

Queensland

Airport Assets (Restructuring and Disposal) Bill 2008



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2008

A Bill

for

An Act to facilitate disposal of particular airport businesses, including by facilitating the restructure or disposal of airport entities, and to make provision about land use planning for, and control of, particular airports after the disposal

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The Pa	arliaı	ment	of Queensland enacts—	1
Cha	pte	r 1	Preliminary	2
Part	1		Introduction	3
1	Sho		Act may be cited as the Airport Assets (Restructuring Disposal) Act 2008.	4 5 6
2	Cor	The i	following provisions commence on a day to be fixed by amation— section 130; chapter 7, part 7, division 3.	7 8 9 10 11
3	Mai (1)	•	rposes of Act main purposes of this Act are— to facilitate the carrying out of a project relating to the disposal of interests in airports at Cairns, Mackay and Brisbane; and to establish a planning regime for airport land at Cairns and Mackay; and to provide for particular matters about the continuing operation of airports at Cairns and Mackay.	12 13 14 15 16 17 18 19 20
	(2)	from	the intention of the Parliament that the funds realised the divestment of airport assets under this Act be applied rds health and other regional infrastructure and that any	21 22 23

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				e retained in the Queensland future growth fund for at in future regional infrastructure.	1 2
Part 2		2 Interpretation		Interpretation	3
4	Dic	tiona	ary		4
		The this		onary in schedule 3 defines particular words used in	5 6
5	The	e proj	ject		7
		The	proje	<i>ct</i> is—	8
		(a)		osing of particular airport businesses, assets and ilities of Cairns Ports and Mackay Ports; and	9 10
		(b)		ng steps to facilitate the disposal mentioned in agraph (a), including by—	11 12
			(i)	restructuring businesses, assets and liabilities of Cairns Ports and Mackay Ports, their subsidiaries and other airport entities; and	13 14 15
			(ii)	disposing of airport entities: and	16
		(c)	disp and	osing of shares in BAC Holdings held by Gateway;	17 18
		(d)		ng other steps relating to the disposal of Gateway's rest in BAC Holdings, including—	19 20
			(i)	restructuring Gateway and its assets for the purpose of the disposal; and	21 22
			(ii)	facilitating agreement about the terms of a shareholders deed of covenant and facilitating execution of the deed; and	23 24 25

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		(e)	disposing of shares in Gateway held by POBC, and taking steps to facilitate that disposal.	1 2
6	Air	port	entities	3
		Eacl	h of the following is an airport entity—	4
		(a)	Cairns Ports;	5
		(b)	Mackay Ports;	6
		(c)	POBC;	7
		(d)	Gateway;	8
		(e)	QIC;	9
		(f)	QIC Infrastructure Management as trustee for QIC Brisbane Airport Infrastructure Trust;	10 11
		(g)	QTH;	12
		(h)	a company of which Cairns Ports, Mackay Ports, POBC or QIC is the ultimate holding company;	13 14
		(i)	a government company established for the project;	15
		(j)	a company that was an airport entity under paragraph (h), all of whose shares have been transferred to the State, to QTH or to a government company mentioned in paragraph (i).	16 17 18 19
7	Air	port	land	20
			port land is land that is Cairns airport land or Mackay ort land.	21 22
8	Ca	irns a	airport land	23
	(1)	The	following land is Cairns airport land—	24
		(a)	land that, on the completion day for Cairns International Airport, has a property description mentioned in schedule 1, part 1;	25 26 27

		(b) land prescribed to be Cairns airport land under a regulation for this section.	1 2
	(2)	However, land is not Cairns airport land if it is prescribed under a regulation for this section not to be Cairns airport land.	3 4 5
	(3)	The Minister must not recommend to the Governor in Council the making of a regulation under subsection (1)(b) unless the Minister is satisfied the land is or will be used in connection with Cairns International Airport.	6 7 8 9
	(4)	Subject to subsection (2), land mentioned in subsection (1)(a) continues to be Cairns airport land even if, after the completion day, it has a different property description.	10 11 12
	(5)	To remove any doubt, it is declared that there is no Cairns airport land until the completion day for Cairns International Airport.	13 14 15
9	Ма	ckay airport land	16
	(1)	The following land is <i>Mackay airport land</i> —	17
		(a) land that, on the completion day for Mackay Airport, has a property description mentioned in schedule 1, part 2;	18 19 20
		(b) land prescribed to be Mackay airport land under a regulation for this section.	21 22
	(2)	However, land is not Mackay airport land if it is prescribed under a regulation for this section not to be Mackay airport land.	23 24 25
	(3)	The Minister must not recommend to the Governor in Council the making of a regulation under subsection (1)(b) unless the Minister is satisfied the land is or will be used in connection with Mackay Airport.	26 27 28 29
	(4)	Subject to subsection (2), land mentioned in subsection (1)(a) continues to be Mackay airport land even if, after the completion day, it has a different property description.	30 31 32

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	(5)	To remove any doubt, it is declared that there is no Mackay airport land until the completion day for Mackay Airport.	1 2
10	Re	ferences to functions In this Act— (a) a reference to a function includes a power; and	3 4 5
		(b) a reference to performing a function includes exercising a power.	6 7
Cha	apte	er 2 Restructure and disposal of airport entities and related matters	8 9 10
Part	t 1	Particular Ministerial powers and activities relating to the project	11 12 13
11	As	sociated activities	14
		For the purpose of the project, the Minister may do any of the following—	15 16
		(a) examine a business, asset or liability of an airport entity, including a record relating to a business, asset or liability;	17 18 19
		(b) decide the most appropriate way of restructuring a business, asset or liability of an airport entity, including by deciding whether or not a business, asset or liability of an airport entity is to be transferred to another airport entity;	20 21 22 23 24

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		(c)	decide the most appropriate way of disposing of an airport entity or of a business, asset or liability of an airport entity;	1 2 3
		(d)	anything else necessary or incidental to facilitate the disposal of an airport entity or of a business, asset or liability of an airport entity or the continuing operation of an airport entity.	4 5 6 7
12	Tra	nsfei	r notice	8
	(1)		the purpose of the project, the Minister may, by gazette ce (a <i>transfer notice</i>), do any of the following—	9 10
		(a)	transfer shares in an airport entity to another airport entity or the State;	11 12
		(b)	transfer a business, asset or liability of an airport entity to another airport entity or the State;	13 14
		(c)	make provision about the consideration for shares or a business, asset or liability transferred under paragraph (a) or (b);	15 16 17
		(d)	grant a lease, easement or other right to an airport entity;	18
		(e)	vary or extinguish a lease, easement or other right held by an airport entity;	19 20
		(f)	in relation to a lease held under the Land Act 1994—	21
			(i) transfer the lease; or	22
			(ii) change a purpose for which the lease is issued; or	23
			(iii) change a condition imposed on the lease; or	24
			(iv) grant a sublease;	25
		(g)	in relation to a reserve under the Land Act 1994—	26
			(i) change a community purpose for which the reserve is dedicated; or	27 28
			(ii) remove a trustee of the reserve; or	29

	(iii)	appoint a trustee of the reserve, subject to conditions or without conditions;	1 2
(h)	entit	ride whether and, if so, the extent to which an airport by is the successor in law of another airport entity or State is the successor in law of an airport entity;	3 4 5
(i)	may cont	e provision for a legal proceeding that is being, or be, taken by or against an airport entity to be inued or taken by or against another airport entity or State;	6 7 8 9
(j)		e provision about the application of instruments to irport entity, including—	10 11
	(i)	whether an airport entity is a party to an instrument; and	12 13
	(ii)	whether an instrument, or a benefit or right provided by an instrument, is taken to have been given to, by or in favour of an airport entity; and	14 15 16
	(iii)	whether a reference to an entity in an instrument is a reference to an airport entity; and	17 18
	(iv)	whether, under an instrument, an amount is or may become payable to or by an airport entity or other property is, or may be, transferred to or by an airport entity; and	19 20 21 22
	(v)	whether a right or entitlement under an instrument is held by an airport entity;	23 24
(k)	prov	ride that—	25
	(i)	an instrument is a shareholders deed of covenant; and	26 27
	(ii)	a party to the BACH shareholders agreement or a holder of shares in BAC Holdings is a party to the instrument;	28 29 30
(1)		e provision for the transfer or secondment of an lovee of an airport entity to another airport entity:	31

	(m) make provision about the employees of an airport entity and their rights;	1 2
	(n) make provision about the records of an airport entity;	3
	(o) make provision about an incidental, consequential or supplemental matter the Minister considers necessary or convenient for effectively carrying out the project.	4 5 6
(2)	A transfer notice may include conditions applying to something done or to be done under the notice.	7 8
(3)	If the Minister is satisfied it would be inappropriate for a particular matter to be stated in a transfer notice (for example, because of the size or nature of the matter), the Minister may provide for the matter by including a reference in the transfer notice to another document that is—	9 10 11 12 13
	(a) signed by the Minister; and	14
	(b) kept available, at a place stated in the transfer notice, for inspection by the persons to whom the matter relates.	15 16
(4)	The transfer of a liability of an airport entity under a transfer notice discharges the entity from the liability, except to the extent stated in the notice.	17 18 19
(5)	A transfer notice has effect despite any other law or instrument.	20 21
	Example—	22
	A transfer notice removing a trustee of a reserve under the <i>Land Act</i> 1994 has effect despite the requirements that would otherwise apply to the removal if it were done by the land Minister under section 51(1) of that Act.	23 24 25 26
(6)	A transfer notice has effect on the day it is published in the gazette or a later day stated in it.	27 28
(7)	If a transfer notice makes provision for a matter under subsection (1)(j) in relation to an instrument, the responsible entity for the instrument must take the action necessary to register or record the effect of the transfer notice, including—	29 30 31 32
	(a) updating a register or other record: and	33

	(b) amending, cancelling or issuing an instrument.	1
(8)	In this section—	2
	<i>authority</i> includes accreditation, allocation, approval, certificate, entitlement, exemption, licence, manual, notice, permit and plan.	3 4 5
	employee, of an airport entity, does not include a director of the entity.	6 7
	instrument includes an application or authority under an Act.	8
	<i>land Minister</i> means the Minister administering the <i>Land Act</i> 1994.	9 10
	lease includes sublease.	11
	<i>responsible entity</i> , for an instrument, means the entity required or authorised by law to register or record matters in relation to the instrument.	12 13 14
Lin ent	nitation on power to second employees of an airport	15 16
(1)	The secondment of an employee under a transfer notice must	
	not, without the employee's consent, involve—	17 18
	not, without the employee's consent, involve— (a) a reduction in the employee's status; or	
	• •	18
(2)	(a) a reduction in the employee's status; or(b) any change in the employee's duties that would be unreasonable having regard to the employee's skills,	18 19 20 21
(2)	 (a) a reduction in the employee's status; or (b) any change in the employee's duties that would be unreasonable having regard to the employee's skills, abilities and experience. An employee's status is not reduced for the purposes of 	18 19 20 21 22 23
(2)	 (a) a reduction in the employee's status; or (b) any change in the employee's duties that would be unreasonable having regard to the employee's skills, abilities and experience. An employee's status is not reduced for the purposes of subsection (1)(a) by— (a) a reduction in the scope of the business operations for 	18 19 20 21 22 23 24 25

14	Pro	oject	direction	1
	(1)	The airposom	Minister may give a direction (a <i>project direction</i>) to an ort entity or its board requiring the entity or board to do ething the Minister considers necessary or convenient for ctively carrying out the project.	2 3 4 5
	(2)	With abou	hout limiting subsection (1), a project direction may be ut—	6 7
		(a)	forming a company for the purpose of transferring a business, asset or liability to the company; or	8 9
		(b)	winding up or deregistering a company; or	10
		(c)	making or executing an instrument; or	11
		(d)	making a particular decision about disposing of an interest held in an airport entity or a business, asset or liability; or	12 13 14
		(e)	making a particular decision for the purpose of returning the proceeds of a disposal mentioned in paragraph (d) to the State; or	15 16 17
			Example—	18
			a decision about a dividend or return of capital	19
		(f)	disclosing information.	20
	(3)	A pı	roject direction must be in writing, signed by the Minister.	21
	(4)	An a	airport entity must comply with a project direction given .	22 23
	(5)	An a	airport entity's board must—	24
		(a)	if a project direction is given to the board—comply with the direction; or	25 26
		(b)	if a project direction is given to the entity—take the action necessary to ensure the entity complies with the direction.	27 28 29
	(6)		airport entity's employees must help the entity or board to	30 31

	(7) This section does not apply to QIC, QIC Infrastructure Management or their boards.	1 2
Part	2 Application of other laws and instruments	3 4
15	Chapter applies despite other laws and instruments	5
	A thing may be done under this chapter despite any other law or instrument.	6 7
	Example—	8
	In accordance with a project direction given to its board, a GOC may form a company that will become a subsidiary without obtaining the approval that would otherwise be required under the <i>Government Owned Corporations Act 1993</i> , section 163.	9 10 11 12
16	Excluded matter for Corporations Act	13
	Anything done by the Minister under this chapter is an excluded matter for the Corporations Act, section 5F, in relation to the Corporations Act, chapter 2D.	14 15 16
	Editor's notes—	17
	 Corporations Act, section 5F (Corporations legislation does not apply to matters declared by State or Territory law to be an excluded matter) 	18 19 20
	• Corporations Act, chapter 2D (Officers and employees)	21
17	Non-liability for duty	22
	No duty under the <i>Duties Act 2001</i> is payable in relation to anything done under a transfer notice.	23 24

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No	n-app	olication of Property Law Act 1974, s 121
		Property Law Act 1974, section 121, does not apply to a e of airport land granted by an airport lessor.
Dis	sposa	al of public records
(1)	This	s section applies if—
	(a)	a thing is done under a transfer notice or project direction; and
	(b)	the thing is, or involves, a disposal of a public record under the <i>Public Records Act 2002</i> .
(2)	sect	remove any doubt, it is declared that, for the purpose of ion 13 of that Act, the public record is disposed of under l authority, justification or excuse.
De	cisio	ns not reviewable
(1)	A de	ecision under this chapter—
	(a)	is final and conclusive; and
	(b)	can not be challenged, appealed against, reviewed, quashed, set aside or called in question in any other way, under the <i>Judicial Review Act 1991</i> or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and
	(c)	is not subject to any writ or order of the Supreme Court, another court, a tribunal or another entity on any ground.
(2)	In th	nis section—
	deci	sion includes—
	(a)	a decision to give a transfer notice or project direction; and
	(b)	a decision or conduct leading up to or forming part of the process of making a decision.

