

Airports (Control of On-Airport Activities) Amendment Regulations 1999 (No. 1) 1999 No. 77

EXPLANATORY STATEMENT

STATUTORY RULES 1999 No. 77

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. 1)

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

- (a) 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 'fine tune' the liquor regulatory regimes applying to leased Federal airports in South Australia (Adelaide and Parafield airports) and the Northern Territory (Darwin and Alice Springs airports), and will take account of significant changes to legislative arrangements for liquor control in Victoria (Melbourne, Moorabbin and Essendon airports). The amendments ensure that: liquor tenants' existing "property rights" in the form of deemed liquor licences at the above airports are maintained; and current airport operations can be maintained in an efficient and effective manner.

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 companies for Adelaide, Parafield, Darwin, Alice Springs, Melbourne, Essendon and Moorabbin airports as required under section 178 of the Act has taken place. The Regulations commenced on gazettal.

ATTACHMENT

Item 1 - Name of Regulations The Regulations are the *Airports (Control of On-Airport Activities) Amendment Regulations 1997 (No. 1)*.

Item 2 - Commencement

The Regulations commenced on gazettal.

Item 3 - Amendment

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

Schedule 1 - Amendments

Item 1 - Regulation 1.01

The Regulations are the *Airports (Control of On-Airport Activities) Regulations*. The definition reads *Airports (Control of On-Airport Activities) Regulations 1997*.

Item 2 - Subregulation 2.21 (1) (Modifications of NSW Liquor Act - Permanent)

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 3 - Subregulation 2.21 (2) (Modifications of NSW Liquor Act - Permanent)

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 4 - Subregulation 2.21A (1) (Modifications of NSW Liquor Act Transitional)

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 5 - Subregulation 2.21A (2) (Modifications of NSW Liquor Act Transitional) The reference to 'Clause 15' has been changed to 'Item 1 Y'.

Item 6 - Subregulation 2.21A (3) (Modifications of NSW Liquor Act Transitional)

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 7 - Subregulation 2.21A (5) (Modifications of NSW Liquor Act Transitional)

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 8 - Subregulation 2.21B (3) (Modifications of NSW Liquor Act - Transitional)

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 9 - Regulation 2.28 (Transitional - approval of managers)

All references to 'clause' have been amended to read 'item'.

Item 10 - Regulation 2.31 (Definitions for Division)

Under new legislation in Victoria, a Director of Liquor Licensing is replacing the Liquor Licensing Commission. The definition of 'Commission' has been replaced with a definition of 'Director'. The Victorian Government has reformed its laws on the supply and consumption of liquor and the *Liquor Control Reform Act 1998* (TCR Act) has replaced the *Liquor Control Act 1987*.

Item 10 - Regulation 2.32 (Modification of LC Act at certain airports)

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 11 - Regulation 2.33 (Transitional - existing authorities to sell liquor)

For sub-regulation 2.33(2), an existing authorisation so far as it relates to the sale or supply of duty-free liquor at Melbourne Airport has effect as a deemed packaged liquor licence for 24-hour operations under section 11 of the LCR Act.

For sub-regulation 2.33(3), an existing authorisation so far as it * applies to the use of premises for consumption on the premises at Melbourne Airport, has effect as a deemed on-premises licence for 24-hour operations under section 9 of the LCR Act.

For sub-regulation 2.33(4), an existing authorisation so far as it applies to the use of premises for the sale or supply of liquor for consumption on and off premises at Melbourne Airport, has effect as a deemed general licence for 24 hour operations under section 8 of the LCR Act.

For sub-regulation 2.33(5), an existing authorisation so far as it authorises a club to use premises for the sale or supply of liquor at Melbourne Airport, has effect as a deemed general licence for 24hour operations under section 8 of the LCR Act.

For sub-regulation 2.33(6), an existing authorisation so far as it authorises the use of premises (the primary purpose of which is the provision of accommodation) for the sale or supply of liquor at Melbourne Airport, has effect as a deemed general licence for 24 hour operations under section 8 of the LCR Act. Further, sub-regulation 2.33(7) states that a condition of this authorisation does not permit the sale of liquor for consumption off the licensed premises.

For sub-regulation 2.33(8), an existing authorisation continues to be subject to the same conditions as it was immediately before the grant of an airport lease for Melbourne Airport.

