

EXPLANATORY STATEMENT

Minute No.36 of 2016: Minister for Infrastructure and Transport

Subject – *Airports Act 1996*
Airports Amendment (Airport Sites) Regulation 2016

The *Airports Act 1996* (the Act) establishes a regulatory framework for the leased federal airports.

Section 252 of the Act provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Airports Amendment (Airport Sites) Regulation 2016 (the Regulations) amend the descriptions of airport sites as set out in Schedule 1 to the *Airports Regulations 1997* (the Principal Regulations), to reflect changes in State and Territory land title registers for all federal leased airports.

Schedule 1 describes the identification numbers for the certificates of title for each of the current 21 leased federal airport sites and the Sydney West Airport site.

State and Territory land title registers for federal leased airports have changed because of transfers of land affecting airport sites that have changed airport site boundaries, or because of changes in administrative processes at land title registries that have led to administrative changes in site descriptions.

The Regulations also remove a redundant reference in subregulation 1.03(2)(b) of the Principal Regulations. This paragraph deals with references to the Land Titles Office of a State or Territory. However, there are no such references in the Principal Regulations currently, nor are there any references in the amendments made by this legislative instrument.

Section 161(1) of the Act provides as follows: ‘If there is an airport lease relating to an airport site for an airport, the Governor General must not make any regulations varying the site unless the lessee has given written consent to the making of those regulations.’ All Airport Lessee Companies (ALCs) were consulted through written correspondence providing them a list of the certificates of title as understood by the Commonwealth to comprise the airport site and details of the proposed Regulations. Where the list differed from that in the Principal Regulations each ALC provided a response to the correspondence providing their consent to the amendment or questions about the list; which were addressed prior to their consent being given. This consultation resulted in consent being obtained as required by the Act.

A statement from the Office of Best Practice Regulation (OBPR) removing the requirement for a Regulatory Impact Statement due to minor impacts was obtained (OBPR ID 18814).

These Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments.

Authority: Section 252 of the *Airports Act 1996*

ATTACHMENT A

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Airports Amendment (Airport Sites) Regulation 2016

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of this Legislative Instrument

This Legislative Instrument amends the *Airports Regulations 1997* (the Principal Regulations) to:

- amend the descriptions of airport sites as set out in Schedule 1 to the *Airports Regulations 1997* (the Principal Regulations), to reflect changes in State and Territory land title registers for all federal leased airports; and
- make minor corrections to certain provisions in the Principal Regulations.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

DARREN CHESTER
Minister for Infrastructure and Transport