



# Cloncurry Shire Council

## Local Law No. 9 (Aerodrome Management) 2024

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## Part 1 Preliminary

### 1. Short title

This local law may be cited as *Local Law No. 9 (Aerodrome Management) 2024*.

### 2. Purpose and how it is to be achieved

- (1) The purpose of this local law is to regulate the use and operation of aerodromes controlled by the local government.
- (2) The purpose is to be achieved by—
  - (a) protecting the public against risk of injury and the community against damage;
  - (b) ensuring that activities at the aerodromes are undertaken in an orderly and safe manner and do not create a hazard to public health or a threat to property;
  - (c) controlling the public use of the aerodromes to the extent that the use is consistent with the rights, expectations and safety of the local community;
  - (d) protecting the obstacle limitation surfaces (OLS) and minimising hazards to aircraft; and
  - (e) providing for—
    - (i) fees and charges for the rights described in paragraph (c);
    - (ii) the powers and authority of persons authorised by the local government for the purposes of this local law;
    - (iii) penalties for breaches of the local law; and
    - (iv) liability arising out of use of the aerodromes.

### 3. Definitions—the dictionary

The dictionary in Schedule 1 defines particular words used in this local law.

### 4. Application of local law

- (1) This local law is in addition to, and does not derogate from—
  - (a) laws regulating the use or development of land in the area in which the local government has jurisdiction; or
  - (b) civil aviation laws; or
  - (c) civil aviation safety laws.
- (2) This local law is to be read with *Local Law No. 1 (Administration) 2014*.

## **Part 2 Use and operation of an aerodrome**

### **5. Application of part to emergency vehicles**

- (1) The obligations and requirements imposed on persons, vehicles and aircraft traversing, using, landing or parking in, on or over an aerodrome under this part 2 do not apply to an emergency vehicle that is being operated by or for an emergency worker in the course of carrying out their duties.
- (2) An emergency vehicle is only exempt under subsection (1) if the emergency vehicle is complying, as far as reasonably practicable, with the safety requirements of the local government for the aerodrome and taking reasonable care.

### **6. Use by aircraft**

- (1) Subject to civil aviation laws and civil aviation safety laws, the local government may, by means of signs, notices or markers placed on an aerodrome or a part of an aerodrome, regulate the use and operation of the aerodrome.
- (2) For example, under subsection (1), the local government may—
  - (a) exclude any particular aircraft or type or class of aircraft or activity from the aerodrome where the local government is of the reasonable opinion that the operation of the aircraft or type or class of aircraft or activity is unduly noisy, dangerous or not in the public interest, or which is, in the local government's reasonable opinion, not compatible in size or weight with the aerodrome's pavement strength or dimensions; and
  - (b) subject any activity on or based on the aerodrome to such conditions as the local government considers necessary and desirable including, but not limited to, conditions about the hours and duration of operation of the activity; and
  - (c) designate a part or parts of the aerodrome where a particular activity may or may not be carried on; and
  - (d) during specified periods or at specified times, restrict the use by aircraft of the aerodrome for—
    - (i) departures;
    - (ii) landings;
    - (iii) servicing;
    - (iv) embarkment of passengers;
    - (v) disembarkment of passengers;
    - (vi) transport of freight;
    - (vii) activities approved by the local government; or
    - (viii) any combination of subparagraphs (d)(i) to (vii); and

- (e) restrict the use by aircraft of the aerodrome for training operations on any day or night during the hours prescribed by the local government; and
  - (f) prohibit access to, or the use of, the whole or part of the aerodrome by persons, aircraft or vehicles during specified periods or at specified times.
- (3) Where an aircraft is used or an activity is carried on, in contravention of subsection (1), an authorised person may give a compliance notice<sup>1</sup> to a person who is a relevant person in relation to the aircraft or activity, directing the person to, within a time specified in the notice—
- (a) cease the use of the aircraft or activity; or
  - (b) remove the aircraft or activity from the aerodrome; or
  - (c) remove the aircraft or activity to an area specified by the authorised person in the notice; or
  - (d) pay prescribed fees; or
  - (e) pay fees and charges imposed under section 15; or
  - (f) any combination of subparagraphs (3)(a) to (e).

