



AIRPORT NOTICES

July 2009



AIRPORT NOTICES

Airport Assets (Restructuring and Disposal) Act 2008

Prepared by

Cairns Airport Pty Ltd ACN 132 228 221

As delegate – Airport Manager

July 2009

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I. AIRPORT MANAGEMENT

I.1 Compliance With Airport Notices

It is an offence not to comply at all times with any Airport Notice displayed or published by Cairns Airport Pty Ltd. The granting of a licence to conduct commercial activities at Cairns Airport shall be at the sole discretion of Cairns Airport Pty Ltd.

I.2 No Commercial Operations Without Licence or Consent

It is an offence to conduct commercial operations of any nature at Cairns Airport without an appropriate licence or consent from Cairns Airport Pty Ltd.

I.3 No Touting

It is an offence to tout for business at Cairns Airport.

I.4 Entry and Exit

It is an offence for a person to enter or leave Cairns Airport other than by the designated entrances and exits.

I.5 Presence Without Justification

It is an offence for a person to be at Cairns Airport without a lawful justification or excuse or authorisation.

I.6 Conduct Causing Public Nuisance

It is an offence for a person at Cairns Airport to be disorderly or create a disturbance. A person who acts in a disorderly manner or creates a nuisance may be directed to leave Cairns Airport. This direction may include a direction not to re-enter Cairns Airport for 24 hours.

I.7 Alcohol

It is an offence to consume alcohol at Cairns Airport except:

- (a) where authorised by Cairns Airport Pty Ltd;
- (b) in the case of a proprietary site where authorised by persons having control of those areas; or
- (c) where the facility is licensed under the *Liquor Act 1992*.

2. ENTRY, MOVEMENT, STANDING AND PARKING OF VEHICLES

2.1 Compliance With Airport Security Measures including the TSP

It is an offence to park a Vehicle in any designated passenger loading or unloading area unless:

- (a) the Vehicle is in the act of loading passengers and their baggage, who must be assembled in the designated passenger loading area prior to the Vehicle arriving; or
- (b) the Vehicle is in the act of unloading passengers and baggage.

Vehicles must depart the designated passenger loading or unloading area immediately following loading or unloading of passengers and baggage.

2.2 Vehicle Parking Requirements

- (a) It is an offence for a driver of a Vehicle to permit the Vehicle to stand unattended without first stopping the engine, locking the ignition, removing the ignition key, effectively applying the hand brake and, when the Vehicle is standing on any grade, turning the front wheels to the kerb or side of the carriageway nearer to the Vehicle.
- (b) Parking is only permitted in designated parking areas regulated by appropriate signage.

2.3 Compliance With Official Traffic Signs

All drivers must comply with the official traffic signs erected at Cairns Airport. Failure to do so is an offence.

2.4 Obligations of Licence Holders

- (a) Operators of commercial Vehicles holding licences from Cairns Airport Pty Ltd to use Cairns Airport must ensure that all Vehicles operating at Cairns Airport are covered under the licence and that Cairns Airport Pty Ltd is immediately notified of any changes to the Licensee's vehicle fleet.
- (b) Operators of charter and tourist coaches, limousines, courtesy coaches and other public passenger services must be accredited operators pursuant to the Transport Operations (Passenger Transport) Act 1994 and associated regulations. Operators are also required to use appropriately qualified drivers in accordance with the provisions of this Act.

Failure to comply with the requirements of this Airport Notice is an offence.

2.5 Directions of Authorised Officer

It is an offence for any person to fail to comply with a direction of an Authorised Officer of Cairns Airport Pty Ltd where the direction is reasonably necessary to ensure compliance with these Airport Notices.

3. CAR PARKING

3.1 Application

This Airport Notice applies to the Cairns Airport Public Car Parks (the Car Parks) and is displayed or published by Cairns Airport Pty Ltd (CAPL) for the orderly and safe conduct of activity and for public safety in the Car Parks pursuant to CAPL's administration and enforcement of the requirements of the *Airport Assets (Restructuring and Disposal) Act 2008* (the Act).

