

Air Navigation (Aerodrome Flight Corridors) Regulations 1994 No. 438

EXPLANATORY STATEMENT

STATUTORY RULES 1994 No. 438

Issued by the Authority of the Minister for Transport

Air Navigation Act 1920

Air Navigation (Aerodrome Flight Corridors) Regulations

Subsection 26(1) of the *Air Navigation Act 1920* (the Act) empowers the Governor-General to make regulations in relation to air navigation, being regulations with respect to trade and commerce with other countries and among the States [paragraph 26(1)(d)] and any other matter with respect to which the Parliament has power to make laws [paragraph 26(1)(e)].

Paragraph 26(2)(e) of the Act provides that, without limiting the generality of the above, regulations may be made in relation to the establishment, maintenance, operation and use of aerodromes.

Paragraph 26(2)(k) of the Act provides that regulations under the Act may impose penalties not exceeding a fine of \$5,000 for contravention of, or a failure to comply with, a provision of the regulations.

Paragraph 9(1)(j) of the *Civil Aviation Act 1988* provides that the functions of the CAA include any functions conferred on it under the Act.

The Air Navigation (Aerodrome Flight Corridors) Regulations (the Regulations) establish designated flight corridors in respect of the parallel north-south runways at Sydney (Kingsford Smith) Airport (the Airport) within which jet aircraft must fly when landing at, or taking off from, the Airport. An operator of a jet aircraft that flies outside, or deviates from, the designated flight corridor for the relevant runway at the Airport is guilty of an offence.

Regulation 1 provides that the Regulations may be cited as the Air Navigation (Aerodrome Flight Corridors) Regulations.

Regulation 2 defines a number of terms that are used in the Regulations.

Regulation 3 provides that a jet aircraft landing at, or taking off from, the Airport must fly within, and not deviate from, the appropriate designated flight corridor except in accordance with an instruction by, or the approval of, an air traffic controller. Subregulation 3(3) provides that an air traffic controller must not give an instruction or approval unless it is necessary to do so having regard to the safety of the aircraft or any person, or to avoid damage to property.

Subregulation 4(1) establishes designated flight corridors in respect of jet aircraft operations on the parallel north-south runways at the Airport. The designated flight corridors are specified in the Schedule by reference to each runway and type of flight operation. Subregulation 4(2) enables the Minister to determine the points by reference to which a designated flight corridor is defined. Subregulation 4(3) requires determinations made under subregulation 4(2) to be published in the Aeronautical Information Publications and provides that such determinations are disallowable instruments.

Subregulation 5(1) provides that the operator of a jet aircraft that contravenes subregulation 3(1) or fails to comply with an instruction or approval under subregulation 3(2) is guilty of an

offence punishable, on conviction, by a penalty not exceeding 50 penalty units, that is, \$5,000 (see section 4AA of the Crimes Act 1914). By operation of subsection 4B(3) of the Crimes Act 1914, the maximum penalty is increased to \$25,000 in respect of a body corporate. Subregulation 5(2) provides that an offence does not occur unless, at the time when the breach occurs, a determination in respect of the designated flight corridor was made and published.

Regulation 6 enables the Minister to delegate the power to make a determination under subregulation 4(2) to an officer of the Civil Aviation Authority.

Regulation 7 confers upon the Civil Aviation Authority the functions of monitoring compliance with, and investigating any conduct that may constitute a contravention of, the Regulations,

The Regulations commence on Gazettal.