

# **Air Navigation (Aircraft Noise) Regulations (Amendment) 1991 No. 428**

## **EXPLANATORY STATEMENT**

### **Statutory Rules 1991 No. 428**

Issued by Authority of the Minister for Shipping and Aviation Support

#### Air Navigation Act 1920

Air Navigation (Aircraft Noise) Regulations (Amendment)

Subsection 26(1) of the Air Navigation Act 1920 (the Act) provides that the Governor-General may make regulations for the purposes of the Act and, in particular, regulations in relation to:

- air navigation within a Territory or to or from a Territory [paragraph 26(1)(c)];
- air navigation, being regulations with respect to trade and commerce with other countries and among the States [paragraph 26(1)(d)]; and
- air navigation, being regulations with respect to any other matter with respect to which the Parliament has power to make laws [paragraph 26(1)(e)].

In addition, paragraph 26(2)(k) provides that regulations under the Act may impose penalties not exceeding a fine of \$5,000 for a contravention of, or a failure to comply with, a provision of the regulations.

The Air Navigation (Aircraft Noise) Regulations (the Regulations) contain detailed provisions for the certification of all aircraft operating in Australia to noise standards contained in Annex 16 to the Chicago Convention on International Civil Aviation (the Convention). The noise certification provisions of the Regulations apply to all aircraft (including foreign registered aircraft) engaged in domestic air navigation and to Australian registered aircraft engaged in international air navigation.

The amending Regulations amend the Regulations to:

- prohibit all subsonic jet aircraft added to the Australian register after 1 January 1991 from operating in Australia unless they meet the noise standards contained in Volume I, Chapter 3 of Annex 16 to the Convention (regulation 10); and
- give effect to a resolution of the General Assembly of the International Civil Aviation Organisation (ICAO) to phase out all subsonic jet aircraft not meeting the noise standards contained in Volume I, Chapter 3 of Annex 16 to the Convention during the period 1 April 1995 to 31 March 2002 (regulation 13).

The amending Regulations also make a number of miscellaneous amendments to the Regulations, in particular, to:

- provide that the regulations do not apply to hot air balloons (regulation 2);
- extend the scope of the regulations to air navigation conducted by a foreign corporation or a trading or financial corporation formed within the limits of the Commonwealth (regulation 3);
- replace the existing power of authorisation with a power of delegation (regulation 4);

- increase the penalty for a breach of the regulations from \$1,000 to \$2,000, and remove the term of imprisonment (regulation 10); and
- clarify the circumstances under which the Secretary may grant permission for an aircraft to operate without a noise certificate (regulation 11).

Finally, the amending Regulations make a number of minor drafting corrections.

The amending Regulations came into operation on the date of their notification in the Gazette.