



Airports (Control of On-Airport Activities) Regulations 1997

Statutory Rules 1997 No. 57 as amended

made under the

Airports Act 1996

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Prepared by the Office of Legislative Drafting,
Attorney-General's Department, Canberra

Contents

Part 1 **Introductory**

1	Name of Regulations [see Note 1]	12
2	Commencement	12
3	Definitions	12
4	Airports to which Part 11 of the Act applies	13

Part 1A **Control of liquor — airports in New South Wales**

Division 1A.1 **Preliminary**

4AA	Application of Part 1A	14
4AB	Objects of Part 1A	14
4AC	Definitions for Part 1A	14

Division 1A.2 **Liquor Licences**

Subdivision 1A.2.1 **Types of licence**

4AD	Types of licence	16
4AE	Passenger terminal licence	16
4AF	General licence	17
4AG	Function licence	17

Subdivision 1A.2.2 **Licence applications and grants**

4AH	Applications for licence	17
4AI	Additional requirement for general licence — advertisement and display of application	18
4AJ	Additional information to be given to the Secretary	19
4AK	Request for information	19
4AL	Grant or refusal of licence	20
4AM	Matters to be considered in licensing decision	21
4AN	General restrictions on the grant of a licence etc	22
4AO	Consent of airport-lessee company	22
4AP	Licence conditions	22
4AQ	Issue of licence document	23
4AR	Duration of licence	24
4AS	Variation of a licence on Secretary's initiative	24
4AT	Variation of a licence on application by a licensee	25

	Page
4AU Additional requirement for general licence — advertisement and display of application for variation	25
4AV Additional information to be given to the Secretary	26
4AW Transfer of licence	27
4AX Suspension or cancellation of licence	27
4AY Surrender of licence	29
4AZ Register of licences	29
Subdivision 1A.2.3 Nominees	
4BA Nomination of individual to be nominee	29
4BB Request for information about nomination	30
4BC Approval of nominee	30
4BD Matters to be considered in decision on nominee	31
4BE Conditions of approval of nominee	32
4BF Responsibility of nominee	32
4BG Duration of approval	33
4BH Suspension or withdrawal of approval of nominee	33
4BI Withdrawal by nominee	34
4BJ Change of nominee	34
4BK Temporary absence of nominee	35
Subdivision 1A.2.4 Compliance returns	
4BL Compliance returns	35
Division 1A.3 Sub-licences	
4BM Interpretation for Division 1A.3	36
4BN Authority of sub-licence	36
4BO Grant etc of sub-licence	36
4BP Guidelines for sub-licences	37
4BQ Licensee not to charge fees etc	37
4BR Suspension or cancellation of sub-licence by Secretary	37
4BS Effect of cancellation etc of passenger terminal licence on sub-licences	38
Division 1A.4 Enforcement	
Subdivision 1A.4.1 Offences relating to the supply or consumption of liquor etc	
4BT Supply of liquor without a licence etc	39
4BU Supply of liquor in contravention of a licence etc	40
4BV Supply of liquor to intoxicated persons	40
4BW Supply of liquor to minors	40

	Page
4BX Consumption of liquor by minors	41
4BY False representation of age	41
4BZ Conduct causing public nuisance	41
4CA No activity permitted without nominee	42
4CB Display of licences and signs	42
Subdivision 1A.4.2 Authorised officers	
4CC Appointment of authorised officers	43
4CD Identity cards	43
4CE Production of identity card etc	44
4CF Entering premises	44
4CG Requiring production of licence or approval of nominee etc	44
4CH Ascertainment of age	44
4CI Requiring suspected minor to leave premises	45
Subdivision 1A.4.3 General matters relating to enforcement	
4CJ Suspension or cancellation of licence etc not affected by other provisions	45
4CK Acceptable evidence of age	46
4CL Entry by licensee on premises of sub-licensee	46
Division 1A.5 Miscellaneous	
Subdivision 1A.5.1 Administrative review	
4CM Review by Secretary	47
4CN Review by Administrative Appeals Tribunal	48
Subdivision 1A.5.2 General	
4CO Electronic applications etc	49
4CP Information on directors of a corporation holding a general licence	49
4CQ Service of documents by Secretary	50
Subdivision 1A.5.3 Transitional	
4CR Definitions for Subdivision 1A.5.3	50
4CS References to repealed regulations	50
4CT Transitional — existing liquor licences etc	51
4CU Transitional — licence conditions	52
4CV Transitional — approval of nominees	53

		Page
Part 2	Control of liquor — airports not in New South Wales	
Division 1	Introductory	
	5 Meaning of <i>owner</i> of airport for State or Territory liquor law	54
Division 3	Airports in Victoria	
Subdivision 1	Preliminary	
	22 Definitions for Division	54
	23 Modifications of LCR Act at Part 11 airports in Victoria	54
Subdivision 2	Melbourne Airport	
	24 Definition for Subdivision	55
	25 Transitional — existing authorities to sell liquor	55
	26 Transitional — authority for trading off-premises	56
	27 How long existing authorisation continues	56
	28 No need to renew existing authorisation	56
	29 Transitional — dealing with existing authorisation	57
	30 Transitional — dealing with holder of existing authorisation	57
	31 Transitional — persons under 18 on premises taken to be licensed	57
Subdivision 3	Essendon Airport and Moorabbin Airport	
	32 Definitions for Subdivision	57
	33 Transitional — existing authorities to sell liquor	57
	34 How long licence continues	59
	35 No need to renew licence	59
	36 Transitional — treatment of liquor licence	59
	37 Transitional — treatment of persons taken to hold liquor licence	59
	38 Transitional — persons taken to hold liquor licence to give copies of plans	59
Division 4	Airports in Queensland	
Subdivision 1	Preliminary	
	39 Definitions for Division	60
	40 Application of Liquor Act at certain airports	60
Subdivision 2	Archerfield Airport, Coolangatta Airport, Mount Isa Airport and Townsville Airport	
	46 Definition for Subdivision	60
<i>Airports (Control of On-Airport Activities) Regulations 1997</i>		5

	Page
47 Transitional — existing authorities to sell liquor at Archerfield and Mount Isa Airports	61
48 Transitional — authority to sell liquor in the terminal of Coolangatta Airport	61
49 Transitional — existing authorities to sell liquor at Coolangatta Airport	62
50 Transitional — authority to sell liquor in the terminal of Townsville Airport	62
51 Transitional — existing authorities to sell liquor at Townsville Airport	62
52 Transitional — when liquor licence etc ceases	63
53 Transitional — dealing with liquor licence etc	63
54 Transitional — dealing with person taken to hold liquor licence etc	64
55 Transitional — person taken to hold liquor licence etc to give copies of plans	64
Division 5 Adelaide Airport and Parafield Airport	
56 Definitions for Division	64
57 Application of Liquor Licensing Act	65
58 Transitional — existing authorities to sell liquor	65
59 Transitional — when liquor licence etc ceases	66
60 Transitional — dealing with liquor licence etc	66
61 Transitional — dealing with person taken to hold liquor licence etc	67
62 Transitional — person taken to hold liquor licence to give copies of plans	67
Division 6 Airports in Western Australia	
Subdivision 1 Preliminary	
63 Definitions for Division	67
64 Application of LL Act at Perth Airport	67
Subdivision 2 Perth Airport	
65 Definition for Subdivision	68
66 Transitional — existing authorities to sell liquor	68
67 Transitional — dealings with existing authorisation	68
68 Transitional — dealing with holder of existing authorisation	68
69 Transitional — holders of existing authorisations to give copies of plans	69
Subdivision 3 Jandakot Airport	
70 Definition for Subdivision	69

	Page
71 Transitional — existing authorities to sell liquor	69
72 Transitional — when liquor licence ceases	70
73 Transitional — dealing with liquor licence	70
74 Transitional — dealing with person taken to hold liquor licence	70
75 Transitional — person taken to hold liquor licence to give copies of plans	70
Division 7 Hobart Airport and Launceston Airport	
76 Definitions for Division	71
77 Application of Liquor Act	71
78 Transitional — existing authorities to sell liquor	71
79 Transitional — when liquor licence etc ceases	72
80 Transitional — dealing with liquor licence	72
81 Transitional — dealing with person taken to hold liquor licence	72
82 Transitional — person taken to hold liquor licence to give copies of plans	73
Division 8 Canberra Airport	
83 Definitions for Division	73
84 Application of Liquor Act	73
85 Transitional — existing authorities to sell liquor	73
86 Transitional — when liquor licence ceases	74
87 Transitional — dealing with liquor licence	74
88 Transitional — dealing with person taken to hold liquor licence	74
89 Transitional — person taken to hold liquor licence to give copies of plans	74
Division 9 Darwin Airport and Alice Springs Airport	
90 Definitions for Division	75
91 Application of Liquor Act	75
92 Transitional — existing authorities to sell liquor	75
93 When liquor licence etc ceases	76
94 Transitional — dealing with liquor licence	76
95 Transitional — dealing with person taken to hold liquor licence	76
96 Transitional — person taken to hold liquor licence to give copies of plans	76

		Page
Part 3	Commercial trading	
97	Definitions for Part 3	78
98	Transitional — authorisations to carry on consumer trading	78
99	Consumer trading — Sydney (Kingsford-Smith) Airport	79
100	Consumer trading — other Part 11 airports in New South Wales	79
101	Consumer trading — Melbourne Airport	79
102	Consumer trading — airports in Queensland	80
103	Consumer trading — airports in South Australia	80
104	Consumer trading — Perth Airport	80
Part 4	Vehicles	
Division 1	Introductory	
105	Definitions for Part 4	81
Division 2	Landside vehicle parking	
106	Definitions for Division 2	82
106A	Application of this Division	84
106B	Operation of State laws	84
106BA	Parking signage plan and standard operating procedures	85
106C	Installation of traffic control devices	86
106D	Permits to stop a vehicle in a permit zone	86
106E	Application of Australian Road Rules	86
107	Offences against Australian Road Rules	88
108	Taxi drivers must not leave taxis unattended in certain areas	89
109	Drivers of taxis, hire cars and public buses to show authority cards	89
110	Authorised person may direct that a vehicle be moved	90
111	Authorised person may move vehicle	91
112	Owner of vehicle must pay costs of storage etc	92
113	Airport operator may sell vehicle	93
114	Authorised persons	93
Division 3	Airside vehicle parking	
115	Definitions for Division 3	94

	Page
116 No-parking areas	95
117 No-standing areas	95
118 Offence — parking in a designated no-parking area	96
119 Offence — stopping in a designated no-standing area	97
120 Authorised person may direct that a vehicle may be moved	98
121 Authorised persons	98
Division 4 Airside vehicle operation	
122 Definitions for Division 4	99
123 Vehicles not to be taken onto or operated airside	99
124 Who can issue ADA or AUA	100
125 Authority to Drive Airside	100
126 Transitional — previously issued authorities	101
127 Authority for Use Airside	102
128 Transitional — previously issued authorities	103
129 Driver of vehicle must show authority etc	103
130 Vehicles to be kept clear of aircraft	104
131 Vehicle being driven dangerously etc may be removed	105
132 Authorised person	105
133 Withdrawal of Authority to Drive Airside	106
134 Withdrawal of Authority for Use Airside	106
135 Review of decisions	107
Part 5 Gambling	
Division 1 Preliminary	
136 Definitions for Part 5	108
Division 2 Gambling at regulated airports generally	
137 Prohibition of gambling at regulated airports	109
138 Application of certain State and Territory laws at regulated airports	109
Division 3 Transitional arrangements	
138A Transitional — gambling at Part 11 airports in New South Wales	110
139 Transitional — gambling at certain other Part 11 airports	110
<hr/>	
<i>Airports (Control of On-Airport Activities) Regulations 1997</i>	9

	Page
Division 4	Permissions to carry on gambling activities
139A	Secretary may give certain permissions 111
139B	Application for permission 111
139C	Time for the Secretary's decision 112
139D	Terms and conditions of gambling permission 112
139E	Notice of permission 113
139F	What permissions authorise 113
139G	Review of decisions 113
Division 5	Cancellation and suspension of authorities and permissions
139H	Suspension and cancellation — show cause notice 114
139I	Cancellation of authority or permission 114
139J	Cancellation at request of holder 116
139K	Review of decisions 116
Part 6	Smoking
140	Definitions for Part 6 117
141	No-smoking areas 117
142	Smoking prohibited 117
143	Authorised persons 117
Part 7	Infringement notices
144	Definitions for Part 7 119
145	When an infringement notice can be issued 119
146	Service of infringement notices 119
147	Notice penalty 121
148	Allowed period 121
149	What must be included in an infringement notice 121
150	Whether infringement notice can be withdrawn 122
151	What happens if the notice penalty is paid 123
152	Evidentiary matters 123
153	Whether more than 1 infringement notice can be issued for the same offence 124
154	What if payment is made by cheque 124
154A	Prosecution 124
155	This Part does not prevent a matter being prosecuted in a court nor require that an infringement notice must be issued in all cases 125
155A	Liability of owner of vehicle etc for offences 125

	Page
155B Copy of statutory declaration to be served with summons	130
Part 8	
Miscellaneous	
156 Delegation by Secretary	131
Schedule 1	
Modifications of State and Territory liquor legislation	144
Part 6 Modifications of the Liquor Control Reform Act 1998 (Vic) that apply at all Part 11 airports in Victoria	144
Part 7 Modifications of the Liquor Control Reform Act 1998 (Vic) that apply only at Melbourne (Tullamarine) Airport	146
Part 9 Modifications of Liquor Act 1992 (Qld) that apply only in the terminal areas of Coolangatta and Townsville Airports	150
Part 10 Modifications of Liquor Licensing Act 1997 (SA)	152
Part 11 Liquor Licensing Act 1988 of Western Australia	153
Part 12 Liquor and Accommodation Act 1990 of Tasmania	154
Part 13 Modifications of Liquor Act 1975 (ACT) that apply at Canberra Airport generally	155
Part 14 Modifications of Liquor Act 1975 (ACT) that apply only in the terminal area of Canberra Airport	156
Part 15 Modifications of Liquor Act (NT) that apply at Part 11 airports in the Northern Territory	157
Part 16 Modifications of Liquor Act (NT) that apply only in the terminal area of an airport in the Northern Territory	158
Schedule 2	
Penalties for contravention of applied Australian Road Rules	159
Notes	161

Regulation 1

Part 1 **Introductory****1** **Name of Regulations** [see Note 1]

These Regulations are the *Airports (Control of On-Airport Activities) Regulations 1997*.

Note For the application of State law in a Commonwealth place generally, see the *Commonwealth Places (Application of Laws) Act 1970*.

2 **Commencement**

These Regulations commence on 15 May 1997.

3 **Definitions****(1)** In these Regulations:

Act means the *Airports Act 1996*.

FAC means the Federal Airports Corporation.

infringement notice offence means a contravention of these Regulations for which an infringement notice may be issued.

Note 1 For infringement notices generally, see Part 7.

Note 2 Part 11 of the Act deals with control of the following matters at airports to which that Part applies:

- liquor;
- commercial trading;
- vehicle movements;
- gambling; and
- smoking;

at an airport to which the Part applies. Section 169 of the Act, which sets out what that Part applies to, is as follows:

‘169 Airports to which this Part applies

‘This Part applies to:

- (a) a core regulated airport; or
 - (b) an airport specified in the Regulations;
- if there is an airport lease for the airport.’

For the meaning of *core regulated airport*, see section 7 of the Act.

Regulation 4

Part 11 airport means an airport to which Part 11 of the Act applies.

terminal area of an airport means the building or buildings on the airport used for processing the arrival and departure of the passengers of an aircraft engaged in a regular public transport operation (within the meaning given by the *Air Navigation Act 1920*).

- (2) An expression used in both these Regulations and the Airports Regulations has, unless the contrary intention appears, the same meaning in these Regulations as in those Regulations.

4 Airports to which Part 11 of the Act applies

For paragraph 169 (b) of the Act, the following airports are specified:

- (a) Archerfield Airport;
- (b) Bankstown Airport;
- (c) Camden Airport;
- (d) Essendon Airport;
- (e) Hoxton Park Airport;
- (f) Jandakot Airport;
- (g) Moorabbin Airport;
- (h) Mount Isa Airport;
- (i) Parafield Airport;
- (j) Tennant Creek Airport.

Regulation 4AA

Part 1A Control of liquor — airports in New South Wales

Division 1A.1 Preliminary

4AA Application of Part 1A

This Part applies to Sydney (Kingsford-Smith) Airport, Bankstown Airport, Camden Airport and Hoxton Park Airport.

4AB Objects of Part 1A

The objects of this Part are:

- (a) to control the sale and supply of liquor at airports to which this Part applies; and
- (b) to control the standard and use of premises on which liquor may be sold or supplied at those airports; and
- (c) to promote harm minimisation practices in connection with the sale and supply of liquor at those airports.

4AC Definitions for Part 1A

- (1) In this Part:

adult means an individual who is 18 years old or older.

applicant means an applicant for a licence or sub-licence, and includes, if appropriate in the context, a person who intends to be an applicant.

conditions:

- (a) for a licence, means conditions imposed on the licence under Division 1A.2; or
- (b) for a sub-licence, means conditions applying to the sub-licence, or imposed on the sub-licence, under Division 1A.3;

and includes those conditions as varied.

control includes regulate and prohibit.

Regulation 4AC

function means an event or occasion to which persons are invited by, or for, the organiser of the event or occasion.

function licence means a licence of a kind described in regulation 4AG.

general licence means a licence of a kind described in regulation 4AF.

licence means a passenger terminal licence, a general licence or a function licence.

licence number has the meaning given by subregulation 4AQ (2).

licensed premises means premises that are specified in a licence or sub-licence and, when used in relation to a particular licence or sub-licence, means the premises specified in the licence or sub-licence.

licensee means the holder of a licence.

minor means an individual who is under 18 years old.

nominee:

- (a) for a licence, means an individual who is approved as a nominee for the licence under regulation 4BC and includes, if the context permits, an alternative nominee, or another individual, who is taken to be a nominee under regulation 4BK; and
- (b) for a sub-licence, means an individual who is approved as a nominee for the sub-licence under the conditions of the sub-licence and includes, if the context permits, an alternative nominee, or another individual, who is taken to be a nominee under the conditions of the sub-licence.

passenger terminal means premises on an airport used for the arrival, departure and processing of aircraft passengers.

passenger terminal licence means a licence of a kind described in regulation 4AE.

premises includes:

- (a) land; and
- (b) a building or structure on land.

Secretary means the Secretary to the Department.

Regulation 4AD

sell includes:

- (a) barter or exchange; and
- (b) offer, agree or attempt to sell; and
- (c) expose, send, forward or deliver for sale; and
- (d) cause or permit to be sold or offered for sale; and
- (e) supply or offer, agree or attempt to supply:
 - (i) in circumstances in which the supplier derives, or would be likely to derive, a direct or indirect pecuniary benefit; or
 - (ii) gratuitously, but to gain or keep custom or other commercial advantage.

sub-licence means a sub-licence granted under regulation 4BO.

sub-licensee means the holder of a sub-licence.

supply means supply whether or not for any consideration.

- (2) A reference in this Part to an airport by name is a reference to the airport site known by that name.

Division 1A.2 Liquor Licences

Subdivision 1A.2.1 Types of licence

4AD Types of licence

The following licences may be granted and held under this Part:

- (a) a passenger terminal licence;
- (b) a general licence;
- (c) a function licence.

Note Sub-licences may be granted and held under a passenger terminal licence — see regulation 4AE and Division 1A.3.

4AE Passenger terminal licence

A passenger terminal licence authorises the licensee, in accordance with this Part and the licence conditions:

Regulation 4AH

- (a) to sell or supply liquor on premises in a passenger terminal on Sydney (Kingsford-Smith) Airport that is specified in the licence; and
- (b) to grant, vary and cancel a sub-licence to sell or supply liquor on premises in that passenger terminal that are specified in the sub-licence; and
- (c) to sell or supply liquor at functions on licensed premises in that passenger terminal; and
- (d) to authorise the sale or supply of liquor by persons other than the licensee at functions on licensed premises in that passenger terminal.

4AF General licence

A general licence authorises the licensee, in accordance with this Part and the licence conditions, to sell or supply liquor, on premises (not being premises in a passenger terminal on Sydney (Kingsford-Smith) Airport) specified in the licence, on an airport site specified in the licence.

4AG Function licence

A function licence authorises the licensee, in accordance with this Part and the licence conditions, to sell or supply liquor at 1 or more functions, on premises (not being premises in a passenger terminal on Sydney (Kingsford-Smith) Airport) specified in the licence that are not otherwise licensed premises, on an airport site specified in the licence.

Subdivision 1A.2.2 Licence applications and grants

4AH Applications for licence

An application for a licence must:

- (a) be made to the Secretary in a form approved by the Secretary; and
- (b) be accompanied by:
 - (i) a plan showing the premises to be licensed, in a way that clearly defines the location, limits and area of the premises; and

Regulation 4AI

- (ii) if the written consent of the airport-lessee company is required under regulation 4AO, that written consent.

Note At the time of making an application for a licence, the applicant must also nominate an individual to be the nominee — see regulation 4BA.

4AI Additional requirement for general licence — advertisement and display of application

- (1) An applicant for a general licence for premises on an airport must cause a notice of the proposed application to be published in:
 - (a) at least 1 newspaper circulating generally in New South Wales; and
 - (b) at least 1 local newspaper circulating in the area where the airport is situated.
- (2) The notice must be published:
 - (a) at least 28 days before the application is made; and
 - (b) in a manner that reasonably invites public attention to the application.
- (3) The notice must:
 - (a) include the following information:
 - (i) the name and address of the applicant;
 - (ii) the proposed location and address of the premises to be licensed;
 - (iii) the purpose of the licence, including the type of liquor trading activity proposed;
 - (iv) the proposed trading hours; and
 - (b) invite written comments from the public, to be made to the applicant within a period of 21 days before the proposed date of making the application.
- (4) The applicant must cause a copy of the notice to be displayed on the premises to be licensed, or on the site for those premises:
 - (a) during the whole of the period of 28 days immediately before the application is made; and

Regulation 4AK

- (b) in a manner that reasonably invites public attention to the application.
- (5) However, if it is not practicable to display the notice on the premises or site, the applicant may display the notice on any adjoining premises or site.

4AJ Additional information to be given to the Secretary

- (1) The applicant must give to the Secretary, at the time of making an application to which regulation 4AI applies:
- (a) a copy of the notice as published and displayed under that regulation; and
 - (b) evidence of the publication and display of the notice in accordance with that regulation; and
 - (c) a copy of all written public comments received in response to the notice; and
 - (d) a statement signed by, or on behalf of, the applicant:
 - (i) confirming that those public comments were the only written public comments received; and
 - (ii) outlining how those public comments have been taken into account in the application.
- (2) For paragraph (1) (b), an applicant who is unable to produce evidence that a notice was displayed as required by subregulation 4AI (4), is taken to have complied with that subregulation if the applicant gives to the Secretary evidence that:
- (a) the applicant took all reasonable steps to ensure that the notice was displayed in accordance with that subregulation; and
 - (b) the notice was so displayed for at least a part of the period mentioned in that subregulation; and
 - (c) any failure so to display the notice for the remainder of that period was not the applicant's fault.

4AK Request for information

- (1) The Secretary may ask the applicant to give further information about an application.

Regulation 4AL

- (2) The Secretary may ask the applicant to provide a statutory declaration as to the accuracy of information given by the applicant.
- (3) The Secretary may request information that is relevant to the application from a Commonwealth, State or local government authority, law enforcement agency or other person.
- (4) If the applicant fails to comply with a reasonable request by the Secretary under subregulation (1) or (2) within a period of 30 days beginning on the day the request is made, the application is taken to have lapsed.

4AL Grant or refusal of licence

- (1) The Secretary must consider an application for a licence made in accordance with this Division and must either:
 - (a) grant the licence; or
 - (b) refuse to grant the licence.
- (2) If the Secretary does not grant or refuse the licence within the decision period for the application, the Secretary is taken to have granted the licence at the end of the decision period.
- (3) However, subregulation (2) does not apply to an application that lapses under subregulation 4AK (4).
- (4) If the Secretary refuses to grant a licence, the Secretary must give to the applicant written notice of:
 - (a) the refusal; and
 - (b) reasons for the refusal.
- (5) In subregulation (2):

decision period, for an application, means:

 - (a) if information about the application is not requested under either subregulation 4AK (1) or (3) within a period of 30 days beginning on the day on which the application is received by the Secretary — that period of 30 days; and
 - (b) in any other case — the period of 30 days beginning on the day on which the last information requested under regulation 4AK is received by the Secretary.

Regulation 4AM

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

4AM Matters to be considered in licensing decision

- (1) In making a decision on an application the Secretary must take into account the following matters:
 - (a) whether the applicant is a fit and proper person to hold a licence;
 - (b) whether the grant of a licence for the premises specified in the application would be detrimental to the amenity of the airport, or any part of the airport, on which the premises are situated;
 - (c) whether there is a demonstrated need for the activity proposed under the licence;
 - (d) whether the activity proposed under the licence would be likely to encourage the misuse or abuse of alcohol;
 - (e) if the applicant is not the airport-lessee company for the airport on which the premises are situated, the views of the airport-lessee company for the airport;
 - (f) the requirements of regulations 4AN and 4AO.
- (2) In addition to the matters mentioned in subregulation (1), the Secretary may take into account:
 - (a) the views of any other person consulted about the application by the Secretary; and
 - (b) any other matter that the Secretary has reason to believe is relevant to the application.
- (3) If an applicant for a general licence is a corporation, the Secretary must apply paragraph (1) (a) to each person who is a director of the corporation as if each such person were the applicant.

