

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

FEDERAL AIRPORTS CORPORATION BILL 1985
EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Aviation,
The Hon. Peter Morris, M.P.)

FEDERAL AIRPORTS CORPORATION BILL 1985

OUTLINE

The purpose of the Bill is to establish the Federal Airports Corporation as a Commonwealth statutory authority.

The primary function of the Corporation is to develop, maintain and operate selected aerodromes and aerodrome facilities with emphasis on maximising commercial revenues from those airports and reducing the overall cost of the aviation system to the industry and the taxpayer.

The Bill defines the corporate arrangements for the Corporation, giving it powers to operate with a large degree of commercial freedom in the competitive transport environment.

The Corporation will be required to earn a reasonable rate of return upon its assets using funds obtained from operating charges, rentals, leases, business concessions and borrowings to finance future airport development works. This will result in a significant decrease in Budget appropriations to the Commonwealth's capital works vote, though this will be offset in part by the Corporation retaining revenues which hitherto have been assigned to the Consolidation Revenue Fund.

While granting the Corporation powers to operate along commercial lines, the bill contains provisions which will ensure that Government responsibilities are not abrogated. Specific attention has been given in the Bill to defining the powers and responsibilities of the Minister, thus ensuring that the Corporation operates within the framework of overall Government objectives and policies.

The Corporation's activities will be guided by a strategic plan which will include forecasts of receipts and expenditure and financial targets approved by the Minister for profits, rate of return and dividend.

The Corporation will be subject to the scrutiny of the Auditor-General.

These provisions make it clear that the Corporation will remain directly responsible to the Government and ensure a proper degree of Ministerial control and responsibility.

In keeping with other provisions allowing the Corporation to operate with a degree of commercial freedom, the Bill provides for the Corporation to be staffed outside the Public Service Act 1922. At the date of transfer the terms and conditions of employment of present members of the Australian Public Service who wish to transfer to the Corporation will be preserved through a Ministerial direction to be given to the Corporation at its inception. Staff whose functions have been transferred to the Corporation will be given a guarantee of employment if they wish to transfer. The establishment of the Corporation will not require an increase in Commonwealth staffing levels.

The airports to be initially operated by the Corporation include all the State capital city primary and secondary airports, Coolangatta and Launceston.

There are no implications in the Bill for additional costs in the public sector and if expected efficiency gains in airport operation are achieved these costs could be expected to reduce over time.

To the extent that the Corporation funds its capital investment program from commercial borrowings rather than appropriations as at present, the financial impact of the Bill will be to reduce Commonwealth budgetary outlays.

NOTES ON CLAUSES

PART 1 - PRELIMINARY

Clause 1 : Short Title

Provides mode of citation of the Act.

Clause 2 : Commencement

The legislation will come into force on a day to be fixed by Proclamation.

Clause 3 : Interpretation

Sub-clause (1) defines certain terms used in subsequent clauses of the Bill. In particular, it should be noted that the term "Federal airport" is used throughout the legislation to refer to an airport operated by the Federal Airports Corporation.

Sub-clause (2) allows for the use of the terms "Chairman" and "Chairwoman" to be used as appropriate.

Sub-clause (3) requires that the provisions of the Companies Act 1981 be used to determine whether or not a company is a subsidiary of the Corporation.

Clause 4 : Extension to external Territories

Provides for the legislation to extend to all external Territories except Norfolk Island. Any extension of the Act to Norfolk Island would not take place until the Norfolk Island Government had been consulted.

PART II - ESTABLISHMENTS,

FUNCTIONS AND POWERS OF CORPORATION

Clause 5 : Establishment of Corporation

Sub-clause (1) establishes the Federal Airports Corporation.

Sub-clause (2) states the Corporation is a body corporate with perpetual succession, shall have a common seal, and may sue and be sued in its corporate name.

Sub-clause (3) provides for courts, judges and persons acting judicially to take note of the imprint of the Corporation's seal affixed to a document and presume that the document was duly sealed.

