



2001B00377

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Airports (Control of On-Airport Activities) Amendment Regulations 2001 (No. 3)¹

Statutory Rules 2001 No. ²

287

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Airports Act 1996*.

Dated 27 SEP 2001 2001

PETER HOLLINGWORTH
Governor-General

By His Excellency's Command

JOHN ANDERSON
Minister for Transport and Regional Services

1 Name of Regulations

These Regulations are the *Airports (Control of On-Airport Activities) Amendment Regulations 2001 (No. 2)*.

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2 Commencement

These Regulations commence on gazettal.

3 Amendment of *Airports (Control of On-Airport Activities) Regulations 1997*

Schedule 1 amends the *Airports (Control of On-Airport Activities) Regulations 1997*.

Schedule 1 Amendments

(regulation 3)

[1] After Part 1

insert

**Part 1A Control of liquor —
airports in New South
Wales**

Division 1A.1 Preliminary

4AA Application of Part 1A

This Part applies to Sydney (Kingsford-Smith) Airport, Bankstown Airport, Camden Airport and Hoxton Park Airport.

4AB Objects of Part 1A

The objects of this Part are:

- (a) to control the sale and supply of liquor at airports to which this Part applies; and
- (b) to control the standard and use of premises on which liquor may be sold or supplied at those airports; and
- (c) to promote harm minimisation practices in connection with the sale and supply of liquor at those airports.

4AC Definitions for Part 1A

(1) In this Part:

adult means an individual who is 18 years old or older.

applicant means an applicant for a licence or sub-licence, and includes, if appropriate in the context, a person who intends to be an applicant.

conditions:

- (a) for a licence, means conditions imposed on the licence under Division 1A.2; or
- (b) for a sub-licence, means conditions applying to the sub-licence, or imposed on the sub-licence, under Division 1A.3;

and includes those conditions as varied.

control includes regulate and prohibit.

function means an event or occasion to which persons are invited by, or for, the organiser of the event or occasion.

function licence means a licence of a kind described in regulation 4AG.

general licence means a licence of a kind described in regulation 4AF.

licence means a passenger terminal licence, a general licence or a function licence.

licence number has the meaning given by subregulation 4AQ (2).

licensed premises means premises that are specified in a licence or sub-licence and, when used in relation to a particular licence or sub-licence, means the premises specified in the licence or sub-licence.

licensee means the holder of a licence.

minor means an individual who is under 18 years old.

nominee:

- (a) for a licence, means an individual who is approved as a nominee for the licence under regulation 4BC and includes, if the context permits, an alternative nominee, or another individual, who is taken to be a nominee under regulation 4BK; and
- (b) for a sub-licence, means an individual who is approved as a nominee for the sub-licence under the conditions of the sub-licence and includes, if the context permits, an alternative nominee, or another individual, who is taken to be a nominee under the conditions of the sub-licence.

passenger terminal means premises on an airport used for the arrival, departure and processing of aircraft passengers.

passenger terminal licence means a licence of a kind described in regulation 4AE.

premises includes:

- (a) land; and
- (b) a building or structure on land.

Secretary means the Secretary to the Department.

sell includes:

- (a) barter or exchange; and
- (b) offer, agree or attempt to sell; and
- (c) expose, send, forward or deliver for sale; and
- (d) cause or permit to be sold or offered for sale; and

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- (e) supply or offer, agree or attempt to supply:
- (i) in circumstances in which the supplier derives, or would be likely to derive, a direct or indirect pecuniary benefit; or
 - (ii) gratuitously, but to gain or keep custom or other commercial advantage.

sub-licence means a sub-licence granted under regulation 4BO.

sub-licensee means the holder of a sub-licence.

supply means supply whether or not for any consideration.

- (2) A reference in this Part to an airport by name is a reference to the airport site known by that name.

Division 1A.2 Liquor Licences

Subdivision 1A.2.1 Types of licence

4AD Types of licence

The following licences may be granted and held under this Part:

- (a) a passenger terminal licence;
- (b) a general licence;
- (c) a function licence.

Note Sub-licences may be granted and held under a passenger terminal licence — see regulation 4AE and Division 1A.3.

4AE Passenger terminal licence

A passenger terminal licence authorises the licensee, in accordance with this Part and the licence conditions:

- (a) to sell or supply liquor on premises in a passenger terminal on Sydney (Kingsford-Smith) Airport that is specified in the licence; and

- (b) to grant, vary and cancel a sub-licence to sell or supply liquor on premises in that passenger terminal that are specified in the sub-licence; and
- (c) to sell or supply liquor at functions on licensed premises in that passenger terminal; and
- (d) to authorise the sale or supply of liquor by persons other than the licensee at functions on licensed premises in that passenger terminal.

4AF General licence

A general licence authorises the licensee, in accordance with this Part and the licence conditions, to sell or supply liquor, on premises (not being premises in a passenger terminal on Sydney (Kingsford-Smith) Airport) specified in the licence, on an airport site specified in the licence.

4AG Function licence

A function licence authorises the licensee, in accordance with this Part and the licence conditions, to sell or supply liquor at 1 or more functions, on premises (not being premises in a passenger terminal on Sydney (Kingsford-Smith) Airport) specified in the licence that are not otherwise licensed premises, on an airport site specified in the licence.

Subdivision 1A.2.2 Licence applications and grants

4AH Applications for licence

An application for a licence must:

- (a) be made to the Secretary in a form approved by the Secretary; and
- (b) be accompanied by:
 - (i) a plan showing the premises to be licensed, in a way that clearly defines the location, limits and area of the premises; and

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- (ii) if the written consent of the airport-lessee company is required under regulation 4AO, that written consent.

Note At the time of making an application for a licence, the applicant must also nominate an individual to be the nominee — see regulation 4BA.

4AI Additional requirement for general licence — advertisement and display of application

- (1) An applicant for a general licence for premises on an airport must cause a notice of the proposed application to be published in:
 - (a) at least 1 newspaper circulating generally in New South Wales; and
 - (b) at least 1 local newspaper circulating in the area where the airport is situated.
- (2) The notice must be published:
 - (a) at least 28 days before the application is made; and
 - (b) in a manner that reasonably invites public attention to the application.
- (3) The notice must:
 - (a) include the following information:
 - (i) the name and address of the applicant;
 - (ii) the proposed location and address of the premises to be licensed;
 - (iii) the purpose of the licence, including the type of liquor trading activity proposed;
 - (iv) the proposed trading hours; and
 - (b) invite written comments from the public, to be made to the applicant within a period of 21 days before the proposed date of making the application.