Note Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

Regulation 4AN

4AN General restrictions on the grant of a licence etc

- (1) A licence must not be granted to a minor.
- (2) A licence must not be granted in respect of premises used, or to be used, as a petrol station.
- (3) A licence must not be granted in respect of premises used, or to be used, primarily as a convenience store or mixed business, unless the Secretary is satisfied that:
 - (a) the premises are situated in a tourist area or another area with special needs; and
 - (b) there are not adequate existing facilities for the sale and supply of liquor in the area.
- (4) However, subregulation (3) does not apply to premises in a passenger terminal on Sydney (Kingsford-Smith) Airport.
- (5) Before making a decision under subregulation (3), the Secretary may consult on the matters mentioned in paragraphs (3) (a) and (b) with any Commonwealth, State or local government authority that the Secretary has reason to believe has a relevant interest in those matters.

4AO Consent of airport-lessee company

- (1) A general licence or function licence in respect of premises on an airport must not be granted to an applicant who is not the airport-lessee company for the airport unless the airport-lessee company has consented in writing to the grant.
- (2) An airport-lessee company is not entitled to charge a fee for its consent under subregulation (1).

4AP Licence conditions

- (1) The Secretary may impose conditions on a licence, having regard to the objects mentioned in regulation 4AB.
- (2) Without limiting subregulation (1), conditions may relate to 1 or more of the following:
 - (a) the date of commencement of the licence;
 - (b) the location and limits of the licensed premises;

Regulation 4AQ

- (c) marking the limits of the licensed premises;
- (d) limiting or defining activities relating to the sale or supply of liquor, including:
 - (i) trading days and trading hours; and
 - (ii) the sale or supply of liquor by retail or wholesale; and
 - (iii) the sale or supply of liquor for consumption on or off the premises; and
 - (iv) the sale or supply of liquor together with the sale or supply, and consumption, of food; and
 - (v) the sale or supply of liquor at functions on the premises;
- (e) advertising and signage;
- (f) the presence of minors on the licensed premises;
- (g) the storage and security of liquor;
- (h) attendance at, and completion of, training courses that are relevant to activities permitted under the licence.

Note 1 An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

Note 2 Failure to comply with licence conditions is an offence (see regulation 4BU) and may result in suspension or cancellation of the licence (see regulation 4AX).

4AQ Issue of licence document

- (1) The Secretary must issue a licence document to an applicant to whom a licence is granted.
- (2) The licence document must include at least the following information:
 - (a) a unique identifying number (the *licence number*);
 - (b) the name of the licensee;
 - (c) the location of the licensed premises on the airport where they are situated;
 - (d) the name (if any) of the licensed premises;
 - (e) a plan or description of the licensed premises;
 - (f) the date of issue of the licence;

Regulation 4AR

- (g) the licence conditions.

4AR Duration of licence

- (1) A passenger terminal licence or a general licence:
- (a) comes into force on the date stated in the licence document or, if no date is stated, the date on which the licence is granted; and
 - (b) subject to this Part, remains in force until the expiry or earlier termination of the lease or sub-lease of the airport site or part of the airport site on which the licensed premises are situated.
- (2) A function licence:
- (a) comes into force on the date stated in the licence document or, if no date is stated, the date on which the licence is granted; and
 - (b) subject to this Part, remains in force until the earlier of:
 - (i) the end of the last trading hour permitted under the conditions of the licence; and
 - (ii) the end of the period of 1 month beginning on the day the licence comes into force.

4AS Variation of a licence on Secretary's initiative

- (1) At any time, by notice in writing to the licensee, the Secretary may vary a licence by:
- (a) amending or revoking a licence condition; or
 - (b) imposing an additional licence condition.
- (2) However, the Secretary must not vary a licence unless:
- (a) the licensee has contravened the Act, these Regulations or a licence condition; or
 - (b) there is reason to believe that the variation is necessary, having regard to a matter mentioned in regulation 4AM.
- (3) Before making a decision to vary a licence, the Secretary must give to the licensee:
- (a) notice in writing of the proposed variation and the reason for the variation; and

Regulation 4AU

- (b) a reasonable opportunity to make representations about the proposed variation.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

4AT Variation of a licence on application by a licensee

- (1) A licensee may apply to the Secretary for a variation of a licence.
- (2) An application must be in a form approved by the Secretary.
- (3) Regulations 4AK, 4AL, 4AM (except paragraph 4AM (1) (a) and subregulation 4AM (3)), 4AN and 4AO apply to an application for a variation of a licence as they apply to an application for the grant of a licence.
- (4) The licence conditions may be varied under this regulation in any way in which licence conditions may be varied under regulation 4AS.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under regulation 4AL, as applied by this regulation — see regulation 4CN.

4AU Additional requirement for general licence — advertisement and display of application for variation

- (1) A licensee who applies to the Secretary for approval of the variation of a general licence for premises at an airport must cause a notice of the proposed application to be published in:
 - (a) at least 1 newspaper circulating generally in New South Wales; and
 - (b) at least 1 local newspaper circulating in the area where the airport is situated.
- (2) The notice must be published:
 - (a) at least 28 days before the application is made; and
 - (b) in a manner that reasonably invites public attention to the application.
- (3) The notice must:

Regulation 4AV

- (a) include the following information:
 - (i) the name and address of the applicant;
 - (ii) the location and address of the licensed premises;
 - (iii) details of the proposed variation; and
 - (b) invite written comments from the public, to be made to the applicant within a period of 21 days before the proposed date of making the application.
- (4) Also, the applicant must cause a copy of the notice to be displayed on the premises to be licensed, or on the site for those premises:
- (a) during the whole of the period of 28 days immediately before the application is made; and
 - (b) in a manner that reasonably invites public attention to the application.
- (5) However, if it is not practicable to display the notice on the premises or site, the applicant may display the notice on any adjoining premises or site.

4AV Additional information to be given to the Secretary

- (1) The applicant must give to the Secretary, at the time of making the application to which regulation 4AU applies:
- (a) a copy of the notice as published and displayed under regulation 4AU; and
 - (b) evidence of the publication and display of the notice in accordance with that regulation; and
 - (c) a copy of all written public comments received in response to the notice given under regulation 4AU; and
 - (d) a statement signed by the applicant:
 - (i) confirming that those public comments were the only written public comments received; and
 - (ii) outlining how those public comments have been taken into account in the application.
- (2) For paragraph (1) (b), an applicant who is unable to produce evidence that a notice was displayed as required by subregulation 4AU (4), is taken to have complied with that

Regulation 4AX

subregulation if the applicant gives to the Secretary evidence that:

- (a) the applicant took all reasonable steps to ensure that the notice was displayed in accordance with that subregulation; and
- (b) the notice was so displayed for at least a part of the period mentioned in that subregulation; and
- (c) any failure so to display the notice for the remainder of that period was not the applicant's fault.

4AW Transfer of licence

- (1) An application may be made to the Secretary for the transfer of a licence from the licensee to another person (the *proposed transferee*).
- (2) The application must be made jointly by the licensee and the proposed transferee in a form approved by the Secretary.
- (3) Regulations 4AK to 4AO apply to an application under this regulation as if the proposed transferee were the applicant for a licence.
- (4) On a transfer of the licence, the transferee becomes the licensee and:
 - (a) has the authority conferred by the licence on a licensee; and
 - (b) is subject to the obligations imposed on the licensee by this Part and the licence conditions.
- (5) The transfer of a licence does not affect the term of a licence.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under regulation 4AL as applied by this regulation — see regulation 4CN.

4AX Suspension or cancellation of licence

- (1) The Secretary, by notice in writing to the licensee, may suspend or cancel a licence if there is reason to believe that:
 - (a) the licensee has contravened, or permitted a contravention of, a provision of this Part or a licence condition; or

Regulation 4AX

- (b) the licensee has failed to comply with a direction given by the Secretary under regulation 4CM; or
 - (c) the licensee (or, if the licensee is a corporation and holds a general licence, a director of the licensee) is not a fit and proper person to act as a licensee in relation to the licensed premises; or
 - (d) the licensee has obtained the licence by fraud or false representation; or
 - (e) the continuation of activities permitted under the licence would be detrimental to the amenity of the airport, or any part of the airport, on which the licensed premises are situated; or
 - (f) the activities permitted under the licence are likely to encourage the misuse or abuse of alcohol; or
 - (g) there is no nominee in respect of the licence; or
 - (h) the licensee has ceased to carry on activities under the licence.
- (2) In addition, the Secretary, by notice in writing to the licensee, may suspend or cancel a passenger terminal licence if there is reason to believe that:
- (a) a sub-licensee has conducted the business of the sub-licence in a manner that is inconsistent with the conditions of the passenger terminal licence under which the sub-licence was granted; and
 - (b) the licensee has failed to take all reasonable steps to ensure that the sub-licensee's conduct of the business is consistent with those licence conditions.
- (3) A notice under subregulation (1) or (2) must give reasons for the suspension or cancellation.
- (4) Before making a decision about the suspension or cancellation of a licence, the Secretary must give to the licensee:
- (a) notice in writing of the ground on which the Secretary proposes to suspend or cancel the licence; and
 - (b) a reasonable opportunity to make representations about the proposed suspension or cancellation.
- (5) A notice of suspension must state that the licence is suspended:

Regulation 4BA

- (a) for a period specified in the notice; or
 - (b) until the Secretary gives notice to the licensee ending the suspension.
- (6) A licence that is suspended ceases to be in force for the period of the suspension.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

4AY Surrender of licence

A licensee may surrender a licence at any time by:

- (a) giving notice in writing of the surrender to the Secretary;
and
- (b) returning the licence document to the Secretary.

4AZ Register of licences

- (1) The Secretary must keep a Register of licences granted.
- (2) The Register must be maintained by electronic means.
- (3) The Register is to be made available for inspection on the Internet.
- (4) The Register must include, in respect of each licence, at least the following information:
 - (a) a copy of the licence document, or the details included in it under regulation 4AQ;
 - (b) the name of the nominee;
 - (c) if the licensee is a corporation and holds a general licence, the names of the directors of the corporation.

Subdivision 1A.2.3 Nominees

4BA Nomination of individual to be nominee

- (1) An applicant for a licence must nominate an individual to be the nominee for the licence.

Regulation 4BB

- (2) In addition to the nominee, an applicant must nominate an individual to be the alternative nominee for the licence.
- (3) Nominations under subregulations (1) and (2) must be made to the Secretary in writing at the same time as the application for the licence.

4BB Request for information about nomination

- (1) The Secretary may ask the applicant to give further information about a nomination.
- (2) The Secretary may ask the applicant to provide a statutory declaration as to the accuracy of information given by the applicant.
- (3) Also, the Secretary may request information that is relevant to the nomination from a Commonwealth, State or local government authority, law enforcement agency or other person.
- (4) If the applicant fails to comply with a reasonable request by the Secretary under subregulation (1) or (2) within a period of 30 days beginning on the day the request is made, the nomination is taken to have lapsed.

4BC Approval of nominee

- (1) The Secretary must consider a nomination made in accordance with this Division and must either:
 - (a) approve the nomination; or
 - (b) approve the nomination subject to conditions imposed under regulation 4BE; or
 - (c) refuse to approve the nomination.
- (2) If the Secretary does not approve or refuse to approve the nomination within the decision period for the nomination, the Secretary is taken to have approved the nomination at the end of the decision period.
- (3) However, subregulation (2) does not apply to a nomination which lapses under subregulation 4BB (4).

Regulation 4BD

- (4) If the Secretary refuses to approve a nomination, the Secretary must give to the applicant written notice of:
- (a) the refusal; and
 - (b) reasons for the refusal.
- (5) In subregulation (2):
- decision period***, for a nomination, means:
- (a) if information about the nomination is not requested under either subregulation 4BB (1) or (3) within a period of 30 days beginning on the day on which the nomination is received by the Secretary — that period of 30 days; and
 - (b) in any other case — 30 days beginning on the day on which the last information requested under regulation 4BB is received by the Secretary.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

4BD Matters to be considered in decision on nominee

- (1) In making a decision about a nomination the Secretary must take into account:
- (a) whether the nominee or alternative nominee is a fit and proper person to act as a nominee or alternative nominee; and
 - (b) whether the nominee or alternative nominee is reasonably able to discharge the responsibilities of the licensee under the licence.
- (2) In addition to the matters mentioned in subregulation (1), the Secretary may take into account:
- (a) the views of any other person consulted about the nomination by the Secretary; and
 - (b) any other matter that the Secretary has reason to believe is relevant to the nomination.
- (3) The Secretary must not approve the nomination of a minor to be the nominee or alternative nominee.

Note Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent

Regulation 4BE

convictions and require persons aware of such convictions to disregard them.

4BE Conditions of approval of nominee

- (1) The Secretary may impose conditions, in writing, on the approval of a nominee or alternative nominee.
- (2) Without limiting subregulation (1), the conditions may include a requirement that the nominee or alternative nominee attend and complete a training course that is relevant to the responsibilities of a nominee under the licence.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

4BF Responsibility of nominee

- (1) In the conduct of business on licensed premises, the nominee for the licence:
 - (a) is responsible for ensuring that liquor is sold or supplied on the premises only in accordance with the licence and licence conditions; and
 - (b) is subject to the obligations imposed by this Part on the licensee; and
 - (c) is liable as a licensee for any failure to perform any obligation mentioned in paragraph (b).
- (2) Despite subregulation (1), a nominee is not responsible or liable if:
 - (a) a sub-licensee has conducted the business of the sub-licence in a manner that is inconsistent with the conditions of the passenger terminal licence under which the sub-licence was granted; and
 - (b) the nominee has taken all reasonable steps to ensure that the sub-licensee's conduct of the business is consistent with those licence conditions.
- (3) A nominee's liability under paragraph (1) (c) for a failure to perform an obligation does not affect the liability of the licensee for that failure.

Regulation 4BH

4BG Duration of approval

Subject to regulation 4BK, the approval of a nominee or alternative nominee for a licence remains in force until any of the following events occurs:

- (a) the approval is suspended or withdrawn under regulation 4BH;
- (b) the nominee or alternative nominee withdraws from the position of nominee or alternative nominee under regulation 4BI;
- (c) the nominee or alternative nominee is replaced under regulation 4BJ;
- (d) the licence ceases to be in force and is not renewed.

4BH Suspension or withdrawal of approval of nominee

- (1) By notice in writing to the licensee and to the nominee, the Secretary may suspend or withdraw the approval of a nominee or alternative nominee for a licence if there is reason to believe that:
 - (a) the nominee or alternative nominee has failed to comply with a licence condition or a condition of approval of the nomination; or
 - (b) the nominee or alternative nominee is not a fit and proper person to act as a nominee or alternative nominee; or
 - (c) the nominee or alternative nominee is not reasonably able to discharge the responsibilities of the licensee under the licence.
- (2) Before making a decision about suspending or withdrawing the approval of a nominee or alternative nominee, the Secretary must give to the nominee or alternative nominee:
 - (a) notice in writing of the grounds on which the Secretary proposes to suspend or withdraw the approval; and
 - (b) a reasonable opportunity to make representations about the proposed suspension or withdrawal of approval.
- (3) A notice of suspension or withdrawal of approval must give reasons for the suspension or withdrawal.

Regulation 4BI

- (4) The Secretary, in a notice of suspension of approval, may impose a condition that the licensee must comply with for the suspension to cease under subregulation (5).
- (5) The suspension of approval of a nominee or alternative nominee ceases:
 - (a) if a condition is imposed under subregulation (4) — when the Secretary notifies the licensee in writing that the condition has been complied with; and
 - (b) in any other case — at the end of the later of:
 - (i) the period of 14 days beginning on the day on which the suspension is notified; and
 - (ii) the period (if any) specified in the notice.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

4BI Withdrawal by nominee

A nominee or alternative nominee may withdraw from the position of nominee or alternative nominee at any time by giving notice in writing of the withdrawal to the licensee and to the Secretary.

4BJ Change of nominee

- (1) A licensee at any time may nominate an individual to replace the existing nominee or alternative nominee in respect of the licence.
- (2) The nomination must be made to the Secretary in a form approved by the Secretary.
- (3) Regulations 4BB to 4BE apply to a nomination under this regulation as they apply to a nomination under regulation 4BA.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under regulation 4BC or 4BE, as applied by this regulation — see regulation 4CN.

Regulation 4BL

4BK Temporary absence of nominee

- (1) This regulation applies if a nominee in respect of a licence is, or is likely to be, absent from the licensed premises for a continuous period of more than 28 days (the *absence period*).
- (2) If there is an alternative nominee, and the alternative nominee is able to discharge the responsibilities of the licensee for the absence period, the alternative nominee is taken to be the nominee for the absence period.
- (3) If there is no alternative nominee, or the alternative nominee is not able to discharge the responsibilities of the licensee for the absence period, the licensee must nominate, by writing to the Secretary, an adult who is reasonably able to discharge the responsibilities of the licensee under the licence to be the nominee for the absence period.
- (4) On receipt by the Secretary of a nomination in accordance with subregulation (3), the nominated individual is taken to be the nominee for the absence period.

Subdivision 1A.2.4 Compliance returns

4BL Compliance returns

- (1) A licensee must give to the Secretary, within 1 month after the end of each year, a return relating to the activities of the licensee under this Part during that year.
- (2) Without limiting subregulation (1), the return must include the following:
 - (a) a list of sub-licences in force for the whole or part of the year, including sub-licences suspended or cancelled during the year;
 - (b) a list of the names of nominees for sub-licences having nominees;
 - (c) for a licensee that is a corporation — a list of the persons who are, at the time of giving the return, directors of the corporation;
 - (d) details of any offences under this Part committed by the licensee, sub-licensees, or nominees, during the year,

Regulation 4BM

together with details of the steps (if any) taken by licensees or sub-licensees to prevent the recurrence of such offences and the extent to which the steps taken were effective.

Penalty: 10 penalty units.

Division 1A.3 Sub-licences

4BM Interpretation for Division 1A.3

In this Part:

licensee, in relation to a sub-licence, means the licensee who is the holder of the passenger terminal licence under which the sub-licence is, or is to be, granted.

4BN Authority of sub-licence

A sub-licence authorises the sub-licensee, in accordance with this Part and the conditions of the passenger terminal licence and the sub-licence, to sell or supply liquor on premises specified in the sub-licence in a passenger terminal on Sydney (Kingsford-Smith) Airport specified in the licence.

4BO Grant etc of sub-licence

- (1) A person may apply to a licensee who holds a passenger terminal licence for a passenger terminal on Sydney (Kingsford-Smith) Airport for a sub-licence in respect of premises in the passenger terminal.
- (2) The licensee:
 - (a) may grant the sub-licence, subject to conditions imposed by the licensee, or refuse to grant the sub-licence; and
 - (b) if the sub-licence is granted, may renew, transfer, vary, suspend or cancel the sub-licence.
- (3) If the licensee:
 - (a) refuses to grant, renew or transfer a sub-licence; or
 - (b) varies, suspends or cancels a sub-licence;

Regulation 4BR

the licensee must give to the applicant written notice of the decision and of the reasons for the decision.

Note An application may be made to the Secretary for a review of a decision by a licensee under this regulation — see regulation 4CM.

4BP Guidelines for sub-licences

- (1) The Secretary may issue written guidelines to licensees in relation to:
 - (a) the grant of sub-licences; and
 - (b) the duration, renewal, transfer, variation, suspension or cancellation of sub-licences; and
 - (c) the conditions (including conditions as to nominees) to be imposed on sub-licences; and
 - (d) the administration of sub-licences generally.
- (2) A licensee must have regard to guidelines issued by the Secretary in making decisions about sub-licences.

4BQ Licensee not to charge fees etc

A licensee must not impose a fee or charge on any person in connection with:

- (a) an application for a sub-licence; or
- (b) the grant, renewal, transfer, variation, surrender, suspension or cancellation of a sub-licence; or
- (c) any other matter relating to the administration of sub-licences.

4BR Suspension or cancellation of sub-licence by Secretary

- (1) The Secretary, by notice in writing to the sub-licensee and to the licensee, may suspend or cancel a sub-licence if there is reason to believe that:
 - (a) the sub-licensee has conducted its business in a manner that is inconsistent with the conditions of the passenger terminal licence under which the sub-licence was granted; and

Regulation 4BS

- (b) the licensee has failed to take all reasonable steps to ensure that the sub-licensee's conduct of its business is consistent with those licence conditions.
- (2) A notice under subregulation (1) must give reasons for the suspension or cancellation.
- (3) Before making a decision about the suspension or cancellation of a sub-licence, the Secretary must give to the sub-licensee and the licensee:
 - (a) notice in writing of the grounds for the proposed suspension or cancellation; and
 - (b) a reasonable opportunity to make representations about the proposed suspension or cancellation.
- (4) Nothing in this regulation affects the power of a licensee under regulation 4BO to suspend or cancel a sub-licence.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

4BS Effect of cancellation etc of passenger terminal licence on sub-licences

- (1) On the cancellation of a passenger terminal licence under regulation 4AX:
 - (a) each sub-licence granted under the licence and in force immediately before the cancellation ceases to be in force; and
 - (b) each sub-licensee is taken to be the holder of a general licence, subject to this Part, on the same terms, and subject to the same conditions, as the sub-licence.
- (2) On the suspension of a passenger terminal licence under regulation 4AX:
 - (a) each sub-licence granted under the licence and in force immediately before the suspension ceases to be in force for the period of the suspension; and
 - (b) each sub-licensee is taken to be the holder of a general licence for that period, subject to this Part, on the same

Regulation 4BT

terms, and subject to the same conditions, as the sub-licence.

- (3) On the surrender of a passenger terminal licence under regulation 4AY:
 - (a) each sub-licence granted under the licence and in force immediately before the surrender ceases to be in force; and
 - (b) each sub- licensee is taken to be the holder of a general licence, subject to this Part, on the same terms, and subject to the same conditions, as the sub-licence for a period of 90 days commencing on the day on which the surrender takes effect (the *surrender day*).
- (4) However, if within a period of 60 days commencing on the surrender day the sub- licensee applies under this Part for a general licence to replace the sub-licence, the sub- licensee is taken to be the holder of a general licence, subject to this Part, on the same terms, and subject to the same conditions, as the sub-licence until the application for a general licence is finally determined.

Division 1A.4 Enforcement

Subdivision 1A.4.1 Offences relating to the supply or consumption of liquor etc

4BT Supply of liquor without a licence etc

- (1) A person who is not:
 - (a) a licensee or sub- licensee; or
 - (b) acting on behalf of a licensee or sub- licensee;must not sell or supply, or permit the sale or supply of, liquor at an airport.

Penalty: 20 penalty units.
- (2) An offence against subregulation (1) is:
 - (a) a strict liability offence; and
 - (b) an infringement notice offence.

Regulation 4BU

Note For infringement notice offences, see Part 7.

4BU Supply of liquor in contravention of a licence etc

- (1) A licensee, sub-licensee or nominee must not sell or supply, or permit the sale or supply of, liquor at an airport in contravention of a condition of the licence or sub-licence.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is:
- (a) a strict liability offence; and
 - (b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

4BV Supply of liquor to intoxicated persons

- (1) A person must not sell or supply liquor at an airport to another person who is intoxicated.

Penalty:

- (a) if the offender is a licensee, sub-licensee, nominee or corporation — 50 penalty units; and
- (b) in any other case — 5 penalty units.

- (2) An offence against subregulation (1) is:
- (a) a strict liability offence; and
 - (b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

4BW Supply of liquor to minors

- (1) A person must not sell or supply liquor at an airport to a minor.

Penalty:

- (a) if the offender is a licensee, sub-licensee, nominee or corporation — 50 penalty units; and
- (b) in any other case — 5 penalty units.

- (2) An offence against subregulation (1) is:
- (a) a strict liability offence; and

Regulation 4BZ

- (b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

4BX Consumption of liquor by minors

- (1) A minor must not consume liquor at an airport.

Penalty: 5 penalty units.

- (2) An offence against subregulation (1) is:

- (a) a strict liability offence; and
(b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

4BY False representation of age

- (1) A minor must not represent himself or herself to be an adult in order to:

- (a) acquire or consume liquor at an airport; or
(b) enter or remain on licensed premises at an airport in contravention of a provision of this Part or a licence condition.

Penalty: 5 penalty units.

- (2) An offence against subregulation (1) is:

- (a) a strict liability offence; and
(b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

4BZ Conduct causing public nuisance

- (1) A person at an airport must not:

- (a) be drunk or disorderly; or
(b) create a disturbance.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is:

- (a) a strict liability offence; and

Regulation 4CA

- (b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

4CA No activity permitted without nominee

- (1) A licensee must not carry on an activity under a licence without there being a nominee for the licence.

Penalty: 50 penalty units.

- (2) A sub-licensee who is required by the conditions of the sub-licence to have a nominee for the sub-licence must not carry on an activity under the sub-licence without there being a nominee for the sub-licence.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is:
(a) a strict liability offence; and
(b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

4CB Display of licences and signs

- (1) A licensee must display prominently, on the licensed premises to which the licence relates, a copy of the licence document.

Penalty: 10 penalty units.

- (2) A sub-licensee must display prominently, on the licensed premises to which the sub-licence relates, a copy of the sub-licence document.

Penalty: 10 penalty units.

- (3) A licensee or sub-licensee must display prominently, on the licensed premises to which the licence or sub-licence relates, a sign that:

- (a) briefly states the effect of regulations 4BV, 4BW, 4BX, and 4BY; and
(b) is clearly legible.

Penalty: 10 penalty units.

Regulation 4CD

- (4) An offence against subregulation (1), (2) or (3) is:
- (a) a strict liability offence; and
 - (b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

Subdivision 1A.4.2 Authorised officers

4CC Appointment of authorised officers

- (1) The following are authorised officers for the purposes of this Part:
- (a) a member of the Australian Federal Police;
 - (b) a police officer of New South Wales;
 - (c) an employee of the Department who is authorised in writing by the Secretary for the purposes of this Part.
- (2) In exercising powers as an authorised officer under this Part, an authorised officer must comply with any directions of the Secretary.

