



Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications, Sport and the Arts

Airports Amendment Regulations for Western Sydney Airport

Have your say

We are seeking your views on proposed changes to the Airports (Control of On-Airports Activities) Regulations 1997 ('the current regulations'), which regulate on-airport activities, including liquor, gambling, parking and smoking at federally-leased airports in Australia.

Western Sydney International (Nancy-Bird Walton) Airport (WSI) will be curfew-free and operate every day of the year. The proposed changes to the regulations are intended to establish a framework for liquor licensing and commercial trading at WSI, so the airport can operate as intended when it opens in 2026.

Why we want to make the changes

The purpose of the proposed changes is to align liquor licensing and commercial trading at WSI with the arrangements currently in place at Sydney (Kingsford-Smith) Airport. If these changes are not made the Commonwealth Places (Application of Laws) Act 1970 (Cth) would operate to apply NSW laws to WSI, including restrictions on liquor and consumer trading that would be inconsistent with WSI's 24 hour, 365 days a year operating model.

Liquor Licensing

Under the current regulations, applications for liquor licences at federally-leased airports in New South Wales (NSW) must be made to the Secretary of the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (the department). The Secretary may grant liquor licences to retailers on federally-leased airport sites and has the discretion to modify the trading hours permitted under the NSW liquor licensing framework, as established by the Liquor Act 2007 (NSW).

The current regulations also establish a compliance framework for licensees which requires them to report annually to the Minister on a range of matters, including any offences committed under Part 1A of the current regulations.

Part 1A of the current regulations does not currently include WSI. As such, the proposed changes for liquor licensing are required to ensure WSI is subject to the same liquor licensing framework as that of other airports in NSW.

Commercial Trading

The current regulations exempt Sydney (Kingsford Smith) Airport from section 4 of the Retail Trading Act 2008 (NSW), so that retailers at the airport can trade on any day of the year. This exemption does not currently apply at WSI.

The proposed changes would ensure that, like for Sydney (Kingsford-Smith) Airport, retailers at the airport can trade 365 days per year, including on Good Friday, Easter Sunday, Anzac Day, Christmas Day and Boxing Day.

2026 Regulations

The current regulations are due to sunset on 31 March 2026. Remaking of the current regulations is well under way however they will not come into effect in time for WSI to provide businesses with the certainty they need regarding liquor licencing and commercial trading so they can make necessary arrangements to open in time to serve the travelling public in 2026. As a consequence, the proposed changes will be made to the current regulations which will continue to apply until they are replaced by the re-made 2026 regulations.

What will the changes do?

The proposed changes will:

- establish a framework for the sale and supply of liquor at WSI which is consistent with other federally-leased airports in NSW
- enable retail trade at WSI to occur 365 days a year (including public holidays).

Understanding the changes

The Airports (Control of On-Airport Activities) Amendment (Sydney West Airport) Regulations 2025 (the amending regulations) will amend the Airports (Control of On-Airports Activities) Regulations 1997 (Cth) to include new measures for liquor licencing and commercial trading at WSI.

Please note, where WSI is referred to as 'Sydney West Airport' in the amending regulations, this is a reference to Western Sydney International (Nancy-Bird Walton) Airport (WSI).

The cover page of the amending regulations notes that the Governor-General will 'make' the regulations if advised by the Federal Executive Council. This is a standard procedural statement about how all regulations are made.

Page 1 of the amending regulations sets out the name of the instrument, specifies that the instrument will commence the day after it is registered and that the instrument is made under the Airports Act 1996 (the Act). Section 252 of the Act provides that the Governor-General has the power to make regulations prescribing matters required or permitted by the Act to be prescribed. Part 11 of the of the Act provides that regulations may deal with the control of liquor and commercial trading amongst other things.

Schedule 1 of the amending regulations sets out the proposed changes to the current regulations as individual items.

Item 1

This item will amend subregulation 3(2) in Part 1 of the current regulations to update an out-of-date reference to the *Airports Regulations 1997*, which have now been repealed and replaced by the *Airport Regulations 2024*.

Item 2

This item will amend regulation 4AA in Part 1A of the current regulations to insert 'Sydney West Airport' into the list of NSW airports to which Part 1A of the current regulations applies.

Item 3

This item will repeal and replace paragraph 4AE(a) in Part 1A of the current regulations so that a passenger terminal licence can be authorised for WSI, to allow premises within the designated passenger terminal area to sell and supply liquor in the same way this occurs at Sydney (Kingsford-Smith) Airport.

A passenger terminal licence is required wherever a landlord proposes to provide facilities for the sale and consumption of liquor for the public at the airport. It may be provided either directly by the landlord e.g. in a Club Lounge (like the Qantas Club), or by sub-licensing someone else to serve alcohol, e.g. in a trattoria or café inside a terminal.

Item 4

This item will amend regulations 4AF and 4AG in Part 1A which deal with general licences and function licences to insert 'Sydney West Airport' so that premises at WSI can apply for these types of liquor licences in the same way as they can at Sydney (Kingsford-Smith) Airport.

A general licence is required for any other site on an airport where it is envisaged to sell or supply alcohol on a regular basis. By inserting 'Sydney West Airport' into regulation 4AF, premises at WSI that are outside the passenger terminal, but still on the airport site, can apply for a licence to sell or supply alcohol.

A function licence should be applied for where it is proposed, to hold a one-off function, such as an air show or a publicity launch. Function licences are not generally required where alcohol is served privately to a small number of persons, for example where the Board of a general aviation airport meets and has a few drinks afterwards, or where staff enjoy a drink together before close of business. By inserting 'Sydney West Airport' into regulation 4AG, a licence to serve alcohol at 1 or more functions in areas that are not within the passenger terminal at WSI can be applied for.

Item 5

Regulation 4AN sets out general restrictions on the grant of a licence. Subregulation (3) provides that a licence may not be granted for a business primarily used for a convenience store or mixed business, with some exceptions.

This item will amend subregulation 4AN(4) of Part 1A of the current regulations to insert 'Sydney West Airport' so that subregulation (3) does not apply to premises in a passenger terminal at WSI, thus allowing premises primarily used as a convenience store or mixed business in the passenger terminal at WSI to apply for a liquor licence in the same way as they can at Sydney (Kingsford-Smith) Airport.

Item 6

This item amends regulation 4BN in Part 1A of the current regulations so that a sub-licensee may be authorised under a sub-licence to sell or supply liquor on premises specified in the sub-licence in a passenger terminal at WSI in the same way this occurs for Sydney (Kingsford-Smith) Airport.

Item 7

Regulation 4BO in part 1A of the current regulations sets out the process for granting a sub-licence to a premises within a passenger terminal. Item 7 will amend subregulation 4BO(1) to insert 'Sydney West Airport' so that a person may apply to a passenger terminal licence holder for a sub-licence to sell or supply alcohol at a premises within the passenger terminal.

Item 8

Item 8 amends the heading of regulation 99 in Part 3 of the current regulations 'Consumer trading – Sydney (Kingsford-Smith) Airport' to insert 'Sydney West Airport' so that it is clear this regulation also applies to WSI.

Item 9

Regulation 99 in Part 3 of the current regulations currently operates to exempt Sydney (Kingsford-Smith) Airport from the application of section 4 of the Retail Trading Act 2008 (NSW) which restricts NSW retail businesses from trading on certain days of the year.

Item 9 will amend regulation 99 to insert 'Sydney West Airport' so that section 4 of the Retail Trading Act 2008 (NSW) does not apply at WSI, therefore allowing retail businesses at WSI to trade 365 days per year, including on public holidays, consistent with Sydney (Kingsford-Smith) Airport.