## 7. Aircraft parking

- (1) The local government may, by means of signs, notices or markers placed on an aerodrome—
- (a) designate a part of the aerodrome to be an area for the parking of aircraft;
  - (b) if the part is not to be used for the parking of all aircraft—specify the kind of aircraft that may be parked in the part;
  - (c) specify the conditions (if any), including conditions relating to the times and periods during which aircraft may be parked in the part.
- (2) A person must not park an aircraft on an aerodrome—
- (a) except in the part of the aerodrome designated under subsection (1) to be an area in which an aircraft, or a particular kind of aircraft, may be parked; and
  - (b) except in accordance with any conditions specified under subsection (1)(c).

Maximum penalty for subsection (2) — 50 penalty units.

- (3) Where an aircraft is parked in contravention of subsection (2), an authorised person may give a compliance notice<sup>2</sup> to a person who is a relevant person in relation to the aircraft, directing the person to, within the time specified in the notice—

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<sup>1</sup> See *Local Law No.1 (Administration) 2014*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

<sup>2</sup> See *Local Law No.1 (Administration) 2014*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

- (a) remove the aircraft from the aerodrome;
  - (b) remove the aircraft to an area specified by the authorised person in the notice.
- (4) If a person fails to comply with a compliance notice given under subsection (3) without reasonable and lawful excuse, an authorised person may remove the aircraft as required by the compliance notice.<sup>3</sup>
- (5) An action does not lie against the local government, an authorised person or any other officer, employee or agent of the local government acting in the course of his or her employment, for or in respect of—
- (a) loss of, or damage to, an aircraft during its removal under subsection (4); or
  - (b) loss of, or damage to, an aircraft so removed while it is in the custody, possession or control of the local government, an authorised person or any other officer, employee or agent of the local government.
- (6) Subsection (5) does not apply to loss or damage wilfully or negligently caused by the local government, an authorised person or any other officer, employee or agent of the local government.

## **8. General use by vehicles and plant or equipment within an aerodrome**

- (1) The local government may determine and include or notify, by displaying a notice, with or without reference to lanes or marked areas and positions within an aerodrome, areas in which a person is, or is not, permitted to—
- (a) park a vehicle or cause a vehicle to stand; or
  - (b) place plant or equipment, or cause plant or equipment to stand.
- (2) Where a notice of a kind referred to in subsection (1) is displayed on an aerodrome, the notice is, unless the contrary is proved, deemed to be in accordance with a determination under this local law and to be duly displayed in accordance with this local law.
- (3) A person must not park a vehicle, or cause a vehicle to stand, in contravention of the terms of a notice displayed under subsection (1).

Maximum penalty for subsection (3) — 20 penalty units.

- (4) A person must not place plant or equipment, or cause plant or equipment to stand, in contravention of the terms of a notice displayed under subsection (1).

Maximum penalty for subsection (4)—20 penalty units.

- (5) Where a vehicle is parked, or stands, in contravention of subsection (3), or plant or equipment is placed, or stands, in contravention of subsection (4), an authorised person may give a compliance notice<sup>4</sup> to a person who is a relevant person in relation

<sup>3</sup> See *Local Law No.1 (Administration) 2014*, section 28, regarding the power to remove and cost recovery.

