

POSTAL AND TELECOMMUNICATIONS COMMISSIONS (TRANSITIONAL PROVISIONS) ACT 1975

No. 56 of 1975

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POSTAL AND TELECOMMUNICATIONS COMMISSIONS (TRANSITIONAL PROVISIONS) ACT 1975

No. 56 of 1975

An Act to enact certain Transitional Provisions consequential upon the Enactment of the *Postal Services Act 1975* and the *Telecommunications Act 1975*.

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

PART I—PRELIMINARY

1. This Act may be cited as the *Postal and Telecommunications Commissions (Transitional Provisions) Act 1975*.¹ Short title.

2. (1) Sections 4 and 38 shall come into operation on the day fixed under sub-section 2 (2) of the *Postal Services Act 1975*. Commencement.

(2) The remaining provisions of this Act shall come into operation on the day on which this Act receives the Royal Assent.¹

3. (1) In this Act, unless the contrary intention appears—

“Australian Postal Commission” means the Commission established by the *Postal Services Act 1975*;

“Australian Telecommunications Commission” means the Commission established by the *Telecommunications Act 1975*;

“commencing day” means the day fixed under sub-section 2 (2) of the *Postal Services Act 1975*;

“Commission” means the Australian Postal Commission or the Australian Telecommunications Commission;

“exempt employee” means a person employed under Division 10 of Part III of the *Public Service Act 1922-1975* in respect of whom an order under section 8A of that Act is in force;

“Post Office Services” has the same meaning as in Part IVA of the *Post and Telegraph Act 1901-1974*;

“relevant day” means a day fixed by the Minister, being a day before, but not more than 14 days before, the commencing day.

Interpretation.

(2) Unless the contrary intention appears, expressions that are defined for the purposes of the *Postal Services Act 1975* or the *Telecommunications Act 1975* have, when used in this Act, the same respective meanings as in the Act in which they are defined.

(3) In this Act, a reference to the Service of a Commission is a reference to the Australian Postal Commission Service or the Australian Telecommunications Commission Service, as the case requires.

PART II—REPEAL AND SAVINGS

Repeal.

4. The Acts specified in Schedule 1 are repealed.

Savings—
postal
articles.

5. (1) This section applies to all postal articles that were in the possession of the Postmaster-General immediately before the commencing day.

(2) The Australian Postal Commission is, by force of this section, entitled to the possession of all postal articles to which this section applies.

(3) The *Postal Services Act 1975* applies, subject to sub-section (4), to and in relation to a postal article to which this section applies as if the article had been posted on the commencing day and, for the purpose of the application of that Act, any action taken under the *Post and Telegraph Act 1901-1974* in relation to the article shall be deemed to have been taken by the Australian Postal Commission under the *Postal Services Act 1975*.

(4) Notwithstanding sub-section (3), postage is payable on a postal article to which this section applies, being a postal article posted in Australia, at the rate applicable to the article on the day on which the article was posted.

(5) Where the postage in respect of a postal article to which this section applies was not fully pre-paid, the Australian Postal Commission is entitled to be paid, upon the delivery of the article, the amount that would have been payable to Australia upon the delivery of the article if it had been delivered immediately before the commencing day.

Savings—
arrange-
ments for
postage to be
other than
pre-paid.

6. (1) An arrangement in force under section 21 of the *Post and Telegraph Act 1901-1974* immediately before the commencing day has effect according to its tenor on and after that day as if it had been made by the Australian Postal Commission under section 15 of the *Postal Services Act 1975*.

(2) In the application of an arrangement referred to in sub-section (1) on and after the commencing day, references in the arrangement to the Postmaster-General shall be read as references to the Australian Postal Commission.

(3) Where an arrangement in force under section 21 of the *Post and Telegraph Act* 1901-1974 immediately before the commencing day applied to a postal article to which section 5 of this Act applies, the postage payable in respect of the article in accordance with the arrangement is payable to the Australian Postal Commission.

(4) An arrangement in force under section 6A of the *Post and Telegraph Rates Act* 1902-1974 immediately before the commencing day has effect according to its tenor on and after that day as if it had been made by the Australian Postal Commission under the *Postal Services Act* 1975.

7. Postage stamps sold by the Postmaster-General before the commencing day may be used on and after that day for the payment of postage payable under the *Postal Services Act* 1975 in respect of the transmission of a postal article by the Australian Postal Commission. Savings—
stamps.

8. (1) The moneys standing to the credit of a Money Order Account, being the account kept in accordance with section 26 of the *Audit Act* 1901-1973, immediately before the commencing day are, by virtue of this section, vested in the Australian Postal Commission. Savings—
money
orders and
postal
orders.

(2) Notwithstanding the repeal of section 26 of the *Audit Act* 1901-1973 by section 38 of, and Schedule 2 to, this Act, a Money Order Account referred to in sub-section (1) of this section may, on and after the commencing day, be operated on—

- (a) by a cheque signed before the commencing day by a person authorized under section 26 of the *Audit Act* 1901-1973; or
- (b) by a cheque signed on or after the commencing day by a person authorized by the Australian Postal Commission for that purpose.

(3) Where, immediately before the commencing day, moneys would have been payable by Australia upon due presentation of a money order or postal order issued in Australia or of a money order issued in another country for the payment of moneys in Australia—

- (a) the Australian Postal Commission is liable, upon due presentation of the money order or postal order to that Commission on or after that day and upon payment to that Commission of any fee that would have been payable under the *Post and Telegraph Act* 1901-1974 upon presentation of the money order or postal order under that Act, to make payment in accordance with the order; and
- (b) Australia ceases to be liable to make any payment in respect of the order.

(4) The Australian Postal Commission is liable to pay to, or in accordance with the directions of, the Australian Telecommunications

Commission amounts aggregating the sum of the moneys in the Money Order Account immediately before the commencing day that were received in connexion with the provision of telecommunications services by Australia.

(5) Where moneys held in the Money Order Account immediately before the commencing day were held on behalf of a State, body or person, the Australian Postal Commission is liable to pay an amount equal to the amount of the moneys so held to that State, body or person.

(6) Where moneys held in the Money Order Account immediately before the commencing day were payable out of that account in accordance with the directions of a Department other than the Postmaster-General's Department, the Australian Postal Commission is liable to expend out of moneys of the Commission amounts aggregating the amount of those moneys in accordance with the directions of that Department.

(7) The Australian Postal Commission shall pay to the credit of the Unclaimed Moneys Fund kept in accordance with section 107 of the *Postal Services Act 1975* amounts equal to each of the amounts held in the Money Order Account immediately before the commencing day that had been paid into that account more than 1 year before that day for transmission by means of a money order or postal order and that section applies in relation to that amount as if it had been received by the Commission for transmission to a person on the day on which it was received by Australia.

Savings—
telegrams.

9. (1) The Australian Telecommunications Commission is, by virtue of this section, entitled to possession of all telegrams, within the meaning of the *Post and Telegraph Act 1901-1974*, delivered, before the commencing day, at a telegraph office or post office for transmission by telegraph but not delivered to the addressees before that day.

(2) The *Telecommunications Act 1975* applies, subject to subsection (3), to a telegram referred to in sub-section (1) as if it had been delivered to the Australian Telecommunications Commission on the commencing day for transmission as a telegram.

(3) The charge for the transmission of a telegram referred to in sub-section (1) is the charge that was payable on the day on which it was delivered to a telegraph office or post office.

Savings—
authority to
erect and
maintain
telegraph
lines.

10. (1) An authority in force under section 81 of the *Post and Telegraph Act 1901-1974* immediately before the commencing day continues to have effect, notwithstanding the repeal of that Act, but subject to this section, as if it were an authority granted by the Australian Telecommunications Commission under section 13 of the *Telecommunications Act 1975*.

(2) Where any of the conditions subject to which an authority referred to in sub-section (1) was given would, but for this sub-section, be incapable of operating at any time after the commencing day by reason of the abolition of the Postmaster-General's Department or of there no longer being any person holding an office specified in the authority, the Australian Telecommunications Commission may, by notice in writing given to the holder of the authority, modify the conditions in such a manner as it deems appropriate for the purpose of enabling them to operate on and after the commencing day.

