



Civil Aviation Legislation Amendment Act 1995

No. 82 of 1995

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SCHEDULE 1

AMENDMENT OF THE *CIVIL AVIATION ACT 1988*

SCHEDULE 2

AMENDMENT OF THE *CIVIL AVIATION ACT 1988*

SCHEDULE 3

AMENDMENT OF OTHER ACTS

SCHEDULE 4

AMENDMENT OF THE *AUDIT (TRANSITIONAL AND MISCELLANEOUS)*
AMENDMENT ACT 1995



Civil Aviation Legislation Amendment Act 1995

No. 82 of 1995

An Act to amend the law relating to aviation

[Assented to 30 June 1995]

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Civil Aviation Legislation Amendment Act 1995*.

Commencement

2.(1) Subject to this section, this Act commences on:

Civil Aviation Legislation Amendment No. 82, 1995

- (a) a day to be fixed by Proclamation; or
- (b) the first day after the end of the period of 6 months beginning on the day on which this Act receives the Royal Assent;

whichever is earlier.

(2) If the *Commonwealth Authorities and Companies Act 1995* commences on the day that applies under subsection (1) of this section, then sections 4 and 6 of this Act commence immediately after the commencement of the other provisions of this Act.

(3) If the *Commonwealth Authorities and Companies Act 1995* has not commenced before the day that applies under subsection (1) of this section, and does not commence on that day, then sections 4 and 6 of this Act commence on the same day as that Act.

(4) If section 4A of the *Civil Aviation Act 1988* has not commenced before the day that applies under subsection (1) of this section, then item 15 of Schedule 1 to this Act commences immediately after the commencement of that section.

(5) If the *Legislative Instruments Act 1995* has not commenced before the day that applies under subsection (1) of this section, then items 22 and 23 of Schedule 3 to this Act commence immediately after the commencement of that Act.

PART 2—AMENDMENTS

Amendment of the Civil Aviation Act

3. The *Civil Aviation Act 1988* is amended as set out in Schedule 1.

Amendment of the Civil Aviation Act

4. The *Civil Aviation Act 1988* is amended as set out in Schedule 2.

Amendment of other Acts

5. The Acts specified in Schedule 3 are amended as set out in Schedule 3.

Amendment of the Audit (Transitional and Miscellaneous) Amendment Act

6. The *Audit (Transitional and Miscellaneous) Amendment Act 1995* is amended as set out in Schedule 4.

PART 3—TRANSITIONAL

Interpretation

7. In this Part, unless the contrary intention appears:

- “AA”** means Airservices Australia established by the Air Services Act;
- “AA employee”** means a person employed by AA under section 41 of the Air Services Act;
- “Air Services Act”** means the *Air Services Act 1995*;
- “assets”** means any legal or equitable estates or interests in real or personal property, whether actual, contingent or prospective, and includes all rights, powers, privileges and immunities, whether actual, contingent or prospective;
- “authorised person”** means the Minister, or an officer of the Department authorised by the Minister for the purposes of this Part;
- “CAA”** means the Civil Aviation Authority established under the Civil Aviation Act, as in force immediately before the commencing time;
- “CAA staff member”** means a person who was a member of the staff of the CAA immediately before the commencing time;
- “CAC Act”** means the *Commonwealth Authorities and Companies Act 1995*;
- “CASA”** means the Civil Aviation Safety Authority established by the Civil Aviation Act;
- “CASA staff member”** means a person appointed or employed by CASA under section 91 of the Civil Aviation Act;
- “Civil Aviation Act”** means the *Civil Aviation Act 1988*;
- “commencing time”** means the time when this section commences;
- “instrument”** includes a document and an oral agreement;
- “liabilities”** means all liabilities, duties and obligations, whether actual, contingent or prospective;
- “regulatory functions”**, in relation to CAA, means functions specified in paragraph 9(1)(a) of the Civil Aviation Act, as in force immediately before the commencing time.

Transfer of CAA staff to AA and CASA

8.(1) Subject to this section, each CAA staff member becomes an AA employee at the commencing time.

(2) If a CAA staff member is identified in a written determination that is made by an authorised person and takes effect at the commencing time, the staff member becomes a CASA staff member at the commencing time.

(3) If:

- (a)** a person has become an AA employee or CASA staff member under subsection (1) or (2), or by a previous application of this subsection; and
- (b)** the person is identified in a written determination by an authorised person that:

- (i) is made within 12 months after the commencing time; and
- (ii) states that the person is to become an AA employee or a CASA staff member at a time specified in the determination that is not later than 12 months after the commencing time;

the person becomes an AA employee or CASA staff member, as the case may be, at the time specified in the determination.

(4) A person who becomes an AA employee or CASA staff member under this section:

- (a) must be employed on terms and conditions that are not less favourable than the terms and conditions that applied to the person's previous employment; and
- (b) is entitled to retain, as an AA employee or CASA staff member, all the benefits that had accrued to the person in respect of the person's previous employment, as if those benefits had accrued in respect of the person's employment as an AA employee or CASA staff member, as the case may be.

(5) Nothing in this section prevents terms and conditions of employment being varied after the commencing time.

(6) In this section:

“previous employment” means:

- (a) for a CAA staff member who becomes an AA employee or CASA staff member—employment as a CAA staff member; or
- (b) for an AA employee who becomes a CASA staff member—employment as an AA employee; or
- (c) for a CASA staff member who becomes an AA employee—employment as a CASA staff member.

Transfer of CAA assets and liabilities to AA and CASA

9.(1) Subject to this section, the assets and liabilities of CAA become the assets and liabilities of AA at the commencing time.

(2) If an asset or liability is identified in a written determination that is made by an authorised person and takes effect at the commencing time, the asset or liability becomes an asset or liability of CASA at the commencing time.

(3) If:

- (a) an asset or liability has become an asset or liability of AA or CASA under subsection (1) or (2), or by a previous application of this subsection; and
- (b) the asset or liability is identified in a written determination by an authorised person that:

- (i) is made after the commencing time; and
- (ii) states that the asset or liability is to become an asset or liability of AA or CASA at a time specified in the determination;

the asset or liability becomes an asset or liability of AA or CASA, as the case may be, at the time specified in the determination.

(4) A transfer effected by this section is not a disposal of an asset for the purposes of Part IIIA of the *Income Tax Assessment Act 1936*.

References in CAA instruments

10.(1) Each CAA instrument continues to have effect according to its tenor after the commencing time as if:

- (a) a reference in the instrument to CAA, to the extent that the reference relates to CAA's regulatory functions, were a reference to CASA; and
- (b) except to the extent covered by paragraph (a), all references in the instrument to CAA were references to AA.

(2) In this section:

“CAA instrument” means an instrument in operation immediately before the commencing time:

- (a) to which CAA is a party; or
- (b) which was given to, or in favour of, CAA; or
- (c) in which a reference is made to CAA; or
- (d) under which any right or liability accrues or may accrue to CAA.

Pending proceedings

11. If, immediately before the commencing time, CAA was a party to proceedings that were pending or existing in any court or tribunal, then, at the commencing time:

- (a) to the extent that the proceedings relate to CAA's regulatory functions—CASA is substituted for CAA in the proceedings and has the same rights and obligations in the proceedings as CAA had; and
- (b) for all other purposes, AA is substituted for CAA in the proceedings and has the same rights and obligations in the proceedings as CAA had.

