the operations of the Commission, after the application of the provisions of the Agreement and after provision (if any) for reserves under the last preceding section, shall be applied—

Application of net profits derived by the Commission.

- (a) firstly, in payment of such amounts as the Treasurer determines in accordance with section forty-four of this Act towards re-payment of moneys advanced to the Commission by the Treasurer under this Act ;
- (b) secondly, with the approval of the Minister given with the concurrence of the Treasurer and subject to the provisions of clauses four and five of the Third Schedule to the Agreement, in the establishment and development of overseas telecommunication services or in making such payments as are necessary for the purposes of the Commission ; and
- (c) thirdly, in such manner as the Minister, on the recommendation of the Commission and with the concurrence of the Treasurer, directs.

#### Division 5.—Reports.

53.—(1.) The Commission shall, as soon as possible after the close of each financial year, submit to the Minister an annual report with respect to the operations of the Commission and financial accounts, in respect of that year, in such form as the Treasurer approves.

Annual report by Commission.

(2.) The annual report and financial accounts, accompanied by a certificate of the Auditor-General, shall be laid before both Houses of the Parliament within fifteen sitting days after their receipt by the Minister.

54. The Commission shall furnish all such reports, documents, and information relating to the operations of the Commission as the Minister requires.

Further reports to Minister.

### PART III.—COMPULSORY ACQUISITION OF PROPERTY AND TERMINATION OF CERTAIN AGREEMENTS AND LICENCES.

55. The Commission may for the purposes of this Act, by notice served on the owner or published in the *Gazette*, acquire any property required for the purposes of the Commission.

Power to acquire.

56. Upon the service of the notice on the owner or the publication of the notice in the *Gazette* the property described in the notice shall, by force of this Act—

Property to vest in Commission.

- (a) in the case of property, not being land—become the absolute property of the Commission and be freed and discharged from all trusts, obligations, interests, contracts, charges, liens and pledges affecting the property ; and

(b) in the case of property, being land—be vested in the Commission for an estate in fee simple and be freed and discharged from all trusts, obligations, estates, interests, contracts, licences, charges, rates and easements affecting the property,

and the rights and interests of every person in the property (including any rights or interests arising in respect of any moneys advanced in respect of the property) shall thereupon be converted into claims for compensation, which may be made and shall be dealt with in accordance with the provisions of this Act.

Value of property, how estimated.

57. The value of any property acquired under this Part shall be assessed according to the value of the property on the first day of January last preceding the date of acquisition or, where an agreement is entered into under Part IV. of this Act as to the compensation payable in respect of the property acquired, on such date as is fixed in the Agreement.

Duty of owner to deliver up possession of property acquired.

58. Where any property is acquired under this Part, the person from whom the property is acquired, and every person in whose possession or custody or under whose control the property may be, shall deliver up the property in accordance with the terms of the notice by which the acquisition is made.

Penalty : One hundred pounds or imprisonment for six months, or both.

Power to require the doing of acts, &c., to facilitate acquisition of property.

59. For the purpose of enabling the Commission to exercise the power conferred by section fifty-five of this Act and for facilitating that exercise, the Commission and any person thereto authorized by the Commission shall have such powers as are prescribed.

Conduct overseas telecommunication services.

60.—(1.) The Governor-General may by Proclamation declare that any overseas telecommunication service shall not, on and after a date specified in the Proclamation, be conducted, controlled or managed otherwise than by or on behalf of the Commission.

(2.) A person shall not, on or after that date, conduct, control or manage any such service, otherwise than on behalf of the Commission.

Penalty : Five hundred pounds for every day during which the overseas telecommunication service is conducted.

Licences, &c., to become ineffective.

61. Where any property established, erected, maintained or used by a person for the purpose of conducting, controlling or managing an overseas telecommunication service is acquired under this Part, or where it is declared in pursuance of this Part that any such communication service conducted, controlled or managed by any person shall not be conducted, controlled, and managed otherwise than by or on behalf of the Commission, any licence, permission, agreement or approval, howsoever granted, made, or given, in pursuance of which the person established, erected, maintained or

used the property, or was conducting, controlling or managing the service, shall cease to have any force or effect unless otherwise directed by the Minister.

62. The agreements between the Commonwealth and the Company dated respectively the twenty-eighth day of March, One thousand nine hundred and twenty-two; the twentieth day of August, One thousand nine hundred and twenty-four and the fifteenth day of November, One thousand nine hundred and twenty-seven, are hereby cancelled.

Cancellation  
of agreements.

63.—(1.) Pending the establishment of the Commission, the Minister may exercise any power conferred on the Commission by this Part.

Exercise of  
Commission's  
powers by  
Minister  
pending  
establishment of  
Commission.

(2.) Where the Minister, in the exercise of any such power, acquires any property, the provisions of section fifty-six of this Act shall have effect as if the references therein to the Commission were references to the Minister.

(3.) Upon the establishment of the Commission, any property which has been acquired by the Minister under this Part and is still held by him shall become the absolute property of, or be vested in, the Commission, as the case requires.

#### PART IV.—COMPENSATION.

64.—(1.) For the purposes of this Part there shall be a Compensation Board, consisting of a Chairman and two other persons, appointed by the Minister.

Compensation  
Board. 7. 22

(2.) The Compensation Board shall include—

- (a) a person who holds, or has held office as a Justice of the Supreme Court of a State or Territory of the Commonwealth, who shall be the Chairman; and
- (b) a qualified practising accountant.

(3.) The Minister may appoint one or more persons having specialized knowledge of the subject-matter of the claim to act as assessors to assist the Compensation Board.

(4.) At least one of the assessors appointed to assist the Board or, where only one assessor is appointed, that assessor, shall be a person who is not otherwise in the employ of the Commonwealth or an authority of the Commonwealth.

