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Legislative Services Section,  
Office of Legislative Drafting, Attorney-General's  
Department.

Statutory Rules 1995 No. 1

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## Aircraft Noise Levy 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 *Aircraft Noise Levy Act 1995* and the *Aircraft Noise Levy Collection Act 1995*.

Dated L

19 September 1995/

L BILL HAYDEN  
Governor-General

By His Excellency's Command,

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Minister for Transport

L AURIE BRERETON/

### Citation

1. These Regulations may be cited as the Aircraft Noise Levy Regulations.

**Commencement**

2. These Regulations commence on 1 October 1995.

**Interpretation**

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

**“Advisory Circular”** means Advisory Circular 36-IF issued on 6 May 1992 by the United States Federal Aviation Administration, and as in force on 1 October 1995;

**“Annex”** means Volume I of Annex 16 to the Chicago Convention, as amended and in force on 1 October 1995;

**“chapter 2 or 4 test procedures”** means test procedures in respect of aircraft noise set out in chapter 2 or 4 of Volume I of the Annex for the purpose of International Civil Aviation Organization noise certification of aircraft;

**“chapter 3 test procedures”** means test procedures in respect of aircraft noise set out in chapter 3 of Volume I of the Annex for the purpose of International Civil Aviation Organization noise certification of aircraft;

**“charitable body”** means a body or organisation that is not established or conducted for profit, and the principal objects of which are charitable;

**“Collection Act”** means the *Aircraft Noise Levy Collection Act 1995*;

**“Levy Act”** means the *Aircraft Noise Levy Act 1995*.

**Levy not imposed on landing for emergency or charitable purpose**

4. (1) For the purposes of subparagraph 5 (2) (b) (i) of the Levy Act the following purposes are prescribed:

- (a) rescue of a person;
- (b) fire-fighting;
- (c) a search for the purpose of rescue of a person;
- (d) a purpose relating to relief in a flood or other natural disaster;
- (e) a purpose relating to a medical emergency.

(2) For the purposes of subparagraph 5 (2) (b) (ii) of the Levy Act, a prescribed charitable purpose is the carrying of goods or people:

- (a) for a charitable body; and
- (b) in relation to the charitable activities of the body.

**How is assessed noise determined?**

5. (1) Subject to subregulations (2) and (3), for the purposes of subsection 6 (1) of the Levy Act, the effective perceived noise level of an aircraft is:

- (a) for an aircraft of a type that has been measured under the chapter 3 test procedures—the sum of the effective perceived noise levels, in decibels, made by aircraft of that type (as set out in the aircraft’s certificate of airworthiness, flight manual or noise certificate under the Air Navigation (Aircraft Noise) Regulations) at each of the following points:

- (i) the lateral reference noise measurement point; and
- (ii) the flyover reference noise measurement point; and
- (iii) the approach reference noise measurement point; and

- (b) for an aircraft of a type that has been measured under the chapter 2 or 4 test procedures—the sum of:

- (i) the effective perceived noise levels, in decibels, made by aircraft of that type (as set out in the aircraft’s certificate of airworthiness, flight manual or noise certificate under the Air Navigation (Aircraft Noise) Regulations) at each of the following points:

- (A) the lateral reference noise measurement point; and
- (B) the flyover reference noise measurement point; and
- (C) the approach reference noise measurement; and

- (ii) 3.2 Effective Perceived Noise Decibels.

- (2)** For the purposes of subregulation (1), if an aircraft:
  - (a)** is of a type listed in the Advisory Circular; and
  - (b)** has not been modified in a way that affects the noise levels of the aircraft;

a measurement referred to in paragraph (1) (a) or (b) in relation to aircraft of that type, that is set out in Appendix 1 or 2 of the Advisory Circular in relation to aircraft of that type, may be ascertained by reference to the measurement set out in that Appendix.

**(3)** If an aircraft is of a type that has not been measured under the chapter 2, 3 or 4 test procedures, the effective perceived noise level of the aircraft is taken to be the lesser of:

- (a)** 327.2 Effective Perceived Noise Decibels; and
- (b)** the sum of:
  - (i)** the levels, expressed in Effective Perceived Noise Decibels, determined by measuring the effective perceived noise level of the aircraft, in decibels, under the test procedures in respect of aircraft noise set out in chapter 2, 3 or 4 (as the case requires) of Volume I of the Annex, at each of the following points:
    - (A)** the lateral reference noise measurement point; and
    - (B)** the flyover reference noise measurement point; and
    - (C)** the approach reference noise measurement point; and
  - (ii)** if the aircraft has been measured under chapter 2 or 4 test procedures—3.2 Effective Perceived Noise Decibels.

