

OVERSEAS TELECOMMUNICATIONS.

No. 69 of 1952.

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

[Assented to 1st November, 1952.]

WHEREAS, by the *Overseas Telecommunications Act 1946*, the execution by or on behalf of the Commonwealth of an agreement in the form set out in the First Schedule to that Act was authorized : Preamble.

AND WHEREAS the proposed agreement was not executed, the Partner Governments specified in the proposed agreement having adopted recommendations of the Commonwealth Communications Council that provision be made in the proposed agreement for the admission of other Governments as Partner Governments, for the withdrawal from the agreement of Partner Governments and for the modification of certain of the provisions of the proposed agreement :

AND WHEREAS, in order to give effect to the previous proposals as affected by those recommendations, an agreement (in this preamble referred to as "the Agreement"), and a protocol to the Agreement were executed on behalf of the Partner Governments in London on the eleventh day of May, One thousand nine hundred and forty-eight :

AND WHEREAS, in accordance with the protocol to the Agreement, the Partner Governments have adopted a recommendation of the Commonwealth Telecommunications Board that another clause should be substituted for clause seven of the Third Schedule to the Agreement :

AND WHEREAS the Partner Governments have also adopted recommendations of the Commonwealth Telecommunications Board that the Agreement be amended in certain respects :

AND WHEREAS the Agreement is expressed to come into force when it has been confirmed by all the Partner Governments :

AND WHEREAS the Commonwealth has confirmed the Agreement and the amendments to the Agreement referred to in this Preamble :

AND WHEREAS it is desirable that the execution on behalf of the Commonwealth of the Agreement, the adoption by the Commonwealth of the recommendations for amendments to the Agreement and the confirmation of the Agreement and the amendments to the Agreement be approved by the Parliament :

AND WHEREAS it is desirable that the *Overseas Telecommunications Act 1946* be amended in certain respects :

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

Short title
and citation.

1.—(1.) This Act may be cited as the *Overseas Telecommunications Act 1952*.

(2.) The *Overseas Telecommunications Act 1946** 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 1946–1952*.

Commencement.

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

(2.) Subject to this section, each section inserted in the Principal Act by this Act shall come into operation on the day on which this Act receives the Royal Assent.

(3.) The sections inserted in the Principal Act by section six of this Act shall be deemed to have come into operation on the date on which the several Parts, Divisions and sections of the Principal Act were proclaimed to come into operation.

(4.) The sections inserted in the Principal Act by sections seven and nine of this Act shall come into operation on a date to be fixed by Proclamation.

Definitions.

3. Section five of the Principal Act is amended—

(a) by omitting the definition of “ Supplementary Agreement ” ;

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

“ ‘ the Agreement ’ means the agreement the execution of which is approved by sub-section (1.) of section seven of this Act, as amended by the amendments

referred to in sub-sections (2.) and (3.) of that section, and by any further amendments authorized or approved in accordance with section seven A of this Act ; ” ; and

(c) by inserting after the definition of “ the Company ” the following definitions :—

“ ‘ the Disciplinary Appeal Board ’ means the Overseas Telecommunications Commission Disciplinary Appeal Board constituted by section thirty-one of this Act ;

“ ‘ the Promotions Appeal Board ’ means the Overseas Telecommunications Commission Promotions Appeal Board constituted by section twenty-three of this Act ; ”.

4. Section seven of the Principal Act is repealed and the following sections are inserted in its stead :—

“ 7.—(1.) The execution on behalf of the Commonwealth of the agreement known as the Commonwealth Telegraphs Agreement, and the protocol to that agreement, set out in the First Schedule to this Act is approved. Execution of agreements approved.

“ (2.) The adoption by the Commonwealth of the recommendation of the Commonwealth Telecommunications Board that clause seven of the Third Schedule to the agreement referred to in the last preceding sub-section should be replaced by a clause in the form set out in the Second Schedule to this Act is approved.

“ (3.) The adoption by the Commonwealth of the recommendations that the Second Schedule to the agreement referred to in sub-section (1.) of this section should be amended in the manner set out in the Third Schedule to this Act is approved.

“ (4.) The confirmation by the Commonwealth of the agreement referred to in sub-section (1.) of this section as amended in the manner referred to in the last two preceding sub-sections is approved.

