

OVERSEAS TELECOMMUNICATIONS.

No. 85 of 1963.

An Act to amend the *Overseas Telecommunications Act 1946-1958*.

[Assented to 31st October, 1963.]

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

1.—(1.) This Act may be cited as the *Overseas Telecommunications Act 1963*. short title and citation.

(2.) The *Overseas Telecommunications Act 1946-1958** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Overseas Telecommunications Act 1946-1963*.

2.—(1.) This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

(2.) Each section inserted in the Principal Act by this Act shall come into operation on the day on which this Act comes into operation.

3. The preamble to the Principal Act is amended— Preamble.

(a) by omitting the words “(in this Act referred to as the Partner Governments)”; and

(b) by omitting the words “Partner Governments” (second occurring), and inserting in their stead the words “Governments referred to in the last preceding paragraph of this preamble”.

4. Sections three and four of the Principal Act are repealed and the following section is inserted in their stead—

“3. This Act is divided into Parts, as follows:— Parts.

Part I.—Preliminary (Sections 1-6).

* Act No. 23, 1946, as amended by No. 69, 1952; and No. 26, 1958.

Part II.—The Overseas Telecommunications Services.

Division 1.—Establishment and Constitution of the Overseas Telecommunications Commission (Australia) (Sections 7–17).

Division 2.—The Service of the Commission (Sections 18–33A).

Division 3.—Powers, Functions and Duties of the Commission (Sections 34–42).

Division 4.—Finances of the Commission (Sections 43–50).

Division 5.—Reports (Sections 53–54).

Part III.—Compulsory Acquisition of Property and Termination of Certain Agreements and Licences (Sections 55–62).

Part IV.—Compensation (Sections 64–73).

Part V.—Miscellaneous (Sections 74–80).”

Definitions.

5. Section five of the Principal Act is amended—

(a) by omitting the definition of “Australia” and inserting in its stead the following definition:—

“ ‘Australia’ includes the Territories of the Commonwealth, the Island of Nauru and the territorial waters of the Commonwealth, of the Territories of the Commonwealth and of the Island of Nauru; ”; and

(b) by inserting in the definition of “the Agreement”, after the words “of that section,”, the words “by the supplemental agreement the execution of which is approved by sub-section (5.) of that section”.

Execution of agreements approved.

6. Section seven of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(5.) The execution on behalf of the Commonwealth of the supplemental agreement known as the Commonwealth Telegraphs Agreement, 1963, set out in the Fourth Schedule to this Act, is approved.”.

Term of office of Commissioners.

7. Section ten of the Principal Act is amended by omitting sub-sections (1.) and (2.) and inserting in their stead the following sub-section:—

“(1.) Subject to this Act, a Commissioner holds office for three years.”.

8. Section thirty-four of the Principal Act is amended—

General
functions and
duties of
Commission.

- (a) by omitting sub-paragraphs (iv) and (v) of paragraph (a) and inserting in their stead the following sub-paragraphs:—

“ (iv) the Commonwealth and any Territory of the Commonwealth not forming part of the Commonwealth, or the Island of Nauru,

(v) any Territories of the Commonwealth not forming part of the Commonwealth, and

(vi) any Territories of the Commonwealth not forming part of the Commonwealth and the Island of Nauru;” ; and

- (b) by inserting in paragraph (f), after the word “ Governments ”, the words “ referred to as such in the agreement set out in the First Schedule to this Act ”.

9. After section thirty-four of the Principal Act the following section is inserted:—

“ 34A. Where the Minister is of opinion that the exercise in a country other than Australia or in a place outside Australia of the powers conferred by the last preceding section is—

Commission's
powers
exercisable
outside
Australia.

- (a) necessary for the purposes of the conduct of the public communications referred to in paragraph (a) of that section; or

- (b) necessary for the purposes of the conduct of public communications (other than those referred to in the last preceding paragraph) by means of cable and wireless telecommunication systems established under the Agreement or under any other agreement to which the Commonwealth of Australia is a party,

he may, by writing under his hand, approve of the exercise of those powers in that country or place but only in accordance with the law of that country or place and while the approval is in force those powers may be exercised accordingly.”.