4CD Identity cards

- (1) The Secretary may issue an identity card to an authorised officer who is an employee of the Department.
- (2) An identity card must:
- (a) incorporate a recent photograph of the person to whom it is issued; and
 - (b) contain:
 - (i) the person's signature; and
 - (ii) a unique number assigned to the person by the Secretary; and
 - (c) state that the person is an authorised officer for the purposes of this Part.
- (3) A person who ceases to be an authorised officer must return his or her identity card to the Secretary as soon as practicable after ceasing to be an authorised officer.

Penalty: 1 penalty unit.

Regulation 4CE

- (4) An offence against subregulation (3) is a strict liability offence.

4CE Production of identity card etc

An authorised officer who is exercising his or her powers under this Part in relation to a person must, at the request of the person, produce his or her identity card, or other identification as an authorised officer, for inspection by the person.

4CF Entering premises

An authorised officer may, for the purpose of exercising his or her powers under this Part, enter licensed premises at any time of the day or night.

4CG Requiring production of licence or approval of nominee etc

- (1) An authorised officer may require a person who appears to the authorised officer to be in control of licensed premises to produce for inspection the licence or sub-licence for the premises or the approval of the nominee for the premises.
- (2) The person must produce the licence, sub-licence or approval immediately for inspection by the authorised officer.
- Penalty: 20 penalty units.
- (3) It is a defence to a prosecution for an offence mentioned in subregulation (2) if:
- (a) at the time the authorised officer requested the person to produce the licence, sub-licence or approval, the person was not in control of the premises; or
 - (b) the person has a reasonable excuse for not producing the licence, sub-licence or approval.

4CH Ascertainment of age

For this Part, an authorised officer may request a person whom the authorised officer suspects on reasonable grounds to be a minor and to be contravening a provision of this Part:

- (a) to state the person's age; and

Regulation 4CJ

- (b) to produce acceptable evidence of the person's age.

Note For acceptable evidence of age, see regulation 4CK.

4CI Requiring suspected minor to leave premises

- (1) If:
- (a) an authorised officer requests a person whom the authorised officer suspects on reasonable grounds to be a minor and to be contravening a provision of this Part to:
 - (i) state the person's age; or
 - (ii) produce acceptable evidence of the person's age; and
 - (b) the person fails or refuses to do so;
the authorised officer may require the person to leave the premises.
- (2) If the person fails immediately to leave the premises, the authorised officer, using such force and assistance as is necessary and reasonable, may remove the person from the premises.

Subdivision 1A.4.3 General matters relating to enforcement

4CJ Suspension or cancellation of licence etc not affected by other provisions

- (1) A licence or sub-licence may be suspended or cancelled on the ground that the licensee or sub-licensee has contravened a provision of this Part, or a licence condition, even though the licensee or sub-licensee has been convicted of an offence as a result of the contravention.
- (2) A person whose licence or sub-licence has been suspended or cancelled on the ground that the person has contravened a provision of this Part, or a licence condition, may be convicted of an offence as a result of the contravention even though the licence or sub-licence has been cancelled.

Regulation 4CK

4CK Acceptable evidence of age

For this Part, acceptable evidence of a person's age is a document that:

- (a) is:
 - (i) a proof of age card issued to the person by an agency of a State or Territory; or
 - (ii) a motor vehicle driver's or rider's licence or permit issued to the person under a law of a State or Territory; or
 - (iii) an Australian or foreign passport issued to the person; and
- (b) bears a photograph of the person; and
- (c) indicates, by reference to the person's date of birth or otherwise, that the person has attained a particular age.

4CL Entry by licensee on premises of sub-licensee

- (1) An authorised employee of a licensee who holds a passenger terminal licence may enter the licensed premises of a sub-licensee of the licensee:
 - (a) at any time of the day or night:
 - (i) with the consent of the sub-licensee; or
 - (ii) for the purpose of protecting persons or property, if there is an emergency at the passenger terminal; or
 - (b) at any reasonable time of the day or night, for the purpose of observing whether the sub-licensee is complying with this Part and the licence conditions.
- (2) An authorised employee who is exercising his or her power under paragraph (1) (b) in relation to licensed premises must, at the request of the sub-licensee or nominee of the premises, produce his or her authorisation under this regulation for inspection by the sub-licensee or nominee.
- (3) Nothing in this regulation is intended to derogate from, or affect:
 - (a) any power of entry given to an authorised officer under Subdivision 1A.4.2; or

Regulation 4CM

(b) any right of entry given under a lease, sub-lease, licence or sub-licence.

(4) In this regulation:

authorised employee, of a licensee, means an employee of the licensee who is authorised, in writing, for this regulation by the licensee.

Division 1A.5 Miscellaneous

Subdivision 1A.5.1 Administrative review

4CM Review by Secretary

- (1) A person whose interests are affected by a decision of a licensee in relation to the grant, variation, renewal, transfer, conditions, suspension or cancellation of a sub-licence may apply to the Secretary for a review of the decision.
- (2) An application must:
 - (a) be in writing; and
 - (b) set out the reasons for making the application; and
 - (c) be received at the office of the Secretary within 28 days after the day when the person became aware of the licensee's decision.
- (3) Within 45 days after receiving an application under subregulation (1), the Secretary must review the licensee's decision and must make a decision:
 - (a) confirming the licensee's decision; or
 - (b) revoking the licensee's decision; or
 - (c) in substitution for the licensee's decision, whether or not in the same terms as the licensee's decision.
- (4) Before making a decision under subregulation (3), the Secretary must give to the applicant and to the licensee a reasonable opportunity to make representations about the licensee's decision.

Regulation 4CN

- (5) The Secretary must give to the applicant and to the licensee written notice of:
- (a) the Secretary's decision under subregulation (3); and
 - (b) the reasons for the decision.
- (6) The Secretary may give a direction, in writing, to the licensee for the implementation of the Secretary's decision.

Examples

The Secretary may direct that a sub-licence:

- be granted, or not be granted, to an applicant; or
- be transferred, or not be transferred, to an applicant; or
- be renewed, or not be renewed.

- (7) A direction under subregulation (6) must specify a reasonable period within which the licensee must comply with the direction.
- (8) The Secretary must give a copy of a direction under subregulation (6) to the applicant.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

4CN Review by Administrative Appeals Tribunal

- (1) An application may be made to the Administrative Appeals Tribunal for review of a decision of the Secretary:
- (a) to refuse to grant a licence under regulation 4AL; or
 - (b) to impose a licence condition under regulation 4AP; or
 - (c) to vary a licence under regulation 4AS; or
 - (d) to refuse to vary a licence under regulation 4AT; or
 - (e) to refuse to transfer a licence under regulation 4AW; or
 - (f) to suspend or cancel a licence under regulation 4AX; or
 - (g) to refuse to approve the nomination of a nominee or alternative nominee under regulation 4BC, or to approve a nominee or alternative nominee subject to conditions under regulation 4BE; or
 - (h) to suspend or withdraw the approval of a nominee or alternative nominee under regulation 4BH; or

Regulation 4CP

- (i) to suspend or cancel a sub-licence under regulation 4BR.
- (2) An application may be made to the Administrative Appeals Tribunal for review of a decision or direction of the Secretary under regulation 4CM.

Subdivision 1A.5.2 General

4CO Electronic applications etc

An approval by the Secretary of a form of application, notice or other document may require or permit the application, notice or document to be given on a specified kind of data processing device, or by way of electronic transmission, in accordance with specified software requirements.

4CP Information on directors of a corporation holding a general licence

- (1) This regulation applies to a licensee that is a corporation and holds a general licence.
- (2) A licensee to which this regulation applies must give notice in writing to the Secretary of the appointment or cessation of a person as a director of the corporation within 14 days after the day on which the appointment or cessation takes effect.

Penalty: 10 penalty units.

- (3) The Secretary may, by notice in writing to a licensee to which this regulation applies, require the licensee to give to the Secretary, within a reasonable period specified in the notice, an up-to-date list of the persons who are directors of the licensee.
- (4) A licensee who is given a notice in accordance with subregulation (3) must comply with the notice.

Penalty: 10 penalty units.

- (5) An offence against subregulation (2) or (4) is a strict liability offence.

Regulation 4CQ

4CQ Service of documents by Secretary

For this Part, unless the contrary intention appears, a notice or other document required or permitted to be given by the Secretary to a person is taken to be given:

- (a) in the case of service otherwise than by post on an individual — on the day on which the notice or other document is delivered to:
 - (i) the individual in person; or
 - (ii) if the individual has given an address for service to the Secretary — that address for service; or
 - (iii) the individual's last address known to the Secretary; or
- (b) in the case of service otherwise than by post on a corporation — on the day on which the notice or other document is delivered to:
 - (i) the registered office of the corporation; or
 - (ii) if the individual has given an address for service to the Secretary — that address for service; or
- (c) in the case of service by post — on the day on which the notice or other document would ordinarily be delivered in the due course of post or, if it is established that it was delivered on a later day, on that later day.

Subdivision 1A.5.3 Transitional

4CR Definitions for Subdivision 1A.5.3

In this Subdivision:

Liquor Act means the *Liquor Act 1982* of New South Wales.

liquor licence, for premises, means a licence for the premises under the Liquor Act.

4CS References to repealed regulations

A reference in this Subdivision to a provision of these Regulations (other than a reference to a provision in this Part) is a reference to that provision as in force immediately before the commencement of this regulation.

Regulation 4CT

4CT Transitional — existing liquor licences etc

- (1) Subject to subregulation (2), on the commencement of this regulation, a person who, immediately before that commencement, was the holder of a liquor licence that, under regulation 10, was taken to have been granted for premises in the international passenger terminal on Sydney (Kingsford-Smith) Airport, is taken to be granted a sub-licence for those premises by the holder of the passenger terminal licence for the international passenger terminal.
- (2) Subregulation (1) does not apply to a person mentioned in item 9 or 13 of Table 1 in subregulation 10 (1).
- (3) On the commencement of this regulation, a person who, immediately before that commencement, was the holder of a liquor licence that, under regulation 11, was taken to have been granted for premises in a domestic passenger terminal on Sydney (Kingsford-Smith) Airport, is taken to be granted a passenger terminal licence for premises in that passenger terminal.
- (4) On the commencement of this regulation, a person who, immediately before that commencement, was the holder of a liquor licence that, under regulation 12, was taken to have been granted for premises on Sydney (Kingsford-Smith) Airport, is taken to be granted a general licence for those premises.
- (5) On the commencement of this regulation, the person who, immediately before that commencement, was the holder of a liquor licence that, under regulation 13, was taken to have been granted for premises on Sydney (Kingsford-Smith) Airport, is taken to be granted a general licence for those premises.
- (6) On the commencement of this regulation, a person who, immediately before that commencement, was the holder of a liquor licence that, under regulation 13A, was taken to have been granted for premises in a passenger terminal on Sydney (Kingsford-Smith) Airport, is taken to be granted a sub-licence for those premises by the holder of the passenger terminal licence for the passenger terminal.

Regulation 4CU

- (7) On the commencement of this regulation, the person who, immediately before that commencement, was the holder of the liquor licence mentioned in regulation 13B for premises in the international passenger terminal on Sydney (Kingsford-Smith) Airport, is taken to be granted a sub-licence for those premises by the holder of the passenger terminal licence for the international passenger terminal.
- (8) On the commencement of this regulation, a person who, immediately before that commencement, was the holder of a liquor licence that, under regulation 14, was taken to have been granted for premises on Bankstown Airport, is taken to be granted a general licence for those premises.
- (9) On the commencement of this regulation, Sydney Airports Corporation Limited is taken to be granted:
 - (a) a passenger terminal licence for premises in the international passenger terminal on Sydney (Kingsford-Smith) Airport; and
 - (b) a passenger terminal licence for premises in the Domestic Express passenger terminal on Sydney (Kingsford-Smith) Airport.

4CU Transitional — licence conditions

- (1) Subject to subregulations (2), (3), (4) and (5), a licence or sub-licence that, under regulation 4CT, is taken to be granted to a person for premises on an airport is taken to be subject to the same conditions (if any) as was the liquor licence for those premises held by the person immediately before the commencement of that regulation.
- (2) Despite subregulation (1), a requirement of a condition of a licence or sub-licence that a licensee or sub-licensee must consult, or seek approval from, a State or local government authority, or law enforcement agency (other than the police in an area where the airport is situated) in respect of a matter, is taken to be a requirement to consult, or seek approval from, the Secretary in respect of the matter.
- (3) A passenger terminal licence that, under subregulation 4CT (3) or (9), is taken to be granted to a person, is subject to the

Regulation 4CV

conditions (if any) imposed on the licence under regulation 4AP.

- (4) The general licence taken to be granted under subregulation 4CT (5) ceases (unless earlier cancelled or surrendered) on the date on which the liquor licence taken to have been granted under regulation 13 would have ceased if that regulation and subregulation 17 (2) had not been repealed.
- (5) Nothing in this regulation prevents:
 - (a) the Secretary, in the case of a general licence; or
 - (b) the holder of a passenger terminal licence, in the case of a sub-licence for premises in the terminal;

from varying the conditions of the general licence or sub-licence in accordance with this Part for the purposes of ensuring or enabling compliance with the provisions of this Part by the holder of the passenger terminal licence, general licence or sub-licence.

4CV Transitional — approval of nominees

- (1) This regulation applies to premises mentioned in this Subdivision that:
 - (a) immediately before the commencement of this regulation were premises licensed under the Liquor Act; and
 - (b) on the commencement of this regulation are licensed premises under this Part.
- (2) On the commencement of this regulation, a person who, immediately before that commencement, was an approved manager of premises to which this regulation applies, is taken to be the nominee in respect of those premises.
- (3) In subregulation (2):
approved manager, of premises licensed under the Liquor Act, means a manager approved to manage those premises under Division 8A of Part 3 of the Liquor Act.

Regulation 5

**Part 2 Control of liquor — airports
not in New South Wales**

Division 1 Introductory

**5 Meaning of *owner* of airport for State or Territory
liquor law**

For the application to an airport to which Part 11 of the Act applies of a State or Territory law about the control of liquor, the owner of the airport is taken to be the airport-lessee company for the airport.

Division 3 Airports in Victoria

Subdivision 1 Preliminary

22 Definitions for Division

In this Division:

Director means the Director of Liquor Licensing appointed under section 149 of the LCR Act.

LCR Act means the **Liquor Control Reform Act 1998** of Victoria.

**23 Modifications of LCR Act at Part 11 airports in
Victoria**

- (1) The LCR Act, in its application to premises at a Part 11 airport in Victoria, is modified as set out in Part 6 of Schedule 1.
- (2) The LCR Act, in its application to premises at Melbourne (Tullamarine) Airport, is further modified as set out in Part 7 of Schedule 1.

Subdivision 2 Melbourne Airport

24 Definition for Subdivision

In this Subdivision:

existing authorisation means an authority (however described and however granted, and including an authority that is part of the terms of a lease, sublease, licence or sublicense) given before 15 May 1997, and in effect immediately before that day, for a person to sell or supply liquor at premises within Melbourne Airport.

25 Transitional — existing authorities to sell liquor

- (1) Subject to regulations 29 and 30, a person who holds an existing authorisation continues to be authorised to sell or supply liquor within Melbourne Airport.
- (2) An existing authorisation to sell or supply duty-free liquor has effect as a packaged liquor licence permitting the supply of liquor 24 hours a day.
- (3) An existing authorisation, so far as it authorises the use of premises to sell or supply liquor for consumption on the premises, has effect as an on-premises licence permitting the supply of liquor 24 hours a day.
- (4) An existing authorisation, so far as it authorises the use of premises for the sale or supply of liquor for consumption on and off the premises, has effect as a general licence permitting the supply of liquor 24 hours a day.
- (5) An existing authorisation, so far as it authorises a club to use premises for the sale or supply of liquor, has effect as a general licence permitting the supply of liquor 24 hours a day.
- (6) An existing authorisation, so far as it authorises the sale or supply of liquor on premises whose primary purpose is providing accommodation, has effect as a general licence permitting the supply of liquor 24 hours a day.

Regulation 26

- (7) However, an existing authorisation referred to in subsection (6) does not authorise the supply of liquor for consumption off the premises.
- (8) An existing authorisation that is continued in effect by this regulation continues to be subject to the same conditions as it was immediately before the grant of an airport lease for Melbourne (Tullamarine) Airport.

26 Transitional — authority for trading off-premises

- (1) While Ansett Airlines Limited is the holder of an existing authorisation that has effect as a general licence under subregulation 25 (3), the supply of liquor by Australian Concession Management in the course of catering for social receptions or functions on the airport site is taken to have been authorised by the Director for paragraph 9 (1) (b) of the LCR Act.
- (2) While Marriott Airport Concessions Pty Ltd is the holder of an existing authorisation that has effect as a general liquor licence under subregulation 25 (3), the supply of liquor in the course of catering for social receptions or functions on the airport site (except the premises known as Café Espresso on the airside of the airport) are taken to be authorised by the Director for paragraph 9 (1) (b) of the LCR Act.

27 How long existing authorisation continues

Despite section 50 of the LCR Act, an existing authorisation that is continued in force under this Subdivision continues in force until:

- (a) if the existing authorisation is conferred in a lease, licence, sublease or sublicence — the lease, sublease, licence or sublicence ends; or
- (b) it is cancelled.

28 No need to renew existing authorisation

Nothing in Division 8 of Part 2 of the LCR Act applies to an existing authorisation while that authorisation is continued in force by this Subdivision.

29 Transitional — dealing with existing authorisation

- (1) An existing authorisation may be dealt with under the LCR Act as if it were a licence granted under that Act.
- (2) To avoid doubt, it is declared that the operation of an existing authorisation as an extended hours permit may be surrendered or cancelled independently of its operation as a licence.

30 Transitional — dealing with holder of existing authorisation

The holder of an existing authorisation may be dealt with as if the holder were the holder of a licence granted under the LCR Act.

31 Transitional — persons under 18 on premises taken to be licensed

An unconditional approval is taken to have been given for the presence, on premises to which an existing authorisation applies, of persons under 18.

Subdivision 3 Essendon Airport and Moorabbin Airport

32 Definitions for Subdivision

In this Subdivision:

liquor authorisation, for premises at Essendon Airport or Moorabbin Airport, means an authority (however described and however granted) for the sale or supply of liquor from the premises, and includes an authority that is part of the terms of a lease, sublease, licence or sublicense, but does not include a liquor licence granted under the LC Act.

33 Transitional — existing authorities to sell liquor

- (1) On the commencement of an airport lease for Essendon Airport or Moorabbin Airport, a person who, immediately before the commencement of the lease, held a liquor authorisation for

Regulation 33

premises at the airport is taken to be granted a liquor licence under the LC Act.

- (2) The liquor licence is taken to be:
 - (a) in the case of Flightdeck Sports Club Pty Ltd and its premises at Essendon Airport — an on-premises licence permitting the supply of liquor until 2.00 am on any day in the year; and
 - (b) in the case of Lone Star Steakhouse and Saloon Bar Pty Ltd and its premises at Moorabbin Airport — an on-premises licence permitting the supply of liquor during ordinary trading hours subject to the following conditions:
 - (i) that the predominant activity carried on on the premises must be the preparation and serving of meals for consumption on the premises;
 - (ii) that, at any time, there must be enough tables and chairs available on the premises to accommodate at least 75% of the patrons in the premises at the time; and
 - (c) in the case of General Flying Services Pty Ltd and its premises at Moorabbin Airport — a limited licence subject to the conditions that:
 - (i) liquor may be sold only to members and guests of members, and only for consumption on the premises; and
 - (ii) on Fridays liquor may be sold only between 5.30 pm and 11 pm; and
 - (iii) on Saturdays liquor may be sold only between 2.30 pm and 11 pm; and
 - (iv) on Sundays liquor may be sold only between 2.30 pm and 8.30 pm; and
 - (v) on other days liquor may be sold only between 5.30 pm and 8.30 pm.
- (3) The liquor licence is also taken to be subject to the same conditions (if any) as the liquor authorisation.
- (4) The premises on which the liquor authorisation authorised the sale or supply of liquor are taken to be licensed premises for the LCR Act.

34 How long licence continues

Despite section 50 of the LCR Act, a liquor licence that is taken to have been granted under this Subdivision continues in force until:

- (a) if the relevant liquor authorisation is conferred in a lease, licence, sublease or sublicense — the lease, sublease, licence or sublicense ends; or
- (b) it is cancelled.

35 No need to renew licence

Nothing in Division 8 of Part 2 of the LCR Act applies to a liquor licence that is taken to have been granted under this Subdivision while the licence is continued in force by regulation 34.

36 Transitional — treatment of liquor licence

- (1) A liquor licence that a person is taken to hold under subregulation 33 (1) may be treated as if it were a liquor licence granted under the LC Act.
- (2) To avoid doubt, it is declared that an extended hours permit that a person is taken to hold under subregulation 33 (2) may be surrendered or cancelled independently of the liquor licence that the person is taken to hold.

37 Transitional — treatment of persons taken to hold liquor licence

A person who is taken to hold a liquor licence under subregulation 33 (1) may be treated as if the person held a liquor licence under the LCR Act.

38 Transitional — persons taken to hold liquor licence to give copies of plans

- (1) Within 6 months after the commencement of an airport lease for Essendon Airport or Moorabbin Airport, a person who is taken, under subregulation 33 (1), to hold a liquor licence for

Regulation 39

premises at the airport must give the Director a copy of a plan of the premises, showing their boundaries.

- (2) If the person does not comply with subregulation (1), the Director may suspend the liquor licence until the person does so.

Division 4 Airports in Queensland

Subdivision 1 Preliminary

39 Definitions for Division

In this Division:

chief executive has the same meaning as in the Liquor Act.

Liquor Act means the *Liquor Act 1992* of Queensland.

40 Application of Liquor Act at certain airports

- (2) The Liquor Act, in its application to the terminal area of Coolangatta or Townsville Airport, is modified as set out in Part 9 of that Schedule.
- (3) To avoid doubt, that Act is not modified in its application to:
- (a) premises at Coolangatta Airport or Townsville Airport outside the terminal area; or
 - (b) Archerfield Airport; or
 - (c) Mount Isa Airport.

Subdivision 2 Archerfield Airport, Coolangatta Airport, Mount Isa Airport and Townsville Airport

46 Definition for Subdivision

In this Subdivision:

liquor authorisation, for premises at Archerfield Airport, Coolangatta Airport, Mount Isa Airport or Townsville Airport, means an authority (however described and however granted) for the sale or supply of liquor from the premises, and includes

an authority that is part of the terms of a lease, sublease, licence or sublicense, but does not include a liquor licence granted under the Liquor Act.

47 Transitional — existing authorities to sell liquor at Archerfield and Mount Isa Airports

- (1) On the commencement of an airport lease for Archerfield Airport or Mount Isa Airport, a person who, immediately before the commencement of the lease, held a liquor authorisation for premises at the airport is taken to have been granted a liquor licence under the Liquor Act.
- (2) The liquor licence is taken to be:
 - (a) in the case of the Royal Queensland Aero Club and its premises at Archerfield Airport — a club liquor licence under section 85 of that Act; and
 - (b) in the case of Vinance Pty Ltd and its premises at Mount Isa Airport — a general liquor licence under section 59 of that Act.
- (3) The liquor licence is taken to be subject to the same conditions (if any) as the liquor authorisation.
- (4) The premises on which the liquor authorisation authorised the sale or supply of liquor are taken to be licensed premises for the Liquor Act.

48 Transitional — authority to sell liquor in the terminal of Coolangatta Airport

- (1) On the commencement of an airport lease for Coolangatta Airport, the airport-lessee company for the airport is taken to be granted a special facility liquor licence (under section 93 of the Liquor Act) that permits 24-hour trading.
- (2) The whole terminal area is taken to be licensed premises for the Liquor Act.
- (3) On the commencement of the airport lease:
 - (a) the airport-lessee company is taken to sublet the right to sell liquor to any person who, immediately before the

Regulation 49

commencement of the lease, held a liquor authorisation for premises within the terminal area of the airport; and

- (b) the chief executive is taken to have consented to that subletting under subsection 152 (3) of that Act.

49 Transitional — existing authorities to sell liquor at Coolangatta Airport

- (1) On the commencement of an airport lease for Coolangatta Airport, F.H.A.B. Pty Limited is taken to have been granted a club liquor licence under section 85 of that Act, subject to the same conditions (if any) as the liquor authorisation held by the Club.
- (2) The premises on which the liquor authorisation authorised the sale or supply of liquor are taken to be licensed premises for the Liquor Act.

50 Transitional — authority to sell liquor in the terminal of Townsville Airport

- (1) On the commencement of an airport lease for Townsville Airport, the airport-lessee company for the airport is taken to be granted a special facility liquor licence (under section 93 of the Liquor Act) that permits 24-hour trading.
- (2) The licensed premises are taken to be the whole terminal area.
- (3) On the commencement of the airport lease:
- (a) the airport-lessee company is taken to sublet the right to sell liquor to any person who, immediately before the commencement of the lease, held a liquor authorisation for premises within the terminal area of the airport; and
- (b) the chief executive is taken to have consented to that subletting under subsection 152 (3) of that Act.

51 Transitional — existing authorities to sell liquor at Townsville Airport

- (1) On the commencement of an airport lease for Townsville Airport, Bencol Pty Ltd and Steven Ayles are each taken to

Regulation 53

have been granted a club liquor licence under section 85 of the Liquor Act.

- (2) The liquor licence is taken to be subject to the same conditions (if any) as the liquor authorisation held by the person to whom it is taken to be granted.
- (3) The premises on which the liquor authorisation authorised the sale or supply of liquor are taken to be licensed premises for the Liquor Act.

