

## AIRPORTS (SURFACE TRAFFIC).

No. 40 of 1960.

An Act to make Provision with respect to the Control  
of Surface Traffic at Airports.

[Assented to 10th June, 1960.]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Airports (Surface Traffic) Act* 1960. Short title.

2. This Act shall come into operation on a date to be fixed by Proclamation. Commence-  
ment.

3.—(1.) In this Act, unless the contrary intention appears— Interpretation.

“airport” means—

- (a) an aerodrome owned or held under lease by the Commonwealth, or owned by the Crown in right of a Territory of the Commonwealth or by the Administration of a Territory of the Commonwealth, and operated in pursuance of the *Air Navigation Act* 1920–1960 or of the regulations under that Act; or
- (b) such part of an aerodrome owned or held under lease by the Commonwealth and under the control of a part of the Defence Force as is made available for civil aviation purposes in pursuance of arrangements made under section eighteen of that Act;

“authorized person” means—

- (a) a person authorized by the Director-General, in pursuance of section seven of this Act, to exercise the power or function in relation to which the expression is used; or
- (b) a member of the police force of the Commonwealth or of a State or Territory of the Commonwealth;

“ parking area ” means an area, within an airport, indicated by a sign or notice displayed in pursuance of section six of this Act to be an area in which persons are permitted to park vehicles;

“ parking fee ” means the fee that is payable in accordance with a sign or notice displayed in pursuance of section six of this Act in respect of parking a vehicle or causing a vehicle to stand in a parking area or parking position;

“ parking infringement ” means a contravention of paragraph (a) or (b) of sub-section (1.) of section eight of this Act;

“ parking position ” means a position, within an airport, indicated by a sign or notice displayed in pursuance of section six of this Act to be a position in which a person is permitted to park a vehicle;

“ road ” means street, road, lane, thoroughfare or place open to, or used by, the public for passage with vehicles;

“ the Director-General ” means the Director-General of Civil Aviation, and includes any person acting as the Director-General;

“ the owner ”, in relation to a vehicle—

(a) in the case of a vehicle that is registered under the law of a State or Territory of the Commonwealth relating to the registration of motor vehicles—means the person in whose name the vehicle is registered; or

(b) in the case of any other vehicle—includes every joint owner or part owner of the vehicle and any person who has possession and use of the vehicle under or subject to a hire purchase agreement or a bill of sale;

“ vehicle ” includes a trailer, caravan or portion of an articulated vehicle.

(2.) Any reference in this Act to causing a vehicle to stand, or keeping a vehicle standing, shall be read as a reference to causing or permitting the vehicle to remain stationary while under the control of the driver of the vehicle.

(3.) Any reference in this Act to parking a vehicle, or leaving a vehicle parked, shall be read as a reference to causing or permitting the vehicle to remain stationary while not under the control of the driver of the vehicle.

**4. This Act extends to every Territory of the Commonwealth.**

*Extension of  
Act to  
Territories.*

**5.—(1.) This Act binds the Crown in right of the Commonwealth or of any State.**

*Act to bind  
Crown.*

(2.) Nothing in this Act shall be deemed to subject the Crown in right of the Commonwealth or of a State to liability to be prosecuted for an offence, but this sub-section does not affect any liability of a person in the employment of the Crown to be so prosecuted.

**6.—(1.) The Director-General may determine and, by means of signs or notices prominently displayed, with or without reference to lines or marks, indicate or notify—**

*Parking, &c.,  
of vehicles  
at airports.*

- (a) areas and positions within an airport in which persons are, or are not, permitted to park vehicles or cause vehicles to stand;
- (b) the days and hours during which, the periods for which, and the conditions under which, persons are, or are not, permitted to park vehicles or cause vehicles to stand in parking areas or parking positions or keep vehicles standing in specified positions: and
- (c) the fee (if any) to be paid in respect of parking a vehicle or causing a vehicle to stand in a parking area or parking position.

