

Commonwealth Places (Application of Laws) Regulations 1998 1998 No. 271

EXPLANATORY STATEMENT

STATUTORY RULES 1998 No. 271

Issued by the Authority of the Attorney-General

Commonwealth Places (Application of Laws) Act 1970

Commonwealth Places (Application of Laws) Regulations 1998

Section 22 of the *Commonwealth Places (Application of Laws) Act 1970* (the Act) allows the Governor-General to make regulations, not inconsistent with the Act, prescribing all matters that by the Act are required or permitted to be described or are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Subsection 4(6) of the Act allows the Governor-General to make regulations to disapply specified provisions of State laws which would ordinarily apply by virtue of subsection 4(1) of the Act in relation to Commonwealth places.

Subsection 33(3A) of *the Acts Interpretation Act 1901* provides that a power to make regulations with respect to particular matters shall be construed as including a power to make regulations with respect to a particular class or particular classes of those matters.

The Regulation disapplies the *Liquor Act 1982* of New South Wales ('the State Act') to a place that is:

- * subject to a lease that authorises the sale of liquor; and
- * acquired by the Commonwealth for the construction of a civil airport; and
- * not subject to an airport lease under the *Airports Act 1996* or the *Airports (Transitional) Act 1996*.

The regulation preserves, until 28 February 2001, a liquor authorisation granted by the Federal Airports Corporation to a winery located at the Badgerys Creek airport development site. The NSW Government has indicated that it is not prepared to recognise those entitlements under the State Act as applied law.

The proposed Regulations will commence upon gazettal.