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Airports (Control of On-Airport Activities) Amendment Regulations 2002 (No. 1)¹

Statutory Rules 2002 No. 1²

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I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Airports Act 1996*.

Dated 14 MAR 2002 2002

PETER HOLLINGWORTH

Governor-General

By His Excellency's Command

JOHN ANDERSON
Minister for Transport and Regional Services

1 Name of Regulations

These Regulations are the *Airports (Control of On-Airport Activities) Amendment Regulations 2002 (No. 1)*.

2 Commencement

These Regulations commence on gazettal.

3 Amendment of *Airports (Control of On-Airport Activities) Regulations 1997*

Schedule 1 amends the *Airports (Control of On-Airport Activities) Regulations 1997*.

Schedule 1 Amendments

(regulation 3)

[1] Part 4, Division 2

substitute

Division 2 Landside vehicle parking

106 Definitions for Division 2

In this Division, and for the application of the rules mentioned in regulation 106E to the landside of an airport:

Australian Road Rules means the Australian Road Rules as approved by the Australian Transport Council and published by the National Road Transport Commission on 19 October 1999.

authorised person, for a provision of this Division, means an authorised person appointed under regulation 114 for the provision.

2 *Airports (Control of On-Airport Activities) Amendment Regulations 2002 (No. 1)*

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charter service means a public passenger service:

- (a) for which a public bus, and the services of a driver of the bus, are pre-booked for hire to take passengers for an agreed fee; and
- (b) for which the following conditions are satisfied:
 - (i) the hirer is entitled to determine the route for the journey and the time of travel;
 - (ii) all passengers' journeys have a common origin or a common destination, or both;
 - (iii) individual fares are not payable by the passengers (either to the operator of the service or to the driver of the bus);
 - (iv) the service is not provided according to regular routes and timetables.

driver has the same meaning as in the Australian Road Rules.

hire car means a vehicle (other than a public bus or taxi) which is used to provide a public passenger service (other than a regular passenger service, a long-distance service, a charter service or a tourist service).

infringement notice offence means an offence that is declared to be an infringement notice offence by a provision of this Division.

long-distance service means a public passenger service conducted according to one or more regular routes, in which each passenger is carried for a distance of not less than 40 kilometres.

parking control provision means rule 167, 168, 169, 170, 172, 176, 178, 179, 180, 181, 182, 183, 184, 185, 186, 189, 197, 198, 202, 203, 205, 207 or 211 of the Australian Road Rules as applied by regulation 106E.

passenger does not include the driver of a vehicle.

permit zone has the same meaning as in subrule 185 (2) of the Australian Road Rules.

public bus means:

- (a) for an airport the landside of which is in New South Wales — a **bus** within the meaning of the *Passenger Transport Act 1990* of New South Wales, as in force at the commencement of this Division; or
- (b) for an airport in Victoria — a **bus** within the meaning of the **Road Safety (Vehicles) Regulations 1999** of Victoria, as in force at the commencement of this Division; or
- (c) for an airport the landside of which is in Queensland — a **bus** within the meaning of the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulations 1999* of Queensland, as in force at the commencement of this Division; or
- (d) for an airport in Western Australia — a **public bus** within the meaning of the *Road Traffic Code 2000* of Western Australia, as in force at the commencement of this Division; or
- (e) for an airport in Tasmania — a **bus** within the meaning of the *Vehicle and Traffic Act 1999* of Tasmania, as in force at the commencement of this Division.

public passenger service means the carriage of passengers for a fare or other consideration by a vehicle along a road or road-related area.

regular passenger service means a public passenger service conducted according to regular routes and timetables, but does not include a tourist service or a long-distance service.

road has the same meaning as in the Australian Road Rules.

road-related area has the same meaning as in the Australian Road Rules.

taxi means a vehicle:

- (a) which is used to provide a public passenger service (other than a regular passenger service, a

long-distance service, a charter service or a tourist service); and

- (b) which, for the purpose of procuring passengers, is made to ply or stand for hire on a road or road-related area.

taxi zone has the same meaning as in rule 182 of the Australian Road Rules.

tourist service means a public passenger service, provided by a public bus, that is:

- (a) a pre-booked service designed for the carriage of tourists to destinations listed on a publicly available itinerary; or
- (b) a service designed for the carriage of tourists where all passengers' journeys have a common origin or a common destination, or both.

traffic control device has the same meaning as in the Australian Road Rules.

