

2004-2005-2006

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

## **Airports Amendment Bill 2006**

**No.     , 2006**

*(Transport and Regional Services)*

**A Bill for an Act to amend the *Airports Act 1996*,  
and for related purposes**

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1     **A Bill for an Act to amend the *Airports Act 1996*,**  
2     **and for related purposes**

3     The Parliament of Australia enacts:

4     **1 Short title**

5             This Act may be cited as the *Airports Amendment Act 2006*.

6     **2 Commencement**

7             (1) Each provision of this Act specified in column 1 of the table  
8                 commences, or is taken to have commenced, in accordance with  
9                 column 2 of the table. Any other statement in column 2 has effect  
10                according to its terms.

11

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**Commencement information**

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
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.	
2. Schedule 1	The 28th day after the day on which this Act receives the Royal Assent.	

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1 Note: This table relates only to the provisions of this Act as originally  
2 passed by both Houses of the Parliament and assented to. It will not be  
3 expanded to deal with provisions inserted in this Act after assent.

4 (2) Column 3 of the table contains additional information that is not  
5 part of this Act. Information in this column may be added to or  
6 edited in any published version of this Act.

7 **3 Schedule(s)**

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9 repealed as set out in the applicable items in the Schedule  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

1  
2 **Schedule 1—Amendments**

3 **Part 1—Amendments**

4 *Airports Act 1996*

5 **1 Paragraph 3(f)**

6 Before “airports”, insert “certain”.

7 **2 Section 4**

8 Omit:

9 (b) a 5% limit on airline ownership;

10 substitute:

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

12 **3 Section 4**

13 Omit:

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

16 substitute:

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

20 **4 Section 4**

21 Omit:

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

1 substitute:

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

5 **5 Section 5**

6 Insert:

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

9 **6 Section 5**

10 Insert:

11 *approved auditor* has the meaning given by section 144.

12 **7 Section 5**

13 Insert:

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

17 **8 Section 5**

18 Insert:

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

20 **9 Section 5**

21 Insert:

22 *business day* means a day that is not:  
23 (a) a Saturday; or  
24 (b) a Sunday; or  
25 (c) a public holiday in the place concerned; or  
26 (d) 27, 28, 29, 30 or 31 December.

27 **10 Section 5**

28 Insert:

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

2        **11 Section 5**

3                    Insert:

4                    *major airport development* has the meaning given by section 89.

5        **12 Section 5**

6                    Insert:

7                    *quality of service matter* has the meaning given by subsection  
8                    156(7).

9        **13 Section 5**

10                    Insert:

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

12        **14 Paragraph 7(1)(g)**

13                    Omit “Coolangatta”, substitute “Gold Coast”.

14        **15 After section 7B**

15                    Insert:

16        **7C Giving information and the Electronic Transactions Act**

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

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

24        **16 At the end of subsections 32(1) and (2)**

25                    Add:

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

28        **17 Section 38**

1 Omit:

2 (b) a 5% limit on airline ownership;

3 substitute:

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

5 **18 Division 4 of Part 3 (heading)**

6 Repeal the heading, substitute:

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

9 **19 Section 44**

10 Before “For”, insert “(1)”.

11 **20 Section 44**

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

13 **21 At the end of section 44**

14 Add:

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

19 **22 Section 70**

20 Before “For”, insert “(1)”.

21 **23 At the end of section 70**

22 Add:

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



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

8 **24 Paragraph 71(2)(c)**

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

10 **25 Paragraph 71(2)(c)**

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

13 **26 Paragraph 71(2)(d)**

14 Repeal the paragraph, substitute:

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

20 **27 Subsection 71(2)**

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

23 **28 Paragraph 71(3)(c)**

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

25 **29 Paragraph 71(3)(c)**

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

28 **30 Paragraph 71(3)(d)**

29 Repeal the paragraph, substitute:

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

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

5 **31 Subsection 71(3)**

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

8 **32 Subsection 71(4)**

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

10 **33 At the end of subsection 71(4)**

11 Add:  
12 ; (c) subject to any specified conditions, a specified period that is  
13 longer than the planning period of the plan.

