

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time

*(Finance)*

**A BILL**

FOR

**An Act to amend the *Qantas Sale Act 1992***

The Parliament of Australia enacts:

**Short title etc.**

**1.(1)** This Act may be cited as the *Qantas Sale Amendment Act 1995*.

**(2)** In this Act, “**Principal Act**” means the *Qantas Sale Act 1992*.

**Commencement**

2. This Act commences on the day on which it receives the Royal Assent.

**Amendments**

3. The Principal Act is amended in accordance with the Schedule.
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**SCHEDULE**

Section 3

**AMENDMENTS OF THE PRINCIPAL ACT**

**1. Paragraph 7(1)(a):**

Omit “35%”, substitute “49%”.

**2. After paragraph 7(1)(a):**

Insert:

“(aa) impose restrictions on the issue and ownership (including joint ownership) of shares in Qantas so as to prevent foreign airlines having relevant interests in shares in Qantas that represent, in total, more than 35% of the total value of the issued share capital of Qantas; and”.

**3. Paragraph 7(1)(b):**

Omit “an individual”, substitute “any one”.

**4. Subsection 7(7):**

Insert:

“ ‘**aircraft**’ means any machine or craft that can derive support in the atmosphere from the reactions of the air;

‘**air service**’ means a service of providing air transportation of people or goods, or both people and goods, by:

(a) regular public transport operation; or

(b) charter operation;

‘**another country**’ includes any region:

(a) that is part of a foreign country; or

(b) that is under the protection of a foreign country; or

(c) for whose international relations a foreign country is responsible;

‘**Australian international airline**’ means an international airline (other than Qantas) that may be permitted to carry people or goods, or both people and goods, under a bilateral arrangement as an airline designated by Australia to operate a scheduled international air service;

‘**Australian territory**’ means:

(a) the territory of Australia and of every external Territory; and

(b) the territorial sea of Australia and of every external Territory; and

(c) the air space over any such territory or sea;

‘**bilateral arrangement**’ means an agreement or arrangement between:

(a) Australia, or an entity or organisation nominated or otherwise similarly authorised by Australia to enter into the agreement or arrangement; and

(b) another country;

**SCHEDULE**—continued

under which the carriage by air of people or goods, or both people and goods, between Australia and the other country is permitted;

**‘charter operation’** means an operation of an aircraft for the purpose of:

- (a) a service of providing air transportation of people or goods, or both people and goods, that:
  - (i) is provided for a fee payable by persons using the service; and
  - (ii) is not available to the general public on a regular basis; whether or not the service is conducted in accordance with fixed schedules to or from fixed terminals over specific routes; or
- (b) a service of providing air transportation of people or goods, or both people and goods, that:
  - (i) is provided for a fee payable by persons using the service; and
  - (ii) is available to the general public on a regular basis; and
  - (iii) is not conducted in accordance with fixed schedules to or from fixed terminals over specific routes; or
- (c) a service of providing air transportation of people or goods, or both people and goods, that:
  - (i) is not provided for a fee payable by persons using the service; and
  - (ii) is conducted in accordance with fixed schedules to or from fixed terminals over specific routes; and
  - (iii) is not available to the general public;

**‘foreign airline’** means an air transport enterprise other than:

- (a) an Australian international airline; or
- (b) Qantas; or
- (c) an air transport enterprise offering or operating an air service solely within Australian territory;

**‘international airline’** means an air transport enterprise offering or operating an international air service;

**‘international air service’** means an air service provided by means of a flight:

- (a) from a place within Australia to a place outside Australia; or
- (b) from a place outside Australia to a place within Australia;

**‘regular public transport operation’** means an operation of an aircraft for the purpose of an air service that:

- (a) is provided for a fee payable by persons using the service; and
- (b) is conducted in accordance with fixed schedules to or from fixed terminals over specific routes; and
- (c) is available to the general public on a regular basis;”.

