

Industry Research and Development (Regional Aviation Connectivity Program) Instrument 2024

I, Catherine King, Minister for Infrastructure, Transport, Regional Development and Local Government, as delegate of the Minister for Industry and Science, make the following instrument.

Dated 4 November 2024

Catherine King

Minister for Infrastructure, Transport, Regional Development and Local Government

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Definitions 1

5 Prescribed program 1

6 Specified legislative power 2

1 Name

This instrument is the *Industry Research and Development (Regional Aviation Connectivity Program) Instrument 2024*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day this instrument is registered. |  |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 33 of the *Industry Research and Development Act 1986*.

4 Definitions

In this instrument:

***Act*** means the *Industry Research and Development Act 1986*.

***program***: see subsection 5(1).

***regional aviation company*** means:

(a) a body corporate that wholly or predominately provides regional aviation services; or

(b) a related body corporate (within the meaning of the *Corporations Act 2001*) of a body corporate mentioned in paragraph (a).

***regional aviation services*** means services that provide or support flights to and from regional or remote areas.

5 Prescribed program

(1) For the purposes of subsection 33(1) of the Act, the Regional Aviation Connectivity Program (the ***program***) is prescribed.

(2) The program provides funding to support and develop regional aviation services and regional aviation companies.

(3) Without limiting subsection (2), the program may provide funding to support regional aviation services occurring:

(a) in the course of trade and commerce among the States; or

(b) in a Territory, between Territories or between a Territory and a State.

(4) Without limiting subsection (2), the program may provide funding to support regional aviation services in Queensland or Tasmania.

Note: The Parliaments of Queensland and Tasmania have referred the matter of air transport to the Commonwealth Parliament for the purposes of paragraph 51(xxxvii) of the Constitution: see the *Commonwealth Powers (Air Transport) Act 1950* (Qld) and the *Commonwealth Powers (Air Transport) Act 1952* (Tas.).

(5) Without limiting subsection (2), the program may provide funding to support the following in relation to a regional aviation company under administration (within the meaning of the *Corporations Act 2001*):

(a) the continued operation of the company during its period of administration;

(b) the administrator of the company, including to support the administrator to not end the administration with the winding up of the company;

(c) any assistance directed at ensuring the administration of the company does not end with the company or another regional aviation company no longer providing regional aviation services;

(d) any assistance for persons affected by the company being under administration, including persons whose flights have been cancelled;

(e) any other activity that addresses any consequence arising from the administration of the company.

6 Specified legislative power

For the purposes of subsection 33(3) of the Act, the powers of the Parliament to make laws with respect to the following are specified:

(a) trade and commerce with other countries, and among the States (within the meaning of paragraph 51(i) of the Constitution);

(b) bankruptcy and insolvency (within the meaning of paragraph 51(xvii) of the Constitution);

(c) foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth (within the meaning of paragraph 51(xx) of the Constitution);

(d) matters in respect of which the Constitution makes provision until the Parliament otherwise provides (within the meaning of paragraph 51(xxxvi) of the Constitution), together with section 96 of the Constitution (financial assistance to States);

(e) matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States (within the meaning of paragraph 51(xxxvii) of the Constitution);

(f) the government of a Territory (within the meaning of section 122 of the Constitution).

Note: For paragraph (e), the Parliaments of Queensland and Tasmania have referred the matter of air transport to the Commonwealth Parliament for the purposes of paragraph 51(xxxvii) of the Constitution: see the *Commonwealth Powers (Air Transport) Act 1950* (Qld) and the *Commonwealth Powers (Air Transport) Act 1952* (Tas.).