

# EXPOSURE DRAFT



EXPOSURE DRAFT

## Airports (Control of On-Airport Activities) Regulations 2025

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2025

Sam Mostyn AC  
Governor-General

By Her Excellency's Command

Catherine King **[DRAFT ONLY—NOT FOR SIGNATURE]**  
Minister for Infrastructure, Transport, Regional Development and Local Government

EXPOSURE DRAFT



# EXPOSURE DRAFT

---

## Contents

<b>Part 1—Preliminary</b>	<b>1</b>
1 Name.....	1
2 Commencement .....	1
3 Authority.....	1
4 Schedule 3.....	1
5 Definitions .....	1
6 Prescription of additional airports to which Part 11 of the Act applies .....	3
7 Meaning of <i>activity-controlled airport</i> and application of this instrument .....	3
<b>Part 2—Control of liquor</b>	<b>5</b>
8 Purposes of Part .....	5
9 New South Wales—Modified application of Liquor Act.....	5
10 New South Wales—Modified application of Gaming and Liquor Administration Act.....	5
11 Transitional—existing liquor licences and sub-licences at New South Wales airports .....	6
12 Victoria—Modifications of Liquor Control Reform Act .....	7
13 Queensland—Modifications of Liquor Act.....	7
14 Western Australia—Modifications of Liquor Control Act.....	7
15 South Australia—Modifications of Liquor Licensing Act .....	7
16 Tasmania—Modifications of Liquor Licensing Act .....	7
17 Australian Capital Territory—Modified application of Liquor Act .....	7
18 Northern Territory—Modifications of Liquor Act.....	8
<b>Part 3—Commercial trading</b>	<b>9</b>
19 Purposes of Part .....	9
20 New South Wales—modified application of Retail Trading Act .....	9
21 Victoria—modified application of Shop Trading Reform Act.....	9
22 Queensland—Trading (Allowable Hours) Act does not apply.....	9
23 Western Australia—Retail Trading Hours Act does not apply .....	9
24 South Australia—Shop Trading Hours Act does not apply.....	9
<b>Part 4—Vehicles</b>	<b>10</b>
<b>Division 1—Preliminary</b>	<b>10</b>
25 Purposes of Part .....	10
26 Meaning of <i>authorised person</i> .....	10
<b>Division 2—Landside vehicle parking and operation</b>	<b>11</b>
27 Airports to which this Division applies.....	11
28 Definitions .....	11
29 Parking signage plan.....	11
30 Standard operating procedures for parking .....	12
31 Application of Australian Road Rules .....	12
32 Operation of State laws on stopping and parking.....	12
33 Installation of traffic control devices .....	13
34 Permits to stop a vehicle in a permit zone.....	13
35 Offences against Australian Road Rules on stopping and parking.....	13
36 Taxi driver must not leave taxi unattended in certain areas .....	13
37 Drivers of taxis, hire vehicles and public buses to show authority cards .....	14
38 Authorised person may direct that vehicle be moved.....	14
39 Authorised person may move vehicle .....	15
40 Owner of vehicle must pay costs of storage etc. ....	16

# EXPOSURE DRAFT

---

41	Airport-operator company may dispose of vehicle .....	16
42	Who can be appointed as authorised person .....	17
<b>Division 3—Airside vehicle parking</b>		18
43	Airports to which this Division applies .....	18
44	Areas with parking restrictions .....	18
45	Areas with stopping restrictions .....	18
46	Offences—parking .....	19
47	Offences—stopping .....	19
48	Authorised person may direct that a vehicle be moved .....	20
49	Who can be appointed as authorised person .....	20
<b>Division 4—Airside vehicle operation</b>		21
50	Airports to which this Division applies .....	21
51	References to Airside Vehicle Control Handbook .....	21
52	Vehicles not to be driven on airside without permission or escort .....	21
53	Approved issuing authority .....	21
54	Authority to Drive Airside .....	21
55	Withdrawal of Authority to Drive Airside .....	22
56	Authority for Use Airside .....	23
57	Withdrawal of Authority for Use Airside .....	24
58	Review of decisions .....	24
59	Driver of vehicle must show authority etc. ....	25
60	Vehicles to be kept clear of aircraft .....	25
61	Authorised person may direct that vehicle be moved or move vehicle .....	25
62	Who can be appointed as authorised person .....	26
<b>Division 5—Liability of owner of vehicle for offences</b>		27
63	Liability of owner of vehicle for parking offences .....	27
64	Copy of statutory declaration to be served .....	29
<b>Part 5—Gambling</b>		30
<b>Division 1—Preliminary</b>		30
65	Purposes of Part .....	30
66	Airports to which this Part applies .....	30
<b>Division 2—Regulation of gambling activity at airports</b>		31
67	Prohibition of gambling .....	31
68	State gambling laws not to apply .....	31
<b>Division 3—Continuation of old gambling authority</b>		32
69	Old gambling authority continues to have effect .....	32
<b>Division 4—Permission to engage in gambling activity</b>		33
70	Application for gambling permission .....	33
71	Decision on application .....	33
72	Terms of granted permission .....	35
73	Review of decisions .....	35
<b>Division 5—Cancellation and suspension of permissions and authorities</b>		36
74	Cancellation due to breach—show cause notice and possible suspension .....	36
75	Decision on cancellation .....	36
76	Cancellation at request of holder .....	37
77	Review of decisions .....	37
<b>Part 6—Smoking</b>		38
78	Purposes of Part .....	38

---

# EXPOSURE DRAFT

---

79	Airports to which this Part applies .....	38
80	No-smoking areas .....	38
81	Offence—smoking .....	38
82	Infringement officers .....	38
<b>Part 7—Infringement notices</b> .....		39
83	Purposes of Part .....	39
84	Provisions subject to infringement notices .....	39
85	Meaning of <i>infringement officer</i> .....	39
86	Meaning of <i>notice authority</i> .....	39
87	When an infringement notice may be given .....	40
88	Matters to be included in an infringement notice .....	40
89	Service of infringement notices .....	41
90	Extension of time to pay amount .....	42
91	Withdrawal of an infringement notice .....	43
92	Effect of payment of amount .....	44
93	Evidentiary matters .....	44
94	Effect of this Part .....	44
<b>Part 8—Miscellaneous</b> .....		46
95	Delegation by Secretary .....	46
<b>Part 9—Application, saving and transitional provisions</b> .....		47
<b>Division 1—Transitional provisions on commencement</b> .....		47
96	Definitions for Division .....	47
97	Authorised persons and infringement officers .....	47
98	Employee of airport-operator company exercising powers of notice authority .....	48
99	Vehicle permit zone .....	48
100	Stored vehicles .....	48
101	Approved issuing authority .....	48
102	Authority to Drive Airside .....	48
103	Authority to Use Airside .....	49
104	Gambling permission .....	49
105	Infringement notices for offences under old Regulations .....	49
<b>Schedule 1—Penalties for contravention of applied Australian Road Rules</b> .....		51
1	Penalties for contravention of offence provisions in Australian Road Rules .....	51
<b>Schedule 2—Modifications of State liquor legislation</b> .....		58
Part 1—Sydney (Kingsford-Smith) Airport, Sydney West Airport, Bankstown Airport and Camden Airport .....		58
<i>Liquor Act 2007 (NSW)</i> .....		58
Part 2—Airports in Victoria .....		60
<i>Liquor Control Reform Act 1998 (Vic.)</i> .....		60
Part 3—Melbourne (Tullamarine) Airport .....		61
<i>Liquor Control Reform Act 1998 (Vic.)</i> .....		61
Part 4—Terminal areas of Gold Coast Airport and Townsville Airport .....		63
<i>Liquor Act 1992 (Qld)</i> .....		63

---

# EXPOSURE DRAFT

---

Part 5—Perth Airport	64
<i>Liquor Control Act 1988 (WA)</i>	64
Part 6—Terminal areas of Adelaide Airport and Parafield Airport	65
<i>Liquor Licensing Act 1997 (SA)</i>	65
Part 7—Terminal areas of Hobart International Airport and Launceston Airport	66
<i>Liquor Licensing Act 1990 (Tas.)</i>	66
Part 8—Darwin International Airport and Alice Springs Airport	67
<i>Liquor Act 2019 (NT)</i>	67
Part 9—Terminal areas of Darwin International Airport and Alice Springs Airport	68
<i>Liquor Act 2019 (NT)</i>	68
<b>Schedule 3—Repeals</b>	69
<i>Airports (Control of On-Airport Activities) Regulations 1997</i>	69

## Part 1—Preliminary

### 1 Name

This instrument is the *Airports (Control of On-Airport Activities) Regulations 2025*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 April 2026.	1 April 2026

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under the *Airports Act 1996*.

### 4 Schedule 3

Each instrument that is specified in Schedule 3 to this instrument is amended or repealed as set out in that Schedule, and any other item in that Schedule has effect according to its terms.

### 5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) airport lease;
- (b) airport-operator company;
- (c) Airside Vehicle Control Handbook;
- (d) State.

In this instrument:

*Act* means the *Airports Act 1996*.

*activity-controlled airport* has the meaning given by section 7.

# EXPOSURE DRAFT

## Part 1 Preliminary

### Section 5

---

**approved issuing authority**, for an airport, means a person approved under subsection 53(1) to issue ADAs or AUAs (or both) for the airport.

**Australian Road Rules** means the *Australian Road Rules* as approved by the Infrastructure and Transport Minister's Meeting and published by the Parliamentary Counsel's Committee, as at 9 June 2023.

Note: The Australian Road Rules could in 2025 be viewed on the Parliamentary Counsel's Committee website ([pcc.gov.au](http://pcc.gov.au)).

**authorised person** has the meaning given by section 26.

**Authority for Use Airside** or **AUA**, for an airport, means a permission issued in relation to a vehicle under section 56 allowing the vehicle to be driven on the airside of the airport.

**Authority to Drive Airside** or **ADA**, for an airport, means a permission issued to a person under section 54 allowing the person to drive a vehicle on the airside of the airport.

**consumer trading** means the supply of goods or services (within the meaning of section 171 of the Act) to an individual who acquires the goods or services as a consumer (within the meaning of section 4B of the *Competition and Consumer Act 2010*).

**drive** includes be in control of.

**driver** has the same meaning as in the Australian Road Rules (and includes a rider within the meaning of those Rules).

**emergency or police vehicle** means a vehicle that is being driven by a person who is an emergency worker or police officer in the course of the person's duties.

**gambling activity** has the same meaning as in section 173 of the Act.

**gambling permission** means a permission to engage in a gambling activity granted by the Secretary under Division 4 of Part 5.

**infringement officer** has the meaning given by section 85.

**limited-parking area** has the meaning given by paragraph 44(1)(b).

**limited-stopping area** has the meaning given by paragraph 45(1)(b).

**no-parking area** has the meaning given by paragraph 44(1)(a).

**no-smoking area** has the meaning given by subsection 80(1).

**no-stopping area** has the meaning given by paragraph 45(1)(a).

**notice authority** has the meaning given by section 86.

**old gambling authority** has the meaning given by subsection 69(2).

**owner**, for a vehicle, means:



- (a) if the vehicle is registered under a law of a State for the registration of vehicles:
  - (i) the registered owner, unless subparagraph (ii) applies; or
  - (ii) if the registered owner has sold or otherwise disposed of the vehicle—the person who has acquired the vehicle from the registered owner; or
- (b) for any other vehicle—the person who is legally entitled to possession of the vehicle.

***parking control provision*** has the meaning given by section 28.

***parking offence*** means any offence that relates to parking, stopping or leaving a vehicle.

***permit zone*** has the same meaning as in the Australian Road Rules.

***Secretary*** means the Secretary of the Department.

***subject to an infringement notice*** has the meaning given by section 84.

***taxi zone*** has the same meaning as in the Australian Road Rules.

***terminal area*** of an airport means the building or buildings on the airport used for processing the arrival and departure of passengers on scheduled air services that are available to the general public on a commercial basis.

***traffic control device*** has the same meaning as in the Australian Road Rules.

## **6 Prescription of additional airports to which Part 11 of the Act applies**

For the purposes of paragraph 169(1)(b) of the Act, the following airports are prescribed:

- (a) Archerfield Airport;
- (b) Bankstown Airport;
- (c) Camden Airport;
- (d) Essendon Fields Airport;
- (e) Jandakot Airport;
- (f) Moorabbin Airport;
- (g) Mount Isa Airport;
- (h) Parafield Airport;
- (i) Tennant Creek Airport.

Note: Paragraph 169(1)(b) of the Act provides that Part 11 of the Act applies to an airport prescribed in the regulations, if there is an airport lease for the airport.

## **7 Meaning of *activity-controlled airport* and application of this instrument**

- (1) An airport is an ***activity-controlled airport*** if:
  - (a) it is a core regulated airport; or
  - (b) it is mentioned in section 6.
- (2) However, an airport is not an activity-controlled airport if there is not an airport lease for the airport.

# EXPOSURE DRAFT

## Part 1 Preliminary

### Section 7

---

- (3) A provision of this instrument that is stated to apply to a named airport does not apply to that airport if there is not an airport lease for the airport.

---

## Part 2—Control of liquor

### 8 Purposes of Part

This Part is made for the purposes of sections 170, 173 and 177 of the Act.

### 9 New South Wales—Modified application of Liquor Act

- (1) This section sets out modifications to the way that the *Liquor Act 2007* (NSW) (the **NSW Liquor Act**) applies to Sydney (Kingsford-Smith) Airport, Sydney West Airport, Bankstown Airport and Camden Airport.
- (2) A reference in the NSW Liquor Act to the Commissioner of Police is taken to include a reference to the Commissioner of the Australian Federal Police, except for:
  - (a) a reference that relates to criminal intelligence (as defined in the NSW Liquor Act); or
  - (b) a reference in section 42, 79B or 94 of the NSW Liquor Act.
- (3) A reference in the NSW Liquor Act to a police officer is taken to include a reference to a member or special member of the Australian Federal Police. A reference to a police officer in section 77, 128 or 150 of that Act is taken to also include a protective service officer or special protective service officer of the Australian Federal Police.
- (4) A reference in the NSW Liquor Act to the local police or to the NSW Police Force is taken to include a reference to the Australian Federal Police.
- (5) The NSW Liquor Act is further modified in its application to Sydney (Kingsford-Smith) Airport, Sydney West Airport, Bankstown Airport and Camden Airport as set out in Part 1 of Schedule 2.