(5.) There may be paid to any member of the Compensation Board and to any assessor such remuneration (if any) for his services and such travelling allowances (if any) as the Minister directs.

(6.) Where, during or after the hearing of any claim, the Chairman, or either of the other members of the Compensation Board, is unable on account of death, illness or otherwise to proceed with the hearing or determination, the remaining members may continue with the hearing and determination, or the determination, as the case may be.

(7.) A member who has been absent during any part of the hearing of a claim shall not be eligible to take any further part in the hearing and determination of that claim.

(8.) If the Commission and the claimant consent, the Chairman of the Compensation Board may sit alone for the hearing of any claim, and in any such case the determination of the Chairman shall be of the same force and effect as if it were the determination of the Board.

**Deputies.**

**65.**—(1.) The Minister may appoint a person (including a member of the Board) to be the Deputy Chairman of the Compensation Board during any absence of the Chairman.

(2.) The Minister may appoint a person to be the Deputy of any member (other than the Chairman) of the Compensation Board during any absence of the member, or at any time when the member is acting as Deputy of the Chairman of the Board.

(3.) A person appointed under this section shall, while acting as Deputy, have all the powers and perform all the functions of the member of the Board for whom he is the Deputy, and any reference in this Act to a member of the Board shall be read as including a reference to the Deputy of a member so acting.

(4.) It shall not be necessary for a person appointed under this section to have any qualification possessed by the member of whom he is appointed to be the Deputy.

**Claims for compensation.**

**66.**—(1.) Any person who suffers loss or damage by reason of any acquisition of property under Part III. of this Act or by reason of the application of section sixty-one of this Act to a licence, permission, agreement or approval or by reason of the provisions of section sixty-two of this Act shall, subject to this section, be paid such compensation as is determined by agreement.

(2.) Prior to the establishment of the Commission, any such agreement shall be made between the Minister and the person concerned and after the establishment of the Commission any such agreement shall be made between the Commission and the person concerned and shall be subject to approval by the Minister.

(3.) In the following provisions of this Part, any reference to the Commission shall, pending the establishment of the Commission, be deemed to be a reference to the Minister.

(4.) In the absence of any such agreement, the person suffering any such loss or damage may, within six months after the acquisition or application of section sixty-one of this Act on which the claim is based or within six months after the commencement of section sixty-two of this Act (as the case may be) or, in either case, within such further period as the Commission allows, make a claim in writing to the Commission for compensation.

(5.) A claim for compensation under this section shall state—

(a) the amount of compensation claimed ;

(b) the nature of the interest on which the claim is founded ;

- (c) whether the claimant is aware of any, and if so what, interests in the property or licence, permission, agreement or approval vested in any other person; and
- (d) the claimant's address for service of notices.

(6.) Where any person referred to in sub-section (4.) of this section has failed to make, within the period specified in that sub-section, a claim for compensation under this section, he may, notwithstanding the expiration of that period, apply to the High Court for leave to make a claim.

(7.) If the Court is satisfied that the failure to make a claim within that period was due to lack of knowledge of the acquisition or of the application of section sixty-one of this Act to the licence, permission, agreement or approval or of the effect of section sixty-two of this Act or to a mistake or other reasonable cause, the Court may grant him leave to make a claim within such period as is specified by the Court.

(8.) An application to the Court for leave under this section may be made to and determined by a single Justice of the Court, sitting in open court or in chambers, and the powers, practice and procedure of the Court in the application shall be as nearly as may be in accordance with its powers, practice and procedure in interlocutory applications in civil actions or suits.

**67.**—(1.) Where a claim for compensation is made in pursuance of the last preceding section, the Commission shall, as soon as practicable, serve on the claimant either by post at the address given in the claim or personally, a notice stating—

**Determinations  
of  
compensation.**

- (a) the amount of compensation which it considers reasonable; or
- (b) that, in its opinion, the claimant is not entitled to any compensation,

as the case may be.

(2.) Where a notice in pursuance of paragraph (a) of the last preceding sub-section is served on the claimant, it shall be deemed to be an offer accepted by the claimant in full satisfaction of all claims for loss or damage suffered by reason of the acquisition or of the application of section sixty-one of this Act to the licence, permission, agreement or approval or of the provisions of section sixty-two of this Act (as the case may be) and the amount shall be payable to him by the Commission according to the tenor of the notification unless, within one month or such further period as the Minister allows after receipt of the notice, he requests the Commission, by notice served either by post at the address given in the notice served on the claimant or personally, to refer the claim to the Compensation Board.

(3.) Where a notice in pursuance of paragraph (b) of sub-section (1.) of this section is served on the claimant, he shall be deemed to have abandoned his claim for compensation and shall not have any right

of action in respect of the subject-matter of the claim, unless, within one month or such further period as the Minister allows after the receipt of the notice, he requests the Commission, by notice served either by post at the address given in the notice served on the claimant or personally, to refer the claim to the Compensation Board.

(4.) If a notice in pursuance of sub-section (1.) of this section is not served on the claimant within two months after he makes a claim under the last preceding section, the claimant may by notice served by post or personally request the Commission to refer the claim to the Compensation Board.

(5.) Where the Commission has been requested to refer a claim to the Compensation Board, the Commission shall as soon as practicable forward the claim to the Compensation Board, together with a notice stating the address at which notices may be served by the Board on the Commission.

Assessment by  
Compensation  
Board.

**68.**—(1.) Where the Commission refers a claim to the Compensation Board, the Board shall assess the compensation, if any, which it thinks just, and shall, as soon as practicable, serve—

(a) on the Commission, by post at its address for service; and

(b) on the claimant, either personally, or by post at the address given in the claim, or at his last-known place of abode or business,

a notice stating the compensation so assessed.

