



Air Navigation (Aircraft Noise) Regulations 2018

made under the

Air Navigation Act 1920

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About this compilation

This compilation

This is a compilation of the *Air Navigation (Aircraft Noise) Regulations 2018* that shows the text of the law as amended and in force on 14 December 2021 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This instrument is the *Air Navigation (Aircraft Noise) Regulations 2018*.

3 Authority

This instrument is made under the *Air Navigation Act 1920*.

4 Definitions

(1) In this instrument:

adventure flight means a flight involving elements of aerobatics, mock combat or low level or high speed flight where passengers are carried for the purpose of experiencing the flight rather than for the purpose of transportation.

Aeronautical Information Publication has the same meaning as in the *Air Services Regulations 2019*.

agricultural operations means the broadcasting of chemicals, seeds, fertilisers and other substances from aircraft for agricultural purposes, including purposes of pest and disease control.

air display means flying activities, including exhibitions involving unusual manoeuvres or demonstrations of skill in the manipulation of aircraft, together with flights for the purpose of demonstrating aircraft, performed before a public gathering.

airport has the same meaning as in the *Airports Act 1996*.

Annex means Volume I of Annex 16 to the Chicago Convention, being that Annex as amended and in force at the commencement of these Regulations.

certificate of airworthiness means:

- (a) a certificate of airworthiness issued under regulation 21.176 of the *Civil Aviation Safety Regulations 1998*; or
- (b) a certificate of the airworthiness of an aircraft issued by, or on behalf of, a Contracting State.

Chapter 3 standards, for an aircraft, means the standards for aircraft noise set out in Chapter 3 of the Annex when the level of noise emitted by the aircraft is determined in the way set out in Chapter 3 of the Annex and Appendix 2 to the Annex.

Chapter 4 standards, for an aircraft, means the standards for aircraft noise set out in Chapter 4 of the Annex when the level of noise emitted by the aircraft is

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determined in the way set out in Chapter 4 of the Annex and Appendix 2 to the Annex.

Chapter 14 standards, for an aircraft, means the standards for aircraft noise set out in Chapter 14 of the Annex when the level of noise emitted by the aircraft is determined in the way set out in Chapter 14 of the Annex and Appendix 2 to the Annex.

Commonwealth aircraft has the same meaning as in the *Air Navigation Regulation 2016*.

Commonwealth place means a place referred to in paragraph 52(i) of the Constitution, other than the seat of government.

constitutional corporation means a corporation to which paragraph 51(xx) of the Constitution applies.

derived version, in relation to an aircraft, has the same meaning as in the Annex.

engage in conduct means:

- (a) do an act; or
- (b) omit to perform an act.

environmental operations means the aerial application of substances for the purposes of pollution clean-up and control.

EPNdB is short for effective perceived noise in decibels.

exempt RPA means an RPA that:

- (a) is a micro RPA (within the meaning of the *Civil Aviation Safety Regulations 1998*); or
- (b) is being operated in standard RPA operating conditions (within the meaning of the *Civil Aviation Safety Regulations 1998*); or
- (c) is being operated for:
 - (i) an agricultural operation; or
 - (ii) an environmental operation; or
 - (iii) a fire fighting, medical or policing purpose; or
 - (iv) a sport or recreation purpose.

inspector means an inspector appointed under section 21.

large marginally compliant aircraft means a subsonic jet aircraft that:

- (a) either:
 - (i) has a maximum take-off weight of 34,000 kg or more; or
 - (ii) is permitted by its type certificate to have a passenger seating capacity of more than 19 seats other than seats for crew; and
- (b) if it was not previously a state aircraft:
 - (i) was certificated for compliance with the standards for aircraft noise in Chapter 2 of the Annex; and

- (ii) has been re-certificated for compliance with the standards for aircraft noise in Chapter 3 of the Annex; and
- (c) has been modified; and
- (d) complies with the noise certification limits mentioned in the standards for aircraft noise in Volume A, Part II of Chapter 3 of the Annex by a cumulative margin of not more than 5 EPNdB if:
 - (i) the cumulative margin is the amount of noise, expressed in EPNdB, that is obtained by adding the individual margins at each of the 3 noise reference points mentioned in Volume A, Part II of Chapter 3 of the Annex; and
 - (ii) an individual margin is the difference between the certificated noise level and the maximum permitted noise level at a referenced noise measurement point.