Clause 6 : Functions of Corporation

Clause 6 generally defines the functions of the Corporation that will allow it to operate its airports. The Corporation may also provide consultancy and management services to other airport operators, both within Australia and overseas.

Clause 7 : Performance of functions of Corporation

Sub-clause (1) limits the Corporation's performance of functions to those that may be conferred on it by virtue of the legislative powers of the Parliament. In the absence of a specific Constitutional head of power to legislate in respect of aviation matters, the Commonwealth has relied on other powers to enact aviation-related legislation; these powers are listed.

Sub-clause (2) specifies the manner in which the Corporation will perform its functions. Specific attention is given to the need to perform in accordance with Commonwealth Government policies and in a sound commercial manner.

Sub-clause (3) provides that the Corporation's functions shall not limit the responsibilities of the Department of Aviation.

Sub-clause (4) requires the Corporation to comply with Commonwealth laws relating to aircraft or aerodromes unless this Act specifically provides otherwise.

Clause 8 : Extent of functions of Corporation

Sub-clause (1) specifies major functions of the Corporation, expanding on the general functions defined in Clause 6. In respect of those matters for which the Department of Aviation retains primary responsibility, the Corporation's functions are limited to co-operation with and the provision of advice to the Department to the extent required by the Department.

Sub-clause (2) specifies airport-related functions for which the Corporation will not be responsible, thereby clearly delineating the division of responsibilities between the Corporation and the Department of Aviation. It should be noted that the Department retains responsibility for the national planning of airports, including the investigation of the need for additional Federal airports, their location and their development and establishment. The sub-clause also makes it clear that the responsibility for the control of aircraft movements remains with the Department of Aviation.

Sub-clause (3) defines some of the terms used in this section.

Clause 9 : Powers of Corporation

Sub-clause (1) empowers the Corporation to do all things necessary or convenient to be done in the performance of its functions.

Sub-clause (2) outlines the powers of the Commission. These include entering into contracts; acquiring, holding and disposing of real and personal property; the granting of leases and licences over airport land or buildings on airports for various purposes; and forming companies or entering into partnerships.

Sub-clause (3) requires the Corporation to obtain Ministerial approval before entering into contracts involving the payment by the Corporation of an amount exceeding \$5,000,000.

Sub-clause (4) requires the Corporation to give at least 14 days notice to land owners before entering their land to carry out surveys or other activities related to its functions.

Clause 10 : Limitations on formation of companies, etc

Sub-clause (1) requires the Corporation to obtain Ministerial approval before it purchases an interest in a company or forms subsidiaries.

Sub-clause (2) allows such Ministerial approval to be general or specific, and include conditions or restrictions.

Sub-clause (3) requires a statement of reasons for the purchase of an interest in a company to be laid before Parliament.

Sub-clause (4) limits the powers that can be exercised by companies in which the Corporation has a controlling interest.

Sub-clause (5) requires that the approval of the Treasurer must be obtained in respect of any borrowings or raising of monies by companies in which the Corporation has a controlling interest.

Clause 11 : Limitations on formation of partnerships

Sub-clause (1) requires the Corporation to obtain Ministerial approval before entering into a partnership.

Sub-clause (2) allows such Ministerial approval to be general or specific, and include conditions or restrictions.

Sub-clause (3) requires a statement of reasons for the partnership to be laid before Parliament.

Sub-clause (4) requires that the partnership shall not perform acts which are in excess of the Corporation's powers, where the Corporation is able to control the acts of the partnership.

Clause 12 : Consultation

This clause requires the Corporation to consult various bodies and organisations.

PART III - CONSTITUTION OF CORPORATION

Clause 13 : Constitution of Corporation

Sub-clause (1) outlines the membership of the Corporation.

Sub-clause (2) allows for the members of the Corporation to be appointed by the Governor-General.