<sup>4</sup> See *Local Law No.1 (Administration) 2014*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

to the vehicle, plant or equipment, directing the person to, within the time specified in the notice—

- (a) remove the vehicle, plant or equipment from the aerodrome; or
  - (b) remove the vehicle, plant or equipment to an area specified by the authorised person in the notice.
- (6) If a person fails to comply with a direction given under subsection (5) without reasonable and lawful excuse, an authorised person may, remove the vehicle, plant or equipment as required by the compliance notice.<sup>5</sup>
- (7) An action does not lie against the local government, an authorised person or any other officer, employee or agent of the local government acting in the course of his or her employment, for or in respect of—
- (a) loss of, or damage to, a vehicle, plant or equipment during its removal under subsection (6); or
  - (b) loss of, or damage to, a vehicle, plant or equipment so removed while it is in the custody, possession or control of the local government, an authorised person or any other officer, employee or agent of the local government.
- (8) Subsection (7) does not apply to loss or damage wilfully or negligently caused by the local government, an authorised person or any other officer, employee or agent of the local government.

## **9. Use of vehicles and plant or equipment on an airside area**

- (1) A person must not use a vehicle, or any plant or equipment, on an airside area unless authorised by an approval by the local government.
- (2) For the purposes of *Local Law No. 1 (Administration) 2014*, section 5(b), the use of a vehicle, plant or equipment on an airside area is a prescribed activity.

## **10. Use of buildings and facilities**

- (1) A person must not—
  - (a) use any building or other structure, convenience or amenity provided on an aerodrome for any purpose other than the purpose for which it is provided or intended; or
  - (b) destroy, remove, obliterate, deface, alter or otherwise interfere with any barrier, notice, sign or marking designed or intended for direction, guidance, warning or information of persons using an aerodrome; or
  - (c) deliberately or recklessly damage or destroy any building, fence, structure, ground work, improvement or other property of the local government at an aerodrome.

Maximum penalty for each of paragraphs (a), (b) and (c) — 50 penalty units.

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<sup>5</sup> See *Local Law No.1 (Administration) 2014*, section 28, regarding the power to remove and cost recovery.

- (2) The local government may prescribe conditions for the use of buildings, facilities and amenities at an aerodrome.
- (3) A person must comply with each of the conditions prescribed by the local government for the use of buildings, facilities or amenities at an aerodrome under subsection (2).

Maximum penalty — 100 penalty units.

## **11. Safety requirements**

- (1) The local government may prescribe procedures to be complied with to preserve and enhance safety at an aerodrome.
- (2) For example, the local government may:
  - (a) prescribe procedures for—
    - (i) the protection of members of the public at the aerodrome; and
    - (ii) the protection of infrastructure at the aerodrome; and
    - (iii) ensuring aircraft which use the aerodrome are operated in compliance with civil aviation laws and civil aviation safety laws; and
  - (b) prescribe safety procedures for—
    - (i) the fueling of aircraft; and
    - (ii) the movement of passengers to and from aircraft; and
    - (iii) aircraft servicing and the movement of aircraft on an aircraft stand.
- (3) A person must comply with each of the safety procedures prescribed by the local government under subsection (1).

Maximum penalty for subsection (3) — 100 penalty units.

## **12. Conduct of persons on the airside area of an aerodrome**

- (1) A person must not, without reasonable and lawful authority or excuse—
  - (a) enter or remain on an airside area; or
  - (b) bring or leave any property or goods or materials on an airside area.

Maximum penalty for each of paragraphs (a) and (b) — 100 penalty units.

- (2) An authorised person may, with such assistance and use of reasonable force as is necessary, remove a person, property, goods or materials from an aerodrome if —
  - (a) the person contravenes subsection (1); or



(b) the property, goods or materials are found in contravention of subsection (1)(b).<sup>6</sup>

(3) A person must not smoke or do any act to procure a naked flame —

- (a) within 15m of a stationary aircraft; or
- (b) in any non-smoking part of an aerodrome.

Maximum penalty for each of paragraphs (a) and (b) — 100 penalty units.

(4) For the purposes of subsection (3), a non-smoking part of an aerodrome is a part declared by the local government and upon which is posted a notice that—

- (a) identifies the part; and
- (b) indicates that smoking in the part is prohibited; and
- (c) purports to have been posted with the authority of the local government.