10. Section thirty-five of the Principal Act is amended by omitting from sub-section (1.) the words “ the last preceding section ” and inserting in their stead the words “ section thirty-four of this Act ”.

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

11. Section thirty-eight of the Principal Act is amended by inserting in sub-section (1.), after the word “ may ”, the words “, in or outside Australia”.

Power to
purchase and
dispose of
assets.

Alterations in
rates, services,
&c.

12. Section seventy-five of the Principal Act is amended—

- (a) by omitting from paragraph (e) of sub-section (2.) the words “Empire telecommunication” and inserting in their stead the word “Commonwealth”; and
(b) by omitting from paragraph (g) of that sub-section the words “and Empire”.

Fourth
Schedule.

13. The Principal Act is amended by adding at the end thereof the following Schedule:—

FOURTH SCHEDULE.

Section 7 (5).

COMMONWEALTH TELEGRAPHS AGREEMENT, 1963

THIS AGREEMENT is made on the 25th day of July, One Thousand nine hundred and sixty three BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND of the first part THE GOVERNMENT OF CANADA of the second part THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA of the third part THE GOVERNMENT OF NEW ZEALAND of the fourth part THE GOVERNMENT OF INDIA of the fifth part THE GOVERNMENT OF CEYLON of the sixth part THE GOVERNMENT OF THE FEDERATION OF RHODESIA AND NYASALAND of the seventh part THE GOVERNMENT OF THE REPUBLIC OF CYPRUS of the eighth part THE GOVERNMENT OF THE FEDERATION OF NIGERIA of the ninth part THE GOVERNMENT OF GHANA of the tenth part and THE GOVERNMENT OF THE FEDERATION OF MALAYA of the eleventh part (all of whom are hereinafter collectively referred to as “the Partner Governments”)

WHEREAS

a. This Agreement is supplemental to an Agreement made on the eleventh day of May, 1948 (hereinafter referred to as “the 1948 Agreement”), between His Majesty’s Government in the United Kingdom of Great Britain and Northern Ireland 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 His Majesty’s Government in India of the sixth part and the Government of Southern Rhodesia of the seventh part (all of whom are hereinafter collectively referred to as “the original Partner Governments”) which provided for certain measures designed to promote and co-ordinate the efficiency and development of the telecommunication services of the British Commonwealth and Empire.

b. As from the twenty-sixth day of January, 1950, India became a Republic but remained a Member of the Commonwealth.

c. Each of the undermentioned Governments has adhered to the 1948 Agreement pursuant to the provisions contained in Clause 9 thereof and has been admitted as a Partner Government and no modification to the provisions of the 1948 Agreement was considered necessary or expedient to adapt them to the terms and consequences of the admission of any of the said Governments:

<i>Government</i>	<i>Date of Adherence</i>
The Government of Ceylon	1st June, 1951
The Government of the Republic of Cyprus	1st April, 1961
The Government of the Federation of Nigeria	12th March, 1962
The Government of Ghana	3rd April, 1962
The Government of the Federation of Malaya	1st September, 1962.

d. Under the operation of the Federation of Rhodesia and Nyasaland (Constitution) Order in Council, 1953, made under the provisions of the United Kingdom Rhodesia and Nyasaland Federation Act, 1953, the Government of Southern Rhodesia as from the first day of July, 1954, ceased to control external telecommunications and accordingly ceased to be qualified to be a Partner Government and it has been agreed by the original Partner Governments and by the Government of Ceylon that the Government of the Federation of Rhodesia and Nyasaland as from the first day of July, 1954, should become a Partner Government in the place of the Government of Southern Rhodesia and as from that date should become entitled to and accepted liability for all the assets and liabilities of the Government of Southern Rhodesia as a Partner Government.

e. Except as appears from Recital *p* hereto the Partner Governments have taken all the necessary action either by legislation or otherwise to implement the recommendations of the Commonwealth Telecommunications Conference, 1945 (recited in the 1948 Agreement), and to implement the provisions of the 1948 Agreement. The legislation in question is as follows:—

