

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

(As read a first time)

CIVIL AVIATION AMENDMENT BILL 1989

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AMENDMENTS RELATING TO THE BOARD

1987-88-89

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 29 November 1989

(Minister for Transport and Communications)

A BILL

FOR

An Act to amend the *Civil Aviation Act 1988*, and for related purposes

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

Short title etc.

5 **1.** (1) This Act may be cited as the *Civil Aviation Amendment Act 1989*.

(2) In this Act, "**Principal Act**" means the *Civil Aviation Act 1988*¹.

Commencement

2. (1) Subject to this section, this Act commences on a day or days to be fixed by Proclamation.

10 **(2)** If a provision of this Act, other than a provision referred to in subsection (3), (4), (5) or (6), does not commence under subsection (1) within the period of 6 months beginning on the day on which it receives

the Royal Assent, it commences on the first day after the end of that period.

(3) Paragraph 3 (a) is to be taken to have commenced on 1 July 1988.

(4) Section 1, this section and sections 4, 5, 8, 9, 11, 12, 13, 33, 48, 49 and 51 and Schedule 1 commence on the day on which this Act receives the Royal Assent.

(5) Section 10 commences 6 months after the day on which this Act receives the Royal Assent.

(6) Section 26 commences on 1 July 1991.

Interpretation

3. Section 3 of the Principal Act is amended:

(a) by adding at the end of the definition of "statutory lien" in subsection (1) "or subsection 101 (3)";

(b) by inserting in subsection (1) the following definitions:

 " **'Board'** means the Board of the Authority;

'corporate plan' means a corporate plan developed by the Board under paragraph 43 (1) (a);

'financial plan' means a financial plan the Board is required to give to the Minister under subsection 44 (2);".

Standards etc.

4. Section 10 of the Principal Act is amended by adding at the end the following subsection:

 "(2) In developing standards, the Authority must, so far as it is:

 (a) reasonably practicable to do so; and

 (b) consistent with the Authority's obligations under section 11;

have regard to any costs that would arise from complying with the standards."

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

Immunity of Authority from certain State and Territory laws

"11A. (1) Subject to subsection (3), a law of a State or Territory, being a law to which this section applies, does not apply in relation to:

 (a) the Authority; or

 (b) the property or transactions of the Authority; or

 (c) any act or thing done by or on behalf of the Authority.

"(2) This section applies to a law to the extent that the law relates to:

 (a) the use or proposed use of land or premises; or

 (b) the environmental consequences of the use of land or premises.

"(3) Subsection (1) does not apply in relation to any property, transaction, act or thing that is wholly unconnected with the use of land by

the Authority for the purpose of performing any of the Authority's functions referred to in paragraphs 9 (1) (b), (c), (d) and (e).

“(4) Nothing in this section implies that a law of a State or Territory, being a law to which this section does not apply, applies in relation to:

- 5 (a) the Authority; or
(b) the property or transactions of the Authority; or
(c) any act or thing done by or on behalf of the Authority.

“(5) In this section:

‘law’ means a written law, and includes:

- 10 (a) subordinate legislation; and
(b) a provision of a law.”.

Powers of Authority

6. Section 13 of the Principal Act is amended by omitting subsection (3).

15 7. Sections 14 and 15 of the Principal Act are repealed and the following sections are substituted:

Limitation on formation of companies etc.

“14. (1) The Authority must not:

- 20 (a) join in the formation of a company that would, upon its formation, be a subsidiary of the Authority; or
(b) subscribe for, or purchase, shares in a company if, on the Authority becoming the holder of those shares, the company becomes a subsidiary of the Authority; or
(c) otherwise acquire a major shareholding in a company;

25 unless the Authority has informed the Minister, in writing, of its intention to do so.

“(2) Where the Authority holds a controlling interest in a company, the Authority must ensure that the company does not do anything that the Authority cannot do.

30 Limitation on formation of partnerships etc.

“15. (1) The Authority must not enter into a partnership unless it has informed the Minister, in writing, of its intention to do so.

