

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 28 May 1981

(*Minister for Transport*)

A BILL

FOR

**An Act to establish a Committee to review the basis on which
certain domestic passenger air fares are determined and to
determine those domestic passenger air fares**

BE IT ENACTED by the Queen, and the Senate and the House of
Representatives of the Commonwealth of Australia, as follows:

PART I—PRELIMINARY

Short title

5 1. This Act may be cited as the *Independent Air Fares Committee Act 1981*.

Commencement

2. This Act shall come into operation on a day to be fixed by Proclamation.

Interpretation

10 3. (1) In this Act, unless the contrary intention appears—
“aerodrome” has the same meaning as in the Air Navigation Regulations;
“Air Navigation Regulations” means the Air Navigation Regulations as
amended and in force from time to time under the *Air Navigation Act*
1920;
15 “air route facilities” has the same meaning as in the Air Navigation
Regulations;

- “air service” means a domestic passenger air service that is a regular public transport service;
- “Ansett” means Ansett Transport Industries Limited or any body, whether corporate or unincorporate, in which Ansett Transport Industries Limited has a controlling interest and which owns or operates passenger aircraft, whether or not that body also operates other aircraft; 5
- “Chairman” means the Chairman of the Committee;
- “Commission” means the Australian National Airlines Commission or any body, whether corporate or unincorporate, in which the Australian National Airlines Commission has a controlling interest and which owns or operates passenger aircraft, whether or not that body also operates other aircraft; 10
- “Committee” means the Independent Air Fares Committee established by section 4;
- “commuter operator” means a passenger operator, other than a passenger operator who holds an airline licence under regulation 198 of the Air Navigation Regulations; 15
- “cost allocation review” means a review of the kind referred to in sub-section 13 (1);
- “discount air fare” means an air fare charged by a passenger operator in respect of travel over a route, being an air fare the amount of which is less than the economy air fare charged by that passenger operator in respect of travel over that route, but does not include an air fare charged in respect of travel by blind persons, students or children; 20
- “financial corporation” means a financial corporation within the meaning of paragraph 51 (xx) of the Constitution; 25
- “first-class air fare” means an air fare charged by a passenger operator in respect of travel over a route, being an air fare the payment of which entitles the person travelling to benefits to which some of the other passengers on the same flight are not entitled; 30
- “foreign corporation” means a foreign corporation within the meaning of paragraph 51 (xx) of the Constitution and includes a body corporate that is incorporated in an external Territory;
- “interim determination” means a determination made by the Committee in pursuance of sub-section 20 (1); 35
- “Judge” means—
- (a) a Judge of the Federal Court of Australia or of a court of a State or of the Northern Territory; or
 - (b) a person who has the same designation and status as a Judge of a court created by the Parliament; 40
- “major air fares review” means a review of the kind referred to in section 15;
- “member” means a member of the Committee and includes the Chairman;
- “minor air fares review” means a review of the kind referred to in section 16;

“passenger operator” means a person who operates, or is to operate, air services;

5 “proceedings”, in relation to the Committee, means proceedings by way of a cost allocation review, a major air fares review, a minor air fares review or proceedings conducted by the Committee for the purposes of section 17;

“regular public transport service” has the same meaning as in the Air Navigation Regulations;

“related route” means—

10 (a) a trunk route; or

(b) a route (other than a trunk route) over which—

(i) Ansett, using the name ‘Ansett Airlines of Australia’; or

(ii) the Commission,

15 operated air services on 30 June 1980 (whether or not any other passenger operator operated air services over that route on that date) using Fokker F27 aircraft;

“trading corporation” means a trading corporation within the meaning of paragraph 51 (xx) of the Constitution;

“trunk route” means a route—

20 (a) linking any 2 of the following cities or towns: Adelaide, Alice Springs, Brisbane, Cairns, Canberra, Coolangatta, Darwin, Gove, Hobart, Launceston, Mackay, Melbourne, Mount Isa, Perth, Proserpine, Rockhampton, Sydney, Townsville; or

(b) linking—

25 (i) a city or town referred to in paragraph (a) and a city or town (in this paragraph referred to as a “relevant city or town”) in Australia that is, for the purposes of paragraph 6 (1) (e) of the agreement referred to in section 5 of the *Airlines Agreement Act* 1981, agreed by the parties to that agreement to be a trunk route centre for the purposes of that agreement; or

30 (ii) 2 or more relevant cities or towns;

“trunk route operator” means Ansett, the Commission or any other passenger operator that operates air services over a trunk route between—

35 (a) a place in a State and a place in another State; or

(b) a place in a Territory and a place in Australia outside that Territory,

40 whether or not that passenger operator also operates air services over any other route.

(2) For the purposes of this Act, air fares charged in respect of air services provided over any route shall be taken to consist of 2 components, namely—

- (a) a fixed initial amount, in this Act referred to as the “flag-fall component”; and
- (b) an amount for each kilometre travelled on the route, in this Act referred to as the “distance component”.

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(3) A reference in this Act to the Commission or to the Australian National Airlines Commission shall—

- (a) after the commencement of section 3 of the *Australian National Airlines Repeal Act 1981*; and
- (b) in relation to anything done after that commencement,

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be read as a reference to the body corporate referred to in section 5 of that Act.

(4) Subject to sub-section (5), a reference in this Act to economy air fares, in relation to a passenger operator in relation to a route, shall be read as a reference to the air fares, other than the first-class air fares, that are the standard air fares charged by that passenger operator in respect of travel over that route, being air fares for travel in relation to which no special booking conditions are attached.

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(5) A reference in this Act to economy air fares or first-class air fares shall be read as not including a reference to air fares charged or proposed to be charged by a passenger operator, other than Ansett or the Commission, in respect of travel over a trunk route over which both Ansett and the Commission provide air services.

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(6) Notwithstanding the definition of “discount air fare” in sub-section (1), this Act applies in relation to air fares charged or proposed to be charged in respect of air services provided over any trunk route, being air fares that—

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- (a) would, but for sub-section (5), be economy air fares or first-class air fares in relation to a passenger operator in relation to that trunk route; and
- (b) are not the same as any of the air fares that are, for the purposes of sub-section 26 (1), approved air fares in relation to Ansett and the Commission in relation to that trunk route,

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as if those air fares were discount air fares.

(7) For the purposes of this Act, a turbo jet aircraft having a capacity exceeding 90 passengers shall be taken to be similar to any other turbo jet aircraft having a capacity exceeding 90 passengers.