Continuation of AOC applications made under the regulations

12. An application for an AOC that was made under the Civil Aviation Regulations before the commencing time may be dealt with under the Civil Aviation Act after the commencing time as if the application had been made under the Civil Aviation Act.

Continuation of Civil Aviation Orders, AOCs etc.

13.(1) Civil Aviation Orders that were in force immediately before the commencing time under subsection 98(4A) of the Civil Aviation Act continue to have effect as if they had been made by CASA under that subsection.

(2) Civil Aviation Orders that were in force under regulations under the Civil Aviation Act immediately before the commencing time continue to have effect as if they had been made by CASA under the regulations.

(3) This section does not prevent the amendment or repeal of the Civil Aviation Orders referred to in this section.

(4) AOCs (including their conditions) and permissions that were in force immediately before the commencing time under Part III of the Civil Aviation Act continue to have effect as if they had been issued, imposed or granted by CASA under that Part.

Statutory liens

14.(1) The Register maintained under section 68 of the Civil Aviation Act is transferred to the custody of the Registrar under the Air Services Act.

(2) The Register maintained under section 64 of the Air Services Act is taken to include everything that comprised the Register referred to in subsection (1) of this section.

(3) A statutory lien in effect under the Civil Aviation Act immediately before the commencing time continues in effect as if it had been vested in AA by the Air Services Act.

Exemption from certain State and Territory stamp duties

15.(1) No stamp duty is payable under a law of a State or Territory in respect of an exempt matter or anything connected with an exempt matter.

(2) An authorised person may certify in writing:

(a) that a specified matter is an exempt matter; or

(b) that a specified thing was done in connection with a specified exempt matter.

(3) In all courts and for all purposes, a certificate under subsection (2) is evidence of the matter stated in the certificate.

(4) A document that appears to be a certificate under subsection (2) is taken to be such a certificate, and to have been properly given, unless the contrary is established.

(5) In this section:

“exempt matter” means:

- (a) an asset or liability ceasing to be an asset or liability of CAA, AA or CASA under this Part and becoming an asset or liability of AA or CASA under this Part; or
- (b) the operation of this Part in any other respect.

Certificates in relation to interests in land

16.(1) This section applies if:

- (a) land becomes land of AA or CASA under this Part; and
- (b) there is lodged with a land registration official a certificate that:
 - (i) is signed by an authorised person; and
 - (ii) identifies the land, whether by reference to a map or otherwise; and
 - (iii) states that the land has become land of AA or land of CASA, as the case may be, under this Part.

(2) The land registration official may:

- (a) register the matter in the same way that dealings in land of that kind are registered; and
- (b) deal with, and give effect to, the certificate.

(3) A document that appears to be a certificate under subsection (1) is taken to be such a certificate, and to have been properly given, unless the contrary is established.

(4) In this section:

“land registration official” means the Registrar of Titles or other proper officer of the State or Territory in which the land is situated.

Certificates in relation to other assets

17.(1) This section applies if:

- (a) an asset becomes an asset of AA or CASA under this Part; and
- (b) there is lodged with an assets official a certificate that:
 - (i) is signed by an authorised person; and
 - (ii) identifies the asset; and
 - (iii) states that the asset has become an asset of AA or an asset of CASA, as the case may be, under this Part.

(2) The assets official may:

- (a) deal with, and give effect to, the certificate as if the certificate were a proper and appropriate instrument for transactions in relation to assets of that kind; and
- (b) make such entries in the register as are necessary having regard to the effect of this Part.

(3) A document that appears to be a certificate under subsection (1) is taken to be such a certificate, and to have been properly given, unless the contrary is established.

(4) In this section:

“assets official” means a person or authority who, under the law of the Commonwealth or of a State or Territory, has responsibility for keeping a register in relation to assets of the kind concerned.

AA financial rules etc.

18.(1) This section applies if the CAC Act has not commenced before the commencing day that applies under subsection 2(1) of the Air Services Act, and does not commence on that day.

(2) Until the CAC Act commences, the pre-CAC rules apply to AA and its members in the same way as they applied to CAA and its members.

(3) In this section:

“pre-CAC rules” means sections 43, 44, 45, 46, 47, 48A, 59, 60, 62, 63 and 64 of the Civil Aviation Act, as in force immediately before the commencing time.

Income tax treatment of certain assets

19.(1) Any eligible building that is used by AA in performing its functions is taken to be owned by AA for the purposes of applying section 54, or Division 10D of Part III, of the *Income Tax Assessment Act 1936* to AA.

(2) The surrender by AA of an equitable interest in respect of an eligible building is not a disposal of an asset for the purposes of applying Part IIIA of the *Income Tax Assessment Act 1936* to AA.

(3) The granting of a lease by the Federal Airports Corporation to AA or CASA in respect of an eligible building is not a disposal of an asset for the purposes of applying Part IIIA of the *Income Tax Assessment Act 1936* to the Federal Airports Corporation.

(4) In this section:

“eligible building” means a building or fixed structure identified in a determination made by an authorised person for the purposes of this section and includes any plant or equipment that is fixed to such a building or fixed structure.

AA to inherit CAA’s tax position

20. For the purposes of the taxation laws of the Commonwealth, AA is to be treated as being the successor of CAA.

Appointment of Director of Aviation Safety

21. The first appointment of a Director of Aviation Safety under section 84 of the Civil Aviation Act may be made by the Minister without receiving a recommendation from the Board.

Regulations

22.(1) The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, regulations may be made in relation to transitional matters arising out of the abolition of CAA and its replacement by AA and CASA, or otherwise arising out of the enactment of this Act or the Air Services Act.

SCHEDULE 1

AMENDMENT OF THE *CIVIL AVIATION ACT 1988*

1. Title:

After “Aviation” insert “Safety”.

2. Subsection 3(1) (definition of “authorised officer”):

Omit “the Authority”, substitute “CASA”.

3. Subsection 3(1) (definition of “Board”):

Omit “the Authority”, substitute “CASA”.

4. Subsection 3(1) (definition of “certificate”):

Omit “Air Operator’s Certificate”, substitute “AOC”.

5. Subsection 3(1) (definition of “corporate plan”):

Omit “developed by the Board under paragraph 43(1)(a)”, substitute “prepared by the Board under subsection 44(1)”.

6. Subsection 3(1) (definition of “member”):

Omit “and the Deputy Chairperson”.

7. Subsection 3(1) (definition of “officer”):

Omit “the Authority”, substitute “CASA”.

8. Subsection 3(1) (definition of “aerodrome”):

Omit the definition, substitute:

“ ‘aerodrome’ means an area of land or water (including any buildings, installations and equipment), the use of which as an aerodrome is authorised under the regulations, being such an area intended for use wholly or partly for the arrival, departure or movement of aircraft;”.

9. Subsection 3(1) (definition of “aircraft”):

Omit the definition, substitute:

“ ‘aircraft’ means any machine or craft that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface;”.

10. Subsection 3(1) (definition of “regulatory functions”):

Omit the definition, substitute:

“ ‘regulatory function’ means the function under subsection 9(1);”.

SCHEDULE 1—continued

11. Subsection 3(1) (definitions of “Air Operator’s Certificate”, “assets”, “Authority”, “charge”, “currency contract”, “Deputy Chairperson”, “financial plan”, “futures contract”, “outstanding amount”, “payable”, “payment period”, “penalty”, “Register”, “Registrar”, “securities”, “share” and “statutory lien”):

Omit the definitions.

