



Airports Amendment Act 2007

No. 59, 2007

An Act to amend the *Airports Act 1996*, 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. 59, 2007

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

[Assented to 15 April 2007]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Airports Amendment Act 2007*.

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.
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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.	15 April 2007
2. Schedule 1	The 28th day after the day on which this Act receives the Royal Assent.	13 May 2007

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments

Airports Act 1996

1 Paragraph 3(f)

Before “airports”, insert “certain”.

2 Section 4

Omit:

(b) a 5% limit on airline ownership;

substitute:

(b) a 5% limit on airline ownership for certain airports;

3 Section 4

Omit:

- The Australian Competition and Consumer Commission will monitor the quality of airport services and facilities.

substitute:

- The regulations may require the Australian Competition and Consumer Commission to monitor the quality of certain aspects of airport services and facilities.

4 Section 4

Omit:

- Airservices Australia will generally oversee the provision of air traffic services and rescue and fire fighting services at airports.

substitute:

- | |
|--|
| <ul style="list-style-type: none">• Air traffic services, and rescue and fire fighting services, must not be provided at airports without the approval of the Civil Aviation Safety Authority. |
|--|

5 Section 5

Insert:

Airside Vehicle Control Handbook for an airport has the meaning given by subsection 172(2).

6 Section 5

Insert:

approved auditor has the meaning given by section 144.

7 Section 5

Insert:

Australian Noise Exposure Forecast, for an airport, means an Australian Noise Exposure Forecast endorsed in the manner approved by the Minister.

8 Section 5

Insert:

building activities has the meaning given by subsection 98(1).

9 Section 5

Insert:

business day means a day that is not:

- (a) a Saturday; or
- (b) a Sunday; or
- (c) a public holiday in the place concerned; or
- (d) 27, 28, 29, 30 or 31 December.

10 Section 5

Insert:

constructing has the meaning given by subsection 89(2A).

11 Section 5

Insert:

major airport development has the meaning given by section 89.

12 Section 5

Insert:

quality of service matter has the meaning given by subsection 156(7).

13 Section 5

Insert:

vehicle has the meaning given by subsection 172(2).

14 Paragraph 7(1)(g)

Omit “Coolangatta”, substitute “Gold Coast”.

15 After section 7B

Insert:

7C Giving information and the Electronic Transactions Act

To avoid doubt, a reference in section 9 of the *Electronic Transactions Act 1999* to giving information includes, for the purposes of this Act, a reference to giving:

- (a) a draft master plan, a draft major development plan or a draft environment strategy; or
- (b) a draft variation of a final master plan, a major development plan or a final environment strategy.

16 At the end of subsections 32(1) and (2)

Add:

; or (d) activities that are consistent with the airport lease for the airport and the final master plan for the airport.

17 Section 38

Omit:

(b) a 5% limit on airline ownership;

substitute:

(b) a 5% limit on airline ownership for certain airports;

18 Division 4 of Part 3 (heading)

Repeal the heading, substitute:

Division 4—5% limit on ownership by airlines of airport-operator companies for certain airports

19 Section 44

Before “For”, insert “(1)”.

20 Section 44

After “airport-operator company”, insert “for an airport”.

21 At the end of section 44

Add:

- (2) The regulations may specify that subsection (1) does not apply to:
 - (a) specified airports (not being core regulated airports); or
 - (b) specified airports (not being core regulated airports) in specified circumstances.

22 Section 70

Before “For”, insert “(1)”.

23 At the end of section 70

Add:

- (2) The purposes of a final master plan for an airport are:
 - (a) to establish the strategic direction for efficient and economic development at the airport over the planning period of the plan; and

- (b) to provide for the development of additional uses of the airport site; and
- (c) to indicate to the public the intended uses of the airport site; and
- (d) to reduce potential conflicts between uses of the airport site, and to ensure that uses of the airport site are compatible with the areas surrounding the airport.

24 Paragraph 71(2)(c)

Omit “proposals” (first occurring), substitute “intentions”.

25 Paragraph 71(2)(c)

Omit “proposals” (second occurring), substitute “uses and developments”.

26 Paragraph 71(2)(d)

Repeal the paragraph, substitute:

- (d) an Australian Noise Exposure Forecast (in accordance with regulations, if any, made for the purpose of this paragraph) for the areas surrounding the airport; and
- (da) flight paths (in accordance with regulations, if any, made for the purpose of this paragraph) at the airport; and

27 Subsection 71(2)

Omit “Paragraphs (a), (b), (c), (d), (e), (f), (g) and (h)”, substitute “Paragraphs (a) to (h)”.

28 Paragraph 71(3)(c)

Omit “proposals” (first occurring), substitute “intentions”.

29 Paragraph 71(3)(c)

Omit “proposals” (second occurring), substitute “uses and developments”.

30 Paragraph 71(3)(d)

Repeal the paragraph, substitute:

- (d) an Australian Noise Exposure Forecast (in relation to civil uses of the airport and in accordance with regulations, if any,

- made for the purpose of this paragraph) for the areas surrounding the airport; and
- (da) civil flight paths (in accordance with regulations, if any, made for the purpose of this paragraph) at the airport; and

31 Subsection 71(3)

Omit “Paragraphs (a), (b), (c), (d), (e), (f), (g) and (h)”, substitute “Paragraphs (a) to (h)”.

32 Subsection 71(4)

Omit “either or both”, substitute “one or more”.

33 At the end of subsection 71(4)

Add:

- ; (c) subject to any specified conditions, a specified period that is longer than the planning period of the plan.

Note: The following heading to subsection 71(4) is inserted “*Matters provided by regulations*”.

