



Airports (On-Airport Activities Administration) Validation Act 2010

No. 80, 2010

**An Act to provide certainty about the validity of
certain airport matters, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 80, 2010

An Act to provide certainty about the validity of certain airport matters, and for related purposes

[Assented to 29 June 2010]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Airports (On-Airport Activities
Administration) Validation Act 2010*.

2 Commencement

This Act commences on the day this Act receives the Royal Assent.

3 Validation of issue of infringement notices

- (1) This section applies in relation to a notice purportedly issued, before the commencement of this section, as an infringement notice for an infringement notice offence under the *Airports (Control of On-Airport Activities) Regulations 1997* to the extent that, apart from this section, the notice would not be valid or effective as an infringement notice because:
 - (a) the notice was issued by a person who was not appointed, or was not validly appointed, as an authorised person for the purpose of the provision of the regulations that creates the offence; or
 - (b) a thing did not, or could not, happen as required by the *Airports (Control of On-Airport Activities) Regulations 1997* because the person was not appointed, or was not validly appointed, as such an authorised person.
- (2) Subject to subsection (3), the notice is as valid and effective, and is taken always to have been as valid and effective, as an infringement notice, as it would have been if:
 - (a) the person who issued the notice was validly appointed as an authorised person for the purpose of the provision concerned; and
 - (b) the thing did happen.
- (3) This section does not affect rights or liabilities arising between parties to proceedings heard and finally determined by a court on or before the commencement of this section, to the extent that those rights or liabilities arose from, or were affected by, a notice referred to in subsection (1).

4 Validation of other things done

- (1) This section applies:
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- (a) in relation to a thing done by a person before the commencement of this section:
 - (i) in the purported performance of any function; or
 - (ii) in the purported exercise of any power; of an authorised person under a provision of the *Airports (Control of On-Airport Activities) Regulations 1997* (other than regulation 145 as it applies because of section 3); and
 - (b) to the extent that the doing of the thing would, apart from this section, be invalid or ineffective because the person was not appointed, or was not validly appointed, as an authorised person for the purpose of the provision.
- (2) Subject to subsection (3), the thing done is as valid and effective, and is taken always to have been as valid and effective, as it would have been if the person who did it was validly appointed as an authorised person for the purpose of the provision concerned.
- (3) This section does not affect rights or liabilities arising between parties to proceedings heard and finally determined by a court on or before the commencement of this section, to the extent that those rights or liabilities arose from, or were affected by, a thing done by a person as described in subsection (1).

5 Extended operation of sections 3 and 4

Sections 3 and 4 apply in relation to a place that, during a period that ended before the commencement of this section, was a Commonwealth place (as defined in the *Airports Act 1996*), in the same way as they apply in relation to other places.

6 Compensation for acquisition of property

- (1) If the operation of this Act would result in an acquisition of property from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in a court of competent jurisdiction for the recovery from the

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Commonwealth of such reasonable amount of compensation as the court determines.

(3) In this section:

acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.

just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

*[Minister's second reading speech made in—
House of Representatives on 12 May 2010
Senate on 15 June 2010]*

(76/10)

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