35 “(2) Where the Authority can control the acts and things done by a partnership of which it is a member, it must ensure that the partnership does not do anything that it cannot do.”.

8. After section 20 of the Principal Act the following section is inserted:

Negligent etc. operation of aircraft

“20A. (1) An aircraft must not be flown or operated in a reckless or negligent manner so as to be likely to endanger life.

“(2) An aircraft must not be flown or operated in such a manner or in such circumstances as is or are likely to cause danger to any person or property.”. 5

Dangerous goods

9. (1) Section 23 of the Principal Act is amended:

(a) by omitting subsections (1) and (2) and substituting the following subsections: 10

“(1) An aircraft must not carry dangerous goods except:

(a) in accordance with the regulations, including any conditions subject to which the regulations permit the carriage of those goods; or 15

(b) with the written permission of the Authority and in accordance with any conditions specified in the permission.

“(2) A person must not knowingly or recklessly carry or consign for carriage any dangerous goods on board an aircraft except:

(a) in accordance with the regulations, including any conditions subject to which the regulations permit the carriage or consignment of those goods; or 20

(b) with the written permission of the Authority and in accordance with any conditions specified in the permission.

Penalty: Imprisonment for 7 years. 25

“(2A) A person must not carry or consign for carriage any dangerous goods on board an aircraft, except:

(a) in accordance with the regulations, including any conditions subject to which the regulations permit the carriage or consignment of those goods; or 30

(b) with the written permission of the Authority and in accordance with any conditions specified in the permission.

Penalty: Imprisonment for 2 years.”;

(b) by omitting subparagraph (b) (ii) from the definition of “dangerous goods” in subsection (3) and substituting the following subparagraph: 35

“(ii) which the regulations declare to be dangerous goods.”;

(c) by inserting after subsection (3) the following subsection:

“(3A) Regulations made for the purposes of subparagraph (b) (ii) of the definition of ‘dangerous goods’ in subsection (3) may apply, adopt or incorporate (with or without modification) the Dangerous Goods List contained in the Technical Instructions for 40

the Safe Transport of Dangerous Goods by Air, approved and published by decision of the Council of the International Civil Aviation Organisation, as in force from time to time.”.

5 (2) A permission given by the Authority, under section 23 of the Principal Act, that is in force immediately before the commencement of this section, is to be taken after that commencement to be a permission given by the Authority under section 23 of the Principal Act as amended by this section.

10 10. After section 23 of the Principal Act the following sections are inserted:

Declarations of the contents of cargo

“23A. A person must not carry or consign for carriage any cargo on board an aircraft unless the cargo is accompanied by a declaration of its contents.

15 Penalty: \$3,000.

Training relating to dangerous goods

20 “23B. (1) The regulations may require that persons handling, or involved in handling, cargo in the course of the cargo being carried or consigned for carriage on an aircraft are to undertake specified training relating to dangerous goods.

“ (2) A person must not carry or consign for carriage any cargo on board an aircraft unless each person who:

- 25 (a) handles, or is involved in the handling of, the cargo for or on behalf of the first-mentioned person; and
- (b) has been required, by regulations made for the purposes of this section, to undertake training relating to dangerous goods;
- has undertaken training relating to dangerous goods in accordance with the regulations.

Penalty: \$3,000.

30 “(3) In this section:

‘dangerous goods’ has the same meaning as in section 23.”.

Air Operators’ Certificates

11. (1) Section 27 of the Principal Act is amended:

(a) by omitting subsection (3) and substituting the following subsections:

35 “(3) The regulations may specify conditions to which Certificates (including Certificates that have already been issued) are to be subject.

“ (3A) A Certificate has effect subject to its conditions, being:

- (a) the conditions specified in the regulations; and

(b) any other conditions specified by the Authority in the Certificate or in a written notice given to the holder.”;

(b) by inserting in subsection (4) “that have been imposed by the Authority” after “Certificate”.

