

AUSTRALIAN NATIONAL AIRLINES.

No. 102 of 1952.

An Act to amend the *Australian National Airlines Act 1945-1947.*

[Assented to 18th November, 1952.]

[Date of commencement, 16th December, 1952.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *Australian National Airlines Act 1952.*

(2.) The *Australian National Airlines Act 1945-1947** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Australian National Airlines Act 1945-1952.*

Vacation of
Office.

2. Section fourteen of the Principal Act is amended—

(a) by omitting from paragraph (f) of sub-section (1.) the words “, otherwise than as a member, and in common with the other members, of an incorporated company consisting of more than twenty-five persons”; and

(b) by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) A Commissioner shall not be deemed—

(a) to become concerned or interested in a contract or agreement specified in paragraph (f) of the last preceding sub-section; or

(b) to participate, or to claim to participate, in the profit of, or in any benefit or emolument arising from, such a contract or agreement,

by reason only—

(c) of his being a director of, and in receipt of director's fees as such from, a company consisting of more than twenty-five persons which has entered into a contract or agreement with the Commission, if, at a meeting of the Commission held prior to the entering into of the contract or agreement, the Commissioner has declared the nature of his interest in that company;

* Act No. 31, 1945, as amended by No. 90, 1947.

- (d) of his being a member of a company consisting of more than twenty-five persons which has entered into a contract or agreement with the Commission ; or
- (e) of his entering into, or obtaining a benefit arising from, a contract or agreement between the Commission and himself for the transport by the Commission of himself or another person or of any goods.”.

3.—(1.) Section seventeen of the Principal Act is amended by omitting sub-section (9.). Appointment of officers.

(2.) This section shall be deemed to have come into operation on the seventeenth day of April, One thousand nine hundred and forty-six.

4.—(1.) After section eighteen of the Principal Act the following section is inserted in Division 1 of Part II. :—

“18A. Where a person appointed in pursuance of either of the last two preceding sections was, immediately before his appointment, an officer of the Public Service of the Commonwealth, his service or employment, or both, under this Act, shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth and the *Officers' Rights Declaration Act* 1928-1940 applies as if this Act and the last two preceding sections had been specified in the Schedule to that Act.”. Preservation of rights.

(2.) This section shall be deemed to have come into operation on the seventeenth day of April, One thousand nine hundred and forty-six.

5. Section twenty of the Principal Act is repealed and the following section inserted in its stead :—

“20. The Commission may, in the conduct of an air service, transport all such passengers and goods as are offered for that purpose and may demand such fares and charges, and impose such conditions, in respect of that transport, as it determines.”. Fares and charges.

6. Sections thirty and thirty-one of the Principal Act are repealed and the following sections inserted in their stead :—

“30.—(1.) The Treasurer may make available to the Commission, out of moneys appropriated by the Parliament for the purpose, such amounts as are, in the opinion of the Minister, required by the Commission and the Commission may accept more amounts. Capital of the Commission.

“(2.) The capital of the Commission consists of the amounts advanced by the Treasurer to the Commission before the commencement of this section and of the amounts made available by the Treasurer to the Commission under the last preceding sub-section.

“(3.) Interest is not payable to the Commonwealth on the capital of the Commission but the Commission shall pay to the Commonwealth, out of the profits of the Commission for a financial year, such amount as the Treasurer determines.

“(4.) The capital of the Commission is repayable to the Commonwealth at such times and in such amounts as the Treasurer determines.

“(5.) Before making a determination under either of the last two preceding sub-sections, the Treasurer shall consult the Minister and shall have regard to any advice which the Commission has furnished to the Treasurer in relation to the financial affairs of the Commission.

**Borrowings by
the Commission.**

“31.—(1.) The Commission may borrow money for temporary purposes on overdraft from the Commonwealth Bank of Australia, or from such other bank as the Treasurer approves, but the aggregate of the amounts borrowed by the Commission under this sub-section and not re-paid shall not exceed One million pounds.

“(2.) The repayment of amounts borrowed under the last preceding sub-section, and the payment of interest on amounts so borrowed, may be secured against the whole or any part of the assets of the Commission.”

**Liability of the
Commission to
pay rates,
taxes and
charges.**

7.—(1.) Section thirty-seven of the Principal Act is amended—

(a) by omitting the words “(other than income tax)”; and

(b) by adding at the end thereof the following sub-sections:—

“(2.) The Commission is not a public authority for the purposes of paragraph (d) of section twenty-three of the *Income Tax and Social Services Contribution Assessment Act 1936-1952*.

“(3.) The Commission is not a public transport authority for the purposes of item 77 in the First Schedule to the *Sales Tax (Exemptions and Classifications) Act 1935-1952*.”

(2.) Sub-section (2.) of section thirty-seven of the Principal Act, as added by this section, shall be deemed to have come into operation on the first day of July, One thousand nine hundred and fifty-two.

8. Sections thirty-eight and thirty-nine of the Principal Act are repealed and the following section is inserted in their stead:—

**Profits of the
Commission.**

“38.—(1.) For the purposes of this Act, the profits of the Commission for a financial year are the amount (if any) remaining after deducting from the revenue received or receivable in respect of that financial year the expenditure incurred in respect of that financial year.

“(2.) For the purposes of the last preceding sub-section, the expenditure of the Commission includes—

- (a) charges and expenses accrued but not paid;
- (b) provision for obsolescence and depreciation of assets;
- (c) provision for insurance;
- (d) provision for staff superannuation; and
- (e) provision for income tax and social services contribution.

“(3.) The profits of the Commission for a financial year shall be applied in the first place in payment of such sums as the Treasurer determines under sub-section (3.) of section thirty of this Act; the balance (if any) shall be applied in such manner as the Minister, with the concurrence of the Treasurer, determines.

“(4.) Before a determination is made under the last preceding sub-section, the Minister and the Treasurer shall have regard to any advice which the Commission has furnished to them in relation to the financial affairs of the Commission.”