106A Application of this Division

This Division applies to the following airports:

- (a) Sydney (Kingsford-Smith) Airport;
- (b) Melbourne (Tullamarine) Airport;
- (c) Brisbane Airport;
- (d) Perth Airport;
- (e) Hobart Airport;
- (f) Coolangatta Airport;
- (g) Townsville Airport.

106B Operation of State laws

If the laws of the State where an airport is located and this Division both make provision for a matter, the laws of the State do not apply in relation to the landside of the airport to the extent that the matter is dealt with in this Division.

106BA Parking signage plan and standard operating procedures

- (1) An airport-operator company for an airport must give the Secretary:
 - (a) a parking signage plan under subregulation (2) for the airport; and
 - (b) standard operating procedures under subregulation (3) for the airport.
- (2) A parking signage plan for an airport must describe:
 - (a) the landside areas of the airport where infringement notice offences under regulations 107 and 108 apply; and
 - (b) the traffic control devices used on the landside areas of the airport to identify areas where those infringement notice offences apply.
- (3) Standard operating procedures for an airport must set out the following:
 - (a) procedures designed to ensure that authorised persons for the airport carry out their duties under this Division in a suitable manner;
 - (b) the duties of authorised persons for the airport;
 - (c) the policy of the airport-operator company for the airport for dealing with people who park or use a vehicle on the landside of the airport, including:
 - (i) the processes to be carried out before an infringement notice is issued for an infringement notice offence under this Division; and
 - (ii) the rights and obligations of those people in relation to parking or using a vehicle on the landside of the airport; and
 - (iii) the procedures for dealing with complaints from those people about parking or using a vehicle on the landside of the airport;

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- (d) the procedures for:
 - (i) issuing an infringement notice for an infringement notice offence under this Division; and
 - (ii) paying and collecting the penalty mentioned in the notice; and
 - (iii) when a notice may be withdrawn;
 - (e) describing when and how a vehicle may be moved under regulation 111.

106C Installation of traffic control devices

- (1) An airport-operator company may install a traffic control device (other than a traffic control device mentioned in regulation 108) on the landside of the airport only if the device complies substantially with the Australian Road Rules, within the meaning of rule 316 of those Rules.

Note Regulation 108 deals with traffic control devices for areas in which a taxi driver must not leave the taxi unattended. The Australian Road Rules do not provide for these traffic control devices.

- (2) However, in circumstances in which there is a likelihood of loss, injury or interference with the normal flow of traffic, an airport-operator company may install other traffic control devices on the landside of the airport to avoid the loss, injury or interference.
- (3) An airport-operator company must install traffic control devices under this regulation in a way that prominently and clearly identifies the area to which the devices apply.

106D Permits to stop a vehicle in a permit zone

- (1) For the application, under regulation 106E, of rule 185 of the Australian Road Rules to the landside of an airport, the airport-operator company for the airport may issue a permit for a vehicle to stop in a permit zone.

- (2) A permit issued under this regulation must be issued in writing and in a form that can be displayed on or in a vehicle.

106E Application of Australian Road Rules

- (1) The rules of the Australian Road Rules mentioned in the following table apply in relation to the landside of an airport:

Item	Rule	Description of Rule
1	165	Stopping in an emergency etc or to comply with another rule
2	167	No stopping signs
3	168	No parking signs
4	169	No stopping on a road with a yellow edge line
5	170	Stopping in or near an intersection
6	172	Stopping on or near a pedestrian crossing (except at an intersection)
7	176	Stopping on a clearway
8	178	Stopping in an emergency stopping lane
9	179	Stopping in a loading zone
10	180	Stopping in a truck zone
11	181	Stopping in a works zone
12	182	Stopping in a taxi zone
13	183	Stopping in a bus zone
14	184	Stopping in a minibus zone
15	185	Stopping in a permit zone
16	186	Stopping in a mail zone
17	189	Double parking
18	197	Stopping on a path, dividing strip or nature strip

Item	Rule	Description of Rule
19	198	Obstructing access to and from a footpath, driveway etc
20	202	Stopping on a road with motor bike parking sign
21	203	Stopping in a parking area for people with disabilities
22	204	Meaning of certain information on or with permissive parking signs
23	205	Parking for longer than indicated
24	206	Time extension for people with disabilities
25	207	Parking where fees are payable
26	208	Parallel parking on a road (except in a median strip parking area)
27	209	Parallel parking in a median strip parking area
28	210	Angle parking
29	211	Parking in parking bays
30	212	Entering and leaving a median strip parking area

Note The note before Schedule 1 to these Regulations sets out an edited version of these rules that does not include the notes, examples or diagrams for the rules. For considering the application of these rules to the landside of airports, reference should be made to the full text of the rules in the Australian Road Rules.

