

2004-2005-2006

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

## **Airport Development and Aviation Noise Ombudsman Bill 2006**

**No.     , 2006**

*(Mr Georganas)*

**A Bill for an Act to establish an Airport  
Development and Aviation Noise Ombudsman, and  
for related purposes**

---

# Contents

<b>Part 1—Preliminary</b>	1
1 Short title .....	1
2 Commencement .....	1
3 Definitions .....	1
4 Schedule(s) .....	2
<b>Part 2—Establishment, functions and powers of the Airport Development and Aviation Noise Ombudsman</b>	3
5 Establishment .....	3
6 Functions .....	3
7 Powers .....	4
8 Consultation .....	4
9 Appointment and remuneration .....	4
10 Regulations .....	4
<b>Schedule 1—Consequential amendment of other Acts</b>	5
<i>Airports Act 1996</i>	5
<i>Air Services Act 1995</i>	6
<i>Civil Aviation Act 1988</i>	6
<i>Ombudsman Act 1976</i>	6

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13

**A Bill for an Act to establish an Airport  
Development and Aviation Noise Ombudsman, and  
for related purposes**

14  
15  
16  
17 The Parliament of Australia enacts:

18 **Part 1—Preliminary**  
19

20 **1 Short title**

21 This Act may be cited as the *Airport Development and Aviation*  
22 *Noise Ombudsman Act 2006*.

23 **2 Commencement**

24 This Act commences on the date to be fixed by Proclamation.

25 **3 Definitions**

26 In this Act:

27 *AA* means Airservices Australia established by the *Air Services Act*  
28 *1995*.

1                    **aerodrome** has the meaning set out in Section 3 of the *Civil*  
2                    *Aviation Act 1988*.

3                    **aircraft** means a machine or craft that can derive support in the  
4                    atmosphere from the reactions of the air.

5                    **airport** means any airport subject to the *Airports Act 1996*.

6                    **air route** has the meaning set out in Section 3 of the *Civil Aviation*  
7                    *Act 1988*.

8                    **Commonwealth Ombudsman** means the Commonwealth  
9                    Ombudsman established by the *Ombudsman Act 1976*.

10                  **Ombudsman** means the Airport Development and Aviation Noise  
11                  Ombudsman.

#### 12                  **4 Schedule(s)**

13                  Each Act that is specified in a Schedule to this Act is amended or  
14                  repealed as set out in the applicable items in the Schedule  
15                  concerned, and any other item in a Schedule to this Act has effect  
16                  according to its terms.

1

2 **Part 2—Establishment, functions and powers of the**  
3 **Airport Development and Aviation Noise**  
4 **Ombudsman**

5

6 **5 Establishment**

7

8

9

As soon as practicable after the commencement of this Act, an  
Airport Development and Aviation Noise Ombudsman shall be  
appointed by the Minister.

10 **6 Functions**

11

12

13

14

15

16

- (1) The Ombudsman shall serve as a point of liaison between the  
Minister and the public in relation to the impact on populated areas  
of:
- (a) airport developments; and
  - (b) aircraft noise from aircraft arriving at or departing from all  
aerodromes subject to the *Civil Aviation Act 1988*.

17

18

19

- (2) The Ombudsman shall advise the Minister on the likely impact of  
carrying out plans for airport development on populated areas  
affected by the development.

20

21

22

- (3) The Ombudsman shall be consulted when AA or any other relevant  
agency proposes any changes to aircraft routes in order to ensure  
that any route changes minimise aircraft noise in populated areas.

23

24

25

26

27

- (4) The Ombudsman shall refer any complaints in relation to:
- (a) aircraft noise in populated areas; or
  - (b) airport developments that may impact on populated areas;
- to the Commonwealth Ombudsman who shall take appropriate  
action in relation to such complaints.

1     **7 Powers**

2                     The Ombudsman has power to do all things necessary or  
3                     convenient to be done for or in connection with the performance of  
4                     his or her functions.

