



Airports Legislation Amendment Regulations 2009 (No. 1)¹

Select Legislative Instrument 2009 No. 43

I, QUENTIN BRYCE, 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 13 March 2009

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

ANTHONY ALBANESE
Minister for Infrastructure, Transport, Regional Development
and Local Government

Contents

1	Name of Regulations	3
2	Commencement	3
3	Amendment of <i>Airports Regulations 1997</i>	3
4	Amendment of <i>Airports (Building Control) Regulations 1996</i>	3
5	Amendment of <i>Airports (Control of On-Airport Activities) Regulations 1997</i>	3
6	Amendment of <i>Airports (Environment Protection) Regulations 1997</i>	3
7	Transitional for amendment of <i>Airports (Control of On-Airport Activities) Regulations 1997</i> — undetermined applications for ADAs and AUAs	4
Schedule 1	Amendments of <i>Airports Regulations 1997</i>	5
Schedule 2	Amendments of <i>Airports (Building Control) Regulations 1996</i>	10
Schedule 3	Amendments of <i>Airports (Control of On-Airport Activities) Regulations 1997</i>	14
Schedule 4	Amendments of <i>Airports (Environment Protection) Regulations 1997</i>	18

1 Name of Regulations

These Regulations are the *Airports Legislation Amendment Regulations 2009 (No. 1)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Airports Regulations 1997*

Schedule 1 amends the *Airports Regulations 1997*.

4 Amendment of *Airports (Building Control) Regulations 1996*

Schedule 2 amends the *Airports (Building Control) Regulations 1996*.

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

Schedule 3 amends the *Airports (Control of On-Airport Activities) Regulations 1997*.

6 Amendment of *Airports (Environment Protection) Regulations 1997*

Schedule 4 amends the *Airports (Environment Protection) Regulations 1997*.

7 Transitional for amendment of Airports (Control of On-Airport Activities) Regulations 1997 — undetermined applications for ADAs and AUAs

(1) If:

- (a) an application for an ADA was made under subregulation 125 (1) of the *Airports (Control of On-Airport Activities) Regulations 1997* before the commencement of these Regulations; and
- (b) the airport-operator company or approved issuing authority did not make a decision on the application before the commencement of these Regulations;

then subregulations 125 (2) and (3) of the *Airports (Control of On-Airport Activities) Regulations 1997*, as in force immediately before the commencement of these Regulations, apply to the application.

(2) If:

- (a) an application for an AUA was made under subregulation 127 (1) of the *Airports (Control of On-Airport Activities) Regulations 1997* before the commencement of these Regulations; and
- (b) the airport-operator company or approved issuing authority did not make a decision on the application before the commencement of these Regulations;

then subregulations 127 (2) and (3) of the *Airports (Control of On-Airport Activities) Regulations 1997*, as in force immediately before the commencement of these Regulations, apply to the application.

**Schedule 1 Amendments of *Airports
Regulations 1997***
(regulation 3)

[1] Paragraph 1.03 (1) (f)

omit

[2] After paragraph 1.03 (1) (h)

insert

(ha) Gold Coast Airport — that is, the place made up of the land described in Part 1.8A of that Schedule;

[3] Paragraph 1.03 (1) (ia)

omit

[4] Paragraph 2.01A (ba)

omit

[5] Subregulation 3.23 (2)

omit

For section 60 of the Act, within 14 days

insert

For section 60 of the Act and subject to subregulation (2A), within 30 business days

[6] After subregulation 3.23 (2)*insert*

- (2A) An airport-operator company may, in writing, ask the Minister for more than 30 business days to give the Minister the declaration or written return required under subregulation (2).
- (2B) The request must specify the number of additional days required.
- (2C) The Minister may, in writing, on his or her own initiative or on a written request by an airport-operator company, allow the airport-operator company more than 30 business days to give a declaration or written return as required under subregulation (2).

[7] Paragraph 5.02 (1) (b)*omit*

Airports (Environment Protection) Regulations

*insert**Airports (Environment Protection) Regulations 1997***[8] Paragraph 5.02 (3) (b)***omit*

the Transitional Act; and

insert

the Transitional Act.

[9] Paragraph 5.02 (3) (c)*omit***[10] Regulation 5.02A***omit*

[11] Paragraph 8.01 (2) (d)

omit

[12] After paragraph 8.01 (2) (e)

insert

(ea) Gold Coast Airport;

[13] Paragraph 12.01 (ba)

omit

[14] Schedule 1, Part 1.6

omit

[15] Schedule 1, after Part 1.8

insert

Part 1.8A Gold Coast Airport

The land in:

- (a) the following Queensland certificates of title:
 - (i) 17457085;
 - (ii) 18265246;
 - (iii) 18287103
- (b) the following New South Wales certificates of title:
 - (i) folio identifier 2/535537;
 - (ii) folio identifier 1/582467

Note A fuller description of the land is given in the Note at the end of this Schedule.