(2.) Subject to the next succeeding section the compensation so notified shall be deemed to be accepted by the claimant in full satisfaction of all claims for loss or damage suffered by reason of the acquisition or the application of section sixty-one or by reason of the provisions of section sixty-two of this Act (as the case may be) out of which the claim arose, and shall become payable to him by the Commission according to the tenor of the notification.

Applications  
for review.

**69.**—(1.) If either the Commission or the claimant is dissatisfied with the assessment of the Compensation Board, the Commission or the claimant may, within one month after receipt of the notice of the assessment of the Board, apply to the High Court for a review of the assessment.

(2.) An application under the last preceding sub-section shall be made in writing to the Principal Registrar or a Deputy Registrar of the Court, and shall be accompanied by a true copy of the application for endorsement and service.

(3.) Upon receipt of the application, the Principal Registrar or the Deputy Registrar shall appoint a time for the hearing of the application, and shall endorse on the true copy of the application the place and time of hearing and return it to the applicant.

(4.) The applicant shall, not less than one month before the day fixed for the hearing, serve on the other party (in this section referred to as "the respondent") in accordance with the practice of the Court relating to service of writs or summonses, the endorsed copy of the application.

(5.) Upon the day fixed the Court may, on proof of due service of the copy of the application, or if the respondent appears to contest the application, proceed to hear the application, and to determine whether any compensation is payable and, if so, the compensation which it thinks just, and may make an order for payment by the Commission of the compensation so determined.

(6.) The Court may, in any review under this section, award such costs as it thinks fit.

(7.) In any matter not provided for in this Part the powers, practice and procedure of the Court shall be as nearly as may be in accordance with the powers, practice and procedure of the Court in civil actions or suits.

**70.** In determining the compensation (if any) payable under this Part in respect of loss or damage suffered by reason of the application of section sixty-one of this Act to any licence, permission, agreement or approval or by reason of the provisions of section sixty-two of this Act, the Commission, the Compensation Board or the High Court shall not have regard to any matter arising, or which might have arisen, out of anything done or expected to be done in or in relation to any period after the date on which, but for the application of that section to the licence, permission, agreement or approval it would (if not renewed) have expired by effluxion of time.

Limitation of compensation.

**71.** In any case where compensation, or part of the compensation, has not been paid within three months after the loss or damage in respect of which the compensation is payable was suffered, the Commission may, if in its discretion it thinks fit, authorize the payment of interest at such rate (not exceeding four per centum per annum) as it determines on the compensation or part of the compensation for the period commencing three months after that loss or damage was suffered and ending on the date of payment.

Interest on compensation.

**72.** No action, other than an action for the recovery of compensation determined by agreement or in pursuance of this Part, shall be maintained against the Commonwealth or the Commission or any other person in respect of any acquisition of property under

Other rights of action barred.

Part III. or the application of section sixty-one of this Act to any licence, permission, agreement or approval or by reason of the provisions of section sixty-two of this Act.

Rules.

**73.**—(1.) The Governor-General may make rules as to the conduct of the proceedings of the Compensation Board and, in particular, as to—

- (a) the summoning and examination of witnesses and the production of books, documents and papers ;
- (b) the administration of oaths and affirmations ;
- (c) the protection of members of the Board and of witnesses summoned to attend or appearing before it ;
- (d) the appearance or representation before the Board of the claimant and of the Commission ; and
- (e) the fees payable to witnesses.

(2.) The *Acts Interpretation Act* 1901–1941 shall apply to rules made under this section in like manner as it applies to regulations.

#### PART V.—MISCELLANEOUS.

Licences,  
permissions or  
approvals.

**74.**—(1.) The Commission shall obtain from the Minister for the time being administering the *Wireless Telegraphy Act* 1905–1936 all licences, permissions or approvals necessary to be granted or given for the conduct of the radiocommunication services specified in section thirty-four of this Act.

(2.) All such licences, permissions or approvals so granted or given shall be issued to the Commission free of charge.

Alterations  
in rates,  
services, &c.

**75.**—(1.) The Commission shall consult the Commonwealth Telecommunications Board established in pursuance of the Agreement in connexion with all matters to which clauses one, two, three and four of the Form of Agreement in the Third Schedule to the Agreement relate.

(2.) Without affecting the generality of the last preceding sub-section, the Commission shall consult the Commonwealth Telecommunications Board so established, and obtain the approval of the Minister, before—

- (a) effecting any alteration in the rates charged in Australia for messages or communications transmitted over the overseas telecommunications services operated by it, or in the apportionment of those rates ;
- (b) withdrawing any category of overseas message or communication ;
- (c) discontinuing any overseas telecommunications route or service ;
- (d) instituting any new overseas telecommunications route or service ;



- (e) extending or altering any portion of the telecommunications system operated by the Commission which does, or might, form part of the Empire telecommunication network ;
- (f) entering into any agreement with a foreign telecommunications undertaking ; or
- (g) taking any action or decision relating to or affecting the defence policy of the British Commonwealth and Empire or any part thereof.

**76.** The Postmaster-General shall, upon request by the Commission, provide the necessary land-line connexions for the operation of the services specified in section thirty-four of this Act and shall transmit over the internal communication service of the Commonwealth any overseas messages handed in by the public at any post office or lodged by the Commission at any post office for that transmission, and the Commission shall pay to the Postmaster-General for such lines and services the usual rates charged therefor :

Land-line  
connexions.

Provided that all connexions with the internal telecommunication system in Australia shall be of such type or nature, and shall be operated and maintained by the Commission in such manner, as may be required by the Postmaster-General :

Provided also that no charge shall be made to the Commission for a line from each coastal radio station operated by it to the local post office or, at the option of the Commission, to its local office :

Provided further that in all cases where terminal, transit or land-line charges are paid by the Commission to the Postmaster-General in accordance with any International Telecommunication Convention no further charge shall be made for transmission of messages over the internal communication service of the Commonwealth.