(3) Where an authority referred to in sub-section (1) was granted for a specified period, the authority continues in force in accordance with this section for the remainder of that period.

(4) Where an authority referred to in sub-section (1) was not granted for a specified period, the holder of the authority or the Australian Telecommunications Commission may terminate the authority by giving to the other party to the authority not less than 12 months notice of intention to terminate the authority.

11. (1) The repeal effected by section 4 does not prevent the recovery, after the commencing day, under Part VIA of the *Post and Telegraph Act* 1901-1974, of compensation, or of an amount equal to the cost of work done by the Postmaster-General's Department, in respect of any act or thing done before that day. Savings—
legal
proceedings.

(2) Where, immediately before the commencing day, proceedings to which Australia or the Postmaster-General was a party were pending in any court for the recovery under that Part of compensation, or of an amount equal to the cost of work done by the Postmaster-General's Department, the Australian Telecommunications Commission is, by force of this section, substituted for Australia or the Postmaster-General, as the case may be, as a party to the proceedings and has the same rights in the proceedings as the party for which it is substituted.

(3) The Australian Telecommunications Commission may institute proceedings for the recovery of compensation in respect of any act or thing done before the commencing day, or of an amount equal to the cost of work done by the Postmaster-General's Department before the commencing day, as if Part VIA of the *Post and Telegraph Act* 1901-1974 had not been repealed and that Commission and that Department were the same body.

(4) The Australian Telecommunications Commission is entitled to any compensation or amount paid or recovered after the commencing day under Part VIA of the *Post and Telegraph Act* 1901-1974.

(5) Any security for the payment of moneys to the Postmaster-General held by Australia immediately before the commencing day

under Part VIA of the *Post and Telegraph Act* 1901-1974 shall be transferred to the Australian Telecommunications Commission and held by that Commission as security for the payment of those moneys to that Commission.

Damage to
property.

12. (1) Where, immediately before the commencing day, proceedings to which Australia or the Postmaster-General is a party were pending in any court for the recovery of damages in respect of damage done before the commencing day to property vested in a Commission by this Act, that Commission is, by force of this section, substituted for Australia or the Postmaster-General, as the case may be, as a party to the proceedings and has the same rights in the proceedings as the party for which it is substituted.

(2) Where property vested in a Commission by this Act was damaged before the commencing day, that Commission may institute proceedings in a court of competent jurisdiction for the recovery of any damages that would, but for this section, be recoverable by Australia or the Postmaster-General in respect of that damage.

Charges.

13. (1) Until the Australian Postal Commission makes a determination under section 18 of the *Postal Services Act* 1975, the rates of postage, rentals, fees and other charges payable under the *Post and Telegraph Rates Act* 1902-1974 or the *Post and Telegraph Act* 1901-1974 immediately before the commencing day in respect of, or in relation to, services within the functions of that Commission apply, on and after the commencing day, as if they had been duly determined under section 18 of the *Postal Services Act* 1975 on the commencing day.

(2) Until the Australian Telecommunications Commission makes a determination under section 11 of the *Telecommunications Act* 1975, the rentals, fees and other charges payable under the *Post and Telegraph Rates Act* 1902-1974 or the *Post and Telegraph Act* 1901-1974 immediately before the commencing day in respect of, or in relation to, services within the functions of that Commission apply, on and after the commencing day, as if they had been duly determined under section 11 of the *Telecommunications Act* 1975 on the commencing day.

PART III—PREPARATORY ARRANGEMENTS

Powers of
Com-
missions.

14. (1) At any time after this Act receives the Royal Assent and before the commencing day, the Australian Postal Commission—

- (a) may determine charges under section 18 of the *Postal Services Act* 1975;
- (b) may create positions in the Australian Postal Commission Service under that Act;

- (c) may prepare and submit to the Minister under that Act estimates of its receipts and expenditure for the period commencing on the commencing day and ending on 30 June 1976; and
 - (d) may make By-laws under that Act,
- as if that Act were in force.
- (2) At any time after this Act receives the Royal Assent and before the commencing day, the Australian Telecommunications Commission—
- (a) may determine charges under section 11 of the *Telecommunications Act 1975*;
 - (b) may create positions in the Australian Telecommunications Commission Service under that Act;
 - (c) may prepare and submit to the Minister under that Act estimates of its receipts and expenditure for the period commencing on the commencing day and ending on 30 June 1976; and
 - (d) may make By-laws under that Act,
- as if that Act were in force.
- (3) Determinations and By-laws referred to in sub-section (1) or (2) that are made before the commencing day do not come into operation until the commencing day.

PART IV—STAFF

15. A reference in this Part to a person who was, on the relevant day, an officer of the Australian Public Service does not include a reference to a person who ceased to be such an officer on that day by reason of his retirement, resignation or dismissal.

Interpretation.

16. (1) The Minister shall, after taking into consideration any advice furnished to him by the Australian Postal Commission and any advice furnished to him by the Australian Telecommunications Commission, determine, in writing, to which of the Services, that is to say, the Australian Postal Commission Service or the Australian Telecommunications Commission Service, it is appropriate to appoint—

Allocation of officers of the Postmaster-General's Department.

- (a) officers of the Australian Public Service who were, on the relevant day, holding, or performing the duties of, offices in the Postmaster-General's Department; and
 - (b) officers of the Australian Public Service who were, on the relevant day, unattached officers in the Postmaster-General's Department.
- (2) Where the Minister determines that it is appropriate to appoint an officer of the Australian Public Service to the Australian Postal Commission Service, the officer shall be deemed to have been appointed by

the Australian Postal Commission, on the commencing day, to that Service under section 42 of the *Postal Services Act 1975*.

(3) Where the Minister determines that it is appropriate to appoint an officer of the Australian Public Service to the Australian Telecommunications Commission Service, the officer shall be deemed to have been appointed by the Australian Telecommunications Commission, on the commencing day, to that Service under section 39 of the *Telecommunications Act 1975*.

(4) Sub-sections (2) and (3) do not apply to a person who ceased to be an officer of the Australian Public Service on or after the relevant day but before the commencing day.

(5) References in this section to the Minister are—

- (a) in the application of this section before the commencing day—references to the Postmaster-General; and
- (b) in the application of this section on and after that day—references to the Minister administering this Act or another Minister acting for and on behalf of that Minister.

Appointment
to fill
positions.

17. (1) In this section, a reference to an officer of a Commission is a reference to an officer deemed to have been appointed to the Service of that Commission under this Part other than such an officer who, immediately before the commencing day, was not performing duty in the Australian Public Service by reason of having been authorized to perform duty temporarily for another authority, body or person.

(2) A Commission shall, in respect of each officer of the Commission—

- (a) appoint the officer to a position in the Service of the Commission; or
- (b) determine the classification at which the officer is to be employed.

(3) A Commission shall not, under sub-section (2)—

- (a) appoint an officer of the Commission to a position having a lower classification, or determine that an officer of the Commission is to be employed at a lower classification, than the classification at which the officer was employed immediately before the commencing day; and
- (b) determine that an officer of the Commission is to be employed at a salary lower than the salary applicable to the officer immediately before the commencing day.

(4) Where—

- (a) an officer of a Commission was, immediately before the commencing day, in receipt of an allowance in respect of the performance of the whole or a part of the duties of an office or position

of a classification (in this sub-section referred to as the higher classification) higher than the classification of the office or position occupied by him;

- (b) the officer had, during the period of 12 months ended immediately before the commencing day, been continuously in receipt of such an allowance at a rate not less than the rate applicable to him immediately before that day; and
- (c) the Commission appoints the officer to a position having a classification, or determines that the officer be employed at a classification, lower than that higher classification,

the officer is entitled to be paid, during the period during which he occupies an office having a classification, or is employed at a classification, lower than the higher classification, or during a period of 6 months, whichever is the less, an allowance at a rate equal to the difference between his rate of annual salary and the rate of annual salary that would be applicable to him if he were occupying a position having a classification equal to, or were employed at a classification equal to, the higher classification.