(2) An Air Operators’ Certificate issued by the Authority, under section 27 of the Principal Act, that is in force immediately before the commencement of this section continues in force after that commencement as if the conditions to which it was subject immediately before the commencement were conditions specified by the Authority in the Certificate under paragraph 27 (3A) (b) of the Principal Act as amended by this section. 5 10

Offences in relation to aircraft

12. Section 29 of the Principal Act is amended:

(a) by inserting after subsection (1) the following subsections:

“(1A) A person who contravenes subsection (1) of this section by operating an aircraft, or permitting an aircraft to be operated, in contravention of subsection 20A (1) is guilty of an offence punishable, upon conviction, by imprisonment for a period not exceeding 5 years. 15

“(1B) A person who knowingly or recklessly contravenes subsection (1) of this section by operating an aircraft, or permitting an aircraft to be operated, in contravention of subsection 23 (1) is guilty of an offence punishable, upon conviction, by imprisonment for a period not exceeding 7 years.”; 20

(b) by omitting from subsection (2) “contravenes subsection (1)” and substituting “otherwise contravenes subsection (1) of this section”. 25

Review of decisions

13. Section 31 of the Principal Act is amended by inserting after paragraph (b) of the definition of “reviewable decision” in subsection (1) the following words and paragraphs: 30

“but does not include a suspension of a certificate or licence for the purpose of an investigation by the Authority into whether the Authority should vary, suspend or cancel the certificate or licence on the ground that the holder of the certificate or licence:

(c) has failed in his or her duty with respect to any matter affecting the safe or efficient navigation or operation of an aircraft; or 35

(d) has contravened a direction or instruction of the Authority with respect to a matter affecting the safe navigation and operation of an aircraft.”.

Powers and functions under State and Territory laws 40

14. Section 32 of the Principal Act is amended by inserting “or the Board,” after “Authority”.

Heading to Part IV

15. The heading to Part IV is amended by omitting “CONSTITUTION” and substituting “BOARD”.

5 16. Before section 33 of the Principal Act the following sections are inserted in Part IV:

The Board

“32A. There is to be a Board of the Authority.

Purposes of the Board

“32B. (1) The purposes of the Board are:

- 10 (a) to decide the objectives, strategies and policies to be followed by the Authority; and
(b) to ensure that the Authority performs its functions in a proper, efficient and economical manner.

15 “(2) Anything done in the name of, or on behalf of, the Authority by the Board is to be taken to have been done by the Authority.”.

Constitution of the Board

17. (1) Section 33 of the Principal Act is amended by omitting from subsection (1) “Authority” and substituting “Board”.

20 (2) The persons who, immediately before the commencement of this section, held office as members of the Authority continue to hold office, after that commencement, as members of the Board.

Period of appointment of members

18. Section 34 of the Principal Act is amended by omitting subsection (3).

25 **Remuneration and allowances of members**

19. (1) Section 35 of the Principal Act is amended by inserting in subsection (12) “(other than the Chief Executive Officer)” after “member”.

30 (2) Subsection 35 (2) of the Principal Act as amended by this section does not cease to apply to the Chief Executive Officer until a person is appointed as the Chief Executive Officer after the commencement of this section.

20. After section 39 of the Principal Act the following sections are inserted:

Conduct of meetings

35 “39A. (1) The Board may, subject to this Part, regulate proceedings at its meetings as it considers appropriate.

“(2) Without limiting subsection (1), the Board may permit members to participate in a particular meeting, or all meetings, by:

- (a) telephone; or

- (b) closed-circuit television; or
- (c) any other means of communication.

“(3) A member who is permitted to participate in a meeting under subsection (2) is to be regarded as being present at that meeting.

“(4) Without limiting subsection (1), the Board may invite a person to attend a meeting for the purpose of advising or informing it on any matter. 5

Resolutions without meetings

“39B. Where the Board so determines, a resolution is to be taken to have been passed at a meeting of the Board if:

- (a) without meeting, a majority of the number of members indicate agreement with the resolution in accordance with the method determined by the Board; and 10
- (b) that majority would, if present at a meeting of the Board, have constituted a quorum under subsection 39 (6).”.

