

Subordinate Local Law No. 1.20 (Use of a Vehicle on an Airside Area) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.20 (Use of a Vehicle on an Airside Area) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 1 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Schedule 1 Use of a vehicle on an airside area

Section 5

1. Prescribed activity

Use of a vehicle on an airside area

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

- (1) The name of the applicant.
- (2) A copy of the current registration certificate for each vehicle proposed to be used in the operation of the prescribed activity.
- (3) Details of each driver of a vehicle proposed to be used in the operation of the prescribed activity.
- (4) A copy of the current aviation security identification card for the applicant and each driver of a vehicle proposed to be used in the operation of the prescribed activity.
- (5) Details of why the applicant requires the approval.
- (6) The period during which the applicant requires the approval.
- (7) A copy of the current driver's licence of the applicant and each driver granted under the *Transport Operations (Road Use Management – Driver Licensing) Regulation 1999*.

4. Additional criteria for the granting of an approval

The grant of the approval must be consistent with the objects of *Local Law No. 7 (Aerodromes) 2011*.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may require the approval holder to—
 - (a) affix the approval to, or exhibit the approval on, a specified part of the vehicle identified in the approval facing outwards and as near as practicable to the registration label for the vehicle; and
 - (b) if the approval holder requests the issue of a replacement approval—complete a statutory declaration detailing the facts and circumstances

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- of the loss, destruction or damage of the original approval; and
- (c) enter into an agreement with the local government to indemnify the local government against claims (including claims made against the approval holder by the local government) for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the use of a vehicle under the approval; and
 - (d) if the approval holder is a business—take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
 - (e) take specified measures to reduce the impact of the activities authorised by the approval so that the activities do not—
 - (i) create a traffic nuisance; or
 - (ii) increase an existing traffic nuisance; or
 - (iii) detrimentally affect the efficiency of the airside area on which the activity is undertaken; or
 - (iv) detrimentally impact on the activities of other persons authorised to use the airside area.
- (2) The conditions of an approval may require that the approval holder—
- (a) limit the activities authorised by the approval to—
 - (i) a specified area; or
 - (ii) a number of specified areas; and
 - (b) limit the activities to specified days and times; and
 - (c) limit the activities to—
 - (i) a specified period of time; or
 - (ii) specified periods of time; and
 - (d) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
 - (e) take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
 - (f) ensure that the vehicle used in the operation of the prescribed activity is, at all times, maintained—
 - (i) in good working order and condition; and
 - (ii) in a clean and sanitary condition; and

- (g) comply with directions given by an authorised person; and
- (h) park a vehicle identified in the approval at a specified area; and
- (i) remove a vehicle identified in the approval from the airside area—
 - (i) in specified circumstances; or
 - (ii) during specified periods of time; and
- (j) remove a vehicle identified in the approval from the airside area at all times other than when the vehicle is being used on the airside area under the approval.

7. Term of an approval

- (1) The term of an approval may be assessed by an authorised person having regard to the information submitted by the applicant.
- (2) However, the local government may fix the term for an approval if it is desirable to do so—
 - (a) to provide common expiry dates for approvals; or
 - (b) for some other reason.
- (3) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirements stated		

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Dictionary

Section 4

airside area has the meaning given in *Local Law No. 7 (Aerodromes) 2011*.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

This and the preceding 7 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.20 (Use of a Vehicle on an Airside Area) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the 13th day of December 2011.

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Chief Executive Officer

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