



AIRPORT REGULATIONS 1992

[Consolidated as at 1 January 2015
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

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Airport Regulations 1992

PART 1 — CHARGES

Short title

1. These Regulations may be cited as the *Airport Regulations 1992*.

Interpretation

2. In these Regulations, unless the contrary intention appears —
 - “Act” means the *Airport Act 1991*;
 - “aircraft operator” means a person, organisation, or enterprise engaged in, or offering to engage in, an aircraft operation, and “operator” has the same meaning;
 - “air side” means the part of the airport which is designated to be used for the purposes of parking aircraft, maintaining and repairing aircraft, loading and refuelling aircraft and the take-off and landing of aircraft;
 - “Airport Manager” means the person from time to time responsible for managing the operation of the airport;
 - “aviation security identification card” means a card issued under sub regulation 5(1);
 - “authorised person” means the Airport Manager, a police officer or a person authorised by the Airport Manager for the purposes of Part 2 of the Regulations;
 - “CASA” means the Civil Aviation Safety Authority established under the *Civil Aviation Act 1988* of the Commonwealth;
 - “police officer” means a person who is a member of the police force for the purposes of the *Police Act 1931*;
 - “principal Regulations” means the *Airport Regulations 1992*;
 - “prohibited area” means the air side;

“registration” means —

- (a) registration under the *Civil Aviation Act 1988* of the Commonwealth; or
- (b) registration in a foreign country or under a joint registration plan or international registration plan;

“security restricted area” means the part of the air side referred to in subregulation 7(1).

Landing, etc charges

3. For the purposes of section 3 of the Act, the charges specified in, or calculated in accordance with, the Schedule are prescribed.

Waiver of charges

3A. (1) The Minister may waive that portion of a charge that is calculated in respect of the movement of a passenger on a Regular Passenger Transport service prescribed in the Schedule if the Minister is satisfied that —

- (a) no person has received, or will receive, any consideration for the movement of the passenger; and
- (b) the waiver is justified —
 - (i) to encourage tourism on Norfolk Island; or
 - (ii) to support a social, cultural or sporting activity on Norfolk Island; or
 - (iii) to support the participation by a Norfolk Island resident in a social, cultural or sporting activity in a place outside Norfolk Island; or
 - (iv) for a charitable purpose.

(2) A person liable for the payment of a charge must apply for the waiver of the charge in writing to the Minister.

(3) The Minister must, at the first Legislative Assembly meeting after 1 July in each year, table a report setting out the total amount of charges waived on the application of a person under each of Regulations 3A(1)(b)(i) to 3A(1)(b)(iv) during the preceding 12 months.

Security deposits

3B. (1) For the purposes of subsection 3(5) of the Act the amounts specified in Table B of the Schedule are prescribed.

(2) The amount deposited in accordance with sub-regulation (1) is called the “security deposit”.

(3) This regulation does not apply to an operator who was an aircraft operator operating a scheduled passenger service on or before 31 December 2008.

(4) Every aircraft operator, other than an operator described in sub-regulation (3), must within 30 days of the commencement of this regulation, or before commencing a public passenger service, deposit with the Administration any security deposit applicable to that operator.

(5) An operator shall not be permitted to land any aircraft on the airport until the operator’s obligations under this regulation been complied with to the satisfaction of the Minister.

(6) The Minister may, but is not required to, give notice to an aircraft operator of the aircraft operator's obligation under sub-regulation (1) and may include in the notice the amount estimated to be payable and a statement that if the amount is not paid within the period required by sub-regulation (4), the operator will not be permitted to land any aircraft on the airport, and such other information as the Minister may decide to include.

(7) The obligation of an aircraft operator to lodge a security deposit is not dependent upon the Minister issuing a notice under sub-regulation (3).

(8) A security deposit may be effected by way of—

(a) payment of a cash sum to the Administration; or

(b) (i) a bank guarantee; or

(ii) other security

acceptable to the Minister and capable of being converted to cash by or on behalf of the Administration without prior notice to the aircraft operator.

(9) If any landing or other charge payable to the Administration in accordance with these Regulations or the Act is not paid within the time payable as stated in an invoice requiring payment, the Minister may direct that the amount payable be deducted from the security deposit and the aircraft operator shall be notified as soon as practicable thereafter.

(10) If the whole or part of a security deposit is taken by the Administration under sub-regulation (9), the aircraft operator must within 14 days increase or replace the amount of the security deposit so that it complies with the requirement of sub-regulation (1) and in default of such payment the aircraft operator shall not be permitted to land any aircraft on the airport.

