

Air Transport Amendment Bill 2006

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Air Transport Act 1964* (the **principal Act**) so as:

- (a) to provide for the deregulation of certain air transport service routes, and
- (b) to abolish certain fees with respect to licences, and
- (c) to enable the Administrative Decisions Tribunal to review certain decisions with respect to licensing, and
- (d) to abolish the Air Transport Council, and
- (e) to establish the State Aviation Working Group, and
- (f) to clarify the circumstances in which a person is taken to be operating or providing a regular air transport service (relevant to determining whether or not the person is required to hold a licence), and
- (g) to make the Director-General of the Ministry of Transport (the **Director-General**), rather than the Minister for Transport (the **Minister**), the licensing authority under the principal Act, and
- (h) to enable regulations under the principal Act to make provision with respect to the furnishing of statistical information by persons who operate or provide air transport services, and
- (i) to enact savings and transitional provisions consequent on the enactment of the proposed Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Air Transport Act 1964* set out in Schedule 1.

Clause 4 repeals the *Air Transport Regulation 2000* (which deals solely with fees) as a consequence of the proposed omission from the principal Act of the provisions that deal with fees.

Schedule 1 Amendments

Deregulation of air transport service routes

Schedule 1 [7] inserts a new section 4A into the principal Act. The proposed section will allow the Minister to “deregulate” air transport routes, thereby permitting persons to operate or provide air transport services along those routes without the need for a licence under the principal Act (see proposed section 3 (3) (b)).

Schedule 1 [5] inserts a new subsection (3) into section 3 of the principal Act. The proposed subsection provides that the licensing requirements of the Act do not apply to charter services or to services over a deregulated air transport route.

Abolition of fees

Schedule 1 [8], [10], [11] and [15] amend or repeal existing sections 5, 7, 10 and 13 of the principal Act so as to omit provisions that impose fees or provide for the calculation or payment of fees.

Review by Administrative Decisions Tribunal

Schedule 1 [12] inserts a new section 10A into the principal Act. The proposed section provides that an applicant for a licence under the principal Act, or the holder of a licence under the principal Act, may apply to the Administrative Decisions Tribunal for a review of any decision of the Director-General with respect to the application or licence.

Abolition of Air Transport Council

Schedule 1 [2] omits sections 2A, 2B and 2C of the principal Act. These sections provide for the constitution and functions of the Air Transport Council.

Establishment of State Aviation Working Group

Schedule 1 [14] inserts new sections 12A and 12B into the principal Act. The proposed sections provide for the establishment and functions of a State Aviation Working Group. The Working Group will comprise 7 members, of whom 4 will be officers of various Government Departments and 3 will be nominees of various private associations. The functions of the Working Group are to provide advice to the Director-General on matters relating to the regulation of air transport services, to provide information to interested persons concerning the regulation of those services and to seek the views of interested persons in relation to the regulation of those services. **Schedule 1 [17]** inserts a new Schedule 1 into the principal Act. The proposed Schedule contains further provisions with respect to the constitution and procedure of the proposed Working Group.

Circumstances in which person taken to operate or provide regular air transport service

Schedule 1 [3] amends section 3 of the principal Act so as to make it clear that a person may be taken to be operating or providing an air transport service over a particular route in circumstances in which that and another person do so together by means of aircraft operated by both of them.

Licensing authority

Schedule 1 [4] amends sections 3, 5, 6, 7 and 8 of the principal Act so as to replace references to the Minister with references to the Director-General. The proposed amendments will have the effect of making the Director-General, rather than the Minister, the licensing authority under the principal Act.

Furnishing of statistical information

Schedule 1 [15] inserts a new paragraph (a) into section 13 (1) of the principal Act. The proposed paragraph will enable regulations to be made with respect to the furnishing of statistical information by persons who operate or provide air transport services within New South Wales.

Savings and transitional provisions

Schedule 1 [17] inserts a new Schedule 2 into the principal Act. The proposed Schedule contains savings and transitional provisions consequent on the enactment of the proposed Act, and a provision that empowers the regulations under the principal Act to make further provision in that regard. **Schedule 1 [16]** is a consequential amendment.

Miscellaneous

Schedule 1 [1] amends section 2 (Definitions) of the principal Act so as to omit a number of obsolete definitions and add new definitions of **deregulated route**, **Director-General** and **Working Group**.

Schedule 1 [6] omits an obsolete section of the principal Act.

Schedule 1 [9] makes a consequential amendment to the heading to section 6 of the principal Act.

Schedule 1 [13] substitutes section 11A of the principal Act so that the provisions with respect to the delegation of functions reflect the other changes to be made by the proposed Act.