Partner Government	Legislation	Date of Act
United Kingdom ..	Cable and Wireless Act, 1946, and Commonwealth Telegraphs Act, 1949	6th November, 1946 31st May, 1949
Canada	The Canadian Overseas Telecommunication Corporation Act	10th December, 1949
Australia ..	Overseas Telecommunication Act, 1946, and Overseas Telecommunication Act, 1952	7th August, 1946 1st November, 1952
Southern Rhodesia	Cable and Wireless Workers Transfer Act, 1949	12th August, 1949
Ceylon	Overseas Telecommunication Act, No. 61 of 1957	21st December, 1957.

f. Pursuant to the provisions of Clauses 3 and 4 of the 1948 Agreement the Commonwealth Telecommunications Board (hereinafter referred to as "the Board") has been established and has held Meetings and the original Partner Governments and the Partner Governments have made their due contributions to the expenses of the Board.

g. Pursuant to Clause 5 of the 1948 Agreement the Partner Governments have nominated existing departments or established public corporations as their National Bodies as follows:—

Partner Government	National Body
United Kingdom ..	Post Office
Canada	Canadian Overseas Telecommunication Corporation
Australia	Overseas Telecommunications Commission (Australia)
New Zealand ..	Post Office
India	Ministry of Communications (Overseas Communications Service)
Ceylon	Posts and Telecommunications Department
The Federation of Rhodesia and Nyasaland	Ministry of Posts
Cyprus	Cyprus Telecommunications Authority
The Federation of Nigeria	Nigerian External Telecommunications, Ltd.
Ghana	The Department of Posts and Telecommunications
The Federation of Malaya	The Telecommunications Department, Federation of Malaya.

h. The 1948 Agreement by Clause 6 (1) provided that each National Body should enter into an Agreement with the Board in the terms set out in the Third Schedule thereto but no Third Schedule Agreements have so far been executed.

i. The form of Agreement set out in the Third Schedule to the 1948 Agreement is no longer appropriate having regard to the changes which have taken place since 1948 and the Partner Governments have agreed to substitute therefor a revised form of Agreement.

j. The 1948 Agreement by Clause 6 (2) provided that the terms and principles of the financial arrangements contained in Clause 7 of the Agreement set out in the Third Schedule thereto might on the recommendation of the Board be modified from time to time in such manner as the Partner Governments might agree to be equitable and convenient and a Protocol was added to the 1948 Agreement stating that it had been executed on the understanding *inter alia* that it did not commit the original Partner Governments to the terms or principles of the financial arrangements embodied in Clause 7 of the Third Schedule thereto, the intention being on the recommendation of the Board to modify the aforesaid financial arrangements prior to the confirmation of the 1948 Agreement.

k. Alternative financial arrangements set out in a substitute Clause 7 to the Third Schedule to the 1948 Agreement have been recommended by the Board accepted by all Partner Governments and have been in force from the first day of April, 1950.

l. The original Partner Governments agreed to amend the provisions in the Second Schedule to the 1948 Agreement as to the remuneration of the Chairman of the Board and as to the title of the chief executive officer of the Board and these amendments were effected by the Commonwealth Telegraphs Act 1949 Amendment Regulations 1951, which came into operation on the thirty-first day of March, 1951, and were made under the United Kingdom Commonwealth Telegraphs Act, 1949.

m. The original Partner Governments and the Government of Ceylon agreed to amend the provisions in the Second Schedule to the 1948 Agreement as to the remuneration of the Vice-Chairman and members of the Board and these amendments were effected by the Commonwealth Telegraphs Act 1949 Amendment Regulations 1953, which came into operation on the twentieth day of July, 1953, and were made under the United Kingdom Commonwealth Telegraphs Act, 1949.

n. The original Partner Governments (other than Southern Rhodesia which was no longer a Partner Government) the Government of Ceylon and the Government of the Federation of Rhodesia and Nyasaland agreed to amend further the provisions in the Second Schedule to the 1948 Agreement as to the remuneration of the Chairman, the Vice-Chairman and members of the Board, and so as to provide that a Chairman of the Board whose permanent home is outside the United Kingdom may be paid travelling and removal expenses in respect of himself and his dependents and these amendments were effected by the Commonwealth Telegraphs Act, 1949 Amendment Regulations 1960, which came into operation on the first day of April, 1960, and were made under the United Kingdom Commonwealth Telegraphs Act, 1949.

