

AIRPORTS (BUSINESS CONCESSIONS).

No. 89 of 1959.

An Act to provide for the Grant of Leases, Licences and Trading Rights in connexion with Commonwealth Airports.

[Assented to 3rd December, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

- Short title. 1. This Act may be cited as the *Airports (Business Concessions) Act 1959*.
- Commence-
ment. 2. This Act shall come into operation on a date to be fixed by Proclamation.
- Definitions. 3. In this Act, unless the contrary intention appears—
“ airport ” means—
 (a) an aerodrome owned, or held under lease, by the Commonwealth and operated in pursuance of the *Air Navigation Act 1920–1950* or of the regulations under that Act; or

(b) such part of an aerodrome owned, or held under lease, by the Commonwealth and under the control of a part of the Defence Force as is made available for civil aviation purposes in pursuance of arrangements made by the Minister administering that Act;

“ lease ” includes a sub-lease.

4. This Act binds the Crown in right of a State.

Act to bind
Crown.

5.—(1.) Except in accordance with a Proclamation under this section, this Act does not apply in a Territory of the Commonwealth forming part of the Commonwealth or extend to a Territory of the Commonwealth not forming part of the Commonwealth.

Application
of Act to
Territories.

(2.) The Governor-General may, by Proclamation, declare that, on and after a date specified in the Proclamation, this Act shall apply in a Territory so specified, being a Territory of the Commonwealth forming part of the Commonwealth, or shall extend to a Territory so specified, being a Territory of the Commonwealth not forming part of the Commonwealth.

(3.) Where, in a Territory of the Commonwealth to which this Act extends, the Commonwealth operates an aerodrome in pursuance of the *Air Navigation Act 1920–1950* or of the regulations under that Act on land that is owned by the Crown in right of the Territory or by the Administration of the Territory and has been made available for the purposes of the aerodrome otherwise than by a lease, this Act applies in relation to that aerodrome as if it were an airport as defined in section three of this Act, except that the Minister is not authorized to grant a lease in respect of land within such an aerodrome.

6.—(1.) The Minister may, on behalf of the Commonwealth—

Leases and
licences.

(a) grant leases and licences in respect of land within an airport on such terms and conditions, and subject to payment of such rent or other consideration, as the Minister thinks fit; and

(b) exercise any power or remedy of the Commonwealth in respect of any such lease or licence.

(2.) This section has effect notwithstanding anything contained in the *Lands Acquisition Act 1955–1957*.

7.—(1.) Except in accordance with an authority granted under the next succeeding section and the terms and conditions of that authority, a person shall not, within an airport, either personally or by his servant or agent, or as the servant or agent of another person—

Prohibition
on trading,
&c., without
authority.

(a) sell, for delivery within the airport, or supply, any goods or services;

- (b) carry on, or solicit for, any business; or
- (c) erect, display or distribute, or communicate by sound, any advertisement or public notice.

(2.) A person who contravenes the last preceding sub-section is guilty of an offence punishable, upon a first conviction, by a fine of not more than One hundred pounds and, upon a second or subsequent conviction, by a fine of not less than Fifty pounds and not more than Five hundred pounds.

(3.) Sub-section (1.) of this section does not apply to or in relation to—

- (a) the making or performance, by an operator of air transport services, of contracts for the carriage of passengers or goods by air or for the carriage by that operator between the airport and any premises of that operator of passengers or goods that have been, or are to be, carried by that operator by air;
- (b) the advertising, by an operator of air transport services, of those services or other transport services or of tourist facilities; or
- (c) the sale or supply to the owner or operator of aircraft of goods or services required for the maintenance or operation of the aircraft or for use or consumption—
 - (i) aboard the aircraft; or
 - (ii) at the airport by persons employed by him.

(4.) This section does not affect the enforcement of any civil remedy against a person.

Authority to
trade, &c.

8.—(1.) The Minister may, on behalf of the Commonwealth, by writing under his hand, grant to a person an authority to do, either personally, or by his servants or agents, or both, any act or thing referred to in sub-section (1.) of the last preceding section.

(2.) An authority under this section—

- (a) may be included in, or granted in relation to, a lease or licence in respect of particular land within an airport; and
- (b) shall, subject to the next succeeding section, be granted for such period, on such terms and conditions and for such consideration as the Minister thinks fit.

Exercise of
authorities.

9.—(1.) The holder of an authority under this Act, and the servants and agents of such a holder, may, subject to the terms and conditions of the authority, act in accordance with the authority without obtaining or having any other authority, licence, permit or registration.

