



**Archerfield** Airport Corporation

27 May 2022

Attention:  
Director, Airport Reform, Sunsetting and IFAM Section  
Airports Branch  
Department of Infrastructure, Transport, Regional Development & Communications  
GPO Box 594  
CANBERRA ACT 2601

By email: [aviationreform@infrastructure.gov.au](mailto:aviationreform@infrastructure.gov.au)

To whom it may concern,

**RE: Sunsetting Airports Regulations Stage 1b: Infringement Notices & Act Amendments on Airport Sites**

Archerfield Airport Corporation (AAC) appreciates the opportunity to provide a submission on the thematic review of the Regulations under the Airports Act 1996 (the Act) sunsetting in 2024 and 2025.

AAC's response to the questions from the consultation paper under Stage 1b of the sunsetting process in relation to Infringement Notices is in Annexure A.

AAC's response to the questions in relation to amendments to the definition of an Airport Site is in Annexure B.

Overall, AAC agrees that the existing infringement notice schemes and the definition of Airport Sites may not reflect current best practices, in addition to the potential inconsistencies between regulations. AAC considers the desirable policy option is to remake the provisions with changes under the Regulations, for both matters considered in this consultation stage.

AAC look forward to providing feedback on the future stages of the review process. We appreciate the Department's support and efforts in this process and welcome any enquiries for further discussion.

Yours sincerely,

Rod Parry  
**General Manager**

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**Annexure A – Option 3: Remake the Infringement Notice Provisions in a Modern and Streamlined Way**

No.	Questions for consideration	AAC response
1.	Should the infringement notice scheme cater for the future ability to issue infringement notices in respect of civil penalty provisions?	Yes. AAC agrees that the infringement notice scheme should draw on the Regulatory Powers Act where infringement notices can be issued in respect of offences and civil penalty provisions, to standardise the infringement notice provisions across all regulations.
2.	Should all strict liability offences across airports law be subject to infringement notices? Are there any particular offences that should or should not be subject to an infringement notice?	AAC considers that infringement notices should be issued only on a case-by-case basis after due consideration.
3.	Are the existing maximum infringement notice penalty amounts appropriate?	The maximum infringement notice amount is appropriate, parallel to the amount set out in the Regulatory Powers Act.

**Option 3.1 – Draw on the Regulatory Powers Act**

No.	Questions for consideration	AAC response
1.	Would the Regulatory Powers Act Framework provide an appropriate and fit for purpose infringement notice framework across airport regulations?	The Regulatory Powers Act provides an adequate framework to govern the issuing of infringement notices. As detailed in the consultation paper, the differences between the existing infringement notice framework and the framework in the Regulatory Powers Act are minor. Thus, the transition process will be straightforward and convenient, compared to introducing a bespoke framework.



**Option 3.2 – A Bespoke Framework**

No.	Questions for consideration	AAC response
1.	Would it be preferable to design a bespoke infringement notice framework to operate across airport regulations?	A bespoke framework may require additional time and resources to transition from the existing framework if the infringement notice scheme is remade in an entirely new form.
2.	Are there any special provisions that should be carried over from existing infringement notice frameworks into the single standard framework?	AAC has no comments.

**Annexure B – Option 3.3: Remake the Airport Regulation with changes**

No.	Questions for consideration	AAC response
1.	Is there benefit in ensuring consistency between the law and the land titles register in respect of the land that makes up an Airport Site?	The definition of an Airport Site should be better defined to minimise any potential inconsistencies and be independent of the land titles register.
2.	Is there benefit in introducing an obligation to report to the Department changes to land titles?	If the changes to land titles are infrequent, the benefits of reporting to the Department annually may increase the administrative burden on ALCs. In Archerfield Airport’s case, the changes to land titles only occurred once since privatisation. Nevertheless, reporting changes to the Department should occur concurrently with other reporting obligations.
3.	Does your particular State or Territory have any notification obligations upon the subdivision of land that could be drawn upon?	The State notification obligation is not to our knowledge.

***Change how the boundaries of Airport Sites are defined***

No.	Questions for consideration	AAC response
1.	Would an alternative mechanism for identifying parcels of land be suitable for identifying Airport Sites? Why/Why not?	AAC has no comments. See below.
2.	What alternative mechanisms for identifying parcels of land might be appropriate to be used?	AAC has no comments. See below.

***Allow the Minister to declare an Airport Site via Legislative Instrument***

No.	Questions for consideration	AAC response
1.	Would it be preferable for an instrument to allow the Minister or a Delegate to define an Airport Site?	AAC agrees to the inclusion of the definition of an Airport Site and Schedule 1 from the Regulations into a separate Ministerial instrument. This allows a much quicker and cost-saving amendment process for ALCs. As stated above, should the introduction of a new legislative obligation be considered, the requirement to report any changes of land titles to the Department should be streamlined and conducted simultaneously with other reporting obligations to the Department. Additionally, as the changes to the certificate of titles or boundaries of land parcels are infrequent, the requirement to report to the Department should be conducted biennially instead.