



# Sydney Airport Demand Management Amendment Regulations 2009 (No. 1)<sup>1</sup>

## Select Legislative Instrument 2009 No. 69

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Sydney Airport Demand Management Act 1997*.

Dated 30 April 2009

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

ANTHONY ALBANESE  
Minister for Infrastructure, Transport, Regional Development  
and Local Government

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**1 Name of Regulations**

These Regulations are the *Sydney Airport Demand Management Amendment Regulations 2009 (No. 1)*.

**2 Commencement**

These Regulations commence on the day after they are registered.

**3 Amendment of *Sydney Airport Demand Management Regulations 1998***

Schedule 1 amends the *Sydney Airport Demand Management Regulations 1998*.

**Schedule 1 Amendments**

(regulation 3)

**[1] Regulation 3**

*substitute*

**3 Definitions**

In these Regulations:

**Act** means the *Sydney Airport Demand Management Act 1997*.

**Secretary** means the Secretary of the Department.

**Slot Manager record** means a record mentioned in subregulation 16 (1).

*Note* The following terms used in these Regulations are defined in Schedule 1 to the Act:

- (a) aircraft;
- (b) Airservices Australia;
- (c) Compliance Committee;
- (d) Federal Court;

- (e) gate movement;
- (f) infringement notice;
- (g) operator;
- (h) slot;
- (i) Slot Management Scheme;
- (j) Slot Manager.

**[2] Regulation 5, heading**

*substitute*

**5 Committee membership (Act, s 67)**

**[3] Subregulation 5 (7)**

*omit*

aircraft

*insert*

gate

**[4] After Part 2**

*insert*

## **Part 3 Functions of the Slot Manager**

**16 Slot Manager records**

- (1) For paragraph 60 (2) (b) of the Act, the Slot Manager must keep records (*Slot Manager records*) of the following:
  - (a) a slot that is allocated to an operator of an aircraft by the Slot Manager under the Slot Management Scheme;
  - (b) a declaration made under section 7 of the Slot Management Scheme;
  - (c) gate movement times;
  - (d) a copy of the reasons (if any) that an operator of an aircraft has given to the Slot Manager under regulation 20;

- (e) a copy of a document prepared by the Slot Manager in relation to a proceeding in the Federal Court:
    - (i) for the payment of a pecuniary penalty under section 14 of the Act; and
    - (ii) in which the Slot Manager is the applicant;
  - (f) a copy of an infringement notice;
  - (g) a copy of an evidentiary certificate made under section 70 of the Act.
- (2) Subject to Part 5, the Slot Manager must keep Slot Manager records for 7 years.

## **17 Disposal of Slot Manager records**

- (1) For paragraph 60 (2) (b) of the Act, if the Slot Manager has kept a Slot Manager record for 7 years, the Slot Manager may, in writing, request approval from the Secretary to dispose of the record.
- (2) The Secretary must, no later than 14 days after receiving the request, respond in writing to the Slot Manager by:
  - (a) consenting to the disposal of the record; or
  - (b) requesting, for the reasons set out in the response, that the record be kept for a further specified period.
- (3) The Slot Manager must not dispose of a Slot Manager record until consent to dispose of the record has been given by the Secretary.

## **Part 4 Requirements in relation to Slot Manager records**

### **18 Requirement to make Slot Manager records available to the Secretary**

- (1) The Secretary may, in writing, request access to a Slot Manager record.

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- (2) If the Secretary makes a request for access to a Slot Manager record, the Slot Manager must make the record available to the Secretary no later than 14 days after the request is made.
  - (3) The Slot Manager may make the record available at the registered office of the Slot Manager or at another place that is agreed between the Secretary and the Slot Manager.
  - (4) The Secretary may take a copy of the Slot Manager record.

## **19 Requirement to report**

- (1) For paragraph 74 (2) (a) of the Act, the Secretary may, in writing, request a report from the Slot Manager in relation to:
  - (a) a scheduling season that starts after this Part commences; or
  - (b) other periods that start after this Part commences that are agreed between the Secretary and the Slot Manager .
- (2) The Secretary may request the report on any or all of the following matters arising from the Slot Manager records:
  - (a) the number of slots allocated to an operator of an aircraft by the Slot Manager during the scheduling season or other period;
  - (b) the number of declarations made under section 7 of the Slot Manager Scheme during the scheduling season or other period, including any calculations used in making the declarations;
  - (c) the times in which all gate movements occurred during the scheduling season or other period;
  - (d) the reasons that an operator of an aircraft has given to the Slot Manager under regulation 20 during the scheduling season or other period;
  - (e) the number of proceedings that are in the Federal Court during the scheduling season or other period, being proceedings in which the Slot Manager is the applicant seeking payment of a pecuniary penalty under section 14 of the Act;
  - (f) the number of infringement notices that were issued during the scheduling season or other period;

