

# **Air Navigation (Aircraft Noise) Regulations (Amendment) 1994 No. 305**

## **EXPLANATORY STATEMENT**

### **Statutory Rules 1994 No. 305**

Issued by the authority of the Minister for Transport

#### Air Navigation Act 1920

#### Air Navigation (Aircraft Noise) Regulations (Amendment)

Subsection 26(1) of the Air Navigation Act 1920 (the Act) provides that the Governor-General may make regulations for the purposes of the Act and, in particular, regulations in relation to:

- carrying out and giving effect to the Chicago Convention (as amended) and the Air Transit Agreement [paragraph 26(1)(b)];
- air navigation within a Territory or to or from a Territory [paragraph 26(1)(c)];
- air navigation, being regulations with respect to trade and commerce with other countries and among the States [paragraph 26(1)(d)]; and
- air navigation being regulations with respect to any other matter with respect to which the Parliament has power to make laws [paragraph 26(1)(e)],

The Air Navigation (Aircraft Noise) Regulations (the Regulations) contain detailed provisions which:

- provide for the certification to noise standards contained in Annex 16 to the Convention on International Civil Aviation (the Chicago Convention) of all aircraft engaged in domestic air navigation and to Australian registered aircraft engaged in international air navigation;
- prohibit all subsonic jet aircraft added to the Australian register after 1 January 1991 from operating in Australia unless they meet the noise standards contained in Volume 1, Chapter 3 of Annex 16 to the Chicago Convention; and
- give effect to a resolution of the General Assembly of the International Civil Aviation Organization to phase out all subsonic jet aircraft not meeting the noise standards contained in Volume 1, Chapter 3 of Annex 16 to the Chicago Convention during the period 1 April 1995 to 31 March 2002.

The amendments to the Regulations will:

- amend the definition of "aircraft" in regulation 2 so that propeller-driven aircraft that are specifically designed, and used exclusively, for aerobatic, fire fighting and agricultural purposes are not covered by the Regulations.
- amend the definition of "Annex" in regulation 2 to reflect Australia's support for amendments to Volume 1 of Annex 16 which came into effect on 11 November 1993.

- insert a definition of "certificate of airworthiness" so as to encompass certificates issued under the Civil Aviation Regulations and those issued under the appropriate laws of any Contracting State to the Chicago Convention.
- insert a definition of "supersonic aircraft" in regulation 2, insert a new regulation 9AA (Permission for a supersonic aircraft to engaged in air navigation) and amend regulations 9 and 9A to extend the application of the Regulations to all supersonic aircraft. At present the Regulations do not apply to supersonic aircraft for which the application for a certificate of airworthiness for the prototype was accepted on or after 1 January 1975. The amendments provide for supersonic aircraft to operate through a process of individual approvals.
- amends regulation 10A (Permission to engage in air navigation for a subsonic jet aircraft that does not comply with the Chapter 3 standards) to correct a drafting anomaly by inserting the words 'subject to regulation 1013' at the beginning of subregulation 10A(1).
- amends regulation 13 (Review of decisions) so as to make decisions made under regulation 9AA reviewable by the Administrative Appeals Tribunal.
- omits subregulations 13(2) and (3) as a result of amendment of the Administrative Appeals Tribunal Act 1975 which makes the substance of these regulations redundant.

The Regulations will commence on the date of gazettal.