o. The Partner Governments agreed to amend the provisions in the Second Schedule to the 1948 Agreement so as to provide that with effect from the first day of October, 1962, a Chairman of the Board whose permanent home is outside the United Kingdom may be paid hotel expenses in respect of himself and his dependents incurred before taking up his appointment and on the termination thereof and this amendment was effected by the Commonwealth Telegraphs Act 1949 Amendment Regulations 1963, which came into operation on the first day of April, 1963, and were made under the United Kingdom Commonwealth Telegraphs Act, 1949.

p. The 1948 Agreement by Clause 11 provided that each original Partner Government should take appropriate action (whether by legislation or otherwise) to confirm it and at various dates in the years 1951 and 1952 such action was taken by all the original Partner Governments except the Government of India.

q. The 1948 Agreement by Clause 12 provided that it should come into force when it had been confirmed by all the original Partner Governments and on the twenty-eighth day of July, 1953, the Government of India suggested to the Board that though the 1948 Agreement had not then been so confirmed it had already *de facto* come fully into force and that it was desirable for the original Partner Governments and the Government of Ceylon to agree on an earlier date at which it should be deemed to have come into force and suggested the thirty-first day of May, 1949, being the date of the enactment of the United Kingdom Commonwealth Telegraphs Act, 1949, mentioned in Recital *e* hereto.

r. The Government of India's proposal set out in Recital *q* above has been accepted by the original Partner Governments and by the Government of Ceylon and the Government of India has accordingly confirmed the 1948 Agreement on the eighteenth day of September, 1957, so that the 1948 Agreement has now been confirmed by all the original Partner Governments.

s. The Union of South Africa on the thirty-first day of May, 1961, ceased to be a Member of the Commonwealth and thereupon under the provisions of Clause 10 of the 1948 Agreement forthwith ceased to be a Partner Government for the purposes of that Agreement.

t. The Partner Governments are entering into this supplemental Agreement for the purpose of giving such effect as is necessary to the changes recited above.

NOW IT IS HEREBY AGREED as follows:—

Substitution of the Federation of Rhodesia and Nyasaland for Southern Rhodesia as a Partner Government

1. As from the first day of July, 1954, the Government of Southern Rhodesia ceased to be a Partner Government and as from that day the Government of the Federation of Rhodesia and Nyasaland became a Partner Government in the place of the Government of Southern Rhodesia and became entitled to and liable for all the assets and liabilities enjoyed by the Government of Southern Rhodesia as a Partner Government whether under the provisions of the 1948 Agreement or otherwise.

Commonwealth Telecommunications Board and National Bodies

2. The provisions of the Second Schedule to the 1948 Agreement shall be amended as follows:—

(1) Sub-paragraph (1) of paragraph 12 is hereby revoked and the following sub-paragraph substituted therefor:

“(1) The members shall receive as from the first day of October, 1958, 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:—

The Chairman . . . . .	..	£3,500 per annum
The Vice-Chairman . . . . .	..	£2,500 per annum
Each of the other members . . . . .	..	£1,750 per annum.

In addition:—

(a) A Chairman who resides in the United Kingdom for the performance of his office but whose permanent home is outside the United Kingdom, may be paid an overseas allowance at a rate not exceeding £1,000 per annum if and so long as the Partner Governments consider such an allowance to be appropriate in the circumstances of his case.

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

(c) A Chairman whose permanent home at the time of his appointment is outside the United Kingdom and who resides in the United Kingdom for the performance of his office may be paid such sums as the Partner Governments may consider reasonable in respect of such of the following expenses incurred by him or by such persons as appear to the Partner Governments to be his dependents (which persons are hereinafter referred to as “his dependents”) as the Partner Governments may decide in the circumstances of the case:—

(i) The expenses of himself and of his dependents of travelling to the United Kingdom on his taking up his appointment, and of travelling on the termination of his appointment to the country in which he had his permanent home at the time of his appointment or to such other country as the Partner Governments may agree.