52 Transitional — when liquor licence etc ceases

- (1) A special facility liquor licence that an airport-lessee company is taken to hold under subregulation 48 (1) or 50 (1) ceases:
 - (a) if the airport-lessee company ceases to be the airport-lessee company for the airport; or
 - (b) if the licence is cancelled under the Liquor Act, as that Act is taken to apply to it; or
 - (c) when it would expire under the Liquor Act.
- (2) A liquor licence that a person (other than an airport-lessee company) is taken to hold under subregulation 47 (1), 49 (1) or 51 (1), or a subletting of the right to sell liquor that a person is taken to hold that a person is taken to hold under subregulation 48 (3) or 50 (3), cease:
 - (a) if the relevant liquor authorisation is conferred in a lease, licence, sublease or sublicense — when that lease, sublease, licence or sublicense ends; or
 - (b) if the licence is cancelled under the LC Act, as that Act is taken to apply to it; or
 - (c) when it would expire under the Liquor Act.

53 Transitional — dealing with liquor licence etc

- (1) A liquor licence that an airport-lessee company is taken to hold under subregulation 48 (1) or 50 (1) is not transferable but otherwise may be treated as if it were held under the Liquor Act.

Regulation 54

- (2) A liquor licence that a person (other than an airport-lessee company) is taken to hold under subregulation 47 (1), 49 (1) or 51 (1), or a subletting of the right to sell liquor that a person is taken to hold under subregulation 48 (3) or 50 (3), may be treated as if it were held under the Liquor Act.

54 Transitional — dealing with person taken to hold liquor licence etc

A person who is taken to hold a liquor licence under subregulation 47 (1), 48 (1), 49 (1), 50 (1) or 51 (1), or a subletting of the right to sell liquor that a person is taken to hold under subregulation 48 (3) or 50 (3), may be treated as if the licence or subletting were held under the Liquor Act.

55 Transitional — person taken to hold liquor licence etc to give copies of plans

- (1) Within 6 months after the commencement of an airport lease for Archerfield Airport, Coolangatta Airport, Mount Isa Airport or Townsville Airport, a person (other than an airport-lessee company) who is taken to hold a liquor licence under subregulation 47 (1), 49 (1) or 51 (1) for premises at the airport, or a subletting of the right to sell liquor from premises at the airport under subregulation 48 (3) or 50 (3), must give the chief executive a copy of a plan of the premises, showing their boundaries.
- (2) If the person does not comply with subregulation (1), the chief executive may suspend the liquor licence or right until the person does so.

Division 5 Adelaide Airport and Parafield Airport

56 Definitions for Division

In this Division:

Commissioner has the same meaning as in the Liquor Licensing Act.

liquor authorisation, for premises at Adelaide Airport or Parafield Airport, means an authority (however described and however granted) for the sale or supply of liquor from the premises, and includes an authority that is part of the terms of a lease, sublease, licence or sublicense, but does not include a liquor licence granted under the Liquor Licensing Act.

Liquor Licensing Act means the *Liquor Licensing Act 1997* of South Australia.

57 Application of Liquor Licensing Act

The Liquor Licensing Act, in its application to premises in the terminal area of Adelaide Airport or Parafield Airport, is modified as set out in Part 10 of Schedule 1.

58 Transitional — existing authorities to sell liquor

- (1) On the commencement of an airport lease for Adelaide Airport or Parafield Airport, a person (other than the Metropolitan District Show Jumping Club) who, immediately before the commencement of the lease, held a liquor authorisation for premises at the airport is taken, to have been granted a liquor licence under the Liquor Licensing Act.
- (2) The liquor licence is taken to be:
 - (a) in the cases of the Aviation Institute (South Australian Division) and the University of Adelaide Sports Association and their respective premises at Adelaide Airport — a club liquor licence under section 36 of that Act; and
 - (b) in the case of any other person holding a liquor authorisation for premises at Adelaide Airport — a special circumstances liquor licence under section 40 of that Act; and
 - (c) in the case of the Parafield Flying Club Incorporated and its premises at Parafield Airport — a club liquor licence under section 36 of that Act; and
 - (d) in the cases of K. S. (Parafield) Pty Ltd and the Hawker de Havilland Aviation College and their respective premises

Regulation 59

- at Parafield Airport — a restaurant liquor licence under section 34 of that Act; and
- (e) in the case of Fun Trading Pty Ltd and its premises at Parafield Airport — a hotel liquor licence under section 32 of that Act.
- (3) The liquor licence is taken to be subject to the same conditions (if any) as the liquor authorisation.
- (4) The premises on which the liquor authorisation authorised the sale or supply of liquor are taken to be licensed premises for the Liquor Licensing Act.
- (5) If the Liquor Act does not allow trading at a time when trading is permitted by a liquor authorisation, the person holding the liquor authorisation is also taken to be granted an extended trading authorisation (under section 44 of that Act) allowing trading during the same hours as authorised by the liquor authorisation.

59 Transitional — when liquor licence etc ceases

A liquor licence that a person is taken to hold under subregulation 58 (1), and any extended trading authorisation that the person is taken to hold under subregulation 58 (5), both cease:

- (a) if the relevant liquor authorisation is conferred in a lease, licence, sublease or sublicence — when that lease, sublease, licence or sublicence ends; or
- (b) if the licence is cancelled under the Liquor Licensing Act, as that Act is taken to apply to it; or
- (c) when the liquor licence would expire under the Liquor Licensing Act.

60 Transitional — dealing with liquor licence etc

- (1) A liquor licence that a person is taken to hold under subregulation 58 (1) may be treated as if it were held under the Liquor Licensing Act.
- (2) To avoid doubt, an extended trading authorisation that a person is taken to hold under subregulation 58 (5) may be surrendered

or cancelled independently of the liquor licence that the person is taken to hold.

61 Transitional — dealing with person taken to hold liquor licence etc

A person who is taken to hold a liquor licence under subregulation 58 (1) may be treated as if the liquor licence were held under the Liquor Licensing Act.

62 Transitional — person taken to hold liquor licence to give copies of plans

- (1) Within 6 months after the commencement of an airport lease for Adelaide Airport or Parafield Airport, a person who is taken to hold a liquor licence for premises at the airport under subregulation 58 (1) must give the Commissioner a copy of a plan of the premises, showing their boundaries.
- (2) If the person does not comply with subregulation (1), the Commissioner may suspend the liquor licence until the person does so.

Division 6 Airports in Western Australia

Subdivision 1 Preliminary

63 Definitions for Division

In this Division:

licensing authority has the same meaning as in the LL Act.

LL Act means the *Liquor Licensing Act 1988* of Western Australia.

64 Application of LL Act at Perth Airport

The LL Act, in its application to Perth Airport, is modified as set out in Part 11 of Schedule 1.

Regulation 65

Subdivision 2 Perth Airport

65 Definition for Subdivision

In this Subdivision:

existing authorisation means an authority (however described and however granted, and including an authority that is part of the terms of a lease, sublease, licence or sublicense) given before 15 May 1997, and in effect immediately before that day, for a person to sell or supply liquor at premises within Perth Airport.

66 Transitional — existing authorities to sell liquor

- (1) A person who holds an existing authorisation continues to be authorised to sell liquor within Perth Airport.
- (2) An existing authorisation that is expressed to end at a specified time, or after a specified period, ceases to have effect for subregulation (1) at that time or at the end of that period.
- (3) An existing authorisation has effect as a special facility licence (granted under section 46 of the LL Act) that permits 24-hour trading.
- (4) An existing authorisation that is continued in effect by this regulation continues to be subject to the same conditions as it was immediately before the commencement of this regulation.

67 Transitional — dealings with existing authorisation

An existing authorisation may be dealt with under the LL Act as if it were a licence granted under that Act.

68 Transitional — dealing with holder of existing authorisation

The holder of an existing authorisation may be dealt with as if the holder were the holder of a licence granted under the LL Act.

69 Transitional — holders of existing authorisations to give copies of plans

- (1) Within 6 months after the commencement of this Division, the holder of an existing authorisation must give the licensing authority 3 copies of a plan of the premises to which the authorisation relates, showing the boundaries of those premises.
- (2) If the holder does not comply with subregulation (1), the licensing authority may suspend the authorisation until the holder does so.

Subdivision 3 Jandakot Airport

70 Definition for Subdivision

In this Subdivision:

liquor authorisation, for premises at Jandakot Airport, means an authority (however described and however granted) for the sale or supply of liquor from the premises, and includes an authority that is part of the terms of a lease, sublease, licence or sublicense, but does not include a liquor licence granted under the LL Act.

71 Transitional — existing authorities to sell liquor

- (1) On the commencement of an airport lease for Jandakot Airport, a person who, immediately before the commencement of the lease, held a liquor authorisation for premises at the airport is taken to have been granted a club liquor licence under section 48 of the LL Act.
- (2) The liquor licence is taken to be subject to the same conditions (if any) as the liquor authorisation.

Regulation 72

- (3) The premises on which the liquor authorisation authorised the sale or supply of liquor are taken to be licensed premises for the LL Act.

72 Transitional — when liquor licence ceases

A liquor licence that a person is taken to hold under subregulation 71 (1) ceases:

- (a) if the relevant liquor authorisation is conferred in a lease, licence, sublease or sublicense — when that lease, sublease, licence or sublicense ends; or
- (b) if the licence is cancelled under the LL Act, as that Act is taken to apply to it; or
- (c) when the liquor licence would expire under the LL Act.

73 Transitional — dealing with liquor licence

A liquor licence that a person is taken to hold under subregulation 71 (1) may be treated as if it were held under the LL Act.

74 Transitional — dealing with person taken to hold liquor licence

A person who is taken to hold a licence under subregulation 71 (1) may be treated as if the person held a liquor licence under the LL Act.

75 Transitional — person taken to hold liquor licence to give copies of plans

- (1) Within 6 months after the grant of an airport lease for Jandakot Airport, a person who is taken to hold a liquor licence under subregulation 71 (1) must give the Commission a plan of the premises at the airport taken to be licensed, showing their boundaries.
- (2) If the person does not comply with subregulation (1), the Commission may suspend the liquor licence until the person does so.

Division 7 Hobart Airport and Launceston Airport

76 Definitions for Division

In this Division:

Commissioner has the same meaning as in the Liquor Act.

Liquor Act means the *Liquor and Accommodation Act 1990* of Tasmania.

liquor authorisation, for premises at Hobart Airport or Launceston Airport, means an authority (however described and however granted) for the sale or supply of liquor from the premises, and includes an authority that is part of the terms of a lease, sublease, licence or sublicense, but does not include a liquor licence granted under the Liquor Act.

77 Application of Liquor Act

- (1) The Liquor Act, in its application to the terminal area of Hobart Airport or Launceston Airport, is modified as set out in Part 12 of Schedule 1.
- (2) To avoid doubt, that Act is not modified in its application to premises at Hobart Airport or Launceston outside the terminal area.

78 Transitional — existing authorities to sell liquor

- (1) On the commencement of an airport lease for Hobart Airport or Launceston Airport, a person who, immediately before the commencement of the lease, held a liquor authorisation for premises at the airport is taken to be granted a liquor licence under the Liquor Act.
- (2) The liquor licence is taken to be:
 - (a) in the case of a liquor authorisation held by a club — a club liquor licence (within the meaning of section 10 of the Liquor Act); and

Regulation 79

- (b) in the case of any other liquor authorisation — a special liquor licence (within the meaning of section 11 of that Act).
- (3) The liquor licence is taken to be subject to the same conditions (if any) as the liquor authorisation.
- (4) The liquor licence is taken to allow trading during the same hours as the authorisation does.
- (5) The premises on which the liquor authorisation authorised the sale or supply of liquor are taken to be licensed premises for the Liquor Act.

79 Transitional — when liquor licence etc ceases

A liquor licence that a person is taken to hold under subregulation 78 (1) ceases:

- (a) if the relevant liquor authorisation is conferred in a lease, licence, sublease or sublicence — when that lease, sublease, licence or sublicence ends; or
- (b) if the licence is cancelled under the Liquor Act, as that Act is taken to apply to it; or
- (c) when it would expire if it were held under the Liquor Act.

80 Transitional — dealing with liquor licence

A liquor licence that a person is taken to hold under subregulation 78 (1) may be treated as if it were held under the Liquor Act.

81 Transitional — dealing with person taken to hold liquor licence

A person who is taken to hold a liquor licence under subregulation 78 (1) may be treated as if the liquor licence were held under the Liquor Act.

82 Transitional — person taken to hold liquor licence to give copies of plans

- (1) Within 6 months after the commencement of an airport lease for Hobart Airport or Launceston Airport, a person who is taken under subregulation 78 (1) to hold a liquor licence for premises at the airport must give the Commissioner a copy of a plan of the premises, showing the boundaries of the premises.
- (2) If the person does not comply with subregulation (1), the Commissioner may suspend the liquor licence until the person does so.

Division 8 Canberra Airport

83 Definitions for Division

In this Division:

Liquor Act means the *Liquor Act 1975* of the Australian Capital Territory.

liquor authorisation, for premises at Canberra Airport, means an authority (however described and however granted) for the sale or supply of liquor from the premises, and includes an authority that is part of the terms of a lease, sublease, licence or sublicence, but does not include a liquor licence granted under the Liquor Act.

84 Application of Liquor Act

- (1) The Liquor Act, in its application to premises at Canberra Airport, is modified as set out in Part 13 of Schedule 1.
- (2) That Act, in its application to premises within the terminal area at Canberra Airport, is further modified as set out in Part 14 of Schedule 1.

85 Transitional — existing authorities to sell liquor

- (1) On the commencement of an airport lease for Canberra Airport, a person who, immediately before the commencement of the lease, held a liquor authorisation for premises at the airport is

Regulation 86

taken, to be granted a special liquor licence under section 29A of the Liquor Act.

- (2) The liquor licence is taken to be subject to the same conditions (if any) as the liquor authorisation.
- (3) The premises on which the liquor authorisation authorised the sale or supply of liquor are taken to be licensed premises for the Liquor Act.

86 Transitional — when liquor licence ceases

A liquor licence that a person is taken to hold under subregulation 85 (1) ceases:

- (a) if the relevant liquor authorisation is conferred in a lease, licence, sublease or sublicense — when that lease, sublease, licence or sublicense ends; or
- (b) if the licence is cancelled under the Liquor Act, as that Act is taken to apply to it; or
- (c) when it would expire under the Liquor Act.

87 Transitional — dealing with liquor licence

A liquor licence that a person is taken to hold under subregulation 85 (1) may be treated as if it had been granted under the Liquor Act.

88 Transitional — dealing with person taken to hold liquor licence

A person who is taken to hold a liquor licence under subregulation 85 (1) may be treated as if the liquor licence were held under the Liquor Licensing Act.

89 Transitional — person taken to hold liquor licence to give copies of plans

- (1) Within 6 months after the grant of an airport lease for Canberra Airport, a person who is taken to hold a liquor licence for premises at the airport under subregulation 85 (1) must give the Registrar (within the meaning given by section 4 of the Liquor

Act) a copy of a plan of the premises, showing their boundaries.

- (2) If the person does not comply with subregulation (1), the Board (within the meaning given by that section) may suspend the liquor licence until the person does so.

Division 9 Darwin Airport and Alice Springs Airport

90 Definitions for Division

In this Division:

Commission means the Liquor Commission established by the Liquor Act.

Liquor Act means the *Liquor Act* of the Northern Territory.

liquor authorisation, for premises at Darwin Airport or Alice Springs Airport, means an authority (however described and however granted) for the sale or supply of liquor from the premises, and includes an authority that is part of the terms of a lease, sublease, licence or sublicense, but does not include a liquor licence granted under the Liquor Act.

91 Application of Liquor Act

- (1) The Liquor Act, in its application to premises at Darwin Airport or Alice Springs Airport, is modified as set out in Part 15 of Schedule 1.
- (2) That Act, in its application to premises within the terminal area at either of those airports, is further modified as set out in Part 16 of Schedule 1.

92 Transitional — existing authorities to sell liquor

- (1) On the commencement of an airport lease for Darwin Airport or Alice Springs Airport, a person who, immediately before the commencement of the lease, held a liquor authorisation for premises at the airport is taken to be granted a liquor licence under section 24 of the Liquor Act.

Regulation 93

- (2) The liquor licence is taken to be subject to the same conditions (if any) as the liquor authorisation.
- (3) The premises on which the liquor authorisation authorised the sale or supply of liquor are taken to be licensed premises for the Liquor Act.

93 When liquor licence etc ceases

A liquor licence that a person is taken to hold under subregulation 92 (1) ceases:

- (a) if the relevant liquor authorisation is conferred in a lease, licence, sublease or sublicence — when that lease, sublease, licence or sublicence ends; or
- (b) if the licence is cancelled under the Liquor Act, as that Act is taken to apply to it; or
- (c) when it would expire under the Liquor Act.

94 Transitional — dealing with liquor licence

A liquor licence that a person is taken to hold under subregulation 92 (1) may be treated as if it had been granted under the Liquor Act.

95 Transitional — dealing with person taken to hold liquor licence

A person who is taken to hold a liquor licence under subregulation 92 (1) may be treated as if the liquor licence were held under the Liquor Act.

96 Transitional — person taken to hold liquor licence to give copies of plans

- (1) Within 6 months after the commencement of an airport lease for Darwin Airport or Alice Springs Airport, a person who is taken to hold a liquor licence for premises at the airport under subregulation 92 (1) must give the Commission a copy of a plan of the premises, showing the boundaries of the premises.

Regulation 96

- (2) If the person does not comply with subregulation (1), the Commission may suspend the liquor licence until the person does so.

Regulation 97

Part 3 Commercial trading**97 Definitions for Part 3**

In this Part:

consumer trading means the supply of goods or services to an individual who acquires the goods or services as a consumer (within the meaning of section 4B of the *Trade Practices Act 1974*).

regulated airport means an airport to which Part 11 of the Act applies.

trading authorisation, for an airport, means an authority (however described, and however granted, and including an authority given as part of the conditions of a lease, sublease, licence or sublicense) given by the FAC or the Commonwealth, before the commencement of an airport lease for the airport, that authorises a person to carry on consumer trading at the airport.

98 Transitional — authorisations to carry on consumer trading

- (1) If, under the law of a State or Territory, a licence or permission is required to carry on consumer trading of a particular kind, a person who held a trading authorisation to carry on consumer trading of that kind at a regulated airport in the State or Territory is taken to be granted, on the commencement of an airport lease for the airport, the necessary licence or permission.
- (2) The licence or permission is taken to be subject to the same conditions (if any) as the trading authority.
- (3) The licence or permission may be treated as if it had been granted under that law.
- (4) However, the licence or permission:
 - (a) is not transferable; and

Regulation 101

- (b) ceases:
- (i) if the person who is taken to hold it ceases to hold the trading authorisation; or
 - (ii) when it would expire under the relevant State or Territory law.

99 Consumer trading — Sydney (Kingsford-Smith) Airport

For its application to consumer trading at Sydney (Kingsford-Smith) Airport, the *Factories, Shops and Industries Act 1962* of New South Wales is modified by omitting sections 82, 84 and 85.

100 Consumer trading — other Part 11 airports in New South Wales

For its application to consumer trading carried on at a Part 11 airport (other than Sydney (Kingsford-Smith) Airport) in New South Wales under a licence or permission taken to have been granted to a person under regulation 98, the *Factories, Shops and Industries Act 1962* of New South Wales is modified by omitting sections 82, 84 and 85.

101 Consumer trading — Melbourne Airport

For its application to consumer trading at Melbourne Airport, the **Shop Trading Reform Act 1996** of Victoria is modified by the omission of subsections 4 (2) and (3), and the substitution of the following subsection:

- ‘(2) A shop at Melbourne Airport (as determined under the *Airports Act 1996* of the Commonwealth) is an exempt shop whether or not it is a shop of a kind specified in Schedule 1, and whether or not business of a kind not referred to in subparagraph (1) (b) (i) or (ii) is carried on in it.’

Regulation 102

102 Consumer trading — airports in Queensland

The *Trading (Allowable Hours) Act 1990* of Queensland does not apply to consumer trading at Brisbane Airport, Archerfield Airport, Coolangatta Airport or Townsville Airport.

103 Consumer trading — airports in South Australia

- (1) The *Shop Trading Hours Act 1977* of South Australia does not apply to consumer trading on premises in the terminal area of Adelaide Airport or Parafield Airport.
- (2) That Act also does not apply to consumer trading on premises at either of those airports outside the terminal area, if the trading on those premises was authorised, immediately before the commencement of the airport lease for the airport, by a trading authorisation.

104 Consumer trading — Perth Airport

The *Retail Trading Hours Act 1987* of Western Australia does not apply to consumer trading at Perth Airport.

Part 4 Vehicles

Division 1 Introductory

105 Definitions for Part 4

In this Part:

airside of an airport has the same meaning as in the Vehicle Control Handbook for the airport.

emergency vehicle means:

- (a) a police vehicle; or
- (b) an ambulance vehicle; or
- (c) a fire service vehicle.

landside of an airport means the part of the airport that is not the airside of the airport.

vehicle has the same meaning as in section 172 of the Act.

Vehicle Control Handbook, means:

- (a) for Melbourne, Brisbane and Perth Airports — the Airside Vehicle Control Handbook published for the airport by the FAC, as in force on 14 May 1997; and
- (b) for Adelaide, Alice Springs, Archerfield, Canberra, Coolangatta, Darwin, Hobart, Jandakot, Launceston, Moorabbin, Mount Isa, Parafield, Tennant Creek and Townsville Airports — the Airside Vehicle Control Handbook published for the airport by the FAC, as in force on 19 May 1998; and
- (c) for Sydney (Kingsford-Smith) Airport, Bankstown Airport, Camden Airport, Essendon Airport and Hoxton Park Airport — the Airside Vehicle Control Handbook published for the airport by the FAC, as in force on 30 June 1998.

Regulation 106

Division 2 Landside vehicle parking

106 Definitions for Division 2

In this Division, and for the application of the rules mentioned in regulation 106E to the landside of an airport:

Australian Road Rules means the Australian Road Rules as approved by the Australian Transport Council and published by the National Road Transport Commission on 19 October 1999.

authorised person, for a provision of this Division, means an authorised person appointed under regulation 114 for the provision.

charter service means a public passenger service:

- (a) for which a public bus, and the services of a driver of the bus, are pre-booked for hire to take passengers for an agreed fee; and
- (b) for which the following conditions are satisfied:
 - (i) the hirer is entitled to determine the route for the journey and the time of travel;
 - (ii) all passengers' journeys have a common origin or a common destination, or both;
 - (iii) individual fares are not payable by the passengers (either to the operator of the service or to the driver of the bus);
 - (iv) the service is not provided according to regular routes and timetables.

driver has the same meaning as in the Australian Road Rules.

hire car means a vehicle (other than a public bus or taxi) which is used to provide a public passenger service (other than a regular passenger service, a long-distance service, a charter service or a tourist service).

infringement notice offence means an offence that is declared to be an infringement notice offence by a provision of this Division.

long-distance service means a public passenger service conducted according to one or more regular routes, in which

each passenger is carried for a distance of not less than 40 kilometres.

parking control provision means rule 167, 168, 169, 170, 172, 176, 178, 179, 180, 181, 182, 183, 184, 185, 186, 189, 197, 198, 202, 203, 205, 207 or 211 of the Australian Road Rules as applied by regulation 106E.

passenger does not include the driver of a vehicle.

permit zone has the same meaning as in subrule 185 (2) of the Australian Road Rules.

public bus means:

- (a) for an airport the landside of which is in New South Wales — a **bus** within the meaning of the *Passenger Transport Act 1990* of New South Wales, as in force at the commencement of this Division; or
- (b) for an airport in Victoria — a **bus** within the meaning of the **Road Safety (Vehicles) Regulations 1999** of Victoria, as in force at the commencement of this Division; or
- (c) for an airport the landside of which is in Queensland — a **bus** within the meaning of the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulations 1999* of Queensland, as in force at the commencement of this Division; or
- (d) for an airport in Western Australia — a **public bus** within the meaning of the *Road Traffic Code 2000* of Western Australia, as in force at the commencement of this Division; or
- (e) for an airport in Tasmania — a **bus** within the meaning of the *Vehicle and Traffic Act 1999* of Tasmania, as in force at the commencement of this Division.

public passenger service means the carriage of passengers for a fare or other consideration by a vehicle along a road or road-related area.

regular passenger service means a public passenger service conducted according to regular routes and timetables, but does not include a tourist service or a long-distance service.

road has the same meaning as in the Australian Road Rules.

road-related area has the same meaning as in the Australian Road Rules.

Regulation 106A

taxi means a vehicle:

- (a) which is used to provide a public passenger service (other than a regular passenger service, a long-distance service, a charter service or a tourist service); and
- (b) which, for the purpose of procuring passengers, is made to ply or stand for hire on a road or road-related area.

taxi zone has the same meaning as in rule 182 of the Australian Road Rules.

tourist service means a public passenger service, provided by a public bus, that is:

- (a) a pre-booked service designed for the carriage of tourists to destinations listed on a publicly available itinerary; or
- (b) a service designed for the carriage of tourists where all passengers' journeys have a common origin or a common destination, or both.

traffic control device has the same meaning as in the Australian Road Rules.

106A Application of this Division

This Division applies to the following airports:

- (a) Sydney (Kingsford-Smith) Airport;
- (b) Melbourne (Tullamarine) Airport;
- (c) Brisbane Airport;
- (d) Perth Airport;
- (e) Hobart Airport;
- (f) Coolangatta Airport;
- (g) Townsville Airport.

106B Operation of State laws

If the laws of the State where an airport is located and this Division both make provision for a matter, the laws of the State do not apply in relation to the landside of the airport to the extent that the matter is dealt with in this Division.

