



AIRPORT NOTICES

May 2014

AIRPORT NOTICES

Airport Assets (Restructuring and Disposal) Act 2008

Prepared by

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As delegate – Airport Manager

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Authorised by the Chief Executive Officer

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1 Airport Management

1.1 Compliance with Airport Notices

It is an offence not to comply at all times with any Airport Notice displayed or published by Mackay Airport Pty Ltd (MAPL), including each of the sections of these Airport Notices.

The granting of a licence to conduct commercial activities at Mackay Airport shall be at the sole discretion of MAPL.

1.2 No Commercial Operations without Licence or Consent

No person is allowed to conduct commercial operations at Mackay Airport without a licence or consent from MAPL. Commercial operations include, 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.

Any person who conducts commercial operations at Mackay Airport with the licence or consent of MAPL will indemnify MAPL for any Loss, liability, Damage or Claims MAPL may incur arising out of their activities.

Any person who conducts commercial operations at Mackay Airport with the licence or consent of MAPL will take out and maintain such insurance policies and in such form as MAPL may in its discretion decide and notify the relevant person from time to time.

Any licence or consent which MAPL may give to any person to conduct commercial operations at Mackay 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.

MAPL may terminate on notice any licence or consent it has given to any person to conduct commercial operations at Mackay 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.

MAPL 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.

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

MAPL 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.

1.3 No Touting

No person is allowed to tout for business at Mackay Airport.

1.4 Entry and Exit

No person is allowed to enter or leave Mackay Airport other than by the designated entrances and exits and subject to such terms and conditions as MAPL may specify from time to time.

1.5 Presence without Justification

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

1.6 Conduct Causing Nuisance

No person is allowed, or to permit a person under their care or control, to be threatening or disorderly or create a disturbance or nuisance at Mackay Airport. A person who acts in any such way or permits a person under their care or control to act in any such way commits an offence and may be directed to leave Mackay Airport. This direction may include a direction not to re-enter Mackay Airport for 24 hours.

1.7 Alcohol

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

- (a) where authorised by MAPL;
- (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.

1.8 Offences

Failure to comply with any provision of this Airport Notice or any obligation imposed by this Airport Notice is an offence.

Maximum penalty – 25 Penalty Units.

1.9 Rights, Remedies and Waiver

MAPL is entitled to take such action as it in its discretion decides against any person arising out of any breach of any provision of this Airport Notice without prejudice to its entitlement prosecute any offence.

The failure or omission by MAPL to prosecute any offence arising out of a breach of this Airport Notice 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.

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

1.10 Changes to Terms

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

2 Entry, Movement, Standing and Parking of Vehicles

2.1 Compliance with Airport Security Measures including the TSP

No person is allowed 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) No driver of a Vehicle is allowed 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 Mackay Airport.

2.4 Obligations of Licence Holders

- (a) Operators of commercial Vehicles holding licences from MAPL to use Mackay Airport must ensure that all Vehicles operating at Mackay Airport are covered under the licence and that MAPL is immediately notified of any changes to the Licensee's vehicle fleet in writing.
- (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.
- (c) Operators of any vehicles subject to paragraphs (a) and (b) above must pay any applicable charges and interest without set-off, deduction or counterclaim.

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 MAPL where the direction is reasonably necessary to ensure compliance with these Airport Notices.

2.6 Offences

Failure to comply with any provision of this Airport Notice and any obligation imposed by this Airport Notice is an offence.

Maximum penalty – 25 Penalty Units.

2.7 Rights, Remedies and Waiver

MAPL is entitled to take such action against as it in its discretion decides against any person arising out of any breach of any provision of this Airport Notice without prejudice to its entitlement prosecute any offence.

The failure or omission by MAPL to prosecute any offence arising out of a breach of this Airport Notice 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.

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

2.8 Changes to Terms

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

3 Car Parking

3.1 Application

This Airport Notice applies to the Car Parks as provided for in 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 4.9m long x 1.9m wide x 4.0m high;
- (b) Vehicles with trailers, caravans or floats; and
- (c) other Vehicles as directed from time to time by MAPL.

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 MAPL;
- (b) you must pay the applicable parking fee without set-off, deduction or counterclaim in accordance with this Airport Notice;
- (c) you must comply with all applicable laws, regulations, orders and notifications in force relating to driving including any applicable road rules; and
- (d) MAPL 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 Mackay 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 MAPL 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 MAPL's prior written consent.
- (b) You may not park in designated 'No Parking' areas without the consent of MAPL.

- (c) You may not park in spaces designated for persons with mobility impairment without the consent of MAPL and/or without displaying a Disability Parking Permit issued by a relevant authority.
- (d) You must not obstruct any access way 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

While MAPL 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, MAPL does not guarantee and provides no warranty in respect of the security of your Vehicle (or its contents) while parked within the Car Parks. Employees, contractors or agents of MAPL 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 MAPL from time to time. The relevant parking fee is displayed at entrances to the Car Parks and on MAPL's website.
- (b) Payments accepted by MAPL 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 MAPL of such Loss immediately and shall be required to pay a fee as specified by MAPL.
- (d) MAPL may retain your Vehicle until provided with the correct payment for use of the Car Park including for the period of any such detention.
- (e) MAPL 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

MAPL 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 MAPL's property caused by you or your Vehicle.

