



# **Sydney Airport Demand Management Act 1997**

## **Act No. 173 of 1997 as amended**

This compilation was prepared on 3 March 2005  
taking into account amendments up to Act No. 8 of 2005

The text of any of those amendments not in force  
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be  
affected by application provisions that are set out in the Notes section

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# **An Act to limit aircraft movements at Sydney Airport, and for related purposes**

## **Part 1—Preliminary**

### **1 Short title** [see Note 1]

This Act may be cited as the *Sydney Airport Demand Management Act 1997*.

### **2 Commencement** [see Note 1]

- (1) This Act, other than Parts 2 and 3, commence on the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), Parts 2 and 3 commence on a day to be fixed by Proclamation.
- (3) If Parts 2 and 3 do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.

### **3 Identifying defined terms**

- (1) Many of the terms in this Act are defined in Schedule 1. Some definitions that are relevant only to limited areas of this Act are defined in those areas.
- (2) Most of the terms that are defined in Schedule 1 are identified by an asterisk at the start of the term: as in “\*aircraft movement”. The footnote with the asterisk contains a signpost to Schedule 1.
- (3) An asterisk usually identifies the first occurrence of a term in a section (if not divided into subsections), subsection, note or definition. Later occurrences of the term in the same provision are not usually asterisked.
- (4) The following basic terms used throughout the Act are not identified with an asterisk:

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Terms that are not identified with an asterisk		
Item	This term	Is defined in
1	aircraft	Schedule 1
2	slot	Schedule 1
3	Sydney Airport	Schedule 1

#### 4 Overview

- (1) This Act provides for the limitation of \*aircraft movements at Sydney Airport (otherwise than during \*curfew periods).
- (2) Part 2 sets the \*maximum movement limit, and provides for monitoring of compliance with that limit. The \*Slot Management Scheme, which provides for the allocation of slots permitting aircraft movements, is required to be consistent with this limit.
- (3) Part 3 prohibits, and sets out penalties for, unauthorised \*aircraft movements. These are movements that are not authorised by a slot allocated under the \*Slot Management Scheme and are not otherwise exempt.
- (4) Part 4 deals with the contents, development and amendment of the \*Slot Management Scheme. It also deals with the powers of the Minister and the \*Compliance Committee to give directions or make recommendations in relation to slot allocations.
- (5) Part 5 deals with the contents, development and amendment of the \*Compliance Scheme.
- (6) Parts 6 and 7 deal, respectively, with the appointment etc. of the \*Slot Manager and the \*Compliance Committee.
- (7) Part 8 deals with miscellaneous matters.
- (8) Schedule 1 contains definitions (see also section 3).

#### 5 Consequential amendment of the *Airports Act 1996*

The *Airports Act 1996* is amended as set out in Schedule 2.



**5A Part IIIA of the *Trade Practices Act 1974* to be subject to this Act**

Part IIIA of the *Trade Practices Act 1974* has effect subject to this Act.

## Part 2—The maximum aircraft movement limit at Sydney Airport

### 6 Maximum movement limit

- (1) There are to be no more than 80 \*aircraft movements at Sydney Airport in any regulated hour. This limit is known as the ***maximum movement limit***.

Note: The Minister may determine a lower limit—see section 7.

- (2) A ***regulated hour*** is a period of 60 minutes starting:
- (a) on the hour (being one of the 24 hours of a day); or
  - (b) at 15 minutes past the hour; or
  - (c) at 30 minutes past the hour; or
  - (d) at 45 minutes past the hour.
- (3) However, a period is not a ***regulated hour*** if it starts during, or less than 60 minutes before, a \*curfew period.

Note: \*Aircraft movements during \*curfew periods are regulated under the *Sydney Airport Curfew Act 1995*.

- (4) In applying the limit imposed by this section, \*aircraft movements that are permitted by Division 5 of Part 3 are not to be counted.
- (5) The purpose of this section is to set the maximum movement limit for the purposes of the \*Slot Management Scheme and other provisions of this Act. It does not operate to create rights or obligations except as provided in other provisions of this Act.

### 7 Minister's power to determine a lower maximum movement limit

- (1) The Minister may, in writing, determine that subsection 6(1) is to have effect as if a lower number of \*aircraft movements were specified in it.

Note: See section 8 for consultation requirements.

- (2) A determination under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

- (3) While a determination under subsection (1) is in force, subsection 6(1) has effect as if the lower number of \*aircraft movements were specified in it.
- (4) A determination under subsection (1):
  - (a) comes into force on the first day after the end of the period during which it can be disallowed by a House of the Parliament, or on a later day specified in the determination; and
  - (b) remains in force until the end of the period (if any) specified in the determination, or until the Minister revokes the determination.

If the determination is disallowed, it does not come into force.

## **8 Consultation about determination of lower maximum movement limit**

- (1) Before making a determination under subsection 7(1), the Minister must cause to be published in the *Gazette* a notice:
  - (a) stating that the Minister is considering making the determination specified in the notice; and
  - (b) inviting persons covered by any of the following subparagraphs to give the Minister a written submission about the proposed determination within 30 days after the publication of the notice:
    - (i) the operator of Sydney Airport;
    - (ii) a person specified in the regulations for the purposes of this subparagraph, being a person who represents the interests of all of the aircraft operators who use Sydney Airport to operate scheduled air services;
    - (iii) \*Airservices Australia;
    - (iv) the Civil Aviation Safety Authority.
- (2) If a person gives the Minister a written submission in accordance with the notice, the Minister must have due regard to the submission in making the determination.
- (3) Subsection (2) does not, by implication, limit the matters to which the Minister may have regard.

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- (4) This section does not apply to a determination that the Minister proposes to make if the consultation requirements in Part 3 of the *Legislative Instruments Act 1997* apply to the making of the determination.

**9 Airservices Australia to monitor compliance with maximum movement limit and to report to Minister**

*Airservices Australia's monitoring role*

- (1) \*Airservices Australia is to monitor compliance with the \*maximum movement limit, and (subject to subsection (5)) is to give the Minister a written report, within 28 days of the end of each quarter, on the extent of infringements (if any) of the limit in the quarter.
- (2) A **quarter** is a period of 3 months starting on any of the following dates in a year:
- (a) 1 January;
  - (b) 1 April;
  - (c) 1 July;
  - (d) 1 October.
- (3) The Minister must cause a copy of each report under subsection (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.
- (4) \*Airservices Australia's obligations under this section are limited to monitoring compliance with the \*maximum movement limit and reporting to the Minister on the extent of infringements. This monitoring and reporting role does not authorise or require Airservices Australia to take any action to enforce compliance with the limit.

