

1990

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

(As read a first time)

FEDERAL AIRPORTS CORPORATION AMENDMENT BILL 1990

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SCHEDULE
AMENDMENTS RELATING TO THE BOARD

1990

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

(Presented and read a first time, 9 May 1990)

(MINISTER FOR SHIPPING AND AVIATION SUPPORT, SENATOR COLLINS)

A BILL

FOR

An Act to amend the *Federal Airports Corporation Act 1986*, 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:

PART 1—PRELIMINARY

Short title

- 5 1. This Act may be cited as the *Federal Airports Corporation Amendment Act 1990*.

Commencement

- 10 2. (1) Subject to this section, this Act commences on a day or days to be fixed by Proclamation.
- (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) Section 1, this section and section 3 commence on the day on which this Act receives the Royal Assent.

(4) Paragraph 23 (1) (a) commences on 1 July 1990. 5

(5) Paragraph 23 (1) (b) commences on 1 July 1991.

(6) Paragraph 23 (1) (c) and subsection 23 (2) are to be taken to have commenced on the day on which the *Federal Airports Corporation Act 1986* commenced.

PART 2—AMENDMENTS OF THE FEDERAL AIRPORTS CORPORATION ACT 1986 10

Principal Act

3. In this Part, “**Principal Act**” means the *Federal Airports Corporation Act 1986*¹.

Interpretation 15

4. Section 3 of the Principal Act is amended:

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

“**Board**” means the Board of the Corporation;

“**Corporate plan**” means a Corporate plan developed by the Board under paragraph 37 (1) (a); 20

“**financial plan**” means a financial plan the Board is required to give to the Minister under subsection 38 (3);”;

(b) by omitting from subsection (1) the definitions of “appoint” and “Department”.

Extent of functions of Corporation 25

5. Section 8 of the Principal Act is amended:

(a) by omitting from paragraph (1) (e) “, to the extent required by the Department,”;

(b) by omitting from paragraph (1) (f) “, to the extent required by the Authority,”; 30

(c) by omitting from paragraph (2) (e) “, search and rescue, or anti-hijack” and substituting “or search and rescue”.

Powers of Corporation

6. Section 9 of the Principal Act is amended by omitting subsection (3). 35

7. Sections 10 and 11 of the Principal Act are repealed and the following sections are substituted:

Limitation on formation of companies etc.

“10. (1) The Corporation must not:

(a) join in the formation of a company that would, upon its formation, be a subsidiary of the Corporation; or

5 (b) subscribe for, or purchase, shares in a company if, on the Corporation becoming the holder of those shares, the company becomes a subsidiary of the Corporation; or

(c) otherwise acquire a major shareholding in a company;

10 unless the Corporation has informed the Minister, in writing, of its intention to do so.

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

Limitation on formation of partnerships

15 “11. (1) The Corporation must not enter into a partnership unless it has informed the Minister, in writing, of its intention to do so.

“(2) Where the Corporation 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.”.

20 **Heading to Part III**

8. The heading to Part III is amended by omitting “CONSTITUTION” and substituting “BOARD”.

9. Before section 13 of the Principal Act the following sections are inserted in Part III:

25 **The Board**

“12A. There is to be a Board of the Corporation.

Purposes of the Board

“12B. (1) The purposes of the Board are:

30 (a) to decide the objectives, strategies and policies to be followed by the Corporation; and

(b) to ensure that, in performing its functions, the Corporation has proper regard to the matters referred to in subsection 7 (2).

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

35 **Constitution of Board**

10. (1) Section 13 of the Principal Act is amended:

(a) by omitting from subsection (1) “Corporation” and substituting “Board”;

(b) by omitting from paragraph (1) (b) “and”;

- (c) by omitting paragraph (1)(c) and substituting the following paragraphs:
 - “(c) the Chief Executive Officer; and
 - (d) 6 other members.”;
- (d) by omitting from subsection (2) “Governor-General” and substituting “Minister”; 5
- (e) by omitting from subsection (4) “Subject to subsection 14 (2), the” and substituting “The”;
- (f) by omitting from subsection (7) “Corporation” (second occurring) and substituting “Board”. 10

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

(3) Paragraph 13 (1)(c) of the Principal Act as amended by this section does not apply to the Chief Executive Officer until a person is appointed as the Chief Executive Officer after the commencement of this section. 15

Period of appointment of members

11. Section 14 of the Principal Act is amended by omitting subsection (2). 20

Remuneration and allowances of members

12. (1) Section 16 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

“(2) The Chief Executive Officer is not entitled to be paid remuneration or allowances under this section.”. 25

(2) Subsection 16 (2) of the Principal Act as amended by this section does not apply to the Chief Executive Officer until a person is appointed as the Chief Executive Officer after the commencement of this section.