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PART II—CONSTITUTION OF COMMITTEE

Constitution of Committee

4. (1) There is established by this Act a Committee by the name of the Independent Air Fares Committee.

5 (2) The Committee shall consist of a Chairman and 2 other members.

(3) The Chairman and the other members shall be appointed by the Governor-General.

(4) The members shall be appointed as part-time members.

Terms and conditions of appointment

10 5. (1) Subject to this Act, a member holds office for such period, not exceeding 5 years, as is specified in the instrument of his appointment, but is eligible for re-appointment.

15 (2) A member, other than a member who is a Judge, holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Governor-General.

Remuneration and allowances

20 6. (1) Subject to this section, a member shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

(2) A member shall be paid such allowances as are prescribed.

(3) Sub-sections (1) and (2) have effect subject to the *Remuneration Tribunals Act 1973*.

25 (4) If a person who is a Judge is appointed as a member, he is not, while he receives salary or annual allowance as a Judge, entitled to remuneration under this Act.

Resignation

7. A member may resign his office by writing signed by him and delivered to the Governor-General.

30 Termination of appointment

8. (1) The Governor-General may terminate the appointment of a member by reason of misbehaviour or physical or mental incapacity.

(2) If a member—

35 (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or

- (b) fails, without reasonable excuse, to comply with his obligations under section 9,

the Governor-General shall terminate the appointment of that member.

(3) Sub-sections (1) and (2) do not apply in relation to a member who is a Judge but if a member who is a Judge ceases to be a Judge, the Governor-General may terminate his appointment.

Disclosure of interests

9. (1) Where a member who is, or is to be, the Committee, or a member of the Committee, as constituted for the purposes of proceedings of the Committee has or acquires any interest, pecuniary or otherwise, that could conflict with the proper performance of his functions during those proceedings—

- (a) he shall disclose the interest to the parties to the proceedings; and
 (b) except with the consent of all the parties to the proceedings, he shall not take part in the proceedings.

(2) Where the Chairman becomes aware that a member who is, or is to be, the Committee, or a member of the Committee, as constituted for the purposes of proceedings of the Committee, has, in relation to those proceedings, an interest of the kind referred to in sub-section (1)—

- (a) if the Chairman considers that the member should not take part, or should not continue to take part in the proceedings—he shall give a direction to the member accordingly; or
 (b) in any other case—he shall cause the interest of the member to be disclosed to the parties to the proceedings.

Acting appointments

10. (1) The Minister may—

- (a) appoint a member to act as the Chairman; or
 (b) appoint a person to act as a member (other than the Chairman),

during any period, or during all periods, when the Chairman or the member, as the case may be, is absent from duty or from Australia or is, for any other reason, unavailable to perform the functions and duties of his office.

(2) An appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

(3) The Minister may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person appointed under sub-section (1); and
 (b) terminate such an appointment at any time.

(4) Where a person (in this sub-section referred to as the “acting member”) has been appointed under sub-section (1) during a period when a member is absent from duty or from Australia or is, for any other reason, unavailable to perform the functions and duties of his office, the Minister may, by reason of

5 pending proceedings of the Committee or other special circumstances, direct, before the member who is absent or otherwise unavailable ceases to be so absent or unavailable, that the acting member shall continue to act under the appointment after the member ceases to be absent or unavailable and until the acting member resigns the appointment or the Minister terminates the appointment, but the acting member shall not continue to act by virtue of this sub-section for more than 12 months after the member ceases to be absent or unavailable.

10 (5) The appointment of a person to act as a member ceases to have effect if he resigns his appointment by writing signed by him and delivered to the Minister.

15 (6) While a person is acting as Chairman or as a member other than the Chairman he has, and may exercise, all the powers, and shall perform all the functions, of the Chairman or member, as the case may be, under this Act and shall be deemed to be the Chairman or a member, as the case may be, for the purposes of the provisions of this Act other than sections 5, 6, 7 and 8.

20 (7) Where the Committee as constituted for the purposes of proceedings of the Committee consists of or includes a person acting or purporting to be appointed under this section, the validity of anything done by the person so acting or purporting to be appointed shall not be called in question on the ground that—

- (a) the occasion for the person to act or for the appointment of the person had not arisen;
- 25 (b) there is a defect or irregularity in connection with the appointment of the person;
- (c) the occasion for the person to act had ceased; or
- (d) the appointment had ceased to have effect.

Meetings

30 11. (1) The Chairman may convene such meetings of the Committee as are necessary for the purposes of the performance of the functions of the Committee.

(2) The procedure to be followed at meetings of the Committee shall be as determined by the Committee.

PART III—FUNCTIONS OF COMMITTEE AND CONDUCT OF REVIEWS BY COMMITTEE

Functions of Committee

35 12. (1) The functions of the Committee are—

- (a) to conduct, in accordance with this Act, cost allocation reviews and to determine, after the completion of each cost allocation review—
 - 40 (i) the manner in which any costs incurred by a passenger operator in providing air services, being air services over 2 or more routes having similar characteristics and in the provision of which the passenger operator uses similar aircraft, may, for the purposes of the making by the Committee of determinations of air fares

under this Act, be attributed to the flag-fall component and the distance component of air fares charged in respect of those air services; and

- (ii) in the case of a cost allocation review conducted in respect of air services provided by a passenger operator who charges or proposes to charge first-class air fares for travel over any route—the amount, calculated as a percentage of the economy air fares charged or proposed to be charged by the passenger operator in respect of travel over that route, by which the first-class air fares charged or proposed to be charged by the passenger operator in respect of travel over that route shall exceed those economy air fares; 5
 - (b) to conduct, in accordance with this Act, major air fares reviews and minor air fares reviews; 10
 - (c) after the completion of each major air fares review or minor air fares review, to determine the amount of the economy air fares that are the subject of the review or to determine a formula by which the amount of those air fares may be calculated; 15
 - (d) to approve, in accordance with this Act, proposed discount air fares; and 20
 - (e) to perform the duties that are required to be performed by the Committee under the agreement referred to in section 5 of the *Airlines Agreement Act 1981*.
- (2) The functions of the Committee do not include functions in relation to air fares charged or proposed to be charged by a passenger operator in respect of a route between a place in a State and another place in that State unless the passenger operator is a body corporate that is— 25
- (a) a foreign corporation;
 - (b) a trading corporation formed within the limits of Australia or a financial corporation so formed; or 30
 - (c) incorporated in a Territory.