Sub-clause (3) precludes the Chief Executive Officer from being or acting as Chairperson of the Corporation.

Sub-clause (4) allows for the Chairperson to be appointed on a full-time or part-time basis.

Sub-clause (5) allows for members other than the Chairperson to be appointed on a part-time basis only.

Sub-clause (6) specifies that members hold office on terms and conditions determined by the Minister.

Sub-clause (7) permits the Corporation to act when there is a vacancy, or are vacancies, in the membership of the Corporation.

Clause 14 : Period of appointment

Sub-clause (1) specifies a maximum period of appointment of 5 years, with members being eligible for re-appointment.

Sub-clause (2) does not permit a Chairperson to be appointed, or to continue to perform as, Chairperson on a full-time basis after the age of 65 years.

Clause 15 : Outside employment

Sub-clause (1) requires a full-time Chairperson to obtain the Minister's approval before engaging in outside employment.

Sub-clause (2) restricts a member of the Corporation from engaging in paid employment which conflicts with the proper performance of the functions of the member.

Clause 16 : Remuneration and allowances of members.

Sub-clause (1) provides for the remuneration of members to be in accordance with the determinations of the Remuneration Tribunal.

Sub-clause (2) excludes the Chief Executive Officer, when a member of the Corporation, from receiving remuneration under sub-clause (1) except in respect of allowances.

Sub-clause (3) provides that this section has effect subject to the Remuneration Tribunals Act 1973.

Clause 17 : Leave of absence

Sub-clause (1) provides for the Minister to grant leave of absence to the Chairperson.

Sub-clause (2) provides for the Chairperson to grant leave of absence to other members.

Clause 18 : Resignation

Enables members of the Corporation to resign by notifying the Governor-General in writing.

Clause 19 : Termination of appointment

Sub-clause (1) allows the Governor-General to terminate the appointment of a member for misbehaviour or physical or mental incapacity.

Sub-clause (2) specifies various reasons for which the Governor-General shall terminate the appointment of a member of the Corporation, including bankruptcy, unapproved absence from Corporation meetings or failing to comply with obligations concerning disclosure of pecuniary interests.

Sub-clause (3) provides that where the Chief Executive Officer is also a member of the Corporation, his or her resignation from the Corporation is automatic if dismissed as Chief Executive Officer.

Clause 20 : Disclosure of interests

Sub-clause (1) requires a member to disclose any direct or indirect pecuniary interest in a matter being considered by the Corporation.

Sub-clauses (2) and (3) outline the procedure to be followed where such an interest is disclosed.

Clause 21 : Meetings of the Corporation

Sub-clauses (1), (2) and (3) provide for the convening of Corporation meetings, and the occasions on which meetings must be convened.

Sub-clause (4) requires the Chairperson to preside at all meetings where present.

Sub-clause (5) specifies who shall preside at meetings where the Chairperson is not present.

Sub-clause (6) identifies a quorum.

Sub-clauses (7) and (8) specify how questions arising at Corporation meetings are to be determined.

Clause 22 : Acting appointments

Sub-clause (1) allows the Minister to appoint an Acting Chairperson.

Sub-clause (2) allows the Minister to appoint an Acting Deputy Chairperson.

Sub-clause (3) allows the Minister to appoint persons to act as members of the Corporation in the event of casual or temporary vacancies.

Sub-clauses (4), (5), (6) and (7) specify certain restrictions on acting appointments, including a maximum period of 12 months.

Sub-clause (8) provides for persons holding acting appointments to exercise the powers and perform the duties of the appointment.

Sub-clause (9) provides for the Minister to determine the terms and conditions of appointment, including remuneration, of persons holding acting appointments. The Minister may terminate an acting appointment at any time.

Sub-clause (10) allows a person holding an acting appointment to resign.

Sub-clause (11) denies certain grounds being used to claim invalidity of things done by persons holding acting appointments.

PART IV - FEDERAL AIRPORTS**Clause 23 : Scheduled airports**

Allows the Minister to designate a day upon which specified airports become Federal airports.