- (4) The applicant must cause a copy of the notice to be displayed on the premises to be licensed, or on the site for those premises:
 - (a) during the whole of the period of 28 days immediately before the application is made; and
 - (b) in a manner that reasonably invites public attention to the application.
- (5) However, if it is not practicable to display the notice on the premises or site, the applicant may display the notice on any adjoining premises or site.

4AJ Additional information to be given to the Secretary

- (1) The applicant must give to the Secretary, at the time of making an application to which regulation 4AI applies:
 - (a) a copy of the notice as published and displayed under that regulation; and
 - (b) evidence of the publication and display of the notice in accordance with that regulation; and
 - (c) a copy of all written public comments received in response to the notice; and
 - (d) a statement signed by, or on behalf of, the applicant:
 - (i) confirming that those public comments were the only written public comments received; and
 - (ii) outlining how those public comments have been taken into account in the application.
- (2) For paragraph (1) (b), an applicant who is unable to produce evidence that a notice was displayed as required by subregulation 4AI (4), is taken to have complied with that subregulation if the applicant gives to the Secretary evidence that:
 - (a) the applicant took all reasonable steps to ensure that the notice was displayed in accordance with that subregulation; and

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- (b) the notice was so displayed for at least a part of the period mentioned in that subregulation; and
 - (c) any failure so to display the notice for the remainder of that period was not the applicant's fault.

4AK Request for information

- (1) The Secretary may ask the applicant to give further information about an application.
- (2) The Secretary may ask the applicant to provide a statutory declaration as to the accuracy of information given by the applicant.
- (3) The Secretary may request information that is relevant to the application from a Commonwealth, State or local government authority, law enforcement agency or other person.
- (4) If the applicant fails to comply with a reasonable request by the Secretary under subregulation (1) or (2) within a period of 30 days beginning on the day the request is made, the application is taken to have lapsed.

4AL Grant or refusal of licence

- (1) The Secretary must consider an application for a licence made in accordance with this Division and must either:
 - (a) grant the licence; or
 - (b) refuse to grant the licence.
- (2) If the Secretary does not grant or refuse the licence within the decision period for the application, the Secretary is taken to have granted the licence at the end of the decision period.
- (3) However, subregulation (2) does not apply to an application that lapses under subregulation 4AK (4).

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- (4) If the Secretary refuses to grant a licence, the Secretary must give to the applicant written notice of:
- (a) the refusal; and
 - (b) reasons for the refusal.
- (5) In subregulation (2):
- decision period***, for an application, means:
- (a) if information about the application is not requested under either subregulation 4AK (1) or (3) within a period of 30 days beginning on the day on which the application is received by the Secretary — that period of 30 days; and
 - (b) in any other case — the period of 30 days beginning on the day on which the last information requested under regulation 4AK is received by the Secretary.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

4AM Matters to be considered in licensing decision

- (1) In making a decision on an application the Secretary must take into account the following matters:
- (a) whether the applicant is a fit and proper person to hold a licence;
 - (b) whether the grant of a licence for the premises specified in the application would be detrimental to the amenity of the airport, or any part of the airport, on which the premises are situated;
 - (c) whether there is a demonstrated need for the activity proposed under the licence;
 - (d) whether the activity proposed under the licence would be likely to encourage the misuse or abuse of alcohol;
 - (e) if the applicant is not the airport-lessee company for the airport on which the premises are situated, the views of the airport-lessee company for the airport;

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- (f) the requirements of regulations 4AN and 4AO.
- (2) In addition to the matters mentioned in subregulation (1), the Secretary may take into account:
- (a) the views of any other person consulted about the application by the Secretary; and
 - (b) any other matter that the Secretary has reason to believe is relevant to the application.
- (3) If an applicant for a general licence is a corporation, the Secretary must apply paragraph (1) (a) to each person who is a director of the corporation as if each such person were the applicant.

Note Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

4AN General restrictions on the grant of a licence etc

- (1) A licence must not be granted to a minor.
- (2) A licence must not be granted in respect of premises used, or to be used, as a petrol station.
- (3) A licence must not be granted in respect of premises used, or to be used, primarily as a convenience store or mixed business, unless the Secretary is satisfied that:
 - (a) the premises are situated in a tourist area or another area with special needs; and
 - (b) there are not adequate existing facilities for the sale and supply of liquor in the area.
- (4) However, subregulation (3) does not apply to premises in a passenger terminal on Sydney (Kingsford-Smith) Airport.
- (5) Before making a decision under subregulation (3), the Secretary may consult on the matters mentioned in paragraphs (3) (a) and (b) with any Commonwealth, State or local government authority that the Secretary

has reason to believe has a relevant interest in those matters.

4AO Consent of airport-lessee company

- (1) A general licence or function licence in respect of premises on an airport must not be granted to an applicant who is not the airport-lessee company for the airport unless the airport-lessee company has consented in writing to the grant.
- (2) An airport-lessee company is not entitled to charge a fee for its consent under subregulation (1).

4AP Licence conditions

- (1) The Secretary may impose conditions on a licence, having regard to the objects mentioned in regulation 4AB.
- (2) Without limiting subregulation (1), conditions may relate to 1 or more of the following:
 - (a) the date of commencement of the licence;
 - (b) the location and limits of the licensed premises;
 - (c) marking the limits of the licensed premises;
 - (d) limiting or defining activities relating to the sale or supply of liquor, including:
 - (i) trading days and trading hours; and
 - (ii) the sale or supply of liquor by retail or wholesale; and
 - (iii) the sale or supply of liquor for consumption on or off the premises; and
 - (iv) the sale or supply of liquor together with the sale or supply, and consumption, of food; and
 - (v) the sale or supply of liquor at functions on the premises;
 - (e) advertising and signage;
 - (f) the presence of minors on the licensed premises;

- (g) the storage and security of liquor;
- (h) attendance at, and completion of, training courses that are relevant to activities permitted under the licence.

Note 1 An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

Note 2 Failure to comply with licence conditions is an offence (see regulation 4BU) and may result in suspension or cancellation of the licence (see regulation 4AX).

