

NORTHERN TERRITORY OF AUSTRALIA

AERODROMES REGULATIONS 1994

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1994, No. 45*

Regulations under the *Aerodromes Act*

I, KEITH JOHN AUSTIN ASCHE, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Aerodromes Act*.

Dated 30 November 1994.

K.J.A. ASCHE
Administrator

AERODROMES REGULATIONS

PART 1 - PRELIMINARY

1. CITATION

These Regulations may be cited as the *Aerodromes Regulations 1994*.

2. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Aerodromes Act*.

3. INTERPRETATION

(1) In these Regulations, unless the contrary intention appears -

"airside" means the part of an aerodrome which is designated to be used for the purposes of parking aircraft, maintaining and repairing aircraft, loading and refuelling aircraft and the take-off and landing of aircraft, being the part of the aerodrome identified as airside on the approved plan in respect of the aerodrome;

* Notified in the *Northern Territory Government Gazette* on 1 December 1994.

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"ANR" means the Air Navigation Regulations from time to time in force under the Air Navigation Act 1920 of the Commonwealth;

"approved plan" means the plan in respect of an aerodrome approved by the Director to be delimiting the airside and landside of the aerodrome;

"aviation" means an activity or all activities associated with the operation of aircraft and aerodromes;

"aviation security identification card" means an identity card issued in accordance with regulation 4;

"FBO" means a Fixed Base Operator, an aircraft operator who has offices and aircraft normally located at the Airport;

"landside" means the part of an aerodrome which is not airside;

"Manager" means the person from time to time responsible for managing the operation of an aerodrome;

"member of a police force" means a member of the Police Force of the Northern Territory, or the police force of the Commonwealth, a State or another Territory of the Commonwealth, who is on duty;

"member of the security force" means a person referred to in regulation 5(2) who is on duty;

"MTOW" means the manufacturer's published maximum take-off weight or mass of an aircraft;

"operator", in relation to an aircraft, means a person, organisation or enterprise engaged in the operation of that aircraft, and includes the owner of the aircraft;

"prohibited area" means the airside;

"relevant person" means -

(a) an aircraft operator;

(b) a person to whom a lease or licence has been granted in respect of land within an aerodrome;

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- (c) a person to whom a right has been granted to use an area or a building, or part of a building, at an aerodrome;
- (d) an authority to which a right to use an aerodrome or part of an aerodrome (including a building or part of a building) has been given;
- (e) a person employed by a person or authority referred to in paragraph (a), (b), (c), or (d);
- (f) an employee employed in the department assisting the Minister in the administration of the Act;
- (g) a member of a police force; or
- (h) a person employed at an aerodrome in a capacity involving aerodrome security.

"RPT" means a Regular Public Transport service as prescribed in the Civil Aviation Regulations from time to time in force under the Civil Aviation Act 1988 of the Commonwealth;

"scenic flight" means a charter flight which originates and terminates at an aerodrome for the purpose of viewing scenery;

"Secretary" means the Secretary of the Department of Transport of the Commonwealth;

"security force" means the security force established by the Director pursuant to regulation 5;

"security restricted area" means an area of an aerodrome to which access is restricted (in accordance with regulation 7) to persons who are in possession of and wearing a valid aviation security identification card, a member of a police force or persons who are under the escort of or controlled by such a person or such persons;

"sterile area", means an area of an aerodrome to which persons, vehicles and goods do not have access until given clearance, in relation to aerodrome security, under regulation 297E of the ANR;

"weapon" means -

- (a) a firearm of any kind; or

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- (b) a thing or substance specified in Schedule 1 to regulation 5.1 of the ANR,
and includes a device that -
- (c) but for the absence of, or a defect in, a part would constitute a weapon; or
- (d) is reasonably capable of being converted into a weapon.

(2) Unless the contrary intention appears, a reference in these Regulations to an authorised officer is a reference to an authorised officer who -

- (a) the Director has determined, pursuant to section 8(2) of the Act, may exercise the powers and perform the functions; and
- (b) is in possession of and wearing the aviation security identification card,

necessary for the purposes of the provision concerned.

PART 2 - SECURITY

4. AVIATION SECURITY IDENTIFICATION CARDS

(1) A person who desires to obtain an aviation security identification card may apply to the Director in the form approved by the Director.

(2) The Director shall not consider an application under subregulation (1) unless the applicant consents to a criminal history check as to the offences (if any) committed by the applicant.