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

16 **34 At the end of subsection 71(8)**

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

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

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

22 **35 At the end of section 73**

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

26 **36 Subsection 75(1)**

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

28 **37 Subsection 76(1)**

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

30 **38 Subsections 78(1) and (2)**

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

1 **39 After subsection 78(2)**

2 Insert:

3 (2A) If a final master plan (the *original plan*) for an airport is in force,  
4 and a more recent Australian Noise Exposure Forecast for the  
5 airport is endorsed in the manner approved by the Minister, the  
6 airport-lessee company for the airport must give the Minister, in  
7 writing, a draft master plan that is expressed to replace the original  
8 plan. The company must give the Minister the draft master plan:

9 (a) within 180 days of the more recent Australian Noise  
10 Exposure Forecast being endorsed; or

11 (b) if the Minister, by written notice given to the company,  
12 allows a longer period—within that longer period.

13 **40 Paragraph 78(3)(a)**

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

15 **41 Paragraph 79(1)(a)**

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

17 **42 Subparagraph 79(1)(a)(ii)**

18 Omit “90 days”, substitute “45 business days”.

19 **43 After subparagraph 79(1)(a)(iii)**

20 Insert:

21 (iiia) in the case of a notice published in a newspaper—  
22 stating that copies of the preliminary version will be  
23 available free of charge to members of the public on the  
24 airport’s website throughout the period of 45 business  
25 days after the publication of the notice; and

26 (iiib) in the case of a notice published in a newspaper—  
27 specifying the address of the airport’s website; and

28 **44 Subparagraph 79(1)(a)(iv)**

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

30 **45 Subparagraph 79(1)(a)(iv)**

31 Omit “90 days”, substitute “45 business days”.

1 **46 At the end of subsection 79(1)**

2 Add:

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

8 **47 Paragraph 79(2)(c)**

9 Omit "stating", substitute "demonstrating".

10 **48 After section 80**

11 Insert:

12 **80A Minister may request more information for making decision**

- 13 (1) This section applies if an airport-lessee company gives the Minister  
14 a draft master plan or a draft variation of a final master plan.
- 15 (2) If the Minister believes that the draft plan or variation does not  
16 include enough information for the Minister to make a decision  
17 under subsection 81(2) or 84(2), as applicable, the Minister may  
18 request the airport-lessee company to provide specified  
19 information relevant to making the decision.

20 *Time does not run while further information being sought*

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

29 **49 Subsection 81(1)**

30 After "gives the Minister", insert "in writing".

31 **50 Before paragraph 81(3)(a)**

1           Insert:

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

4       **51 Subsection 81(5)**

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

6       **52 Subsection 81(8)**

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

8       **53 Section 83**

9           Before “If”, insert “(1)”.

10      **54 At the end of section 83**

11           Add:

12                   *Final master plans not legislative instruments*

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

14      **55 Paragraph 84(1)(b)**

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

16      **56 Subsection 84(3)**

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

18      **57 Paragraph 84A(1)(a)**

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

20      **58 Subparagraph 84A(1)(a)(ii)**

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

22      **59 After subparagraph 84A(1)(a)(iii)**

23           Insert:

24                   (iia) in the case of a notice published in a newspaper—  
25                   stating that copies of the preliminary version will be  
26                   available free of charge to members of the public on the  
27                   airport’s website throughout the period of 15 business  
28                   days after the publication of the notice; and

1 (iiib) in the case of a notice published in a newspaper—  
2 specifying the address of the airport’s website; and