### 10 New South Wales—Modified application of Gaming and Liquor Administration Act

- (1) This section sets out modifications to the way that the *Gaming and Liquor Administration Act 2007* (NSW) (the **GLA Act**) applies in relation to the control of liquor at Sydney (Kingsford-Smith) Airport, Sydney West Airport, Bankstown Airport and Camden Airport.
- (2) A reference in the GLA Act to a police officer is taken to include a reference to a member or special member of the Australian Federal Police. However, such persons are not key officials for the purposes of the GLA Act.
- (3) Section 11 of the GLA Act applies as if:
  - (a) a reference to the Commissioner of Police includes a reference to the Commissioner of the Australian Federal Police; and
  - (b) a reference to the NSW Police Force includes a reference to the Australian Federal Police.

# EXPOSURE DRAFT

## Part 2 Control of liquor

### Section 11

---

#### 11 Transitional—existing liquor licences and sub-licences at New South Wales airports

##### *General licences and sub-licences*

- (1) A person who, immediately before the commencement of this instrument, held a general licence or sub-licence granted under Part 1A of the *Airports (Control of On-Airport Activities) Regulations 1997* in respect of premises is taken to have been granted the following kind of licence under the *Liquor Act 2007* (NSW):
- (a) if the general licence or sub-licence related to a business with the primary purpose of selling or supplying liquor for consumption on the licensed premises—a general bar licence in respect of those premises;
  - (b) if the general licence or sub-licence related to a business in which liquor was sold or supplied for consumption on the licensed premises, but the sale or supply was not the primary purpose—an on-premises licence in respect of those premises;
  - (c) if the general licence or sub-licence related to a business in which liquor was sold or supplied only for consumption away from the licensed premises—a packaged liquor licence in respect of those premises.

##### *Passenger terminal licences*

- (2) A person who, immediately before the commencement of this instrument, held a passenger terminal licence granted under Part 1A of the *Airports (Control of On-Airport Activities) Regulations 1997* for a passenger terminal is taken to have been granted the following kind of licence under the *Liquor Act 2007* (NSW):
- (a) if the licensee operated a business in an area of the passenger terminal with the primary purpose of selling or supply liquor for consumption in that area—a general bar licence in respect of that area;
  - (b) if the licensee operated a business in an area of the passenger terminal in which liquor was sold or supplied for consumption in that area, but the sale or supply of liquor was not the primary purpose of the business—an on-premises licence in respect of that area;
  - (c) if the licensee operated a business in an area of the passenger terminal in which liquor was sold or supplied only for consumption away from that area—a packaged liquor licence in respect of that area.

##### *Conditions on new licence*

- (3) A licence under the *Liquor Act 2007* (NSW) that is taken to have been granted under subsection (1) or (2) is subject, at the commencement of this instrument, to:
- (a) the same conditions as the licence or sub-licence held under Part 1A of the *Airports (Control of On-Airport Activities) Regulations 1997* that formed the basis for the deemed grant; and
  - (b) any conditions that are imposed on the licence by the *Liquor Act 2007* (NSW) or regulations made under that Act.

Note: The *Liquor Act 2007* (NSW) includes powers to impose, vary or revoke licence conditions.

*Function licences*

- (4) Despite the repeal of the *Airports (Control of On-Airport Activities) Regulations 1997* (the **old Regulations**) by this instrument, a function licence that was granted under Part 1A of the old Regulations and which had not yet ceased to be in force when this instrument commenced (including a licence that had been granted but had not yet come into force):
  - (a) continues to have effect as if the old Regulations had not been repealed; and
  - (b) despite anything in the *Liquor Act 2007* (NSW), authorises the sale or supply of liquor at the premises and airport site specified in the licence according to the terms and conditions of the licence.
- (5) The function licence ceases to be in force when it would have ceased to be in force under paragraph 4AR(2)(b) of the old Regulations.

## **12 Victoria—Modifications of Liquor Control Reform Act**

- (1) The *Liquor Control Reform Act 1998* (Vic.) is modified in its application to an activity-controlled airport in Victoria as set out in Part 2 of Schedule 2.
- (2) That Act is further modified in its application to Melbourne (Tullamarine) Airport as set out in Part 3 of Schedule 2.

## **13 Queensland—Modifications of Liquor Act**

The *Liquor Act 1992* (Qld) is modified in its application to the terminal areas of Gold Coast Airport and Townsville Airport as set out in Part 4 of Schedule 2.

## **14 Western Australia—Modifications of Liquor Control Act**

The *Liquor Control Act 1988* (WA) is modified in its application to Perth Airport as set out in Part 5 of Schedule 2.

## **15 South Australia—Modifications of Liquor Licensing Act**

The *Liquor Licensing Act 1997* (SA) is modified in its application to the terminal areas of Adelaide Airport and Parafield Airport as set out in Part 6 of Schedule 2.

## **16 Tasmania—Modifications of Liquor Licensing Act**

The *Liquor Licensing Act 1990* (Tas.) is modified in its application to the terminal areas of Hobart International Airport and Launceston Airport as set out in Part 7 of Schedule 2.

## **17 Australian Capital Territory—Modified application of Liquor Act**

- (1) This section sets out modifications to the way that the *Liquor Act 2010* (ACT) (the **Liquor Act**) applies to Canberra Airport.
- (2) A requirement in the Liquor Act relating to compliance with the territory plan does not apply in relation to premises located at Canberra Airport.

# EXPOSURE DRAFT

## Part 2 Control of liquor

### Section 18

---

- (3) A reference in the Liquor Act to final floor plans approved by the territory planning authority is taken to be a reference to floor plans consented to by an airport-operator company for Canberra Airport.
- (4) A reference in the Liquor Act to a certificate of occupancy for premises is taken to be a reference to documentation that evidences the consent of an airport-operator company for Canberra Airport to the occupancy of the premises.

### 18 Northern Territory—Modifications of Liquor Act

- (1) The *Liquor Act 2019* (NT) is modified in its application to Darwin International Airport and Alice Springs Airport as set out in Part 8 of Schedule 2.
- (2) That Act is further modified in its application to the terminal areas of Darwin International Airport and Alice Springs Airport as set out in Part 9 of Schedule 2.

## **Part 3—Commercial trading**

### **19 Purposes of Part**

This Part is made for the purposes of sections 171 and 177 of the Act.

### **20 New South Wales—modified application of Retail Trading Act**

Section 4 of the *Retail Trading Act 2008* (NSW) does not apply to a shop predominantly used for consumer trading that is located on Sydney (Kingsford-Smith) Airport or Sydney West Airport.

### **21 Victoria—modified application of Shop Trading Reform Act**

A shop predominantly used for consumer trading that is located on Melbourne (Tullamarine) Airport is taken to be an exempt shop for the purposes of the *Shop Trading Reform Act 1996* (Vic.).

### **22 Queensland—Trading (Allowable Hours) Act does not apply**

The *Trading (Allowable Hours) Act 1990* (Qld) does not apply to a shop predominantly used for consumer trading that is located on Brisbane Airport, Gold Coast Airport, Townsville Airport or Archerfield Airport.

### **23 Western Australia—Retail Trading Hours Act does not apply**

The *Retail Trading Hours Act 1987* (WA) does not apply to a shop predominantly used for consumer trading that is located on Perth Airport.

### **24 South Australia—Shop Trading Hours Act does not apply**

The *Shop Trading Hours Act 1977* (SA) does not apply to a shop predominantly used for consumer trading that is located in the terminal area of Adelaide Airport or Parafield Airport.

# EXPOSURE DRAFT

Part 4 Vehicles

Division 1 Preliminary

Section 25

---

## Part 4—Vehicles

### Division 1—Preliminary

#### 25 Purposes of Part

This Part is made for the purposes of sections 172 and 177 of the Act.

#### 26 Meaning of *authorised person*

A reference to an *authorised person* for an airport in, or in relation to, a provision in this Part means a person appointed by the Secretary as an authorised person for the airport for the purposes of the provision.

Note: See sections 42, 49 and 62 for who the Secretary may appoint as an authorised person.



---

## Division 2—Landside vehicle parking and operation

### 27 Airports to which this Division applies

This Division applies to the following airports:

- (a) Sydney (Kingsford-Smith) Airport;
- (b) Melbourne (Tullamarine) Airport;
- (c) Brisbane Airport;
- (d) Perth Airport;
- (e) Gold Coast Airport;
- (f) Hobart International Airport;
- (g) Launceston Airport;
- (h) Townsville Airport.

### 28 Definitions

In this instrument:

***parking control provision*** means:

- (a) a provision in Part 12 of the Australian Road Rules, as applied by section 31; or
- (b) section 36 of this instrument.

### 29 Parking signage plan

- (1) An airport-operator company for an airport must have a parking signage plan for the airport which describes:
  - (a) the landside areas of the airport where offences under sections 35 and 36 apply; and
  - (b) the traffic control devices used on the landside areas of the airport to identify areas where those offences apply.
- (2) The airport-operator company must give the Secretary a copy of the parking signage plan:
  - (a) within 10 business days after the beginning of each financial year; and
  - (b) as soon as practicable after the parking signage plan is varied at any other time of year.
- (3) As soon as practicable after the parking signage plan is given to the Secretary, the airport-operator company must also:
  - (a) publish the plan on the airport's website; and
  - (b) give a copy of the plan to:
    - (i) the Australian Federal Police; and
    - (ii) the police force or service of the State in which the airport is located.
- (4) If there is more than one airport-operator company for the airport, a requirement in this section only needs to be met by one company.

# EXPOSURE DRAFT

## Part 4 Vehicles

### Division 2 Landside vehicle parking and operation

#### Section 30

---

#### 30 Standard operating procedures for parking

- (1) An airport-operator company for an airport must have standard operating procedures in relation to landside vehicles at the airport which set out the following:
  - (a) the powers of authorised persons for the airport under this Division, and procedures designed to ensure that authorised persons exercise those powers in a suitable manner;
  - (b) policies for dealing with people who park or use a vehicle on the landside of the airport, including:
    - (i) the rights and obligations of those people in relation to parking or using a vehicle on the landside of the airport; and
    - (ii) processes for managing compliance by those people with those obligations (other than issuing infringement notices); and
    - (iii) procedures for dealing with complaints from those people about parking or using a vehicle on the landside of the airport;
  - (c) the procedures to be followed for issuing an infringement notice for an offence against a provision in this Division, payment and collection of the penalty in a notice, and withdrawing a notice;
  - (d) the procedures to be followed in relation to moving a vehicle under section 39.
- (2) The airport-operator company must give the Secretary a copy of the standard operating procedures within 10 business days after the beginning of each financial year.
- (3) If there is more than one airport-operator company for the airport, a requirement in this section only needs to be met by one company.

#### 31 Application of Australian Road Rules

- (1) Part 12 of the Australian Road Rules (Restrictions on stopping and parking) applies in relation to the landside of an airport.
- (2) Other provisions of the Australian Road Rules apply in relation to the landside of an airport to the extent that they relate to the provisions in Part 12.

Examples: Part 19 of the Australian Road Rules provides exemptions from provisions (such as for emergency vehicles and police vehicles), Part 20 provides for the form and application of traffic signs including parking signs, and the Dictionary defines the meaning of terms used in Part 12.
- (3) However, for the purposes of the application of the Australian Road Rules, **vehicle** has the same meaning as in subsection 172(2) of the Act.

#### 32 Operation of State laws on stopping and parking

For the purposes of subsection 177(2) of the Act:

- (a) Part 12 of the *Road Rules 2014* (NSW) has no effect within the landside of Sydney (Kingsford-Smith) Airport or Gold Coast Airport; and
- (b) Part 12 of the *Road Safety Road Rules 2017* (Vic.) has no effect within the landside of Melbourne (Tullamarine) Airport; and

- (c) Part 12 of the *Transport Operations (Road Use Management—Road Rules) Regulation 2009* (Qld) has no effect within the landside of Brisbane Airport, Gold Coast Airport or Townsville Airport; and
- (d) Part 12 of the *Road Traffic Code 2000* (WA) has no effect within the landside of Perth Airport; and
- (e) Part 12 of the *Road Rules 2019* (Tas.) has no effect within the landside of Hobart International Airport or Launceston Airport.

### 33 Installation of traffic control devices

- (1) Subject to this section, an airport-operator company for an airport may install a traffic control device on the landside of the airport only if the device complies substantially with the Australian Road Rules (within the meaning of rule 316 of those Rules).
- (2) An airport-operator company for an airport may install a traffic control device to indicate that taxi drivers must not leave their taxis unattended in a taxi zone on the landside of the airport.

Note: The Australian Road Rules do not provide for this kind of traffic control device.
- (3) In circumstances in which there is a likelihood of loss or injury, or of interference with the normal flow of traffic, an airport-operator company for an airport may install traffic control devices on the landside of the airport to avoid the loss, injury or interference.
- (4) A traffic control device must be installed in a way that prominently and clearly identifies the area to which the device applies.

### 34 Permits to stop a vehicle in a permit zone

- (1) An airport-operator company for an airport may issue a permit for a vehicle to stop in a permit zone on the landside of the airport.
- (2) The permit must be issued in writing and in a form that can be displayed on or in a vehicle.

