



Airports Amendment Act 1999

No. 19, 1999



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An Act to amend the *Airports Act 1996*, and for other purposes

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Airports Amendment Act 1999

No. 19, 1999

An Act to amend the *Airports Act 1996*, and for other purposes

[Assented to 19 April 1999]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Airports Amendment Act 1999*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendment of the Airports Act 1996

1 Section 5 (definition of *airport lease*)

Repeal the definition, substitute:

airport lease:

- (a) means a lease of the whole or a part of an airport site, where the Commonwealth is the lessor; and
- (b) when used in relation to an airport—means a lease of the whole or a part of the airport site of the airport, where the Commonwealth is the lessor.

2 Section 5 (definition of *interest*)

Omit “does not include a sublease.”, substitute:

to avoid doubt, does not include, and is taken never to have included:

- (a) a sublease; or
- (b) a licence; or
- (c) an easement or other incorporeal hereditament; or
- (d) a restrictive covenant.

3 At the end of section 68

Add:

- (2) For the purposes of subsection (1), the boundaries of an airport are the boundaries of the airport site for the airport.

4 At the end of section 114

Add:

- (2) For the purposes of subsection (1), the boundaries of an airport are the boundaries of the airport site for the airport.

5 At the end of section 131A

Add:

- (2) For the purposes of subsection (1), the boundaries of an airport are the boundaries of the airport site for the airport.

6 At the end of section 140

Add:

- (2) For the purposes of subsection (1), the boundaries of an airport are the boundaries of the airport site for the airport.

7 At the end of section 151

Add:

- (2) For the purposes of subsection (1), the boundaries of an airport are the boundaries of the airport site for the airport.

8 At the end of section 160

Add:

- | |
|---|
| <ul style="list-style-type: none">• An airport lease may be varied by reducing the leased area. |
|---|

9 Subsection 161(1)

Omit “other than a joint-user airport”.

Note: The heading to subsection 161(1) is omitted.

10 Subsection 161(2)

Repeal the subsection.

11 After section 163

Insert:

163A Variation of airport lease—reducing leased area

- (1) If the holder of an airport lease requests the Minister to vary the lease by reducing the leased area as specified in the request, the Minister may, by notice published in the *Gazette*, determine that the lease is varied in accordance with the request. The determination has effect accordingly.

- (2) This Act does not prevent the Commonwealth from paying consideration to the holder of the airport lease for the variation.
- (3) The relevant land registration official may make such entries or notations in or on registers or other documents kept by the official (in electronic form or otherwise) as the official thinks appropriate for drawing the attention of persons to the variation. For this purpose, the relevant *land registration official* is the Registrar of Titles or other proper officer of the State or Territory in which the airport is situated.
- (4) This section does not, by implication, prevent the variation of an airport lease otherwise than under this section.
- (5) This section does not, by implication, limit the operation of section 163.

12 At the end of section 169

Add:

- (2) For the purposes of subsection (1), the boundaries of an airport are the boundaries of the airport site for the airport.

13 At the end of section 182 (before the note)

Add:

- (d) operating a source of artificial light, where:
 - (i) the intensity of the light emitted exceeds the level ascertained in accordance with the regulations; and
 - (ii) the light is capable of blinding or confusing pilots of aircraft operating in the prescribed airspace;
 - (e) operating prescribed plant, or a prescribed facility, that reflects sunlight, where:
 - (i) the intensity of the reflected sunlight exceeds the level ascertained in accordance with the regulations; and
 - (ii) the reflected sunlight is capable of blinding pilots of aircraft operating in the prescribed airspace;
 - (f) an activity that results in air turbulence, where:
 - (i) the level of the turbulence exceeds the level ascertained in accordance with the regulations; and
-

- (ii) the turbulence is capable of affecting the normal flight of aircraft operating in the prescribed airspace;
- (g) an activity that results in the emission of smoke, dust or other particulate matter, where:
 - (i) the emission exceeds the level ascertained in accordance with the regulations; and
 - (ii) the smoke, dust or particulate matter is capable of affecting the ability of aircraft to operate in the prescribed airspace in accordance with Visual Flight Rules;
- (h) an activity that results in the emission of steam or other gas, where:
 - (i) the emission exceeds the level ascertained in accordance with the regulations; and
 - (ii) the steam or gas is capable of affecting the ability of aircraft to operate in the prescribed airspace in accordance with Visual Flight Rules.

14 At the end of section 182 (after the note)

Add:

- (2) Regulations must not be made for the purposes of paragraph (1)(d), (e), (f), (g) or (h) unless it is in the interests of the safety, efficiency or regularity of existing or future air transport operations to do so.
- (3) Paragraphs (1)(d), (e), (f), (g) and (h) do not apply to:
 - (a) an ordinary domestic or household activity; or
 - (b) anything arising out of the operation of an aircraft.
- (4) In this section:

Chicago Convention means the Convention on International Civil Aviation concluded at Chicago on 7 December 1944, as amended by the Protocols referred to in subsection 3A(2) of the *Air Navigation Act 1920*.

Visual Flight Rules means Visual Flight Rules set out in Annex 2 to the Chicago Convention.

15 Paragraph 187(1)(a)

After “controlled activity”, insert “referred to in paragraph 182(1)(a), (b) or (c)”.

16 Subsection 192(5) (definition of *designated period*)

Repeal the definition, substitute:

designated period, in relation to a core regulated airport, means:

- (a) the 12-month period beginning at whichever of the following times is applicable:
 - (i) if, at any time, an airport lease for the airport was granted under section 21 of the *Airports (Transitional) Act 1996* to a company—the sale time for that company (within the meaning of that Act);
 - (ii) if, at any time, an airport lease for the airport was granted under section 22 of the *Airports (Transitional) Act 1996*—the time of the grant of that lease; or
- (b) if the ACCC, by written determination, specifies a longer period in respect of the airport—that longer period.

17 At the end of section 192

Add:

- (6) The period specified in respect of an airport in a determination under paragraph (b) of the definition of *designated period* in subsection (5) must not be longer than the 24-month period beginning at whichever of the following times is applicable:
 - (a) if, at any time, an airport lease for the airport was granted under section 21 of the *Airports (Transitional) Act 1996* to a company—the sale time for that company (within the meaning of that Act);
 - (b) if, at any time, an airport lease for the airport was granted under section 22 of the *Airports (Transitional) Act 1996*—the time of the grant of that lease.

18 Application—section 192 of the *Airports Act 1996*

The amendment of section 192 of the *Airports Act 1996* made by this Schedule does not apply to an airport if a determination relating to the airport was made under subsection (1) of that section before the commencement of this item.

19 After subsection 194(1)

Insert:

- (1A) For the purposes of subsection (1), the boundaries of an airport are the boundaries of the airport site for the airport.
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*[Minister's second reading speech made in—
House of Representatives on 11 February 1999
Senate on 10 March 1999]*

(3/99)