**77.—(1.)** The Commission shall be entitled at all times, subject to the requirements of the *Post and Telegraph Act* 1901–1934, to accept from and deliver to the public through its own offices and agencies any overseas messages intended for transmission or received for delivery through its cable and radiotelegraph services, and to relay those messages from one part of Australia to another through its cable and radiotelegraph stations or land-line connexions, as it considers most expedient, and, where necessary, to a ship at sea, subject to payment of the terminal or transit charges, as provided in sections thirty-five and seventy-six of this Act.

Acceptance  
and delivery  
facilities, &c.

(2.) The Commission shall also be entitled to exchange, free of terminal, transit and land-line charges, service messages among its stations but, except as provided by or under this Act, it shall not transmit or receive messages lodged in the Commonwealth for delivery therein or lodged in any Territory of the Commonwealth for delivery in that Territory.

(3.) The Commission shall transmit or receive without charge to the Postmaster-General telegrams between stations operated by the Commission in cases of interruption to land-line services and, in return, the Postmaster-General shall handle service messages of the Commission free of charge to the Commission.

(4.) In this section the expression "service messages" means service telegrams as defined in the International Telecommunication Convention and the regulations annexed thereto or any messages relating to the general conduct and supervision of the services of the Commission.

Meteorological telegrams.

78.—(1.) Subject to the next succeeding sub-section, the Commission shall, when required, transmit or receive, free of charge, meteorological telegrams to or from Commonwealth meteorological offices or stations in Australia and in addition messages of this character which are exchanged with ships at sea.

(2.) The last preceding sub-section shall not extend to meteorological telegrams exchanged between Australia and countries overseas. These telegrams shall be transmitted or received by the Commission under the conditions specified in the regulations annexed to the International Telecommunication Convention.

(3.) In this section, the expression "meteorological telegram" means a telegram consisting solely of meteorological observations or meteorological forecasts which is sent by an official meteorological service or by a station in official relation with any such service, and which is addressed to any such service or station.

Inspection of stations and services.

79. All stations and services licensed in accordance with this Act and the *Wireless Telegraphy Act 1905-1936* shall be subject to inspection by any officer thereto authorized in writing by the Postmaster-General, and the Commission shall supply to the Postmaster-General such particulars of the traffic handled by it as the Postmaster-General from time to time requires.

Regulations.

80. 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.

## THE SCHEDULES.

### THE FIRST SCHEDULE.

#### FORM OF OVERALL AGREEMENT BETWEEN PARTNER GOVERNMENTS.

This Agreement is made on the \_\_\_\_\_ day of \_\_\_\_\_ 194 between His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the U.K. Government") of the first part His Majesty's Government in Canada of the second part His Majesty's Government in the Commonwealth of Australia of the third part His Majesty's Government in the Dominion of New Zealand of the fourth part His Majesty's Government in the Union of South Africa of the fifth part the Government of India of the sixth part the Government of Southern Rhodesia of the seventh part (all of whom are hereinafter collectively referred to as "the Partner Governments"):

THE SCHEDULES—*continued.*

Whereas at a Commonwealth Telecommunications Conference of representatives of the Partner Governments held in London in July 1945 decisions were reached to recommend certain measures for promoting and co-ordinating the efficiency and development of the telecommunication services of the British Commonwealth and Empire :

And whereas the Partner Governments have adopted the recommendations of the said conference and are entering into this Agreement for the purpose of giving effect to such recommendations :

Now it is hereby agreed as follows :—

PART I.—*Acquisition of Operating Companies.*

1. The U.K. Government shall purchase all the shares of Cable and Wireless Ltd. which it does not already own at a price to be agreed or otherwise determined.

2. Each other Partner Government in whose territory a local company is operating external telecommunication services shall purchase all the shares in the local company which it does not already own or otherwise acquire the local company's undertaking.

The Partner Governments to whom this clause applies are set out in the first column of the First Schedule hereto and the companies whose shares or undertaking each such Partner Government is to acquire are set out in the second column opposite.

PART II.—*Establishment of Commonwealth Telecommunications Board and National Bodies.*

3.—(1) For the purpose of promoting the efficiency and development of the external telecommunication services of the British Commonwealth and Empire the Partner Governments agree to the establishment of a body which shall be known as the Commonwealth Telecommunications Board and shall have the functions and constitutions set out in the Second Schedule hereto. This body is hereinafter referred to as "the Board."

(2) The functions and constitution of the Board may be amended in such manner and to such extent as the Partner Governments may, in the light of experience, agree to be expedient for carrying out more effectively the purposes for which the Board was established.

4. The Partner Governments shall contribute in such proportions as may be agreed to the expenses of the Board pending the establishment of the Central Fund.

5. For the purpose of acquiring the local assets hereinafter mentioned and of operating and maintaining its external telecommunication services each Partner Government shall either nominate an existing department or other body or establish a public corporation having the powers necessary to carry into effect the provisions of this Agreement.

The department, body or corporation so nominated or established by any Partner Government is hereinafter referred to, in relation to that Government, as "the National Body."

6. For the purpose of defining the relations between each Partner Government, the Board and the National Bodies and of providing for the expenses of the Board each Partner Government and, unless the National Body is a Department thereof, the National Body will enter into an agreement with the Board in the terms set out in the Third Schedule hereto.

PART III.—*Division and Transfer of Assets of Operating Companies.*

7. The U.K. Government shall procure that the assets of Cable and Wireless Ltd. shall as soon as practicable be divided and held in manner following, that is to say,

(a) shares held by or for Cable and Wireless Ltd. or any subsidiaries thereof in the companies specified in the second column of the First Schedule hereto shall be transferred to the appropriate Partner Government specified in the first column of the said Schedule at a price (which shall be paid by the Partner Government concerned in cash) to be agreed ;

(b) assets situate in the territories of any Partner Government (other than the United Kingdom), not being cable-heads or other assets which the Partner Government agrees to exclude, shall be transferred to the National Body concerned at a price (which shall be paid by the Partner Government in cash) to be agreed ;

(c) Except in so far as the United Kingdom Government may otherwise direct the remaining assets shall be held by the United Kingdom national body.