Clause 24 : Certain land not to become Federal airport

Sub-clause (1) provides that any land within the boundaries of a Federal airport (an airport operated by the Corporation) which is not owned by the Commonwealth shall not become part of that Federal airport

Note: this provision has been inserted to cover any parts of an airport which are within the airport boundary but privately owned or owned by a State Government; eg some parts of Sydney (Kingsford-Smith) Airport come within this category at present.

Sub-clause (2) allows the Corporation to enter into arrangements with the owner of any such land concerning management of that land

Clause 25 : New Federal airports

Sub-clause (1) provides for additional airports to be transferred to the Corporation after the transfer of those airports listed in the Schedule to the Act.

Sub-clause (2) precludes the Minister from transferring airports or parts of airports that comprise or contain land not owned by the Commonwealth or the Corporation.

Clause 26 : Variation of Federal airports

Sub-clause (1) allows the Minister to declare additional land as forming part of a Federal airport, provided that land is owned by the Commonwealth or by the Corporation.

Sub-clause (2) allows the Minister to declare that certain land no longer forms part of a Federal airport.

Clause 27 : Closure of Federal airport

Allows the Minister to close a Federal airport.

Clause 28 : Vesting of land

Vests Commonwealth land forming a Federal airport, or part of a Federal airport, in the Corporation.

Clause 29 : Corporation holds Federal airports for the Commonwealth

Land forming a Federal airport or part of a Federal airport is held by the Corporation for and on behalf of the Commonwealth.

Note: This provision retains the status of Commonwealth places in terms of s52(i) of the Constitution in respect of the Corporation's airports.

Clause 30 : State officer may act on certificate

Permits title to Federal airport land to be registered in the Corporation's name.

Clause 31 : Buildings, etc, not to vest automatically

Provides that where any land is vested in the Corporation, the buildings and other fixtures on that land do not automatically vest in the Corporation.

Clause 32 : Transfer of assets

Sub-clauses (1), (2) and (3) allow buildings and other fixtures on Federal airports, or any Commonwealth-owned assets used at or in relation to Federal airports, to be transferred to the Corporation.

Sub-clause (4) provides that the Corporation will become liable to pay and discharge all outstanding Commonwealth debts, liabilities and obligations on assets that are transferred to the Corporation.

Clause 33 : Minister may make arrangements

Empowers the Minister to declare that, as from the transfer day of any Federal airport, the Corporation accepts the place of the Commonwealth in any agreement or instrument in respect of that Federal airport to which the Commonwealth has been party.

Clause 34 : Operation of Federal airports

Requires the Corporation to seek Ministerial approval before ceasing to operate any Federal airport as an airport.

Clause 35 : Evidence of boundaries of airports

Designates the manner in which the delineation of airport boundaries may be accepted in evidentiary matters.

Clause 36 : Lands Acquisition Act

Exempts the Corporation from the provisions of the Lands Acquisition Act 1955.

Note: The Corporation will not be empowered to obtain land by compulsory process. Any acquisition through compulsory process must be carried out by the relevant Commonwealth Department, and then only if there have been no efforts to acquire by agreement. These procedures acknowledge the Law Reform Commission's recommendations on the matter of land acquisition. The Corporation will be directed to observe Government policy in this regard.

PART V - OPERATION OF CORPORATION

Clause 37 : Corporate Plan

Requires the Corporation to develop a corporate plan for the performance of its functions, to include a statement of objectives for the following three financial years. The first plan is to be developed as soon as practicable after the commencement of the Act and the plan is to be reviewed and revised periodically.

Clause 38 : Corporate plan, etc to Minister

Requires the Corporation to furnish the Minister with a copy of its corporate plan as soon as practicable after it has been developed, together with the performance indicators it has adopted and a financial plan that includes a forecast of the Corporation's receipts and expenditures and the Corporation's financial targets for profits, rate of return and dividend.

