

Sunsetting Airports Regulations Stage 2: Control of On-Airport Activities

Consultation paper response

September 2022

Name:

Confidential submission: Yes
 No

Industry type: Government Body
 Airline
 Airport Lessee Company
 General Aviation
 Community Group
 Retail
 Industry Body
 Other (please specify)

If you ticked other above, please specify:

Responding to this paper

In acknowledgement of the size and scope of this submission paper, respondents are welcome to provide responses to aviationreform@infrastructure.gov.au via other formats. However, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) recommends the use of this submission paper to assist with analysing and reviewing of submissions.

Please provide submissions or direct your questions to aviationreform@infrastructure.gov.au.

Privacy and confidentiality

Written submissions **will be made publicly available** in full on the Department's website unless you clearly indicate that you would like all or part of your submission to remain in confidence.

Any personal information respondents provide to the Department will be used for purposes related to considering issues raised in the consultation paper, in accordance with the *Privacy Act 1988* (see **Appendix B** of the consultation paper). You are also welcome to provide submissions confidentially.

Introduction

Perth Airport is within the boundaries of the City of Belmont (local government). The City currently provides a limited waste service to some airport-based businesses and is the enforcement agency for all Landside food businesses within the terminal and surrounding land in terms of the Food Act 2008. Any changes to liquor control would have little effect on EHOs current work. Changes to the current PINS parking control could impact on the City. Perth Airport have set their own retail trading hours.

1: Liquor control in airports outside NSW

1. How appropriate do you think the current regulatory settings are for liquor in leased federal airports outside NSW? What works well? What needs to be fixed?	NO COMMENT
2. What is your preferred sunseting option (sunseting without remaking, remaking without substantive changes, or remaking with changes)? Why?	NO COMMENT
3. Are there are any modifications of state or territory liquor laws, or other provisions of the Regulations relating to the control of liquor outside NSW (Part 2 or Schedule 1 of the Regulations), that are no longer required? If so, what are they and why?	NO COMMENT
4. Are there any modifications of state or territory liquor laws, or other provisions, that are out of date or ineffective and so require updating? If so, what are they and why? What is the nature of the update required?	NO COMMENT
5. What disparate requirements (for example, different requirements that apply to different airports within a state or territory, or to different parts of an airport such as the terminal area only) need harmonisation, if any? What would be the impacts of this harmonisation?	NO COMMENT

2: Consumer trading hours

6. How appropriate do you think the current regulatory settings are for consumer trading hours in leased federal airports? What works well? What needs to be fixed?

While Perth Airport is not aligned to the Western Australian Trading legislation (The Retail Trading Hours Act 1987), it is considered appropriate that commercial businesses located within the terminal should have unrestricted hours to meet unique demand patterns of terminal arrival and departure traffic.

Surrounding commercial precincts on airport land, but operating outside of the terminal (CostCo, DFO) are a unique 'destination' consumer offering and appropriately suited to less restricted trading hours. However, the anticipated new 'neighbourhood centre' level shops adjacent to the Redcliffe Railway Station on airport land but servicing a local catchment, may cause concern for competitive advantage in the locally intended shopping environment, with similar retail precincts nearby inequitably affected.

However, the Act is outdated and anticipated to be reviewed soon towards more deregulation of trading hours, which the City would generally support. Therefore, in the interim the City is supportive of continuing the current arrangements in the interest of more open trading hours for these precincts, with potential future alignment to the revised Act for all premises outside of the terminal, with the within-terminal traders retain trading hours exemption to meet unique passenger timing demands as air traffic grows.

<p>7. What is your preferred sunseting option (sunseting without remaking, remaking without substantive changes, or remaking with changes)? Why?</p>	<p>Option 2: Remaking without substantive changes (minor changes suggested below).</p> <p>The current legislation and regulation applicable to trading hour regulations in Western Australia are restrictive and Perth Airport, has, by applying different shopping hours moved in the right direction to enhance vibrancy of these hubs by encouraging consumers to spend, add monetary value and create more work opportunities.</p> <p>The Retail Trading Hours Act 1987 is understood to be soon reviewed. If this review results in more open trading hours, then perhaps the airport land outside of the terminal could align then, in order to avoid competitive disadvantage at the local catchment level with a proposed local retail precinct on airport land adjacent to residential development and the new Redcliffe Train Station.</p> <p>It is recommended that traders within the terminal buildings themselves, servicing arrival and departure traffic, should remain exempt and free to trade to meet that their unique demand patterns.</p> <p>A minor change is also suggested that any time the airport does significantly change trading hours for premises outside the airport terminal, that is advises adjoining local governments in writing, in the interests of information sharing in order to be able to consider any potential impact for other local government economic development work.</p>
<p>8. Should the Regulations include any new provisions (e.g. exemptions to consumer trading hours for Western Sydney International (Nancy-Bird Walton) Airport)? What would be the impact on your operations if the provisions were or were not included?</p>	<p>No impact is expected if commercial premises within Perth Airport terminal buildings remained exempted. If all airport land premises are exempted, this would ideally be alongside more open trading hours within the review of the WA legislation, as there may be potential for inequitable competitive advantage for other local traders especially with planned local residential focused operations near Redcliffe Station on airport land.</p> <p>New provision for notifying adjoining local governments to changes to permitted trading hours by the airport for traders outside the terminal building.</p>
<p>9. If you think it is appropriate for exemptions to continue to apply (or new exemptions to apply) under the Regulations to state or territory consumer trading restrictions, should these apply to the whole of the airport site, or only the terminal area? Why? Would your views be different if any change only impacted new businesses trading on the airport site?</p>	<p>Exemptions within terminal areas are supported.</p> <p>The current exemptions for developments outside the terminal are preferred over the restrictive, outdated state legislation, proposed for review. In lieu of more open state legislation, exemptions for land outside the terminal is preferred over the current state restrictiveness. If the state legislation becomes less restrictive, then alignment of non-terminal traders would be preferred to avoid unwarranted local competitive advantages.</p>