### 35 Offences against Australian Road Rules on stopping and parking

- (1) A person who is on the landside of an airport commits an offence of strict liability if the person contravenes an offence provision in Part 12 of the Australian Road Rules.
- (2) The offence is punishable on conviction by a penalty not exceeding the number of penalty units mentioned in Schedule 1 in relation to the offence provision contravened and the airport at which the contravention occurs.

### 36 Taxi driver must not leave taxi unattended in certain areas

- (1) The driver of a taxi commits an offence of strict liability if:
  - (a) a traffic control device applying to a taxi zone on the landside of an airport indicates that taxis must not be left unattended in that zone; and

# EXPOSURE DRAFT

## Part 4 Vehicles

### Division 2 Landside vehicle parking and operation

#### Section 37

- (b) the taxi is in the taxi zone; and
  - (c) the driver leaves the taxi so that the driver is over 3 metres from the closest point of the taxi.
- (2) An offence against subsection (1) is punishable on conviction by a penalty not exceeding the number of penalty units mentioned in the following table for the airport at which the offence occurs.

Penalty—leaving taxi unattended		
Item	Airport	Number of penalty units
1	Sydney (Kingsford-Smith) Airport	3
2	Melbourne (Tullamarine) Airport	3
3	Brisbane Airport	3
4	Perth Airport	3
5	Gold Coast Airport	3
6	Hobart International Airport	2
7	Launceston Airport	2
8	Townsville Airport	2

#### 37 Drivers of taxis, hire vehicles and public buses to show authority cards

A person commits an offence of strict liability if:

- (a) the person is driving a taxi, hire vehicle or public bus on the landside of an airport; and
- (b) the operation of such a vehicle is regulated in the State where the airport is located; and
- (c) an authorised person for the airport asks the driver to show the authorised person evidence of the driver's authority to operate the taxi, hire vehicle or public bus; and
- (d) the authorised person has shown the driver evidence of the authorised person's identity; and
- (e) the driver does not produce evidence of the driver's authority to operate the taxi, hire vehicle or public bus.

Penalty: 3 penalty units.

#### 38 Authorised person may direct that vehicle be moved

- (1) An authorised person for an airport may direct a driver who contravenes a parking control provision on the landside of the airport to move the driver's vehicle.
- (2) If a taxi, or the driver of a taxi, is causing interference with the operation of a taxi zone on the landside of an airport, an authorised person for the airport may direct the driver of the taxi to move the taxi.
- (3) A person commits an offence of strict liability if:
  - (a) the person is driving a vehicle on the landside of an airport; and

# EXPOSURE DRAFT

- (b) an authorised person for the airport gives the person a direction under subsection (1) or (2); and
- (c) the person does not comply with the direction.

Penalty: 3 units.

- (4) Subsection (3) does not apply if the vehicle is an emergency or police vehicle.

Note: A defendant bears an evidential burden in relation to the matter in this subsection: see subsection 13.3(3) of the *Criminal Code*.

## 39 Authorised person may move vehicle

### *Circumstances in which vehicle may be moved*

- (1) An authorised person for an airport may, with whatever assistance is reasonably necessary, move a vehicle on the landside of the airport to a place within the airport designated for the purpose by an airport-operator company for the airport if:
  - (a) either:
    - (i) the vehicle is used in contravention of a parking control provision and the driver of the vehicle cannot be found within a reasonable time; or
    - (ii) the driver of the vehicle fails to comply with a direction under subsection 38(1) or (2); and
  - (b) the authorised person considers that the vehicle is causing interference with the normal flow of traffic, a permit zone on the landside of the airport or the operation of the airport.
- (2) An authorised person for an airport may also move a vehicle to the place designated for the purpose if the vehicle appears to be abandoned on the landside of the airport.

### *Notice that vehicle has been moved*

- (3) If an authorised person for an airport moves a vehicle under subsection (1) on the basis that the driver of the vehicle cannot be found, or moves a vehicle under subsection (2), the authorised person must, as soon as practicable after moving the vehicle:
  - (a) give the vehicle registration authority for the State in which the vehicle is registered (if known) a notice in writing that:
    - (i) identifies the vehicle; and
    - (ii) states that the vehicle has been moved, and how it can be retrieved; and
  - (b) take other reasonable steps to find the driver or registered owner of the vehicle and tell the driver or owner:
    - (i) that the vehicle has been moved, and how it can be retrieved; and
    - (ii) that the vehicle may only be retrieved by the owner or a person acting for the owner.

# EXPOSURE DRAFT

## Part 4 Vehicles

### Division 2 Landside vehicle parking and operation

#### Section 40

---

- (4) A vehicle registration authority for a State that receives a notice under paragraph (3)(a) may, in accordance with the laws of the State, inform the registered owner of the vehicle of the matters set out in the notice.

*No liability for loss or damage*

- (5) An authorised person for an airport who moves a vehicle under this section, any person who assists the authorised person to do so, and an airport-operator company for the airport, are not liable for any loss of, or damage to, the vehicle that occurs:
  - (a) while it is being moved; or
  - (b) after it is moved and before it is retrieved by or for its owner.

#### **40 Owner of vehicle must pay costs of storage etc.**

- (1) If a vehicle on the landside of an airport is moved under section 39, an airport-operator company for the airport may recover from the owner of the vehicle costs reasonably incurred in moving and storing the vehicle.
- (2) The costs may be recovered by action in a court of competent jurisdiction.
- (3) The airport-operator company is not required to return the vehicle to the owner, or a person acting for the owner, if the costs have not been paid.

#### **41 Airport-operator company may dispose of vehicle**

*Authority to dispose of vehicle*

- (1) This section applies if:
  - (a) a vehicle on the landside of an airport is moved under section 39; and
  - (b) the vehicle has not been retrieved by or for the owner within 3 months after the day on which the vehicle was moved.
- (2) An airport-operator company for the airport must publish a notice, in a newspaper circulating generally in the State in which the airport is located, that the company intends to sell or otherwise dispose of the vehicle.
- (3) The airport-operator company may sell or otherwise dispose of the vehicle if the vehicle has not been retrieved by or for its owner within 14 days after the notice is published.

*Consequences if vehicle is sold*

- (4) If the airport-operator company sells the vehicle, the airport-operator company must, as soon as practicable after the end of the financial year in which the sale occurs, give the Commonwealth the proceeds of the sale less the costs reasonably incurred in moving, storing and selling the vehicle.
- (5) If the airport-operator company sells the vehicle, and the person who was the owner of the vehicle immediately before the sale makes a claim in relation to the vehicle to the airport-operator company, the airport-operator company must pay

to the person an amount equal to the proceeds of the sale less the costs reasonably incurred in moving, storing and selling the vehicle.

- (6) If the airport-operator company pays an amount in relation to a claim under subsection (5) and provides evidence of the claim to the Commonwealth, then:
- (a) if the airport-operator company has not yet given the proceeds of the sale of the vehicle to the Commonwealth under subsection (4)—the airport-operator company is not required to give the proceeds; and
  - (b) if the airport-operator company has given the proceeds of the sale of the vehicle to the Commonwealth under subsection (4)—the Commonwealth must pay to the airport-operator company an amount equal to the amount that was given under subsection (4).
- (7) Any other right in relation to the vehicle that was vested in a person before the sale ceases to exist at the time of the sale.

## **42 Who can be appointed as authorised person**

The Secretary may appoint any of the following as an authorised person for an airport for the purposes of a provision in this Division:

- (a) an employee of the Department;
- (b) a member, special member, protective service officer or special protective service officer of the Australian Federal Police;
- (c) an employee of an airport-operator company, or of a contractor or subcontractor of an airport-operator company;
- (d) an individual engaged by an airport-operator company as a contractor, or who is a subcontractor of a contractor of an airport-operator company;
- (e) any other individual the Secretary considers to be appropriately qualified or experienced to exercise powers under the provision.

# EXPOSURE DRAFT

## Part 4 Vehicles

### Division 3 Airside vehicle parking

#### Section 43

---

### Division 3—Airside vehicle parking

#### 43 Airports to which this Division applies

This Division applies to all activity-controlled airports.

#### 44 Areas with parking restrictions

- (1) An airport-operator company for an airport may designate an area on the airside of the airport as:
  - (a) an area in which parking is not permitted (a ***no-parking area***); or
  - (b) an area in which parking is only permitted at certain times, or for particular purposes or when particular conditions are met (a ***limited-parking area***).
- (2) The airport-operator company must ensure that a designated area is prominently and clearly marked as a no-parking area or limited-parking area (by a sign, lines or some other method).
- (3) The marking of the area must clearly indicate:
  - (a) for a no-parking area—that a vehicle must not be parked in the area; or
  - (b) for a limited-parking area—at what times, for what purposes, or under what conditions, a vehicle may be parked or must not be parked in the area.
- (4) The designation of an area as a no-parking area or a limited-parking area is of no effect if it is not marked as required by subsections (2) and (3).

#### 45 Areas with stopping restrictions

- (1) An airport-operator company for an airport may designate an area on the airside of the airport as:
  - (a) an area in which stopping is not permitted (a ***no-stopping area***); or
  - (b) an area in which stopping is only permitted at certain times, or for particular purposes or when particular conditions are met (a ***limited-stopping area***).
- (2) The airport-operator company must ensure that a designated area is prominently and clearly marked as a no-stopping area or limited-stopping area (by a sign, lines or some other method).
- (3) The marking of the area must clearly indicate:
  - (a) for a no-stopping area—that a vehicle must not be stopped in the area; or
  - (b) for a limited-stopping area—at what times, for what purposes, or under what conditions, a vehicle may be stopped or must not be stopped in the area.
- (4) The designation of an area as a no-stopping area or a limited-stopping area is of no effect if it is not marked as required by subsections (2) and (3).



## 46 Offences—parking

- (1) A person commits an offence of strict liability if the person parks a vehicle in a marked no-parking area.

Penalty: 3 penalty units.

- (2) A person commits an offence of strict liability if the person:
- (a) parks a vehicle in a marked limited-parking area at a time when, according to the marking of the area, parking in the area is not permitted; or
  - (b) parks a vehicle in a marked limited-parking area for a purpose for which, according to the marking of the area, parking in the area is not permitted; or
  - (c) parks a vehicle in a marked limited-parking area in a way that, according to the marking of the area, contravenes a condition of parking in the area.

Penalty: 3 penalty units.

- (3) Subsection (1) or (2) does not apply if:
- (a) the vehicle is an emergency or police vehicle; or
  - (b) the person who parked the vehicle is given permission by an authorised person for the airport to park the vehicle in the area.

Note: A defendant bears an evidential burden in relation to the matter in paragraph (a) or (b): see subsection 13.3(3) of the *Criminal Code*.

## 47 Offences—stopping

- (1) A person commits an offence of strict liability if the person stops a vehicle in a marked no-stopping area.

Penalty: 3 penalty units.

- (2) A person commits an offence of strict liability if the person:
- (a) stops a vehicle in a marked limited-stopping area at a time when, according to the marking of the area, stopping in the area is not permitted; or
  - (b) stops a vehicle in a marked limited-stopping area for a purpose for which, according to the marking of the area, stopping in the area is not permitted; or
  - (c) stops a vehicle in a marked limited-stopping area in a way that, according to the marking of the area, contravenes a condition of stopping in the area.

Penalty: 3 penalty units.

- (3) Subsection (1) or (2) does not apply if:
- (a) the vehicle is an emergency or police vehicle; or
  - (b) the person who stopped the vehicle is given permission by an authorised person for the airport to stop the vehicle in the area.

Note: A defendant bears an evidential burden in relation to the matter in paragraph (a) or (b): see subsection 13.3(3) of the *Criminal Code*.

# EXPOSURE DRAFT

## Part 4 Vehicles

### Division 3 Airside vehicle parking

#### Section 48

---

#### **48 Authorised person may direct that a vehicle be moved**

- (1) An authorised person for an airport may direct the driver of a vehicle on the airside of the airport to move the vehicle if it is:
  - (a) parked in a no-parking area; or
  - (b) parked in a limited-parking area in circumstances when parking the vehicle is not permitted; or
  - (c) stopped in a no-stopping area; or
  - (d) stopped in a limited-stopping area in circumstances when stopping the vehicle is not permitted.
- (2) A driver of a vehicle commits an offence of strict liability if:
  - (a) the driver is given a direction to move the vehicle under subsection (1); and
  - (b) the driver does not comply with the direction.

Penalty: 3 penalty units.

#### **49 Who can be appointed as authorised person**

The Secretary may appoint any of the following as an authorised person for an airport for the purposes of a provision in this Division:

- (a) an employee of the Department;
- (b) a member, special member, protective service officer or special protective service officer of the Australian Federal Police;
- (c) a person authorised under the law of a State to prosecute offences related to the parking of vehicles;
- (d) an employee of an airport-operator company, or of a contractor or subcontractor of an airport-operator company;
- (e) an individual engaged by an airport-operator company as a contractor, or who is a subcontractor of a contractor of an airport-operator company;
- (f) any other individual the Secretary considers to be appropriately qualified or experienced to exercise powers under the provision.

## **Division 4—Airside vehicle operation**

### **50 Airports to which this Division applies**

This Division applies to all activity-controlled airports.

### **51 References to Airside Vehicle Control Handbook**

A reference in this Division to the Airside Vehicle Control Handbook for an airport is a reference to the Handbook as in force or existing from time to time.

### **52 Vehicles not to be driven on airside without permission or escort**

- (1) A person commits an offence of strict liability if:
  - (a) the person is driving a vehicle on the airside of an airport; and
  - (b) neither of the following applies:
    - (i) the person holds an ADA for the airport and the vehicle is the subject of an AUA for the airport;
    - (ii) the vehicle is escorted by a person authorised, in accordance with the Airside Vehicle Control Handbook for the airport, to provide airside vehicle escort services.

Penalty: 5 penalty units.