Cost allocation reviews

13. (1) Subject to this section, the Minister may, by notice in writing delivered to the Chairman, request the Committee to conduct a review, in relation to air services provided or proposed to be provided by a passenger operator or passenger operators specified in the notice, of the manner in which any costs incurred by the passenger operator or passenger operators in providing air services, being air services over 2 or more routes having similar characteristics and in the provision of which similar aircraft are used, are or are to be attributed to the flag-fall component and the distance component of those air fares. 40

(2) The Minister shall request the Committee to conduct a cost allocation review—

(a) in relation to each trunk route operator—

(i) before the expiration of 3 years after the commencement of this Act; and

(ii) so that at least 2 years, and not more than 3 years, elapse after the completion of the last cost allocation review conducted by the Committee in relation to that trunk route operator in relation to any routes over which that passenger operator operates air services and before the commencement of the next cost allocation review conducted in relation to that trunk route operator in relation to those routes; and

(b) in relation to each passenger operator other than a trunk route operator—

(i) as soon as practicable after the commencement of this Act; and

(ii) so that at least 3 years elapse after the completion of the last cost allocation review conducted by the Committee in relation to that passenger operator and before the commencement of the next review conducted in relation to that passenger operator.

(3) Where the Minister requests the Committee to conduct a cost allocation review in relation to Ansett or the Commission, the Minister shall specify in the notice given to the Chairman under sub-section (1) that the cost allocation review is to be conducted in relation to air services provided or proposed to be provided by Ansett or the Commission over—

(a) all routes;

(b) related routes; or

(c) routes other than related routes,

and the Committee shall conduct that cost allocation review only in relation to the routes specified by the Minister in the notice.

(4) Where the Minister requests the Committee to conduct a cost allocation review in relation to a passenger operator that is Ansett or the Commission in relation to air services provided or proposed to be provided by that passenger operator over all routes or over related routes, the Committee shall, at the same time, conduct a cost allocation review in relation to air services provided or proposed to be provided by—

(a) if the request relates to Ansett—the Commission over the routes to which the request relates; or

(b) if the request relates to the Commission—Ansett over the routes to which the request relates.

(5) In a notice under sub-section (1), the Minister may specify a time for completing the cost allocation review and making a determination or determinations after the completion of the review, and the Committee shall complete the review and make the determination or determinations within that time or within that time as extended by the Minister in his discretion.

(6) The Committee shall conduct a cost allocation review only after receipt by the Chairman of a notice given by the Minister under sub-section (1).

(7) Where the Minister requests the Committee to conduct a cost allocation review in relation to a passenger operator or passenger operators, the Chairman shall—

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(a) give notice in writing to the passenger operator or passenger operators—

(i) stating that the Committee intends to conduct the review;

(ii) specifying the time and place at which the review is to be commenced;

(iii) in a case where the cost allocation review is to be conducted in relation to Ansett and the Commission—setting out the details specified in the notice pursuant to sub-section (3); and

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(iv) inviting the passenger operator or passenger operators to make submissions in writing to the Committee in relation to the matters to be considered by the Committee during the review within such time as is specified in the notice; and

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(b) cause to be published in the *Gazette* a notice—

(i) stating that the Committee intends to conduct the review;

(ii) specifying the name or names of the passenger operator or passenger operators in relation to whom the review is to be conducted;

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(iii) in a case where the cost allocation review is to be conducted in relation to Ansett and the Commission—setting out the details specified in the notice pursuant to sub-section (3);

(iv) specifying the time and place at which the review is to be commenced; and

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(v) inviting members of the public to make submissions in writing to the Committee in relation to the matters to be considered by the Committee during the review within such time as is specified in the notice.

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(8) Where the Committee conducts a cost allocation review in relation to a passenger operator, the passenger operator shall, before the conclusion of that review, give notice in writing to the Committee setting out the terms of any air fare concessions that the passenger operator provides or proposes to provide in respect of travel by blind persons, students and children, and the Chairman shall, after receiving such a notice, cause to be published in the *Gazette* a notice setting out the terms of those air fare concessions.

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(9) The Minister may, during any cost allocation review, make submissions in writing to the Committee requesting the Committee to take into account, in conducting the review and in making a determination or determinations after the completion of the review, the need to ensure that—

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(a) air services are operated on an efficient and economic basis;

(b) air services are provided over trunk routes by 2 economically viable passenger operators; and

- (c) domestic air services are, as far as is possible, operated on a competitive basis.

Matters to be taken into account by Committee in cost allocation reviews

5 **14.** In conducting a cost allocation review and in making a determination or determinations after the completion of such a review, the Committee shall have regard to—

- 10 (a) the need to ensure that the air fares charged by a passenger operator in respect of air services provided by that passenger operator over 2 or more routes having similar characteristics, being air services in the provision of which similar aircraft are used, are able to be determined by the Committee in accordance with this Act on a consistent basis;
- (b) the need to ensure that the level of air fares is related as closely as practicable to the cost of providing the services for which those air fares are charged;
- 15 (c) the need to ensure that air services are operated on an efficient and economic basis;
- (d) the effect of the level of air fares on the demand for the services for which those air fares are charged; and
- 20 (e) the need to ensure that the air fares charged by trunk route operators in respect of air services provided over trunk routes are able to be determined in accordance with this Act on a consistent basis.

Major air fare reviews

25 **15. (1)** A passenger operator may, by notice in writing delivered to the Chairman, request the Committee to conduct a review in accordance with this section—

- 30 (a) in the case of a passenger operator being Ansett or the Commission—of the economy air fares charged or proposed to be charged by that passenger operator in respect of air services provided or proposed to be provided by that passenger operator over—
 - (i) all routes;
 - (ii) related routes; or
 - (iii) routes other than related routes,

and to determine the economy air fares that that passenger operator may charge in respect of air services provided over those routes; and

- 35 (b) in the case of any other passenger operator—of the economy air fares charged or proposed to be charged by that passenger operator in respect of all air services provided or proposed to be provided by that passenger operator, and to determine the economy air fares that that passenger operator may charge in respect of air services,

40 and, where a passenger operator makes such a request, the Committee shall conduct the review in accordance with this section and determine the economy air fares that may be charged by that passenger operator in respect of the air services to which the request relates.

