

PALM ISLAND ABORIGINAL COUNCIL BY-LAWS

CHAPTER 5 – AERODROMES

1. In this Chapter, unless the context otherwise indicates or requires, the following terms have the meanings respectively assigned to them, that is to say:

“Act”-*The Air Navigation Act 1920* (as amended) of the Commonwealth of Australia and any other Act or Acts of the Commonwealth relating to air navigation for the time being in force;

“Aerodrome”-Any area of land under the control of the Council which is used or available for use as an aerodrome;

“Control Officer” -The officer appointed by or under the authority of the council for the time being directing and controlling the traffic on any aerodrome or of persons having business with aircraft on any aerodrome;

“Groundsman”-Any person appointed by or under the authority of the Council to control and supervise the use generally of any aerodrome, or for the time being acting in the discharge of such duties;

“Owner”-Includes lessee, charterer, and the person for the time being in control of the aircraft;

“Pilot”- The person actually controlling an aircraft at the relevant time. If there is not any such person, then the person entitled to such control;

“Regulations”-the Air Navigation Regulations made under the Act and for the time being in force by virtue of the Act, or by virtue of “*The Air Navigation Acts 1937 to 1947*”, of the State of Queensland.

Unless otherwise defined above, a term defined in the Act or Regulations shall have the same meaning in these by-laws.

Use by Aircraft

2. (i) The owner of every aircraft shall be entitled, upon and subject to compliance with these by-laws, to use any aerodrome in daylight hours for the landing, servicing and departure of his aircraft and the embarkment and disembarkment of aerial passengers and freights.

(ii) Unless and until so determined by the Council, any aerodrome shall not be open to use for night flying. Nevertheless, in the case of emergency, night landings may be made entirely at the owner's risk.

(iii) Unless and until so determined by the Council, any aerodrome shall not be open to use for flying in wet weather or immediately subsequent to wet weather, where the surface of the aerodrome may be or may reasonably be expected to be unsafe for landing or departure of aircraft.

Provided that, in the case of emergency, landings may be made in wet weather or immediately subsequent to wet weather entirely at the owner's risk.

Buildings, Notices, etc.

3. Subject to the Act and Regulations, the Council may-

- (i) erect, make or place upon any aerodrome in such positions as it may deem fit such buildings or other structures, barriers, conveniences, amenities, sign posts, notices, markings and other things as it may deem fit for the more complete, effective, convenient and safe use and enjoyment of any aerodrome as a public landing ground for aircraft;
- (ii) grant to any person, upon application, permission to erect buildings, refuelling sites or any other structure or thing consistent with the use of the land as an aerodrome, subject, if the Council deems fit to the payment of a rental for the use of the land upon which such buildings, refuelling sites or other structure or thing is or are erected. Such permission may be granted by the Council subject to such terms and conditions as it may deem fit.

Right of Entry to Aerodrome

4. (i) Save as herein provided, a person other than-

- (a) persons lawfully employed upon duties in or about the supervision and control of any aerodrome, or in or about the arrival, departure or servicing of, or other attention to aircraft lawfully using any aerodrome; or
- (b) passengers or intending passengers by aircraft lawfully using any aerodrome, shall not be entitled to enter or be upon any aerodrome or any part thereof.

(ii) The Council may, from time to time, set apart any specified part or parts of any aerodrome-

- (a) to which persons other than those mentioned in paragraph (a) of clause (i) of this By-law shall not be admitted;
- (b) to which the general public, or any limited classes of the general public, may be admitted, either at all times, or at specified times, or for limited periods and generally upon such terms and conditions as the Council may determine;
- (c) to which a vehicle may not be admitted, or to which vehicles may be admitted only on such terms and conditions as the Council may determine.

(iii) Suitable notices shall be placed by the Council indicating the limits of any part of any aerodrome set apart for any special or limited use under this by-law.

