

Sydney Airport Demand Management Amendment Regulations 1998 (No. 1) 1998 No. 337

EXPLANATORY STATEMENT

STATUTORY RULES No. 337

Issued by the authority of the Minister for Transport and Regional Services

Sydney Airport Demand Management Act 1997

Sydney Airport Demand Management Amendment Regulations 1998 (No. 1)

Subsection 74 (1) of the *Sydney Airport Demand Management Act 1997* ('the Act') provides that the Governor-General may make regulations prescribing matters required or permitted under the Act to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 67 of the Act provides that 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."

The Sydney Airport Demand Management Regulations 1998 NO 119 ('the Principal Regulations'), were examined by the Senate Standing Committee on Regulations and Ordinances ('the Standing Committee') in June 1998. Those regulations contain largely administrative provisions related to the membership of the Compliance Committee and that Committee's procedures (the Compliance Committee is the body appointed to develop and administer the Compliance Scheme under the Act; the Committee oversees aircraft operators' compliance with the Act).

The amendments contained in Schedule 1 of the amendment Regulations make the amendments to the Principal Regulations requested by the Standing Committee, including:

- * placing a limit of three years on the terms of appointments to the Compliance Committee (item 1);
- * requiring annual meetings of the Compliance Committee, and providing that minutes be made of those meetings (item 3);
- * requiring that notice of meetings of the Compliance Committee, and notice of written resolutions of the Compliance Committee, be given to the Slot Manager appointed under section 61 of the Act to develop, administer and amend the Slot Management Scheme (items 4 and 7);
- * providing that requirements for members to disclose their own interests and information that may indicate another member's interest also apply to resolutions being considered without a meeting (items 5 and 6); and

* setting a time limit for the consideration of matters without a meeting and establishing procedures for voting when all members have not voted within the time limit (item 7).

Details of the regulations are contained in the Attachment.

The Regulations commence on gazettal.

ATTACHMENT

SYDNEY AIRPORT DEMAND MANAGEMENT AMENDMENT REGULATIONS 1998

PART 1 -PRELIMINARY

Regulation 1 - Name of regulations

The regulations are called the Sydney Airport Demand Management Amendment Regulations 1998 (No. 1)

Regulation 2 - Commencement

The regulations commence on gazettal.

Regulation 3 - Amendment of Sydney Airport Demand Management Regulations 1998

The Demand Management Regulations are amended as set out in Schedule 1.

Schedule 1 - Amendment of the Sydney Airport Demand Management Regulations 1998

Item 1 - Subregulation 7(1)

Item 1 amends subregulation 7(1) of the Demand Management Regulations by replacing subregulation 7(1) with two new subregulations. The new subregulations provide that the Minister may appoint a member of the Compliance Committee for a period no longer than 3 years. The Minister may re-appoint a member, including a member who has been re-appointed, for a further period of no longer than 3 years.

Item 2 - Paragraph 9(b)

The amendment of paragraph 9(b) of the Demand Management Regulations is consequential upon the introduction of a new regulation 9B (see Item 3) which requires the keeping of minutes. While the keeping of minutes of the Committee's meetings is no longer at the discretion of the Committee, the manner in which minutes are kept is still at the Committee's discretion.

Item 3 - New regulations 9A and 9B

Item 3 inserts new subregulations requiring an annual meeting and the keeping of minutes. The Committee must meet at least once in a calendar year. That is, not all the Committee's business can be conducted through the medium of written resolutions (which are permitted under regulation 15). Meetings must be minuted, and those minutes must be kept for at least 7 years.

Item 4 - Subregulation 10(1A)

Subregulation 10(1) of the Demand Management Regulations provides that a representative of the Slot Manager is entitled to be present at any meeting of the Compliance Committee. Item 4 inserts new subregulation 10(1A), which requires that the Committee give the Slot Manager reasonable notice of a meeting.

Item 5 - Subregulation 13(2)

Item 5 amends subregulation 13(2) of the regulations to clarify that a member of the Committee who has an interest in a matter put before the Committee by way of a proposed written

resolution under regulation 15, must give notice to the other members of the Committee of his or her interests in that matter, and may not vote on that proposed written resolution.

Item 6 - Subregulation 14(2)

Item 6 amends subregulation 14(2) of the regulations to clarify that a member who has information that may indicate another member's interest in a matter put before the Committee by way of a proposed written resolution under regulation 15, must give that information to the Committee.

Item 7 - Subregulations 15(2), (3), (4) and (5)

Regulation 15 relating to the passing of resolutions by the Compliance Committee without a meeting is amended to ensure that the Slot Manager is aware of such resolutions, provide a limit on the time it can take to pass a resolution, and prescribe how a resolution without a meeting is taken to be passed or lost if all eligible members do not vote within the time limit.

Subregulations 15(2), (3), (4) and (5) are repealed and replaced by new subregulations (2) to (9) inclusive.

Subregulation 15(2) provides that a member who proposes a written resolution must send a copy of it to each member of the Committee, including the Chair, and to the Slot Manager.

Subregulation 15(3) provides that members vote by writing on a copy of the proposed resolution whether they approve or oppose that resolution, signing the copy and sending the copy to the Chair of the Committee.

New subregulations 15(4) and (6) place a time limit on the passage of a written resolution of 14 days from the date it is sent to members. Passage of a resolution is either by two-thirds majority of the members of the Committee eligible to vote (subregulation 15(4)), or, if not all members have voted within 14 days, by two-thirds majority of the eligible votes received within the time limit (subregulation 15(6)).

Records of passage or loss of written resolutions must be made and distributed to all members and the Slot Manager (subregulation 15(7) and, like minutes of meetings, those records must be kept for 7 years (subregulation 15(8)).