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Air Navigation (Aircraft Noise) Amendment Regulations 2000 (No. 1)¹

Statutory Rules 2000 No. 2

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I, WILLIAM PATRICK DEANE, 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 13 DEC 2000 2000

WILLIAM DEANE
Governor-General

By His Excellency's Command

JOHN ANDERSON
Minister for Transport and Regional Services

Regulation 1

1 Name of Regulations

These Regulations are the *Air Navigation (Aircraft Noise) Amendment Regulations 2000 (No. 2)*. /

2 Commencement

These Regulations commence on gazettal.

3 Amendment of Air Navigation (Aircraft Noise) Regulations

Schedule 1 amends the Air Navigation (Aircraft Noise) Regulations.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 1

substitute

1 Name of Regulations

These Regulations are the *Air Navigation (Aircraft Noise) Regulations 1984*.

[2] Regulation 2, definition of *Authority*

omit

2 *Air Navigation (Aircraft Noise) Amendment Regulations* 2000, 2 /

2000 (No. 2)

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[3] Regulation 2, after definition of *inspector**insert*

maintenance means work that is necessary to ensure the continuing airworthiness of an aircraft at the standard required by the country on whose register of aircraft the aircraft is entered.

[4] Regulation 4*substitute*

The Secretary may, by signed instrument, delegate his or her powers under these Regulations to:

- (a) an employee of the Department; or
- (b) an officer of the Civil Aviation Safety Authority; or
- (c) an employee of Airservices Australia.

[5] Subparagraph 9 (1) (b) (ii)*after*

10A

insert

or 10BA

[6] Paragraphs 9 (1) (d) and 9 (2) (d)*omit*

Civil Aviation Authority

insert

Civil Aviation Safety Authority

[7] After subregulation 9A (2)*insert*

- (2A) For paragraph (2) (c), purposes that are in the public interest include the following:
- (a) humanitarian purposes;
 - (b) the provision of essential services to a remote area;
 - (c) a medical or emergency flight;
 - (d) a scientific or research flight.

[8] After regulation 10B*insert***10BA Permission to engage in air navigation for the purpose of maintenance**

- (1) This regulation applies to a foreign aircraft that:
 - (a) is a subsonic jet aircraft; and
 - (b) complies with the Chapter 2 standards but does not comply with the Chapter 3 standards; and
 - (c) apart from this regulation, would be prohibited, under these Regulations, from engaging in air navigation.
- (2) The operator of a foreign aircraft may apply to the Secretary for permission to engage in air navigation solely for the purpose of maintenance of the aircraft.
- (3) The Secretary may, by written notice, grant permission to the applicant.
- (4) A notice under subregulation (3) must state:
 - (a) the period, ending no later than 31 December 2005, during which the foreign aircraft may engage in air navigation; and
 - (b) any conditions with which the operator of the aircraft must comply.

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- (5) If the notice sets out conditions, the operator of the aircraft must comply with the conditions.

Penalty: 20 penalty units.

- (6) The Secretary may revoke the permission if:
- (a) the aircraft is operated in contravention of a condition of the permission; or
 - (b) the operation of the aircraft has had, and is likely to continue to have, a significant noise impact on the public.
- (7) If the Secretary refuses to grant a permission, or revokes a permission, the Secretary must give notice of the decision to the applicant.

[9] Paragraph 11 (1) (a)

substitute

- (a) an officer of the Civil Aviation Safety Authority or an employee of Airservices Australia; or

[10] Regulation 13

substitute

Application may be made to the Administrative Appeals Tribunal for review of a decision of the Secretary:

- (a) refusing to issue a noise certificate under subregulation 6 (1) or 6A (1); or
- (b) refusing to give a permission under subregulation 9A (2), 9AA (2), 9AB (2) or 10BA (3); or
- (c) specifying a period under paragraph 9A (3) (a), 9AA (3) (a), 9AB (3) (a) or 10BA (4) (a); or
- (d) imposing, or varying, a condition under paragraph 9A (3) (b), 9AA (3) (b), 9AB (3) (b) or 10BA (4) (b); or
- (e) revoking a permission under subregulation 9A (6), 9AA (4), 9AB (5) or 10BA (6); or

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- (f) revoking a noise certificate under subregulation 10 (2); or
 - (g) refusing under subregulation 10C (4) to approve the inclusion of a country in a notice; or
 - (h) setting, or refusing to set, a day under subregulation 10C (6); or
 - (i) suspending a permission under paragraph 10D (2) (b).

[11] Further amendments

The following provisions are amended by omitting 'Civil Aviation Regulations' and inserting '*Civil Aviation Regulations 1988*':

- regulation 2, definition of *certificate of airworthiness*, paragraph (a)
- regulation 2, definition of *registered*
- paragraph 9 (1) (d)
- paragraph 9 (1) (e)
- paragraph 9 (2) (d)
- paragraph 9 (2) (e).

Notes

1. These Regulations amend Statutory Rules 1984 No. 188, as amended by 1985 No. 301; 1986 No. 233; 1988 Nos. 163 and 277; 1990 No. 397; 1991 No. 428; 1992 No 341; 1994 No. 305; 1996 No. 209.
2. Notified in the *Commonwealth of Australia Gazette* on

2000.

20 December