Termination of appointment 15

21. Section 42 of the Principal Act is amended:

- (a) by omitting from subparagraph (2) (c) (ii) “or” (last occurring);
- (b) by inserting after paragraph (2) (c) the following paragraph:

“(ca) the Minister is of the opinion that the performance of a member has been unsatisfactory for a significant period of time; or”; 20

- (c) by omitting from subsection (3) “This section does” and substituting “Subsections (1) and (2) do”;
- (d) by adding at the end the following subsections:

“(4) If the Minister is of the opinion that the performance of the Board or the Authority has been unsatisfactory for a significant period of time, the Minister may terminate the appointment of all members (other than the Chief Executive Officer) or specified members (other than the Chief Executive Officer). 25

“(5) If the Chief Executive Officer is dismissed from the office of Chief Executive Officer, he or she is to be taken to have resigned as a member of the Board on the day on which he or she is so dismissed.”. 30

Corporate plan

22. Section 43 of the Principal Act is amended by omitting from subsection (3) “3 financial years next following the revision of the plan” and substituting “number of financial years, next following the revision of the plan, specified in the revision, being a number greater than or equal to 3”. 35

Corporate plan etc. to Minister

23. Section 44 of the Principal Act is amended by omitting from subsection (2) "year in the relevant 3 year" and substituting "financial year in the".

5 24. After section 48 of the Principal Act the following section is inserted in Part V:

Board to notify Minister of significant affecting events etc.

"48A. If the Board forms the opinion that matters have arisen:

- 10 (a) that may prevent, or significantly affect, achievement of the objectives of the Authority and its subsidiaries under the corporate plan; or
- (b) that may prevent, or significantly affect, achievement of the Authority's financial targets under the financial plan;
- the Board must, as soon as practicable, notify the Minister of its opinion and the reasons for its opinion."

15 25. After section 54 of the Principal Act the following section is inserted:

Revaluation of assets

"54A. The Board must ensure that the Authority's assets are revalued in accordance with prevailing commercial practice and in the manner (if any) agreed between the Minister for Finance and the Minister:

- 20 (a) if the assets have not previously been revalued under this section—within 5 years after the commencement of this Act; or
- (b) in any other case—within 5 years after the last day on which the assets were revalued under this section."

Exemption from tax

25 26. Section 55 of the Principal Act is amended by inserting in subsection (2) "to income tax," after "does not apply".

Borrowings otherwise than from Commonwealth

27. Section 58 of the Principal Act is amended:

- (a) by omitting subsection (1) and substituting the following subsection:
- 30 " (1) The Authority may:
- (a) borrow money otherwise than from the Commonwealth; or
- (b) raise money otherwise than by borrowing.";
- (b) by omitting subsection (4).

Repeal of section 61

35 28. Section 61 of the Principal Act is repealed.

Guarantee of borrowings by subsidiary of Authority

29. Section 62 of the Principal Act is amended by omitting subsection (3).

Delegation by Treasurer

30. Section 63 of the Principal Act is amended by omitting “14, 58,”.

Application of Division 2 of Part XI of the Audit Act

31. Section 64 of the Principal Act is amended by omitting paragraphs (2) (a) and (b) and substituting the following paragraphs: 5

“(a) an evaluation of its overall performance against:

(i) the objectives set out in the corporate plan in force during the financial year; and

(ii) the financial targets and performance indicators set out in the financial plan in force during the financial year; and 10

(b) an assessment of the adverse effect (if any) that meeting the non-commercial commitments imposed on the Authority has had on the Authority’s profitability during the financial year.”.

Charges for services and facilities

32. Section 66 of the Principal Act is amended: 15

(a) by inserting after subsection (2) the following subsection:

“(2A) This section has effect subject to the *Prices Surveillance Authority Act 1983*.”;

(b) by inserting after subsection (3) the following subsections:

“(3A) Where the Authority receives: 20

(a) a notice under paragraph 19 (1) (b) of the *Prices Surveillance Authority Act 1983* that the Prices Surveillance Authority is to hold an inquiry into the supply of services, by the Authority, to which the proposed determination relates; or

(b) a notice under section 28 of that Act withdrawing such a notice; 25

the Authority must, in writing, inform the Minister of the notice and its contents.

