



Statutory Rules 1997 No. 1

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114/

Airports (Building Control) Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, make the
following Regulations under the *Airports Act 1996*.

Dated 14 May/ 1997.

WILLIAM DEANE/
Governor-General

By His Excellency's Command,

JOHN SHARP/
Minister for Transport and Regional Development

1. Amendment

1.1 The Airports (Building Control) Regulations are amended as set
out in these Regulations.

[Note: These Regulations commence on gazettal: see *Acts Interpretation Act*
1901, s. 48.]

2. Regulation 1.04 (Interpretation)

2.1 Subregulation 1.04 (1) (definition of “building approval”):

Omit “regulation 2.14”, substitute “regulation 2.11”.

3. Regulation 2.16 (Variation of approval)

3.1 Add at the end:

“(5) The airport building controller is taken to have refused to grant a varied building approval if it has not given the applicant notice of its decision before the end of 21 days after receiving the application.”.

4. Regulation 3.04 (Certificate of compliance—decision of airport building controller)

4.1 Add at the end:

“(8) The airport building controller is taken to have refused to issue a certificate of compliance if it has not given the applicant notice of its decision before the end of 14 days after receiving the application.”.

5. Regulation 3.10 (Variation of certificate of compliance)

5.1 Add at the end:

“(3) The airport building controller is taken to have refused to grant a varied certificate of compliance if it has not given the applicant notice of its decision before the end of 14 days after receiving the application.”.

6. Regulation 3.15 (Function of certificate of fitness)

6.1 Omit the regulation, substitute:

Function of certificate of compliance

“3.15. A certificate of compliance is evidence that the building, or works, to which it applies may be occupied, or used, but is not evidence that the airport building controller has authorised the building to be used for a particular purpose.”.

7. Regulation 5.02 (Review by Administrative Appeals Tribunal)**7.1** Insert in Part 1 of the table:

"3A	Paragraph 2.13 (2) (b)—refusal to approve non-compliance with Australian building standards	the applicant for the approval";
"3B	Regulation 2.16—refusal to grant a varied building approval	the applicant for the approval";
"11A	Subregulation 3.12 (1)—revocation of a certificate of compliance	the holder of the certificate of compliance";
"11B	Subregulation 3.14 (1)—refusal to issue certified copy of a certificate of compliance	the person who applied for the certified copy".

8. Further amendments—references to certificate of fitness**8.1** Further amendments set out in the following table:

Provision amended	Omit	Substitute
Heading to Part 3	FITNESS	COMPLIANCE
Regulation 3.01 (definition of "certificate for occupancy")	fitness	compliance
Regulation 3.01 (definition of "certificate for use")	fitness	compliance
Regulation 3.02	fitness	compliance
Regulation 3.03	fitness	compliance
Subregulation 3.04 (1)	fitness	compliance
Subregulation 3.04 (2)	fitness	compliance
Subregulation 3.04 (3)	fitness	compliance
Paragraph 3.04 (5) (a)	fitness	compliance
Paragraph 3.04 (5) (b)	fitness	compliance
Subregulation 3.04 (6)	fitness	compliance
Regulation 3.09	fitness	compliance

Provision amended	Omit	Substitute
Paragraph 3.09 (a)	fitness	compliance
Paragraph 3.09 (b)	fitness	compliance
Paragraph 3.09 (c)	fitness	compliance
Subregulation 3.10 (1)	fitness	compliance
Subregulation 3.10 (2) (twice occurring)	fitness	compliance
Subregulation 3.11 (1)	fitness	compliance
Subregulation 3.11 (2)	fitness	compliance
Subregulation 3.12 (1)	fitness	compliance
Subregulation 3.12 (2) (twice occurring)	fitness	compliance
Regulation 3.13	fitness	compliance
Paragraph 3.14 (1) (a)	fitness	compliance

[Note: "fitness" should be omitted and "compliance" substituted in the headings to regulations 3.02, 3.07, 3.08, 3.09, 3.11, 3.12, 3.13 and 3.14.]

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on
2. Statutory Rules 1996 No. 292.

K 1997. 21 May/