“ 7A. The Governor-General may make regulations authorizing or approving of the execution by the Commonwealth of an agreement amending the Agreement.”. Further amendments of the Agreement.

5. Section eighteen of the Principal Act is amended by omitting sub-sections (3.), (4.) and (5.) and inserting in their stead the following sub-sections :— Appointment of officers.

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

(a) he is a British subject ;

(b) the Commission is satisfied, after he has undergone a medical examination as required by the Commission, as to his health and physical fitness ;

- (c) he makes and subscribes an oath or affirmation of allegiance in accordance with the prescribed form ; and
- (d) he has passed the appropriate entrance examination.

“(4.) For the purpose of paragraph (d) of the last preceding sub-section, ‘the appropriate entrance examination’, in relation to appointment to a position in the Service of the Commission, means—

- (a) an open examination for appointment to that position, or to positions of a class in which that position is included, conducted by or on behalf of the Commission ; or
- (b) an examination specified in the regulations as an examination for appointment to that position, or to positions of a class in which that position is included, being an examination conducted by a university or other public examining authority in a State or Territory of the Commonwealth, or being such parts of an examination so conducted as are specified in, or determined in accordance with, the regulations.

“(5.) The Commission shall, by advertisement in the *Gazette* and in daily newspapers, give adequate public notice of, and particulars relating to, an examination for the purposes of appointments to the Service of the Commission.

“(5A.) The Commission may, notwithstanding anything contained in paragraph (d) of sub-section (3.) of this section, appoint to such positions, or to positions of such classes, as are prescribed persons who have not passed the appropriate entrance examination.

“(5B.) Appointments to positions which are open only to persons who have passed the appropriate entrance examination shall be made in accordance with the order of merit in which those persons passed that examination.”

6. After section eighteen of the Principal Act the following sections are inserted :—

Special furlough
rights of
certain officers.

“18A.—(1.) In this section, ‘former employee of the Company’ means an officer who, immediately before his appointment under the last preceding section, was an employee of the Company, not being an officer whose furlough rights are preserved under sub-section (11.) of that section.

“(2.) For the purposes of the application of the *Commonwealth Employees’ Furlough Act 1943–1951* in relation to a former employee of the Company, the period during which that former employee of the Company was employed continuously by the Company immediately before his appointment under the last preceding section, but not including any part of that period which was earlier than the eighth day of May, One thousand nine hundred and twenty-two, shall be deemed to have been a period of employment by the Commonwealth.

“(3.) Where a former employee of the Company—

- (a) became an employee of the Company on or after the eighth day of May, One thousand nine hundred and twenty-two ;

- (b) was, for a period immediately before becoming an employee of the Company, employed, or engaged in the performance of duties as a member of the Defence Force, in or in connexion with radiocommunications by or on behalf of the Commonwealth; and
- (c) was, for a period immediately before becoming so employed or performing those duties, employed by the Commonwealth or a State,

those periods shall, for the purposes of the application of the *Commonwealth Employees' Furlough Act 1943-1951* in relation to that former employee of the Company, be deemed to have been periods of employment by the Commonwealth.

"18B. The regulations may provide that, for the purposes of the application of the *Commonwealth Employees' Furlough Act 1943-1951* in relation to an officer appointed under sub-section (12.) of section eighteen of this Act who is a former employee of Cable and Wireless Limited, the period for which the officer was employed continuously by that company immediately before his appointment as an officer and after such date as is prescribed shall, subject to such conditions as are prescribed, be deemed to have been a period of employment by the Commonwealth."

Special furlough rights of former employees of Cable and Wireless Limited.

7. Section twenty-three of the Principal Act is repealed and the following section inserted in its stead :—

"23.—(1.) For the purposes of appeals under the last preceding section, there shall be an Overseas Telecommunications Commission Promotions Appeal Board.

Promotions Appeal Board.

"(2.) The Promotions Appeal Board shall consist of a Chairman, an officer appointed by the Commission and an officers' representative ascertained, for the purposes of each appeal, in accordance with sub-section (6.) of this section.

"(3.) The Chairman shall be appointed by the Governor-General and shall hold office on such terms and conditions as the Governor-General determines.

