

Sunshine Coast Regional Council

Local Law No. 7 (Sunshine Coast Airport) 2017

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 7 (Sunshine Coast Airport) 2017*.

2 Commencement

This local law commences on 1 September 2017.

3 Purpose and how it is to be achieved

- (1) The purpose of this local law is to provide for the safe, secure and orderly operation of the Sunshine Coast Airport.
- (2) The purpose is to be achieved by providing for—
 - (a) the local government to declare an airport corporation for airport land; and
 - (b) powers for the airport corporation to display enforceable airport notices controlling matters relating to persons, vehicles, aircraft, baggage or goods and other activities on airport land; and
 - (c) appointment of authorised persons for airport land; and
 - (d) powers of authorised persons to give enforceable directions to a person on airport land; and
 - (e) additional powers of authorised persons to move contravening property, deal with impounded items, and inspect documents, aircraft, vehicles and goods.

4 Definitions

- (1) Particular words used in this local law have the same meaning as provided for in schedule 1 (Dictionary) of *Local Law No.1 (Administration) 2011*.
- (2) Additionally, in this local law—

airport means the Sunshine Coast Airport.

airport corporation see section 7.

airport land see section 6.

airport notice see section 8.

Sunshine Coast Airport means the area comprising the airport land.

vehicle includes any type of transport that moves on wheels and a hovercraft but does not include an aircraft, train or tram.

5 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from, State and Commonwealth laws regulating the operation of airports; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

Part 2 Airport land and airport corporation

6 Airport land

- (1) The local government may, by subordinate local law, declare land to be *airport land*.
- (2) To remove any doubt, it is declared that land owned by the local government that becomes airport land remains a local government controlled area for the purposes of *Local Law No. 1 (Administration) 2011*.

7 Airport corporation

The local government may, by subordinate local law, declare an entity to be the *airport corporation* for specified airport land.

Part 3 Airport notices

8 Airport corporation may control activities by airport notice

- (1) An airport corporation may display or publish a notice (an *airport notice*) to control any of the following activities or conduct on its airport land or a part of its airport land—
 - (a) movement of persons including, for example, where the movement of members of the public, or another identified group, is restricted or prohibited;
 - (b) entry, movement, standing or parking of vehicles;
 - (c) movement, standing or parking of aircraft;
 - (d) movement, handling or storage of baggage or goods;
 - (e) other activities or conduct to the extent necessary.
- (2) However, an airport corporation may not display or publish a notice to control parking of vehicles on an off-street regulated parking area on its airport land.
- (3) In this section—

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

off-street regulated parking area see *Transport Operations (Road Use Management) Act 1995*.

9 Display or publication of airport notices

- (1) To have effect, an airport notice must—
 - (a) be displayed on or near the thing to which it relates; or
 - (b) be published on the airport corporation's website.
- (2) Before an airport notice mentioned in subsection (1)(b) has effect, the airport corporation issuing the airport notice must publish it on at least 2 occasions in a newspaper circulated in the Sunshine Coast area.
- (3) A copy of an airport notice must be available during normal business hours for inspection, or for purchase at a reasonable cost, at the office of the airport corporation at the Sunshine Coast Airport.

10 Airport notice may refer to documents held by airport corporation

- (1) An airport notice may require a person to comply, in whole or in part, with a requirement of a stated document held by the airport corporation.
- (2) However, the requirement must be able to be made by an airport notice under this part.
- (3) If the document is a standard, the airport notice must state that a copy of the standard is available during normal business hours for inspection, or for purchase at a reasonable cost, at a stated office of the airport corporation at the Sunshine Coast Airport.
- (4) If the document is not a standard, the airport notice must—
 - (a) include a copy of the document; or
 - (b) do both of the following—
 - (i) include a summary of the requirement; and
 - (ii) state that a copy of the document is available during normal business hours, free of charge, at a stated office of the airport corporation at the Sunshine Coast Airport.
- (5) In this section—

standard means a code, guide, rule, specification, standard or other document adopted, made or published by any of the following entities—

 - (a) the Civil Aviation Safety Authority;
 - (b) the International Civil Aviation Organisation;
 - (c) the Office of Transport Security;
 - (d) the chief executive of the department in which the *Transport Infrastructure Act 1994* is administered.