Note: Paragraph (d) of this definition is based upon the definition of ‘marginally compliant aircraft’ in Article 2 of Directive 2002/30/EC of the European Parliament and of the Council of 26 March 2002 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at community airports.

local governing body, for a locality, means:

- (a) if there is a local council for the locality—the local council; or
- (b) in any other case—any other body responsible for local government matters in the locality.

maximum take-off weight, for an aircraft, has the same meaning as in the *Civil Aviation Safety Regulations 1998*.

noise certificate means a certificate, whether or not consisting of a separate document, issued, or deemed to have been issued, under section 8, or issued under section 9.

Notice to Airmen has the same meaning as in the *Air Services Regulations 2019*.

operator means a person, organisation, or enterprise engaged in, or offering to engage in, an aircraft operation.

relevant law means a law of a Contracting State relating to the control of aircraft noise, being a law:

- (a) the requirements of which are at least as stringent as the requirements of the Annex with respect to noise certification; or
- (b) compliance with the requirements of which has been determined by the Secretary, by notifiable instrument, to be sufficient compliance with the requirements of the Annex with respect to noise certification.

relevant standards:

- (a) for an aircraft specified in column 1 of an item in Schedule 1—means the standards for aircraft noise (if any) set out in column 2 of that item; or
- (b) for an aircraft that is not specified in column 1 of an item in Schedule 1 but for which standards for aircraft noise are set out in the Annex for aircraft of the class to which the aircraft belongs—means those standards.

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restricted airport means an airport mentioned in a notice under subsection 18(1) as an airport where the restrictions or prohibitions mentioned in the notice are to apply.

RPA (short for remotely piloted aircraft) has the same meaning as in the *Civil Aviation Safety Regulations 1998*.

subsonic jet aircraft means an aircraft that:

- (a) is propelled by one or more engines of the following kinds:
 - (i) turbofan engines;
 - (ii) turbojet engines;
 - (iii) unducted fan engines;
 - (iv) rocket engines; and
- (b) is not capable of sustained level flight at a speed equal to or greater than the speed of sound; and
- (c) is not an RPA.

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

type certificate has the same meaning as in the *Civil Aviation Safety Regulations 1998*.

- (2) Words and expressions used in these Regulations and in the Annex have the same meaning in these Regulations as in the Annex.

5 Application

- (1) This instrument applies to and in relation to the following:
 - (a) international air navigation;
 - (b) air navigation in relation to trade and commerce with other countries and among the States;
 - (c) air navigation conducted by a constitutional corporation;
 - (d) air navigation within the Territories;
 - (e) air navigation to or from the Territories;
 - (f) air navigation, other than air navigation referred to in paragraph (a), (b), (d) or (e), that consists of landing at, or taking off from, a Commonwealth place;
 - (g) air navigation in which a Commonwealth aircraft is engaged.
- (2) This instrument does not apply in relation to the following aircraft:
 - (a) a state aircraft;
 - (b) a hot air balloon;
 - (c) a propeller-driven aircraft that is specifically designed, and used exclusively, for:
 - (i) aerobatic purposes; or
 - (ii) fire fighting purposes; or
 - (iii) agricultural operations; or

(iv) environmental operations.

Part 2—Noise certification of aircraft etc.

