



# **Air Navigation (Aircraft Noise) Regulations 1984**

**Statutory Rules 1984 No. 188 as amended**

made under the

*Air Navigation Act 1920*

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**1 Name of Regulations** [see Note 1]

These Regulations are the *Air Navigation (Aircraft Noise) Regulations 1984*.

**2 Interpretation**

In these Regulations, unless the contrary intention appears:

*aircraft* does not include:

- (a) a state aircraft; or
- (b) a hot air balloon; or
- (c) a propeller-driven aircraft that is specifically designed, and used exclusively, for:
  - (i) aerobatic purposes; or
  - (ii) fire fighting purposes; or
  - (iii) agricultural purposes.

*certificate of airworthiness* means:

- (a) a certificate of airworthiness issued under regulation 24 of the *Civil Aviation Regulations 1988*; or
- (b) a certificate of the airworthiness of an aircraft issued by, or on behalf of, a Contracting State.

*Chapter 2 standards*, in relation to an aircraft, means the standards in respect of aircraft noise set out in paragraphs 2.2, 2.4 and 2.5 of Chapter 2 of the Annex when the level of noise emitted by the aircraft is determined by reference to the test procedures set out in paragraphs 2.2, 2.3 and 2.6 of Chapter 2 of the Annex and Appendix 1 to the Annex.

*Chapter 3 standards*, in relation to an aircraft, means the standards in respect of aircraft noise set out in paragraphs 3.2, 3.4 and 3.5 of Chapter 3 of the Annex when the level of noise emitted by the aircraft is determined by reference to the test procedures set out in paragraphs 3.2, 3.3, 3.6 and 3.7 of Chapter 3 of the Annex and Appendix 2 to the Annex.

*Commonwealth aircraft* has the same meaning as in the Air Navigation Regulations.

**derived version**, in relation to an aircraft, has the same meaning as in Volume I of the Annex.

**engage in conduct** means:

- (a) do an act; or
- (b) omit to perform an act.

**foreign aircraft** has the same meaning as in the Air Navigation Regulations.

**inspector** means an inspector appointed under regulation 11.

**maintenance** means work that is necessary to ensure the continuing airworthiness of an aircraft at the standard required by the country on whose register of aircraft the aircraft is entered.

**noise certificate** means a certificate, whether or not consisting of a separate document, issued, or deemed to have been issued, under regulation 6, or issued under regulation 6A.

**operator** means a person, organization, or enterprise engaged in, or offering to engage in, an aircraft operation.

**registered** means registered in the register of Australian aircraft kept under regulation 8 of the *Civil Aviation Regulations 1988*.

**relevant law** means a law of a contracting State relating to the control of aircraft noise, being a law:

- (a) the requirements of which are incapable of being complied with by an aircraft that does not satisfy the requirements of the Annex with respect to noise certification; or
- (b) compliance with the requirements of which has been determined by the Secretary or an authorised officer, by notice published in the *Gazette*, to be sufficient compliance with the requirements of the Annex with respect to noise certification.

**subsonic jet aircraft** means an aircraft that:

- (a) is propelled by one or more engines of the following kinds:
  - (i) turbofan engines;
  - (ii) turbojet engines;
  - (iii) unducted fan engines;
  - (iv) rocket engines; and

- (b) is not capable of sustained level flight at a speed equal to or greater than the speed of sound.

*supersonic aircraft* means an aircraft that is capable of sustained level flight at a speed equal to, or greater than, the speed of sound.

*the Annex* means Volume I of Annex 16 to the Chicago Convention, being that Annex as amended and in force on 11 November 1993.

### **3 Application**

- (1) These Regulations apply to and in relation to:
  - (a) international air navigation;
  - (b) air navigation in relation to trade and commerce with other countries and among the States;
  - (ba) air navigation conducted by a foreign corporation or a trading or financial corporation formed within the limits of the Commonwealth;
  - (c) air navigation within the Territories;
  - (d) air navigation to or from the Territories;
  - (e) air navigation, other than air navigation referred to in paragraph (a), (b), (c) or (d), that consists of landing at, or taking off from, any place acquired by the Commonwealth for public purposes; and
  - (f) air navigation in which a Commonwealth aircraft is engaged.

### **4 Delegation**

The Secretary may, by signed instrument, delegate his or her powers under these Regulations to:

- (a) an employee of the Department; or
- (b) an officer of the Civil Aviation Safety Authority; or
- (c) an employee of Airservices Australia.