*What happens if this section commences during a quarter*

- (5) If this section commences during a quarter (but not on the first day of the quarter):
- (a) no report is to be made at the end of the quarter; but

- (b) the report made at the end of the next quarter is also to include the information about infringements that occurred in the previous quarter.

*What happens if Airservices Australia ceases to provide air traffic services at Sydney Airport*

- (6) If \*Airservices Australia ceases to provide air traffic services at Sydney Airport, this section ceases to apply to Airservices Australia.
- (7) The Minister may enter into an arrangement with another person who does, or is to, provide air traffic services at Sydney Airport under which the person will perform a monitoring role similar to the role that \*Airservices Australia performed under this section. Reports received by the Minister under the arrangement are to be tabled in accordance with the requirements of subsection (3).

## **Part 3—Penalties for unauthorised aircraft movements**

### **Division 1—Situations in which penalties apply**

#### **10 Aircraft movements to which this Part applies**

This Part applies to all \*aircraft movements at Sydney Airport, other than:

- (a) aircraft movements that are permitted by Division 5; and
- (b) aircraft movements during \*curfew periods.

Note:        \*Aircraft movements during \*curfew periods are regulated under the *Sydney Airport Curfew Act 1995*.

#### **11 Meaning of *no-slot movement* and *off-slot movement***

##### *Meaning of no-slot movement*

- (1) An \*aircraft movement is a ***no-slot movement*** if no slot permitting the movement on the day on which it occurs has been allocated under the \*Slot Management Scheme.

##### *Meaning of off-slot movement*

- (2) An \*aircraft movement is an ***off-slot movement*** (subject to subsection (6)) if:
  - (a) a slot permitting the movement on the day on which it occurs has been allocated under the \*Slot Management Scheme; and
  - (b) the circumstances in which the movement occurs are such that, according to the provisions of the \*Compliance Scheme referred to in subsection 49(1), the movement is an off-slot movement.

##### *Clarification of definitions*

- (3) If a slot permitting an \*aircraft movement at a specified time on a specified day has been allocated under the \*Slot Management Scheme, but the movement occurs at another time on that day:

- (a) the movement is not a no-slot movement; but
- (b) depending on the circumstances in which the movement occurs, the movement may be an off-slot movement.

*Slot Manager's power to declare that aircraft movements do not have to be in accordance with allocated slots*

- (4) The \*Slot Manager may, in writing, declare, in relation to the whole or a part of a day, that \*aircraft movements that occur during the period to which the declaration relates are not required to take place in accordance with their allocated slots.
- (5) In making a declaration, the \*Slot Manager must have regard to the provisions of the \*Slot Management Scheme referred to in subsection 35(4).
- (6) During the period to which a declaration relates, an \*aircraft movement that would otherwise be an off-slot movement is taken not to be an off-slot movement.

Note: The declaration has no effect on the question whether an \*aircraft movement is a no-slot movement.

## **12 Prohibition on no-slot movements**

The \*operator of an aircraft must not, knowingly or recklessly, allow the aircraft to engage in an \*aircraft movement to which this Part applies that is a no-slot movement.

Note: This is a civil penalty provision—see Divisions 2 and 3 for the consequences of a contravention.

## **13 Prohibition on off-slot movements**

The \*operator of an aircraft must not, knowingly or recklessly, allow the aircraft to engage in an \*aircraft movement to which this Part applies that is an off-slot movement.

Note: This is a civil penalty provision—see Divisions 2 and 3 for the consequences of a contravention.

## **Division 2—Civil penalties**

### **14 Pecuniary penalties for contravention of civil penalty provisions**

- (1) If the \*Federal Court is satisfied, on the balance of probabilities, that a person (the *operator*) has contravened a \*civil penalty provision, the Court may order the operator to pay to the \*Slot Manager, on behalf of the Commonwealth, such pecuniary penalty in respect of the contravention as the Court determines to be appropriate.
- (2) In determining the pecuniary penalty, the Court must have regard to the following matters:
  - (a) the nature and extent of the contravention; and
  - (b) the nature and extent of any loss or damage suffered as a result of the contravention; and
  - (c) the circumstances in which the contravention took place; and
  - (d) whether the operator has previously been found by the Court in proceedings under this Act to have engaged in similar conduct.

The Court may also have regard to any other matters it considers relevant.

- (3) The pecuniary penalty payable under subsection (1) is not to exceed:
  - (a) for a contravention of section 12:
    - (i) if the contravention is by a body corporate—2,000 penalty units; and
    - (ii) if the contravention is by an individual—400 penalty units; and
  - (b) for a contravention of section 13:
    - (i) if the contravention is by a body corporate—1,000 penalty units; and
    - (ii) if the contravention is by an individual—200 penalty units.

Note: See section 4AA of the *Crimes Act 1914* for the current value of a penalty unit.



- (4) The \*Federal Court may make such declarations or orders as it considers appropriate in relation to, or as a result of, the proceedings, including (but not limited to):
- (a) a declaration that the operator did not contravene a \*civil penalty provision; and
  - (b) a declaration that an \*infringement notice that was issued to the operator should not have been issued to the operator, and is not to be counted as an infringement notice for any purpose; and
  - (c) an order as to costs.

## **15 Procedural matters**

- (1) The \*Slot Manager may, by application, institute proceedings in the \*Federal Court for the payment of a pecuniary penalty referred to in section 14.

Note: An application by the operator under subsection 24(1) has effect as if it were an application by the \*Slot Manager under this subsection.

- (2) The proceedings must be commenced within 6 years after the contravention.
- (3) In hearing and determining the proceedings, the \*Federal Court is to apply the rules of evidence and procedure that it applies in hearing and determining civil matters.

## **16 No criminal proceedings for contravention of civil penalty provision**

Criminal proceedings do not lie against a person only because the person has contravened a \*civil penalty provision.

## **Division 3—Infringement notices (alternative to proceedings for civil penalty)**

### **17 Interpretation**

In this Division:

***civil contravention*** means a contravention of a \*civil penalty provision.

***civil prosecution*** means proceedings under Division 2 for the payment of a pecuniary penalty in respect of a civil contravention.

### **18 Purpose and effect of this Division**

- (1) The purpose of this Division is to create a system of infringement notices for civil contraventions as an alternative to civil prosecutions.
- (2) This Division does not:
  - (a) require an infringement notice to be issued to a person for a civil contravention; or
  - (b) affect the liability of a person to civil prosecution in respect of a civil contravention if an infringement notice is not issued to the person for the contravention; or
  - (c) prevent the issue of 2 or more infringement notices to a person for a civil contravention; or
  - (d) affect the liability of a person to civil prosecution for a civil contravention if the person does not comply with an infringement notice issued for the contravention; or
  - (e) limit or otherwise affect the pecuniary penalty that may be imposed by a court on a person as a result of a civil prosecution.

