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Statutory Rules 1994 No. 11

305/

Air Navigation (Aircraft Noise) Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, make the
following Regulations under the *Air Navigation Act 1920*.

Dated 1 1994.

30 August/

Governor-General

BILL HAYDEN/

By His Excellency's Command,

1

Minister for Transport

LAURIE BRERETON/

1. Amendment

1.1 The Air Navigation (Aircraft Noise) Regulations are amended
as set out in these Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

2. Regulation 2 (Interpretation)

2.1 Definition of “aircraft”, paragraph (c):

Omit “an aircraft that is specifically designed for:”, substitute “a propeller-driven aircraft that is specifically designed, and used exclusively, for:”.

2.2 Definition of “the Annex”:

Omit “17 November 1988.”, substitute “11 November 1993.”.

2.3 Insert the following definitions:

“ ‘**certificate of airworthiness**’ means:

- (a) a certificate of airworthiness issued under regulation 24 of the Civil Aviation Regulations; or
- (b) a certificate of the airworthiness of an aircraft issued by, or on behalf of, a Contracting State;

‘**supersonic aircraft**’ means an aircraft that is capable of sustained level flight at a speed equal to, or greater than, the speed of sound;”.

3. Regulation 9 (Circumstances in which an aircraft may engage in air navigation in Australia)

3.1 After subregulation 9 (1), insert:

“(1A) A supersonic aircraft must not engage in air navigation unless 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.”.

3.2 Subregulation 9 (2):

Omit “other than a subsonic jet aircraft”, substitute “, except a subsonic jet aircraft or a supersonic aircraft,”.

4. Regulation 9A (Permission for a subsonic aircraft to engage in air navigation)

4.1 Subregulation 9A (1):

Omit all the words before paragraph (a), substitute:

“(1) If an aircraft, except a supersonic aircraft, does not comply with:”.

4.2 Paragraph 9A (6) (b):

Add at the end “or is operated in contravention of a condition set out in the permission.”.

5. New regulation 9AA

5.1 After regulation 9A, insert:

Permission for a supersonic aircraft to engage in air navigation

“9AA. (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.”.

6. Regulation 10A (Permission to engage in air navigation for a subsonic jet aircraft that does not comply with the Chapter 3 standards)

6.1 Subregulation 10A (1):

Omit “This regulation”, substitute “Subject to regulation 10B, this regulation”.

7. Regulation 13 (Review of decisions)

7.1 Subregulation 13 (1):

Omit “An application”, substitute “Application under the *Administrative Appeals Tribunal Act 1975*”.

7.2 After paragraph 13 (1) (f), insert:

“(fa) refusing to grant permission under subregulation 9AA (2); or

(fb) specifying a period under paragraph 9AA (3) (a); or

(fc) imposing, or varying, a condition under paragraph 9AA (3) (b); or

(fd) revoking a permission under subregulation 9AA (4); or”.

7.3 Subregulations 13 (2) and (3):

Omit the subregulations.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 1 1994. 6 September /
2. Statutory Rules 1984 No. 188; 1985 No. 301; 1986 No. 233; 1988 Nos. 163 and 277; 1990 No. 397; 1991 No. 428; 1992 No 341.