(5) In this section, “salary” does not include an allowance by way of higher duties allowance.

18. (1) In this section, “probationer” means a person who had Probation. been appointed to the Australian Public Service on probation and whose appointment has not been confirmed before the commencing day.

(2) Where a person who is deemed to have been appointed to the Service of a Commission under this Part is a probationer—

- (a) he shall be deemed to have been so appointed upon probation and, for the purpose of the application of the relevant section to him, his service in the Australia Public Service counts as if it were service in the Service of that Commission; and
- (b) if a direction had been given in relation to the person that he continue on probation for a period in excess of 6 months, that direction has effect, for the purposes of the relevant section, as if it were a direction given by that Commission.

(3) For the purposes of sub-section (2), the relevant section is—

- (a) in the case of a person who is deemed to have been appointed to the Australian Postal Commission Service under this Part—section 43 of the *Postal Services Act 1975*; and
- (b) in the case of a person who is deemed to have been appointed to the Australian Telecommunications Commission Service under this Part—section 40 of the *Telecommunications Act 1975*.

(4) Subject to sub-section (2), a person who is deemed to have been appointed to the Service of a Commission under this Part shall be deemed to have been so appointed without probation.

Appeals
against
promotions.

19. (1) Where a person was promoted to fill a vacancy in an office in the Postmaster-General's Department before the commencing day but the promotion had not been completed before that day, the Minister shall, after taking into consideration any advice furnished to him by the Australian Postal Commission and any advice furnished to him by the Australian Telecommunications Commission, declare whether the promotion is to have effect in relation to the Australian Postal Commission or the Australian Telecommunications Commission.

(2) Where the Minister declares that a promotion is to have effect in relation to a Commission referred to in sub-section (1)—

- (a) the relevant section applies, in accordance with paragraph (b), to and in relation to the promotion as if the person had, on the effective date, been promoted by that Commission to fill the corresponding position in the Service of that Commission; and
- (b) in the application of paragraph (a) and the relevant section to and in relation to the promotion—
 - (i) the corresponding position in the Service of that Commission shall be deemed to have been in existence, and to have been vacant, on the effective date;
 - (ii) any action taken in connexion with the promotion before the commencing day has effect as if it had been taken in relation to the promotion of the person to fill the corresponding position in the Service of that Commission;
 - (iii) if the commencing day is less than 22 days after the effective date in relation to the promotion—an officer of the Australian Public Service who, immediately before the commencing day, was entitled to appeal against the promotion but has not done so may appeal against the promotion as if he were an officer in the Service of that Commission;
 - (iv) if that Commission would be required to promote a person who would not, but for this paragraph, be an officer in the Service of that Commission, or to confirm the provisional promotion of such a person, that person shall be deemed to have been appointed by that Commission to be an officer in the Service of that Commission on the effective date; and
 - (v) the seniority of an officer of the Australian Public Service shall be determined as prescribed by the By-laws made by that Commission.

(3) For the purposes of this section, the promotion of an officer to fill a vacancy in an office in the Postmaster-General's Department shall be taken not to be completed if it has not been confirmed or cancelled.

(4) In this section—

(a) a reference to the relevant section is—

(i) in relation to a declaration that a promotion is to have effect in relation to the Australian Postal Commission—a reference to section 54 of the *Postal Services Act 1975*; and

(ii) in relation to a declaration that a promotion is to have effect in relation to the Australian Telecommunications Commission—a reference to section 51 of the *Telecommunications Act 1975*;

(b) a reference to the corresponding position in the Service of the Australian Postal Commission or of the Australian Telecommunications Commission, in relation to an office in the Postmaster-General's Department, is a reference to a position determined by the Australian Postal Commission or the Australian Telecommunications Commission, as the case may be, being a position the duties of which are the same or substantially the same as the duties of that office or position and which has a classification equivalent to the classification of that office or position; and

(c) a reference to the effective date, in relation to the promotion of a person to fill a vacancy in an office in the Postmaster-General's Department, is a reference to the date on which the person was promoted to fill the vacancy.

20. (1) While this section continues in force—

(a) the Australian Postal Commission may promote, or, with the concurrence of the Australian Telecommunications Commission, transfer, an officer in the Australian Telecommunications Commission Service to fill a vacant position in the Australian Postal Commission Service; and

(b) the Australian Telecommunications Commission may promote, or, with the concurrence of the Australian Postal Commission, transfer, an officer in the Australian Postal Commission Service to fill a vacant position in the Australian Telecommunications Commission Service.

Promotions
of officers
during
transitional
period.

(2) For the purposes of sub-section (1), sections 50 and 54 of the *Postal Services Act 1975* apply as if—

(a) references in those sections to an officer in the Australian Postal Commission Service included references to an officer in the Australian Telecommunications Commission Service; and

(b) the seniority in the Australian Postal Commission Service of an officer in the Australian Telecommunications Commission Service were to be determined as prescribed by the By-laws made by the Australian Postal Commission.

(3) For the purposes of sub-section (1), sections 47 and 51 of the *Telecommunications Act 1975* apply as if—

(a) references in those sections to an officer in the Australian Telecommunications Commission Service included references to an officer in the Australian Postal Commission Service; and

(b) the seniority in the Australian Telecommunications Commission Service of an officer in the Australian Postal Commission Service were to be determined as prescribed by By-laws made by the Australian Telecommunications Commission.

(4) An officer promoted or transferred to the service of a Commission under this section shall be deemed to have been appointed an officer in the Service of that Commission on the day on which he is so promoted or transferred for all purposes of the *Postal Services Act 1975* or the *Telecommunications Act 1975* as the case requires.

(5) This section ceases to have effect on 30 June 1980 and the *Acts Interpretation Act 1901-1973* applies as if it had been repealed on that date by another Act.

Promotions
of certain
persons to
offices in the
Public
Service.

21. (1) Where—

(a) a person (in this section referred to as the relevant person) deemed to have been appointed to the Service of a Commission by this Part—

(i) had, before the commencing day, been promoted to fill a vacant office in a Department other than the Postmaster-General's Department;

(ii) had appealed, before that day, against the promotion of another person to fill such an office; or

(iii) would, if he had continued to be an officer of the Australian Public Service on the commencing day, have had, on the commencing day, a right to appeal against the promotion of another person to fill such an office, being a promotion made before the commencing day; and

(b) the promotion had not been confirmed or cancelled before the commencing day,

this section applies in relation to the promotion.

(2) Section 50 of the *Public Service Act 1922-1975* continues to apply, on and after the commencing day, to and in relation to a promotion to which this section applies as if the relevant person had not ceased to be an officer of the Australian Public Service and his service in

the Service of a Commission were service in the Australian Public Service.

(3) Where the promotion of the relevant person is confirmed under section 50 of the *Public Service Act 1922-1975* or the relevant person is promoted to a vacant office under sub-section 50 (9) of that Act, the person shall be deemed, notwithstanding section 16, to have continued on and after the commencing day to be an officer of the Australian Public Service but any amount paid to him as salary in respect of his service in the Service of a Commission shall be deemed to have been paid to him as salary under the *Public Service Act 1922-1975*.

22. (1) Where a person who is deemed by this Part to have been appointed to the Service of a Commission is, on the commencing day, performing duty—

Officers
serving with
other bodies
or persons.

- (a) in accordance with arrangements made under section 47D of the *Public Service Act 1922-1975*;
- (b) in a capacity referred to in section 48A of that Act; or
- (c) in an appointment referred to in section 72B of that Act,

that section ceases, upon the commencing day, to apply to and in relation to him, but he may continue, on and after that day, to perform duty accordingly and shall be deemed to have been granted, on the commencing day, leave of absence without pay by the Commission commencing on that day and ending on the day on which he ceases to perform duty accordingly.

(2) Upon the termination of the leave of absence that is to be deemed to have been granted to a person under sub-section (1), the person is entitled to be employed in the Service of that Commission at a classification and salary determined by the Commission having regard to the duties performed by him in the Australian Public Service immediately prior to his commencing to perform the duties referred to in sub-section (1) and the period during which he has performed those duties.

