

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 3 June 1981

(*Minister for Communications*)

**A BILL
FOR**

An Act to amend the *Overseas Telecommunications Act 1946*

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

5 **1. (1)** This Act may be cited as the *Overseas Telecommunications Amendment Act 1981*.

(2) The *Overseas Telecommunications Act 1946*¹ is in this Act referred to as the Principal Act.

Commencement

2. This Act shall come into operation on a date to be fixed by Proclamation.

10 **Interpretation**

3. Section 5 of the Principal Act is amended by inserting after the definition of “radiocommunication” the following definition:

 “ ‘space station’ means an apparatus placed in geostationary orbit relative to the earth for use as part of a telecommunications system;”.

Commissions powers exercisable outside Australia

4. Section 34A of the Principal Act is amended by adding at the end thereof the following sub-sections:

“(2) With the approval of the Minister, the Commission may enter into a prescribed agreement with another person (including the Government of another country). 5

“(3) Subject to sub-section (4), where the Commonwealth or the Commission enters into a prescribed agreement with another person, the Commission is empowered to do any act or thing in the country to which the agreement relates in pursuance of the agreement. 10

“(4) The Commission shall not do any act or thing in a country that is not in accordance with the law of the country.

“(5) In this section, ‘prescribed agreement’ means an agreement for the doing by the Commission in another country of anything necessary or convenient to be done in relation to the use by persons in that other country of any national telecommunications system (including radio and television broadcasting) that is operated, by the use of a space station, in Australia for Australia and neighbouring regions.”. 15

5. After section 36 of the Principal Act the following section is inserted:

Company to operate national telecommunications system 20

“37. (1) In this section—

‘prescribed business’ means a business of operating a national telecommunications system for Australia, or for Australia and neighbouring regions, by the use of a space station (including any activity incidental to the carrying on of such a business); 25

‘prescribed company’ means a company the primary object of which is the carrying on of a prescribed business;

‘technical services’ means services relating to telecommunications;

‘telecommunications’ includes radio and television broadcasting.

“(2) The Commission may— 30

(a) form, or participate with other persons in the formation of, a prescribed company;

(b) acquire, hold and dispose of shares or stock in the capital of, or debentures or other securities of, a prescribed company;

(c) enter into a partnership, or an arrangement for the sharing of profits, with a prescribed company; and 35

(d) provide technical services (whether in or outside Australia) for a prescribed company or for a partnership referred to in paragraph (c).

“(3) The Commission shall not exercise a power conferred by sub-section (2) except with the approval of the Minister. 40

“(4) An agreement or arrangement between the Commission and a prescribed company shall include a term empowering the Commission to terminate the agreement or arrangement if the prescribed company ceases to be a prescribed company.

5 “(5) Where—

(a) the Commission has an interest in, or is a party to an agreement or arrangement with, a prescribed company; and

(b) the prescribed company ceases to be a prescribed company,

10 the Minister may give to the Commission such directions as he thinks appropriate with respect to—

(c) the disposal of the interest of the Commission in the company; or

(d) the termination of the agreement or arrangement between the Commission and the company,

as the case may be.

15 “(6) This section does not authorize a prescribed company to carry on a prescribed business otherwise than in accordance with the relevant law.”.

NOTE

1. No. 23, 1946, as amended. For previous amendments see No. 69, 1952; No. 26, 1958; No. 85, 1963; No. 93, 1966; Nos. 31 and 139, 1968; No. 9, 1971; No. 216, 1973 (as amended by No. 20, 1974); No. 56, 1975; No. 36, 1978; No. 19, 1979; and No. 177, 1980.