11 Airport notices generally

- (1) An airport notice—
 - (a) must indicate the area to which the airport notice applies; and
 - (b) if contravention of a requirement of the airport notice is an offence against this local law—must state that fact and the maximum penalty for the offence.
- (2) Evidence that a sign was displayed on or near the thing to which it relates is evidence that the notice was displayed by the airport corporation.
- (3) An airport notice displayed on or near the thing to which it relates must be clearly visible to passers-by.

12 Offence of not complying with an airport notice

A person must comply with each requirement of an airport notice, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—

- (a) for a contravention of a requirement about the parking of an aircraft—50 penalty units; or
- (b) for a contravention of a requirement about the movement, handling or storage of goods—50 penalty units; or
- (c) for a contravention of a requirement about any other matter—20 penalty units.

Part 4 Directions

13 Authorised person may give directions

- (1) An authorised person for airport land may give a verbal direction to a person on the airport land if giving the direction is reasonably necessary to—
 - (a) ensure the safety or security of the airport land, its users or the airport corporation's employees or invitees; or
 - (b) prevent the person's activities or conduct from affecting the airport's operation.

Examples of directions that may be given for subsection (1)—

- a direction to control the parking of an aircraft or the movement, stopping or parking of a vehicle
- a direction to control the movement, handling or storage of goods that are loaded, waiting to be loaded, unloaded or being transhipped
- a direction to control the movement of persons

- (2) Subsection (3) applies if an authorised person—
 - (a) finds a person committing an offence, or reasonably suspects that a person has just committed an offence, against section 12; or

- (b) reasonably believes that a person's presence at the airport facilities may pose a threat to the safety or security of the airport facilities, its users or the airport corporation's employees or invitees; or
 - (c) reasonably believes that a person is in an area of the airport facilities without lawful justification or excuse.
- (3) An authorised person may give a verbal direction to the person to—
- (a) immediately leave the airport facilities, or an area of the airport facilities; or
 - (b) immediately leave the airport facilities, or an area of the airport facilities, and not return for at least 24 hours.
- (4) An authorised person must identify himself or herself as an authorised person if the authorised person gives a verbal direction by radio, megaphone or another form of distance communication.

14 If a person does not comply with a direction

- (1) If the person does not comply with a verbal direction given by an authorised person under section 13, the authorised person may give the person a written notice stating—
- (a) the authorised person's name; and
 - (b) the direction; and
 - (c) a brief statement about the authorised person's reason for giving the direction; and
 - (d) a further reasonable time within which the person must comply with the direction; and
 - (e) when the direction was given.
- (2) If it is not possible or reasonable for the authorised person to give the person a written notice at the time the person does not comply with a verbal direction given by an authorised person under section 13, the authorised person—
- (a) may give the person a further verbal direction stating the information mentioned in subsection (1)(a) to (d); and
 - (b) must give the person the written notice the person would have received at the time the person did not comply with the verbal direction as soon as practicable after giving the further verbal direction.
- (3) At the time the authorised person gives the person a written notice under subsection (1), or a further verbal direction under subsection (2)(a), the authorised person must warn the person that the person may commit an offence unless the person complies with the direction within the stated time.

15 Offence of not complying with a direction

Unless a person has a reasonable excuse, a person must comply with a direction given to the person by an authorised person under section 14, within the reasonable time stated in a written notice under section 14(1) or as part of a further verbal direction under 14(2)(a).

Maximum penalty—

- (a) if the contravention results in a significant delay to airport operations—50 penalty units; or
- (b) otherwise—
 - (i) for a contravention of a direction to leave the airport facilities or an area of the airport facilities, or leave the airport facilities or an area of the airport facilities and not return for 24 hours—40 penalty units; or
 - (ii) for a contravention of a direction about the parking of an aircraft—20 penalty units; or
 - (iii) for a contravention of a direction about the movement, handling or storage of goods—20 penalty units; or
 - (iv) for a contravention of another direction—10 penalty units.