Item 12 - Regulation 2.33A (Transitional - authority for trading off-premises)

Certain of the traders with deemed Victorian liquor licences on Melbourne Airport cater for functions that are 'off-premises'. The Regulation maintains those traders' ability to sell liquor at functions they are catering to on certain airport premises not currently subject to an existing liquor authority. The traders concerned are Ansett Australia Limited and Marriott Airport Concessions Pty Ltd.

Item 12 - Regulation 2.33B (How long existng authorisation continues)

Regulation 2.37C implies that a liquor licence deemed under regulation 2.37B (ie for liquor authorisations at Moorabbin and Essendon airports) ceases when the liquor authorisation conferred in a lease or licence ceases or when the liquor licence would, expire under the Liquor Control Act. This has the effect of preventing any possibility of licensees grandfathering rights when the existing authorisations expire. Previously, there has been no such protection for Melbourne Airport and Regulation 2.33B ensures the same. Under section 50 of the LCR Act, a licence or BYO permit has effect on the day on which it was granted and continues in force until the end of the calendar year in which it is granted. The transitional provision deems pre-existing FAC liquor authorisations as State liquor licences ensuring that traders are able to continue their operations without having to seek a new licence each calendar ' year until the current existing authorisation expires. Therefore, the section does not apply to licensees with existing authorisations.

Item 12 - Regulation 2.33C (No need to renew existing authorisation)

Division 8 deals with the renewal of licences by 30 June each year. The transitional provision deems pre-existing FAC liquor authorisations as State liquor licences ensuring that traders are able to continue their operations without having to seek a new licence by 30 June each year until the current existing authorisation expires. The section does not apply to licensees with existing authorisations.

Item 13 - Subregulation 2.34 (1) (Transitional - dealing with a existing authorisation)

A reference to the *Liquor Control Reform Act 1998* is included in the Regulations (ie LCR Act). The Victorian Government has reformed its laws on the supply and consumption of liquor and the LCR Act has replaced the *Liquor Control Act 1987*.

Item 14 - Regulation 235 (Transitional - dealing with holder of existing authorisation)

A reference to the *Liquor Control Reform Act 1998* is included in the Regulations (ie LCR Act). The Victorian Government has reformed its laws on the supply and consumption of liquor and the LCR Act has replaced the *Liquor Control Act 1987*.

Item 15 - Regulation 2.36 (Transitional - holders of existing authorities to give copies of plans)

Sub-regulation 2.36 was made in mid- 1997 for Melbourne Airport so that within 6 months of commencement of the Regulations, the holders of an existing authorisation were obliged to give the Victorian Liquor Licensing Commission a copy of a plan of the premises to which the authorisation relates showing the boundaries of the premises. The sub-regulation has been repealed as the 6 months timeframe after the commencement of the regulations has long been completed.

Item 16 - Regulation 2-37 (Transitional - persons under 18 on licensed premises)

A penalty does not apply where the person on licensed premises or authorised premises under the age of 18 years is there in accordance with the conditions of the approval of the Director.

Item 17 - Regulation 2.37B (Transitional - existing authorities to sell liquor)

For sub-regulation 2.37B(2)(a), Flightdeck Sports Club Pty Ltd at Essendon Airport is deemed to hold an on-premises licence under section 9 of the LCR Act together with an ability to trade until 2am on any day of the year.

The Lone Star Steakhouse and Saloon Bar Pty Ltd (sub-regulation 2.37B(2)(b)) at Moorabbin Airport is deemed to hold an on-premises licence under section 9 of the LCR Act.

For sub-regulation 2.37B(2)(c), General Flying Services, Pty Ltd. at Moorabbin, Airport is deemed to hold a limited licence under section 14. of the LCR Act..

For the avoidance of doubt, the original sub-regulation 2.37B(2)(c) for the Moorabbin Golf Club at Moorabbin Airport has been repealed as the time limit for a deemed limited licence under the Regulations has now expired. In light of repealing subregulation 2.37B(2)(c) for the Moorabbin Golf Club, sub-regulation 2.37B(5) has been modified to remove the reference to Moorabbin Golf Club. The Royal Victorian Aero Club's (original sub-regulation 2.37B(2)(d)) regulation for Moorabbin has also been repealed as the time limit for a deemed limited licence under the Regulations has also now expired.