4AQ Issue of licence document

- (1) The Secretary must issue a licence document to an applicant to whom a licence is granted.
- (2) The licence document must include at least the following information:
 - (a) a unique identifying number (the *licence number*);
 - (b) the name of the licensee;
 - (c) the location of the licensed premises on the airport where they are situated;
 - (d) the name (if any) of the licensed premises;
 - (e) a plan or description of the licensed premises;
 - (f) the date of issue of the licence;
 - (g) the licence conditions.

4AR Duration of licence

- (1) A passenger terminal licence or a general licence:
 - (a) comes into force on the date stated in the licence document or, if no date is stated, the date on which the licence is granted; and
 - (b) subject to this Part, remains in force until the expiry or earlier termination of the lease or sub-lease of the airport site or part of the airport site on which the licensed premises are situated.

- (2) A function licence:
 - (a) comes into force on the date stated in the licence document or, if no date is stated, the date on which the licence is granted; and
 - (b) subject to this Part, remains in force until the earlier of:
 - (i) the end of the last trading hour permitted under the conditions of the licence; and
 - (ii) the end of the period of 1 month beginning on the day the licence comes into force.

4AS Variation of a licence on Secretary's initiative

- (1) At any time, by notice in writing to the licensee, the Secretary may vary a licence by:
 - (a) amending or revoking a licence condition; or
 - (b) imposing an additional licence condition.
- (2) However, the Secretary must not vary a licence unless:
 - (a) the licensee has contravened the Act, these Regulations or a licence condition; or
 - (b) there is reason to believe that the variation is necessary, having regard to a matter mentioned in regulation 4AM.
- (3) Before making a decision to vary a licence, the Secretary must give to the licensee:
 - (a) notice in writing of the proposed variation and the reason for the variation; and
 - (b) a reasonable opportunity to make representations about the proposed variation.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

4AT Variation of a licence on application by a licensee

- (1) A licensee may apply to the Secretary for a variation of a licence.

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- (2) An application must be in a form approved by the Secretary.
 - (3) Regulations 4AK, 4AL, 4AM (except paragraph 4AM (1) (a) and subregulation 4AM (3)), 4AN and 4AO apply to an application for a variation of a licence as they apply to an application for the grant of a licence.
 - (4) The licence conditions may be varied under this regulation in any way in which licence conditions may be varied under regulation 4AS.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under regulation 4AL, as applied by this regulation — see regulation 4CN.

4AU Additional requirement for general licence — advertisement and display of application for variation

- (1) A licensee who applies to the Secretary for approval of the variation of a general licence for premises at an airport must cause a notice of the proposed application to be published in:
 - (a) at least 1 newspaper circulating generally in New South Wales; and
 - (b) at least 1 local newspaper circulating in the area where the airport is situated.
- (2) The notice must be published:
 - (a) at least 28 days before the application is made; and
 - (b) in a manner that reasonably invites public attention to the application.
- (3) The notice must:
 - (a) include the following information:
 - (i) the name and address of the applicant;
 - (ii) the location and address of the licensed premises;

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- (iii) details of the proposed variation; and
 - (b) invite written comments from the public, to be made to the applicant within a period of 21 days before the proposed date of making the application.
- (4) Also, the applicant must cause a copy of the notice to be displayed on the premises to be licensed, or on the site for those premises:
- (a) during the whole of the period of 28 days immediately before the application is made; and
 - (b) in a manner that reasonably invites public attention to the application.
- (5) However, if it is not practicable to display the notice on the premises or site, the applicant may display the notice on any adjoining premises or site.

4AV Additional information to be given to the Secretary

- (1) The applicant must give to the Secretary, at the time of making the application to which regulation 4AU applies:
- (a) a copy of the notice as published and displayed under regulation 4AU; and
 - (b) evidence of the publication and display of the notice in accordance with that regulation; and
 - (c) a copy of all written public comments received in response to the notice given under regulation 4AU; and
 - (d) a statement signed by the applicant:
 - (i) confirming that those public comments were the only written public comments received; and
 - (ii) outlining how those public comments have been taken into account in the application.
- (2) For paragraph (1) (b), an applicant who is unable to produce evidence that a notice was displayed as

required by subregulation 4AU (4), is taken to have complied with that subregulation if the applicant gives to the Secretary evidence that:

- (a) the applicant took all reasonable steps to ensure that the notice was displayed in accordance with that subregulation; and
- (b) the notice was so displayed for at least a part of the period mentioned in that subregulation; and
- (c) any failure so to display the notice for the remainder of that period was not the applicant's fault.

4AW Transfer of licence

- (1) An application may be made to the Secretary for the transfer of a licence from the licensee to another person (the *proposed transferee*).
- (2) The application must be made jointly by the licensee and the proposed transferee in a form approved by the Secretary.
- (3) Regulations 4AK to 4AO apply to an application under this regulation as if the proposed transferee were the applicant for a licence.
- (4) On a transfer of the licence, the transferee becomes the licensee and:
 - (a) has the authority conferred by the licence on a licensee; and
 - (b) is subject to the obligations imposed on the licensee by this Part and the licence conditions.
- (5) The transfer of a licence does not affect the term of a licence.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under regulation 4AL as applied by this regulation — see regulation 4CN.

4AX Suspension or cancellation of licence

- (1) The Secretary, by notice in writing to the licensee, may suspend or cancel a licence if there is reason to believe that:
 - (a) the licensee has contravened, or permitted a contravention of, a provision of this Part or a licence condition; or
 - (b) the licensee has failed to comply with a direction given by the Secretary under regulation 4CM; or
 - (c) the licensee (or, if the licensee is a corporation and holds a general licence, a director of the licensee) is not a fit and proper person to act as a licensee in relation to the licensed premises; or
 - (d) the licensee has obtained the licence by fraud or false representation; or
 - (e) the continuation of activities permitted under the licence would be detrimental to the amenity of the airport, or any part of the airport, on which the licensed premises are situated; or
 - (f) the activities permitted under the licence are likely to encourage the misuse or abuse of alcohol; or
 - (g) there is no nominee in respect of the licence; or
 - (h) the licensee has ceased to carry on activities under the licence.
- (2) In addition, the Secretary, by notice in writing to the licensee, may suspend or cancel a passenger terminal licence if there is reason to believe that:
 - (a) a sub-licensee has conducted the business of the sub-licence in a manner that is inconsistent with the conditions of the passenger terminal licence under which the sub-licence was granted; and
 - (b) the licensee has failed to take all reasonable steps to ensure that the sub-licensee's conduct of the business is consistent with those licence conditions.
- (3) A notice under subregulation (1) or (2) must give reasons for the suspension or cancellation.