10. Are there any provisions in the Regulations relating to consumer trading hours (e.g. exemptions to state laws) that are no longer required? If so, what are they and why?	No.
11. Are there any provisions in the Regulations relating to consumer trading that are out of date or ineffective and so require updating? If so, what are they and why? What is the nature of the update required?	As discussed in previous responses.

3: Landside vehicle parking

12. Should the Parking Infringement Notice Scheme (PINS) framework continue in its current form? Why?	The City of Belmont would not be in favour of taking on 24 hour parking enforcement on Perth Airport land. While the City would support the retention of the PINS framework it is suggested Option 3 is the best outcome as it provides the retention of PINS while bringing the legislation up to current standards (which is appropriate).
13. What are the benefits (or issues) to your business of the current arrangements at the airport you are located at or manage? (PINS or non-PINS)	PINS-Perth Airport land is large and there are well defined areas of separation between LG and PA land. Enforcement on PA land over unsocial hours would require the provision of parking officers. The City currently has Rangers who also perform parking duties. Expanding their role to include PA is not favoured. In addition, it would also require liaison between PA for ongoing installation and maintenance of restrictive parking, lines etc. The City is comfortable with the current set up.
14. What additional changes would make the PINS work better if it was retained?	OPTION 3 would reflect current road rules etc.
15. What benefits (or issues) would there be from the use of state and territory regulations?	As above. Additional staffing resources to enforce parking over a large area 24/7. This service is not currently provided within the LG so its expansion to include PA would be out of step (and not a service the City would want to also provide in its residential areas).

4: Airside vehicles

16. Should airside vehicle controls be nationally consistent? Why?	NO COMMENT
17. Would there be an impact on your operations if the airside vehicle control provisions within the Regulations were allowed to sunset?	NO COMMENT
18. What additional changes would make this part of the Regulations work better if it was retained?	NO COMMENT

5: Gambling

19. How appropriate do you think the current regulatory settings are for gambling in leased federal airports? What works well? What needs to be fixed?	NO COMMENT
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20. What is your preferred sunseting option (sunseting without remaking, remaking without substantive changes, or remaking with changes)? Why?	NO COMMENT
21. Would you support the lifting of the gambling prohibition? What impacts would an increase in gambling activities on leased federal airports have?	NO COMMENT
22. Would you support the transfer of regulatory responsibilities for gambling activities under existing authorities to the relevant South Australian and Victorian government authorities?	NO COMMENT
23. Are there any provisions relating to the control of gambling (Part 5 of the Regulations), that are no longer required? If so, what are they and why?	NO COMMENT
24. Are there any provisions relating to the control of gambling (Part 5 of the Regulations), that are out of date or ineffective and so require updating? If so, what are they and why? What is the nature of the update required?	NO COMMENT

6: Smoking

25. Do the current smoking regulations adequately control smoking at leased federal airports?	While they control smoking they have not kept pace with changes in habits (eg vaping). There is however already a high level of community compliance surrounding smoking indoors.
26. Are the penalties appropriate for the contravention of smoking?	Yes
27. What additional changes would make smoking provisions under the Regulations work better if it was retained?	As mentioned in paper remaking Regs with changes (Option 3) would allow second hand smoking, vaping and other issues to be better addressed.
28. Would state and territory governments need to make changes to their frameworks if smoking provisions under the Regulations were to sunset?	Potentially. It is not practical for the City of Belmont to police smoking throughout such a large airport premises and surrounding land. Current ALC permits enforcement as appropriate. Would support Option 3 where legislation is modernised but enforcement remains with ALC.

7: Other comments

29. Do you have any other comments you would like to share with the Department in relation to the sunseting review of the Airports (Control of On Airport Activities) Regulations 1997?	NO COMMENT
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