



Statutory Rules 1998 No. / 1

/ 119

## Sydney Airport Demand Management Regulations 1998

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

Dated **2 JUN 1998** 1998.

**WILLIAM DEANE**

Governor-General

By His Excellency's Command,

MARK VAILE

Minister for Transport and Regional Development

### PART 1—PRELIMINARY

#### Name of Regulations

1. These Regulations are the *Sydney Airport Demand Management Regulations 1998*.

### Commencement

2. These Regulations commence on gazettal.

### Definition

3. In these Regulations:

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

## PART 2—THE COMPLIANCE COMMITTEE

### Meaning of *member*

4. In this Part, unless the contrary intention appears: *member* does not include an alternate member.

### Committee membership (Demand Management Act, s 67)

5. (1) The Minister may appoint up to 7 people to be members of the Compliance Committee.

(2) At least 3 members of the Committee must be people nominated by:

- (a) airlines that regularly use Sydney Airport; or
- (b) if there is an organisation that is accepted by the Minister as representing those airlines—that organisation.

(3) At least 1 of those 3 members must be somebody nominated by:

- (a) regional service operators that regularly use Sydney Airport; or
- (b) if there is an organisation that is accepted by the Minister as representing those operators—that organisation.

(4) At least 1 member of the Committee must be somebody nominated by the operator of Sydney Airport.

- (5) In subregulation (4):  
**operator of Sydney Airport** means:
- (a) if there is an airport lease for Sydney Airport—the airport-lessee company, within the meaning given by the *Airports Act 1996*; or
  - (b) otherwise—the Federal Airports Corporation.
- (6) At least 1 member of the Committee must be somebody nominated by the body that provides air traffic control services at Sydney Airport.
- (7) For paragraphs (2) (a) and (3) (a), an operator **regularly uses** Sydney Airport if the operator operates 10 or more scheduled aircraft movements per week (on average during a scheduling season) through the airport.
- (8) In subregulation (7):  
**scheduling season** has the same meaning as in the *Slot Management Scheme 1998*.

*Note* Notice of the approval of the *Slot Management Scheme 1998* was published in the *Gazette* on 20 April 1998.

#### **Alternate members**

6. (1) The Minister may appoint someone as an alternate member to a member.
- (2) If a member was appointed on the nomination of a person or body, the Minister may appoint an alternate to the member only on the nomination of the person or body.
- (3) An alternate member may attend meetings of the Committee, but must not vote unless the member to whom he or she is alternate is absent.

#### **Duration of appointment etc**

7. (1) The duration of an appointment is as the Minister specifies in the instrument of appointment.

(2) A member or alternate member may resign his or her office by writing to the Minister.

### **Chair of the Committee**

8. (1) The Minister must appoint 1 of the members to be the Chair of the Committee.

- (2) If the Chair is not present at a meeting of the Committee:
- (a) if there is an alternate member to the Chair—the alternate member presides; or
  - (b) if there is no alternate member to the Chair, or there is such an alternate member but he or she is absent—the members of the Committee present at the meeting may appoint one of themselves to act as Chair for the meeting.

### **Procedures of the Committee generally**

9. Subject to this Part, the Committee may determine the procedures for meetings, including:

- (a) convening meetings; and
- (b) keeping minutes; and
- (c) who may be invited to attend meetings.

### **Attendance by observers at meetings**

10. (1) A representative of the Slot Manager may attend any meeting of the Committee.

(2) The Committee may allow somebody else to attend a meeting as an observer.

### **Quorum**

11. Four members (including an alternate member, if the member to whom he or she is alternate is absent) constitute a quorum.

## **Voting**

**12. (1)** Each member has 1 vote, and, in the event of an equality of votes, the Chair also has a casting vote.

**(2)** Matters before a meeting are to be determined by simple majority of votes of the members present and voting.

## **Disclosure of interests by members of the Committee**

**13. (1)** In this regulation:  
*member* includes an alternate member.

**(2)** A member who has a direct or indirect interest (for example, as an employee of an airline whose conduct is being examined by the Committee) in a matter before the Committee must disclose the interest to the other members as soon as possible after he or she becomes aware of the relevant facts.

**(3)** The member may not vote on the matter.

**(4)** The member may not be present while the Committee discusses the matter, except with the permission of the other members.

**(5)** A member is not taken to have an interest for this regulation only because of a direct or indirect pecuniary interest:

- (a)** that the member has only through being in the aviation industry; and
- (b)** in common with the other members of the Committee.

## **Facts that may indicate an interest**

**14. (1)** In this regulation:  
*member* includes an alternate member.

**(2)** If a member has information that indicates that another member has a direct or indirect interest (within the meaning given by regulation 13) in a matter before the Committee, he or she must give the information to the Committee.

(3) The Committee must decide by resolution whether the allegedly interested member actually has an interest in the matter.

(4) The allegedly interested member may not vote on the resolution.

(5) The allegedly interested member may not be present while the Committee discusses the resolution, except with the permission of the other members.

(6) If the Committee resolves that the allegedly interested member actually does have an interest in the matter before the Committee, he or she is taken to have such an interest in the matter for subregulations 13 (3) and (4).

### **Resolutions without meetings**

15. (1) The Committee may make a resolution in accordance with this regulation without holding a meeting.

(2) The member who proposes the resolution must send a copy of it to each of the members of the Committee (including the Chair).

(3) If enough members of the Committee each write, on a copy of the proposed resolution, words to the effect that they approve the proposed resolution, and sign the copy, the proposed resolution is taken to have been passed at a meeting of the Committee on the day, or the last day, on which the copy was so signed.

(4) In subregulation (3):  
*enough members* means two-thirds of the number of members who, if the proposed resolution were put to a meeting, would be entitled to vote on it.

(5) For subregulation (3), the approval or signature of a member who has a direct or indirect interest in the matter that the resolution is about is of no effect.

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**NOTE**

1. Notified in the *Commonwealth of Australia Gazette* on

1998.

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