AIRPORT NOTICES

July 2019

AIRPORT NOTICES

Airport Assets (Restructuring and Disposal) Act 2008

Prepared by

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As delegate – Airport Manager

July 2019

Authorised by the Chief Executive Officer

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1 Dictionary and Interpretation

1.1 Dictionary

Aircraft	has the meaning given to that term by the *Civil Aviation Act 1988* (Cth).
Act	means the *Airport Assets (Restructuring and Disposal) Act 2008*.
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, and/or its employees or agents' employees where applicable.
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.
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.
CCTV	means closed circuit television.
Claim	includes any claim for Damages, Loss, compensation, demand, remedy, liability or action.
Commercial Operations	means any activity which, in the reasonable opinion of CAPL, is an activity that is, of itself or as part of a broader arrangement, intended to achieve a financial or business benefit for the person or entity carrying out the activity, and includes, without limitation: (a) the movement of persons; (b) the entry, movement, standing or parking of Vehicles; (c) the movement, standing or parking of aircraft; (d) the movement, handling or storage of baggage or goods; and (e) any other activities or conduct which may affect the security or safety of persons or property.
Customer	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*.
Goods	means personal property that is tangible property.
Loss	means any loss, Damage, cost or expense, including indirect or consequential loss, loss of profit or loss of opportunity.
Penalty Unit	means a Penalty Unit as prescribed from time to time by the *Penalties and Sentences Act 1992*.
Prohibited Vehicle	means a Vehicle within the meaning of Airport Notice 4.2.
Touting	means the solicitation of any persons at Cairns Airport for business by any means.
TSP	means the Cairns Airport Transport Security Program including any additions or other amendments thereto and any Program wholly or partially in substitution for the TSP.
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, bus, van, utility, four wheel drive vehicle or motorcycle 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.

1.2 Application of Airport Notices

Pursuant to section 65(1)(a) of the Act, these Airport Notices apply to the entirety of Cairns Airport, unless otherwise specified.

1.3 Offence against Chapter 4 of the Act

(a) Pursuant to section 65(1)(b) of the Act, contravention of a requirement of these Airport Notices is an offence against Chapter 4 of the Act unless a person has a reasonable excuse for not complying with the requirement.

(b) Section 67 of the Act specifies the following maximum penalties for the offence of not complying with an Airport Notice:

(i) for a contravention of a requirement of this Airport Notice about the parking of an Aircraft – 50 penalty units;

(ii) for a contravention of a requirement of this Airport Notice about the movement, handling or storage of goods – 50 penalty units;

(iii) for a contravention of a requirement of this Airport Notice about any other matter – 25 penalty units.

1.4 Interpretation

(a) If any part of these Airport Notices is void or unenforceable it shall be severed and the provisions that are not void or unenforceable are unaffected by the severance.

(b) In these Airport Notices, section 32D of the *Acts Interpretation Act 1954* applies to any reference to a person.

(c) Nothing in these Airport Notices limits or otherwise varies CAPL's rights and obligations under:

(i) the Act;

(ii) the *Civil Aviation Act 1988* (Cth) or the *Civil Aviation Safety Regulations 1998* (Cth);

(iii) any other legislative instrument relevant to the subject matter contained in these Airport Notices.

1.5 Rights, Remedies and Waiver

(a) CAPL is entitled to take such action as it in its discretion decides against any person arising out of any breach of any provision of these Airport Notices without prejudice to its entitlement to prosecute any offence.

(b) The failure or omission by CAPL to prosecute any offence arising out of a breach of these Airport Notices will not act as a waiver of its entitlement to take any such other action arising out of the same breach against the person concerned.

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

1.6 Changes to Terms

CAPL is entitled to amend these Airport Notices at any time in accordance with the Act.

2 Airport Management

2.1 No Commercial Operations without licence or consent

(a) A person must not conduct Commercial Operations at Cairns Airport without a licence or other express written consent from CAPL.

Maximum penalty –

(i) for a contravention of a requirement of this Airport Notice about the parking of an Aircraft – 50 penalty units;

(ii) for a contravention of a requirement of this Airport Notice about the movement, handling or storage of goods – 50 penalty units;

(iii) for a contravention of a requirement of this Airport Notice about any other matter – 25 penalty units.

(b) The granting of a licence to conduct Commercial Operations at Cairns Airport shall be at the sole discretion of CAPL.