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Part 3			Miscellaneous	1
21	Tin	ne wi	thin which Minister may act	2
			Minister may not perform a function under this chapter or after 1 July 2009.	3 4
22	Re	giste	ring authority to note transfer or other dealing	5
	(1)	law	registrar of titles or other person required or authorised by to register or record transactions affecting assets or ilities—	6 7 8
		(a)	may, without formal application, register or record in the appropriate way a transfer or other dealing affecting an asset or liability under a transfer notice; and	9 10 11
		(b)	must, on written application by a transferee entity, register or record in the appropriate way the transfer of an asset or liability under a transfer notice to the transferee entity.	12 13 14 15
	(2)	trans releving to in to instruction	ransaction, related to an asset or liability transferred to a sferee entity, entered into by the transferee entity in the want transferor entity's name or the name of a predecessor litle to the relevant transferor entity, if effected by an rument otherwise in registrable form, must be registered in though the transferee entity has not been registered as prietor of the asset or liability.	16 17 18 19 20 21 22
	(3)	entit regin	n asset or liability is registered in the name of a transferor ty, the registrar of titles or other registering authority may ster a dealing for a transaction about the asset or liability nout being concerned to enquire whether it is, or is not, an it or liability transferred under a transfer notice.	23 24 25 26 27
	(4)	In th	nis section—	28
			esferee entity means the entity to which an asset or liability ansferred under a transfer notice.	29 30

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	<i>transferor entity</i> means the entity from which an asset or liability is transferred under a transfer notice.	1 2
Со	nfidentiality agreement with prospective purchasers	3
(1)	A prospective purchaser may enter into a confidentiality agreement with the State for the purpose of obtaining access to information in the possession or control of an airport entity.	4 5 6
(2)	The agreement must state—	7
	(a) the information to which access may be given; and	8
	(b) the employees or agents of the prospective purchaser to whom the access may be given; and	9 10
	(c) any conditions of the agreement.	11
(3)	Information mentioned in subsection (2)(a) may be identified by description including by a stated category.	12 13
(4)	The persons mentioned in subsection (2)(b) may be identified by name, by a stated class, or by being a person approved by the State.	14 15 16
(5)	In this section—	17
	(a) a reference to an agreement includes a deed; and	18
	(b) a reference to entering into an agreement with the State includes executing a deed in favour of the State.	19 20
(6)	In this section—	21
	<i>prospective purchaser</i> means a person who has expressed to the State an interest in purchasing an airport entity, shares in an airport entity or part or all of a business of an airport entity.	22 23 24
Dis	sclosure and use of information for the project	25
(1)	A person may disclose information in the possession or control of an airport entity, for the purpose of the project, to—	26 27
	(a) a person involved in the project; or	28

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			3
	(2)	the Minister for the disclosure of information under	5 6 7
	(3)		8 9
	(4)	Also, to remove any doubt, it is declared that a person may disclose or use information in compliance with a transfer notice or project direction.	10 11 12
	(5)	A person who, acting honestly, discloses or uses information under this section is not liable, civilly, criminally or under an administrative process, for the disclosure or use.	13 14 15
	(6)	In this section—	16
		confidentiality agreement means an agreement mentioned in section 23, whether entered into or executed before or after the commencement of this section.	17 18 19
25	Eff	fect on legal relationships	20
	(1)	Nothing done under this chapter—	21
		contravention of a law, including for a breach of a	22 23 24
		including an instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right	25 26 27 28
		· · · · · · · · · · · · · · · · · · ·	29 30
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	(ii)	modifies, or allows a person to modify, the operation or effect of an instrument or obligation; or	1 2 3
	(iii)	allows a person to avoid or enforce an obligation or liability contained in an instrument or requires a person to perform an obligation contained in an instrument; or	4 5 6 7
	(iv)	requires any money to be paid before its stated maturity; or	8 9
		eases a surety or other obligee, wholly or partly, from obligation.	10 11
(2)	of a pers		12 13 14 15 16
	Example—		17
	agrees n consent a condition transfer	act entered into by an airport entity provides that the entity of to transfer a particular asset without a particular person's and that, if the consent is given, it may be subject to particular ass. If the asset is transferred to another airport entity under a notice, the consent required under the contract is taken to have en unconditionally.	18 19 20 21 22 23
(3)	be necess	from this subsection, giving notice to a person would sary to do something under this chapter, the notice is have been given.	24 25 26
(4)	In this see	ction—	27
	relevant (entity means—	28
	(a) the	State or an employee or agent of the State; or	29
	(b) an a	airport entity or an employee or agent of an airport ety.	30 31

26	Th	ings done under this chapter	1
		To remove any doubt, it is declared that a thing is taken to be done under this chapter if it is done by, or in compliance with, a transfer notice or project direction, even if the thing includes taking steps under another Act.	2 3 4 5
		Example—	6
		An airport entity is a lessee of land under the <i>Land Act 1994</i> . In compliance with a project direction, the airport entity grants a sublease of the land. The grant of the sublease is taken to be done under this chapter. So, under section 25(2), any approval to the sublease that would otherwise be required under the <i>Land Act 1994</i> , section 332, is taken to have been given unconditionally.	7 8 9 10 11 12
27	Pre	eservation of rights of seconded employees	13
	(1)	This section applies if an employee of an airport entity (the <i>employer</i>) is seconded to another airport entity under a transfer notice.	14 15 16
	(2)	The employee is taken to continue to be employed by the employer on the same terms and conditions as applied before the secondment, subject to any subsequent variation of those terms and conditions under any applicable law or contract.	17 18 19 20
	(3)	The secondment does not—	21
		(a) affect the employee's benefits, entitlements or remuneration; or	22 23
		(b) prejudice the employee's existing or accruing rights to superannuation or recreation, sick, long service or other leave; or	24 25 26
		(c) interrupt continuity of service, except that the employee is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or	27 28 29 30
		(d) constitute a termination of employment by the employer, retrenchment or redundancy.	31 32

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	(4)	The secondment continues, even if the other airport entity stops being an airport entity, until the secondment is ended by the employer or the employee's employment with the employer ends.	1 2 3 4
	(5)	In this section—	5
		employee, of an airport entity, does not include a director of the entity.	6 7
28	Pre	eservation of rights of transferred employees	8
	(1)	This section applies to the transfer of an employee of an airport entity (the <i>former employer</i>) to another airport entity as part of the project.	9 10 11
	(2)	The transfer does not—	12
		(a) affect the employee's benefits, entitlements or remuneration; or	13 14
		(b) prejudice the employee's existing or accruing rights to superannuation or recreation, sick, long service or other leave; or	15 16 17
		(c) interrupt continuity of service, except that the employee is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or	18 19 20 21
		(d) constitute a termination of employment by the former employer, retrenchment or redundancy; or	22 23
		(e) entitle the employee to a payment or other benefit because he or she is no longer employed by the former employer; or	24 25 26
		(f) require the former employer to make any payment in relation to the employee's accrued rights to recreation, sick, long service or other leave irrespective of any arrangement between the former employer and the employee.	27 28 29 30 31
	(3)	In this section—	32

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		_	loyee, of an airport entity, does not include a director of entity.	1 2
29	Evi	identi	iary aids	3
	(1)	This	section applies to a proceeding under this chapter.	4
	(2)		pertificate signed by the Minister stating any of the owing matters is conclusive evidence of the matter—	5 6
		(a)	that a stated thing was, or is being, done for the purpose of the project;	7 8
		(b)	that a stated person is, or was at a stated time, involved in the project;	9 10
		(c)	that a stated company was established for the project;	11
		(d)	that a stated direction given by the Minister related to the project.	12 13
	(3)		ocument certified by the Minister to be a copy of a project etion is conclusive evidence of the direction.	14 15
Ch	apte	2r 3	Land use plans and	16
U 11	ари	<i>.</i> 0	development on airport	17
			land	
			iaiiu	18
Par	t 1		Land use plans for airport land	19
Divi	sion	1	Preliminary	20
30	De	finitic	ons for pt 1	21
			is part—	22

	<i>matters</i> , in relation to a land use plan (including its aration), means each of the following matters—	1 2
(a)	land use and development;	3
(b)	core airport infrastructure;	4
(c)	valuable features.	5
	use and development, for an area, includes each of the wing—	6 7
(a)	the location of, and the relationships between, the land uses in the area;	8 9
(b)	the current effects of land use in the area;	10
(c)	the likely effects of any proposed development of the airport land;	11 12
(d)	the accessibility to, and within, the airport land.	13
	able features includes each of the following, whether strial or aquatic—	14 15
(a)	resources or areas that are of ecological significance (such as habitats, wildlife corridors, buffer zones, places supporting biological diversity or resilience, and features contributing to the quality of air, water (including catchments or recharge areas) and soil);	16 17 18 19 20
(b)	areas contributing significantly to amenity (such as areas of high scenic value, physical features that form significant visual backdrops or that frame or define places or localities, and attractive built environments);	21 22 23 24
(c)	areas or places of cultural heritage significance (such as areas or places of indigenous cultural significance, or aesthetic, architectural, historical, scientific, social or technological significance, to the present generation or past or future generations);	25 26 27 28 29
(d)	resources or areas of economic value (such as extractive deposits, fishery resources, forestry resources, water resources, sources of renewable and non-renewable energy and good quality agricultural land)	30 31 32

Division 2		2	Airport lessee's first land use plan	1
31	Not	ice o	of first land use plan	2
	(1)	day use	Minister must, as soon as practicable after the completion for each airport, publish notice in the gazette of the land plan (the <i>first land use plan</i>) for the airport lessee's ort land.	3 4 5 6
	(2)		ion 35, other than section 35(1)(e) and (f), applies to the land use plan.	7 8
	(3)		Minister may act under subsection (1) in relation to a land plan only if satisfied—	9 10
		(a)	the plan satisfactorily deals with the core matters relevant to the plan; and	11 12
		(b)	State interests will not be adversely affected by the plan.	13
	(4)		Minister must give a copy of the gazette notice and the land use plan to—	14 15
		(a)	the airport lessee; and	16
		(b)	the local government.	17
	(5)		local government must make a note on each relevant map e local government's planning scheme that—	18 19
		(a)	identifies the airport land to which the first land use plan applies; and	20 21
		(b)	states that interested persons may obtain details of the land use plan from the airport lessee for the airport land.	22 23
32	Sta	tus o	of first land use plan	24
		The	first land use plan for an airport lessee's airport land—	25
		(a)	becomes the land use plan for the airport land on and from the day notice of the plan is published in the gazette; and	26 27 28

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		(b)	is taken to be the land use plan for the airport land approved under this part until it is replaced or amended under the part.	1 2 3
Divis	sion	3	Initial requirement to make new plan or amend first land use plan	4 5
33	Red	quire	ment to replace or amend first land use plan	6
	(1)	airpo	nin 2 years after the completion day for its airport, the ort lessee must, under division 4, prepare a statement of posal and a draft plan in relation to—	7 8 9
		(a)	replacing the lessee's first land use plan; or	10
		(b)	amending the lessee's first land use plan to include the matters mentioned in section 35(1)(e) and (f).	11 12
	(2)		section (1)(b) does not limit the matters that may be uded in the first land use plan.	13 14
	(3)	prep	sions 4 and 5, other than section 34, apply to the paration and approval of the replacement land use plan or indiment.	15 16 17
Divis	sion	4	Land use plans—generally	18
34	Red	quire	ment to prepare land use plan	19
		land secti	east every 8 years after the day an airport lessee's first use plan is replaced or amended in compliance with ion 33, the lessee must prepare a land use plan for the ee's airport land for approval under this division.	20 21 22 23
35	Coi	ntent	of land use plan	24
	(1)	A la	nd use plan for an airport lessee's airport land must—	25
		(a)	state details of—	26

		(i) the airport land; an	d	1
		(ii) the current and in and	tended uses of the airport land;	2 3
	(b)	coordinate and integrate land use plan; and	the core matters relevant to the	4 5
	(c)	identify desired environ land; and	mental outcomes for the airport	6 7
	(d)	include measures that environmental outcomes	will help achieve the desired s; and	8 9
	(e)	local government may	harges (a <i>charges schedule</i>) the levy for infrastructure provided ent in relation to development	10 11 12 13
		(i) is on the airport lan	nd; and	14
		(ii) is consistent with t	he land use plan; and	15
	(f)	include a priority infra airport land.	structure interface plan for the	16 17
	Edito	·'s note—		18
	For	requirements about preparing	a charges schedule, see section 43.	19
(2)	desir		ares that will help achieve the atcomes may include the	20 21 22
	(a)	exempt or self-assessabuse plan; or	ele development under the land	23 24
	(b)	assessable developmer requiring code or impac	<u>*</u>	25 26
(3)	With	out limiting subsection (1), a land use plan may—	27
	(a)	state that particular inconsistent with the pla	development is consistent or in; or	28 29
	(b)		the airport land is intended to d or part of a buffer zone; or	30 31