[16] Schedule 1, Part 1.9A

omit

**[17] Schedule 1, Note at the end of the Schedule,
Coolangatta Airport table**

omit

**[18] Schedule 1, Note at the end of the Schedule, after
Essendon Airport table**

insert

Gold Coast Airport:

Queensland:	
Title reference	
17457085	Lot 1 RP 225692, County of Ward, Parish of Tallebudgera
18265246	Lot 222 RP 839951, County of Ward, Parish of Tallebudgera
18287103	Lot 5 RP 839952, County of Ward, Parish of Tallebudgera
New South Wales:	
Folio identifier	
2/535537	Lot 2 in Deposited Plan 535537, County of Rous, Parish of Terranora
1/582467	Lot 1 in Deposited Plan 582467, County of Rous, Parish of Terranora

[19] Schedule 2, Part 2, heading

substitute

**Part 2 Adelaide, Alice Springs, Canberra,
Darwin, Gold Coast, Hobart, Launceston
and Townsville Airports**

[20] Schedule 3, Part 2, heading

substitute

**Part 2 Adelaide, Alice Springs, Canberra,
Darwin, Gold Coast, Hobart, Launceston
and Townsville Airports**

Schedule 2 Amendments of *Airports (Building Control) Regulations 1996*

(regulation 4)

[1] After paragraph 2.05 (1) (c)

insert

- (ca) if the proposed building activity is not, or does not comprise part of, a major airport development — a statement to that effect; and
- (cb) if the proposed building activity is, or comprises part of, a draft major development plan — a statement to that effect; and

[2] Subregulation 2.05 (2), including the note

substitute

- (2) If there is a final master plan, an approved major development plan, or a final environment strategy for the airport, the application must be supported by a declaration by the airport-lessee company for the airport.
- (3) The declaration must state whether the proposed building activity is consistent with the final master plan, the approved major development plan, or the final environment strategy, as the case may be.

Note **Major airport development** is defined in section 89 of the Act. See also the Airports Regulations.

[3] Subregulation 2.11 (1)*omit*

An

insert

Subject to subregulations (1A) and (1B), an

[4] After subregulation 2.11 (1)*insert*

- (1A) If the proposed building activity is, or comprises part of, a major airport development, the airport building controller must not make a decision on the application for its approval before the major development plan has been decided, or taken to be approved, by the Minister under section 94 of the Act.
- (1B) If the Minister refuses to approve the draft major development plan, the airport building controller must not deal with the application for approval of the building activity.
- (1C) If the proposed building activity is, or comprises part of, a major airport development, the airport building controller must advise the applicant, orally or in writing, of the effect of subregulations (1A) and (1B).

[5] Subregulation 2.11 (2)*omit*

If,

insert

Subject to subregulation (2A), if,

[6] After subregulation 2.11 (2)*insert*

- (2A) The airport building controller must not request further information under subregulation (2) in respect of a building activity that is, or comprises part of, a major airport development before the major development plan has been decided, or taken to be approved, by the Minister under section 94 of the Act.

[7] Subregulation 2.11 (6), including the note*substitute*

- (6) If a building activity is not, or does not comprise part of, a major airport development, the airport building controller is taken to have refused to approve the building activity if it has not given the applicant notice of its decision before the end of 28 days after:
- (a) if no further information is requested in accordance with subregulation (2) — receiving the application for approval of the building activity; or
 - (b) if further information is requested in accordance with subregulation (2) — receiving the further information.
- (7) If a building activity is, or comprises part of, a major airport development, the airport building controller is taken to have refused to approve the building activity if it has not given the applicant notice of its decision before the end of 28 days after:
- (a) if no further information is requested under subregulation (2) — the major development plan was approved under section 94 of the Act; or
 - (b) if further information is requested under subregulation (2) — receiving the further information.

Note 1 A proposed building activity could be affected by a requirement of the *Airports (Environment Protection) Regulations 1997*.

Note 2 Under subregulation (2A), an airport building controller must not request further information about a building activity that is, or comprises part of, a major development plan before it has been approved by the Minister.

