

Airports (Control of On-Airport Activities) Amendment Regulations (No. 2) 2000 No. 195

EXPLANATORY STATEMENT

STATUTORY RULES 2000 No. 195

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

Airports Act 1996

Airports (Control of On-Airport Activities) Amendment Regulations (No. 2)

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 lease to private operators.

Section 169 allows the regulations to apply Part 11 of the Act to leased 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.

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 for the airport a notice stating there is a proposal to make regulations under Part 11 affecting 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 in dealing with the proposal to make regulations. Bankstown Airport Limited and Hoxton Park Airport Limited are subsidiary companies of Sydney Airport Corporation Limited.

The Airports (Control of On-Airport Activities) Regulations 1997 ('the Regulations') provide the detail of the regulatory regime for liquor, commercial trading, vehicle movements, gambling and smoking on leased federal airports.

The purpose of the Regulations is to deal with an issue with the Burmah Fuel concessions at the Bankstown and Hoxton Park airport sites. The Department had previously indicated in writing to Burmah Fuels that its authorities to sell and supply liquor expired on 30 June 2000 and would unlikely be renewed, but through a combination of circumstances, there appears to have been a mis-communication in regard to the expiry date that has resulted in the concessionaire being caught with \$90,000 worth of unsold liquor. The concessionaire ceased liquor sales on 30 June 2000.

To avoid any adverse impact on the concessionaire before the concession agreement ends in three weeks, it is considered that the best way forward is to amend the Regulations in the form proposed.

The proposed Regulations will enable the concessionaire to trade in liquor until 31 August 2000 to enable him to wind up the liquor aspects of the business in an orderly, and timely, fashion.

Further details of the proposed amendments to the Regulations appear in the Attachment.

The Regulations commenced on gazettal.

ATTACHMENT

Item 1 - Name of Regulations

The Regulations are called the Airports (Control of On-Airport Activities) Amendment Regulations 2000 (No. 2).

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 these Regulations.

Schedule 1

Regulation 15 (Liquor authorisation formerly held by Burmah Fuels Australia Limited at Bankstown Airport)

The liquor authorisation granted to Burmah Fuels Australia Limited at Bankstown Airport will continue according to its current terms and the NSW Liquor Act will not apply. Despite the granting of the Airport Lease, the FAC By-Laws so far as they apply to the sale of liquor will continue until the regulation ceases on 31 August 2000 or when the authorisation is cancelled or surrendered.

Regulation 16 (Liquor authorisation formerly held by Burmah Fuels Australia Limited at Hoxton Park Airport)

The liquor authorisation granted to Burmah Fuels Australia Limited at Hoxton Park Airport will continue according to its current terms and the NSW Liquor Act will not apply. Despite the granting of the Airport Lease, the FAC By-Laws so far as they apply to the sale of liquor will continue until the regulation ceases on 31 August 2000 or when the authorisation is cancelled or surrendered.