34 At the end of subsection 71(8)

Add “as in force or existing at that time”.

Note 1: The following heading to subsection 71(6) is inserted “*Plan to address consistency with planning schemes*”.

Note 2: The following heading to subsection 71(8) is inserted “*Company to have regard to Australian Standard*”.

35 At the end of section 73

Add “or, if regulations made for the purposes of paragraph 71(4)(c) provide that a matter specified in the plan may relate to a longer period, the duration of that longer period”.

36 Subsection 75(1)

After “give the Minister”, insert “, in writing,”.

37 Subsection 76(1)

After “give the Minister”, insert “, in writing,”.

38 Subsections 78(1) and (2)

After “give the Minister”, insert “, in writing,”.

39 After subsection 78(2)

Insert:

- (2A) If a final master plan (the *original plan*) for an airport is in force, and a more recent Australian Noise Exposure Forecast for the airport is endorsed in the manner approved by the Minister, the airport-lessee company for the airport must give the Minister, in writing, a draft master plan that is expressed to replace the original plan. The company must give the Minister the draft master plan:
- (a) within 180 days of the more recent Australian Noise Exposure Forecast being endorsed; or
 - (b) if the Minister, by written notice given to the company, allows a longer period—within that longer period.

40 Paragraph 78(3)(a)

After “subsection (2)”, insert “or (2A)”.

40A Before subsection 79(1)

Insert:

Advice to State or Territory etc.

- (1A) Before giving the Minister a draft master plan for an airport under section 75, 76 or 78, the airport-lessee company for the airport must advise, in writing, the following persons of its intention to give the Minister the draft master plan:
- (a) the Minister, of the State or Territory in which the airport is situated, with responsibility for town planning or use of land;
 - (b) the authority of that State or Territory with responsibility for town planning or use of land;
 - (c) each local government body with responsibility for an area surrounding the airport.
- (1B) The draft plan submitted to the Minister must be accompanied by:
- (a) a copy of the advice given under subsection (1A); and
 - (b) a written certificate signed on behalf of the company listing the names of those to whom the advice was given.

Note: The heading to section 79 is altered by adding at the end “**and advice to State or Territory etc.**”.

40B Subsection 79(1)

Omit “Before giving the Minister a draft master plan for an airport under section 75, 76 or 78, the airport-lessee company for the airport must”, substitute “After giving the advice under subsection (1A), but before giving the Minister the draft master plan, the company must also”.

Note: The following heading to subsection 79(1) is inserted “*Public comment*”.

41 Paragraph 79(1)(a)

After “situated”, insert “, and on the airport’s website,”.

42 Subparagraph 79(1)(a)(ii)

Omit “90 days”, substitute “60 business days”.

43 After subparagraph 79(1)(a)(iii)

Insert:

- (iiia) in the case of a notice published in a newspaper—
stating that copies of the preliminary version will be available free of charge to members of the public on the airport’s website throughout the period of 60 business days after the publication of the notice; and
- (iiib) in the case of a notice published in a newspaper—
specifying the address of the airport’s website; and

44 Subparagraph 79(1)(a)(iv)

Before “inviting”, insert “in any case—”.

45 Subparagraph 79(1)(a)(iv)

Omit “90 days”, substitute “60 business days”.

46 At the end of subsection 79(1)

Add:

- ; and (c) make copies of the preliminary version available free of charge to members of the public on the airport’s website:
 - (i) in a readily accessible format that is acceptable to the Minister; and
 - (ii) in accordance with the notice.

47 Subsection 79(2)

Repeal the subsection, substitute:

- (2) If members of the public (including persons covered by subsection (1A)) have given written comments about the preliminary version in accordance with the notice, the draft plan submitted to the Minister must be accompanied by:
- (a) copies of those comments; and
 - (b) a written certificate signed on behalf of the company:
 - (i) listing the names of those members of the public; and
 - (ii) summarising those comments; and
 - (iii) demonstrating that the company has had due regard to those comments in preparing the draft plan; and
 - (iv) setting out such other information (if any) about those comments as is specified in the regulations.

47A Paragraph 80(1)(b)

After “consulted”, insert “(other than by giving an advice under subsection 79(1A))”.

48 After section 80

Insert:

80A Minister may request more material for making decision

- (1) This section applies if an airport-lessee company gives the Minister a draft master plan or a draft variation of a final master plan.
- (2) If the Minister believes on reasonable grounds that he or she does not have enough material to make a proper decision under subsection 81(2) or 84(2), as applicable, the Minister may request the airport-lessee company to provide specified material relevant to making the decision.

Time does not run while further material being sought

- (3) If the Minister has requested more material under subsection (2) for the purposes of making a decision, a day is not to be counted as a business day for the purposes of subsection 81(5) or 84(3), as applicable, if it is:
 - (a) on or after the day the Minister requested the material; and
 - (b) on or before the day on which the Minister receives the last of the material requested.

49 Subsection 81(1)

After “gives the Minister”, insert “, in writing,”.

50 Before paragraph 81(3)(a)

Insert:

(aa) the extent to which the plan achieves the purposes of a final master plan (see subsection 70(2));

51 Subsection 81(5)

Omit “90 days”, substitute “50 business days”.

52 Subsection 81(8)

After “give the Minister”, insert “, in writing,”.

53 Section 83

Before “If”, insert “(1)”.

54 At the end of section 83

Add:

Final master plans not legislative instruments

(2) A final master plan is not a legislative instrument.

55 Paragraph 84(1)(b)

After “gives the Minister”, insert “, in writing,”.

56 Subsection 84(3)

Omit “90 days”, substitute “50 business days”.

