

NORTHERN TERRITORY OF AUSTRALIA

AERODROMES BILL 1993

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SCHEDULE





NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to provide for the operation of certain aerodromes
and for related purposes

Be it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Aerodromes Act 1993*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. DEFINITIONS

In this Act, unless the contrary intention appears -

"aerodrome" means an aerodrome specified in the Schedule or declared under section 11;

"aerodrome security" means a combination of measures and human and material resources intended to safeguard the security of aircraft, persons and property at aerodromes;

"aircraft" includes -

- (a) a machine that can derive support in the atmosphere from the reactions of the air; and

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(b) an object that was designed or adapted for use as an aircraft but is incapable of being so used because -

(i) a part has been removed from it; or

(ii) it is in a wrecked or damaged condition;

"authorised officer" means a person appointed under section 8;

"Deputy Director" means the Deputy Director of Aerodromes appointed under section 4;

"Director" means the Director of Aerodromes appointed under section 4;

"land" includes buildings;

"lease" includes a sub-lease;

"operate" includes manage, maintain and improve;

"state aircraft" has the same meaning as in the *Civil Aviation Act 1988* of the Commonwealth;

"vehicle" has the same meaning as in the *Traffic Act*.

4. APPOINTMENT OF DIRECTOR OF AERODROMES, &c.

(1) The Minister may, by notice in writing, appoint an employee within the meaning of the *Public Sector Employment and Management Act* to be the Director of Aerodromes.

(2) The Minister may, by notice in writing, appoint an employee within the meaning of the *Public Sector Employment and Management Act* to be the Deputy Director of Aerodromes.

(3) The Deputy Director, while that person remains in office and subject to the control and direction of the Director, shall have and may exercise, perform and discharge, all the functions and powers of the Director, and all references in this Act or any other Act to the Director shall, so far as is necessary for the purpose of giving effect to this section, be read as including a reference to the Deputy Director.

5. FUNCTIONS OF DIRECTOR

(1) The functions of the Director include the following:

(a) to operate aerodromes;

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- (b) the review of the use and capacity of aerodromes, determining the necessity or desirability of extending or otherwise altering aerodromes and carrying out necessary or desirable extensions to, or alterations of, aerodromes;
 - (c) carrying on commercial activities at, or in relation to, aerodromes, including carrying on such activities in co-operation, or as joint ventures, with other persons;
 - (d) providing, or arranging for the provision of, security at, or in relation to, aerodromes;
 - (e) providing, or arranging for the provision of, facilities and services at, or in relation to, aerodromes;
 - (f) carrying out activities to protect the environment from the effects of, and the effects associated with, the operation and use of aircraft, other than state aircraft, operating to or from aerodromes.
- (2) The Director shall perform the functions conferred by this Act in a manner that ensures -
- (a) the safety of persons using aerodromes;
 - (b) that, as far as practicable, the level of noise is not such as to be detrimental to communities near aerodromes; and
 - (c) that, as far as practicable, the environment is protected from the effects of and the effects associated with, the operation and use of aircraft other than state aircraft, operating to or from aerodromes.

6. POWERS OF DIRECTOR

(1) Subject to this Act, the Director has power to do all things necessary or convenient to be done for or in connection with, or incidental to, the performance of the Director's functions and the exercise of his or her powers.

(2) Without limiting the generality of subsection (1), the powers of the Director include, subject to this Act, power -

- (a) to enter into contracts for the purpose of this Act;
- (b) without limiting paragraph (a) -
 - (i) to grant a person a lease of;

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- (ii) to grant a person a licence to occupy; or
- (iii) to give a person authority to use,

an area, building or part of a building, at an aerodrome for a purpose specified in the lease licence or authorisation;

- (c) to the extent necessary to carry out his or her functions, to enter and inspect land and, on land so entered, make surveys, take levels, sink bores, dig pits and examine the soil; and
- (d) to construct or arrange for the construction of buildings and signs on, or facilities at, aerodromes.

(3) Before entering land in pursuance of subsection (2)(c), the Director shall give not less than 14 days notice in writing of his or her intention to do so to the owner and occupier of the land.

(4) A contract, lease, licence or authority referred to in subsection (2) may be for or in relation to or include -

- (a) the sale, for delivery at the aerodrome, or the supply, of any goods or services;
- (b) the carrying on of, or soliciting for, a business; and
- (c) the erection, display or distribution, of an advertisement or public notice.

(5) For the purpose of performing his or her functions and exercising his or her powers, the Director may give directions to a person in relation to a matter concerning the operation of an aerodrome and the person shall comply with the direction.

Penalty: In the case of a natural person - \$2,000;

In the case of a corporation - \$10,000.

7. MINISTER'S DIRECTIONS

In the exercise of the powers and the performance of the functions vested in the Director under this Act, the Director is subject to the direction of the Minister.

8. APPOINTMENT OF AUTHORISED OFFICERS

(1) The Director may appoint such authorised officers as the Director thinks necessary for the purposes of this Act.

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(2) An authorised officer shall have and may exercise such powers and perform such functions as the Director determines.