106BA Parking signage plan and standard operating procedures

- (1) An airport-operator company for an airport must give the Secretary:
 - (a) a parking signage plan under subregulation (2) for the airport; and
 - (b) standard operating procedures under subregulation (3) for the airport.
- (2) A parking signage plan for an airport must describe:
 - (a) the landside areas of the airport where infringement notice offences under regulations 107 and 108 apply; and
 - (b) the traffic control devices used on the landside areas of the airport to identify areas where those infringement notice offences apply.
- (3) Standard operating procedures for an airport must set out the following:
 - (a) procedures designed to ensure that authorised persons for the airport carry out their duties under this Division in a suitable manner;
 - (b) the duties of authorised persons for the airport;
 - (c) the policy of the airport-operator company for the airport for dealing with people who park or use a vehicle on the landside of the airport, including:
 - (i) the processes to be carried out before an infringement notice is issued for an infringement notice offence under this Division; and
 - (ii) the rights and obligations of those people in relation to parking or using a vehicle on the landside of the airport; and
 - (iii) the procedures for dealing with complaints from those people about parking or using a vehicle on the landside of the airport;
 - (d) the procedures for:
 - (i) issuing an infringement notice for an infringement notice offence under this Division; and

Regulation 106C

- (ii) paying and collecting the penalty mentioned in the notice; and
- (iii) when a notice may be withdrawn;
- (e) describing when and how a vehicle may be moved under regulation 111.

106C Installation of traffic control devices

- (1) An airport-operator company may install a traffic control device (other than a traffic control device mentioned in regulation 108) on the landside of the airport only if the device complies substantially with the Australian Road Rules, within the meaning of rule 316 of those Rules.

Note Regulation 108 deals with traffic control devices for areas in which a taxi driver must not leave the taxi unattended. The Australian Road Rules do not provide for these traffic control devices.

- (2) However, in circumstances in which there is a likelihood of loss, injury or interference with the normal flow of traffic, an airport-operator company may install other traffic control devices on the landside of the airport to avoid the loss, injury or interference.
- (3) An airport-operator company must install traffic control devices under this regulation in a way that prominently and clearly identifies the area to which the devices apply.

106D Permits to stop a vehicle in a permit zone

- (1) For the application, under regulation 106E, of rule 185 of the Australian Road Rules to the landside of an airport, the airport-operator company for the airport may issue a permit for a vehicle to stop in a permit zone.
- (2) A permit issued under this regulation must be issued in writing and in a form that can be displayed on or in a vehicle.

106E Application of Australian Road Rules

- (1) The rules of the Australian Road Rules mentioned in the following table apply in relation to the landside of an airport:

Regulation 106E

Item	Rule	Description of Rule
1	165	Stopping in an emergency etc or to comply with another rule
2	167	No stopping signs
3	168	No parking signs
4	169	No stopping on a road with a yellow edge line
5	170	Stopping in or near an intersection
6	172	Stopping on or near a pedestrian crossing (except at an intersection)
7	176	Stopping on a clearway
8	178	Stopping in an emergency stopping lane
9	179	Stopping in a loading zone
10	180	Stopping in a truck zone
11	181	Stopping in a works zone
12	182	Stopping in a taxi zone
13	183	Stopping in a bus zone
14	184	Stopping in a minibus zone
15	185	Stopping in a permit zone
16	186	Stopping in a mail zone
17	189	Double parking
18	197	Stopping on a path, dividing strip or nature strip
19	198	Obstructing access to and from a footpath, driveway etc
20	202	Stopping on a road with motor bike parking sign
21	203	Stopping in a parking area for people with disabilities
22	204	Meaning of certain information on or with permissive parking signs
23	205	Parking for longer than indicated
24	206	Time extension for people with disabilities
25	207	Parking where fees are payable

Regulation 107

Item	Rule	Description of Rule
26	208	Parallel parking on a road (except in a median strip parking area)
27	209	Parallel parking in a median strip parking area
28	210	Angle parking
29	211	Parking in parking bays
30	212	Entering and leaving a median strip parking area

Note The note before Schedule 1 to these Regulations sets out an edited version of these rules that does not include the notes, examples or diagrams for the rules. For considering the application of these rules to the landside of airports, reference should be made to the full text of the rules in the Australian Road Rules.

- (2) Subject to regulation 106, the rules mentioned in the table are to be interpreted in accordance with the Australian Road Rules.
- (3) However, for the application of the rules to the landside of an airport, **vehicle** has the same meaning as in subsection 172 (2) of the Act.
- (4) Subject to regulation 106 and without limiting the generality of subregulation (2), Parts 20 and 21 of the Australian Road Rules and the Schedules and Dictionary to the Australian Road Rules apply in relation to the landside of an airport.

107 Offences against Australian Road Rules

An offence against a rule or subrule of the Australian Road Rules mentioned in Schedule 2, as applied by regulation 106E, is:

- (a) punishable by a fine of the penalty units mentioned in Schedule 2 for that rule or subrule for the State or place where the offence occurs; and
- (b) a strict liability offence; and
- (c) an infringement notice offence.

Note 1 For **strict liability**, see section 6.1 of the *Criminal Code*.

Note 2 For infringement notice offences, see Part 7.

108 Taxi drivers must not leave taxis unattended in certain areas

- (1) The driver of a taxi must not leave the taxi unattended in a taxi zone on the landside of an airport if a traffic control device that indicates that taxi drivers must not leave their taxis unattended applies to that taxi zone.
- (2) An offence against subregulation (1) is punishable by a fine of the penalty mentioned in the following table for the State or place where the offence occurs:

Item	State or place	Penalty units
1	New South Wales	3
2	Victoria	3
3	Brisbane Airport	3
4	Western Australia	3
5	Tasmania	2
6	Coolangatta Airport	3
7	Townsville Airport	2

- (3) An offence against subregulation (1) is:
 - (a) a strict liability offence; and
 - (b) an infringement notice offence.

Note 1 For *strict liability*, see section 6.1 of the *Criminal Code*.

Note 2 For infringement notice offences, see Part 7.
- (4) For this regulation, a driver leaves a taxi *unattended* if the driver leaves the taxi so that the driver is more than 3 metres from the closest point of the taxi.

109 Drivers of taxis, hire cars and public buses to show authority cards

- (1) The driver of a taxi, hire car or public bus on the landside of an airport must immediately show the driver's authority card to an authorised person for the airport if the authorised person:
 - (a) asks the driver to do so; and

Regulation 110

- (b) has shown the driver his or her identification as an authorised person.

Penalty: 3 penalty units.

- (2) An offence against subregulation (1) is:
(a) a strict liability offence; and
(b) an infringement notice offence.

Note 1 For **strict liability**, see section 6.1 of the *Criminal Code*.

Note 2 For infringement notice offences, see Part 7.

- (3) In this regulation:

authority card, for the driver of a taxi, hire car or public bus on the landside of an airport, means a card:

- (a) issued by an agency of the State where the landside of the airport is located that is responsible for regulating the operation of taxis, hire cars or public buses in the State; and
(b) authorising the driver to drive the taxi, hire car or public bus in the State; and
(c) showing a photograph of the driver's face.

110 Authorised person may direct that a vehicle be moved

- (1) An authorised person for an airport may:
(a) direct the driver of a vehicle used at the airport in contravention of a parking control provision to move the vehicle; or
(b) direct the driver of a taxi who contravenes regulation 108 to move the taxi.
- (2) If a taxi, or the driver of a taxi, is causing interference with the operation of a taxi zone at an airport, an authorised person for the airport may direct the driver of the taxi to move the taxi.
- (3) The driver of a vehicle must comply with a direction under subregulation (1) or (2).

Penalty: 3 penalty units.

Regulation 111

(4) An offence against subregulation (3) is:

- (a) a strict liability offence; and
- (b) an infringement notice offence.

Note 1 For **strict liability**, see section 6.1 of the *Criminal Code*.

Note 2 For infringement notice offences, see Part 7.

(5) In this regulation:

driver of a vehicle includes any adult who appears to be the driver of the vehicle, whether or not he or she is sitting in the driver's seat of the vehicle.

111 Authorised person may move vehicle

(1) This regulation applies to a vehicle used at an airport if:

- (a) the vehicle is used in contravention of a parking control provision and its driver cannot be found within a reasonable time after such inquiries by an authorised person as are reasonable in the circumstances; or
- (b) its driver refuses to comply with a direction under subregulation 110 (1) or (2).

(2) This regulation also applies to a vehicle that appears to be abandoned on the landside of an airport if its driver cannot be found within a reasonable time after such inquiries by an authorised person as are reasonable in the circumstances.

(3) An authorised person for an airport (with whatever assistance is reasonably necessary) may move a vehicle to which this regulation applies to a place within the airport approved for the purpose by the airport-operator company if:

- (a) the authorised person considers that the vehicle is causing interference with the normal flow of traffic or with the operation of the airport or a permit zone at the airport; or
- (b) under subregulation (2), this regulation applies to the vehicle.

Regulation 112

- (4) If the driver of a vehicle to which this regulation applies cannot be found, and an authorised person moves the vehicle under subregulation (3), the authorised person must, as soon as practicable:
- (a) give the vehicle registration authority for the State or Territory in which the vehicle is registered (if known) a notice in writing that:
 - (i) identifies the vehicle; and
 - (ii) states that the vehicle has been moved and where it can be recovered; and
 - (b) do whatever else is reasonable to find the driver or registered owner of the vehicle and tell the driver or owner:
 - (i) that the vehicle has been moved, and where it can be recovered; and
 - (ii) that the vehicle may only be recovered by the owner or by a person acting for the owner.
- (5) A vehicle registration authority for a State or Territory that receives a notice under subregulation (4) may, in accordance with the laws of the State or Territory, use the information in the notice to notify the registered owner of the matters set out in the notice.
- (6) If an authorised person moves a vehicle under this regulation, neither the authorised person, nor any person who assists him or her to do so, nor the airport-operator company, is liable for any loss of, or damage to, the vehicle that occurs:
- (a) while it is being reasonably moved; or
 - (b) after it is moved and before it is recovered by or for its owner.

112 Owner of vehicle must pay costs of storage etc

- (1) If a vehicle is moved under regulation 111, the owner of the vehicle must pay the airport-operator company the amount reasonably spent by the company in moving and storing the vehicle.

Regulation 114

- (2) An amount payable to an airport-operator company is a debt due to the company recoverable in a court of competent jurisdiction.
- (3) An airport-operator company is not required to return a vehicle to a person claiming it unless the person pays the amount due to the company under this regulation.

113 Airport operator may sell vehicle

- (1) This regulation applies if:
 - (a) a vehicle is moved under regulation 111; and
 - (b) the driver or owner of the vehicle is not found, or, if found, has not recovered the vehicle, within 3 months after the day on which the vehicle was moved.
- (2) If the airport-operator company intends to sell, or otherwise dispose of, the vehicle, the company must give notice of that intention.
- (3) A notice under subregulation (2) must be published in a newspaper circulating generally in the State where the landside of the airport is located.
- (4) The airport-operator company may sell, or otherwise dispose of, the vehicle only if the amount reasonably spent by the company in moving and storing the vehicle is not paid to the company within 14 days after the notice is published.
- (5) The airport-operator company must, as soon as practicable after the end of the financial year in which the company sells a vehicle under this regulation, give to the Commonwealth the proceeds of the sale, less the reasonable cost of moving, storing and selling the vehicle.

114 Authorised persons

The Secretary may appoint as an authorised person for a provision or provisions of this Division:

- (a) an employee of the Department; or
- (b) a protective service officer or special protective service officer of the Australian Federal Police; or

Regulation 115

- (c) an employee of an airport-operator company, or of a contractor to an airport-operator company.

Division 3 Airside vehicle parking

115 Definitions for Division 3

- (1) In this Division:

authorised person means an authorised person for this Division.

designated limited no-parking area means a limited no-parking area that is identified by a sign, or in some other appropriate way, as a limited no-parking area.

designated limited no-standing area means a limited no-standing area that is identified by a sign, or in some other appropriate way, as a limited no-standing area.

designated no-parking area means a no-parking area that is identified by a sign, or in some other appropriate way, as a no-parking area.

designated no-standing area means a no-standing area that is identified by a sign, or in some other appropriate way, as a no-standing area.

limited no-parking area means an area that is a no-parking area:

- (a) only during a period or periods, or only on some days; or
(b) except for a particular purpose, or unless a particular condition applies.

limited no-standing area means an area that is a no-standing area:

- (a) only during a period or periods, or only on some days; or
(b) except for a particular purpose, or unless a particular condition applies.

regulated airport means an airport to which Part 11 of the Act applies.

- (2) For this Division, a vehicle is *parked in contravention of the posted conditions of parking*, or *stopped in contravention of*

the posted conditions of parking or stopping, in an area if it is parked or stopped in the area:

- (a) at a time when, according to a sign or notice in the area, parking or stopping is not permitted in the area; or
- (b) in a way that, according to a sign or notice in the area, contravenes a condition of parking or stopping in the area; or
- (c) for a purpose for which, according to a sign or notice in the area, parking or stopping in the area is not permitted.

116 No-parking areas

- (1) The airport-operator company for a regulated airport may decide that an area on the airside of the airport is to be a no-parking area.
- (2) The airport-operator company for a regulated airport may decide that an area on the airside of the airport is to be a limited no-parking area.
- (3) The airport-operator company must ensure that the area is prominently and clearly marked as a no-parking area or limited no-parking area (by a sign, by lines, or in some other way).
- (4) The sign or marking of the area must clearly indicate:
 - (a) whether a vehicle may be parked in the area; or
 - (b) if the area is a limited no-parking area — at what times, under what conditions, or for what purposes, a vehicle may be parked in the area.

117 No-standing areas

- (1) The airport-operator company for a regulated airport may decide that an area on the airside of the airport is to be a no-standing area.
- (2) The airport-operator company for a regulated airport may decide that an area on the airside of the airport is to be a limited no-standing area.
- (3) The airport-operator company must ensure that the area is prominently and clearly marked as a no-standing area or

Regulation 118

limited no-standing area (by a sign, by lines, or in some other way).

- (4) The sign or marking of the area must clearly indicate:
- (a) whether a vehicle may be stopped in the area; or
 - (b) if the area is a limited no-standing area — at what times, under what conditions, or for what purposes, a vehicle may be stopped in the area.

118 Offence — parking in a designated no-parking area

- (1) A person must not park a vehicle in a designated no-parking area.

Penalty: 3 penalty units.

- (2) A person must not park a vehicle in a designated limited no-parking area in contravention of the posted conditions of parking in the area.

Penalty: 3 penalty units.

Note For the meaning of *in contravention of the posted conditions of parking* in an area, see subregulation 115 (2).

- (3) A person who is directed to park a vehicle in a designated no-parking area or designated limited no-parking area by an authorised person must do so in accordance with the direction.

Penalty: 3 penalty units.

- (3A) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

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

- (3B) It is a defence to a prosecution under subregulation (1) or (2) that the person who parked the vehicle:

- (a) was the driver of an emergency vehicle and was attending an emergency; or
- (b) was directed by an authorised person to park the vehicle in the area.

Regulation 119

Note A defendant bears an evidential burden in relation to whether or not he or she was the driver of an emergency vehicle attending an emergency, or was directed by an authorised person to park the vehicle in the area (see subsection 13.3 (3) of the *Criminal Code*).

- (4) Contravention of subregulation (1), (2) or (3) is an infringement notice offence.

Note For infringement notice offences, see Part 7.

119 Offence — stopping in a designated no-standing area

- (1) A person must not stop a vehicle in a designated no-standing area.

Penalty: 3 penalty units.

- (2) A person must not stop a vehicle in a designated limited no-standing area in contravention of the posted conditions of stopping in the area.

Penalty: 3 penalty units.

Note For the meaning of *in contravention of the posted conditions of stopping* in an area, see subregulation 115 (2).

- (3) A person who is directed to stop a vehicle in a designated no-standing area or designated limited no-standing area by an authorised person must do so in accordance with the direction.

Penalty: 3 penalty units.

- (3A) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

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

- (3B) It is a defence to a prosecution under subregulation (1) that the person who stopped the vehicle:

- (a) was the driver of an emergency vehicle and was attending an emergency; or
(b) was directed by an authorised person to stop the vehicle in the area.

Note A defendant bears an evidential burden in relation to whether or not he or she was the driver of an emergency vehicle attending an emergency,

Regulation 120

or was directed by an authorised person to stop the vehicle in the area (see subsection 13.3 (3) of the *Criminal Code*).

- (4) Contravention of subregulation (1), (2) or (3) is an infringement notice offence.

Note For infringement notice offences, see Part 7.

120 Authorised person may direct that a vehicle may be moved

- (1) An authorised person may direct the driver of a vehicle that is parked in a designated no-parking area, or stopped in a designated no-standing area, to move the vehicle.
- (2) The driver of a vehicle must comply with a direction under subregulation (1).

Penalty: 3 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

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

- (3) Contravention of subregulation (2) is an infringement notice offence.

Note For infringement notice offences, see Part 7.

- (4) In this regulation:

driver of a vehicle includes any adult who appears to be the driver of the vehicle, whether or not he or she is sitting in the driver's seat of the vehicle.

121 Authorised persons

The Secretary may appoint as an authorised person for a provision or provisions of this Division:

- (a) an officer of the Department; or
(b) a protective service officer or special protective service officer of the Australian Federal Police; or
(c) an employee of an airport-operator company, or of a contractor to an airport-operator company; or

- (d) a person authorised under the law of a State or Territory to prosecute offences related to the parking of vehicles.

Division 4 Airside vehicle operation

122 Definitions for Division 4

In this Division:

ADA means:

- (a) an Authority to Drive Airside issued under regulation 125; or
- (b) a document issued by the FAC that is taken, under regulation 126, to be an ADA.

approved issuing authority, for an airport, means a person or body authorised under paragraph 124 (1) (c) to issue ADAs or AUAs for the airport.

AUA means:

- (a) an Authority for Use Airside issued under regulation 127; or
- (b) a document issued by the FAC that is taken, under regulation 128, to be an AUA.

owner, of a vehicle, includes any person who has the right to use the vehicle, whether or not the person actually owns the vehicle.

regulated airport means an airport to which Part 11 of the Act applies.

123 Vehicles not to be taken onto or operated airside

- (1) A person must not take a vehicle onto, or operate a vehicle on, the airside of a regulated airport unless:
 - (a) the person holds an ADA and the vehicle is the subject of an AUA; or
 - (b) the vehicle is escorted by a person authorised, in accordance with the Vehicle Control Handbook, to provide airside vehicle escort services.

Regulation 124

- (2) A person escorted under paragraph (1) (b) must comply with a reasonable direction given by the escort.

Penalty: 5 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

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

124 Who can issue ADA or AUA

- (1) The airport-operator company for an airport may:
- (a) issue an ADA, in accordance with regulation 125; or
 - (b) issue an AUA, in accordance with regulation 127; or
 - (c) in accordance with the Vehicle Control Handbook for the airport, authorise a person to issue ADAs or AUAs.
- (2) The airport-operator company for an airport may revoke an authorisation under paragraph (1) (c) by 7 days written notice to the person authorised.
- (3) Application may be made under the *Administrative Appeals Tribunal Act 1975* to the Administrative Appeals Tribunal for review of a decision of an airport-operator company under subregulation (2) to revoke an authorisation.

125 Authority to Drive Airside

- (1) Application for an ADA at an airport must be made to the airport-operator company for the airport, or an approved issuing authority for the airport, in the way set out in the Vehicle Control Handbook for the airport.
- (2) The criteria to be applied by the airport-operator company or approved issuing authority in deciding whether or not to grant the ADA are the criteria set out for that purpose in the Handbook.
- (3) An approved issuing authority for an airport must not issue an ADA otherwise than in accordance with the Vehicle Control Handbook for the airport.

Regulation 126

- (4) An airport-operator company or approved issuing authority must issue a card or other suitable evidence of an ADA.
- (5) It is a condition of an ADA that the holder must operate a vehicle on the airside of the airport only in accordance with:
 - (a) the rules set out in the Vehicle Control Handbook for the airport, including, in particular, any rules regarding the use of radio communications equipment or other signalling equipment; and
 - (b) any other conditions of the ADA; and
 - (c) if the vehicle is the subject of an AUA — any conditions of the AUA; and
 - (d) any directions of an employee of the airport-operator company.
- (6) It is also a condition of an ADA that the holder shows the ADA to an employee of the airport-operator company on demand.
- (7) An ADA may be issued subject to any other conditions that the airport-operator company thinks necessary.
- (8) Without limiting the generality of subregulation (7), the conditions may include a condition:
 - (a) that the person, or the person's employer, indemnify the airport-operator company; or
 - (b) limiting the person's right to drive in particular places, at particular times, or in particular circumstances.

126 Transitional — previously issued authorities

- (1) An authority to drive a vehicle on the airside of an airport issued by the FAC after 15 May 1997 but before the commencement of an airport lease for the airport, and in force at that commencement, is taken:
 - (a) to continue in force from 1 July 1998; and
 - (b) to be an ADA for the airport.
- (2) An authority continued in force by subregulation 4.50 (1) (as in force on 30 June 1998), and in force immediately before 1 July 1998, is taken:

Regulation 127

- (a) to continue in force from 1 July 1998 despite the repeal of that subregulation; and
 - (b) to be an ADA for the airport concerned.
- (3) An ADA that is taken to continue in force under subregulation (1) or (2):
- (a) is subject to the same conditions as the authority issued by the FAC; and
 - (b) may be withdrawn as if it had been issued under this Division.

127 Authority for Use Airside

- (1) Application for an AUA at an airport must be made to the airport-operator company for the airport, or an approved issuing authority for the airport, in the way set out in the Vehicle Control Handbook for the airport.
- (2) The criteria to be applied by the airport-operator company or approved issuing authority in deciding whether or not to grant the AUA are the criteria set out for that purpose in the Handbook.
- (3) An approved issuing authority for an airport must not issue an AUA otherwise than in accordance with the Vehicle Control Handbook for the airport.
- (4) It is a condition of an AUA that the vehicle must be operated on the airside of the airport only in accordance with:
 - (a) the rules set out in the Vehicle Control Handbook for the airport, including, in particular, any rules regarding the use of radio communications equipment or other signalling equipment; and
 - (b) any other conditions of the AUA; and
 - (c) any directions of an employee of the airport-operator company.
- (5) An AUA may be issued subject to any other conditions that the airport-operator company thinks necessary.
- (6) Without limiting the generality of subregulation (5), the conditions may include a condition:

- (a) that the owner of the vehicle indemnify the airport-operator company; or
- (b) limiting the operation of the vehicle to particular places, times or circumstances.

128 Transitional — previously issued authorities

- (1) An authority for the use of a vehicle on the airside of an airport issued by the FAC after 15 May 1997 but before the commencement of an airport lease for the airport, and in force at that commencement, is taken:
 - (a) to continue in force from 1 July 1998; and
 - (b) to be an AUA for the airport.
- (2) An authority continued in force by subregulation 4.50 (2) (as in force on 30 June 1998), and in force immediately before 1 July 1998, is taken:
 - (a) to continue in force from 1 July 1998 despite the repeal of that subregulation; and
 - (b) to be an AUA for the airport concerned.
- (3) An AUA that is taken to continue in force under subregulation (1) or (2):
 - (a) is subject to the same conditions as the authority issued by the FAC; and
 - (b) may be withdrawn as if it had been issued under this Division.

129 Driver of vehicle must show authority etc

- (1) In this regulation:

ASIC means a card or similar form of identification:

 - (a) that was issued to a person for security identification purposes under the Air Navigation Regulations; or
 - (b) that:
 - (i) was issued to the person by an airport operator (including the Federal Airports Corporation), an aircraft operator or the Secretary to allow the person

Regulation 130

unescorted access to a security restricted area, or part of a security restricted area, of an airport; and

- (ii) if there are provisions of the Air Navigation Regulations about ASICs — is valid as an ASIC for those provisions.
- (2) An authorised person may ask the driver of a vehicle to show the authorised person:
- (a) the driver's ADA; or
 - (b) the AUA for the vehicle; or
 - (c) the driver's ASIC.
- (3) The driver must comply with the request.

Penalty: 1 penalty unit.

- (3A) An offence against subregulation (3) is an offence of strict liability.

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

- (4) A contravention of subregulation (3) is an infringement notice offence.

130 Vehicles to be kept clear of aircraft

- (1) A person must not drive, stop or park a vehicle within 3 metres of an aircraft.

Penalty: 3 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

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

- (1B) It is a defence to a prosecution under subregulation (1) that:

- (a) the vehicle:
 - (i) was of a kind normally used for servicing, refuelling, loading, unloading, towing or pushing the aircraft; and
 - (ii) was being used to do so; or

- (b) the vehicle was an emergency vehicle and was being used in connection with an emergency on the aircraft or in the vicinity of the aircraft.

Note A defendant bears an evidential burden in relation to the capabilities and use of the vehicle mentioned in subregulation (1B) (see subsection 13.3 (3) of the *Criminal Code*).

- (2) A contravention of subregulation (1) is an infringement notice offence.

131 Vehicle being driven dangerously etc may be removed

- (1) If an authorised person considers that a vehicle is being driven, or is stopped or parked, on the airside of an airport in a manner that is likely to be a danger to a person or to property (including other vehicles and aircraft), or that is likely to interfere with the operation of the airport, the authorised person may direct the driver of the vehicle to remove it from the airside.

- (2) The driver of the vehicle must comply with a direction under subregulation (1).

Penalty: 5 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

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

- (3) A contravention of subregulation (2) is an infringement notice offence.

- (4) If the driver of the vehicle cannot be found, or refuses to comply with the direction, the authorised person (with whatever assistance is reasonably necessary) may move the vehicle to a place within the airport approved for the purpose by the airport-operator company.

132 Authorised person

The Secretary may appoint as an authorised person for this Division:

Regulation 133

- (a) an officer of the Department; or
- (b) a protective service officer or special protective service officer of the Australian Federal Police; or
- (c) an employee of the airport-operator company for the airport.