56A Before subsection 84A(1)

Insert:

Advice to State or Territory etc.

(1A) Before giving the Minister a draft variation of a final master plan for an airport under subsection 84(1), the airport-lessee company for the airport must advise, in writing, the following persons of its intention to give the Minister the draft variation:

- (a) the Minister, of the State or Territory in which the airport is situated, with responsibility for town planning or use of land;
 - (b) the authority of that State or Territory with responsibility for town planning or use of land;
 - (c) each local government body with responsibility for an area surrounding the airport.
- (1B) The draft variation submitted to the Minister must be accompanied by:
- (a) a copy of the advice given under subsection (1A); and
 - (b) a written certificate signed on behalf of the company listing the names of those to whom the advice was given.

Note: The heading to section 84A is altered by inserting “**and advice to State or Territory etc.**” after “**comment**”.

56B Subsection 84A(1)

Omit “Before giving the Minister a draft variation of a final master plan for an airport under subsection 84(1), the airport-lessee company for the airport must”, substitute “After giving the advice under subsection (1A), but before giving the Minister the draft variation, the company must also”.

Note: The following heading to subsection 84A(1) is inserted “*Public comment*”.

57 Paragraph 84A(1)(a)

After “situated”, insert “, and on the airport’s website,”.

58 Subparagraph 84A(1)(a)(ii)

Omit “30 days”, substitute “15 business days”.

59 After subparagraph 84A(1)(a)(iii)

Insert:

- (iiia) in the case of a notice published in a newspaper—
stating that copies of the preliminary version will be available free of charge to members of the public on the airport’s website throughout the period of 15 business days after the publication of the notice; and
- (iiib) in the case of a notice published in a newspaper—
specifying the address of the airport’s website; and

60 Subparagraph 84A(1)(a)(iv)

Before “inviting”, insert “in any case—”.

61 Subparagraph 84A(1)(a)(iv)

Omit “30 days”, substitute “15 business days”.

62 At the end of subsection 84A(1)

Add:

- ; and (c) make copies of the preliminary version available free of charge to members of the public on the airport’s website:
- (i) in a readily accessible format that is acceptable to the Minister; and
 - (ii) in accordance with the notice.

63 Subsection 84A(2)

Repeal the subsection, substitute:

- (2) If members of the public (including persons covered by subsection (1A)) have given written comments about the preliminary version in accordance with the notice, the draft variation submitted to the Minister must be accompanied by:
 - (a) copies of those comments; and
 - (b) a written certificate signed on behalf of the company:
 - (i) listing the names of those members of the public; and
 - (ii) summarising those comments; and
 - (iii) demonstrating that the company has had due regard to those comments in preparing the draft variation; and
 - (iv) setting out such other information (if any) about those comments as is specified in the regulations.

64 Paragraph 86(2)(a)

After “situated”, insert “, and on the airport’s website,”.

65 Subparagraph 86(2)(a)(iii)

Omit “plan or variation”, substitute “copies”.

66 At the end of paragraph 86(2)(a)

Add:

- (iv) in the case of a notice published in a newspaper—
stating that copies of the plan or variation will be

- available free of charge to members of the public on the airport's website while the plan remains in force; and
- (v) in the case of a notice published in a newspaper—
specifying the address of the airport's website; and

67 Paragraph 86(2)(b)

After “make”, insert “copies of”.

68 After paragraph 86(2)(b)

Insert:

- ; and (ba) make copies of the plan or variation available free of charge to members of the public on the airport's website:
- (i) in a readily accessible format that is acceptable to the Minister; and
- (ii) in accordance with the notice.

69 Paragraph 86(2)(c)

Omit “90 days”, substitute “50 business days”.

70 Paragraph 86(3)(a)

Omit “a plan or variation available for inspection”, substitute “copies of a plan or variation available”.

71 Subsection 89(1)

Omit “Division”, substitute “Act”.

72 Subparagraphs 89(1)(e)(ii), (f)(ii), (g)(ii), (h)(ii), (j)(ii), (k)(ii) and (l)(ii)

Omit “\$10 million”, substitute “\$20 million”.

73 After subsection 89(2)

Insert:

- (2A) For the purposes of this Act, *constructing* a thing includes carrying out all associated building activities.

74 At the end of section 89

Add:

(4) For the purposes of this Act, the Minister may determine in writing that specified developments that are carried out at an airport site together constitute a *major airport development* if:

- (a) each individual development is:
 - (i) covered by subparagraph (1)(e)(i), (f)(i), (g)(i), (h)(i), (j)(i), (k)(i) or (l)(i); but
 - (ii) not covered by subparagraph (1)(e)(ii), (f)(ii), (g)(ii), (h)(ii), (j)(ii), (k)(ii) or (l)(ii); and
- (b) the developments are:
 - (i) consecutive or concurrent projects; or
 - (ii) extensions to existing buildings.

Note: For specification by class, see subsection 46(3) of the *Acts Interpretation Act 1901*.

(5) A determination made under subsection (4) is not a legislative instrument.

75 Before subsection 91(1)

Insert:

- (1A) The purpose of a major development plan in relation to an airport is to establish the details of a major airport development that:
- (a) relates to the airport; and
 - (b) is consistent with the airport lease for the airport and the final master plan for the airport.

76 After paragraph 91(1)(c)

Insert:

- (ca) whether or not the development is consistent with the airport lease for the airport; and

77 After paragraph 91(1)(e)

Insert:

- (ea) if the development could affect flight paths at the airport—the effect that the development would be likely to have on those flight paths; and

78 At the end of subsection 91(6)

Add “as in force or existing at that time”.