"(4.) For the purposes of this section, the positions in the Service of the Commission shall be divided into prescribed classes, and an officers' representative, and a deputy officers' representative, for each class of positions shall be elected as prescribed by and from the officers who occupy positions in each of those classes of positions.

"(5.) An officers' representative and a deputy officers' representative hold office for such period as is prescribed and are eligible for re-election.

"(6.) For the purposes of an appeal, the officers' representative who shall act as a member of the Promotions Appeal Board is the officers' representative for the class of positions in which the position to which the provisional promotion has been made is included.

“(7.) A deputy officers’ representative for a class of positions may, in the event of there being a vacancy in the office of the officers’ representative for that class of positions, or in the event of the inability of that officers’ representative to act in relation to an appeal (whether as a result of a direction given under the next succeeding sub-section or otherwise), act as a member of the Promotions Appeal Board, and shall, while so acting, be deemed to be a member of the Board.

“(8.) Where, before or during the hearing of an appeal, the Chairman is of opinion that the officers’ representative is personally interested in, or may be personally affected by, the appeal, the Chairman may direct that the officers’ representative shall not act or continue to act as a member of the Promotions Appeal Board in relation to that appeal.

“(9.) Where the Chairman exercises his power under the last preceding sub-section during the hearing of the appeal, the hearing of the appeal shall be re-commenced.

“(10.) Where, at a meeting of the Promotions Appeal Board, the members are divided in opinion on a question, that question shall be determined in accordance with the decision of the majority.”.

8. Section twenty-four of the Principal Act is repealed and the following section inserted in its stead :—

Tenure of
office.

“24.—(1.) A male officer who has attained the age of sixty years is entitled to retire from the Service of the Commission if the officer desires to do so, but such an officer may, subject to this Division, continue in the Service of the Commission until he attains the age of sixty-five years.

“(2.) A male officer who continues in the Service of the Commission after attaining the age of sixty years—

(a) may be retired by the Commission from the Service of the Commission at any time before he attains the age of sixty-five years ; and

(b) shall be retired by the Commission from the Service of the Commission when he attains the age of sixty-five years.

“(3.) A female officer shall be retired by the Commission from the Service of the Commission when she attains the age of sixty years.”.

9. Section thirty-one of the Principal Act is repealed and the following section inserted in its stead :—

Disciplinary
Appeal Board.

“31.—(1.) For the purposes of appeals under the last preceding section, there shall be an Overseas Telecommunications Commission Disciplinary Appeal Board.

“(2.) The Disciplinary Appeal Board shall consist of a Chairman, an officer appointed by the Commission and an officers’ representative ascertained, for the purposes of each appeal, in accordance with sub-section (6.) of this section.

“(3.) The Chairman—

- (a) shall be a person who is or has been a Police, Stipendiary or Special Magistrate of a State or Territory of the Commonwealth ;
- (b) shall be appointed by the Governor-General ; and
- (c) shall hold office on such terms and conditions as the Governor-General determines.

“(4.) For the purposes of this section, the officers of the Commission shall be divided into prescribed classes, and an officers’ representative and a deputy officers’ representative for each class of officers shall be elected as prescribed by and from the officers in that class.

“(5.) An officers’ representative and a deputy officers’ representative hold office for such period as is prescribed and are eligible for re-election.

“(6.) For the purposes of an appeal, the officers’ representative who shall act as a member of the Disciplinary Appeal Board is the officers’ representative for the class of officers in which the officer who has appealed is included.

“(7.) A deputy officers’ representative for a class of officers may, in the event of there being a vacancy in the office of the officers’ representative for that class of officers or in the event of the inability of that officers’ representative to act in relation to an appeal (whether as a result of a direction given under the next succeeding sub-section or otherwise), act as a member of the Disciplinary Appeal Board, and shall, while so acting, be deemed to be a member of the Board.

“(8.) Where, before or during the hearing of an appeal, the Chairman is of opinion that the officers’ representative is personally interested in, or may be personally affected by, the appeal, the Chairman may direct that the officers’ representative shall not act or continue to act as a member of the Disciplinary Appeal Board in relation to that appeal.

“(9.) Where the Chairman exercises his powers under the last preceding sub-section during the hearing of an appeal, the hearing of the appeal shall be re-commenced.

“(10.) Where, at a meeting of the Disciplinary Appeal Board, the members are divided in opinion on a question, that question shall be determined in accordance with the decision of the majority.”.