Item 18 - Subregulation 2.37B (4) (Transitional - existing authorities to sell liquor)

A reference to the *Liquor Control Reform Act 1998* has been included in the Regulations (ie LCR Act). The Victorian Government has reformed its laws on the supply and consumption of liquor and the LCR Act has replaced the *Liquor Control Act 1987*.

Item 19 - Subregulation 2-37B (5) (Transitional - existing authorities to sell liquor)

The Regulation has been omitted as it relates to the *Liquor Control Act 1987*. The Victorian Government has reformed its laws on the supply and consumption of liquor and the *Liquor Control Reform Act 1998* ('LCR Act') has replaced the *Liquor Control Act 1987*.

Item 20 - Regulation 2.37C (Transitional - when liquor licence ceases)

Under section 50 of the LCR Act, a licence or BYO permit has effect on the day on which it was granted and continues in force until the end of the calendar year in which it is granted. The transitional provision deems pre-existing FAC liquor authorisations as State liquor licences ensuring that those traders holding such authorisations are able to continue their operations without having to seek a new licence each year until the current existing authorisation expires. Therefore, the section should not apply to licensees with existing authorisations. Further, Division 8 deals with the renewal of licences by 30 June each year. The transitional provision deems pre-existing FAC liquor authorisations as State liquor licences ensuring that traders are able to continue their operations without having to seek a new licence by 30 June each year until the current existing authorisation expires. The section should not apply to licensees with existing authorisations.

Item 21 - Subregulation 2.37D (2) (Transitional - treatment of liquor licence)

To avoid doubt, any extended hours permit that a person is taken to hold under subregulation 2.37B(2) may be surrendered or cancelled independently of the liquor licence that the person is taken to hold.

Item 22 - Regulation 2.37E (Transitional - treatment of persons taken to hold liquor licence)

A reference to the *Liquor Control Reform Act 1998* is included in the Regulations (ie LCR Act). The Victorian Government has reformed its laws on the supply and consumption of liquor and the LCR Act has, replaced the *Liquor Control Act 1987*.

Item 21 - Subregulation 2.38 (1) (Transitional ~ treatment of persons taken to hold liquor licence to give copies of plans)

A reference to the Director of Liquor Licensing is included as the Director has replaced the Liquor Licensing Commission.

Item 24 - Subregulation 2.38 (2) (Transitional ~ treatment of persons taken to hold liquor licence to give copies of plans)

A reference to the Director of Liquor Licensing has been included as the Director has replaced the Liquor Licensing Commission.

Item 25 - Subregulation 2.42 (1) (Application of Liquor Act at certain airports in Queensland)

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 26 - Subregulation 2.42 (2) (Application of Liquor Act at certain airports in Queensland)

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 27 - Regulation 2.52 (Application of Liquor Licensing Act)

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 28 - Regulation 2.62 (Application of LL Act at Perth Airport)

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 29 - Subregulation 2.82(1) (Application of Liquor Act in ACT)

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 30 - Subregulation 2.82(2) (Application of Liquor Act in ACT)

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 31 - Regulation 2.91 (Definitions for Division - Northern Territory Airports)

The definition of the Northern Territory liquor legislation has been amended to read the 'Liquor Act'. The previous reference to the 'Liquor Act 1978' is incorrect and has now been corrected.

Item 32 - Subregulation 2.92(1) (Application of NT Liquor Act)

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 33 - Subregulation 2.92(2) (Application of NT Liquor Act)

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 34 - Regulation 4A1 (Definition of AUA)

The numbering of regulation 4.44A has been amended to read 4.44AA. This addresses a small anomaly in the numbering protocol.

Item 35 - Regulation 5.01 (Definitions for Part 5)

The order in identifying the airports subject to the Regulation has been changed to alphabetical order. Doing so has no effect on the airport operators of leased Federal airports and simplifies reference for readers of the Regulations.

Item 36 - Reading for Schedule 1, Part 1

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 37 - Heading for Schedule 1, Part 1, Division 1

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 38 - Heading for Schedule 1, Part 1, Division 1, Subdivision 1

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 39 - Heading for Schedule 1, Part 1, Division 1, Subdivision 2

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 40 - Heading for Schedule 1, Part 1, Division 2

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering. ,

Item 41 - Heading for Schedule 1, Part 1, Division 2, Subdivision 1

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 42 - Heading for Schedule 1, Part 1, Division 2, Subdivision 2

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 43 - Heading for Schedule 1, Part 1, Division 2, Subdivision 3

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 44 - 4 Schedule 1, Part 2

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

PART 2 - Modifications of the Liquor Control Reform Act

1998 (Vic) that apply to all Part 11 airports in Victoria

To take account of the new LCR Act, the Commonwealth has replaced the previous regulations.