(3) Where, but for this sub-section, a person who is deemed by this Part to have been appointed to the Service of a Commission would, on the commencing day, be an officer to whom section 6 of the *Officers' Rights Declaration Act 1928-1975* applies—

- (a) that Act ceases to apply to and in relation to him on that day;
- (b) he continues to retain the existing and accruing rights previously retained by him by virtue of the application of that Act and, in determining those rights—
 - (i) his service in relation to which that Act applied shall be taken into account as if it were service in the Australian Public Service; and

- (ii) his service while on leave under paragraph (c) shall be taken into account as if it were service in the Service of that Commission;
- (c) he shall be deemed to have been granted leave of absence without pay by that Commission commencing on the commencing day and ending on the day on which he ceases to be employed as, by or as a member of an Australian Government Authority other than that Commission; and
- (d) on the termination of that leave of absence, he is entitled to be employed in the Service of that Commission at a classification and salary determined by that Commission having regard to the office in the Australian Public Service occupied by him immediately before he became an officer to whom the *Officers' Rights Declaration Act 1928-1975* applied and the period during which that Act applied to him and the period of leave of absence applicable to him under this section.

(4) Where an officer attains the maximum age for retirement or is dismissed for misconduct before the completion of the period of leave of absence applicable to him under this section, sub-section (2) or paragraph (3) (d), as the case may be, does not apply to him.

Engagement
of temporary
employees.

23. (1) The Australian Postal Commission and the Australian Telecommunications Commission shall jointly determine the Service, that is to say, the Australian Postal Commission Service or the Australian Telecommunications Commission Service, in which it is appropriate to employ—

- (a) persons who were, on the relevant day, employed in the Postmaster-General's Department under the *Public Service Act 1922-1975* as temporary employees; and
- (b) persons who were, on the relevant day, employed in that Department as exempt employees.

(2) Subject to sub-section (4), the Australian Postal Commission shall engage as an employee each person in respect of whom it has been determined under sub-section (1) that it is appropriate that he be employed in the Service of that Commission.

(3) Subject to sub-section (4), the Australian Telecommunications Commission shall engage as an employee each person in respect of whom it has been determined under sub-section (1) that it is appropriate that he be employed in the Service of that Commission.

(4) Sub-section (2) or (3) does not require the engagement of a person as an employee—

- (a) if the person ceased to be employed in the Postmaster-General's Department after the relevant day and before the commencing day; or

(b) if the person has notified the Commission that he does not wish to be so engaged.

(5) Where it is determined under sub-section (1) that it is appropriate that a person be employed in the Service of a Commission and that person is employed in the Postmaster-General's Department on the day immediately before the commencing day, the person ceases, immediately before the commencing day, to be employed under section 82 of the *Public Service Act 1922-1975* or as an exempt employee, as the case may be.

24. (1) This section applies to—

- (a) a person deemed to have been appointed as an officer in the Service of a Commission under this Part; and
- (b) a person employed by a Commission in accordance with section 23.

Accrued
leave of
absence.

(2) A person to whom this section applies retains the rights, if any, in respect of—

- (a) recreation leave; and
- (b) leave on the ground of illness,

that had accrued to him as an officer, employee or exempt employee of the Australian Public Service immediately before the commencing day.

(3) For the purposes of determining the leave of absence that might be granted to a person to whom this section applies in accordance with any terms and conditions of his employment that correspond with the provisions of regulation 50 of the Public Service Regulations, any service of the officer in the Australian Public Service during the period of 12 months immediately preceding the commencing day shall be deemed to be service in the Australian Postal Commission Service or the Australian Telecommunications Commission Service, as the case requires.

25. (1) Where—

- (a) a person deemed to have been appointed an officer in the Australian Postal Commission Service under this Part; or
- (b) a person employed by the Australian Postal Commission in accordance with section 23,

Leave of
absence
deemed to
have been
granted.

was granted leave of absence for a period commencing on or before the commencing day and ending on or after that day, he shall be deemed to have been granted leave of absence by that Commission in accordance with the By-laws made under the *Postal Services Act 1975* or in accordance with the *Commonwealth Employees' Furlough Act 1943-1973* or the *Maternity Leave (Australian Government Employees) Act 1973*, as the case requires, for a period commencing on the commencing day and ending on the last day of that first-mentioned period and for the purpose for which he had been granted that first-mentioned leave of absence and, if he was paid by Australia salary or allowances in respect of any

leave after the commencing day, the payment shall be deemed to have been made by the Australian Postal Commission in respect of the leave that is deemed to have been granted to him under this sub-section.

(2) Where—

- (a) a person deemed to have been appointed an officer in the Australian Telecommunications Commission Service under this Part; or
- (b) a person employed by the Australian Telecommunications Commission in accordance with section 23,

was granted leave of absence for a period commencing on or before the commencing day and ending on or after that day, he shall be deemed to have been granted leave of absence by that Commission in accordance with the By-laws made under the *Telecommunications Act 1975* or in accordance with the *Commonwealth Employees' Furlough Act 1943-1973* or the *Maternity Leave (Australian Government Employees) Act 1973*, as the case requires, for a period commencing on the commencing day and ending on the last day of that first-mentioned period and for the purpose for which he had been granted that first-mentioned leave of absence and, if he was paid by Australia salary or allowances in respect of any leave after the commencing day, the payment shall be deemed to have been made by the Australian Telecommunications Commission in respect of the leave that is deemed to have been granted to him under this sub-section.

Attachment
of salaries.

26. (1) Where a copy of a judgment and a statutory declaration referred to in section 64 of the *Public Service Act 1922-1975* had been served on a Paying Officer in accordance with that section before the commencing day in relation to a person who is deemed by this Part to have been appointed an officer in the Service of a Commission, or was engaged by a Commission as an employee in pursuance of section 23, but the Paying Officer had not been notified before the commencing day that the judgment had been satisfied, the relevant section applies in relation to the judgment as if the judgment and declaration had been served on that Commission in accordance with the relevant section.

(2) Where copies of two or more judgments had been served on a Paying Officer under the *Public Service Act 1922-1975* before the commencing day in relation to a person referred to in sub-section (1), they shall be deemed to have been served on the Commission in the order in which they were served under that Act.

(3) In this section—

- (a) the relevant section, in relation to an officer in the Australian Postal Commission Service or a temporary employee of that Commission, is section 109 of the *Postal Services Act 1975*; and

- (b) the relevant section, in relation to an officer in the Australian Telecommunications Commission Service or a temporary employee of that Commission, is section 104 of the *Telecommunications Act 1975*.

27. (1) Where an officer to whom this section applies had, before the commencing day, committed an offence mentioned in section 55 of the *Public Service Act 1922-1975*, the officer may be dealt with under Division 6 of Part V of the relevant Act as if he had, by reason of having committed that offence, failed to fulfil his duty as an officer, within the meaning of that Division, of the relevant Commission. Discipline.

(2) Nothing in sub-section (1) shall render a person to whom this section applies liable to be punished twice in respect of the same offence.

(3) Where an officer to whom this section applies had been charged with an offence referred to in sub-section (1) before the commencing day but the charge had not been disposed of before that day, the relevant authorized officer shall hold an inquiry into the alleged offence and may treat any explanation and reports furnished to a Chief Officer under the *Public Service Act 1922-1975* in connexion with the charge as having been furnished to him for the purposes of that inquiry.

(4) Where an officer to whom this section applies had appealed under the *Public Service Act 1922-1975* against the decision of a Chief Officer in respect of an offence mentioned in section 55 of that Act, but the appeal had not been disposed of before the commencing day, the appeal shall be heard and determined by a Disciplinary Appeal Board constituted under the relevant Act as if the appeal had been instituted under the relevant Act and, if the Board, on hearing the appeal, confirms the decision of the Chief Officer, the Board shall, in substitution for the decision of the Chief Officer or of that Commission—

- (a) cause a supervisor of the officer to counsel the officer;
- (b) admonish the officer; or
- (c) give a direction or make a recommendation in respect of the officer of a kind referred to in the appropriate sub-section but so that a direction is not given and a recommendation is not made that would result in action being taken in respect of the officer that is more severe than the action taken or recommended by the Chief Officer or by that Commission.