“(3B) Where the Authority is given, under section 26 of the *Prices Surveillance Authority Act 1983*, a report on an inquiry held under that Act in relation to the supply of services by the Authority, it must give a copy of the report to the Minister.”; 30

(c) by omitting from subsection (4) “60 days after receiving a notice of a proposed determination” and substituting “the period referred to in subsection (5A)”;

(d) by inserting after subsection (5) the following subsection: 35

“(5A) The period within which the Minister may give notice is:

(a) if the Authority has received a notice under paragraph 19 (1) (b) of the *Prices Surveillance Authority Act 1983* that the Prices Surveillance Authority is to hold an inquiry into the supply of services, by the Authority, to which the 40

proposed determination relates—within 30 days after the Minister receives from the Authority:

- 5 (i) notice under subsection (3A) of the Prices Surveillance Authority having given the Authority notice under section 28 of that Act; or
- (ii) a copy of the report that the Prices Surveillance Authority gave to the Authority under section 26 of that Act in relation to the supply of services concerned; or
- 10 (b) in any other case—within 30 days after the Minister receives a notice of the proposed determination.”;
- (e) by omitting paragraph (6) (b) and substituting the following paragraph:
- 15 “(b) the period within which the Minister may give to the Authority a notice under subsection (4) has expired without the Minister having given such a notice.”;
- (f) by inserting after subsection (6) the following subsections:

20 “(6A) Where the Minister receives from the Authority a copy of a report that the Prices Surveillance Authority has given to the Authority under section 26 of the *Prices Surveillance Authority Act 1983* in relation to the supply of services, by the Authority, to which the proposed determination relates, the Minister may, in the notice under subsection (4), disapprove the proposed determination and substitute a fresh determination.

25 “(6B) A determination so substituted by the Minister has effect as if it had been made by the Authority in accordance with subsection (6).”.

Protection against actions

30 33. Section 80 of the Principal Act is amended by inserting after paragraph (1) (b) the following word and paragraph:

“or (c) any economic loss suffered by a person as a result of such a seizure;”.

Chief Executive Officer

35 34. Section 84 of the Principal Act is amended:

- (a) by adding at the end of subsection (1) “after the Minister has received a recommendation from the Board”;
- (b) by omitting subsection (4);
- (c) by omitting from subsection (5) “Minister” and substituting “Board”.

35. After section 84 of the Principal Act the following section is inserted:

Duties of Chief Executive Officer

“84A. (1) The Chief Executive Officer is, under the Board, to manage the Authority.

“(2) Anything done in the name of, or on behalf of, the Authority by the Chief Executive Officer is to be taken to have been done by the Authority.”. 5

Chief Executive Officer not to engage in other work

36. Section 85 of the Principal Act is amended by omitting “approval of the Minister” and substituting “Board’s approval”. 10

37. Section 86 of the Principal Act is repealed and the following section is substituted:

Remuneration and allowances of Chief Executive Officer

“86. The Chief Executive Officer is to be paid such remuneration and allowances as the Board determines, in writing, from time to time.”. 15

Leave of absence

38. Section 87 of the Principal Act is amended by omitting “Minister” (wherever occurring) and substituting “Board”.

Resignation

39. Section 88 of the Principal Act is amended by omitting “Minister” and substituting “Board”. 20

40. Section 89 of the Principal Act is repealed and the following section is substituted:

Chief Executive Officer holds office during Board’s pleasure

“89. The Chief Executive Officer holds office during the Board’s pleasure.”. 25

Transitional—existing appointee as Chief Executive Officer

41. (1) The person who, immediately before the commencement of this section, held office as the Chief Executive Officer continues to hold office after that commencement, as if appointed under subsection 84 (1) of the Principal Act as amended by this Act. 30

(2) Subsections 84 (5) and sections 85, 87 and 88 of the Principal Act as amended by, and sections 86 and 89 of the Principal Act as substituted by, this Act do not apply, and that subsection and those sections as in force immediately before the commencement of this section continue to apply, until a person is appointed as the Chief Executive Officer after that commencement. 35

Acting Chief Executive Officer

42. (1) Section 90 of the Principal Act is amended by inserting in subsection (1) “, after receiving a recommendation from the Board,” after “Minister may”.

