



Slot Management Scheme Amendment Determination 2001 (No. 1)

I, JOHN DUNCAN ANDERSON, Minister for Transport and Regional Services, acting under subsection 44 (2) of the *Sydney Airport Demand Management Act 1997*, determine that the *Slot Management Scheme 1998* is amended as set out in Schedule 1 to this Determination.

Dated 31 May 2001

JOHN ANDERSON
Minister for Transport and Regional Services

1 Name of Determination

This Determination is the *Slot Management Scheme Amendment Determination 2001 (No. 1)*.

2 Commencement

This Determination commences on 1 June 2001.

3 Amendment of *Slot Management Scheme 1998*

Schedule 1 amends the *Slot Management Scheme 1998*.

Schedule 1 Amendments

(section 3)

[1] Subsection 2 (1), definition of *northern winter*

omit

ending at the end

insert

ends at the end

[2] Subsection 3 (1)

substitute

(1) In this Part:

peak period means:

- (a) from 6 am to 11 am on a day other than a Saturday or Sunday;
or
- (b) from 3 pm to 8 pm on a day other than a Saturday or Sunday.

(1A) For this Part, if:

- (a) an operator applies for the allocation to it of a slot for a particular day; and
- (b) at the time that the Slot Manager decides about the application (the ***decision time***), the operator holds 3 or fewer slots for that day;

the operator is a ***new entrant*** in relation to that day, unless, at the decision time:

- (c) 25% or more of the relevant interests in its shares (within the meaning given by subsection 11A (3) of the Air Navigation Act) are held by operators that each hold 4 or more slots for that day; or
- (d) it is effectively controlled by an operator that holds 4 or more slots for that day.

(1B) For this Part, an operator that applies for the allocation to it of a slot for a particular day, and is not a new entrant in relation to that day, is an ***incumbent operator*** for that day.

[3] Subsection 6 (1)

omit

Subject to subsection (2)

insert

Subject to subsections (2) and (3A)

[4] Subsections 6 (2) and (3)

substitute

- (2) If an operator is allocated a new entrant slot for a day in a scheduling season, and the operator was, when the Slot Manager made a decision about the application, an incumbent operator for the day, the operator does not gain historical precedence to the slot unless the slot was also allocated in the previous equivalent scheduling season to an operator that was, when the Slot Manager made the decision about the application for that slot, an incumbent operator for that day.
- (3) For subsection (2), a slot is a ***new entrant slot*** for a day if the first operator to which it was offered under subsection 26 (1) or (3) in the scheduling season was a new entrant for that day.
- (3A) An operator does not gain historical precedence to:
 - (a) a slot that is allocated to provide a service with an aircraft that has less than 18 passenger seats unless the slot is, or becomes, a Permanent Regional Service Slot; or
 - (b) a peak period slot (other than a slot that is, or becomes, a Permanent Regional Service Slot) allocated to provide a regional service.

[5] Subsection 9 (5)

substitute

- (5) If the Slot Manager makes a declaration:
 - (a) the operator concerned does not gain historical precedence to a slot mentioned in the declaration; and
 - (b) the Slot Manager must withdraw the slot series or slot group at the same time as making the declaration if:
 - (i) the operator did not have historical precedence to the slot series or slot group when the allocation was made; and
 - (ii) the non-complying aircraft had less than 18 passenger seats.

[6] Subparagraph 10 (1) (b) (ii)

omit

seasons.

insert

seasons; or

[7] After subparagraph 10 (1) (b) (ii)

insert

- (c) if:
 - (i) the operator gains historical precedence to it; and
 - (ii) it is used for a regional service during the northern summer of 2001; or
- (d) if:
 - (i) it is used for a regional service during the northern winter of 2001; and
 - (ii) but for subsection 6 (3A), the operator would have gained historical precedence to it.

[8] Section 11

substitute

11 Who can apply for a slot

- (1) Subject to subsections (2) and (3), any operator may apply for a slot.
- (2) An operator may apply for a slot to provide a regional service only if:
 - (a) the slot is a Permanent Regional Service Slot; or
 - (b) the slot is not during a peak period; or
 - (c) the Slot Manager is satisfied that the application is for a slot that will be used to meet a special need, and is not for 1 slot of a slot series or slot group; or
 - (d) the slot is allocated for a regional service that is provided during the northern winter of 2001 by an operator that does not have historical precedence to it, and the Slot Manager, after taking into account any previous allocations and consulting with the operator, determines that the service is to be part of a year-round service.
- (3) An operator may apply for a slot series or slot group to operate a service that will be provided using an aircraft that has less than 18 passenger seats only if:
 - (a) the operator has historical precedence to those slots; or

(b) the slots are Permanent Regional Service Slots.

Note An operator that has not fulfilled the statutory conditions to operate its proposed service can still apply, but may lose any resulting slot allocation if it does not fulfil those conditions: see section 33.

[9] Section 21

omit

sections 22 and 23.

insert

sections 22, 23, 24 and 25.

[10] After subsection 30 (3)

insert

- (4) For subsection (2), *original time* means the time of the slot when it first became a Permanent Regional Service Slot for section 10.