### **19 Issue of infringement notices**

- (1) If the \*Compliance Committee:
  - (a) reasonably believes that a person has committed a civil contravention; and

- (b) considers, having regard to the provisions of the \*Compliance Scheme referred to in paragraph 49(2)(a), that it is appropriate to issue an infringement notice;  
the Compliance Committee may direct the \*Slot Manager to issue an infringement notice to the person for the contravention.
- (2) The \*Slot Manager must issue an infringement notice in accordance with the direction.

Note: The person may apply to the \*Federal Court for a determination of the question whether there has been a civil contravention—see section 24.

## **20 Infringement notice penalty**

- (1) The penalty payable under an \*infringement notice for a civil contravention is the fine specified in the notice.
- (2) The fine specified is to be at the rate that, under the provisions of the \*Compliance Scheme referred to in subsection 49(3), is the appropriate rate of fine for the contravention.
- (3) The \*Compliance Scheme may specify different rates of fine to be payable according to the number of civil contraventions a person has committed, or has committed in a specified period, and according to whether a person is a body corporate or an individual. These are the only grounds on which the Compliance Scheme may specify different rates of fine as being appropriate.
- (4) A rate of fine specified in the \*Compliance Scheme as being appropriate for a civil contravention by a person must not be more than one-fifth of the maximum pecuniary penalty that the \*Federal Court could order the person to pay under Division 2 in respect of that contravention (see subsection 14(3)).

## **21 Infringement notice penalty is payable to the Slot Manager on behalf of Commonwealth**

The penalty payable under an \*infringement notice is payable to the \*Slot Manager, on behalf of the Commonwealth.

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**22 Time for payment**

- (1) The time within which the penalty payable under an \*infringement notice must be paid is 28 days after the day on which the notice is issued.
- (2) The \*Slot Manager may extend the time within which the penalty must be paid. The following provisions apply to extensions of time:
  - (a) an extension must not be for longer than 28 days;
  - (b) only one extension may be given;
  - (c) an extension may be given before or after the end of the initial time for payment of the penalty.

**23 Contents of infringement notice**

- (1) An \*infringement notice issued for a civil contravention must:
  - (a) be identified by a unique number; and
  - (b) state its date of issue; and
  - (c) give brief details of the civil contravention, including:
    - (i) the date and approximate time of the contravention; and
    - (ii) where the contravention happened; and
    - (iii) the \*civil penalty provision that was contravened; and
  - (d) state the name of the person to whom it is issued (being the \*operator of the aircraft involved in the civil contravention); and
  - (e) state the registration number of the aircraft involved in the civil contravention; and
  - (f) state the penalty payable under the notice for the civil contravention; and
  - (g) contain the additional information required by subsection (2).
- (2) The \*infringement notice must tell the person to whom it is issued that:
  - (a) the person may pay the penalty stated in the notice:
    - (i) by posting or delivering the payment to the place of payment stated in the notice; or
    - (ii) in any other way stated in the notice; and

- (b) if the person pays the penalty within 28 days after the day on which the notice is issued, or any longer time allowed in writing by the \*Slot Manager, the person will not be liable to a civil prosecution in court for the civil contravention, unless the notice is withdrawn; and
  - (c) if a civil prosecution is brought against the person for the civil contravention, the person may be ordered to pay a civil penalty up to the appropriate limit specified in subsection 14(3) and may be ordered to pay the costs of the civil prosecution proceedings; and
  - (d) the person may, under section 24, apply to the \*Federal Court for a determination of the question whether the person committed the civil contravention.
- (3) The \*infringement notice may also contain any other information that the \*Slot Manager considers is appropriate.

**24 Person issued with infringement notice may initiate proceedings in the Federal Court for a determination of whether there has been a contravention**

- (1) A person (the *operator*) who has been issued with an \*infringement notice may apply to the \*Federal Court for a determination of the question whether the person committed the civil contravention identified in the infringement notice.
- (2) If the operator makes an application under subsection (1):
  - (a) the application has effect as if it were instead an application made by the \*Slot Manager, in accordance with section 15, for the payment of a pecuniary penalty referred to in section 14 in respect of the contravention; and
  - (b) for the purposes of the resulting proceedings in the \*Federal Court under section 14, the Slot Manager is the applicant and the operator is the respondent.

**25 Withdrawal of infringement notice**

- (1) The \*Compliance Committee may direct the \*Slot Manager to withdraw an \*infringement notice that has been issued to a person if the Compliance Committee considers, having regard to the

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provisions of the \*Compliance Scheme referred to in paragraph 49(2)(b), that it is appropriate to withdraw the infringement notice.

- (2) The \*Slot Manager must withdraw the notice in accordance with the direction.
- (3) If the person has already paid the penalty stated in the notice, the \*Slot Manager must refund it.
- (4) Notice of the withdrawal of the \*infringement notice must be given to the person. The notice must:
  - (a) include the following information:
    - (i) the person's name and address;
    - (ii) the number of the infringement notice;
    - (iii) the date of issue of the infringement notice; and
  - (b) state that the infringement notice is withdrawn; and
  - (c) if the \*Slot Manager intends to bring a civil prosecution against the person for the civil contravention—state that a civil prosecution may be brought against the person in a court for the civil contravention.

**26 Effect of payment of infringement notice penalty**

- (1) If the person to whom an \*infringement notice is issued for a civil contravention pays the penalty specified in the notice to the \*Slot Manager:
  - (a) any liability of the person for the civil contravention is discharged; and
  - (b) a civil prosecution may not be brought against the person for the civil contravention.
- (2) Subsection (1) does not apply if the \*infringement notice has been withdrawn and the penalty paid has been refunded.

## **Division 4—Obligations in relation to money received under this Part**

### **27 Civil penalties and infringement notice penalties to be paid to the Commonwealth**

- (1) Amounts received by the \*Slot Manager by way of:
  - (a) civil penalties under Division 2; and
  - (b) \*infringement notice penalties under Division 3;must be paid to the Commonwealth.
- (2) If an amount is paid to the Commonwealth as a civil penalty (Division 2) or an infringement notice penalty (Division 3) the Commonwealth must pay to the Slot Manager an amount equal to that amount.
- (3) A payment of an amount to the Slot Manager under subsection (2) is subject to the condition that, if the Commonwealth becomes liable to refund the whole or part of that amount, the Slot Manager must pay to the Commonwealth an amount equivalent to the amount that the Commonwealth is liable to refund.
- (4) The Consolidated Revenue Fund is appropriated for the purposes of subsection (2).
- (5) An amount payable by the Slot Manager under subsection (1) may be set off against an amount payable to the Slot Manager under subsection (2).