THE SCHEDULES—*continued.*

For purposes of this Agreement the territory of a Partner Government

- (a) in relation to the U.K. Government, includes the Channel Islands and the Isle of Man, Newfoundland, Burma, the Colonies, Protectorates and Protected States for the administration or protection of which the U.K. Government are responsible, and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by the U.K. Government ;
- (b) in relation to the other Partner Governments, includes any dependent territory and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by that Partner Government.

8. Each other Partner Government shall procure that the assets of any of its local operating companies whose shares or undertaking it acquires under Clause 2 and any other assets, (except cable-heads) used in connection with its external telecommunication services shall be held operated and maintained by the National Body.

PART IV.—*Legislation.*

9. Each Partner Government shall take appropriate action (whether by legislation or otherwise) to confirm this Agreement to raise and provide the finance and to obtain the other powers necessary for it to carry out this Agreement.

10. This Agreement shall come into force when it has been confirmed by all the Partner Governments.

## FIRST SCHEDULE.

*Particulars of Operating Companies.*

<i>Column 1.</i>	<i>Column 2.</i>
<i>Partner Governments concerned.</i>	<i>Companies whose shares or undertaking are to be acquired.</i>
His Majesty's Government in Canada.	Canadian Marconi Company Ltd.
His Majesty's Government in the Commonwealth of Australia.	Amalgamated Wireless (Australasia) Ltd.
His Majesty's Government in the Union of South Africa.	Cable and Wireless of South Africa Ltd.
The Government of India.	Indian Radio and Cable Communications Company Ltd.

## SECOND SCHEDULE.

*Constitution.*

1. There shall be established a body to be known as the Commonwealth Telecommunications Board.

2. (1) The Board shall consist in the first instance of nine members appointed as follows :—

- (a) As to one (who shall be the Chairman of the Board) jointly by the Partner Governments ;
- (b) As to one, by each of the Partner Governments separately ;
- (c) As to one, by His Majesty's Government in the United Kingdom to represent Commonwealth territories not directly represented by other members.

(2) New members of the Board may be appointed as and when agreed by the Partner Governments.

3. The Commonwealth Telecommunications Board shall be a body corporate by that name with perpetual succession, and a common seal and with power to purchase, take, hold and dispose of lands and other property.

*Functions.*

4. The functions of the Board shall be

(1) To make recommendations to the Partner Governments and to National Bodies on the following matters relating to their external telecommunication systems :—

- (a) The formulation and execution of the joint telecommunication policy of the Partner Governments, including the fixing of rates, (terminal, transit and parours proportions) ;
- (b) Co-ordination of the development of the cable and wireless systems of the British Commonwealth and Empire ;

THE SCHEDULES—*continued.*

- (c) Extensions to and alterations of the telecommunication systems of the British Commonwealth and Empire ;
  - (d) The provision and, where appropriate, the apportionment among National Bodies, of capital expenditure on projects ;
  - (e) Co-ordination with the appropriate authorities on telecommunication matters affecting the defence of the British Commonwealth and Empire or any part thereof ;
  - (f) Co-ordination of research in telecommunication matters conducted by National Bodies ;
  - (g) The exchange of personnel between the Board and National Bodies ;
  - (h) Any other telecommunication matter which may be referred to the Board by any of the Partner Governments or by any National Body ;
- (2) At the request of the Partner Governments or National Bodies to conduct negotiations with foreign telecommunication interests on their behalf ;
- (3) To promote and conduct research in telecommunication matters ;
- (4) To purchase or otherwise acquire and turn to account in any manner that may be thought fit any Letters Patent or patent rights or any interest in any Letters Patent or patent rights, brevets d'invention, licences, concessions, and the like conferring an exclusive or non-exclusive or limited right to use any secret or other information as to any invention in relation to any device or machine serving or calculated to serve any useful purpose in connection with any of the functions of the Board or with the business of any National Body ;
- (5) To set up and administer a Central Fund for the receipt of the net revenues of the National Bodies ;
- (6) To establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the Board, or the dependants or connections of such persons and to grant pensions and allowances and to make payments towards insurances, and to subscribe or guarantee money for charitable or benevolent or educational objects, or for any exhibition, or for any public, general or useful object ;
- (7) To borrow money temporarily in anticipation of revenue ;
- (8) To sell, improve, manage, exchange, lease, mortgage, enfranchise, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Board ;
- (9) To enter into, make and perform contracts of guarantee and indemnity of whatsoever kind which may be necessary or convenient for the purpose of the Board's functions ;
- (10) To do all or any of the above things in any part of the world and either as principals, agents, trustees, contractors or otherwise, and either alone, or in conjunction with others, and either by or through agents, sub-contractors, trustees or otherwise ;
- (11) To do all such other things as the Board may deem incidental or conducive to the discharge of any of their functions.

*Organisation.*

5.—(1) The Chairman of the Board shall be entitled to preside at the meetings thereof.

(2) There shall be a Vice-Chairman of the Board who shall be appointed by the Board and shall be entitled to preside at meetings of the Board in the absence of the Chairman.

(3) The Chairman or other officers authorised by him shall, subject to such regulations as may be made by the Board as hereinafter provided, summon all meetings of the Board for the despatch of business.