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- (4) Before making a decision about the suspension or cancellation of a licence, the Secretary must give to the licensee:
- (a) notice in writing of the ground on which the Secretary proposes to suspend or cancel the licence; and
 - (b) a reasonable opportunity to make representations about the proposed suspension or cancellation.
- (5) A notice of suspension must state that the licence is suspended:
- (a) for a period specified in the notice; or
 - (b) until the Secretary gives notice to the licensee ending the suspension.
- (6) A licence that is suspended ceases to be in force for the period of the suspension.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

4AY Surrender of licence

A licensee may surrender a licence at any time by:

- (a) giving notice in writing of the surrender to the Secretary; and
- (b) returning the licence document to the Secretary.

4AZ Register of licences

- (1) The Secretary must keep a Register of licences granted.
- (2) The Register must be maintained by electronic means.
- (3) The Register is to be made available for inspection on the Internet.

- (4) The Register must include, in respect of each licence, at least the following information:
- (a) a copy of the licence document, or the details included in it under regulation 4AQ;
 - (b) the name of the nominee;
 - (c) if the licensee is a corporation and holds a general licence, the names of the directors of the corporation.

Subdivision 1A.2.3 Nominees

4BA Nomination of individual to be nominee

- (1) An applicant for a licence must nominate an individual to be the nominee for the licence.
- (2) In addition to the nominee, an applicant must nominate an individual to be the alternative nominee for the licence.
- (3) Nominations under subregulations (1) and (2) must be made to the Secretary in writing at the same time as the application for the licence.

4BB Request for information about nomination

- (1) The Secretary may ask the applicant to give further information about a nomination.
- (2) The Secretary may ask the applicant to provide a statutory declaration as to the accuracy of information given by the applicant.
- (3) Also, the Secretary may request information that is relevant to the nomination from a Commonwealth, State or local government authority, law enforcement agency or other person.

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- (4) If the applicant fails to comply with a reasonable request by the Secretary under subregulation (1) or (2) within a period of 30 days beginning on the day the request is made, the nomination is taken to have lapsed.

4BC Approval of nominee

- (1) The Secretary must consider a nomination made in accordance with this Division and must either:
- (a) approve the nomination; or
 - (b) approve the nomination subject to conditions imposed under regulation 4BE; or
 - (c) refuse to approve the nomination.
- (2) If the Secretary does not approve or refuse to approve the nomination within the decision period for the nomination, the Secretary is taken to have approved the nomination at the end of the decision period.
- (3) However, subregulation (2) does not apply to a nomination which lapses under subregulation 4BB (4).
- (4) If the Secretary refuses to approve a nomination, the Secretary must give to the applicant written notice of:
- (a) the refusal; and
 - (b) reasons for the refusal.
- (5) In subregulation (2):
- decision period***, for a nomination, means:
- (a) if information about the nomination is not requested under either subregulation 4BB (1) or (3) within a period of 30 days beginning on the day on which the nomination is received by the Secretary — that period of 30 days; and

- (b) in any other case — 30 days beginning on the day on which the last information requested under regulation 4BB is received by the Secretary.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

4BD Matters to be considered in decision on nominee

- (1) In making a decision about a nomination the Secretary must take into account:
- (a) whether the nominee or alternative nominee is a fit and proper person to act as a nominee or alternative nominee; and
 - (b) whether the nominee or alternative nominee is reasonably able to discharge the responsibilities of the licensee under the licence.
- (2) In addition to the matters mentioned in subregulation (1), the Secretary may take into account:
- (a) the views of any other person consulted about the nomination by the Secretary; and
 - (b) any other matter that the Secretary has reason to believe is relevant to the nomination.
- (3) The Secretary must not approve the nomination of a minor to be the nominee or alternative nominee.

Note Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

4BE Conditions of approval of nominee

- (1) The Secretary may impose conditions, in writing, on the approval of a nominee or alternative nominee.

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- (2) Without limiting subregulation (1), the conditions may include a requirement that the nominee or alternative nominee attend and complete a training course that is relevant to the responsibilities of a nominee under the licence.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

4BF Responsibility of nominee

- (1) In the conduct of business on licensed premises, the nominee for the licence:
- (a) is responsible for ensuring that liquor is sold or supplied on the premises only in accordance with the licence and licence conditions; and
 - (b) is subject to the obligations imposed by this Part on the licensee; and
 - (c) is liable as a licensee for any failure to perform any obligation mentioned in paragraph (b).
- (2) Despite subregulation (1), a nominee is not responsible or liable if:
- (a) a sub-licensee has conducted the business of the sub-licence in a manner that is inconsistent with the conditions of the passenger terminal licence under which the sub-licence was granted; and
 - (b) the nominee has taken all reasonable steps to ensure that the sub-licensee's conduct of the business is consistent with those licence conditions.
- (3) A nominee's liability under paragraph (1)(c) for a failure to perform an obligation does not affect the liability of the licensee for that failure.

4BG Duration of approval

Subject to regulation 4BK, the approval of a nominee or alternative nominee for a licence remains in force until any of the following events occurs:

- (a) the approval is suspended or withdrawn under regulation 4BH;
- (b) the nominee or alternative nominee withdraws from the position of nominee or alternative nominee under regulation 4BI;
- (c) the nominee or alternative nominee is replaced under regulation 4BJ;
- (d) the licence ceases to be in force and is not renewed.

4BH Suspension or withdrawal of approval of nominee

- (1) By notice in writing to the licensee and to the nominee, the Secretary may suspend or withdraw the approval of a nominee or alternative nominee for a licence if there is reason to believe that:
 - (a) the nominee or alternative nominee has failed to comply with a licence condition or a condition of approval of the nomination; or
 - (b) the nominee or alternative nominee is not a fit and proper person to act as a nominee or alternative nominee; or
 - (c) the nominee or alternative nominee is not reasonably able to discharge the responsibilities of the licensee under the licence.
- (2) Before making a decision about suspending or withdrawing the approval of a nominee or alternative nominee, the Secretary must give to the nominee or alternative nominee:
 - (a) notice in writing of the grounds on which the Secretary proposes to suspend or withdraw the approval; and

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- (b) a reasonable opportunity to make representations about the proposed suspension or withdrawal of approval.
 - (3) A notice of suspension or withdrawal of approval must give reasons for the suspension or withdrawal.
 - (4) The Secretary, in a notice of suspension of approval, may impose a condition that the licensee must comply with for the suspension to cease under subregulation (5).
 - (5) The suspension of approval of a nominee or alternative nominee ceases:
 - (a) if a condition is imposed under subregulation (4) — when the Secretary notifies the licensee in writing that the condition has been complied with; and
 - (b) in any other case — at the end of the later of:
 - (i) the period of 14 days beginning on the day on which the suspension is notified; and
 - (ii) the period (if any) specified in the notice.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

4BI Withdrawal by nominee

A nominee or alternative nominee may withdraw from the position of nominee or alternative nominee at any time by giving notice in writing of the withdrawal to the licensee and to the Secretary.