(2.) The amount of any parking fee determined and notified in pursuance of the last preceding sub-section shall not exceed Two shillings, or such other amount as is prescribed, per hour.

(3.) For the purposes of the last preceding sub-section and of any sign or notice displayed in pursuance of sub-section (1.) of this section, a fee of a particular amount per hour shall be taken to be—

- (a) in the case of a vehicle parked or kept standing for a period of an hour or less than an hour—a fee of that amount ; or
- (b) in the case of a vehicle parked or kept standing for a period of more than an hour—a fee of that amount for each complete hour, and for any part of an hour after the last or only complete hour.

(4.) A determination made, and a sign or notice displayed, in pursuance of sub-section (1.) of this section may relate to vehicles generally, to vehicles included in a specified class or description of vehicles, or to vehicles being used for a particular purpose or by a specified transport service or by specified persons.

(5.) Where the sign or notice indicating a parking area or parking positions has inscribed upon it the words "Meter Parking", or otherwise indicates or directs that the parking fee is to be paid by means of a meter, a person who parks a vehicle or causes a vehicle to stand in such an area or position shall pay the parking fee by inserting the necessary coins in the meter nearest to the vehicle or, in the case of a parking area entry to or exit from which is controlled by meter-operated gates, in the meter operating those gates.

(6.) Where the sign or notice indicating a parking area or parking positions does not indicate or direct that the parking fee is to be paid by means of a meter, a person who parks a vehicle or causes a vehicle to stand in that area or one of those positions shall pay the parking fee to the authorized person who is for the time being collecting parking fees in respect of the parking area or parking positions.

(7.) Where a sign or notice of a kind referred to in this section is displayed within an airport, the sign or notice shall, unless the contrary is proved, be deemed to be in accordance with a determination under this section and to be duly displayed in accordance with this section.

**Authorized persons.**

7.—(1.) For the purposes of this Act, the Director-General may, by writing under his hand, authorize a person, or persons included in a specified class of persons, to exercise all or any of the powers and functions conferred by this Act upon authorized persons.

(2.) The Director-General shall cause each authorized person to be provided with an appropriate means of identifying himself as an authorized person.

**Offences.**

8.—(1.) A person shall not—

- (a) park a vehicle, or cause a vehicle to stand, in contravention of the terms of a sign or notice displayed in pursuance of section six of this Act;
- (b) park a vehicle or keep a vehicle standing in a parking area or parking position for a period unless he has first paid the parking fee in respect of that period in the manner provided by section six of this Act;
- (c) remove, damage, tamper with or disfigure a parking meter or a sign or notice displayed in pursuance of section six of this Act; or
- (d) insert anything in a parking meter other than the coins necessary to pay the parking fee.

Penalty: Twenty pounds.

(2.) Where a person leaves a vehicle parked or keeps a vehicle standing in a parking area or parking position referred to in sub-section (5.) of section six of this Act (other than an area entry to or exit from which is controlled by meter-operated gates) at a time when the parking meter nearest to the vehicle is displaying the indicator bearing the word "Expired", that person shall, unless the contrary is proved, be deemed to have failed to pay the parking fee.

(3.) In the case of a vehicle that is parked or kept standing in a parking area exit from which is controlled by meter-operated gates, a person shall be deemed not to have committed an offence under paragraph (b) of sub-section (1.) of this section if he has paid the parking fee before removing the vehicle from the area.

9.—(1.) Where a parking infringement is being committed in relation to a vehicle, an authorized person may direct the driver of the vehicle or any other person in control of the operation of the vehicle to remove the vehicle forthwith from the place where it is parked or kept standing.

Removal of vehicles.

(2.) A person to whom a direction is given in pursuance of the last preceding sub-section shall not, without reasonable excuse, refuse or fail to comply with the direction.

Penalty: Twenty pounds.

