

RADIO-TELEPHONE EXCHANGE SERVICE REGULATIONS.

STATUTORY RULES 1952, No. 52.^(b)

PART I.—PRELIMINARY.

1. These Regulations may be cited as the Radio-telephone Exchange Service Regulations.

2. These Regulations are divided into Parts, as follows:—
Part I.—Preliminary. (Regulations 1-3)

Parts.

(b) Made under the *Post and Telegraph Act 1901-1950* and the *Wireless Telegraphy Act 1905-1950* on 13th June, 1952; notified in the *Gazette* on 19th June, 1952.

Part II.—Applications for and Provision of Radio-telephone Exchange Services. (Regulations 4-8)

Part III.—Purposes for which Services may be Used. (Regulations 9-12)

Part IV.—Transfer and Termination of Services. (Regulations 13-18)

Part V.—Fees and Charges. (Regulations 19-28)

Part VI.—Miscellaneous. (Regulations 29-35)

3. In these Regulations, unless the contrary intention appears— Definitions.

“approved form” means a form approved by the Department;

“base station” means a radio station established and maintained by the Department for the purpose of communicating by radio-telephony (either directly or through a receiving station) with one or more radio-telephone units;

“craft” means a water craft or an aircraft;

“exchange” means a telephone exchange established by the Department, to which one or more telephone subscribers are, or are intended to be, connected;

“public telephone” means a telephone, other than the telephone of a telephone subscriber, provided, or authorized by the Department under the Telephone Regulations to be provided, for public use;

“radio-telephone exchange service” means a service provided by the Department at a base station for communication by radio-telephony between that base station and a radio-telephone unit while that unit is within a radius of twenty miles of that base station;

“radio-telephone unit” means a radio unit installed or intended to be installed in a vehicle or craft and used, or intended to be used, for communicating by radio-telephony with a base station;

“telephone subscriber” means a person who is authorized by the Department under the Telephone Regulations to rent, provide or use a telephone or other like service other than a radio-telephone exchange service;

“telephone system” means the telephone system controlled by the Department;

“the Department” means the Department of the Postmaster-General, and a reference to the Department includes a reference to the officer of the Department who is empowered or authorized by the appropriate authority to exercise the powers or discharge the functions or duties conferred or imposed upon the Department by these Regulations.

PART II.—APPLICATIONS FOR AND PROVISION OF RADIO-TELEPHONE EXCHANGE SERVICES.

4.—(1.) A person who—

(a) owns or controls a vehicle or craft; and

(b) has installed or proposes to install in that vehicle or craft a radio-telephone unit,

may apply to the Department to become a subscriber to a radio-telephone exchange service.

(2.) The application shall be made in writing in the approved form and shall contain such particulars as the Department directs.

Applications for radio-telephone exchange services.

Installation,
inspection, &c.,
of radio-
telephone units.

5.—(1.) The Department shall not approve an application by a person to become a subscriber to a radio-telephone exchange service—

(a) unless the radio-telephone unit installed or proposed to be installed in the vehicle or craft is a type of which the Department approves; and

(i) unless the radio-telephone unit has been installed in the vehicle or craft, and has been inspected, tested and approved by the Department after being so installed.

(2.) The Department may require the applicant to make the vehicle or craft in which the radio-telephone unit is installed available, at a time and place suitable to the Department, for inspection and testing of the unit by the Department for the purposes of the last preceding sub-regulation.

(3.) The cost of providing and installing a radio-telephone unit shall be borne by the person who is applying to become a subscriber to a radio-telephone exchange service.

Department
may fix
minimum
period of
service.

6. When the Department approves the application of a person to become a subscriber to a radio-telephone exchange service, the Department may fix a minimum period, not exceeding one year, for which that person shall become a subscriber.

Maintenance
and inspection
of radio-
telephone
units.

7. A subscriber to a radio-telephone exchange service shall at his own expense—

(a) maintain the radio-telephone unit installed in the vehicle or craft owned or controlled by him in a condition satisfactory to the Department; and

(b) make the radio-telephone unit available for inspection and testing by the Department at such times and places as the Department directs.