10. Section thirty-seven of the Principal Act is repealed.

11. Section thirty-eight of the Principal Act is amended by omitting from sub-section (1.) the word “also”.

12. Section forty-two of the Principal Act is amended by inserting after the words “those Acts” (first occurring), the words “(not being powers which the Commission may exercise in pursuance of a licence, permission or approval granted or given under those Acts or regulations)”.

Commission to acquire overseas tele-communications assets situated in Australia.

Power to purchase and dispose of assets.

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

Exercise of
Commission's
powers by
Minister
pending
establishment
of Commission.
Meteorological
telegrams.
Schedules.

13. Section sixty-three of the Principal Act is repealed.

14. Section seventy-eight of the Principal Act is repealed.

15. The Schedules to the Principal Act are repealed and the following Schedules inserted in their stead:—

THE SCHEDULES.

FIRST SCHEDULE.

THE COMMONWEALTH TELEGRAPHS AGREEMENT.

THIS AGREEMENT is made on the Eleventh day of May One thousand nine hundred and forty-eight 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 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 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 have adopted the recommendations of the said conference and certain of such recommendations have already been carried out including the acquisition by the United Kingdom Government of all the shares of Cable and Wireless Limited:

AND WHEREAS the Partner Governments are entering into this Agreement for the purpose of giving full effect to the said recommendations:

NOW IT IS HEREBY AGREED as follows:—

PART I—Acquisition of operating companies

1. Each 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, to such extent as it has not already done so.

2. The Partner Governments to whom clause 1 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 constitution 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.

Section 7 (1.).

THE SCHEDULES—*continued.*First Schedule—*continued.*

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. (1) 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.

(2) The terms and principles of the financial arrangements contained in Clause 7 of the Agreement set out in the Third Schedule hereto may on the recommendation of the Board be modified from time to time in such manner as the Partner Governments may agree to be equitable and convenient.

PART III—Division and Transfer of assets of operating Companies

7. The United Kingdom Government shall procure that the assets of Cable and Wireless Limited 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 Limited 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.

For the purposes of this Agreement the territory of a Partner Government

- (i) in relation to the United Kingdom Government, includes every territory (other than the territory of another Partner Government) whose foreign relations are conducted by the United Kingdom;
- (ii) in relation to any other Partner Government, includes every territory whose foreign relations are conducted 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 1 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—Admission and Withdrawal

9. The Partner Governments may admit the Government of any other part of the British Commonwealth and Empire as a party to this Agreement on such terms (including the acquisition of shares in local Companies and of local assets) as may be agreed, and as from such date as may be agreed the Government so admitted shall become a Partner Government for the purposes of this Agreement, and the provisions of this Agreement may on the recommendation of the Board be modified in such manner as may be necessary or expedient to adapt them to the terms and consequences of the admission and as so modified shall be binding on the Partner Governments including the Government so admitted.

10. (1) If any Partner Government ceases to be a member of the British Commonwealth and Empire that Government shall forthwith cease to be a Partner Government for the purposes of this Agreement and the Agreement entered into by it in pursuance of Clause 6 shall determine and the National Body's account in the Central Fund shall be made up to the date of determination and all payments shall be made accordingly.

(2) If any Partner Government wishes to withdraw from this Agreement it may do so by giving notice in writing to the other Partner Governments and the Board and on the expiration of such notice it shall cease to be a Partner Government for the purposes of this Agreement and the Agreement entered into by it in pursuance of Clause 6 shall determine and the National Body's account in the Central Fund shall be made up to the date of determination and all payments shall be made accordingly. Provided that (a) no such notice shall be given during the period of

THE SCHEDULES—*continued.*First Schedule—*continued.*

six years beginning on the date on which this Agreement comes into force, and (b) any such notice shall be not less than two years in length and shall be given to expire at the end of a financial year of the National Body of such Government.

(3) In the event of a Government ceasing to be a Partner Government this Agreement shall thereafter remain in full force and effect as between the remaining Partner Governments subject only to such consequential modifications (if any) as they may agree to be necessary or expedient.

PART V—Legislation

11. 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.