- (g) the number of evidentiary certificates that were made under section 70 of the Act during the scheduling season or other period.
- (3) The Slot Manager must give the report to the Secretary:
  - (a) no later than 14 days after the end of the scheduling season or other period to which the report relates
  - (b) in writing.
- (4) In this regulation:  
*scheduling season* has the meaning given by subsection 2 (1) of the Slot Management Scheme.

## **20 Requirement for operators to give times and reasons for specified gate movements**

- (1) This regulation is made for subparagraph 74 (2) (c) (ii) of the Act.
- (2) The Slot Manager or the Compliance Committee may request an operator of an aircraft to give the Slot Manager or the Compliance Committee:
  - (a) the time a specified gate movement occurred; and
  - (b) reasons why the specified gate movement occurred when it did.
- (3) The request must:
  - (a) be in writing; and
  - (b) relate to a period that starts after this Part commences.
- (4) The operator must give the information mentioned in paragraph (2) (a) to the Slot Manager or the Compliance Committee (whichever is applicable):
  - (a) no later than 14 days after the request is made; and
  - (b) in writing.

Penalty: 50 penalty units.

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- (5) The operator must give the information mentioned in paragraph (2) (b) to the Slot Manager or the Compliance Committee (whichever is applicable):
- (a) no later than 14 days after the request is made; and
  - (b) in writing.

**21 Requirement for Airservices Australia to give information about gate movement times**

- (1) For subparagraph 74 (2) (c) (ii) of the Act, the Slot Manager may, in writing, request Airservices Australia to give the Slot Manager the information mentioned in subregulation (2) for a period that starts after this Part commences.
- (2) The information is:
  - (a) gate movement times for each slot that has been allocated to an operator of an aircraft by the Slot Manager; and
  - (b) gate movement times that occur without a slot and without an exemption granted under Division 5 of Part 3 of the Act.
- (3) Airservices Australia must give the information to the Slot Manager:
  - (a) no later than 14 days after the request is made; and
  - (b) in writing.

**22 Requirement for Slot Manager to give information about specified gate movements**

- (1) For subparagraph 74 (2) (c) (i) of the Act, the Compliance Committee may, in writing, request the Slot Manager to give information about specified gate movements to the Compliance Committee for a period that starts after this Part commences.
- (2) The Slot Manager must give the information to the Compliance Committee:
  - (a) no later than 14 days after the request is made; and
  - (b) in writing.

## Part 5                      Transfer of Slot Manager records

### 23                      Transfer of Slot Manager records to new Slot Manager

- (1) This regulation applies if:
  - (a) a body corporate ceases to be the Slot Manager (the *old Slot Manager*); and
  - (b) another body corporate becomes the Slot Manager (the *new Slot Manager*) at the time the old Slot Manager ceases to be the Slot Manager.
- (2) For section 65 of the Act, the old Slot Manager must transfer the Slot Manager records held by it, because of the requirements in subregulation 16 (1) and regulation 17, to the new Slot Manager as soon as practicable after ceasing to be the Slot Manager.

### 24                      Transfer of Slot Manager records to Department

- (1) This regulation applies if:
  - (a) a body corporate ceases to be the Slot Manager (the *old Slot Manager*); and
  - (b) no other body corporate has been appointed as Slot Manager at the time the old Slot Manager ceases to be the Slot Manager.
- (2) For section 65 of the Act, the old Slot Manager must transfer the Slot Manager records held by it, because of the requirements in subregulation 16 (1) and regulation 17, to the Department as soon as practicable after ceasing to be the Slot Manager.
- (3) If the Department has received Slot Manager records under subregulation (2), the Department must:
  - (a) hold the Slot Manager records until another body corporate is appointed as Slot Manager (the *new Slot Manager*); and



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- (b) transfer the Slot Manager records to the new Slot Manager no later than 14 days after the new Slot Manager is appointed.
- (4) If the new Slot Manager receives Slot Manager records under subregulation (3), the requirements in subregulation 16 (1) and regulation 17 apply to the new Slot Manager in relation to the Slot Manager records as if the new Slot Manager were the old Slot Manager for the Slot Manager records.

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.