



Air Navigation (Aircraft Noise) Regulations 1984

Statutory Rules 1984 No. 188 as amended

made under the

Air Navigation Act 1920

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Prepared by the Office of Legislative Drafting and Publishing,
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Part 1 Preliminary

1 Name of Regulations [see Note 1]

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

2 Interpretation

- (1) In these Regulations, unless the contrary intention appears:

adventure flight means a flight involving elements of aerobatics, mock combat or low level or high speed flight where passengers are carried for the purpose of experiencing the flight rather than for the purpose of transportation.

Aeronautical Information Publication has the same meaning as in subregulation 1.03 (1) of the *Air Services Regulations 1995*.

Aeronautical Information Service has the same meaning as in subregulation 1.03 (1) of the *Air Services Regulations 1995*.

agricultural operations means the broadcasting of chemicals, seeds, fertilizers and other substances from aircraft for agricultural purposes, including purposes of pest and disease control.

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 operations; or
 - (iv) environmental operations.

Regulation 2

air display means flying activities, including exhibitions involving unusual manoeuvres or demonstrations of skill in the manipulation of aircraft, together with flights for the purpose of demonstrating aircraft, performed before a public gathering.

airport has the same meaning as in section 5 of the *Airports Act 1996*.

Annex means Volume I of Annex 16 to the Chicago Convention, being that Annex as amended and in force on 20 November 2008.

certificate of airworthiness means:

- (a) a certificate of airworthiness that was issued under regulation 24 of the *Civil Aviation Regulations 1988*; or
- (b) a certificate of airworthiness issued under regulation 21.176 of the *Civil Aviation Safety Regulations 1998*; or
- (c) a certificate of the airworthiness of an aircraft issued by, or on behalf of, a Contracting State.

Chapter 3 standards, for an aircraft, means the standards for aircraft noise set out in Chapter 3 of the Annex when the level of noise emitted by the aircraft is determined in the way set out in Chapter 3 of the Annex and Appendix 2 to the Annex.

Chapter 4 standards, for an aircraft, means the standards for aircraft noise set out in Chapter 4 of the Annex when the level of noise emitted by the aircraft is determined in the way set out in Chapter 4 of the Annex and Appendix 2 to the Annex.

Commonwealth aircraft has the same meaning as in the *Air Navigation Regulations 1947*.

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.

environmental operations means the aerial application of substances for the purposes of pollution clean-up and control.

EPNdB means effective perceived noise in decibels.

foreign aircraft has the same meaning as in the *Air Navigation Regulations 1947*.

inspector means an inspector appointed under regulation 11.

Regulation 2

large marginally compliant aircraft means a subsonic jet aircraft that:

- (a) either:
 - (i) has a maximum take-off weight of 34 000 kg or more; or
 - (ii) is permitted by its type certificate to have a passenger seating capacity of more than 19 seats other than seats for crew; and
- (b) if it was not previously a state aircraft — was certificated for compliance with the standards for aircraft noise in Chapter 2 of the Annex; and
- (c) has been modified; and
- (d) if it was not previously a state aircraft — has been re-certificated for compliance with the standards for aircraft noise in Chapter 3 of the Annex; and
- (e) complies with the noise certification limits mentioned in the standards for aircraft noise in Volume 1, Part II of Chapter 3 of the Annex by a cumulative margin of not more than 5 EPNdB if:
 - (i) the cumulative margin is the amount of noise, expressed in EPNdB, that is obtained by adding the individual margins at each of the 3 noise reference points mentioned in Volume 1, Part II of Chapter 3 of the Annex; and
 - (ii) an individual margin is the difference between the certificated noise level and the maximum permitted noise level at a referenced noise measurement point.

Note Paragraph (e) of this definition is based upon the definition of ‘Marginally compliant aircraft’ in Article 2 of Directive 2002/30/EC of the European Parliament and of the Council of 26 March 2002 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports.

maximum take-off weight, of an aircraft, has the same meaning as in the *Civil Aviation Regulations 1988*.

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.

Notice to Airmen has the same meaning as in subregulation 1.03 (1) of the *Air Services Regulations 1995*.

Regulation 2

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

registered means registered under Part 47 of the *Civil Aviation Safety Regulations 1998*.