(5) A passenger or intending passenger of an aircraft must, whilst on an airside area, obey the directions of an authorised person as to the passenger's conduct and movements.

Maximum penalty for subsection (5) — 10 penalty units.

(6) A person lawfully entering or being on an airside area must—

- (a) behave in a proper manner and so as not to cause annoyance, disturbance or inconvenience to any other person lawfully on the airside area; and
- (b) obey any direction reasonably given to the person by an authorised person for the purpose of preserving order or promoting or facilitating the proper use and enjoyment of the aerodrome.

Maximum penalty for each of paragraphs (a) and (b) — 10 penalty units.

### 13. Conduct of persons on any part of an aerodrome

(1) For the purposes of this section a person is an *undesirable person* if the person, whether or not a passenger or intending passenger of an aircraft, is considered by an authorised person on reasonable grounds to be —

- (a) intoxicated or apparently affected by an intoxicant or drug as to make the person's presence on an aerodrome dangerous to themselves or to other persons; or
- (b) engaging in unruly, obscene, offensive or threatening behaviour; or
- (c) engaging in any other behaviour that is, or is likely to, create a danger to themselves, to any other person or to property.

(2) An authorised person may direct an undesirable person—

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<sup>6</sup> See *Local Law No.1 (Administration) 2014*, section 28, regarding the power to remove and cost recovery.

- (a) not to enter an aerodrome or a specified part of an aerodrome; or
  - (b) if already upon the aerodrome— to immediately leave the aerodrome or a specified part of the aerodrome and not to return on the same day.
- (3) The person to whom a direction is given under subsection (2) must comply with the direction.

Maximum penalty for subsection (3) — 20 penalty units.

- (4) An authorised person may use reasonable force to—
- (a) prevent an undesirable person from entering an aerodrome; or
  - (b) remove an undesirable person from an aerodrome.
- (5) A person must not, without the authority of an authorised person, discharge a firearm—
- (a) on or over any part of an aerodrome; or
  - (b) adjacent to an aerodrome in such a manner that the projectile discharged from the firearm travels over, or is likely to travel over, any part of the aerodrome.

Maximum penalty for subsection (5) — 100 penalty units.

- (6) A person must not bring, or permit to stray, on to an aerodrome, an animal without the prior approval of an authorised person.<sup>7</sup>

Maximum penalty for subsection (6) — 20 penalty units.

- (7) An animal unlawfully on an aerodrome may be removed from the aerodrome by an authorised person, or by any person under the direction of an authorised person, using such assistance and reasonable force as is necessary to remove the animal from the aerodrome.
- (8) An animal removed from an aerodrome under subsection (7) may be impounded at an animal pound established by the local government.
- (9) Subject to compliance with section 12(3), a person must not light a fire on an aerodrome without the prior approval of an authorised person.<sup>8</sup>

Maximum penalty for subsection (9) — 50 penalty units.

## 14. Special events

The local government may, on any special occasion, special event or other event of public interest at an aerodrome—

- (a) make particular arrangements for the control of the aerodrome; and

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<sup>7</sup> This subsection is subject to the provisions of the *Guide, Hearing and Assistance Dogs Act 2009* (Qld).

<sup>8</sup> A person may smoke on an aerodrome other than in those areas mentioned in section 11(3).

- (b) charge fees for participation and admission to the occasion or event; and
- (c) impose conditions for the use of the aerodrome for the occasion or event as the local government considers appropriate in the circumstances.