(11) The estimated landing charges under sub-regulation (1) may take account of any waiver of charges made in accordance with regulation 3A.

Note: in subregulation 3B(5), (6), (7), (8) and (9) references to Minister have been corrected to reflect references to mean the Norfolk Island Minister; see end Notes re *Interpretation (Amendment) Act 2012*.

Recovery of charges

4. (1) The following persons are jointly and severally liable for the payment of a charge —

(a) the owner of the aircraft in relation to which the charge was incurred; and

(b) the person to whom an Air Operator's Certificate has been issued under section 27 of the *Civil Aviation Act 1988* of the Commonwealth authorising the flight or operation of the aircraft in relation to which the charge was incurred; and

(c) the holder of a certificate of registration for the aircraft in relation to which the charge was incurred; and

(d) the operator of the aircraft operation in the course of which the charge was incurred.

(1A) A person must pay a charge to the Administration.

(2) A charge payable under subsection 4(1), but not paid, may be sued for by the Administration in a Court of competent jurisdiction.

(3) In this regulation reference to “charge” includes a security deposit under regulation 3B.

Steps for giving notice

4A. The authorised officer will be taken to have taken reasonable steps to give notice of the seizure of an aircraft to each person specified by or under section 3G(2) of the Act if the authorised officer —

- (a) notifies the seizure to the person referred to in Regulation 4(1)(b) at the last address notified to CASA in respect of that person; and
- (b) in respect of an aircraft registered under the *Civil Aviation Regulations 1988* of the Commonwealth, notifies the seizure to each person notified to CASA under those Regulations as having a property interest in the aircraft at the last address notified to CASA under those Regulations in respect of that person; and
- (c) in respect of an aircraft registered in a foreign country or under a joint registration plan or international registration plan, notifies the holder of the certificate of registration for that aircraft at the last address notified to the authority administering that system of registration in respect of that holder; and
- (d) places notice of the seizure in a newspaper circulating generally —
 - (i) in respect of an aircraft registered under the *Civil Aviation Regulations 1988* of the Commonwealth, in Australia; or
 - (ii) in respect of any other aircraft, in the country in which the aircraft last landed prior to its seizure; and
- (e) if a pilot is in control of the aircraft at the time of its seizure, notifies that pilot of the seizure.

PART 2 — AIRPORT SECURITY

Aviation Security Identification Card

5. (1) The Airport Manager may issue an aviation security identification card to a person if the Airport Manager is satisfied that it is necessary for the person to have access to the prohibited area or a security restricted area for the purposes of the Act or these Regulations or for the purposes of the person’s normal business.

(2) Where the Airport Manager considers that it is no longer necessary for a person to have an aviation security identification card, the Airport Manager may request the person to surrender the aviation security identification card issued to that person.

(3) A person shall not, without reasonable excuse, fail to comply with a request made under subregulation 5(2).

Penalty: 5 penalty units

Prohibited area

6. (1) A person shall not, without lawful authority or excuse —
- (a) enter into, or remain within, the prohibited area; or
 - (b) bring an article or thing into, or leave an article or thing in, the prohibited area; or
 - (c) operate a vehicle in the prohibited area; or
 - (d) bring an animal or bird into, or leave an animal or bird in, the prohibited area.

Penalty: for a first offence – 20 penalty units;
for a second offence – 30 penalty units;
for a subsequent offence — 50 penalty units

(2) A person has lawful authority for the purposes of subregulation 6(1) if the person is an authorised person or the person —

- (a) is permitted by the Airport Manager to enter into or remain in the prohibited area for the purpose of the normal course of business of the person; or
- (b) at all times while in the prohibited area is escorted by, or in the control of, an authorised person; or
- (c) is permitted by the Airport Manager to enter into or remain in the prohibited area for a specified purpose.

(3) An authorised person may request a person to comply with subregulation 6(1).

(4) A person shall not, without reasonable excuse, fail to comply with a request made under subregulation 6(3).

Penalty: for a first offence – 20 penalty units;
for a second offence – 30 penalty units;
for a subsequent offence — 50 penalty units

(5) Where a person, article, thing, vehicle, animal or bird is found in the prohibited area and is reasonably suspected of being there without lawful authority, an authorised person may, with such assistance or force as is reasonably necessary, remove that person, article, thing, vehicle, animal or bird from the prohibited area.