**SCHEDULE**—continued

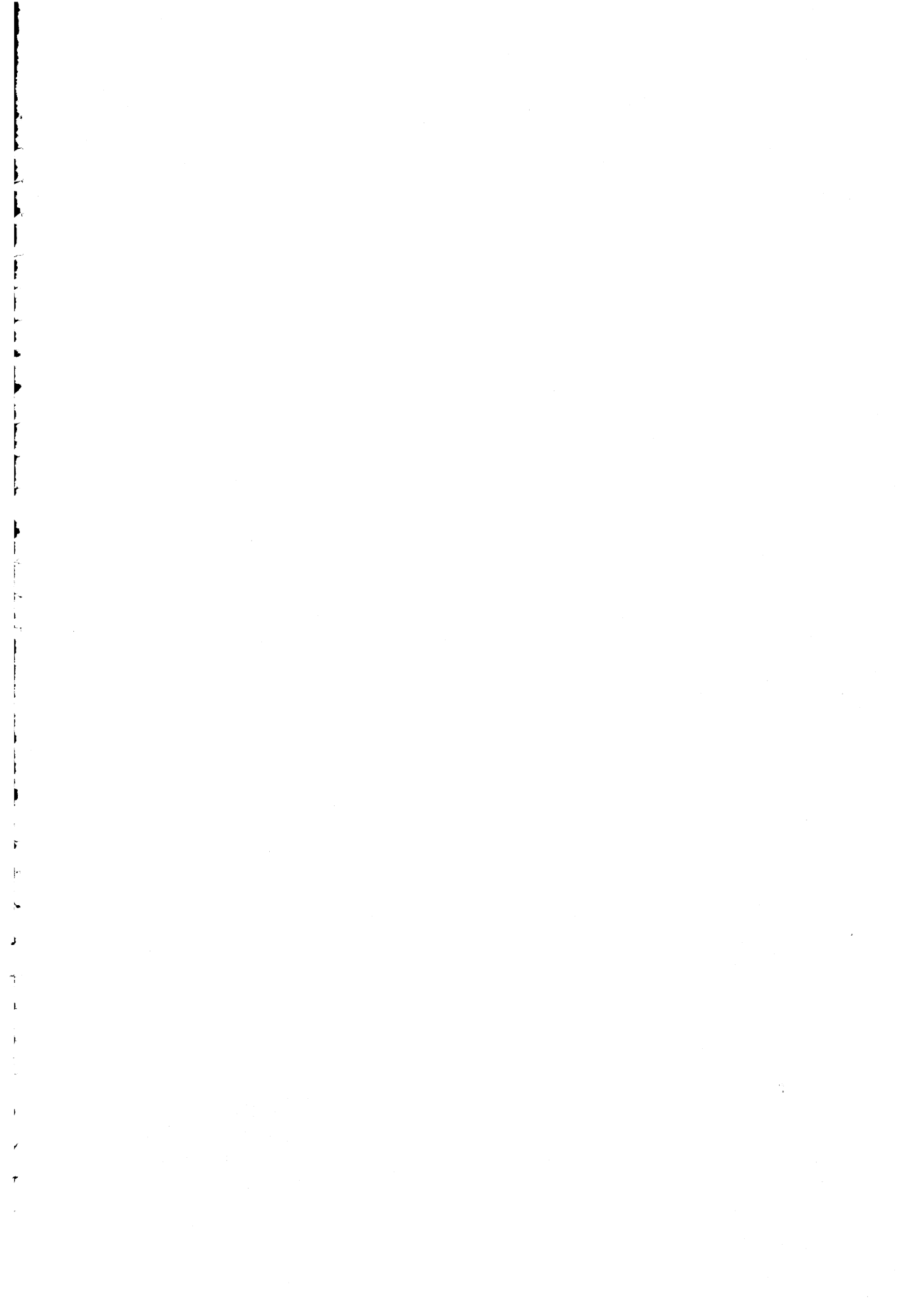
**5. Subsection 7(7) (definition of “foreign person”):**

Omit, substitute:

“ **‘foreign person’** means:

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





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