		(c) state that particular development inconsistent with the plan is assessable development requiring impact assessment under the Planning Act; or	1 2 3
		(d) include details of any land proposed to become part of the airport land.	4 5
	(4)	This section does not limit the matters that may be included in a land use plan under part 2.	6 7
36		tement of proposal for preparation of land use plan or endment of plan	8 9
	(1)	An airport lessee must prepare a statement (statement of proposal) about—	10 11
		(a) the preparation of a land use plan; or	12
		(b) an amendment of a land use plan, unless the amendment—	13 14
		(i) is to remove land from the land use plan; or	15
		(ii) relates to land that is already airport land and the amendment does not change any use—	16 17
		(A) from development that is inconsistent with the plan to development that is consistent with the plan; or	18 19 20
		(B) from assessable development to either exempt or self-assessable development under the Planning Act; or	21 22 23
		(iii) is a minor amendment of the land use plan.	24
	(2)	The statement of proposal must—	25
		(a) identify matters the airport lessee anticipates the land use plan will address; and	26 27
		(b) state how the airport lessee intends to address each relevant aspect of the core matters in the land use plan.	28 29
	(3)	The airport lessee must give a copy of the statement of proposal to—	30 31

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		(a)	the lo	cal government; and	1
		(b)	the pl	anning Minister.	2
	(4)	In this section—			
		<i>minor amendment</i> , of a land use plan, means an amendment correcting or changing any of the following—			
		(a)	an exp	planatory matter about the plan;	6
		(b)	the fo	rmat or presentation of the plan;	7
		(c)	a grar	nmatical or mapping error in the plan;	8
		(d)	a fact	ual matter incorrectly stated in the plan;	9
		(e)	a redu	andant or outdated term;	10
		(f)	State	ter in the land use plan that is inconsistent with a planning regulatory provision, a regional plan or a planning policy under the Planning Act.	11 12 13
37	Dra	aft plan for preparation or amendment of land use plan 1			
		After complying with section 36, and section 38 to the extent the section relates to a statement of proposal, an airport lessee must—			15 16 17
		(a)	consu	appropriate account of issues raised as a result of altation under section 38 in relation to the statement oposal; and	18 19 20
		(b)	prepa	re a draft (<i>draft plan</i>) of—	21
				if the statement of proposal is for the preparation of a land use plan—the land use plan; or	22 23
			ä	if the statement of proposal is for an amendment of a land use plan—the amendment of the land use plan; and	24 25 26
		(c)	give a	copy of the draft plan to—	27
			(i) t	the local government; and	28
			(iii) t	the planning Minister.	29

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38	Со	nsultation on statement of proposal or draft plan	1
	(1)	This section applies if an airport lessee prepares a statement of proposal under section 36 or a draft plan under section 37.	2 3
	(2)	circulating generally in the area to which the statement of proposal or the draft plan relates, a notice stating the	4 5 6 7
		(a) the name of the airport lessee;	8
			9 10
		proposal or a draft plan, and that it is available for	11 12 13
			14 15
		· · · · · · · · · · · · · · · · · · ·	16 17
		submissions about the statement of proposal or draft	18 19 20
		submissions mentioned in paragraph (e) or (f) may be	21 22 23
		(h) the requirements for properly making a submission.	24
	(3)	The consultation period must be—	25
		· · · · · · · · · · · · · · · · · · ·	26 27
		•	28 29

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39		nside bmiss	eration of draft plan and local government sions	1 2
	(1)	whet	receiving a draft plan, the planning Minister must consider ther or not any State interests would be adversely affected ne proposed draft plan.	3 4 5
	(2)	appr	o, before approving a draft plan or recommending roval of a draft plan to the Governor in Council under this sion, the planning Minister must—	6 7 8
		(a)	consider any submissions given to the planning Minister by a local government under section 38(2); and	9 10
		(b)	give the local government a written notice about the planning Minister's considerations under paragraph (a).	11 12
40	Dir	ectio	ns for amendment of draft plan	13
	(1)	The planning Minister may return a draft plan prepared by the airport lessee for amendment in the way directed by the planning Minister.		
	(2)		opy of the direction must be published in the gazette in 21 days after it is given.	17 18
41	Ар	prova	al of land use plans	19
	(1)	The that-	planning Minister may approve a draft plan if satisfied	20 21
		(a)	the draft plan, or land use plan as amended by the draft plan, satisfactorily deals with the core matters relevant to the land use plan; and	22 23 24
		(b)	the airport lessee has taken appropriate account of issues raised in written submissions made to it under section 38(2); and	25 26 27
		(c)	the local government does not have a substantial objection to the draft plan; and	28 29
		(d)	State interests will not be adversely affected by the draft plan.	30 31

	(2)	If the planning Minister is satisfied about subsection (1)(a), (b) and (d) but is satisfied that the local government has a substantial objection to the draft plan, the draft plan may only be approved by the Governor in Council.	1 2 3 4
	(3)	Approval of a land use plan, or an amendment of a land use plan, must be notified in the gazette within 21 days after it is given.	5 6 7
	(4)	The approval takes effect when it is notified in the gazette.	8
42	Air	port lessee to publish approved plan	9
		Each airport lessee must ensure the airport lessee's current land use plan approved under this part is published on the airport lessee's website.	10 11 12
Div	ision	5 Local government charges for infrastructure	13 14
43	Ch	arges for particular infrastructure	15
	(1)	In preparing a charges schedule for a land use plan, the airport lessee must consult with—	16 17
		(a) the local government; and	18
		(b) the planning Minister.	19
	(2)	A charge under the charges schedule may only be levied for the following infrastructure provided by the local government—	20 21 22
		(a) drainage;	23
		(b) public transport;	24
		(c) roads;	25
		(c) roads;(d) sewerage and water supply headworks.	25 26

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			ch the charge is to be made to the actual proposed elopment.	1 2
Divi	ision	6	Other matters	3
44	Notification a		tion about airport land and land use plans on g schemes	4 5
	(1)		land use plan for airport land is approved or amended er division 4, the planning chief executive must—	6 7
		(a)	give written notice of the details of the plan or amendment to the local government; and	8 9
		(b)	make a note on each relevant map in the local government's planning scheme held by the planning chief executive.	10 11 12
	(2)	gove	receiving the notice under subsection (1), the local ernment must make a note on each relevant map in the l government's planning scheme.	13 14 15
	(3)	The	note must—	16
		(a)	identify the airport land to which the land use plan applies; and	17 18
		(b)	state that interested persons may obtain details of the land use plan from the airport lessee for the airport land.	19 20
45	Effect of land ceasing to be airport land			
	(1)	This section applies if land (<i>former airport land</i>) ceases to be airport land.		22 23
	(2)		airport lessee for the airport land must give written notice ne particulars of the former airport land to—	24 25
		(a)	the local government for the local government area within which the former airport land is situated; and	26 27
		(b)	the planning chief executive.	28

	(3)	An entity given a notice under subsection (2) must make a note on each relevant map in the local government's planning scheme held by the entity.	1 2 3
	(4)	The note must indicate that the former airport land is no longer subject to the land use plan.	4 5
	(5)	On and from the day land ceases to be airport land, the land use plan that, other than for this section, would apply to the land is taken not to apply to the land.	6 7 8
	(6)	Subsection (5) applies to former airport land even if the land use plan has not been amended to show the former airport land is not included in the plan.	9 10 11
46	Mir	nisterial direction to airport lessee	12
	(1)	This section applies if the planning Minister is satisfied—	13
		(a) a minor amendment of a land use plan for airport land is required; or	14 15
		(b) an airport lessee has not complied with a requirement under division 3 or 4 to make or amend a land use plan.	16 17
	(2)	The planning Minister may, by written notice, direct the airport lessee—	18 19
		(a) to make the minor amendment to the land use plan within a stated reasonable period; or	20 21
		(b) comply with the requirement under division 3 or 4 within a stated reasonable period.	22 23
	(3)	The notice must state the reasons for deciding to give the direction.	24 25
	(4)	Before giving a direction to an airport lessee under subsection (2), the planning Minister must consult with the lessee.	26 27
	(5)	The airport lessee must comply with the direction.	28
	(6)	In this section—	29
		<i>minor amendment</i> , of a land use plan, means an amendment correcting or changing any of the following—	30 31

Airport Assets (Restructuring and Disposal) Bill 2008
Chapter 3 Land use plans and development on airport land
Part 2 Relationship with Planning Act and particular matters about development on airpor land

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		(a)	an explanatory matter about the plan;	1
		(b)	the format or presentation of the plan;	2
		(c)	a grammatical or mapping error in the plan;	3
		(d)	a factual matter incorrectly stated in the plan;	4
		(e)	a redundant or outdated term;	5
		(f)	a matter in the land use plan that is inconsistent with a State planning regulatory provision, a regional plan or a State planning policy under the Planning Act.	6 7 8
Par	t 2		Relationship with Planning Act and particular matters about	9 10
			development on airport land	11
Divi	sion	1	Preliminary	12
47	Ар	plicat	tion of Planning Act	13
	(1)	U	ect to this part, the Planning Act applies for development irport land.	14 15
	(2)		ere is an inconsistency between this part and the Planning this part prevails to the extent of the inconsistency.	16 17
Divi	sion	2	Particular provisions about development on airport land	18 19
48	Air	port	land not subject to planning schemes	20
	(1)	۸.	ort land is not subject to a planning scheme.	21

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	(2)	Subsection (1) has effect despite the Planning Act, section 2.1.2.	1 2
49	Dev	velopment under land use plan	3
	(1)	A land use plan may state that development on airport land that is consistent with the plan is exempt development, self-assessable development or assessable development under the Planning Act.	4 5 6 7
	(2)	However, the land use plan can not state that any of the following development is assessable development under the Planning Act—	8 9 10
		(a) development that—	11
		(i) is a material change of use for core airport infrastructure; and	12 13
		(ii) is consistent with the plan;	14
		(b) self-assessable development under the Planning Act, schedule 8, part 2.	15 16
	(3)	Also, the land use plan can not state that schedule 9 development is self-assessable development or assessable development under the Planning Act.	17 18 19
	(4)	Schedule 9 development is exempt from assessment, under the Planning Act, against a land use plan.	20 21
	(5)	Self-assessable development under the Planning Act schedule 8, part 2 is self-assessable development for the land use plan.	22 23
	(6)	In this section—	24
		schedule 9 development means development that, under the Planning Act, schedule 9, is exempt from assessment against a planning scheme.	25 26 27

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50		Local government is advice agency for particular development If the planning chief executive is the assessment manager for a development application for development on airport land—					
		(a) the local government is an advice agency under the Planning Act for the application; and	5 6				
		(b) the local government's jurisdiction as an advice agency is in relation to any material impacts of the proposed development, identified by the local government, on land, other than airport land, in its local government area.	7 8 9 10 11				
51	Re	striction on conditions of development approvals	12				
	(1)	The assessment manager for a development application for development on airport land may impose a contribution condition on the development approval for the application only in relation to the following infrastructure provided by a local government—					
		(a) drainage;	18				
		(b) public transport;	19				
		(c) roads;	20				
		(d) sewerage and water supply headworks.	21				
	(2)	A condition can not be imposed on a development approval for the reconfiguration of a lot on airport land if the condition requires a monetary payment to anyone for the reconfiguration.	22 23 24 25				
	(3)	In this section—	26				
		<i>contribution condition</i> , for a development approval, means a condition of the approval requiring the payment of an amount to a local government for infrastructure provided by the local government in relation to the development.	27 28 29 30				

52		Particular provisions of Planning Act do not apply in relation to airport land				
	(1)	The Planning Act, section 5.5.1 does not apply in relation to airport land.	3			
	(2)	A person is not entitled to claim compensation under the Planning Act, chapter 5, part 4, or any other law in relation to a change to a land use plan affecting the person's interest in any airport land.	5 6 7 8			
53	Мо	lified application of Planning Act, ch 5, pt 7, div 3	9			
	(1)	A person may apply to the planning chief executive for a planning and development certificate under the Planning Act, chapter 5, part 7, division 3, for premises on airport land.	10 11 12			
	(2)	The application must be accompanied by the fee prescribed under a regulation.	13 14			
	(3)	For subsection (1), the Planning Act, sections 5.7.9 to 5.7.13 apply—	15 16			
		(a) as if a reference in the sections to a local government were a reference to the planning chief executive; and	17 18			
		(b) as if the reference in section 5.7.9(a) to any planning scheme were a reference to any land use plan; and	19 20			
		(c) as if the reference in section 5.7.9(a) to any infrastructure charges schedule or regulated infrastructure charges schedule were a reference to any charges schedule under a land use plan; and	21 22 23 24			
		(d) as if the reference in section 5.7.10(1)(d) to 'for the planning scheme area' were omitted; and	25 26			
		(e) as if section 5.7.10(1)(e) were omitted; and	27			
		(f) as if section 5.7.10(1)(j) provided that the planning and development certificate must be accompanied by any statement of proposal or draft plan for the airport land that is—	28 29 30 31			
		(i) published under section 38(2) of this Act; and	32			

