



Airports Amendment Act 2010

No. 149, 2010

**An Act to amend the law relating to airports, and
for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedule(s).....	2
Schedule 1—Amendment of the Airports Act 1996		3
	Part 1—Master plan amendments	3
	Part 2—Other amendments	8
	Part 3—Transitional provisions	23
Schedule 2—Technical amendment of the Airports Act 1996		24
	Part 1—Bulk amendment of references to “State or Territory”	24
	Part 2—Other amendments	26



Airports Amendment Act 2010

No. 149, 2010

An Act to amend the law relating to airports, and for related purposes

[Assented to 17 December 2010]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Airports Amendment Act 2010*.

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.

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 this Act receives the Royal Assent.	17 December 2010
2. Schedules 1 and 2	The day after this Act receives the Royal Assent.	18 December 2010

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in Column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be 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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Amendment of the Airports Act 1996

Part 1—Master plan amendments

1 Paragraph 71(2)(h)

Repeal the paragraph, substitute:

- (ga) in relation to the first 5 years of the master plan—a plan for a ground transport system on the landside of the airport that details:
 - (i) a road network plan; and
 - (ii) the facilities for moving people (employees, passengers and other airport users) and freight at the airport; and
 - (iii) the linkages between those facilities, the road network and public transport system at the airport and the road network and public transport system outside the airport; and
 - (iv) the arrangements for working with the State or local authorities or other bodies responsible for the road network and the public transport system; and
 - (v) the capacity of the ground transport system at the airport to support operations and other activities at the airport; and
 - (vi) the likely effect of the proposed developments in the master plan on the ground transport system and traffic flows at, and surrounding, the airport; and
- (gb) in relation to the first 5 years of the master plan—detailed information on the proposed developments in the master plan that are to be used for:
 - (i) commercial, community, office or retail purposes; or
 - (ii) for any other purpose that is not related to airport services; and
- (gc) in relation to the first 5 years of the master plan—the likely effect of the proposed developments in the master plan on:
 - (i) employment levels at the airport; and
 - (ii) the local and regional economy and community, including an analysis of how the proposed

developments fit within the planning schemes for commercial and retail development in the area that is adjacent to the airport; and

- (h) an environment strategy that details:
- (i) the airport-lessee company's objectives for the environmental management of the airport; and
 - (ii) the areas (if any) within the airport site which the airport-lessee company, in consultation with State and Federal conservation bodies, identifies as environmentally significant; and
 - (iii) the sources of environmental impact associated with airport operations; and
 - (iv) the studies, reviews and monitoring to be carried out by the airport-lessee company in connection with the environmental impact associated with airport operations; and
 - (v) the time frames for completion of those studies and reviews and for reporting on that monitoring; and
 - (vi) the specific measures to be carried out by the airport-lessee company for the purposes of preventing, controlling or reducing the environmental impact associated with airport operations; and
 - (vii) the time frames for completion of those specific measures; and
 - (viii) details of the consultations undertaken in preparing the strategy (including the outcome of the consultations); and
 - (ix) any other matters that are prescribed in the regulations; and

2 Paragraph 71(3)(d)

Omit "in relation to civil uses of the airport and".

3 Paragraph 71(3)(da)

Omit "civil".

4 Paragraph 71(3)(h)

Repeal the paragraph, substitute:

- (ga) in relation to the first 5 years of the master plan—a plan for a ground transport system on the landside of the airport that details:
 - (i) a road network plan; and
 - (ii) the facilities for moving people (employees, passengers and other airport users) and freight at the airport; and
 - (iii) the linkages between those facilities, the road network and public transport system at the airport and the road network and public transport system outside the airport; and
 - (iv) the arrangements for working with the State or local authorities or other bodies responsible for the road network and the public transport system; and
 - (v) the capacity of the ground transport system at the airport to support operations and other activities at the airport; and
 - (vi) the likely effect of the proposed developments in the master plan on the ground transport system and traffic flows at, and surrounding, the airport; and
- (gb) in relation to the first 5 years of the master plan—detailed information on the proposed developments in the master plan that are to be used for:
 - (i) commercial, community, office or retail purposes; or
 - (ii) for any other purpose that is not related to airport services; and
- (gc) in relation to the first 5 years of the master plan—the likely effect of the proposed developments in the master plan on:
 - (i) employment levels at the airport; and
 - (ii) the local and regional economy and community, including an analysis of how the proposed developments fit within the planning schemes for commercial and retail development in the area that is adjacent to the airport; and
- (h) an environment strategy that details:
 - (i) the airport-lessee company's objectives for the environmental management of the airport; and
 - (ii) the areas (if any) within the airport site which the airport-lessee company, in consultation with State and

- Federal conservation bodies, identifies as environmentally significant; and
- (iii) the sources of environmental impact associated with civil aviation operations at the airport; and
 - (iv) the studies, reviews and monitoring to be carried out by the airport-lessee company in connection with the environmental impact associated with civil aviation operations at the airport; and
 - (v) the time frames for completion of those studies and reviews and for reporting on that monitoring; and
 - (vi) the specific measures to be carried out by the airport-lessee company for the purposes of preventing, controlling or reducing the environmental impact associated with civil aviation operations at the airport; and
 - (vii) the time frames for completion of those specific measures; and
 - (viii) details of the consultations undertaken in preparing the strategy (including the outcome of the consultations); and
 - (ix) any other matters that are prescribed in the regulations; and

5 Subsection 71(6)

Repeal the subsection, substitute:

- (6) In specifying a particular objective or proposal covered by paragraph (2)(a), (c), (ga), (gb) or (gc) or (3)(a), (c), (ga), (gb) or (gc), a draft or final master plan must address:
 - (a) the extent (if any) of consistency with planning schemes in force under a law of the State in which the airport is located; and
 - (b) if the draft or final master plan is not consistent with those planning schemes—the justification for the inconsistencies.

6 At the end of section 71

Add:

(10) In this section:

airport service means a service provided at an airport, if the service is necessary for the purposes of operating or maintaining civil aviation services at the airport, and includes the use of facilities at the airport for those purposes.

7 Application provision—master plans

Section 71 of the *Airports Act 1996*, as amended by this Schedule, applies to a draft or final master plan if this Schedule commences before a written advice about the plan is given under subsection 79(1A).

Part 2—Other amendments

8 Section 4 (paragraph relating to an airport service)

Repeal the paragraph.

9 Section 4 (last paragraph)

Before “rescue and fire fighting services”, insert “aerodrome”.

10 Section 5

Before “In this Act”, insert “(1)”.

11 Section 5 (definition of *business day*)

Repeal the definition, substitute:

business day, in relation to an airport, means a day that is not:

- (a) a Saturday; or
- (b) a Sunday; or
- (c) a public holiday in:
 - (i) the place where the airport is situated; or
 - (ii) the Australian Capital Territory; or
- (d) 27, 28, 29, 30 or 31 December.

12 Section 5 (definition of *draft environment strategy*)

Repeal the definition.

13 Section 5

Insert:

environment strategy means an environment strategy in a draft or final master plan.

14 Section 5 (definition of *final environment strategy*)

Repeal the definition.

15 Section 5

Insert:

sensitive development has the meaning given in section 71A.

16 Section 5

Insert:

State includes:

- (a) the Australian Capital Territory; and
- (b) the Northern Territory.

17 At the end of section 5

Add:

- (2) For the purposes of paragraph (a) of the definition of *airport site*, if the identification number for a certificate of title for a place is changed, without the boundaries of the place being changed, a reference in this Act or the regulations to the identification number includes a reference to the identification number as changed.

18 Paragraph 7(1)(h)

After “Hobart”, insert “International”.

19 Paragraph 7(1)(l)

After “Darwin”, insert “International”.