78A Before subsection 92(1)

Insert:

Advice to State or Territory etc.

- (1A) Before giving the Minister a draft major development plan, the airport-lessee company concerned must advise, in writing, the following persons of its intention to give the Minister the draft major development plan:
- (a) the Minister, of the State or Territory in which the airport is situated, with responsibility for town planning or use of land;
 - (b) the authority of that State or Territory with responsibility for town planning or use of land;
 - (c) each local government body with responsibility for an area surrounding the airport.
- (1B) The draft plan submitted to the Minister must be accompanied by:
- (a) a copy of the advice given under subsection (1A); and
 - (b) a written certificate signed on behalf of the company listing the names of those to whom the advice was given.

Note: The heading to section 92 is altered by adding at the end “**and advice to State or Territory etc.**”.

78B Subsection 92(1)

Omit “Before giving the Minister a draft major development plan, the airport-lessee company concerned must”, substitute “After giving the advice under subsection (1A), but before giving the Minister the draft major development plan, the company must also”.

Note: The following heading to subsection 92(1) is inserted “*Public comment*”.

79 Paragraph 92(1)(a)

After “situated”, insert “, and on the airport’s website,”.

80 Subparagraph 92(1)(a)(ii)

Omit “90 days”, substitute “60 business days”.

81 After subparagraph 92(1)(a)(iii)

Insert:

- (iiia) in the case of a notice published in a newspaper—
stating that copies of the draft version will be available

- free of charge to members of the public on the airport's website throughout the period of 60 business days after the publication of the notice; and
- (iiib) in the case of a notice published in a newspaper—
specifying the address of the airport's website; and

82 Subparagraph 92(1)(a)(iv)

Before “inviting”, insert “in any case—”.

83 Subparagraph 92(1)(a)(iv)

Omit “90 days”, substitute “60 business days”.

84 At the end of subsection 92(1)

Add:

- ; and (c) make copies of the draft version available free of charge to members of the public on the airport's website:
- (i) in a readily accessible format that is acceptable to the Minister; and
 - (ii) in accordance with the notice.

85 Subsection 92(2)

Repeal the subsection, substitute:

- (2) If members of the public (including persons covered by subsection (1A)) have given written comments about the draft version in accordance with the notice, the draft plan submitted to the Minister must be accompanied by:
- (a) copies of those comments; and
 - (b) a written certificate signed on behalf of the company:
 - (i) listing the names of those members of the public; and
 - (ii) summarising those comments; and
 - (iii) demonstrating that the company has had due regard to those comments in preparing the draft plan; and
 - (iv) setting out such other information (if any) about those comments as is specified in the regulations.

85A Paragraph 93(1)(b)

After “consulted”, insert “(other than by giving an advice under subsection 92(1A))”.

86 After section 93

Insert:

93A Minister may request more material for making decision

- (1) This section applies if an airport-lessee company gives the Minister a draft major development plan or a draft variation of a major development plan.
- (2) If the Minister believes on reasonable grounds that he or she does not have enough material to make a proper decision under subsection 94(2) or 95(2), as applicable, the Minister may request the airport-lessee company to provide specified material relevant to making the decision.

Time does not run while further material being sought

- (3) If the Minister has requested more material under subsection (2) for the purposes of making a decision, a day is not to be counted as a business day for the purposes of subsection 94(6) or 95(3), as applicable, if it is:
 - (a) on or after the day the Minister requested the material; and
 - (b) on or before the day on which the Minister receives the last of the material requested.

87 Subsection 94(1)

After “gives the Minister”, insert “, in writing,”.

88 Before paragraph 94(3)(a)

Insert:

- (aa) the extent to which the plan achieves the purpose of a major development plan (see subsection 91(1A));

89 Subsection 94(6)

Omit “90 days”, substitute “50 business days”.

89A At the end of subsection 94(7)

Add:

Note: For examples of conditions imposed under this subsection, see section 94A.

90 After subsection 94(7)

Insert:

- (7A) Unless an approval by the Minister states otherwise, the approval is subject to a condition that the development be substantially completed before the end of a specified period ending no later than 5 years after the approval.
- (7B) The Minister may, before the end of that period, extend the period by up to 2 years. The Minister may extend the period only once. The Minister may extend the period subject to one or more conditions.

91 At the end of section 94

Add:

Major development plans are not legislative instruments

- (11) A major development plan is not a legislative instrument.

91A After section 94

Insert:

94A Examples of conditions

Without limiting subsection 94(7), the following conditions may be imposed under that subsection:

- (a) a condition relating to the ongoing operation of a development to which a major development plan relates;
- (b) a condition requiring the preparation, submission for approval by a specified person, and implementation, of a plan for managing the impact, on an airport and an area surrounding an airport, of a development to which a major development plan relates.

92 Paragraph 95(1)(b)

After “gives the Minister”, insert “, in writing,”.

93 At the end of subsection 95(2)

Add:

; or (c) if:

- (i) the Minister has not previously required the variation to be subject to public comment under section 95A; and
 - (ii) in the Minister's opinion, it would be in the public interest to do so;
- require the variation to be subject to public comment under section 95A.

94 Subsection 95(3)

Omit "neither approves, nor refuses to approve, the variation", substitute "does not make a decision under subsection 95(2)".

95 Subsection 95(3)

Omit "90 days", substitute "50 business days".

96 Subsection 95(4)

Omit "deciding whether to approve the variation", substitute "making a decision under subsection (2)".

97 Before subsection 95A(1)

Insert:

Application of section

- (1A) This section applies if the Minister has, under paragraph 95(2)(c), required a draft variation of a major development plan for an airport to be subject to public comment under this section.