			(ii) not yet approved under section 42 of this Act; and	1
		(g)	as if section 5.7.10(1)(i) included a reference to a copy of an infrastructure agreement received under section 57(2) of this Act.	2 3 4
54			oment on local heritage place not assessable oment	5 6
	(1)	lesse	relopment on a local heritage place that is on an airport ee's airport land is not assessable development under the nning Act, schedule 8.	7 8 9
	(2)	Subs	section (1) applies to development on the local heritage re—	10 11
		(a)	whether or not it became a local heritage place before or after the completion day for the airport lessee's airport; and	12 13 14
		(b)	despite the Planning Act, schedule 8, part 1, table 5, item 2A.	15 16
	(3)	In th	nis section—	17
			al heritage place means a local heritage place under the eensland Heritage Act 1992.	18 19
55	Re	strict	tion on designation for community infrastructure	20
	(1)	may	pite the Planning Act, chapter 2, part 6, only a Minister v, under that part, designate airport land for community astructure.	21 22 23
	(2)	Plan exter self-	relopment under a designation by a Minister under the ming Act, chapter 2, part 6 is exempt development to the ent the development would, other than for this section, be assessable development or assessable development under nd use plan.	24 25 26 27 28
	(3)	Subs	section (2) does not limit the Planning Act, section 2.6.5.	29

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		Editor's note—	1
		Planning Act, section 2.6.5 (How IDAS applies to designated land)	2
	(4)	In this section—	3
		<i>community infrastructure</i> means community infrastructure under the Planning Act, schedule 5.	4 5
56	Re	striction on application of master plan	6
		To the extent a master plan under the Planning Act for a	7
		master planned area identified by a local government under	8
		that Act relates to airport land, the master plan is of no effect.	9
Div	ision	3 Notice of development approval	10
57		quirement to give notice of development approval and rastructure agreement	11 12
	(1)	If the planning chief executive gives a development approval for development on airport land, the planning chief executive must, within 5 business days after giving the approval, give a copy of the approval to the local government.	13 14 15 16
	(2)	If an applicant for a development approval for development on airport land enters into an infrastructure agreement under the Planning Act in relation to the development, the applicant must give a copy of the agreement to—	17 18 19 20
		(a) the local government; and	21
		(b) if the planning chief executive is not a party to the agreement—the planning chief executive.	22 23

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Division 4		4	Protection of existing uses and rights	
58			e plan or amendment of plan does not affect development approval	3 4
	(1)	This	section applies if—	5
		(a)	a development approval is in effect for premises on airport land; and	6 7
		(b)	after the approval is given, the land use plan for the airport land is replaced or amended.	8 9
	(2)	repla regul	ne extent the development approval has not lapsed, the accement or amended land use plan does not stop or further late the development to which the approval relates, or rwise affect the approval.	10 11 12 13
59		nning proval	g scheme can not affect existing development	14 15
	(1)	This	section applies if—	16
		(a)	a development approval is in effect for premises on airport land; and	17 18
		(b)	the land the subject of the approval ceases to be airport land.	19 20
	(2)	the a	carrying out of development or the use of premises under pproval can not be stopped or further regulated under any ning scheme that would otherwise apply to the land when, ter, it ceases to be airport land.	21 22 23 24

Divi	sion	5 Other matters	1
60	Delegation of particular functions of planning chief executive		
	(1)	The planning chief executive may, in relation to a development application for airport land, delegate the planning chief executive's relevant administrative functions to the local government.	4 5 6 7
	(2)	If the planning chief executive delegates any relevant administrative functions to the local government, the planning chief executive must—	8 9 10
		(a) give written notice of the delegation to the airport lessee for the airport land; and	11 12
		(b) publish the notice on the website of the department in which the Planning Act is administered.	13 14
	(3)	In this section—	15
		relevant administrative functions, in relation to a development application, means the planning chief executive's functions under the Planning Act for matters relating to the administration and enforcement, under that Act, of a development approval given for the application.	16 17 18 19 20
61	Mir	nor amendment of planning schemes	21
	(1)	This section applies to the planning scheme of a local government for the local government area within which airport land is situated.	22 23 24
	(2)	The local government must amend its planning scheme to reflect consequential changes to the scheme required because of the application of this chapter.	25 26 27
	(3)	For the purposes of the Planning Act, an amendment under subsection (2) is taken to be a minor amendment of the planning scheme.	28 29 30

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Chapter 4 Part 1		er 4	Control of activities at airports	1 2
			Airport notices	3
62	Airı	port	lessor may control activities by airport notice	4
		noti	airport lessor may display or publish a notice (an <i>airport</i> ce) to control any of the following activities or conduct on irport land or a part of its airport land—	5 6 7
		(a)	movement of persons including, for example, where the movement of members of the public, or another identified group, is restricted or prohibited;	8 9 10
		(b)	entry, movement, standing or parking of vehicles;	11
		(c)	movement, standing or parking of aircraft;	12
		(d)	movement, handling or storage of baggage or goods;	13
		(e)	other activities or conduct to the extent necessary to ensure the security or safety of persons or property.	14 15
63	Dis	play	or publication of airport notices	16
	(1)	To h	nave effect, an airport notice must—	17
		(a)	be displayed on or near the thing to which it relates; or	18
		(b)	be published on the airport lessor's website.	19
	(2)	effectit on	ore an airport notice mentioned in subsection (1)(b) has ct, the airport lessor issuing the airport notice must publish at least 2 occasions in a newspaper circulated in the area which the airport notice relates.	20 21 22 23
	(3)	busi cost	opy of an airport notice must be available during normal ness hours for inspection, or for purchase at a reasonable, at the office of the airport lessor that is in, or nearest to, area to which the notice relates.	24 25 26 27

64		Airport notice may refer to documents held by airport essor					
	(1)	An airport notice may require a person to comply, in whole or in part, with a requirement of a stated document held by the airport lessor.					
	(2)	However, the requirement must be able to be made by an airport notice under this part.					
	(3)	If the document is a standard, the airport notice must state that a copy of the standard is available during normal business hours for inspection, or for purchase at a reasonable cost, at a stated office of the airport lessor that is in, or nearest to, the area to which the notice relates.					
	(4)	If the	e doc	ument is not a standard, the airport notice must—	13		
		(a)	incl	ude a copy of the document; or	14		
		(b)	do b	ooth of the following—	15		
			(i)	include a summary of the requirement;	16		
			(ii)	state that a copy of the document is available during normal business hours, free of charge, at a stated office of the airport lessor that is in, or nearest to, the area to which the notice relates.	17 18 19 20		
	(5)	In th	is sec	etion—	21		
		<i>standard</i> means a code, guide, rule, specification, standard or other document adopted, made or published by any of the following entities—			22 23 24		
		(a)	the	Civil Aviation Safety Authority;	25		
		(b)	the 1	International Civil Aviation Organisation;	26		
		(c)	the	Office of Transport Security;	27		
		(d)		chief executive of the department in which the <i>nsport Infrastructure Act 1994</i> is administered.	28 29		

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65	Air	oort notices generally	1
	(1)	An airport notice—	2
			3
		an offence against this chapter—must state that fact and	5 6 7
	(2)		8 9 10
	(3)	An airport notice displayed on or near the thing to which it relates must be clearly visible to passers-by.	11 12
66	No	ices at entrances	13
	(1)	This section applies if—	14
		(a) an airport lessor erects or displays a notice at each entrance commonly used by persons to gain access to its airport land; and	15 16 17
		(b) the notice contains information about the airport land; and	18 19
		(c) in a case where use of its airport land or facilities gives rise to a liability for charges—the notice states this and indicates generally the nature of the charges; and	20 21 22
		(d) in a case where a contravention of a requirement of the notice is an offence—the notice states this and indicates generally the penalties that apply; and	23 24 25
		(e) a person gains access to the airport land by using another entrance.	26 27
	(2)	The person is taken to be aware of the information in the notice.	28 29

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67	Off	A person must comply with each requirement of an airport notice, unless the person has a reasonable excuse for not complying with it. Maximum penalty— (a) for a contravention of a requirement about the parking of an aircraft—50 penalty units; or (b) for a contravention of a requirement about the movement, handling or storage of goods—50 penalty units; or	1 2 3 4 5 6 7 8 9 10
		(c) for a contravention of a requirement about any other matter—25 penalty units.	11 12
Part	2	Authorised officers	13
68	Ар	pointment and qualifications of authorised officers	14
	(1)	An airport lessor may appoint a person as an authorised officer for the airport.	15 16
	(2)	However, the airport lessor may appoint a person as an authorised officer for the airport only if the airport lessor is satisfied the person is qualified for appointment because the person has the necessary expertise or experience.	17 18 19 20
	(3)	A regulation may make provision about the appointment of authorised officers, including qualifications required for appointment.	21 22 23
69	Ар	pointment conditions and limit on powers	24
	(1)	An authorised officer holds office on any conditions stated in—	25 26
		(a) the authorised officer's instrument of appointment; or	27

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		(b) a signed notice given to the authorised officer; or	1
		(c) a regulation.	2
	(2)	The instrument of appointment, a signed notice given to the authorised officer or a regulation may limit the authorised officer's powers under this Act.	3 4 5
	(3)	In this section—	6
		<i>signed notice</i> means a notice signed by the airport lessor or an officer of the airport lessor who is authorised by it to sign notices.	7 8 9
70	lss	ue of identity card	10
	(1)	The airport lessor must issue an identity card to each authorised officer.	11 12
	(2)	The identity card must—	13
		(a) contain a recent photo of the authorised officer; and	14
		(b) contain a copy of the authorised officer's signature; and	15
		(c) identify the person as an authorised officer for the airport under this Act; and	1 <i>6</i> 17
		(d) state an expiry date for the card.	18
71	Pro	oduction or display of identity card	19
	(1)	In exercising a power under this Act in relation to a person, an authorised officer must—	20 21
		(a) produce the authorised officer's identity card for the person's inspection before exercising the power; or	22 23
		(b) have the identity card displayed so it is clearly visible to the person when exercising the power.	24 25
	(2)	However, if it is not practicable to comply with subsection (1), the authorised officer must produce the identity card for the person's inspection at the first reasonable opportunity.	26 27 28

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72	Wh	en authorised officer ceases to hold office	1
	(1)	An authorised officer ceases to hold office if—	2
		(a) the term of office stated in a condition of office ends; or	3
			4 5
	(2)	to the control of the	6 7
	(3)	In this section—	8
		0 00	9 10
73	Ret	urn of identity card	11
		must return the person's identity card to the airport lessor within 14 days after ceasing to be an authorised officer unless	12 13 14 15
		Maximum penalty—10 penalty units.	16
Part	3	Directions	17
74	Aut	norised officer may give directions	18
	(1)	direction to a person on the airport land if giving the direction	19 20 21
			22 23
		, , 1	24 25

	Exan	uples of directions that may be given for subsection (1)—	1
	•	a direction to control the parking of an aircraft or the movement, stopping or parking of a vehicle	2 3
	•	a direction to control the movement, handling or storage of goods that are loaded, waiting to be loaded, unloaded or being transhipped	4 5
	•	a direction to control the movement of persons	6
(2)	Sub	section (3) applies if an authorised officer—	7
	(a)	finds a person committing an offence, or reasonably suspects that a person has just committed an offence, against section 85; or	8 9 10
	(b)	reasonably believes that a person's presence at the airport facilities may pose a threat to the safety or security of the airport facilities, its users or the airport lessor's employees or invitees; or	11 12 13 14
	(c)	reasonably believes that a person is in an area of the airport facilities without lawful justification or excuse.	15 16
(3)		authorised officer may give a verbal direction to the on to—	17 18
	(a)	immediately leave the airport facilities, or an area of the airport facilities; or	19 20
	(b)	immediately leave the airport facilities, or an area of the airport facilities, and not return for at least 24 hours.	21 22
(4)	auth dire	authorised officer must identify himself or herself as an orised officer if the authorised officer gives a verbal ction by radio, megaphone or another form of distance munication.	23 24 25 26
If a	pers	on does not comply with a direction	27
(1)	an a	e person does not comply with a verbal direction given by uthorised officer under section 74, the authorised officer give the person a written notice stating—	28 29 30
	(a)	the authorised officer's name; and	31
	(b)	the direction; and	32

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	(c)	a brief statement about the authorised officer's reason for giving the direction; and	1 2
	(d)	a further reasonable time within which the person must comply with the direction; and	3 4
	(e)	when the direction was given.	5
(2)	give com	is not possible or reasonable for the authorised officer to the person a written notice at the time the person does not aply with a verbal direction given by an authorised officer er section 74, the authorised officer—	6 7 8 9
	(a)	may give the person a further verbal direction stating the information mentioned in subsection (1)(a) to (d); and	10 11
	(b)	must give the person the written notice the person would have received at the time the person did not comply with the verbal direction as soon as practicable after giving the further verbal direction.	12 13 14 15
(3)	notic subs that	the time the authorised officer gives the person a written ce under subsection (1), or a further verbal direction under section (2)(a), the authorised officer must warn the person the person may commit an offence unless the person aplies with the direction within the stated time.	16 17 18 19 20
Off	ence	of not complying with a direction	21
	com offic write	ess a person has a reasonable excuse, a person must apply with a direction given to the person by an authorised cer under section 75, within the reasonable time stated in a ten notice under section $75(1)$ or as part of a further verbal ction under $75(2)(a)$.	22 23 24 25 26
	Max	ximum penalty—	27
	(a)	if the contravention results in a significant delay to airport operations—200 penalty units; or	28 29
	(b)	otherwise—	30
		(i) for a contravention of a direction to leave the airport facilities or an area of the airport facilities,	31 32