Security restricted area

7. (1) The Airport Manager may, by use of signs or other means, identify an area of the prohibited area as a security restricted area.

- (2) A person shall not, without lawful authority or excuse —
- (a) enter into, or remain within, a security restricted area; or
 - (b) bring an article or thing into, or leave an article or thing in, a security restricted area; or

- (c) operate a vehicle in a security restricted area; or
- (d) permit an animal or bird in his or her possession, or under his or her control, to enter into or remain within a security restricted area.

Penalty: for a first offence — 20 penalty units;
 for a second offence — 30 penalty units;
 for a subsequent offence — 50 penalty units

(3) A person has lawful authority for the purposes of subregulation 7(2) if the person is an authorised person or —

- (a) is wearing a valid aviation security identification card issued to that person; or
- (b) at all times while in a security restricted area is under the escort of, or in the control of, an authorised person or a person wearing a valid aviation security identification card issued to that person.

(4) An authorised person shall wear the aviation security identification card issued to that person when in a security restricted area.

(5) An authorised person may request a person to comply with subregulation 7(2).

(6) A person shall not, without reasonable excuse, fail to comply with a request made under subregulation 7(5).

“Penalty: for a first offence – 20 penalty units;
 for a second offence – 30 penalty units;
 for a subsequent offence — 50 penalty units

(7) Where a person, article, thing, vehicle, animal or bird is found in a security restricted area and is reasonably suspected of being there without lawful authority, an authorised person may, with such assistance or force as is reasonably necessary, remove that person, article, thing, vehicle, animal or bird from the security restricted area.

PART 3 — CONTROL OF COMMERCIAL ACTIVITIES**Control of activities at airport**

8. A person engaged in private enterprise must not on the airport —
- (a) approach incoming passengers for the purpose of —
 - (i) recommending goods and services and generally soliciting business; or
 - (ii) advertising business or wares by distributing invitations or descriptive matter in relation to goods or services; or
 - (iii) endeavouring to sell goods in a persistent or direct manner; or
 - (b) display by holding or placing in a conspicuous place boards containing advertising or descriptive matter in relation to goods or services; or
 - (c) place advertising matter on or in a motor vehicle.

Penalty for a first offence: 5 penalty units

Penalty for a second or subsequent offence: 10 penalty units.

SCHEDULE*Regulation 3*

In this Schedule —

“movement” means a landing or a take-off;

“non-transit passenger” means a passenger other than a transit passenger;

“transit passenger” means a passenger who in the course of a journey stopped over on Norfolk Island for a period not more than 2 hours;

“specified service” means the Air New Zealand Service Australia - Norfolk Island - Australia.

TABLE A – BASIC CHARGES**Norfolk Island Airport Fees and Charges –
Specified Service**

Item		Unit	Fee
1	Regular Passenger Transport Services (RPT Services) (Embarking and Disembarking Passengers)	Each person	\$23.10
	After Hours Attendance	Unit	
2	After hours attendance between 1500 hours and 0700 hours	Per person per hour	\$41.10
	Fuel Spill Charge	Unit	
3	To clean up following a fuel spill	Minimum charge	\$51.35
4		Or: Actual cleanup cost	
	Passenger Screening	Unit	
5	Provision of RPT passenger and baggage screening services	Per departure	\$380.00
6	Delay fees (unscheduled and ongoing)	Per hour or part thereof per staff member in attendance	\$2.70
7	Delay fees (diversions)	Per diversion per staff member in attendance	\$2.70
	Aircraft Waste Disposal	Unit	
8	Sorting and disposal of waste (not including lavatory waste)	Per operation	\$31.00
	Aviation Rescue and Fire Fighting	Unit	
9	Coverage of Scheduled RPT Flights (Embarking and Disembarking Passengers)	Each person	\$2.60
10	Coverage for delayed RPT flights	Per 15 mins after first 15 mins, or part thereof per person	\$2.70