133 Withdrawal of Authority to Drive Airside

- (1) The airport-operator company for a regulated airport may withdraw a person's ADA on the airport if the person operates a vehicle on the airside of the airport:
 - (a) otherwise than in accordance with:
 - (i) his or her ADA; or
 - (ii) the vehicle's AUA (if any); or
 - (iii) the Vehicle Control Handbook for the airport; or
 - (iv) a direction of an employee of the airport-operator company; or
 - (b) in a manner likely to cause injury to a person, or damage to property (including an aircraft or another vehicle).
- (2) If the airport-operator company considers that there may be reasons why an ADA should be withdrawn, it must invite the holder of the ADA, in writing, to show cause why the ADA should not be withdrawn.
- (3) The criteria to be applied by the airport-operator company in deciding whether or not to withdraw an ADA are the criteria (if any) set out for that purpose in the Handbook.
- (4) If an airport-operator company withdraws a person's ADA, it must tell the person of the withdrawal, in writing, as soon as practicable.

134 Withdrawal of Authority for Use Airside

- (1) The airport-operator company for a regulated airport may withdraw an AUA if the vehicle to which it applies has been operated on the airside of the airport:
 - (a) otherwise than in accordance with:
 - (i) the driver's ADA; or

Regulation 135

- (ii) the vehicle's AUA (if any); or
 - (iii) the Vehicle Control Handbook for the airport; or
 - (iv) a direction of an employee of the airport-operator company; or
- (b) in a manner likely to cause injury to a person, or damage to property (including an aircraft or another vehicle).
- (2) If the airport-operator company considers that there may be reasons why an AUA should be withdrawn, it must invite the holder of the ADA, in writing, to show cause why the AUA should not be withdrawn.
- (3) The criteria to be applied by the airport-operator company in deciding whether or not to withdraw an AUA are the criteria (if any) set out for that purpose in the Handbook.
- (4) If an airport-operator company withdraws an AUA, it must tell the owner of the vehicle of the withdrawal, in writing, as soon as practicable.

135 Review of decisions

Application may be made to the Administrative Appeals Tribunal for review of a decision of an airport-operator company under regulation 125, 127, 133 or 134.

Part 5 Gambling

Division 1 Preliminary

136 Definitions for Part 5

In this Part:

continued gambling authority means an old gambling authority that is continued in effect by subregulation 138A (1) or 139 (1).

gambling activity has the same meaning as in section 173 of the Act.

gambling permission means a permission granted by the Secretary under Division 4.

licensing law means a law of a State or Territory that requires a person to obtain a licence or permission for gambling.

old gambling authority means an authority (however described, and however conferred, and including an authority that is part of the terms of a lease or licence) given, before the commencement of the airport lease for a Part 11 airport, by the FAC or the Commonwealth to a person to engage in a gambling activity at the airport.

regulated airport means a Part 11 airport other than the following airports:

- (a) Bankstown Airport;
- (b) Camden Airport;
- (c) Hoxton Park Airport;
- (d) Mount Isa Airport;
- (e) Sydney (Kingsford-Smith) Airport;
- (f) Tennant Creek Airport.

reporting law means a law of a State or Territory that requires a person to make a report or return about gambling.

Division 2 **Gambling at regulated airports generally**

137 Prohibition of gambling at regulated airports

- (1) A person must not engage in a gambling activity on a regulated airport.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

- (3) It is a defence to a prosecution under subregulation (1) that the gambling activity was engaged in in accordance with a continued gambling authority or a gambling permission.

Note A defendant bears an evidential burden in relation to whether the gambling activity was engaged in in accordance with a continued gambling authority or a gambling permission (see subsection 13.3 (3) of the *Criminal Code*).

138 Application of certain State and Territory laws at regulated airports

- (1) A law of a State or Territory permitting gambling (whether or not subject to the obtaining of a licence or permission, or under other conditions) does not apply at, or in relation to a gambling activity at, a regulated airport.

- (2) However, a person engaged in a gambling activity at a regulated airport under a continued gambling authority must comply with any law of a State or Territory (other than a licensing law or a reporting law) that would, except for subregulation (1), apply to the activity (so far as the law is not inconsistent with the authority).

Division 3 Transitional arrangements

138A Transitional — gambling at Part 11 airports in New South Wales

- (1) An old gambling authority for a gambling activity at a Part 11 airport in New South Wales continues to have effect according to its terms.
- (2) Subregulation (1) does not authorise the holder of such an authority to engage in:
 - (a) any gambling activity not authorised by the authority; or
 - (b) the gambling activity in a way, at a time, or under conditions, other than those set out in the authority.
- (3) An authority that is continued in effect by subregulation (1) ends when it would have ended if this regulation had not been made, and may be treated in any way under a law of New South Wales as if it were a licence or permission granted under that law.

139 Transitional — gambling at certain other Part 11 airports

- (1) An old gambling authority for a gambling activity at a regulated airport continues to have effect according to its terms.
- (2) Subregulation (1) does not authorise the holder of such an authority to engage in:
 - (a) any gambling activity not authorised by the authority; or
 - (b) the gambling activity in a way, at a time, or under conditions, other than those set out in the authority.
- (3) In particular, subregulation (2) does not authorise Fun Trading Pty Ltd to operate at Parafield Airport any more gaming machines, or machines of a different type, than the type and number that it was authorised to operate at that airport immediately before the commencement of the airport lease for that airport.

- (4) An authority that is continued in effect by subregulation (1) ends when it would have ended if these Regulations had not been made.

Division 4 Permissions to carry on gambling activities

139A Secretary may give certain permissions

- (1) The Secretary may give permission to a person to engage in a gambling activity at a regulated airport that is not in New South Wales.
- (2) The person must:
- (a) hold a continued gambling authority to engage in a gambling activity at the airport; or
 - (b) hold a gambling permission to engage in a gambling activity at the airport; or
 - (c) be a purchaser, for value and in good faith, of the whole of the business to which such an authority or permission applies; or
 - (d) be the executor of the estate, or the trustee in bankruptcy, of an individual who is a person mentioned in paragraph (a), (b) or (c); or
 - (e) be the liquidator of a corporation that is a person mentioned in any of those paragraphs.

139B Application for permission

- (1) An application for a gambling permission must be in writing and must set out the facts or circumstances that, under regulation 139A, entitle the applicant to the permission.
- (2) If the Secretary reasonably needs more information to allow him or her to consider an application, he or she may ask the applicant in writing to provide the information within a reasonable time stated in the request.
- (3) The Secretary may ask the applicant in writing to verify any statement in the application by statutory declaration.

Regulation 139C

139C Time for the Secretary's decision

- (1) If the Secretary does not decide on an application within 30 days of receiving it, the Secretary is taken to have refused the application.
- (2) If the Secretary asks for more information, or a statutory declaration, about an application, the time between when the Secretary makes the request and when the applicant provides the information or statutory declaration does not count towards the 30 days.

139D Terms and conditions of gambling permission

- (1) A gambling permission must not be for longer than 5 years.
- (2) A gambling permission granted to the holder of a continued gambling authority or gambling permission must not commence before the authority or permission ceases to be in effect.
- (3) A gambling permission granted to a person:
 - (a) must specify, as the airport at which the gambling activity may be carried on, the airport at which the gambling authority or permission held by the person (or, in the case of a permission granted to an executor, trustee in bankruptcy or liquidator of a person — by that person) authorised the relevant gambling activity to be carried on; and
 - (b) must specify, as the gambling activity that may be carried on, the gambling activity authorised by that gambling authority or permission; and
 - (c) is subject to the conditions in relation to the activity to which the authority or permission was subject.
- (4) Also, the Secretary may impose a condition on a gambling permission that:
 - (a) limits or specifies the times or days on which the permitted gambling activity may be carried on; or
 - (b) limits the amount of gambling that may be carried on (for example, by limiting the number or type of gaming machines that the holder may operate); or

Regulation 139G

- (c) requires the holder of the permission not to allow particular kinds of people (in particular children) to take part in the gambling activity.
- (5) Nothing in this regulation permits the Secretary to specify the premises from which the gambling activity must be carried on, or requires the gambling activity to be carried on from particular premises.
- (6) A permission is not transferable.

139E Notice of permission

The Secretary must give written notice of a gambling permission to the person to whom or which it is granted, setting out:

- (a) when the permission commences; and
- (b) when it ceases; and
- (c) the gambling activity that may be carried on; and
- (d) the airport at which it may be carried on; and
- (e) any conditions that apply to the carrying on of the activity.

139F What permissions authorise

- (1) A gambling permission authorises the person to whom or which it is given to engage in a gambling activity, at the airport specified in it, according to its terms despite any law of a State or Territory.
- (2) However, the permission holder must comply with any law of a State or Territory (except a licensing law or a reporting law) that would, except for this Part, apply to the gambling activity, so far as the law is not inconsistent with the permission.

139G Review of decisions

Application may be made to the Administrative Appeals Tribunal for review of a decision of the Secretary under this Division.

Regulation 139H

**Division 5 Cancellation and suspension of
authorities and permissions**

139H Suspension and cancellation — show cause notice

- (1) The Secretary may give the holder of a continued gambling authority or a gambling permission a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that would justify the cancellation of the authority or permission under regulation 139I.
- (2) A show cause notice must:
 - (a) tell the holder of the facts and circumstances that, in the Secretary's opinion, would justify the cancellation of the authority or permission under regulation 139F; and
 - (b) invite the holder to show in writing, within a reasonable period stated in the notice, why the authority or permission should not be cancelled.
- (3) A show cause notice may state that the authority or permission is suspended if the Secretary reasonably considers that the holder of the authority or permission has committed a breach of the terms of the authority or permission, or of an applicable State or Territory law, that is sufficiently serious to justify suspending the authority or permission.
- (4) If a show cause notice states that the authority or permission is suspended, the authority or permission is suspended from when the notice is given to the holder.
- (5) The Secretary may at any time revoke the suspension.
- (6) If the authority or permission is suspended and the Secretary has not dealt with it under regulation 139I within 90 days after the day it is suspended, the suspension lapses at the end of that period.

139I Cancellation of authority or permission

- (1) The Secretary may cancel a continued gambling authority or gambling permission by written notice to its holder if:

Regulation 139I

- (a) the Secretary has given the holder a show cause notice under regulation 139H in relation to it; and
 - (b) the Secretary has taken into account any representations made, within the period stated in the notice, by or on behalf of the holder; and
 - (c) there are reasonable grounds for believing that the holder:
 - (i) has engaged in a gambling activity not authorised by the authority or permission; or
 - (ii) has engaged in a gambling activity in a way not authorised by the authority or permission; or
 - (iii) has otherwise breached a condition of the authority or permission; or
 - (iv) has breached an applicable State or Territory law in a way that would, under that law, justify cancelling the authority or permission.
- (2) In subparagraph (1) (c) (iii):
condition of an authority includes any stipulation, of the instrument by which the authority was conferred, that relates to:
- (a) the kinds of gambling activity that the holder may carry on; or
 - (b) how the holder may carry on that gambling activity; or
 - (c) prizes or returns to the players; or
 - (d) any other thing that the holder must do in relation to the gambling activity.
- (3) If the Secretary has given a show cause notice under regulation 139H to the holder of an authority or permission, and he or she decides not to cancel the authority or permission, he or she must:
- (a) tell the holder in writing of that decision; and
 - (b) if the authority or permission is suspended under that regulation — revoke the suspension.

Regulation 139J

139J Cancellation at request of holder

- (1) Despite anything else in this Part, the Secretary must cancel a continued gambling authority or gambling permission if asked, in writing, by its holder to do so.
- (2) The cancellation takes effect when the request is given to the Secretary, or if a later day is stated in the request, on the later day.

139K Review of decisions

Application may be made to the Administrative Appeals Tribunal for review of a decision of the Secretary under this Division.

Part 6 Smoking

140 Definitions for Part 6

In this Part:

regulated airport means an airport to which Part 11 of the Act applies, except Mount Isa Airport or Tennant Creek Airport.

141 No-smoking areas

- (1) The airport-operator company for a regulated airport may decide that an area at the airport is to be a no-smoking area.
- (2) The airport-operator company must put up a prominent sign bearing the words 'No Smoking' in a no-smoking area.

142 Smoking prohibited

- (1) A person must not smoke in a no-smoking area if the area is an area for which there is a sign of the kind required by subregulation 141 (1).
Penalty: 5 penalty units.
- (1A) An offence against subregulation (1) is an offence of strict liability.
Note For *strict liability*, see section 6.1 of the *Criminal Code*.
- (2) A contravention of subregulation (1) is an infringement notice offence.
Note For infringement notice offences, see Part 7.

143 Authorised persons

The Secretary may appoint as an authorised person for subregulation 142 (1):

- (a) an officer of the Department; or
- (b) a protective service officer or special protective service officer of the Australian Federal Police; or

Regulation 143

- (c) an employee of an airport operator company, or of a contractor to an airport-operator company.

Part 7 Infringement notices

144 Definitions for Part 7

In this Part:

authorised person, for an infringement notice offence, means a person appointed by the Secretary as an authorised person for the provision of these Regulations that creates the offence.

infringement notice offence means an offence that is declared to be an infringement notice offence by a provision of these Regulations.

owner, for a vehicle, means:

- (a) if the vehicle is registered under a law of a State or Territory for the registration of vehicles — the registered owner; or
- (b) for any other vehicle — the person who is legally entitled to possession of the vehicle.

145 When an infringement notice can be issued

If an authorised person has reason to believe that a person has committed an infringement notice offence, he or she may issue an infringement notice to the person in accordance with this Part.

146 Service of infringement notices

- (1) An infringement notice must be served on the person to whom it is issued.
- (2) An infringement notice may be served on an individual:
 - (a) by giving it to the individual; or
 - (b) by leaving it at, or by sending it by post to, the address of the place of residence or business of the individual that is last known to the authorised person; or
 - (c) by giving it, at the place of residence or business of the individual that is last known to the authorised person, to

Regulation 146

another person who is, or is reasonably believed by the authorised person to be, above the age of 16 years and apparently an occupant of, or employed at, the place.

- (3) An infringement notice may be served on a corporation:
- (a) by sending it by post to the head office, registered office, principal office or other postal address of the corporation; or
 - (b) by giving it to a person who is, or is reasonably believed by the authorised person to be:
 - (i) an officer of, or in the service of, the corporation; and
 - (ii) above the age of 16 years;at the head office, registered office, principal office or other place of business of the corporation.
- (4) An infringement notice for an infringement notice offence under Division 2, 3 or 4 of Part 4 may also be served:
- (a) personally on a person who appears to be the driver of the vehicle; or
 - (b) by securely placing the notice on the vehicle in a conspicuous position; or
 - (c) if the airport-operator company receives a statutory declaration under paragraph 155A (2) (b) or (c), by serving the notice, in accordance with subregulation (2), on the person named in the statutory declaration as being the driver of the vehicle at the time of the alleged offence.
- (5) If an infringement notice for an infringement notice offence under Division 2, 3 or 4 of Part 4 is to be served by post on the owner of the vehicle, it may be addressed to the owner:
- (a) at the owner's last-known place of residence or business; or
 - (b) for the owner of a vehicle registered under a law of a State or Territory, at the latest address of the owner in the record of registration of the vehicle.
- (6) If an infringement notice for an infringement notice offence under Division 2, 3 or 4 of Part 4 is to be served by post on a person named in a statutory declaration under subregulation

Regulation 149

155A (2), it may be addressed to the person at the address given in the statutory declaration.

147 Notice penalty

The notice penalty for an infringement notice offence is an amount equal to one-fifth of the maximum penalty under these Regulations for the offence.

148 Allowed period

- (1) The allowed period for an infringement notice is:
 - (a) the period that ends at the end of the 28th day after the service of the notice; or
 - (b) if an authorised person or the Secretary has extended the allowed period — the allowed period as so extended.
- (2) The Secretary or an authorised person may extend the allowed period for an infringement notice.
- (3) An extension must not be for more than 28 days.
- (4) Only 1 extension may be granted for an infringement notice.
- (5) An extension may be given before or after the end of the allowed period for the notice concerned.

149 What must be included in an infringement notice

- (1) An infringement notice must:
 - (b) set out the infringement notice offence that is alleged to have been committed; and
 - (c) set out when and where the offence is alleged to have been committed; and
 - (d) set out the notice penalty for the offence; and
 - (e) tell the person to whom it is issued that, if the person does not wish the matter to be dealt with by a court, the person may pay the notice penalty within the allowed period; and
 - (f) set out the allowed period; and
 - (g) set out where and how the penalty may be paid.

Regulation 150

- (2) A copy of an infringement notice that is served on the person to whom the notice is issued must show the distinguishing number allotted to, or the signature and job classification of, the authorised person who issued the notice.
- (3) Each other copy of the infringement notice must also set out the authorised person's name.
- (4) An infringement notice may contain any other matters that the Secretary considers necessary.
- (5) Nothing in this regulation prevents different forms of infringement notice being used for different infringement notice offences.
- (6) However, an infringement notice for an infringement notice offence must be in the form approved by the Secretary for the offence.

150 Whether infringement notice can be withdrawn

- (1) The Secretary or an authorised person may withdraw an infringement notice served on a person (in this regulation called *the recipient*) within the allowed period for the notice.
- (2) Without limiting the grounds for withdrawing an infringement notice, the Secretary or authorised person may withdraw the infringement notice after taking into account:
 - (a) whether the recipient has previously been convicted of an infringement notice offence of the same kind as the offence alleged in the notice; or
 - (b) the circumstances in which the offence alleged in the notice is alleged to have been committed; or
 - (c) whether an infringement notice has previously been served on the recipient for an infringement notice offence, and whether the recipient paid the notice penalty for that offence; or
 - (d) any other relevant matter.
- (3) The Secretary must refund to the recipient an amount equal to the amount paid if:

Regulation 152

- (a) the recipient pays the notice penalty within the allowed period for the notice; and
 - (b) the notice is withdrawn after the recipient pays the penalty.
- (4) If an infringement notice is withdrawn, written notice of the withdrawal must be served on the person to whom the notice was issued, and may be served on the person in any way that the infringement notice could have been served on the person.

151 What happens if the notice penalty is paid

If:

- (a) an infringement notice is issued to a person; and
- (b) the person pays the notice penalty within the allowed period for the notice; and
- (c) the notice is not withdrawn;

then:

- (d) any liability of the person in respect of the offence alleged in the notice is taken to be discharged; and
- (e) further proceedings cannot be taken against the person for the offence; and
- (f) the person is not regarded as having been convicted of the offence.

152 Evidentiary matters

- (1) At the hearing of a prosecution for an offence for which an infringement notice has been issued, a certificate signed by an authorised person that states:
- (a) that the authorised person did not allow further time under paragraph 148 (1) (b) for payment of the notice penalty; and
 - (b) that the penalty has not been paid in accordance with the notice within 28 days after the date of service of the notice;
- is evidence of those matters.

Regulation 153

- (2) At the hearing of a prosecution for an offence for which an infringement notice has been issued, a certificate signed by an authorised person and stating:
- (a) that the authorised person allowed, under paragraph 148 (1) (b), the further time specified in the certificate for payment of the notice penalty; and
 - (b) that the penalty has not been paid in accordance with the notice or within the further time allowed;
- is evidence of those matters.
- (3) At the hearing of a prosecution for an offence for which an infringement notice has been issued, a certificate signed by an authorised person and stating that the notice was withdrawn on a day specified in the certificate is evidence of that fact.
- (4) A certificate that purports to have been signed by an authorised person is taken to have been signed by that person unless the contrary is proved.

153 Whether more than 1 infringement notice can be issued for the same offence

This Part does not prevent the service of more than 1 infringement notice on a person for the same offence, but regulation 151 applies to the person if the person pays the notice penalty in accordance with 1 of the infringement notices.

154 What if payment is made by cheque

If a cheque is offered as payment of all or part of the amount of a notice penalty, payment is taken not to have been made unless the cheque is honoured upon presentation.

154A Prosecution

If an infringement notice is issued to a person for an infringement notice offence, the person may be prosecuted for the offence only if:

Regulation 155A

- (a) the infringement notice is withdrawn under these Regulations; or
- (b) the person fails to pay the notice penalty for the infringement notice offence within the allowed period for the infringement notice.

155 This Part does not prevent a matter being prosecuted in a court nor require that an infringement notice must be issued in all cases

Nothing in this Part:

- (a) requires an infringement notice to be issued to a person for an infringement notice offence; or
- (b) affects the liability of a person to be prosecuted for an infringement notice offence if the person does not comply with an infringement notice; or
- (c) affects the liability of a person to be prosecuted for an infringement notice offence if an infringement notice is not issued to the person for the offence; or
- (d) limits the amount of the fine that may be imposed by a court on a person convicted of an infringement notice offence.

155A Liability of owner of vehicle etc for offences

- (1) The owner of a vehicle at the time when an offence relating to the vehicle under these Regulations is committed is taken to have committed the offence.
- (2) However, the owner of the vehicle is not taken to have committed the offence if:
 - (a) the vehicle was, at the time of the offence, stolen or illegally taken or used; or
 - (b) for an owner who is not a body corporate — within 14 days (or a longer notified period) after service of an infringement notice under the relevant provision, or within 14 days after service of a summons for the alleged offence, the owner gives to the airport-operator company for the airport where the offence is alleged to have been

Regulation 155A

committed a statutory declaration made by him or her stating:

- (i) that it is made for this regulation; and
 - (ii) that he or she was not the driver of the vehicle at the time of the alleged offence; and
 - (iii) the name and address of the person who was the driver of the vehicle at that time; or
- (c) for an owner that is a body corporate — within 14 days (or a longer notified period) after service of an infringement notice under the relevant provision or within 14 days after service of a summons for the alleged offence, a director, manager or secretary of the body corporate gives to the airport-operator company for the airport where the offence is alleged to have been committed a statutory declaration made by him or her stating:
- (i) that it is made for this regulation; and
 - (ii) that the vehicle was not being used for the body corporate at the time of the alleged offence; and
 - (iii) the name and address of the person who was the driver of the vehicle at that time; or
- (d) for an owner who is not a body corporate — within 14 days (or a longer notified period) after service of an infringement notice under the relevant provision, or within 14 days after service of a summons for the alleged offence, the owner gives to the airport-operator company for the airport where the offence is alleged to have been committed a statutory declaration made by him or her stating:
- (i) that it is made for this regulation; and
 - (ii) that he or she had sold or otherwise disposed of the vehicle before the time of the alleged offence; and
 - (iii) the date and, if relevant, time of the sale or disposal; and
 - (iv) the name and address of the person to whom the vehicle was sold or disposed of; or
- (e) for an owner that is a body corporate — within 14 days (or a longer notified period) after service of an infringement notice under the relevant provision or within 14 days after

Regulation 155A

service of a summons for the alleged offence, a director, manager or secretary of the body corporate gives to the airport-operator company for the airport where the offence is alleged to have been committed a statutory declaration made by him or her stating:

- (i) that it is made for this regulation; and
 - (ii) that the body corporate had sold or otherwise disposed of the vehicle before the time of the alleged offence; and
 - (iii) the date and, if relevant, time of the sale or disposal; and
 - (iv) the name and address of the person to whom the vehicle was sold or disposed of.
- (3) If an infringement notice has been served under regulation 146, or a summons has been served, on the owner of a vehicle for an alleged offence under these Regulations, the owner may:
- (a) for an owner who is not a body corporate — within 14 days (or a longer notified period) after service of the infringement notice, or within 14 days after service of the summons, give to the airport-operator company for the airport where the offence is alleged to have been committed a statutory declaration made by him or her or by a person having knowledge of the facts stating:
 - (i) that it is made for this regulation; and
 - (ii) that the owner was not the driver of the vehicle at the time of the alleged offence; and
 - (iii) that he or she has not been able to find out who was the driver of the vehicle at that time; and
 - (iv) the nature of the inquiries made to find out the name and address of the person who was the driver of the vehicle at that time; or
 - (b) for an owner that is a body corporate — a director, manager or secretary of the body corporate may, within 14 days (or a longer notified period) after service of the infringement notice, or within 14 days after service of the summons, give to the airport-operator company for the airport where the offence is alleged to have been

Regulation 155A

committed a statutory declaration made by him or her or by a person having knowledge of the facts stating:

- (i) that it is made for this regulation; and
 - (ii) that, to his or her knowledge, from the facts as set out in the declaration, the vehicle was not being used for the body corporate at the time of the alleged offence; and
 - (iii) that he or she has not been able to find out who was the driver of the vehicle at that time; and
 - (iv) the nature of the inquiries made to find out the name and address of the person who was the driver of the vehicle at that time.
- (4) At the hearing of a prosecution for an infringement notice offence under Division 2, 3 or 4 of Part 4 against the owner of a vehicle:
- (a) if the owner has given a statutory declaration under paragraph (3) (a) — the court must dismiss the charge if it is satisfied (whether on the statements contained in the statutory declaration or otherwise) that:
 - (i) the owner was not the driver of the vehicle at the time of the alleged offence; and
 - (ii) the inquiries made to find out the name and address of the person who was the driver of the vehicle at that time were reasonable in the circumstances of the case and were carried out with due diligence; or
 - (b) if a director, manager or secretary of the owner has given a statutory declaration under paragraph (3) (b) — the court must dismiss the charge if it is satisfied (whether on the statements contained in the statutory declaration or otherwise) that:
 - (i) the vehicle was not being used for the body corporate at the time of the alleged offence; and
 - (ii) the inquiries made to find out the name and address of the person who was the driver of the vehicle at that time were reasonable in the circumstances of the case and were carried out with due diligence.