## Part 3 Fees and charges

### 15. Fees and charges

- (1) The local government may impose fees and charges for any use of an aerodrome.<sup>9</sup>

*Examples—*

*Charges may be imposed for landing at an aerodrome, or for parking or storing aircraft on the aerodrome, or for the number of embarking passengers (i.e., “passenger charges”).*

- (2) All persons who use an aerodrome in a manner for which a fee or charge is imposed under subsection (1) are jointly and severally liable for the payment of those fees and charges.
- (3) The persons who use an aerodrome in relation to an aircraft include, without limitation—
- (a) the relevant person for the aircraft;
  - (b) the operator of the aircraft; and
  - (c) the owner of the aircraft.
- (4) Where a fee or charge imposed by the local government under subsection (1) is calculated by the number of passengers carried on an aircraft, the local government may permit the owner of the aircraft to give to the local government on a monthly basis, particulars of the number of passengers carried on each flight of the aircraft together with the fee or charge imposed under subsection (1).
- (5) The information, fees and charges required to be given to the local government under subsection (4) must be given within the timeframe required by the local government.
- (6) If the owner of an aircraft fails to provide to the local government the information specified and within the required timeframe under subsection (4), then each aircraft will be deemed to have carried its maximum passenger capacity for fee calculation purposes.
- (7) The local government may, in an appropriate case, waive or partially remit a fee or charge imposed under subsection (1).

## Part 4 Prevention of hazards to aircraft

### 16. Application of part

This part applies to the removal of obstacles and hazards affecting, or likely to affect, the safe operation of aircraft in the vicinity of an aerodrome.

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<sup>9</sup> See section 262(3)(c) of the Act.

## 17. Notice to remove hazard

(1) This section applies if there is, on any land adjoining, or in the vicinity of, an aerodrome (*relevant land*)—

- (a) a tree penetrating, or through further growth in a short period likely to penetrate, the OLS; or
- (b) a structure or part of a vehicle penetrating the OLS; or

*Examples of paragraph (b)—*

1. A structure may include a pole, or television or radio mast.
2. A part of a vehicle may include a crane, jib or height extension apparatus.

- (c) a light exhibited which, by reason of glare or by causing confusion or by interfering with the operation of aircraft, is likely to endanger the safety of aircraft; or
- (d) a presence of waste foodstuffs which constitutes, or is likely to constitute, such an attraction to birds as to create a hazard, or a potential hazard, to aircraft using or operating in the vicinity of the aerodrome; or
- (e) equipment that, when operated, may interfere with—
  - (i) aircraft or aerodrome equipment; or
  - (ii) a radio transmission or frequency, for example, a radio operated by an amateur radio operator; or
- (f) release of birds (for example, homing or racing pigeons) from premises situated within a 3km radius of the aerodrome; or
- (g) any other object or thing, or an activity being carried out that an authorised person considers on reasonable grounds may present a hazard affecting, or likely to affect, the safe operation of aircraft in the vicinity of the aerodrome.

(2) The local government may give a compliance notice<sup>10</sup> to a person, being the owner or occupier of the relevant land or the person apparently in charge of a vehicle to which subsection (1)(b) refers, directing the person to, within a time specified in the notice—

- (a) in the case of subsection (1)(a)— remove or trim that part of the tree penetrating, or likely to penetrate, the OLS; or
- (b) in the case of subsection (1)(b)— remove or dismantle, to the extent necessary, the structure or part of the vehicle so that the structure or part does not penetrate the OLS; or
- (c) in the case of subsection (1)(c)— extinguish the light or shield it to the extent necessary to remove any likely danger to the safety of aircraft operation and

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<sup>10</sup> See *Local Law No.1 (Administration) 2014*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

refrain from exhibiting the light, or any other light having similar effect, in the future; or

- (d) in the case of subsection (1)(d)— remove or effectively cover the waste foodstuffs so that the waste foodstuffs do not constitute an attraction to birds; or
  - (e) in the case of subsection (1)(e)— remove or dismantle, to the extent necessary, the equipment; or
  - (f) in the case of subsection (1)(f)— not release any birds from a premises situated within a 3km radius of the aerodrome; or
  - (g) in the case of subsection (1)(g)— immediately cease the activity or remove the object or thing and/or take steps to ensure the object, thing or activity no longer presents a hazard affecting, or likely to affect, the safe operation of aircraft in the vicinity of the aerodrome.
- (3) Nothing in this section limits the powers of, or any other remedy available to, the local government to remove the obstacles and hazards affecting, or likely to affect, the safe operation of aircraft.