Removal of
radio-
telephone
unit.

8.—(1.) Subject to sub-regulation (4.) of this regulation, a person shall not remove, or permit or suffer another person to remove, a radio-telephone unit from the vehicle or craft in which it is installed unless he has the written consent of the Department and, where he is not the subscriber to the radio-telephone exchange service in connexion with which the unit is used, the written consent of that subscriber.

Penalty: Ten pounds.

(2.) A subscriber to a radio-telephone exchange service may, at his own expense, with the written consent of the Department and upon paying a fee of Five shillings to the Department, remove a radio-telephone unit from the vehicle or craft in which it is installed, and—

(a) install it in another vehicle or craft which is owned or controlled by him; or

(b) install another radio-telephone unit of a type approved by the Department in place of the radio-telephone unit so removed.

(3.) A subscriber to a radio-telephone exchange service shall not use, or permit or suffer another person to use, a radio-telephone unit installed by him in a vehicle or craft in pursuance of the last preceding sub-regulation, unless and until the radio-telephone unit so installed has been inspected, tested and approved by the Department.

Penalty: Ten pounds.

(4.) The written consent of the Department to the removal of a radio-telephone unit from the vehicle or craft in which it is installed is not required where the unit is removed only so that it may be serviced.

PART III.—PURPOSES FOR WHICH SERVICES MAY BE USED.

9.—(1.) A radio-telephone exchange service may be either a one-way service or a two-way service. One-way and two-way services.

(2.) Subject to these Regulations—

(a) a subscriber to a one-way service is entitled to receive messages from, but not to transmit messages to, a base station; and

(b) a subscriber to a two-way service is entitled to transmit messages to, and receive messages from, a base station.

10. Subject to these Regulations, a subscriber to a radio-telephone exchange service is entitled to be connected through a base station to the telephone system for the purpose of communicating with telephone subscribers and persons who are or may be connected to the telephone system. Connexion to telephone system.

11.—(1.) The Department may, at the request of a subscriber to a radio-telephone exchange service, provide and maintain a telephone line for the exclusive use of the subscriber between premises of which the subscriber is the owner or occupier and a base station or an exchange. Connexion to subscriber's premises.

(2.) Where the Department provides and maintains a telephone line in accordance with the last preceding sub-regulation, the subscriber to the service is entitled to be connected through a base station to that telephone line for the purpose of communicating with the premises of which he is the owner or occupier.

(3.) The subscriber shall pay to the Department for providing the telephone line the charges prescribed by regulation 147 of the Telephone Regulations.

12. Subject to the provisions of the Telegraph Regulations, a subscriber to a radio-telephone exchange service may arrange with the Department for a telegram addressed to the call number of his radio-telephone exchange service to be telephoned to that service, and, in the case of a subscriber to a two-way service, may send a message through a base station for onward transmission as a telegram. Telegrams.

PART IV.—TRANSFER AND TERMINATION OF SERVICES.

13.—(1.) A subscriber to a radio-telephone exchange service shall not sell or give up control of the vehicle or craft in which the radio-telephone unit is installed, unless, before completing the sale or giving up control, he gives notice in writing to the Department of his intention so to do. Sale of a vehicle or craft.

Penalty: Ten pounds.

(2.) On receipt of a notice given under the last preceding sub-regulation, the Department may—

(a) terminate the radio-telephone exchange service from and including the day on which the sale is completed or the subscriber gives up control of the vehicle or craft; or

(b) subject to regulation 15 of these Regulations, transfer the service to the person who has purchased or assumed control of the vehicle or craft.

Death of
subscriber.

14.—(1.) Where the subscriber to a radio-telephone exchange service dies, his personal representative shall—

- (a) forthwith inform the Department of his death; and
- (b) pay to the Department out of the estate of the deceased subscriber all amounts owing to the Department in respect of the service, whether incurred before or after the date of death.