4BJ Change of nominee

- (1) A licensee at any time may nominate an individual to replace the existing nominee or alternative nominee in respect of the licence.
- (2) The nomination must be made to the Secretary in a form approved by the Secretary.

- (3) Regulations 4BB to 4BE apply to a nomination under this regulation as they apply to a nomination under regulation 4BA.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under regulation 4BC or 4BE, as applied by this regulation — see regulation 4CN.

4BK Temporary absence of nominee

- (1) This regulation applies if a nominee in respect of a licence is, or is likely to be, absent from the licensed premises for a continuous period of more than 28 days (the *absence period*).
- (2) If there is an alternative nominee, and the alternative nominee is able to discharge the responsibilities of the licensee for the absence period, the alternative nominee is taken to be the nominee for the absence period.
- (3) If there is no alternative nominee, or the alternative nominee is not able to discharge the responsibilities of the licensee for the absence period, the licensee must nominate, by writing to the Secretary, an adult who is reasonably able to discharge the responsibilities of the licensee under the licence to be the nominee for the absence period.
- (4) On receipt by the Secretary of a nomination in accordance with subregulation (3), the nominated individual is taken to be the nominee for the absence period.

Subdivision 1A.2.4 Compliance returns

4BL Compliance returns

- (1) A licensee must give to the Secretary, within 1 month after the end of each year, a return relating to the activities of the licensee under this Part during that year.

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- (2) Without limiting subregulation (1), the return must include the following:
- (a) a list of sub-licences in force for the whole or part of the year, including sub-licences suspended or cancelled during the year;
 - (b) a list of the names of nominees for sub-licences having nominees;
 - (c) for a licensee that is a corporation — a list of the persons who are, at the time of giving the return, directors of the corporation;
 - (d) details of any offences under this Part committed by the licensee, sub-licensees, or nominees, during the year, together with details of the steps (if any) taken by licensees or sub-licensees to prevent the recurrence of such offences and the extent to which the steps taken were effective.

Penalty: 10 penalty units.

Division 1A.3 Sub-licences

4BM Interpretation for Division 1A.3

In this Part:

licensee, in relation to a sub-licence, means the licensee who is the holder of the passenger terminal licence under which the sub-licence is, or is to be, granted.

4BN Authority of sub-licence

A sub-licence authorises the sub-licensee, in accordance with this Part and the conditions of the passenger terminal licence and the sub-licence, to sell or supply liquor on premises specified in the sub-licence in a passenger terminal on Sydney (Kingsford-Smith) Airport specified in the licence.

4BO Grant etc of sub-licence

- (1) A person may apply to a licensee who holds a passenger terminal licence for a passenger terminal on Sydney (Kingsford-Smith) Airport for a sub-licence in respect of premises in the passenger terminal.
- (2) The licensee:
 - (a) may grant the sub-licence, subject to conditions imposed by the licensee, or refuse to grant the sub-licence; and
 - (b) if the sub-licence is granted, may renew, transfer, vary, suspend or cancel the sub-licence.
- (3) If the licensee:
 - (a) refuses to grant, renew or transfer a sub-licence; or
 - (b) varies, suspends or cancels a sub-licence;the licensee must give to the applicant written notice of the decision and of the reasons for the decision.

Note An application may be made to the Secretary for a review of a decision by a licensee under this regulation — see regulation 4CM.

4BP Guidelines for sub-licences

- (1) The Secretary may issue written guidelines to licensees in relation to:
 - (a) the grant of sub-licences; and
 - (b) the duration, renewal, transfer, variation, suspension or cancellation of sub-licences; and
 - (c) the conditions (including conditions as to nominees) to be imposed on sub-licences; and
 - (d) the administration of sub-licences generally.
- (2) A licensee must have regard to guidelines issued by the Secretary in making decisions about sub-licences.

4BQ Licensee not to charge fees etc

A licensee must not impose a fee or charge on any person in connection with:

- (a) an application for a sub-licence; or
- (b) the grant, renewal, transfer, variation, surrender, suspension or cancellation of a sub-licence; or
- (c) any other matter relating to the administration of sub-licences.

4BR Suspension or cancellation of sub-licence by Secretary

- (1) The Secretary, by notice in writing to the sub-licensee and to the licensee, may suspend or cancel a sub-licence if there is reason to believe that:
 - (a) the sub-licensee has conducted its business in a manner that is inconsistent with the conditions of the passenger terminal licence under which the sub-licence was granted; and
 - (b) the licensee has failed to take all reasonable steps to ensure that the sub-licensee's conduct of its business is consistent with those licence conditions.
- (2) A notice under subregulation (1) must give reasons for the suspension or cancellation.
- (3) Before making a decision about the suspension or cancellation of a sub-licence, the Secretary must give to the sub-licencee and the licensee:
 - (a) notice in writing of the grounds for the proposed suspension or cancellation; and
 - (b) a reasonable opportunity to make representations about the proposed suspension or cancellation.
- (4) Nothing in this regulation affects the power of a licensee under regulation 4BO to suspend or cancel a sub-licence.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

4BS Effect of cancellation etc of passenger terminal licence on sub-licences

- (1) On the cancellation of a passenger terminal licence under regulation 4AX:
 - (a) each sub-licence granted under the licence and in force immediately before the cancellation ceases to be in force; and
 - (b) each sub- licensee is taken to be the holder of a general licence, subject to this Part, on the same terms, and subject to the same conditions, as the sub-licence.
- (2) On the suspension of a passenger terminal licence under regulation 4AX:
 - (a) each sub-licence granted under the licence and in force immediately before the suspension ceases to be in force for the period of the suspension; and
 - (b) each sub- licensee is taken to be the holder of a general licence for that period, subject to this Part, on the same terms, and subject to the same conditions, as the sub-licence.
- (3) On the surrender of a passenger terminal licence under regulation 4AY:
 - (a) each sub-licence granted under the licence and in force immediately before the surrender ceases to be in force; and
 - (b) each sub- licensee is taken to be the holder of a general licence, subject to this Part, on the same terms, and subject to the same conditions, as the sub-licence for a period of 90 days commencing on the day on which the surrender takes effect (the *surrender day*).
- (4) However, if within a period of 60 days commencing on the surrender day the sub- licensee applies under this

Part for a general licence to replace the sub-licence, the sub- licensee is taken to be the holder of a general licence, subject to this Part, on the same terms, and subject to the same conditions, as the sub-licence until the application for a general licence is finally determined.