(3) The Director may issue an aviation security identification card to a person if the Director is satisfied that -

- (a) it is necessary for the applicant to have access to a security restricted area for the purposes of his or her normal business; and
- (b) has not been a finding of guilt with respect to the applicant in relation to an offence an element of which is injury to persons or damage to property within the period of -
 - (i) in the case of offences to which the *Juvenile Justice Act* applies, 5 years; or
 - (ii) in any other case, 10 years,

before the date of his or her application.

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(4) Nothing in this regulation affects the operation of the *Criminal Records (Spent Convictions) Act*.

(5) An aviation security identification card remains the property of the Director, who may require its surrender at any time.

(6) A person who -

(a) is required by the Director to surrender an aviation security identification card; or

(b) ceases to require access to the area or areas referred to in such a card,

shall forthwith surrender the card to an authorised officer.

5. SECURITY FORCE

(1) The Director may establish a security force for the purpose of carrying out duties for the provision of aerodrome security.

(2) The security force shall be composed of persons who -

(a) are, in the opinion of the Director, suitably qualified to be members of the security force;

(b) are authorised officers who the Director determines, pursuant to section 8(2), may exercise the powers and perform the functions of a member of the security force; and

(c) have been issued with an aviation security identification card under regulation 4.

6. PROHIBITED AREAS

(1) A person shall not, without lawful authority or excuse -

(a) enter or remain within a prohibited area;

(b) bring an article or thing into, or leave an article or thing in, a prohibited area;

(c) operate a vehicle in a prohibited area; or

(d) bring an animal or bird into, or leave an animal or bird in, a prohibited area.

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(2) A person has lawful authority for the purposes of this regulation if the person is an authorised officer, a member of a police force or is -

- (a) authorised by the Director to enter into or remain in a prohibited area for the purposes of the normal course of business of the person;
- (b) at all times while in a prohibited area escorted by or in the control of an authorised person, a member of a police force or a person referred to in paragraph (a); or
- (c) authorised by the Director to enter into or remain in the prohibited area for the purposes of a matter concerning the operation of an aerodrome or the administration of the Act or these Regulations.

(3) An authorised officer may request a person to comply with subregulation (1).

(4) A person shall not, without reasonable excuse, fail to comply with a request of an authorised officer given under subregulation (3).

(5) Where a person, article or thing, vehicle, animal or a bird is found within a prohibited area and is reasonably suspected of being there without lawful authority, an authorised officer may, with such assistance or force as is reasonably necessary, remove that person, article, thing, vehicle, animal or bird from the prohibited area.

(6) The Director may require -

- (a) that persons identify themselves to an authorised officer before entering a prohibited area; or
- (b) that an authorised officer control vehicle and pedestrian access to a prohibited area.

7. ENTRY INTO SECURITY RESTRICTED AREAS, &c.

(1) A person shall not, without lawful authority or excuse -

- (a) enter or remain within a security restricted area;
- (b) bring an article or thing into, or leave an article or thing in, a security restricted area;
- (c) operate a vehicle in a security restricted area;

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(d) bring an animal or bird into a security restricted area; or

(e) permit an animal or bird in his or her possession or under his or her control to enter or remain within a security restricted area.

(2) An authorised officer may request a person to comply with any of the provisions of subregulation (1).

(3) A person shall not, without reasonable excuse, refuse or fail to comply with a request from an authorised officer given under subregulation (2).

(4) Where any person, article or thing, vehicle, animal or bird is found within a security restricted area and is reasonably suspected of being there without lawful authority, an authorised officer may, with such assistance or force as is reasonably necessary, remove that person, article, thing, vehicle, animal or bird from the relevant area.

(5) A person has lawful authority for the purposes of this regulation if the person is a member of a police force or is -

(a) in possession of and wearing a valid aviation security identification card for the purpose of entering into or remaining in a security restricted area; or

(b) at all times while in a security restricted area under the escort or in the control of a person in possession of and wearing a valid aviation security identification card or a member of a police force.

(6) Nothing in this regulation affects the requirement for persons to submit themselves and all articles in their possession to security devices and procedures operating at the entrance to a security restricted area.

8. PRIVATE AND CHARTER AIRCRAFT PASSENGERS

The operator of -

(a) a private aircraft; or

(b) a charter aircraft other than an aircraft that has a configuration giving accommodation to 100 or more passengers,

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shall ensure that a passenger or intending passenger of the aircraft does not have access to a prohibited area or a security restricted area unless the passenger is escorted by -

- (c) the operator; or
- (d) the pilot of the aircraft.