20 Paragraph 7B(1)(a)

After “Darwin”, insert “International”.

21 Paragraph 7C(a)

Omit “, a draft major development plan or a draft environment strategy”, substitute “or a draft major development plan”.

22 Paragraph 7C(b)

Omit “, a major development plan or a final environment strategy”, substitute “or a major development plan”.

23 Subsection 8(1)

Omit “, of the Australian Capital Territory, of the Northern Territory”.

24 Paragraph 12(1)(a)

Omit “or”, substitute “and”.

25 Subsection 68(1)

Repeal the subsection, substitute:

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

26 At the end of subsection 70(2)

Add:

- ; and (e) to ensure that all operations at the airport are undertaken in accordance with relevant environmental legislation and standards; and
- (f) to establish a framework for assessing compliance at the airport with relevant environmental legislation and standards; and
- (g) to promote the continual improvement of environmental management at the airport.

27 After section 71

Insert:

71A Draft or final master plan must identify proposed sensitive developments

- (1) A draft or final master plan must identify any proposed sensitive development in the plan.
- (2) A *sensitive development* is the development of, or a redevelopment that increases the capacity of, any of the following:
 - (a) a residential dwelling;
 - (b) a community care facility;
 - (c) a pre-school;
 - (d) a primary, secondary, tertiary or other educational institution;
 - (e) a hospital.
- (2A) A *sensitive development* does not include the following:
 - (a) an aviation educational facility;

- (b) accommodation for students studying at an aviation educational facility at the airport;
- (c) a facility with the primary purpose of providing emergency medical treatment and which does not have in-patient facilities;
- (d) a facility with the primary purpose of providing in-house training to staff of an organisation conducting operations at the airport.

(3) In this section:

aviation educational facility means any of the following:

- (a) a flying training school;
- (b) an aircraft maintenance training school;
- (c) a facility that provides training in relation to air traffic control;
- (d) a facility that provides training for cabin crew;
- (e) any other facility with the primary purpose of providing training in relation to aviation related activities.

community care facility includes the following:

- (a) a facility that provides aged care within the meaning given by the *Aged Care Act 1997*;
- (b) a nursing home within the meaning given by the *National Health Act 1953*;
- (c) a retirement village within the meaning given by the *Social Security Act 1991*;
- (d) a facility that provides respite care within the meaning given by the *Aged Care Act 1997*.

28 Section 72

Before “A draft”, insert “(1)”.

29 At the end of section 72

Add:

- (2) However, the environment strategy in a draft or final master plan must relate to a period of 5 years.

30 Subsection 76(1)

Repeal the subsection, substitute:

- (1) If a final master plan (the *original plan*) is in force for an airport, the airport-lessee company must give the Minister, in writing, a draft master plan for the airport:
 - (a) no later than 5 years after the original plan came into force; or
 - (b) within a longer period that the Minister specifies in a written notice to the airport-lessee company.

The planning period for the draft master plan must begin immediately after the expiry of the original plan.

31 At the end of section 76

Add:

- (4) For the purposes of the prosecution of an offence under subsection (2), it is irrelevant that, because of subsection 77(1), the original plan remains in force for longer than 5 years after the original plan came into force.

32 At the end of section 78

Add:

- (5) For the purposes of the prosecution of an offence under subsection (3), it is irrelevant that, because of subsection 77(1), the original plan remains in force for longer than 5 years after the original plan came into force.

33 Subsection 81(5)

Repeal the subsection, substitute:

- (5) If the Minister neither approves, nor refuses to approve, the plan before the end of:
 - (a) the period of 50 business days after the day on which the Minister received the draft plan; or
 - (b) a longer period (of no more than an extra 10 business days) that the Minister specifies in a written notice to the airport-lessee company;the Minister is taken, at the end of that period, to have approved the plan under subsection (2).

- (5A) A notice made under paragraph (5)(b) is not a legislative instrument.

