

# **Air Navigation (Aircraft Noise) Regulations Amendment) 1992 No. 341**

## **EXPLANATORY STATEMENT**

### **Statutory Rules 1992 No. 341**

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)].

The Air Navigation (Aircraft Noise) Regulations (the Regulations) contain detailed provisions which:

- provide for the certification to noise standards contained in Annex 16 to the Chicago Convention on International Civil Aviation (the Convention) of all aircraft engaged in domestic air navigation and to Australian registered aircraft engaged in international air navigation;
- 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; and
- give effect to a resolution of the General Assembly of the International Civil Aviation Organization (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.

The amending regulations amend the Regulations to correct a number of minor errors. In particular,

- paragraphs 9(1)(e) and 9(2)(e) have been amended to clarify that aircraft which were registered on or before 6 December 1990 (the date upon which the regulations requiring aircraft to be noise certificated commenced) can engage in air navigation without a noise certificate only if they have been registered on a continual basis;
- a new subregulation 9A(1A) has been inserted to enable Chapter 2 aircraft to apply for permission to engage in air navigation on historical or public interest grounds;
- subregulations 9A)(2) and (3) have been amended in consequence of the new subregulation 9A(1A); and
- subregulation 10(3) has been amended to address a minor drafting matter.

The Regulations commenced on gazettal.