

EXPLANATORY STATEMENT

STATUTORY RULES 1985 No. 233

Issued by the Authority of the Minister for Aviation

AIR NAVIGATION (AIRCRAFT NOISE) REGULATIONS (AMENDMENT)

Section 26 of the Air Navigation Act 1920 ('the Act') provides, among other things, that the Governor-General may make regulations not inconsistent with the Act prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act. Paragraph 26(1)(b) in particular, provides for the making of regulations for carrying out or giving effect to any Annex to the Chicago Convention ('the Convention') relating to international standards and practices (being an Annex adopted in accordance with the Convention).

The Air Navigation (Aircraft Noise) Regulations ('the Regulations') implement the standards in respect of aircraft noise contained in Vol. 1 of Annex 16 to the Convention ('the Annex') as amended and in force on 21 November 1985.

The Regulations require that an aircraft possess a current noise certificate prior to engaging in air navigation in Australia. As aircraft manufactured overseas will normally undergo noise certification in the country of manufacture prior to export to Australia, the Regulations allow for Australian acceptance of noise certificates issued by a Contracting State. The Act defines "Contracting State" as a country other than Australia, that is a party to the Chicago Convention.

The Regulations further provide that a noise certificate is deemed to be issued 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 conforms with the relevant noise standards contained in the Annex or complies with the requirements of a relevant law.

The amendments made to the Regulations by these Statutory Rules permit Australia to accept noise certificates of countries which have only minor differences in their noise standards to those contained in the Annex.

These Statutory Rules insert a new definition of "relevant law" into regulation 2 of the Regulations which defines that term to mean a law of a Contracting State relating to the control of aircraft noise, being a law 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 compliance with the requirements of which has been determined by the Secretary or an authorized officer, by notice published in the Gazette, to be sufficient compliance with requirements of the Annex in respect of noise control and extends its application to the Regulations as a whole.

Regulation 3 is a consequential amendment to regulation 2.

Prior to this amendment, regulation 10 of the Regulations only permitted the Secretary to revoke a noise certificate deemed issued where the aircraft no longer complied with the noise standards expressed in the Annex. Regulation 4 of the Amendment Regulations amends that regulation to extend the Secretary's power of revocation to include revocation of a noise certificate deemed to have been issued where the aircraft no longer complies with the relevant law of a Contracting State.

Regulation 5 is a consequential amendment extending the powers of inspectors, appointed under regulation 11 of the Regulations, to inspect aircraft to ensure compliance with the standards of a relevant law. Formerly inspectors could only inspect aircraft to ensure compliance with the standards contained in the Annex.

The Statutory Rules came into operation on the date of their notification in the Commonwealth of Australia Gazette.