### **5 Applications by owner or operator of an aircraft**

- (1) The owner or operator of an aircraft may apply in writing to the Secretary for:

- (a) a noise certificate for the aircraft; or
  - (b) permission under regulation 9A for the aircraft to engage in air navigation without a noise certificate.
- (2) An applicant under subregulation (1) shall furnish to the Secretary such information relating to the aircraft as is reasonably required by the Secretary for a proper consideration of the application.

**6 Issue of noise certificate for aircraft to which the Annex applies**

- (1) Subject to regulation 6A, if an aircraft in respect of which an application is made under paragraph 5 (1) (a) complies with the standards in respect of noise expressed in the Annex to be applicable to aircraft of the class to which the aircraft belongs, the Secretary must issue to the applicant a noise certificate for the aircraft.
- (2) Where the Secretary makes a decision to refuse the issue of a noise certificate, he or she shall cause notice in writing of that decision to be given to the applicant.

**6A Issue of noise certificate for aircraft described in the Schedule**

- (1) If an aircraft in respect of which an application is made under regulation 5:
- (a) is of a type specified in column 2 of an item in the Schedule; and
  - (b) complies with the standards in respect of aircraft noise specified in the provisions of the Annex specified in column 3 of that item;
- the Secretary must issue to the applicant a noise certificate for the aircraft.
- (2) For the purposes of subregulation (1), the noise level that is emitted by an aircraft of a type specified in column 2 of an item in the Schedule must be determined by reference to the test procedures set out in the provisions of the Annex specified in column 4 of that item.

- (3) If an aircraft is of a type that is described in column 2 of more than 1 item in the Schedule:
  - (a) subregulation (1) applies if the aircraft complies with the standards in respect of noise specified in the provisions of the Annex specified in column 3 of any 1 of those items; and
  - (b) the aircraft does not breach these Regulations by reason only of the fact that it does not comply with the standards in respect of noise specified in the provisions of the Annex specified in column 3 of the other item or items.
- (4) If the Secretary refuses to issue a noise certificate, he or she must give notice in writing of the decision to the applicant.
- (5) Unless the contrary intention appears, words and expressions used in the Schedule and in Volume I of the Annex have the same meaning as in that Volume.

**7 Contents of noise certificate**

- (1) A noise certificate issued under these Regulations shall:
  - (a) certify:
    - (i) in the case of an aircraft of a type specified in column 2 of an item in the Schedule — that the aircraft complies with standards in respect of aircraft noise specified in the Annex; or
    - (ii) in any other case — that the aircraft complies with the standards in respect of noise expressed in the Annex to be applicable to aircraft of the class to which the aircraft belongs; and
  - (b) where the aircraft is registered in Australia — contain a statement that the aircraft is so registered; and
  - (c) contain the following particulars in respect of the aircraft to which it relates:
    - (i) the serial number of the aircraft as designated by the manufacturer;
    - (ii) the type and model of the aircraft as designated by the manufacturer;



- (iii) particulars of any additional modifications incorporated for the purpose of compliance with the applicable noise certification standards;
  - (iv) the maximum weights at which compliance with the applicable noise certification standards has been demonstrated;
  - (v) the noise level or levels and their 90 per cent confidence limits at the reference point or points for which compliance with the applicable noise certification standards has been demonstrated.
- (2) Words and expressions used in this regulation and in Volume I of the Annex have in this regulation, unless the contrary intention appears, the same respective meanings as they have in that volume of the Annex.

**8 Noise certificate deemed to be issued in certain circumstances**

- (1) Where the manufacturer of an aircraft that engages in air navigation has included in the flight manual for the aircraft a statement to the effect that the aircraft:
- (a) complies with the relevant standards in respect of noise contained in the Annex; or
  - (b) complies with the requirements of a relevant law;
- there shall be deemed to have been issued under regulation 6 a noise certificate for the aircraft.
- (2) Subregulation (1) does not apply in relation to an aircraft in respect of which a noise certificate has at any time been revoked.