(iv) Notwithstanding the provisions of this by-law and by-law 9 of this Chapter, the Council may on any special occasion, such, for instance, as an aerial pageant or other event of public interest, make such arrangements for the control of any aerodrome and charge such fees for participation and for admission as it may by resolution impose.

(v) A person shall not bring, or permit to stray, on to any aerodrome, any animal without authority from the Council. Any such animal so found trespassing without authority may be removed from the aerodrome by any officer or employee of the Council, or by any person authorised so to do. Any person bringing, or permitting any such animal to stray, on to any aerodrome without authority shall be guilty of an offence.

(vi) It shall be an offence for any person, without prior permission of the Council, to enter or be upon any part of any aerodrome to which he is not entitled to admission under the provisions of this by-law.

Conduct of Persons on Aerodrome

5. Every person admitted to or being upon any aerodrome shall whilst thereon behave himself in a proper and becoming manner and so as not to cause any annoyance or inconvenience to any other person lawfully therein; and shall obey any directions reasonably given to him by the groundsmen or any person acting under him, for the purpose of preserving order or promoting or facilitating the proper use and enjoyment of any aerodrome. Any person offending against this by-law shall be guilty of an offence.

6. All passengers and intending passengers by an aircraft shall, whilst upon any aerodrome, obey the directions of the groundsmen or control officer as to their conduct and movements.

7. Any person, whether or not a Passenger or intending passenger by an aircraft, whom the groundsmen or control officer may consider to be intoxicated or so under the influence of intoxicants as to make his presence on any aerodrome dangerous to himself or others, or offensive to others, or otherwise undesirable, may be refused admission to any aerodrome, or if upon any aerodrome may be removed by the groundsmen or control officer.

8. A person shall not use any building or other structure, convenience or amenity provided upon any aerodrome for any purpose other than that for which it is provided or intended, or destroy, remove, obliterate, deface, alter or otherwise interfere with any barrier, notice, sign or marking designed or intended for the direction, guidance, warning or information of persons using the aerodrome.

Landing Fees

9. (i) The fees payable by the owner of every private or commercial aircraft using any aerodrome, shall be as fixed by the Council by resolution:

Provided that, if at any time a scale of fees permitted by the Act and Regulations to be charged for the use of any aerodrome as a landing ground for aircraft be less in any particular than the scale of fees fixed by the Council by resolution, then the fees in any such particular shall be that which is so permitted to be charged.

(ii) In the case of a regular air service or of any agriculture air service the Council may allow payment of an annual charge in respect of such service, of such amount as it shall fix by resolution, such charge not to exceed the total fees that would be payable for each landing.

(iii) If any arrangements have been made for the landing or departure of an aircraft, but such arrangements are cancelled after the groundsmen or control officer has attended for the purpose of such landing or departure, a charge equal to half a landing fee shall be payable, unless the control officer considers the cancellation warranted by adverse weather conditions, defects in the aircraft or the like:

(iv) Where the Council makes provision for any night landing where any aerodrome is open to the public use for night landing, a fee as fixed by the Council by resolution shall be payable to the Council by the owner in addition to the ordinary scale landing fee.

Payment of Fees

10. (i) The fees payable under clause (i) of by-law 9 of this Chapter shall be payable at or before the time of landing of the aircraft; other fees and charges under by-law 9 of this Chapter shall be payable upon demand, for the purpose of which demand the pilot may, at the direction of the Council, be treated as the agent of the owner.

(ii) The Royal Flying Doctor Service and any Aerial Ambulance Service shall be exempt from all fees and charges payable the by-laws of this Chapter.

Recovery of Fees

11. Any fee or charge payable under the by-laws of this Chapter shall constitute a debt due by the owner of the aircraft concerned, and may be recovered by the Council from him in any court of competent jurisdiction.

General

12. Any person who commits any offence against these by-laws shall be liable to a penalty, and in addition to any penalty to which he may be liable such person may, if upon any aerodrome, be summarily removed therefrom by an Aboriginal policeman, or by the groundsman or control officer or any person acting under the direction of the groundsman or control officer.