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.

restricted airport means an airport mentioned in a notice under subregulation 11 (1) as an airport where the restrictions or prohibitions mentioned in the notice are to apply.

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.

type certificate has the same meaning as in the *Civil Aviation Safety Regulations 1998*.

- (2) Unless the contrary intention appears, words and expressions used in these Regulations and in the Annex have the same meaning in these Regulations as in the Annex.

Regulation 3

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.

Regulation 6A

Part 2 Noise certification of aircraft**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 Schedule 1

- (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 Schedule 1; and

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- (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 Schedule 1 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 Schedule 1:
 - (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.

7 Form and content of noise certificate

A noise certificate must:

- (a) be in a form approved by the Secretary; and
- (b) certify:
 - (i) for an aircraft of a type specified in column 2 of an item in Schedule 1 — that the aircraft complies with standards for aircraft noise specified in the Annex; or
 - (ii) in any other case — that the aircraft complies with standards for aircraft noise expressed in the Annex to be applicable to aircraft of the class to which the aircraft belongs; and
- (c) contain the information required by the Annex to be included in noise certification documents.

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7A Noise certificate to be carried on board aircraft

The operator of an aircraft for which a noise certificate is in force must ensure that the noise certificate (whether consisting of a separate document or not) is carried on board the aircraft at all times.

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 or the Chapter 4 standards — a noise certificate is in force for it; or
 - (b) if it does not comply with the Chapter 3 standards or the Chapter 4 standards — a permission is in force under regulation 9A for it; 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 an authorised person appointed under the *Civil Aviation Safety Regulations 1998*, to determine

Regulation 9

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 an authorised person appointed under the *Civil Aviation Safety Regulations 1998*, 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:

Regulation 9A

- (a) for paragraph (1) (a) — to the physical element that an aircraft complies with the Chapter 3 standards or the Chapter 4 standards; and
- (b) for paragraph (1) (b) — to the physical element that an aircraft does not comply with the Chapter 3 standards or the Chapter 4 standards and the physical element that a permission is in force under regulation 9A; 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 Schedule 1 — 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.

Regulation 9A

- (2) If an application is made under subregulation (1), the Secretary may give permission in writing for the aircraft to engage in air navigation if:
- (a) the aircraft is not a subsonic jet aircraft and 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; or
 - (d) the aircraft is to be used for either or both of the following purposes and for no other purpose:
 - (i) an air display approved by the Civil Aviation Safety Authority;
 - (ii) an adventure flight.

Note See regulation 9AAA for public consultation requirements for adventure flights.

- (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:

Regulation 9AAA

- (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.

9AAA Public consultation about adventure flights

- (1) This regulation applies in relation to an application for permission under regulation 9A for an aircraft that is to be used for an adventure flight.

Note An application may relate to more than 1 flight (*Acts Interpretation Act 1901*, paragraph 23 (b)).

- (2) Before making the application, the owner or operator of the aircraft must consult:
- (a) the operator of the aerodrome from which the adventure flight is proposed to be flown; and
 - (b) if the local governing body for the locality in which the aerodrome is located is not the operator of the aerodrome — the local governing body.
- (3) The Secretary must not give the permission unless the Secretary is satisfied that the consultation mentioned in subregulation (2) has occurred.
- (4) Nothing in this regulation requires the Secretary to give the permission even if the Secretary is satisfied that the consultation mentioned in subregulation (2) has occurred.
- (5) In this regulation:
- local governing body***, for a locality, means:
- (a) if there is a local council for the locality — the local council; or
 - (b) in any other case — any other body responsible for local government matters in the locality.

Regulation 9AA

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 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

Regulation 10

- (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 Schedule 1 — 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.

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(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 Schedule 1 — 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).
- (3A) If the operator of an aircraft for which a noise certificate is in force fails to comply with regulation 7A, the Secretary may, by notice in writing given to the operator, revoke the noise certificate.
- (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

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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), (2) or (3A), 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.