### **28 Slot Manager to apply money for purposes of functions under this Act**

- (1) The \*Slot Manager is to apply the money paid to it under section 27 for the purposes of, or for purposes related to, the performance of the functions of the Slot Manager under this Act.

**Part 3** Penalties for unauthorised aircraft movements

**Division 4** Obligations in relation to money received under this Part

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- (2) If the \*Slot Manager applies money to which subsection (1) applies otherwise than as required by that subsection, the amount so applied is a debt due by the Slot Manager to the Commonwealth, and is recoverable by action in a court of competent jurisdiction.
- (3) The \*Slot Manager must, within 6 months of the end of each financial year, prepare accounts showing how it has applied money referred to in subsection (1) that was paid to the Slot Manager during the year.
- (4) The regulations may:
  - (a) impose requirements relating to how the accounts referred to in subsection (3) are to be prepared; and
  - (b) impose requirements for the audit of those accounts; and
  - (c) deal with how this section applies to money referred to in subsection (1) if the \*Slot Manager also receives other money; and
  - (d) deal with the obligations of a body corporate that has ceased to be the Slot Manager in relation to money referred to in subsection (1) that it received while it was the Slot Manager.



## **Division 5—Exemptions**

### **29 Aircraft may take off or land in emergencies or if Slot Manager grants dispensation**

An aircraft may \*take off from, or \*land at, Sydney Airport in circumstances that would otherwise result in the \*operator contravening a \*civil penalty provision if:

- (a) the aircraft is involved in an emergency as described in section 30; or
- (b) a dispensation granted by the Slot Manager under section 31 authorises the take-off or landing, and the take-off or landing is in accordance with any conditions of the dispensation; or
- (c) the aircraft is a state aircraft as described in section 32.

### **30 Emergencies**

An aircraft is *involved in an emergency* if:

- (a) the aircraft is being used for or in connection with:
  - (i) a search and rescue operation; or
  - (ii) a medical emergency; or
  - (iii) a natural disaster; or
- (b) the pilot of the aircraft has declared an in-flight emergency.

### **31 Dispensations in exceptional circumstances**

- (1) The \*Slot Manager may grant a dispensation authorising an aircraft to \*take off from, or \*land at, Sydney Airport in circumstances that would otherwise result in the \*operator contravening a \*civil penalty provision if the Slot Manager is satisfied that there are exceptional circumstances justifying the take-off or landing.
- (2) A dispensation may be granted subject to conditions including, for example, conditions relating to when the \*take-off or \*landing must occur and the runway to be used.

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- (3) In granting a dispensation, the \*Slot Manager must have regard to the provisions of the \*Slot Management Scheme referred to in subsection 35(5).
- (4) A dispensation need not be in writing, but the Slot Manager must make a written record of each dispensation and the reasons for granting it.

**32 State aircraft**

A *state aircraft* is:

- (a) an aircraft:
  - (i) of any part of the Defence Force of Australia; or
  - (ii) that is commanded by a member of that Force in the course of his or her duties as such a member;other than any such aircraft that is registered in Australia in accordance with the Civil Aviation Regulations; or
- (b) an aircraft used in the military, customs or police services of a country other than Australia.

## **Part 4—The Slot Management Scheme**

### **Division 1—Framework within which Scheme to be developed and to operate**

#### **33 The Scheme and its basic purpose**

- (1) There is to be a scheme, known as the Slot Management Scheme, for Sydney Airport.
- (2) The basic purpose of the Scheme is to provide a system for the allocation of permissions for \*aircraft movements at Sydney Airport, within the \*maximum movement limit.

#### **34 The concept of a slot**

- (1) A permission for an \*aircraft movement is known as a *slot*. A slot allocated under the Slot Management Scheme will permit a specified aircraft movement at a specified time on a specified day.
- (2) A slot allocated under the Scheme is not transferable (except in accordance with provisions in the Scheme about swapping slots) and does not create rights or obligations that are enforceable against any person.
- (3) Other laws may impose requirements or restrictions on or in relation to \*aircraft movements. The allocation of a slot for an aircraft movement under the Scheme in no way affects the application of such other requirements or restrictions to, or in relation to, the aircraft movement.

#### **35 Contents of Scheme**

- (1) The Slot Management Scheme must provide a system for the allocation of slots for aircraft movements at Sydney Airport (other than movements during \*curfew periods). In addition to allocation, the Scheme may deal with associated matters such as the variation,

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suspension, cancellation, surrender or swapping of allocated slots, and the conditions that may be imposed on slots.

- (1A) The Scheme may deal with the allocation of slots for specified categories of aircraft movements.
- (2) The Scheme must be consistent with the \*maximum movement limit.
- (3) The Scheme may provide for the authorisation of other persons to exercise powers of the \*Slot Manager relating to the allocation of slots, or to slots that have been allocated.
- (4) The Scheme must set out guidelines relating to the exercise of the \*Slot Manager's power under subsection 11(4) to make declarations that \*aircraft movements are not required to take place in accordance with their allocated slots.
- (5) The Scheme must set out guidelines relating to the exercise of the \*Slot Manager's power under section 31 to grant dispensations including, in particular:
  - (a) what constitutes exceptional circumstances for the purposes of that section; and
  - (b) the conditions to which dispensations should be subject.
- (6) The Scheme may contain a mechanism for the reconsideration of decisions made under the Scheme, or of decisions made by the \*Slot Manager for the purposes of this Act.
- (7) The Scheme may contain other provisions relating to the performance of the \*Slot Manager's functions.
- (8) The Scheme must be consistent with the additional requirements (if any) specified in the regulations. Any such requirements must be consistent with the \*maximum movement limit.
- (9) The Scheme must be consistent with the additional requirements (if any) specified in determinations in force under section 36.
- (10) The Scheme must be consistent with any requirements of the *Sydney Airport Curfew Act 1995* that relate to \*aircraft movements before or after \*curfew periods.

### **36 Minister's power to determine additional requirements**

- (1) The Minister may, in writing, determine additional requirements with which the Slot Management Scheme must be consistent. Any such requirements must be consistent with the \*maximum movement limit.
- (2) Before making a determination under subsection (1), the Minister must consult the \*Slot Manager about the proposed determination. This requirement does not apply to the Minister making a determination before the Slot Manager has been appointed.
- (3) A determination under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

### **37 Consequence of Scheme not being consistent with section 35**

Inconsistency with section 35 does not affect the validity of the Slot Management Scheme. However, if the Minister becomes aware that the Scheme is inconsistent with that section, the Minister is to take action under Division 2 to have the Scheme amended, as soon as possible, so that it is consistent with that section.

