



# Transport and Communications Legislation Amendment Act (No. 2) 1993

No. 5 of 1994

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## SCHEDULE AMENDMENTS OF ACTS



# Transport and Communications Legislation Amendment Act (No. 2) 1993

No. 5 of 1994

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**An Act to amend various Acts relating to transport and  
communications, and for related purposes**

*[Assented to 18 January 1994]*

The Parliament of Australia enacts:

**Short title**

1. This Act may be cited as the *Transport and Communications Legislation Amendment Act (No. 2) 1993*.

**Commencement**

2.(1) Subject to subsections (2) to (10) (inclusive), this Act commences on the day on which it receives the Royal Assent.

(2) The amendments contained in items 15, 35 and 115 to 128 (inclusive) of the Schedule commence 28 days after the day on which this Act receives the Royal Assent.

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(3) The amendments contained in items 1, 2, 3, 20, 21, 22, 23 and 25 of the Schedule commence on a day to be fixed by Proclamation, being a day not before the day on which the Protocol inserting 83 bis into the Convention on International Civil Aviation comes into force in relation to Australia.

(4) The amendment contained in item 50 of the Schedule is taken to have commenced on 17 January 1989.

(5) The amendments contained in item 41 of the Schedule are taken to have commenced on 20 June 1990.

(6) The amendment contained in item 46 of the Schedule is taken to have commenced on 1 July 1990.

(7) The amendment contained in item 9 of the Schedule is taken to have commenced on 22 October 1990.

(8) The amendments contained in items 47, 48, 49 and 129 of the Schedule are taken to have commenced on 25 November 1991.

(9) The amendments contained in items 4, 5, 6 and 7 of the Schedule are taken to have commenced on 1 July 1992.

(10) The amendments contained in items 111 and 112 of the Schedule are taken to have commenced on 24 June 1993.

### **Amendments of Acts**

3. The Acts specified in the Schedule are amended as set out in the Schedule, but the amendments commence as provided by section 2.

### **Savings provisions relating to certain Air Operators' Certificates**

4.(1) If:

- (a) an Air Operator's Certificate was purportedly issued under section 27 of the *Civil Aviation Act 1988* before the amendments of that Act contained in items 19, 30, 31, 32 and 33 commence; and
- (b) the Certificate was expressed to authorise the flying or operation of aircraft included in a class of aircraft described in the Certificate rather than of a particular aircraft during a period that began before; and
- (c) the Certificate had not expired, or been cancelled, before those amendments commence;

the Certificate is taken to have been as validly issued as it would have been if those amendments had been in force at the time when the Certificate was issued.

(2) If:

- (a) an Air Operator's Certificate was purportedly issued under section 27 of the *Civil Aviation Act 1988* before the amendments of that Act contained in items 19, 30, 31, 32 and 33 commence; and

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- (b) despite subsection 27(7) of the *Civil Aviation Act 1988*, the Certificate had been issued without specifying the term of its operation; and
- (c) the Certificate had not been cancelled before the amendments commence;

the Certificate is taken to have been validly issued for a term ending on 1 July 1994.

**Transitional provision relating to certain Air Operators' Certificates**

**5.(1) If:**

- (a) an Air Operator's Certificate was issued under section 27 of the *Civil Aviation Act 1988* before the amendments of that Act contained in items 19, 30, 31, 32 and 33 commence; and
- (b) the Certificate authorised a foreign registered aircraft, or is, under subsection 4(1), taken to have authorised a foreign registered aircraft included in a class of aircraft, to undertake domestic commercial flights; and
- (c) the Certificate, or the particular authorisation included or taken to be included within the Certificate, had not expired, or been cancelled, before the amendments commence;

that Certificate continues to authorise that aircraft or those aircraft to undertake those flights, in accordance with its terms, for 3 months after the amendments commence or until it expires or is cancelled, whichever first occurs.

**(2) In this section:**

**“domestic commercial flight”** and **“foreign registered aircraft”** have the same respective meaning as they have for the purposes of the *Civil Aviation Act 1988* as amended by this Act.

**Treatment of certain payments made to National Rail Corporation after 30 June 1992**

**6.(1) If:**

- (a) at any time after 30 June 1992 and before this Act receives the Royal Assent, payments were made to the National Rail Corporation Limited (the **“Company”**) from the Australian Land Transport Development Trust Fund in respect of a project to which this section applies; and
- (b) the Commonwealth and the other shareholders of the Company have, during that period, agreed, or subsequently agree, that, in return for the payments, there will be issued to the Commonwealth shares in the Company having a nominal value equivalent to the payments;

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the payments are to be treated as if they had been properly made as additional capital contributions in respect of the project under paragraph 15(1)(ba) of the *Australian Land Transport Development Act 1988* as amended by this Act.

(2) In subsection (1):

“**project to which this section relates**” means any of the following projects:

- (a) the upgrading of the Sydney-Melbourne line;
- (b) the upgrading of the Sydney-Brisbane line;
- (c) the upgrading of the Dynon Freight Terminal.

**Application—subsection 30(2) of the *Seafarers Rehabilitation and Compensation Act 1992***

7.(1) The amendment of subsection 30(2) of the *Seafarers Rehabilitation and Compensation Act 1992* contained in item 94 of the Schedule applies only in respect of a funeral that takes place after this section commences.

(2) In relation to that amendment, the first relevant year for the purposes of the application of section 23 of that Act is the period of 12 months beginning on 1 July 1993.

**Application—section 39 of the *Seafarers Rehabilitation and Compensation Act 1992***

8. The amendment of subsection 39(8) of the *Seafarers Rehabilitation and Compensation Act 1992* contained in item 95 of the Schedule applies only in respect of a claim under that Act that is made after this section commences.

**Application—sections 28, 49 and 50 of the *Seafarers Rehabilitation and Compensation Act 1992***

9. The amendments of sections 28, 49 and 50 of the *Seafarers Rehabilitation and Compensation Act 1992* contained in items 91, 92, 97, 98, 99 and 100 of the Schedule apply only in respect of journeys made after this section commences.