Advice to State or Territory etc.

- (1B) Before resubmitting the draft variation to the Minister, the airport-lessee company for the airport must advise, in writing, the following persons of its intention to resubmit the draft variation to the Minister:
- (a) the Minister, of the State or Territory in which the airport is situated, with responsibility for town planning or use of land;
 - (b) the authority of that State or Territory with responsibility for town planning or use of land;
 - (c) each local government body with responsibility for an area surrounding the airport.

(1C) The draft variation resubmitted to the Minister must be accompanied by:

- (a) a copy of the advice given under subsection (1B); and
- (b) a written certificate signed on behalf of the company listing the names of those covered by subsection (1B) to whom the advice was given.

Note: The heading to section 95A is altered by inserting “**and advice to State or Territory etc.**” after “**comment**”.

98 Subsection 95A(1)

Omit “Before giving the Minister a draft variation of a major development plan for an airport under subsection 95(1), the airport-lessee company for the airport must”, substitute “After giving the advice under subsection (1B), but before resubmitting the draft variation to the Minister, the company must also”.

Note: The following heading to subsection 95A(1) is inserted “*Public comment*”.

99 Paragraph 95A(1)(a)

After “situated”, insert “, and on the airport’s website,”.

100 Subparagraph 95A(1)(a)(ii)

Omit “30 days”, substitute “15 business days”.

101 After subparagraph 95A(1)(a)(iii)

Insert:

- (iiia) in the case of a notice published in a newspaper—
stating that copies of the preliminary version will be available free of charge to members of the public on the airport’s website throughout the period of 15 business days after the publication of the notice; and
- (iiib) in the case of a notice published in a newspaper—
specifying the address of the airport’s website; and

102 Subparagraph 95A(1)(a)(iv)

Before “inviting”, insert “in any case—”.

103 Subparagraph 95A(1)(a)(iv)

Omit “30 days”, substitute “15 business days”.

104 At the end of subsection 95A(1)

Add:

- ; and (c) make copies of the preliminary version available free of charge to members of the public on the airport’s website:
 - (i) in a readily accessible format that is acceptable to the Minister; and
 - (ii) in accordance with the notice.

105 Subsection 95A(2)

Repeal the subsection, substitute:

- (2) If members of the public (including persons covered by subsection (1B)) have given written comments about the preliminary version in accordance with the notice, the draft variation resubmitted to the Minister must be accompanied by:
 - (a) copies of those comments; and
 - (b) a written certificate signed on behalf of the company:
 - (i) listing the names of those members of the public; and
 - (ii) summarising those comments; and
 - (iii) demonstrating that the company has had due regard to those comments in preparing the draft variation; and
 - (iv) setting out such other information (if any) about those comments as is specified in the regulations.

107 Paragraph 96(2)(a)

After “situated”, insert “, and on the airport’s website,”.

108 Subparagraph 96(2)(a)(iii)

Omit “plan or variation”, substitute “copies”.

109 At the end of paragraph 96(2)(a)

Add:

- (iv) in the case of a notice published in a newspaper—stating that copies of the plan or variation will be available free of charge to members of the public on the airport’s website throughout the period of 180 days after the publication of the notice; and
- (v) in the case of a notice published in a newspaper—specifying the address of the airport’s website; and

110 Paragraph 96(2)(b)

After “make”, insert “copies of”.

111 After paragraph 96(2)(b)

Insert:

; and (ba) make copies of the plan or variation available free of charge to members of the public on the airport’s website:

- (i) in a readily accessible format that is acceptable to the Minister; and
- (ii) in accordance with the notice.

112 Paragraph 96(2)(c)

Omit “90 days”, substitute “50 business days”.

113 Paragraph 96(3)(a)

Omit “a plan or variation available for inspection”, substitute “copies of a plan or variation available”.

114 Subsection 98(1)

Omit “Division, the following activities are building activities”, substitute “Act, the following activities are *building activities*”.

115 At the end of subsection 98(1)

Add:

- ; (f) undertaking land clearing.

116 Subparagraphs 99(1)(d)(iii) and (3)(d)(iii)

Repeal the subparagraphs, substitute:

- (iii) in a case where the building activity is an element of a major airport development—the activity is consistent with a major development plan approved under Division 4 for the development.

117 Subsection 101(3)

Repeal the subsection, substitute:

- (3) If the building activity is an element of a major airport development, the approval must not be granted unless the activity

is consistent with a major development plan approved under Division 4 for the development.

118 Paragraph 103(4)(c)

Repeal the paragraph, substitute:

- (c) in a case where the building activity is an element of a major airport development—the activity is consistent with a major development plan approved under Division 4 for the development.

119 Paragraph 112(2)(b)

Omit “(within the meaning of Division 5)”.

120 At the end of Division 6 of Part 5

Add:

**112A Exclusion of Part III of Australian Capital Territory
(Planning and Land Management) Act**

- (1) Part III of the *Australian Capital Territory (Planning and Land Management) Act 1988* does not apply in relation to Canberra Airport.
- (2) In particular, despite section 10 of that Act, Canberra Airport is not a Designated Area for the purposes of that Act.

121 Section 115

Before “For”, insert “(1)”.

122 At the end of section 115

Add:

- (2) The purposes of a final environment strategy for an airport are:
 - (a) to ensure that all operations at the airport are undertaken in accordance with relevant environmental legislation and standards; and
 - (b) to establish a framework for assessing compliance at the airport with relevant environmental legislation and standards; and

- (c) to promote the continual improvement of environmental management at the airport.