Regulation 11

**Part 3 Restrictions on operation of
large marginally compliant
aircraft and permissions****11 Imposition of operating restrictions at airport**

- (1) The Minister may, by notice in writing, restrict or prohibit the operation of large marginally compliant aircraft at an airport.
- (2) The Minister may issue a notice under subregulation (1) for an airport only if satisfied that the operation of large marginally compliant aircraft at the airport is creating, or may create, excessive noise at the airport and in at least 1 community near the airport.
- (3) The Minister must consider the outcome of consultation conducted by the Department with persons who may be affected by the issue of a notice, including persons living in communities near the airport, when deciding if he or she is satisfied of the matter mentioned in subregulation (2).

Example

Persons who may be affected by the issue of the notice include aircraft operators, airport operators, members of the public, local, state and federal government bodies and relevant industry bodies.

- (4) A notice under subregulation (1):
 - (a) must mention:
 - (i) the restricted airport; and
 - (ii) the restrictions or prohibitions that are to apply to the operation of large marginally compliant aircraft at the restricted airport; and
 - (b) may mention the kinds of large marginally compliant aircraft to which a restriction or prohibition applies.

Example

Examples of restrictions that may be imposed by a notice under subregulation (1) are as follows:

- (a) limiting aircraft operations to stated runways or flight paths;
- (b) restricting the hours of aircraft operations;

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- (c) ways in which aircraft operations are to be phased out;
- (d) non-addition rules.

Examples of non-addition rules for paragraph (d) are restricting operators from replacing a large marginally compliant aircraft operating at a restricted airport with another large marginally compliant aircraft, or from operating additional large marginally compliant aircraft at a restricted airport.

- (5) A notice under subregulation (1) must be:
 - (a) published in the *Gazette*; and
 - (b) published by the Aeronautical Information Service in:
 - (i) a Notice to Airmen; and
 - (ii) the Aeronautical Information Publication.

12 Permission to use restricted airport in public interest

- (1) The operator of a large marginally compliant aircraft may apply to the Secretary for permission for the aircraft to operate at a restricted airport in a way that would otherwise contravene a notice under subregulation 11 (1).
- (2) The Secretary may give permission for the large marginally compliant aircraft to operate at a restricted airport in a way that would otherwise contravene a notice under subregulation 11 (1) only if the Secretary considers that the aircraft is to operate for a purpose that is in the public interest.
- (3) For subregulations (1) and (2), a purpose that is in the public interest includes any of the following:
 - (a) a medical or emergency flight;
 - (b) a humanitarian purpose;
 - (c) the provision of essential services to a remote area;
 - (d) a scientific or research flight.
- (4) A permission by the Secretary under subregulation (2) must:
 - (a) be in writing; and
 - (b) mention the following:
 - (i) the purpose in the public interest for which the large marginally compliant aircraft may operate at the restricted airport;

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- (ii) the period, not more than 1 month, during which the large marginally compliant aircraft may operate for the public interest purpose at the restricted airport;
- (iii) any conditions with which the large marginally compliant aircraft must comply when operating at the restricted airport.

13 Prohibition on operating at restricted airport

- (1) A large marginally compliant aircraft must not operate at a restricted airport in contravention of a notice issued by the Minister under subregulation 11 (1) unless the operation of the aircraft is permitted by the Secretary under subregulation 12 (2).
- (2) The operator of a large marginally compliant aircraft commits an offence if:
 - (a) the operator engages in conduct; and
 - (b) the operator's conduct results in a contravention of subregulation (1).

Penalty: 50 penalty units.
- (3) Strict liability applies to paragraph (2) (b).

Part 4 Miscellaneous

14 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

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- (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 Schedule 1 — 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.

15 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) or 9AB (2); or
- (c) specifying a period under paragraph 9A (3) (a), 9AA (3) (a) or 9AB (3) (a); or

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- (d) imposing, or varying, a condition under paragraph 9A (3) (b), 9AA (3) (b) or 9AB (3) (b); or
- (e) revoking a permission under subregulation 9A (6), 9AA (4) or 9AB (5); or
- (f) revoking a noise certificate under subregulation 10 (2) or (3A).