Division 1A.4 Enforcement

Subdivision 1A.4.1 Offences relating to the supply or consumption of liquor etc

4BT Supply of liquor without a licence etc

- (1) A person who is not:
- (a) a licensee or sub- licensee; or
 - (b) acting on behalf of a licensee or sub- licensee;
- must not sell or supply, or permit the sale or supply of, liquor at an airport.

Penalty: 20 penalty units.

- (2) An offence against subregulation (1) is:
- (a) a strict liability offence; and
 - (b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

4BU Supply of liquor in contravention of a licence etc

- (1) A licensee, sub- licensee or nominee must not sell or supply, or permit the sale or supply of, liquor at an airport in contravention of a condition of the licence or sub- licence.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is:
- (a) a strict liability offence; and

- (b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

4BV Supply of liquor to intoxicated persons

- (1) A person must not sell or supply liquor at an airport to another person who is intoxicated.

Penalty:

- (a) if the offender is a licensee, sub-licensee, nominee or corporation — 50 penalty units; and
(b) in any other case — 5 penalty units.
- (2) An offence against subregulation (1) is:
- (a) a strict liability offence; and
(b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

4BW Supply of liquor to minors

- (1) A person must not sell or supply liquor at an airport to a minor.

Penalty:

- (a) if the offender is a licensee, sub-licensee, nominee or corporation — 50 penalty units; and
(b) in any other case — 5 penalty units.
- (2) An offence against subregulation (1) is:
- (a) a strict liability offence; and
(b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

4BX Consumption of liquor by minors

- (1) A minor must not consume liquor at an airport.

Penalty: 5 penalty units.

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- (2) An offence against subregulation (1) is:
- (a) a strict liability offence; and
 - (b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

4BY False representation of age

- (1) A minor must not represent himself or herself to be an adult in order to:
- (a) acquire or consume liquor at an airport; or
 - (b) enter or remain on licensed premises at an airport in contravention of a provision of this Part or a licence condition.

Penalty: 5 penalty units.

- (2) An offence against subregulation (1) is:
- (a) a strict liability offence; and
 - (b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

4BZ Conduct causing public nuisance

- (1) A person at an airport must not:
- (a) be drunk or disorderly; or
 - (b) create a disturbance.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is:
- (a) a strict liability offence; and
 - (b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

4CA No activity permitted without nominee

- (1) A licensee must not carry on an activity under a licence without there being a nominee for the licence.

Penalty: 50 penalty units.

- (2) A sub-licensee who is required by the conditions of the sub-licence to have a nominee for the sub-licence must not carry on an activity under the sub-licence without there being a nominee for the sub-licence.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is:
- (a) a strict liability offence; and
 - (b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

4CB Display of licences and signs

- (1) A licensee must display prominently, on the licensed premises to which the licence relates, a copy of the licence document.

Penalty: 10 penalty units.

- (2) A sub-licensee must display prominently, on the licensed premises to which the sub-licence relates, a copy of the sub-licence document.

Penalty: 10 penalty units.

- (3) A licensee or sub-licensee must display prominently, on the licensed premises to which the licence or sub-licence relates, a sign that:

- (a) briefly states the effect of regulations 4BV, 4BW, 4BX, and 4BY; and
- (b) is clearly legible.

Penalty: 10 penalty units.

- (4) An offence against subregulation (1), (2) or (3) is:
- (a) a strict liability offence; and
 - (b) an infringement notice offence.

Note For infringement notice offences, see Part 7.

Subdivision 1A.4.2 Authorised officers

4CC Appointment of authorised officers

- (1) The following are authorised officers for the purposes of this Part:
 - (a) a member of the Australian Federal Police;
 - (b) a police officer of New South Wales;
 - (c) an employee of the Department who is authorised in writing by the Secretary for the purposes of this Part.
- (2) In exercising powers as an authorised officer under this Part, an authorised officer must comply with any directions of the Secretary.

4CD Identity cards

- (1) The Secretary may issue an identity card to an authorised officer who is an employee of the Department.
- (2) An identity card must:
 - (a) incorporate a recent photograph of the person to whom it is issued; and
 - (b) contain:
 - (i) the person's signature; and
 - (ii) a unique number assigned to the person by the Secretary; and
 - (c) state that the person is an authorised officer for the purposes of this Part.
- (3) A person who ceases to be an authorised officer must return his or her identity card to the Secretary as soon as practicable after ceasing to be an authorised officer.

Penalty: 1 penalty unit.

- (4) An offence against subregulation (3) is a strict liability offence.

4CE Production of identity card etc

An authorised officer who is exercising his or her powers under this Part in relation to a person must, at the request of the person, produce his or her identity card, or other identification as an authorised officer, for inspection by the person.

4CF Entering premises

An authorised officer may, for the purpose of exercising his or her powers under this Part, enter licensed premises at any time of the day or night.

4CG Requiring production of licence or approval of nominee etc

- (1) An authorised officer may require a person who appears to the authorised officer to be in control of licensed premises to produce for inspection the licence or sub-licence for the premises or the approval of the nominee for the premises.
- (2) The person must produce the licence, sub-licence or approval immediately for inspection by the authorised officer.

Penalty: 20 penalty units.
- (3) It is a defence to a prosecution for an offence mentioned in subregulation (2) if:
 - (a) at the time the authorised officer requested the person to produce the licence, sub-licence or approval, the person was not in control of the premises; or
 - (b) the person has a reasonable excuse for not producing the licence, sub-licence or approval.

4CH Ascertainment of age

For this Part, an authorised officer may request a person whom the authorised officer suspects on

reasonable grounds to be a minor and to be contravening a provision of this Part:

- (a) to state the person's age; and
- (b) to produce acceptable evidence of the person's age.