[8] Schedule 1, Part 3, heading

substitute

**Part 3 Brisbane, Archerfield and Gold Coast
Airports**

[9] Schedule 1, Part 10, heading

substitute

**Part 10 Sydney (Kingsford Smith), Camden and
Bankstown Airports**

[10] Further amendments

Provision

omit

insert

Subregulation 1.04 (3)	Airports Regulations	<i>Airports Regulations 1997</i>
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Subregulation 2.05 (2), note	Airports Regulations	<i>Airports Regulations 1997</i>
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**Schedule 3 Amendments of Airports
(Control of On-Airport
Activities) Regulations 1997**
(regulation 5)

[1] Paragraph 4 (e)

omit

[2] Regulation 4AA

omit

Airport, Camden Airport and Hoxton Park Airport.

insert

Airport and Camden Airport.

[3] Part 2, Division 4, Subdivision 2, heading

substitute

**Subdivision 2 Archerfield Airport, Gold Coast Airport,
Mount Isa Airport and Townsville Airport**

[4] Regulation 48, heading

substitute

**48 Transitional — authority to sell liquor in the terminal
of Gold Coast Airport**

[5] Subregulation 48 (1), at the foot

insert

Note The Gold Coast Airport was previously known as Coolangatta Airport.

[6] Regulation 49, heading

substitute

49 Transitional — existing authorities to sell liquor at Gold Coast Airport

[7] Subregulation 49 (1), at the foot

insert

Note The Gold Coast Airport was previously known as Coolangatta Airport.

[8] Subregulation 55 (1), at the foot

insert

Note The Gold Coast Airport was previously known as Coolangatta Airport.

[9] Regulation 105, definition of *vehicle*, at the foot

insert

Note Some terms used in these Regulations are defined in the Act. For example, for the definition of *Airside Vehicle Control Handbook* see subsection 172 (2).

[10] Regulation 105, definition of *Vehicle Control Handbook*

omit

[11] Subregulation 123 (1), at the foot

insert

Penalty: 5 penalty units.

[12] Subregulation 123 (2A), including the note

substitute

(2A) 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.

[13] Regulation 136, definition of *regulated airport*, paragraph (c)

omit

[14] Schedule 1, Part 9, heading

substitute

Part 9 Modifications of *Liquor Act 1992* (Qld) that apply only in terminal areas of Gold Coast and Townsville Airports

[15] Further amendments

<i>Provision</i>	<i>omit</i>	<i>insert</i>
Subregulation 3 (2)	Airports Regulations	<i>Airports Regulations 1997</i>
Subregulation 40 (2)	Coolangatta	Gold Coast Airport
Paragraph 40 (3) (a)	Coolangatta	Gold Coast
Regulation 46, definition of <i>liquor authorisation</i>	Coolangatta	Gold Coast

<i>Provision</i>	<i>omit</i>	<i>insert</i>
Subregulation 48 (1)	Coolangatta	Gold Coast
Subregulation 49 (1)	Coolangatta	Gold Coast
Subregulation 55 (1)	Coolangatta	Gold Coast
Regulation 102	Coolangatta	Gold Coast
Regulation 105, definition of <i>airside</i>	Vehicle Control Handbook	Airside Vehicle Control Handbook
Paragraph 106A (f)	Coolangatta	Gold Coast
Subregulation 108 (2), table, item 6	Coolangatta	Gold Coast
Paragraph 123 (1) (b)	Vehicle Control Handbook	Airside Vehicle Control Handbook
Paragraph 124 (1) (c)	Vehicle Control Handbook	Airside Vehicle Control Handbook
Subregulation 125 (1)	Vehicle Control Handbook	Airside Vehicle Control Handbook
Subregulation 125 (3)	Vehicle Control Handbook	Airside Vehicle Control Handbook
Paragraph 125 (5) (a)	Vehicle Control Handbook	Airside Vehicle Control Handbook
Subregulation 127 (1)	Vehicle Control Handbook	Airside Vehicle Control Handbook
Subregulation 127 (3)	Vehicle Control Handbook	Airside Vehicle Control Handbook
Paragraph 127 (4) (a)	Vehicle Control Handbook	Airside Vehicle Control Handbook
Subparagraph 133 (1) (a) (iii)	Vehicle Control Handbook	Airside Vehicle Control Handbook
Subparagraph 134 (1) (a) (iii)	Vehicle Control Handbook	Airside Vehicle Control Handbook

**Schedule 4 Amendments of Airports
(Environment Protection)
Regulations 1997**

(regulation 6)

[1] Paragraph 1.03A (ba)

omit

[2] Paragraph 3.01 (ba)

omit

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.