

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

Consultation paper response

September 2022

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Confidential submission:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Industry type:	<input type="checkbox"/> Government Body <input type="checkbox"/> Airline <input checked="" type="checkbox"/> Airport Lessee Company <input type="checkbox"/> General Aviation <input type="checkbox"/> Community Group <input type="checkbox"/> Retail <input type="checkbox"/> Industry Body <input type="checkbox"/> 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

Please provide relevant background information to help the Department to understand your perspective. Relevant factors may be who you are or what organisation you are from, and what your interests are in responding to the sunseting review of the Airports (Control of On-Airport Activities) Regulations 1997 (the Regulations).

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?	Not Applicable. Bankstown and Camden Airports are located in NSW. Part 1 applies.
2. What is your preferred sunseting option (sunseting without remaking, remaking without substantive changes, or remaking with changes)? Why?	Remake without changes.
3. Are there 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?	Not Applicable.
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?	None identified.
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?	None identified.

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?	No issues identified.
7. What is your preferred sunseting option (sunseting without remaking, remaking without substantive changes, or remaking with changes)? Why?	Remake without changes.
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?	No issues identified and no impacts anticipated.
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?	No changes required. Exemptions should continue to apply to the whole of the airport site to facilitate increased development options.

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?	None identified.
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?	None identified.

3: Landside vehicle parking

12. Should the Parking Infringement Notice Scheme (PINS) framework continue in its current form? Why?	The PINS Scheme does not apply to Bankstown or Camden Airports. However, we have identified a number of advantages in the PINS system over the system of reliance on State parking regulations, so we propose amendment to Division 2 of Part 4 to introduce the option of including Bankstown and Camden Airports as PINS Airports..
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)	The application of NSW Regulations to Bankstown and Camden Airports is working satisfactorily. However, the PINS scheme would facilitate greater flexibility in managing landside parking, particularly as Bankstown Airport is undergoing a high level of development at present and into the future.
14. What additional changes would make the PINS work better if it was retained?	Not Applicable.
15. What benefits (or issues) would there be from the use of state and territory regulations?	Please refer to our comments above.

4: Airside vehicles

16. Should airside vehicle controls be nationally consistent? Why?	The underlying ruleset should be consistent, but no two airports are the same. Consideration must be given to allow for localisms of each single airport.
17. Would there be an impact on your operations if the airside vehicle control provisions within the Regulations were allowed to sunset?	Yes. Airside vehicle control must be maintained as it is now in Manual of Standards Part 139. It must be regulated for consistency in aviation safety
18. What additional changes would make this part of the Regulations work better if it was retained?	No change is required. Option 2: Remake the regulation without substantive changes.

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?	Bankstown and Camden Airports are Regulated Airports under Part 5, so no gambling activity currently takes place on either airport. This is consistent with current Government policy.
20. What is your preferred sunset option (sunset without remaking, remaking without substantive changes, or remaking with changes)? Why?	Remake with no changes.
21. Would you support the lifting of the gambling prohibition? What impacts would an increase in gambling activities on leased federal airports have?	No. We consider the prohibition appropriate at this time.

22. Would you support the transfer of regulatory responsibilities for gambling activities under existing authorities to the relevant South Australian and Victorian government authorities?	Not applicable.
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?	Not applicable
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?	Not applicable.

6: Smoking

25. Do the current smoking regulations adequately control smoking at leased federal airports?	Yes.
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?	No changes required.
28. Would state and territory governments need to make changes to their frameworks if smoking provisions under the Regulations were to sunset?	Possibly yes, but this would require detailed consideration.

7: Other comments

29. Do you have any other comments you would like to share with the Department in relation to the sunset review of the Airports (Control of On Airport Activities) Regulations 1997?	In summary, SMA appreciates the opportunity to review the current operation of the Regulations and to participate in Stage 2 of the Sunset review. We have no comments in addition to our comments above.
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