Resignation 30

13. Section 18 of the Principal Act is amended by omitting “Governor-General” and substituting “Minister”.

Termination of appointments

14. Section 19 of the Principal Act is amended:
- (a) by omitting from subsection (1) “Governor-General” and substituting “Minister”; 35
 - (b) by omitting from subparagraph (2) (c) (ii) “or” (last occurring);
 - (c) 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”;

5 (d) by omitting from subsection (2) “Governor-General” and substituting “Minister”;

(e) by inserting after subsection (2) the following subsections:

“(2A) Subsections (1) and (2) do not apply to the Chief Executive Officer.

10 “(2B) If the Minister is of the opinion that the performance of the Board or the Corporation 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).”;

15 (f) by omitting from subsection (3) “who is a member of the Corporation”;

(g) by omitting from subsection (3) “Corporation” (last occurring) and substituting “Board”.

Meetings of Board

20 15. Section 21 of the Principal Act is amended by omitting from subsection (6) “4” and substituting “5”.

Acting appointments

16. Section 22 of the Principal Act is amended by omitting from subsection (3) “13 (1) (c)” and substituting “13 (1) (d)”.

25 17. After section 27 of the Principal Act the following section is inserted:

Reimbursement for financial detriment suffered as a result of declarations

30 “27A. (1) Where the Corporation satisfies the Minister that it has, during any period, suffered financial detriment as a result of a declaration by the Minister under section 25, 26 or 27, other than a declaration the financial detriment resulting from which has been taken into account in the financial targets included in the financial plan for a period including that period, the Corporation is entitled to be
35 reimbursed by the Commonwealth the amount that the Minister determines, in writing, to be the amount of the financial detriment suffered by the Corporation during the period.

“(2) The reference in subsection (1) to the Corporation suffering financial detriment includes a reference to the Corporation:

40 (a) suffering a loss; or

(b) incurring costs that are greater than the costs that the Corporation would otherwise have incurred; or

- (c) foregoing revenue that is revenue that the Corporation could otherwise have received.”.

Corporate plan

18. Section 37 of the Principal Act is amended:
- (a) by omitting from subsection (3) “2 financial years” and substituting “2, 3 or 4 financial years”; 5
 - (b) by omitting subsection (4) and substituting the following subsection:
“(4) The Corporate plan is to outline the strategies and policies that the Board intends to be adopted by the Corporation in order to achieve the Corporation’s objectives.”. 10

Financial targets and performance indicators

19. Section 39 of the Principal Act is amended by inserting after paragraph (1) (e) the following paragraph:
- “(ea) any financial detriments suffered by the Corporation as a result of a declaration by the Minister under section 25, 26 or 27 (other than financial detriments for which the Corporation has been reimbursed under section 27A);”.

Minister may vary financial plan

20. Section 40 of the Principal Act is amended:
- (a) by omitting subsection (1) and substituting the following subsection:
“(1) Without limiting the generality of the Minister’s powers under subsection 41 (2), the Minister may direct the Board to vary the financial targets of the Corporation, the performance indicators adopted by the Board, or both.”; 25
 - (b) by inserting in paragraph (2) (a) “, (ea)” after “(e)”.

21. After section 40 of the Principal Act the following section is inserted:

Board to notify Minister of significant affecting events etc. 30

- “40A. If the Board forms the opinion that matters have arisen:
- (a) that may prevent, or significantly affect, achievement of the objectives of the Corporation and its subsidiaries under the Corporate plan; or
 - (b) that may prevent, or significantly affect, achievement of the Corporation’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.”.

22. After section 44 of the Principal Act the following section is inserted: 40

Revaluation of assets

“44A. The Board must ensure that the Corporation’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:

- (a) if the assets have not previously been revalued under this section—within 5 years after 1 January 1988; or
- (b) in any other case—within 5 years after the last day on which the assets were revalued under this section.”.

10 Exemption from taxation

23. (1) Section 45 of the Principal Act is amended:

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

“(1AA) Subsection (1) does not apply to a law of the Commonwealth relating to sales tax.”;

- (b) by adding at the end of subsection (1AA) “or income tax”;
- (c) by omitting subsections (2) and (3).