Clause 39 : Financial targets and performance indicators

Details matters the Corporation is to consider when setting its financial targets, including objectives and policies of the Commonwealth Government, any directions of the Minister, the need of the Corporation to earn a reasonable rate of return on the assets employed and the Commonwealth's expectation that the Corporation will pay a reasonable dividend.

Clause 40 : Minister may vary financial plan

Sub-clause (1) empowers the Minister to direct the Corporation to vary its financial targets and performance indicators.

Sub-clause (2) lists certain matters the Minister shall consider when exercising powers under sub-clause (1).

Sub-clause (3) binds the Corporation to complying with any direction made under sub-clause (1).

Clause 41 : Directions to Corporation

Sub-clause (1) limits the Government's power to direct the Corporation except as provided in Clause 41.

Sub-clause (2) empowers the Minister to direct the Corporation with respect to the performance of its functions, the exercise of its powers or the discharge of its responsibilities if he is satisfied that it is desirable in the public interest to do so.

Sub-clause (3) requires the Corporation to comply with any such direction.

Sub-clause (4) directs that the particulars of any direction be included in the Corporation's annual report.

Sub-clause (5) requires the Minister to cause an inquiry to be held if a direction to the Corporation will relate to the upgrading of a Federal airport, or the establishment, maintenance or operation of a facility or service. Matters to be covered by such an inquiry will include alternative methods of meeting the requirements, and whether the Commonwealth should provide financial or other assistance towards alternative methods of meeting the requirements, if alternatives are available. Copies of the results of such an inquiry will be given to the Corporation and will be laid before each House of Parliament.

Clause 42 : Reimbursement of cost of complying with directions

Provides for the Corporation to be reimbursed by the Commonwealth if it incurs financial detriment as a result of complying with the previous Clause.

PART VI - FINANCE

Clause 43 : Capital Structure of the Corporation

Provides for the Minister for Finance and the Minister for Aviation jointly to determine the capital structure of the Corporation, which shall be based on the value of the assets vested in the Corporation and provides for some of that value to be treated as a loan to the Corporation from the Commonwealth.

Clause 44 : Capital of the Corporation

Defines the capital of the Corporation. Includes a provision that interest is not payable to the Commonwealth on the capital of the Corporation, but that the capital is repaid to the Commonwealth when, and in such amounts, as the Minister for Aviation determines.

Clause 45 : Exemption from taxation

The Corporation is exempt from paying taxes (including Local Government rates). However, subsidiaries and companies in which the Corporation has an interest are subject to all taxes.

Note: It is proposed that, where activities are carried on by the Corporation that are in direct competition with other suppliers of goods and services, those activities will be carried out through a subsidiary and will therefore attract taxation. The Corporation will be given a direction in this regard.

Clause 46 : Payments of dividends to Commonwealth

Provides for the Corporation to recommend to the Minister for Aviation, within four months after the end of a financial year, whether or not a dividend should be payable to the Commonwealth in respect of that financial year, and the amount of any dividend. Also provides that the Minister may either accept the Corporation's recommendation or may direct the Corporation to pay a dividend of a different specified amount.

Clause 47 : Borrowing from the Commonwealth

Provides for the Corporation to borrow money appropriated by Parliament for that purpose, on terms and conditions determined by the Minister for Finance.

Clause 48 : Borrowings otherwise than from Commonwealth

Provides for the Corporation to borrow money otherwise than from the Commonwealth, or raise money otherwise than by borrowing, with the approval of the Treasurer.

Clause 49 : Guarantee of borrowings by Corporation

Provides that the Treasurer may, on behalf of the Commonwealth, guarantee the borrowings and any interest payable on borrowings made by the Corporation from sources other than the Commonwealth.

Clause 50 : Corporation may give security

Provides authority for the Corporation to give security over any or all of its land or other assets for the repayment by the Corporation of any borrowings, or the raising of money otherwise than by borrowing, including any interest.