## **Division 2—Development and amendment of Scheme**

### **Subdivision A—Development**

#### **38 Slot Manager to develop slot management scheme and submit it for approval**

- (1) The \*Slot Manager is to develop a slot management scheme (the *draft scheme*) for Sydney Airport that is consistent with section 35.
- (2) The draft scheme is to be submitted to the Minister for approval.
- (3) The Minister may require the \*Slot Manager to develop and submit the draft scheme by a time determined by the Minister.

#### **39 Minister's power to request or make amendments**

- (1) The Minister may request the \*Slot Manager to amend the draft scheme to address a particular issue identified by the Minister and to resubmit the amended draft scheme for approval.
- (2) If the \*Slot Manager refuses or fails to comply with the request to the satisfaction of the Minister within 14 days of the request being made, or within such longer period as the Minister determines, the Minister may amend the draft scheme to address the issue identified in the request. Before doing so, the Minister must first consider any reasons given by the Slot Manager for its refusal or failure.
- (3) The Minister's power under this section to request an amendment of the draft scheme, or to amend the draft scheme, may be exercised even if the scheme is already consistent with section 35.

Note: For example, the Minister may request or make an amendment of the draft scheme because he or she considers that a matter could be dealt with in a more appropriate way and still be consistent with section 35.

#### **40 Approval of scheme**

- (1) The Minister may, in writing, approve the draft scheme (as originally developed or as amended by the \*Slot Manager or the

Minister) if, and only if, the Minister is satisfied that the scheme is consistent with section 35.

- (2) If the Minister approves the draft scheme, the Minister must, in writing, determine that the Slot Management Scheme for Sydney Airport is the scheme that has been approved. The determination must:
  - (a) set out the scheme in full; and
  - (b) specify the day on which the scheme is to come into force as the Slot Management Scheme.
- (3) A determination under subsection (2) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

#### **41 When Slot Management Scheme comes into force**

The scheme set out in a determination under subsection 40(2) comes into force as the Slot Management Scheme on the day specified in accordance with paragraph 40(2)(b).

### **Subdivision B—Amendment**

#### **42 Slot Manager may develop amendments of Slot Management Scheme and submit them for approval**

The \*Slot Manager may develop amendments of the \*Slot Management Scheme and submit them to the Minister for approval.

#### **43 Minister's power to request or develop amendments**

- (1) The Minister may request the \*Slot Manager to develop an amendment of the \*Slot Management Scheme to address a particular issue identified by the Minister and to submit the amendment to the Minister for approval.
- (2) If the \*Slot Manager refuses or fails to comply with the request to the satisfaction of the Minister within 14 days of the request being made, or within such longer period as the Minister determines, the Minister may develop an amendment of the Scheme to address the issue identified in the request. Before doing so, the Minister must

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first consider any reasons given by the Slot Manager for its refusal or failure.

- (3) The Minister's power under this section to request an amendment of the Scheme, or to develop an amendment of the Scheme, may be exercised even if the Scheme already complies with section 35.

Note: For example, the Minister may request or develop an amendment of the Scheme because he or she considers that a matter could be dealt with in a more appropriate way and still be consistent with section 35.

## 44 Approval of amendments

- (1) The Minister may, in writing, approve an amendment of the \*Slot Management Scheme (being an amendment developed by the \*Slot Manager or the Minister) if, and only if, the Minister is satisfied that the Scheme as proposed to be amended would be consistent with section 35.
- (2) If the Minister approves an amendment of the \*Slot Management Scheme, the Minister must, in writing, determine that the \*Slot Management Scheme is amended by the amendment that has been approved. The determination must:
- (a) set out the amendment in full; and
  - (b) specify the day on which the amendment is to come into force.
- (3) A determination under subsection (2) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

## 45 When an amendment comes into force

The amendment set out in a determination under subsection 44(2) comes into force on the day specified in accordance with paragraph 44(2)(b).



### **Division 3—Powers of Minister and Compliance Committee in relation to slot allocation**

#### **46 Minister's powers**

- (1) The Minister may, in writing, direct the \*Slot Manager:
  - (a) to vary, suspend or cancel slots that have been allocated under the \*Slot Management Scheme as specified in the direction; or
  - (b) to exercise the power to issue slots under the Scheme subject to limitations specified in the direction.The direction does not have to be consistent with the Slot Management Scheme.
- (2) The \*Slot Manager, and each person authorised under provisions of the Scheme referred to in subsection 35(3), must comply with a direction by the Minister, and has such power as is necessary to comply with the direction, despite the provisions of the \*Slot Management Scheme.
- (3) A direction by the Minister must be consistent with the \*maximum movement limit.
- (4) The Minister is not to be taken, for the purposes of the *Corporations Act 2001*, to be a director of a company that is the \*Slot Manager because of the powers in relation to the Slot Manager that are conferred on the Minister by this section.
- (5) The Minister must, in relation to each direction:
  - (a) include in the direction a statement of the reasons for giving the direction; and
  - (b) cause a copy of the direction to be tabled in each House of the Parliament not later than 6 sitting days of that House after the day on which the direction is given
- (6) A direction is not to be taken to be a legislative instrument for the purposes of the *Legislative Instruments Act 1997*.

**47 Compliance Committee's powers**

- (1) The \*Compliance Committee may, in writing, recommend to the \*Slot Manager that the Slot Manager should vary, suspend or cancel slots that have been allocated under the \*Slot Management Scheme as specified in the recommendation.
- (2) The \*Slot Manager is to have regard to the recommendation, but is not required to comply with it. Any actions the Slot Manager takes in complying with the recommendation must be in accordance with the \*Slot Management Scheme.

## **Part 5—The Compliance Scheme**

### **Division 1—Framework within which Scheme to be developed and to operate**

#### **48 The Scheme and its basic purpose**

- (1) There is to be a scheme, known as the *Compliance Scheme*, for Sydney Airport.
- (2) The basic purpose of the Scheme is to provide for various matters relating to compliance with the requirements of this Act.

#### **49 Contents of Scheme**

- (1) The Compliance Scheme must identify the circumstances in which aircraft movements are taken to be off-slot movements for the purposes of this Act.
- (2) The Scheme must identify:
  - (a) the circumstances in which it is appropriate to issue an \*infringement notice to a person for a contravention of a \*civil penalty provision, and the circumstances in which it is not appropriate to do so; and
  - (b) the circumstances in which it is appropriate to withdraw an infringement notice that has been issued, and the circumstances in which it is not appropriate to do so.
- (3) The Scheme must, consistently with subsections 20(3) and (4), specify:
  - (a) the rates of fines that may be specified in \*infringement notices; and
  - (b) the circumstances to which the different rates apply.
- (4) The Scheme may contain a mechanism for the reconsideration of decisions made under the Scheme, or of decisions made by the \*Compliance Committee for the purposes of this Act.