(2) The omission of subsections 45 (2) and (3) of the Principal Act by this section does not imply that the Corporation is liable to pay stamp duty, or a similar tax, under a law of the Commonwealth, of a State or of a Territory.

Borrowings otherwise than from Commonwealth

24. Section 48 of the Principal Act is amended:

- (a) by omitting subsection (1) and substituting the following subsection:

“(1) The Corporation may:

- (a) borrow money otherwise than from the Commonwealth;
or
- (b) raise money otherwise than by borrowing.”;

- (b) by omitting subsections (4) and (5).

30 Repeal of section 51

25. Section 51 of the Principal Act is repealed.

Guarantee of borrowings by subsidiary of Corporation

26. Section 52 of the Principal Act is amended by omitting subsection (3).

35 Delegation by Treasurer

27. Section 53 of the Principal Act is amended by omitting from subsection (1) “10, 48,”.

28. Section 54 of the Principal Act is repealed and the following sections are substituted:

Bank accounts

“54. (1) The Corporation may open and maintain accounts with banks and must at all times maintain at least one such account.

“(2) The Corporation must pay all money received by the Corporation into an account maintained with a bank. 5

Investment of money of Corporation

“54A. Money of the Corporation not immediately required for the purposes of the Corporation may be invested:

- (a) in securities of, or guaranteed by, the Commonwealth or a State; or 10
- (b) on deposit with a bank; or
- (c) in any other manner that is consistent with sound commercial practice.

Proper accounts to be kept

“54B. (1) The Corporation must cause proper accounts and records of the transactions and affairs of the Corporation to be kept in accordance with the accounting principles generally applied in commercial practice. 15

- “(2) The Corporation must do all things necessary to ensure that:
- (a) all payments by the Corporation are correctly made and properly authorised; and 20
 - (b) adequate control is maintained over the assets of, or in the custody of, the Corporation and over the incurring of liabilities by the Corporation.

Penalty: \$12,000. 25

Audit

“54C. (1) The Auditor-General must:

- (a) inspect and audit:
 - (i) the accounts and records of the Corporation’s financial transactions; and 30
 - (ii) the records relating to the Corporation’s assets and assets in the Corporation’s custody; and
- (b) immediately draw the attention of the Minister and the Board to any irregularity disclosed by the inspection and audit that, in the Auditor-General’s opinion is sufficiently important to justify doing so. 35

“(2) The Auditor-General may dispense with all or any part of the detailed inspection and audit of any accounts or records.

“(3) The Auditor-General must, at least once in each financial year, report to the Minister and the Board the results of the inspection and audit. 40

“(4) An authorised auditor is entitled, at all reasonable times, to full and free access to all of the Corporation’s accounts, records and other documents that relate directly or indirectly to:

- (a) the receipt or payment of money by it; or
- (b) the acquisition, receipt, custody or disposal of assets by it.

“(5) An authorised auditor may make copies of, or take extracts from, any accounts, records or documents referred to in subsection (4).

“(6) An authorised auditor may require any person to give such information in the possession of the person, or to which the person has access, as the authorised auditor considers necessary for the purposes of the Auditor-General’s functions under this section.

“(7) A person must not refuse or fail to comply with a requirement under subsection (6) to the extent that the person is capable of complying with it.

Penalty: Imprisonment for 6 months.

“(8) A person must not, in purported compliance with a requirement under subsection (6), knowingly give information that is false or misleading in a material particular.

Penalty: Imprisonment for 12 months.

“(9) A person is not excused from giving information under a requirement under subsection (6) on the ground that the information may tend to incriminate the person, but any information given under the requirement, and any information or thing (including any document) obtained as a direct or indirect consequence of the giving of the information, is not admissible in evidence against the person in any criminal proceedings (other than proceedings for an offence against subsection (7) or (8)).

“(10) In this section:

‘**authorised auditor**’ means the Auditor-General or a person authorised by the Auditor-General to exercise the powers of an authorised auditor under this section.”.

Audit of subsidiaries

29. Section 55 of the Principal Act is amended by omitting subsections (7) and (8) and substituting the following subsections:

“(7) The Auditor-General or a person authorised by the Auditor-General may require any person to give such information in the possession of the person, or to which the person has access, as the Auditor-General or authorised person considers necessary for the purposes of the functions of the Auditor-General under this section.

“(8) A person must not refuse or fail to comply with a requirement under subsection (7) to the extent that the person is capable of complying with it.

Penalty: Imprisonment for 6 months.

“(8A) A person must not, in purported compliance with a requirement under subsection (7), knowingly give information that is false or misleading in a material particular.

