

Air Navigation (Aerodrome Flight Corridors) Regulations (Amendment) 1995 No. 445

EXPLANATORY STATEMENT

STATUTORY RULES 1995 No. 445

Issued by the Authority of the Minister for Transport

Air Navigation Act 1920

Air Navigation (Aerodrome Flight Corridors) Regulations (Amendment)

Subsection 26(1) of the *Air Navigation Act 1920* (the Act) empowers the GovernorGeneral 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.

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.

The amending regulations will require propeller-driven aircraft to adhere to the Airport's flight corridors when landing at or taking off from Sydney Airport during the curfew and provide that operators of such aircraft are subject to the same offences and penalties as are operators of jet aircraft.

Details of the amending regulations are set out below.

Regulation 1 provides that the Regulations commence on 28 March 1996.

Regulation 2 provides that the Air Navigation (Aerodrome Flight Corridors) Regulations (the Principal Regulations) are amended as set out in the Regulations.

Regulation 3 amends definitions contained in regulation 2 of the Principal Regulations and inserts a new definition of "relevant propeller-driven aircraft". These amendments are consequential upon the passage of both the *Air Services Act 1995* and the *Sydney Airport Curfew Act 1995*.

Regulation 4 amends regulation 3 of the Principal Regulations by inserting a reference to "relevant propeller-driven aircraft". Subregulation 3(1) of the Regulations requires that jet aircraft must fly within, and not deviate from, the appropriate designated flight corridor for the runway, except in accordance with an instruction or approval given by an air traffic controller in accordance with subregulation 3(2). Regulation 4 extends the operation of these provisions to relevant propeller-driven aircraft.

Regulation 5 amends subregulation 4(1) of the Principal Regulations by designating flight corridors for propeller-driven aircraft.

Regulation 6 amends regulation 5 of the Principal Regulations by inserting a reference to relevant propeller-driven aircraft so that the operators of such aircraft are subject to the same offences and penalties arising from regulation 3 in the Principal Regulations as are operators of jet aircraft.

Regulation 7 amends regulation 6 of the Principal Regulations by removing the reference to the Civil Aviation Authority and replacing it with a reference to Airservices Australia.

Regulation 8 replaces regulation 7 of the Principal Regulations. The effect of this amendment is to prescribe the functions of Airservices Australia to include the monitoring of the Principal Regulations and investigating any conduct that may constitute a contravention of those Regulations.

The amending regulations commence on 28 March 1996. The deferred commencement is necessary to enable Airservices Australia to develop, and publish, appropriate operating procedures.