Schedule 1 Noise standards and testing procedures for certain aircraft

(regulation 6A)

Item	Type of aircraft	Provisions of Annex for noise standards	Provisions of Annex for test procedure
1	Subsonic jet aircraft for which an application for a type certificate was submitted on or after 6 October 1977 and before 1 January 2006	3.2, 3.4, 3.5	3.2, 3.3, 3.6, 3.7 Appendix 2 <i>or</i> 4.2, 4.3, 4.5, 4.6 Appendix 2
2	Propeller-driven aeroplanes with a maximum take-off weight exceeding 5700 kg and less than 8618 kg for which an application for a type certificate was submitted on or after 1 January 1985 and before 17 November 1988	3.2, 3.4, 3.5 <i>or</i> 6.2, 6.3	3.2, 3.3, 3.6, 3.7 Appendix 2 <i>or</i> 6.2, 6.4, 6.5 Appendix 3
3	Propeller-driven aeroplanes with a maximum take-off weight exceeding 8618 kg for which an application for a type certificate was submitted on or after 17 November 1988 and before 1 January 2006	3.2, 3.4, 3.5 <i>or</i> 4.2, 4.3, 4.4	3.2, 3.3, 3.6, 3.7 Appendix 2 <i>or</i> 4.2, 4.3, 4.5, 4.6 Appendix 2
4	Subsonic jet aircraft for which an application for a type certificate was submitted on or after 1 January 2006	4.2, 4.3, 4.4	4.2, 4.3, 4.5, 4.6 Appendix 2
5	Propeller-driven aeroplanes with a maximum take-off weight exceeding 8618 kg for which an application for a type certificate was submitted on or after 1 January 2006	4.2, 4.3, 4.4	4.2, 4.3, 4.5, 4.6 Appendix 2

Item	Type of aircraft	Provisions of Annex for noise standards	Provisions of Annex for test procedure
6	Propeller-driven aeroplanes of a maximum take-off weight exceeding 5700 kg for which an application for a type certificate was submitted before 1 January 1985	5.2, 5.4, 5.5	5.6, 5.7 Appendix 2
7	Propeller-driven aeroplanes of a maximum take-off weight not exceeding 8618 kg for which an application for a type certificate was submitted before 17 November 1988	6.2, 6.3	6.2, 6.4, 6.5 Appendix 3
8	Propeller-driven STOL (short take-off and landing) aeroplanes	Guidelines set out in Attachment B of the Annex may be used for noise certification of propeller-driven STOL aeroplanes for which a certificate of airworthiness for the individual aeroplane was first issued on or after 1 January 1976	
9	Helicopters (to which Chapter 8 of the Annex applies: refer 8.1 of the Annex)	8.2, 8.4, 8.5	8.2, 8.3, 8.6, 8.7 Appendix 2
10	Installed auxiliary power units (APU) and associated aircraft systems during ground operations	Guidelines set out in Attachment C of the Annex may be used for noise certification of installed auxiliary power units (APU) and associated aircraft systems in: (a) all aircraft for which an application for a type certificate was submitted, or another equivalent procedure permissible under the Annex was carried out by the certifying authority, on or after 6 October 1977; and	

Item	Type of aircraft	Provisions of Annex for noise standards	Provisions of Annex for test procedure
		(b) aircraft of existing type design for which the application for a change of type design involving the basic APU installation was submitted, or another equivalent procedure permissible under the Annex was carried out by the certifying authority, on or after 6 October 1977	
11	Propeller driven aircraft of a maximum take-off weight not exceeding 8618 kg for which an application for a type certificate for the type of aircraft or a derived version was submitted before 17 November 1988	10.4	10.2, 10.3, 10.5, 10.6 Appendix 6
12	Helicopters with a maximum take-off weight not exceeding 3175 kg	11.3, 11.4	11.4, 11.5, 11.6 Appendix 4
13	Tilt-rotor aircraft	Guidelines set out in Attachment F of the Annex may be used for noise certification of tilt-rotor aircraft for which the application for a type certificate was submitted, or another equivalent procedure permissible under the Annex was carried out by the certifying authority, on or after 13 May 1998 and to provide data for land-use planning purposes	

Table of Instruments

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.

For all relevant information pertaining to application, saving or transitional provisions see Table A.

Table of Instruments

Year and number	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
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	—
2010 No. 39	12 Mar 2010 (see F2010L00641)	13 Mar 2010	R. 4
2010 No. 118	7 June 2010 (see F2010L01299)	Rr. 1–3 and Schedule 1: 1 July 2010 Schedule 2: (a)	—

(a) Regulation 2 (b) of the *Air Navigation (Aircraft Noise) Amendment Regulations 2010 (No. 2)* (SLI 2010 No. 118) provides as follows:

(b) immediately after the commencement of Schedule 1 — Schedule 2.