**9 Circumstances in which an aircraft may engage in air navigation in Australia**

- (1) A subsonic jet aircraft may engage in air navigation only if:
- (a) if it complies with the Chapter 3 standards — a noise certificate is in force for it; or
  - (b) if it does not comply with the Chapter 3 standards:
    - (i) a permission is in force under regulation 9A for it; or

- (ii) a noise certificate is in force for it and it is permitted under regulation 10A or 10BA to engage in air navigation; or
  - (c) it is undergoing testing by an inspector to identify whether it complies with the standards in respect of noise:
    - (i) applicable under regulation 6A; or
    - (ii) expressed in the Annex to be applicable to aircraft of the class to which it belongs; or
  - (d) it is undergoing testing required by the Civil Aviation Safety Authority, or a person authorised under the *Civil Aviation Regulations 1988*, to determine whether a certificate of airworthiness should be issued, renewed or validated under those Regulations; or
  - (e) it was registered under the *Civil Aviation Regulations 1988* on or before 6 December 1990 and continues to be registered.
- (1A) A supersonic aircraft may engage in air navigation only if permission has been granted under regulation 9AA for the aircraft to engage in air navigation.
- (1B) If, under regulation 9AA, permission for a supersonic aircraft to engage in air navigation is granted subject to conditions, the aircraft must comply with those conditions when engaging in air navigation.
- (2) An aircraft that is not a subsonic jet aircraft or a supersonic aircraft may engage in air navigation only if:
- (a) a noise certificate is in force for it; or
  - (b) a permission is in force under regulation 9A or 9AB for it to engage in air navigation; or
  - (c) it is undergoing testing by an inspector to identify whether it complies with the standards in respect of noise:
    - (i) applicable under regulation 6A; or
    - (ii) expressed in the Annex to be applicable to aircraft of the class to which it belongs; or
  - (d) it is undergoing testing required by the Civil Aviation Safety Authority, or a person authorised under the *Civil Aviation Regulations 1988*, to determine whether a

certificate of airworthiness should be issued, renewed or validated under those Regulations; or

- (e) it was registered under the *Civil Aviation Regulations 1988* on or before 6 December 1990 and continues to be registered.

- (3) The operator of an aircraft that engages in air navigation in contravention of this regulation is guilty of an offence.

Penalty: 20 penalty units.

- (4) Strict liability applies:

- (a) for paragraph (1) (a) — to the physical element that an aircraft complies with Chapter 3 standards; and
- (b) for paragraph (1) (b) — to the physical element that an aircraft complies with Chapter 3 standards, to the physical element that a permission is in force under regulation 9A, and to the physical element that an aircraft is permitted under regulation 10A or 10B to engage in air navigation; and
- (c) for paragraph (1) (c) — to the physical element that a noise standard applied to the aircraft under regulation 6A, or is expressed in the Annex applicable to the aircraft of the class to which it belongs; and
- (d) for subregulation (1A) — to the physical element that a permission was granted under regulation 9AA for the aircraft to engage in air navigation; and
- (e) for paragraph (2) (b) — to the physical element that a permission was in force under regulation 9A or 9AB for an aircraft to engage in air navigation; and
- (f) for paragraph (2) (c) — to the physical element that a noise standard applied to the aircraft under regulation 6A or is expressed in the Annex applicable to the aircraft of the class to which it belongs.

*Note* A person can be criminally responsible for an offence even if he or she is mistaken about, or ignorant of, the existence or content of an Act or subordinate legislation; see sections 9.3 and 9.4 of the *Criminal Code*.

**9A Permission for a subsonic aircraft to which standards apply to engage in air navigation**

- (1) If an aircraft, except a supersonic aircraft, does not comply with:
- (a) in the case of an aircraft of a type specified in column 2 of an item in the Schedule — the standards in respect of aircraft noise specified in the provisions of the Annex specified in column 3 of that item; or
  - (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;
- the owner or operator of the aircraft may apply to the Secretary for permission for the aircraft to engage in air navigation without a noise certificate.

(1A) If:

- (a) an aircraft is a subsonic jet aircraft that meets Chapter 2 standards; and
  - (b) the aircraft is allowed to engage in air navigation only if permission is granted under this regulation;
- the owner or operator of the aircraft may apply to the Secretary for permission for the aircraft to engage in air navigation.

- (2) If an application is made under subregulation (1) or (1A), the Secretary may give permission in writing for the aircraft to engage in air navigation if:

- (a) in the case of an aircraft, other than a subsonic jet aircraft, to which an application under subregulation (1) relates — the extent to which the aircraft exceeds the standards is not significant; or
- (b) the historical significance of the aircraft justifies giving the permission; or
- (c) the aircraft is to be used solely for a purpose that is in the public interest.

(2A) For paragraph (2) (c), purposes that are in the public interest include the following:

- (a) humanitarian purposes;
- (b) the provision of essential services to a remote area;

- (c) a medical or emergency flight;
  - (d) a scientific or research flight.
- (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.
- (5) If the Secretary sets out conditions, the aircraft may only be used for air navigation in accordance with the conditions.
- (6) The Secretary may revoke the permission if:
- (a) in relation to an aircraft of a kind referred to in paragraph (2) (a) — the aircraft significantly exceeds the relevant standards; or
  - (b) in any other case — the aircraft is not used for the purpose for which the permission was given or is operated in contravention of a condition set out in the permission.
- (7) If the Secretary refuses to give permission, or revokes permission, he or she must give notice in writing of the decision to the applicant.