12. Subsection 3(1):

Insert:

“ ‘AA’ means Airservices Australia established by the *Air Services Act 1995*;

‘AOC’ means an Air Operator’s Certificate issued under Division 2 of Part III;

‘aviation safety standards’ means standards relating to the following:

- (a) the flight crews engaged in operations of aircraft;
- (b) the design, construction, maintenance, operation and use of aircraft and related equipment;
- (c) the planning, construction, establishment, operation and use of aerodromes;
- (d) the establishment and use of airspace;
- (e) the planning, construction, establishment, maintenance, operation and use of:
 - (i) facilities of the kind referred to in paragraph 8(1)(a) of the *Air Services Act 1995*; and
 - (ii) services of the kind referred to in paragraph 8(1)(b) of the *Air Services Act 1995*;

and any construction associated with those facilities or services;

- (f) the personnel engaged in:
 - (i) the maintenance of aircraft and related equipment; or
 - (ii) anything referred to in paragraph (c) or (e);

‘CASA’ means the Civil Aviation Safety Authority established by this Act;

‘Civil Aviation Orders’ means the orders made under subsection 98(4A) or referred to in subsection 98(5);

‘Director’ means the Director of Aviation Safety appointed under section 84;

‘ICAO’ means the International Civil Aviation Organization referred to in the Chicago Convention;”.

13. Subsections 3(2) to (5) (inclusive):

Omit the subsections.

SCHEDULE 1—continued

14. After section 3:

Insert:

Main object of this Act

“3A. The main object of this Act is to establish a regulatory framework for maintaining, enhancing and promoting the safety of civil aviation, with particular emphasis on preventing aviation accidents and incidents.”.

15. Section 4A:

Omit “the Authority” (wherever occurring), substitute “CASA”.

16. Subsection 5(1):

After “States,” insert “of the Australian Capital Territory,”.

17. Paragraph 7(ab):

Omit “section 10A”, substitute “subsection 9(4)”.

18. Part II (heading):

Omit the heading, substitute:

“PART II—ESTABLISHMENT, FUNCTIONS ETC. OF CASA”.

19. Subsection 8(1):

Omit the subsection, substitute:

“(1) An authority called the Civil Aviation Safety Authority is established by this subsection.”.

Note: The heading to section 8 is altered by omitting “Authority” and substituting “CASA”.

20. Subsection 8(2):

Omit “The Authority”, substitute “CASA”.

21. Subsection 8(3):

Omit “the Authority”, substitute “CASA”.

22. Section 9:

Repeal the section, substitute:

CASA’s functions

“9.(1) CASA has the function of conducting the safety regulation of the following, in accordance with this Act and the regulations:

(a) civil air operations in Australian territory;

SCHEDULE 1—continued

(b) the operation of Australian aircraft outside Australian territory;
by means that include the following:

- (c) developing and promulgating appropriate, clear and concise aviation safety standards;
- (d) developing effective enforcement strategies to secure compliance with aviation safety standards;
- (e) issuing certificates, licences, registrations and permits;
- (f) conducting comprehensive aviation industry surveillance, including assessment of safety-related decisions taken by industry management at all levels for their impact on aviation safety;
- (g) conducting regular reviews of the system of civil aviation safety in order to monitor the safety performance of the aviation industry, to identify safety-related trends and risk factors and to promote the development and improvement of the system;
- (h) conducting regular and timely assessment of international safety developments.

“(2) CASA also has the following safety-related functions:

- (a) encouraging a greater acceptance by the aviation industry of its obligation to maintain high standards of aviation safety, through:
 - (i) comprehensive safety education and training programs; and
 - (ii) accurate and timely aviation safety advice; and
 - (iii) fostering an awareness in industry management, and within the community generally, of the importance of aviation safety and compliance with relevant legislation;
- (b) promoting full and effective consultation and communication with all interested parties on aviation safety issues.

“(3) CASA also has the following functions:

- (a) co-operating with the Bureau of Air Safety Investigation in relation to the investigation of aircraft accidents and incidents;
- (b) any functions conferred on CASA under the *Civil Aviation (Carriers' Liability) Act 1959*, or under a corresponding law of a State or Territory;
- (c) any functions conferred on CASA under the *Air Navigation Act 1920*;
- (d) any other functions prescribed by the regulations, being functions relating to any matters referred to in this section;
- (e) promoting the development of Australia's civil aviation safety capabilities, skills and services, for the benefit of the Australian community and for export;

SCHEDULE 1—continued

- (f) providing consultancy and management services relating to any of the matters referred to in this section, both within and outside Australian territory;
- (g) any functions incidental to any of the functions specified in this section.

“(4) In performing the function under paragraph (3)(f), CASA may, under a contract with a foreign country or with an agency of a foreign country, provide services for that country or agency in relation to the regulation of the safety of air navigation or any other matter in which CASA has expertise. Those services may include conducting safety regulation in relation to foreign aircraft under the law of a foreign country.

“(5) CASA’s functions do not include responsibility for aviation security.”.

23. Section 9AA:

Repeal the section.

24. Section 9A:

Repeal the section, substitute:

Performance of functions

“9A.(1) In exercising its powers and performing its functions, CASA must regard the safety of air navigation as the most important consideration.

“(2) Subject to subsection (1), CASA must exercise its powers and perform its functions in a manner that ensures that, as far as is practicable, the environment is protected from:

- (a) the effects of the operation and use of aircraft; and
- (b) the effects associated with the operation and use of aircraft.”.

25. Section 10:

Repeal the section.

26. Section 10A:

Repeal the section.

27. Section 11:

Omit “The Authority”, substitute “CASA”.

28. Section 11A:

Repeal the section.

SCHEDULE 1—continued

29. Subsection 12(1):

Omit “the Authority”, substitute “CASA”.

30. Subsection 12(2):

Omit “the regulatory functions”, substitute “its regulatory function”.

31. Subsection 12(3):

Omit the subsection.

32. Subsection 12(4):

Omit “The Authority”, substitute “CASA”.

33. After section 12:

Insert:

Minister may give CASA notices about its strategic direction etc.

“12A.(1) The Minister may notify CASA in writing of the Minister’s views on the following matters:

- (a) the appropriate strategic direction for CASA;
- (b) the manner in which CASA should perform its functions.

“(2) In performing its functions, CASA must take account of notices given under subsection (1).

Minister may direct CASA to give documents and information to nominee

“12B.(1) The Minister may direct CASA to give to a specified ministerial nominee any documents or information relating to CASA’s operations that the nominee requests.

“(2) CASA must comply with the direction.

“(3) In this section:

‘**ministerial nominee**’ means a person whose responsibilities or duties include advising the Minister about CASA’s performance and strategies.”.

34. Section 13:

Omit “the Authority” (wherever occurring), substitute “CASA”.

Note: The heading to section 13 is replaced by the heading “CASA’s powers”.

35. Paragraph 13(2)(a):

Add at the end “and”.

36. Paragraph 13(2)(b):

Add at the end “and”.

SCHEDULE 1—continued

37. Paragraphs 13(2)(c) and (d):

Omit the paragraphs.

38. Subsection 13(4):

Omit “facility or”.

39. Subsection 13(5):

Omit “The Authority”, substitute “CASA”.

40. Section 14:

Repeal the section.

41. Section 15:

Repeal the section.

42. Section 16:

Omit “the Authority shall”, substitute “CASA must”.

43. Section 16:

Add at the end “(including ICAO and bodies representing the aviation industry)”.

