



Airports (Control of On-Airport Activities) Amendment Regulation 2012 (No. 1)¹

Select Legislative Instrument 2012 No. 186

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Airports Act 1996*.

Dated 2 August 2012

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

ANTHONY ALBANESE
Minister for Infrastructure and Transport

1 Name of regulation

This regulation is the *Airports (Control of On-Airport Activities) Amendment Regulation 2012 (No. 1)*.

2 Commencement

This regulation commences on the day after it is registered.

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

(section 3)

[1] Subregulation 3 (1), definition of *infringement notice offence*, note 1 and 2

substitute

Note For infringement notices generally, see Part 7.

[2] Subregulation 3 (1), after definition of *Part 11 airport*

insert

Note Part 11 of the Act deals with control of liquor, commercial trading, vehicle movements, gambling and smoking, at airports to which that Part applies. Section 169 of the Act provides that Part 11 of the Act applies to a core regulated airport (within the meaning given by section 7 of the Act) and an airport prescribed in the regulations, if there is an airport lease for the airport.

[3] Regulation 4

omit

paragraph 169 (b)

insert

paragraph 169 (1) (b)

[4] Regulation 22, definition of *LCR Act*

omit

Liquor Control Reform Act 1998

insert

Liquor Control Reform Act 1998

[5] Regulation 26

substitute

26 Transitional—authority for trading off-premises

- (1) While Marriott Airport Concessions Pty Ltd is the holder of an existing authorisation that has effect as a general liquor licence under subregulation 25 (4), the supply of liquor in the course of catering for social receptions or functions on the airport site at Melbourne Airport is taken to be authorised by the Director for paragraph 9 (1) (b) of the LCR Act.
- (2) However, subregulation (1) does not apply to the premises known as Café Espresso on the airside of the airport.

[6] Regulation 36

substitute

36 Transitional—treatment of liquor licence

A liquor licence that a person is taken to hold under subregulation 33 (1) is to be treated as if it were a liquor licence granted under the LCR Act.

[7] Regulation 40

substitute

40 Application of Liquor Act at certain airports

The Liquor Act, in its application to the terminal area of Gold Coast Airport or Townsville Airport, is modified as set out in Part 3 of Schedule 1.

Note The Liquor Act is not modified in its application to:

- (a) premises at Gold Coast Airport or Townsville Airport outside the terminal area; or
- (b) Archerfield Airport; or
- (c) Mount Isa Airport.

[8] Paragraph 47 (2) (a)

omit

a club liquor licence under section 85 of that Act;

insert

a community club licence under Division 5 of Part 4 of that Act;

[9] Paragraph 47 (2) (b)

omit

a general liquor licence under section 59 of that Act.

insert

a commercial other licence under Division 4 of Part 4 of that Act.

[10] Subregulation 48 (1)*omit*

a special facility liquor licence (under section 93 of the Liquor Act)

insert

a commercial special facility licence (under subsection 65 (1) of the Liquor Act)

[11] Paragraph 48 (3) (b)*omit*

subsection 152 (3)

insert

subsection 153 (3)

[12] Subregulation 49 (1)*omit*

a club liquor licence under section 85 of that Act,

insert

a community club licence under Division 5 of Part 4 of the Liquor Act,

[13] Subregulation 50 (1)*omit*

a special facility liquor licence (under section 93 of the Liquor Act)

insert

a commercial special facility licence (under section 65 (1) of the Liquor Act)

[14] Paragraph 50 (3) (b)

omit

subsection 152 (3)

insert

subsection 153 (3)

[15] Subregulation 51 (1)

omit

a club liquor licence under section 85 of the Liquor Act.

insert

a community club licence under section 78 (1) of the Liquor Act.

[16] Subregulation 52 (1)

omit

A special facility liquor licence

insert

A commercial special facility licence

[17] Paragraph 52 (2) (b)

omit

the LCR Act,

insert

the Liquor Act,

[18] Subregulation 58 (5)

omit

the Liquor Act

insert

the Liquor Licensing Act

[19] Regulation 63

insert

commission means the Liquor Commission established under section 8 of the LC Act.