3 **60 Subparagraph 84A(1)(a)(iv)**

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

5 **61 Subparagraph 84A(1)(a)(iv)**

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

7 **62 At the end of subsection 84A(1)**

8 Add:

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

14 **63 Paragraph 84A(2)(c)**

15 Omit “stating”, substitute “demonstrating”.

16 **64 Paragraph 86(2)(a)**

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

18 **65 Subparagraph 86(2)(a)(iii)**

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

20 **66 At the end of paragraph 86(2)(a)**

21 Add:

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

28 **67 Paragraph 86(2)(b)**

29 After “make”, insert “copies of”.

30 **68 After paragraph 86(2)(b)**

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

7           **69 Paragraph 86(2)(c)**

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

9           **70 Paragraph 86(3)(a)**

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

12           **71 Subsection 89(1)**

13           Omit “Division”, substitute “Act”.

14           **72 Subparagraphs 89(1)(e)(ii), (f)(ii), (g)(ii), (h)(ii), (j)(ii), (k)(ii)**  
15           **and (l)(ii)**

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

17           **73 After subsection 89(2)**

18           Insert:

19           (2A) For the purposes of this Act, *constructing* a thing includes carrying  
20           out all associated building activities.

21           **74 At the end of section 89**

22           Add:

- 23           (4) For the purposes of this Act, the Minister may determine in writing  
24           that specified developments that are carried out at an airport site  
25           together constitute a *major airport development* if:  
26                 (a) each individual development is:  
27                         (i) covered by subparagraph (1)(e)(i), (f)(i), (g)(i), (h)(i),  
28                         (j)(i), (k)(i) or (l)(i); but  
29                         (ii) not covered by subparagraph (1)(e)(ii), (f)(ii), (g)(ii),  
30                         (h)(ii), (j)(ii), (k)(ii) or (l)(ii); and  
31                 (b) the developments are:

- 1 (i) consecutive or concurrent projects; or  
2 (ii) extensions to existing buildings.

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

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

7 **75 Before subsection 91(1)**

8 Insert:

- 9 (1A) The purpose of a major development plan in relation to an airport  
10 is to establish the details of a major airport development that:  
11 (a) relates to the airport; and  
12 (b) is consistent with the airport lease for the airport and the final  
13 master plan for the airport.

14 **76 After paragraph 91(1)(c)**

15 Insert:

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

18 **77 After paragraph 91(1)(e)**

19 Insert:

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

23 **78 At the end of subsection 91(6)**

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

25 **79 Paragraph 92(1)(a)**

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

27 **80 Subparagraph 92(1)(a)(ii)**

28 Omit “90 days”, substitute “45 business days”.

29 **81 After subparagraph 92(1)(a)(iii)**

30 Insert:



- 1 (iia) in the case of a notice published in a newspaper—  
2 stating that copies of the draft version will be available  
3 free of charge to members of the public on the airport’s  
4 website throughout the period of 45 business days after  
5 the publication of the notice; and  
6 (iib) in the case of a notice published in a newspaper—  
7 specifying the address of the airport’s website; and

8 **82 Subparagraph 92(1)(a)(iv)**

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

10 **83 Subparagraph 92(1)(a)(iv)**

11 Omit “90 days”, substitute “45 business days”.

12 **84 At the end of subsection 92(1)**

13 Add:

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

19 **85 Paragraph 92(2)(c)**

20 Omit “stating”, substitute “demonstrating”.

21 **86 After section 93**

22 Insert:

23 **93A Minister may request more information for making decision**

- 24 (1) This section applies if an airport-lessee company gives the Minister  
25 a draft major development plan or a draft variation of a major  
26 development plan.  
27 (2) If the Minister believes that the draft plan or variation does not  
28 include enough information for the Minister to make a decision  
29 under subsection 94(2) or 95(2), as applicable, the Minister may  
30 request the airport-lessee company to provide specified  
31 information relevant to making the decision.