**9AA Permission for a supersonic aircraft to engage in air navigation**

- (1) The operator of a supersonic aircraft 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:
- (a) must specify in the permission the period during which the aircraft may engage in air navigation; and
  - (b) may set out in the permission the conditions with which the applicant must comply.

- (4) The Secretary may revoke a permission that is granted to the operator of a supersonic aircraft if the aircraft is operated in contravention of a condition set out in the permission.
- (5) If the Secretary:
  - (a) refuses to grant permission — the Secretary must give notice in writing of the refusal to the applicant that includes the reasons for the refusal; or
  - (b) revokes permission — the Secretary must give notice in writing of the revocation to the holder of the permission that includes the reasons for the revocation.

**9AB Permission for other aircraft to engage in air navigation**

- (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) A person commits an offence if:
  - (a) a notice issued under subregulation 9AB (2) sets out conditions; and
  - (b) the person engages in conduct; and
  - (c) the person's conduct results in a breach of any of the conditions.

Penalty: 20 penalty units.

- (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.

## **10 Revocation of noise certificate**

- (1) If an aircraft for which a noise certificate has been issued, or is deemed to have been issued, ceases to conform with:
- (a) in the case of an aircraft of a type specified in column 2 of an item in the Schedule — the standards in respect of aircraft noise specified in the provisions of the Annex specified in column 3 of that item; or
  - (b) in any other case:
    - (i) the standards in respect of noise expressed in the Annex to be applicable to aircraft of the class to which the aircraft belongs; or
    - (ii) the requirements of a relevant law;
- the Secretary may give to the operator of the aircraft notice in writing that the Secretary intends to revoke the noise certificate.
- (2) Where:
- (a) an aircraft for which a notice is given under subregulation (1) does not, within the prescribed period, comply with:
    - (i) in the case of an aircraft of a type specified in column 2 of an item in the Schedule — the standards in respect of aircraft noise specified in the provisions of the Annex specified in column 3 of that item; or
    - (ii) in any other case:
      - (A) the standards in respect of noise expressed in the Annex to be applicable to aircraft of the class to which the aircraft belongs; or
      - (B) the requirements of a relevant law; or

- (b) the operator of an aircraft for which a noise certificate is in force fails, without reasonable excuse, to comply with any reasonable requirement made by an inspector under these Regulations in respect of the aircraft;

the Secretary may, by notice in writing given to the operator of the aircraft, revoke the noise certificate issued in relation to the aircraft.

- (3) For the purposes of paragraph (2) (a), the period that is the prescribed period for the aircraft is the period of 30 days or such longer period as the Secretary, within that period of 30 days, allows commencing on the day immediately succeeding the day on which the notice is given under subregulation (1).
- (4) The operator of an aircraft shall, as soon as possible, and in any case within 14 days, after receipt by him of notice of revocation of a noise certificate:
  - (a) except where paragraph (b) or (c) applies — return the noise certificate, or cause it to be returned, to the Secretary;
  - (b) where the noise certificate is contained in a document that also contains other material — present that document, or cause it to be presented, to the Secretary for noting thereon the fact of revocation; or
  - (c) in the case of an aircraft in relation to which, by virtue of subregulation 8 (1), a noise certificate is deemed to have been issued — present the flight manual for the aircraft to the Secretary for noting thereon the fact of revocation.

Penalty: 5 penalty units.

- (4A) An offence against subregulation (4) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.

- (5) Where:
  - (a) under subregulation (1) or (2), a notice is given by the Secretary or an authorised officer to the operator of an aircraft; and



- (b) the operator is not the owner of the aircraft;  
the Secretary or the authorised officer shall give a copy of the notice to the owner of the aircraft.