Table of Amendments**Table of Amendments**

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

Provision affected	How affected
Part 1	
Heading to Part 1	ad. 2010 No. 118
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; 2010 Nos. 39 and 118
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
Part 2	
Heading to Part 2	ad. 2010 No. 118
R. 5	am. 1990 No. 397; 1991 No. 428
R. 6	am. 1990 No. 397; 1991 No. 428
R. 6A	ad. 1990 No. 397 am. 1991 No. 428; 2010 No. 39
R. 7	am. 1990 No. 397; 1991 No. 428 rs. 2010 No. 39
R. 7A	ad. 2010 No. 39
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; 2010 No. 39
R. 9A	ad. 1990 No. 397 am. 1991 No. 428; 1992 No. 341; 1994 No. 305; 1996 No. 209; 2000 No. 361; 2010 No. 39
R. 9AAA	ad. 2010 No. 39
R. 9AA	ad. 1994 No. 305
R. 9AB	ad. 1996 No. 209 am. 2002 No. 13; 2010 No. 39
R. 10	am. 1986 No. 233; 1990 No. 397; 1991 No. 428; 1992 No. 341; 2002 No. 13; 2010 No. 39
R. 10A	ad. 1991 No. 428 am. 1994 No. 305 rep. 2010 No. 39
R. 10B	ad. 1991 No. 428 rep. 2010 No. 39
R. 10BA	ad. 2000 No. 361 am. 2002 No. 13 rep. 2010 No. 39

Table of Amendments

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

Provision affected	How affected
R. 10C.....	ad. 1991 No. 428 rep. 2010 No. 39
R. 10D.....	ad. 1991 No. 428 am. 2002 No. 13 rep. 2010 No. 39
Part 3	
Part 3.....	ad. 2010 No.118
R. 11.....	ad. 2010 No. 118
R. 12.....	rep. 1991 No. 428 ad. 2010 No. 118
R. 13.....	ad. 2010 No. 118
Part 4	
Heading to Part 4.....	ad. 2010 No. 118
R. 11.....	am. 1986 No. 233; 1990 No. 397; 1991 No. 428; 2000 No. 361; 2002 No. 13
Renumbered r. 14.....	2010 No. 118
R. 13.....	am. 1990 No. 397; 1991 No. 428; 1994 No. 305; 1996 No. 209 rs. 2000 No. 361 am. 2010 No. 39
Renumbered r. 15.....	2010 No. 118
Schedule.....	ad. 1990 No. 397 rep. 2010 No. 39
Schedule 1	
Schedule 1.....	ad. 2010 No. 39

Table A

Table A **Application, saving or transitional provisions**

Select Legislative Instrument 2010 No. 39

4 **Transitional**

- (1) In this regulation:

commencement time means the time when these Regulations commence.

existing noise certificate means a noise certificate that was in force immediately before the commencement time.

new regulation 7 means regulation 7 of the *Air Navigation (Aircraft Noise) Regulations 1984*, as amended by Schedule 1.

- (2) A permission to engage in air navigation that:

(a) was given under subregulation 9A (2) of the *Air Navigation (Aircraft Noise) Regulations 1984*, as in force before the commencement time; and

(b) was in force immediately before the commencement time;

continues in force until:

(c) if the permission was subject to an expiry date — the expiry date; or

(d) in any other case — the start of the day that is the first day after the commencement time that is an anniversary of the permission being given.

- (3) An existing noise certificate continues in force after the commencement time even if it is not in the form, or does not contain all of the information, required by new regulation 7.

- (4) If an existing noise certificate is not in the form, or does not contain all of the information, required by new regulation 7, the owner or operator of an aircraft for which the certificate was issued may apply, in writing, to the Secretary for a replacement noise certificate.

Table A

- (5) The Secretary must issue a replacement noise certificate if:
 - (a) an application is made under subregulation (4); and
 - (b) the Secretary is satisfied that the aircraft does not emit a greater amount of noise than it did when the existing noise certificate was issued.