



Airports (Building Control) Amendment Regulations 2009 (No. 2)¹

Select Legislative Instrument 2009 No. 145

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 24 June 2009

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

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

1 Name of Regulations

These Regulations are the *Airports (Building Control) Amendment Regulations 2009 (No. 2)*.

2 Commencement

These Regulations commence on the day after registration.

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

Schedule 1 amends the *Airports (Building Control) Regulations 1996*.

Schedule 1 Amendments

(section 3)

[1] Subparagraph 4.01 (1) (c) (i)

substitute

- (i) qualified under the law of the State in which the airport site is located, to approve building activity or certify the fitness of buildings in the State; and

[2] After subregulation 4.01 (1)

insert

- (1A) Subject to subregulation (1B), an individual, a body or a corporation (the *relevant entity*) may be appointed under subregulation (1) for an airport site in a State although not qualified under subparagraph (1) (c) (i) if the Secretary is satisfied:
 - (a) that there is no relevant entity so qualified that is reasonably available for the appointment; and

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- (b) that the relevant entity's qualifications or experience give it sufficient capacity to discharge the powers, duties and responsibilities of an airport building controller for the airport site.
- (1B) In deciding whether qualifications or experience give sufficient capacity, the Secretary must have regard to whether they relate to a field similar to building approval or certification such as building, architecture or engineering.
- (1C) A corporation may be appointed under subregulation (1) for an airport site in a State although not qualified under subparagraph (1) (c) (i) if one of the following kinds of individual is so qualified:
- (a) an employee or subcontractor of the corporation;
 - (b) a director or other officer of the corporation.

[3] After subregulation 4.01 (3)

insert

- (4) In this regulation, ***qualified***, for an individual, means qualified under the law of a State if the individual has, in relation to the approval of building activity or the certification of fitness of buildings:
- (a) obtained any formal educational qualification such as a certificate, diploma or degree; and
 - (b) any vocational registration, accreditation or licence; and
 - (c) any practical experience;
- required by that law.

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>.