**Part 5** The Compliance Scheme

**Division 1** Framework within which Scheme to be developed and to operate

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- (5) The Scheme may contain other provisions relating to the performance of the \*Compliance Committee's functions under this Act.
- (6) The Scheme must, for the purposes of this Act, define when an aircraft takes off or lands.
- (7) The Scheme must be consistent with the additional requirements (if any) specified in the regulations.
- (8) The Scheme must be consistent with the additional requirements (if any) specified in determinations in force under section 50.

**50 Minister's power to determine additional requirements**

- (1) The Minister may, in writing, determine additional requirements with which the Compliance Scheme must be consistent.
- (2) Before making a determination under subsection (1), the Minister must consult the \*Compliance Committee about the proposed determination. This requirement does not apply to the Minister making a determination before the Compliance Committee has been appointed.
- (3) A determination under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

**51 Consequence of Scheme not being consistent with section 49**

Inconsistency with section 49 does not affect the validity of the Compliance Scheme. However, if the Minister becomes aware that the Scheme is inconsistent with that section, the Minister is to take action under Division 2 to have the Scheme amended, as soon as possible, so that it is consistent with that section.

## **Division 2—Development and amendment of Scheme**

### **Subdivision A—Development**

#### **52 Compliance Committee to develop compliance scheme and submit it for approval**

- (1) The \*Compliance Committee is to develop a compliance scheme (the *draft scheme*) for Sydney Airport that is consistent with section 49.
- (2) The draft scheme is to be submitted to the Minister for approval.
- (3) The Minister may require the \*Compliance Committee to develop and submit the draft scheme by a time determined by the Minister.

#### **53 Minister's power to request or make amendments**

- (1) The Minister may request the \*Compliance Committee to amend the draft scheme to address a particular issue identified by the Minister and to resubmit the amended draft scheme for approval.
- (2) If the \*Compliance Committee refuses or fails to comply with the request to the satisfaction of the Minister within 14 days of the request being made, or within such longer period as the Minister determines, the Minister may amend the draft scheme to address the issue identified in the request. Before doing so, the Minister must first consider any reasons given by the Compliance Committee for its refusal or failure.
- (3) The Minister's power under this section to request an amendment of the draft scheme, or to amend the draft scheme, may be exercised even if the scheme is already consistent with section 49.

Note: For example, the Minister may request or make an amendment of the draft scheme because he or she considers that a matter could be dealt with in a more appropriate way and still be consistent with section 49.

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**54 Approval of scheme**

- (1) The Minister may, in writing, approve the draft scheme (as originally developed or as amended by the \*Compliance Committee or the Minister) if, and only if, the Minister is satisfied that the scheme is consistent with section 49.
- (2) If the Minister approves the draft scheme, the Minister must, in writing, determine that the Compliance Scheme for Sydney Airport is the scheme that has been approved. The determination must:
  - (a) set out the scheme in full; and
  - (b) specify the day on which the scheme is to come into force as the Compliance Scheme.
- (3) A determination under subsection (2) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

**55 When Compliance Scheme comes into force**

The scheme set out in a determination under subsection 54(2) comes into force as the Compliance Scheme on the day specified in accordance with paragraph 54(2)(b).

**Subdivision B—Amendment**

**56 Compliance Committee may develop amendments of Compliance Scheme and submit them for approval**

The \*Compliance Committee may develop amendments of the \*Compliance Scheme and submit them to the Minister for approval.

**57 Minister's power to request or develop amendments**

- (1) The Minister may request the \*Compliance Committee to develop an amendment of the \*Compliance Scheme to address a particular issue identified by the Minister and to submit the amendment to the Minister for approval.
- (2) If the \*Compliance Committee refuses or fails to comply with the request to the satisfaction of the Minister within 14 days of the

request being made, or within such longer period as the Minister determines, the Minister may develop an amendment of the Scheme to address the issue identified in the request. Before doing so, the Minister must first consider any reasons given by the Compliance Committee for its refusal or failure.

- (3) The Minister's power under this section to request an amendment of the Scheme, or to develop an amendment of the Scheme, may be exercised even if the Scheme already complies with section 49.

Note: For example, the Minister may request or develop an amendment of the Scheme because he or she considers that a matter could be dealt with in a more appropriate way and still be consistent with section 49.

## **58 Approval of amendments**

- (1) The Minister may, in writing, approve an amendment of the \*Compliance Scheme (being an amendment developed by the \*Compliance Committee or the Minister) if, and only if, the Minister is satisfied that the Scheme as proposed to be amended would be consistent with section 49.
- (2) If the Minister approves an amendment of the \*Compliance Scheme, the Minister must, in writing, determine that the Compliance Scheme is amended by the amendment that has been approved. The determination must:
- (a) set out the amendment in full; and
  - (b) specify the day on which the amendment is to come into force.
- (3) A determination under subsection (2) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

## **59 When an amendment comes into force**

The amendment set out in a determination under subsection 58(2) comes into force on the day specified in accordance with paragraph 58(2)(b).

## Part 6—The Slot Manager

### 60 The Slot Manager

- (1) There is to be a Slot Manager for Sydney Airport.
- (2) The functions of the Slot Manager are:
  - (a) to develop, administer and amend the \*Slot Management Scheme; and
  - (b) such other functions as are conferred on the Slot Manager by this Act, the regulations, the \*Slot Management Scheme or the \*Compliance Scheme.

### 61 Appointment of Slot Manager

- (1) The Minister may, in writing, appoint a body corporate (including a company incorporated under the *Corporations Act 2001*) to be the Slot Manager.
- (2) The appointment is to be for a specified period not exceeding 3 years.
- (3) The body corporate must be one that the Minister considers has, through its members or employees, a good understanding of aviation generally and of the issues involved in slot allocation processes.

### 62 The legal position of the Slot Manager

*Appointment as Slot Manager does not confer separate legal personality*

- (1) The appointment of a body corporate to be the \*Slot Manager does not confer on the body corporate a legal personality that is separate from the legal personality it already has as a body corporate.



*How legal proceedings taken by or against Slot Manager*

- (2) Legal proceedings by or against the \*Slot Manager are to be taken by or against the body corporate that is the Slot Manager in that body corporate's own name.