- (2) Subject to regulation 106, the rules mentioned in the table are to be interpreted in accordance with the Australian Road Rules.
- (3) However, for the application of the rules to the landside of an airport, **vehicle** has the same meaning as in subsection 172 (2) of the Act.
- (4) Subject to regulation 106 and without limiting the generality of subregulation (2), Parts 20 and 21 of the

Australian Road Rules and the Schedules and Dictionary to the Australian Road Rules apply in relation to the landside of an airport.

107 Offences against Australian Road Rules

An offence against a rule or subrule of the Australian Road Rules mentioned in Schedule 2, as applied by regulation 106E, is:

- (a) punishable by a fine of the penalty units mentioned in Schedule 2 for that rule or subrule for the State or place where the offence occurs; and
- (b) a strict liability offence; and
- (c) an infringement notice offence.

Note 1 For *strict liability*, see section 6.1 of the *Criminal Code*.

Note 2 For infringement notice offences, see Part 7.

108 Taxi drivers must not leave taxis unattended in certain areas

- (1) The driver of a taxi must not leave the taxi unattended in a taxi zone on the landside of an airport if a traffic control device that indicates that taxi drivers must not leave their taxis unattended applies to that taxi zone.
- (2) An offence against subregulation (1) is punishable by a fine of the penalty mentioned in the following table for the State or place where the offence occurs:

Item	State or place	Penalty units
1	New South Wales	3
2	Victoria	3
3	Brisbane Airport	3
4	Western Australia	3

Item	State or place	Penalty units
5	Tasmania	2
6	Coolangatta Airport	3
7	Townsville Airport	2

(3) An offence against subregulation (1) is:

- (a) a strict liability offence; and
- (b) an infringement notice offence.

Note 1 For *strict liability*, see section 6.1 of the *Criminal Code*.

Note 2 For infringement notice offences, see Part 7.

(4) For this regulation, a driver leaves a taxi *unattended* if the driver leaves the taxi so that the driver is more than 3 metres from the closest point of the taxi.

109 Drivers of taxis, hire cars and public buses to show authority cards

(1) The driver of a taxi, hire car or public bus on the landside of an airport must immediately show the driver's authority card to an authorised person for the airport if the authorised person:

- (a) asks the driver to do so; and
- (b) has shown the driver his or her identification as an authorised person.

Penalty: 3 penalty units.

(2) An offence against subregulation (1) is:

- (a) a strict liability offence; and
- (b) an infringement notice offence.

Note 1 For *strict liability*, see section 6.1 of the *Criminal Code*.

Note 2 For infringement notice offences, see Part 7.

(3) In this regulation:

authority card, for the driver of a taxi, hire car or public bus on the landside of an airport, means a card:

- (a) issued by an agency of the State where the landside of the airport is located that is responsible for regulating the operation of taxis, hire cars or public buses in the State; and
- (b) authorising the driver to drive the taxi, hire car or public bus in the State; and
- (c) showing a photograph of the driver's face.

110 Authorised person may direct that a vehicle be moved

(1) An authorised person for an airport may:

- (a) direct the driver of a vehicle used at the airport in contravention of a parking control provision to move the vehicle; or
- (b) direct the driver of a taxi who contravenes regulation 108 to move the taxi.

(2) If a taxi, or the driver of a taxi, is causing interference with the operation of a taxi zone at an airport, an authorised person for the airport may direct the driver of the taxi to move the taxi.

(3) The driver of a vehicle must comply with a direction under subregulation (1) or (2).

Penalty: 3 penalty units.

(4) An offence against subregulation (3) is:

- (a) a strict liability offence; and
- (b) an infringement notice offence.

Note 1 For **strict liability**, see section 6.1 of the *Criminal Code*.

Note 2 For infringement notice offences, see Part 7.

- (5) In this regulation:

driver of a vehicle includes any adult who appears to be the driver of the vehicle, whether or not he or she is sitting in the driver's seat of the vehicle.