Note For acceptable evidence of age, see regulation 4CK.

4CI Requiring suspected minor to leave premises

- (1) If:
 - (a) an authorised officer requests a person whom the authorised officer suspects on reasonable grounds to be a minor and to be contravening a provision of this Part to:
 - (i) state the person's age; or
 - (ii) produce acceptable evidence of the person's age; and
 - (b) the person fails or refuses to do so;
the authorised officer may require the person to leave the premises.
- (2) If the person fails immediately to leave the premises, the authorised officer, using such force and assistance as is necessary and reasonable, may remove the person from the premises.

Subdivision 1A.4.3 General matters relating to enforcement

4CJ Suspension or cancellation of licence etc not affected by other provisions

- (1) A licence or sub-licence may be suspended or cancelled on the ground that the licensee or sub-licensee has contravened a provision of this Part, or a licence condition, even though the licensee or sub-licensee has been convicted of an offence as a result of the contravention.

- (2) A person whose licence or sub-licence has been suspended or cancelled on the ground that the person has contravened a provision of this Part, or a licence condition, may be convicted of an offence as a result of the contravention even though the licence or sub-licence has been cancelled.

4CK Acceptable evidence of age

For this Part, acceptable evidence of a person's age is a document that:

- (a) is:
- (i) a proof of age card issued to the person by an agency of a State or Territory; or
 - (ii) a motor vehicle driver's or rider's licence or permit issued to the person under a law of a State or Territory; or
 - (iii) an Australian or foreign passport issued to the person; and
- (b) bears a photograph of the person; and
- (c) indicates, by reference to the person's date of birth or otherwise, that the person has attained a particular age.

4CL Entry by licensee on premises of sub-licensee

- (1) An authorised employee of a licensee who holds a passenger terminal licence may enter the licensed premises of a sub-licensee of the licensee:
- (a) at any time of the day or night:
- (i) with the consent of the sub-licensee; or
 - (ii) for the purpose of protecting persons or property, if there is an emergency at the passenger terminal; or
- (b) at any reasonable time of the day or night, for the purpose of observing whether the sub-licensee is complying with this Part and the licence conditions.

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- (2) An authorised employee who is exercising his or her power under paragraph (1) (b) in relation to licensed premises must, at the request of the sub-licencee or nominee of the premises, produce his or her authorisation under this regulation for inspection by the sub-licencee or nominee.
 - (3) Nothing in this regulation is intended to derogate from, or affect:
 - (a) any power of entry given to an authorised officer under Subdivision 1A.4.2; or
 - (b) any right of entry given under a lease, sub-lease, licence or sub-licence.
 - (4) In this regulation:

authorised employee, of a licensee, means an employee of the licensee who is authorised, in writing, for this regulation by the licensee.

Division 1A.5 Miscellaneous

Subdivision 1A.5.1 Administrative review

4CM Review by Secretary

- (1) A person whose interests are affected by a decision of a licensee in relation to the grant, variation, renewal, transfer, conditions, suspension or cancellation of a sub-licence may apply to the Secretary for a review of the decision.
- (2) An application must:
 - (a) be in writing; and
 - (b) set out the reasons for making the application; and
 - (c) be received at the office of the Secretary within 28 days after the day when the person became aware of the licensee's decision.

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- (3) Within 45 days after receiving an application under subregulation (1), the Secretary must review the licensee's decision and must make a decision:
- (a) confirming the licensee's decision; or
 - (b) revoking the licensee's decision; or
 - (c) in substitution for the licensee's decision, whether or not in the same terms as the licensee's decision.
- (4) Before making a decision under subregulation (3), the Secretary must give to the applicant and to the licensee a reasonable opportunity to make representations about the licensee's decision.
- (5) The Secretary must give to the applicant and to the licensee written notice of:
- (a) the Secretary's decision under subregulation (3); and
 - (b) the reasons for the decision.
- (6) The Secretary may give a direction, in writing, to the licensee for the implementation of the Secretary's decision.

Examples

The Secretary may direct that a sub-licence:

- be granted, or not be granted, to an applicant; or
- be transferred, or not be transferred, to an applicant; or
- be renewed, or not be renewed.

- (7) A direction under subregulation (6) must specify a reasonable period within which the licensee must comply with the direction.
- (8) The Secretary must give a copy of a direction under subregulation (6) to the applicant.

Note An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Secretary under this regulation — see regulation 4CN.

4CN Review by Administrative Appeals Tribunal

- (1) An application may be made to the Administrative Appeals Tribunal for review of a decision of the Secretary:
 - (a) to refuse to grant a licence under regulation 4AL; or
 - (b) to impose a licence condition under regulation 4AP; or
 - (c) to vary a licence under regulation 4AS; or
 - (d) to refuse to vary a licence under regulation 4AT; or
 - (e) to refuse to transfer a licence under regulation 4AW; or
 - (f) to suspend or cancel a licence under regulation 4AX; or
 - (g) to refuse to approve the nomination of a nominee or alternative nominee under regulation 4BC, or to approve a nominee or alternative nominee subject to conditions under regulation 4BE; or
 - (h) to suspend or withdraw the approval of a nominee or alternative nominee under regulation 4BH; or
 - (i) to suspend or cancel a sub-licence under regulation 4BR.
- (2) An application may be made to the Administrative Appeals Tribunal for review of a decision or direction of the Secretary under regulation 4CM.

Subdivision 1A.5.2 General**4CO Electronic applications etc**

An approval by the Secretary of a form of application, notice or other document may require or permit the application, notice or document to be given on a specified kind of data processing device, or by way of electronic transmission, in accordance with specified software requirements.

4CP Information on directors of a corporation holding a general licence

- (1) This regulation applies to a licensee that is a corporation and holds a general licence.
- (2) A licensee to which this regulation applies must give notice in writing to the Secretary of the appointment or cessation of a person as a director of the corporation within 14 days after the day on which the appointment or cessation takes effect.

Penalty: 10 penalty units.

- (3) The Secretary may, by notice in writing to a licensee to which this regulation applies, require the licensee to give to the Secretary, within a reasonable period specified in the notice, an up-to-date list of the persons who are directors of the licensee.
- (4) A licensee who is given a notice in accordance with subregulation (3) must comply with the notice.

Penalty: 10 penalty units.

- (5) An offence against subregulation (2) or (4) is a strict liability offence.