(2) Subject to sub-section (5), the Committee may, of its own motion, conduct a review in accordance with this section of the economy air fares charged or proposed to be charged by a passenger operator in respect of air services provided or proposed to be provided by that passenger operator, being air services—

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(a) in the case of a passenger operator that is Ansett or the Commission—provided or proposed to be provided by that passenger operator over—

(i) all routes;

(ii) related routes; or

(iii) routes other than related routes; and

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(b) in the case of any other passenger operator—provided or proposed to be provided by that passenger operator over all routes,

and determine the economy air fares that may be charged by that passenger operator in respect of those air services.

(3) Where a request under sub-section (1) is made by a passenger operator referred to in paragraph (1) (a) in relation to air services provided or proposed to be provided by that passenger operator over all routes or over related routes, the Committee shall, at the same time as it conducts the review requested to be conducted, conduct a review in accordance with this section of the economy air fares charged or proposed to be charged by the other passenger operator referred to in that paragraph over the routes to which the request relates and shall determine the economy air fares that may be charged in respect of the air services provided or proposed to be provided by that other passenger operator over those routes.

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(4) Where the Committee decides, in pursuance of sub-section (2), to conduct a review in accordance with this section in relation to air services provided or proposed to be provided by a passenger operator referred to in paragraph (2) (a) over all routes or over related routes, the Committee shall, at the same time as it conducts the review requested to be conducted, conduct a review in accordance with this section of the economy air fares charged or proposed to be charged by the other passenger operator referred to in that paragraph over the routes to which the first-mentioned review relates and shall determine the economy air fares that may be charged in respect of the air services provided or proposed to be provided by that other passenger operator over those routes.

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(5) Where the Committee has conducted a review in accordance with this section in relation to air services provided or proposed to be provided by a passenger operator, the Committee shall not, in pursuance of sub-section (2), conduct another review in accordance with this section in relation to that passenger operator in relation to those air services unless a period of at least 6 months has elapsed since the completion of the last review conducted by the Committee in accordance with this section in relation to those air services.

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(6) Where the Committee decides, in pursuance of sub-section (2), to conduct a review in accordance with this section in relation to air services provided or proposed to be provided by a passenger operator, the Chairman shall give notice in writing to that passenger operator—

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(a) stating that the Committee intends to conduct the review;

- (b) specifying the time and place at which the review is to be commenced; and
- (c) inviting that passenger operator to make, within such time as is specified in the notice, submissions in writing to the Committee in relation to the matters to be considered by the Committee during the review.

(7) The Committee shall maintain, in relation to each class of passenger operators, a list specifying the information that, in the opinion of the Committee, is required to be provided by any passenger operator included in that class to enable the Committee to complete a review in accordance with this section and to make its determination after the completion of the review in relation to that passenger operator.

(8) Where—

- (a) a passenger operator requests the Committee to conduct a review in accordance with this section; or
- (b) the Committee decides, in pursuance of sub-section (2), to conduct a review in accordance with this section in relation to a passenger operator,

the Chairman shall forthwith give to that passenger operator a copy of the list maintained in accordance with sub-section (7) in relation to the class of passenger operators in which that passenger operator is included.

(9) A passenger operator shall, before the expiration of 7 days after receipt of a list given to that passenger operator by the Chairman in pursuance of sub-section (8), give notice in writing to the Chairman setting out the information required by that list to be provided by that passenger operator.

(10) Where—

- (a) a passenger operator requests the Committee to conduct a review in accordance with this section; or
- (b) the Committee decides, in pursuance of sub-section (2), to conduct a review in accordance with this section in relation to a passenger operator,

the Committee shall complete the review and determine the economy air fares that are the subject of the review—

- (c) in a case to which paragraph (a) applies—before the expiration of 35 days after the request referred to in that paragraph was made or before the expiration of 28 days after the provision by that passenger operator of the information required to be provided by that passenger operator in accordance with sub-section (9), whichever is the sooner; and
- (d) in a case to which paragraph (b) applies—before the expiration of 28 days after the provision by that passenger operator of the information required to be provided by that passenger operator in pursuance of sub-section (9).

(11) In conducting a review in accordance with this section in relation to the economy air fares charged or proposed to be charged by a passenger operator and in determining the amount of those economy air fares, the Committee shall have regard to—

- (a) the costs involved in the provision of air services by that passenger operator; 5
- (b) any estimates made by that passenger operator of the effect on the costs and revenue of that passenger operator of the number of passengers that that passenger operator expects to carry over any route during any future period; 10
- (c) if a previous review in accordance with this section has been conducted in relation to that passenger operator—the effect on the costs and revenue of that passenger operator of any estimates of the kind referred to in paragraph (b) made for the purposes of that review by that passenger operator proving to be inaccurate; 15
- (d) the need to ensure that air services are operated on an efficient and economic basis;
- (e) the need to ensure that air services are provided over trunk routes by 2 economically viable passenger operators;
- (f) the need to ensure that determinations made by the Committee of economy air fares charged in respect of air services provided over trunk routes are made on a consistent basis; 20
- (g) the need to ensure that air services that are provided over trunk routes are operated as far as possible on a competitive basis; and
- (h) if the Committee has conducted a cost allocation review or cost allocation reviews in relation to that passenger operator— 25
 - (i) any determination made by the Committee after the completion of the last cost allocation review in relation to the manner in which the costs of that passenger operator and provision for profit made by that passenger operator are to be attributed to the flag-fall component and the distance component of air fares charged by that passenger operator; 30
 - (ii) if the Committee made a determination of the kind referred to in sub-paragraph 12 (1) (a) (ii) after the completion of the last cost allocation review in relation to that passenger operator—any effect that the implementation of that determination is likely to have on the costs and revenue of the passenger operator; and 35
 - (iii) if that passenger operator gave a notice in writing to the Committee of the kind referred to in sub-section 13 (8) during the last cost allocation review—any effect that the availability of the air fare concessions set out in that notice has had or is likely to have on the costs and revenue of that passenger operator. 40

(12) Where the Committee conducts a review in accordance with this section in relation to the economy air fares charged or proposed to be charged by 45

Ansett and the Commission in respect of air services provided or proposed to be provided over all routes or over related routes, the Committee shall, at the completion of that review, make determinations, in relation to air services provided or proposed to be provided by Ansett and the Commission over trunk routes, that are the same for both Ansett and the Commission.

(13) The Committee shall conduct a major air fares review only after—

- (a) the receipt by the Chairman of a notice given by a passenger operator under sub-section (1); or
- (b) the giving of a notice by the Chairman under sub-section (6).