Clause 51 : Borrowings not otherwise permitted

Provides that the Corporation shall not borrow, or otherwise raise money, except as provided in the legislation.

Clause 52 : Guarantee of borrowings by subsidiary of Corporation

Sub-clause (1) limits the application of this section to borrowings by wholly-owned subsidiaries of the Corporation.

Sub-clause (2) provides that the Treasurer may guarantee any borrowings of a subsidiary if requested to do so by the subsidiary.

Sub-clause (3) defines the matters to be considered by the Treasurer before guaranteeing the borrowings of a subsidiary of the Corporation, including the giving of certain undertakings by the subsidiary in relation to the borrowings.

Sub-clause (4) provides that details of guarantees by the Treasurer in relation to the borrowings by a subsidiary of the Corporation be laid before each House of Parliament.

Sub-clause (5) requires that some specified types of financial undertakings are to be regarded as borrowings for the purposes of this section.

Sub-clause (6) provides that the Treasurer, in guaranteeing the borrowings of a subsidiary, may agree that, in respect of overseas borrowings, court proceedings may be taken against the subsidiary in courts in countries other than Australia.

Sub-clause (7) further defines what bodies corporate constitute wholly owned subsidiaries of the Corporation.

Clause 53 : Delegation by Treasurer

Provides for the Treasurer to delegate all or any of his powers under Clauses 48, 49 and 52 to an officer of the Department of the Treasurer.

Clause 54 : Application of Division 2 of Part XI of the Audit Act

The Corporation is a public authority to which Division 2 of Part XI of the Audit Act 1901 applies.

Clause 55 : Audit of subsidiaries

Provides for the Auditor-General to inspect and audit the accounts and financial transactions of the Corporation's subsidiaries. Authorises the Auditor-General to perform certain acts relating to these audits, and to have access to certain information. Provides for penalties where such information is not provided to the Auditor-General.

Clause 56 : Aeronautical charges

Sub-clause (1) defines what charges are included in the term "aeronautical charges".

Sub-clause (2) provides for the Corporation to make determinations fixing or varying aeronautical charges, subject to the provisions contained in this clause.

Sub-clause (3) requires the Corporation to notify the Minister for Aviation, in advance, of proposed determinations.

Sub-clause (4) specifies information which must be provided by the Corporation when advising the Minister of a proposed determination.

Sub-clause (5) provides for the Minister to disapprove a proposed determination within 60 days of being advised.

Sub-clause (6) requires the Minister to have regard to the duties and responsibilities of the Corporation before disapproving a proposed determination.

Sub-clause (7) requires the Corporation to wait 60 days after advising the Minister of a proposed determination before implementing it.

Sub-clause (8) provides for unpaid aeronautical charges to accrue additional charges by way of penalty at the rate of 1.5% per month, or such other rate as is prescribed.

Sub-clause (9) provides for the Corporation to recover overdue aeronautical charges and penalties as debts.

Clause 57 : Rents, etc, paid in advance

Where rents, or amounts paid for leases or licences or for services, have been paid in advance to the Commonwealth, in respect of a period of time after transfer to the Corporation of its airports, those monies are payable by the Commonwealth to the Corporation.

PART VII - CHIEF EXECUTIVE OFFICER, STAFF AND CONSULTANTS

Clause 58 : Chief Executive Officer

Sub-clause (1) provides for a Chief Executive Officer to be appointed by the Corporation.

Sub-clause (2) provides for terms and conditions of appointment of the Chief Executive Officer to be determined by the Corporation.

Clause 59 : Acting Chief Executive Officer

Provides for the Corporation to appoint a person as Chief Executive Officer during a vacancy in the office or during any period when the Chief Executive Officer is absent or unable to perform the functions of the office. The Corporation may determine the terms and conditions of appointment and may terminate such an appointment at any time.

Clause 60 : Remuneration and allowances of Chief Executive Officer

Remuneration and allowances to be determined by the Remuneration Tribunal.