Other than Specified Service

11	Passenger Facilitation Charge	Unit	Fee
12	Non RPT charter (5 passengers or more)	Each person	\$25.70
	After Hours Attendance	Unit	
13	After hours attendance between 1500 hours and 0700 hours	Per hour	\$41.10
	Fuel Spill Charge	Unit	
14	To clean up following a fuel spill	Minimum charge	\$51.35
15		Or; Actual cleanup cost	or; Actual cleanup cost
	Passenger Screening	Unit	
16	Provision of non- RPT passenger and baggage screening services		\$700.00
	Aircraft Waste Disposal	Unit	
17	Sorting and disposal of waste (not including lavatory waste)	Per operation	\$31.00
	Aviation Rescue and Fire Fighting	Unit	
18	Coverage as requested by aircraft operator ie ANZ/Air Fij/Jet Connect/Qantas including Charter flights	Per Cat 6 and below service	\$1,000.00
	Aircraft Movement Fees	Unit	
19	Non RPT charter with (less than 5 passengers)	Per/movement /tonne of maximum take-off weight (MTOW)	\$16.15
20	General Aviation Aircraft including helicopters	Per/movement/tonne of maximum take-off weight (MTOW)	\$16.15
21	Military Aircraft	Free of charge where operated by the Australian Defence Force, or by a country to which the <i>Defence (Visiting Forces) Act 1963</i> of the Commonwealth applies	Nil

	Aircraft Parking Fees	Unit	
22	Aircraft with maximum take-off weight (MTOW)		
23	Exceeding 20,000kgs	Per 24 hours or part thereof	\$64.50
24	Aircraft Parking (permanent)	Per annum	\$215.00
25	Runway Lighting	Per hour or part thereof	\$60.00
26	Apron security lighting charge	Per hour or part thereof	\$15.00
	Provision of Aviation Security Identification Cards (ASICs)	Unit	
27	Processing of ASIC applications, printing and maintaining register	Per card	\$170.00
	Concessions	Unit	
28	Use of terminal space for commercial activity	Per square metre per week	\$25.00

TABLE B – SECURITY DEPOSIT

Class of Aircraft operator	Unit
Regular public passenger transport service; or Regular Public Transport service by charter	Sum equal to the total of 3 months estimated landing charges payable by the operator under these regulations, or \$500,000, whichever is the greater amount

NOTES

The *Airport Regulations 1992* as shown in this consolidation comprises regulations No. 11 of 1992 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Airport Regulations 1992</i>	11, 1992	24.12.92	
<i>Airport Charges Amendment Regulations 1994</i>	5, 1994	23.6.94	
<i>Airport Charges Amendment Regulations 1995</i>	4, 1995	27.4.95	
<i>Airport Amendment Regulations 1996</i>	1, 1996	19.4.96	
<i>Airport Amendment Regulations 1998</i>	2, 1998	28.5.98	
<i>Airport Amendment Regulations 2003</i>	3, 2003	1.7.03	
<i>Airport Amendment Regulations 2004</i>	5, 2004	26.3.04	
<i>Airport (Amendment No. 2) Regulations 2004</i>	13, 2004	1.9.04	
<i>Airport (Amendment) Regulations 2007</i>	3, 2007	23.2.07	
			[previously consolidated as at 24 February 2007]
<i>Airport (Amendment) Regulations 2009</i>	8, 2009	10.7.09	
			[previously consolidated as at 11 July 2009]
<i>Airport (Amendment) Regulations 2010</i>	9, 2010	27.8.2010 with effect from 1.9.2010	
			[previously consolidated as at 2 September 2010]
<i>Airport (Amendment) Regulations 2011</i>	6, 2011	30.6.2011 with effect from 1.7.2011	

Enactment	Number and year	Date of commencement	Application saving or transitional provision
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[previously consolidated as at 2 July 2011]

<i>Interpretation (Amendment) Act 2012</i>	14, 2012	28.12.12	
<i>[to substitute throughout — Commonwealth Minister for Minister; and to substitute Minister for executive member]</i>			

[previously consolidated as at 23 February 2014]

<i>Airport (Amendment) Regulations 2014]</i>	7, 2014	5.12.14	Deemed to have effect from 1.1.15
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Table of Amendments

ad = added or inserted or am = amended rep = repealed rs = repealed and substituted

Provisions affected	How affected
2	am Reg 1, 1996; 2, 1998; 5, 2004; 6, 2011
3A	ad Reg 2, 1998
	am Reg 5, 2004; 7, 2014
3B	ad Regs 6, 2011
	am Regs 7, 2014
4	am Reg 2, 1998; 7, 2014
4A	ad Reg 2, 1998
5	ad Reg 1, 1996
6	ad Reg 1, 1996
	am Reg 5, 2004
7	ad Reg 1, 1996
	am Reg 5, 2004
8	ad Reg 5, 2004
Schedule	am Reg 5, 1994; 4, 1995; 2, 1998; 3, 2003; 5, 2004; 13, 2004; 3, 2007; 8, 2009; 9, 2010; 6, 2011; 7, 2014

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