- (2) A person commits an offence of strict liability if:
  - (a) the person is driving a vehicle on the airside of an airport; and
  - (b) the vehicle is being escorted by another person authorised, in accordance with the Airside Vehicle Control Handbook for the airport, to provide airside vehicle escort services; and
  - (c) the escort gives the person a direction in relation to driving the vehicle; and
  - (d) the person does not comply with the direction.

Penalty: 5 penalty units.

### **53 Approved issuing authority**

- (1) An airport-operator company for an airport may, in accordance with the Airside Vehicle Control Handbook for the airport, approve a person to issue ADAs or AUAs (or both) for the airport.
- (2) The airport-operator company may revoke the approval by giving the person notice in writing. The notice must be at least 7 days before the revocation takes effect.

### **54 Authority to Drive Airside**

#### *Application and issue*

- (1) A person may apply for an Authority to Drive Airside for an airport to:
  - (a) an airport-operator company for the airport; or

# EXPOSURE DRAFT

## Part 4 Vehicles

### Division 4 Airside vehicle operation

#### Section 55

---

- (b) an approved issuing authority for ADAs for the airport.
- (2) The application must be made in the way set out in the Airside Vehicle Control Handbook for the airport.
- (3) The criteria to be applied by the airport-operator company or approved issuing authority in deciding whether to issue an ADA for the airport are the criteria set out for that purpose in the Airside Vehicle Control Handbook for the airport.
- (4) An approved issuing authority for an airport must not issue an ADA for the airport otherwise than in accordance with the Airside Vehicle Control Handbook for the airport.
- (5) An airport-operator company or approved issuing authority that issues an ADA for an airport to a person must issue the person a card or other suitable evidence of the ADA.

#### *Conditions*

- (6) An ADA for an airport is subject to the condition that the holder of the ADA must drive a vehicle on the airside of the airport in accordance with:
  - (a) the rules set out in the Airside Vehicle Control Handbook for the airport, including any rules regarding the use of radiocommunications equipment or other signalling equipment; and
  - (b) if the vehicle is the subject of an AUA—any conditions of the AUA; and
  - (c) any directions of an employee of an airport-operator company for the airport.
- (7) An ADA for an airport is subject to the condition that the holder shows evidence of the ADA to an employee of an airport-operator company for the airport on demand.
- (8) An ADA for an airport may be issued subject to any other conditions that an airport-operator company for the airport thinks necessary.
- (9) Without limiting the generality of subsection (8), the conditions may include a condition:
  - (a) that the holder of the ADA, or the holder's employer, indemnify the airport-operator company; or
  - (b) limiting the person's right to operate a vehicle in particular places, at particular times, or in particular circumstances.

#### **55 Withdrawal of Authority to Drive Airside**

- (1) An airport-operator company for an airport may withdraw a person's ADA for the airport if the person drives a vehicle on the airside of the airport:
  - (a) other than in accordance with:
    - (i) the person's ADA; or
    - (ii) the AUA for the vehicle (if any); or
    - (iii) the Airside Vehicle Control Handbook for the airport; or

- (iv) a direction of an employee of an airport-operator company for the airport; or
  - (b) in a manner likely to cause injury to a person or damage to property (including an aircraft or another vehicle).
- (2) If an airport-operator company for an airport is considering withdrawing a person's ADA for the airport, it must, before making a decision, give the person a written notice:
  - (a) stating the reasons why the ADA may be withdrawn; and
  - (b) inviting the person to show cause why the ADA should not be withdrawn.
- (3) If the Airside Vehicle Control Handbook for the airport sets out criteria to be applied in deciding whether or not to withdraw an ADA, the airport-operator company must apply those criteria in making the decision.
- (4) If an airport-operator company for an airport withdraws a person's ADA for the airport, it must give the person written notice of the withdrawal, and the reasons for the withdrawal, as soon as practicable.

## 56 Authority for Use Airside

### *Application and issue*

- (1) A person who owns or has the right to use a vehicle may apply to:
  - (a) an airport-operator company for an airport; or
  - (b) an approved issuing authority for AUAs for an airport;for an Authority for Use Airside for the airport in relation to the vehicle.
- (2) The application must be made in the way set out in the Airside Vehicle Control Handbook for the airport.
- (3) The criteria to be applied by the airport-operator company or approved issuing authority in deciding whether to issue an AUA for the airport are the criteria set out for that purpose in the Airside Vehicle Control Handbook for the airport.
- (4) An approved issuing authority for an airport must not issue an AUA for the airport in relation to a vehicle otherwise than in accordance with the Airside Vehicle Control Handbook for the airport.

### *Conditions*

- (5) An AUA for an airport in relation to a vehicle is subject to the condition that the vehicle must be driven on the airside of the airport in accordance with:
  - (a) the rules set out in the Airside Vehicle Control Handbook for the airport, including any rules regarding the use of radio communications equipment or other signalling equipment; and
  - (b) any directions of an employee of an airport-operator company for the airport.
- (6) An AUA for an airport in relation to a vehicle may be issued subject to any other conditions that an airport-operator company for the airport thinks necessary.

# EXPOSURE DRAFT

## Part 4 Vehicles

### Division 4 Airside vehicle operation

#### Section 57

---

- (7) Without limiting the generality of subsection (6), the conditions may include a condition:
- (a) that the holder of the AUA indemnify the airport-operator company; or
  - (b) limiting the operation of the vehicle to particular places, times, or circumstances.

#### 57 Withdrawal of Authority for Use Airside

- (1) An airport-operator company for an airport may withdraw the AUA for the airport in relation to a vehicle if the vehicle has been driven on the airside of the airport:
- (a) other than in accordance with:
    - (i) the driver's ADA (if any); or
    - (ii) the AUA for the vehicle; or
    - (iii) the Airside Vehicle Control Handbook for the airport; or
    - (iv) a direction of an employee of the airport-operator company; or
  - (b) in a manner likely to cause injury to a person or damage to property (including an aircraft or another vehicle).
- (2) If an airport-operator company for an airport is considering withdrawing an AUA for the airport in relation to a vehicle, it must, before making a decision, give the holder of the AUA a written notice:
- (a) stating the reasons why the AUA may be withdrawn; and
  - (b) inviting the holder to show cause why the AUA should not be withdrawn.
- (3) If the Airside Vehicle Control Handbook for the airport sets out criteria to be applied in deciding whether or not to withdraw an AUA for the airport in relation to a vehicle, the airport-operator company must apply those criteria in making the decision.
- (4) If an airport-operator company for an airport withdraws the AUA for the airport in relation to a vehicle, it must give the holder of the AUA written notice of the withdrawal, and the reasons for the withdrawal, as soon as practicable.

#### 58 Review of decisions

An application may be made to the Administrative Review Tribunal for review of any of the following decisions:

- (a) a decision under section 54 to not issue an ADA for an airport to a person;
- (b) a decision under section 54 to issue an ADA for an airport to a person subject to additional conditions;
- (c) a decision under section 55 to withdraw a person's ADA for an airport;
- (d) a decision under section 56 to not issue an AUA for an airport in relation to a vehicle;
- (e) a decision under section 56 to issue an AUA for an airport in relation to a vehicle subject to additional conditions;
- (f) a decision under section 57 to withdraw an AUA for an airport in relation to a vehicle.

## **59 Driver of vehicle must show authority etc.**

- (1) An authorised person for an airport may direct the driver of a vehicle on the airside of the airport to show the authorised person any of the following:
  - (a) the driver's ADA for the airport;
  - (b) the AUA for the vehicle for the airport;
  - (c) if the airport is a security controlled airport within the meaning of the *Aviation Transport Security Act 2004*—the driver's ASIC within the meaning of the *Aviation Transport Security Regulations 2005*;
  - (d) if the airport is not a security controlled airport and an identification document is approved or issued by an airport-operator company for the airport—the driver's identification document.
- (2) A person commits an offence of strict liability if:
  - (a) the person is driving a vehicle on the airside of an airport; and
  - (b) an authorised person for the airport gives the person a direction under subsection (1); and
  - (c) the person does not comply with the direction.

Penalty: 1 penalty unit.

## **60 Vehicles to be kept clear of aircraft**

- (1) A person commits an offence of strict liability if the person drives, stops or parks a vehicle within 3 metres of an aircraft.  
  
Penalty: 3 penalty units.
- (2) Subsection (1) does not apply if the vehicle:
  - (a) is of a kind normally used for servicing, refuelling, loading, unloading, towing or pushing an aircraft, and is being used to do so; or
  - (b) is an emergency or police vehicle being used in connection with an emergency on the aircraft or in the vicinity of the aircraft.

Note: A defendant bears an evidential burden in relation to the matter in paragraph (a) or (b): see subsection 13.3(3) of the *Criminal Code*.

## **61 Authorised person may direct that vehicle be moved or move vehicle**

- (1) An authorised person for an airport may direct the driver of a vehicle on the airside of the airport to remove the vehicle from the airside, if the authorised person considers that:
  - (a) the vehicle is being driven, or is stopped or parked, in a manner that is likely to be a danger to a person or property (including other vehicles and aircraft); or
  - (b) the vehicle is likely to interfere with the operation of the airport.
- (2) The driver of a vehicle on the airside of an airport commits an offence of strict liability if:
  - (a) an authorised person for the airport gives the driver a direction under subsection (1); and

# EXPOSURE DRAFT

## Part 4 Vehicles

### Division 4 Airside vehicle operation

#### Section 62

---

- (b) the driver does not comply with the direction.

Penalty: 5 penalty units.

- (3) An authorised person for an airport may, with whatever assistance is reasonably necessary, move a vehicle on the airside of the airport to a place within the airport designated for the purpose by an airport-operator company for the airport if:
  - (a) the authorised person has power to give a direction under subsection (1) but the driver cannot be found; or
  - (b) the driver of the vehicle fails to comply with a direction under subsection (1).

#### **62 Who can be appointed as authorised person**

The Secretary may appoint any of the following as an authorised person for an airport for the purposes of a provision in this Division:

- (a) an employee of the Department;
- (b) a member, special member, protective service officer or special protective service officer of the Australian Federal Police;
- (c) an employee of an airport-operator company, or of a contractor or subcontractor of an airport-operator company;
- (d) an individual engaged by an airport-operator company as a contractor, or who is a subcontractor of a contractor of an airport-operator company;
- (e) any other individual the Secretary considers to be appropriately qualified or experienced to exercise powers under the provision.



## Division 5—Liability of owner of vehicle for offences

### 63 Liability of owner of vehicle for parking offences

*Owner presumed to be driver except in certain circumstances*

- (1) If a parking offence occurs at an airport in relation to a vehicle, the owner of the vehicle when the offence occurs is taken to have committed the offence as if the owner were the actual offender guilty of the offence, unless:
  - (a) the vehicle was, at the time of the offence, stolen or illegally taken or used;  
or
  - (b) subsection (2), (4) or (5) applies.

*Declaration of known driver*

- (2) The owner of the vehicle is not taken to have committed the parking offence if:
  - (a) for an owner who is not a body corporate—within 14 days after service of an infringement notice or a summons for the offence, the owner makes, and gives to the notice authority for the airport in relation to the offence, a statutory declaration stating:
    - (i) that it is made for the purposes of this section; and
    - (ii) that the owner was not the driver of the vehicle at the time the offence is alleged to have occurred; and
    - (iii) the name and address of the person who was the driver of the vehicle at that time; or
  - (b) for an owner that is a body corporate—within 14 days after service of an infringement notice or a summons for the offence, a director, manager or secretary of the body corporate makes, and gives to the notice authority for the airport in relation to the offence, a statutory declaration stating:
    - (i) that it is made for the purposes of this section; and
    - (ii) that the vehicle was not being used for the purposes of the body corporate at the time the offence is alleged to have occurred; and
    - (iii) the name and address of the person who was the driver of the vehicle at that time.

*Declaration of unknown driver*

- (3) If an infringement notice or summons has been served on the owner of a vehicle for a parking offence at an airport:
  - (a) for an owner who is not a body corporate—the owner may, within 14 days after service of the notice or summons, make, and give to the notice authority for the airport in relation to the offence, a statutory declaration stating:
    - (i) that it is made for the purposes of this section; and
    - (ii) that the owner was not the driver of the vehicle at the time the offence is alleged to have occurred; and
    - (iii) that the owner has not been able to find out who was the driver of the vehicle at that time; and

# EXPOSURE DRAFT

## Part 4 Vehicles

### Division 5 Liability of owner of vehicle for offences

#### Section 63

---

- (iv) the nature of the enquiries made to find out the name and address of the person who was the driver of the vehicle at that time; or
  - (b) for an owner that is a body corporate—a director, manager or secretary of the body corporate may, within 14 days after service of the notice or summons, make, and give to the notice authority for the airport in relation to the offence, a statutory declaration stating:
    - (i) that it is made for the purposes this section; and
    - (ii) that, to the knowledge of the declarant, from the facts as set out in the declaration, the vehicle was not being used for the purposes of the body corporate at the time the offence is alleged to have occurred; and
    - (iii) that the body corporate has not been able to find out who was the driver of the vehicle at that time; and
  - (iv) the nature of the enquiries made to find out the name and address of the person who was the driver of the vehicle at that time.
- (4) The notice authority for an airport in relation to offences against a provision must withdraw an infringement notice given to the owner of a vehicle in relation to an alleged parking offence at the airport against the provision if:
  - (a) for an owner that is not a body corporate—the notice authority is satisfied (whether on the statements contained in a statutory declaration made under paragraph (3)(a) or otherwise) that:
    - (i) the owner was not the driver of the vehicle at the time the offence is alleged to have occurred; and
    - (ii) the enquiries made by the owner to find out the name and address of the person who was the driver of the vehicle at that time were reasonable in the circumstances of the case and were carried out with due diligence; or
  - (b) for an owner that is a body corporate—the notice authority is satisfied (whether on the statements contained in a statutory declaration made under paragraph (3)(b) or otherwise) that:
    - (i) the vehicle was not being used for the purposes of the body corporate at the time the offence is alleged to have occurred; and
    - (ii) the enquiries made by the body corporate to find out the name and address of the person who was the driver of the vehicle at that time were reasonable in the circumstances of the case and were carried out with due diligence.
- (5) At the hearing of a prosecution for a parking offence against the owner of a vehicle, the court must dismiss the charge if:
  - (a) for an owner who is not a body corporate—the court is satisfied (whether on the statements contained in a statutory declaration made under paragraph (3)(a) or otherwise) that:
    - (i) the owner was not the driver of the vehicle at the time the offence is alleged to have occurred; and
    - (ii) the enquiries made by the owner to find out the name and address of the person who was the driver of the vehicle at that time were reasonable in the circumstances of the case and were carried out with due diligence; or

# EXPOSURE DRAFT

## Section 64

---

- (b) for an owner that is a body corporate—the court is satisfied (whether on the statements contained in a statutory declaration made under paragraph (3)(b) or otherwise) that:
  - (i) the vehicle was not being used for the purposes of the body corporate at the time the offence is alleged to have occurred; and
  - (ii) the enquiries made by the body corporate to find out the name and address of the person who was the driver of the vehicle at that time were reasonable in the circumstances of the case and were carried out with due diligence.