4CQ Service of documents by Secretary

For this Part, unless the contrary intention appears, a notice or other document required or permitted to be given by the Secretary to a person is taken to be given:

- (a) in the case of service otherwise than by post on an individual — on the day on which the notice or other document is delivered to:
 - (i) the individual in person; or
 - (ii) if the individual has given an address for service to the Secretary — that address for service; or
 - (iii) the individual's last address known to the Secretary; or

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- (b) in the case of service otherwise than by post on a corporation — on the day on which the notice or other document is delivered to:
- (i) the registered office of the corporation; or
 - (ii) if the individual has given an address for service to the Secretary — that address for service; or
- (c) in the case of service by post — on the day on which the notice or other document would ordinarily be delivered in the due course of post or, if it is established that it was delivered on a later day, on that later day.

Subdivision 1A.5.3 Transitional

4CR Definitions for Subdivision 1A.5.3

In this Subdivision:

Liquor Act means the *Liquor Act 1982* of New South Wales.

liquor licence, for premises, means a licence for the premises under the Liquor Act.

4CS References to repealed regulations

A reference in this Subdivision to a provision of these Regulations (other than a reference to a provision in this Part) is a reference to that provision as in force immediately before the commencement of this regulation.

4CT Transitional — existing liquor licences etc

- (1) Subject to subregulation (2), on the commencement of this regulation, a person who, immediately before that commencement, was the holder of a liquor licence that, under regulation 10, was taken to have been granted for premises in the international passenger terminal on Sydney (Kingsford-Smith) Airport, is taken to be granted a sub-licence for those premises by the holder

of the passenger terminal licence for the international passenger terminal.

- (2) Subregulation (1) does not apply to a person mentioned in item 9 or 13 of Table 1 in subregulation 10 (1).
- (3) On the commencement of this regulation, a person who, immediately before that commencement, was the holder of a liquor licence that, under regulation 11, was taken to have been granted for premises in a domestic passenger terminal on Sydney (Kingsford-Smith) Airport, is taken to be granted a passenger terminal licence for premises in that passenger terminal.
- (4) On the commencement of this regulation, a person who, immediately before that commencement, was the holder of a liquor licence that, under regulation 12, was taken to have been granted for premises on Sydney (Kingsford-Smith) Airport, is taken to be granted a general licence for those premises.
- (5) On the commencement of this regulation, the person who, immediately before that commencement, was the holder of a liquor licence that, under regulation 13, was taken to have been granted for premises on Sydney (Kingsford-Smith) Airport, is taken to be granted a general licence for those premises.
- (6) On the commencement of this regulation, a person who, immediately before that commencement, was the holder of a liquor licence that, under regulation 13A, was taken to have been granted for premises in a passenger terminal on Sydney (Kingsford-Smith) Airport, is taken to be granted a sub-licence for those premises by the holder of the passenger terminal licence for the passenger terminal.
- (7) On the commencement of this regulation, the person who, immediately before that commencement, was the holder of the liquor licence mentioned in regulation 13B for premises in the international passenger terminal on Sydney (Kingsford-Smith) Airport, is

taken to be granted a sub-licence for those premises by the holder of the passenger terminal licence for the international passenger terminal.

- (8) On the commencement of this regulation, a person who, immediately before that commencement, was the holder of a liquor licence that, under regulation 14, was taken to have been granted for premises on Bankstown Airport, is taken to be granted a general licence for those premises.
- (9) On the commencement of this regulation, Sydney Airports Corporation Limited is taken to be granted:
 - (a) a passenger terminal licence for premises in the international passenger terminal on Sydney (Kingsford-Smith) Airport; and
 - (b) a passenger terminal licence for premises in the Domestic Express passenger terminal on Sydney (Kingsford-Smith) Airport.

4CU Transitional — licence conditions

- (1) Subject to subregulations (2), (3), (4) and (5), a licence or sub-licence that, under regulation 4CT, is taken to be granted to a person for premises on an airport is taken to be subject to the same conditions (if any) as was the liquor licence for those premises held by the person immediately before the commencement of that regulation.
- (2) Despite subregulation (1), a requirement of a condition of a licence or sub-licence that a licensee or sub-licensee must consult, or seek approval from, a State or local government authority, or law enforcement agency (other than the police in an area where the airport is situated) in respect of a matter, is taken to be a requirement to consult, or seek approval from, the Secretary in respect of the matter.
- (3) A passenger terminal licence that, under subregulation 4CT (3) or (9), is taken to be granted to a person, is

subject to the conditions (if any) imposed on the licence under regulation 4AP.

- (4) The general licence taken to be granted under subregulation 4CT (5) ceases (unless earlier cancelled or surrendered) on the date on which the liquor licence taken to have been granted under regulation 13 would have ceased if that regulation and subregulation 17 (2) had not been repealed.
- (5) Nothing in this regulation prevents:
 - (a) the Secretary, in the case of a general licence; or
 - (b) the holder of a passenger terminal licence, in the case of a sub-licence for premises in the terminal;from varying the conditions of the general licence or sub-licence in accordance with this Part for the purposes of ensuring or enabling compliance with the provisions of this Part by the holder of the passenger terminal licence, general licence or sub-licence.

4CV Transitional — approval of nominees

- (1) This regulation applies to premises mentioned in this Subdivision that:
 - (a) immediately before the commencement of this regulation were premises licensed under the Liquor Act; and
 - (b) on the commencement of this regulation are licensed premises under this Part.
- (2) On the commencement of this regulation, a person who, immediately before that commencement, was an approved manager of premises to which this regulation applies, is taken to be the nominee in respect of those premises.
- (3) In subregulation (2):

approved manager, of premises licensed under the Liquor Act, means a manager approved to manage those premises under Division 8A of Part 3 of the Liquor Act.

[2] Part 2, heading*substitute***Part 2****Control of liquor —
airports not in New
South Wales****[3] Part 2, Division 2***omit***[4] Schedule 1, Parts 1, 2, 3, 4 and 5***omit***Notes**

1. These Regulations amend Statutory Rules 1997 No. 57, as amended by 1997 Nos. 105 and 178; 1998 Nos. 98, 118 and 207; 1999 Nos. 77, 290 and 291; 2000 Nos. 24, 195, 250 and 340; 2001 Nos. 146 and 170.
2. Notified in the *Commonwealth of Australia Gazette* on *5* 2001. *5 October*