**10A Permission to engage in air navigation for a subsonic jet aircraft that does not comply with the Chapter 3 standards**

- (1) Subject to regulation 10B, this regulation applies to a subsonic jet aircraft that complies with the Chapter 2 standards but does not comply with the Chapter 3 standards.
- (2) The aircraft is permitted to engage in air navigation if it is a foreign aircraft engaged in international air navigation.
- (3) A registered aircraft is permitted to engage in air navigation if it was on the register of Australian aircraft on 1 January 1991.
- (4) The aircraft is permitted to engage in air navigation if it is fitted with an engine or engines with a by-pass ratio of 2 or more.
- (5) The aircraft is permitted to engage in air navigation if:
  - (a) it was obtained by the operator to replace a registered aircraft:
    - (i) that did not comply with the Chapter 3 standards; and
    - (ii) that was destroyed by accident; and
  - (b) the operator was, at the time that the aircraft was obtained, unable to replace the destroyed aircraft with an aircraft of a type that complies with the Chapter 3 standards; and
  - (c) it was registered within 1 year after the day on which the previous aircraft was destroyed.
- (6) Subject to subregulation 10B (5), the aircraft is permitted to engage in air navigation if:
  - (a) it was obtained by the operator to replace a registered aircraft:
    - (i) that complied with the Chapter 3 standards; and
    - (ii) that was destroyed by accident; and

- (b) the operator was, at the time that the aircraft was obtained, unable to replace the destroyed aircraft with an aircraft of a type that complies with the Chapter 3 standards; and
- (c) it was registered within 1 year after the day on which the previous aircraft was destroyed.

**10B Termination of permission for a subsonic jet aircraft that does not comply with the Chapter 3 standards to engage in air navigation**

- (1) This regulation applies to a subsonic jet aircraft that does not comply with the Chapter 3 standards.
- (2) An aircraft that is fitted with an engine or engines with a by-pass ratio of less than 2 is permitted to engage in air navigation until:
  - (a) if more than 25 years have passed since the day on which a certificate of airworthiness for the aircraft was first issued — 1 April 1995; or
  - (b) in any other case:
    - (i) the end of the 25th year after the day on which a certificate of airworthiness for the aircraft was first issued; or
    - (ii) 31 March 2002;whichever occurs first.
- (3) An aircraft that is fitted with an engine or engines with a by-pass ratio of 2 or more and complies with the Chapter 2 standards is permitted to engage in air navigation until 31 March 2002.
- (4) If the Secretary permits the aircraft to engage in air navigation because it is to be used solely for a purpose that is in the public interest, it is permitted to engage in air navigation while the permission is in force.
- (5) An aircraft that is permitted to engage in air navigation under subregulation 10A (6) is permitted to engage in air navigation until the end of 1 year after the day on which it is registered.

**10BA Permission to engage in air navigation for the purpose of maintenance**

- (1) This regulation applies to a foreign aircraft that:
  - (a) is a subsonic jet aircraft; and
  - (b) complies with the Chapter 2 standards but does not comply with the Chapter 3 standards; and
  - (c) apart from this regulation, would be prohibited, under these Regulations, from engaging in air navigation.
- (2) The operator of a foreign aircraft may apply to the Secretary for permission to engage in air navigation solely for the purpose of maintenance of the aircraft.
- (3) The Secretary may, by written notice, grant permission to the applicant.
- (4) A notice under subregulation (3) must state:
  - (a) the period, ending no later than 31 December 2005, during which the foreign aircraft may engage in air navigation; and
  - (b) any conditions with which the operator of the aircraft must comply.
- (5) An operator of an aircraft commits an offence if:
  - (a) a notice issued under subregulation 10BA (3) sets out conditions; and
  - (b) the operator engages in conduct; and
  - (c) the operator's conduct results in a breach of any of the conditions.

Penalty: 20 penalty units.

- (5A) An offence against subregulation (5) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.

- (6) The Secretary may revoke the permission if:
  - (a) the aircraft is operated in contravention of a condition of the permission; or

- (b) the operation of the aircraft has had, and is likely to continue to have, a significant noise impact on the public.
- (7) If the Secretary refuses to grant a permission, or revokes a permission, the Secretary must give notice of the decision to the applicant.

**10C Extension of permission to engage in air navigation because of financial hardship**

- (1) The Minister may publish a notice in the *Gazette* of the countries to which this regulation applies.
- (2) The operator of an aircraft may apply to the Minister to have the country in which the operator's principal business office is located included in the notice.
- (3) The operator must:
  - (a) state in the application the reasons for making it; and
  - (b) if the Minister, in writing, asks the operator to give the Minister information in relation to the application — give the information to the Minister.
- (4) The Minister must consider the application and may approve or refuse it.
- (5) The operator of an aircraft that is permitted under regulation 10A to engage in air navigation until a day before 31 March 2002 may apply to the Secretary to set a day, later than that day, on which the permission ends if:
  - (a) on 1 January 1991, the aircraft is on the register of aircraft of a country that is included in the notice; and
  - (b) the principal business office of the operator of the aircraft is located in the country; and
  - (c) the operator would experience financial hardship if the aircraft does not engage in air navigation after the day on which the permission ends.
- (6) If the operator applies, the Secretary may set a day, after which the aircraft must not engage in air navigation:
  - (a) later than the day on which the permission ends; and
  - (b) not later than 31 March 2002.