6.—(1) The Board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, quorum, management and adjournment of such meetings and generally with respect to the transaction and management of their business as they may think fit, subject to the following conditions :—

- (a) Meetings shall normally be held in London in the United Kingdom, but from time to time as may be found convenient, meetings shall also be held in the territories of the other Partner Governments or elsewhere as the Board may determine ;

THE SCHEDULES—*continued.*

- (b) A quorum for a meeting of the Board shall be not less than two-thirds of the members for the time being ;
- (c) Every question shall be decided by a majority of votes for the members present and voting on that question, and in case of an equality of votes at any meeting the person presiding at such meeting shall have a second or casting vote

Provided that, if the question to be decided is claimed by a member either before or at the meeting to be one of Governmental policy and unanimity cannot be obtained, the Chairman shall refer the question to the Partner Governments together with his report and recommendations respecting the same and a decision on the question shall be suspended until the views of the Partner Governments have been ascertained.

(2) Where a member through illness or absence from the country in which the meeting is to be held is unable to attend a meeting the Partner Government by whom that member was appointed shall have the right to nominate a person to act as alternate member in his place for the purposes of that meeting ; and on such nomination being made the alternate member shall (except in regard to remuneration) be subject in all respects to the terms and conditions existing with reference to the other members and whilst acting as an alternate member shall exercise and discharge all the functions, powers and duties of the member whom he represents.

7. The Board may at any time appoint a Committee or Committees of their own members for such purpose and on such conditions as the Board may decide, but the conclusions of any such Committee shall be subject to ratification by the Board.

8.—(1) The Board shall appoint a chief executive officer who shall be called the Director-General.

(2) The Board shall appoint such other officers and staff as they may think necessary for the efficient transaction of their business and shall fix such rates of remuneration, including that of the Director-General, as they shall think proper. Subject to the provisions of any contract between the Board and any officer, the Board may remove any officer (other than a member) however appointed.

(3) No member shall be appointed to any executive office of the Board.

*Power to Appoint Advisory Committees.*

9. The Board may appoint persons or Committees to advise them with regard to all or any matters connected with telecommunication services and the business operations and affairs of the Board. Committees shall have power to appoint Advisory Sub-Committees. Committees shall be appointed for such purposes and on such conditions as the Board may decide. The Board may from time to time make regulations with regard to the meetings and proceedings of any such Committees or Sub-Committees. The Board may pay the expenses of any such Committees or Sub-Committees including the expenses of the members in attending them.

*Members.*

10.—(1) Members of the Board shall, subject to the provisions as to disqualification hereinafter contained, be entitled to remain in office for such period as may be fixed at the time of their appointment, which shall not exceed a period of five years.

(2) A retiring member shall be eligible for reappointment.

11. A member shall *ipso facto* cease to be a member

- (a) in the case of the Chairman, if his appointment be terminated at the joint request of the Partner Governments, or
- (b) in the case of any other member, if his appointment be terminated by that one of the Partner Governments which appointed him, or
- (c) if he becomes of unsound mind or bankrupt or compounds with his creditors, or
- (d) if he sends in a written resignation of his office to the Board.

12.—(1) The members shall receive by way of remuneration for their services as Chairman, Vice-Chairman or members as the case may be, the sums following (to be deemed to accrue from day to day), that is to say :—

	Per annum.
	£
The Chairman .. .. .	3,500
The Vice-Chairman .. .. .	1,500
Each of the other members .. .. .	1,000

*THE SCHEDULES—continued.*

In addition members appointed by Partner Governments (other than the United Kingdom) may be paid such subsistence allowance (not exceeding £500 per annum) as the Board consider reasonable.

Members may also be reimbursed for expenses properly incurred by them in the due performance of their office.

(2) Except as in this clause expressly provided, no moneys of the Board derived from any source shall in any event be divided by way of profit or otherwise amongst the members.

*Financial.*

13.—(1) Prior to the beginning of each financial year the Board shall prepare and approve a budget setting forth the estimates of their expenditure for that year. Estimates of current expenses (which may include a reasonable sum in order to provide a working balance for the year) and capital expenditure shall be shown separately in the budget and shall be sub-divided under appropriate headings.

(2) The Board shall forward a copy of the budget so prepared and approved to each of the National Bodies and the Partner Governments.

(3) The current expenses of the Board shall be defrayed out of the Central Fund in accordance with the budget.

(4) The adoption of the budget, in so far as it provides for capital expenditure, shall be subject to the approval of the Partner Governments. On giving their approval the Partner Governments shall make provision of the requisite funds through the National Bodies.

*Annual Report and Statement of Accounts.*

14.—(1) The accounts of the Board shall be audited annually by an auditor or auditors, who shall be appointed by the Board after obtaining the approval of the Partner Governments.

(2) The Board shall, as soon as may be after the end of every year prepare a General Report of their proceedings for that year and attach thereto a Statement of Accounts.

(3) The Chairman shall, on the completion of every such annual General Report and Statement of Accounts and the Auditors' Report thereon forthwith submit the same to the Partner Governments and arrange for the same to be published in the territories of the Partner Governments.

*General.*

15. The Board shall at all times observe the provisions of any International Conventions relating to telecommunications to which the Partner Governments have subscribed.

16. The Board shall treat persons domiciled in any of the territories of the Partner Governments as equally eligible for appointment to the Board's staff.

17.—(1) No act or proceeding of the Board or of any Committee established by the Board shall be questioned on account of any vacancy or vacancies in the Board or any such Committees.

(2) No defect in the appointment of any person acting as Chairman, Vice-Chairman or member or as a member of any Committee established by the Board shall be deemed to vitiate any proceedings of the Board or of such Committee in which he has taken part, in cases where the other parties to such proceedings form the necessary quorum and are duly entitled to act.

(3) Any instrument which, if made by a private person, would be required to be under seal, shall be under the seal of the Board and signed by one or more members authorised for that purpose by a resolution of the Board and counter-signed by the proper officer. Any notice, appointment, contract, order or other document made by or proceeding from the Board which is not required to be under seal shall be signed by such members or officers as the Board may direct.