(5) The relevant Commission shall take such action as is necessary to give effect to a direction or recommendation of a Disciplinary Appeal Board given under paragraph (4) (c).

(6) Where an officer to whom this section applies was suspended from duty immediately before the commencing day, the suspension operates on and after the commencing day as if it had been imposed by the relevant Commission under the relevant Act.

(7) Where Division 6 of Part V of the relevant Act is extended to apply to a class of employees, sub-sections (1), (2), (6) and (8) of this section, apply as if references in those sub-sections to an officer included references to an employee included in that class of employees and employees included in that class of employees who were engaged as employees in pursuance of this Part had been appointed under this Part.

(8) In this section—

- (a) a reference to an officer to whom this section applies is a reference to an officer of the Australian Postal Commission Service or of the Australian Telecommunications Commission Service who is deemed to have been appointed to that Service under this Part;
- (b) a reference to the relevant Commission is—
 - (i) in relation to an officer in the Australian Postal Commission Service—a reference to the Australian Postal Commission; and
 - (ii) in relation to an officer in the Australian Telecommunications Service—a reference to the Australian Telecommunications Commission;
- (c) a reference to the relevant Act is—
 - (i) in relation to an officer in the Australian Postal Commission Service—a reference to the *Postal Services Act 1975*; and
 - (ii) in relation to an officer in the Australian Telecommunications Commission Service—a reference to the *Telecommunications Act 1975*;
- (d) a reference to the appropriate sub-section is—
 - (i) in relation to an officer in the Australian Postal Commission Service—a reference to sub-section 61 (9) of the *Postal Services Act 1975*; and
 - (ii) in relation to an officer in the Australian Telecommunications Commission Service—a reference to sub-section 58 (9) of the *Telecommunications Act 1975*; and
- (e) a reference to the relevant authorized officer is—
 - (i) in relation to an officer in the Australian Postal Commission Service—an officer authorized for the purposes of sub-section 61 (5) of the *Postal Services Act 1975*; and
 - (ii) in relation to an officer in the Australian Telecommunications Commission Service—an officer authorized for the purposes of sub-section 58 (5) of the *Telecommunications Act 1975*.

- (9) For the purposes of this section—
- (a) a charge shall be taken not to have been disposed of if it has not been withdrawn and the Chief Officer has not either dismissed the charge or found the charge to have been sustained; and
 - (b) an appeal shall be taken not to have been disposed of if it has not been withdrawn and it has not been heard and determined.

28. Where, on or after the commencing day, an Appeal Board established under section 82AA of the *Public Service Act 1922-1975* annuls the decision that the services of an employee be dispensed with, and the employee was, immediately before the decision, employed in the Postmaster-General's Department, the Minister shall direct whether he is to be engaged as an employee in the Australian Postal Commission Service or the Australian Telecommunications Commission Service, and the Commission concerned shall give effect to the direction.

Other misconduct.

PART V—ASSETS AND LIABILITIES

- 29.** (1) On, or as soon as practicable after, the commencing day—
- (a) the Minister shall transfer or cause to be transferred to the Australian Postal Commission such of the assets owned by Australia and held or used in connexion with, or arising from, the undertakings of the Postmaster-General's Department as are, in the opinion of the Minister, appropriate to be used by that Commission in connexion with the performance of its functions;
 - (b) the Minister shall transfer or cause to be transferred to the Australian Telecommunications Commission such of the assets owned by Australia and held or used in connexion with, or arising from, the undertakings of the Postmaster-General's Department as are, in the opinion of the Minister, appropriate to be used by that Commission in connexion with the performance of its functions;
 - (c) the Australian Postal Commission is, by force of this section, liable to pay, satisfy, observe, perform and discharge the debts, liabilities and obligations of Australia connected with assets transferred to that Commission under paragraph (a) or otherwise connected with, or arising from, the provision of postal services by Australia; and
 - (d) the Australian Telecommunications Commission is, by force of this section, liable to pay, satisfy, observe, perform and discharge the debts, liabilities and obligations of Australia connected with any assets transferred to that Commission under paragraph (b) or otherwise connected with, or arising from, the provision of telecommunications services by Australia.

Transfer of assets and assumption of liabilities by the Commissions.

(2) The Australian Postal Commission shall indemnify Australia, and keep Australia indemnified, from and against all actions, claims, demands, proceedings, suits, damages, expenses and costs that may be brought against, or incurred by, Australia at any time for or in respect of a debt, liability or obligation that the Commission is liable to pay, satisfy, observe, perform or discharge under paragraph (1) (c).

(3) The Australian Telecommunications Commission shall indemnify Australia, and keep Australia indemnified, from and against all actions, claims, demands, proceedings, suits, damages, expenses and costs that may be brought against, or incurred by, Australia at any time for or in respect of a debt, liability or obligation that the Commission is liable to pay, satisfy, observe, perform or discharge under paragraph (1) (d).

(4) An authorized officer shall, upon application by a person who satisfies him that he has good reason for requiring a certificate under this sub-section, by writing under his hand, certify whether a specified asset of a kind referred to in paragraph (1) (a) or (b) has been transferred to the Australian Postal Commission, has been transferred to the Australian Telecommunications Commission or has not been transferred to either of those Commissions, as the case requires, or that a specified debt, liability or obligation is a debt, liability or obligation referred to in paragraph (1) (c), is a debt, liability or obligation referred to in paragraph (1) (d) or is not a debt, liability or obligation referred to in either of those paragraphs, as the case requires, and such a certificate is, in all courts and in all proceedings, *prima facie* evidence of the matters stated in the certificate.

(5) Judicial notice shall be taken of the signature of an authorized officer appearing on a certificate under sub-section (4) and that the person by whom such a certificate purports to be signed is an authorized officer.

(6) The Australian Telecommunications Commission is liable to pay to Australia, at such times as the Treasurer determines, such amounts as the Treasurer determines to be amounts, the payment of which should be regarded as liabilities of that Commission in respect of the liability of Australia to make payments under any Acts relating to superannuation in respect of persons who were, before the commencing day employed in connexion with Post Office Services.

(7) In this section—

“assets” includes—

- (a) plant, equipment, stores and materials, motor vehicles and plant and equipment in the course of construction;
- (b) book and other debts due to Australia and the benefit of any securities for those debts;

- (c) the benefit that is capable of assignment of any contract;
- (d) all other real or personal property, rights or interest to which Australia is entitled and which it may assign; and
- (e) all appropriate records maintained by Australia;

“authorized officer” means the Minister or an officer authorized by the Minister.

30. (1) A person who is provided by Australia with a telecommunications service immediately before the commencing day may use that service on and after that commencing day as if he had been provided with that service by the Australian Telecommunications Commission. Continuation
of service.

(2) The authorization given by sub-section (1) is given subject to compliance with the relevant provisions of the *Telecommunications Act* 1975 and of the By-laws made under that Act and subject to the payment of the charges payable under that Act.

(3) Arrangements in force immediately before the commencing day authorizing the attachment of equipment to a telecommunications service provided by the Postmaster-General and the use of any such equipment continue to have force and effect on and after that day as if the Australian Telecommunications Commission had made the arrangements under the By-laws in force under the *Telecommunications Act* 1975.

(4) Arrangements in force immediately before the commencing day for the provision of a postal service for a person continue to have force and effect on and after that day as if the Australian Postal Commission had made the arrangements under the By-laws in force under the *Postal Services Act* 1975.

(5) Where a person had paid to Australia before the commencing day an amount on account of rental or charges expected to accrue in respect of the provision of a postal service or a telecommunications service by the Postmaster-General on or after the commencing day, that amount shall be deemed to have been paid to the Australian Postal Commission or to the Australian Telecommunications Commission, as the case may be, on account of the charges that become payable under the *Postal Services Act* 1975 or under the *Telecommunications Act* 1975 in respect of the provision of that service under that Act.

