

Airports (Control of On-Airport Activities) Amendment Regulations 1999 (No. 2) 1999 No. 290

EXPLANATORY STATEMENT

STATUTORY RULES 1999 No. 290

Issued by the Authority of the Minister for Transport and Regional Services

Subject - Airports Act 1996

Airports (Control of On-Airport Activities) Amendment Regulations 1999 (No. 2)

Section 252 of the Airports Act 1996 ('the Act') allows the Governor-General to make regulations prescribing matters:

- (d) required or permitted to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Part 11 of the Act authorises the making of regulations for the control of liquor, gambling, commercial trading, smoking and vehicle movements at certain Commonwealth-owned airports following their leasing.

Section 169 allows the regulations to apply Part 11 of the Act to leased Federal airports. The Airports (Control of On-Airport Activities) Regulations ('the Regulations') provide the detail of the regulatory regime for liquor, commercial trading, vehicle movements, gambling and smoking on leased Federal airports. The Regulations deal with arrangements for those airports sold as part of the Phase 1 and 2 sales - namely Melbourne, Brisbane, Perth, Adelaide, Parafield, Moorabbin, Hobart, Launceston, Canberra, Coolangatta, Archerfield, Townsville, Mount Isa, Darwin, Alice Springs, Tennant Creek and Jandakot airports. The current regulations also apply to the Sydney basin airports and Essendon Airport.

Section 170 of the Act provides that regulations may be made to prohibit or regulate the sale, supply, disposal or possession of liquor at a specified airport. The amended Regulations acknowledge that Queensland liquor officials have negotiated a Special Facilities Licence with the operator of Brisbane Airport, which meets the unique operating requirements of the airport. The amendment regulations ensure that Queensland law applies for the supply and consumption of liquor at the airport, and that property and other commercial rights of liquor sub-lessees that existed prior to privatisation, continue under Queensland law.

Section 178 of the Act requires the Minister to consult with existing airport operators before making regulations under Part 11. The Minister is required to give each airport operator company a notice stating that there is a proposal to make regulations under Part 11 which will affect that airport, at least 30 days before the regulations are made. The notice must invite them to make a submission within 30 days of receiving the notice.

The Minister is to have due regard to the submission when dealing with the proposal to make regulations. Consultation with the existing airport-operator company for Brisbane Airport as required under section 178 of the Act has taken place. The company supported this change

The Regulations commenced on gazettal.

ATTACHMENT

Item 1-Name of Regulations

The Regulations are the Airports (Control of On-Airport Activities) Amendment Regulations 1999 (No. 2).

Item 2 - Commencement

The Regulations commenced on gazettal.

Item 3 - Amendment

The Airports (Control of On-Airport Activities) Regulations are amended as set out in Schedule 1 to the Regulations.

Schedule 1 - Amendments

Item 1 - Subregulation 40 (1)

The Queensland government has made arrangements with the airport operator for Brisbane Airport that allow Queensland laws to apply for the supply and consumption of liquor. The new arrangements ensure that existing liquor trading activities are maintained, and that Brisbane Airport's unique operating requirements are recognised. Therefore this subregulation is omitted.

Item 2 - Subregulation 40 (2)

A reference to the Liquor Act 1992 is included in this subregulation (ie the Liquor Act). This is the first reference to the Liquor Act in this regulation and its reference avoids doubt.

Item 3 - Part 2, Division 4, Subdivision 1

Queensland laws apply for the supply and consumption of liquor at Brisbane Airport. As existing Commonwealth-based liquor authorisations will no longer apply, this subdivision is omitted.

Item 4 - Regulation 97 Heading

This heading has been amended and has no effect on the airport operators of leased Federal airports and is only intended to clarify that the definitions relate to Part 3.

Item 5 - Regulation 140 Heading

This heading has been amended and has no effect on the airport operators of leased Federal airports and is only intended to clarify that the definitions relate to Part 6.

Item 6 - Regulation 144 Heading

This heading has been amended and has no effect on the airport operators of leased Federal airports and is only intended to clarify that the definitions relate to Part 7.

Item 7 - Regulation 155 Heading

This heading has been amended and has no effect on the airport operators of leased Federal airports and is only intended to clarify that there is no requirement for an infringement notice to be issued in all cases.

Item 8 - Schedule 1, Part 8

The Queensland government has made arrangements with the airport operator for Brisbane Airport that allow Queensland laws to apply for the supply and consumption of liquor. The new arrangements ensure that existing liquor trading activities are maintained, and that Brisbane Airport's unique operating requirements are recognised. Therefore this part is omitted.