### *Other matters*

- (6) If a notice authority appointed by the Secretary under subsection 86(2) receives a statutory declaration under this section in relation to a parking offence for which a summons has been served, the notice authority must give a copy of the statutory declaration to the Secretary.
- (7) At the hearing of a prosecution for a parking offence at an airport, a certificate issued by the notice authority for the airport stating that a person named in the certificate, or a director, manager or secretary of the body corporate named in the certificate, has not given the notice authority a statutory declaration under this section in relation to that offence is prima facie evidence of the matter so stated.
- (8) A certificate that purports to have been issued by the notice authority is to be taken to have been so issued unless the contrary is proved.
- (9) This section does not affect the liability of a person who actually committed the offence if the person was not the owner of the vehicle involved in the offence. However, if a penalty has been imposed on or recovered from any person for the offence, no further penalty may be imposed on or recovered from anyone else for the same offence.

## **64 Copy of statutory declaration to be served**

- (1) If a person is named in a statutory declaration given under subsection 63(2) as being the person who was the driver of the vehicle at the time of an alleged parking offence, a copy of the statutory declaration must:
  - (a) if an infringement notice for the offence is to be given to the person after the statutory declaration is given—be attached to the infringement notice when it is given; or
  - (b) if the person is to be prosecuted for the offence—be attached to the summons for the offence when it is served on the person.
- (2) At a hearing of a prosecution for the offence against the person, the statutory declaration is prima facie evidence that the person was the driver of the vehicle at the time of the offence.

# EXPOSURE DRAFT

## Part 5 Gambling

### Division 1 Preliminary

#### Section 65

---

## Part 5—Gambling

### Division 1—Preliminary

#### 65 Purposes of Part

This Part is made for the purposes of sections 173 and 177 of the Act.

#### 66 Airports to which this Part applies

This Part applies to all activity-controlled airports except for the following:

- (a) Sydney (Kingsford-Smith) Airport;
- (b) Sydney West Airport;
- (c) Bankstown Airport;
- (d) Camden Airport;
- (e) Mount Isa Airport;
- (f) Tennant Creek Airport.

## **Division 2—Regulation of gambling activity at airports**

### **67 Prohibition of gambling**

A person commits an offence of strict liability if:

- (a) the person engages in a gambling activity at an airport; and
- (b) the gambling activity was not engaged in in accordance with a gambling permission or an old gambling authority.

Penalty: 10 penalty units.

### **68 State gambling laws not to apply**

- (1) A law of a State that permits a gambling activity (whether or not subject to the obtaining of a licence or other permission) does not apply at an airport.
- (2) A law of a State that regulates the conduct of a gambling activity does not apply at an airport of its own force.
- (3) However, it is a condition of any gambling permission or old gambling authority that the permitted or authorised gambling activity must be engaged in in compliance with a law of a State that would, but for this section, apply to the activity, except to the extent that:
  - (a) the law requires a person to obtain a licence or permission for the activity; or
  - (b) the law requires a person to make a report or return about the activity; or
  - (c) the law is inconsistent with the other terms of the gambling permission or old gambling authority.

# EXPOSURE DRAFT

## Part 5 Gambling

### Division 3 Continuation of old gambling authority

#### Section 69

---

### Division 3—Continuation of old gambling authority

#### 69 Old gambling authority continues to have effect

- (1) Subject to subsection 68(3), an old gambling authority for a gambling activity at an airport continues to have effect according to its terms, including:
  - (a) the kind of gambling activity authorised; and
  - (b) restrictions on the gambling activity, such as the number and type of gaming machines permitted; and
  - (c) restrictions on when the gambling activity may be engaged in; and
  - (d) any other conditions on the way the gambling activity is engaged in; and
  - (e) terms as to when the old gambling authority ceases to be in effect.
- (2) In this instrument:

***old gambling authority*** means an authority to engage in a gambling activity at an airport that was given to a person by the former Federal Airports Corporation or the Commonwealth before an airport lease was first granted in respect of the airport site, however the authority is described and including an authority that is part of the terms of a lease or a licence.

---

## Division 4—Permission to engage in gambling activity

### 70 Application for gambling permission

- (1) A person may apply to the Secretary, in writing, for permission to engage in a gambling activity at an airport, only if:
  - (a) the person currently holds a gambling permission for the gambling activity at the airport; or
  - (b) the person holds an old gambling authority for the gambling activity at the airport; or
  - (c) the person has purchased or is to purchase a business that includes engaging in the gambling activity at the airport, from a person that holds a gambling permission or an old gambling authority for the gambling activity at the airport; or
  - (d) the person has taken or is taking responsibility for administering a business that includes engaging in the gambling activity at the airport in accordance with a gambling permission or an old gambling authority, due to the person being the liquidator of a corporation, a trustee in bankruptcy, the executor of an estate or having a similar role.
- (2) The application must include evidence that an airport-operator company for the airport consents to the person engaging in the gambling activity at the airport.
- (3) If paragraph (1)(c) or (d) applies, the application must include evidence that the person is eligible to make the application.

### 71 Decision on application

- (1) If the Secretary receives an application for a gambling permission for a gambling activity at an airport made in accordance with section 70, the Secretary must decide:
  - (a) whether to grant the gambling permission to the applicant; and
  - (b) if the Secretary decides to grant the permission—the conditions that the permission is subject to.
- (2) If the Secretary reasonably needs more information from the applicant to decide the application, the Secretary may ask the applicant in writing to provide the information. The request must state a reasonable time to provide the information.
- (3) If the Secretary does not decide on the application within 30 days after receiving it, the Secretary is taken to have refused the application. However, the period of 30 days does not include any time between the Secretary making a request under subsection (2) and the applicant providing the requested information.

#### *Factors in decision*

- (4) In deciding whether to grant a gambling permission for the gambling activity at the airport, the Secretary must have regard to the following:
  - (a) how permitting the gambling activity affects the amenity of the airport;

# EXPOSURE DRAFT

## Part 5 Gambling

### Division 4 Permission to engage in gambling activity

#### Section 71

---

- (b) the extent to which permitting the gambling activity is likely to result in social harm;
  - (c) any arrangements the applicant proposes to implement to engage in the gambling activity responsibly and to minimise harm;
  - (d) whether the applicant has engaged in a gambling activity at an airport that was not authorised by a gambling permission or an old gambling authority;
  - (e) whether the applicant has engaged in a gambling activity at an airport in a way that was not in accordance with the terms of a gambling permission or an old gambling authority;
  - (f) whether the applicant has breached a condition of a gambling permission or an old gambling authority;
  - (g) whether the applicant has breached a State law relating to gambling and, if so, the nature of the breach.
- (5) In deciding the conditions that the gambling permission is subject to, the Secretary must:
- (a) consider whether it is appropriate to impose different conditions on the permission from the conditions that applied to the previous gambling permission or old gambling authority for the activity at the airport mentioned in subsection 70(1); and
  - (b) in considering that question, have regard to the matters mentioned in subsection (4) of this section.
- (6) The Secretary may have regard to any other matter that the Secretary considers relevant when making a decision under this section.

#### *Conditions*

- (7) Without limiting the conditions that the Secretary may impose on a gambling permission for a gambling activity at an airport, the Secretary may:
- (a) impose any of the conditions that applied to the previous gambling permission or old gambling authority for the activity at the airport mentioned in subsection 70(1); or
  - (b) limit or specify the times or days during which the gambling activity may be engaged in; or
  - (c) limit the amount of the gambling activity (for example, by limiting the number or type of gaming machines that may be operated); or
  - (d) require the holder of the permission to exclude kinds of people from the gambling activity, such as children; or
  - (e) impose requirements relating to prizes or returns to players.

Note: See also subsection 68(3), which imposes a condition that applies to all gambling permissions.

- (8) However, the Secretary must not impose a condition requiring the gambling activity to be engaged in at particular premises at the airport.

#### *Reasons for decision*

- (9) The Secretary must give the applicant notice in writing of a decision under this section.



# EXPOSURE DRAFT

- (10) The Secretary must also give the applicant a statement of reasons for:
- (a) a decision not to grant a gambling permission; or
  - (b) a decision to grant a gambling permission subject to a condition that was not imposed on the previous permission or authority mentioned in subsection 70(1).

## **72 Terms of granted permission**

- (1) If the Secretary decides to grant a gambling permission to a person for a gambling activity at an airport, the Secretary must give the permission to the person in writing.
- (2) The permission must:
  - (a) specify the gambling activity that may be engaged in; and
  - (b) specify the airport at which the gambling activity may be engaged in; and
  - (c) state when the permission commences and when it ceases to be in effect; and
  - (d) set out the conditions that apply to the activity.
- (3) For the purposes of paragraph (2)(d), the permission:
  - (a) must refer to the condition imposed by subsection 68(3); and
  - (b) may specify a State law that does not need to be complied with when engaging in the permitted gambling activity.
- (4) The period that the permission will be in effect must not be more than 5 years.
- (5) A gambling permission is not transferable.

## **73 Review of decisions**

- (1) An application may be made to the Administrative Review Tribunal for review of a decision under subsection 71(1) not to grant a gambling permission for a gambling activity at an airport.
- (2) An application may be made to the Administrative Review Tribunal for review of a decision under subsection 71(1) to grant a gambling permission for a gambling activity at an airport subject to a condition that was not imposed on the previous permission or authority for the activity at the airport mentioned in subsection 70(1).

# EXPOSURE DRAFT

## Part 5 Gambling

### Division 5 Cancellation and suspension of permissions and authorities

#### Section 74

---

## Division 5—Cancellation and suspension of permissions and authorities

### 74 Cancellation due to breach—show cause notice and possible suspension

#### *Show cause notice*

- (1) The Secretary may give a show cause notice to the holder of a gambling permission or old gambling authority for a gambling activity at an airport, if the Secretary reasonably believes that:
  - (a) the holder has engaged in a gambling activity that is not authorised by the permission or authority; or
  - (b) the holder has engaged in a gambling activity in a way that is not in accordance with the terms of the permission or authority; or
  - (c) the holder has breached a condition of the permission or authority; or
  - (d) for a gambling permission—the application for the permission, or a document or statement supplied in support of the application or in response to a request for further information, was false or misleading in a material particular.
- (2) The Secretary may also suspend the gambling permission or old gambling authority if the Secretary reasonably considers that the breach forming the grounds for the show cause notice is sufficiently serious to justify suspension.
- (3) The show cause notice must:
  - (a) state the grounds on which the notice is given; and
  - (b) if the permission or authority is suspended—state that it is suspended; and
  - (c) invite the holder of the permission or authority to give the Secretary, within a reasonable period stated in the notice, a written statement showing cause why the permission or authority should not be cancelled.

#### *Period of suspension*

- (4) If a show cause notice states that a gambling permission or an old gambling authority is suspended, the suspension commences when the show cause notice is given to the holder.
- (5) The suspension may be revoked by the Secretary at any time, and the Secretary must give the holder written notice of the revocation.
- (6) If the suspension has not been revoked, it ends 90 days after the day on which it commenced.

### 75 Decision on cancellation

- (1) The Secretary must, after giving the holder of a gambling permission or old gambling authority for a gambling activity at an airport a show cause notice under section 74 and considering any written statement given by the holder in accordance with the show cause notice, decide whether to cancel the permission or authority.

# EXPOSURE DRAFT

- (2) The Secretary may decide to cancel the permission or authority if the Secretary is satisfied that:
  - (a) the holder has engaged in a gambling activity that is not authorised by the permission or authority; or
  - (b) the holder has engaged in a gambling activity in a way that is not in accordance with the terms of the permission or authority; or
  - (c) the holder has breached a condition of the permission or authority; or
  - (d) for a gambling permission—the application for the permission, or a document or statement supplied in support of the application or in response to a request for further information, was false or misleading in a material particular.
- (3) If the Secretary suspended the permission or authority under section 74 and then decides not to cancel the permission or authority, the Secretary must revoke the suspension.
- (4) The Secretary must give the holder of the permission or authority notice in writing of a decision under this section.
- (5) The Secretary must also give the holder a statement of reasons for a decision to cancel the permission or authority.

## 76 Cancellation at request of holder

- (1) The Secretary must cancel a gambling permission or old gambling authority for a gambling activity at an airport if the holder of the permission or authority makes a request in writing for it to be cancelled.
- (2) The cancellation takes effect when the request is given to the Secretary or, if a later day is stated in the request, on the stated day.

## 77 Review of decisions

An application may be made to the Administrative Review Tribunal for review of a decision under section 75 to cancel a gambling permission or old gambling authority for a gambling activity at an airport.

# EXPOSURE DRAFT

## Part 6 Smoking

### Section 78

---

## Part 6—Smoking

### 78 Purposes of Part

This Part is made for the purposes of section 174 of the Act.