- (7) The Secretary must give notice in writing to the applicant of a decision under this regulation.

#### **10D Provision of information**

- (1) The Secretary may, in writing, ask the operator of an aircraft to advise the Secretary of the day on which a certificate of airworthiness for the aircraft was first issued.
- (2) If the operator does not advise the Secretary of the day:
- (a) the operator is guilty of an offence punishable by a maximum fine of 20 penalty units; and
  - (b) the Secretary may, by notice given to the operator, suspend permission for the aircraft to engage in air navigation until the day on which the operator advises the Secretary of the day on which the certificate was first issued.
- (3) An offence against paragraph (2) (a) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.

#### **11 Inspectors**

- (1) The Secretary may, in writing, appoint:
- (a) an officer of the Civil Aviation Safety Authority or an employee of Airservices Australia; or
  - (b) a person who is able to measure the level of noise emitted by an aircraft;
- as an inspector.
- (2) The Secretary must issue to an inspector an identity card, bearing a recent photograph of the person, stating that the person is an inspector appointed under these Regulations.
- (2A) A person who ceases to be an inspector must not fail to return his or her identity card to the Secretary as soon as practicable, but in any case within 14 days after receiving notice of the cessation or termination of his or her appointment under these Regulations.

Penalty: 1 penalty unit.

- (2B) An offence against subregulation (2A) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2C) It is a defence to a prosecution under subregulation (2A) that the defendant had a reasonable excuse for failing to return the relevant identity card.

*Note* A defendant bears an evidential burden in relation to whether or not he or she had a reasonable excuse (see subsection 13.3 (3) of the *Criminal Code*).

- (3) An inspector may require the operator of an aircraft:
- (a) in respect of which an application has been made under regulation 5; or
  - (b) in respect of which a noise certificate is in force;  
to make the aircraft available for inspection at any reasonable time, and may inspect the aircraft when so made available, for the purpose of determining whether the aircraft complies with:
  - (c) in the case of an aircraft of a type specified in column 2 of an item in the Schedule — the standards in respect of aircraft noise specified in the provisions of the Annex specified in column 3 of that item; or
  - (d) in any other case:
    - (i) the standards in respect of noise expressed in the Annex to be applicable to aircraft of the class to which the aircraft belongs; or
    - (ii) the requirements of a relevant law.
- (3A) An inspector may not:
- (a) require the operator of an aircraft referred to in subregulation (3) to make the aircraft available for inspection; or
  - (b) inspect the aircraft;  
if he or she fails to produce his or her identity card when requested to do so.
- (4) An inspector may, in the course of inspecting an aircraft, carry out such tests in relation to the aircraft, including tests carried out while it is in flight (whether or not the inspector is on board

the aircraft), as are necessary for determining whether the aircraft complies with the relevant standards in respect of noise.

**13 Review of decisions**

Application may be made to the Administrative Appeals Tribunal for review of a decision of the Secretary:

- (a) refusing to issue a noise certificate under subregulation 6 (1) or 6A (1); or
- (b) refusing to give a permission under subregulation 9A (2), 9AA (2), 9AB (2) or 10BA (3); or
- (c) specifying a period under paragraph 9A (3) (a), 9AA (3) (a), 9AB (3) (a) or 10BA (4) (a); or
- (d) imposing, or varying, a condition under paragraph 9A (3) (b), 9AA (3) (b), 9AB (3) (b) or 10BA (4) (b); or
- (e) revoking a permission under subregulation 9A (6), 9AA (4), 9AB (5) or 10BA (6); or
- (f) revoking a noise certificate under subregulation 10 (2); or
- (g) refusing under subregulation 10C (4) to approve the inclusion of a country in a notice; or
- (h) setting, or refusing to set, a day under subregulation 10C (6); or
- (i) suspending a permission under paragraph 10D (2) (b).