123 Subsection 120(1)

After “give the Minister”, insert “, in writing,”.

124 Subsection 121(1)

After “give the Minister”, insert “, in writing,”.

125 Subsections 123(1) and (2)

After “give the Minister”, insert “, in writing,”.

125A Before subsection 124(1)

Insert:

Advice to State or Territory etc.

- (1A) Before giving the Minister a draft environment strategy for an airport under section 120, 121 or 123, the airport-lessee company for the airport must advise, in writing, the following persons of its intention to give the Minister the draft environment strategy:
- (a) the Minister, of the State or Territory in which the airport is situated, with responsibility for town planning or use of land;
 - (b) the authority of that State or Territory with responsibility for town planning or use of land;
 - (c) each local government body with responsibility for an area surrounding the airport.
- (1B) The draft environment strategy submitted to the Minister must be accompanied by:
- (a) a copy of the advice given under subsection (1A); and
 - (b) a written certificate signed on behalf of the company listing the names of those to whom the advice was given.

Note: The heading to section 124 is altered by adding at the end “**and advice to State or Territory etc.**”.

125B Subsection 124(1)

Omit “Before giving the Minister a draft environment strategy for an airport under section 120, 121 or 123, the airport-lessee company for the airport must”, substitute “After giving the advice under subsection (1A), but before giving the Minister the draft environment strategy, the company must also”.

Note: The following heading to subsection 124(1) is inserted “*Public comment*”.

126 Paragraph 124(1)(a)

After “situated”, insert “, and on the airport’s website,”.

127 Subparagraph 124(1)(a)(ii)

Omit “90 days”, substitute “60 business days”.

128 After subparagraph 124(1)(a)(iii)

Insert:

- (iia) in the case of a notice published in a newspaper—
stating that copies of the preliminary version will be available free of charge to members of the public on the airport’s website throughout the period of 60 business days after the publication of the notice; and
- (iib) in the case of a notice published in a newspaper—
specifying the address of the airport’s website; and

129 Subparagraph 124(1)(a)(iv)

Before “inviting”, insert “in any case—”.

130 Subparagraph 124(1)(a)(iv)

Omit “90 days”, substitute “60 business days”.

131 At the end of subsection 124(1)

Add:

- ; and (c) make copies of the preliminary version available free of charge to members of the public on the airport’s website:
 - (i) in a readily accessible format that is acceptable to the Minister; and
 - (ii) in accordance with the notice.

132 Subsection 124(2)

Repeal the subsection, substitute:

- (2) If members of the public (including persons covered by subsection (1A)) have given written comments about the preliminary version in accordance with the notice, the draft strategy submitted to the Minister must be accompanied by:
- (a) copies of those comments; and
 - (b) a written certificate signed on behalf of the company:
 - (i) listing the names of those members of the public; and
 - (ii) summarising those comments; and
 - (iii) demonstrating that the company has had due regard to those comments in preparing the draft strategy; and
 - (iv) setting out such other information (if any) about those comments as is specified in the regulations.

132A Paragraph 125(1)(b)

After “consulted”, insert “(other than by giving an advice under subsection 124(1A))”.

133 After section 125

Insert:

125A Minister may request more material for making decision

- (1) This section applies if an airport-lessee company gives the Minister a draft environment strategy or a draft variation of a final environment strategy.
- (2) If the Minister believes on reasonable grounds that he or she does not have enough material to make a proper decision under subsection 126(2) or 129(2), as applicable, the Minister may request the airport-lessee company to provide specified material relevant to making the decision.

Time does not run while further material being sought

- (3) If the Minister has requested more material under subsection (2) for the purposes of making a decision, a day is not to be counted as a business day for the purposes of subsection 126(5) or 129(3), as applicable, if it is:
 - (a) on or after the day the Minister requested the material; and
 - (b) on or before the day on which the Minister receives the last of the material requested.

134 Subsection 126(1)

After “gives the Minister”, insert “, in writing,”.

135 Before paragraph 126(3)(a)

Insert:

(aa) the extent to which the strategy achieves the purposes of a final environment strategy (see subsection 115(2));

136 Subsection 126(5)

Omit “90 days”, substitute “50 business days”.

137 Subsection 126(8)

After “give the Minister”, insert “, in writing,”.

138 Section 128

Before “If”, insert “(1)”.

139 At the end of section 128

Add:

Final environment strategies not legislative instruments

(2) A final environment strategy is not a legislative instrument.

140 Paragraph 129(1)(b)

After “gives the Minister”, insert “, in writing,”.

141 Subsection 129(3)

Omit “90 days”, substitute “50 business days”.

142 Paragraph 131(2)(a)

After “situated”, insert “, and on the airport’s website,”.

143 Subparagraph 131(2)(a)(iii)

Omit “strategy or variation”, substitute “copies”.

144 At the end of paragraph 131(2)(a)

Add:

- (iv) in the case of a notice published in a newspaper—
stating that copies of the strategy or variation will be
available free of charge to members of the public on the
airport’s website while the strategy remains in force;
and
- (v) in the case of a notice published in a newspaper—
specifying the address of the airport’s website; and

145 Paragraph 131(2)(b)

After “make”, insert “copies of”.

146 After paragraph 131(2)(b)

Insert:

- ; and (ba) make copies of the strategy or variation available free of
charge to members of the public on the airport’s website:
 - (i) in a readily accessible format that is acceptable to the
Minister; and
 - (ii) in accordance with the notice.

147 Paragraph 131(2)(c)

Omit “90 days”, substitute “50 business days”.

148 Paragraph 131(3)(a)

Omit “a strategy or variation available for inspection and purchase by
members of the public”, substitute “copies of a strategy or variation
available”.