[20] Regulation 63, definition of *LL Act*

omit

LL Act means the *Liquor Licensing Act 1988* of Western Australia.

insert

LC Act means the *Liquor Control Act 1988* of Western Australia.

[21] Regulation 76, definition of *Liquor Act*

substitute

Liquor Act means the *Liquor Licensing Act 1990* of Tasmania.

[22] Paragraph 78 (2) (a)

omit

club liquor licence

insert

club licence

[23] Paragraph 78 (2) (b)

omit

special liquor licence

insert

special licence

[24] Regulation 83, definition of *Liquor Act*

substitute

Liquor Act means the *Liquor Act 2010* of the Australian Capital Territory.

[25] Regulation 83

insert

Liquor Regulation means the *Liquor Regulation 2010* of the Australian Capital Territory.

[26] Regulation 84, heading

substitute

84 Application of Liquor Act and Liquor Regulation

[27] After subregulation 84 (2)

insert

- (3) The Liquor Regulation, in its application to premises at Canberra Airport, is modified as set out in Part 9 of Schedule 1.

[28] Subregulation 85 (1)

omit

is taken, to be granted a special liquor licence under section 29A

insert

is taken to be granted a special licence within the meaning given by section 21

[29] Subregulation 89 (1)

omit

Registrar (within the meaning given by section 4 of the Liquor Act)

insert

commissioner (within the meaning given by the Dictionary of the Liquor Act)

[30] Regulation 90, definition of *Commission*

substitute

Commission has the same meaning as in the Liquor Act.

[31] Regulation 97, definition of *consumer trading*

omit

Trade Practices Act 1974

insert

Competition and Consumer Act 2010

[32] Regulations 99 and 100

omit

Factories, Shops and Industries Act 1962 of New South Wales is modified by omitting sections 82, 84 and 85.

insert

Retail Trading Act 2008 of New South Wales is modified by omitting section 4.

[33] Regulation 101

substitute

101 Consumer trading—Melbourne Airport

For its application to consumer trading at Melbourne Airport, the *Shop Trading Reform Act 1996* of Victoria is modified by substituting subsections 4 (2) and (3), with the following subsection.

- ‘(2) A shop at Melbourne Airport (as determined under the *Airports Act 1996* of the Commonwealth) is an exempt shop whether or not the predominant business carried on in the shop is specified in subsection 4 (1).’

[34] Regulation 106, definition of *Australian Road Rules*

substitute

Australian Road Rules means the document titled *Australian Road Rules*, published by the National Road Transport Commission, as it exists when this definition commences.

[35] Regulation 106, definition of *parking control provision*

substitute

parking control provision means rule 165, 167, 168, 169, 170, 172, 176, 178, 179, 180, 181, 182, 183, 184, 185, 186, 189, 197, 198, 202, 203, 203A, 204, 205, 205A, 206, 207, 208, 208A, 209, 210, 211 or 212 of the Australian Road Rules as applied by regulation 106E.

[36] Regulation 106, definition of *public bus*, paragraph (b)

omit

Road Safety (Vehicles) Regulations 1999

insert

Road Safety (Vehicles) Regulations 2009

[37] Regulation 106, definition of *public bus*, paragraph (c)*omit**Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulations 1999**insert**Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010***[38] Subregulation 106E (1)***omit*

airport:

insert

airport.

[39] Subregulation 106E (1), table, items 22 to 30*substitute*

22	203A	Stopping in a slip lane
23	204	Meaning of certain information on or with permissive parking signs
24	205	Parking for longer than indicated
25	205A	Parking outside times indicated
26	206	Time extension for people with disabilities
27	207	Parking where fees are payable
28	208	Parallel parking on a road (except in a median strip parking area)
29	208A	Parallel parking in a road-related area (except in a median strip parking area)
30	209	Parallel parking in a median strip parking area
31	210	Angle parking
32	211	Parking in parking bays
33	212	Entering and leaving a median strip parking area

[40] Subregulation 106E (1), note

substitute

Note The full text of the rules is contained in the Australian Road Rules.