*Slot Manager not a Commonwealth authority etc.*

- (3) Subject to subsections (4) and (5), the body corporate that is the \*Slot Manager is not to be taken, merely because it holds that office:
- (a) to be the Commonwealth or a Commonwealth authority; or
  - (b) to be established for a public purpose or for a purpose of the Commonwealth; or
  - (c) to hold a Commonwealth office or to be a Commonwealth officer; or
  - (d) to be a public authority or an agency or instrumentality of the Crown;
- (within the ordinary meaning of the expression concerned) for the purposes of a law unless a law, or regulations for the purposes of this section, expressly provide otherwise.
- (4) For the purposes of sections 134.1, 134.2, 135.1 and 135.2 of the *Criminal Code*, the \*Slot Manager is to be taken to be a Commonwealth entity.
- (5) For the purposes of sections 141.1, 142.1, 142.2, 148.1 and 148.2 of the *Criminal Code*, the following persons are to be taken to be Commonwealth public officials:
- (a) the \*Slot Manager; and
  - (b) the employees and agents of the Slot Manager; and
  - (c) persons authorised under provisions of the \*Slot Management Scheme referred to in subsection 35(3).

*Interpretation*

- (6) In this section:

**law** means:

- (a) an Act of the Commonwealth or of a State or Territory; or
- (b) regulations or any other instrument made under such an Act.

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**63 Termination of appointment**

The Minister may, in writing, terminate the appointment of a body corporate as the \*Slot Manager at any time for any reason.

**64 Protection of Slot Manager etc. from legal actions**

- (1) No action lies against the \*Slot Manager, or against an employee or agent of the Slot Manager acting in the course of that person's employment or agency, for or in respect of any loss or damage caused by the Slot Manager, or the employee or agent, doing something that is within the Slot Manager's functions.
- (2) Subsection (1) does not cover loss or damage that is wilfully or negligently caused by the \*Slot Manager or by the employee or agent.
- (3) In this section:
  - (a) a reference to the Slot Manager includes a reference to a person who is a member of the body corporate that is the Slot Manager; and
  - (b) a reference to an agent of the Slot Manager acting in the course of that agency includes a reference to a person authorised under provisions of the \*Slot Management Scheme referred to in subsection 35(3) acting in the course of that authority.

**65 Change of Slot Manager**

The regulations may make provision for matters relating to one body corporate ceasing to be the \*Slot Manager and another body corporate becoming the Slot Manager, including:

- (a) the continued effect of things done by the previous Slot Manager; and
- (b) the substitution of parties to legal proceedings by or against the previous Slot Manager; and
- (c) the transfer of rights and liabilities to the new Slot Manager.

## **Part 7—The Compliance Committee**

### **66 The Compliance Committee**

- (1) There is to be a Compliance Committee for Sydney Airport.
- (2) The functions of the Committee are:
  - (a) to develop, administer and amend the \*Compliance Scheme; and
  - (b) such other functions as are conferred on the Compliance Committee by this Act, the regulations, the Compliance Scheme or the \*Slot Management Scheme.
- (3) The members of the Committee are to be appointed by the Minister.

### **67 Regulations may deal with appointment and other matters**

The regulations may deal with:

- (a) matters relating to the appointment of members of the Compliance Committee, including (but not limited to):
  - (i) how many members may be appointed; and
  - (ii) requirements (if any) as to who may be appointed; and
  - (iii) the duration of appointments and the terms and conditions of appointments; and
  - (iv) the termination of appointments; and
- (b) matters relating to the operations of the Compliance Committee.

### **68 The legal position of the Compliance Committee**

- (1) The \*Compliance Committee, or a member of the Compliance Committee acting as such a member, is not to be taken:
  - (a) to be the Commonwealth or a Commonwealth authority; or
  - (b) to be established for a public purpose or for a purpose of the Commonwealth; or

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- (c) to hold a Commonwealth office or to be a Commonwealth officer; or
  - (d) to be a public authority or an agency or instrumentality of the Crown;
- (within the ordinary meaning of the expression concerned) for the purposes of a law unless a law, or regulations for the purposes of this section, expressly provide otherwise.
- (2) In this section:
- law** means:
- (a) an Act of the Commonwealth or of a State or Territory; or
  - (b) regulations or any other instrument made under such an Act.

**69 Protection of Compliance Committee from legal actions**

- (1) No action lies against the \*Compliance Committee for or in respect of any loss or damage caused by the Compliance Committee doing something that is within the Compliance Committee's functions.
- (2) Subsection (1) does not cover loss or damage that is wilfully or negligently caused by the Compliance Committee.
- (3) In this section, a reference to the Compliance Committee includes a reference to a member of the Compliance Committee acting as such a member.

## **Part 8—Miscellaneous**

### **70 Evidentiary certificates**

- (1) A certificate by the body corporate that is, when the certificate is made, the <sup>\*</sup>Slot Manager and that states:
  - (a) that a specified <sup>\*</sup>aircraft movement occurred; and
  - (b) that the movement was a no-slot movement or an off-slot movement; and
  - (c) the circumstances because of which the movement was a no-slot movement or an off-slot movement;is, for the purposes of proceedings under this Act, prima facie evidence of the matters stated in it (including at a time after the body corporate has ceased to be the Slot Manager).
- (2) A certificate must:
  - (a) be in writing; and
  - (b) be either:
    - (i) under the seal of the body corporate; or
    - (ii) signed by a director, or other equivalent officer, of the body corporate on behalf of the body corporate.

### **71 Delegation**

The Minister may, in writing, delegate to:

- (a) the Secretary of the Department; or
- (b) an SES employee in the Department;

the Minister's powers to give approvals and make determinations under sections 44 and 58 in relation to amendments of the <sup>\*</sup>Slot Management Scheme and the <sup>\*</sup>Compliance Scheme.

### **72 Crown to be bound**

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence, or for a civil penalty under Division 2 of Part 3.

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**73 Extra-territorial operation**

This Act extends to acts, omissions, matters and things outside Australia, whether or not in a foreign country.

**74 Regulations**

- (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:
  - (a) required or permitted by this Act to be prescribed; or
  - (b) necessary or convenient for carrying out or giving effect to this Act.
- (2) Without limiting subsection (1), the regulations may:
  - (a) provide for the \*Slot Manager and the \*Compliance Committee to report on specified matters; and
  - (b) provide for the review of decisions made under this Act, the \*Slot Management Scheme or the \*Compliance Scheme; and
  - (c) provide for the transfer of information, for the purposes of this Act:
    - (i) between the Slot Manager and the Compliance Committee; and
    - (ii) to the Slot Manager or the Compliance Committee by \*Airservices Australia or by other persons; and
  - (d) prescribe penalties, not exceeding 10 penalty units, for offences against the regulations.

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## Schedule 1—Definitions

Note: Section 3 describes how asterisks are used to identify terms that are defined in this Schedule.

### 1 Definitions

In this Act, unless the contrary intention appears:

***aircraft*** means any machine or craft that can derive support in the atmosphere from the reactions of the air.

***aircraft movement*** means:

- (a) the \*landing of an aircraft on a runway; or
- (b) the \*taking off of an aircraft from a runway.