Regulation 155A

- (5) This regulation and regulations 146 and 155B apply as if a person named in a statutory declaration given under paragraph (2) (d) or (e) as the person to whom a vehicle was sold or otherwise disposed of were the owner of the vehicle from the time of the sale or disposal.
- (6) At the hearing of a prosecution for an infringement notice offence under Division 2, 3 or 4 of Part 4, a certificate issued by the airport-operator company for the airport where the offence is alleged to have been committed stating that a person named in the certificate has not, in relation to that offence, given the airport-operator company a statutory declaration for a provision of this regulation is evidence of the matter so stated.
- (7) For subregulation (6), a document that purports to have been issued by the airport-operator company is to be taken to have been so issued unless the contrary is proved.
- (8) This regulation does not affect the liability of an actual offender other than the owner of the vehicle, but:
- (a) the owner and the actual offender must not both be liable for the same offence; and
 - (b) if a penalty has been imposed on a person for an infringement notice offence under Division 2, 3 or 4 of Part 4, a further penalty must not be imposed on or recovered from another person for the same offence.
- (9) In this regulation:
- driver* has the same meaning as in regulation 106.
- longer notified period*, in relation to an original period of 14 days after the date of an infringement notice served on an owner of a vehicle for an alleged offence at an airport, means a period longer than 14 days, notice of which is given, in writing:
- (a) to the owner by the airport-operator company for the airport; and
 - (b) before the end of the original period.

Regulation 155B

155B Copy of statutory declaration to be served with summons

- (1) If a person is named in a statutory declaration given under paragraph 155A (2) (b) or (c) as being the person who was the driver of the vehicle at the time of an alleged infringement notice offence under Division 2, 3 or 4 of Part 4:
 - (a) the person may be found guilty of the offence only if a copy of the statutory declaration was attached to the summons for the offence when it was served on him or her; and
 - (b) the statutory declaration is admissible in evidence in a prosecution for the offence against the person and is evidence that the person was in charge of the vehicle at that time.
- (2) If a person is named in a statutory declaration given under paragraph 155A (2) (d) or (e) as being the person to whom the vehicle was sold or otherwise disposed of before the time of an alleged infringement notice offence under Division 2, 3 or 4 of Part 4:
 - (a) the person may be found guilty of the offence only if a copy of the statutory declaration was attached to the summons for the offence when it was served on him or her; and
 - (b) the statutory declaration is admissible in evidence in a prosecution for the offence against the person and is evidence that the person was the owner of the vehicle at that time.

Part 8 Miscellaneous

156 **Delegation by Secretary**

The Secretary may, by instrument, delegate to an SES employee, or acting SES employee, performing duties in the Department any of the Secretary's powers under these Regulations, other than this power of delegation.

Note This note sets out an edited version of the rules of the Australian Road Rules mentioned in the table in regulation 106E. The edited version does not include the notes, examples or diagrams for the rules. For considering the application of these rules to the landside of airports, reference should be made to the full text of the rules in the Australian Road Rules.

165 **Stopping in an emergency etc or to comply with another rule**

It is a defence to the prosecution of a driver for an offence against a provision of this Part if:

- (a) the driver stops at a particular place, or in a particular way, to avoid a collision, and the driver stops for no longer than is necessary to avoid the collision; or
- (b) the driver stops at a particular place, or in a particular way, because the driver's vehicle is disabled, and the driver stops for no longer than is necessary for the vehicle to be moved safely to a place where the driver is permitted to park the vehicle under the Australian Road Rules; or
- (c) the driver stops at a particular place, or in a particular way, to deal with a medical or other emergency, and the driver stops for no longer than is necessary in the circumstances; or
- (d) the driver stops at a particular place, or in a particular way, because the condition of the driver, a passenger, or the driver's vehicle makes it necessary for the driver to stop in the interests of safety, and the driver stops for no longer than is necessary in the circumstances; or

Regulation 156

- (e) the driver stops at a particular place, or in a particular way, to comply with another provision of the Australian Road Rules or a provision of another law, and the driver stops for no longer than is necessary to comply with the other provision.

167 No stopping signs

A driver must not stop on a length of road or in an area to which a no stopping sign applies.

Offence provision.

168 No parking signs

- (1) The driver of a vehicle must not stop on a length of road or in an area to which a no parking sign applies, unless the driver:
 - (a) is dropping off, or picking up, passengers or goods; and
 - (b) does not leave the vehicle unattended; and
 - (c) completes the dropping off, or picking up, of the passengers or goods, and drives on, as soon as possible and, in any case, within the required time after stopping.

Offence provision.

- (2) For this rule, a driver leaves a vehicle unattended if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.
- (3) In this rule:
 - required time* means:
 - (a) 2 minutes; or
 - (b) if information on or with the sign indicates another time — the indicated time.

169 No stopping on a road with a yellow edge line

A driver must not stop at the side of a road marked with a continuous yellow edge line.

Offence provision.

170 Stopping in or near an intersection

- (1) A driver must not stop in an intersection.

Offence provision.

Regulation 156

- (2) A driver must not stop on a road within 20 metres from the nearest point of an intersecting road at an intersection with traffic lights, unless the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules.

Offence provision.

- (3) A driver must not stop on a road within 10 metres from the nearest point of an intersecting road at an intersection without traffic lights, unless the driver stops:
- (a) at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules; or
 - (b) if the intersection is a T-intersection — along the continuous side of the continuing road at the intersection.

Offence provision.

- (4) For this rule, distances are measured in the direction in which the driver is driving, and:
- (a) for subrule (2) — as shown in example 1; or
 - (b) for subrule (3) — as shown in example 2.
- (5) In this rule:
- road** does not include a road-related area, but includes any shoulder of the road.

172 Stopping on or near a pedestrian crossing (except at an intersection)

- (1) A driver must not stop on a pedestrian crossing that is not at an intersection, or on the road within 20 metres before the crossing and 10 metres after the crossing, unless the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules.

Offence provision.

- (2) For this rule, distances are measured:
- (a) in the direction in which the driver is driving; and
 - (b) as shown in the example.
- (3) In this rule:
- road** does not include a road-related area, but includes any shoulder of the road.

Regulation 156

176 Stopping on a clearway

- (1) A driver must not stop on a length of road to which a clearway sign applies, unless subrule (2) or (3) applies to the driver.
Offence provision.
- (2) The driver of a public bus or public minibus may stop on the length of road if the driver is dropping off, or picking up, passengers.
- (3) The driver of a taxi may stop on the length of road if:
 - (a) the driver is dropping off, or picking up, passengers; and
 - (b) there is not another law of this jurisdiction prohibiting the driver of a taxi from stopping on a length of road to which a clearway sign applies.
- (4) If a clearway sign on a road indicates the days or times when it applies, the sign applies to the length of road beginning at the sign and ending at the nearer of the following:
 - (a) a clearway sign on the road that indicates different days or times;
 - (b) an end clearway sign on the road.
- (5) If a clearway sign on a road does not indicate the days or times when it applies, the sign applies to the length of road beginning at the sign and ending at the nearer of the following:
 - (a) a clearway sign on the road that indicates the days or times when it applies;
 - (b) an end clearway sign on the road.

178 Stopping in an emergency stopping lane

A driver (except the rider of a bicycle) must not stop in an emergency stopping lane unless:

- (a) the condition of the driver, a passenger or the driver's vehicle, or any other factor, makes it necessary or desirable for the driver to stop in the emergency stopping lane in the interests of safety, and the driver stops for no longer than is necessary in the circumstances; or
- (b) the driver is permitted to stop in the emergency stopping lane under another law of this jurisdiction.

Offence provision.

Regulation 156

179 Stopping in a loading zone

- (1) A driver must not stop in a loading zone unless the driver is driving:
- (a) a public bus that is dropping off, or picking up, passengers; or
 - (b) a truck that is dropping off, or picking up, goods; or
 - (c) a vehicle that is permitted to stop in the loading zone under another law of this jurisdiction.

Offence provision.

- (2) A driver who is permitted to stop in a loading zone must not stay continuously in the zone for longer than:
- (a) 30 minutes; or
 - (b) if information on or with the loading zone signs applying to the loading zone indicates another time — the indicated time.

Offence provision.

- (3) A loading zone is a length of a road to which a loading zone sign applies.

180 Stopping in a truck zone

- (1) A driver must not stop in a truck zone unless the driver is driving:
- (a) a truck that is dropping off, or picking up, goods; or
 - (b) a vehicle that is permitted to stop in the truck zone under another law of this jurisdiction.

Offence provision.

- (2) A truck zone is a length of a road to which a truck zone sign applies.

181 Stopping in a works zone

- (1) A driver must not stop in a works zone unless the driver is driving a vehicle that is:
- (a) engaged in construction work in or near the zone; or
 - (b) permitted to stop in the works zone under another law of this jurisdiction.

Offence provision.

Regulation 156

- (2) A works zone is a length of a road to which a works zone sign applies.

182 Stopping in a taxi zone

- (1) A driver must not stop in a taxi zone, unless the driver is driving a taxi.

Offence provision.

- (2) A taxi zone is a length of a road to which a taxi zone sign applies.

183 Stopping in a bus zone

- (1) A driver must not stop in a bus zone unless the driver is driving a public bus (except a public bus of a kind that is not permitted to stop in the bus zone by information on or with the bus zone sign applying to the bus zone).

Offence provision.

- (2) A bus zone is a length of a road to which a bus zone sign applies.

184 Stopping in a minibus zone

- (1) A driver (except the driver of a public minibus) must not stop in a minibus zone.

Offence provision.

- (2) A minibus zone is a length of road to which a minibus zone sign applies.

185 Stopping in a permit zone

- (1) A driver must not stop in a permit zone unless the driver's vehicle displays a current permit issued under another law of this jurisdiction that permits the vehicle to stop in the zone.

Offence provision.

- (2) A permit zone is a length of a road to which a permit zone sign applies.

Regulation 156

186 Stopping in a mail zone

- (1) A driver must not stop in a mail zone.

Offence provision.

- (2) A mail zone is a length of a road to which a mail zone sign applies.

189 Double parking

- (1) A driver must not stop on a road:

- (a) if the road is a two-way road — between the centre of the road and another vehicle that is parked at the side of the road; or
- (b) if the road is a one-way road — between the far side of the road and another vehicle that is parked at the side of the road.

Offence provision.

- (2) A driver does not contravene this rule by parking on the side of the road, or in a median strip parking area, in accordance with rule 210.

197 Stopping on a path, dividing strip or nature strip

- (1) A driver must not stop on a bicycle path, footpath, shared path or dividing strip, or a nature strip adjacent to a length of road in a built-up area, unless:

- (a) the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules; or
- (b) the driver is permitted to stop under another law of this jurisdiction.

Offence provision.

- (2) This rule does not apply to the rider of a bicycle or animal.

198 Obstructing access to and from a footpath, driveway etc

- (1) A driver must not stop on a road in a position that obstructs access by vehicles or pedestrians to or from a footpath ramp or a similar way of access to a footpath, or a bicycle path or passageway unless:

Regulation 156

- (a) the driver is driving a public bus that is dropping off, or picking up, passengers; or
- (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under the Australian Road Rules.

Offence provision.

- (2) A driver must not stop on or across a driveway or other way of access for vehicles travelling to or from adjacent land unless:
 - (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under the Australian Road Rules.

Offence provision.

202 Stopping on a road with motor bike parking sign

A driver (except the rider of a motor bike) must not stop on a length of road to which a motor bike parking sign applies, unless the driver is dropping off, or picking up, passengers.

Offence provision.

203 Stopping in a parking area for people with disabilities

- (1) A driver must not stop in a parking area for people with disabilities unless:
 - (a) the driver's vehicle displays a current parking permit for people with disabilities; and
 - (b) the driver complies with the conditions of use of the permit.

Offence provision.

- (2) A parking area for people with disabilities is a length or area of a road:
 - (a) to which a permissive parking sign displaying a people with disabilities symbol applies; or
 - (b) to which a people with disabilities parking sign applies; or
 - (c) indicated by a road marking (a people with disabilities road marking) that consists of, or includes, a people with disabilities symbol.

Regulation 156

204 Meaning of certain information on or with permissive parking signs

- (1) This rule explains the meaning of certain information on or with a *permissive parking sign* applying to a length of road or an area.
- (2) A whole number, fraction, or whole number and fraction, immediately to the left of the letter 'P' indicates that a driver must not park on the length of road, or in the area, continuously for longer than the period of hours, or fraction of an hour, equal to the number, fraction, or number and fraction, shown.
- (3) A number, together with the word 'minute', immediately to the right of the letter 'P' indicate that a driver must not park on the length of road, or in the area, continuously for longer than the number of minutes shown.
- (4) The word 'parking', together with words indicating a number of hours or minutes, indicate that a driver must not park on the length of road, or in the area, continuously for longer than the number of hours or minutes shown.

205 Parking for longer than indicated

A driver must not park continuously on a length of road, or in an area, to which a permissive parking sign applies for longer than the period indicated by information on or with the sign or, if rule 206 applies to the driver, the period allowed under that rule.

Offence provision.

206 Time extension for people with disabilities

- (1) This rule applies to a driver:
 - (a) if the driver's vehicle displays a current parking permit for people with disabilities; and
 - (b) the driver complies with the conditions of use of the permit.
- (2) The driver may park continuously on a length of road, or in an area, to which a permissive parking sign applies (except in a parking area for people with disabilities) for:
 - (a) twice the period indicated on the sign; or
 - (b) if another law of this jurisdiction permits the driver to park for a longer period — the longer period; or
 - (c) if another law of this jurisdiction permits the driver to park for an unlimited period — an unlimited period.

Regulation 156

207 Parking where fees are payable

- (1) This rule applies to a driver who parks on a length of road, or in an area, to which a permissive parking sign applies if information on or with the sign indicates that a fee is payable for parking by buying a ticket or putting money into a parking meter.
- (2) The driver must:
 - (a) pay the fee (if any) payable under the law of this jurisdiction; and
 - (b) obey any instructions on or with the sign, meter, ticket or ticket-vending machine.

Offence provision.

208 Parallel parking on a road (except in a median strip parking area)

- (1) A driver who parks on a road (except in a median strip parking area) must position the driver's vehicle in accordance with subrules (2) to (8).

Offence provision.

- (2) The driver must position the vehicle to face in the direction of travel of vehicles in the marked lane or line of traffic on, or next to, the part of the road where the driver parks.
- (3) If the road is a two-way road, the driver must position the vehicle parallel, and as near as practicable, to the far left side of the road.
- (4) If the road is a one-way road, the driver must position the vehicle parallel, and as near as practicable, to the far left or far right side of the road, unless otherwise indicated by information on or with a parking control sign.
- (5) If the driver does not park in a parking bay, the driver must position the vehicle at least 1 metre from the closest point of any vehicle in front of it and any vehicle behind it.
- (6) If the road has a continuous dividing line or a dividing strip, the driver must position the vehicle at least 3 metres from any dividing line or dividing strip, unless otherwise indicated by information on or with a parking control sign.
- (7) If the road does not have a continuous dividing line or a dividing strip, the driver must position the vehicle so there is at least 3 metres of the road alongside the vehicle that is clear for other

Regulation 156

vehicles to pass, unless otherwise indicated by information on or with a parking control sign.

- (8) The driver must position the vehicle so the vehicle does not unreasonably obstruct the path of other vehicles or pedestrians.
- (9) This rule does not apply to:
 - (a) a driver if the driver parks on a length of road, or in an area, to which a parking control sign or road marking applies, and information on or with the sign or road marking includes the words 'angle parking' or 'angle'; or
 - (b) the rider of a motor bike if the rider parks the motor bike on a length of road, or in an area, to which a permissive parking sign applies and the sign indicates that the length of road or area is for parking motor bikes.
- (10) Subrules (3) and (4) do not apply to the rider of a motor bike if the rider positions the motor bike so at least 1 wheel is as near as practicable to the far left or far right side of the road.
- (11) If a road has one or more service roads, the part of the road used by the main body of moving vehicles, and each service road, is taken to be a separate road for this rule.
- (12) In this rule:

continuous dividing line means:

- (a) a single continuous dividing line only; or
- (b) a single continuous dividing line to the left or right of a broken dividing line; or
- (c) 2 parallel continuous dividing lines.

road does not include a road-related area, but includes any shoulder of the road.

209 Parallel parking in a median strip parking area

- (1) This rule applies to a driver who parks in a median strip parking area if a parking control sign or road marking applies to the area, and information on or with the sign or road marking indicates that the driver's vehicle must be positioned parallel to the median strip.
- (2) The driver must position the driver's vehicle:
 - (a) to face in the direction of travel of vehicles in the marked lane or line of traffic to the left of the driver; and
 - (b) parallel, and as near as practicable, to the centre of the median strip; and

Regulation 156

- (c) if the driver does not park in a parking bay — at least 1 metre from the closest point of any vehicle in front of it and any vehicle behind it.

Offence provision.

- (3) This rule does not apply to the rider of a motor bike.

210 Angle parking

- (1) If a driver parks in a parking area on the side of a road, or in a median strip parking area, to which a parking control sign or road marking applies, and information on or with the sign or road marking includes the words 'angle parking' or 'angle', the driver must position the driver's vehicle in accordance with subrules (2) to (4).

Offence provision.

- (2) If information on or with the parking control sign or road marking indicates that the vehicle must be positioned at an angle of 45°, or does not indicate another angle, the driver must position the driver's vehicle:
 - (a) so the vehicle is at an angle as near as practicable to 45°, as shown in example 1 or 2; and
 - (b) if the vehicle is parked on the side of the road — with the rear of the vehicle nearest to traffic in the marked lane or line of traffic next to the part of the road where the driver parks.
- (3) If information on or with the parking control sign or road marking indicates that the vehicle must be positioned at an angle of 90°, the driver:
 - (a) must position the driver's vehicle so the vehicle is at an angle as near as practicable to 90°, as shown in example 3 or 4; and
 - (b) if the vehicle is parked on the side of the road — may position the vehicle with either the front or rear of the vehicle nearest to traffic in the marked lane or line of traffic next to the part of the road where the driver parks.
- (4) If information on or with the parking control sign or road marking indicates that the vehicle must be positioned at an angle of 135°, the driver must position the driver's vehicle:
 - (a) so the vehicle is at an angle as near as practicable to 135°, as shown in example 5 or 6; and

Regulation 156

- (b) if the vehicle is parked on the side of the road — with the front of the vehicle nearest to traffic in the marked lane or line of traffic next to the part of the road where the driver parks.
- (5) This rule does not apply to the rider of a motor bike.

211 Parking in parking bays

- (1) A driver must not park on a length of road, or in an area, to which a park in bays only sign applies, except in a parking bay.

Offence provision.

- (2) A driver who parks in a parking bay must position the driver's vehicle completely within the bay, unless the vehicle is too wide or long to fit completely within the bay.

Offence provision.

- (3) If the vehicle is too wide or long to fit completely within a single parking bay, the driver must park the driver's vehicle within the minimum number of parking bays needed to park the vehicle.

Offence provision.

212 Entering and leaving a median strip parking area

- (1) If information on or with a traffic control device indicates that a driver must enter or leave a median strip parking area in a particular direction, the driver must enter or leave the area in that direction.

Offence provision.

- (2) If there is no information on or with a traffic control device that indicates that a driver must enter or leave a median strip parking area in a particular direction, the driver must enter or leave the area by driving forward.

Offence provision.

Schedule 1 Modifications of State and Territory liquor legislation

(regulations 7, 8, 23, 40, 57, 64, 77, 84 and 91)

Part 6 Modifications of the Liquor Control Reform Act 1998 (Vic) that apply at all Part 11 airports in Victoria

{1} Subsection 9 (3)

omit

Planning and Environment Act 1987

insert

Airports Act 1996 of the Commonwealth

{2} Subsection 16 (1)

omit

Planning and Environment Act 1987

insert

Airports Act 1996 of the Commonwealth

{3} Paragraph 28 (1) (c)

substitute

(c) be accompanied by the prescribed fee.

{4} Subsection 28 (3)

omit

other

{5} Paragraph 29 (3) (c)

substitute

- (c) except in the case of an application by the Chief Commissioner or a licensing inspector, be accompanied by the prescribed variation fee.

{6} Subsection 29 (4)

omit

other

{7} Paragraph 31 (2) (c)

substitute

- (c) be accompanied by the prescribed relocation fee.

{8} After subsection 31 (2)

insert

- (3) If the Director requests an applicant for a relocation to give any information, the applicant must comply with the request.

{9} Paragraph 32 (2) (c)

substitute

- (c) be accompanied by the prescribed transfer fee.

{10} Subsection 32 (3)

omit

other

Part 7 Modifications of the Liquor Control Reform Act 1998 (Vic) that apply only at Melbourne (Tullamarine) Airport

{1} Paragraph 18 (2) (b)

substitute

- (b) a club licence; or
- (c) a licence or permit held by a corporation that operates licensed premises, or premises taken to be licensed, at Melbourne (Tullamarine) Airport, and:
 - (i) is an airline; or
 - (ii) is incorporated outside Australia.

{2} Subsection 33 (2)

omit

the Council of the municipal district in which the premises or licensed premises to which the application relates are situated.

insert

the airport lessee company (within the meaning of the *Airports Act 1996* of the Commonwealth) for Melbourne (Tullamarine) Airport.

{3} Subsection 33 (3)

omit

the relevant Council

insert

the airport lessee company

{4} Sections 34 and 35

omit

{5} Section 37

omit

display, advertisement and

{6} Section 38

omit

{7} Section 40, heading

substitute

40 Objection by airport-lessee company

{8} Subsection 40 (1)

substitute

(1) The airport-lessee company (within the meaning of the *Airports Act 1996* of the Commonwealth) for Melbourne (Tullamarine) Airport may object to:

- (a) the grant or variation of a licence in respect of premises on that airport; or
- (b) the relocation of a licence to those premises;
on the ground that the grant, variation or relocation would detract from, or be detrimental to, the amenity of the area in which the premises are situated.

{9} Paragraph 40 (2) (a)

substitute

- (a) be made to the Director in writing within 21 days after the day on which a copy of the application for the grant, variation, transfer or relocation was given to the Chief Commissioner under section 33; and

{10} Section 41

omit

{11} Paragraph 42 (a)

omit

{12} After section 54

insert

54A Nominee of licensee or permittee that is a corporation incorporated outside Australia

In the case of an airline, or a corporation incorporated outside Australia, that is a licensee or permittee of premises at Melbourne (Tullamarine) Airport, or is the holder of an existing authorisation that is taken, under regulation 25 of the *Airports (Control of On-Airport Activities) Regulations 1997* of the Commonwealth, to have effect as a licence, a person who from time to time manages or controls the licensed premises, or the premises taken to be licensed, for the corporation is taken to have been nominated by it, and approved by the Director, under section 54.

{13} Paragraphs 90 (2) (c) and (d)

substitute

(c) a licensing inspector.

{14} Paragraphs 95 (2) (b) and (c)

substitute

(b) a licensing inspector.

{15} Section 98

omit

{16} Paragraph 103 (3) (c)

substitute

- (c) a licensee under a club licence; or
- (d) a licence or permit held by a corporation that operates licensed premises, or premises taken to be licensed, at Melbourne (Tullamarine) Airport, and:
 - (i) is an airline; or
 - (ii) is incorporated outside Australia.

{17} After subsection 104 (5)

insert

- (6) This section does not apply to a corporation that operates licensed premises, or premises taken to be licensed, at Melbourne (Tullamarine) Airport, and:
 - (a) is an airline; or
 - (b) is incorporated outside Australia.

{18} Subsection 141 (1)

omit

sub-section (2)

insert

sub-section (2) or (3)

{19} Paragraph 141 (2) (d)

omit

{20} After subsection 141 (2)

insert

- (3) An infringement notice may be served in respect of an offence against section 103 (failure to notify change of director or obtain approval of new director) unless the alleged offender:

- (a) is an airline; or
- (b) is incorporated outside Australia.

Part 9 Modifications of Liquor Act 1992 (Qld) that apply only in the terminal areas of Coolangatta and Townsville Airports

{1} Section 4 (Definitions)

1.1 Insert:

‘airport-operator company for an airport has the meaning given by the *Airports Act 1996* of the Commonwealth.’.

{2} Section 105 (Requirements for application)

2.1 After paragraph 105 (c), insert:

‘(ca) be accompanied by evidence that the airport-operator company for the airport on which the proposed licensed premises are situated consents to the application; and’.

{3} Section 110 (Application for grant of extended hours permit not on regular basis)

3.1 Paragraph 110 (4) (a):

Omit the subsection, substitute:

‘(a) any matter raised by the airport-operator company for the airport on which the licensed premises are situated; and’.

{4} Section 116 (Public need relevant to applications)

4.1 Subsection 116 (4):

After paragraph 116 (4) (c), insert:

‘(ca) any matter raised by the airport-operator company for the airport on which the licensed premises are situated; and’.

{5} Section 117 (Advice about application etc)

5.1 Paragraph 117 (1) (a):

Omit the paragraph, substitute:

‘(a) the airport-operator company for the airport on which the licensed premises are situated; and’.

5.2 Subsection 117 (2):

Omit ‘local government’, substitute ‘airport-operator company’.

{6} Section 118 (Advertisement of applications)

6.1 Omit the section.

{7} Section 119 (Objection to grant of applications)

7.1 Add at the end:

‘(5) However, in this section, *member of the public* does not include a local government.’.

{8} Section 121 (Conference of concerned persons and decision by chief executive)

8.1 Paragraph 121 (5) (e):

Omit the paragraph, substitute:

‘(e) comments from the airport-operator company for the airport on which the licensed premises are situated; and’.

{9} Section 121A (Renewal of permits for extension of hours beyond 3 am)

9.1 Paragraph 121 (1) (a):

Omit the paragraph, substitute:

‘(a) the airport-operator company for the airport on which the licensed premises are situated; and’.

9.2 Subsection 121A (2):

Omit 'local government', substitute 'airport-operator company'.

Part 10 Modifications of Liquor Licensing Act 1997 (SA)

{1} Section 44 (Extended trading authorisation)

1.1 Subsection 44 (4):

Omit the subsection.