Division 1—General requirements

6 Aircraft must have noise certificate or other approval etc.

Subsonic jet aircraft

- (1) A subsonic jet aircraft must not engage in air navigation unless:
 - (a) both of the following apply:
 - (i) the aircraft complies with the Chapter 3 standards, the Chapter 4 standards or the Chapter 14 standards;
 - (ii) a noise certificate is in force for the aircraft; or
 - (b) all of the following apply:
 - (i) the aircraft does not comply with the Chapter 3 standards, the Chapter 4 standards or the Chapter 14 standards;
 - (ii) an approval is in force under section 14 for the aircraft;
 - (iii) any conditions included in the approval are complied with; or
 - (c) both of the following apply:
 - (i) the aircraft is of a kind mentioned in paragraph 7(1)(a) or (b);
 - (ii) the aircraft is undergoing testing by an inspector to identify whether it complies with the relevant standards for the aircraft; or
 - (d) the aircraft is undergoing testing required by the Civil Aviation Safety Authority, or an authorised person appointed under the *Civil Aviation Safety Regulations 1998*, to determine whether a certificate of airworthiness should be issued, renewed or validated under those Regulations; or
 - (e) the aircraft was registered under the *Civil Aviation Regulations 1988* on or before 6 December 1990 and continues to be registered under Part 47 of the *Civil Aviation Safety Regulations 1998*.

Supersonic aircraft

- (2) A supersonic aircraft must not engage in air navigation unless:
 - (a) an approval is in force under section 16 for the aircraft to engage in air navigation; and
 - (b) any conditions included in the approval are complied with.

Remotely piloted aircraft

- (2A) An RPA must not engage in air navigation unless:
 - (a) both of the following apply:
 - (i) an approval is in force under section 16A for the aircraft to engage in air navigation;
 - (ii) any conditions included in the approval are complied with; or

- (b) the aircraft is an exempt RPA.

Other aircraft

- (3) An aircraft that is not a subsonic jet aircraft, a supersonic aircraft or an RPA must not engage in air navigation unless:
- (a) a noise certificate is in force for the aircraft; or
 - (b) both of the following apply:
 - (i) an approval is in force under section 14 or 17 for the aircraft;
 - (ii) any conditions included in the approval are complied with; or
 - (c) both of the following apply:
 - (i) the aircraft is of a kind mentioned in paragraph 7(1)(a) or (b);
 - (ii) the aircraft is undergoing testing by an inspector to identify whether it complies with the relevant standards for the aircraft; or
 - (d) the aircraft is undergoing testing required by the Civil Aviation Safety Authority, or an authorised person appointed under the *Civil Aviation Safety Regulations 1998*, to determine whether a certificate of airworthiness should be issued, renewed or validated under those Regulations; or
 - (e) the aircraft was registered under the *Civil Aviation Regulations 1988* on or before 6 December 1990 and continues to be registered under Part 47 of the *Civil Aviation Safety Regulations 1998*.

Offence

- (4) The operator of an aircraft commits an offence if:
- (a) the aircraft engages in air navigation; and
 - (b) subsection (1), (2), (2A) or (3) (as the case requires) is not complied with.

Penalty: 20 penalty units.

- (5) Strict liability applies to subparagraphs (1)(a)(i), (b)(i) and (ii), (c)(i), paragraph (2)(a) and subparagraphs (2A)(a)(i) and (3)(b)(i) and (c)(i).

Division 2—Noise certificates

7 Applications by owner or operator of an aircraft

- (1) The owner or operator of an aircraft may apply in writing to the Secretary for a noise certificate for the aircraft if:
 - (a) the aircraft is specified in column 1 of an item in Schedule 1; or
 - (b) the aircraft is not specified in column 1 of an item in Schedule 1 but standards for aircraft noise are set out in the Annex for aircraft of the class to which the aircraft belongs.

Note 1: An aircraft that does not meet these requirements may apply for an approval to engage in air navigation without a noise certificate: see Division 3.

Note 2: A noise certificate for an aircraft may be deemed to have been issued in certain circumstances: see section 12.

- (2) An applicant must give the Secretary such information relating to the aircraft as is reasonably required by the Secretary for a proper consideration of the application.

8 Issue of noise certificate for aircraft specified in Schedule 1

- (1) If an aircraft for which an application is made under paragraph 7(1)(a) complies with the relevant standards for the aircraft, the Secretary must issue to the applicant a noise certificate for the aircraft.
- (2) For the purposes of subsection (1), the noise level that is emitted by the aircraft must be determined by reference to the test procedures set out in the provisions of the Annex specified in column 3 of the item in Schedule 1.
- (3) If an aircraft is described in more than one item in column 1 of Schedule 1:
 - (a) subsection (1) is taken to be satisfied if the aircraft complies with the standards for aircraft noise (if any) specified in column 2 of any one of those items; and
 - (b) the aircraft does not contravene this instrument merely because the aircraft does not comply with the standards for aircraft noise (if any) specified in column 2 of the other item or items.
- (4) If the Secretary decides to refuse to issue a noise certificate, the Secretary must give written notice of the decision to the applicant.