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				or leave the airport facilities or an area of the airport facilities and not return for 24 hours—100 penalty units; or	1 2 3
			(ii)	for a contravention of a direction about the parking of an aircraft—50 penalty units; or	4 5
			(iii)	for a contravention of a direction about the movement, handling or storage of goods—50 penalty units; or	6 7 8
			(iv)	for a contravention of another direction—25 penalty units.	9 10
Dout	. 1				
Part	4			Moving contravening property	11
77	Мо	ving	conti	ravening property	12
	(1)	This	section	on applies if—	13
		(a)	that	uthorised officer for an airport reasonably believes an aircraft, vehicle or goods in an airport or at an ort facility is contravening property; and	14 15 16
		(b)	nece	authorised officer reasonably believes that it is essary to move the contravening property having rd to—	17 18 19
			(i)	the efficient operation of the airport; or	20
			(ii)	the safety or security of the airport, its users or the airport lessor's employees or invitees; and	21 22
		(c)	the a	authorised officer—	23
			(i)	can not immediately find the person in charge of the contravening property; or	24 25
			(ii)	reasonably believes the person in charge of the contravening property can not, or will not, move the contravening property immediately.	26 27 28

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	(2)	The	authorised officer may—	1
		(a)	take steps necessary and reasonable to have the contravening property moved; and	2 3
		(b)	if the contravening property is property in the form of goods that are perishable, or of little or no value, treat the goods as abandoned property under part 6.	4 5 6
	(3)	In th	is section—	7
		that	ravening property means an aircraft, vehicle or goods is parked or left in an airport or at an airport facility in ravention of—	8 9 10
		(a)	a requirement of an airport notice; or	11
		(b)	a direction of an authorised officer under part 3.	12
		pers	on in charge, of contravening property, means—	13
		(a)	for contravening property that is an aircraft—the aircraft's pilot or another person in charge of the aircraft; or	14 15 16
		(b)	for contravening property that is a vehicle—the driver of the vehicle or another person in charge of the vehicle; or	17 18
		(c)	for contravening property that is property in the form of goods—the owner of the goods or another person in charge of the goods.	19 20 21
Part	t 5		Other powers and offences	22
78	Pov	wer to	o require name and address	23
	(1)	the a	authorised officer for an airport may require a person on airport land to state the person's name and address if the orised officer—	24 25 26
		(a)	finds the person committing an offence against this chapter; or	27 28

	(b) reasonably suspects the person has just committed an offence against this chapter.	1 2
(2)	When making the requirement, the authorised officer must warn the person that it is an offence to fail to state the person's name and address unless the person has a reasonable excuse.	3 4 5
(3)	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 reasonably suspects the stated name or address is false.	6 7 8 9
(4)	A person must comply with the authorised officer's requirement under subsection (1) or (3), unless the person has a reasonable excuse for not complying with it.	10 11 12
	Maximum penalty—10 penalty units.	13
(5)	The person does not commit an offence against this section if—	14 15
	(a) the authorised officer required the person to state the person's name and address in the circumstances mentioned in subsection (1)(a) or (b); and	16 17 18
	(b) the person is not proved to have committed the offence.	19
(6)	In this section—	20
	offence against this chapter includes an offence against section 105 for an attempt to commit an offence against this chapter.	21 22 23
Ins	pection of documents	24
(1)	An authorised officer for an airport may require a person, who	25
(-)	is or may be liable to pay a charge to the airport operator, to produce for the authorised officer's inspection, documents that are—	26 27 28
	(a) under the person's control; and	29
	(b) relevant to deciding—	30
	(i) whether the person is liable to pay the charge; or	31

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		(ii) the amount of the charge.	1
	(2)	The person must comply with the requirement, unless the person has a reasonable excuse for not complying with it.	2 3
		Maximum penalty for subsection (2)—50 penalty units.	4
80	Ins	spection of aircraft, vehicles and goods	5
	(1)	This section applies only to the extent necessary to allow an authorised officer for an airport to decide—	6 7
		(a) whether a charge is payable in relation to an aircraft or goods; and	8 9
		(b) the amount of the charge.	10
	(2)	A person in charge of a conveyance on the airport land must allow the authorised officer to enter and inspect the conveyance, or inspect goods on or in the conveyance, if asked by the authorised officer.	11 12 13 14
		Maximum penalty—50 penalty units.	15
	(3)	In this section—	16
		conveyance means an aircraft or vehicle.	17
81	Ob	structing authorised officer	18
	(1)	A person on airport land must not obstruct an authorised officer for the airport in the exercise of a power under this part, unless the person has a reasonable excuse.	19 20 21
		Maximum penalty—50 penalty units.	22
	(2)	In this section—	23
		<i>obstruct</i> includes hinder, resist, insult, attempt to obstruct and threaten to obstruct.\	24 25

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82	Fal	lse or misleading statement	1
	(1)	A person must not state anything to an authorised officer that the person knows is false or misleading in a material particular.	2 3 4
		Maximum penalty—50 penalty units.	5
	(2)	It is enough for a complaint for an offence against subsection (1) to state the statement made was 'false or misleading' to the person's knowledge, without specifying which.	6 7 8
83	Fal	lse or misleading document	9
	(1)	A person must not give an authorised officer a document containing information the person knows is false or misleading in a material particular.	10 11 12
		Maximum penalty—50 penalty units.	13
	(2)	Subsection (1) does not apply to a person if the person when giving the document—	14 15
		(a) tells the authorised officer, to the best of the person's ability, how it is false or misleading; and	16 17
		(b) if the person has, or can reasonably obtain, the correct information—gives the correct information.	18 19
	(3)	It is enough for a complaint for an offence against subsection (1) to state the document was 'false or misleading' to the person's knowledge, without specifying which.	20 21 22
84	lm	personating an authorised officer	23
		A person must not pretend to be an authorised officer.	24
		Maximum penalty—50 penalty units.	25

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85	Со	nduc	t causing public nuisance	1
		_	erson at an airport operator's airport facilities must not be rderly or create a disturbance.	2 3
		Max	imum penalty—50 penalty units.	4
86	Inte	erferi	ng with airport notices	5
	(1)		s section applies to an airport notice other than an airport ce published on an airport lessor's website.	6 7
	(2)	A pe	erson must not unlawfully interfere with the airport notice.	8
		Max	cimum penalty—25 penalty units.	9
	(3)	In th	nis section—	10
			rfere, with an airport notice, includes removing, defacing amaging the airport notice.	11 12
Part	6		Disposal of abandoned property	13 14
87	De	finitio	ons for pt 6	15
		In th	nis part—	16
		reaso oper aircr	and an airport operator on ably believes has been abandoned on the airport rator's airport land including, for example, goods, an raft, a vehicle or a thing attached to, or contained in, an raft or a vehicle.	17 18 19 20 21
		insu	fficient value property means abandoned property that—	22
		(a)	is of no value; or	23
		(b)	if sold by an airport operator, would not be likely to return sufficient proceeds of sale to cover the total of the following amounts—	24 25 26

		(i) the expenses reasonably incurred by the airpo operator in selling the property;	ort 1 2
		(ii) the expenses reasonably incurred by the airpo operator in dealing with the property under the part;	
		(iii) the charges, interest and other expenses owing the airport operator in relation to the property.	to 6 7
88	Re	asonab	ele steps must be taken to find owner	8
	(1)		section applies to abandoned property found on the operator's airport land, unless—	he 9 10
		(a) i	t is insufficient value property; or	11
		(t is perishable and it is impracticable for the airpoperator to keep it having regard to its nature are condition.	
	(2)	The ai	rport operator—	15
			must take reasonable steps to locate the owner of the property; and	he 16 17
		. ,	may have the property moved to a place it considerappropriate.	ers 18 19
	(3)	within	airport operator has located the owner of the proper 28 days after the property was found, the airpoor must give the owner a written notice—	
		(a) (lescribing the property; and	23
		(b) s	stating the property has been found; and	24
		(c) 6	explaining how it may be recovered; and	25
			stating the property may be sold or disposed of if it not recovered.	is 26 27
	(4)	proper	airport operator has not located the owner of the ty within 28 days after finding the property, the airport must publish a notice in a newspaper circulation	ort 29

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		_	erally in the State that includes the matters mentioned in section (3)(a) to (d).	1 2
89	Αp	erso	n may claim property	3
		pers	airport operator must return abandoned property to a on if the person, within 28 days after the notice is given or lished under section 88—	4 5 6
		(a)	satisfies the airport operator that the person is the owner of the property; and	7 8
		(b)	pays the expenses reasonably incurred by the airport operator in dealing with the property under this part.	9 10
90	lf p	rope	rty not claimed	11
		days unde	person does not claim the abandoned property within 28 s after an airport operator has given or published a notice er section 88 about it, the airport operator may sell the perty.	12 13 14 15
91	Sal	le of	perishable property	16
		peri	airport operator may sell abandoned property if it is shable and it is impracticable for the airport operator to it having regard to its nature and condition.	17 18 19
92	Pro	oceed	ds from the sale of abandoned property	20
	(1)		bandoned property is sold by an airport operator, the ceeds of the sale must be applied in the following order—	21 22
		(a)	in payment of the expenses reasonably incurred by the airport operator in selling the property;	23 24
		(b)	in payment of the expenses reasonably incurred by the airport operator in dealing with the property under this part;	25 26 27

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		(c) in payment of charges, interest and other expenses owing to the airport operator in relation to the property;	1 2
		(d) in payment of any balance to the owner.	3
	(2)	If the proceeds of the sale are less than the total of the expenses mentioned in subsection (1)(a), (b) and (c), the difference is a debt owing to the airport operator by the owner.	4 5 6 7
	(3)	If the proceeds of the sale are more than the total of the expenses mentioned in subsection (1)(a), (b) and (c), and the airport operator can not locate the owner, the airport operator must pay the amount of the difference to the public trustee.	8 9 10 11
	(4)	The public trustee must pay the amount into the unclaimed moneys fund kept under the <i>Public Trustee Act 1978</i> .	12 13
	(5)	Compensation may not be recovered against the airport operator in relation to a payment made honestly and without negligence under this section.	14 15 16
93	Ab	andoned property of no value	17
		An airport operator may dispose of abandoned property that is insufficient value property in the way the airport operator considers appropriate.	18 19 20
Par	t 7	General	21
94	De	legation	22
	(1)	An airport lessor may delegate a function under this chapter to an airport operator.	23 24
	(2)	It is a condition of a lease of airport land that the airport lessee must comply with, or ensure the airport manager complies with, the lawful directions of the airport lessor in relation to the performance of any delegated functions.	25 26 27 28

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(3)		
	A regulation or the conditions of a delegation may require an airport operator to establish a system for monitoring, and receiving and dealing with complaints about, the performance of delegated functions.	1 2 3 4
(4)	In this section—	5
	delegated function means a function of an airport lessor delegated to an airport operator.	6 7
Аp	pointment of airport manager	8
(1)	The airport lessor for an airport may appoint a person as airport manager of the airport.	9 10
(2)	An airport lessee for an airport may, with the written approval of the airport lessor, appoint a person as airport manager of the airport.	11 12 13
ı ia		
	bility for acts of authorised officers, and related litters	14 15
ma	If a person is appointed as an authorised officer by a delegate	15 16
ma	If a person is appointed as an authorised officer by a delegate of an airport lessor— (a) the person is not an officer, employee or agent of the	15 16 17 18
ma	If a person is appointed as an authorised officer by a delegate of an airport lessor— (a) the person is not an officer, employee or agent of the airport lessor only because of that appointment; and (b) the airport lessor is not civilly liable for an act done, or	15 16 17 18 19 20
ma (1)	If a person is appointed as an authorised officer by a delegate of an airport lessor— (a) the person is not an officer, employee or agent of the airport lessor only because of that appointment; and (b) the airport lessor is not civilly liable for an act done, or omission made, by the person as an authorised officer. If subsection (1) prevents a civil liability attaching to an	15 16 17 18 19 20 21 22

Ch	apte	er 5 Local government matters and land tax	1 2
97	Аp	plication of particular local laws to airport land	3
	(1)	A regulation may provide that a stated local law does not apply, or does not apply to a stated extent, or applies with stated changes, to stated airport land.	4 5 6
	(2)	The regulation may fix, as the time of effect, the day fixed for another matter under a gazette notice made under another provision of this Act.	7 8 9
		Example—	10
		The regulation may fix, as the time of effect, the day on which notice is published of the first land use plan for airport land under section 31.	11 12
	(3)	In this section—	13
		<i>time of effect</i> means the day on which a stated local law stops applying, or stops applying to a stated extent, or starts applying with stated changes, to stated airport land.	14 15 16
98	De	layed application of new local laws to airport land	17
	(1)	This section applies to a local law made after the completion day for Cairns International Airport or Mackay Airport.	18 19
	(2)	Subject to subsection (3), the local law does not apply to the relevant airport land until whichever of the following days is later—	20 21 22
		(a) the day that is 3 months after the day the local law is made;	23 24
		(b) the day the local law commences.	25
	(3)	Subsection (2) stops applying to the local law on the commencement of a regulation under section 97 about the application or non-application of the local law to the airport land.	26 27 28 29

