

## EXPLANATORY STATEMENT

### Federal Executive Council Minute No. 20 of 2017 - Minister for Infrastructure and Transport

Subject - *Air Navigation Act 1920*  
*Airports Act 1996*  
*Civil Aviation Act 1988*

#### *Airports Legislation Amendment (Essendon Fields Airport) Regulations 2017*

The *Air Navigation Act 1920* (the Air Navigation Act) gives effect to the Chicago Convention. The Air Navigation Act is an important element in international civil aviation operations and approvals and; in ensuring Australia's aviation laws are consistent with International Civil Aviation Organization practices.

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

The *Civil Aviation Act 1988* (the Civil Aviation Act) establishes the regulatory framework for maintaining, enhancing and promoting the safety of civil aviation, with particular emphasis on preventing aviation accidents and incidents.

Section 26(1)(a) of the Air Navigation Act, Section 252 of the Airports Act and Section 98(1)(b) of the Civil Aviation Act provide that the Governor-General may make regulations prescribing matters required or permitted to be prescribed or where necessary or convenient to be prescribed for carrying out or giving effect to each of the acts.

The purpose of the *Airports Legislation Amendment (Essendon Fields Airport) Regulations 2017* (the Regulations) is to update the name of the Essendon Airport site to Essendon Fields Airport. This amendment is to align the instruments with the change of name of the airport site as agreed by the Commonwealth at the request of the airport lessee, Essendon Airport Pty Ltd (EAPL), under provisions of the lease between EAPL and the Commonwealth.

The Regulation specifies for the name change to occur in the following instruments:

- *Air Navigation (Essendon Airport) Regulations 2001*
- *Airports (Building Control) Regulations 1996*
- *Airports (Control of On Airport Activities) Regulations 1997*
- *Airports (Environment Protection) Regulations 1997*
- *Airports (Ownership—Interests in Shares) Regulations 1996*
- *Airports Regulations 1997*
- *Civil Aviation (Buildings Control) Regulations 1988*

The Department of Infrastructure and Regional Development and the lessee of Essendon Airport (EAPL), have consulted with Airservices Australia, the Civil Aviation Safety Authority (CASA) and other key stakeholders including the International Air Transport Association (IATA), the International Civil Aviation Organisation (ICAO), Moonee Valley City Council, the Victorian Minister for Planning, the Victorian Minister for Public Transport and the Victorian Minister for Roads and Road Safety in relation to the

Regulations. Consultation was initiated through written correspondence and followed up, as required, through direct engagement.

Stakeholders are supportive of the name change, with all concerns addressed. EAPL have agreed to meet all associated costs, which are considered negligible.

Details of the Regulations are set out in the Attachment.

The Acts specify no conditions that needed to be satisfied before the power to make the Regulations could be exercised.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commence on the day after it is registered on the Federal Register of Legislation.

This legislative instrument does not engage any of the applicable human rights or freedoms. This legislative instrument is therefore compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Authority:  
Section 26 of the *Air Navigation Act 1920*  
Section 252 of the *Airports Act 1996*  
Section 98 of the *Civil Aviation Act 1988*

**Details of the Airports Legislation Amendment (Essendon Fields Airport) Regulations 2017**

**Section 1 – Name of Regulation**

This section provides that the title of the Regulation is the *Airports Legislation Amendment (Essendon Fields Airport) Regulations 2017*.

**Section 2 – Commencement**

This section provides for the Regulation to commence the day after the Regulation is registered on the Federal Register of Legislation.

**Section 3 – Authority**

This section provides that the *Airports Legislation Amendment (Essendon Fields Airport) Regulations 2017* is made under the:

- *Air Navigation Act 1920*;
- *Airports Act 1996*; and
- *Civil Aviation Act 1988*.

**Section 4 – Schedule**

This section provides that each instrument that is specified in a Schedule to this instrument is amended as set out in the applicable items in the Schedule concerned.

**Schedule 1 – Amendments**

**Item 1, Item 2 and Item 3**

These items provide for references to *Essendon Airport* to be changed to *Essendon Fields Airport* in the following instruments:

- *Air Navigation (Essendon Airport) Regulations 2001*; and
- *Airports (Building Control) Regulations 1996*.

**Item 4**

This item would provide for the reference to *Essendon Airport* at Paragraph 4(d) of the *Airports (Control of On Airport Activities) Regulations 1997* to be changed to *Essendon Fields Airport*.

**Item 5 to Item 16**

These items would provide for references to *Essendon Airport* to be changed to *Essendon Fields Airport* in the following instruments:

- *Airports (Environment Protection) Regulations 1997*;
- *Airports (Ownership—Interests in Shares) Regulations 1996*;
- *Airports Regulations 1997*; and
- *Civil Aviation (Buildings Control) Regulations 1988*.