44. After the heading to Part III:

Insert:

“Division 1—General regulatory provisions”.

45. Section 17:

Repeal the section.

46. Section 18:

Repeal the section, substitute:

Permissions must be based on safety matters

“18.(1) If a person applies to CASA for a permission, CASA must give the permission if CASA is satisfied that the person has complied with, or is capable of complying with, the safety rules (including rules about the competence of persons to do anything that would be covered by the permission).

“(2) CASA must not do any of the following, except to ensure compliance with the safety rules:

SCHEDULE 1—continued

- (a) impose a condition on a permission;
- (b) vary a condition of a permission;
- (c) suspend or cancel a permission.

“(3) In this section:

‘**permission**’ means a permission under this Part, other than a permission under paragraph 19(2)(c) or section 27A;

‘**safety rules**’ means the provisions of this Act, and of the regulations, that relate to safety.”.

47. Paragraph 19(2)(a):

Omit “the Authority;”, substitute “CASA; or”.

48. After paragraph 19(2)(a):

Insert:

“(aa) by AA; or”.

49. Paragraph 19(2)(c):

Omit “the Authority”, substitute “CASA”.

50. Section 20:

Omit “The Authority”, substitute “CASA”.

51. Section 20:

Omit “the Authority” (wherever occurring), substitute “CASA”.

52. Subsection 20A(1):

Omit the subsection, substitute:

“(1) No person may operate an aircraft in a careless or reckless manner so as to endanger the life of another person.”.

53. Subsection 20A(2):

Omit the subsection, substitute:

“(2) No person may operate an aircraft in a careless or reckless manner so as to endanger the person or property of another person.”.

54. Section 21:

Omit “the Authority” (wherever occurring), substitute “CASA”.

55. Subsection 21(1) (definition of “installation”):

Omit “metallic”.

SCHEDULE 1—continued

56. Subsection 21(2):

Omit “radiocommunications to or from aircraft, or with navigational aids”, substitute “communications to or from aircraft, or communications to or from centres established for air traffic control, or with navigational aids or with surveillance systems”.

Note: The heading to section 21 is amended by omitting “navigational aids” and substituting “aeronautical facilities”.

57. Subsection 21(3):

Omit “The Authority”, substitute “CASA”.

58. After subsection 21(10):

Add:

“(11) The Director may, in writing, delegate any of CASA’s powers under this section to AA.

“(12) The Chief Executive Officer of AA may delegate to a member or employee of AA any powers that are delegated to AA under subsection (11).

“(13) In this section:
‘officer’ includes an employee of AA.”.

59. Section 23:

Omit “the Authority” (wherever occurring), substitute “CASA”.

60. Section 25:

Omit “the Authority” (wherever occurring), substitute “CASA”.

61. Subsection 26(1):

Omit “the Authority”, substitute “CASA”.

62. Paragraph 26(2)(d):

Omit “Air Operator’s Certificate”, substitute “AOC”.

63. After section 26:

Insert:

“Division 2—Air Operators’ Certificates (AOCs)

“Subdivision A—General”.

64. Section 27:

Omit “a Certificate” (wherever occurring), substitute “an AOC”.

SCHEDULE 1—continued

65. Section 27:

Omit “A Certificate” (wherever occurring), substitute “An AOC”.

66. Subsection 27(1):

Omit “The Authority”, substitute “CASA”.

67. Subsection 27(1):

Omit “Air Operators’ Certificates”, substitute “AOCs”.

68. Paragraph 27(2)(a):

Add at the end “and”.

69. Subsection 27(2A):

Omit “the Certificate”, substitute “the AOC”.

70. Subsections 27(3) to (6) (inclusive):

Omit the subsections, substitute:

“(3) If a holder of an AOC makes a request in writing to CASA for the revocation of the AOC, CASA must cancel the AOC.”.

71. Subsection 27(7):

Omit “the Authority”, substitute “CASA”.

Note: The heading to section 27 is replaced by the heading “AOCs”.

72. After section 27:

Insert:

“Subdivision B—Application for AOC

Application in approved form

“27AA. An application for an AOC must be in a form approved by CASA.

Lodgment of manuals

“27AB.(1) An applicant for an AOC must lodge with CASA a copy of the current flight manual for every type of aircraft covered by the application.

“(2) If the applicant is (or will be) required by the regulations or Civil Aviation Orders to have any of the following manuals, the applicant must lodge the current or proposed version of the manual concerned:

SCHEDULE 1—continued

- (a) an operations manual;
- (b) a training and checking manual;
- (c) a dangerous goods manual.

“(3) The applicant is not required to lodge a manual under this section if the applicant has previously lodged a copy of the same version of the manual.

“(4) If the applicant already holds a current AOC and is applying for a new AOC that:

- (a) would authorise the same things as the current AOC; and
 - (b) would come into force when the term of the current AOC expires;
- the applicant is required to comply with the lodgment requirements of this section only to the extent (if any) that CASA, by written notice, requires compliance.

CASA may require information etc. and inspections etc.

“27AC.(1) CASA may give a written notice to an applicant for an AOC, requiring the applicant to give CASA information in writing, or documents, that:

- (a) are described in the notice; and
- (b) are in the applicant’s possession or under the applicant’s control; and
- (c) are reasonably required by CASA to properly consider the application.

“(2) CASA may give a written notice to an applicant for an AOC, requiring the applicant to permit an authorised officer to carry out an inspection or test that:

- (a) is described in the notice; and
- (b) is reasonably required by CASA to properly consider the application.

“(3) In this section:

‘aircraft component’ has the same meaning as in the regulations;

‘aircraft material’ has the same meaning as in the regulations;

‘inspection or test’ means an inspection or test of any of the following:

- (a) any aircraft covered by the application;
- (b) any aircraft component or aircraft material for, or equipment fitted to or provided in, any aircraft covered by the application;
- (c) any premises used, or proposed to be used, for the purpose of conducting or carrying out the operations covered by the application;
- (d) any facilities, procedures or practices used, or proposed to be used, for a purpose covered by the application.

SCHEDULE 1—continued

CASA may require proving flights etc.

“27AD.(1) CASA may give a written notice to an applicant for an AOC, requiring the applicant:

- (a) to conduct proving flights; or
- (b) to carry out other aircraft tests or demonstrations of procedures;

to assess whether the applicant can safely conduct the operations covered by the application.

“(2) The notice must describe the proving flights, tests or demonstrations that the applicant is required to conduct or carry out.

“(3) The proving flights, tests or demonstrations must be conducted or carried out under the supervision or observation of an authorised officer and in accordance with the requirements mentioned in the notice.

Application for foreign aircraft AOC

“27AE.(1) CASA may give a written notice to an applicant for a foreign aircraft AOC, requiring the applicant to give CASA all or any of the following:

- (a) a copy of any air operator’s certificate, or any document having substantially the same effect, issued by the authority responsible for regulating civil aviation in the country in which the aircraft is registered or operating;
- (b) a copy of any limitations or conditions imposed by the authority on operations conducted or carried out by the applicant, unless those limitations or conditions are specified in a certificate or document specified in paragraph (a);
- (c) copies of any operational authorisations or requirements, however described, issued by the authority in relation to the operations of the applicant, unless those authorisations or requirements are specified in a certificate or document specified in paragraph (a) or (b);
- (d) written particulars of all licences held by flight crew members intended to be engaged in carrying out operations under the foreign aircraft AOC.

