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Department.

Statutory Rules 1996 No. ^h1

209/

Air Navigation (Aircraft Noise) Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, make the
following Regulations under the *Air Navigation Act 1920*.

Dated ^h 1996.

25 September/

^h
Governor-General
WILLIAM DOANE/

By His Excellency's Command,

^h
Minister for Transport and Regional Development

JOHN SHARP/

1. Amendment

1.1 The Air Navigation (Aircraft Noise) Regulations are amended
as set out in these Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

2. Regulation 9 (Circumstances in which an aircraft may engage in air navigation in Australia)**2.1 Paragraph 9 (2) (b):**

After “regulation 9A”, insert “or 9AB”.

3. Regulation 9A (Permission for a subsonic aircraft to which standards apply to engage in air navigation)**3.1 Paragraph 9A (1) (b):**

Omit the paragraph, substitute:

“(b) in the case of an aircraft included in a class of aircraft to which standards in respect of noise are expressed in the Annex to be applicable—the relevant standards;”.

3.2 Subregulation 9A (3):

Omit the subregulation, substitute:

“(3) If the Secretary gives permission, the Secretary must:

(a) in a case to which paragraph 9A (2) (c) applies—specify:

(i) the purpose for which the aircraft is to be used; and

(ii) the period, not exceeding 1 month, during which the aircraft may engage in air navigation; and

(b) in any case—set out in the permission any conditions with which the applicant must comply.”.

3.3 Subregulation 9A (4):

Omit the subregulation.

4. New regulation 9AB**4.1 After regulation 9AA, insert:****Permission for other aircraft to engage in air navigation**

“**9AB. (1)** The owner or operator of an aircraft (other than an aircraft to which subregulation 9A (1) or (1A) or regulation 9AA applies) may apply to the Secretary for permission for the aircraft to engage in air navigation.

“(2) The Secretary may, by notice in writing, grant permission to an applicant.

- “(3) If the Secretary grants permission, the Secretary must:
- (a) specify in the permission the period during which the aircraft may engage in air navigation; and
 - (b) set out in the permission any conditions with which the applicant must comply.

“(4) If the Secretary imposes conditions, the aircraft may only be used for air navigation in accordance with the conditions.

Penalty: \$2,000.

“(5) The Secretary may revoke a permission that is granted to the operator of an aircraft if:

- (a) the aircraft is operated in contravention of a condition set out in the permission; or
- (b) the engagement of the aircraft in air navigation has had, and is likely to continue to have, a significant noise impact on the public.

“(6) If the Secretary refuses to grant permission, or revokes permission, he or she must give notice in writing of the decision to the applicant.”.

5. Regulation 13 (Review of decisions)

5.1 Paragraph 13 (1) (c):

Omit “subregulation 9A (3)”, substitute “paragraph 9A (3) (a)”.

5.2 Paragraph 13 (1) (d):

Omit “subregulation 9A (4)”, substitute “paragraph 9A (3) (b)”.

5.3 Paragraph 13 (1) (fa):

After “subregulation 9AA (2)”, insert “or 9AB (2)”.

5.4 Paragraph 13 (1) (fb):

After “paragraph 9AA (3) (a)”, insert “or 9AB (3) (a)”.

5.5 Paragraph 13 (1) (fc):

After “paragraph 9AA (3) (b)”, insert “or 9AB (3) (b)”.

5.6 Paragraph 13 (1) (fd):

After “subregulation 9AA (4)”, insert “or 9AB (5)”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on *h* 1996. *26 September/*
2. Statutory Rules 1984 No. 188; 1985 No. 301; 1986 No. 233; 1988 Nos. 163 and 277; 1990 No. 397; 1991 No. 428; 1992 No 341; 1994 No. 305.