9 Issue of noise certificate for aircraft to which the Annex otherwise applies

- (1) If an aircraft for which an application is made under paragraph 7(1)(b) complies with the relevant standards for the aircraft, the Secretary must issue to the applicant a noise certificate for the aircraft.
- (2) If the Secretary decides to refuse to issue a noise certificate, the Secretary must give written notice of the decision to the applicant.

10 Form and content of noise certificate

A noise certificate must:

- (a) be in a form approved by the Secretary; and
- (b) certify that the aircraft complies with the relevant standards for the aircraft; and
- (c) contain the information required by the Annex to be included in noise certification documents.

11 Noise certificate to be carried on board aircraft

The operator of an aircraft for which a noise certificate is in force must ensure that the noise certificate (whether consisting of a separate document or not) is carried on board the aircraft at all times.

12 Noise certificate deemed to be issued in certain circumstances

- (1) If 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:
 - (a) complies with the relevant standards for the aircraft; or
 - (b) complies with the requirements of a relevant law;a noise certificate is taken to have been issued under section 9 for the aircraft.
- (2) Subsection (1) does not apply in relation to an aircraft for which a noise certificate has at any time been revoked.

13 Revocation of noise certificate

- (1) The Secretary may give an operator of an aircraft written notice that the Secretary intends to revoke a noise certificate that has been issued, or is deemed to have been issued, for the aircraft if the aircraft ceases to comply with:
 - (a) for an aircraft mentioned in paragraph 7(1)(a)—the relevant standards for the aircraft; or
 - (b) for an aircraft mentioned in paragraph 7(1)(b):
 - (i) the relevant standards for the aircraft; or
 - (ii) the requirements of a relevant law.
- (2) The Secretary may, by written notice given to the operator of an aircraft, revoke a noise certificate issued for the aircraft if:
 - (a) a notice has been given under subsection (1) in relation to the aircraft and within the period mentioned in subsection (3) the aircraft does not comply with the standards or requirements mentioned in subsection (1); or
 - (b) the operator fails, without reasonable excuse, to comply with any reasonable requirement made by an inspector under this instrument in relation to the aircraft; or
 - (c) the operator fails to comply with section 11 (requirement for a noise certificate to be carried on board an aircraft).

Part 2 Noise certification of aircraft etc.

Division 2 Noise certificates

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- (3) For the purposes of paragraph (2)(a), the period is 30 days after the day the notice is given under subsection (1) or such longer period as the Secretary, within that 30 day period, allows.
- (4) The operator of an aircraft commits an offence of strict liability if:
 - (a) the operator is given a notice of revocation of a noise certificate under subsection (2); and
 - (b) the operator does not, within 14 days after receiving the notice, do the following:
 - (i) if subparagraph (ii) or (iii) does not apply—return the noise certificate, or cause the noise certificate to be returned, to the Secretary;
 - (ii) if the noise certificate is contained in a document that also contains other material—present that document, or cause that document to be presented, to the Secretary for noting in the document that the noise certificate has been revoked;
 - (iii) if the noise certificate is deemed to have been issued under section 9 in accordance with subsection 12(1)—present the flight manual for the aircraft, or cause the flight manual for the aircraft to be presented, to the Secretary for noting in the flight manual that the noise certificate has been revoked.

Penalty: 5 penalty units.

- (5) If a notice is given to the operator of an aircraft under subsection (1) or (2) and the operator is not the owner of the aircraft, the Secretary must also give a copy of the notice to the owner of the aircraft.