34 At the end of section 81

Add:

- (10) The Minister's approval of a draft master plan that contains a sensitive development does not stop the Minister from refusing to approve, under Division 4, a major development plan for the sensitive development.

35 After section 83

Insert:

83A Compliance with environment strategy in final master plan

- (1) This section applies if a final master plan is in force for an airport.
- (2) The airport-lessee company for the airport must take all reasonable steps to ensure that the environment strategy in the master plan is complied with.
- (3) A person (other than the airport-lessee company for the airport) who carries on activities at the airport must take all reasonable steps to ensure that the environment strategy in the master plan is complied with.
- (4) A contravention of subsection (2) or (3) is not an offence.
- (5) However, a contravention of subsection (2) or (3) is a ground for obtaining an injunction under Part 15.
- (6) Also, a contravention of subsection (2) or (3) does not affect the validity of any transaction.
- (7) In addition to its effect apart from this subsection, subsection (3) also has the effect it would have if its application were, by express provision, confined to constitutional corporations.

36 Subsection 84(3)

Repeal the subsection, substitute:

- (3) If the Minister neither approves, nor refuses to approve, the variation before the end of:
- (a) the period of 50 business days after the day on which the Minister received the draft variation; or
 - (b) a longer period (of no more than an extra 10 business days) that the Minister specifies in a written notice to the airport-lessee company;
- the Minister is taken, at the end of that period, to have approved the variation under subsection (2).
- (3A) A notice made under paragraph (3)(b) is not a legislative instrument.

37 After section 86

Insert:

86A Transitional—expiry of standalone environment strategies

- (1) This section applies to an environment strategy for an airport that is not contained in the master plan for the airport under paragraph 71(2)(h) or (3)(h).
- (2) If the environment strategy is due to expire before the master plan expires, the airport-lessee company may apply to the Minister to extend the expiry date of the environment strategy to the date when the replacement master plan is approved.
- (3) The Minister must give the airport-lessee company written notice of the Minister's decision.
- (4) If the environment strategy is due to expire after the master plan expires, the environment plan instead expires on the date when the replacement master plan is approved.

38 Before section 88

Insert:

Subdivision A—Introduction

39 At the end of section 88

Add:

- | |
|---|
| <ul style="list-style-type: none">• Sensitive developments are prohibited, except in exceptional circumstances. |
|---|

40 After paragraph 89(1)(b)

Insert:

- (ba) altering a runway (other than in the course of maintenance works) in any way that significantly changes:
 - (i) flight paths; or
 - (ii) the patterns or levels of aircraft noise; or

41 Paragraph 89(1)(n)

Omit “if a final environment strategy is in force for the airport—”.

42 After paragraph 89(1)(n)

Insert:

- (na) a development of a kind that is likely to have a significant impact on the local or regional community; or
- (nb) a development in relation to which the Minister has given an approval under section 89A; or

43 Subsection 89(2)

Repeal the subsection, substitute:

- (2) Paragraphs (1)(a) to (nb) do not, by implication, limit paragraph (1)(o).

44 Subsection 89(4)

Omit “that are carried out”, substitute “that are proposed to be carried out”.

45 Subsection 89(5)

Repeal the subsection, insert:

- (5) The Minister may determine in writing that a specified development of a type described in paragraph (1)(c), (d), (f) or (g) does not constitute a *major airport development* if:
 - (a) an airport-lessee company applies to the Minister in writing to consider whether the development constitutes a major

airport development (and so requires a major development plan); and

- (b) the Minister is satisfied, on reasonable grounds, that the development will not:
 - (ii) change the flight paths; or
 - (iii) change the patterns or levels of aircraft noise; or
 - (iv) unduly increase the noise heard by, or unduly cause a nuisance to, the community adjacent to the airport.
- (6) A determination made under subsection (4) or (5) is not a legislative instrument.