“(2) CASA must state in the notice whether the applicant is to comply with the notice:

- (a) in addition to complying with the lodgment requirements of section 27AB; or
- (b) instead of complying with those requirements, or such of them as are identified in the notice.

SCHEDULE 1—continued

“(3) If the notice indicates that the applicant is to do something instead of complying with all or any of the requirements of section 27AB, the applicant need not comply with those requirements of section 27AB.

“(4) In this section:
‘foreign aircraft AOC’ means an AOC authorising the operation of a foreign registered aircraft on flights that are not domestic commercial flights.

CASA not required to consider application until requirements complied with

“27AF. CASA may refuse to consider an application, or to consider it further, while there are requirements under this Subdivision that the applicant has not complied with.

“Subdivision C—Operation of a foreign aircraft without AOC”.

73. Section 27A:

Omit “the Authority” (wherever occurring), substitute “CASA”.

74. Section 27A:

Omit “The Authority” (wherever occurring), substitute “CASA”.

75. Paragraph 27A(1)(b):

Omit “Air Operator’s Certificate”, substitute “AOC”.

Note: The heading to section 27A is altered by omitting “Air Operator’s Certificate” and substituting “AOC”.

76. After section 27A:

Insert:

“Subdivision D—Issue of AOCs”.

77. Section 28:

Repeal the section, substitute:

CASA must issue AOC if satisfied about certain matters

“28.(1) If a person applies to CASA for an AOC, CASA must issue the AOC if, and only if:

- (a) CASA is satisfied that the applicant has complied with, or is capable of complying with, the provisions of this Act, the regulations and the Civil Aviation Orders, that relate to safety, including provisions about the competence of persons to do anything that would be covered by the AOC; and

SCHEDULE 1—continued

- (b) CASA is satisfied about the following matters in relation to the applicant's organisation:
- (i) the organisation is suitable to ensure that the AOC operations can be conducted or carried out safely, having regard to the nature of the AOC operations;
 - (ii) the organisation's chain of command is appropriate to ensure that the AOC operations can be conducted or carried out safely;
 - (iii) the organisation has a sufficient number of suitably qualified and competent employees to conduct or carry out the AOC operations safely;
 - (iv) key personnel in the organisation have appropriate experience in air operations to conduct or to carry out the AOC operations safely;
 - (v) the facilities of the organisation are sufficient to enable the AOC operations to be conducted or carried out safely;
 - (vi) the organisation has suitable procedures and practices to control the organisation and ensure that the AOC operations can be conducted or carried out safely;
 - (vii) if CASA requires particulars of licences held by flight crew members of the organisation—the authorisations conferred by the licences are appropriate, having regard to the nature of the AOC operations; and
- (c) if the AOC sought would authorise the operation of a foreign registered aircraft on domestic commercial flights—CASA is also satisfied that the additional conditions in subsection 27AE(1) have been met.

“(2) The financial position of the applicant is one of the matters that CASA may take into account in forming a view for the purposes of paragraph (1)(a).

“(3) In this section:

‘AOC operations’ means the operations covered by the application;

‘applicant’s organisation’ means the organisation established, or proposed to be established, by the applicant to conduct or carry out the operations covered by the application;

‘key personnel’ means the people (however they are described) that hold, or carry out the duties of, the following positions in the applicant’s organisation:

SCHEDULE 1—continued

- (a) the chief executive officer;
- (b) the head of the flying operations part of the organisation;
- (c) the head of the aircraft maintenance part (if any) of the organisation;
- (d) the head of the training and checking part (if any) of the organisation.”.

78. Subsection 28A(1):

Omit “the Authority” (wherever occurring), substitute “CASA”.

79. Subsection 28A(1):

Omit “paragraph 28(2)(c)”, substitute “paragraph 28(1)(c)”.

80. Subparagraph 28A(1)(a)(ii):

Omit “Certificate”, substitute “AOC”.

81. Subparagraph 28A(1)(a)(ii):

Omit “Air Operator’s Certificate”, substitute “air operator’s certificate”.

82. Subparagraph 28A(1)(d)(ii):

Omit “certificate”, substitute “AOC”.

83. Paragraph 28A(1)(h):

Omit “certificate”, substitute “AOC”.

Note: The heading to section 28A is altered by omitting “Air Operator’s Certificates” and substituting “AOC”.

84. After section 28A:

Insert:

“Subdivision E—Conditions of AOC

General conditions

“28BA.(1) An AOC has effect subject to the following conditions:

- (a) the condition that sections 28BD, 28BE, 28BF, 28BG and 28BH are complied with;
- (b) any conditions specified in the regulations or Civil Aviation Orders;
- (c) any conditions imposed by CASA under section 28BB.

“(2) If a condition of an AOC is breached, the AOC does not authorise any flight or operation to which the condition relates while the breach continues. This subsection does not apply to the condition specified in paragraph (1)(a).

“(3) If a condition of an AOC is breached, CASA may, by written notice given to its holder, suspend or cancel:

SCHEDULE 1—continued

- (a) the AOC; or
 - (b) any specified authorisation contained in the AOC;
- whether or not the breach is continuing.

CASA may impose and vary AOC conditions

“28BB.(1) CASA may:

- (a) at the time of issuing an AOC, impose conditions by specifying them in the AOC; and
- (b) at any time after the issue of an AOC, give a written notice to the holder of the AOC, imposing conditions, or further conditions, on the AOC.

“(2) CASA may at any time give a written notice to the holder of an AOC, varying any of the conditions of the AOC that were imposed by CASA. A variation may be made:

- (a) on the application of the holder of an AOC; or
- (b) on CASA’s own initiative.

“(3) An application for variation must:

- (a) be in writing; and
- (b) set out the variation sought and the reasons why it is sought.

“(4) Section 27AD applies to an application under this section in the same way that section 27AD applies to an application for an AOC.

Limits on CASA’s power to impose or vary AOC conditions

“28BC.(1) CASA must not:

- (a) impose or vary a condition of an AOC that:
 - (i) is not a mixed authority AOC; and
 - (ii) authorises the operation of a foreign registered aircraft on domestic commercial flights; or
- (b) impose or vary a condition relating to the authorisation of the operation of a foreign registered aircraft on domestic commercial flights that is contained in a mixed authority AOC; or
- (c) suspend or cancel an AOC of the kind to which paragraph (a) applies or an authorisation of the kind to which paragraph (b) applies;

except to ensure that the aircraft’s operation, maintenance and airworthiness are of a standard that CASA considers necessary in the interests of the safety of air navigation.

“(2) CASA must not:

- (a) impose or vary a condition of an AOC that does not authorise the operation of a foreign registered aircraft on domestic commercial flights; or

SCHEDULE 1—continued

- (b) impose or vary a condition of a mixed authority AOC relating to any authorisation of an operation (other than the operation of a foreign registered aircraft on domestic commercial flights) that is contained in a mixed authority AOC; or
 - (c) suspend or cancel an AOC of the kind to which paragraph (a) applies or an authorisation of the kind to which paragraph (b) applies;
- except to ensure compliance with the provisions of this Act, the regulations and the Civil Aviation Orders, relating to safety.

“(3) The financial position of the holder of the AOC is one of the matters that CASA may take into account in forming a view for the purposes of subsections (1) and (2).

“(4) In this section:

‘mixed authority AOC’ means an AOC authorising:

- (a) the operation of a foreign registered aircraft on domestic commercial flights; and
- (b) other operations.

Compliance with civil aviation law

“28BD. The holder of an AOC must comply with all requirements of this Act, the regulations and the Civil Aviation Orders that apply to the holder.