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99	Ow	ner o	of land for rating or land tax purposes	1
	(1)		section applies in relation to airport land if there is an ort lessee for the land.	2 3
	(2)	This	section applies for the purposes of—	4
		(a)	a provision of the <i>Local Government Act 1993</i> about levying or payment of rates; and	5 6
		(b)	the Land Tax Act 1915.	7
	(3)	The	airport lessee is taken to be the owner of the land.	8
	(4)	The the la	airport lessor for the land is taken not to be the owner of and.	9 10
Cha	pte	er 6	Other matters	11
Part	1		Miscellaneous	12
100	De	clarat	ion of airport lessors and lessees	13
	(1)	The	Minister may, by gazette notice—	14
		(a)	declare an entity to be the airport lessor for Cairns International Airport; or	15 16
		(b)	declare an entity to be the airport lessor for Mackay Airport; or	17 18
		(c)	if an entity holds any Cairns airport land under a lease, sublease or licence from the airport lessor for Cairns International Airport—declare the entity to be an airport lessee for Cairns International Airport; or	19 20 21 22
		(d)	if an entity holds any Mackay airport land under a lease, sublease or licence from the airport lessor for Mackay Airport—declare the entity to be an airport lessee for Mackay Airport.	23 24 25 26

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	(2)	For subsection (1)(c) or (d), it does not matter whether the entity enters into the lease, sublease or licence with the airport lessor or is an assignee of that instrument.	1 2 3
101	Air	port lessor may substitute for airport lessee	4
	(1)	This section applies if, at any time after the commencement of the section—	5 6
		(a) an entity ceases to be an airport lessee for airport land; and	7 8
		(b) another entity has not become the airport lessee for the airport land.	9 10
	(2)	If chapter 3 requires or permits something to be done by an airport lessee in relation to the airport land, the thing may be done by the airport lessor for the airport land.	11 12 13
102	De	legations	14
		The Minister may delegate the Minister's functions under this Act, except section 12, 31 or 100, to the chief executive.	15 16
103	Co	nduct of company directors, employees or agents	17
	(1)	If, in a proceeding for an offence against this Act, it is necessary to establish the state of mind of a corporation about particular conduct, it is sufficient to show—	18 19 20
		(a) the conduct was engaged in by a representative of the corporation within the scope of the representative's actual or apparent authority; and	21 22 23
		(b) the representative had the state of mind.	24
	(2)	Conduct engaged in on behalf of a corporation by a representative of the corporation within the scope of the representative's actual or apparent authority is taken, in a proceeding for an offence against this Act, to have been engaged in also by the corporation unless the corporation	25 26 27 28 29

		olishes it took reasonable precautions and exercised er diligence to avoid the conduct.	1 2
(3)	neces	n a proceeding for an offence against this Act, it is ssary to establish the state of mind of an individual about cular conduct, it is sufficient to show—	3 4 5
	(a)	the conduct was engaged in by a representative of the individual within the scope of the representative's actual or apparent authority; and	6 7 8
	(b)	the representative had the state of mind.	9
(4)	repre repre proce enga estab	duct engaged in on behalf of an individual by a esentative of the individual within the scope of the esentative's actual or apparent authority is taken, in a eeding for an offence against this Act, to have been ged in also by the individual unless the individual elishes the individual took reasonable precautions and eised proper diligence to avoid the conduct.	10 11 12 13 14 15
(5)	In thi	is section—	17
	enga	ging in conduct includes failing to engage in conduct.	18
	repre	esentative means—	19
	(a)	in relation to a corporation—an executive officer, employee or agent of the corporation; or	20 21
	(b)	in relation to an individual—an employee or agent of the individual.	22 23
	state	of mind of a person includes—	24
	(a)	the person's knowledge, intention, opinion, belief or purpose; and	25 26
	(b)	the person's reasons for the intention, opinion, belief or purpose.	27 28
Pro	ceed	ings for offences	29
(1)	An o	ffence against this Act is a summary offence.	30
(2)	A pro	oceeding for an offence must start—	31

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		(a) within 1 year after the commission of the offence; or	1
		(b) within 6 months after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.	2 3 4
	(3)	A statement in a complaint for an offence against this Act that the matter of the complaint came to the knowledge of the complainant on a stated day is evidence of when the matter came to the complainant's knowledge.	5 6 7 8
105	Attempts to commit offences		9
	(1)	A person must not attempt to commit an offence against this Act.	10 11
		Maximum penalty—half the maximum penalty for committing the offence.	12 13
	(2)	The Criminal Code, section 4 (Attempts to commit offences) applies to subsection (1).	14 15
106	Penalties payable to consolidated fund		16
		All penalties ordered to be paid in relation to offences against this Act must be paid into the consolidated fund.	17 18
107	Re	gulations	19
		The Governor in Council may make regulations under this Act.	20 21

Part 2		Transitional provisions		
108	De	efinition for pt 2		
		In th	nis part—	3
		TIA	means the Transport Infrastructure Act 1994.	4
109	Air	port	notices	5
	(1)	This	s section applies to a notice that—	6
		(a)	immediately before the completion day for Cairns International Airport, is a current port notice for land that, on the completion day, is Cairns airport land; or	7 8 9
		(b)	immediately before the completion day for Mackay Airport, is a current port notice for land that, on the completion day, is Mackay airport land.	10 11 12
	(2)	com	notice is taken to be an airport notice from the relevant pletion day until it stops being an airport notice under oter 4, part 1.	13 14 15
	(3)	In th	nis section—	16
		port	notice means a port notice under TIA, chapter 8, part 3B.	17
110	Au	thoris	sed officers	18
	(1)	of a Airp	s section applies to an appointment as an authorised officer port authority for Cairns International Airport or Mackay port in force, immediately before the completion day for airport, under TIA, chapter 8, part 3B, division 2.	19 20 21 22
	(2)	for a day,	appointment continues in force on the same conditions, a period of 3 months starting on the relevant completion as if it were an appointment as an authorised officer for relevant airport made under this Act.	23 24 25 26

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(3)	Subsection (2) applies subject to any earlier ending of the appointment, or change of conditions of the appointment, under this Act.	1 2 3
Ab	andoned property	4
(1)	This section applies to any property that—	5
	(a) immediately before the relevant completion day, is abandoned property under TIA, chapter 8, part 4B, in the possession of a port authority; and	6 7 8
	(b) is abandoned on land that—	9
	(i) on the completion day for Cairns International Airport, is Cairns airport land; or	10 11
	(ii) on the completion day for Mackay Airport, is Mackay airport land.	12 13
(2)	On the relevant completion day, the property becomes abandoned property under chapter 4, part 6.	14 15
(3)	Anything done by the port authority under TIA, chapter 8, part 4B in relation to the property is taken to have been done by the relevant airport operator under chapter 4, part 6.	16 17 18
(4)	The port authority must give the property to the airport operator for the airport land as soon as practicable after the completion day.	19 20 21
(5)	However, if the property is insufficient value property under TIA section 289H, the port authority may dispose of it in a way the port authority considers appropriate.	22 23 24
Pro	oceeds from the sale of abandoned property	25
(1)	This section applies if—	26
	(a) property is abandoned on land that—	27
	(i) on the completion day for Cairns International Airport, is Cairns airport land; or	28 29

		(ii) on the completion day for Mackay Airport, is Mackay airport land; and	1
		(b) immediately before the completion day, a port authority is holding an amount that is, under TIA, section 289M, proceeds of sale of the property.	2
	(2)	From the completion day, TIA, section 289M continues to apply to the port authority in relation to the amount.	7
113	Am	nendment of regulations	8
		The amendment of the <i>Integrated Planning Regulation 1998</i> or <i>State Penalties Enforcement Regulation 2000</i> by this Act does not affect the power of the Governor in Council to further amend the regulation or to repeal it.	9 1 1 1
114	Pai	rticular development applications	1
	(1)	This section applies to a development application for development on strategic port land under TIA that becomes airport land if—	1 1 1
		(a) the application was made but not decided under the Planning Act before the completion day for the airport to which the application relates; and	1 1 1
		(b) the assessment manager under the Planning Act for the application is Cairns Ports or Mackay Ports.	4
	(2)	On the completion day—	2
		(a) the planning chief executive is taken to be the assessment manager under the Planning Act for the application; and	2
		(b) the IDAS process for the application stops.	2
	(3)	As soon as practicable after the completion day, the former assessment manager for the application must give to the planning chief executive—	
		(a) the application; and	3

	(b) any further information or material requested by the planning chief executive under subsection (4).	1 2
(4)	The planning chief executive may, in writing, ask the former assessment manager for the application for any information or material about the application the planning chief executive reasonably requires to process and decide the application.	3 4 5 6
(5)	On receiving the application, and any further information or material requested under subsection (4), the planning chief executive must—	7 8 9
	(a) consider the application and the further information or material; and	10 11
	(b) give the applicant written notice stating the stage of IDAS the planning chief executive intends to resume or start the IDAS process for the application.	12 13 14
(6)	The notice under subsection (5)(b) must be given to the applicant—	15 16
	(a) within 10 business days after the planning chief executive receives the application; or	17 18
	(b) if the planning chief executive asks for further information or material under subsection (4)—within 10 business days after the planning chief executive receives the information or material.	19 20 21 22
(7)	The planning chief executive may resume or start the IDAS process for the application at any stage of IDAS the planning chief executive considers appropriate.	23 24 25
(8)	Subject to this section and chapter 3, part 2, the Planning Act and the land use plan for the airport land to which the application relates apply for processing and deciding the application.	26 27 28 29
(9)	Despite subsection (8), in processing and deciding the application, the planning chief executive may have regard to—	30 31 32
	(a) the land use plan under the <i>Transport Infrastructure Act</i> 1994 that applied in relation to the land to which the	33 34

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	application relates immediately before the completion day; and	1 2
	(b) any other matter relevant to the application the planning chief executive considers appropriate.	3 4
(10)	In this section—	5
	former assessment manager, for a development application, means the entity that, immediately before the completion day for the airport to which the application relates, was the assessment manager under the Planning Act for the application.	6 7 8 9 10
	<i>IDAS</i> means the system detailed in the Planning Act, chapter 3, for integrating State and local government assessment and approval processes for development.	11 12 13
	IDAS process means the IDAS process under the Planning Act.	14 15
Chapte	er 7 Amendment of other legislation	16 17
Part 1	Amendment of Energy Assets (Restructuring and Disposal) Act 2006	18 19 20
115 Ac	t amended in pt 1	21
	This part amends the Energy Assets (Restructuring and Disposal) Act 2006.	22 23

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116	Am	endment of s 52 (Time within which Minister may act)	1
	(1)	Section 52(2), 'subsection (3)'—	2
		omit, insert—	3
		'subsections (3) and (3A)'.	4
	(2)	Section 52—	5
		insert—	6
	'(3A)	The Minister may perform a function under part 3 for the 2007 project on or after the commencement of the <i>Airport Assets (Restructuring and Disposal) Act 2008</i> , chapter 1, and before 1 July 2009.'.	7 8 9 10
Pa	rt 2	Amendment of Integrated	11
		Planning Act 1997	12
117	Ac	amended in pt 2	13
		This part amends the <i>Integrated Planning Act 1997</i> .	14
118	Am	endment of s 4.1.21 (Court may make declarations)	15
	(1)	Section 4.1.21(1)(c)—	16
		renumber as section 4.1.21(1)(d).	17
	(2)	Section 4.1.21(1)—	18
		insert—	19
		'(c) the construction of a land use plan under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i> and chapter 3, part 1 of that Act; and'.	20 21 22