9. UNSCREENED PERSONS, &c., ENTERING STERILE AREAS

- (1) A person shall not -
 - (a) enter a sterile area; or
 - (b) take a vehicle or goods into a sterile area,

unless the person -

- (c) is the operator of an aircraft, or an employee of the operator of an aircraft, who is in possession of and wearing an aviation security identification card;

- (d) is a member of a police force;
- (e) is a member of the security force;
- (f) has been -

- (i) screened by the operator of the aircraft in respect of which the sterile area is provided; and

- (ii) cleared for the purposes of aerodrome security,

- in accordance with regulation 297E of the ANR; or

- (g) is otherwise exempted from the operation of regulation 297E of the ANR in writing by the Secretary.

(2) For the purposes of this regulation, a person who -

- (a) has been screened and cleared for the purposes of aerodrome security at an aerodrome in a State or another Territory of the Commonwealth before embarking on an aircraft flight;

- (b) has disembarked from the aircraft at an aerodrome referred to in paragraph (a); and

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- (c) has not had the opportunity to make physical contact with a person who -
 - (i) has not been screened; or
 - (ii) having been screened, has subsequently -
 - (A) entered an area that is not a sterile area; or
 - (B) had an opportunity to make physical contact with a person who is not of the kind referred to in subregulation (1)(f)(i) or (ii),

is taken to have been screened and cleared for the purpose of entering a sterile area in relation to another flight of that aircraft or of another aircraft.

10. STERILE AREAS: WEAPONS

A person shall not carry a weapon through a screening point or into a sterile area unless the person -

- (a) is a member of a police force;
- (b) is a member of the security force; or
- (c) does so -
 - (i) at the written direction; or
 - (ii) with the written permission,
of the Director.

11. REPORTS RELATIVE TO AERODROME SECURITY

(1) A relevant person who becomes aware of a threat of unlawful interference or an act or attempted act of unlawful interference with aviation at an aerodrome shall, as soon as practicable, report the threat, act or attempted act -

- (a) if the threat, act or attempted act is in relation to an aircraft, to the operator of the aircraft;
- (b) in any other case, to the Manager.

(2) The operator of an aircraft to whom a report is made under subregulation (1)(a) shall report that fact to the Manager as soon as practicable.

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(3) Where a matter has been reported to the Manager in accordance with subregulation (1) or (2), the Manager shall, as soon as practicable after receiving the report, inform to the person, who is from time to time holding the position in the Department of Transport (Aviation Security) of the Commonwealth nominated by the Director for the purposes of this subregulation, of the matter.

12. REPORTS RELATING TO OFFENCES

(1) Where a report referred to in regulation 11 relates to an offence to which section 7 of the *Crimes (Protection of Aircraft) Act 1973* of the Commonwealth applies, the relevant person who made the report shall, before the end of the first working day after the report was made, give a written report of that fact -

- (a) if the report relates to a matter referred to in regulation 11(1)(a), to the operator of the aircraft;
- (b) if the report relates to a matter referred to in regulation 11(1)(b), to the Manager.

(2) Where the operator of an aircraft or the Manager receives a written report made under subregulation (1), the operator or the Manager, as the case may be, shall carry out the directions given by the Director in respect of reports of that kind.

13. PRIVATE AND CHARTER OPERATORS TO COMPLY WITH DIRECTIONS

The operator of a private aircraft or charter aircraft at an aerodrome shall comply with the reasonable direction of an authorised officer given -

- (a) for the purposes of aerodrome security; or
- (b) for the purposes of ensuring compliance with any restriction that applies in relation to access to a prohibited area, a security restricted area or a sterile area.

14. AERODROME SECURITY SIGNS

- (1) The Director may require -
 - (a) the operator of an aircraft at an aerodrome;
 - (b) a person to whom a lease or licence has been granted in respect of land within an aerodrome;
 - (c) a person to whom a right has been granted to use an area or a building, or part of a building, at an aerodrome; or

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- (d) an authority to which a right to use an aerodrome or part of an aerodrome (including a building or part of a building) has been given,

to display a sign in a specified area of an aerodrome, setting out any one or more of the following:

- (e) the obligations imposed by the Act, these Regulations or the ANR in respect of aerodrome security;
- (f) a direction given by the Secretary under Regulation 297G of the Air Navigation Act 1920 of the Commonwealth;
- (g) procedures to be followed for the purposes of aerodrome security.

- (2) A person, other than -

- (a) an authorised officer; or
- (b) a person who, under subregulation (1), displays a sign,

shall not -

- (c) display a sign; or
- (d) remove, damage or otherwise interfere with a sign,

of a kind referred to in this regulation.

PART 3 - PARKING OF AIRCRAFT

15. CONTROL OF PARKING

(1) The Director may control the parking of aircraft at an aerodrome by setting aside a part of the aerodrome as an aircraft parking area.