9. DELEGATION

(1) The Minister or the Director may, by instrument in writing, delegate to a person any of their respective powers and functions under this Act, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Minister or the Director.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister or the Director.

10. SPECIAL REPORTS

The Minister may, in writing, at any time direct the Director to provide a report on any aspect of the operation of this Act and the Director shall comply with the direction.

11. DECLARATION OF AERODROMES

The Minister may, by notice in the *Gazette*, declare a place to be an aerodrome to be known by the name specified in the notice.

12. REMOVAL OF AIRCRAFT, &c.

(1) The owner of an aircraft or vehicle shall not -

(a) contravene or fail to comply with; or

(c) cause the aircraft or vehicle to be or remain in a position on an aerodrome in contravention of,

a direction given by the Director, or with a sign or notice erected for the purposes of this Act.

Penalty: In the case of a natural person - \$2,000;

In the case of a corporation - \$10,000.

(2) Where the owner of an aircraft or vehicle contravenes or fails to comply with a direction or notice referred to in subsection (1) the Director may cause the aircraft or vehicle to be removed to a safe place on the aerodrome, and the Director is not liable for damage or loss that may occur to the aircraft or vehicle or to anything contained in it.

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(3) In addition to a penalty for failing to comply with a direction or a sign or notice referred to in subsection (1), the owner of an aircraft or vehicle that the Director has caused to be removed is liable for the payment of all expenses incurred by the Director in removing the aircraft or vehicle.

(4) An amount that the owner is liable to pay under subsection (3) may be recovered as a debt due and payable to the Territory.

13. OFFENCES BY CORPORATIONS

(1) Where a body corporate contravenes or fails to comply with a provision of this Act or the Regulations, whether by act or omission, each person who is a director, or who is concerned in the management, of the body corporate shall be deemed to have contravened the provision unless that person satisfies the court that -

- (a) the body corporate contravened the provision without the person's knowledge;
- (b) the person was not in a position to influence the conduct of the body corporate in relation to its contravention of the provision; or
- (c) the person, being in such a position, used all due diligence to prevent the contravention of the provision by the body corporate.

(2) A person may be proceeded against and convicted under this Act pursuant to subsection (1) whether or not the body corporate has been proceeded against or been convicted under this Act.

(3) Nothing in subsection (1) prejudices or affects a liability imposed by this Act on a body corporate by which an offence against this Act is actually committed.

14. REGULATORY OFFENCES

An offence against section 6(5) or 12(1) is a regulatory offence.

15. REGULATIONS

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters -

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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- (2) Without limiting the generality of subsection (1), the Regulations may provide for -
- (a) the aerodrome security;
 - (b) regulating or prohibiting access to the whole or part of an aerodrome and the removal of certain persons or classes of persons;
 - (c) controlling the conduct of persons and the maintenance of safety and order at an aerodrome;
 - (d) protection and preservation of property of, or property in the control of, the Territory at an aerodrome;
 - (e) regulating or prohibiting -
 - (i) the movement or parking of aircraft; and
 - (ii) the use and parking of vehicles, at an aerodrome and providing for signs and markings for the purpose;
 - (f) regulating or prohibiting an activity, including advertising, trading and carrying on a business, at an aerodrome;
 - (g) fixing fees and charges for the use of an aerodrome by aircraft or for a service, including parking, at an aerodrome;
 - (h) the payment of a prescribed amount instead of a penalty that may otherwise be imposed for an offence against the Regulations;
 - (j) the service of notices on persons alleged to have infringed the Regulations and particulars to be included in such notices;
 - (k) the proof of ownership of an aircraft or vehicle and other evidentiary matters in respect of offences committed against the Regulations; and
 - (m) offences, including regulatory offences, against the Regulations and penalties for such offences -
 - (i) in the case of a natural person, not exceeding \$2,000 or imprisonment for 12 months, or both; or
 - (ii) in the case of a corporation, \$10,000.

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16. STANDARDS, &c.

(1) The Regulations may incorporate by reference, either wholly or in part and with or without modification, a standard as in force at a particular time or as in force from time to time, prescribed or published by an authority or body, whether or not it is a Territory authority or body.

(2) A standard adopted under this section may require anything referred to in the standard to be in accordance with any other standard referred to in the code or standard so adopted.

(3) The Director -

(a) shall cause a copy of every adopted standard, and every standard referred to in an adopted standard, to be available for inspection by members of the public at the office of the Director, without charge, during normal office hours; and

(b) may cause copies of every adopted standard, and every standard referred to in an adopted standard, or any part of an adopted standard or standard referred to in an adopted standard, to be available for purchase by members of the public on payment of such charge as the Director requires.

(3) In this section "standard" includes a code, rule, specification or method.

SCHEDULE

Section 3

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Lot 101 Township of Yulara known as Connellan Aerodrome

Lot 318 Township of Batchelor known as Batchelor Aerodrome

Lot 55 Town of Timber Creek known Timber Creek Aerodrome

Proposed Lot 811 Town of Borroloola known as Borroloola Aerodrome