(6) Where a person has incurred charges in respect of the provision of a postal service or a telecommunications service by Australia before the commencing day but the charges have not been paid before that day, whether or not the charges have become due for payment before that day, the charges are, by force of this sub-section, payable to the Australian Postal Commission or to the Australian Telecommunications Commission, as the case may be, and not to Australia.

PART VI—MISCELLANEOUS

Annual
reports and
financial
statements.

31. (1) The Minister shall, as soon as practicable after the commencing day, prepare a report in relation to the operation of the Post Office Services during the year ended on 30 June 1975 together with a Balance Sheet and other financial statements in respect of that year in such form as the Treasurer approves and, if the commencing day is after 1 July 1975, a report in relation to the operation of those services, together with a Balance Sheet and other financial statements in such form as the Treasurer approves, in respect of the period commencing on 1 July 1975 and ending on the day immediately before the commencing day.

(2) The Minister shall submit the financial statements prepared in accordance with sub-section (1) to the Auditor-General, who shall report to the Minister—

- (a) whether the statements are based on accounts and financial records kept in accordance with Part IVA of the *Post and Telegraph Act* 1901-1974;
- (b) whether the statements are in agreement with the accounts and financial records and show fairly the financial operations and the state of the financial affairs of the Post Office Services;
- (c) whether the payments of amounts into and out of the Post Office Trust Account during the year or period had been in accordance with that Part;
- (d) as to the adequacy of a provision referred to in paragraph 96H (4) (a) or (b) of that Act; and
- (e) as to such matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

(3) The Minister shall cause a report and financial statements prepared in accordance with sub-section (1) together with the report of the Auditor-General, to be laid before each House of the Parliament within 15 sitting days of that House after receipt by the Minister of the report from the Auditor-General.

(4) The Australian Postal Commission and the Australian Telecommunications Commission shall provide the Minister with such assistance as he requires for the purpose of preparing a report and financial statements required to be prepared under this section.

32. In a declaration of trust entered into by an officer of the Postmaster-General's Department before the commencing day with respect to moneys payable under the *Commonwealth Public Service Act 1922* or under that Act as subsequently amended to a dependant of a deceased officer of that Department, a reference to the Director-General of Posts and Telegraphs, a Chief Officer of the Postmaster-General's Department or a person holding any other office in that Department shall, on and after the commencing day, be read as a reference to the Minister. Declarations of trusts.

33. (1) The Minister may, by instrument under his hand, delegate to an officer, either generally or otherwise as provided by the instrument of delegation, all or any of his powers under this Act (except this power of delegation). Delegation.

(2) A Commission may, by instrument under its seal, delegate to a Commissioner, to the Chief General Manager, or to an officer or employee of the Commission, either generally or otherwise as provided by the instrument of delegation, all or any of its powers under this Act (except this power of delegation).

(3) A delegation under this section is revocable at will and does not prevent the exercise of a power by the Minister or the Commission, as the case may be.

34. The power conferred on the Australian Postal Commission by the *Postal Services Act 1975* to make By-laws, and the power conferred on the Australian Telecommunications Commission by the *Telecommunications Act 1975* to make By-laws, extend to the making of By-laws prescribing matters authorized by this Act to be prescribed by the By-laws. By-laws.

35. (1) An authority given by—

(a) a person deemed to have been appointed to the Service of a Commission under Part IV; or

(b) a person engaged as an employee of a Commission in pursuance of section 23,

before the commencing day for the deduction of an amount from each payment of his salary and the payment, on behalf of the person, of each amount so deducted to a specified body or person, being an authority that had not been cancelled before that day, continues in force on and after that day until cancelled by the person as an authority for that Commission to deduct that amount from each payment of his salary and for the payment by that Commission, on behalf of the person, of each amount so deducted to the body or person specified in the authority. Deductions from salary.

(2) Where—

(a) a person deemed to have been appointed to the Service of a Commission under Part IV; or

- (b) a person engaged as an employee of a Commission in pursuance of section 23,

is liable to pay an amount to Australia in respect of an overpayment of any salary or allowance paid to him before the commencing day by Australia, the person is liable to pay that amount to that Commission.

Arbitration
proceedings.

36. (1) In this section, unless the contrary intention appears—

“Arbitrator” means the person holding, or performing the duties of, the office of Public Service Arbitrator under the *Public Service Arbitration Act 1920-1973*;

“claim” means a claim made under the *Public Service Arbitration Act 1920-1973*, or an application made under that Act to vary a determination of the Arbitrator, being a claim or application—

- (a) that was submitted to the Arbitrator before the commencing day;
- (b) that relates, either in whole or in part, to the Postmaster-General’s Department; and
- (c) that is declared by the regulations to be a claim or application, as the case may be, to which this section applies;

“Deputy Arbitrator” means a person holding an office of Deputy Public Service Arbitrator under the *Public Service Arbitration Act 1920-1973*;

“relevant Commission”, in relation to a claim, means a Commission declared under sub-section (2) to be a relevant Commission in relation to that claim.

(2) For the purposes of this section, the regulations may declare that the Australian Postal Commission or the Australian Telecommunications Commission, or that each of those Commissions, is a relevant Commission in relation to a claim.

(3) Notwithstanding that a claim relates, either in whole or in part, to the Postmaster-General’s Department—

- (a) where the hearing of the claim was completed, but a determination was not made in respect of the claim, before the commencing day, a determination may be made in respect of the claim;
- (b) where the hearing of the claim was commenced, but was not completed, before the commencing day, the hearing may be completed, and a determination may be made in respect of the claim;

- (c) where a determination was made in respect of the claim, and an appeal against that determination was instituted but not determined, before the commencing day, a determination may be made, or the appeal may be heard and a determination may be made, as the case requires, in respect of the appeal; or
- (d) where—
 - (i) a determination in respect of the claim was made before the commencing day but the time for instituting an appeal against that determination had not expired before that day; or
 - (ii) a determination in respect of the claim is made on or after the commencing day,an appeal may be instituted against that determination and the appeal may then be heard and a determination made in respect of the appeal,

under the *Public Service Arbitration Act 1920-1973* on or after the commencing day, and that determination may purport to relate to the Postmaster-General's Department.

(4) Where the hearing of the whole or a part of a claim referred to in paragraph (3) (b) was deferred before the commencing day, being a claim or a part of a claim that relates to the Postmaster-General's Department, sub-section (3) does not authorize the making of a determination in respect of that claim or that part of that claim, as the case may be.

(5) Subject to sub-section (6), where a determination referred to in sub-section (3) that is made after the commencing day in respect of a claim purports to determine terms and conditions of employment applicable to persons performing the duties of offices included in a class of offices, or designations of persons included in a class of designations of persons, in the Postmaster-General's Department, a relevant Commission in relation to the claim shall vary the terms and conditions of employment applicable to the officers and employees in its Service in such manner as is necessary to ensure that the terms and conditions of employment, in respect of matters to which the determination relates, of those officers and employees who are performing the duties of positions included in a class of positions in its Service that correspond with that class of offices, designations of persons or positions are no less favourable than those first-mentioned terms and conditions of employment.

(6) Sub-section (5) does not apply to a determination made by the Arbitrator or a Deputy Arbitrator—

- (a) until the expiration of the period allowed for the institution of an appeal against the determination; and
- (b) if an appeal is instituted, or appeals are instituted, against the determination—unless the appeal, or each of the appeals, is

withdrawn or held not to lie or the determination is confirmed, either with or without a variation.

(7) For the purposes of making a determination referred to in sub-section (3), the Arbitrator, the Deputy Arbitrator or the Conciliation and Arbitration Commission, as the case requires, shall assume that—

- (a) the persons who, immediately before the commencing day, were employed in the Postmaster-General's Department were continuing, on and after that day, to be members of the Australian Public Service, to be employed in that Department and to be performing the duties that they were performing immediately before that day; and
- (b) the offices established in, and the designations of persons employed in, the Postmaster-General's Department immediately before the commencing day continued in existence without change of duties, on and after that day, as offices in, and as designations of persons employed in, that Department.

