



31 May 2022

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

By email: aviationreform@infrastructure.gov.au

Sunsetting Airports Regulations Stage 1b: Infringement Notices and Act Amendments on Airport Sites

Brisbane Airport Corporation Pty Limited (**BAC**) is grateful for the opportunity to contribute to the review of Australia's airport regulations.

Airport Sites

BAC has reviewed the Consultation Paper titled "*Sunsetting Airports Regulations Stage 1b: Act Amendments on Airport Sites*" and sets out its comments below.

In principle, BAC supports option 4.3.2 in the Consultation Paper and agrees with the proposal to move the definition of Airport Sites from the Airport Regulations into a separate instrument and provide the Minister (or delegate) a power to declare Airport Sites. However, before finalising its position, BAC will need to review the amendments proposed to the Airports Regulations to understand (among other things):

1. the power to be given to the Minister (or delegate) and the process involved to update an Airport Site;
2. the proposed legislative obligation to report changes annually and how this obligation would operate with the Ministerial power.

As a result of various State Government road projects, the Brisbane Airport definition of "Airport Site" includes reference to a number of volumetric titles. Given that, BAC does not consider referencing boundary coordinates is suitable and supports using certificates of title to describe Airport Sites (consequently, BAC does not support option 4.3.1 as proposed in the Consultation Paper).

Infringement Notices

BAC has reviewed the Consultation Paper titled "*Sunsetting Airports Regulations Stage 1b: Infringement Notices*" and sets out its comments below.

We note the Department's comments that the current infringement notice frameworks do not reflect contemporary norms and the sunseting process will provide an opportunity to modernise and streamline the frameworks.

BAC has been engaging with these frameworks for more than 20 years and is familiar with and has long-standing and established accountabilities, policies and procedures in relation to the operation and administration of applicable infringement notice schemes.

In this regard, it is relevant to note that, while there are infringement notice schemes across 3 separate regulations made under the *Airports Act 1996*, airport lessee companies such as BAC are only authorised to issue infringement notices under the *Airports (Control of On-Airport Activities) Regulations 1997*. The other infringement notice schemes are matters for Commonwealth appointees, being the Airport Building Controller and the Airport Environment Officer.

Any significant change to the existing frameworks would potentially push additional costs or obligations onto airports. Further detail about the proposed changes is required to allow BAC to assess whether any benefits of those changes would outweigh the additional costs or obligations.

Based on the information currently available, BAC is supportive of option 2 (to remake the provisions in the same form). That said, it may be appropriate to remake the provisions, but this will require further detail of the proposed changes be provided for review, and it is important that any new regulations do not add unnecessary complexity to the existing frameworks or additional costs or obligations to airports.

Early exercise of lease option

In our response to Sunsetting Airports Regulations Stage 1a: Cutting Red Tape dated 14 March 2022, we noted that BAC would welcome the opportunity to explore the early exercise of its airport lease option. We reiterate the comments made about that topic in that response, and also in our separate letter to the Department dated 14 March 2022.

We look forward to receiving, for review, the proposed amendments to the regulations to formalise Stage 1b. In the meantime, please let us know if you would like to discuss this submission further.

If you have any queries, please contact [REDACTED] (Government Policy Lead) on telephone: [REDACTED] or email: [REDACTED]

Yours sincerely



Gert-Jan de Graaff
Chief Executive Officer