111 Authorised person may move vehicle

- (1) This regulation applies to a vehicle used at an airport if:
- (a) the vehicle is used in contravention of a parking control provision and its driver cannot be found within a reasonable time after such inquiries by an authorised person as are reasonable in the circumstances; or
 - (b) its driver refuses to comply with a direction under subregulation 110 (1) or (2).
- (2) This regulation also applies to a vehicle that appears to be abandoned on the landside of an airport if its driver cannot be found within a reasonable time after such inquiries by an authorised person as are reasonable in the circumstances.
- (3) An authorised person for an airport (with whatever assistance is reasonably necessary) may move a vehicle to which this regulation applies to a place within the airport approved for the purpose by the airport-operator company if:
- (a) the authorised person considers that the vehicle is causing interference with the normal flow of traffic or with the operation of the airport or a permit zone at the airport; or
 - (b) under subregulation (2), this regulation applies to the vehicle.

- (4) If the driver of a vehicle to which this regulation applies cannot be found, and an authorised person moves the vehicle under subregulation (3), the authorised person must, as soon as practicable:
- (a) give the vehicle registration authority for the State or Territory in which the vehicle is registered (if known) a notice in writing that:
 - (i) identifies the vehicle; and
 - (ii) states that the vehicle has been moved and where it can be recovered; and
 - (b) do whatever else is reasonable to find the driver or registered owner of the vehicle and tell the driver or owner:
 - (i) that the vehicle has been moved, and where it can be recovered; and
 - (ii) that the vehicle may only be recovered by the owner or by a person acting for the owner.
- (5) A vehicle registration authority for a State or Territory that receives a notice under subregulation (4) may, in accordance with the laws of the State or Territory, use the information in the notice to notify the registered owner of the matters set out in the notice.
- (6) If an authorised person moves a vehicle under this regulation, neither the authorised person, nor any person who assists him or her to do so, nor the airport-operator company, is liable for any loss of, or damage to, the vehicle that occurs:
- (a) while it is being reasonably moved; or
 - (b) after it is moved and before it is recovered by or for its owner.

112 Owner of vehicle must pay costs of storage etc

- (1) If a vehicle is moved under regulation 111, the owner of the vehicle must pay the airport-operator company

the amount reasonably spent by the company in moving and storing the vehicle.

- (2) An amount payable to an airport-operator company is a debt due to the company recoverable in a court of competent jurisdiction.
- (3) An airport-operator company is not required to return a vehicle to a person claiming it unless the person pays the amount due to the company under this regulation.

113 Airport operator may sell vehicle

- (1) This regulation applies if:
 - (a) a vehicle is moved under regulation 111; and
 - (b) the driver or owner of the vehicle is not found, or, if found, has not recovered the vehicle, within 3 months after the day on which the vehicle was moved.
- (2) If the airport-operator company intends to sell, or otherwise dispose of, the vehicle, the company must give notice of that intention.
- (3) A notice under subregulation (2) must be published in a newspaper circulating generally in the State where the landside of the airport is located.
- (4) The airport-operator company may sell, or otherwise dispose of, the vehicle only if the amount reasonably spent by the company in moving and storing the vehicle is not paid to the company within 14 days after the notice is published.
- (5) The airport-operator company must, as soon as practicable after the end of the financial year in which the company sells a vehicle under this regulation, give to the Commonwealth the proceeds of the sale, less the reasonable cost of moving, storing and selling the vehicle.

114 Authorised persons

The Secretary may appoint as an authorised person for a provision or provisions of this Division:

- (a) an employee of the Department; or
- (b) an officer of the Australian Protective Service; or
- (c) an employee of an airport-operator company, or of a contractor to an airport-operator company.

[2] Regulation 156

omit

a Senior Executive Service officer (within the meaning given by the *Public Service Act 1922*)

insert

an SES employee, or acting SES employee,

[3] Further amendments — references to Divisions in Part 4

The following provisions are amended by omitting ‘Division 11, 12 or 13 of Part 4’ and inserting ‘Division 2, 3 or 4 of Part 4’:

- subregulations 146 (4), (5) and (6)
- subregulations 155A (4) and (6)
- paragraph 155A (8) (b)
- subregulations 155B (1) and (2).

Notes

1. These Regulations amend Statutory Rules 1997 No. 57, as amended by 1997 Nos. 105 and 178; 1998 Nos. 98, 118 and 207; 1999 Nos. 77, 290 and 291; 2000 Nos. 24, 195, 250 and 340; 2001 Nos. 146, 170 and 287/ ; 2002 No. 13
2. Notified in the *Commonwealth of Australia Gazette* on / 2002. 15 March