Penalty: Imprisonment for 12 months. 5

“(8B) A person is not excused from giving information under a requirement under subsection (7) on the grounds that the information may tend to incriminate the person, but any information given under the requirements, and any information or thing (including any document) obtained as a direct or indirect consequence of the giving of the information, is not admissible in evidence against the person in any criminal proceedings (other than proceedings for an offence against subsections (8) or (8A)).” 10

Aeronautical charges

30. Section 56 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 (4) the following subsections:

“(4A) Where the Corporation 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 Corporation, to which the proposed determination relates; or 25

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

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

“(4B) Where the Corporation 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 Corporation, it must give a copy of the report to the Minister.”; 30

(c) by omitting from subsection (5) “60 days after the receipt by him or her of a notice under subsection (3) of a proposed determination” and substituting “the period referred to in subsection (6A)”;

(d) by inserting after subsection (6) the following subsection:

“(6A) The period within which the Minister may give notice is: 40

(a) if the Corporation 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 Corporation, to which the proposed determination relates—within 30 days after the Minister receives from the Corporation:

(i) notice under subsection (4A) of the Prices Surveillance Authority having given the Corporation notice under section 28 of that Act; or

(ii) a copy of the report that the Prices Surveillance Authority gave to the Corporation under section 26 of that Act in relation to the supply of services concerned; or

(b) in any other case—within 30 days after the Minister receives a notice of the proposed determination.”;

(e) by omitting subsection (7) and substituting the following subsection:

“(7) The Corporation may make a determination only if:

(a) the Minister has approved it; or

(b) the period within which the Minister may give to the Corporation a notice under subsection (5) has expired without the Minister having given such a notice.”;

(f) by inserting after subsection (7) the following subsections:

“(7AA) Where the Minister receives from the Corporation a copy of a report that the Prices Surveillance Authority has given to the Corporation under section 26 of the *Prices Surveillance Authority Act 1983* in relation to the supply of services, by the Corporation, to which the proposed determination relates, the Minister may, in the notice under subsection (5), disapprove the proposed determination and substitute a fresh determination.

“(7AB) A determination so substituted by the Minister has effect as if it had been made by the Corporation in accordance with subsection (7).”.

Chief Executive Officer

31. Section 58 of the Principal Act is amended:

(a) by omitting from subsection (1) “Corporation shall” and substituting “Minister, after receiving a recommendation from the Board, is to”;

(b) by omitting from subsection (2) “Corporation” and substituting “Board”.

32. After section 58 of the Principal Act the following sections are inserted:

Duties of Chief Executive Officer

“58A. (1) The Chief Executive Officer is, under the Board, to manage the Corporation. 5

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

Chief Executive Officer holds office during Board’s pleasure

“58B. The Chief Executive Officer holds office during the Board’s pleasure.”. 10

33. Section 60 of the Principal Act is repealed and the following section is substituted:

Remuneration and allowances of Chief Executive Officer

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

Transitional—existing appointee as Chief Executive Officer

34. (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 58 (1) of the Principal Act as amended by this Act. 20

(2) Section 58B of the Principal Act as inserted by, and section 60 of the Principal Act as substituted by, this Act do not apply, and section 60 as in force immediately before the commencement of this section continues to apply, until a person is appointed as the Chief Executive Officer after that commencement. 25

Repeal of section 65

35. (1) Section 65 of the Principal Act is repealed.

(2) The repeal of section 65 of the Principal Act by this section does not imply that the Corporation does not have the power, subject to Part XA of the *Superannuation Act 1976*, to establish a superannuation scheme or schemes to provide superannuation benefits to its employees and the Chief Executive Officer. 30

36. Before section 66 of the Principal Act the following section is inserted in Part VIII: 35

Annual report

“65. (1) The Corporation must, as soon as practicable after 31 March in each year, prepare and give to the Minister a report on its operations during the financial year that ended on that day, together 40

with financial statements for that year in such form as the Minister for Finance approves.

“(2) Without limiting the generality of the matters to be included in an annual report, an annual report in respect of a financial year must include:

- (a) an evaluation of the Corporation’s overall performance against:
 - (i) the objectives, including operational targets, 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
- (b) an assessment of the adverse effect, if any, that meeting the non-commercial commitments imposed on the Corporation has had on the Corporation’s profitability during the financial year; and
- (c) assessments of the financial performance of each Federal airport during the financial year.

