



Aircraft Noise Levy Act 1995

Act No. 97 of 1995 as amended

This compilation was prepared on 13 December 2012
taking into account amendments up to Act No. 169 of 2012

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

Prepared by the Office of Parliamentary Counsel, Canberra

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An Act to impose a levy on the landing of jet aircraft at certain airports

1 Short title [see Note 1]

This Act may be cited as the *Aircraft Noise Levy Act 1995*.

2 Commencement [see Note 1]

This Act commences on the day on which it receives the Royal Assent or on 1 July 1995, whichever is later.

3 Definitions

An expression used in this Act and in the *Aircraft Noise Levy Collection Act 1995* has the same meaning in this Act as it has in that Act.

4 Act binds Crown

This Act binds the Crown in right of each of the States, of the Australian Capital Territory and of the Northern Territory.

5 Imposition of levy

- (1) Subject to subsection (2), levy is imposed on a landing.
- (2) Levy is not imposed on a landing:
 - (a) if the aircraft making the landing:
 - (i) is a state aircraft within the meaning of section 3 of the *Civil Aviation Act 1988*; or
 - (ii) has an assessed noise (as defined in subsection 6(1)) of less than 265; or
 - (b) if the landing is made as part of a flight for:
 - (i) a purpose that relates to the provision of emergency services and that is prescribed by the regulations; or
 - (ii) subject to any conditions prescribed by the regulations—the purpose of carrying goods or people for a registered charity in relation to the charitable activities of the registered charity.

- (3) In this Act:

registered charity means an entity that is registered under the *Australian Charities and Not-for-profits Commission Act 2012* as the type of entity mentioned in column 1 of item 1 of the table in subsection 25-5(5) of that Act.

6 Amount of levy

- (1) The amount of levy on a landing is worked out using the formula:

$$\text{levy unit} \times 2^{(\text{assessed noise} - 265)/15}$$

where:

assessed noise means the number equal to the effective perceived noise level of the aircraft concerned, in Effective Perceived Noise Decibels, determined in accordance with the regulations;

levy unit means the amount worked out in accordance with the regulations.

- (2) Without limiting subsection (1), the regulations may provide for the assessed noise for an aircraft to be determined having regard to either or both of the following:
- the type of the aircraft;
 - the noise made by another aircraft of the same type at a test conducted before the landing on which the levy is imposed.
- (3) The regulations made for the purposes of the definition of **levy unit** must not provide for an amount to be worked out that exceeds:
- if the amount applies in relation to a landing made in the financial year ending on 30 June 1996—\$180.00; or
 - if the amount applies in relation to a landing made in a later financial year—110% of the maximum amount that could have been provided for by regulations in relation to a landing in the immediately preceding financial year.
- (4) The regulations made for the purposes of the definition of **levy unit** must provide for only one amount to apply to all landings made during a particular period (regardless of where each of the landings is made).

7 Person liable for levy

Levy imposed by section 5 on a landing is payable by the operator of the jet aircraft that made the landing.

8 Regulations

The Governor-General may make regulations for the purposes of sections 5 and 6.

Table of Acts**Notes to the *Aircraft Noise Levy Act 1995*****Note 1**

The *Aircraft Noise Levy Act 1995* as shown in this compilation comprises Act No. 97, 1995 amended as indicated in the Tables below.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Aircraft Noise Levy Act 1995</i>	97, 1995	5 Sept 1995	5 Sept 1995	
<i>Statute Law Revision Act 2010</i>	8, 2010	1 Mar 2010	Schedule 1 (item 2): Royal Assent	—
<i>Australian Charities and Not-for-profits Commission (Consequential and Transitional) Act 2012</i>	169, 2012	3 Dec 2012	Schedule 2 (items 146, 147): 3 Dec 2012 (see s. 2(1))	—

Table of Amendments

Table of Amendments

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

Provision affected	How affected
S. 5	am. No. 8, 2010; No. 169, 2012