Duty to exercise care and diligence

“28BE.(1) The holder of an AOC must at all times take all reasonable steps to ensure that every activity covered by the AOC, and everything done in connection with such an activity, is done with a reasonable degree of care and diligence.

“(2) If the holder is a body having legal personality, each of its directors must also take the steps specified in subsection (1).

“(3) It is evidence of a failure by a body and its directors to comply with this section if an act covered by this section is done without a reasonable degree of care and diligence mainly because of:

- (a) inadequate corporate management, control or supervision of the conduct of any of the body’s directors, servants or agents; or
- (b) failure to provide adequate systems for communicating relevant information to relevant people in the body.

“(4) No action lies, for damages or compensation, in respect of a contravention of this section.

SCHEDULE 1—continued

“(5) This section does not affect any duty imposed by, or under, any other law of the Commonwealth, or of a State or Territory, or under the common law.

Organisation, personnel etc.

“28BF.(1) The holder of an AOC must at all times maintain an appropriate organisation, with a sufficient number of appropriately qualified personnel and a sound and effective management structure, having regard to the nature of the operations covered by the AOC.

“(2) The holder must establish and maintain any supervisory positions in the organisation, or in any training and checking organisation established as part of it, that CASA directs, having regard to the nature of the operations covered by the AOC.

Operations headquarters and suitable buildings

“28BG. The holder of an AOC must at all times maintain:

- (a) an operations headquarters, through which CASA can communicate with any person responsible for any part of the operations covered by the AOC; and
- (b) suitable buildings, having regard to the nature of those operations, at each aerodrome where members of the holder’s operating crews are based.

Reference library

“28BH.(1) The holder of an AOC must maintain a reference library within the organisation, the contents of which must be readily available to all members of the holder’s operating crews.

“(2) The contents of the reference library must include:

- (a) all operational documents and material; and
- (b) all material required by the regulations or Civil Aviation Orders.

“(3) The holder must keep the contents of the reference library up-to-date and in a readily accessible form.

“(4) The holder must keep up-to-date records of the distribution of operational documents to members of the holder’s flight crew and any other people employed in the holder’s organisation, who are employed as cabin crew, or to carry out duties associated with fuelling, loading or despatching aircraft.

“(5) In this section, ‘operating crew’ has the same meaning as in the regulations.”.

SCHEDULE 1—continued

85. Before section 29:

Insert:

“Division 3—General offences in relation to aircraft”.

86. Section 30A:

Omit “the Authority” (wherever occurring), substitute “CASA”.

87. Subsection 30A(8) (note):

Omit “this”, substitute “This”.

88. Subsection 30A(8) (note):

Omit “the Authority”, substitute “CASA”.

89. Subsection 30A(9):

Omit “Air Operator’s Certificate”, substitute “AOC”.

90. Paragraph 30B(1)(b):

Omit “the Authority”, substitute “CASA”.

91. Section 30C:

Omit “the Authority”, substitute “CASA”.

Note: The heading to section 30C is altered by omitting “Authority” and substituting “CASA”.

92. After section 30C:

Insert:

“Division 4—Miscellaneous”.

93. Section 32:

Omit “The Authority”, substitute “CASA”.

94. Section 32AA:

Omit “The Authority”, substitute “CASA”.

95. Section 32AB:

Omit “the Authority” (wherever occurring), substitute “CASA”.

96. Subsection 32AB(1):

Omit “The Authority”, substitute “CASA”.

97. Subsection 32AH(3):

Omit “The Authority”, substitute “CASA”.

SCHEDULE 1—continued

98. Subsection 32AH(3):

Omit “the Authority”, substitute “CASA”.

99. After section 32AK:

Insert:

Powers in relation to aircraft accidents and incidents

“32AL. The powers and functions of an investigator under this Part are to be exercised and performed subject to Part XVI of the Air Navigation Regulations.”.

100. Part IV (heading):

Omit “AUTHORITY”, substitute “CASA”.

101. Section 32A:

Repeal the section, substitute:

The Board

“32A. CASA is to have a Board.”.

102. Section 32B:

Omit “the Authority” (wherever occurring), substitute “CASA”.

103. Subsection 32B(1)(b):

Omit “economical”, substitute “effective”.

104. Section 33:

Repeal the section, substitute:

Constitution of the Board

“33.(1) The Board consists of:

- (a) a Chairperson; and
- (b) the Director; and
- (c) at least 1, but not more than 3, other members.

“(2) The members (other than the Director) are to be appointed by the Minister, and hold office on such terms and conditions (in respect of matters not provided for by this Act) as are determined by the Minister in writing.

“(3) The Chairperson may be appointed on a full-time basis or on a part-time basis.

“(4) The members (other than the Chairperson and the Director) are to be appointed on a part-time basis.

“(5) Members of the staff may be appointed under paragraph (1)(c).”.

SCHEDULE 1—continued

105. Subsection 34(1):

Omit “Chief Executive Officer”, substitute “Director”.

106. Section 35:

Omit “Chief Executive Officer” (wherever occurring), substitute “Director”.

107. Subsection 35(3):

Omit “*Tribunals*”, substitute “*Tribunal*”.

108. Subsection 38(1):

Omit “Chief Executive Officer”, substitute “Director”.

109. Subsection 38(1):

Omit “the Deputy Chairperson or another”, substitute “a”.

110. Subsection 38(2):

Omit the subsection.

111. Paragraph 38(3)(b):

Omit “or the Deputy Chairperson”.

112. Subsection 39(2):

Omit the subsection, substitute:

“(2) The Chairperson:

(a) may convene a meeting at any time; and

(b) must convene a meeting if the Chairperson receives a written request signed by:

(i) at least 1 member, if the number of members is only 3; or

(ii) at least 2 members, if the number of members is more than 3.”.

113. Subsection 39(5):

Omit the subsection, substitute:

“(5) If the Chairperson is not present at a meeting, the members present must appoint one of their number to preside.”.

114. Subsection 39(6):

Omit the subsection, substitute:

“(6) At a meeting, a quorum consists of:

(a) 2 members, if the number of members is only 3; or

(b) 3 members, if the number of members is more than 3.”.

115. Section 41:

Omit “Chief Executive Officer”, substitute “Director”.

SCHEDULE 1—continued

116. Section 42:

Omit “Chief Executive Officer” (wherever occurring), substitute “Director”.

117. Subsection 42(4):

Omit “the Authority”, substitute “CASA”.

118. After subsection 42(4):

Insert:

“(4A) If the Minister is of the opinion that:

- (a) CASA has failed to comply with section 12B; or
- (b) the Board has failed to comply with subsection 44(3);

the Minister may terminate the appointment of all members (other than the Director) or specified members (other than the Director).”.

119. Parts V and VI:

Repeal the Parts, substitute:

“PART V—CORPORATE PLAN

Corporate plan

“44.(1) The Board must prepare a corporate plan at least once a year and give it to the Minister.

“(2) The plan must cover a period of at least 3 years.

“(3) The Board must keep the Minister informed about:

- (a) significant changes to the plan; and
- (b) matters that arise that might significantly affect the achievement of the objectives of the plan.

“(4) The plan must include details of the following matters:

- (a) assumptions about CASA’s operational environment;
- (b) the strategies of CASA;
- (c) performance measures for CASA;
- (d) review of performance against previous corporate plans;
- (e) analysis of risk factors likely to affect safety in the aviation industry;
- (f) human resource strategies and industrial relations strategies.