5     **8 Consultation**

6                     In the performance of his or her functions and the exercise of his or  
7                     her powers, the Ombudsman must, where appropriate, consult with  
8                     government, commercial, industry, consumer, community and  
9                     other relevant bodies and organisations.

10    **9 Appointment and remuneration**

11                    (1) A person appointed as the Ombudsman holds office for the period  
12                    (not longer than 3 years) specified in the instrument of  
13                    appointment, but is eligible for re-appointment.

14                    (2) The Ombudsman is to be paid the remuneration determined by the  
15                    Remuneration Tribunal.

16                    (3) The remuneration of the Ombudsman is to be paid out of funding  
17                    appropriated by the Parliament for the operation of the Minister's  
18                    portfolio.

19                    (4) Expenditure by the Ombudsman in performance of his or her  
20                    functions is to be funded from funds appropriated by the  
21                    Parliament for the operation of the Minister's portfolio.

22    **10 Regulations**

23                    The Governor-General may make regulations prescribing matters:  
24                    (a) required or permitted under this Act to be prescribed; or  
25                    (b) necessary or convenient to be prescribed for carrying out or  
26                    giving effect to the Act.

1 **Schedule 1—Consequential amendment of**  
2 **other Acts**  
3

4 *Airports Act 1996*

5 **1 At the end of subsection 81(3)**

6 Add:

7 ; and

8 (e) the views of the Airport Development and Aviation Noise  
9 Ombudsman on the impact that carrying out the plan would  
10 be likely to have on members of the public.

11 **2 After subsection 84(2)**

12 Insert:

13 (2A) In deciding whether to approve the variation, the Minister must  
14 have regard to the views of the Airport Development and Aviation  
15 Noise Ombudsman on the impact that carrying out the plan would  
16 be likely to have on members of the public.

17 (2B) Subsection (2A) does not, by implication, limit the matters to  
18 which the Minister may have regard.

19 **3 At the end of subsection 94(3)**

20 Add:

21 ; and

22 (f) the views of the Airport Development and Aviation Noise  
23 Ombudsman on the impact that carrying out the plan would  
24 be likely to have on members of the public.

25 **4 After subsection 95(2)**

26 Insert:

27 (2A) In deciding whether to approve the variation, the Minister must  
28 have regard to the views of the Airport Development and Aviation  
29 Noise Ombudsman on the impact that carrying out the plan would  
30 be likely to have on members of the public.

1 (2B) Subsection (2A) does not, by implication, limit the matters to  
2 which the Minister may have regard.

3 **5 At the end of subsection 126(3)**

4 Add:  
5 ; and  
6 (e) the views of the Airport Development and Aviation Noise  
7 Ombudsman on the impact that carrying out the strategy  
8 would be likely to have on members of the public.

9 ***Air Services Act 1995***

10 **6 Section 10**

11 After “including”, insert “the Airport Development and Aviation Noise  
12 Ombudsman,”.

13 ***Civil Aviation Act 1988***

14 **7 At the end of subsection 9(3)**

15 Add:  
16 ; and  
17 (h) co-operating with the Airport Development and Aviation  
18 Noise Ombudsman as required.

19 **8 At the end of paragraph 9A(2)(b)**

20 Add “including excessive noise in populated areas”.

21 ***Ombudsman Act 1976***

22 **9 At the end of paragraph 5(1)(b)**

23 After “by a prescribed authority”, insert:  
24 “, except when the action relates to a proposal to change an aircraft  
25 route which may result in increased noise over populated areas,  
26 and is subject to investigation by the Airport Development and  
27 Aviation Noise Ombudsman”.

28 **10 After subsection 5(1)**

29 Insert:



1 (1A) When an action or complaint under subsection 5(1) relates to  
2 airport development, the Commonwealth Ombudsman shall  
3 consult with the Airport Development and Aviation Noise  
4 Ombudsman.

5 (1B) When an action or complaint under subsection 5(1) relates to  
6 aviation noise, the Commonwealth Ombudsman shall consult with  
7 the Airport Development and Aviation Noise Ombudsman.

