

Civil Aviation (Buildings Control) Regulations (Amendment) 1993 No. 103

EXPLANATORY STATEMENT

STATUTORY RULES 1993 No. 103

Issued by the authority of the Minister for Transport and Communications

Civil Aviation Act 1988

Civil Aviation (Buildings Control) Regulations (Amendment)

Subsection 98 (1) of the *Civil Aviation Act 1988* (the Act) provides that the Governor-General may make regulations for the purposes of the Act and in relation to the safety of air navigation. Paragraph 98 (3) (g) of the Act specifies that the regulations made under subsection 98 (1) of the Act may include regulations that prohibit the construction of, restrict the size of, or relate to the removal of, buildings, structures or objects that obstruct or constitute, or may obstruct or may constitute, hazards or potential hazards to aircraft in the vicinity of aerodromes.

The Civil Aviation (Buildings Control) Regulations (the Regulations) impose restrictions on certain defined land in the vicinity of Sydney, Bankstown, Moorabbin, Adelaide, Melbourne and Essendon Airports.

At present, the Regulations provide that the Civil Aviation Authority (the Authority) may authorise a person in writing to do certain functions. However the purposes for which a person may be authorised are extremely limited. In particular, under the Regulations, the Authority may authorise a person to grant an approval but only the Authority may refuse an application. This restriction is considered unnecessary.

The amendments will allow the Authority to authorise persons to undertake further functions under the Regulations.

Details of the amendments are as follows:

REGULATION 1

This regulation provides that the Civil Aviation (Buildings Control) Regulations (the Regulations) are amended as set out in the Regulations.

REGULATION 2

This regulation inserts a definition of "authorised person" in regulation 2 of the Regulations.

REGULATION 3

Subregulation 3.1 amends subregulation 7 (1) of the Regulations to make use of the definition of "authorised person" inserted by regulation 2.

Subregulation 3.2 amends subregulation 7 (3) of the Regulations to allow the Authority to authorise a person to ask for further information about an application.

REGULATION 4

Subregulation 4.1 amends subregulation 8 (1) of the Regulations to make use of the definition of "authorised person" inserted by regulation 2. Subregulations 4.2 to 4.5 (inclusive) amend subregulations 8 (2), (3) and (4) to allow the Authority to authorise persons to refuse applications and impose conditions in relation to approvals.

REGULATIONS 5 AND 6

These regulations amend regulations 9 and 15 of the Regulations to make use of the definition of "authorised person" inserted by regulation 2.

The Regulations commenced on gazettal.