## **18. Local government's power to carry out work**

- (1) If a person to whom a compliance notice is given fails to comply with the notice, the local government may, in addition to any penalty imposed under section 27 of *Local Law No. 1 (Administration) 2014*, enter the relevant land under section 142 of the Act and perform the work specified in the notice and, in the case of a vehicle, remove the vehicle or carry out work on the vehicle to the extent necessary so that no part of the vehicle penetrates the OLS.

## **19. Recovery of local government's costs**

- (1) If the person who failed to comply with a compliance notice—
- (a) is the owner of the relevant land, the amount properly and reasonably incurred by the local government in performing the work is recoverable (together with interest) by the local government under section 142 of the Act; or
  - (b) is not the owner of the relevant land, the amount properly and reasonably incurred by the local government is recoverable by the local government as a debt from the person in default (together with interest) under section 142 of the Act.

## **20. No compensation payable**

- (1) The local government is not liable to pay compensation to a person—
- (a) who is required to comply with a compliance notice and who complies with the notice; or
  - (b) who suffers loss or damage reasonably caused by the local government in performing work under section 18 because of the person's failure to comply with a compliance notice.

- (2) Subsection (1)(b) applies subject to section 147 of the Act.<sup>11</sup>

## **21. Approval of temporary structures, etc.**

- (1) The local government may permit a temporary structure or a part of a vehicle to penetrate the OLS for a limited period of time provided proper regard is given to the safe operation of aircraft in the vicinity of an aerodrome during the period for which the permit applies.

- (2) A permit may be granted subject to conditions the local government considers to be reasonably necessary so as not to endanger aircraft safety.

- (3) A person to whom a permit is granted must—

(a) not exceed the time limit for which the permit is granted; and

(b) ensure that the conditions of the permit are complied with.

Maximum penalty for each of paragraphs (a) and (b) — 100 penalty units.

- (4) For the avoidance of doubt, the activity described in subsection (1) is not a prescribed activity for section 5(b) of *Local Law No. 1 (Administration) 2014*.

## **Part 5 Authority of authorised person**

### **22. Seizure and detention of dangerous objects**

- (1) An authorised person may seize an object from a person on an aerodrome if—

(a) the object is dangerous; or

(b) the person uses or has used the object in a dangerous way.

- (2) If an authorised person seizes an object under subsection (1), the local government must deal with the object in accordance with section 37 of *Local Law No. 1 (Administration) 2014*.

### **23. Removal of persons from an aerodrome**

- (1) Any person found on an aerodrome committing an offence against this local law may be directed by an authorised person to leave the aerodrome.

- (2) A person must comply with a direction given under subsection (1).

Maximum penalty for subsection (2)—20 penalty units.

- (3) An authorised person may—

(a) remove or cause to be removed from an aerodrome any person who has failed to comply with a direction of an authorised person given under subsection (1); and

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<sup>11</sup> See *Local Government Act 2009*, section 147 (Compensation for damage or loss caused).

- (b) for the purposes of the removal— use reasonable force.

#### **24. Exclusion from aerodromes**

- (1) A person who has been directed to leave an aerodrome under section 23(1) or who has been removed from an aerodrome under section 23(3) must not re-enter the aerodrome on the same day.

Maximum penalty—20 penalty units.

#### **25. Direction to move aircraft**

- (1) This section applies if an authorised person believes, or has reasonable grounds to believe, that the owner of an aircraft on an aerodrome has committed an offence against this local law.
- (2) The authorised person may give a compliance notice<sup>12</sup> to the owner directing the owner to—
  - (a) remove the aircraft from the aerodrome; or
  - (b) remove the aircraft to an area specified by the authorised person in the notice.
- (3) If the owner fails to comply with a direction given under subsection (2) without reasonable and lawful excuse, an authorised person may, with such assistance and reasonable force as is necessary, remove the aircraft as required by the direction.

