

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

SYDNEY AIRPORT (REGULATION OF MOVEMENTS) BILL
1996

EXPLANATORY MEMORANDUM

(Circulated by authority of Mr A Albanese MP)



SYDNEY AIRPORT (REGULATION OF MOVEMENTS) BILL 1996

OUTLINE

The purpose of the Bill is to impose a limit on the number of aircraft movements allowed at Sydney (Kingsford-Smith) Airport each hour.

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NOTES OF CLAUSES

Clause 1 Short Title

- 1 The bill, when enacted, will be known as the Sydney Airport (Regulation of Movements) Act 1996

Clause 2 Commencement

- 2 The bill will commence on the day on which it receives the Royal Assent.

Clause 3 Crown to be Bound

- 3 This clause provides that the Act binds the Crown in right of the Commonwealth.

Clause 4 Limit on number of movements

Subclause 4(1) provides that not more than 80 aircraft movements per hour will be permitted at Sydney (Kingsford-Smith) Airport.

Subclause 4(2) provides that if a person knowingly or recklessly allows an aircraft to take off contrary to the limits set by subclause 4(1) the person is guilty of an offence punishable by a fine not exceeding 200 penalty units. In the case of a body corporate, the penalty is 1000 penalty units.

Clause 5 Emergencies

Clause 5 provides that an aircraft movement is not counted for the purposes of the Act if an aircraft is involved in an emergency, such as being involved in:

- a search and rescue operation;
- a medical emergency;
- a natural disaster;
- war or war-like conflict etc;
- the response to an act of terrorism.

Where a pilot has declared an in-flight emergency and has reasonable grounds for doing so and where an aircraft has insufficient fuel to be diverted to another airport or where there is an urgent need to do so to ensure the safety of the aircraft or personnel or to avoid danger to property, aircraft movements are also not counted.

Clause 6 Information about aircraft movements

Clause 6 provides that an authorised person must obtain information about the number of aircraft movements at Kingsford-Smith airport every month. The clause also provides that a person or persons required to provide information must not intentionally refuse to provide information or fail to do so to the extent that they are capable of doing so. Persons are also prohibited from providing information that is false or misleading in a material particular if they know that it is false or misleading or if they are reckless as to whether the answer is false or misleading in a material particular.

Sub-clause 6(5) provides that if a person is asked to provide information under the subsection the person is not required to provide it if this might tend to incriminate the person or expose the person to a penalty.

Clause 7 Tabling of Information

Clause 7 requires that information obtained under section 6 must be provided to the Minister within 10 days of its receipt by the authorised person. Sub-clause 7(2) requires the Minister to ensure that the information is tabled in each House of the Parliament within 10 days of its receipt by the Minister.

Clause 8 Injunctions

Clause 8 provides for the issuing of both restraining injunctions and performance injunctions. If a person has engaged in or is engaging or proposing to engage in conduct in contravention of the Act, the Federal Court may, on the application of any person, grant an injunction restraining the person from engaging in the conduct or requiring the person to take appropriate action.

Sub-clause 8(2) allows a person to apply to the Federal Court to seek an injunction requiring that a person do an act or thing that the person has refused or failed to do and where the failure or refusal is or would be a contravention of the Act.

Clause 9 Interim injunctions

Clause 9 provides for interim injunctions to be granted by the Court where an injunction has been sought, although the Court is not required to give an applicant for an injunction as a condition of granting an interim injunction any undertakings as to damages.

Clause 10 Discharge of injunctions

Clause 10 allows the Court to discharge or vary an injunction.

Clause 11 Certain limits on injunctions

Clause 11 provides that certain limits on granting injunctions, whether restraining or performance injunctions, do not apply

Clause 12 Other powers not affected

Clause 12 provides that the other powers in the Federal Court are not affected by the Act.

Clause 13 Interpretation

Clause 13 inserts definitions of the terms *aircraft, aircraft movements, authorised person, Federal Court, landing, Secretary* and *take-off*.

Clause 14 Amendment of *Airports Act 1996*

Clause 14 provides that the *Airports Act 1996* is amended as set out in Schedule 1. Schedule 1 provides that the *Airports Act 1996* is amended by inserting a new heading to Division 8 and a new Section 210. The effect of these amendments is to provide that Division 8 of Part 13 of the *Airports Act 1996* has effect in addition to and not instead of this Act and the *Sydney Airport Curfew Act 1995*.





