

# **Airports (Control of On-Airport Activities) Amendment Regulations 2000 (No. 4) 2000 No. 340**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 2000 No. 340**

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. 4)

Section 252 of the Airports Act 1996 (the Act) provides that the Governor-General may 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 proposed Regulations is to provide for the issue of an additional interim liquor licence to a current liquor concessionaire at 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 apply at Sydney (Kingsford-Smith) 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.

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) (the Liquor Act). This was intended as an interim measure to enable the issue of liquor licences at Sydney Airport.

A long-term Commonwealth liquor control regime is currently being developed for these airports. However, it has been estimated that this will take around another six months to develop and implement.

There is a need to issue an additional interim licence to a current liquor concessionaire now preparing to move into new premises within the Domestic Express Terminal at Sydney (Kingsford-Smith) Airport, from which Impulse and Virgin Blue airlines are now operating. These interim licences will give the new concessionaires approval to commence trading. With the establishment of the long-term regime, this interim licence will be superseded.

The Regulations provide that the specified person (listed in the table at Regulation 13A) is deemed to have an interim liquor licence and that the premises are deemed suitable under the Liquor Act.

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. 4)*.

### **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 - Regulation 13A, Table 2, after item 5**

Added to Table 2 after Item 5 is an additional item which provides that Eurest (Australia) Pty Limited is deemed to have an on-licence under paragraph 18(4)(g) of the Liquor Act, and is deemed to have a certificate of suitability under section 74A of the Liquor Act for the premises from which it proposes to sell liquor. The licence does not have effect until a copy of the premises plans has been lodged with the Liquor Administration Board.