[41] Regulation 156, note

omit

[42] Schedule 1

substitute

Schedule 1 Modifications of State and Territory liquor legislation

(regulations 23, 40, 57, 64, 77, 84 and 91)

Part 1 Modifications of *Liquor Control Reform Act 1998* of Victoria that apply at all Part 11 airports in Victoria

1.1 Subsection 16 (1)

omit

Planning and Environment Act 1987

insert

Airports Act 1996 of the Commonwealth

1.2 Paragraph 28 (1) (c)

substitute

(c) be accompanied by the prescribed fee.

1.3 Subsection 28 (3)

omit

other

1.4 Paragraph 29 (3) (c)

substitute

- (c) be accompanied by the prescribed variation fee (except in the case of an application by the Chief Commissioner or a licensing inspector, or an application for a prescribed variation of a licence or BYO permit referred to in section 33, 34 or 35).

1.5 Subsection 29 (4)

omit

other

1.6 Paragraph 31 (2) (c)

substitute

- (c) be accompanied by the prescribed relocation fee.

1.7 After subsection 31 (2)

insert

- (3) If the Director requests that an applicant for a relocation give information, the applicant must comply with the request.

1.8 Paragraph 32 (2) (c)

substitute

- (c) be accompanied by the prescribed transfer fee.

1.9 Subsection 32 (3)

omit

other

Part 2 Modifications of *Liquor Control Reform Act 1998* of Victoria that apply only at Melbourne (Tullamarine) Airport

2.1 Paragraph 18 (2) (b)

substitute

(b) a club licence; or

(c) a licence or permit held by a body corporate that operates licensed premises, or premises taken to be licensed, at Melbourne (Tullamarine) Airport, and:

(i) is an airline; or

(ii) is incorporated outside Australia.

2.2 Section 33, heading

substitute

33 Copy of application to be given to police and airport-lessee company

2.3 Subsection 33 (2)

omit

the Council of the municipal district in which the premises or licensed premises to which the application relates are situated.

insert

the airport-lessee company (within the meaning given by subsection 5 (1) of the *Airports Act 1996* of the Commonwealth) for Melbourne (Tullamarine) Airport.

2.4 Subsection 33 (3)

omit

the relevant Council

insert

the airport-lessee company

2.5 Sections 34 and 35

omit

2.6 Section 37

omit

display, advertisement and

2.7 Section 38

omit

2.8 Section 40, heading

substitute

40 Objection by airport-lessee company**2.9 Subsections 40 (1) and (1A)**

substitute

- (1) The airport-lessee company (within the meaning given by subsection 5 (1) of the *Airports Act 1996* of the Commonwealth) for Melbourne (Tullamarine) Airport may:
- (a) object to:
- (i) the grant or variation of a licence in respect of premises on that airport; or

- (ii) the relocation of a licence to those premises;
on the ground that the grant, variation or relocation would detract from, or be detrimental to, the amenity of the area in which the premises are situation; and
- (b) object to:
 - (i) the grant or variation of a packaged liquor licence or late night (packaged liquor) licence in respect of those premises; or
 - (ii) the relocation of a packaged liquor licence or late night (packaged liquor) licence to those premises;
on the ground that the grant, variation or relocation would be conducive to or encourage the misuse or abuse of alcohol.

2.10 Paragraph 40 (2) (a)

substitute

- (a) be made to the Director in writing within 21 days after the day on which a copy of the application for the grant, variation, transfer or relocation was given to the Chief Commissioner under section 33; and

2.11 Section 41

omit

2.12 Paragraph 42 (a)

omit

2.13 After section 54

insert

54A Nominee of licensee or permittee that is a corporation incorporated outside Australia

- (1) In the case of an airline, or corporation incorporated outside Australia, that is:
- (a) a licensee or permittee of premises at Melbourne (Tullamarine) Airport; or
 - (b) the holder of an existing authorisation that is taken, under regulation 25 of the *Airports (Control of On-Airport Activities) Regulations 1997* of the Commonwealth, to have effect as a licence;

a person who from time to time manages or controls a licensed premises, or the premises taken to be licensed for the corporation, is taken to have been nominated by the corporation and approved by the Director, under section 54.