Sub-Item 1 - Section 9 (On-premises Licence)

The Commonwealth is maintaining legislative responsibility for land-use planning and environmental matters at leased Federal airports. Therefore, the reference at sub-section 9(3) to the Victorian Planning and Environment Act 1987 is replaced with a reference to the Commonwealth Airports Act 1996.

Sub-Item 2 - Section 16 (Licence and permit condition ~ compliance with planning scheme)

The Commonwealth is maintaining legislative responsibility for land-use planning and environmental matters at leased Federal airports. Therefore, the reference at sub-section 16(1) to the Victorian *Planning and Environment Act* 1987 is replaced with a reference to the Commonwealth *Airports Act* 1996.

Sub-Item 3 - Section 28 (Form of Application)

Sub-section 28(1) c (i) states that an application for a licence or BYO permit must be accompanied by prescribed information (if any). Prescribed information relates to Victorian planning permits. As the Commonwealth is maintaining jurisdiction for planning on leased Federal airports, sub-section 28(1) c (i) does not apply to leased Federal airports in Victoria.

Sub-Item 4 - Section 28 (Form of Application)

For sub-section 28(3), the word 'other' has been deleted so that the Director may request an applicant for a licence on an airport site to give any information required for the Director's consideration of the application.

Sub-Item 5 - Section 29 (Application for variation of licence or BYO permit)

Sub-section 29(3) c (i) states that an application for a variation to a licence or BYO permit must be accompanied by prescribed information (if any). Prescribed information relates to Victorian planning permits. As the Commonwealth is maintaining jurisdiction for planning on leased Federal airports, sub-section 29(3) c (i) does not apply to such airports.

Sub-Item 6 - Section 29 (Application for variation of licence or BYO permit)

For sub-section 29(4), the word 'other' has been deleted so that the Director may request an applicant for a variation to a licence or BYO permit on an airport site to give any information required for the Director's consideration of the application.

Sub-Item 7 - Section 31 (Application for relocation of licence or BYO permit)

Sub-section 31(2) c (i) states that an application to relocate a licence or BYO permit must be accompanied by prescribed information (if any). Prescribed information relates to Victorian planning permits. As the Commonwealth is maintaining jurisdiction for planning on leased Federal airports, sub-section 31(2) c (i) does not apply to such airports.

Sub-Item 8 - Section 31 (Application for relocation of licence or BYO permit)

Sub-section 31(3) allows the Director to request an applicant for relocation of a licence or BYO permit to give any information on request.

Sub-Item 9 - Section 32 (Application for transfer of licence or BYO permit)

Sub-section 32(2) c (i) states that an application to transfer a licence or BYO permit must be accompanied by prescribed information (if any). Prescribed information relates to Victorian planning permits. As the Commonwealth is maintaining jurisdiction for planning on leased Federal airports, sub-section 32(2) c (i) does not apply for such airports.

Sub-Item 10 - Section 32 (Application for transfer of licence or BYO permit)

The word 'other' has been deleted so that the Director may request an applicant for a transfer licence on an airport site to give any information required for the Director's consideration of the application.

PART 2A - Modifications of the Liquor Control Reform Act 1998 (Vic) that apply only at Melbourne (Tullamarine) Airport

Sub-Item 1 - Section 18 (Licence and permit condition - approval of directors)

Under section 18, it is a condition of every licence that a person not be appointed as a director of a body corporate without the permission of the Director. The application of this section is not practical for airlines or any other companies that are incorporated overseas and which operate licensed facilities on Melbourne Airport. Section 18 does not apply to Melbourne Airport.

Sub-Item 2- Section 33(2) (Copy of application to be given to police and local council)

The section is modified by replacing all references to the local council with references to the airport-lessee company for Melbourne Airport. Given the scale of business at Melbourne Airport and the airport operator's role as landlord, it is more appropriate and practical for any application to be given to the airport operator on this site.