149 Subsection 140(1)

Repeal the subsection, substitute:

- (1) This Part applies to an airport-operator company for an airport if:
 - (a) the airport is specified in the regulations; and
 - (b) there is an airport lease for the airport.

150 Section 144

Repeal the section, substitute:

144 Approved auditor

For the purposes of this Act, an *approved auditor* is:

- (a) a person registered as an auditor under Part 9.2 of the *Corporations Act 2001*; or
- (b) a company registered as an authorised audit company under Part 9.2A of the *Corporations Act 2001*.

151 Section 150

Repeal the section, substitute:

150 Simplified outline

The following is a simplified outline of this Part:

- The regulations may require the ACCC to monitor and evaluate the quality of certain aspects of airport services and facilities. The ACCC may also do so on its own initiative.
- The regulations may require information about quality of service matters to be given to the ACCC.
- The ACCC may publish reports about its monitoring and evaluation under this Part.

152 Subsection 151(1)

Repeal the subsection, substitute:

- (1) This Part applies to an airport if:
 - (a) the airport is specified in the regulations; and
 - (b) there is an airport lease for the airport.

153 Divisions 3 and 4 of Part 8

Repeal the Divisions, substitute:

Division 4—ACCC to monitor quality of services and facilities

155 ACCC to monitor quality of services and facilities

- (1) In addition to any functions conferred on the ACCC by other laws, the ACCC has the function of monitoring and evaluating the

quality of the aspects of airport services and facilities specified in the regulations.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (2) The monitoring and evaluation of an aspect specified for the purposes of subsection (1) must be against the criteria determined by the ACCC in writing in relation to the aspect.
- (3) Before determining criteria under subsection (2), the ACCC must consult the Department and the Department administered by the Treasurer.

Determinations

- (4) The ACCC must give a free copy of a determination under subsection (2) to any person who asks for a copy.
- (5) A determination under subsection (2) is not a legislative instrument.

154 Subsection 156(7)

Repeal the subsection, substitute:

- (7) In this Act:

quality of service matter means a matter that is relevant to monitoring or evaluating, under this Part, the quality of an aspect of airport services or facilities specified in regulations made for the purposes of subsection 155(1).

155 Subsection 157(1)

Repeal the subsection, substitute:

- (1) The ACCC may publish reports relating to the monitoring or evaluation of the quality of aspects of airport services and facilities specified in regulations made for the purposes of subsection 155(1).

156 After subsection 172(1)

Insert:

(1A) Regulations made for the purposes of subsection (1) may apply, adopt or incorporate any matter contained in the Airside Vehicle Control Handbook for the airport as in force or existing from time to time.

157 Subsection 172(2)

Omit “section”, substitute “Act”.

158 Subsection 172(2)

Insert:

Airside Vehicle Control Handbook for an airport means the Airside Vehicle Control Handbook published by an airport-operator company for the airport.

159 Subsection 173(2) (definition of *gambling activity*)

Repeal the definition, substitute:

gambling activity includes the following:

- (a) a game of chance, a mixed game of chance and skill, or a lottery, (whether involving the use of a machine or otherwise);
- (b) such other matters (if any) as are specified in the regulations.

160 Section 215

Repeal the section, substitute:

215 Simplified outline

The following is a simplified outline of this Part:

- | |
|--|
| <ul style="list-style-type: none">• Air traffic services, and rescue and fire fighting services, must not be provided at airports without the approval of the Civil Aviation Safety Authority. |
|--|

161 Subsection 216(1)

After “unless”, insert “the services are provided by”.

162 Paragraphs 216(1)(c), (d) and (e)

Repeal the paragraphs, substitute:

- (c) a person approved or licensed, by the Civil Aviation Safety Authority under regulations made under section 98 of the *Civil Aviation Act 1988*, to provide the services; or
- (d) the Australian Defence Force.

163 Subsection 216(2) (note)

Omit “, (d) and (e)”, substitute “and (d)”.

164 Subsection 216(3)

Repeal the subsection.

165 Paragraph 242(2)(f)

Repeal the paragraph.

166 Subclause 5(1) of the Schedule

After “persons are”, insert “, subject to subclause (3),”.

167 At the end of clause 5 of the Schedule

Add:

Regulations may provide that persons are not associates

- (3) The regulations may provide that, for the purposes of the ownership provisions, a specified person is not an *associate* of another specified person.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

168 Subclause 9(1) of the Schedule

After “following interests”, insert “and stakes”.

Note: The heading to clause 9 of the Schedule is altered by omitting “**in shares**” and substituting “**and stakes**”.

169 At the end of subclause 9(1) of the Schedule

Add:

- ; (e) a direct control interest, or stake, of a prescribed kind in a company, being an interest or stake held by a prescribed person.

Note: For prescription by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

***Australian Capital Territory (Planning and Land
Management) Act 1988***

169A Section 4 (at the end of the definition of *Designated Area*)

Add:

Note: Canberra Airport is not a Designated Area: see section 112A of the *Airports Act 1996*.

170 At the end of section 10

Add:

Note: This Part does not apply in relation to Canberra Airport: see section 112A of the *Airports Act 1996*.

