



AUSTRALIAN
AIRPORTS
ASSOCIATION

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Director, Airport Reform, Sunsetting and IFAM Section
Airports Branch
Department of Infrastructure, Transport, Communications and Regional Development
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To whom it may concern,

Response to Consultation Papers: Sunsetting Airports Regulations Stage 1b: Infringement notices and Definition of airport sites

On behalf of its members, the Australian Airports Association (AAA) welcomes the opportunity to comment on the Department of Infrastructure, Transport, Communications and Regional Development's (the Department) Consultation Papers for Stage 1b of Sunsetting Airport Regulations.

The AAA's submission supports those provided by individual Airport Leasing Companies (ALCs), such as Adelaide Airport Limited, Brisbane Airport Corporation, Canberra Airport and Sydney Metro Airports. It also contains advice provided by other ALCs.

Infringement notices

The AAA supports the proposed Option 2 in the Consultation Paper, to "*Remake the provisions in the same form*".

The AAA notes the comments from ALCs and the Department where the current infringement notice frameworks do not reflect contemporary norms and the sunsetting process will provide an opportunity to modernise and streamline the frameworks to account for changes in law and policy since the 1990s. The AAA also acknowledges the long-term engagement of ALCs with the infringement notices framework and their evolving of long standing and established practices, policies and procedures in relation to the operation and administration of applicable infringement notice schemes.

The AAA notes that the regime of infringement notices at Federally leased airports operate across three separate regulations made under the *Airports Act 1996* and that ALCs are authorised to issue infringement notices only under the *Airports (Control of On-Airport Activities) Regulations 1997*.

In supporting the proposed Option 2, the AAA's view is that any significant change to the existing infringement notice framework has the potential to transfer additional costs or obligations onto ALCs. Without further detail on the proposed changes, it is difficult to fully assess potential benefits of change against the potential new costs or additional obligations that ALCs might bear. It is important that any new regulation does not add unnecessary complexity to existing infringement notice frameworks and impose additional costs or obligations on ALCs.

Definition of airport sites

The AAA supports the proposed Option 3.2 in the Consultation Paper to “*Remake the Airport Regulation with changes*” and “*Allow the Minister to declare an Airport Site via a legislative instrument*”. Adopting this position would move the definition of an Airport Site from the Airport Regulations into a separate instrument and provide the Minister (or their delegate) the power to declare Airport Sites.

The ability to define Airport Sites by a declaration by the Minister (or their delegate) provides an opportunity to ensure consistency between the land identified in a Declared Airport site and the land titles held in the relevant jurisdiction’s Land Titles Office. It would also allow changes to land titles (such as subdivision of land) to be notified administratively rather than needing amendment of the Regulations.

Given the ambiguities in the Consultation Paper, more detail is required from the Department to help the AAA and ALCs better understand the following aspects of the proposed reforms:

- the powers given to the Minister (or their delegate).
- the process involved in updating definitions of an Airport Site.
- how the obligation for ALCs to report land title changes to Department on an annual basis would work, and
- how the reporting requirements would interact with other Commonwealth legislation, particularly transport security and critical infrastructure legislation administered by the Department of Home Affairs.

General comments

As in the AAA’s previous submission to Stage 1a of this reform process, it appears there is no urgent driver for regulatory reform beyond the requirement under the *Legislation Act 2003* for sunseting several instruments in the *Airports Act 1996* (the Act) by 2024 and the previous Government’s broader de-regulation agenda.

Similarly, the Department’s its most recent aviation policy document, the *Aviation Recovery Framework* (the Framework) does not present a compelling case for regulatory reform: indeed, proposed measures in the Framework that identified a need of ‘enhanced regulation for major airports’¹ would indicate a move toward greater regulatory oversight of airports by the Department, along with increased administrative burden and compliance costs for both industry and government.

If you require further information, please contact Mr. Scott Martin, Director of Policy and Research on 0437 285 739 or at smartin@airports.asn.au.

Yours sincerely

James Goodwin
Chief Executive

¹ DITCRD (2021), *Aviation Recovery Framework – Flying to Recovery*, p. 17.