(c) Any person who conducts Commercial Operations at Cairns Airport with the licence or consent of CAPL will indemnify CAPL for any Loss, liability, Damage or Claims CAPL may incur arising out of their activities.

(d) Any person who conducts Commercial Operations at Cairns Airport with the licence or consent of CAPL will take out and maintain such insurance policies and in such form as CAPL may in its discretion decide and notify the relevant person from time to time.

(e) Any licence or consent which CAPL may give to any person to conduct Commercial Operations at Cairns Airport will terminate if the relevant person becomes insolvent if a company or bankrupt if a person, or has a receiver or administrator appointed to it, or suffers any similar distress or makes any arrangement with creditors.

(f) CAPL may terminate on notice any licence or consent it has given to any person to conduct Commercial Operations at Cairns Airport if the relevant person breaches any provision of such licence or consent or any provision of any applicable Airport Notice or commits any offence whether under any Airport Notice or otherwise.

(g) CAPL may impose such levies or charges as it in its discretion decides and publishes in any Airport Notice from time to time in consideration for the grant of a licence or consent to conduct Commercial Operations. This includes car parking charges payable by consumers or businesses.

(h) Any levies or charges which CAPL imposes are exclusive of GST unless CAPL expressly states otherwise. In respect of any levy or charge which is exclusive of GST, the relevant person must pay CAPL the full amount of GST at the same time as making the payment to which the GST relates.

(i) CAPL is entitled to charge interest or a supplemental levy or charge as it may decide and publish in any Airport Notice from time to time relating to the non-payment or late payment of any due levy or charge.

2.2 No Touting

A person must not tout for business at Cairns Airport.

Maximum penalty – 25 penalty units.

2.3 Entry and exit

A person must not enter or leave Cairns Airport other than by the designated entrances and exits and subject to such terms and conditions as CAPL may specify from time to time.

Maximum penalty – 25 penalty units.

2.4 Presence without justification

A person must not be at Cairns Airport without a lawful justification or excuse or authorisation.

Maximum penalty – 25 penalty units.

2.5 Conduct causing nuisance

(a) Without limiting section 85 of the Act, a person must not (and must not permit a person under their care or control to) act, in the opinion of an Authorised Officer, in a threatening or disorderly way, or create a disturbance or nuisance at Cairns Airport.

Maximum penalty – 25 penalty units.

(b) A person who acts in contravention of Airport Notice 2.5(a), or permits a person under their care or control to act in such a way, may be directed to leave Cairns Airport. This direction may include a direction to immediately leave Cairns Airport and not return for 24 hours.

2.6 Interference with Cairns Airport property

(a) A person must not interfere with Cairns Airport property.

Maximum penalty – 25 penalty units.

(b) In these Airport Notices:

(i) **Cairns Airport property** means any property, including any equipment, facility or item, that is located at Cairns Airport, and which is used by CAPL (whether or not the property is owned by CAPL);

(ii) **interfere** means to touch, damage, impede access to or do anything else which, in the opinion of an Authorised Officer, may prevent, disturb or inhibit the use of the Cairns Airport property.

2.7 Smoking

(a) A person must not smoke at Cairns Airport except where CAPL has displayed signage that confirms a person may smoke in the signposted area.

Maximum penalty – 25 penalty units.

(b) In these Airport Notices, **smoke** has the meaning given to that term by the *Tobacco and Other Smoking Products Act 1998*.

2.8 Alcohol

A person must not consume alcohol at Cairns Airport except:

(a) where authorised by CAPL;

(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*.

Maximum penalty – 25 penalty units.

3 Entry, movement, standing and parking of Vehicles

3.1 Compliance with Airport security measures including the TSP

(a) A person must not park a Vehicle in any designated passenger loading or unloading area unless:

(i) 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

(ii) the Vehicle is in the act of unloading passengers and baggage.

Maximum penalty – 25 penalty units.

(b) A person must ensure that any Vehicle being operated by the person departs the designated passenger loading or unloading area immediately following loading or unloading of passengers and baggage.

Maximum penalty – 25 penalty units

3.2 Vehicle parking requirements

(a) A person must not permit a 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.

Maximum penalty – 25 penalty units.

(b) A person may only park a Vehicle in a designated parking area and in the manner regulated by signage.

Maximum penalty – 25 penalty units.