Division 3—Other approvals

14 Approval for a subsonic aircraft to which standards apply

- (1) The owner or operator of an aircraft (other than a supersonic aircraft or an RPA) may apply to the Secretary for approval for the aircraft to engage in air navigation if:
 - (a) the aircraft is of a kind mentioned in paragraph 7(1)(a) or (b); and
 - (b) the aircraft does not comply with the relevant standards for the aircraft.
- (2) An applicant must give the Secretary such information relating to the aircraft as is reasonably required by the Secretary for a proper consideration of the application.
- (3) The Secretary may, by written notice given to the applicant, approve the application if:
 - (a) the aircraft is not a subsonic jet aircraft and the extent to which the aircraft exceeds the relevant standards for the aircraft is not significant; or
 - (b) the historical significance of the aircraft justifies approving the application; or
 - (c) the aircraft is to be used solely for a purpose that is in the public interest; or
 - (d) the aircraft is to be used for either or both of the following purposes and for no other purpose:
 - (i) an air display approved by the Civil Aviation Safety Authority;
 - (ii) an adventure flight.

Note: See section 15 for public consultation requirements for adventure flights.
- (4) For the purposes of paragraph (3)(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.
- (5) If the Secretary approves the application, the Secretary must include in the approval:
 - (a) any conditions with which the applicant must comply; and
 - (b) if paragraph (3)(c) applies:
 - (i) the purpose for which the aircraft is to be used; and
 - (ii) the period, not exceeding one month, during which the aircraft may engage in air navigation.
- (6) The Secretary may revoke the approval if:
 - (a) for an aircraft mentioned in paragraph (3)(a)—the aircraft significantly exceeds the relevant standards for the aircraft; or

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- (b) in any other case—the aircraft is not used for the purpose for which the approval was given or is operated in contravention of a condition set out in the approval.
- (7) If the Secretary decides to not approve the application, or to revoke the approval, the Secretary must give written notice of the decision, and the reasons for the decision, to the applicant.

15 Public consultation about adventure flights

- (1) This section applies in relation to an application for approval under section 14 for an aircraft that is to be used for an adventure flight.
- (2) Before making the application, the owner or operator of the aircraft must consult:
 - (a) the operator of the aerodrome from which the adventure flight is proposed to be flown; and
 - (b) if the local governing body for the locality in which the aerodrome is located is not the operator of the aerodrome—the local governing body.
- (3) The Secretary must not approve the application unless the Secretary is satisfied that the consultation mentioned in subsection (2) has occurred.
- (4) Nothing in this section requires the Secretary to approve the application even if the Secretary is satisfied that the consultation mentioned in subsection (2) has occurred.

16 Approval for a supersonic aircraft

- (1) The operator of a supersonic aircraft may apply to the Secretary for approval for the aircraft to engage in air navigation.
- (2) An applicant must give the Secretary such information relating to the aircraft as is reasonably required by the Secretary for a proper consideration of the application.
- (3) The Secretary may, by written notice given to the applicant, approve the application.
- (4) If the Secretary approves the application, the Secretary must include in the approval:
 - (a) the period during which the aircraft may engage in air navigation; and
 - (b) any conditions with which the applicant must comply.
- (5) The Secretary may revoke the approval if the aircraft is operated in contravention of a condition set out in the approval.
- (6) If the Secretary decides to not approve the application, or to revoke the approval, the Secretary must give written notice of the decision, and the reasons for the decision, to the applicant.

16A Approval for a remotely piloted aircraft

- (1) The owner or operator of an RPA may apply to the Secretary for approval for the aircraft to engage in air navigation.
- (2) An applicant must give the Secretary such information relating to the aircraft as is reasonably required by the Secretary for a proper consideration of the application.
- (3) The Secretary may, by written notice given to the applicant, approve the application.
- (4) If the Secretary approves the application, the Secretary must include in the approval:
 - (a) the period during which the aircraft may engage in air navigation; and
 - (b) any conditions with which the applicant must comply.
- (5) The Secretary may revoke the approval if:
 - (a) the aircraft is operated in contravention of a condition set out in the approval; or
 - (b) the engagement of the aircraft in air navigation has had, and is likely to continue to have, a significant noise impact on the public.
- (6) If the Secretary decides to not approve the application, or to revoke the approval, the Secretary must give written notice of the decision, and the reasons for the decision, to the applicant.