3.2 Prohibited Vehicles

The following Vehicles (Prohibited Vehicles) are prohibited from entry into the Car Parks:

- (a) Vehicles having dimensions in excess of 4.9 m long X 1.9 m wide X 4.0 m high;
- (b) Vehicles with trailers, caravans or floats;
- (c) other Vehicles as directed from time to time by CAPL.

3.3 General Conditions

Any time that you enter the Car Parks you do so on the following conditions:

- (a) you must comply with all rules and conditions of parking displayed at the Car Parks from time to time and comply with all reasonable directions and requests made by CAPL;
- (b) you must comply with all applicable laws, regulations, orders and notifications in force relating to driving including any applicable road rules; and
- (c) CAPL may refuse you entry to the Car Parks without any obligation to provide reasons for that refusal. You may be requested to leave the Car Parks if you are in breach of any of these conditions, or if you are, for any reason, disturbing, causing discomfort or threatening the safety or security of another Customer, Vehicle or Cairns Airport.

3.4 Authorised Officers and Non-Compliance

- (a) An Authorised Officer may give a direction to you if your activities may affect the operations of the Car Parks and it is reasonably necessary to ensure the safety or security of the Car Parks.
- (b) Non-compliance with this Airport Notice (or with the directions given by an Authorised Officer) either through an act or omission, without a reasonable excuse, is an offence under the Act.
- (c) It is an offence for you not to comply with a direction by an Authorised Officer in accordance with the Act and specific penalties apply. Non-compliance with this Airport Notice or procedures or any lawful direction given by CAPL or an Authorised Officer may result in:-
 - (i) A further verbal direction by the Authorised Officer;
 - (ii) Issue of a written notice to comply;
 - (iii) Commission of an offence under Section 76 of the Act;

- (iv) Exclusion of a Vehicle from access to the Car Parks;
- (v) Court action/proceedings being initiated against the offender;
- (vi) Movement of contravening Vehicles.

3.5 Permitted Use

- (a) You must only use the Car Parks for personal use and must not use the Car Parks for commercial purposes without CAPL's prior written consent.
- (b) You may not park in designated "No Parking" areas without the consent of CAPL.
- (c) You may not park in spaces designated for persons with mobility impairment without the consent of CAPL and/or without displaying a Disability Parking Permit issued by a relevant authority.
- (d) You must not obstruct any accessway or other Vehicle or person in the Car Parks.
- (e) You may park only one Vehicle within a single bay.

3.6 Security of Vehicles

- (a) While CAPL endeavours to take all reasonable care to ensure the safety of Vehicles parked in the Car Parks through the use of fencing, lighting and CCTV, CAPL does not guarantee and provides no warranty in respect of the security of your Vehicle (or its contents) while parked within the Car Parks. Airport employees are not authorised to accept any of your possessions for safe custody.

3.7 Payment

- (a) A parking fee is payable each time your Vehicle enters a Car Park. Upon entry to a Car Park, you agree to pay the parking fee as set by CAPL from time to time. The relevant parking fee is displayed at entrances to the Car Parks and on CAPL's website.
- (b) Payments accepted by CAPL for use of the Car Parks are non-refundable.
- (c) If the Car Parking ticket issued to you upon entry into a Car Park is lost, stolen or damaged you shall notify CAPL of such loss immediately and shall be required to pay a fee as specified by CAPL.
- (d) CAPL may retain your Vehicle until provided with the correct payment for use of the Car Park.
- (e) CAPL accepts no liability for any loss or damage to you or your Vehicle as a result of retaining your Vehicle in accordance with these terms and conditions.

3.8 Responsibility

CAPL is not liable to you or any other person for:

- (a) personal injury to you or any Customer or any other person while in a Car Park; and/or
- (b) damage to, destruction to, or theft of any Vehicle or its contents however caused, including damage, destruction or theft caused by any other person, Vehicle or baggage trolley, while the Vehicle is parked in a Car Park; and/or

- (c) loss caused by your negligence, your breach of these terms and conditions, or your failure to comply with any applicable laws, regulations, orders or requirements.

3.9 Rubbish

You must not drop any rubbish or debris or allow your Vehicle to emit any substance onto the Car Parks. You will be liable and must pay for any damage or cleaning that may be required to the Car Park that you have caused.