“(5) The plan must also cover any other matters required by the Minister, which may include further details about the matters in subsection (4).

SCHEDULE 1—continued

“(6) In preparing the plan, the Board must take account of notices given under section 12A.

Minister’s response to corporate plan

“45.(1) The Minister must respond to a corporate plan within 60 days of being given the plan.

“(2) The Minister’s response may include a direction to the Board to vary the plan.

“(3) A direction under subsection (2) must be in writing and must set out its reasons.

“(4) If directing a variation of the corporate plan, the Minister must consider:

- (a) the objectives and policies of the Commonwealth Government; and
- (b) the objects of this Act; and
- (c) any other considerations the Minister thinks appropriate.

“(5) If the Minister’s response includes a direction to vary the corporate plan, the Board must prepare a revised plan and give it to the Minister within 28 days of being given the response.

“(6) The Minister must cause a copy of the corporate plan to be laid before each House of Parliament:

- (a) within 15 sitting days after the Minister responded to the plan, if the Minister’s response did not include a direction to vary the plan; or
- (b) within 15 sitting days after the Minister received a revised plan, if the Minister’s response included a direction to vary the plan.

“PART VI—FINANCE

CASA to be paid money appropriated by Parliament

“46.(1) There is payable to CASA such money as is appropriated by the Parliament for the purposes of CASA.

“(2) The Minister for Finance may give directions as to the amounts in which, and the times at which, the money is to be paid to CASA.

Application and investment of money

- “47.(1) Subject to subsection (2), CASA’s money may only be applied:
- (a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by CASA in, or in connection with, the performance of its functions or the exercise of its powers; and

SCHEDULE 1—continued

(b) in payment of any remuneration or allowances payable under this Act.

“(2) The money of CASA that is not immediately required for the purposes of CASA may be invested:

- (a) on fixed deposit with an approved bank; or
- (b) in securities of the Commonwealth; or
- (c) in any manner approved by the Treasurer.

“(3) In this section:

‘**approved bank**’ means the Reserve Bank of Australia or a bank approved by the Treasurer for the purposes of this section.

Estimates

“48.(1) The Board must prepare estimates, in the form directed by the Minister, of its receipts and expenditure for each financial year and, if the Minister directs, for any other period specified by the Minister.

“(2) The Board must submit the estimates to the Minister not later than the date directed by the Minister.

“(3) CASA’s money must not be expended except in accordance with the estimates of expenditure approved by the Minister.

Application of Division 3 of Part XI of the Audit Act

“49.(1) CASA is a public authority to which Division 3 of Part XI of the *Audit Act 1901* applies.

“(2) CASA must include the following particulars in each report prepared and submitted under section 63M of the *Audit Act 1901*:

- (a) particulars of each direction given to CASA by the Minister under section 12, during the financial year covered by the report;
- (b) in relation to notices given to CASA by the Minister under section 12A:
 - (i) particulars of each notice, given during the financial year covered by the report; and
 - (ii) a summary of action taken in the financial year by CASA, or by the Board, because of notices given to CASA in any financial year;
- (c) particulars of each direction given to CASA by the Minister under section 12B, during the financial year covered by the report.

Taxation

“50. CASA is not subject to taxation under any law of a State or Territory.”.

SCHEDULE 1—continued

120. Part VII (heading):

Omit “**CHIEF EXECUTIVE OFFICER**”, substitute “**DIRECTOR**”.

121. Section 84:

Repeal the section, substitute:

Appointment of Director

“84.(1) CASA is to have a Director of Aviation Safety, who is to be appointed by the Minister after receiving a recommendation from the Board.

“(2) Subject to this Part, a person appointed as Director holds office for the period of not more than 5 years that is specified in the instrument of appointment.

“(3) A person appointed as Director is eligible for re-appointment.

“(4) The Director holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Board in writing.”.

122. Section 84A:

Omit “**Chief Executive Officer**” (wherever occurring), substitute “**Director**”.

Note: The heading to section 84A is altered by omitting “**Chief Executive Officer**” and substituting “**Director**”.

123. Section 84A:

Omit “**the Authority**” (wherever occurring), substitute “**CASA**”.

124. Section 85:

Omit “**Chief Executive Officer**”, substitute “**Director**”.

Note: The heading to section 85 is altered by omitting “**Chief Executive Officer**” and substituting “**Director**”.

125. Section 86:

Repeal the section, substitute:

Remuneration and allowances of Director

“86.(1) The Director is to be paid the remuneration that is determined by the Remuneration Tribunal. However, if no determination of that remuneration by the Tribunal is in operation, the Director is to be paid the remuneration that is prescribed by the regulations.

“(2) The Director is to be paid the allowances that are prescribed by the regulations.

SCHEDULE 1—continued

“(3) This section has effect subject to the *Remuneration Tribunal Act 1973*.”.

126. Section 87:

Omit “Chief Executive Officer”, substitute “Director”.

127. Section 88:

Omit “Chief Executive Officer”, substitute “Director”.

128. Section 89:

Omit “Chief Executive Officer”, substitute “Director”.

Note: The heading to section 89 is altered by omitting “Chief Executive Officer” and substituting “Director”.

129. Subsection 90(1):

Omit “Chief Executive Officer” (wherever occurring), substitute “Director”.

Note: The heading to section 90 is altered by omitting “Chief Executive Officer” and substituting “Director”.

130. Subsections 90(2) and (3):

Omit the subsections, substitute:

“(2) A person acting as the Director is to be paid such remuneration and allowances as the Board determines.”.

131. Section 91:

Omit “the Authority” (wherever occurring), substitute “CASA”.

Note: The heading to section 91 is altered by omitting “Authority” and substituting “CASA”.

132. Section 92:

Omit “The Authority”, substitute “CASA”.

133. Section 93:

Repeal the section.

134. Section 94:

Omit “Chief Executive Officer”, substitute “Director”.

Note: The heading to section 94 is altered by omitting “Chief Executive Officer” and substituting “Director”.

135. Section 94:

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

SCHEDULE 1—continued

136. Section 95:

Repeal the section.

137. Section 96:

Repeal the section, substitute:

Tabling of directions or notices of the Minister

“96. Where the Minister gives a direction under section 12, 12B or 45 or a notice under section 12A, the Minister shall cause a copy of the direction or notice to be laid before each House of the Parliament within 15 sitting days of that House after the giving of the direction or the notice.”

138. Section 97:

Repeal the section, substitute:

Payment of prescribed fees

“97.(1) If a prescribed fee is payable in relation to the doing of any thing under this Act, that thing is not required to be done until the fee is paid.

“(2) Payment of a prescribed fee by cheque is taken not to have been made until the cheque is honoured on presentation.”

139. Section 98:

Omit “the Authority” (wherever occurring), substitute “CASA”.

140. Subsection 98(3):

Omit “for or in relation to”, substitute “for or in relation to the following”.

141. Paragraph 98(3)(b):

Omit “Air Operators’ Certificates”, substitute “AOCs”.

142. Paragraph 98(3)(b):

Omit “such Certificates”, substitute “AOCs”.

143. Paragraphs 98(3)(n) and (o):

Omit the paragraphs.

144. Paragraph 98(3)(p):

Omit “and”.