(4) The proper officer of the Board shall be the Director-General or any other officer duly authorised by the Board.

## THE SCHEDULES—continued.

## THIRD SCHEDULE.

*Form of Agreement between Partner Governments, Board and National Body.*

\* An agreement made the            day of            194            between His Majesty's Government in            (hereinafter referred to as "the Government") of the first part the Commonwealth Telecommunications Board (hereinafter referred to as "the Board") of the second part and the (hereinafter referred to as "the National Body") of the third part.

Whereas pursuant to the recommendations of a Commonwealth Telecommunications Conference held in London in July 1945 an Agreement has been made between the Governments of the United Kingdom, Canada, Australia, New Zealand, South Africa, India and Southern Rhodesia (hereinafter collectively referred to as "the Partner Governments") for certain measures designed to promote the efficiency and development of the telecommunication services of the British Commonwealth and Empire, including

- (a) the establishment of a Central Body on which all the Partner Governments should be represented, and
- (b) the execution of an agreement in the terms hereinafter set out between the Central Body so established, each of the Partner Governments and the body by which under the said Agreement certain telecommunication assets stations and plant situate in the territory of that Partner Government are to be operated.

And whereas the Board has been established as the Central Body having the functions and constitution more particularly set out in the Second Schedule to the said Agreement

And whereas the National Body is the body by which under the said Agreement certain telecommunication stations and plant situate in the territories of, or used by, the            Government are to be operated

Now it is hereby agreed as follows :—

1. The Board shall from time to time make recommendations to the Government and to the National Body on the following matters relating to their external telecommunications systems :—

- (a) the formulation and execution of the joint telecommunication policy of the Partner Governments, including the fixing of rates (terminal, transit and parcours proportions) ;
- (b) co-ordination of the development of the cable and wireless systems of the British Commonwealth and Empire ;
- (c) extensions to and alterations of any portion of the telecommunication systems of the National Body which does, or might, form part of the Empire network ;
- (d) co-ordination with the appropriate authorities on telecommunication matters affecting the defence of the British Commonwealth and Empire or any part thereof ;
- (e) co-ordination of research in telecommunication matters to be conducted by the Board, the National Body and other National Bodies operating in the territories of the other Partner Governments ;
- (f) the exchange of personnel between the Board the National Body and other National Bodies operating in the territories of the other Partner Governments ;
- (g) any other telecommunication matter which may be referred to the Board by the Government or the National Body.

2. The Board shall, at the request of the Government or the National Body, conduct negotiations with foreign telecommunication interests on their behalf.

3. The            Government and the National Body agree to use the Board as a means of consultation on all or any of the matters mentioned in the foregoing clauses and on any other matters substantially affecting the external telecommunication services of the Partner Governments and will give due consideration to the recommendations and advice given by the Board.

\* Alterations will be necessary if the National body is a Department of the Partner Government.



THE SCHEDULES—*continued.*

4.—(1) Before making any extension or alteration to any portion of its telecommunication system which does, or might, form part of the Commonwealth and Empire network the National Body will furnish to the Board

- (a) particulars (together with plans where appropriate) of the extensions or alterations proposed, and
- (b) an estimate of the expenditure involved.

(2) The Board will forthwith consider any such particulars and estimates and will make recommendations thereon and the National Body will give due consideration to the recommendations of the Board.

(3) If schemes are submitted which involve expenditure by two or more Partner Governments the Board will make recommendations as to the proportions in which the expenditure is to be borne by the Partner Governments concerned or the National Bodies operating in their territories.

5.—(1) The National Body will furnish to the Board a budget of its expenditure in respect of each financial year (including its programme of capital expenditure) or any portion of its telecommunication system which does, or might, form part of the Empire network.

(2) The Board will forward for the consideration of the National Body such comments as they think fit with respect to the budget so furnished.

6. The National Body will furnish to the Board statements of account in respect of each financial year of the National Body in such form as may be agreed.

7.—(1) The Board shall open an account for the National Body in the Central Fund.

(2) The National Body shall pay to the Board an amount equal to the net revenues derived from the external telecommunication services of the Government during any year and the Board shall credit the amount to the National Body's account in the Fund.

For the purposes of this sub-clause the net revenues derived from the external telecommunication services of the Government (including both telegraph and telephone whether operated by the National Body or not) during any year are the gross receipts during that year from all such services (except (a) manufacturing services, (b) land line services between contiguous territories and (c) ship to shore, civil aviation, meteorological services and other similar services) less

- (i) administrative expenses,
- (ii) operating expenses,
- (iii) depreciation and renewals,
- (iv) interest on capital,
- (v) terminal and transit charges,
- (vi) outpayments to other operators (except other national bodies),
- (vii) all taxes (other than taxes on income or profits),
- (viii) such other expenses connected with the operation and maintenance of the services as the Board and the National Body may agree.

(3) The moneys paid into the Fund in respect of any year shall be applied

- (a) as a first charge in defraying the current expenses of the Board for that year in accordance with the budget for that year as approved and adopted in accordance with paragraph 13 of the Second Schedule to the Agreement mentioned in the first recital hereto ;
- (b) in meeting any deficiency in the net revenues derived from the external telecommunication services of the United Kingdom during that year up to an amount not exceeding the cost to the United Kingdom National Body of cable maintenance and provision for cable renewals for that year.

For the purposes of paragraph (b) of this sub-clause the net revenues derived from the external telecommunication services of the United Kingdom during any year shall be ascertained on the same basis as is provided in sub-clause (2) but no deduction shall be made in respect of any amount which the United Kingdom National Body is required to pay under sub-clause (4) towards the current expenses of the Board for that year.