(ii) The expenses of removing his household and other furniture and effects to the United Kingdom on taking up his appointment, and of transporting them on the termination of his appointment to the country in which he had his permanent home at the time of his appointment or to such other country as the Partner Governments may agree.

(iii) The expenses of himself and his dependents of residing in an hotel for such period as the Partner Governments may agree (a) prior to his departure from the country in which he had his permanent home at the time of his appointment and on his arrival in the United Kingdom for the purpose of taking up his appointment and (b) on the termination of his appointment prior to his departure from the United Kingdom and on his return to the country of such permanent home or on his arrival in such other country as the Partner Governments may agree.

(d) All members may be reimbursed their expenses properly incurred in the due performance of their office.”

(2) For the words “the Director-General” in paragraphs 8 (1) 8 (2) and 17 (4) there shall be substituted the words “the Secretary General”.

3. In substitution for the Agreement in the terms set out in the Third Schedule to the 1948 Agreement each Partner Government and unless the National Body is a Department thereof the National Body shall enter into an Agreement with the Board in the terms set out in the Schedule hereto.

Coming into force

4. Clause 12 of the 1948 Agreement is hereby revoked and the following clause substituted therefor:

“ 12. This Agreement shall be deemed to have come into force on the thirty-first day of May, 1949 ”.

5. The 1948 Agreement as modified by this supplemental Agreement shall continue in force so far as the provisions of the same are now subsisting and capable of taking effect and are applicable to the altered circumstances hereinbefore appearing.

6. This supplemental Agreement shall come into force the day and year first above written.

SCHEDULE

Form of Agreement Between Partner Governments Board and National Body

*An Agreement made the _____ day of _____, 1963 between the Government of _____ (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, a Commonwealth Telegraphs Agreement dated the 11th day of May, 1948, (hereinafter referred to as “ the 1948 Agreement ”) was made between the Governments of the United Kingdom, Canada, Australia, New Zealand, South Africa, India and Southern Rhodesia (hereinafter collectively referred to as “ the original Partner Governments ”) for certain measures designed to promote and co-ordinate the efficiency and development of the telecommunication services of the British Commonwealth and Empire.

And whereas each of the undermentioned Governments has adhered to the 1948 Agreement and has been admitted as a Partner Government:

<i>Government</i>	<i>Date of Adherence</i>
The Government of Ceylon .. .. .	.. 1st June, 1951
The Government of the Republic of Cyprus .. .. .	.. 1st April, 1961
The Government of the Federation of Nigeria .. .. .	.. 12th March, 1962
The Government of Ghana .. .. .	.. 3rd April, 1962
The Government of the Federation of Malaya .. .. .	.. 1st September, 1962.

And whereas the Union of South Africa on the thirty-first day of May, 1961, ceased to be a Member of the Commonwealth and thereupon under the provisions of Clause 10 (1) of the 1948 Agreement forthwith ceased to be a Partner Government for the purposes of that Agreement.

And whereas the 1948 Agreement has been or will be varied by a further Commonwealth Telegraphs Agreement signed by the _____ Government on the date hereof (hereinafter referred to as “ the 1963 Agreement ” the 1948 Agreement and the 1963 Agreement being hereinafter together referred to as “ the 1948 and 1963 Agreements ”) made between the Governments of the United Kingdom, Canada, Australia, New Zealand, India, Ceylon, the Federation of Rhodesia and Nyasaland, the Republic of Cyprus, the Federation of Nigeria, Ghana and the Federation of Malaya which provided *inter alia* for the admission of the Federation of Rhodesia and Nyasaland as a Partner Government in place of Southern Rhodesia (the parties to the 1963 Agreement being hereinafter collectively referred to as “ the Partner Governments ”) and for the substitution of this form of Agreement for the form of Agreement which was set out in the Third Schedule to the 1948 Agreement.

* Where the National Body is a Department of the Partner Government, the only parties to the Agreement will be the Government and the Board.

And whereas the 1948 and 1963 Agreements provided for

- (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 (unless the body next hereinafter mentioned is a Department of the Partner Government concerned) the body by which under the 1948 and 1963 Agreements certain telecommunication assets stations and plant situate in the territory of that Partner Government are 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 1948 Agreement as varied by the provisions of the 1963 Agreement.