145. Subsection 98(3):

Add at the end:

“; (r) standards relating to the establishment and use of airspace;

SCHEDULE 1—continued

- (s) the planning, construction, establishment, maintenance, operation and use of:
 - (i) facilities of the kind referred to in paragraph 8(1)(a) of the *Air Services Act 1995*; and
 - (ii) services of the kind referred to in paragraph 8(1)(b) of the *Air Services Act 1995*;
and any construction associated with those facilities or services;
- (t) the personnel engaged in anything referred to in paragraph (s);
- (u) prescribing fees (either by specifying amounts or by prescribing a method of calculation) in relation to services, applications or requests, or the doing of anything, under this Act, the regulations or the Civil Aviation Orders.”.

146. Subsection 98(3B):

Omit “paragraph 9(1)(a)” (wherever occurring), substitute “subsection 9(1)”.

147. Subsection 98(3B):

Omit “the Authority” (wherever occurring), substitute “CASA”.

148. Subsection 98(4A):

Omit “The Authority”, substitute “CASA”.

149. Subsection 98(4A):

Omit “or 27”, substitute “or 28BA”.

150. Part IX:

Repeal the Part.

151. Part X:

Repeal the Part.

152. Schedule:

Repeal the Schedule.

SCHEDULE 2

Section 4

AMENDMENT OF THE *CIVIL AVIATION ACT 1988*

1. Section 12:

Add at the end:

“(5) This section does not affect the application of section 28 of the *Commonwealth Authorities and Companies Act 1995* in relation to CASA.

Note: Section 28 of the *Commonwealth Authorities and Companies Act 1995* provides for notification of general policies of the Commonwealth Government that are to apply to CASA.”.

2. Section 40:

Repeal the section.

3. Paragraph 42(2)(d):

Omit “40”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

4. Paragraph 42(4A)(b):

Add at the end “or”.

5. After paragraph 42(4A)(b):

Insert:

“(c) the members have failed to comply with:

(i) subsection 13(2) of the *Commonwealth Authorities and Companies Act 1995*; or

(ii) paragraph 16(1)(a) or (b) of the *Commonwealth Authorities and Companies Act 1995*.”.

6. Subsection 47(1):

Omit “Subject to subsection (2),”.

7. Subsections 47(2) and (3):

Omit the subsections, substitute:

“(2) Subsection (1) does not prevent investment of any surplus money of CASA under section 18 of the *Commonwealth Authorities and Companies Act 1995*.”.

8. Section 48:

Repeal the section.

9. Subsection 49(1):

Omit the subsection.

Note: The heading to section 49 is replaced by the heading “**Extra matters to be included in annual report**”.

SCHEDULE 2—continued

10. Subsection 49(2):

Omit “report prepared and submitted under section 63M of the *Audit Act 1901*”, substitute “annual report prepared and submitted under section 9 of the *Commonwealth Authorities and Companies Act 1995*”.

11. After paragraph 49(2)(a):

Insert:

“(aa) particulars of each notification given to the Board by the Minister under section 28 of the *Commonwealth Authorities and Companies Act 1995*, during the financial year covered by the report;”.

SCHEDULE 3

Section 5

AMENDMENT OF OTHER ACTS

Air Navigation Act 1920

1. Section 18:

Omit “section 18 of the *Civil Aviation Act 1988*”, substitute “regulations made under the *Air Services Act 1995*”.

Aviation Fuel Revenues (Special Appropriation) Act 1988

2. Title:

Omit “the Civil Aviation Authority”, substitute “Airservices Australia and the Civil Aviation Safety Authority”.

3. Subsection 3(1):

Insert:

“ ‘AA’ means Airservices Australia established by the *Air Services Act 1995*;

‘CASA’ means the Civil Aviation Safety Authority established by the *Civil Aviation Act 1988*”.

4. Section 3A:

Omit “and the Civil Aviation Authority may make a joint” (wherever occurring), substitute “may make a”.

Note: The heading to section 3A is replaced by the heading “Minister may fix special rates”.

5. After subsection 3A(2):

Insert:

“(2A) A determination under subsection (1) or (2) may only be made by the Minister after consulting the Board of AA and the Board of CASA.”.

6. Section 4:

Omit “to the Authority” (wherever occurring).

Note: The heading to section 4 is altered by omitting “Civil Aviation Authority” and substituting “AA and CASA”.

7. Subsection 4(1):

Omit “Subject to subsection (2), there shall be paid to the Civil Aviation Authority an amount, in relation to each amount paid to the Commonwealth as a duty of Excise or duty of Customs in relation to eligible aviation fuel,”, substitute “For each amount paid to the Commonwealth as a duty of Excise or duty of Customs in relation to eligible aviation fuel, AA and CASA are each entitled to be paid a share of the amount”.

SCHEDULE 3—continued

8. After subsection 4(1):

Insert:

“(1A) The respective shares of AA and CASA of a payment under subsection (1) are to be determined by the Minister after consulting the Board of AA and the Board of CASA.”.

9. Section 6:

Omit “the Civil Aviation Authority” (wherever occurring), substitute “CASA”.

Note: The heading to section 6 is altered by omitting “Civil Aviation Authority” and substituting “CASA”.

10. Subsection 6(2):

Omit “the Authority”, substitute “CASA”.

Commonwealth Borrowing Levy Act 1987

11. Before item 1A of the Schedule:

Insert:

“1. Airservices Australia”.

12. Item 11A of the Schedule:

Omit the item.

Federal Airports Corporation Act 1986

13. Paragraph 7(3)(b):

Omit “or of the Civil Aviation Authority”, substitute “, of Airservices Australia or of the Civil Aviation Safety Authority”.

14. Paragraph 8(1)(f):

Omit “the Civil Aviation Authority”, substitute “Airservices Australia and the Civil Aviation Safety Authority”.

15. Paragraph 8(1)(f):

Omit “the Authority”, substitute “Airservices Australia or the Civil Aviation Safety Authority”.

16. Paragraph 8(1A)(e):

Omit “the Civil Aviation Authority”, substitute “Airservices Australia and the Civil Aviation Safety Authority”.

17. Paragraph 8(1A)(e):

Omit “the Authority”, substitute “Airservices Australia or the Civil Aviation Safety Authority”.

SCHEDULE 3—continued

18. Paragraphs 8(2)(a) and (b):

Omit the paragraphs, substitute:

“(a) providing facilities or services of the kinds referred to in paragraphs 8(1)(a) and (b) of the *Air Services Act 1995*; and”.

19. Paragraph 8(2)(c):

Add at the end “and”.

20. Paragraphs 8(2)(d) and (e):

Omit the paragraphs.

21. Subsection 8(3) (definitions of “Air Traffic Control” and “Flight Service”):

Omit the definitions.

Legislative Instruments Act 1995

22. Schedule 3:

Before “ANL Limited” insert “Airservices Australia”.

23. Schedule 3:

Omit “Civil Aviation Authority”.

Sea Installations Act 1987

24. Schedule:

After “*Air Navigation (Charges) Act 1952*” insert “*Air Services Act 1995*”.

Telecommunications Act 1991

25. Section 98:

Omit “the Civil Aviation Authority”, substitute “Airservices Australia”.

26. Section 98:

Omit “the Authority”, substitute “Airservices Australia”.

SCHEDULE 4

Section 6

**AMENDMENT OF THE AUDIT (TRANSITIONAL AND
MISCELLANEOUS) AMENDMENT ACT 1995**

1. Items 367 to 377 (inclusive) of the Schedule:

Omit the items.

*[Minister's second reading speech made in—
House of Representatives on 7 June 1995
Senate on 9 June 1995]*