“(3) Before giving financial statements to the Minister, the Corporation must submit them to the Auditor-General, who is to report to the Minister:

- (a) whether, in the Auditor-General’s opinion, the statements are based on proper accounts and records; and
- (b) whether the statements are in agreement with the accounts and records and, in the Auditor-General’s opinion, show fairly the financial transactions and the state of the affairs of the Corporation; and
- (c) whether, in the Auditor-General’s opinion, the receipt, expenditure and investment of money, and the acquisition and disposal of assets by the Corporation, during the financial year concerned have been in accordance with this Act; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

“(4) The Minister must cause the annual report and financial statements, 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 their receipt by the Minister.”.

Delegation by Chief Executive Officer

37. (1) Section 67 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

“(1) The Chief Executive Officer may, in writing, delegate all or any of the Corporation’s powers under this Act to:

- (a) a member; or
- (b) an employee; or

(c) a person in respect of whose services arrangements under paragraph 61 (3) (a) are in force.”.

(2) A delegation by the Corporation under section 67 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 67 of the Principal Act as amended by this section. 5

38. After section 67 of the Principal Act the following section is inserted: 10

Delegation by Board

“67A. (1) The Board may, by resolution, delegate all or any of its powers to:

- (a) a member; or
- (b) an employee; or 15
- (c) a person in respect of whose services arrangements under paragraph 61 (3) (a) are in force.

“(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): 20

- (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. 25

“(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.

“(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.”. 30

Duties of Corporation

39. Section 68 of the Principal Act is amended by inserting “or the Board” after “Corporation”.

40. After section 71A of the Principal Act the following section is inserted: 35

Conduct by directors, servants and agents

“71B. (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: 40

- (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.

5 “(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
10 the body corporate took reasonable precautions and exercised due diligence to avoid the conduct.

“(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:

- 15 (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
- (b) that the servant or agent had the state of mind.

20 “(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
25 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
 - 30 (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:

- 35 (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

40 “(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 5
- (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.”.

By-laws

41. Section 72 of the Principal Act is amended by omitting from subsection (4) “approved by the Minister and”. 10

Amendments relating to the Board

42. The Principal Act is further amended as set out in the Schedule.

PART 3—AMENDMENT OF THE FREEDOM OF INFORMATION ACT 1982 15

Principal Act

43. In this Part, “Principal Act” means the *Freedom of Information Act 1982*.

Schedule 2

44. Part II of Schedule 2 of the Principal Act is amended by inserting after the item relating to the Department of the Treasury the following item: 20

“Federal Airports Corporation, in relation to documents in respect of its competitive commercial activities and in respect of determinations of aeronautical charges under the *Federal Airports Corporation Act 1986*”. 25



SCHEDULE

Section 42

AMENDMENTS RELATING TO THE BOARD

1. The following provisions of the *Federal Airports Corporation Act 1986* are amended by omitting “Corporation” (wherever occurring) and substituting “Board”.

Sections 3 (1) (definition of “Chairperson”, “Deputy Chairperson” and “member”), 17 (1) (a), 17 (2), 19 (2) (c) (ii), 20, 21, 26 (2), 37 (1), 38 (1) and (2), 39 (2), 40 (3), 46 (5) (a) and (b), 59, 61 (2) and 63 (2).

2. The *Federal Airports Corporation Act 1986* is further amended as follows:

Subsection 26 (1):

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

Subsection 38 (3):

Omit “Corporation” (first and second occurring), substitute “Board”.

Subsection 39 (1):

Omit “Corporation, when setting its”, substitute “Board, when setting the Corporation’s”.

Paragraph 39 (1) (a):

Omit “Corporation”, substitute “Board”.

Paragraph 39 (1) (g):

Omit “Corporation”, substitute “Board”.

Subsection 41 (2):

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

Paragraph 41 (5) (e):

Omit “Corporation”, substitute “Board”.

Subsection 46 (1):

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

Subsection 46 (2):

Omit “Corporation” (first and last occurring), substitute “Board”.

Subsection 46 (3):

Omit “Corporation” (first and second occurring), substitute “Board”.

Subsection 72 (1):

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

NOTES

1. No. 4, 1986, as amended. For previous amendments, see Nos. 55, 57, 63, 99 and 150, 1988; and Nos. 6 and 21, 1989.
2. No. 3, 1982, as amended. For previous amendments, see Nos. 7 and 81, 1983; No. 63, 1984; No. 187, 1985; Nos. 102 and 111, 1986; Nos. 6, 87, 109, 119, 121, 126, 127 and 129, 1988; and No. 66, 1989.



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