
**DEVONPORT AIRPORT (SPECIAL PROVISIONS)
ACT 1980**

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**DEVONPORT AIRPORT (SPECIAL PROVISIONS)
ACT 1980**

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No. 108 of 1980
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AN ACT to authorize the Marine Board of Devonport to acquire and operate Devonport Airport, and for incidental purposes.

[Royal Assent 28 January 1981]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I

PRELIMINARY

1—This Act may be cited as the *Devonport Airport (Special Provisions) Act 1980*. Short title.

2—(1) Part I shall commence on the date of assent to this Act. Commencement.
 (2) Part II shall commence as provided in section 4 (4).

Interpretation.

3—Except in so far as the context or subject-matter otherwise indicates or requires, in this Act—

“ Board ” means the Marine Board of Devonport;

“ Commonwealth Minister ” means the Minister of the Commonwealth for the time being having responsibility for the administration of the laws of the Commonwealth relating to civil aviation or having power to exercise the powers and functions of the Commonwealth Minister under this Act;

“ Devonport Airport ” or “ the airport ” in Part I means the land described in Schedule 1 and in Part II means the land so described together with any additional land acquired by the Board under this Act for the purposes of the airport but excluding any of the land so described and any such additional land that is disposed of by or acquired from the Board, and in Parts I and II includes all aircraft hangars, buildings, structures, roads, plant, and equipment constructed on or affixed to that land;

“ functions ” includes responsibilities.

Transfer of
Devonport
Airport to
the Board.

4—(1) With the approval of the Minister, the Board may enter into and carry into effect an agreement with the Commonwealth for the transfer from the Commonwealth to the Board of the Devonport Airport together with all vehicles, plant, equipment, and other articles belonging to the Commonwealth that are provided for use at or in connection with the airport.

(2) An agreement under this section may contain provisions with respect to—

- (a) the management, operation, and maintenance of the airport by the Board;
- (b) regulating the manner of performance of the functions and the exercise of the powers of the Board in relation to the airport;
- (c) the functions and powers of the Commonwealth in relation to—
 - (i) the control of aircraft using, landing, or taking off from the airport;
 - (ii) the provision of flight services for or in respect of any such aircraft; and
 - (iii) the provision of airport fire and rescue services and facilities;

- (d) the granting or reserving to the Commonwealth of an irrevocable licence for the Commonwealth and its officers, employees, contractors, and agents to occupy and use all buildings, structures, and facilities at or used in connection with the airport which relate to the performance or exercise of the functions and powers referred to in paragraph (c) and to have free and unrestricted access to and egress from those buildings, structures, and facilities at all times;
- (e) providing for the security of the airport;
- (f) the satisfaction and performance of any outstanding liabilities and obligations of the Commonwealth incurred by the Commonwealth in relation to the airport before the transfer of the airport to the Board in accordance with the agreement; and
- (g) the transfer to the Board of persons employed by the Commonwealth for the purposes of or in connection with the operation of the airport and the preservation of accrued rights of service to which those persons would have been entitled if they had continued to be employed by the Commonwealth.

(3) Subject to this Act and with the prior approval of the Minister, an agreement under this section may be varied by the parties to the agreement.

(4) When an agreement is entered into under this section, the Minister shall cause to be published in the *Gazette* a notice specifying the date on which the airport was or is to be transferred to the Board in accordance with the agreement, and on and from that date the provisions of Part II shall have effect.

PART II

SPECIAL FUNCTIONS AND POWERS OF BOARD IN RELATION TO AIRPORT

5—In this Part, a reference to “the agreement” is a reference to an agreement entered into under section 4 and, if that agreement is varied under that section, is a reference to the agreement as so varied. Interpretation:
Part II.

General
functions and
powers of
Board in
relation to
airport.

6—(1) Subject to the provisions of this Part and of the agreement, the Board shall have and perform the functions of managing, operating, and maintaining the Devonport Airport as an airport for the benefit of the public and it shall be the responsibility of the Board to ensure that the airport and the vehicles, plant, equipment, and other articles provided for use at or in connection with the airport are kept in good repair and working order.

(2) The Board may—

(a) provide and maintain services, facilities, and conveniences for the use or benefit of persons making use of, or resorting to, the airport;

(b) sell or let on hire to, or otherwise provide for the use of, those persons, goods, and other articles and things;

(c) carry out works for the improvement or alteration of the airport or any part of it, or of any services, facilities, or conveniences provided at the airport or in connection with the operation of it; and

(d) purchase or otherwise acquire vehicles, plant, equipment, and other articles for use in connection with the airport,

and may make arrangements with any other person for the doing of any of the things referred to in this subsection.

(3) The Board may make and recover charges for the use of the airport or any part of it or any services, facilities, or conveniences provided at the airport.

(4) The Board may do all things necessary for or in connection with, or as incidental to, the performance of its functions under this Part.

(5) The generality of subsection (4) shall not be taken to be limited by any other provisions of this Part conferring powers on the Board, but any powers to which that subsection relates shall be exercised subject to the agreement.

By-laws.

7—(1) The Board may make by-laws for the safe and efficient management and operation of the airport and for the more effective performance and exercise of its functions and powers in relation to

the airport, and, without limiting the generality of the foregoing, any such by-laws may contain provisions—

- (a) regulating traffic, whether pedestrian or vehicular, and the provision and use of parking places at the airport;
- (b) providing for the security of the airport and, in particular, prescribing the times, terms, and conditions upon which the public may enter or be in or on the airport; and
- (c) prescribing or limiting the charges that may be made for the use of the airport or any part of it or any service, facility, or convenience provided at the airport.

