



# **Sydney Airport Demand Management Amendment Act 2008**

**No. 83, 2008**

***An Act to amend the *Sydney Airport Demand  
Management Act 1997*, and for related purposes***

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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**No. 83, 2008**

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## **An Act to amend the *Sydney Airport Demand Management Act 1997*, and for related purposes**

[Assented to 12 July 2008]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Sydney Airport Demand Management  
Amendment Act 2008*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	12 July 2008
2. Schedule 1	A single day to be fixed by Proclamation. However, if any of the provision(s) 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.	12 January 2009

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *Sydney Airport Demand Management Act 1997*

#### **1 Subsections 4(1) and (2)**

Repeal the subsections, substitute:

- (1) This Act sets the \*maximum movement limit for \*aircraft movements at Sydney Airport (otherwise than during \*curfew periods). It also provides for the \*Slot Management Scheme, under which slots for \*gate movements at Sydney Airport are allocated. The Scheme is required to be consistent with the maximum movement limit.
- (2) Part 2 sets the \*maximum movement limit for \*aircraft movements at Sydney Airport, and provides for monitoring of compliance with that limit.

#### **2 Subsection 4(3)**

Omit “\*aircraft movements”, substitute “\*gate movements”.

#### **3 At the end of subsection 4(5)**

Add “It also deals with the power of the Minister to determine modifications of the Scheme in exceptional circumstances.”.

#### **4 Subsection 6(4)**

After “\*aircraft movements”, insert “\*associated with \*gate movements”.

#### **5 Subsection 6(5)**

Omit “the \*Slot Management Scheme”, substitute “subsection 35(2) (which requires the \*Slot Management Scheme to be consistent with the limit)”.

#### **6 Subsection 8(4)**

Omit “*Legislative Instruments Act 1997*”, substitute “*Legislative Instruments Act 2003*”.

Note: This item corrects a misstatement of the short title of an Act.

## 7 Part 3 (heading)

Repeal the heading, substitute:

## Part 3—Penalties for unauthorised gate movements

### 8 Section 10

Repeal the section (including the note), substitute:

#### 10 Gate movements to which this Part applies

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

- (a) any gate movement that is permitted by Division 5; and
- (b) any gate movement that is \*associated with an \*aircraft movement that occurs during a \*curfew period, unless a slot has been allocated for the gate movement under the \*Slot Management Scheme; and
- (c) any gate movement in relation to which the following conditions are satisfied:
  - (i) the associated aircraft movement was scheduled to occur at a time during a curfew period;
  - (ii) the aircraft movement actually occurs at a time that is not during a curfew period;
  - (iii) if the aircraft movement had occurred at its scheduled time, the aircraft movement would have been permitted by section 12 or 13 of the *Sydney Airport Curfew Act 1995*;
  - (iv) no slot has been allocated for the gate movement under the Slot Management Scheme.

Note 1: Regarding paragraph (b), a slot may have been allocated for the \*gate movement because the \*aircraft movement was scheduled to occur before or after the \*curfew period. In that case, this Part applies to the gate movement even if the aircraft movement actually occurs during the curfew period.

Note 2: \*Aircraft movements during \*curfew periods are regulated under the *Sydney Airport Curfew Act 1995*. Slots cannot be allocated under this Act for times during curfew periods (see subsection 35(1B)).

#### 9 Subsection 11(1)

Omit “An \*aircraft movement”, substitute “A \*gate movement”.

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**10 Subsection 11(2)**

Omit “An \*aircraft movement”, substitute “A \*gate movement”.

**11 Paragraph 11(2)(b)**

Omit “in which the movement occurs”.

**12 Subsection 11(3)**

Omit “an \*aircraft movement”, substitute “a \*gate movement”.

**13 Paragraph 11(3)(b)**

Omit “in which the movement occurs”.

**14 Subsection 11(4)**

Omit “\*aircraft movements”, substitute “\*gate movements”.

Note: The heading to subsection 11(4) is altered by omitting “*aircraft movements*” and substituting “*gate movements*”.

**15 Subsection 11(6)**

Omit “an \*aircraft movement”, substitute “a \*gate movement”.

**16 Subsection 11(6) (note)**

Omit “an \*aircraft movement”, substitute “a \*gate movement”.

**17 Section 12**

Omit “an \*aircraft movement”, substitute “a \*gate movement”.

**18 Section 13**

Omit “an \*aircraft movement”, substitute “a \*gate movement”.

**19 Section 29**

Omit “\*take off from, or \*land at,”, substitute “make a \*gate movement at”.

Note: The heading to section 29 is altered by omitting “**take off or land**” and substituting “**make gate movements**”.

**20 Paragraph 29(b)**

Omit “take-off or landing” (wherever occurring), substitute “gate movement”.

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**21 Paragraph 30(a)**

After “used”, insert “, or is returning after use,”.

**22 Subsection 31(1)**

Omit “\*take off from, or \*land at,”, substitute “make a \*gate movement at”.

**23 Subsection 31(1)**

Omit “justifying the take-off or landing”.

**24 Subsection 31(2)**

Omit “\*take-off or \*landing must occur and the runway to be used”, substitute “\*gate movement must occur”.

**25 Subsection 33(2)**

Repeal the subsection, substitute:

- (2) The basic purpose of the Scheme is to provide a system for the allocation of permissions for \*gate movements at Sydney Airport. The system must be consistent with the \*maximum movement limit for \*aircraft movements.

**26 Subsection 34(1)**

Omit “an \*aircraft movement”, substitute “a \*gate movement”.