{2} Section 52 (Certain applications to be advertised)

2.1 Subparagraph 52 (2) (a) (i):

Omit the subparagraph, substitute:

'(i) the airport-operator company (within the meaning of the *Airports Act 1996* of the Commonwealth) for the airport on which the licensed premises are, or are to be, situated; and'.

2.2 Paragraph 52 (2) (b):

Omit the paragraph.

{3} Part 4 (Applications, interventions and objections)

3.1 Divisions 7 (Alteration and redefinition of licensed premises), 8 (Extension of trading area) and 9 (Variation of non-statutory conditions of licence):

Omit the Divisions.

{4} Section 76 (Rights of intervention)

4.1 Subsection 76 (2):

Omit 'A council in whose area', substitute 'The airport-operator company (within the meaning given by the *Airports Act 1996* of the Commonwealth) for the airport on which'.

{5} Section 77 (General right of objection)

5.1 Omit the section.

{6} Section 68 (Alteration and redefinition of licensed premises)

6.1 Omit the section.

Part 11 Liquor Licensing Act 1988 of Western Australia

{1} Section 67 (Advertisement of applications)

1.1 Omit the section.

{2} Section 69 (Disposal of applications, and interventions generally)

2.1 Subsections 69 (2) and (3);

Omit the subsections, substitute:

'(2) The Director shall cause the date of lodgement to be endorsed on each notice of application.'

2.2 Paragraph 69 (4) (b):

Omit the paragraph.

2.3 Subsections 69 (7) and (8):

Omit the subsections.

2.4 Subsection 69 (12):

Omit the subsection.

{3} Section 72 (Requirement for consent of an owner or lessor, and objections by an owner, lessor, lessee or mortgagee)

- 3.1 Subsection 72 (2):
Omit the subsection.

{4} Section 97 (Permitted hours of trading)

- 4.1 Omit the section, substitute:

‘97 Permitted hours of trading

Subject to this Act and to any condition imposed by the licensing authority, a licensee is authorised to sell liquor at any time during the day or night, and on any day in the year.’.

{5} Section 98 (Obligatory hours of trading)

- 5.1 Omit the section.

Part 12 Liquor and Accommodation Act 1990 of Tasmania

{1} Section 17 (Liquor guidelines)

- 1.1 Add at the end:

‘(8) However, nothing in liquor guidelines requires an applicant for a liquor licence to advertise the application.’.

{2} Section 23 (Application for liquor licence)

- 2.1 Subsection 23 (2):
Omit the subsection, substitute:

‘(2) The Commissioner may require an applicant for a liquor licence to give the Commissioner a plan of the proposed licensed premises that sufficiently identifies the premises.’.

{3} Section 39 (Liquor restriction orders)

3.1 Omit the section.

{4} Section 47 (Licensee not to alter premises without approval)

4.1 Omit the section.

{5} Section 137 (Licensee not to alter premises without approval)

5.1 Omit the section.

**Part 13 Modifications of Liquor Act 1975 (ACT)
that apply at Canberra Airport generally**

{1} Section 18 (Licensing Standards Manual)

1.1 Omit the section.

{2} Section 24 (Saving of operation of Building Act)

2.1 Omit the section.

{3} Section 56 (Application for alteration)

3.1 Paragraph 56 (2) (b):

Omit the paragraph, substitute:

‘(b) accompanied by:

- (i) a copy of the plans and specifications for the alteration of the premises; and
- (ii) evidence that the airport operator company for the airport on which the premises are located has consented to the alteration; and’.

Part 14 Modifications of Liquor Act 1975 (ACT) that apply only in the terminal area of Canberra Airport

{1} Section 44 (Manner of making complaint)

1.1 Subsection 44 (1):

Omit 'A person', substitute 'A police officer, or the airport-operator company for an airport on which licensed premises are located,'.

1.2 Insert after subsection 44 (1):

'(1A) In subsection (1):

airport-operator company for an airport has the same meaning as in the *Airports Act 1996* of the Commonwealth.'

{2} Section 66E (Interpretation)

2.1 Definition of *non-trading day*:

Omit the definition.

{3} Section 67 (General Licence — minimum bar trading hours)

3.1 Subsection 67 (2):

Omit ', on each day that is not a non-trading day for that licensee,'.

3.2 Subsection 67 (3):

Omit ', on each day that is not a non-trading day for that licensee,'.

{4} Section 68 (On Licence — minimum bar trading hours)

4.1 Subsection 68 (2):

Omit ‘, on each day that is not a non-trading day for that licensee,’.

4.2 Subsection 68 (3):

Omit ‘, on each day that is not a non-trading day for that licensee,’.

Part 15 Modifications of Liquor Act (NT) that apply at Part 11 airports in the Northern Territory

{1} Section 4 (Interpretation)

1.1 Insert:

‘*airport-operator company* for an airport has the same meaning as in the *Airports Act 1996* of the Commonwealth.’.

{2} Section 119 (Approval of alteration of premises)

2.1 Subsection 119 (1):

Omit ‘the Commission,’ substitute ‘the Commission and the consent of the airport-operator company for the airport,’.

2.2 Paragraph 119 (2) (c):

Omit the paragraph, substitute:

‘(c) accompanied by evidence that the airport-operator company for the airport consents to the proposed alteration.’.

{3} Section 120 (Unauthorized alterations)

3.1 Omit the section.

**Part 16 Modifications of Liquor Act (NT) that
apply only in the terminal area of an
airport in the Northern Territory**

{1} Section 31 (Conditions of licence)

- 1.1 Paragraph 31 (2) (c):
Omit the paragraph.

{2} Subsection 48 (1)

omit

A person

insert

An inspector, a police officer, or the airport-operator
company for the airport

{3} Subsection 48 (2)

omit

A person

insert

An inspector, a police officer, or the airport-operator
company for the airport

{4} Section 65 (Commission's power to give directions)

- 4.1 Subparagraph 65 (b) (ii):
Omit the paragraph, substitute:
'(ii) the airport-operator company for the airport; or'.

{5} Part VIII (Restricted areas)

- 5.1 Omit the Part.

Schedule 2 Penalties for contravention of applied Australian Road Rules

(regulation 107)

Rule or subrule	Description of rule	NSW	Vic	Brisbane Airport	WA	Tas	Coolan-gatta Airport	Townsville Airport
167	No stopping signs	6	5	3	5	4	3	2
168 (1)	No parking signs	3	3	3	3	2	3	1
169	No stopping on a road with a yellow edge line	6	5	3	5	4	3	2
170 (1), (2) and (3)	Stopping in or near an intersection	3	5	2.5	5	4	3	2
172 (1)	Stopping on or near a pedestrian crossing (except at an intersection)	9	5	5.5	5	4	5	2
176 (1)	Stopping on a clearway	9	5	5.5	5	4	3	2
178	Stopping in an emergency stopping lane	6	5	5.5	5	4	3	2
179 (1) and (2)	Stopping in a loading zone	3	3	3	3	2	3	2
180 (1)	Stopping in a truck zone	3	3	3	3	2	3	2
181 (1)	Stopping in a works zone	3	3	3	3	2	2	2
182 (1)	Stopping in a taxi zone	3	3	3	3	2	3	2
183 (1)	Stopping in a bus zone	3	3	5.5	5	2	3	2
184 (1)	Stopping in a minibus zone	3	3	3	5	2	3	2
185 (1)	Stopping in a permit zone	3	3	3	5	2	3	2
186 (1)	Stopping in a mail zone	3	3	3	5	2	3	2
189 (1)	Double parking	3	3	2.5	3	4	3	2

Rule or subrule	Description of rule	NSW	Vic	Brisbane Airport	WA	Tas	Coolan-gatta Airport	Townsville Airport
197 (1)	Stopping on a path, dividing strip or nature strip	3	5	2.5	5	2	2	1
198 (1) and (2)	Obstructing access to and from a footpath, driveway etc	3	3	2.5	3	2	2	2
202	Stopping on a road with motor bike parking sign	3	3	3	5	2	3	2
203 (1)	Stopping in a parking area for people with disabilities	9	5	5.5	3	4	5	2
205	Parking for longer than indicated	3	3	2.5	3	2	3	1
207 (2)	Parking where fees are payable	3	3	2.5	3	2	3	2
208 (1)	Parallel parking on a road (except in a median strip parking area)	3	3	2.5	3	2	2	1
209 (2)	Parallel parking in a median strip parking area	3	3	2.5	3	2	2	1
210 (1)	Angle parking	3	3	2.5	3	2	2	1
211 (1), (2) and (3)	Parking in parking bays	3	3	2.5	5	2	2	1
212 (1) and (2)	Entering and leaving a median strip parking area	3	3	3	3	2	2	1

Table of Statutory Rules**Notes to the *Airports (Control of On-Airport Activities) Regulations 1997*****Note 1**

The *Airports (Control of On-Airport Activities) Regulations 1997* (in force under the *Airports Act 1996*) as shown in this compilation comprise Statutory Rules 1997 No. 57 amended as indicated in the Tables below.

Table of Statutory Rules

Year and number	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
1997 No. 57	20 Mar 1997	15 May 1997	
1997 No. 105	15 May 1997	15 May 1997	—
1997 No. 178	30 June 1997	1 July 1997	—
1998 No. 98	21 May 1998	21 May 1998	—
1998 No. 118	3 June 1998	3 June 1998	—
1998 No. 207	1 July 1998	1 July 1998	—
1999 No. 77	19 May 1999	19 May 1999	—
1999 No. 290	2 Dec 1999	2 Dec 1999	—
1999 No. 291	2 Dec 1999	2 Dec 1999	—
2000 No. 24	15 Mar 2000	15 Mar 2000	—
2000 No. 195	25 July 2000	25 July 2000	—
2000 No. 250	1 Sept 2000	1 Sept 2000	—
2000 No. 340	15 Dec 2000	15 Dec 2000	—
2001 No. 146	20 June 2001	20 June 2001	—
2001 No. 170	2 July 2001	2 July 2001	—
2001 No. 287	5 Oct 2001	5 Oct 2001	—
2002 No. 13	21 Feb 2002	21 Feb 2002	—
2002 No. 49	15 Mar 2002	15 Mar 2002	—
2004 No. 222	22 July 2004	1 July 2004	—

Table of Amendments**Table of Amendments**

The amendment history of the *Airports (Control of On-Airport Activities) Regulations 1997* after renumbering by the *Airports (Control of On-Airport Activities) Amendment Regulations 1999 (No. 1)* (1999 No. 77) appears in the Table below.

For repealed provisions up to and including Statutory Rules 1999 No. 77 *see* the Repeal Table.

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part 1	
R. 1	rs. 1999 No. 77
R. 3	am. 1997 No. 178; 1998 Nos. 98 and 207
Note 1 to r. 3	ad. 1997 No. 178
Note to r. 3	1997 No. 178
(Renumbered Note 2)	
R. 4	ad. 1998 No. 98 am. 1998 No. 207
Part 1A	
Part 1A.....	ad. 2001 No. 287
Division 1A.1	
Rr. 4AA–4AC	ad. 2001 No. 287
Division 1A.2	
Subdivision 1A.2.1	
Rr. 4AD–4AG	ad. 2001 No. 287
Subdivision 1A.2.2	
Rr. 4AH–4AZ	ad. 2001 No. 287
Subdivision 1A.2.3	
Rr. 4BA–4BK	ad. 2001 No. 287
Subdivision 1A.2.4	
R. 4BL.....	ad. 2001 No. 287
Division 1A.3	
Rr. 4BM–4BS.....	ad. 2001 No. 287
Division 1A.4	
Subdivision 1A.4.1	
Rr. 4BT–4BZ, 4CA, 4CB.....	ad. 2001 No. 287

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Subdivision 1A.4.2	
Rr. 4CC–4CI	ad. 2001 No. 287
Subdivision 1A.4.3	
Rr. 4CJ–4CL	ad. 2001 No. 287
Division 1A.5	
Subdivision 1A.5.1	
Rr. 4CM, 4CN	ad. 2001 No. 287
Subdivision 1A.5.2	
Rr. 4CO–4CQ	ad. 2001 No. 287
Subdivision 1A.5.3	
Rr. 4CR–4CV	ad. 2001 No. 287
Part 2	
Heading to Part 2	rs. 2001 No. 287
Division 1	
R. 5	rs. 1998 No. 98
Div. 2 of Part 2	ad. 1998 No. 207 rep. 2001 No. 287
R. 6	ad. 1998 No. 207 rep. 2001 No. 287
R. 7	ad. 1998 No. 207 am. 1999 No. 77 rep. 2001 No. 287
R. 8	ad. 1998 No. 207 am. 1999 No. 77; 2000 No. 24 rep. 2001 No. 287
R. 9	ad. 1998 No. 207 am. 1998 No. 77 rep. 2001 No. 287
Rr. 10–13	ad. 1998 No. 207 rep. 2001 No. 287
R. 13A	ad. 2000 No. 24 am. 2000 Nos. 250 and 340 rep. 2001 No. 287
R. 13B	ad. 2001 No. 146 rep. 2001 No. 287
R. 14	ad. 1998 No. 207 rep. 2001 No. 287
Rr. 15, 16	ad. 1998 No. 207 am. 2000 No. 24 rs. 2000 No. 195 rep. 2001 No. 287
Rr. 17–19	ad. 1998 No. 207

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
	rep. 2001 No. 287
R. 20	ad. 1998 No. 207 am. 1999 No. 77; 2000 No. 24 rep. 2001 No. 287
R. 21	ad. 1998 No. 207 rep. 2001 No. 287
Division 3	
Subdivision 1	
Heading to Subdiv. 1..... of Div. 3 of Part 2	ad. 1998 No. 98 rs. 1999 No. 77
Subdiv. 1 of Div. 3..... of Part 2	rs. 1999 No. 77
R. 22	am. 1997 No. 178; 1998 No. 98 rs. 1999 No. 77
R. 23	rs. 1998 No. 98; 1999 No. 77
Subdivision 2	
Heading to Subdiv. 2 of..... Div. 3 of Part 2	ad. 1998 No. 98
R. 24	ad. 1998 No. 98
R. 25	am. 1997 No. 105; 1998 No. 98; 1999 No. 77
Rr. 26–28	ad. 1999 No. 77
Rr. 29, 30	am. 1999 No. 77
R. 31	rs. 1999 No. 77
Subdivision 3	
Subdiv. 3 of Div. 3..... of Part 2	ad. 1998 No. 98
R. 32	ad. 1998 No. 98
R. 33	ad. 1998 No. 98 am. 1999 No. 77
R. 34	ad. 1998 No. 98 rs. 1999 No. 77
R. 35	ad. 1999 No. 77
Rr. 36–38	ad. 1998 No. 98 am. 1999 No. 77
Division 4	
Heading to Div. 4 of Part 2..	rs. 2000 No. 24
Subdivision 1	
Heading to Subdiv. 1 of Div. 4 of Part 2	ad. 2000 No. 24
R. 39	am. 1997 No. 178; 1998 No. 98
R. 40	rs. 1998 No. 98

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
	am. 1999 Nos. 77 and 290
Subdiv. 1 of Div. 4 of Part 2	ad. 1998 No. 98 rep. 1999 No. 290
R. 41	ad. 1998 No. 98 rep. 1999 No. 290
Rr. 42–45	rep. 1999 No. 290
Subdivision 2	
Subdiv. 2 of Div. 4..... of Part 2	ad. 1998 No. 98
Rr. 46–55	ad. 1998 No. 98
Division 5	
Div. 5 of Part 2	ad. 1998 No. 98
R. 56	ad. 1998 No. 98
R. 57	ad. 1998 No. 98 rs. 1999 No. 77
R. 58	ad. 1998 No. 98
R. 59	ad. 1998 No. 98 am. 1998 No. 207
Rr. 60–62	ad. 1998 No. 98
Division 6	
Subdivision 1	
Heading to Subdiv. 1..... of Div. 6 of Part 2	ad. 1998 No. 98
R. 63	am. 1997 No. 178; 1998 No. 98
R. 64	rs. 1998 No. 98; 1999 No. 77
Subdivision 2	
Subdiv. 2 of Div. 6 of Part 2	ad. 1998 No. 98
R. 65	ad. 1998 No. 98
Subdivision 3	
Subdiv. 3 of Div. 6..... of Part 2	ad. 1998 No. 98
Rr. 70–75	ad. 1998 No. 98
Division 7	
Div. 7 of Part 2	ad. 1998 No. 98
Rr. 76–82	ad. 1998 No. 98
Division 8	
Div. 8 of Part 2	ad. 1998 No. 98
R. 83	ad. 1998 No. 98
R. 84	ad. 1998 No. 98 am. 1999 No. 77

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Rr. 85–89	ad. 1998 No. 98
Division 9	
Div. 9 of Part 2	ad. 1998 No. 98
Rr. 90, 91	ad. 1998 No. 98 am. 1999 No. 77
Rr. 92–96	ad. 1998 No. 98
Part 3	
Heading to r. 97	rs. 1999 No. 290
R. 97	am. 1998 No. 98
R. 98	rs. 1998 No. 98
Rr. 99, 100	ad. 1998 No. 207
Rr. 101, 102	am. 1998 No. 98
R. 103	ad. 1998 No. 98
R. 104	am. 1998 No. 98
Part 4	
Division 1	
R. 105	am. 1998 Nos. 98 and 207; 2004 No. 222
Division 2	
Heading to Div. 2	rs. 1998 No. 118; 2002 No. 49
of Part 4	
Div. 2 of Part 4	ad. 1998 No. 98 rs. 2002 No. 49
R. 106	rs. 1998 No. 98 am. 1998 Nos. 118 and 207 rs. 2002 No. 49
Rr. 106A, 106B, 106BA,	ad. 2002 No. 49
106C–106E	
Rr. 107, 108	rs. 1998 Nos. 98 and 118; 2002 No. 49
Rr. 109–111	rs. 1998 No. 98; 2002 No. 49
R. 112	rs. 1998 No. 98 am. 1998 No. 118 rs. 2002 No. 49
R. 113	rs. 1998 No. 98; 2002 No. 49
R. 114	ad. 1998 No. 98 rs. 2002 No. 49 am. 2004 No. 222
Division 3	
Div. 3 of Part 4	ad. 1998 No. 118
R. 115	ad. 1998 No. 118 am. 1998 No. 207
Rr. 116, 117	ad. 1998 No. 118

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Rr. 118–120	ad. 1998 No. 118 am. 2002 No. 13
R. 121	ad. 1998 No. 118 am. 2004 No. 222
Division 4	
R. 122	am. 1997 No. 105; 1998 Nos. 98 and 207; 1999 No. 77
R. 123	rs. 1997 No. 105 am. 2002 No. 13
R. 124	ad. 1997 No. 105
R. 125	am. 1997 No. 105
R. 126	ad. 1998 No. 207
R. 127	am. 1997 No. 105
R. 128	ad. 1998 No. 207
Rr. 129, 130	ad. 1998 No. 98 am. 2002 No. 13
R. 131	am. 2002 No. 13
R. 132	am. 1998 No. 207; 2004 No. 222
R. 135	am. 2000 No. 24
Part 5	
Part 5	rs. 1999 No. 291
Division 1	
R. 136	am. 1998 Nos. 98 and 207; 1999 No. 77 rs. 1999 No. 291
Division 2	
R. 137	ad. 1998 No. 207 rs. 1999 No. 291; 2002 No. 13
Heading to r. 138	rs. 1998 No. 207; 1999 No. 291
R. 138	am. 1998 No. 98 rs. 1999 No. 291
Division 3	
R. 138A	ad. 1999 No. 291
R. 139	am. 1998 No. 207 rs. 1999 No. 291
Division 4	
Rr. 139A–139G	ad. 1999 No. 291
Division 5	
Rr. 139H–139K	ad. 1999 No. 291
Part 6	
Heading to r. 140	rs. 1999 No. 290
R. 140	am. 1998 No. 98

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 142	am. 2002 No. 13
R. 143	am. 2004 No. 222
Part 7	
Heading to r. 144	rs. 1999 No. 290
R. 144	am. 2001 No. 170
R. 146	am. 1997 No. 178; 1998 No. 98; 2001 No. 170; 2002 No. 49
R. 147	am. 2001 No. 170
R. 149	am. 1998 No. 98; 2001 No. 170
R. 150	am. 2000 No. 24; 2001 No. 170
R. 152	am. 2000 No. 24
R. 154A	ad. 2001 No. 170
Heading to r. 155	rs. 1999 No. 290
Rr. 155A, 155B	ad. 2001 No. 170 am. 2002 No. 49
Part 8	
Part 8	ad. 1998 No. 207
R. 156	ad. 1998 No. 207 am. 2002 No. 49
Note before Schedule 1	ad. 2001 No. 170
Schedule 1	
Heading to Schedule 1	am. 1998 No. 207
Schedule 1	am. 1997 Nos. 105 and 178; 1998 Nos. 98 and 207; 1999 Nos. 77 and 290; 2001 No. 287
Schedule 2	
Schedule 2	ad. 2001 No. 170

Repeal Table**Repeal Table**

Certain provisions of the *Airports (Control of On-Airport Activities) Regulations 1997*, as amended, were repealed prior to renumbering by the *Airports (Control of On-Airport Activities) Amendment Regulations 1999 (No. 1)* (1999 No. 77) or by that Regulation. The amendment history of the repealed provisions appears in the Table below.

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 2.36	rep. 1999 No. 77
R. 4.02	rep. 1998 No. 98
Div. 4.2 of Part 4	rs. 1998 No. 98
(rr. 4.03–4.10)	
R. 4.50	rep. 1998 No. 207

Renumbering Table

Renumbering Table

Table showing Part, Division, Subdivision and Regulation numbers of the *Airports (Control of On-Airport Activities) Regulations 1997* after renumbering by the *Airports (Control of On-Airport Activities) Amendment Regulations 1999 (No. 1)* (1999 No. 77).

Note This Table does not form part of the *Airports (Control of On-Airport Activities) Regulations 1997* and is printed for convenience of reference only

Old Number	New Number	Old Number	New Number
Part 1	Part 1	2.26	18
Regulation	Regulation	2.27	19
1.01	1	2.28	20
1.02	2	2.29	21
1.03	3	Division 2.3	Division 3
1.04	4	Subdivision 2.3.1	Subdivision 1
Part 2	Part 2	2.31	22
Division 2.1	Division 1	2.32	23
2.11	5	Subdivision 2.3.2	Subdivision 2
Division 2.2	Division 2	2.32A	24
2.20	6	2.33	25
2.21	7	2.33A	26
2.21A	8	2.33B	27
2.21B	9	2.33C	28
2.22	10	2.34	29
2.23	11	2.35	30
2.23A	12	2.37	31
2.23B	13	Subdivision 2.3.3	Subdivision 3
2.24	14	2.37A	32
2.24A	15	2.37B	33
2.24B	16	2.37C	34
2.25	17	2.37CA	35

Renumbering Table

Old Number	New Number	Old Number	New Number
2.37D	36	2.56	61
2.37E	37	2.57	62
2.38	38	Division 2.6	Division 6
Division 2.4	Division 4	Subdivision 2.6.1	Subdivision 1
2.41	39	2.61	63
2.42	40	2.62	64
Subdivision 2.4.2	Subdivision 1	Subdivision 2.6.2	Subdivision 2
2.42A	41	2.62A	65
2.43	42	2.63	66
2.44	43	2.64	67
2.45	44	2.65	68
2.46	45	2.66	69
Subdivision 2.4.3	Subdivision 2	Subdivision 2.6.3	Subdivision 3
2.46A	46	2.67	70
2.46B	47	2.68	71
2.46C	48	2.68A	72
2.46D	49	2.68B	73
2.46E	50	2.68C	74
2.46F	51	2.69	75
2.46G	52	Division 2.7	Division 7
2.47	53	2.71	76
2.48	54	2.72	77
2.49	55	2.73	78
Division 2.5	Division 5	2.74	79
2.51	56	2.75	80
2.52	57	2.76	81
2.53	58	2.77	82
2.54	59	Division 2.8	Division 8
2.55	60	2.81	83

Renumbering Table

Old Number	New Number	Old Number	New Number
2.82	84	4.05	108
2.83	85	4.06	109
2.84	86	4.07	110
2.85	87	4.08	111
2.86	88	4.09	112
2.87	89	4.10	113
Division 2.9	Division 9	4.11	114
2.91	90	Division 4.3	Division 3
2.92	91	4.30	115
2.93	92	4.31	116
2.94	93	4.32	117
2.95	94	4.33	118
2.96	95	4.34	119
2.97	96	4.35	120
Part 3	Part 3	4.36	121
3.01	97	Division 4.4	Division 4
3.02	98	4.41	122
3.20	99	4.42	123
3.21	100	4.42A	124
3.30	101	4.43	125
3.40	102	4.43A	126
3.50	103	4.44	127
3.60	104	4.44AA	128
Part 4	Part 4	4.44A	129
Division 4.1	Division 1	4.44B	130
4.01	105	4.45	131
Division 4.2	Division 2	4.46	132
4.03	106	4.47	133
4.04	107	4.48	134

Renumbering Table

Old Number	New Number	Old Number	New Number
4.49	135	7.11	154
Part 5	Part 5	7.12	155
5.01	136	Part 8	Part 8
5.01A	137	8.01	156
5.02	138	Schedule 1	Schedule 1
5.03	139	Part 1	Part 1
Part 6	Part 6	Part 1A	Part 2
6.01	140	Part 1B	Part 3
6.02	141	Part 1C	Part 4
6.03	142	Part 1D	Part 5
6.04	143	Part 2	Part 6
Part 7	Part 7	Part 2A	Part 7
7.01	144	Part 3	Part 8
7.02	145	Part 3A	Part 9
7.03	146	Part 4	Part 10
7.04	147	Part 5	Part 11
7.05	148	Part 6	Part 12
7.06	149	Part 7	Part 13
7.07	150	Part 7A	Part 14
7.08	151	Part 8	Part 15
7.09	152	Part 8A	Part 16
7.10	153		