(2.) Subject to the next succeeding sub-section, the Minister may, having regard to the special needs of the travelling public, specify in the terms and conditions of an authority under this

Act the days on which, and the times during which, the authority may be exercised, and the authority may lawfully be exercised on those days and during those times.

(3.) An authority under this Act to sell or supply intoxicating liquor shall contain terms and conditions under which the holder is subject to requirements, prohibitions and restrictions as to the days on which, and the times during which, such liquor may be sold or supplied corresponding to, and to other requirements, prohibitions and restrictions corresponding, as nearly as possible, to, those that apply, under the law of the State or Territory in which the airport is situated, in relation to the sale or supply of such liquor in pursuance of a licence under that law of the kind that most nearly corresponds with the authority under this Act.

(4.) An authority under this Act shall contain such terms and conditions as the Minister thinks necessary for the purpose of preventing the sale or supply of goods or services, in pursuance of the authority, to persons resorting to the airport solely or principally for the purpose of purchasing or obtaining goods or services at times outside the days and hours of trading or business that would be applicable, under the law of the State or Territory of the Commonwealth in which the airport is situated, in relation to like transactions in the part of that State or Territory in which the airport is situated.

(5.) Except as provided in this section, a lease, licence or authority under this Act does not exempt a person from compliance with the law of a State or Territory of the Commonwealth.

10.—(1.) An authority under this Act shall contain such terms and conditions in relation to the inspection of premises, the keeping and inspection of books and records and the inspection and sampling of goods as the Minister considers necessary for the purposes of this Act.

Inspection of
premises, &c.

(2.) The Governor-General may, for the purposes of this Act, arrange with the Governor of a State for the performance by members of the Police Force of the State or by persons employed in the public service of the State, for the Government of the Commonwealth, of any work or services, and for the payment to be made by the Commonwealth for any such work or services.

11.—(1.) Subject to this section, a lease, licence or authority under this Act, other than a lease, licence or authority for purposes directly related to the operation of air transport services, shall not be granted—

Periods of
leases, &c.

(a) for a period exceeding—

(i) in the case of a building lease or an authority included in, or granted in relation to, such a lease—ninety-nine years; or

(ii) in any other case—twenty-one years; or
(b) except after tenders have been publicly invited or after public auction.

(2.) Paragraph (b) of the last preceding sub-section does not apply in relation to a lease, licence or authority granted—

(a) for a period not exceeding three years; or
(b) in pursuance of an option of renewal.

(3.) Nothing in this section affects any rights (including an option of renewal) granted before the commencement of this Act.

(4.) For the purposes of this section the period of a lease, licence or authority shall be deemed to include any period for which it is renewable under an option of renewal.

Saving of existing leases and licences.

12.—(1.) A lease or licence in respect of land within an airport granted by or on behalf of the Commonwealth before the date of commencement of this Act and in force immediately before that date continues in force as if granted under this Act, and accordingly any power or remedy of the Commonwealth, or of any person on behalf of the Commonwealth, in respect of any such lease or licence is exercisable by the Minister.

(2.) In relation to an airport in a Territory of the Commonwealth, a reference in this section to the date of commencement of this Act shall be read as a reference to the date specified in a Proclamation under section five of this Act as the date on and after which this Act shall apply in, or extend to, that Territory.

Warrants to obtain possession of land.

13. In the application of section fifty-seven of the *Lands Acquisition Act 1955-1957* in relation to land within an airport, references in that section to the Minister shall be read as references to the Minister of State for the time being administering this Act or any Minister or member of the Executive Council for the time being acting for and on behalf of that Minister.

Evidence of certain matters.

14.—(1.) The Minister may, by writing under his hand, certify that, on a specified date or during a specified period, an airport, within the meaning of this Act, existed at a place, and had the boundaries, described, by reference to a map or otherwise, in the certificate and may, in the certificate, certify as to the existence, situation and description of any physical features (including buildings or other erections) of or upon the airport at that date or within that period.

(2.) In a prosecution under this Act, a certificate under this section is evidence of the matters certified.

(3.) A document purporting to be a certificate under this section and to be signed by a person by virtue of a delegation to that person of the powers of the Minister under this section may be admitted in evidence as such a certificate without proof of the delegation or of the signature of that person.

15.—(1.) The Minister may, either generally or in relation to a matter or class of matters and either in relation to all airports or a particular airport or particular airports, by writing under his hand delegate to a person or persons all or any of his powers and functions under this Act (except this power of delegation and his power to grant an authority to sell or supply alcoholic liquor). **Delegation.**

(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Minister.

16. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act. **Regulations.**