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## Schedule      Noise levels and testing procedures for certain aircraft

(regulation 6A)

Column 1	Column 2	Column 3	Column 4
Item No.	Type of Aircraft	Provisions of the Annex for noise levels	Provisions of the Annex for test procedure
1	<p>Subsonic jet aircraft requiring a runway length (with no stopway or clearway) of 610 metres or less at maximum certificated mass for airworthiness for which:</p> <p>(a) the application for a certificate of airworthiness for the prototype was accepted by the certifying authority; or</p> <p>(b) another equivalent prescribed procedure was carried out by the certifying authority;</p> <p>before 6 October 1977</p>	2.2, 2.4, 2.5	2.2, 2.3, 2.6, Appendix 1
2	<p>Subsonic jet aircraft powered by engines with a by-pass ratio of 2 or more and for which a certificate of airworthiness for the individual aircraft was first issued before 1 March 1972</p>	2.2, 2.4, 2.5	2.2, 2.3, 2.6 Appendix 1



<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Item No.</b>	<b>Type of Aircraft</b>	<b>Provisions of the Annex for noise levels</b>	<b>Provisions of the Annex for test procedure</b>
3	<p>Subsonic jet aircraft powered by engines with a by-pass ratio of less than 2:</p> <p>(a) for which:</p> <p>(i) the application for a certificate of airworthiness for the prototype was accepted by the certifying authority; or</p> <p>(ii) another equivalent prescribed procedure was carried out by the certifying authority;</p> <p>before 1 January 1969; and</p> <p>(b) for which a certificate of airworthiness for that aircraft was first issued before 1 January 1976</p>	2.2, 2.4, 2.5	2.2, 2.3, 2.6, Appendix 1
4	<p>Subsonic jet aircraft, including derived versions, requiring a runway length (with no stopway or clearway) of 610 metres or less at maximum certificated mass for airworthiness, for which:</p> <p>(a) the application for a certificate of airworthiness for the prototype was accepted by the certifying authority; or</p> <p>(b) another equivalent prescribed procedure was carried out by the certifying authority;</p> <p>on or after 6 October 1977</p>	3.2, 3.4, 3.5	3.2, 3.3, 3.6, 3.7 Appendix 2

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Item No.</b>	<b>Type of Aircraft</b>	<b>Provisions of the Annex for noise levels</b>	<b>Provisions of the Annex for test procedure</b>
5	<p>Derived version of a subsonic jet aircraft for which:</p> <p>(a) the application for a certificate of airworthiness for the prototype was carried out by the certifying authority before 6 October 1977, or</p> <p>(b) another equivalent prescribed procedure was carried out by the certifying authority before 26 November 1981</p>	2.2, 2.4, 2.5	2.2, 2.3, 2.6, Appendix 1
6	<p>Propeller-driven aircraft, including derived versions, of a maximum certified take-off mass exceeding 5,700 kg, for which:</p> <p>(a) the application for a certificate of airworthiness for the prototype was accepted by the certifying authority; or</p> <p>(b) another equivalent prescribed procedure was carried out by the certifying authority;</p> <p>before 6 October 1977</p>	5.2, 5.4, 5.5	5.2, 5.3, 5.6, 5.7, Appendix 2

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Item No.</b>	<b>Type of Aircraft</b>	<b>Provisions of the Annex for noise levels</b>	<b>Provisions of the Annex for test procedure</b>
7	<p>Propeller-driven aircraft, including derived versions, of a maximum certificated take-off mass exceeding 5,700 kg, requiring a runway length (with no stopway or clearway) of 610 metres or less at maximum certificated mass for airworthiness, and for which:</p> <p>(a) the application for a certificate of airworthiness for the prototype was accepted by the certifying authority; or</p> <p>(b) another equivalent prescribed procedure was carried out by the certifying authority;</p> <p>on or after 6 October 1977 and before 1 January 1985</p>	5.2, 5.4, 5.5	5.2, 5.3, 5.6, 5.7 Appendix 2
8	<p>Propeller-driven aircraft of a maximum certificated take-off mass not exceeding 9,000 kg for which:</p> <p>(a) the application for a certificate of airworthiness for the prototype was accepted by the certifying authority; or</p> <p>(b) another equivalent prescribed procedure was carried out by the certifying authority;</p> <p>before 1 January 1975</p>	6.2, 6.3	6.2, 6.4, 6.5, Appendix 3