(3.) Where a parking infringement is being committed in relation to a vehicle and—

(a) the driver or other person in control of the operation of the vehicle refuses or fails to comply with a direction given in pursuance of sub-section (1.) of this section; or

(b) in the case of a parked vehicle, an authorized person cannot, after taking such steps as are reasonable in the circumstances, communicate with the driver,

the authorized person, with such assistance (if any) as he requires, may remove the vehicle to an area within the airport approved for the purpose by the Director-General and indicated by an appropriate sign or notice.

10. In the prosecution against a person for parking a vehicle or causing a vehicle to stand, in contravention of the terms of a sign or notice displayed in pursuance of section six of this Act (other than a sign or notice indicating that vehicles are not to be kept standing), it is a defence if the accused person satisfies the

Defence in case of vehicle standing in certain circumstances for limited time.

court that the vehicle was left parked or kept standing only for such time (not exceeding five minutes) as was reasonably necessary to take up or set down a passenger and his luggage (if any).

**Liability of  
owner and  
actual offender  
for parking  
infringement.**

**11.—(1.)** Subject to this section, where a parking infringement occurs, the owner of the vehicle at the time of the occurrence of the infringement shall be deemed to have committed the infringement, whether or not he in fact committed the infringement.

(2.) Nothing in the last preceding sub-section affects the liability of an actual offender other than the owner of the vehicle but, where the full amount of the penalty imposed on a person in respect of a parking infringement has been paid, a further penalty shall not be imposed on, or recovered from, another person in respect of the same infringement.

(3.) The owner of a vehicle shall not, by virtue of this section, be deemed to be guilty of an offence if, within fourteen days after the service on him of a summons in respect of the parking infringement alleged, he furnishes to the informant or complainant a statutory declaration made by him stating—

- (a) that he was not in control of the vehicle at the time of the alleged infringement; and
- (b) the name and address of the person who was in control of the vehicle at that time.

(4.) In a prosecution against the owner of a vehicle in respect of a parking infringement, it is a defence if the owner satisfies the court—

- (a) that the vehicle was, at the time of the infringement, stolen or illegally taken or used; or
- (b) that he was not in control of the vehicle at the time of the alleged infringement and does not know, and could not with reasonable diligence have ascertained, the name and address of the person who was in control of the vehicle at that time.

(5.) A statutory declaration furnished, in relation to a parking infringement, in accordance with sub-section (3.) of this section is admissible in evidence in a prosecution in respect of that parking infringement against the person stated in the document to have been in control of the vehicle at the time of the alleged infringement, and is evidence that that person was in control of the vehicle at that time.

(6.) In a prosecution under this Act, a document purporting to be a statutory declaration furnished in accordance with sub-section (3.) of this section shall, unless the contrary is shown, be taken to be such a statutory declaration, duly made and furnished.

12.—(1.) For the purposes of this Act, a document issued by an officer of a State or Territory of the Commonwealth having duties in connexion with the law of that State or Territory relating to the registration of motor vehicles, bearing his written, stamped or printed signature and stating that, during a specified period or on a specified date, a motor vehicle described in the document was registered under that law in the name of a specified person is evidence of the matters stated in the document.

Evidence of  
registration  
of motor  
vehicles.

(2.) In a prosecution for an offence against this Act a document purporting to be a document referred to in the last preceding sub-section is admissible in evidence as such a document without proof of the signature of the person by whom it purports to have been issued or of the fact that he was an officer referred to in that sub-section.

13.—(1.) Where an authorized person has reason to believe that a parking infringement has been committed in respect of a vehicle, he may serve or cause to be served a parking infringement notice in accordance with this section.

Parking  
infringement  
notices.

(2.) A parking infringement notice may be served—

- (a) by serving the notice personally upon the person who appears to have committed the infringement or upon any person who is driving, or appears to be in control of, the vehicle;
- (b) by securely affixing the notice to the vehicle in a conspicuous position; or
- (c) by serving the notice upon the owner of the vehicle personally or by post.