3.10 Liability for Damage

You will be liable and must pay for any damage to another Customer's Vehicle or to CAPL's property caused by you or your Vehicle.

3.11 Removal of Vehicle

- (a) You acknowledge that CAPL may need to cancel parking services or remove any Vehicle due to industrial action, limited availability of parking spaces, technical problems, an emergency event or any other event beyond the reasonable control of CAPL. In no circumstances will CAPL be liable for any loss or damage which you may incur as a result of any such occurrence or event and such removal.
- (b) If you breach any of these terms and conditions, or if any Vehicle remains in a Car Park beyond its permitted time (in CAPL's reasonable opinion), CAPL may, at your cost, take any action it considers necessary including and without limitation clamping of the Vehicle or removal of the Vehicle and storage at a different location.

3.12 Abandoned Vehicles

Abandoned Vehicles will be treated as abandoned property in accordance with Part 6 of the Act.

3.13 Collection of Personal Information

- (a) CAPL collects your personal information when you enter and use a Car Park, including CCTV footage of you, your Vehicle licence plate, credit card or payment details (if any). CAPL also records and retains any telephone and other communications between you and CAPL and transactional information including feedback from you on the Car Parks.
- (b) CAPL will use this information for the following purposes:
 - (i) administering the Car Park ticketing system including verifying time of entry and exit of your Vehicle to a Car Park;
 - (ii) restricting future entry to the Car Parks if your Vehicle is involved in any activity which breaches these conditions or causes damage to Cairns Airport;
 - (iii) credit management (including credit checks) and debt collection;
 - (iv) training; and
 - (v) security monitoring of the Car Parks.
- (c) You have rights of access to, and correction of, the personal information held by CAPL. You can contact CAPL on (07) 4080 6703 or by visiting our website www.cairnsairport.com.au

3.14 Waiver

If CAPL fails to act or pursue any right or remedy available pursuant to this Airport Notice, this will not in any way prejudice CAPL's right to exercise that or any other right or remedy.

3.15 Changes to Terms

CAPL is entitled to amend this Airport Notice at any time in accordance with the Act.

3.16 Definitions and Interpretation

For the purposes of this Airport Notice, unless the context otherwise requires, the following definitions shall apply:

"Airport" means Cairns Airport.

"Authorised Officer" means a person who is appointed as an Authorised Officer of CAPL pursuant to the Act.

"CAPL" means Cairns Airport Pty Ltd ACN 132 228 221, its employees and agents.

"Car Park" means the public car parks located at Cairns Airport and includes all bays, buildings or structures on the car parks and the surrounding driveways and fences and **"Car Parks"** has a similar meaning.

"claim" includes any claim for damages, loss, compensation, demand, remedy, liability or action.

"CCTV" means closed circuit television.

"costs" includes any fees, charges or costs incurred, including, but not limited to, costs on a solicitor/client basis and debt collection agency costs.

"Customer(s)" means any person(s) using the Car Parks.

"damage" includes direct, indirect, consequential and special damage.

"Disability Parking Permit" means a Disability Parking Permit issued in accordance with the *Transport Operations (Road Use Management Act) 1995*.

"loss" means any loss, damage, cost or expense, including indirect or consequential loss, loss of profit or loss of opportunity.

"Prohibited Vehicle" means a Vehicle within the meaning of Airport Notice 3.2.

"Vehicle" has the same meaning as contained in the *Transport Operations (Road Use Management) Act 1995* and includes any vehicle in the ordinary sense of the word driven into the Car Parks such as a station wagon, van, utility or four wheel drive vehicle but excludes Prohibited Vehicles except where the context otherwise requires.

"you" or **"your"** means the person using or entering a Car Park in accordance with this Airport Notice.

4. TAXI RANK – CONDITIONS OF USE

4.1 Directions of Authorised Officer

All persons, including the driver of a taxi, must obey the lawful directions of an authorised officer of Cairns Airport Pty Ltd.

4.2 Parking or Standing

The parking or standing of a Vehicle at a taxi rank is prohibited unless that Vehicle is a taxi in respect of which a taxi service licence is in force under the *Transport Operations (Passenger Transport) Act 1994*.