5 (2) This section does not affect an appointment made under section 90 of the Principal Act before the commencement of this section.

43. (1) Section 91 of the Principal Act is repealed and the following section is substituted:

Staff of Authority

10 “91. The staff of the Authority are to be persons appointed or employed by the Authority on such terms and conditions as are determined by the Board in writing.”.

15 (2) A person who, immediately before the commencement of this section, was appointed or employed by the Authority as provided for by section 91 of the Principal Act is to be taken, immediately after that commencement, to be appointed or employed by the Authority, on the same terms and conditions, under section 91 of the Principal Act as substituted by this Act.

20 (3) An officer (within the meaning of subsection 7 (1) of the *Public Service Act 1922*) to whom subsection (2) of this section applies is to be taken, for the purposes of Part IV of that Act, to be an officer (within the meaning of Division 9A of Part III of that Act) specified, or included in a class of such officers specified, in a declaration under subsection 81C (1) of that Act.

Delegation by Minister

25 44. Section 93 of the Principal Act is amended by omitting “or 52” and substituting “, 52 or 95”.

45. (1) Section 94 of the Principal Act is repealed and the following section is substituted:

Delegation by Chief Executive Officer

30 “94. The Chief Executive Officer may, in writing, delegate all or any of the Authority’s powers under this Act to:

- (a) a member; or
- (b) an officer.”.

35 (2) A delegation by the Authority under section 94 of the Principal Act (other than a delegation to the Chief Executive Officer) that was in force immediately before the commencement of this section continues in force after that commencement as if it were a delegation made by the Chief Executive Officer under section 94 of the Principal Act as amended by this section.

46. After section 94 of the Principal Act the following section is inserted:

Delegation by Board

“94A. (1) The Board may, by resolution, delegate all or any of its powers to:

- (a) a member; or
- (b) an officer.

5

“(2) The delegate is, in the exercise of a delegated power, subject to the directions of the Board.

“(3) A delegation of a power under subsection (1):

- (a) may be revoked by resolution of the Board (whether or not constituted by the persons who constituted the Board when the power was delegated); and
- (b) continues in force in spite of a change in the membership of the Board.

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“(4) A certificate signed by the Chairperson stating any matter in relation to a delegation of a power under subsection (1) is *prima facie* evidence of the matter.

15

“(5) A document purporting to be a certificate under subsection (4) shall, unless the contrary is established, be taken to be such a certificate and to have been properly given.”.

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47. After section 97 of the Principal Act the following section is inserted:

Conduct by directors, servants and agents

“97A. (1) Where, in proceedings for an offence against this Act, it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show:

25

- (a) that the conduct was engaged in by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority; and
- (b) that the director, servant or agent had the state of mind.

“(2) Any conduct engaged in on behalf of a body corporate by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority is to be taken, for the purposes of a prosecution for an offence against this Act, to have been engaged in also by the body corporate unless the body corporate establishes that the body corporate took reasonable precautions and exercised due diligence to avoid the conduct.

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“(3) Where, in proceedings for an offence against this Act, it is necessary to establish the state of mind of a person other than a body corporate in relation to particular conduct, it is sufficient to show:

- (a) that the conduct was engaged in by a servant or agent of the person within the scope of his or her actual or apparent authority; and

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(b) that the servant or agent had the state of mind. .

“(4) Any conduct engaged in on behalf of a person other than a body corporate by a servant or agent of the person within the scope of his or her actual or apparent authority is to be taken, for the purposes of a prosecution for an offence against this Act, to have been engaged in also by the first-mentioned person unless the first-mentioned person establishes that the first-mentioned person took reasonable precautions and exercised due diligence to avoid the conduct.

