

8 June 2022

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

By email: aviationreform@infrastructure.gov.au

Response to Consultation Papers: Sunsetting Airports Regulations Stage 1b: Infringement Notices and Definition of Airport Sites

1. Thank you for the opportunity to comment on the Department's Consultation Papers for Stage 1b of the Sunsetting of Airport Regulations, and to make submissions on which of the various policy options are preferred by Essendon Fields Airport.

2. We set out below our submissions with commentary.

A. *Infringement Notices*

3. **Essendon Fields Airport supports the Department's proposed Option 2 "*Remake the Provisions in the Same Form*".**

4. Essendon Fields Airport favours this option, because it preserves the current 'fit for purpose' framework, and associated long established practices, procedures and policies developed by ALCs, while still allowing for appropriate modernisations and improvements.

5. Essendon Fields Airport would be concerned however about changes that result in an increase in costs, complexity or administrative burden on ALCs to administer an updated infringement notice regime. We thought the proposed policy options gave insufficient information in this regard, and would request that the Department provide further particulars to ALCs for consultation while it develops the policy.

6. Essendon Fields Airport also considers it unreasonable that ALCs are made liable even where infringements are caused by third parties. This places an unfair burden on ALCs and should be reviewed.

7. Essendon Fields Airport also favours streamlining the current infringement schemes so as to have one, standardised method (which could include the appointment of authorised officers by the relevant ALC, or a delegate of the ABC or AEO). We also suggest that there be a centralised, annual reporting process to the Department for any such infringements (such as a declaration made by the relevant ALC as part of the Airport's Annual Lease and Compliance Review Process).

B. *Definition of Airport Sites*

8. **Essendon Fields Airport supports the Department's proposed Option 3.3 "*Remake the Airport Regulation with Changes*".**

9. Essendon Fields Airport thought it would be sensible to give the Minister (or their delegate) the power to declare Airport Sites under a separate instrument in line with this option. This would allow changes to land titles to be dealt with administratively rather than needing an amendment to the Regulations.
10. Essendon Fields Airport requests further particulars from the Department to enable it to consider this option in more detail, in particular the proposed:
 - a. powers to be given to the Minister (or their delegate);
 - b. the process that would be involved in updating definitions of an Airport Site; and
 - c. how the obligation for ALCs to report land title changes to the Department on an annual basis would work in practice.

Yours sincerely
Essendon Airport Pty Ltd

Brendan Pihan
CEO