**27 Subsection 34(1)**

Omit “specified aircraft movement”, substitute “specified gate movement”.

**28 Subsection 34(3)**

Repeal the subsection, substitute:

- (3) Other laws may impose requirements or restrictions on or in relation to \*aircraft movements or \*gate movements. The allocation of a slot for a gate movement under the Scheme in no way affects the application of such other requirements or restrictions to, or in relation to, the gate movement and any \*associated aircraft movement.

**29 Subsection 35(1)**

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Omit “aircraft movements”, substitute “\*gate movements”.

**30 Subsection 35(1)**

Omit “(other than movements during \*curfew periods)”.

**31 Subsection 35(1A)**

Omit “aircraft movements”, substitute “\*gate movements”.

**32 After subsection 35(1A)**

Insert:

(1B) The Scheme must not allow slots to be allocated for times during  
\*curfew periods.

**33 At the end of subsection 35(2)**

Add “for \*aircraft movements”.

**34 Subsection 35(4)**

Omit “\*aircraft movements”, substitute “\*gate movements”.

**35 At the end of subsection 35(8)**

Add “for \*aircraft movements”.

**36 At the end of subsection 36(1)**

Add “for \*aircraft movements”.

**37 At the end of subsection 46(3)**

Add “for \*aircraft movements”.

**38 Subsection 46(6)**

Omit “*Legislative Instruments Act 1997*”, substitute “*Legislative Instruments Act 2003*”.

Note: This item corrects a misstatement of the short title of an Act.

**39 Subsection 49(1)**

Omit “aircraft movements”, substitute “\*gate movements”.

**40 Subsection 49(6)**

Repeal the subsection.

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## 41 At the end of Part 5

Add:

### Division 3—Modification of Scheme in exceptional circumstances

#### 59A Minister's power to determine modifications

- (1) The Minister may, in writing, determine that the \*Compliance Scheme has effect subject to specified modifications during a specified period if the Minister considers that there are exceptional circumstances justifying the making of the determination.
- (2) During the period specified in a determination under subsection (1), the \*Compliance Scheme has effect subject to the modifications specified in the determination.
- (3) The Minister must, in relation to each determination under subsection (1):
  - (a) include in the determination a statement of the reasons for making the determination; and
  - (b) cause a copy of the determination to be given to the \*Compliance Committee as soon as practicable after the day on which the determination is made.

Note: A copy of the determination will also have to be laid before each House of the Parliament (see section 38 of the *Legislative Instruments Act 2003*).

- (4) Modifications specified in a determination under subsection (1) do not have to be consistent with section 49.
- (5) A determination under subsection (1) is a legislative instrument, but section 42 (disallowance) of the *Legislative Instruments Act 2003* does not apply to the determination.
- (6) In this section:

***modifications*** includes additions, omissions and substitutions.

## 42 Paragraph 70(1)(a)

Omit “\*aircraft movement”, substitute “\*gate movement”.

#### **43 Saving of section 70**

Section 70 of the *Sydney Airport Demand Management Act 1997* as in force immediately before the commencement of item 42 continues to have effect after that commencement in relation to aircraft movements that occurred before that commencement.

#### **44 Section 71**

Omit all the words after “in the Department;”, substitute:

all or any of the following powers:

- (c) the power under section 44 to give approvals and make determinations in relation to amendments of the \*Slot Management Scheme;
- (d) the power under section 58 to give approvals and make determinations in relation to amendments of the \*Compliance Scheme;
- (e) the power under subsection 66(3) to make appointments to the \*Compliance Committee.

#### **45 Saving of existing delegations**

A delegation in force under section 71 of the *Sydney Airport Demand Management Act 1997* immediately before the commencement of item 44 continues to have effect after that commencement as if it were a delegation under that section as amended by that item.

#### **46 Paragraph 74(2)(d)**

Omit “10 penalty units”, substitute “50 penalty units”.

#### **47 Clause 1 of Schedule 1 (paragraph (a) of the definition of *aircraft movement*)**

Omit “\*landing”, substitute “landing”.

#### **48 Clause 1 of Schedule 1 (paragraph (b) of the definition of *aircraft movement*)**

Omit “\*taking off”, substitute “taking off”.

#### **49 Clause 1 of Schedule 1**

Insert:

***associated***: an \*aircraft movement and a \*gate movement are ***associated*** if:

- (a) for an aircraft movement that is a take-off—the gate movement is the last gate movement of the aircraft before the take-off; or
- (b) for an aircraft movement that is a landing—the gate movement is the first gate movement of the aircraft after the landing.

**50 Clause 1 of Schedule 1 (at the end of the definition of *Compliance Scheme*)**

Add “and as it has effect subject to any determinations under subsection 59A(1)”.

**51 Clause 1 of Schedule 1**

Insert:

***gate movement*** means:

- (a) the first movement of an aircraft after its external doors have been closed in preparation for an \*aircraft movement that is a take-off; or
- (b) the last movement of an aircraft immediately before the moment when, after an aircraft movement that is a landing, it comes to a standstill and the engines are turned off.

**52 Clause 1 of Schedule 1 (definition of *land*)**

Repeal the definition.

**53 Clause 1 of Schedule 1 (definition of *operator*)**

Omit “an \*aircraft movement”, substitute “a \*gate movement”.

**54 Clause 1 of Schedule 1 (definition of *take off*)**

Repeal the definition.

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*[Minister's second reading speech made in—  
House of Representatives on 20 March 2008  
Senate on 16 June 2008]*

(67/08)

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