17 Approval for other aircraft to which no standards apply

- (1) The owner or operator of an aircraft (other than an aircraft mentioned in paragraph 7(1)(a) or (b), a supersonic aircraft or an RPA) may apply to the Secretary for approval for the aircraft to engage in air navigation.
- (2) An applicant must give the Secretary such information relating to the aircraft as is reasonably required by the Secretary for a proper consideration of the application.
- (3) The Secretary may, by written notice given to the applicant, approve the application.
- (4) If the Secretary approves the application, the Secretary must include in the approval:
 - (a) the period during which the aircraft may engage in air navigation; and
 - (b) any conditions with which the applicant must comply.
- (5) The Secretary may revoke the approval if:
 - (a) the aircraft is operated in contravention of a condition set out in the approval; or
 - (b) the engagement of the aircraft in air navigation has had, and is likely to continue to have, a significant noise impact on the public.

Part 2 Noise certification of aircraft etc.

Division 3 Other approvals

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- (6) If the Secretary decides to not approve the application, or to revoke the approval, the Secretary must give written notice of the decision, and the reasons for the decision, to the applicant.

Part 3—Large marginally compliant aircraft

18 Imposition of operating restrictions at airport

- (1) The Minister may, by written notice, restrict or prohibit the operation of large marginally compliant aircraft at an airport.
- (2) The Minister may issue a notice under subsection (1) for an airport only if satisfied that the operation of large marginally compliant aircraft at the airport is creating, or may create, excessive noise at the airport and in at least one community near the airport.
- (3) The Minister must consider the outcome of any consultation conducted by the Department with persons who may be affected by the issue of a notice, including persons living in communities near the airport, when deciding if he or she is satisfied of the matter mentioned in subsection (2).

Example: Persons who may be affected by the issue of the notice include aircraft operators, airport operators, members of the public, local, state and federal government bodies and relevant industry bodies.

- (4) A notice under subsection (1):
 - (a) must include:
 - (i) the restricted airport; and
 - (ii) the restrictions or prohibitions that are to apply to the operation of large marginally compliant aircraft at the restricted airport; and
 - (b) may include the kinds of large marginally compliant aircraft to which a restriction or prohibition applies.

Example: Restrictions that may be imposed by a notice under subsection (1) include the following:

- (a) limiting aircraft operations to stated runways or flight paths;
 - (b) restricting the hours of aircraft operations;
 - (c) ways in which aircraft operations are to be phased out;
 - (d) non-addition rules, such as restricting operators from replacing a large marginally compliant aircraft operating at a restricted airport with another large marginally compliant aircraft, or from operating additional large marginally compliant aircraft at a restricted airport.
- (5) A notice under subsection (1):
 - (a) is a notifiable instrument; and
 - (b) must be published by Airservices Australia in:
 - (i) a Notice to Airmen; and
 - (ii) the Aeronautical Information Publication.

19 Approval to use restricted airport in public interest

- (1) The operator of a large marginally compliant aircraft may apply to the Secretary for approval for the aircraft to operate at a restricted airport in a way that would otherwise contravene a notice under subsection 18(1).

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- (2) The Secretary may, by written notice given to the applicant, approve the application only if the Secretary considers that the aircraft is to operate for a purpose that is in the public interest.
- (3) For the purposes of subsections (1) and (2), a purpose that is in the public interest includes any of 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.
- (4) If the Secretary approves the application, the Secretary must include in the approval the following:
 - (a) the purpose in the public interest for which the large marginally compliant aircraft may operate at the restricted airport;
 - (b) the period, not exceeding one month, during which the large marginally compliant aircraft may operate for the public interest purpose at the restricted airport;
 - (c) any conditions with which the applicant must comply.

20 Prohibition on operating at restricted airport

- (1) A large marginally compliant aircraft must not operate at a restricted airport in contravention of a notice issued by the Minister under subsection 18(1) unless the operation of the aircraft is permitted by the Secretary under subsection 19(2).
- (2) The operator of a large marginally compliant aircraft commits an offence if:
 - (a) the operator engages in conduct; and
 - (b) the operator's conduct results in a contravention of subsection (1).

Penalty: 50 penalty units.

- (3) Strict liability applies to paragraph (2)(b).