(2) The Director shall cause an aircraft parking area set aside under subregulation (1) to be indicated by directions given by way of signs, notices, markings, or markers in or about the area -

- (a) identifying the area;
- (b) if the area or part of the area is to be used for aircraft of a specified type indicating, the type of aircraft that may be parked in the area; and

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- (c) if the area is to be used subject to conditions, stating the conditions that apply in the area, including the times at which or the periods during which aircraft may be parked in the area.

16. PARKING OFFENCES

A person shall not park an aircraft in an aerodrome contrary to a direction given in a sign, notice, marking or marker referred to in regulation 15.

17. REMOVAL OF AIRCRAFT

(1) Where an aircraft is parked in contravention of regulation 16, the Director may, by notice in writing served on a person who is a relevant person in relation to the aircraft, direct that person to remove the aircraft -

- (a) from the aerodrome; or
- (b) to an area within the aerodrome specified by the Director in the notice.

(2) A notice referred to in subregulation (1) may be served -

- (a) on a natural person -
 - (i) by delivering it to the person personally; or
 - (ii) by leaving it at, or by sending it by pre-paid post to, the address of the place of residence or business of the person last known to the person serving the notice; or
- (b) on a body corporate, by leaving it at, or by sending it by pre-paid post to, the registered office or the principal place of business of the body corporate in the Territory (if any),

but, if the person cannot be found or the person's address is unknown, by affixing the notice to the aircraft to which it relates.

(3) In this regulation "relevant person in relation to an aircraft", means -

- (a) the owner, operator, hirer or pilot in command of the aircraft; or
- (b) a person apparently in charge of the aircraft at the time of the service of the notice.

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PART 4 - CONTROL OF TRADING AND ADVERTISING

18. TRADING AND ADVERTISING

A person shall not, at an aerodrome, either personally or by his or her servant or agent, or as the servant or agent of another person -

- (a) sell for delivery at the aerodrome, or supply, any goods or services;
- (b) carry on, or solicit for, a business; or
- (c) erect, display or distribute an advertisement or public notice,

except in accordance with the terms and conditions of a lease, licence or authorisation granted by the Director under section 6 of the Act.

19. PERMISSIBLE ADVERTISING

(1) Notwithstanding regulation 18, advertisements may be displayed on a vehicle or aircraft that is present at an aerodrome for a purpose other than the display of advertisements.

(2) Notwithstanding regulation 18, a person may display advertising on his or her personal effects while he or she is, or such effects are, present at an aerodrome for a purpose other than the display of advertisements.

PART 5 - SAFETY

20. SAFETY MEASURES

The operator of an aircraft shall adopt such measures of a reasonable nature as the Director directs for the purpose of protecting members of the public at an aerodrome.

21. PROHIBITION OF SMOKING

(1) A person shall not smoke or do any act to procure a naked flame within 15 metres of a stationary aircraft or in any non-smoking part of an aerodrome.

(2) For the purposes of subregulation (1), a non-smoking part of the aerodrome is a part upon, in the vicinity of or in relation to which is posted a notice or sign -

- (a) that identifies that part; and
- (b) that indicates that smoking in that part is prohibited.

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PART 6 - MISCELLANEOUS

22. FEES

(1) The fees prescribed in the Schedule are payable in relation to the matters referred to in the Schedule.

(2) A person who is required to pay or remit a fee prescribed in relation to any matter in the Schedule shall keep such records as are necessary to enable the Director to ascertain the fee payable or to be remitted in relation to that matter by that person.

(3) An authorised officer may request a person to whom subregulation (2) applies to produce a record kept by that person for the purposes of this regulation.

(4) A person shall not refuse or fail to comply with a request made under subregulation (3).

23. OFFENCES AND GENERAL PENALTY

A person who contravenes or fails to comply with a provision of these Regulations is guilty of an offence against these Regulations.

Penalty: In the case of an individual - \$2,000.

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

SCHEDULE		Regulation 22
FEES		\$
1.	For every person embarking on or disembarking from an RPT service -	
	Per adult	12.00
	Per child	6.00
2.	For every person carried on a scenic flight	6.00
3.	Landing fees -	
(a)	for every landing by an aircraft other than an RPT aircraft the MTOW of which is greater than 10,000 kg -	400.00
(b)	for every landing by an aircraft other than an aircraft in respect of which no fee is payable under item 1, 2 or paragraph (a)	10.00 or 4.00 per 1000 kg or part thereof, whichever

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is greater

4. Parking fees

For any aircraft the MTOW of which exceeds
10,000 kg - for each 24 hours or part
thereof after the first 24 hours after the
aircraft lands at the Airport

200.00