### 79 Airports to which this Part applies

This Part applies to all activity-controlled airports except Mount Isa Airport and Tennant Creek Airport.

### 80 No-smoking areas

- (1) An airport-operator company for an airport may designate an area of the airport as an area in which smoking is not permitted (a *no-smoking area*).
- (2) The airport-operator company must ensure that the area is marked by a prominent sign bearing the words “No Smoking”.
- (3) The designation of the area as a no-smoking area is of no effect if it is not marked as required by subsection (2).

### 81 Offence—smoking

A person commits an offence of strict liability if the person smokes in a marked no-smoking area.

Penalty: 5 penalty units.

### 82 Infringement officers

The Secretary may appoint any of the following as an infringement officer for an airport for the purposes of section 81:

- (a) an employee of the Department;
- (b) a member, special member, protective service officer or special protective service officer of the Australian Federal Police;
- (c) an employee of an airport-operator company, or of a contractor or subcontractor of an airport-operator company;
- (d) an individual engaged by an airport-operator company as a contractor, or who is a subcontractor of a contractor of an airport-operator company;
- (e) any other individual the Secretary considers to be appropriately qualified or experienced to exercise the powers of an infringement officer under Part 7 of this instrument.

---

## Part 7—Infringement notices

### 83 Purposes of Part

This Part is made for the purposes of section 176 of the Act.

### 84 Provisions subject to infringement notices

The following provisions of this instrument are *subject to an infringement notice*:

- (a) a provision in Part 4, contravention of which constitutes an offence of strict liability;
- (b) a provision in Part 6, contravention of which constitutes an offence of strict liability.

### 85 Meaning of *infringement officer*

- (1) A person is an *infringement officer* for the purposes of exercising powers under this Part in relation to an offence against a provision of this instrument at an airport if:
  - (a) for a provision in Part 4—the person is an authorised person for the airport for the purposes of the provision; or
  - (b) for a provision in Part 6—the person is an infringement officer for the airport for the purposes of the provision.
- (2) A person who is an *infringement officer* for the purposes of exercising powers mentioned in subsection (1) is also an *infringement officer* for the purposes of:
  - (a) exercising other powers under this Part; or
  - (b) performing functions or duties under this Part;that are incidental to the powers mentioned in subsection (1).

### 86 Meaning of *notice authority*

- (1) For the purposes of exercising powers under this Part in relation to an offence against a provision of this instrument at an airport, the *notice authority* is:
  - (a) the Secretary; or
  - (b) if the Secretary has appointed an airport-operator company for the airport under subsection (2) as the notice authority for the airport in relation to offences against provisions in the Division or Part containing the provision—the airport-operator company.
- (2) The Secretary may appoint an airport-operator company for an airport as the notice authority for the airport in relation to offences against provisions in a Division or Part of this instrument, if the Secretary is satisfied:
  - (a) the airport-operator company has the capability to carry out the functions of a notice authority for infringement notices given in relation to offences at the airport against provisions in the Division or Part; and

# EXPOSURE DRAFT

## Part 7 Infringement notices

### Section 87

---

- (b) there are appropriate arrangements in place for the management of amounts paid under such infringement notices that the airport-operator company receives on behalf of the Commonwealth.
- (3) A person who is a **notice authority** for the purposes of exercising powers in relation to an offence against a provision of this instrument at an airport is also a **notice authority** for the purposes of:
  - (a) exercising other powers under this Part or Division 5 of Part 4; or
  - (b) performing functions or duties under this Part or Division 5 of Part 4; that are incidental to those powers.

Note: Division 5 of Part 4 includes provisions relating to infringement notices for parking offences.

### 87 When an infringement notice may be given

- (1) If an infringement officer reasonably believes that a person has committed an offence against a provision that is subject to an infringement notice, the infringement officer may give the person an infringement notice for the alleged offence.
- (2) The infringement notice must be given within 12 months after the day on which the offence is alleged to have been committed.
- (3) A single infringement notice must relate only to a single contravention of a single provision.

### 88 Matters to be included in an infringement notice

- (1) An infringement notice must:
  - (a) be identified by a unique number; and
  - (b) state the day on which it is given; and
  - (c) either:
    - (i) state the name of the person to whom the notice is given; or
    - (ii) if the alleged offence is a parking offence—include information that identifies the vehicle to which the offence relates; and
  - (d) include information that identifies the infringement officer giving the notice (by including the officer's name, identification number, signature or similar) and that indicates the officer is authorised to issue the infringement notice; and
  - (e) give brief details of the alleged offence to which the notice relates, including:
    - (i) the provision that was allegedly contravened; and
    - (ii) the maximum penalty that a court could impose for the offence, if the provision was contravened; and
    - (iii) the time (if known) and day of, and the place of, the alleged offence; and
  - (f) state the amount that is payable under the notice; and
  - (g) give an explanation of how payment of the amount is to be made; and

- (h) state that, if the person to whom the notice is given pays the amount within 28 days after the day the notice is given, then (unless the notice is withdrawn), the person will not be liable to be prosecuted in court for the alleged offence; and
  - (i) state that payment of the amount is not an admission of guilt or liability; and
  - (j) state that the person may apply to the notice authority for the airport in relation to the alleged offence to have the period in which to pay the amount extended; and
  - (k) state that the person may choose not to pay the amount and, if the person does so, the person may be prosecuted in a court for the alleged offence; and
  - (l) set out how the notice can be withdrawn; and
  - (m) state that if the notice is withdrawn, the person may be prosecuted in a court for the alleged offence; and
  - (n) state that the person may make written representations to the notice authority for the airport in relation to the alleged offence seeking the withdrawal of the notice; and
  - (o) if the alleged offence is a parking offence—state that the owner of the vehicle to which the offence relates may, if the owner was not the driver, give a statutory declaration to that effect to the notice authority for the airport in relation to the alleged offence, within 14 days after the notice is given.
- (2) The amount to be stated in the notice for the purposes of paragraph (1)(f) is one-fifth of the maximum penalty that a court could impose on the person for the alleged offence.

## **89 Service of infringement notices**

### *Individuals*

- (1) An infringement officer may give an infringement notice to an individual by:
- (a) delivering it to the individual personally; or
  - (b) leaving it at, or sending it by post to, the address of the place of residence or business of the individual that is last known to the infringement officer; or
  - (c) giving it, at the place of residence or business of the individual that is last known to the infringement officer, to another person who is, or is reasonably believed by the infringement officer to be, above the age of 16 years and apparently an occupant of the residence or employed at the business.

### *Bodies corporate*

- (2) An infringement officer may give an infringement notice to a body corporate by:
- (a) sending it by post to the head office, registered office, principal office or other postal address of the body corporate; or

# EXPOSURE DRAFT

## Part 7 Infringement notices

### Section 90

---

- (b) giving it to a person at the head office, registered office, principal office or other place of business of the body corporate who is, or is reasonably believed by the infringement officer to be:
  - (i) an officer of the body corporate or in the service of the body corporate; and
  - (ii) above the age of 16 years.

#### *Additional rules*

- (3) An infringement notice for a parking offence may also be given to the owner of a vehicle by securely placing the notice on the vehicle in a conspicuous position.

Note: For the presumption that the owner of a vehicle is the driver of the vehicle, see section 63.

- (4) An infringement notice for an offence against a provision in Part 4 (Vehicles) may also be given to the owner of a registered vehicle by sending it by post to the address of the owner in the record of registration of the vehicle.
- (5) If a person is named in a statutory declaration under subsection 63(2) in relation to a parking offence, an infringement notice for the offence may also be given to the person by sending it by post to the address stated in the statutory declaration.

Note: Subsection 64(1) requires that a copy of the statutory declaration be attached to the infringement notice when it is given to the person.

### **90 Extension of time to pay amount**

- (1) A person to whom an infringement notice has been given in relation to an alleged offence at an airport may apply to the notice authority for the airport in relation to the offence for an extension of the period referred to in paragraph 88(1)(h).
- (2) The notice authority may, in writing, extend the period referred to in paragraph 88(1)(h):
  - (a) on an application made under subsection (1) before the end of that period; or
  - (b) on the notice authority's own initiative.
- (3) The notice authority may extend the period before or after the end the period.
- (4) If the notice authority extends the period, a reference in this Part, or in a notice or instrument under this Part, to the period referred to in paragraph 88(1)(h) is taken to be a reference to that period so extended.
- (5) If the notice authority does not extend the period following an application made under subsection (1), a reference in this Part, or in a notice or instrument under this Part, to the period referred to in paragraph 88(1)(h) is taken to be a reference to the period that ends on the later of the following days:
  - (a) the day that is the last day of the period referred to in paragraph 88(1)(h);
  - (b) the day that is 7 days after the day the person was given notice of the notice authority's decision not to extend.
- (6) The notice authority may extend the period more than once under subsection (2).



## 91 Withdrawal of an infringement notice

### *Representations seeking withdrawal of notice*

- (1) A person to whom an infringement notice has been given in relation to an alleged offence at an airport may make written representations to the notice authority for the airport in relation to the alleged offence seeking the withdrawal of the notice.

### *Withdrawal of notice*

- (2) The notice authority for an airport in relation to offences against a provision may withdraw an infringement notice given to a person for an alleged offence at the airport against the provision, whether or not the person has made written representations seeking the withdrawal.
- (3) When deciding whether or not to withdraw an infringement notice (the **relevant infringement notice**), the notice authority in relation to the alleged offence for which the notice was issued:
  - (a) must take into account any written representations seeking the withdrawal that were given by the person to the notice authority; and
  - (b) may take into account the following:
    - (i) the circumstances of the alleged offence;
    - (ii) whether a court has previously imposed a penalty on the person for an offence against a provision subject to an infringement notice;
    - (iii) whether the person has paid an amount, stated in an earlier infringement notice, for commission of an alleged offence if the previous alleged offence is constituted by conduct that is the same, or substantially the same, as the conduct alleged to constitute the offence in the relevant infringement notice;
    - (iv) any other matter the notice authority considers relevant.
- (4) Notice of the withdrawal of the infringement notice must be given to the person. The withdrawal notice must state:
  - (a) the person's name and address; and
  - (b) the day the infringement notice was given; and
  - (c) the identifying number of the infringement notice; and
  - (d) that the infringement notice is withdrawn; and
  - (e) that the person may be prosecuted in a court for the alleged offence.
- (5) The notice of withdrawal may be given to the person in any way that the infringement notice could have been given under section 89, other than as provided in subsection 89(3).

### *Refund of amount if infringement notice withdrawn*

- (6) If:
  - (a) the notice authority withdraws the infringement notice; and
  - (b) the person has already paid the amount stated in the notice;the notice authority must, on behalf of the Commonwealth, refund to the person an amount equal to the amount paid.

# EXPOSURE DRAFT

## Part 7 Infringement notices

### Section 92

---

#### 92 Effect of payment of amount

- (1) If the person to whom an infringement notice for an alleged offence is given pays the amount stated in the notice before the end of the period referred to in paragraph 88(1)(h):
  - (a) any liability of the person for the alleged offence is discharged; and
  - (b) the person will not be liable to be prosecuted in a court for the alleged offence; and
  - (c) the person is not regarded as having admitted guilt or liability for the alleged offence; and
  - (d) the person is not regarded as having been convicted of the offence.
- (2) Subsection (1) does not apply if the notice has been withdrawn.

#### 93 Evidentiary matters

- (1) The notice authority for an airport in relation to offences against a provision of this instrument may issue a certificate that states any of the following in relation to an infringement notice given to a person for an alleged offence against the provision at the airport:
  - (a) that the amount payable under the infringement notice was not paid by the person within the time specified in the notice;
  - (b) that an extension of time for the person to pay the amount payable under the infringement notice was granted or that an extension was refused;
  - (c) that the amount payable under the infringement notice was not paid by the person within the period specified in an extension of time;
  - (d) that the infringement notice was withdrawn on a day specified in the certificate.
- (2) At the hearing of a prosecution for an offence for which an infringement notice has been issued, a certificate issued by the notice authority in relation to the offence in accordance with subsection (1) is prima facie evidence of the matters stated in the certificate.
- (3) A certificate that purports to have been issued by a notice authority is taken to have been so issued unless the contrary is proved.

#### 94 Effect of this Part

This Part does not:

- (a) require an infringement notice to be given to a person for an alleged offence; or
- (b) affect the liability of a person for an offence if:
  - (i) the person does not comply with an infringement notice given to the person for the offence; or
  - (ii) an infringement notice is not given to the person for the offence; or
  - (iii) an infringement notice is given to the person for the offence and is subsequently withdrawn; or

# EXPOSURE DRAFT

Infringement notices **Part 7**

## Section 94

---

- (c) prevent the giving of 2 or more infringement notices to a person for an alleged commission of an offence; or
- (d) limit a court's discretion to determine the amount of a penalty to be imposed on a person who is found to have committed an offence.

# EXPOSURE DRAFT

# EXPOSURE DRAFT

## Part 8 Miscellaneous

### Section 95

---

## Part 8—Miscellaneous

### 95 Delegation by Secretary

The Secretary may, in writing, delegate to an SES employee, or acting SES employee, in the Department one or more of the Secretary's functions or powers under this instrument.

Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.

## Part 9—Application, saving and transitional provisions

### Division 1—Transitional provisions on commencement

#### 96 Definitions for Division

In this Division:

*old Regulations* means the *Airports (Control of On-Airport Activities) Regulations 1997*.

#### 97 Authorised persons and infringement officers

*Appointment as authorised person for landside vehicle parking and operation*

- (1) An appointment of a person as an authorised person in relation to an airport for the provisions in Division 2 of Part 4 of the old Regulations, other than regulation 111, that was in force immediately before the commencement of this instrument is taken, on and after that commencement, to be an appointment of the person as an authorised person for the airport for the purposes of the provisions in Division 2 of Part 4 of this instrument, other than section 39.
- (2) An appointment of a person as an authorised person in relation to an airport for regulation 111 of the old Regulations that was in force immediately before the commencement of this instrument is taken, on and after that commencement, to be an appointment of the person as an authorised person for the airport for the purposes of section 39 of this instrument.

