

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2011 No. 75**

Subject – *Airports Act 1996*

*Airports (Building Control) Amendment Regulations 2011 (No. 1)*

The *Airports Act 1996* (the Act) establishes a regulatory framework for the leased federal airports.

Section 252 of the Act provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The *Airports (Building Control) Regulations 1996* (the Principal Regulations) provide for the approval of building activities and other works at leased federal airports.

The Principal Regulations apply to the following leased federal airports: Adelaide, Parafield, Alice Springs, Brisbane, Archerfield, Gold Coast, Canberra, Darwin, Hobart, Launceston, Melbourne (Tullamarine), Essendon, Moorabbin, Perth, Jandakot, Sydney (Kingsford Smith), Bankstown, Camden and Townsville.

Paragraph 100 (1)(d) of the Act states that the Principal Regulations may make provision for and in relation to fees in respect of applications for such approvals. The building application fees are collected under regulation 2.02 of the Principal Regulations. The applicable fee amounts are listed in Schedule 1 to the Principal Regulations.

The Regulations increase the fees payable for building applications at the leased federal airports.

The fees were last increased in 2002 and are not indexed. The fee increase is required to raise revenue to offset the rising cost of providing a high quality, responsive building control service. Contracts for building control services are subject to a competitive tender process to ensure value for money. The increased fees also remain broadly comparable to fees for similar services in other relevant building approval jurisdictions.

As an instrument that gives effect, in terms announced in the Budget, to a decision to adjust building application fees, consultation on this instrument was not appropriate.

The Act specifies no conditions that need to be satisfied before the power to make the Regulations may be exercised.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*. The Regulations commence on 1 July 2011.

**Authority:** Section 252 of the *Airports Act 1996*