3.11 Removal of Vehicle

- (a) You acknowledge that MAPL 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 MAPL. In no circumstances will MAPL 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 MAPL's reasonable opinion), MAPL 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 Chapter 4 Part 6 of the Act.

3.13 Collection of Personal Information

- (a) MAPL may collect 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). MAPL may also record and retain any telephone and other communications between you and MAPL and transactional information including feedback from you on the Car Parks.
- (b) MAPL 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 Mackay 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, your personal information held by MAPL.
- (d) You can contact MAPL on (07) 4957 0201 or by visiting our website www.mackayairport.com.au

3.14 Offences

Failure to comply with any provision of this Airport Notice and any obligation imposed by this Airport Notice is an offence.

Maximum penalty – 25 Penalty Units.

3.15 Rights, Remedies and Waiver

MAPL is entitled to take such action against as it in its discretion decides against any person arising out of any breach of any provision of this Airport Notice without prejudice to its entitlement prosecute any offence.

The failure or omission by MAPL to prosecute any offence arising out of a breach of this Airport Notice 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.

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

3.16 Changes to Terms

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

4 Taxi Rank – Licence Conditions

4.1 Directions of Authorised Officer

All persons, including the driver of a taxi, must obey the lawful directions of an authorised officer of MAPL.

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 MAPL 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 Taxi Ground Access Charge

This provision is without prejudice to any levy or charge for taxis arising pursuant to section 2. A taxi ground access charge is payable by persons making use of a taxi service and the following provisions apply:

- (a) the taxi ground access charge is calculated by reference to taxis dropping off or picking up passengers at Mackay Airport (and not by reference to the number of passengers carried by a taxi);
- (b) the taxi ground access charge is payable to the driver of the taxi and liability for payment arises at the time a passenger is dropped off by a taxi at Mackay Airport and at the time a passenger departs a taxi rank in a taxi;
- (c) the taxi ground access charge is a sum determined by MAPL 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 taxi ground access charge can be found at www.mackayairport.com.au
- (d) all taxis conducting operations to or from Mackay Airport must account for the taxi ground access charge.

4.5 Offences

Failure to comply with any provision of this Airport Notice and any obligation imposed by this Airport Notice is an offence.

Maximum penalty – 25 Penalty Units.

4.6 Rights, Remedies and Waiver

MAPL is entitled to take such action against as it in its discretion decides against any person arising out of any breach of any provision of this Airport Notice without prejudice to its entitlement prosecute any offence.

The failure or omission by MAPL to prosecute any offence arising out of a breach of this Airport Notice 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.

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

4.7 Changes to Terms

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

5 Authorised Officers

5.1 Directions

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

- (a) ensure the safety or security of Mackay Airport, its users or MAPL's employees or invitees; or
- (b) prevent the person's activities from affecting Mackay Airport's operation, including, where appropriate, to ensure compliance with these Airport Notices.

5.2 Non-Compliance with Directions

It is an offence for a person not to comply with a direction of an Authorised Officer. Non-compliance with these Airport Notices or any lawful direction given by MAPL or an Authorised Officer may result in:

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

Specific penalties under the Act apply for non-compliance.

Maximum penalty:

- (i) for a contravention of a requirement about the movement, handling or storage of goods - 50 Penalty Units
- (ii) for a contravention of a requirement about any other matter – 25 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 Act; or
- (b) suspects on reasonable grounds that the person has just committed an offence against the Act.

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 Impersonating an Authorised Officer

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

Maximum penalty – 50 Penalty Units.

5.7 Rights, Remedies and Waiver

MAPL is entitled to take such action against as it in its discretion decides against any person arising out of any breach of any provision of this Airport Notice without prejudice to its entitlement prosecute any offence.

The failure or omission by MAPL to prosecute any offence arising out of a breach of this Airport Notice 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.

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

5.8 Changes to Terms

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

6 Dictionary

Act	means the <i>Airport Assets (Restructuring and Disposal) Act 2008</i> .
Airport	means Mackay 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 MAPL pursuant to the Act.
MAPL	means Mackay Airport Pty Ltd ACN 132 228 534 being the delegate of Queensland Airport Holdings (Mackay) 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.
Mackay Airport	means Mackay Airport land as defined in section 8 of the Act and includes all improvements and facilities located thereon under MAPL's control.
Car Park	means the public car parks located at Mackay Airport and includes all bays, buildings or structures on the car parks and the surrounding driveways and fences.
Claim	includes any claim for Damages, Loss, compensation, demand, remedy, liability or action.
CCTV	means closed circuit television
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 <i>Transport Operations (Road Use Management Act) 1995</i> .
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 <i>Penalties and Sentences Act 1992</i> .
Prohibited Vehicle	means a Vehicle within the meaning of Airport Notice 3.2.
Terminal	means the Domestic Terminal buildings as used from time to time by MAPL.
Touting	means the solicitation of Airport customers for business by any means.
TSP	means the Mackay 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 <i>Transport Operations (Road Use Management) Act 1995</i> and includes any vehicle in the ordinary sense of the word driven into the Car Parks such as a station wagon, bus, 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.