10 **Minor air fares reviews**

16. (1) Subject to sub-section (2), a passenger operator may, by notice in writing delivered to the Chairman, request the Committee to conduct a review in accordance with this section—

- 15 (a) in the case of a passenger operator being Ansett or the Commission—of a proposed increase in the economy air fares charged by that passenger operator in respect of air services provided by that passenger operator over—
 - 20 (i) all routes;
 - (ii) related routes; or
 - (iii) routes other than related routes,

and to determine the economy air fares that that passenger operator may charge in respect of air services provided over those routes; and

- 25 (b) in the case of any other passenger operator—of a proposed increase in the economy air fares charged by that passenger operator in respect of air services provided by that passenger operator, and to determine the economy air fares that may be charged by that passenger operator,

and, where a passenger operator makes such a request, the Committee shall conduct the review in accordance with this section and determine the economy air fares that may be charged by that passenger operator—

- 30 (c) in the case of a request by a passenger operator referred to in paragraph (a)—in respect of the air services to which the request relates; or
- (d) in the case of a request by a passenger operator referred to in paragraph (b)—in respect of air services provided by that passenger operator.

35 (2) A passenger operator shall not request the Committee to conduct a review in accordance with this section of a proposed increase in economy air fares charged by that passenger operator if the economy air fares charged by that passenger operator in respect of travel over any route would, if that increase were approved by the Committee, exceed by more than 5% the amount of the economy air fares—

- 40 (a) determined by the Committee in relation to that passenger operator in respect of travel over that route after the last major air fares review conducted by the Committee in relation to that passenger operator; or

- (b) if no previous major air fares review has been conducted by the Committee in relation to that passenger operator—charged by that passenger operator, immediately before the commencement of this Act, in respect of travel over that route.

(3) Where a request under sub-section (1) is made by a passenger operator referred to in paragraph (1) (a) in relation to air services provided by that passenger operator over all routes or over related routes, the Committee shall, at the same time, conduct a review in accordance with this section of the economy air fares charged by the other passenger operator referred to in that paragraph over those routes and shall determine the economy air fares that may be charged in respect of the air services provided by that other passenger operator over those routes. 5 10

(4) The Committee shall maintain, in relation to each class of passenger operators, a list specifying information that, in the opinion of the Committee, is required to be provided by any passenger operator included in that class to enable the Committee to complete a review in accordance with this section and to make its determination after the completion of the review in relation to that passenger operator. 15

(5) Where a passenger operator requests the Committee to conduct a review in accordance with this section, the Chairman shall forthwith give to that passenger operator a copy of the list maintained in accordance with sub-section (4) in relation to the class of passenger operators in which that passenger operator is included. 20

(6) A passenger operator shall, before the expiration of 7 days after receipt of a list given to that passenger operator by the Chairman in pursuance of sub-section (5), give notice in writing to the Chairman setting out information required by that list to be provided by that passenger operator. 25

(7) Where a passenger operator requests the Committee to conduct a review in accordance with this section, the Committee shall complete the review and determine the economy air fares that are the subject of the review before the expiration of 21 days after the request was made or before the expiration of 14 days after the provision by that passenger operator of the information required to be provided by that passenger operator in accordance with sub-section (6), whichever is the sooner. 30

(8) In conducting a review in accordance with this section in relation to the economy air fares charged or proposed to be charged by a passenger operator and in determining at the completion of the review the amount of the economy air fares that may be charged by that passenger operator, the Committee shall have regard to— 35

- (a) the following increases in the costs involved in the provision, by that passenger operator, of air services: 40

- (i) increases in the cost of wages, being increases approved by any body having functions in relation to conciliation and arbitration for the prevention and settlement of industrial disputes, and increases in other costs that are related to those first-mentioned increases; 45

(ii) the increases in the cost of fuel for the aircraft operated by that passenger operator;

(iii) increases in the cost of air navigation charges;

5 (b) the need to ensure that air services are operated on an efficient and economic basis;

(c) the need to ensure that air services are provided over trunk routes by 2 economically viable passenger operators;

10 (d) the need to ensure that determinations made by the Committee of economy air fares in respect of air services provided over trunk routes are made on a consistent basis; and

(e) if the Committee has conducted a cost allocation review or reviews in relation to that passenger operator—any determination made by the Committee at the completion of the last cost allocation review.

15 (9) Where the Committee conducts a review in accordance with this section in relation to the economy air fares charged or proposed to be charged by Ansett and the Commission in respect of air services provided over all routes or over related routes, the Committee shall, at the completion of that review, make determinations, in relation to air services provided by Ansett and the Commission over trunk routes, that are the same for both Ansett and the Commission.

20 (10) The Committee shall conduct a minor air fares review only after the receipt by the Chairman of a notice given by a passenger operator under sub-section (1).

Approval of discount air fares

25 17. (1) A passenger operator may, in accordance with sub-section (2), request the Committee to approve a discount air fare that the passenger operator proposes to charge in respect of travel over any route.

30 (2) A request under sub-section (1) in relation to a proposed discount air fare in respect of travel over a route shall be made by notice in writing given to the Chairman setting out—

(a) whichever of the following amounts is applicable:

35 (i) in a case to which sub-paragraph (ii) does not apply—the amount (expressed as a percentage of the economy air fares charged by the passenger operator over that route) of the proposed discount air fare; or

40 (ii) in the case of a request by a passenger operator, other than Ansett or the Commission, in respect of travel over a trunk route over which both Ansett and the Commission provide air services—the amount (expressed as a percentage of the economy air fares that are, for the purposes of sub-section 26 (1), approved air fares in relation to Ansett and the Commission in relation to that route) of the proposed discount air fare; and

(b) the conditions (if any) under which the proposed discount air fare is to be available.