Part 2—Application, transitional and saving provisions

171 Application—master plans

Application of amendments—draft master plans

- (1) The amendments of the *Airports Act 1996* made by items 22 to 40 and 47 to 52 of this Schedule apply in relation to:
 - (a) a preliminary version of a draft master plan in relation to which a notice is published under subsection 79(1) of that Act after the commencement of this item; or
 - (b) a draft master plan given to the Minister after the commencement of this item (whether a notice in relation to the draft master plan is published under subsection 79(1) of that Act before or after the commencement of this item); or
 - (c) a final master plan, the draft of which is covered by paragraph (b).
- (2) The amendments of the *Airports Act 1996* made by items 40A to 46 of this Schedule do not apply in relation to a draft master plan in relation to which a notice is published under subsection 79(1) of that Act before the commencement of this item.

Application of amendments—draft variations of final master plans

- (3) The amendments of the *Airports Act 1996* made by items 48, 55, 56 and 63 of this Schedule apply in relation to a draft variation of a final master plan, being a draft variation given to the Minister after the commencement of this item.
- (4) The amendments of the *Airports Act 1996* made by items 56A to 62 of this Schedule do not apply in relation to a draft variation of a final master plan in relation to which a notice is published under subsection 84A(1) of that Act before the commencement of this item.

Application of amendments—approved master plans and variations

- (5) The amendments of the *Airports Act 1996* made by items 64 to 70 of this Schedule apply in relation to:
-

- (a) a draft master plan approved after the commencement of this item; or
- (b) a draft variation of a final master plan, being a draft variation approved after the commencement of this item.

172 Application—major airport developments

- (1) The amendments of the *Airports Act 1996* made by items 72 and 73 of this Schedule apply in relation to major airport developments that are required to be carried out in accordance with a major development plan that is given to the Minister after the commencement of this item.
- (2) The amendment of the *Airports Act 1996* made by item 74 applies in relation to developments that are commenced after the commencement of this item.

173 Application and transitional—major development plans

Application of amendments—draft master development plans

- (1) The amendments of the *Airports Act 1996* made by items 75 to 78 and 85 to 90 of this Schedule apply in relation to:
 - (a) a draft version of a major development plan in relation to which a notice is published under subsection 92(1) of that Act after the commencement of this item; or
 - (b) a draft major development plan given to the Minister after the commencement of this item (whether a notice in relation to the draft major development plan is published under subsection 92(1) of that Act before or after the commencement of this item); or
 - (c) a draft major development plan approved by the Minister under Division 4 of Part 5 of that Act, the draft of which is covered by paragraph (b).
- (2) The amendments of the *Airports Act 1996* made by items 78A to 84 of this Schedule do not apply in relation to a draft major development plan in relation to which a notice is published under subsection 92(1) of that Act before the commencement of this item.

Schedule 1 Amendments

Part 2 Application, transitional and saving provisions

Application of amendments—draft variations of approved major development plans

- (3) The amendments of the *Airports Act 1996* made by items 86, 92 to 98 and 105 of this Schedule apply in relation to a draft variation of a major development plan, being a draft variation given to the Minister after the commencement of this item.
- (4) The amendments of the *Airports Act 1996* made by items 97 and 99 to 104 of this Schedule do not apply in relation to a preliminary version of a draft variation of a major development plan in relation to which a notice is published under subsection 95A(1) of that Act before the commencement of this item.

Application of amendments—approved major development plans and variations

- (5) The amendments of the *Airports Act 1996* made by items 107 to 113 of this Schedule apply in relation to:
 - (a) a major development plan approved by the Minister under Division 4 of Part 5 of that Act after the commencement of this item; or
 - (b) a draft variation of a major development plan, being a draft variation approved after the commencement of this item.

Transitional conditions

- (6) A major development plan approved:
 - (a) before the commencement of this item; and
 - (b) not subject to a condition relating to when the development must commence;is taken to have been approved subject to a condition that the development be substantially completed before the end of the period of 5 years after the commencement of this item.

- (7) The Minister may, before the end of that period and subject to such terms and conditions as the Minister determines, extend the period mentioned in subitem (6) by up to 5 years in relation to a major airport development under paragraphs 89(1)(a), (b), (f) and (g) of the *Airports Act 1996*. The Minister may extend the period only once.

174 Application—environment strategies

Application of amendments—draft environment strategies

- (1) The amendments of the *Airports Act 1996* made by items 121 to 125, 132 to 137 of this Schedule apply in relation to:
 - (a) a preliminary version of a draft environment strategy in relation to which a notice is published under subsection 124(1) of that Act after the commencement of this item; or
 - (b) a draft environment strategy given to the Minister after the commencement of this item (whether a notice in relation to the draft environment strategy is published under subsection 124(1) of that Act before or after the commencement of this item); or
 - (c) a final environment strategy, the draft of which is covered by paragraph (b).
- (2) The amendments of the *Airports Act 1996* made by items 125A to 131 of this Schedule do not apply in relation to a preliminary version of a draft environment strategy in relation to which a notice is published under subsection 124(1) of that Act before the commencement of this item.

Application of amendments—draft variations of final environment strategies

- (3) The amendments of the *Airports Act 1996* made by items 133, 140 and 141 of this Schedule apply in relation to a draft variation of a final environment strategy, being a draft variation given to the Minister after the commencement of this item.

Application of amendments—approved environment strategies and variations

- (4) The amendments of the *Airports Act 1996* made by items 142 to 148 of this Schedule apply in relation to:
 - (a) a draft environment strategy approved after the commencement of this item; or
 - (b) a draft variation of a final environment strategy, being a draft variation approved after the commencement of this item.

175 Application—building activities

Schedule 1 Amendments

Part 2 Application, transitional and saving provisions

The amendment of the *Airports Act 1996* made by item 115 of this Schedule applies in relation to land clearing undertaken after the commencement of this item.

[*Minister's second reading speech made in—
House of Representatives on 30 November 2006
Senate on 21 March 2007*]

(172/06)