*Appointment as authorised person for airside vehicle parking*

- (3) An appointment of a person as an authorised person in relation to an airport for the provisions in Division 3 of Part 4 of the old Regulations that was in force immediately before the commencement of this instrument is taken, on and after that commencement, to be an appointment of the person as an authorised person for the airport for the purposes of the provisions in Division 3 of Part 4 of this instrument.

*Appointment as authorised person for airside vehicle operation*

- (4) An appointment of a person as an authorised person in relation to an airport for Division 4 of Part 4 of the old Regulations that was in force immediately before the commencement of this instrument is taken, on and after that commencement, to be an appointment of the person as an authorised person for the airport for the purposes of the provisions in Division 4 of Part 4 of this instrument.

*Appointment as authorised person (now infringement officer) for smoking prohibition*

- (5) An appointment of a person as an authorised person in relation to an airport for subregulation 142(1) of the old Regulations that was in force immediately before the commencement of this instrument is taken, on and after that commencement,

# EXPOSURE DRAFT

## Part 9 Application, saving and transitional provisions

### Division 1 Transitional provisions on commencement

#### Section 98

---

to be an appointment of the person as an infringement officer for the airport for the purposes of section 81 of this instrument.

#### **98 Employee of airport-operator company exercising powers of notice authority**

- (1) An employee of an airport-operator company who is taken under subsection 97(1) to be appointed as an authorised person for an airport for the purposes of the provisions in Division 2 of Part 4 of this instrument (other than section 39) may exercise the powers of the notice authority for the airport in relation to offences against those provisions at the airport.
- (2) Subsection (1) only applies while the appointment of the employee continued under subsection 97(1) remains in force.

#### **99 Vehicle permit zone**

A permit issued under regulation 106D of the old Regulations that was in force immediately before the commencement of this instrument continues in force (and may be dealt with) after that commencement as if it had been issued under section 34 of this instrument.

#### **100 Stored vehicles**

A vehicle that:

- (a) was moved under regulation 111 of the old Regulations; and
- (b) immediately before the commencement of this instrument, was in the possession of an airport-operator company (having not been recovered, sold or otherwise disposed of);

is taken on and after the commencement of this instrument to have been moved under section 39 of this instrument.

#### **101 Approved issuing authority**

An authorisation given under paragraph 124(1)(c) of the old Regulations to issue ADAs or AUAs that was in force immediately before the commencement of this instrument continues in force (and may be dealt with) after that commencement as if it is an approval to issue ADAs or AUAs, as the case may be, given under subsection 53(1) of this instrument.

#### **102 Authority to Drive Airside**

- (1) An ADA for an airport issued to a person under regulation 125 of the old Regulations that was in force immediately before the commencement of this instrument continues in force (and may be dealt with) after that commencement as if it had been issued for the airport under section 54 of this instrument.
- (2) If the ADA was subject to any conditions imposed under subregulation 125(7) of the old Regulations, those conditions are taken after the commencement of this instrument to be imposed under subsection 54(8) of this instrument.

# EXPOSURE DRAFT

Application, saving and transitional provisions **Part 9**

Transitional provisions on commencement **Division 1**

Section 103

---

## 103 Authority to Use Airside

- (1) An AUA for an airport issued in relation to a vehicle under regulation 127 of the old Regulations that was in force immediately before the commencement of this instrument continues in force (and may be dealt with) after that commencement as if it had been issued for the airport in relation to the vehicle under section 56 of this instrument.
- (2) If the AUA was subject to any conditions imposed under subregulation 127(5) of the old Regulations, those conditions are taken after the commencement of this instrument to be imposed under subsection 56(6) of this instrument.

## 104 Gambling permission

- (1) A gambling permission granted under Division 4 of Part 5 of the old Regulations that was in force immediately before the commencement of this instrument continues in force (and may be dealt with) after that commencement as if it had been granted under Division 4 of Part 5 of this instrument.
- (2) An application for a gambling permission made under regulation 139B of the old Regulations in relation to which the Secretary has not made a decision before the commencement of this instrument, is taken, on and after that commencement, to be an application made under section 70 of this instrument.
- (3) If the Secretary:
  - (a) has given a show cause notice to the holder of a continued gambling authority or a gambling permission under regulation 139H of the old Regulations; and
  - (b) has not made a decision before the commencement of this instrument under regulation 139I of the old Regulations whether or not to cancel the authority or permission;the show cause notice is taken, on and after the commencement of this instrument, to have been given under section 74 of this instrument.

## 105 Infringement notices for offences under old Regulations

- (1) Despite the repeal of the old Regulations by this instrument, a person who, immediately before that repeal, was an authorised person within the meaning of Part 7 of the old Regulations may:
  - (a) issue an infringement notice in relation to an infringement notice offence (within the meaning of that Part) that is alleged to have occurred before the repeal of the old Regulations, as if they had not been repealed; and
  - (b) deal with an infringement notice issued under the old Regulations as if they had not been repealed.
- (2) The Secretary may also appoint a person to exercise the powers referred to in subsection (1) if the person would have been eligible to be appointed as an authorised person under the old Regulations as in force immediately before they were repealed.

# EXPOSURE DRAFT

**Part 9** Application, saving and transitional provisions

**Division 1** Transitional provisions on commencement

## Section 105

---

- (3) An infringement notice may only be issued under subsection (1) within 12 months after the day on which the offence is alleged to have been committed.
- (4) The power to deal with infringement notices under subsection (1), and any appointment made under subsection (2), ceases on 1 April 2028.



# EXPOSURE DRAFT

Penalties for contravention of applied Australian Road Rules **Schedule 1**

Clause 1

## Schedule 1—Penalties for contravention of applied Australian Road Rules

Note: See section 35.

### 1 Penalties for contravention of offence provisions in Australian Road Rules

- (1) In an item in the following table:
- (a) the column headed “Provision” specifies an offence provision in Part 12 of the Australian Road Rules that has been applied by section 31 of this instrument; and
  - (b) each of the remaining columns of the item specifies the penalty, in penalty units, that applies for the offence of contravening that provision at the airport mentioned in the heading for the column.
- (2) The description of an offence provision following the citation of the provision is for information only.

Penalties for contravention of offence provisions in Australian Road Rules									
Item	Provision	Sydney (Kingsford-Smith) Airport	Melbourne (Tullamarine) Airport	Brisbane Airport	Perth Airport	Gold Coast Airport	Hobart International Airport	Launceston Airport	Townsville Airport
1	Rule 167 (No stopping)	8	5	10.5	5	10.5	4	4	10.5
2	Subrule 168(1) (No parking)	8	3	10.5	3	10.5	2	2	10.5

# EXPOSURE DRAFT

## Schedule 1 Penalties for contravention of applied Australian Road Rules

### Clause 1

Penalties for contravention of offence provisions in Australian Road Rules									
Item	Provision	Sydney (Kingsford-Smith Airport)	Melbourne (Tullamarine Airport)	Brisbane Airport	Perth Airport	Gold Coast Airport	Hobart International Airport	Launceston Airport	Townsville Airport
3	Rule 169 (No stopping on a road with a yellow edge line)	8	5	10.5	5	10.5	4	4	10.5
4	Subrule 170(1) (Stopping in an intersection)	8	5	10.5	5	10.5	4	4	10.5
5	Subrule 170(2) (Stopping near an intersection with traffic lights)	8	5	10.5	5	10.5	4	4	10.5
6	Subrule 170(3) (Stopping near an intersection without traffic lights)	8	5	10.5	5	10.5	4	4	10.5
7	Subrule 171(1) (Stopping on or near a children's crossing)	8	2	10.5	5	10.5	4	4	10.5
8	Subrule 172(1) (Stopping on or near a pedestrian crossing (except at an intersection))	8	5	10.5	5	10.5	4	4	10.5
9	Subrule 173(1) (Stopping on or near a marked foot crossing (except at an intersection))	8	2	10.5	5	10.5	4	4	10.5
10	Subrule 174(2) (Stopping on or near a bicycle crossing (except at an intersection))	8	2	10.5	5	10.5	4	4	10.5
11	Subrule 175(1) (Stopping on or near a level crossing)	8	2	10.5	5	10.5	4	4	10.5
12	Subrule 176(1) (Stopping on a clearway)	8	5	10.5	5	10.5	4	4	10.5

# EXPOSURE DRAFT

Penalties for contravention of applied Australian Road Rules **Schedule 1**

Clause 1

Penalties for contravention of offence provisions in Australian Road Rules									
Item	Provision	Sydney (Kingsford-Smith) Airport	Melbourne (Tullamarine) Airport	Brisbane Airport	Perth Airport	Gold Coast Airport	Hobart International Airport	Launceston Airport	Townsville Airport
13	Subrule 177(1) (Stopping on a freeway)	8	2	10.5	5	10.5	4	4	10.5
14	Rule 178 (Stopping in an emergency stopping lane)	8	5	10.5	5	10.5	4	4	10.5
15	Subrule 179(1) (Stopping in a loading zone)	8	3	10.5	3	10.5	2	2	10.5
16	Subrule 179(2) (Length of stay in a loading zone)	8	3	10.5	3	10.5	2	2	10.5
17	Subrule 180(1) (Stopping in a truck zone)	8	3	10.5	3	10.5	2	2	10.5
18	Subrule 181(1) (Stopping in a works zone)	8	3	10.5	3	10.5	2	2	10.5
19	Subrule 182(1) (Stopping in a taxi zone)	8	3	10.5	3	10.5	2	2	10.5
20	Subrule 183(1) (Stopping in a bus zone)	8	3	10.5	5	10.5	2	2	10.5
21	Subrule 184(1) (Stopping in a minibus zone)	8	3	10.5	5	10.5	2	2	10.5
22	Subrule 185(1) (Stopping in a permit zone)	8	3	10.5	5	10.5	2	2	10.5
23	Subrule 186(1) (Stopping in a mail zone)	8	3	10.5	5	10.5	2	2	10.5
24	Subrule 187(1) (Stopping in a bus lane, transit lane or truck lane)	8	2	10.5	5	10.5	2	2	10.5
25	Subrule 187(2) (Stopping in a bicycle lane)	8	2	10.5	5	10.5	4	4	10.5
26	Subrule 187(3) (Stopping in a tram lane, tramway or tram tracks)	8	2	10.5	5	10.5	4	4	10.5

EXPOSURE DRAFT

# EXPOSURE DRAFT

## Schedule 1 Penalties for contravention of applied Australian Road Rules

### Clause 1

Penalties for contravention of offence provisions in Australian Road Rules									
Item	Provision	Sydney (Kingsford-Smith) Airport	Melbourne (Tullamarine) Airport	Brisbane Airport	Perth Airport	Gold Coast Airport	Hobart International Airport	Launceston Airport	Townsville Airport
27	Subrule 187(4) (Stopping in a bus only lane)	8	2	10.5	5	10.5	2	2	10.5
28	Rule 188 (Stopping in a shared zone)	8	2	10.5	3	10.5	2	2	10.5
29	Subrule 189(1) (Double parking)	8	3	10.5	3	10.5	4	4	10.5
30	Subrule 190(1) (Stopping in or near a safety zone)	8	2	10.5	5	10.5	4	4	10.5
31	Rule 191 (Stopping near an obstruction)	8	2	10.5	5	10.5	6.5	6.5	10.5
32	Subrule 192(1) (Stopping on a bridge, causeway, ramp or similar structure)	8	2	10.5	5	10.5	6.5	6.5	10.5
33	Subrule 192(2) (Stopping in a tunnel or underpass)	8	2	10.5	5	10.5	6.5	6.5	10.5
34	Subrule 193(1) (Stopping on a crest or curve outside a built-up area)	8	2	10.5	5	10.5	6.5	6.5	10.5
35	Subrule 194(1) (Stopping near a fire hydrant etc)	8	2	10.5	5	10.5	4	4	10.5
36	Subrule 195(1) (Stopping at or near a bus stop)	8	2	10.5	5	10.5	4	4	10.5
37	Subrule 196(1) (Stopping at or near a tram stop)	8	2	10.5	5	10.5	4	4	10.5
38	Subrule 197(1) (Stopping on a path or strip)	8	5	10.5	5	10.5	3	3	10.5
39	Subrule 197(1A) (Stopping on a painted island)	8	5	10.5	5	10.5	3	3	10.5
40	Subrule 197(1B) (Stopping on a traffic island)	8	5	10.5	5	10.5	3	3	10.5

# EXPOSURE DRAFT

Penalties for contravention of applied Australian Road Rules **Schedule 1**

Clause 1

Penalties for contravention of offence provisions in Australian Road Rules									
Item	Provision	Sydney (Kingsford-Smith) Airport	Melbourne (Tullamarine) Airport	Brisbane Airport	Perth Airport	Gold Coast Airport	Hobart International Airport	Launceston Airport	Townsville Airport
41	Subrule 198(1) (Obstructing access to and from a path)	8	3	10.5	3	10.5	3	3	10.5
42	Subrule 198(2) (Stopping on or across a driveway)	8	3	10.5	3	10.5	3	3	10.5
43	Subrule 199(1) (Stopping near a postbox)	8	2	10.5	3	10.5	2	2	10.5
44	Subrule 200(1) (Stopping a heavy or long vehicle on a length of road outside a built-up area)	8	2	10.5	5	10.5	6.5	6.5	10.5
45	Subrule 200(2) (Length of stay for a heavy or long vehicle on a length of road in a built-up area)	8	2	10.5	5	10.5	4	4	10.5
46	Rule 201 (Stopping on a road with bicycle parking sign)	8	2	10.5	3	10.5	2	2	10.5
47	Rule 202 (Stopping on a road with motor bike parking sign)	8	3	10.5	5	10.5	2	2	10.5
48	Subrule 203(1) (Stopping in a parking area for people with disabilities)	9	5	10.5	5	10.5	4	4	10.5
49	Rule 203A (Stopping in a slip lane)	8	5	10.5	5	10.5	4	4	10.5
50	Subrule 203B(1) (Stopping in a parking area for electric-powered vehicles)	8	2	10.5	3	10.5	2	2	10.5
51	Subrule 203C(1) (Stopping in a parking area for the charging of electric-powered vehicles)	8	2	10.5	3	10.5	2	2	10.5

