

1983-84

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 29 February 1984

(*Minister for Communications*)

A BILL

FOR

An Act to amend the *Telecommunications Act 1975*, the *Postal Services Act 1975* and the *Overseas Telecommunications Act 1946* in relation to the national telecommunications satellite system

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

PART I—PRELIMINARY

Short title

- 5 1. This Act may be cited as the *Satellite Communications (Consequential Amendments) Act 1984*.

Commencement

- 10 2. This Act shall come into operation, or be deemed to have come into operation, as the case requires, on the commencement of the *Satellite Communications Act 1984*.

**PART II—AMENDMENTS OF THE TELECOMMUNICATIONS
ACT 1975**

Principal Act

3. The *Telecommunications Act 1975*¹ is in this Part referred to as the Principal Act. 5

Duties of Commission

4. Section 6 of the Principal Act is amended—

(a) by omitting from sub-paragraph (2) (b) (ii) “and” (last occurring);
and

(b) by adding at the end of paragraph (2) (b) the following word and sub-paragraph: 10

“and (iv) the intention of the Parliament expressed in section 7 of the *Satellite Communications Act 1984*, namely, the intention that the telecommunications system provided by the Commission and the telecommunications system provided by the company AUSSAT Pty Ltd (being the company described in the definition of ‘Aussat’ in section 3 of that Act) by the use of space satellites within the meaning of that Act will provide the national telecommunications network for Australia.”. 15 20

5. After section 10 of the Principal Act the following section is inserted:

Companies involved in telecommunications

“10A. (1) In this section—

‘prescribed business’ means a business relating to telecommunications and includes the relevant business; 25

‘prescribed company’ means a company that carries on, or proposes to carry on, a prescribed business;

‘relevant business’ means the business of providing—

(a) a telecommunications system for Australia by the use of space satellites; and 30

(b) space satellite facilities for use in telecommunications systems for neighbouring regions;

‘technical services’ means services relating to telecommunications.

“(2) In the definition of ‘relevant business’ in sub-section (1), ‘Australia’, ‘neighbouring regions’ and ‘space satellite’ have the same meanings, respectively, as they have in the *Satellite Communications Act 1984*. 35

“(3) The Commission may—

(a) form, or participate with other persons in the formation of, a company that would carry on a prescribed business, other than a company that would carry on the relevant business; 40

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

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

10 “(5) 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.

“(6) 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,
- 15 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,

20 as the case may be.

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

Persons other than the Commission not to construct, maintain or operate telecommunications installations

25 **6.** Section 94 of the Principal Act is amended by inserting after paragraph (2) (f) the following paragraph:

“(fa) by the company Aussat Pty Ltd (being the company referred to in sub-paragraph 6 (2) (b) (iv)) or another person under section 14 of the *Satellite Communications Act 1984*.”.

30 **PART III—AMENDMENTS OF THE POSTAL SERVICES ACT 1975**

Principal Act

7. The *Postal Services Act 1975*² is in this Part referred to as the Principal Act.

35 **Powers of the Commission**

8. Section 9 of the Principal Act is amended by inserting after sub-section (3) the following sub-section:

40 “(3A) The Commission has power, for or in connection with the performance of its functions, to use services provided by the company AUSSAT Pty Ltd (being the company described in the definition of ‘Aussat’ in section 3 of the *Satellite Communications Act 1984*).”.

**PART IV—AMENDMENTS OF THE OVERSEAS
TELECOMMUNICATIONS ACT 1946**

Principal Act

9. The *Overseas Telecommunications Act 1946*³ is in this Part referred to as the Principal Act. 5

Company to operate national telecommunications system

10. Section 37 of the Principal Act is amended—

(a) by omitting from sub-section (1) the definition of “prescribed company” and substituting the following definition:

“‘prescribed company’ means a company that carries on, or proposes to carry on, a prescribed business;” 10

(b) by omitting paragraphs (2) (a) and (b); and

(c) by omitting sub-section (5) and substituting the following sub-section:

“(5) Where—

(a) the Commission is a party to an agreement or arrangement with a prescribed company; and 15

(b) the prescribed company ceases to be a prescribed company, the Minister may give to the Commission such directions as he considers appropriate with respect to the termination of the agreement or arrangement between the Commission and the company.”. 20

11. After section 38 of the Principal Act the following section is inserted:

Power to use satellite services

“38AA. The Commission has power, for or in connection with the performance of its functions, to use services provided by the company AUSSAT Pty Ltd (being the company described in the definition of ‘Aussat’ in section 3 of the *Satellite Communications Act 1984*).” 25

NOTES

1. No. 55, 1975, as amended. For previous amendments, see No. 94, 1976; No. 160, 1977; Nos. 36 and 170, 1978; No. 115, 1979; No. 177, 1980; No. 61, 1981; No. 80, 1982; and Nos. 7, 91, 92, 115, 136 and 147, 1983.
2. No. 54, 1975, as amended. For previous amendments, see Nos. 36 and 170, 1978; No. 7, 1979; No. 177, 1980; Nos. 61 and 74, 1981; No. 80, 1982; and Nos. 39, 92, 115 and 147, 1983.
3. 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; No. 177, 1980; Nos. 61 and 115, 1981; No. 66, 1982; No. 80, 1982; and Nos. 39, 92 and 136, 1983.