Clause 61 : Staff of Corporation

Sub-clause (1) provides for the Corporation to employ such persons as it thinks necessary.

Sub-clause (2) provides for the Corporation to determine the terms and conditions of employment (including remuneration) of employees.

Sub-clause (3) provides for the loan to the Corporation of officers or employees of the Australian Public Service, Commonwealth authorities or other agencies, or for the loan of the Corporation's employees to Departments, authorities or other agencies.

Clause 62 : Corporation as employer

The Corporation is to be a good employer

Clause 63 : Engagement of consultants

Provides for the Corporation to engage consultants on terms and conditions of engagement as determined by the Corporation.

Clause 64 : Airport Officers

Provides for the appointment of airport officers for the purposes of the exercise of various powers under the Act, in relation to the operation of airports and the maintenance of good order at airports.

Clause 65 : Superannuation benefits

Provides for the Corporation to establish a superannuation scheme for its employees and the Chief Executive Officer, the details of the scheme to be approved by the Minister for Finance. This provision would enable the Corporation, with the approval of the Minister for Finance, to make arrangements with another organisation to operate a scheme on behalf of the Corporation or to establish and administer a scheme of its own.

PART VIII - MISCELLANEOUS

Clause 66 : Delegation by Minister

Provides for the Minister to delegate to the Secretary of the Department of Aviation, or an officer of the Senior Executive Service in the Department, any or all of his power under s32 or s33.

Clause 67 : Delegation by Corporation

Provides for the Corporation to delegate any of its powers except the power of delegation.

Clause 68 : Duties of Corporation

Provides that the Corporation will not have imposed on it by its enabling legislation a duty that is enforceable by Court proceedings.

Clause 69 : Airports (Surface Traffic) Act

Exempts the Corporation's airports from the provisions of the Airports (Surface Traffic) Act 1960.

Clause 70 : Air Navigation Regulations

Removes Corporation airports from the control of the Secretary, Department of Aviation and provides for those airports to be licensed under the provisions of sub-regulation 84(1) of the Air Navigation Regulations, with the Corporation as proprietor. Also exempts the Corporation from the requirement to seek the approval of the Secretary, Department of Aviation, for the setting of its charges.

Clause 71 : Airports (Business Concessions) Act

Sub-clause (1) exempts the Corporation from the provisions of the Airports (Business Concessions) Act 1959.

Sub-clause (2) provides that leases, licences or authorities issued under the Airports (Business Concessions) Act 1959 before the transfer of airports to the Corporation will continue under the same terms and conditions as specified in the lease, licence or authority, as though they had been issued by the Corporation.

Sub-clause (3) provides the Corporation with the same powers given to the Minister under the Airports (Business Concessions) Act 1959, in respect of leases, licences or authorities transferred to it under sub-clause (2).

Clause 72 : By-laws

Gives the Corporation power to make by-laws, particularly in respect of matters presently covered by the Airports (Business Concessions) Act 1959 and the Airports (Surface Traffic) Act 1960. Requires by-laws to be approved by the Minister and notified in the Commonwealth Gazette, and to be subject to the provisions of Sections 48, 49, 49A and 50 of the Acts Interpretation Act 1901.

Clause 73 : Operation of State Laws etc

Exempts the Corporation's airports from the application of State liquor laws, but requires the Corporation to act in a manner which, as far as is reasonably practicable, prevents persons from using Corporation airports for the purposes of circumventing State laws relating to the provision of certain services.

Clause 74 : Regulations

Gives the Governor-General the power to make regulations in respect of the Act.

THE NATIONAL BUREAU OF INVESTIGATION

REPORT OF THE SPECIAL AGENT IN CHARGE
OF THE NEW YORK OFFICE
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LAW BY THE
REDACTED

CONFIDENTIAL

THE NATIONAL BUREAU OF INVESTIGATION
OF THE DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

