

1987-88

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time, 19 October 1988

*(Minister for Transport and Communications)*

## A BILL

FOR

### **An Act to amend the *Federal Airports Corporation Act 1986***

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 *Federal Airports Corporation Amendment Act 1988*.

      (2) In this Act, "Principal Act" means the *Federal Airports Corporation Act 1986*<sup>1</sup>.

#### **Interpretation**

10     **2.** Section 3 of the Principal Act is amended:

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

          " 'jointly used area' means the part of a joint-user aerodrome that:

              (a) is not a Federal airport; but

              (b) is available for civil aviation activities;

'joint-user aerodrome' means an aerodrome:

- (a) part of which is a Federal airport (whether owned by the Commonwealth or by the Corporation); and
- (b) the balance of which is:
  - (i) owned by the Commonwealth; and
  - (ii) under the control of the Department of Defence or a part of the Defence Force;

'lease' includes a sublease;";

- (b) by omitting from subsection (1) the definition of "operate" and substituting the following definition:

"'operate' includes manage, maintain and improve;".

### **Functions of Corporation**

3. Section 6 of the Principal Act is amended by inserting in paragraph (a) ", and participate in the operation of jointly used areas," after "Federal airports".

### **Extent of functions of Corporation**

4. Section 8 of the Principal Act is amended:

- (a) by inserting in subsection (3) the following definition:

"'Federal airport', except in paragraph (1) (d), includes a jointly used area;";

- (b) by adding at the end the following subsection:

"(4) This section authorises the performance of functions by the Corporation in relation to jointly used areas only to the extent required by arrangements referred to in paragraph 9 (2) (cb).".

### **Powers of Corporation**

5. Section 9 of the Principal Act is amended:

- (a) by inserting after paragraph (2) (c), the following paragraphs:

"(ca) without limiting paragraph (a) or (c), where land at a Federal airport is owned by the Commonwealth, to lease the land from the Commonwealth or enter into arrangements for the use of the land by the Corporation or by the Corporation and another authority of the Commonwealth;

(cb) without limiting paragraph (a), to enter into arrangements relating to the participation of the Corporation in the operation of jointly used areas;";

- (b) by inserting after paragraph (d) the following paragraph:

"(da) without limiting paragraph (a) or (ca), to lease land from a person for the purposes of this Act;".

### **Vesting of land**

6. Section 28 of the Principal Act is amended:

- (a) by omitting "Where" and substituting "(1) Subject to subsection (2), where";

(b) by adding at the end the following subsection:

5 “(2) Where a notice containing a declaration under subsection 25 (1) or 26 (1) states that land owned by the Commonwealth constituting or included in a place or places becoming a Federal airport or part of a Federal airport because of the declaration is not to vest in the Corporation, the declaration has effect accordingly.”.

**Transfer of assets**

10 7. Section 32 of the Principal Act is amended by omitting from subsection (2) “was transferred to the Corporation” and substituting “became a Federal airport or part of a Federal airport”.

**Aeronautical charges**

15 8. Section 56 of the Principal Act is amended by inserting in subsection (1) the following definition:

“‘Federal airport’ includes a jointly used area”.

**Airports (Surface Traffic) Act**

9. Section 69 of the Principal Act is amended by adding at the end the following subsection:

20 “(2) For the purposes of this section, an airport shall be taken to become a Federal airport if part of the airport becomes a Federal airport.”.

**Airports (Business Concessions) Act**

10. Section 71 of the Principal Act is amended by adding at the end the following subsection:

25 “(2) For the purposes of this section, an airport shall be taken to become a Federal airport if part of the airport becomes a Federal airport.”.

11. After Section 71 of the Principal Act the following section is inserted:

**Defence aerodromes**

30 “71A. The part of a joint-user aerodrome that is not a Federal airport shall be taken to be an aerodrome for the purposes of section 20 of the *Civil Aviation Act 1988*.”.

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**NOTE**

1. No. 4, 1986, as amended. For previous amendments, see Nos. 55, 57 and 63, 1988.