(2.) On receipt of a notice given under the last preceding sub-regulation, the Department may—

- (a) terminate the radio-telephone exchange service; or
- (b) subject to the next succeeding regulation, transfer the service to a person who has purchased or assumed control of the vehicle or craft in which the radio-telephone unit is installed.

Conditions of
transfer of
service.

15.—(1.) The Department may transfer a radio-telephone exchange service to a person who has purchased or assumed control of the vehicle or craft in which the radio-telephone unit is installed, if—

- (a) the person selling or giving up control of the vehicle or craft, or in the case of the death of a subscriber, his personal representative, consents to the transfer;
- (b) the person who has purchased or assumed control of the vehicle or craft applies in writing to the Department in the approved form for the transfer of the service to him; and
- (c) a transfer fee of Five shillings and all amounts owing to the Department in respect of the service are paid to the Department.

(2.) Upon the Department transferring a radio-telephone exchange service to a person who has purchased or assumed control of a vehicle or craft, the purchaser or that person becomes the subscriber to that radio-telephone exchange service.

Purchaser, &c.,
not to use
service until
transferred.

16. A person who has purchased or assumed control of a vehicle or craft in which is installed a radio-telephone unit shall not use, or permit or suffer another person to use, that radio-telephone unit, unless and until the Department has transferred the radio-telephone exchange service to him.

Penalty: Ten pounds.

Determination
of service
with notice.

17.—(1.) Where—

- (a) the Department has not fixed a minimum period for which a person shall be a subscriber to a radio-telephone exchange service; or
- (b) the Department has fixed such a period but that period has elapsed,

the service may be terminated by the Department giving reasonable notice in writing to the subscriber, or the subscriber giving reasonable notice in writing to the Department, of its or his, as the case may be, intention to determine the service.

(2.) Where a radio-telephone exchange service is terminated in pursuance of the last preceding sub-regulation, the service charge in respect of the service shall be charged only to the date on which the service is terminated.

(3.) This regulation does not affect the power of the Department to determine a radio-telephone exchange service under any other provision of these Regulations.

18.—(1.) The Department may terminate a radio-telephone exchange service without notice to the subscriber where—

Termination of service without notice.

(a) the service is used in a way which does not comply with, or constitutes an offence against, these Regulations; or

(b) the subscriber to the service—

(i) does not comply with, or commits an offence against these Regulations, the *Wireless Telegraphy Act 1905-1950* or any regulations made under that Act;

(ii) does not comply with a lawful direction or requirement of the Department in respect of the service;

(iii) does not pay, within fourteen days of the date when it falls due, a charge, rental or fee payable by him to the Department in respect of the service or any other service provided by the Department;

(iv) commits an act of bankruptcy; or

(v) uses the vehicle or craft in which the radio-telephone unit is installed for the purpose, or in connexion with, carrying on an illegal business.

(2.) For the purposes of the last preceding sub-regulation, a subscriber to a radio-telephone exchange service shall be deemed to have carried on an illegal business if he is convicted of an offence against a law relating to—

(a) keeping a common gaming house, common betting house, common bawdy house, or house of disorderly entertainment;

(b) gaming or wagering; or

(c) the sale of intoxicating liquor.

(3.) Where the Department terminates a radio-telephone exchange service because the subscriber to that service has not paid within fourteen days of the date when it fell due a charge, rental or fee payable by him to the Department, and the subscriber to the service subsequently pays all amounts payable by him to the Department, the Department may, if the subscriber wishes the service to be restored—

(a) restore the service on payment by the subscriber of a fee of Five shillings; or

(b) require the subscriber to apply for a new radio-telephone exchange service in accordance with these Regulations.

(4.) Where the Department has terminated a radio-telephone exchange service for a reason other than that referred to in the last preceding sub-regulation, and the subscriber to that service wishes the service to be restored, he shall apply for a new service in accordance with these Regulations.

PART V.—FEES AND CHARGES.

19.—(1.) A subscriber to a radio-telephone exchange service shall pay a service charge to the Department in respect of the service.

Service charges.