4.3 Use at Own Risk

Persons making use of the taxi rank do so at their own risk and Cairns Airport Pty Ltd accepts no responsibility for loss or liability however arising in relation to the taxi service provided at the taxi rank or any other act, omission, matter or thing directly or indirectly connected with the taxi rank or the use made of it by any person.

4.4 Ground Access Charge

A ground access charge is payable by persons making use of a taxi service at a taxi rank and the following provisions apply:

- (a) the ground access charge is calculated with reference to taxis carrying passengers from a taxi rank (and not with regard to the number of passengers carried by a taxi);
- (b) the ground access charge is payable to the driver of the taxi and liability for payment arises at the time a passenger departs a taxi rank in a taxi;
- (c) the ground access charge is a sum determined by Cairns Airport Pty Ltd from time to time and passengers are invited to enquire about the charge with taxi drivers before entering a taxi or alternatively, particulars of the prevailing ground access charge can be found at www.cairnsairport.com.au.

5. AUTHORISED OFFICERS

5.1 Directions

An Authorised Officer may give a verbal direction to a person at Cairns Airport if giving the direction is reasonably necessary to –

- (a) ensure the safety or security of Cairns Airport, its users or CAPL's employees or invitees; or
- (b) prevent the person's activities from affecting Cairns Airport's operation.

5.2 Non-Compliance with Directions

It is an offence for a person not to comply with a direction of an Authorised Officer and in accordance with the *Airport Assets (Restructuring and Disposal) Act 2008* specific penalties apply. Non-compliance with these Airport Notices or any lawful direction given by Cairns Airport Pty Ltd or an Authorised Officer may result in:

- (a) issue of a written notice to comply
- (b) removal of the offender from Cairns Airport
- (c) movement of contravening property
- (d) Court proceedings being initiated against the offender

Maximum penalty – 200 Penalty Units.

5.3 Power to Require Name and Address:

An Authorised Officer may require a person to state the person's name and address if the Authorised Officer:

- (a) finds the person committing an offence against the *Airport Assets (Restructuring and Disposal) Act 2008*; or
- (b) suspects on reasonable grounds that the person has just committed an offence against the *Airport Assets (Restructuring and Disposal) Act 2008*.

The Authorised Officer may require the person to give evidence of the correctness of the person's stated name and address if the Authorised Officer suspects, on reasonable grounds the stated name or address is false.

It is an offence not to comply with the Authorised Officer's requirement.

Maximum penalty – 10 Penalty Units.

5.4 Obstructing Authorised Officers

It is an offence for a person to obstruct (hinder, resist, insult and attempt, or threaten to obstruct) an Authorised Officer in the exercise of a power.

Maximum penalty – 50 Penalty Units.

5.5 False or Misleading Statement

It is an offence for a person to state anything to an Authorised Officer which is known to be false or misleading.

Maximum penalty – 50 Penalty Units.

5.6 False or Misleading Document

It is an offence for a person to give an Authorised Officer a document containing information that is false or misleading.

Maximum penalty – 50 Penalty Units.

5.7 Impersonating an Authorised Officer

It is an offence to pretend to be an Authorised Officer.

Maximum penalty – 50 Penalty Units.

6. DICTIONARY

Act	means the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Airport	means Cairns Airport
Airport Notice	has the same meaning as in section 62 of the Act
Authorised Officer	means a person who is appointed as an Authorised Officer of CAPL pursuant to the Act
CAPL	means Cairns Airport Pty Ltd ACN 132 228 221 being the delegate of Queensland Airport Holdings (Cairns) Pty Ltd pursuant to a deed of delegation of functions under section 94 of the Act
Cairns Airport	means Cairns Airport land as defined in section 8 of the Act and includes all improvements and facilities located thereon under CAPL's control
Penalty Unit	means a Penalty Unit as prescribed from time to time by the <i>Penalties and Sentences Act 1992</i>
Terminal	means the International and Domestic Terminal buildings as used from time to time by CAPL
Touting	means the solicitation of airport customers for business by any means
TSP	means the <i>Cairns Airport Transport Security Program</i> including any additions or other amendments thereto and any Program wholly or partially in substitution for the TSP
Vehicle	has the same meaning as in the <i>Transport Operations (Road Use Management) Act 1995</i>