***Airservices Australia*** means the body called Airservices Australia that is established by the *Air Services Act 1995*.

***civil penalty provision*** means section 12 or 13.

***Compliance Committee*** means the Committee appointed in accordance with regulations for the purposes of section 67.

***Compliance Scheme*** means the scheme set out in a determination under subsection 54(2), as that scheme is amended from time to time.

***curfew period*** has the same meaning as in the *Sydney Airport Curfew Act 1995*.

***Federal Court*** means the Federal Court of Australia.

***infringement notice*** means an infringement notice issued under section 19.

***land*** has the meaning given by the \*Compliance Scheme.

***maximum movement limit*** has the meaning given by subsection 6(1).

***operator*** of an aircraft means the person who, when an <sup>\*</sup>aircraft movement using the aircraft occurs, is:

- (a) unless paragraph (b) applies—the owner of the aircraft; or
- (b) if the aircraft is under a lease at the time of the movement—the lessee of the aircraft.

***slot*** has the meaning given by subsection 34(1).

***Slot Management Scheme*** means the scheme set out in a determination under subsection 40(2), as that scheme is amended from time to time.

***Slot Manager*** means the body corporate appointed under section 61 to hold the office of Slot Manager.

***Sydney Airport*** means the airport known as Sydney (Kingsford-Smith) Airport.

***take off*** has the meaning given by the <sup>\*</sup>Compliance Scheme.



## **Schedule 2—Amendment of the Airports Act 1996**

**Note:**

The amendments made by this Schedule are incorporated in the compilation on SCALEplus of the *Airports Act 1996*.

For access to the wording of the amendments made by this Schedule, click here [*Sydney Airport Demand Management Act 1997* No. 173, 1997].



**Table of Acts****Notes to the *Sydney Airport Demand Management Act 1997*****Note 1**

The *Sydney Airport Demand Management Act 1997* as shown in this compilation comprises Act No. 173, 1997 amended as indicated in the Tables below.

For application, saving or transitional provisions made by the *Corporations (Repeals, Consequential and Transitional) Act 2001*, see Act No. 55, 2001.

For all other relevant information pertaining to application, saving or transitional provisions see Table A.

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Sydney Airport Demand Management Act 1997</i>	173, 1997	17 Nov 1997	Parts 2, 3: 17 May 1998 (see s. 2(3)) Remainder: Royal Assent	
<i>Public Employment (Consequential and Transitional) Amendment Act 1999</i>	146, 1999	11 Nov 1999	Schedule 1 (item 910): 5 Dec 1999 (see <i>Gazette</i> 1999, No. S584) (a)	—
<i>Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000</i>	137, 2000	24 Nov 2000	Ss. 1–3 and Schedule 1 (items 1, 4, 6, 7, 9–11, 32): Royal Assent Remainder: 24 May 2001	Sch. 2 (items 418, 419)
<i>Sydney Airport Demand Management Amendment Act 2001</i>	45, 2001	5 June 2001	5 June 2001	—
<i>Corporations (Repeals, Consequential and Transitional) Act 2001</i>	55, 2001	28 June 2001	Ss. 4–14 and Schedule 3 (items 507, 508): 15 July 2001 (see <i>Gazette</i> 2001, No. S285) (b)	Ss. 4–14
<i>Financial Framework Legislation Amendment Act 2005</i>	8, 2005	22 Feb 2005	S. 4 and Schedule 1 (items 424, 425, 496): Royal Assent	S. 4 and Sch. 1 (item 496)

## Act Notes

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- (a) The *Sydney Airport Demand Management Act 1997* was amended by Schedule 1 (item 910) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
  - (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
  - (2) Subject to this section, this Act commences at the commencing time.
- (b) The *Sydney Airport Demand Management Act 1997* was amended by Schedule 3 (items 507 and 508) only of the *Corporations (Repeals, Consequentials and Transitionals) Act 2001*, subsection 2(3) of which provides as follows:
  - (3) Subject to subsections (4) to (10), Schedule 3 commences, or is taken to have commenced, at the same time as the *Corporations Act 2001*.

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**Table of Amendments**


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**Table of Amendments**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision affected	How affected
<b>Part 1</b>	
S. 5A .....	ad. No. 45, 2001
<b>Part 3</b>	
<b>Division 4</b>	
Heading to s. 27 .....	am. No. 8, 2005
S. 27 .....	am. No. 8, 2005
<b>Part 4</b>	
<b>Division 1</b>	
S. 35 .....	am. No. 45, 2001
<b>Division 3</b>	
S. 46 .....	am. No. 55, 2001
<b>Part 6</b>	
S. 61 .....	am. No. 55, 2001
S. 62 .....	am. No. 137, 2000
<b>Part 8</b>	
S. 71 .....	am. No. 146, 1999

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**Table A**

**Table A**

**Application, saving or transitional provisions**

*Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000* (No. 137, 2000)

**Schedule 2**

**418 Transitional—pre-commencement offences**

- (1) Despite the amendment or repeal of a provision by this Schedule, that provision continues to apply, after the commencement of this item, in relation to:
- (a) an offence committed before the commencement of this item; or
  - (b) proceedings for an offence alleged to have been committed before the commencement of this item; or
  - (c) any matter connected with, or arising out of, such proceedings;
- as if the amendment or repeal had not been made.
- (2) Subitem (1) does not limit the operation of section 8 of the *Acts Interpretation Act 1901*.

**419 Transitional—pre-commencement notices**

If:

- (a) a provision in force immediately before the commencement of this item required that a notice set out the effect of one or more other provisions; and
  - (b) any or all of those other provisions are repealed by this Schedule; and
  - (c) the first-mentioned provision is amended by this Schedule;
- the amendment of the first-mentioned provision by this Schedule does not affect the validity of such a notice that was given before the commencement of this item.

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**Table A**

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*Financial Framework Legislation Amendment Act 2005* (No. 8, 2005)

**4 Saving of matters in Part 2 of Schedule 1**

- (1) If:
- (a) a decision or action is taken or another thing is made, given or done; and
  - (b) the thing is taken, made, given or done under a provision of a Part 2 Act that had effect immediately before the commencement of this Act;
- then the thing has the corresponding effect, for the purposes of the Part 2 Act as amended by this Act, as if it had been taken, made, given or done under the Part 2 Act as so amended.

- (2) In this section:

**Part 2 Act** means an Act that is amended by an item in Part 2 of Schedule 1.

**Schedule 1**

**496 Saving provision—Finance Minister’s determinations**

If a determination under subsection 20(1) of the *Financial Management and Accountability Act 1997* is in force immediately before the commencement of this item, the determination continues in force as if it were made under subsection 20(1) of that Act as amended by this Act.