(3) Where a passenger operator requests the Committee to approve a discount air fare, the Committee shall, before the expiration of 7 days after the Committee obtains such information as it considers necessary to be obtained from the passenger operator who made the request or from any other passenger operator in order to give its decision on the request, give its decision on the request. 5

(4) If the Committee is satisfied that—

(a) the introduction of that proposed discount air fare is likely to improve the profitability of the operations of that passenger operator in relation to the provision of air services; 10

(b) the introduction of that proposed discount air fare is unlikely to result in economy air fares in respect of air services provided by any trunk route operator over trunk routes being increased; and

(c) the conditions (if any) under which that proposed discount air fare is to be available are reasonable and will be applied without discrimination between persons or classes of persons who can comply with the conditions, 15

the Committee shall approve the proposed discount air fare but, if the Committee is not so satisfied, the Committee shall not approve the proposed discount air fare. 20

(5) Where—

(a) the Committee has approved, in relation to a passenger operator, a discount air fare in accordance with this section; and

(b) any passenger operator gives notice in writing to the Chairman requesting the Committee to conduct a review of the availability of that discount air fare or the Committee is satisfied that it is desirable to conduct a review of the availability of that discount air fare, 25

the Committee shall conduct a review of the availability of that discount air fare and shall complete the review before the expiration of 14 days after the Committee obtains such information as it considers necessary to be obtained in order to complete the review. 30

(6) Where—

(a) the Committee conducts a review of the availability of a discount air fare that was, in relation to a passenger operator, approved by the Committee in accordance with this section; and 35

(b) the Committee—

(i) is satisfied that, if the Committee revoked the approval of that discount air fare, the profitability of the operations of that passenger operator in relation to the provision of air services would not be adversely affected; 40

(ii) is not satisfied that the continued availability of that discount air fare is unlikely to result in any economy air fares in respect of air services provided by a trunk route operator over trunk routes being increased; or

- (iii) is not satisfied that the conditions (if any) under which that discount air fare is available are reasonable or are being applied without discrimination,

5 the Committee shall, by notice in writing given by the Chairman to that passenger operator, revoke the approval of that discount air fare and, where such a notice is given, the Committee shall be deemed not to have approved that discount air fare.

(7) In conducting a review of a discount air fare in accordance with this section, the Committee shall have regard to the fact that a discount air fare approved by the Committee in relation to a passenger operator in respect of travel over a route may be charged, in accordance with this Act, by any other passenger operator in respect of travel over that route.

Conduct of business of Committee

15 **18. (1)** The Chairman may give directions as to the arrangement of the business of the Committee and as to the member or members who is or are to constitute the Committee for the purposes of particular proceedings of the Committee.

(2) Where—

- 20 (a) the Committee conducts—
(i) a cost allocation review in relation to a trunk route operator; or
(ii) a major air fares review in relation to a trunk route operator;
and
(b) the Committee is not constituted for the purposes of that review by all the members of the Committee,

25 the Chairman shall, after the hearing of the evidence (if any) but before a determination (other than an interim determination) is made by the Committee in relation to the review, direct that the Committee be reconstituted by all the members of the Committee for the purposes of making the determination.

30 (3) Where the Committee is reconstituted in accordance with sub-section (2), the Committee as reconstituted may, for the purposes of making a determination, have regard to any record of the proceedings before the Committee as previously constituted, including a record of any evidence taken.

Parties to proceedings

35 **19. (1)** At a cost allocation review, major air fares review or minor air fares review conducted in relation to Ansett and the Commission, Ansett and the Commission shall be parties to the review.

40 (2) At a cost allocation review, other than a cost allocation review of the kind referred to in sub-section (1), conducted after receipt by the Chairman of a notice given by the Minister under sub-section 13 (1), the passenger operator or passenger operators specified in the notice shall be parties to the cost allocation review.

(3) At a major air fares review, other than a major air fares review of the kind referred to in sub-section (1), conducted after the receipt by the Chairman of a notice given by a passenger operator under sub-section 15 (1), that passenger operator shall be a party to the major air fares review.

(4) At a major air fares review, other than a major air fares review of the kind referred to in sub-section (1), conducted by the Committee in accordance with sub-section 15 (2), the passenger operator in relation to whom the review is being conducted shall be a party to the major air fares review. 5

(5) At a minor air fares review, other than a minor air fares review of the kind referred to in sub-section (1), conducted after the receipt by the Chairman of a notice given by a passenger operator under sub-section 16 (1), that passenger operator shall be a party to the review. 10

(6) In proceedings conducted by the Committee pursuant to a request made by a passenger operator in accordance with sub-section 17 (1), that passenger operator shall be a party to the proceedings. 15

(7) In proceedings conducted by the Committee pursuant to sub-section 17 (5)—

- (a) the passenger operator in relation to whom the proceedings are being conducted; and
- (b) if the proceedings are conducted following a request made by another passenger operator in accordance with sub-section 17 (5)—the other passenger operator, 20

shall be a party to the proceedings.

(8) Any person or any body of persons may apply to the Committee to be made a party to a cost allocation review. 25

(9) If, upon the making of an application referred to in sub-section (8), the Committee is of the opinion that the person or body of persons making the application has a substantial interest in the matter that is the subject of the review, the Committee may, in its discretion, grant the application.

(10) A party to proceedings of the Committee is entitled to give evidence, or to call witnesses to give evidence, and to make submissions to the Committee, in relation to the matter that is the subject of those proceedings. 30

Interim determinations

20. (1) The Committee may, at any time after the commencement of a major air fares review and before the completion of the review, on the application of a passenger operator in relation to whom the review is being conducted, make a determination in relation to any economy air fares that are the subject of the review pending the completion of the review. 35

(2) Where the Committee makes under sub-section (1), an interim determination of any economy air fares that may be charged by a passenger operator, the Committee may, at any time before the completion of the review, by notice in writing given to that passenger operator, revoke that determination. 40

Procedure at inquiries

21. (1) Subject to sub-section (2), a cost allocation review shall be held in public.

(2) The Committee may, if it thinks fit, during a cost allocation review—

(a) direct that the review or part of the review shall take place in private and give directions as to the persons who may be present during the review; or

(b) give directions prohibiting or restricting the publication or disclosure—

(i) of evidence given before the Committee, whether in public or in private; or

(ii) of any matters contained in documents lodged with the Committee.

(3) A person shall not contravene, or fail to comply with, a direction under sub-section (1) that is applicable to him.

Penalty: \$1,000.

(4) In a cost allocation review held in public, the Committee may, if it thinks fit, make available to the public in such manner as the Committee thinks fit the contents of any written submission made to the Committee.

(5) The Committee shall conduct all proceedings of the Committee (other than cost allocation reviews) in private.

(6) The Committee may, if it thinks fit, during proceedings of the Committee, other than cost allocation reviews, give directions prohibiting or restricting the publication or disclosure—

(a) of evidence given before the Committee; or

(b) of any matters contained in documents lodged with the Committee.

(7) A person shall not contravene, or fail to comply with, a direction under sub-section (6) that is applicable to him.

Penalty: \$1,000.

(8) Where—

(a) a party to proceedings of the Committee requests the Committee to give a direction of the kind referred to in sub-section (2) or (6) in relation to those proceedings; and

(b) if the direction is not given, that party would be adversely prejudiced in its commercial operations,

the Committee shall give the direction in accordance with the request.