Sub-Item 3 - Section 33(3) (Copy of application to be given to police and local council)

Given the scale of business at Melbourne Airport, and the airport operator's role as landlord, it is more appropriate for the airport-operator company to receive a copy of the application in lieu of the local council.

Sub-Item 4 - Sections 34 & 35 (Public display of licence application & Advertisement of licence application)

Given the scale of business at Melbourne Airport and the airport operator's role as landlord, the airport's distance from residential and other commercial zones, and the fact that the Director and Chief Commissioner of Police are able to comment on the application, it is not considered practical to publicly display/advertise a licence application. Sections 34 and 35 therefore do not apply to Melbourne Airport.

Sub-Item 5 - Section 37 (Guidelines)

Given the proposal at sub-item 4, the requirement for the Director to issue guidelines for the display or advertisement of applications at Melbourne Airport is removed as this is not considered to be practical for the airport site.

Sub-Item 6 - Section 38 (Objection on ground of amenity)

Given the scale of business at Melbourne Airport and the airport operator's role as landlord, the airport's distance from residential and other commercial zones, and the fact that the Director and Chief Commissioner of Police are able to comment on the application, it is not considered practical, or appropriate, for any person to object on the grounds of amenity. Section 38 therefore does not apply to Melbourne Airport.

Sub-Item 7 - Section 40 (Heading - Objection by local council)

The heading is replaced to reflect the policy intentions identified at subitem 8.

Sub-Item 8 - Section 40 (Objection by airport lessee company)

The section is modified by replacing all references to the local council with references to the airport-lessee company for Melbourne Airport. Given the scale of business at Melbourne Airport and the airport operator's role as landlord, it is more appropriate and practical for any objection to be given to the airport operator on this site.

Sub-Item 9 - Section 40 (Objection by airport lessee company)

An objection can be made to the Director in writing within 21 days after the day on which a copy of the application for the grant, variation, transfer or relocation was given to the Chief Commissioner of Police under section 33 of the LCR Act.

Sub-Item 10 - Section 41 (Objection to licence by licensing inspector)

Section 41 permits a licensing inspector to object to the grant, variation, transfer or relocation of a licence on certain grounds. An objection must be made 30 days after the matter was displayed under section 34(1) of the LCR Act. Section 34(1) relates to the public display of the licence application. Section 34(1) has been disapplied in its application to Melbourne Airport (see subitem 4). The Chief Commissioner of Police has the right to object under section 33 of the LCR Act and on this basis section 41 has been disapplied.

Sub-Item 11 - Section 42 (Director may refuse to accept objection)

Sub-section 42(a) states that the Director may refuse to accept an objection if it is considered under section 38 that the person making the objection is not affected by the application. Given that section 38 will not apply to Melbourne Airport (see sub-item 6), sub-section 42(a) also does not apply.

Sub-Item 12 - Section 54 (Nominee of licensee or permittee)

Section 54 enables a body corporate to nominate a person approved by the Director to be responsible as licensee or permittee. The Commonwealth is deeming a person who manages licensed premises (or premises that are subject to an existing authorisation) on behalf of an airline or companies that are incorporated overseas to be responsible and liable under the LCR Act as licensee as if that person was approved by the Director under s. 54.

Sub-Item 13 - Section 90 (Application for inquiry)

Section 90 identifies scenarios under which certain parties, including local councils, can apply to the Liquor Tribunal to conduct an inquiry into a licensee or permittee. Given that the Chief Commissioner of Police, Director, licensing inspector and airport operator are able to apply, it is appropriate to relieve Council of this responsibility. Sub-section 90(2)(d) therefore does not apply to Melbourne Airport.

Sub-Item 14 - Section 95 (Application by others)

Under section 95, if a person, Chief Commissioner of Police, licensing inspector or Council considers that the continuation of a licence would detract from or be detrimental to the amenity of the area in which the licensed premises are situated, the person may apply to the tribunal to cancel the licence. Sub-section 95(2)(c) permitting Council to object does not apply to Melbourne Airport, given the scale of business at Melbourne Airport and the airport operators role as landlord, and the airport's distance from residential and other commercial zones.

Sub-Item 15 - Section 98 (Owners and mortgagees of licensed premises)

Under section 98, a person who is the owner or a mortgagee of licensed premises must register with the Director their name and address for services within Victoria and notify any change of address to the Director. The section is not practical in its application to the owner of Melbourne Airport and section 98 does not apply at the site.