12. 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 Limited
His Majesty's Government in the Commonwealth of Australia	Amalgamated Wireless (Australasia) Limited
His Majesty's Government in the Union of South Africa	Cable and Wireless of South Africa Limited
His Majesty's Government in India	Indian Radio and Cable Communications Company Limited

SECOND SCHEDULE

Constitution

1. There shall be established a body to be known as the Commonwealth Telecommunications Board.
2. The Board shall consist of members to be 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 British Commonwealth and Empire territories not directly represented by other members;
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 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 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;

THE SCHEDULES—*continued.*First Schedule—*continued.*

- (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 ;
- (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 of 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

THE SCHEDULES—*continued.*First Schedule—*continued.*

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, or

(e) if the Government which appointed him ceases to be a Partner Government.

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 :—

	<i>Per annum</i>
	£
The Chairman	3,500
The Vice-Chairman	1,500
Each of the other members	1,000

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.

THE SCHEDULES—*continued.*First Schedule—*continued.*

(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.

THIRD SCHEDULE

Form of Agreement between Partner Governments Board and National Body

*An agreement made the _____ day of _____ 19 _____ 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.

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

THE SCHEDULES—*continued.*First Schedule—*continued.*

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 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 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 British Commonwealth and 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.

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

THE SCHEDULES—*continued.*First Schedule—*continued.*

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 British Commonwealth and 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 _____ bears to the total revenues from the originating traffic in the territories of all the Partner 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.

In the Agreement entered into by the United Kingdom Government and the United Kingdom National Body sub-clause (5) will begin "The Account of the National Bodies of the other Partner Governments will be debited

THE SCHEDULES—*continued.*First Schedule—*continued.*

(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.

In the Agreement between the United Kingdom and the United Kingdom National Body omit "and (5)" above.

8. This Agreement shall determine in accordance with the provisions of Clause 10 of the said Agreement referred to in the first recital hereto.

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

For the Government of the United Kingdom :
WILFRED PALING

For the Government of Canada :
N. A. ROBERTSON

For the Government of Australia :
JOHN A. BEASLEY

For the Government of New Zealand :
W. J. JORDAN

For the Government of South Africa :
LEIF EGELAND

For the Government of India :
V. K. KRISHNA MENON

For the Government of Southern Rhodesia :
K. M. GOODENOUGH

PROTOCOL

THIS AGREEMENT has been executed on the understanding:—

First, that the obligation of any Partner Government under clause 1 thereof shall be deemed to be fully performed and discharged by its acquisition of such part only of the undertaking of a local company operating external telecommunication services in its territory as consists of assets used in or in connexion with such services; and

Second, that the Agreement does not commit the Partner Governments to the terms or principles of the financial arrangements embodied in clause 7 of the Third Schedule thereto, the intention of the Partner Governments being, on the recommendation of the Commonwealth Communications Council exercising the functions of the Commonwealth Telecommunications Board for the purpose of clause 6 (2) of this Agreement, to modify the aforesaid financial arrangements prior to the confirmation of this Agreement.

For the Government of the United Kingdom :
WILFRED PALING

For the Government of Canada :
N. A. ROBERTSON

For the Government of Australia :
JOHN A. BEASLEY

For the Government of New Zealand :
W. J. JORDAN

For the Government of South Africa :
LEIF EGELAND

For the Government of India :
V. K. KRISHNA MENON

For the Government of Southern Rhodesia :
K. M. GOODENOUGH

THE SCHEDULES—*continued.*

SECOND SCHEDULE.

Section 7 (2.).

TERMS OF THE CLAUSE TO REPLACE CLAUSE SEVEN OF THE THIRD SCHEDULE TO THE COMMONWEALTH TELEGRAPHS AGREEMENT.

" 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 paragraph (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 purpose 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 paragraph (c) of sub-clause (1) of clause 6 of the Second Schedule to the Commonwealth Telegraphs Agreement."

THIRD SCHEDULE.

Section 7 (3.).

AMENDMENTS OF THE SECOND SCHEDULE TO THE COMMONWEALTH TELEGRAPHS AGREEMENT.

Sub-paragraph (1) of paragraph 12 of the Second Schedule to the Commonwealth Telegraphs Agreement 1948 is revoked and the following sub-paragraph is substituted therefor :

" (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 :

	<i>Per annum</i>
The Chairman £2,500
The Vice-Chairman £1,500
Each of the other members £1,000