3.3 Compliance with official traffic signs

All drivers must comply with the official traffic signs erected at Cairns Airport.

Maximum penalty – 25 penalty units.

3.4 Operating a Vehicle Airside

(a) Operation of a Vehicle Airside is only permitted if:

(i) the operator of the Vehicle has signed and submitted to CAPL in the approved form, an Authority to Drive Airside, and CAPL has approved the authority; or

(ii) another written agreement exists in respect of the operation of the Vehicle Airside; or

(iii) written or verbal consent has been obtained from an Authorised Officer;

("**an Airside Vehicle Arrangement**");

and the Vehicle may only be operated Airside in accordance with the terms of the Airside Vehicle Arrangement.

(b) A person must not operate a Vehicle Airside if the person has not first entered into an Airside Vehicle Arrangement with CAPL.

Maximum penalty – 25 penalty units.

(c) A person with an Airside Vehicle Arrangement must comply with all terms and conditions of that arrangement.

Maximum penalty – 25 penalty units.

(d) In these Airport Notices, "**Airside**" has the meaning given to that term in the Civil Aviation Safety Authority's Manual of Standards Part 139 – Aerodromes.

3.5 Obligations of Licence Holders

(a) Operators of commercial Vehicles who hold licences from CAPL to use Cairns Airport must ensure that all Vehicles operating at Cairns Airport are covered under the licence and that CAPL is immediately notified of any changes to the licensee's vehicle fleet in writing.

Maximum penalty – 25 penalty units.

(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.

Maximum penalty – 25 penalty units.

(c) Operators must use appropriately qualified drivers in accordance with the provisions of the *Transport Operations (Passenger Transport) Act 1994* and associated regulations.

Maximum penalty – 25 penalty units.

(d) Operators of any Vehicles subject to paragraphs (a) and (b) above must pay any applicable charges and interest without set-off, deduction or counterclaim.

3.6 Parking or standing at taxi rank

The parking or standing of a Vehicle at a taxi rank is prohibited unless:

(a) that Vehicle is a taxi in respect of which a taxi service licence is in force under the *Transport Operations (Passenger Transport) Act 1994*; and

(b) the operator of the Vehicle has entered into a written arrangement with CAPL about the operation of a taxi at Cairns Airport.

Maximum penalty – 25 penalty units

4 Car parking

4.1 Application

This Airport Notice applies to Car Parks.

4.2 Prohibited Vehicles

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

(a) Vehicles having dimensions in excess of 4.9m long x 1.9m wide x 4.0m high;

(b) Vehicles with trailers, caravans or floats; or

(c) other Vehicles as directed from time to time by CAPL.

Maximum penalty – 25 penalty units.

4.3 General Conditions

Any time that a person enters the Car Parks, the person does so on the following conditions:

(a) the person 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 and its Authorised Officers;

(b) the person must pay the parking fee stated at the entry to the Car Park and as set by CAPL from time to time without set-off, deduction or counterclaim in accordance with this Airport Notice;

(c) the person must comply with all applicable laws, regulations, orders and notifications in force relating to driving including any applicable road rules; and

(d) the person acknowledges and agrees that CAPL may refuse entry to the Car Parks without any obligation to provide reasons for that refusal. The person may be requested to leave the Car Parks if they are in breach of any of these conditions, or if the person is, for any reason, disturbing, causing discomfort or threatening the safety or security of another Customer, Vehicle or Cairns Airport;

(e) the person complies with any other conditions of entry set by CAPL and notified at the Car Park or on CAPL's website from time to time.

4.4 Permitted Use

(a) A person must only use the Car Parks for personal use and must not use the Car Parks for any other purpose including the purpose of conducting Commercial Operations without CAPL's prior written consent.

Maximum penalty – 25 penalty units.

(b) A person may not park in designated 'No Parking' areas without CAPL's prior written consent. 'No Parking' areas are designated by signage displayed at or near the 'No Parking' area.

Maximum penalty – 25 penalty units.

(c) A person may not wait in a designated 'Waiting Zone' for more than:

(i) the period directed by a sign installed at the 'Waiting Zone'; or

(ii) if no sign is installed at the 'Waiting Zone', 30 minutes.

Maximum penalty – 25 penalty units.

(d) A person may not park in spaces designated for persons with mobility impairment without CAPL's prior written consent and/or without displaying a Disability Parking Permit issued by a relevant authority.