(9) The Committee may, in any proceedings conducted by the Committee, take evidence on oath or affirmation, and for that purpose a member may administer an oath or affirmation.

(10) In any proceedings of the Committee—

(a) any party to the proceedings may make submissions to the Committee;

- (b) the procedure to be followed is, subject to this Act and the regulations, within the discretion of the Committee;
- (c) the Committee is not bound by the rules of evidence, but may inform itself on any matter in such manner as it thinks appropriate; and
- (d) subject to this Act, the Committee may adjourn the proceedings from time to time. 5

(11) The regulations may make provision, not inconsistent with this Act, for or in relation to the practice and procedure of the Committee.

(12) In any proceedings of the Committee, the Committee may, if it thinks fit, permit a person appearing as a witness to give evidence by tendering, and verifying by oath or affirmation, a written statement. 10

(13) Where, in a cost allocation review held in public, evidence of the kind referred to in sub-section (12) is given, the Committee shall make available to the public, in such manner as the Committee thinks fit, the contents of the statement other than any matter— 15

- (a) that the person who gave the evidence objects to being made public; and
- (b) the evidence of which the Committee is satisfied would have been taken in private if that evidence had been given orally and the witness had objected to giving it in public. 20

Representation

22. (1) If a party to proceedings of the Committee is a body corporate, the party may appear by an officer of or employee of the body corporate or, if the Committee permits, may be represented by another person.

(2) A party to proceedings of the Committee (other than a party referred to in sub-section (1)) may, if the Committee permits, be represented by another person. 25

Evidence

23. (1) Where the Committee has reason to believe that a person is capable of giving evidence or producing documents relevant to proceedings of the Committee, the Committee may, at any time during the course of the proceedings, by notice in writing under the hand of a member, summon the person to appear before the Committee during the proceedings to give evidence and to produce such documents (if any) as are referred to in the summons. 30

(2) The powers of the Committee under sub-section (1) may, in the discretion of the Committee, be exercised on the application of a party to the proceedings. 35

Notice of determinations

24. (1) Where the Committee—

- (a) makes a determination in relation to a passenger operator at the conclusion of a cost allocation review; 40

- (b) makes a determination or an interim determination of the economy air fares that may be charged by a passenger operator; or
- (c) approves, refuses to approve, or revokes the approval of, in accordance with section 17, a discount air fare that a passenger operator proposes to charge,

5 the Chairman shall—

- (d) before the expiration of 7 days after the making of that determination or decision, give notice in writing to the passenger operator setting out the terms of the determination or decision accompanied by a statement setting out any findings of facts made by the Committee, referring to the evidence or other material (other than any finding, evidence or material the publication or disclosure of which would, in the opinion of the Committee, reveal a trade secret of another passenger operator) on which those findings were based, and giving reasons for the making of the determination or decision; and
- (e) cause to be published in the *Gazette* a notice setting out the terms of the determination or decision and any findings of facts made by the Committee, referring to the evidence or other material (other than any finding, evidence or material the publication or disclosure of which would, in the opinion of the Committee, reveal a trade secret of any passenger operator) on which those findings were based and setting out the reasons for the making of the determination or decision.

25 (2) A determination or an interim determination of the economy air fares that may be charged by a passenger operator in respect of air services provided by the passenger operator comes into force on the giving of a notice of the kind referred to in paragraph (1) (d) to the passenger operator and remains in force—

- (a) in the case of a determination other than an interim determination—until the Chairman gives to the passenger operator a notice of the kind referred to in paragraph (1) (d) setting out the terms of a further determination or an interim determination made by the Committee in relation to those economy air fares; and
- (b) in the case of an interim determination made during a major air fares review—until the interim determination is revoked by the Committee or until the Chairman gives to the passenger operator a notice of the kind referred to in paragraph (1) (d) setting out the terms of a determination made by the Committee in relation to those economy air fares following the completion of the review.

Amendment of determinations

40 25. (1) The Committee may, at the request of a passenger operator, amend any determination made or approval given by the Committee under this Act so as to ensure that any air fares charged by that passenger operator in respect of travel over a route—

- (a) between a place in a State and another place in that State; or

- (b) between a place in the Northern Territory and another place in that Territory,

are the same as any air fares determined by the government of that State or of the Northern Territory to be the air fares charged in respect of that route.

(2) Where the Committee amends a determination or approval in accordance with sub-section (1)— 5

- (a) the Chairman shall cause to be published in the *Gazette* a notice setting out the terms of the amendment and the reasons for the making of the amendment; and

- (b) the determination or approval as so amended shall be deemed to have been made or given by the Committee. 10

PART IV—APPROVED AIR FARES

Minister may refuse use of aerodromes or facilities in certain circumstances

26. (1) Where a passenger operator charges, demands, collects or receives, or advertises that he will charge, economy air fares or first-class air fares in respect of a route that are not approved air fares in relation to that passenger operator in relation to that route, the Minister may, by notice in writing given to the passenger operator, direct that any aerodrome or any air route facility maintained and operated by the Minister in pursuance of regulation 82 of the Air Navigation Regulations shall not be open to, or available for use by, aircraft operated by that passenger operator on that route during any period during which that passenger operator continues to charge, demand, collect or receive, or advertise that he will charge, economy air fares or first-class air fares in respect of that route that are not approved air fares in relation to that passenger operator in relation to that route. 15 20 25

(2) A reference in sub-section (1) to approved air fares, in relation to a passenger operator in relation to a route, shall be read as a reference to—

- (a) in the case of economy air fares—

- (i) if a determination of the Committee in relation to that passenger operator is in force in relation to that route— 30

(A) the economy air fares that may be charged by that passenger operator in respect of travel over that route in accordance with the determination; or

(B) the economy air fares that may, in accordance with a determination of the Committee that is in force in relation to another passenger operator, be charged by that other passenger operator in respect of travel over that route; or 35

- (ii) if there is no determination of the Committee in relation to that passenger operator in force in relation to that route—

(A) the economy air fares charged by that passenger operator immediately before the commencement of this Act in respect of travel over that route; or 40

(B) the economy air fares that may, in accordance with a determination of the Committee that is in force in relation to another passenger operator, be charged by that other passenger operator in respect of travel over that route; and

5 (b) in the case of first-class air fares—the air fares calculated by increasing the amount of any economy air fare that is an approved air fare in relation to that passenger operator in relation to that route by an amount equal to the relevant percentage of that economy air fare.