“(5) Where:

(a) a person other than a body corporate is convicted of an offence; and

(b) the person would not have been convicted of the offence if subsections (3) and (4) had not been enacted;

the person is not liable to be punished by imprisonment for that offence.

“(6) A reference in subsection (1) or (3) to the state of mind of a person includes a reference to:

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

“(7) A reference in this section to a director of a body corporate includes a reference to a constituent member of a body corporate incorporated for a public purpose by a law of the Commonwealth, of a State or of a Territory.

“(8) A reference in this section to engaging in conduct includes a reference to failing or refusing to engage in conduct.

“(9) A reference in this section to an offence against this Act includes a reference to:

(a) an offence created by the regulations; and

(b) an offence created by section 5, 6, 7 or 7A, or subsection 86 (1), of the *Crimes Act 1914*, being an offence that relates to an offence against this Act or the regulations.”.

Regulations etc.

48. Section 98 of the Principal Act is amended by inserting after subsection (4) the following subsection:

“(4A) The Authority may, in writing, issue Civil Aviation Orders, not inconsistent with this Act or the regulations, and not prescribing any pecuniary penalty, with respect to any matter in relation to which regulations may be made for the purposes of section 23, 23B or 27, and an Order so issued is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.”.

Amendments relating to penalties

49. The Principal Act is further amended as set out in Schedule 1.

Amendments relating to the Board

50. The Principal Act is further amended as set out in Schedule 2.

Amendment of the Civil Aviation Regulations

51. (1) Regulation 148 of the Civil Aviation Regulations is repealed.

(2) Nothing in subsection (1) prevents the amendment or repeal, by a regulation made under the Principal Act, of the Civil Aviation Regulations.

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SCHEDULE 1

Section 49

AMENDMENTS RELATING TO PENALTIES

Subsection 21 (8):

Omit "\$2,000 or imprisonment for 12 months, or both", substitute "Imprisonment for 12 months".

Subsection 22 (2):

Omit "\$5,000 or imprisonment for 2 years, or both", substitute "Imprisonment for 2 years".

Subsection 22 (3):

Omit "\$5,000 or imprisonment for 2 years, or both", substitute "Imprisonment for 2 years".

Subsection 24 (2):

Omit "\$5,000 or imprisonment for 2 years, or both", substitute "Imprisonment for 2 years".

Subsection 29 (2):

Omit "by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both", substitute "by imprisonment for a period not exceeding 2 years".

Subsection 78 (1):

Omit "by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both", substitute "by imprisonment for a period not exceeding 2 years".

SCHEDULE 2

Section 50

AMENDMENTS RELATING TO THE BOARD

1. The following provisions of the Principal Act are amended by omitting "Authority" (wherever occurring) and substituting "Board":

Sections 3 (1) (definitions of "Chairperson", "Deputy Chairperson" and "member"), 37 (1) (b) and (2), 39 (1), 40 (1), (2) and (3), 42 (2) (c) (ii), 43 (1), 44 (1), 46 (1), 47 (1) and 66 (2), (3), (4), (6) and (7).

2. The Principal Act is further amended as follows:

Subsection 44 (2):

Omit "Authority" (first occurring), substitute "Board".

SCHEDULE 2—continued**Paragraph 44 (2) (a):**

Omit “Authority”, substitute “Board”.

Section 45:

Omit “Authority” (first occurring), substitute “Board”.

Paragraphs 45 (b) and (j):

Omit “Authority”, substitute “Board”.

Subsection 56 (1):

(a) Omit “Authority”, substitute “Board”.

(b) Omit “it”, substitute “the Authority”.

Paragraph 56 (1) (a):

Omit “its”, substitute “the Authority’s”.

Subsection 56 (2):

Omit “Authority” (first occurring), substitute “Board”.

Subsection 56 (3):

Omit “Authority” (first occurring), substitute “Board”.

Subsection 66 (8):

Omit “Authority” (first occurring), substitute “Board”.

NOTE

1. No. 63, 1988, as amended. For previous amendments, see No. 55, 1988; and Nos. 6 and 21, 1989.







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