And whereas the National Body is the body by which under the 1948 and 1963 Agreements certain telecommunication stations and plant situate in the territories of or used by the Government are 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 telecommunication 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 Commonwealth
- (c) extensions to and alterations of any portion of the telecommunication systems of the National Body which does or might form part of the Commonwealth network
- (d) co-ordination with the appropriate authorities on telecommunication matters affecting the defence of the Commonwealth 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 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.

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

4.—(1) Before making any extension or alteration to any portion of its telecommunication system which does or might form part of the Commonwealth 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.

* Where the National Body is a Department of the Partner Government this clause should read as follows:—

“ And whereas the body by which under the 1948 and 1963 Agreements certain telecommunication stations and plant situate in the territories of or used by the Government are to be operated is the (hereinafter referred to as “ the National Body ”).”

and should be succeeded by the following recital:—

“ An.¹ whereas the National Body being a Department of the Government will as such be bound by the execution of this Agreement by the Government.”

(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) on any portion of its telecommunication system which does or might form part of the Commonwealth 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 forms as may be agreed.

7.—(1) The aggregate expenses of the Commonwealth common-user system of telecommunications incurred in each financial year by the National Bodies of all the Partner Governments and any operators subordinate to them and the current expenses of the Board in each financial year shall be shared between the National Bodies in proportion to the net revenue derived by each National Body in that year from the external telecommunication services operated by it or by any operator subordinate to it other than any services which the Partner Governments have agreed or may hereafter agree to exclude from the operation of this clause.

(2) The National Body shall retain its net revenue and the sharing of the aggregate expenses of the common-user system between the National Bodies in accordance with sub-Clause (1) of this clause shall constitute the settlement of the indebtedness of the National Bodies among themselves in respect of their use of the common-user system.

(3) The Board with the concurrence of the Partner Governments shall from time to time prescribe:—

- (a) what constitutes the Commonwealth common-user system of telecommunications for the purposes of sub-Clauses (1) and (2) of this clause
- (b) the expenses which are to be regarded as expenses of the common-user system for the purpose of sub-Clause (1) of this clause
- (c) the manner in which such expenses are to be computed
- (d) the manner in which the net revenue of each National Body is to be computed for the purposes of sub-Clauses (1) and (2) of this clause
- (e) what settlement shall be made between the National Bodies in respect of unbalance of traffic
- (f) the manner in which sums payable in settlement of unbalance of traffic shall be calculated.

(4) The Board shall from time to time determine:—

- (a) the accounting arrangements which are necessary to give effect to this clause
- (b) times and manner in which sums due from the National Body to the Board or to another National Body or from the Board or another National Body to the National Body shall be paid and
- (c) the currencies in which accounts are to be prepared.

(5) The financial arrangements which are made from time to time under this clause constitute the Central Fund which is to be set up and administered by the Board and the accounts therein which are to be opened by the Board for the National Body and the other National Bodies.

(6) Nothing in this clause shall affect the proviso to clause (c) of sub-paragraph (1) of paragraph 6 of the Second Schedule to the 1948 Agreement.

8. This Agreement shall determine in accordance with the provisions of Clause 10 of the 1948 Agreement.

9. This Agreement shall come into force on the date on which the 1963 Agreement comes into force.

1963.

Overseas Telecommunications.

No. 85.

IN WITNESS whereof the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement

For the Government of the United Kingdom: J. R. BEVINS

For the Government of Canada: GEORGE A. DREW

For the Government of Australia: E. J. HARRISON

For the Government of New Zealand: T. L. MACDONALD

For the Government of India: M. C. CHAGLA

For the Government of Ceylon: R. S. S. GUNewardENE

For the Government of the Federation of Rhodesia and Nyasaland: ALBERT
ROBINSON

For the Government of Cyprus: A. G. SOTERIADES

For the Government of the Federation of Nigeria: A. MALIKI

For the Government of Ghana: K. ARMAH

For the Government of the Federation of Malaya: YA'ACOB