### **Part 6 Miscellaneous**

#### **26. Aerodrome damage**

- (1) Where a person offends against this local law the person is, in addition to any penalty prescribed for the offence, liable for any damage to an aerodrome arising from the offence and the cost of repairing the damage may be recovered by the local government from the person in a court of competent jurisdiction.

#### **27. Abandoned aircraft**

- (1) This section applies if an authorised person believes, or has reasonable grounds to believe, that an aircraft has been abandoned on an aerodrome.
- (2) The authorised person may seize and impound the aircraft.
- (3) If an authorised person seizes an aircraft under subsection (2), the local government must deal with the aircraft in accordance with section 37 of *Local Law No. 1 (Administration) 2014*.

#### **28. Service of notices**

- (1) If this local law requires or permits a notice which involves the use of an aircraft to be served on a person, the notice may be served—

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<sup>12</sup> See *Local Law No.1 (Administration) 2014*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

- (a) on an individual—
  - (i) by delivering it to the person personally; or
  - (ii) by leaving it at, or by sending it by post, facsimile or similar facility to, the address of the place of residence or business of the person last known to the person serving the notice; or
  - (iii) by electronic communication to the individual if:
    - (A) the person has given consent to the type of document being given by an electronic communication; and
    - (B) at the time the notice was given, it was reasonable for the local government to expect the document would be readily accessible so as to be useable for subsequent reference by the person.

*Example—*

*An electronic communication may include sending the notice by email.*

- (b) on a body corporate—
    - (i) by leaving it at, or sending it by post, facsimile or similar facility to, the head office, a registered office or a principal office of the body corporate; or
    - (ii) by electronic communication to the body corporate if:
      - (A) the body corporate has given consent to the type of document being given by an electronic communication; and
      - (B) at the time the notice was given, it was reasonable for the local government to expect the document would be readily accessible so as to be useable for subsequent reference by the body corporate.
  - (c) if the person or body corporate cannot be found or the address of the person or body corporate is unknown to the person serving the notice— by securely placing or attaching the notice, addressed to the person or body corporate, as the case may be, without further description, on or to the aircraft in a conspicuous position.
- (2) If a notice is served under subsection (1)(c), it is taken to have been served on the person or body corporate, as the case may be, on the day it is placed on or attached to the aircraft.

## **29. Repeal**

This local law repeals Cloncurry Shire Council's *Local Law No. 9 (Cloncurry Aerodrome Management)*.



## Schedule 1 Dictionary

### section 3

**aerodrome** means any aerodrome within the meaning of the *Civil Aviation Act 1988* (Cth), section 3 but only if the aerodrome is owned by or under the control of the local government.

**aircraft** —

- (a) has the meaning given in the *Civil Aviation Act 1988* (Cth), section 3; and
- (b) includes any form of fixed wing aircraft or airplane, helicopter, ultra light, glider, hang-glider, dirigible, airship, hot air balloon, or any form of craft capable of carrying at least one person whilst sustaining itself off the ground.

**airside area** means any area of an aerodrome where aircraft movements are conducted, including—

- (a) all runways, taxiways, aprons and areas on the operational side of any security fencing;
- (b) any buildings and other structures on the operational side of any security fence;
- (c) areas designated as such by any signage;
- (d) any area provided for the storage of aviation fuel; and
- (e) any area set aside for radio navigation aids, communication, or ground equipment.

**apron** means an area at an aerodrome designated by the local government for the parking of aircraft including, but not limited to, the parking of aircraft for the purposes of loading and unloading freight, mail and cargo, and for the embarkation or disembarkation of passengers.

**authorised person** means a person appointed by the chief executive officer of the local government to be an authorised person for this local law.<sup>13</sup>

**civil aviation laws** means a law made by or under an Act enacted by the Commonwealth Parliament in relation to the use and operation of an aerodrome.

