



Aviation Legislation Amendment Act (No. 1) 2000

No. 48, 2000



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**An Act to amend legislation relating to aviation,
and for related purposes**

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An Act to amend legislation relating to aviation, and for related purposes

[Assented to 3 May 2000]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Aviation Legislation Amendment Act (No. 1) 2000*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.
- (2) The items in Schedule 2 commence 28 days after the day on which this Act receives the Royal Assent.

3 Schedule(s)

Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendment of the Air Navigation Act 1920

1 Subsection 3(1) (paragraph (a) of the definition of *State aircraft*)

Omit “under the regulations”, substitute “under regulations made under the *Civil Aviation Act 1988*”.

2 Paragraph 11A(1)(a)

Omit “foreign airlines”, substitute “foreign persons”.

3 Paragraphs 11A(1)(b) and (c)

Repeal the paragraphs, substitute:

- (b) if foreign persons have relevant interests in shares in the Australian international airline that represent, in total, more than 49% of the total value of the issued share capital of the Australian international airline—to take all necessary action to ensure that its constitution complies with subsection (2).

4 Subsection 11A(2)

Omit all the words before paragraph (a), substitute:

- (2) The constitution of an Australian international airline complies with this subsection if it:

5 Paragraph 11A(2)(a)

Omit “impose”, substitute “imposes”.

6 Paragraph 11A(2)(a)

Omit “foreign airlines”, substitute “foreign persons”.

7 Paragraph 11A(2)(a)

Omit “35%”, substitute “49%”.

8 Paragraph 11A(2)(b)

Repeal the paragraph.

9 Paragraph 11A(2)(c)

Omit all the words before subparagraph (c)(i), substitute:

- (c) confers the following powers on the directors of the Australian international airline to enable the directors to enforce the restrictions referred to in paragraph (a):

10 Subsection 11A(4)

Insert:

Australian citizen has the same meaning as in the *Australian Citizenship Act 1948*.

11 Subsection 11A(4)

Insert:

Australian person means:

- (a) an individual who is an Australian citizen or is ordinarily resident in Australia; or
- (b) the Commonwealth, a State or a Territory; or
- (c) a person who is a nominee of the Commonwealth or of a State or a Territory; or
- (d) a Commonwealth, State or Territory authority; or
- (e) a person who is a nominee of a Commonwealth, State or Territory authority; or
- (f) a local government body (whether incorporated or not) formed by or under a law of a State or a Territory; or
- (g) a person who is a nominee of a local government body referred to in paragraph (f); or
- (h) a body corporate that:
 - (i) is incorporated by or under a law of the Commonwealth or of a State or a Territory; and
 - (ii) is substantially owned and effectively controlled by persons referred to in paragraph (a), (b), (c), (d), (e), (f), (g) or (i); or
- (i) a person in the capacity of a trustee, or manager, of a fund in which the total interests (if any) of persons referred to in paragraph (a), (b), (c), (d), (e), (f), (g) or (h) represent 60% or more of the total interests in the fund.

12 Subsection 11A(4)

Insert:

foreign person means:

- (a) a foreign airline; or
- (b) a person (other than a foreign airline) who is not an Australian person.

13 Paragraphs 11B(1)(a), (b), (c), (d), (e) and (f)

Omit “mandatory articles” (wherever occurring), substitute “mandatory provisions of its constitution”.

14 Subsection 11B(2)

Omit “mandatory articles”, substitute “mandatory provisions of its constitution”.

15 Subsection 11B(11) (definition of *mandatory articles*)

Repeal the definition.

16 Subsection 11B(11)

Insert:

mandatory provisions, in relation to the constitution of an Australian international airline, means those provisions of the constitution that would be required in order for the airline’s constitution to comply with subsection 11A(2).

17 Paragraph 26(2)(k)

Omit “\$5,000”, substitute “50 penalty units”.

Schedule 2—Amendment of the Sydney Airport Curfew Act 1995

1 Subsection 7(2)

Omit “200 penalty units”, substitute “1,000 penalty units”.

2 Subsection 7(2) (note 1)

Omit “1,000 penalty units”, substitute “5,000 penalty units”.

3 Subsection 10(2)

Omit “100 penalty units”, substitute “500 penalty units”.

4 Subsection 10(2) (note 1)

Omit “500 penalty units”, substitute “2,500 penalty units”.

*[Minister’s second reading speech made in—
House of Representatives on 8 March 2000
Senate on 5 April 2000]*

(27/00)
