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Statutory Rules 1994 No. L1

438/

Air Navigation (Aerodrome Flight Corridors) Regulations

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 L 1994.

20 December/

L **BILL HAYDEN**
Governor-General

By His Excellency's Command,

L
Minister for Transport

LAURIE B. GRETON

Citation

1. These Regulations may be cited as the Air Navigation (Aerodrome Flight Corridors) Regulations.

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

Interpretation

2. In these Regulations, unless the contrary intention appears:

“**Aeronautical Information Publications**” means the publications published under section 18 of the *Civil Aviation Act 1988*;

“**Air Traffic Control**” has the same meaning as in the Civil Aviation Regulations;

“**air traffic controller**” means an officer of the Authority authorised under subregulation 102 (1) of the Civil Aviation Regulations to perform the functions of Air Traffic Control at the Aerodrome;

“**Authority**” has the same meaning as in the *Civil Aviation Act 1988*;

“**designated flight corridor**”, in relation to a runway, means a flight corridor designated under regulation 4 for the runway;

“**I.F.R. flight**” has the same meaning as in the Civil Aviation Regulations;

“**jet aircraft**” means an aircraft that is propelled by at least one engine that is a turbofan engine, a turbojet engine, an unducted fan engine or a rocket engine, but does not include an aircraft that is propelled solely by a propeller engine or propeller engines;

“**operator**” means a person, organisation or enterprise engaged in an aircraft operation;

“**runway**” means a runway at the Aerodrome;

“**the Aerodrome**” means the aerodrome known as Sydney (Kingsford-Smith) Airport.

Use of designated flight corridors

3. (1) A jet aircraft:

- (a) for the purpose of approaching to land on a runway; or
- (b) for the purpose of departing after take-off from a runway;

must fly within, and not deviate from, the appropriate designated flight corridor for the runway, except in accordance with an instruction or approval given under subregulation (2).

(2) Subject to subregulation (3), an air traffic controller may:

- (a) instruct a jet aircraft to deviate from, or not to fly within, a designated flight corridor; or
- (b) approve a jet aircraft deviating from, or not flying within, a designated flight corridor.

(3) An air traffic controller must not give an instruction or approval under subregulation (2) unless it appears to the air traffic controller to be necessary to do so:

- (a) having regard to the safety of the aircraft or any person; or
- (b) to avoid damage to property.

(4) In subregulation (1), “**appropriate**” means appropriate having regard to:

- (a) the designated flight corridor or flight corridors for the runway; and
- (b) the kind of flight operation concerned; and
- (c) the designated flight corridor in respect of which a flight operation of that kind is specified in the Schedule.

Designated flight corridors

4. (1) For the purposes of regulation 3, the flight corridor specified in Column 2 of an item in the Schedule is designated for the runway specified in Column 3 of that item in respect of the kind of flight operation specified in Column 4 of that item.

(2) The points by reference to which the location and dimensions of a designated flight corridor are defined are the points determined in writing by the Minister.

- (3) A determination made under subregulation (2):
 - (a) must be published in the Aeronautical Information Publications; and
 - (b) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Offence

5. (1) If a jet aircraft contravenes subregulation 3 (1), or fails to comply with an instruction or approval under subregulation 3 (2), the operator of the aircraft is guilty of an offence.

Penalty: 50 penalty units.

[NOTE: Section 23 of the *Air Navigation Act 1920* provides for certain defences in proceedings for offences against regulations made under the Act.]

(2) Despite subregulation (1), an offence does not occur unless, at the time when the contravention or failure to comply occurs, a determination in respect of the relevant designated flight corridor has been:

- (a) made under subregulation 4 (2); and
- (b) published under subregulation 4 (3).

Delegation

6. The Minister may delegate, in writing, the power to make a determination under subregulation 4 (2) to an officer of the Authority.

Authority to monitor compliance etc.

7. For the purposes of subsection 9 (1) of the *Civil Aviation Act 1988*, the functions of the Authority include:

- (a) monitoring compliance with these Regulations by jet aircraft; and
 - (b) investigating any conduct that may constitute a contravention of these Regulations by a jet aircraft.
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SCHEDULE

Regulation 4

Column 1	Column 2	Column 3	Column 4
Item	Flight Corridor	Runway	Kind of Flight Operation
1.	Flight Corridor A	Runway 34L	landing approach
2.	Flight Corridor B	Runway 34L	departure after take-off
3.	Flight Corridor C	Runway 34R	landing approach
4.	Flight Corridor D	Runway 16L	landing approach
5.	Flight Corridor E	Runway 16L	departure after take-off (I.F.R. flight)
6.	Flight Corridor F	Runway 16R	landing approach
7.	Flight Corridor G	Runway 16R	departure after take-off (I.F.R. flight)

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on

L 1994. 23 December