(2.) Subject to sub-regulations (3.) and (4.) of this regulation, the service charge shall be at the rate of—

- (a) Fifty pounds per annum for a two-way service; and
 - (b) Twenty-one pounds per annum for a one-way service,
- calculated from the date on which the service is licensed to operate under the *Wireless Telegraphy Act 1905-1950*, and shall be paid yearly, half-yearly or quarterly in advance as the Department determines.

(3.) Where the Department provides a radio-telephone exchange service for a period of one month or less, the service charge in respect of that service for the period shall be—

- (a) in the case of a two-way service, Seven pounds; and
 - (b) in the case of a one-way service, Three pounds,
- and shall be paid in advance.

(4.) Where the Department provides a radio-telephone exchange service for a period of more than one month but less than three months, the service charge in respect of that service for the period shall be at the rate of—

- (a) in the case of a two-way service, Seventy-five pounds per annum; and
 - (b) in the case of a one-way service, Thirty-one pounds ten shillings per annum,
- calculated from the date on which the service is licensed to operate under the *Wireless Telegraphy Act 1905-1950*, and shall be paid in advance.

Temporary
operation in
other area.

20. Where a subscriber to a radio-telephone exchange service, with the consent of the Department, temporarily operates through a base station other than the base station or base stations through which he ordinarily operates, he shall pay to the Department a charge of ten shillings for each week or part of a week during the period he is so operating through that other base station, in addition to any other charge or fee payable under these Regulations.

Charges for
local calls.

21. A call charge of sixpence for each period of three minutes or part of three minutes occupied by a call shall be paid by the person originating the call for each effective call made—

- (a) between—
 - (i) a telephone subscriber connected to an exchange in an area within a radius of fifteen miles of the General Post Office at Sydney or Melbourne, or within a radius of ten miles of the General Post Office at Brisbane, Adelaide, Perth or Hobart, or of the Hamilton automatic exchange at Newcastle; or
 - (ii) a public telephone connected to an exchange in such an area not being, in the case of a public telephone outside such a radius, a public telephone which is more than two miles from the exchange to which it is connected,

and a subscriber to a radio-telephone exchange service operating through a base station situated in the same area;
- (b) between a telephone subscriber, or a public telephone, and a subscriber to a radio-telephone exchange service operating through a base station situated within a radius of five miles of the exchange to which the telephone subscriber or public telephone is connected;

- (c) between two subscribers to radio-telephone exchange services where they are both operating through the same base station or base stations serving the same area; and
- (d) to or by the subscriber to a radio-telephone exchange service where the call is connected over a line provided under regulation 11 of these Regulations.

22.—(1.) For an effective call, other than a call of a kind specified in the last preceding regulation, made between—

Charges for trunk line calls.

- (a) a telephone subscriber, or a public telephone, and the subscriber to a radio-telephone exchange service; or
- (b) two subscribers to radio-telephone exchange services where the subscribers are operating through more than one base station,

the person originating the call shall pay—

- (c) a call charge of sixpence for each period of three minutes or part of three minutes occupied by the call; and
- (d) the charges prescribed by Part VII. of the Telephone Regulations.

(2.) For the purpose of ascertaining the charges referred to in paragraph (d) of the last preceding sub-regulation, a base station shall be deemed to be an Exchange or Office.

23. For the purposes of regulations 21 and 22 of these Regulations, the subscriber to the service from which a call is originated shall be deemed to be the person originating the call and shall be liable for any charge payable in respect of the call.

Persons originating calls.

24. A call shall be considered effective, and the period of the call shall be calculated, from the time when the person originating the call is informed that the required number is connected, notwithstanding that, in the case of a call to a one-way service, the call is not received.

Calculation of period of calls.

25. For a call made from a radio-telephone unit for the purpose of telephoning a telegram, the subscriber to the radio-telephone exchange service shall pay—

Charges for telegrams.

- (a) the charges prescribed by the Telegraph Regulations; and
- (b) sixpence for each group of thirty words, or part of thirty words, for which a charge is payable under those regulations.