(3.) Where a parking infringement notice is to be served by post upon the owner of a vehicle, it may be addressed to him—

- (a) at his last known place of residence or business; or
- (b) in the case of a vehicle registered under the law of a State or Territory of the Commonwealth relating to the registration of motor vehicles, at the latest address of the owner in the record of registration of the vehicle.

(4.) In the case of a parking infringement notice that is served by affixing the notice to a vehicle, the notice shall be addressed to “the owner” of the vehicle without further description of the owner, and in every other case the notice shall have clearly shown on its face the full name or the surname and initials and address of the person upon whom it is served.

(5.) Every parking infringement notice served shall clearly show—

- (a) the day, time and place of the alleged infringement;
- (b) the nature of the alleged infringement;
- (c) the amount of the prescribed penalty, and the person, being an officer, to whom, the place at which, and the manner in which, the penalty may be paid; and
- (d) the date of the notice and a statement that the penalty may be paid within a period of fourteen days after that date,

and may contain such other particulars as the Director-General considers necessary.

(6.) Every parking infringement notice shall contain a notification to the person upon whom it is served that, if he does not wish the matter to be dealt with by a court, he may make a signed statement to that effect in the manner indicated in the notice and pay the prescribed penalty.

(7.) For the purposes of this section, the prescribed penalty for a parking infringement is the amount of Two pounds.

(8.) Where a parking infringement notice has been served and, before the expiration of the specified period of fourteen days or, where an authorized person so allows, at any time before service of a summons in respect of the parking infringement, the amount of the prescribed penalty is paid in accordance with the notice and a statement, signed by the person upon whom the notice was served or by the owner of the vehicle, to the effect that he does not wish the matter to be dealt with by a court is received by the officer to whom the amount of the penalty is paid—

- (a) any liability of any person in respect of the alleged parking infringement shall be deemed to be discharged;
- (b) no further proceedings shall be taken in respect of the alleged infringement; and
- (c) no conviction for the infringement shall be regarded as having been recorded.

(9.) Where the amount of the prescribed penalty is paid by cheque, payment shall be deemed not to be made unless and until the cheque is honoured upon presentation.

(10.) Except as provided by sub-section (8.) of this section, nothing in this section in any way prejudices or affects the institution or prosecution of proceedings in respect of a parking infringement or limits the amount of the fine that may be imposed by a court in respect of a parking infringement.



(11.) Nothing in this section shall be construed as requiring the service of a parking infringement notice under this section or as affecting the liability of a person to be prosecuted in a court in respect of a parking infringement in relation to which a parking infringement notice has not been served.

14.—(1.) An authorized person may, when he considers it necessary to do so for the purposes of this Act or the regulations, require a person apparently in control of a motor vehicle within an airport to produce his driver's licence for inspection and to state his name and address.

Production  
of licence  
&c., on  
request by  
authorized  
person.

(2.) Subject to the next succeeding sub-section, a person upon whom a requirement is made under the last preceding sub-section shall not refuse or fail to produce his driver's licence or to state his name and address or state a false name or address.

Penalty: Twenty pounds.

(3.) A person who fails to produce his driver's licence but gives a reasonable excuse for the failure and, within seven days after the failure, produces that licence at such place as is specified by the authorized person who required its production shall not, in respect of the failure, be deemed to be guilty of an offence.

15.—(1.) An authorized person may give such reasonable directions to a person apparently in control of a vehicle or an animal upon a road within an airport, or to any other person upon such a road, as are in his opinion necessary to eliminate a cause of danger, of congestion of traffic or of impediment to traffic or for the purposes of this Act or the regulations.

Authorized  
person  
may give  
directions.

(2.) A person shall not, without reasonable excuse, refuse or fail to comply with a direction given by an authorized person in accordance with this section.

Penalty: Twenty pounds.