**(4)** If an aircraft has been modified in a way that affects the noise levels of the aircraft, the effective perceived noise level of the aircraft is taken to be the lesser of:

- (a)** 327.2 Effective Perceived Noise Decibels; and

- (b) the sum of:
- (i) the levels, expressed in Effective Perceived Noise Decibels, determined by measuring the effective perceived noise level of the aircraft, in decibels, under the test procedures in respect of aircraft noise set out in chapter 2, 3 or 4 (as the case requires) of Volume I of the Annex, at each of the following points:
    - (A) the lateral reference noise measurement point; and
    - (B) the flyover reference noise measurement point; and
    - (C) the approach reference noise measurement point; and
  - (ii) if the aircraft has been measured under chapter 2 or 4 test procedures—3.2 Effective Perceived Noise Decibels.

### **What is a levy unit?**

**6. (1)** For the purposes of subsection 6 (1) of the Levy Act, “levy unit” means:

- (a) in relation to levy on a landing made in the financial year ending on 30 June 1996—the amount of \$155; and
- (b) in relation to levy on a landing made in a later financial year—the lesser of:
  - (i) an amount equal to 110 % of the maximum amount that could have been prescribed in relation to a landing in the immediately preceding financial year; and
  - (ii) an amount calculated under the formula:

$$Y \times \text{CPI indexation factor}$$

where:

“Y” means the amount that, under subregulation 6 (1) of the Levy Act, applies in relation to a landing made in the immediately preceding financial year; and

**“CPI Indexation factor”** means the amount calculated under the formula:

$$\frac{\text{CPI—A}}{\text{CPI—B}}$$

where:

**“CPI—A”** means the sum of the index numbers for the CPI quarters for the 12 months ending on 31 March in the financial year immediately preceding the financial year in relation to which the levy is imposed; and

**“CPI—B”** means the sum of the index numbers for the CPI quarters for the 12 months ending on 31 March in the financial year immediately preceding the financial year referred to in the definition of **“CPI—A”**.

- (2) Calculations under subparagraph (1) (b) (ii):
- (a) are to be made using the index numbers in terms of the most recently published reference base for the Consumer Price Index; and
  - (b) must not have regard to indexation numbers that are published in substitution for previously published indexation numbers, unless the substituted numbers are published to take account of changes in the reference base.

(3) In this regulation:

**“CPI quarter”** means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December;

**“index number”** means the All Groups Consumer Price Index number (being the weighted average of the 8 Australian capital cities) published by the Australian Statistician.

### **When is levy due for payment?**

7. For the purposes of section 8 of the Collection Act, levy must be paid no later than the first day of the month immediately following the month during which the landing to which the levy relates takes place.

**Penalty on unpaid amount of levy**

**8.** For the purposes of subsection 9 (1) of the Collection Act:

- (a) the day levy becomes due for payment is taken to be the last day provided for the payment under regulation 7; and
- (b) the prescribed penalty is:
  - (i) if the amount of unpaid levy is paid within 28 days of the day it becomes due for payment—nil; and
  - (ii) otherwise—an amount equal to 1.5 % of the amount of unpaid levy, for each month or part of a month during which it is unpaid.

**How must levy and late-payment penalty be paid?**

**9. (1)** Subject to subregulation (2), for the purposes of section 11 of the Collection Act, levy and late-payment penalty must be paid directly in cash or by cheque to an authorised person.

**(2)** If an authorised person has agreed, in writing, to accept payment of levy or late-payment penalty from a person who is liable, or may be liable, for the payment of levy or late-payment penalty by deposit in or transfer to an approved bank account, the person may pay by deposit in or transfer to the approved bank account.

**(3)** An authorised person must notify persons liable for payment of levy, in writing, of:

- (a) the name and address of each person authorised for the purposes of subregulations (1) and (2); and
- (b) if the person who is liable is a person from whom an authorised person has agreed to accept deposit in or payment to a bank account—each bank account approved under subregulation (2);

within a reasonable time after the authorisation or approval, as the case may be.

**(4)** In this regulation:  
**“approved bank account”** means a bank account approved by an authorised person for the purposes of this regulation;

**“authorised person” means:**

- (a) except in subregulation (1)—the Minister for Finance; or
- (b) a person authorised by the Minister for Finance; or
- (c) a person authorised by a person appointed by the Minister for Finance to authorise persons for the purpose of this regulation.

(5) The Minister for Finance may appoint a person for the purposes of the definition of “authorised person” in subregulation (4).

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**NOTE**

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

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1995.

26 September