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'On airport land Making a material change of use of premises on airport land that is inconsistent with the land use plan approved under the Airport Assets (Restructuring and Disposal) Act 2008, chapter 3, part 1 (2) Schedule 8, part 1, table 4, item 1A, column 2— insert— '(1) on airport land and the operational work— (i) is consistent with the land use plan approved under the Airport Assets (Restructuring and Disposal) Act 2008, chapter 3, part 1 for the land; and (ii) is carried out on land that is not stated, under the land use plan, to remain undeveloped land.'. 120 Amendment of sch 8A (Assessment manager for development applications) Schedule 8A, table 2— insert— 'Airport land	119		nendment of sch 8 (Assessable development and lf-assessable development)
'On airport land Making a material change of use of premises on airport land that is inconsistent with the land use plan approved under the Airport Assets (Restructuring and Disposal) Act 2008, chapter 3, part 1.'. (2) Schedule 8, part 1, table 4, item 1A, column 2— insert— '(1) on airport land and the operational work— (i) is consistent with the land use plan approved under the Airport Assets (Restructuring and Disposal) Act 2008, chapter 3, part 1 for the land; and (ii) is carried out on land that is not stated, under the land use plan, to remain undeveloped land.'. Amendment of sch 8A (Assessment manager for development applications) Schedule 8A, table 2— insert— 'Airport land		(1)	Schedule 8, part 1, table 2—
Making a material change of use of premises on airport land that is inconsistent with the land use plan approved under the Airport Assets (Restructuring and Disposal) Act 2008, chapter 3, part 1.'. (2) Schedule 8, part 1, table 4, item 1A, column 2— insert— '(1) on airport land and the operational work— (i) is consistent with the land use plan approved under the Airport Assets (Restructuring and Disposal) Act 2008, chapter 3, part 1 for the land; and (ii) is carried out on land that is not stated, under the land use plan, to remain undeveloped land.'. 120 Amendment of sch 8A (Assessment manager for development applications) Schedule 8A, table 2— insert— 'Airport land			insert—
inconsistent with the land use plan approved under the Airport Assets (Restructuring and Disposal) Act 2008, chapter 3, part 1.'. (2) Schedule 8, part 1, table 4, item 1A, column 2— insert— '(1) on airport land and the operational work— (i) is consistent with the land use plan approved under the Airport Assets (Restructuring and Disposal) Act 2008, chapter 3, part 1 for the land; and (ii) is carried out on land that is not stated, under the land use plan, to remain undeveloped land.'. 120 Amendment of sch 8A (Assessment manager for development applications) Schedule 8A, table 2— insert— 'Airport land			'On airport land
insert— '(1) on airport land and the operational work— (i) is consistent with the land use plan approved under the Airport Assets (Restructuring and Disposal) Act 2008, chapter 3, part 1 for the land; and (ii) is carried out on land that is not stated, under the land use plan, to remain undeveloped land.'. 120 Amendment of sch 8A (Assessment manager for development applications) Schedule 8A, table 2— insert— 'Airport land	34	A	inconsistent with the land use plan approved under the Airport Assets
'(1) on airport land and the operational work— (i) is consistent with the land use plan approved under the <i>Airport Assets (Restructuring and Disposal)</i> Act 2008, chapter 3, part 1 for the land; and (ii) is carried out on land that is not stated, under the land use plan, to remain undeveloped land.'. 120 Amendment of sch 8A (Assessment manager for development applications) Schedule 8A, table 2— insert— 'Airport land		(2)	Schedule 8, part 1, table 4, item 1A, column 2—
(i) is consistent with the land use plan approved under the Airport Assets (Restructuring and Disposal) Act 2008, chapter 3, part 1 for the land; and (ii) is carried out on land that is not stated, under the land use plan, to remain undeveloped land.'. 120 Amendment of sch 8A (Assessment manager for development applications) Schedule 8A, table 2— insert— 'Airport land			insert—
the Airport Assets (Restructuring and Disposal) Act 2008, chapter 3, part 1 for the land; and (ii) is carried out on land that is not stated, under the land use plan, to remain undeveloped land.'. 120 Amendment of sch 8A (Assessment manager for development applications) Schedule 8A, table 2— insert— 'Airport land			'(l) on airport land and the operational work—
land use plan, to remain undeveloped land.'. 120 Amendment of sch 8A (Assessment manager for development applications) Schedule 8A, table 2— insert— 'Airport land			the Airport Assets (Restructuring and Disposal)
development applications) Schedule 8A, table 2— insert— 'Airport land			
insert— 'Airport land	120		
'Airport land			Schedule 8A, table 2—
•			insert—
			'Airport land
If table 1 does not apply and the application is for development completely or partly on airport land, whether or not the development includes tidal work Chief executive administering this Act'.	2		development completely or partly on airport land, administering this
		(1)	Schedule 10—
(1) Schedule 10—			insert—

		'airport land see the Airport Assets (Restructuring and Disposal) Act 2008, schedule 3.	1 2
		core airport infrastructure see the Airport Assets (Restructuring and Disposal) Act 2008, schedule 3.'.	3 4
	(2)	Schedule 10, definition <i>essential management</i> , paragraph (e), 'airstrips'—	5 6
		omit, insert—	7
		'any core airport infrastructure'.	8
	(3)	Schedule 10, definition <i>routine management</i> , paragraph (b), 'built infrastructure'—	9 10
		omit, insert—	11
		'built infrastructure, including core airport infrastructure,'.	12
	(4)	Schedule 10, definition specified activity—	13
		insert—	14
		'(cb) any aspect of development for core airport infrastructure on airport land; or'.	15 16
Part 3		Amendment of Integrated	17
		Planning Regulation 1998	18
122	Reg	gulation amended in pt 3	19
		This part amends the <i>Integrated Planning Regulation 1998</i> .	20

[s 123]

		[5 120
123 Amendment of sch 1 (Typ codes, laws and policies		
(1) Schedule 1, part 3, table	e 2—	
insert—		
'Airpo	ort land	
3A On airport land made assessable under the Act, schedule 8, part 1, table 2, item 3A	land approved unde	e plan for the airport r the Airport Assets Disposal) Act 2008,
(2) Schedule 1, part 3, table	e 5—	
insert—		
'Airpo	ort land	
1A On airport land other than development made assessable under the Act, schedule part 1, table 2, item 3A, if the land use pla for the airport land approved under the Airport Assets (Restructuring and Disposal) Act 2008, chapter 3, part 1 state the development is assessable development	8, land approved unde (Restructuring and chapter 3, part 1'.	e plan for the airport r the Airport Assets Disposal) Act 2008,
124 Amendment of sch 2 (Re jurisdictions)	ferral agencies a	nd their
Schedule 2, table 2—		
insert—		
'Airpo	ort land	
 6A A material change of use on airport land made assessable under— (a) the Act, schedule 8, part 1, table 2, item 3A; or (b) the land use plan for the airport land approved under the <i>Airport Assets</i> 	The Minister under the Transport Infrastructure Act 1994—as a concurrence agency	The purposes of the Transport Infrastructure Act 1994'.

(Restructuring and Disposal) Act 2008, chapter 3, part 1

Part 4		Amendment of Land Tax Act 1915	
125	Act	t amended in pt 4	3
		This part amends the Land Tax Act 1915.	4
126	Am	nendment of s 13 (Land exempted from land tax)	5
		Section 13—	6
		insert—	7
	'(4)	A reference in subsection (1)(k) to land owned by a port authority and used by it as a commercial airport includes—	8 9
		(a) land owned by a wholly owned subsidiary of a port authority that is used as a commercial airport; and	10 11
		(b) airport land within the meaning given by the <i>Airport Assets (Restructuring and Disposal) Act 2008</i> .	12 13
	'(4A)	A reference in subsection (1)(k)(ii) to the <i>Transport Infrastructure Act 1994</i> , section 286 includes the <i>Airport Assets (Restructuring and Disposal) Act 2008</i> , chapter 3, part 1.	14 15 16 17
	'(4B)	Subsection (1)(k)(i) and (ii) stop applying to land on the earlier of—	18 19
		(a) the coming into force of a development permit under the <i>Integrated Planning Act 1997</i> for the land for a use other than a use mentioned in subsection (1)(k)(i); or	20 21 22
		(b) the start of development within the meaning of <i>Integrated Planning Act 1997</i> , other than reconfiguring a lot, for a use other than a use mentioned in subsection (1)(k)(i).'.	23 24 25 26

Part 5		Amendment of Local Government Act 1993	
127	Ac	t amended in pt 5	3
		This part amends the Local Government Act 1993.	4
128	Am	nendment of s 957 (What land is rateable)	5
	(1)	Section 957(1)—	6
		insert—	7
		'(ea) airport land, within the meaning given by the <i>Airport Assets (Restructuring and Disposal) Act 2008</i> , that is used for a runway, taxiway, apron, road, vacant land, buffer zone or grass verge; and'.	8 9 10 11
	(2)	Section 957(4)—	12
		renumber as section 957(6).	13
	(3)	Section 957—	14
		insert—	15
	'(4)	A reference in subsection (1)(e)(i) to strategic port land occupied by a port authority includes strategic port land, used in connection with Cairns International Airport or Mackay Airport, occupied by a wholly owned subsidiary of a port authority.	16 17 18 19 20
	'(5)	Subsection (1)(ea) stops applying to land on the earlier of——	21
		(a) the coming into force of a development permit under the <i>Integrated Planning Act 1997</i> for the land for a use other than a use mentioned in subsection (1)(ea); or	22 23 24
		(b) the start of development within the meaning of <i>Integrated Planning Act 1997</i> , other than reconfiguring a lot, for a use other than a use mentioned in subsection (1)(ea).'.	25 26 27 28

[s 129]

Part	6 Amendment of State Penalties Enforcement Regulation 2000	1 2
129	Regulation amended in pt 6	3
	This part amends the State Penalties Enforcement Regulation 2000.	4 5
130	Amendment of sch 3 (Transport legislation)	6
	Schedule 3, entry for the <i>Transport Infrastructure Act 1994</i> , entry for section 282J, paragraph (c)—	7 8
	omit.	9
131	Amendment of sch 5 (Other legislation)	10
	Schedule 5—	11
	insert—	12

'Airport Assets (Restructuring and Disposal) Act 2008

	Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)
s 67	For a contravention of a requirement of an airport notice about—	f
	(a) the parking of an aircraft	. 5
	(b) the movement, handling or storag of goods	
	(c) the parking or stopping of vehicle	s 1/2
	(d) another matter	. 2
s 73		. 1
s 76	(other than a contravention that result in a significant delay to airpor	
	operations)	. 2
s 78(4).		. 2
s 81(1).		. 2
s 85		. 1
s 86(2).		. 2
officer ap	ed person for service of infringement opointed under the Airport Assets (Respection 68').	

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Part 7	Amendment of Transport Infrastructure 1994	1 2
Division	1 Preliminary	3
132 Act	t amended in pt 7	4
	This part amends the <i>Transport Infrastructure Act 1994</i> .	5
Division	2 Amendment commencing on assent	6
133 Ins	ertion of new ch 8, pt 1A	7
	Chapter 8—	8
	insert—	9
'Part 1A	Transitional provisions for	10
	airport restructuring and	11
	disposal	12
'267AB De	elegation	13
'(1)	A port authority may delegate the port authority's airport functions to a wholly owned subsidiary of the port authority.	14 15
'(2)	In this section—	16
	airport functions means functions under this chapter relating to Cairns International Airport or Mackay Airport.	17 18
	functions includes powers.	19
'267AC No	on-application to an airport	20
'(1)	From the completion day for Cairns International Airport—	21

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	(a)	a reference in this chapter to an airport does not include Cairns International Airport; and	1 2
	(b)	a reference in this chapter to strategic port land does not include land that is Cairns airport land under the Airports Assets Act.	3 4 5
'(2)	From	the completion day for Mackay Airport—	6
	(a)	a reference in this chapter to an airport does not include Mackay Airport; and	7 8
	(b)	a reference in this chapter to strategic port land does not include land that is Mackay airport land under the Airports Assets Act.	9 10 11
'(3)	In thi	s section—	12
	-	orts Assets Act means the Airport Assets (Restructuring Disposal) Act 2008.	13 14
	comp	<i>lletion day</i> see the Airports Assets Act, schedule 3.	15
267AD Ex	piry o	of pt 1A	16
		part expires on the day the Airport Assets (Restructuring Disposal) Act 2008, section 134 commences.'.	17 18
Division	3	Amendments commencing on proclamation	19 20
134 Am	endm	ent of s 267 (Definitions for chapter)	21
,		on 267, definition <i>airport</i> —	22
	omit.	•	23

[s	135
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135	An	nendment of s 267A (Meaning of <i>port facilities)</i>	1
		Section 267A, definition <i>port facilities</i> , examples of port facilities, '• an airport'—	2 3
		omit.	4
136	Am	nendment of s 276 (Port services function)	5
		Section 276(3), definition port—	6
		omit.	7
137		nendment of s 279 (Port authority may impose a arge)	8
		Section 279(2)(a) and (b), 'or an aircraft'—	10
		omit.	11
138		nission of s 281 (Liability for a charge in relation to an craft)	12 13
		Section 281—	14
		omit.	15
139		nendment of s 281A (Liability for a charge in relation to ods)	16 17
	(1)	Section 281A(f)—	18
		omit.	19
	(2)	Section 281A(g)—	20
		renumber as section 281A(f).	21

140		placement of s 281B (Liability for a charge in relation passengers)	1 2
		Section 281B—	3
		omit, insert—	4
'281B	Lia	bility for a charge in relation to passengers	5
		'If a charge is payable in relation to passengers on a ship, the following persons are jointly and severally liable for the charge—	6 7 8
		(a) the owner of the ship;	9
		(b) the master of the ship;	10
		(c) the agent of the ship's owner;	11
		(d) another person who has accepted liability for the charge.'.	12 13
141		endment of s 281D (Liability for movement of ships, craft, vehicles, goods or rolling stock)	14 15
	(1)	Section 281D, heading, 'aircraft,'—	16
		omit.	17
	(2)	Section 281D(1), 'an aircraft,'—	18
		omit.	19
	(3)	Section 281D(2)(a), ', aircraft'—	20
		omit.	21
142		endment of s 281E (Liability for damage to port hority's port facilities)	22 23
		Section 281E(1)—	24
		omit, insert—	25
	'(1)	If damage is caused by a ship to a port authority's port facilities, the following persons are jointly and severally liable for the damage—	26 27 28

[s	1	43]
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		(a)	the owner of the ship;	1
		(b)	the master of the ship;	2
		(c)	the agent of the ship's owner.'.	3
143	Am by	endr port	ment of s 282 (Port authority may control activities notice)	4 5
		Sect	tion 282(2)(c), ', or parking aircraft,'—	6
		omii	t.	7
144	Om	nissio	on of s 282B (Port notice—aircraft parking)	8
		Sect	tion 282B—	9
		omii	t.	10
145	Am or s	endr stora	ment of s 282C (Port notice—movement, handling age of goods)	11 12
		Sect	tion 282C, from 'from'—	13
		omii	t, insert—	14
		'fro	m ships at its port facilities.'.	15
146			ment of s 282H (Port notice may refer to ents held by port authority)	16 17
		Sect (vi)-	tion 282H(5), definition <i>standard</i> , paragraph (h)(v) and	18 19
		omii	t.	20
147		endr	ment of s 282J (Offence of not complying with a tice)	21 22
	(1)	Sect	tion 282J, penalty, paragraph (c)—	23
		omii	t.	24