16.—(1.) Proceedings for the prosecution of an offence against this Act or the regulations shall not be instituted except with the consent of the Director-General or a person authorized by the Director-General, by writing under his hand, to give such consents.

Institution of  
summary  
prosecution.

(2.) Where a prosecution has been instituted by a person described in the information or complaint as an officer of the Commonwealth, or is conducted by an officer of the Attorney-General's Department or of the Crown Law Office of a Territory of the Commonwealth, the prosecution shall, unless the contrary is proved, be deemed to have been instituted in accordance with the last preceding sub-section.

17.—(1.) The Director-General or an officer authorized by the Director-General to issue certificates under this section may, by writing under his hand, certify that, on a specified date, an

Evidence  
of certain  
matters.

airport, within the meaning of this Act, existed at a place, and had the boundaries, described, by reference to a map or plan or otherwise, in the certificate and may, in the certificate, certify as to the existence, situation and description of any buildings, other structures, roads, signs, notices, parking areas or parking or other positions within the precincts of the airport.

(2.) The Director-General or an officer authorized by the Director-General to issue certificates under this section may, by writing under his hand, certify that during a specified period or on a specified date, an authority or a delegation of specified powers and functions under this Act had, or had not, been given, issued or made and was, or was not, in force.

(3.) In all courts a document purporting to be a certificate issued under this section—

(a) shall, unless the contrary is proved, be deemed to be a certificate issued under this section by a person empowered by or under this section to give such certificates;

(b) is evidence of the matters stated in the certificate; and

(c) in the case of a certificate under sub-section (1.) of this section, is evidence that no change in those matters has taken place since the date specified in the certificate.

**Application of  
laws of States  
and Territories.**

18. This Act shall not be construed as intended to exclude the operation of any law of a State or Territory of the Commonwealth in which an airport is situated that can operate without prejudice to the express provisions of this Act or the regulations and, in particular, of any law of a State or Territory of the Commonwealth relating to the registration and equipment of vehicles, the licensing of drivers of motor vehicles and the rules to be observed by persons driving or in charge of vehicles or animals, or by pedestrians, on roads.

**Arrangements  
with the States.**

19. The Governor-General may, for the purposes of this Act, arrange with the Governor of a State for the performance of the duties and the discharge of the functions of authorized persons by members of the police force of the State and for the payment to be made by the Commonwealth for any such service.

**Delegation.**

20.—(1.) The Director-General may, either generally or in relation to a matter or class of matters and either in relation to all airports or a particular airport or particular airports, by writing under his hand delegate to a person or persons all or any of his powers and functions under this Act except this power of delegation.

(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Director-General.

21. The annual report of the Minister under section twenty-nine of the *Air Navigation Act* 1920–1960 shall include a statement showing summarized particulars of— Annual report.

- (a) revenue collected in respect of parking fees;
- (b) prosecutions under this Act;
- (c) parking infringements for which penalties were paid under this Act; and
- (d) fines imposed for offences against this Act and penalties paid in respect of parking infringements.

22.—(1.) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, or for or in relation to the regulation and control of vehicular, animal or pedestrian traffic within an airport. Regulations.

(2.) Without limiting the generality of the last preceding sub-section, the regulations may make provision for or in relation to—

- (a) rules to be observed by persons driving or in charge of vehicles or animals and by pedestrians;
- (b) the maximum speeds for vehicles;
- (c) rules to be observed, including rules having effect by reference to signs and safety devices and marks on the surfaces of roads, and the manner of proof of signs, devices and marks referred to in the regulations;
- (d) rules relating to the parking of vehicles;
- (e) the maximum size and weight of vehicles that may use roads;
- (f) the formal proof and authentication of instruments made or issued under the regulations; and
- (g) the imposition of penalties not exceeding a fine of One hundred pounds or imprisonment for a term not exceeding three months, or both, for a contravention of the regulations.

(3.) Any regulation made under this section may be general or may be restricted as to time, place, vehicles, persons or circumstances.