(8) The Conciliation and Arbitration Commission, the Arbitrator and a Deputy Arbitrator have, respectively, in respect of a hearing of a claim or appeal referred to in sub-section (3) and in respect of the making of a determination referred to in that sub-section, all the powers conferred on it or him by the *Public Service Arbitration Act 1920-1973*, including the powers conferred by sections 15 and 15A, but an application does not lie to the Arbitrator to vary a determination so referred to in so far as the determination purports to relate to the Postmaster-General's Department.

(9) A relevant Commission in relation to a claim has, by virtue of this sub-section, the like rights, and may exercise the like powers, in relation to the claim, or a determination made in respect of the claim, to which sub-section (3) applies as the rights and powers that are conferred by the *Public Service Arbitration Act 1920-1973* on the Public Service Board in relation to the claim or determination.

(10) Nothing in this section shall be taken to affect the application of section 22 of the *Public Service Arbitration Act 1920-1973* in relation to a determination, but a determination of a kind referred to in sub-section (3) shall not, for the purposes of that section, be deemed to be not in accord with the *Postal Services Act 1975* or the *Telecommunications Act 1975*.

(11) Nothing in this section shall be taken to affect the application of the *Public Service Arbitration Act 1920-1973* in relation to a claim in so far as the claim is not related to the Postmaster-General's Department.

37. Section 82 of the *Telecommunications Act* 1975 applies in relation to a person who is deemed to be an officer in the Service of a Commission under Part IV or was engaged by a Commission in pursuance of section 23 as if references in that first-mentioned section to the contents or substance of a telecommunications message that came to his knowledge or to which he had access by reason of his position as an officer or employee included a reference to the contents or substance of a telegram that came to his knowledge or to which he had access by reason of his former position as an officer or employee of the Postmaster-General's Department. Disclosure of telegrams.

38. (1) The Acts specified in Column 1 of Schedule 2, are amended as respectively specified in Column 2 of that Schedule. Amendments and citations of Acts.

(2) Where an Act specified in Column 1 of Schedule 2 or Column 1 of Schedule 3 was amended by any Act or Acts coming into operation before the date on which this section comes into operation, the reference in that Column to that first-mentioned Act shall be read as a reference to that first-mentioned Act as so amended.

(3) Where a direction given by the Registrar in Bankruptcy under section 79 of the *Bankruptcy Act* 1956-1973 was in force immediately before the commencing day, it continues in force, on and after that day, for the remainder of the period for which it was given, and—

- (a) to the extent to which it applies to postal articles, the Australian Postal Commission shall comply with that direction; and
- (b) to the extent to which it applies to telegrams, the Australian Telecommunications Commission shall comply with that direction.

(4) An Act specified in Column 1 of Schedule 3, as amended by this Act, may be cited in the manner specified in Column 2 of that Schedule opposite to the reference to that Act in Column 1.

39. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed by the regulations. Regulations.

SCHEDULE 1

Section 4

ACTS REPEALED

PART I—POST AND TELEGRAPH ACTS

Post and Telegraph Act 1901
Post and Telegraph Act 1910
Post and Telegraph Act 1912
Post and Telegraph Act 1913
Post and Telegraph Act 1916
Post and Telegraph Act 1923
Post and Telegraph Act 1949
Post and Telegraph Act 1960
Post and Telegraph Act 1961
Post and Telegraph Act 1965
Post and Telegraph Act 1966
Post and Telegraph Act 1968
Post and Telegraph Act (No. 2) 1968
Post and Telegraph Act 1970
Post and Telegraph Act 1971
Post and Telegraph Act 1973
Post and Telegraph Act 1974

PART II—POST AND TELEGRAPH RATES ACTS

Post and Telegraph Rates Act 1902
Post and Telegraph Rates Act 1911
Post and Telegraph Rates Act 1918
Post and Telegraph Rates Act 1920
Post and Telegraph Rates Act 1923
Post and Telegraph Rates Act 1924
Post and Telegraph Rates Act 1930
Post and Telegraph Rates Act 1931
Post and Telegraph Rates Act 1940
Post and Telegraph Rates Act 1941
Post and Telegraph Rates Act 1949
Post and Telegraph Rates Act 1950
Post and Telegraph Rates Act 1951
Post and Telegraph Rates Act 1956
Post and Telegraph Rates Act 1959
Post and Telegraph Rates Act 1964
Post and Telegraph Rates Act 1965
Post and Telegraph Rates Act 1967
Post and Telegraph Rates Act 1968
Post and Telegraph Rates Act 1970
Post and Telegraph Rates Act 1971
Post and Telegraph Rates Act 1973
Post and Telegraph Rates Act 1974
Tasmanian Cable Rates Act 1906
Postal Rates Act 1910

PART III—OTHER ACTS

Post and Telegraph Regulations Act 1967
Post and Telegraph Regulations Act 1973

SCHEDULE 2

Section 38

AMENDMENT OF ACTS

| Column 1 Act | Column 2 Extent of Amendment |
|---|---|
| <i>Audit Act 1901-1973</i> | Section 26— Repeal. Section 26A— Repeal. |
| <i>Australian National Airlines Act 1945-1973</i> | Section 22— Omit “the Commonwealth”, insert “the Australian Postal Commission”. |
| <i>Bankruptcy Act 1966-1973</i> | Section 79— Omit “by the Postmaster-General”, insert “by the Australian Postal Commission or the Australian Telecommunications Commission, as the case requires,”. |
| <i>Broadcasting and Television Act 1942-1974</i> | Section 16— Omit from paragraph (3) (b) “Postmaster-General”, insert “Minister administering the <i>Wireless Telegraphy Act 1905-1973</i> ”. Section 28A— Omit “Postmaster-General”, insert “Minister administering the <i>Wireless Telegraphy Act 1905-1973</i> ”. Section 59— Omit from sub-section (1) “Postmaster-General”, insert “Australian Telecommunications Commission”. Section 63— Omit from sub-section (1) “Postmaster-General” (wherever occurring), insert “Australian Telecommunications Commission”. Omit from sub-section (2) “Postmaster-General”, insert “Minister administering the <i>Telecommunications Act 1975</i> ”. Section 73— Omit from sub-section (1) “The Postmaster-General shall, except in so far as he otherwise determines”, insert “The Australian Telecommunications Commission shall, except in so far as the Minister administering the <i>Telecommunications Act 1975</i> otherwise determines”. Omit from sub-section (2) “Postmaster-General”, insert “the Minister administering the <i>Telecommunications Act 1975</i> ”. Section 74— Omit from sub-section (1) “The Postmaster-General shall, except in so far as he otherwise determines,”, insert “The Australian Telecommunications Commission shall, except in so far as the Minister administering the <i>Telecommunications Act 1975</i> otherwise determines”. Omit from sub-section (1) “Postmaster-General” (second occurring), insert “Minister administering the <i>Telecommunications Act 1975</i> ”. Omit from sub-section (2) “Postmaster-General” (first occurring), insert “Minister administering the <i>Telecommunications Act 1975</i> ”. Omit from sub-section (2) “the Postmaster-General” (second occurring), insert “that Minister”. Omit from sub-section (3) “Postmaster-General”, insert “Minister administering the <i>Telecommunications Act 1975</i> ”. Section 75— Omit from sub-section (1) “Postmaster-General” (wherever occurring), insert “Australian Telecommunications Commission”. |

