

EXPLANATORY STATEMENT

STATUTORY RULES 1984.. NO. 188.

Issued by the Authority of the Minister for Aviation

AIR NAVIGATION (AIRCRAFT NOISE) REGULATIONS

Section 26 of the Air Navigation Act 1920 provides, inter alia, that the Governor-General may make regulations not inconsistent with the Act for the purpose of carrying out and giving effect to any Annex to the Chicago Convention on International Civil Aviation relating to international standards and recommended practices (being an Annex adopted in accordance with the Convention).

The aircraft noise problem to the communities in the vicinity of Australian airports was previously controlled only by administrative and operational means such as curfews, the use of preferred runways and flight paths, and modified approach and departure flight profiles. There were no formal limits imposed concerning the maximum permissible noise levels produced by aircraft when they were type-certificated and registered to engage in air navigation.

The Council of the International Civil Aviation Organisation (ICAO) has approved Annex 16 to the Chicago Convention on International Civil Aviation. Annex 16 specifies noise certification standards for aircraft engaged in international air navigation. Most ICAO member states have introduced, or are now introducing, national regulations to

enforce Annex 16 noise standards in their own countries. Under the Convention, Australia is also obliged to apply the standards in this country.

The regulations implement the Annex 16 requirements for all civil aircraft either newly imported to Australia or manufactured here. Under sub-regulation 9(3) an offence will be committed by the operator and pilot of an aircraft that engages in air navigation without a noise certificate in relation to that aircraft being in force. The noise certificate, to be issued by the Secretary to the Department of Aviation, will certify that the aircraft complies with the noise standards expressed in Annex 16 for the class of aircraft to which it belongs. Aircraft manufactured overseas will normally undergo noise certification in the country of manufacture prior to their importation to Australia. The regulations provide for Australian acceptance in such cases of noise certificates issued by other contracting states to the Convention. In the case of aircraft manufactured in Australia, noise measurement will be required to demonstrate to the Department of Aviation that the prototype aircraft complies with the requirements of Annex 16.

The new requirements will not apply to aircraft registered prior to the date of commencement of the regulations, except where subsequent modifications to the aircraft have led to a significant increase in noise levels.

Provision is made in the regulations for the Secretary or an authorised officer to revoke the noise certificate if an aircraft ceases to conform to Annex 16 noise standards.

The regulations will ensure that a gradual decline in aircraft noise exposure around airports continues over the next decade as new, noise certificated aircraft replace existing aircraft.

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