	(2)	Section 282J, penalty, paragraphs (d) and (e)—
		renumber as paragraphs (c) and (d).
148		nendment of s 282Q (Authorised officer may give ections)
		Section 282Q(1), examples, 'the parking of an aircraft or'—
		omit.
149		nendment of s 282S (Offence of not complying with a ection)
	(1)	Section 282S, penalty, paragraph (b)(iii)—
		omit.
	(2)	Section 282S, penalty, paragraph (b)(iv) and (v)—
		renumber as paragraph (b)(iii) and (iv).
150	Am	nendment of s 282T (Moving contravening property)
	(1)	Section 282T(1)(a), 'an aircraft,'—
		omit.
	(2)	Section 282T(4), definition <i>contravening property</i> , 'an aircraft,'—
		omit.
	(3)	Section 282T(4), definition person in charge, paragraph (b)—
		omit.
	(4)	Section 282T(4), definition <i>person in charge</i> , paragraphs (c) and (d)—
		renumber as paragraphs (b) and (c)

151	Amendment of s 283B (Inspection of ships, aircraft, vehicles, rolling stock and goods)		
	(1)	Section 283B, heading, 'aircraft,'—	3
		omit.	4
	(2)	Section 283B(1)(a), ', an aircraft'—	5
		omit.	6
	(3)	Section 283B(3) definition conveyance, 'an aircraft,'—	7
		omit.	8
152	Am	nendment of s 285 (Land use plans)	9
	(1)	Section 285(1), words before paragraph (c)(i)—	10
		omit, insert—	11
	'(1)	This section applies to port authority land that is on or near the interface between the land and the waters within the limits of the port, as defined under section 274, and that is used or may be used—'.	12 13 14 15
	(2)	Section 285(1)(i) to (vii)—	16
		renumber as section 285(1)(a) to (g).	17
153	Am	nendment of s 289H (Definitions for pt 4B)	18
		Section 289H, definition <i>abandoned property</i> , paragraphs (a) and (b), ', an aircraft'—	19 20
		omit.	21
154		nendment of s 291 (Carrying on port activities outside rt limits)	22 23
		Section 291(2)—	24
		omit	25

Airport Assets (Restructuring and Disposal) Bill 2008 Chapter 7 Amendment of other legislation Part 7 Amendment of Transport Infrastructure 1994

Is 1551

155	Am	endment of s 292 (Offences)	1
		Section 292(4)—	2
		omit.	3
156	Amendment of sch 6 (Dictionary)		
	(1)	Schedule 6, definitions airport and charterer—	5
		omit.	6
	(2)	Schedule 6, definition <i>port</i> , ', and includes an airport for which the authority is responsible'—	7
		omit.	g

Schedule 1 Airport land

1

sections 7, 8 and 9 2

Part 1 Cairns airport land

Lot on Plan	County	Parish	Area
Lot 1 on RP 738764	Nares	Cairns	0.4708 ha
Lot 2 on RP 738764	Nares	Cairns	1.825 ha
Lot 3 on RP 738764	Nares	Cairns	12.7542 ha
Lot 398 on RP 715442	Nares	Cairns	6.054 ha
Lot 1 on RP 731801	Nares	Cairns	3.521 ha
Lot 1 on RP 736303	Nares	Cairns	19.6177 ha
Lot 4 on SP146888	Nares	Cairns	123.4 ha
Lot 1 on RP 747652	Nares	Smithfield	4.674 ha
Lot 1 on RP 748893	Nares	Smithfield	0.2409 ha
Lot 1 on RP 748896	Nares	Smithfield	6.484 ha
Lot 2 on RP 748896	Nares	Smithfield	60.7518 ha
Lot 3 on RP 710432	Nares	Smithfield	0.8094 ha
Lot 1 on RP 736304	Nares	Cairns	517.2473 ha
Lot 5 on SP 146888	Nares	Cairns	5.231 ha
Lot 748 on CPNR 6651	Nares	Cairns	5.241 ha

1

Part 2 Mackay airport land

County Lot on Plan **Parish** Area Lot 1 on RP 711078 Carlisle Howard 0.3541 ha Lot 1 on RP 713704 Carlisle Howard 1.7637 ha Lot 1 on RP 723311 Carlisle Howard 56 ha Lot 1 on RP 842090 Carlisle Howard 0.36445 ha Lot 2 on RP 723311 Carlisle Howard 0.7249 ha Lot 2 on RP 842090 Carlisle Howard 15.43 ha Lot 3 on RP 723311 Carlisle Howard 1.554 ha Lot 3 on RP 842090 Carlisle Howard 0.6917 ha Lot 19 on SP 145073 Carlisle Howard 3.142 ha Lot 381 on RP 711085 Carlisle Howard 0.1416 ha Lot 405 on CP 842088 Carlisle Howard 167.3 ha Lot 443 on RP 724222 Carlisle Howard 25.9841 ha

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Schedule 2 Core airport infrastructure

	S	schedule 3, definition core airport infrastructure	2
The f	follow	ving are core airport infrastructure for airport land—	3
(a)	oper	ities on the airport land directly connected with the ation of an airport on the land, including, for apple the following—	4 5 6
	(i)	taxiways, runways and air terminal aprons;	7
	(ii)	aircraft movement areas, parking areas and standing areas;	8 9
	(iii)	aircraft hangers;	10
	(iv)	aircraft repair and maintenance facilities, and aircraft refuelling and fuel storage facilities;	11 12
	(v)	storage and maintenance facilities for airline equipment and vehicles, including, for example, ramp handling equipment;	13 14 15
	(vi)	communication and traffic control facilities;	16
	(vii)	emergency service and meteorological facilities;	17
	(viii)	pilot briefing facilities and associated support facilities;	18 19
	(ix)	heliports;	20
	(x)	flight training facilities, flight catering facilities, air freight and cold storage facilities;	21 22
	(xi)	airline support facilities, including, for example, lounges, service desks and baggage handling facilities;	23 24 25
	(xii)	customs, immigration and quarantine facilities, including facilities for under-bond storage and housing animals;	26 27 28
	(xiii)	airport plant and equipment, including, for example, stand-by power generation facilities:	29 30

	(xiv)) airport passenger and general aviation terminals, but not including any facilities within the terminals mentioned in paragraph (b) or (c);	1 2 3
	(xv)	offices for airport or airline management, or offices associated with any facilities mentioned in subparagraphs (i) to (xiv);	4 5 6
	(xvi)) airport signage;	7
	(xvi	i)fill or excavation works carried out in relation to any matter mentioned in subparagraphs (i) to (xvi);	8 9
(b)	men an	lities on the airport land, other than facilities tioned in paragraph (a), related to the operation of airport on the land, including, for example the owing—	10 11 12 13
	(i)	vehicle parking facilities;	14
	(ii)	vehicle rental and valet parking facilities;	15
	(iii)	facilities associated with vehicle rental and valet parking facilities, including, for example, facilities for vehicle refuelling, fuel storage and vehicle maintenance and washing;	16 17 18 19
(c)		lities within an existing airport terminal building, uding, for example, the following—	20 21
	(i)	advertising signage;	22
	(ii)	retail outlets appropriate for providing services to airline passengers, including newsagencies, bookstores, gift or souvenir stores, toy stores, pharmacies or arts and craft stores;	23 24 25 26
	(iii)	duty free stores;	27
	(iv)	freight facilities, other than for air freight;	28
	(v)	medical centres;	29
	(vi)	restaurants, cafes, fast food outlets or snack food vending machines;	30 31
	(vii)	offices;	32
	(viii)a chapel;	33

(1X)	tourism or accommodation booking offices;	1
(x)	development for water supply, sewerage, drainage	2
	waste storage and collection, electricity supply and	3
	any other facility owned or operated by a local	4
	government or a public sector entity within the	5
	meaning of the <i>Integrated Planning Act 1997</i> .	6

section 4

Schedule 3 Dictionary

1	

abandoned property, for chapter 4, part 6, see section 87.	3
agent includes a financier, insurer or advisor.	4
airport means Cairns International Airport or Mackay Airport.	5 6
airport entity see section 6.	7
airport land see section 7.	8
airport lessee means an entity declared to be an airport lessee under section 100.	9 10
airport lessor means an entity declared to be an airport lessor under section 100.	11 12
airport manager means a person appointed as airport manager under section 95.	13 14
airport notice see section 62.	15
airport operator, for an airport, means an airport lessee or airport manager for the airport or, if there is no airport lessee or airport manager for the airport, the airport lessor for the airport.	16 17 18 19
airport sublessee means a person who leases any airport land from an airport lessee or another airport sublessee.	20 21
asset includes a right.	22
BAC Holdings means BAC Holdings Limited ACN 108 568 038.	23 24
BACH Shareholders Agreement means the agreement between BAC Holdings and its shareholders, dated on or about 30 June 2004, as in force from time to time.	25 26 27
Cairns airport land see section 8.	28
Cairns Ports means Cairns Ports Ltd ACN 131 836 014	20

char	ges s	chedule, for a land use plan, see section 35(1)(e).	1
com	pletio	on day means—	2
(a)	enti	Cairns International Airport—the day on which an ty is declared, under section 100(1)(c), to be an ort lessee for the airport; or	3 4 5
(b)	for Mackay Airport—the day on which an entity is declared, under section 100(1)(d), to be an airport lessee for the airport.		
core	airpo	ort infrastructure—	9
1	Cor infra	e airport infrastructure means core airport astructure stated in schedule 2.	10 11
2		remove any doubt, it is declared that <i>core airport</i> astructure does not include the following—	12 13
	(a)	carrying out manufacturing, other than food preparation;	14 15
	(b)	hotels, motels or any type of residential dwelling;	16
	(c)	department stores, discount department stores, retail warehouses, showrooms or wholesale facilities.	17 18 19
core	matt	ers, for chapter 3, part 1, see section 30.	20
deve	lopm	ent means development under the Planning Act.	21
	-	ent application means a development application lopment approval under the Planning Act.	22 23
	-	ent approval means a development approval under ing Act.	24 25
dispo	osal i	ncludes divestment.	26
drafi	t plan	a see section 37(b).	27
empi	loyee	includes officer.	28
first	land	use plan see section 31(1).	29
	-	means Gateway Investments Corporation Limited 967 464	30 31

government company means a corporation incorporated under the Corporations Act all the stock or shares in the capital of which is or are beneficially owned by the State.	1 2 3
information includes a document.	4
instrument includes an oral agreement.	5
<i>insufficient value property</i> , for chapter 4, part 6, see section 87.	6 7
<i>land</i> means any land, whether above or below the ordinary high water mark at spring tides.	8 9
<i>land use and development</i> , for chapter 3, part 1, see section 30.	10 11
<i>land use plan</i> , for airport land, means the land use plan, approved under chapter 3, part 1, that regulates development on the airport land.	12 13 14
<i>local government</i> , for a provision of this Act about airport land, or a land use plan for airport land, means the local government for the local government area within which the airport land is situated.	15 16 17 18
Mackay airport land see section 9.	19
Mackay Ports means Mackay Ports Ltd ACN 131 965 707.	20
Office of Transport Security means the office of that name within the Commonwealth department within which the Aviation Transport Security Act 2004 (Cwlth) is administered.	21 22 23
officer includes a director.	24
person involved in the project means an employee or agent of the State who is involved in carrying out the project in the course of the employment or agency.	25 26 27
Planning Act means the Integrated Planning Act 1997.	28
<i>planning chief executive</i> means the chief executive of the department in which the Planning Act is administered.	29 30
planning Minister means the Minister administering the Integrated Planning Act 1997.	31 32

<i>planning scheme</i> means a planning scheme under the Planning Act.	1 2
POBC means Port of Brisbane Corporation Limited ACN 124 048 522.	3 4
priority infrastructure interface plan, for a land use plan for airport land, means a document prepared by or for an airport lessee describing how development that is consistent with the land use plan is intended to coordinate with the priority infrastructure plan of the local government in relation to the types of local government infrastructure relevant to the airport land.	5 6 7 8 9 10 11
<i>priority infrastructure plan</i> , of a local government, means the local government's priority infrastructure plan under the Planning Act.	12 13 14
<i>project</i> see section 5.	15
project direction see section 14(1).	16
QIC means the Queensland Investment Corporation.	17
<i>QIC Infrastructure Management</i> means QIC Infrastructure Management Pty Ltd ACN 096 932 188.	18 19
<i>QTH</i> means Queensland Treasury Holdings Pty Ltd ACN 011 027 295.	20 21
record includes any document.	22
right includes power, privilege and immunity.	23
shareholders deed of covenant means a deed of covenant, complying with clause 7.1 of the BACH Shareholders Agreement, that must be executed before an entity may become an equity holder under that agreement.	24 25 26 27
State interest see the Planning Act, schedule 10.	28
statement of proposal see section 36(1).	29
TIA, for chapter 6, part 2, see section 108.	30
transfer notice see section 12(1).	31

Schedule 3

ultimate holding company has the meaning given by the	1
Corporations Act, section 9, as if section 48(2) and (3) of that	2
Act did not apply.	3
valuable features, for chapter 3, part 1, see section 30.	4
vehicle includes any type of transport that moves on wheels	5
and a hovercraft but does not include an aircraft, train or tram.	6

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