2.14 Subsection 68 (2)

substitute

- (2) A licensing inspector may object to an application under section 67 on any of the following grounds:
- (a) in the case of a grant or transfer — that the licensee or proposed licensee is not a suitable person to hold the licence;
 - (b) in the case of a grant, variation or relocation:
 - (i) that the grant, variation or relocation would detract from or be detrimental to the amenity of the area in which the licensed premises or proposed licensed premises are situated; or
 - (ii) that the grant, variation or relocation would be conducive to or encourage the misuse or abuse of alcohol;
 - (c) in the case of an application in relation to a club licence— any ground referred to in paragraph 44 (2) (c).

2.15 Subparagraphs 91 (1) (b) (ii) and (iii)

substitute

- (ii) a licensing inspector.

2.16 Subparagraphs 94 (2) (b) (ii) and (iii)

substitute

- (ii) a licensing inspector.

2.17 Subparagraphs 97A (2) (a) (ii) and (iii)

substitute

- (ii) a licensing inspector.

2.18 Section 98

omit

2.19 Paragraph 103 (3) (b)

substitute

- (b) a licensee under a club licence; or
- (c) a licence or permit held by a body corporate that operates licensed premises, or premises taken to be licensed, at Melbourne (Tullamarine) Airport, and:
 - (i) is an airline; or
 - (ii) is incorporated outside Australia.

2.20 After subsection 104 (5)

insert

- (6) This section does not apply to a corporation that operates licensed premises, or premises taken to be licensed, at Melbourne (Tullamarine) Airport, and:
 - (a) is an airline; or
 - (b) is incorporated outside Australia.

2.21 Subsection 141 (1)*omit*

in subsection (2),

insert

in subsection (2) or (3),

2.22 Subsection 141 (1AA)*omit*

subsection (2)

insert

subsection (2) or (3)

2.23 Paragraph 141 (2) (d)*omit***2.24 After subsection 141 (2)***insert*

- (3) An infringement notice may be served in respect of an offence against section 103 (failure to notify change of director or obtain approval of new director) unless the alleged offender:
 - (a) is an airline; or
 - (b) is incorporated outside Australia.

**Part 3 Modifications of *Liquor Act 1992* of
Queensland that apply only in terminal
areas of Gold Coast and Townsville
Airports**

3.1 Section 4

insert

airport-operator company, in relation to an airport, has the same meaning as subsection 5 (1) of the *Airports Act 1996* of the Commonwealth.

3.2 After paragraph 105 (1) (c)

insert

- (ca) be accompanied by evidence that the airport-operator company for the airport on which the proposed licensed premises are located consents to the application; and

3.3 Paragraph 110 (4) (a)

substitute

- (a) any matter raised by the airport-operator company for the airport on which the licensed premises are located; and

3.4 Paragraph 117 (1) (a)

substitute

- (a) the airport-operator company for the airport on which the licensed premises are located;

3.5 Subsection 117 (2)

omit

local government

insert

airport-operator company

3.6 Section 118

omit

3.7 After subsection 119 (5)

insert

- (6) However, in this section, *member of the public* does not include a local government.

3.8 Paragraph 121 (1) (c)

substitute

- (c) comments from the airport-operator company for the airport on which the licensed premises are located; and

Part 4 Modifications of *Liquor Licensing Act 1997* of South Australia that apply only in terminal areas of Adelaide and Parafield Airports**4.1 Subsection 44 (4)**

omit

4.2 Subparagraph 52 (2) (a) (i)

substitute

- (i) the airport-operator company (within the meaning given by subsection 5 (1) of the *Airports Act 1996* of the Commonwealth) for the airport on which the licensed premises are, or are to be, located; and

4.3 Paragraph 52 (2) (b)

omit

4.4 Part 4, Divisions 7 to 9

omit

4.5 Subsection 76 (2)

omit

A council in whose area

insert

The airport-operator company (within the meaning given by subsection 5 (1) of the *Airports Act 1996* of the Commonwealth) for the airport on which