**civil aviation safety laws** means a law made by or under an Act enacted by the Commonwealth Parliament in relation to aircraft safety at, or in the vicinity of, an aerodrome.

**compliance notice** see *Local Law No. 1 (Administration) 2014*, section 27.

**emergency vehicle** means a vehicle driven by a person and includes an aircraft operated by a person who is—

<sup>13</sup> The chief executive officer has the power to appoint an authorised person pursuant to section 202 of the *Local Government Act 2009*. Additionally, see section 20 of *Local Law No. 1 (Administration) 2014*.

- (a) an emergency worker, or assisting an emergency worker; and
- (b) driving the vehicle or operating the aircraft in the course of carrying out their duties as an emergency worker.

**emergency worker** means—

- (a) a service officer of the Queensland Ambulance Service under the *Ambulance Service Act 1991* or an ambulance service of another State; or
- (b) a fire officer as that term is defined under the *Fire Services Act 1990* or a fire and rescue service officer of another State; or
- (c) a member of the Queensland Police Service or member of the police service of the Commonwealth or another State; or
- (d) a member of the State Emergency Service under the *State Emergency Service Act 2024* or a State emergency service of another State; or
- (e) a person engaged by a recognised charitable emergency service and who is providing, or assisting in providing, emergency services.

*Examples for paragraph (e)—*

*Royal Flying Doctor Service, LifeFlight, Care Flight, Community Flights etc.*

**local government area** has the meaning given in the Act.

**obstacle limitation surface** or **OLS** —

- (a) has the meaning given in Part 139 of the Manual of Standards pursuant to the *Civil Aviation Regulation 1988* (Cth) and means a series of planes, associated with each runway at an aerodrome, that defines the desirable limits to which objects or structures may project into the airspace around the aerodrome so that aircraft operations at the aerodrome may be conducted safely; and
- (b) an object which projects through the OLS established by the local government for an aerodrome becomes an obstacle to the operation of aircraft at the aerodrome.

**obstacle** means any fixed (whether temporarily or permanently) and/or mobile object, structure and/or parts of such objects and structures, that:

- (a) are located on an area provided for the surface movement of aircraft on the aerodrome; or
- (b) extend above the defined OLS to protect aircraft in flights; or
- (c) that have been assessed by the local government or other relevant authority as being a hazard to air navigation.

**operator** means a person, organisation or enterprise engaged in, or offering to engage in, the operation of an aircraft, including all general movements of the aircraft.

**owner** in relation to—

- (a) a vehicle means—
  - (i) in the case of a vehicle registered under a law of a State or territory relating to the registration of vehicles— the person in whose name the vehicle is registered; or
  - (ii) in the case of any other vehicle— every joint owner or part owner of the vehicle and any person who has lawful possession and use of the vehicle under or subject to a hire–purchase agreement or a bill of sale at the material time; and
- (b) an aircraft includes—
  - (i) each lessee, lessor or charterer of the aircraft; and
  - (ii) the holder of a certificate of registration for the aircraft; and
  - (iii) any person who is or appears to be in control of the aircraft.

**prescribed fee** has the meaning given in *Local Law No. 1 (Administration) 2014*.

**relevant land** see section 17(1).

**relevant person** means—

- (a) in relation to an aircraft—
  - (i) the owner, operator, hirer or pilot in command of the aircraft; or
  - (ii) the person apparently in charge of the aircraft at the time a direction is given to the person under this local law; or
- (b) in relation to an activity, the person apparently in charge of organising the activity at the time a direction is given to the person under this local law.

**the Act** means the *Local Government Act 2009*.

**undesirable person** see section 13.

**vehicle** means any type of transport that moves on wheels and includes:

- (a) a trailer, caravan or portion of an articulated vehicle; and
- (b) an object that was designed or adapted for use as a vehicle but is incapable of being so used because:
  - (i) a part has, or parts have, been removed from it; or
  - (ii) it is in a wrecked or damaged condition.

**vehicle approval** see section 8(1).