EXPOSURE DRAFT

# EXPOSURE DRAFT

## Schedule 1 Penalties for contravention of applied Australian Road Rules

### Clause 1

Penalties for contravention of offence provisions in Australian Road Rules									
Item	Provision	Sydney (Kingsford-Smith) Airport	Melbourne (Tullamarine) Airport	Brisbane Airport	Perth Airport	Gold Coast Airport	Hobart International Airport	Launceston Airport	Townsville Airport
52	Subrule 205(1) (Parking for longer than indicated)	8	3	10.5	3	10.5	2	2	10.5
53	Subrule 207(2) (Parking where fees are payable)	8	3	10.5	3	10.5	2	2	10.5
54	Subrule 208(1) (Parallel parking on a road (except in a median strip parking area))	8	3	10.5	3	10.5	2	2	10.5
55	Subrule 208A(1) (Parallel parking in a road-related area (except in a median strip parking area))	8	3	10.5	3	10.5	2	2	10.5
56	Subrule 209(2) (Parallel parking in a median strip parking area)	8	3	10.5	3	10.5	2	2	10.5
57	Subrule 210(1) (Angle parking)	8	3	10.5	3	10.5	2	2	10.5
58	Subrule 211(2) (Parking in parking bays)	8	3	10.5	5	10.5	2	2	10.5
59	Subrule 211(3) (Parking wide or long vehicles in parking bays)	8	3	10.5	5	10.5	2	2	10.5
60	Subrule 212(1) (Entering or leaving a median strip parking area in particular direction)	8	3	10.5	3	10.5	6.5	6.5	10.5
61	Subrule 212(2) (Entering or leaving a median strip parking area driving forward)	8	3	10.5	3	10.5	6.5	6.5	10.5
62	Subrule 213(2) (Applying the parking brake effectively)	8	2	10.5	5	10.5	4	4	10.5

# EXPOSURE DRAFT

Penalties for contravention of applied Australian Road Rules **Schedule 1**

Clause 1

Penalties for contravention of offence provisions in Australian Road Rules									
Item	Provision	Sydney (Kingsford-Smith) Airport	Melbourne (Tullamarine) Airport	Brisbane Airport	Perth Airport	Gold Coast Airport	Hobart International Airport	Launceston Airport	Townsville Airport
63	Subrule 213(3) (Switching off the engine before leaving the vehicle)	8	2	10.5	5	10.5	4	4	10.5
64	Subrule 213(4) (Removing the ignition key before leaving the vehicle)	8	2	10.5	3	10.5	2	2	10.5
65	Subrule 213(5) (Securing the windows and locking the doors immediately before and after leaving the vehicle)	8	2	10.5	3	10.5	2	2	10.5

EXPOSURE DRAFT

# EXPOSURE DRAFT

## Schedule 2 Modifications of State liquor legislation

### Part 1 Sydney (Kingsford-Smith) Airport, Sydney West Airport, Bankstown Airport and Camden Airport

---

Return to portrait pages here

*Do not delete this section break even if there are no portrait pages following the landscape pages*

## Schedule 2—Modifications of State liquor legislation

Note: See sections 9, 12, 13, 14, 15, 16 and 18.

### Part 1—Sydney (Kingsford-Smith) Airport, Sydney West Airport, Bankstown Airport and Camden Airport

#### *Liquor Act 2007 (NSW)*

#### 1 Subsection 4(1)

Insert:

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

#### 2 After subsection 10(2)

Insert:

- (2A) It is not lawful to keep or operate gaming machines on licensed premises on Sydney (Kingsford-Smith) Airport, Sydney West Airport, Bankstown Airport or Camden Airport. Accordingly, the keeping or operation of gaming machines on any such premises cannot be authorised under the *Gaming Machines Act 2001*.

#### 3 Subsection 36(4)

After “the local police” insert “, and an airport-operator company for the airport on which the premises are situated,”.

#### 4 After paragraph 45(3)(a)

Insert:

- (aa) an airport-operator company for the airport on which the licensed premises would be situated consents to the application, and

#### 5 Paragraph 49B(4)(b)

Repeal the paragraph, substitute:

- (b) an airport-operator company for the airport on which the premises are situated,

#### 6 Paragraph 89(1)(b)

Repeal the paragraph, substitute:

- (b) to an airport-operator company for the airport on which the premises are situated.

#### 7 Subsection 89(2)

Omit “local consent authority”, substitute “airport-operator company”.



# EXPOSURE DRAFT

Modifications of State liquor legislation **Schedule 2**  
Sydney (Kingsford-Smith) Airport, Sydney West Airport, Bankstown Airport and Camden Airport  
**Part 1**

---

## **8 Subsection 89(2)**

Omit “the authority”, substitute “the airport-operator company”.

## **9 Paragraph 90(2)(b)**

Repeal the paragraph, substitute:

- (b) to an airport-operator company for the airport on which the premises are situated.

## **10 Subsection 90(3)**

Omit “local consent authority”, substitute “airport-operator company”.

## **11 Subsection 90(3)**

Omit “the authority”, substitute “the airport-operator company”.

## **12 After paragraph 132(d)**

Insert:

- (da) an airport-operator company for an airport,

## **13 Sub-subparagraph 144ZA(1)(a)(i)(C)**

Repeal the sub-subparagraph, substitute:

- (C) an airport-operator company for the airport on which the licensed premises are situated,

# EXPOSURE DRAFT

Schedule 2 Modifications of State liquor legislation

Part 2 Airports in Victoria

---

## Part 2—Airports in Victoria

### *Liquor Control Reform Act 1998 (Vic.)*

#### **14 Subsection 16(1)**

Omit all of the words after “does not contravene”, substitute “the final master plan (within the meaning of the *Airports Act 1996* of the Commonwealth) for the airport at which the licensed premises are located”.

#### **15 Subparagraphs 28(1)(c)(i) and (ia)**

Repeal the subparagraphs.

#### **16 Subparagraphs 29(3)(c)(i) and (ia)**

Repeal the subparagraphs.

#### **17 Subparagraphs 31(2)(c)(i) and (ia)**

Repeal the subparagraphs.

#### **18 At the end of section 31**

Add:

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

#### **19 Subparagraphs 32(2)(c)(i) and (ia)**

Repeal the subparagraphs.

# EXPOSURE DRAFT

Modifications of State liquor legislation **Schedule 2**  
Melbourne (Tullamarine) Airport **Part 3**

---

## **Part 3—Melbourne (Tullamarine) Airport**

### ***Liquor Control Reform Act 1998 (Vic.)***

#### **20 After paragraph 18(2)(a)**

Insert:

- (aa) a licence or BYO permit for premises at Melbourne (Tullamarine) Airport that is held by:
  - (i) an airline; or
  - (ii) a body corporate that is incorporated outside Australia; or

#### **21 Subsection 33(2)**

Omit all of the words after “give a copy to”, substitute “an airport-operator company (within the meaning of the *Airports Act 1996* of the Commonwealth) for Melbourne (Tullamarine) Airport”.

#### **22 Subsection 33(3)**

Omit “the relevant Council”, substitute “an airport-operator company”.

#### **23 Sections 34, 35 and 38**

Repeal the sections.

#### **24 Subsection 40(1)**

Omit “The Council of the municipal district in which premises are situated”, substitute “An airport-operator company (within the meaning of the *Airports Act 1996* of the Commonwealth) for Melbourne (Tullamarine) Airport”.

#### **25 Paragraphs 40(1)(a) and (b)**

Omit “those premises”, substitute “premises at the Airport”.

#### **26 Subsection 40(1A)**

Omit “the Council of the municipal district in which premises are situated”, substitute “an airport-operator company for the Airport”.

#### **27 Paragraphs 40(1A)(a) and (b)**

Omit “those premises”, substitute “premises at the Airport”.

#### **28 Paragraph 40(2)(a)**

Repeal the paragraph, substitute:

- (a) be made to the Commission in writing within 30 days after the day on which a copy of the application for the grant, variation, transfer or relocation was given to an airport-operator company under subsection 33(2); and

#### **29 Section 41**

Repeal the section.

#### **30 After section 54**

Insert:

# EXPOSURE DRAFT

**Schedule 2** Modifications of State liquor legislation

**Part 3** Melbourne (Tullamarine) Airport

---

## **54A Deemed nominee of certain licensees or permittees**

If an airline or a body corporate incorporated outside Australia is the licensee or permittee of premises at Melbourne (Tullamarine) Airport, a person who manages or controls the premises is taken to be a nominee of the licensee or permittee.

## **31 At the end of subsection 68(2)**

Add “(as in force outside of Melbourne (Tullamarine) Airport)”.

## **32 Subparagraphs 91(1)(b)(iii), 94(2)(b)(iii) and 97A(2)(a)(iii)**

Repeal the subparagraphs.

## **33 Section 98**

Repeal the section.

## **34 After paragraph 103(3)(a)**

Insert:

(aa) a licensee or permittee that is:

(i) an airline; or

(ii) a body corporate that is incorporated outside Australia; or

# EXPOSURE DRAFT

Modifications of State liquor legislation **Schedule 2**  
Terminal areas of Gold Coast Airport and Townsville Airport **Part 4**

---

## **Part 4—Terminal areas of Gold Coast Airport and Townsville Airport**

### ***Liquor Act 1992 (Qld)***

#### **35 Section 4**

Insert:

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

#### **36 Paragraph 103(1)(e)**

Omit “local government for the area”, substitute “an airport-operator company for the airport”.

#### **37 After paragraph 105(1)(c)**

Insert:

- (ca) be accompanied by evidence that an airport-operator company for the airport to which the application relates consents to the application; and

#### **38 Paragraph 110(4)(a)**

Repeal the paragraph, substitute:

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

#### **39 Paragraph 117(1)(a)**

Repeal the paragraph, substitute:

- (a) an airport-operator company for the airport to which the application relates;

#### **40 Subsection 117(2)**

Omit “The local government”, substitute “An airport-operator company”.

#### **41 Section 118**

Repeal the section.

# EXPOSURE DRAFT

Schedule 2 Modifications of State liquor legislation

Part 5 Perth Airport

---

## Part 5—Perth Airport

### *Liquor Control Act 1988 (WA)*

#### **42 Section 67**

Repeal the section.

#### **43 Paragraph 69(4)(b)**

Omit all of the words from and including “the local government” to and including “that local government”, substitute “an airport-operator company for the airport on which the premises are, or are proposed to be, situated so requests, give to that airport-operator company”.

#### **44 Subsection 69(7)**

Omit “A local government”, substitute “An airport-operator company”.

#### **45 Subsection 69(8)**

Repeal the subsection.

#### **46 Sections 97 to 98H**

Repeal the sections, substitute:

#### **97 Permitted hours of trading**

Subject to any condition imposed by the licensing authority, a licensee is authorised to sell liquor at all times.

# EXPOSURE DRAFT

Modifications of State liquor legislation **Schedule 2**  
Terminal areas of Adelaide Airport and Parafield Airport **Part 6**

---

## **Part 6—Terminal areas of Adelaide Airport and Parafield Airport**

### ***Liquor Licensing Act 1997 (SA)***

#### **47 Section 52**

Repeal the section.

#### **48 After paragraph 69(3)(d)**

Insert:

- (da) an airport-operator company for the airport on which the relevant place is located consents to the application; and

#### **49 Section 77**

Repeal the section.

# EXPOSURE DRAFT

Schedule 2 Modifications of State liquor legislation

Part 7 Terminal areas of Hobart International Airport and Launceston Airport

---

## Part 7—Terminal areas of Hobart International Airport and Launceston Airport

### *Liquor Licensing Act 1990 (Tas.)*

#### **50 Subsections 23(3) and (4)**

Repeal the subsections.

#### **51 Subsection 23A(2)**

Repeal the subsection.

#### **52 Paragraph 24(2)(b)**

Omit “within 30 days after public notice of the application is given under section 23(3),”.

#### **53 Section 39**

Repeal the section.



# EXPOSURE DRAFT

Modifications of State liquor legislation **Schedule 2**  
Darwin International Airport and Alice Springs Airport **Part 8**

---

## **Part 8—Darwin International Airport and Alice Springs Airport**

### ***Liquor Act 2019 (NT)***

#### **54 After paragraph 96(3)(c)**

Insert:

- (ca) evidence that an airport-operator company (within the meaning of the *Airports Act 1996* of the Commonwealth) for the airport on which the premises are located has consented to the proposed alteration;

# EXPOSURE DRAFT

Schedule 2 Modifications of State liquor legislation

Part 9 Terminal areas of Darwin International Airport and Alice Springs Airport

---

## Part 9—Terminal areas of Darwin International Airport and Alice Springs Airport

### *Liquor Act 2019 (NT)*

#### **55 Paragraph 61(4)(a)**

Repeal the paragraph.

#### **56 Paragraph 61(4)(c)**

Repeal the paragraph, substitute:

- (c) an airport-operator company (within the meaning of the *Airports Act 1996* of the Commonwealth) for the airport on which the licensed premises or proposed licences premises are located;

# EXPOSURE DRAFT

Repeals **Schedule 3**  
Terminal areas of Darwin International Airport and Alice Springs Airport

---

## Schedule 3—Repeals

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

#### **1 The whole of the instrument**

Repeal the instrument.