(2) Section 199 of the *Marine Act* 1976 applies in respect of by-laws made under this section in the same way as it applies in respect of by-laws made under section 198 of that Act.

(3) By-laws made under this section are of no effect unless they are approved by the Minister, and the Commonwealth Minister.

8—(1) With the prior consent of the Commonwealth Minister, the Board may grant a lease of, or a licence to use, any part of the land comprising the airport or any building or structure, or part of a building or structure, constructed on that land for any purpose that will not interfere with the safe and efficient operation of the airport. Power to grant leases, &c.

(2) A lease or licence referred to in subsection (1) may be granted by private treaty, tender, or otherwise for a period not exceeding 7 years at such rent or for such other consideration and subject to such other terms and conditions as the Board may determine, and such a lease or licence may, from time to time, at the discretion of the Board, be renewed for a period not exceeding 7 years on the same terms and conditions, other than terms and conditions as to rent or other consideration which may be varied in the renewed lease or licence.

9—With the prior consent in writing of the Commonwealth Minister, but not otherwise, the Board may sell, exchange, transfer, grant an easement over, or otherwise dispose of, land forming part of the airport. Disposal of airport land.

10—The Board may acquire by purchase or otherwise land, or an easement over land, for the purpose of the airport or to facilitate or render safer or more convenient the use of the airport for the landing or taking off of aircraft. Acquisition of additional land.

Finances.

11—(1) The Board shall keep separate accounts of its revenue and expenditure under this Act.

(2) Division V of Part VIII of the *Marine Act* 1976 applies, with the necessary modifications (if any), to and in respect of accounts kept by the Board under subsection (1) in the same way as that Division applies to and in respect of accounts kept by the Board under that Division.

(3) The revenue received by the Board under this Act shall be applied for the purposes of this Act and shall not be treated as part of the revenues of the Board for the purposes of the *Marine Act* 1976, and the revenues received under that Act shall not be applied or expended for the purposes of this Act.

(4) The powers of the Board under the *Marine Act* 1976 to borrow money apply to the borrowing of money for the purposes of this Act.

Airport levy payable to Board.

12—(1) In relation to every scheduled flight by a regular public transport aircraft which takes off or lands at Devonport Airport, there shall be payable to the Board by the operator of the aircraft an airport levy of \$1 in respect of each passenger carried on the aircraft for whom the operator has charged a fare.

(2) The levy payable in respect of a passenger referred to in subsection (1) becomes due for payment at the expiration of 14 days after the date on which the passenger departed from or arrived at Devonport Airport and, if not paid before the expiration of that period, may be recovered from the operator in a court of competent jurisdiction as a debt due to the Board.

(3) The operator of a regular public transport aircraft which undertakes a flight referred to in subsection (1) may recoup the levy under that subsection from the passenger in respect of whom it is payable and, for that purpose, may impose a charge of \$1 in addition to the fare payable by the passenger for the flight.

(4) In this section—

“passenger” does not include a passenger in transit between other airports, whose flight neither begins nor ends at Devonport Airport;

“regular public transport aircraft” means an aircraft classified as such in accordance with the Commonwealth Air Navigation Regulations, as amended and in force for the time being;

“scheduled flight” means a flight which is conducted in accordance with a fixed schedule to or from a fixed terminal other than Devonport Airport and for which an airline licence is or is required to be in force under the Commonwealth Air Navigation Regulations, as amended and in force for the time being.

13—The Board has, and shall be deemed always to have had, power to appoint and engage as an independent contractor, on such terms and conditions as may be arranged, any person or group of persons considered by the Board to be capable of providing services required by the Board in connection with the performance of its functions and the exercise of its powers under this Part.

Power to enter into arrangements for performance of certain services.

14—(1) The Board may appoint and employ such persons as it considers necessary to enable it to perform its functions and exercise its powers under this Part and carry into effect the provisions of the agreement.

Power to appoint and employ staff.

(2) Subject to any other Act, and to any award or industrial agreement, whether under the *Industrial Relations Act 1975* or the *Commonwealth Conciliation and Arbitration Act 1904*, as amended, governing the terms and conditions of employment of persons appointed under subsection (1) and subject to the agreement in so far as it relates to persons referred to in section 4 (2) (g), persons so appointed may be employed on such terms and conditions as the Board may determine in respect of them from time to time.

15—Nothing in this Act affects the powers of the Commonwealth in respect of the matter of air transport referred to the Parliament of the Commonwealth by the *Commonwealth Powers (Air Transport) Act 1952*, and, without limiting the generality of the foregoing, nothing in this Act or the agreement shall be construed as authorizing the Board to—

Saving as to Commonwealth powers.

- (a) operate an air transport business or an air service for the carriage of passengers or cargo;
- (b) own, lease, or operate aircraft; or
- (c) control the taking off, landing, or flight of aircraft.

SCHEDULE 1

Section 3

DESCRIPTION OF AIRPORT LAND

All that parcel of land comprising 281·18 hectares, more or less, in the Parish of Templeton, Land District of Devon, being the land described in certificate of title, Volume 2730, Folio 69, Tasmanian Land Titles Office.