10 (3) A reference in paragraph (2) (b) to the relevant percentage of an economy air fare, in relation to a passenger operator in relation to a route, shall be read as a reference to—

15 (a) in a case where the Committee has conducted a cost allocation review or cost allocation reviews in relation to that passenger operator and has, after the completion of the last cost allocation review, completed a major air fares review in relation to that passenger operator—the percentage determined by the Committee after the completion of that cost allocation review as being the percentage by which the first-class air fares charged by that passenger operator in respect of travel over
20 that route may exceed the economy air fares so charged; and

(b) in a case to which paragraph (a) does not apply—the percentage by which the amount of the first-class air fares charged immediately before the commencement of this Act by that passenger operator in respect of travel over that route exceeded the economy air fares so
25 charged.

(4) If no relevant percentage can be calculated in relation to a passenger operator in relation to a route under sub-section (3), the passenger operator may, by notice in writing delivered to the Chairman, request the Chairman to determine a relevant percentage in relation to that passenger operator in relation to that route pending the conduct by the Committee of a cost allocation review and a major air fares review in relation to that passenger operator.
30

(5) The Chairman shall, before the expiration of 7 days after the receipt by him of a notice given in accordance with sub-section (4), determine a relevant percentage in relation to the passenger operator who made the request under that sub-section in relation to the route in relation to which the request was made, and the percentage so determined shall be deemed to be the relevant percentage of an economy air fare for the purposes of sub-section (2) in relation to that passenger operator in relation to that route.
35

(6) Where a passenger operator charges, demands, collects or receives, or advertises that he will charge, a discount air fare in respect of a route that is not an approved discount air fare in relation to that passenger operator in relation to that route, the Minister may, by notice in writing given to the passenger operator, direct that any aerodrome or any air route facility maintained and
40

operated by the Minister in pursuance of regulation 82 of the Air Navigation Regulations shall not be open to, or available for use by, aircraft operated by that passenger operator on that route during any period during which that passenger operator continues to charge, demand, collect or receive, or advertise that he will charge, a discount air fare that is not an approved discount air fare in relation to that passenger operator in relation to that route. 5

(7) A reference in sub-section (6) to an approved discount air fare, in relation to a passenger operator in relation to a route, shall be read as a reference to—

- (a) if the Committee has approved, in accordance with section 17, a discount air fare in relation to that passenger operator or any other passenger operator in relation to that route and has not revoked its approval of that air fare—a discount air fare so approved; and 10
- (b) if there is not an approval of the Committee in force in relation to a discount air fare in relation to that passenger operator in relation to that route— 15
 - (i) a discount air fare that was, immediately before the commencement of this Act, charged by that passenger operator in respect of travel over that route; or
 - (ii) a discount air fare approved by the Committee in accordance with section 17 in relation to any other passenger operator in relation to that route, being a discount air fare the approval of which has not been revoked. 20

(8) For the purpose of the application of sub-section (7), where the Committee determines, after the approval by the Committee in accordance with section 17 in relation to a passenger operator in relation to a route of a proposed discount air fare, the economy air fares that may be charged by that passenger operator, or amends a determination made in relation to those economy air fares, the amount of that discount air fare shall be taken to be increased or decreased by the same percentage as the percentage by which the economy air fares in respect of travel over that route were increased or decreased by virtue of the determination or amendment made by the Committee of the economy air fares of that passenger operator. 25 30

(9) If an aircraft uses an aerodrome or air route facility in contravention of a direction given by the Minister under sub-section (1) or (6), the passenger operator that operates that aircraft is guilty of an offence punishable, on conviction, by a fine not exceeding— 35

- (a) in the case of an offence by a natural person—\$2,000; and
- (b) in the case of an offence by a body corporate—\$5,000.

(10) A prosecution for an offence under sub-section (9) shall not be instituted except with the consent in writing of the Attorney-General or of a person authorized by the Attorney-General, by writing under his hand, to give such consents. 40

PART V—MISCELLANEOUS

Staff

27. The staff necessary to assist the Committee shall be persons appointed or employed under the *Public Service Act 1922*.

5 **Refusal to be sworn or to answer questions**

28. (1) A person served with a summons to appear as a witness before the Committee shall not, without reasonable excuse, refuse or fail—

- (a) to be sworn or to make an affirmation;
- (b) to answer a question that he is required to answer by the Committee;
- 10 or
- (c) to produce a document that he was required to produce by a summons served on him under this Act.

Penalty: \$1,000.

15 (2) A person appearing as a witness before the Committee who gives evidence that is false or misleading is guilty of an offence punishable, on conviction, by a fine not exceeding \$1,500.

Failure of witness to attend

29. A person served with a summons to appear as a witness before the Committee shall not, without reasonable excuse—

- 20 (a) fail to attend as required by the summons; or
- (b) fail to appear and report himself from day to day unless excused, or released from further attendance, by the Committee.

Penalty: \$1,000.

Allowances to witnesses

25 30. A person summoned under this Act to appear as a witness before the Committee in proceedings of the Committee is entitled to be paid—

- (a) in a case where the witness was summoned on the application of a party to the proceedings—by that party; or
- (b) in any other case—by the Commonwealth,

30 such allowances for his travelling and other expenses as are prescribed.

Protection of members, &c.

31. (1) A member has, in the performance of his duty as a member, the same protection and immunity as a Justice of the High Court.

35 (2) A legal practitioner or other person appearing before the Committee has the same protection and immunity as a barrister has in appearing for a party in proceedings in the High Court.

40 (3) Subject to this Act, a person summoned to attend before the Committee as a witness has the same protection, and is, in addition to the penalties provided by this Act, subject to the same liabilities, as a witness in proceedings in the High Court.

Annual report

32. (1) The Committee shall, as soon as practicable after each 30 June, prepare and furnish to the Minister a report of its operations during the year that ended on that 30 June.

(2) The first report of the Committee shall, if the day fixed under section 2 is not 1 July in any year, be prepared in respect of the operations of the Committee during the period commencing on the day fixed under section 2 and ending on the 30 June next following that day. 5

Reports to be tabled in Parliament

33. The Minister shall cause a copy of every report furnished to him by the Committee under section 32 to be laid before each House of the Parliament within 15 sitting days of that House after the report is received by him. 10

Regulations

34. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act. 15

Repeal

35. Regulation 106 of the Air Navigation Regulations (being Statutory Rules 1947 No. 112, as amended) is repealed. 20