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Item No.</b>	<b>Type of Aircraft</b>	<b>Provisions of the Annex for noise levels</b>	<b>Provisions of the Annex for test procedure</b>
9	Propeller-driven aircraft of a maximum certificated take-off mass not exceeding 9,000 kg for which a certificate of airworthiness for that aircraft was first issued before 1 January 1980	6.2, 6.3	6.2, 6.4, 6.5, Appendix 3
10	Helicopters designed exclusively for external load carrying purposes for which: <ul style="list-style-type: none"> <li>(a) the application for a certificate of airworthiness for the prototype was accepted by the certifying authority; or</li> <li>(b) another prescribed procedure was carried out by the certifying authority;</li> </ul> on or after 1 January 1985	8.2, 8.4, 8.5	8.2, 8.3, 8.6, 8.7, Appendix 4
11	Helicopters for which: <ul style="list-style-type: none"> <li>(a) the application for a certificate of airworthiness for the prototype was accepted by the certifying authority; or</li> <li>(b) another equivalent prescribed procedure was carried out by the certifying authority;</li> </ul> before 1 January 1985	8.2, 8.4, 8.5	8.2, 8.3, 8.6, 8.7, Appendix 4

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Item No.</b>	<b>Type of Aircraft</b>	<b>Provisions of the Annex for noise levels</b>	<b>Provisions of the Annex for test procedure</b>
12	Helicopters for which:  (a) an application for a change of type design was accepted by the certifying authority; or  (b) another equivalent prescribed procedure was carried out by the certifying authority;  before 17 November 1988	8.2, 8.4, 8.5	8.2, 8.3, 8.6, 8.7, Appendix 4

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**Table of Statutory Rules**

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**Notes to the *Air Navigation (Aircraft Noise) Regulations 1984*****Note 1**

The *Air Navigation (Aircraft Noise) Regulations 1984* (in force under the *Air Navigation Act 1920*) as shown in this compilation comprise Statutory Rules 1984 No. 188 amended as indicated in the Tables below.

**Table of Statutory Rules**

<b>Year and number</b>	<b>Date of notification in Gazette</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
1984 No. 188	10 Aug 1984	10 Aug 1984	
1985 No. 301	21 Nov 1985	21 Nov 1985	—
1986 No. 233	4 Sept 1986	4 Sept 1986	—
1988 No. 163	30 June 1988	1 July 1988	—
1988 No. 277	15 Nov 1988	17 Nov 1988	—
1990 No. 397	6 Dec 1990	6 Dec 1990	—
1991 No. 428	19 Dec 1991	19 Dec 1991	—
1992 No. 341	27 Oct 1992	27 Oct 1992	—
1994 No. 305	6 Sept 1994	6 Sept 1994	—
1996 No. 209	26 Sept 1996	26 Sept 1996	—
2000 No. 361	20 Dec 2000	20 Dec 2000	—
2002 No. 13	21 Feb 2002	21 Feb 2002	—

**Table of Amendments****Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
R. 1.....	rs. 2000 No. 361
R. 2.....	am. 1985 No. 301; 1986 No. 233; 1988 Nos. 163 and 277; 1990 No. 397; 1991 No. 428; 1994 No. 305; 2000 No. 361; 2002 No. 13
R. 3.....	am. 1990 No. 397; 1991 No. 428
R. 4.....	am. 1988 No. 163; 1990 No. 397 rs. 1991 No. 428; 2000 No. 361
Rr. 5, 6.....	am. 1990 No. 397; 1991 No. 428
R. 6A .....	ad. 1990 No. 397 am. 1991 No. 428
R. 7.....	am. 1990 No. 397; 1991 No. 428
R. 8.....	am. 1986 No. 233; 1991 No. 428
R. 9.....	am. 1988 No. 163; 1990 No. 397; 1991 No. 428; 1992 No. 341; 1994 No. 305; 1996 No. 209; 2000 No. 361; 2002 No. 13
R. 9A .....	ad. 1990 No. 397 am. 1991 No. 428; 1992 No. 341; 1994 No. 305; 1996 No. 209; 2000 No. 361
R. 9AA .....	ad. 1994 No. 305
R. 9AB .....	ad. 1996 No. 209 am. 2002 No. 13
R. 10.....	am. 1986 No. 233; 1990 No. 397; 1991 No. 428; 1992 No. 341; 2002 No. 13
R. 10A .....	ad. 1991 No. 428 am. 1994 No. 305
R. 10B .....	ad. 1991 No. 428
R. 10BA .....	ad. 2000 No. 361 am. 2002 No. 13
R. 10C .....	ad. 1991 No. 428
R. 10D .....	ad. 1991 No. 428 am. 2002 No. 13
R. 11.....	am. 1986 No. 233; 1990 No. 397; 1991 No. 428; 2000 No. 361; 2002 No. 13
R. 12.....	rep. 1991 No. 428
R. 13.....	am. 1990 No. 397; 1991 No. 428; 1994 No. 305; 1996 No. 209 rs. 2000 No. 361
Schedule .....	ad. 1990 No. 397