46 After section 89

Insert:

Subdivision B— Sensitive developments

89A Sensitive development prohibited except in exceptional circumstances

- (1) A person must not:
 - (a) carry out a sensitive development relating to an airport; or
 - (b) cause or permit to be carried out a sensitive development relating to an airport;unless the Minister gives an approval under this section for the preparation of a draft major development plan for the sensitive development at the airport.
- (2) A person commits an offence if:
 - (a) the person is subject to a requirement under subsection (1); and
 - (b) the person engages in conduct; and
 - (c) the person's conduct contravenes the requirement.

Penalty: 400 penalty units.

Note 1: If an airport-lessee company is convicted of the offence, a court may impose a fine not more than 5 times this penalty (see subsection 4B(3) of the *Crimes Act 1914*).

Note 2: A defendant bears an evidential burden in relation to the approval of the Minister mentioned in subsection (1) (see subsection 13.3(3) of the *Criminal Code*).

- (3) Strict liability applies to paragraph (2)(a).

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (4) If an airport-lessee company wants to prepare a draft major development plan for a sensitive development, the company must apply in writing to the Minister, before the company gives its advice under subsection 92(1A), for approval to prepare a draft major development plan for the development.
- (5) The application must detail the exceptional circumstances that the airport-lessee company claims will support the preparation of a draft major development plan for the sensitive development at the airport.
- (6) The Minister may give the approval only if the Minister is satisfied that there are exceptional circumstances that support the preparation of a draft major development plan for the sensitive development at the airport.
- (7) The Minister must give the airport-lessee company written notice of the Minister's decision and the reasons for the decision.
- (8) If the Minister does give the approval for the preparation of a draft major development plan, it does not stop the Minister from refusing to approve a major development plan for the sensitive development.

Subdivision C—Approval process

47 After paragraph 91(1)(g)

Insert:

- (ga) the likely effect of the proposed developments that are set out in the major development plan, or the draft of the major development plan, on:
- (i) traffic flows at the airport and surrounding the airport; and
 - (ii) employment levels at the airport; and
 - (iii) the local and regional economy and community, including an analysis of how the proposed developments fit within the local planning schemes for commercial and retail development in the adjacent area; and

48 Paragraph 91(1)(k)

Repeal the paragraph, substitute:

- (k) if the plan relates to a sensitive development—the exceptional circumstances that the airport-lessee company claims will justify the development of the sensitive development at the airport; and

49 Subsection 91(4)

Repeal the subsection, substitute:

- (4) In specifying a particular objective or proposal covered by paragraph (1)(a), (c) or (ga), a major development plan, or a draft of a major development plan, must address:
 - (a) the extent (if any) of consistency with planning schemes in force under a law of the State in which the airport is located; and
 - (b) if the major development plan is not consistent with those planning schemes—the justification for the inconsistencies.

50 After subparagraph 92(1)(a)(i)

Insert:

- (ia) the consultation period under subsection (2A); and

51 Subparagraphs 92(1)(a)(ii) and (iiia)

Omit “period of 60 business days after the publication of”, substitute “consultation period specified in”.

52 Subparagraph 92(1)(a)(iv)

Omit “60 business days after the publication of”, substitute “the consultation period specified in”.

53 After subsection 92(1)

Insert:

- (2A) The *consultation period* is:
 - (a) a period of 60 business days after the publication of the notice; or
 - (b) a shorter period (of not less than 15 business days after the publication of the notice) that is approved by the Minister.

- (2B) The Minister may, by written notice, approve the shortening of the consultation period if the Minister:
- (a) is requested in writing to do so by:
 - (i) the airport-lessee company; or
 - (ii) another person with the written consent of the airport-lessee company; and
 - (b) is satisfied that:
 - (i) the draft major development plan aligns with the details of the proposed development set out in the final master plan; and
 - (ii) the proposed development does not raise any issues that have a significant impact on the local or regional community.
- (2C) A notice made under subsection (2B) is not a legislative instrument.