1 *Time does not run while further information being sought*

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

10 **87 Subsection 94(1)**

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

12 **88 Before paragraph 94(3)(a)**

13 Insert:

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

16 **89 Subsection 94(6)**

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

18 **90 After subsection 94(7)**

19 Insert:

- 20 (7A) Unless an approval by the Minister states otherwise, the approval is  
21 subject to a condition that the development be substantially  
22 completed before the end of a specified period ending no later than  
23 5 years after the approval.  
24 (7B) The Minister may, before the end of that period, extend the period  
25 by up to 2 years. The Minister may extend the period only once.  
26 The Minister may extend the period subject to one or more  
27 conditions.

28 **91 At the end of section 94**

29 Add:

30 *Major development plans are not legislative instruments*

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

1 **92 Paragraph 95(1)(b)**

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

3 **93 At the end of subsection 95(2)**

4 Add:

5 ; or (c) if:

6 (i) the Minister has not previously required the variation to  
7 be subject to public comment under section 95A; and

8 (ii) in the Minister’s opinion, it would be in the public  
9 interest to do so;

10 require the variation to be subject to public comment under  
11 section 95A.

12 **94 Subsection 95(3)**

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

15 **95 Subsection 95(3)**

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

17 **96 Subsection 95(4)**

18 Omit “deciding whether to approve the variation”, substitute “making a  
19 decision under subsection (2)”.

20 **97 Before subsection 95A(1)**

21 Insert:

22 (1A) This section applies if the Minister has, under paragraph 95(2)(c),  
23 required a draft variation of a major development plan for an  
24 airport to be subject to public comment under this section.

25 **98 Subsection 95A(1)**

26 Omit “giving the Minister a draft variation of a major development plan  
27 for an airport”, substitute “resubmitting the draft variation to the  
28 Minister”.

29 **99 Paragraph 95A(1)(a)**

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

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

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

3 **101 After subparagraph 95A(1)(a)(iii)**

4 Insert:

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

10 (iiib) in the case of a notice published in a newspaper—  
11 specifying the address of the airport’s website; and

12 **102 Subparagraph 95A(1)(a)(iv)**

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

14 **103 Subparagraph 95A(1)(a)(iv)**

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

16 **104 At the end of subsection 95A(1)**

17 Add:

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

23 **105 Subsection 95A(2)**

24 Omit “submitted”, substitute “resubmitted”.

25 **106 Paragraph 95A(2)(c)**

26 Omit “stating”, substitute “demonstrating”.

27 **107 Paragraph 96(2)(a)**

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

29 **108 Subparagraph 96(2)(a)(iii)**

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

1 **109 At the end of paragraph 96(2)(a)**

2 Add:

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

10 **110 Paragraph 96(2)(b)**

11 After “make”, insert “copies of”.

12 **111 After paragraph 96(2)(b)**

13 Insert:

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

19 **112 Paragraph 96(2)(c)**

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

21 **113 Paragraph 96(3)(a)**

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

24 **114 Subsection 98(1)**

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

27 **115 At the end of subsection 98(1)**

28 Add:

- 29 ; (f) undertaking land clearing.

30 **116 Subparagraphs 99(1)(d)(iii) and (3)(d)(iii)**

31 Repeal the subparagraphs, substitute:

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

5 **117 Subsection 101(3)**

6 Repeal the subsection, substitute:

7 (3) If the building activity is an element of a major airport  
8 development, the approval must not be granted unless the activity  
9 is consistent with a major development plan approved under  
10 Division 4 for the development.

11 **118 Paragraph 103(4)(c)**

12 Repeal the paragraph, substitute:

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

17 **119 Paragraph 112(2)(b)**

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

19 **120 At the end of Division 6 of Part 5**

20 Add:

21 **112A Exclusion of National Capital Plan**

22 This Part is to apply to the exclusion of the National Capital Plan  
23 made under the *Australian Capital Territory (Planning and Land*  
24 *Management) Act 1988*.

