

EXPLANATORY STATEMENT

Minute No.2018/37 - Deputy Prime Minister and Minister for Infrastructure and Transport

Subject - *Airports Act 1996*

*Airports Amendment (Melbourne Airport Site Measures No. 3)
Regulations 2018*

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

Regulation 1.03 of the *Airports Regulations 1997* (the principal Regulations) declares airport sites for the purposes of section 5 of the Act. The Melbourne (Tullamarine) Airport site is the area comprising the parcels of land specified in Part 1.14 of Schedule 1 to the principal Regulations.

The *Airports Amendment (Melbourne Airport Site Measures No. 3) Regulations 2018* (the proposed Regulations) would update the description of the Melbourne (Tullamarine) Airport site, as set out in clause 14 of Schedule 1 to the principal Regulations, by correcting an error in the description of land.

Subsection 161(1) of the Act prevents the making of regulations that vary an airport site, if there is an airport lease for the site, unless the lessee has given written consent. Under section 9.2 of the Memorandum of Understanding (MOU), in relation to the Melbourne Airport Runway Development Program, between the Commonwealth and Australian Pacific Airports (Melbourne) Pty. Ltd. (APAM), dated 13 October 2016, and as amended on 2 May 2018, APAM consents to a variation of the Airport Site to incorporate all or any of the Expansion Land. Paragraph 14(aa) of Schedule 1 was inserted into the principle regulations on 22 August 2018 as expansion land in accordance with the MOU.

A statement from the Office of Best Practice Regulation noting there is no requirement for a Regulatory Impact Statement due to minor impacts has been obtained (OBPR ID 18814 and 17818).

Details of the Regulations are set out in Attachment A.

The Statement of Compatibility with Human rights is set out in Attachment B.

The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

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

Authority: Section 252 of the
Airports Act 1996

ATTACHMENT A

Details of the *Airports Amendment (Melbourne Airport Site Measures No. 3) Regulations 2018*

Section 1 - Name

This section provides that the title of the Regulations is the *Airports Amendment (Melbourne Airport Site Measures No. 3) Regulations 2018*.

Section 2 - Commencement

This section provides for the Regulations to commence the day after they are registered on the Federal Register of Legislative Instruments.

Section 3 - Authority

This section provides that the *Airports Amendment (Melbourne Airport Site Measures No. 3) Regulations 2018* are made under the *Airports Act 1996*.

Section 4 - Schedules

This section provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 – Amendments

Paragraph 14(aa) of Schedule 1

Omit “, being general law land, as contained within Conveyance Book 453 No. 366”.

Statement of Compatibility with Human Rights

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

Airports Amendment (Melbourne Airport Site Measures No. 3) Regulations 2018

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 principal Regulations to:

- update the description of the Melbourne (Tullamarine) Airport site, as set out in clause 14 of Schedule 1 to the principal Regulations, by correcting the description of land already part of the Melbourne (Tullamarine) Airport site.

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.

MICHAEL MCCORMACK

Deputy Prime Minister and Minister for Infrastructure, Transport and Regional
Development