SCHEDULE 2—continued

| Column 1 Act | Column 2 Extent of Amendment |
|--|--|
| <i>Broadcasting and Television Act</i> 1942-1974—continued | <p>Omit sub-section (1A), insert the following sub-section:—</p> <p>“(1A) In respect of the erection, placing and maintenance of an electric line referred to in paragraph (1) (a), the Australian Telecommunications Commission and any person acting under its authority have the same powers, and are subject to the same obligations, as are conferred or imposed under Parts II and III of the <i>Telecommunications Act</i> 1975 in relation to the erection, placing and maintenance of lines within the meaning of that Act.”.</p> <p>Section 76—</p> <p>Omit “Postmaster-General” (wherever occurring), insert “Australian Telecommunications Commission”.</p> <p>Omit “Postmaster-General’s Department”, insert “Australian Telecommunications Commission Service”.</p> <p>Section 112—</p> <p>Omit “the Minister administering the <i>Post and Telegraph Act</i> 1901-1934, or the <i>Wireless Telegraphy Act</i> 1905-1936”, insert “the Australian Telecommunications Commission or the Minister administering the <i>Wireless Telegraphy Act</i> 1905-1973”.</p> <p>Section 130A—</p> <p>Omit sub-section (1), insert the following sub-section:—</p> <p>“(1) In this section, ‘telegraph line’ means a line within the meaning of the <i>Telecommunications Act</i> 1975.”.</p> <p>Omit sub-section (8), insert the following sub-section:—</p> <p>“(8) A person shall not use a telegraph line (not being a telegraph line erected upon private land or within a private building) for the purpose of transmitting a programme or other matter, being a programme or matter broadcast or transmitted by a broadcasting station or television station, except in accordance with a permit in force under this section or for the purpose of further transmission of that programme or other matter by means of wireless telegraphy.”.</p> |
| <i>Cocos (Keeling) Islands Act</i> 1955-1973 | Section 11— Repeal. |
| <i>Commonwealth Electoral Act</i> 1918-1973 | Section 212— Repeal. Section 213— Omit “subject to any postal regulations”, insert “subject to the regulations in force under the <i>Postal Services Act</i> 1975”. |
| <i>Commonwealth Railways Act</i> 1917-1973 | Section 16— Omit from paragraph (e) “Postmaster-General”, insert “Australian Telecommunications Commission”. |
| | Section 31— Omit “Postmaster-General” (wherever occurring), insert “Australian Postal Commission”. |
| <i>Crimes Act</i> 1914-1973 | Section 30E— Omit from paragraph (1) (b) “ <i>Post and Telegraph Act</i> 1901-1923”, insert “ <i>Postal Services Act</i> 1975”. |
| | Omit from sub-section (3) “, shall be forwarded to the General Post Office of the State in which it was posted, and shall be forfeited to the Commonwealth and shall be destroyed or disposed of as the Postmaster-General directs”, insert “, shall be forfeited to Australia and shall be destroyed or disposed of as provided in the regulations in force under the <i>Postal Services Act</i> 1975”. |
| <i>Customs Act</i> 1901-1974 | Section 35— Omit “through the Post Office”, insert “by post”. |
| <i>Overseas Telecommunications Act</i> 1946-1973 | Section 35 (2)— Omit “the Department of the Postmaster-General”, insert “Australian Telecommunications Commission”. |
| | Section 35 (3)— Omit “Postmaster-General”, insert “Minister administering the <i>Telecommunications Act</i> 1975”. |

SCHEDULE 2—continued

| Column 1 Act | Column 2 Extent of Amendment |
|---|--|
| <i>Overseas Telecommunications Act</i> 1946-1973—continued | Omit "Director-General of Posts and Telegraphs", insert "Managing Director of the Australian Telecommunications Commission". Section 42— Omit " <i>Post and Telegraph Act</i> 1901-1934", insert " <i>Telecommunications Act</i> 1975". Section 76— Omit "Postmaster-General" (wherever occurring), insert "Australian Telecommunications Commission". Section 77 (1)— Omit " <i>Post and Telegraph Act</i> 1901-1966", insert " <i>Telecommunications Act</i> 1975". Section 77 (4)— Omit "The Postmaster-General", insert "Australian Telecommunications Commission". Section 77 (5)— Omit "The Director-General of Posts and Telegraphs", insert "Managing Director of the Australian Telecommunications Commission". Omit "Postmaster-General's Department", insert "Australian Telecommunications Commission". Omit "Commonwealth", insert "Australian Telecommunications Commission". Section 79— Omit "Postmaster-General" (wherever occurring), insert "the Minister administering the <i>Wireless Telegraphy Act</i> 1905-1973". |
| <i>Referendum (Constitution Alteration) Act</i> 1906-1973 | Section 38— Omit "subject to the postal regulations", insert "subject to the regulations in force under the <i>Postal Services Act</i> 1975". |
| <i>Repatriation Act</i> 1920-1974 . . . | Section 123A— Omit sub-section (1). Omit from sub-section (5) "or the <i>Post and Telegraph Act</i> 1901-1968". |
| <i>Social Services Act</i> 1947-1974 . . . | Section 135v— Repeal. |
| <i>Telephonic Communications (Interception) Act</i> 1960-1973 | Section 3— Insert in sub-section (1), before the definition of "communication", the following definition:— " 'Commission' means the Australian Telecommunications Commission;". Omit the definition of "officer of the Department" from sub-section (1), insert the following definition:— " 'officer of the Commission' includes an employee of the Commission;". Omit from the definition of "subscriber" in sub-section (1) "Department", insert "Commission". Omit from the definition of "telephone line" in sub-section (1) "Department", insert "Commission". Omit from the definition of "telephone service" in sub-section (1) "Department", insert "Commission". Omit the definition of "the Department" from sub-section (1). Omit from the definition of "the telephone system" in sub-section (1) "Department", insert "Commission". Omit from sub-section (2) "Department", insert "Commission". Omit from sub-section (3) "Department", insert "Commission". Section 4— Omit from sub-section (2) "Department", insert "Commission". Section 5— Omit "Department" (wherever occurring), insert "Commission". Omit "the <i>Post and Telegraph Act</i> 1901-1950 or of any regulation", insert "the <i>Telecommunications Act</i> 1975 or of any regulation or by-law". |

SCHEDULE 2—continued

| Column 1 Act | Column 2 Extent of Amendment |
|---|---|
| <i>Telephonic Communications (Interception) Act</i> 1960-1973—continued | Section 6— Omit from sub-paragraph (2) (a) (ii) “Department”, insert “Commission”. Section 11— Omit “the Director-General of Posts and Telegraphs” (wherever occurring), insert “the Managing Director of the Australian Telecommunications Commission”. |
| <i>Trade Practices Act</i> 1974 | Section 64— Omit from sub-section (10) “Postmaster-General”, insert “Australian Telecommunications Commission”. |

SCHEDULE 3

Section 38

CITATION OF ACTS

| Column 1 Act Amended | Column 2 Citation of Act as Amended |
|---|---|
| <i>Audit Act</i> 1901-1973 | <i>Audit Act</i> 1901-1975 |
| <i>Australian National Airlines Act</i> 1945-1973 | <i>Australian National Airlines Act</i> 1945-1975 |
| <i>Bankruptcy Act</i> 1966-1973 | <i>Bankruptcy Act</i> 1966-1975 |
| <i>Broadcasting and Television Act</i> 1942-1974 | <i>Broadcasting and Television Act</i> 1942-1975 |
| <i>Cocos (Keeling) Islands Act</i> 1955-1973 | <i>Cocos (Keeling) Islands Act</i> 1955-1975 |
| <i>Commonwealth Electoral Act</i> 1918-1973 | <i>Commonwealth Electoral Act</i> 1918-1975 |
| <i>Commonwealth Railways Act</i> 1917-1973 | <i>Australian National Railways Act</i> 1917-1975 |
| <i>Crimes Act</i> 1914-1973 | <i>Crimes Act</i> 1914-1975 |
| <i>Customs Act</i> 1901-1974 | <i>Customs Act</i> 1901-1975 |
| <i>Referendum (Constitution Alteration) Act</i> 1906-1973 | <i>Referendum (Constitution Alteration) Act</i> 1906-1975 |
| <i>Repatriation Act</i> 1920-1974 | <i>Repatriation Act</i> 1920-1975 |
| <i>Social Services Act</i> 1947-1974 | <i>Social Services Act</i> 1947-1975 |
| <i>Telephonic Communications (Interception) Act</i> 1960-1973 | <i>Telephonic Communications (Interception) Act</i> 1960-1975 |
| <i>Trade Practices Act</i> 1974 | <i>Trade Practices Act</i> 1974-1975 |

NOTE

1. Act No. 56, 1975; assented to 12 June 1975.