4.6 Section 77

omit

Part 5 Modifications of *Liquor Control Act 1988* of Western Australia that apply at Perth Airport generally

5.1 Section 67

omit

5.2 Subsection 69 (4)*substitute*

- (4) The Director may refer any relevant particulars in relation to the applicant or the application to the Commissioner of Police unless:
- (a) the applicant:
- (i) made an application that relates to land or premises that are the subject of a licence held by the applicant; and
 - (ii) is to surrender the license if the application is granted; or
- (b) the Director determines that it is not appropriate in the circumstances to refer any of the relevant particulars to the Commissioner of Police.

5.3 Subsections 69 (7) and (8)*omit***5.4 Subsection 69 (12)***omit***5.5 Subsection 72 (2)***omit***5.6 Sections 97 to 98H***substitute***97 Permitted hours of trading**

Subject to any condition imposed by the licensing authority, a licensee is authorised to sell liquor at any time during the day or night, and on any day in the year.

Part 6 Modifications of *Liquor Licensing Act 1990* of Tasmania that apply only in terminal areas of Hobart International and Launceston Airports

6.1 Subsection 23 (2)

substitute

- (2) The Commissioner may require an applicant for a liquor licence to give the Commissioner a plan of the proposed licensed premises that sufficiently identifies the premises.

6.2 Subsections 23 (3) and (4)

omit

6.3 Section 39

omit

6.4 Section 47

omit

Part 7 Modifications of *Liquor Act 2010* of the Australian Capital Territory that apply at Canberra Airport generally

7.1 Paragraph 39 (2) (b)

substitute

(b) include:

- (i) the proposed final floor plans and specifications for the final premises; and

-
- (ii) evidence that the airport-operator company (within the meaning given by subsection 5 (1) of the *Airports Act 1996* of the Commonwealth) for the airport on which the premises are located has consented to the change.

Part 8 Modifications of *Liquor Act 2010* of the Australian Capital Territory that apply only in the terminal area of Canberra Airport

8.1 Section 176

substitute

176 Who may complain?

- (1) A police officer, or the airport-operator company for an airport on which licensed premises are located, may complain to the commissioner if the police officer or company believes on reasonable grounds that a ground for occupational discipline exists in relation to a licensee or commercial permit-holder.
- (2) In this section:
- airport-operator company* has the same meaning as in the *Airports Act 1996* of the Commonwealth.

Note *Ground for occupational discipline*, for a licensee—see s 183.

Ground for occupational discipline, for a commercial permit-holder—see s 184.

Part 9 Modifications of *Liquor Regulation 2010* of the Australian Capital Territory that apply at Canberra Airport generally

9.1 Paragraph 16 (1) (i)

omit

9.2 Sections 21 and 29

omit

9.3 Schedule 1, section 1.1, definition of *toilet cubicle*

omit

9.4 Schedule 1, section 1.1, definition of *toilet facility*

omit

9.5 Schedule 1, section 1.1, definition of *toilet room*

omit

9.6 Schedule 1, sections 1.2 to 1.7, 1.9, 1.10 and 1.12 to 1.16

omit

Part 10 Modifications of *Liquor Act* of the Northern Territory that apply at Darwin International and Alice Springs Airports generally

10.1 Subsection 4 (1)

insert

airport-operator company has the same meaning as in the *Airports Act 1996* of the Commonwealth.

10.2 Subsection 119 (1)

omit

the Commission's approval.

insert

the approval of the Commission and the airport-operator company for the airport on which the premises are located.

10.3 Paragraph 119 (2) (c)

substitute

(c) accompanied by evidence that the airport-operator company for the airport on which the premises are located consents to the proposed alteration.