26.—(1.) Accounts for calls made by the subscriber to a radio-telephone exchange service shall be rendered half-yearly or quarterly as the Department determines, and shall be paid within fourteen days of the date on which they are sent by the Department to the subscriber.

Accounts for calls.

(2.) Notwithstanding anything contained in the last preceding sub-regulation, the Department may render an interim account at any time to a subscriber to a radio-telephone exchange service for charges that have been incurred by the subscriber, and may demand payment of the interim account within a specified time.

27.—(1.) The Department may, either before or after accepting an application for a radio-telephone exchange service, or approving that service, demand security for the payment of charges in such form and amount as it directs.

Security for charges.

(2.) Where the demand is not complied with, the Department may refuse the application or terminate the service.

Recovery of charges.

28.—(1.) For the purpose of proceedings for the recovery of charges payable under these Regulations, a Director, Posts and Telegraphs, may certify—

- (a) as to the particulars and amounts of charges payable by a person to the Department under these Regulations; and
- (b) that those charges have not been paid to the Department.

(2.) In proceedings for the recovery of charges payable under these Regulations, a certificate bearing the written signature of a Director, Posts and Telegraphs, shall—

- (a) until the contrary is proved, be deemed to have been duly issued and signed by the person by whom it purports to have been signed; and
- (b) be *prima facie* evidence in any Court of the facts stated in the certificate.

(3.) All Courts shall take judicial notice of the signature of a Director, Posts and Telegraphs, and of the fact that the person whose signature it purports to be holds, or, at the time he signed the certificate, held the office of Director, Posts and Telegraphs.

PART VI.—MISCELLANEOUS.

29.—(1.) The Department may allot a call number to a radio-telephone exchange service, and, in its discretion, from time to time vary that number.

(2.) The Department may, in respect of a radio-telephone exchange service, permit one entry, in a form determined by the Department, to be made in the Telephone Directory without charge.

(3.) On the termination of a radio-telephone exchange service, the Department may cause any entry relating to that service to be removed from the Telephone Directory.

Refusal, withdrawal, &c., of services.

30.—(1.) The Department may, in its discretion, and without assigning reasons for the refusal or withdrawal—

- (a) refuse to approve an application for a radio-telephone exchange service, or for the transfer of a radio-telephone exchange service; or
- (b) suspend, either totally or partially, a radio-telephone exchange service at any time for any period.

(2.) The Department and officers of the Department are not liable to an action, claim or demand for compensation arising from—

- (a) the Department's refusal to approve an application for a radio-telephone exchange service, or for the transfer of a radio-telephone exchange service;
- (b) the interruption or suspension of a radio-telephone exchange service through any cause; or
- (c) the provision by the Department of radio-telephone exchange services on a common frequency without secrecy of conversation.

31. The total period of a call shall not exceed three minutes if the base station through which the call is being made is required for another call. Period of calls.

32. The hours during which radio-telephone exchange service will be ordinarily provided at a base station shall be determined by the Department. Hours of service.

33. The *Wireless Telegraphy Act 1905-1950* and any regulations made under that Act apply to and in respect of a radio-telephone exchange service and to a radio-telephone unit used in connexion with that service, and the subscriber to a radio-telephone exchange service shall pay, in addition to any charges and fees payable under these Regulations, the fees payable under the *Wireless Telegraphy Regulations* in respect of the grant or renewal of a licence under those regulations for the radio-telephone unit used in connexion with the subscriber's radio-telephone exchange service. Application of Wireless Telegraphy Act 1905-1950.

34. A person shall not—

- (a) while using a radio-telephone exchange service, use language of an objectionable, obscene or offensive nature, or of a character calculated to provoke a breach of the peace; or Objectionable language.
- (b) mischievously use a radio-telephone exchange service for the purpose of irritating any person, or of conveying a fictitious instruction or message.

Penalty: Fifty pounds.

35. The decision of the Department shall be final in respect of the fees and charges, and terms and conditions, which apply to a radio-telephone exchange service. Department's decision final.