25 **121 Section 115**

26 Before “For”, insert “(1)”.

27 **122 At the end of section 115**

28 Add:

29 (2) The purposes of a final environment strategy for an airport are:

- 1 (a) to ensure that all operations at the airport are undertaken in  
2 accordance with relevant environmental legislation and  
3 standards; and  
4 (b) to establish a framework for assessing compliance at the  
5 airport with relevant environmental legislation and standards;  
6 and  
7 (c) to promote the continual improvement of environmental  
8 management at the airport.

9 **123 Subsection 120(1)**

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

11 **124 Subsection 121(1)**

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

13 **125 Subsections 123(1) and (2)**

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

15 **126 Paragraph 124(1)(a)**

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

17 **127 Subparagraph 124(1)(a)(ii)**

18 Omit “90 days”, substitute “45 business days”.

19 **128 After subparagraph 124(1)(a)(iii)**

20 Insert:

- 21 (iiia) in the case of a notice published in a newspaper—  
22 stating that copies of the preliminary version will be  
23 available free of charge to members of the public on the  
24 airport’s website throughout the period of 45 business  
25 days after the publication of the notice; and  
26 (iiib) in the case of a notice published in a newspaper—  
27 specifying the address of the airport’s website; and

28 **129 Subparagraph 124(1)(a)(iv)**

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

30 **130 Subparagraph 124(1)(a)(iv)**

31 Omit “90 days”, substitute “45 business days”.

1 **131 At the end of subsection 124(1)**

2 Add:

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

8 **132 Paragraph 124(2)(c)**

9 Omit "stating", substitute "demonstrating".

10 **133 After section 125**

11 Insert:

12 **125A Minister may request more information for making decision**

13 (1) This section applies if an airport-lessee company gives the Minister  
14 a draft environment strategy or a draft variation of a final  
15 environment strategy.

16 (2) If the Minister believes that the draft strategy or variation does not  
17 include enough information for the Minister to decide whether to  
18 make a decision under subsection 126(2) or 129(2), as applicable,  
19 the Minister may request the airport-lessee company to provide  
20 specified information relevant to making the decision.

21 *Time does not run while further information being sought*

22 (3) If the Minister has requested more information under  
23 subsection (2) for the purposes of making a decision, a day is not to  
24 be counted as a business day for the purposes of subsection 126(5)  
25 or 129(3), as applicable, if it is:

- 26 (a) on or after the day the Minister requested the information;  
27 and  
28 (b) on or before the day on which the Minister receives the last  
29 of the information requested.

30 **134 Subsection 126(1)**

31 After "gives the Minister", insert ", in writing,".

32 **135 Before paragraph 126(3)(a)**

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1           Insert:

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

4   **136 Subsection 126(5)**

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

6   **137 Subsection 126(8)**

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

8   **138 Section 128**

9           Before “If”, insert “(1)”.

10 **139 At the end of section 128**

11           Add:

12                   *Final environment strategies not legislative instruments*

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

14 **140 Paragraph 129(1)(b)**

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

16 **141 Subsection 129(3)**

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

18 **142 Paragraph 131(2)(a)**

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

20 **143 Subparagraph 131(2)(a)(iii)**

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

22 **144 At the end of paragraph 131(2)(a)**

23           Add:

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

1 (v) in the case of a notice published in a newspaper—  
2 specifying the address of the airport’s website; and

3 **145 Paragraph 131(2)(b)**

4 After “make”, insert “copies of”.

5 **146 After paragraph 131(2)(b)**

6 Insert:

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

9 (i) in a readily accessible format that is acceptable to the  
10 Minister; and

11 (ii) in accordance with the notice.

12 **147 Paragraph 131(2)(c)**

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

14 **148 Paragraph 131(3)(a)**

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

18 **149 Subsection 140(1)**

19 Repeal the subsection, substitute:

20 (1) This Part applies to an airport-operator company for an airport if:

21 (a) the airport is specified in the regulations; and

22 (b) there is an airport lease for the airport.