Sub-Item 16 - Section 103 (Change of Directors)

Under section 103, if a person chooses to be a director of a body corporate that is a licensee, the licensee must notify the Director within 14 days. The section is not practical in its application to airlines or any other companies that are incorporated overseas and which operate licensed facilities on Melbourne Airport. Section 103 does not apply to these entities.

Sub-Item 17 - Section 104 (Approval of directors)

Section 104 permits the Chief Commissioner of Police to object to an application of the appointment of a director on the grounds that the person is not a suitable person to be a director. The section is not practical in its application to airlines or any other companies that are incorporated overseas and which operate licensed facilities on Melbourne Airport. Section 104 therefore does not apply to these entities.

Sub-Items 18 -20 - Section 141 (Power to serve an infringement notice)

Section 141 empowers a police officer to serve an infringement notice for an offence against section 103 of the LCR Act for failing to notify a change of director or obtaining approval of a new director. In light of the proposal to disapply section 103 (see subitem 16), sub-section 141(2)(d) is not practical in its application to airlines or any other companies that are incorporated overseas and which operate licensed facilities on Melbourne Airport.

Item 45 - Schedule 1, Part 3, Heading

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 46 - Schedule 1, Part 3, Division 3.1 Heading

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 47 - Schedule 1, Part 3, Item 4 Section 117 heading

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 48 - Schedule 1, Part 3, Division 3.2 Heading

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 49 - Schedule 1, Part 4, Heading

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 50 - Schedule 1, Part 4, Division 4.1 Heading (Modifications applicable to licensed premises in the terminal areas of an airport)

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 51 - Schedule 1, Part 4, Division 4.2 (Modifications applicable to other licensed premises at an airport)

As a part of Amendments approved by Executive Council on 21 May 1998 (ie Statutory Rule No 98) to the Regulations, the Commonwealth modified the South Australian

Liquor Licensing Act by omitting Section 68 in its application to non-terminal areas of the airports. Section 68 deals with alterations and redefinitions to licensed premises.

The Act was so modified because the Commonwealth is maintaining responsibility for planning matters. The Commonwealth acknowledges the State's policy interests in managing licensed premises on non-terminal areas, as appropriate, under the Liquor Licensing Act. Under section

68(2) of the Act, an application to alter licensed premises cannot be granted unless the Commission is satisfied that all approvals, consents or

exemptions required by law (be they Commonwealth or State law) have been obtained. On this basis, the Commonwealth has re-instated Section 68 for non-terminal areas.

Item 52 - Schedule 1, Part 7, Heading

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 53 - Schedule 1, Part 7, Division 7.1 Heading

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 54 - Schedule 1, Part 7, Division 7.2 Heading

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 55 - Schedule 1, Part 8, Heading

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 56 - Schedule 1, Part 8, Division 8.1 Heading

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 57 - Schedule 1, Part 8, Division 8.2 Heading

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 58 - Schedule 1, Part 8A, Item 5 (Objections and complaints)

As a part of the amendments made to the Regulations in May 1998 (Statutory Rule No 98), Section 48(1) and (2) of the Northern Territory *Liquor Act* were modified by omitting 'a person' and substituting 'A police officer, or the airport-operator company for the airport'. Further modification to section 48 has been made to make it clear that the Northern Territory Liquor Commission's inspectors are also able to make an objection or complaint at the leased Federal airports in the Northern Territory.

Item 59 - Schedule 1, Division headings in square brackets

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 60 - Parts of the regulations

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 61 - Division in a part

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 62 - Subdivisions in a Division

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 63 - Regulations

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 64 - Subregulations in a regulation

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 65 - Paragraphs in a regulation that is not divided into subregulations, or in a subregulation or definition

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 66 - Subparagraphs in a paragraph

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 67 - Sub-subparagraphs in a subparagraph

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 68 - Parts of Schedule 1

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 69 - Items in Schedule 1

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 70 - A reference to the item number in the number of a subitem in Schedule 1

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 71 ~ A reference to a renumbered provision

The Regulation has been renumbered and has no effect on the airport operators of leased Federal airports and is only intended to simplify reference for readers of the Regulations and correct some small anomalies in the present numbering.

Item 72 - Untitled

The note containing a reference to a provision in the regulations by number is changed

by omitting the original number and inserting the new number.