(4) The National Body shall bear the same proportion of the expenses of the Board paid out of the Central Fund under sub-clause (3) (a) above for any year as the revenue for that year from the originating traffic in the territories of all the Partner Governments bears to the total revenues from the originating traffic in the territories of all the Partner

THE SCHEDULES—*continued.*

Governments for that year, or such other proportion as the Board may consider reasonable. The account of the National Body in the Fund shall be debited accordingly and, if in respect of that year the National Body has made no payment to the Fund under sub-clause (2) or has made a payment under that sub-clause which is less than the amount so apportioned to it as above, it will pay to the Fund the amount so apportioned or, as the case may be, the deficiency.

(5) The account of the National Body in the Fund in any year will be debited with such proportion of the sums applied under sub-clause (3) (b) above as the revenue for that year from originating traffic in \_\_\_\_\_ bears to the total revenues for that year from originating traffic in the territories of all the Partner Governments (other than the United Kingdom) for that year, or such other proportion as the Board may consider reasonable.

(6) The acceptance of the liability under sub-clauses (3) (b) and (5) and the payment of any amounts calculated thereunder shall be regarded as settlement of the indebtedness of the National Bodies among themselves in respect of transmission over the Commonwealth communication system of traffic originating in or destined for the territories of the Partner Governments.

(7) Any balance standing to the credit of the National Body in the Fund in respect of any year after making the debits mentioned in sub-clauses (4) and (5) shall be repaid to the National Body.

## THE SECOND SCHEDULE.

## FORM OF SUPPLEMENTARY AGREEMENT BETWEEN PARTNER GOVERNMENTS TO COVER INTERIM PERIOD.

This Agreement is made the \_\_\_\_\_ day of \_\_\_\_\_, 194 \_\_\_\_\_, between His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the United Kingdom Government") of the first part, His Majesty's Government in Canada of the second part, His Majesty's Government in the Commonwealth of Australia of the third part, His Majesty's Government in the Dominion of New Zealand of the fourth part, His Majesty's Government in the Union of South Africa of the fifth part, the Government of India of the sixth part, the Government of Southern Rhodesia of the seventh part (all of whom are hereinafter collectively referred to as "the Partner Governments").

Whereas at a Commonwealth Telecommunications Conference of representatives of the Partner Governments, held in London in July, 1945, decisions were reached to recommend certain measures for promoting and co-ordinating the efficiency and development of the telecommunication services of the British Commonwealth and Empire;

And whereas the Partner Governments, whilst regarding the scheme set out in the Overall Agreement recommended by the said Conference as the objective and ideal, recognise that a period must elapse before it is practicable to carry the scheme fully into effect and are therefore entering into this Agreement for the purpose of providing for such interim period.

Now it is hereby agreed as follows:—

1. For the purposes of this Agreement "territory of a Partner Government"—

- (i) in relation to the United Kingdom Government, includes the Channel Islands and the Isle of Man, Newfoundland, Burma, the Colonies, Protectorates and Protected States for the administration or protection of which the United Kingdom Government are responsible, and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by the United Kingdom Government;
- (ii) in relation to the other Partner Governments, includes any dependent territory and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by that Partner Government.

2. Pending the establishment of the Commonwealth Telecommunications Board (hereinafter referred to as "the Board") the Partner Governments agree to regard the Commonwealth Communications Council as having the same functions as are proposed for the Board under Paragraphs 4 (1) and (2) of the Second Schedule to the said Overall Agreement.

THE SCHEDULES—*continued.*

3. The United Kingdom Government shall do its best to procure that Cable and Wireless Ltd. shall—

- (a) agree to the assumption by the Council of the functions proposed for the Board as aforesaid ;
- (b) sell all the shares held by or for it or any of its subsidiaries in the local companies specified in the second column of the Schedule hereto either to the appropriate Partner Government specified in the first column of the Schedule hereto or to persons resident in the territories of that Government at a fair price to be agreed or otherwise determined ;
- (c) at the option of the Partner Government concerned lease or sell all of its assets situate in the territories of any Partner Government (other than the United Kingdom Government), not being assets which the Partner Government agrees to exclude, either to the local company concerned or to the Partner Government concerned at a fair price to be agreed or otherwise determined ;
- (d) comply with any recommendations made by the Council (or the Board when established) in respect of any of the matters mentioned in Paragraph 4 (1) of the Second Schedule to the Overall Agreement ;
- (e) comply with any proposals of the Council (or the Board when established) as to pooling and not enter into any pooling arrangement without the consent of the Council or the Board ;
- (f) not enter into any negotiations with foreign telecommunication interests on any major point except after consultation with and agreement of the Council or the Board.

4. Each other Partner Government shall do its best to procure that the local company or authority which is operating its external telecommunication services shall enter into complementary and/or similar obligations to those set out for Cable and Wireless Ltd. in Clause 3 above.

5. Nothing in this Agreement affects the right of any Partner Government to acquire all or any of the shares in, or assets of, the local company operating its external telecommunication services.

6. This Agreement shall come into force forthwith.

## SCHEDULE.

*Particulars of Operating Companies.*

<i>Column 1.</i>	<i>Column 2.</i>
<i>Partner Governments concerned.</i>	<i>Companies whose shares are to be sold.</i>
His Majesty's Government in Canada.	Canadian Marconi Company Ltd.
His Majesty's Government in the Commonwealth of Australia.	Amalgamated Wireless (Australasia) Ltd.
His Majesty's Government in the Union of South Africa.	Cable and Wireless of South Africa Ltd.
The Government of India.	Indian Radio and Cable Communications Company Ltd.

## WHEAT INDUSTRY STABILIZATION.

## No. 24 of 1946.

An Act relating to the Stabilization of the  
Wheat Industry.

[Assented to 9th August, 1946.]

**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. This Act may be cited as the *Wheat Industry Stabilization Act 1946.* Short title.