23 **150 Section 144**

24 Repeal the section, substitute:

25 **144 Approved auditor**

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

27 (a) a person registered as an auditor under Part 9.2 of the  
28 *Corporations Act 2001*; or

29 (b) a company registered as an authorised audit company under  
30 Part 9.2A of the *Corporations Act 2001*.

1 **151 Section 150**

2 Repeal the section, substitute:

3 **150 Simplified outline**

4 The following is a simplified outline of this Part:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 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.

12 **152 Subsection 151(1)**

13 Repeal the subsection, substitute:

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

17 **153 Divisions 3 and 4 of Part 8**

18 Repeal the Divisions, substitute:

19 **Division 4—ACCC to monitor quality of services and**  
20 **facilities**

21 **155 ACCC to monitor quality of services and facilities**

- 22 (1) In addition to any functions conferred on the ACCC by other laws,
- 23 the ACCC has the function of monitoring and evaluating the
- 24 quality of the aspects of airport services and facilities specified in
- 25 the regulations.

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

1 (2) The monitoring and evaluation of an aspect specified for the  
2 purposes of subsection (1) must be against the criteria determined  
3 by the ACCC in writing in relation to the aspect.

4 (3) Before determining criteria under subsection (2), the ACCC must  
5 consult the Department and the Department administered by the  
6 Treasurer.

7 *Determinations*

8 (4) The ACCC must give a free copy of a determination under  
9 subsection (2) to any person who asks for a copy.

10 (5) A determination under subsection (2) is not a legislative  
11 instrument.

12 **154 Subsection 156(7)**

13 Repeal the subsection, substitute:

14 (7) In this Act:

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

19 **155 Subsection 157(1)**

20 Repeal the subsection, substitute:

21 (1) The ACCC may publish reports relating to the monitoring or  
22 evaluation of the quality of aspects of airport services and facilities  
23 specified in regulations made for the purposes of subsection  
24 155(1).

25 **156 After subsection 172(1)**

26 Insert:

27 (1A) Regulations made for the purposes of subsection (1) may apply,  
28 adopt or incorporate any matter contained in the Airside Vehicle  
29 Control Handbook for the airport as in force or existing from time  
30 to time.

31 **157 Subsection 172(2)**

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1 Omit “section”, substitute “Act”.

2 **158 Subsection 172(2)**

3 Insert:

4 *Airside Vehicle Control Handbook* for an airport means the  
5 Airside Vehicle Control Handbook published by an  
6 airport-operator company for the airport.

7 **159 Subsection 173(2) (definition of *gambling activity*)**

8 Repeal the definition, substitute:

9 *gambling activity* includes the following:

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

14 **160 Section 215**

15 Repeal the section, substitute:

16 **215 Simplified outline**

17 The following is a simplified outline of this Part:

- 18 • Air traffic services, and rescue and fire fighting services, must  
19 not be provided at airports without the approval of the Civil  
20 Aviation Safety Authority.

21 **161 Subsection 216(1)**

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

23 **162 Paragraphs 216(1)(c), (d) and (e)**

24 Repeal the paragraphs, substitute:

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

29 **163 Subsection 216(2) (note)**

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

2 **164 Subsection 216(3)**

3 Repeal the subsection.

4 **165 Paragraph 242(2)(f)**

5 Repeal the paragraph.

6 **166 Subclause 5(1) of the Schedule**

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

8 **167 At the end of clause 5 of the Schedule**

9 Add:

10 *Regulations may provide that persons are not associates*

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

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

16 **168 Subclause 9(1) of the Schedule**

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

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

20 **169 At the end of subclause 9(1) of the Schedule**

21 Add:

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

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

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

29 **170 At the end of section 10**

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Add:

2

Note: The Plan does not apply to Canberra Airport: see section 112A of the

3

*Airports Act 1996.*

1

2 **Part 2—Application, transitional and saving**  
3 **provisions**

4 **171 Application—master plans**

5 *Application of amendments—draft master plans*

- 6 (1) The amendments of the *Airports Act 1996* made by items 22 to 40 and  
7 47 to 52 of this Schedule apply in relation to:
- 8 (a) a preliminary version of a draft master plan in relation to  
9 which a notice is published under subsection 79(1) of that  
10 Act after the commencement of this item; or
  - 11 (b) a draft master plan given to the Minister after the  
12 commencement of this item (whether a notice in relation to  
13 the draft master plan is published under subsection 79(1) of  
14 that Act before or after the commencement of this item); or
  - 15 (c) a final master plan, the draft of which is covered by  
16 paragraph (b).
- 17 (2) The amendments of the *Airports Act 1996* made by items 41 to 46 of  
18 this Schedule do not apply in relation to a draft master plan in relation  
19 to which a notice is published under subsection 79(1) of that Act before  
20 the commencement of this item.

21 *Application of amendments—draft variations of final master plans*

- 22 (3) The amendments of the *Airports Act 1996* made by items 48, 55, 56 and  
23 63 of this Schedule apply in relation to a draft variation of a final master  
24 plan, being a draft variation given to the Minister after the  
25 commencement of this item.
- 26 (4) The amendments of the *Airports Act 1996* made by items 57 to 62 of  
27 this Schedule do not apply in relation to a draft variation of a final  
28 master plan in relation to which a notice is published under subsection  
29 84A(1) of that Act before the commencement of this item.

30 *Application of amendments—approved master plans and*  
31 *variations*

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



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

5 **172 Application—major airport developments**

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

13 **173 Application and transitional—major development plans**

14 *Application of amendments—draft master development plans*

- 15 (1) The amendments of the *Airports Act 1996* made by items 75 to 78 and  
16 85 to 90 of this Schedule apply in relation to:
- 17 (a) a draft version of a major development plan in relation to  
18 which a notice is published under subsection 92(1) of that  
19 Act after the commencement of this item; or
- 20 (b) a draft major development plan given to the Minister after the  
21 commencement of this item (whether a notice in relation to  
22 the draft major development plan is published under  
23 subsection 92(1) of that Act before or after the  
24 commencement of this item); or
- 25 (c) a draft major development plan approved by the Minister  
26 under Division 4 of Part 5 of that Act, the draft of which is  
27 covered by paragraph (b).
- 28 (2) The amendments of the *Airports Act 1996* made by items 79 to 84 of  
29 this Schedule do not apply in relation to a draft major development plan  
30 in relation to which a notice is published under subsection 92(1) of that  
31 Act before the commencement of this item.

1                    *Application of amendments—draft variations of approved major*  
2                    *development plans*

- 3            (3)        The amendments of the *Airports Act 1996* made by items 86, 92 to 98,  
4                    105 and 106 of this Schedule apply in relation to a draft variation of a  
5                    major development plan, being a draft variation given to the Minister  
6                    after the commencement of this item.
- 7            (4)        The amendments of the *Airports Act 1996* made by items 99 to 104 of  
8                    this Schedule do not apply in relation to a preliminary version of a draft  
9                    variation of a major development plan in relation to which a notice is  
10                   published under subsection 95A(1) of that Act before the  
11                   commencement of this item.

12                   *Application of amendments—approved major development plans*  
13                   *and variations*

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

21                   *Transitional conditions*

- 22            (6)        A major development plan approved:  
23                        (a) before the commencement of this item; and  
24                        (b) not subject to a condition relating to when the development  
25                                must commence;  
26                    is taken to have been approved subject to a condition that the  
27                    development be substantially completed before the end of the period of  
28                    5 years after the commencement of this item.
- 29            (7)        The Minister may, before the end of that period and subject to such  
30                   terms and conditions as the Minister determines, extend the period  
31                   mentioned in subitem (6) by up to 5 years in relation to a major airport  
32                   development under paragraphs 89(1)(a), (b), (f) and (g) of the *Airports*  
33                   *Act 1996*. The Minister may extend the period only once.

34                   **174 Application—environment strategies**

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