54 At the end of subsection 94(3)

Add:

- ; (f) if the plan relates to a sensitive development:
 - (i) whether the exceptional circumstances that the airport-lessee company claims will justify the development of the sensitive development at the airport; and
 - (ii) the likely effect of the sensitive development on the future use of the airport site for aviation related purposes; and
 - (iii) the likely effect of the sensitive development on the ground transport system at, and adjacent to, the airport.

55 Subsection 94(6)

Repeal the subsection, substitute:

- (6) If the Minister neither approves, nor refuses to approve, the draft major development plan before the end of:
 - (a) the period of 50 business days after the day on which the Minister received the draft plan; or
 - (b) a longer period (of no more than an extra 10 business days) that the Minister specifies in a written notice to the airport-lessee company;

the Minister is taken, at the end of that period, to have approved the plan under subsection (2).

(6AA) A notice made under subsection (6)(b) is not a legislative instrument.

56 Subsection 94(6A)

Omit “advice was given”, substitute “Minister received the advice”.

57 Subsection 95(3)

Repeal the subsection, substitute:

- (3) If the Minister does not make a decision under subsection (2) before the end of:
- (a) the period of 50 business days after the day on which the Minister received the draft variation; or
 - (b) a longer period (of no more than an extra 10 business days) that the Minister specifies in a written notice to the airport-lessee company;
- the Minister is taken, at the end of that period, to have approved the variation under subsection (2).

(3AA) A notice made under paragraph (3)(b) is not a legislative instrument.

58 Subsection 95(3A)

Omit “advice was given”, substitute “Minister received the advice”.

59 Subparagraphs 106(1)(d)(i) and (ii) and (4)(d)(i) and (ii)

Omit “, a State or a Territory”, substitute “or a State”.

60 Section 113 (first, second and third paragraphs)

Repeal the paragraphs.

61 Division 2 of Part 6

Repeal the Division.

62 Subsection 131A(1)

Repeal the subsection, substitute:

- (1) This Division applies to:
-

- (a) a core regulated airport, if there is an airport lease for the airport; and
- (b) an airport prescribed in the regulations, if there is an airport lease for the airport.

63 Subparagraph 131B(1)(a)(i)

Omit “a final”, substitute “an”.

64 Section 168

Omit “State/Territory”, substitute “State”.

65 Subsection 169(1)

Repeal the subsection, substitute:

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

66 Paragraphs 180(1)(a) and (b)

Omit “or”, substitute “and”.

67 Section 191 (first paragraph)

Repeal the paragraph.

68 Subsection 194(1)

Repeal the subsection (not including the note), substitute:

- (1) Divisions 4 to 10 (inclusive) apply to:
 - (a) a core regulated airport, other than Sydney (Kingsford-Smith) Airport, if there is an airport lease for the airport; and
 - (b) an airport prescribed in the regulations, if there is an airport lease for the airport.

69 Part 14 (heading)

Repeal the heading, substitute:

Part 14—Air traffic services and aerodrome rescue and fire fighting services

70 Section 215

Before “rescue and fire fighting services”, insert “aerodrome”.

71 Subparagraphs 216(1)(a)(ii) and (b)(ii)

Before “rescue and fire fighting services”, insert “aerodrome”.

Note: The heading to section 216 is altered by inserting “**aerodrome**” before “**rescue and fire fighting services**”.

72 Subsection 224(4)

Omit “, a State or a Territory”, substitute “or a State”.

73 At the end of section 244

Add:

- (2) However, the Minister must not delegate the power to give an approval under section 89A.

74 Subsection 250(8) (definition of *airport service*)

Repeal the definition, substitute:

airport service means a service provided at an airport, if the service is necessary for the purposes of operating or maintaining civil aviation services at the airport, and includes the use of facilities at the airport for those purposes.

Part 3—Transitional provisions

75 Application provision—sensitive developments

Section 71A of the *Airports Act 1996*, as inserted by this Schedule, applies to a proposed sensitive development of a facility if:

- (a) the facility existed before this Schedule commences; and
- (b) the development takes place after this Schedule commences.