Maximum penalty – 25 penalty units.

(e) A person must not obstruct any access way or other Vehicle or person in the Car Parks.

Maximum penalty – 25 penalty units.

(f) A person may park only one Vehicle within a single bay.

Maximum penalty – 25 penalty units.

4.5 Security of Vehicles

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 any Vehicle (or its contents) while parked within the Car Parks. Employees, contractors or agents of CAPL are not authorised to accept any personal possessions for safe custody.

4.6 Payment

(a) A parking fee is payable each time your Vehicle enters a Car Park.

(b) Upon entry to a Car Park, users 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.

(c) Payments accepted by CAPL for use of the Car Parks are non-refundable.

(d) If the Car Park ticket issued upon entry into a Car Park is lost, stolen or damaged, the user must notify CAPL of such Loss immediately and shall be required to pay a lost ticket fee as specified by CAPL.

4.7 Rubbish

A person must not drop any rubbish or debris, or pour any liquid, or allow a Vehicle to emit any substance onto the Car Parks.

Maximum penalty – 25 penalty units

4.8 Interference with systems

A person must not deliberately or negligently interfere with systems used to control entry and movement of Vehicles (for example, boom gates).

Maximum penalty – 25 penalty units

4.9 Removal of Vehicle

CAPL may need to cancel parking services or, without prior notice, 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. This may include where a Vehicle breaches an area that is cordoned by CAPL for repair or other works. In no circumstances will CAPL be liable for any Loss or Damage which may be incurred as a result of any such occurrence or event and such removal.

5 Standing and parking of Aircraft

5.1 Aircraft standing and parking requirements

(a) For the purpose of these Airport Notices, an operator of an Aircraft:

(i) stands the Aircraft, if they land the Aircraft at Cairns Airport and the Aircraft takes off again within two (2) hours of landing;

(ii) parks the Aircraft, if:

(A) they land the Aircraft at Cairns Airport and the Aircraft is intended to remain at Cairns Airport for longer than two (2) hours after landing;

(B) the Aircraft stands at Cairns Airport in accordance with subparagraph (i) on more than two (2) occasions in a seven (7) day period.

(b) Standing of Aircraft is only permitted if:

(i) the operator of the Aircraft has signed and submitted to CAPL in the approved form, an Itinerant Aircraft Access Request, and CAPL has approved the request; or

(ii) another written agreement exists in respect of the standing of the Aircraft; or

(iii) written or verbal consent has been obtained from an Authorised Officer;

("**an Aircraft Standing Arrangement**");

and the Aircraft may only be allowed to stand in accordance with the terms of the Aircraft Standing Arrangement.

(c) Parking of Aircraft is only permitted if:

(i) the Aircraft is subject to a Designated Apron Parking Agreement; or

(ii) another written agreement exists in respect of the parking of the Aircraft; or

(iii) written consent has been obtained from an Authorised Officer;

("**an Aircraft Parking Arrangement**");

and the Aircraft may only be parked in accordance with the terms of the Aircraft Parking Arrangement.

(d) In addition to and without limiting the generality of Airport Notice 5.1(b) and 5.1(c), a person is only permitted to stand or park Aircraft if the person has provided CAPL with the contact details of a responsible person for the Aircraft who is available to immediately move or otherwise attend to the Aircraft upon the reasonable request of an Authorised Officer.

(e) A person must not:

(i) stand Aircraft at Cairns Airport if the person has not first entered into an Aircraft Standing Arrangement with CAPL.

Maximum penalty – 25 penalty units;

(ii) park Aircraft at Cairns Airport if the person has not first entered into an Aircraft Parking Arrangement with CAPL.

Maximum penalty – 50 penalty units;

(iii) stand or park Aircraft at Cairns Airport if the person has not satisfied Airport Notice 5.5(d).

Maximum penalty – 25 penalty units.

(f) A person with an Aircraft Standing Arrangement or an Aircraft Parking Arrangement must comply with all terms and conditions of that arrangement.

Maximum penalty – 25 penalty units.

5.2 Removal of Aircraft

CAPL may need to remove any Aircraft due to industrial action, technical problems, an emergency event or any other event beyond the reasonable control of CAPL. This may include where an Aircraft breaches an area that is cordoned by CAPL for repair or other works. In no circumstances will CAPL be liable for any Loss or Damage which may be incurred as a result of any such occurrence or event and such removal.