Part 5 Administration

16 Authorised persons

- (1) This section applies if the chief executive officer, pursuant to section 259 of the Act, has delegated to the airport corporation or an employee of the airport corporation (each a *delegate*) the power contained in section 202 of the Act to appoint an authorised person.
- (2) The conditions of appointment for an authorised person appointed by the delegate must restrict the exercise of the person's powers to the airport corporation's airport land.
- (3) The delegate must comply with the lawful directions of the chief executive officer in relation to the exercise of the power delegated.
- (4) If a person is appointed as an authorised person by a delegate—
 - (a) the person is not an officer, employee or agent of the local government only because of that appointment; and
 - (b) the local government is not civilly liable for an act done, or omission made, by the person as an authorised person.
- (5) If subsection (4) prevents a civil liability attaching to the local government, the liability attaches instead to the airport corporation.
- (6) An authorised person is not civilly liable for an act done, or omission made, by the person for an airport corporation honestly and without negligence.

- (7) If subsection (6) prevents a civil liability attaching to an authorised person appointed by the delegate, the liability attaches instead to the airport corporation.

Part 6 Additional powers of authorised persons²

17 Moving contravening property

- (1) This section applies if—
- (a) an authorised person for airport land reasonably believes that an aircraft, vehicle or goods on the airport land is contravening property; and
 - (b) the authorised person reasonably believes that it is necessary to move the contravening property having regard to—
 - (i) the efficient operation of the airport; or
 - (ii) the safety or security of the airport, its users or the airport corporation's employees or invitees; and
 - (c) the authorised person—
 - (i) can not immediately find the person in charge of the contravening property; or
 - (ii) reasonably believes the person in charge of the contravening property can not, or will not, move the contravening property immediately.
- (2) The authorised person may—
- (a) take steps necessary and reasonable to have the contravening property moved; and
 - (b) if the contravening property is property in the form of goods that are perishable, or of little or no value, treat the goods as abandoned goods for the purposes of *Local Law No. 1 (Administration) 2011*, section 43.
- (3) In this section—
- contravening property*** means an aircraft, vehicle or goods that is parked or left in an airport or at an airport facility in contravention of—
- (a) a requirement of an airport notice; or
 - (b) a direction of an authorised person under part 4.
- person in charge***, of contravening property, means—
- (a) for contravening property that is an aircraft—the aircraft's pilot or another person in charge of the aircraft; or
 - (b) for contravening property that is a vehicle—the driver of the vehicle or another person in charge of the vehicle; or

² For general powers of authorised persons, see the Act and *Local Law No. 1 (Administration) 2011*.

- (c) for contravening property that is property in the form of goods—the owner of the goods or another person in charge of the goods.

18 Impounded items

- (1) This section applies where an authorised person appointed by an airport corporation or an employee of an airport corporation has exercised a power to seize and impound a structure, thing or goods under *Local Law No. 1 (Administration) 2011*, section 28 (Power to remove and cost recovery) or section 43 (Abandoned goods).
- (2) The item may be dealt with under *Local Law No. 1 (Administration) 2011*, section 44 (Dealing with seized and impounded items) and for the purposes of that section—
 - (a) a reference to the chief executive officer shall be taken to be a reference to the airport corporation; and
 - (b) a reference to the local government shall be taken to be a reference to the airport corporation.

19 Inspection of documents

- (1) An authorised person for airport land may require a person, who is or may be liable to pay a charge to the airport corporation, to produce for the authorised person's inspection, documents that are—
 - (a) under the person's control; and
 - (b) relevant to deciding—
 - (i) whether the person is liable to pay the charge; or
 - (ii) the amount of the charge.
- (2) The person must comply with the requirement, unless the person has a reasonable excuse for not complying with it.
Maximum penalty for subsection (2)—50 penalty units.

20 Inspection of aircraft, vehicles and goods

- (1) This section applies only to the extent necessary to allow an authorised person for airport land to decide—
 - (a) whether a charge is payable in relation to an aircraft or goods; and
 - (b) the amount of the charge.
- (2) A person in charge of a conveyance on the airport land must allow the authorised person to enter and inspect the conveyance, or inspect goods on or in the conveyance, if asked by the authorised person.
Maximum penalty—50 penalty units.
- (3) In this section—
conveyance means an aircraft or vehicle.

Part 7 Subordinate local laws

21 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring land to be airport land;³
- (b) declaring an entity to be an airport corporation.⁴

³ See section 6(1)(b).

⁴ See Section 7.