76 Application provision—final master plans

Sections 76 and 78 of the *Airports Act 1996* as amended by this Schedule applies in relation to a final master plan that is in force when or after this Schedule commences.

77 Application provision—major development plans

Sections 89, 91, 92, 94 and 95 of the *Airports Act 1996*, as amended by this Schedule, apply to a draft major development plan if this Schedule commences before a written advice about the plan is given under subsection 92(1A) of that Act.

78 Transitional provision—environment strategies

- (1) A final environment strategy for an airport, which is in force immediately before this Schedule commences, continues in force after this Schedule commences as if Division 2 of Part 6 of the *Airports Act 1996*, as in force before the commencement of this Schedule, continues to apply to the strategy.
- (2) However, despite subsection (1), the final environment strategy ceases to be in force if a master plan that contains an environment strategy is approved for the airport.

Schedule 2—Technical amendment of the Airports Act 1996

Part 1—Bulk amendment of references to “State or Territory”

1 Technical amendments

The specified provisions of the *Airports Act 1996* listed in this Part of this Schedule are amended by omitting “State or Territory” and substituting “State”.

2 Subsections 22(4) and 37(2)

3 Section 61

Note: The heading to section 61 is altered by omitting “**State/Territory**” and substituting “**State**”.

4 Subsection 71(6)

5 Paragraphs 79(1A)(a) and (b)

Note 1: The heading to section 79 is altered by omitting “**State or Territory**” and substituting “**State**”.

Note 2: The heading to subsection 79(1A) is altered by omitting “*State or Territory*” and substituting “*State*”.

6 Paragraph 79(1)(a)

7 Subparagraphs 80(1)(b)(i) and (ii)

8 Paragraphs 84A(1A)(a) and (b)

Note 1: The heading to section 84A is altered by omitting “**State or Territory**” and substituting “**State**”.

Note 2: The heading to subsection 84(1A) is altered by omitting “*State or Territory*” and substituting “*State*”.

9 Paragraph 84A(1)(a)

10 Paragraph 86(2)(a)

11 Paragraphs 92(1A)(a) and (b)

Note 1: The heading to section 92 is altered by omitting “**State or Territory**” and substituting “**State**”.

Note 2: The heading to subsection 92(1A) is altered by omitting “*State or Territory*” and substituting “*State*”.

12 Subparagraphs 93(1)(b)(i) and (ii)

13 Paragraphs 95A(1B)(a) and (b)

Note 1: The heading to section 95A is altered by omitting “**State or Territory**” and substituting “**State**”.

Note 2: The heading to subsection 95A(1B) is altered by omitting “*State or Territory*” and substituting “*State*”.

14 Paragraph 95A(1)(a)

15 Paragraph 96(2)(a)

16 Paragraphs 100(2)(b) and (c)

17 Paragraphs 107(2)(b) and (c)

18 Subsections 112(1) and (2)

Note: The heading to section 112 is altered by omitting “**State/Territory**” and substituting “**State**”.

19 Subsections 136(1) and (2)

Note: The heading to section 136 is altered by omitting “**State/Territory**” and substituting “**State**”.

20 Section 149

Note: The heading to section 149 is altered by omitting “**State/Territory**” and substituting “**State**”.

21 Subsection 163A(3)

22 Subsections 177(1) and (2)

Note: The heading to section 177 is altered by omitting “**State/Territory**” and substituting “**State**”.

23 Paragraph 196(1)(a)

Part 2—Other amendments

24 Division 8 of Part 3 (heading)

Repeal the heading, substitute:

Division 8—Concurrent operation of State laws

25 Division 8 of Part 7 (heading)

Repeal the heading, substitute:

Division 8—Concurrent operation of State laws

*[Minister's second reading speech made in—
House of Representatives on 30 September 2010
Senate on 26 October 2010]*

(199/10) *airports Amendment Act 2010* No. 149, 2010