10.4 Section 120

omit

Part 11 Modifications of *Liquor Act* of the Northern Territory that apply only in the terminal area of Darwin International and Alice Springs Airports**11.1 Paragraph 31 (2) (c)**

omit

11.2 Subsection 47F (1)

omit

Subject to this section, a person, organisation or group

insert

An inspector, a police officer or the airport-operator company for the airport on which the premises are located

11.3 Subsection 47F (3)

omit

11.4 Section 47H

omit

A person, organisation or group

insert

An inspector, a police officer or the airport-operator company for the airport on which the premises are located

11.5 Section 47H

omit

person's, organisation's or group's

insert

inspector's, police officer's or company's

11.6 Sections 47I and 47J

omit each mention of

person, organisation or group

insert

inspector, police officer or airport-operator company for the airport on which the premises are located

11.7 Parts VIII, VIII A A and VIII A

omit

[43] Schedule 2, item 1, table, after item 24

insert

24A	203A	Stopping in a slip lane	3	5	2.5	5	4	3	2	4
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[44] Schedule 2, item 1, table, after item 27*insert*

27A	208A	Parallel parking in a road-related area (except in a median strip parking area)	3	3	2.5	3	2	2	1	2
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[45] Further amendments

<i>Provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subregulation 23 (1)	Part 6	Part 1
Subregulation 23 (2)	Part 7	Part 2
Regulations 37, 53 and 54	may be treated	is to be treated
Regulation 57	Part 10	Part 4
Regulations 60 and 61	may be treated	is to be treated
Regulation 63, definition of <i>licensing authority</i>	LL Act	LC Act
Regulation 64, heading	LL Act	LC Act
Regulation 64	LL Act, in its application to Perth Airport, is modified as set out in Part 11	LC Act, in its application to Perth Airport, is modified as set out in Part 5
Regulations 66, 67 and 68	LL Act	LC Act
Regulation 70, definition of <i>liquor authorisation</i>	LL Act	LC Act
Regulations 71 and 72	LL Act	LC Act
Regulation 73	may be treated as if it were held under the LL Act.	is to be treated as if it were held under the LC Act.
Regulation 74	may be treated as if the person held a liquor licence under the LL Act.	is to be treated as if the person held a liquor licence under the LC Act.
Part 2, Division 7, heading	Hobart Airport	Hobart International Airport

<i>Provision</i>	<i>omit each mention of</i>	<i>insert</i>
Regulation 76, definition of <i>liquor authorisation</i>	Hobart Airport	Hobart International Airport
Subregulation 77 (1)	Hobart Airport or Launceston Airport, is modified as set out in Part 12	Hobart International Airport or Launceston Airport, is modified as set out in Part 6
Subregulation 77 (2)	Hobart Airport	Hobart International Airport
Subregulations 78 (1)	Hobart Airport or Launceston Airport	Hobart Airport, Hobart International Airport or Launceston Airport
Regulations 80 and 81	may be treated	is to be treated
Subregulation 82 (1)	Hobart Airport or Launceston Airport	Hobart Airport, Hobart International Airport or Launceston Airport
Subregulation 84 (1)	Part 13	Part 7
Subregulation 84 (2)	Part 14	Part 8
Regulations 87 and 88	may be treated	is to be treated
Part 2, Division 9, heading	Darwin Airport	Darwin International Airport
Regulation 90, definition of <i>liquor authorisation</i>	Darwin Airport	Darwin International Airport

<i>Provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subregulation 91 (1)	Darwin Airport or Alice Springs Airport, is modified as set out in Part 15	Darwin International Airport or Alice Springs Airport, is modified as set out in Part 10
Subregulation 91 (2)	Part 16	Part 11
Subregulation 92 (1)	Darwin Airport or Alice Springs Airport	Darwin Airport, Darwin International Airport or Alice Springs Airport
Regulations 94 and 95	may be treated	is to be treated
Subregulation 96 (1)	Darwin Airport or Alice Springs Airport	Darwin Airport, Darwin International Airport or Alice Springs Airport
Subregulation 98 (3)	may be treated	is to be treated
Paragraph 106A (e)	Hobart Airport	Hobart International Airport
Subregulation 138A (3)	may be treated in any way under a law of New South Wales as if it were a licence or permission granted under that law.	is to be treated as if it were a licence or permission granted under a law of New South Wales.
Schedule 2, clause 1, table heading	Hobart Airport	Hobart International Airport

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.comlaw.gov.au.