

Airports (Control of On-Airport Activities) Amendment Regulations 2000 (No. 1) 2000 No. 24

EXPLANATORY STATEMENT

STATUTORY RULES 2000 No. 24

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

Airports Act 1996

Airports (Control of On-Airport Activities) Amendment Regulations 2000 (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.

The purpose of the amending Regulations is to provide for the issue of interim liquor licences at the Sydney (Kingsford-Smith) Airport.

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 regulations to apply Part 11 of the Act to leased Federal airports. The Airports (Control of On-Airport Activities) Regulations 1997 (the 'On-Airport Regulations') provide the detail of the regulatory regime for liquor, commercial trading, vehicle movements, gambling and smoking on leased Federal airports. The On-Airport Regulations deal with arrangements for those airports sold as part of the Phase 1 and 2 sales including the Sydneybasin airports.

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.

In June 1998, the On-Airport Regulations were amended to confer on the Secretary to the Department of Transport and Regional Services, power other than a judicial power (within the meaning of Chapter III of the Constitution), in relation to Federal Airports, which had previously been conferred on the NSW Licensing Court established by the Liquor Act 1982 (NSW). This was intended as an interim measure to enable the issue of liquor licences at Sydney Airport.

Despite ongoing discussions between Commonwealth and NSW officials, it has not been possible to develop sound administrative arrangements to address the separation of powers and no new licences can currently be issued at Commonwealth airports in NSW. A long-term Commonwealth liquor control regime is currently being developed for these airports. However, it has been estimated that this will take at least six months to develop.

Over the next few months, there will be a need to issue interim licences to several new liquor concessionaires now preparing to move into new premises within the expanded International and Ansett terminals at Sydney (Kingsford-Smith) Airport. These interim licences will give the new concessionaires the confidence to finalise their upgraded premises in the lead up to the Olympic Games. With the establishment of the long-term regime these interim licences will be superseded.

The amending Regulations provide that certain specified persons (listed in the table at Regulation 13A) are deemed to have interim liquor licences and that the premises are deemed suitable, under the *Liquor Act* 1982 (NSW). Only one new business is to be listed at this time but Regulation 13A has been designed to enable further interim licences to be added by future regulatory amendment.

The amending Regulations also make a number of technical corrections to address crossreferencing errors.

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 Sydney Airport as required under section 178 of the Act has taken place.

Details of the Regulations are attached.

The Regulations commenced upon gazettal.

ATTACHMENT

Item 1- Name of Regulations

The Regulations are the *Airports (Control of On-Airport Activities) Amendment Regulations 2000 (No. 1)*.

Item 2 - Commencement

The Regulations commenced on gazettal.

Item 3 - Amendment

The Airports (Control of On-Airport Activities) Regulations 1997 are amended as set out in Schedule 1 to the Regulations.

Schedule 1 - Amendments

Item 1 - and Items 3 to 13 inclusive

These are technical corrections to regulations which address cross-referencing errors.

Item 2 - Regulation 13

Inserted into the regulations is a paragraph which complements regulations 10 to 13 in that certain persons are deemed to have on-licences (under paragraph 18(4)(g) of the Liquor Act), and further are deemed to have certificates of suitability for the premises from which they sell liquor (under section 74A of the Liquor Act). These licences do not have effect until a copy of the premises plans have been lodged with the Liquor Administration Board.