Part 4—Miscellaneous

21 Appointment of inspectors

- (1) The Secretary may, in writing, appoint the following as an inspector:
 - (a) an officer of the Civil Aviation Safety Authority;
 - (b) an employee of Airservices Australia;
 - (c) a person who is able to measure the level of noise emitted by an aircraft.
- (2) The Secretary must issue to an inspector an identity card, bearing a recent photograph of the person, stating that the person is an inspector appointed under this instrument.
- (3) A person commits an offence of strict liability if:
 - (a) the person ceases to be an inspector; and
 - (b) the person does not return the person's identity card to the Secretary within 14 days after ceasing to be an inspector.

Penalty: 1 penalty unit.

- (4) Subsection (3) does not apply if the person had a reasonable excuse for failing to return the relevant identity card.

Note: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3) of the *Criminal Code*).

22 Powers of inspectors

- (1) An inspector may require the operator of an aircraft for which an application has been made under section 7, or for which a noise certificate is in force, to make the aircraft available for inspection at any reasonable time.
- (2) An inspector may inspect an aircraft made available under subsection (1) for the purpose of determining whether the aircraft complies with:
 - (a) for an aircraft mentioned in paragraph 7(1)(a)—the relevant standards for the aircraft; or
 - (b) for an aircraft mentioned in paragraph 7(1)(b):
 - (i) the relevant standards for the aircraft; or
 - (ii) the requirements of a relevant law.
- (3) An inspector must not exercise powers under this instrument if the inspector does not produce the inspector's identity card when requested to do so.
- (4) An inspector may, in the course of inspecting an aircraft, carry out such tests in relation to the aircraft, including tests carried out while it is in flight (whether or not the inspector is on board the aircraft), as are necessary for determining whether the aircraft complies with the standards or requirements mentioned in subsection (2).

Section 22A

22A Secretary may arrange for use of computer programs to make decisions

- (1) The Secretary may arrange for the use, under the Secretary's control, of computer programs for the purposes of making a decision under section 16A (other than a decision under subsection 16A(5)).
- (2) The Secretary must take all reasonable steps to ensure the decisions made by the operation of a computer program under an arrangement made under subsection (1) are correct.
- (3) The Secretary is taken to have made a decision that was made by the operation of a computer program under an arrangement made under subsection (1).
- (4) The Secretary may make a decision in substitution for a decision the Secretary is taken to have made under subsection (3) if the Secretary is satisfied that the decision made by the operation of the computer program is incorrect.

23 Review of decisions

Applications may be made to the Administrative Appeals Tribunal for review of any of the following decisions of the Secretary:

- (a) refusing to issue a noise certificate under subsection 8(1) or 9(1);
- (b) refusing to approve an application under subsection 14(3), 16(3), 16A(3) or 17(3);
- (c) specifying a particular period under subparagraph 14(5)(b)(ii) or paragraph 16(4)(a), 16A(4)(a) or 17(4)(a);
- (d) imposing, or varying, a condition under paragraph 14(5)(a), 16(4)(b), 16A(4)(b) or 17(4)(b);
- (e) revoking an approval under subsection 14(6), 16(5), 16A(5) or 17(5);
- (f) revoking a noise certificate under subsection 13(2).

24 Delegation

- (1) The Secretary may, in writing, delegate his or her powers under this instrument to:
 - (a) an employee of the Department; or
 - (b) an officer of the Civil Aviation Safety Authority; or
 - (c) an employee of Airservices Australia.
- (1A) Before delegating a power under subsection (1) to an officer or employee other than an SES employee, or acting SES employee, the Secretary must be satisfied that the officer or employee has appropriate qualifications or expertise to exercise the power.
- (2) In exercising any powers under a delegation, a person must comply with any directions of the Secretary.

Part 5—Transitional and savings provisions

Division 1—Provisions relating to the Air Navigation (Aircraft Noise) Regulations 1984

25 Definitions

In this Division:

old law means the *Air Navigation (Aircraft Noise) Regulations 1984* as in force immediately before the commencement of this instrument.

26 Noise certificates

Issued certificates

- (1) A noise certificate issued under regulation 6 of the old law that was in force immediately before the commencement of this section continues in force (and may be dealt with) as if it were a noise certificate issued under section 9 of this instrument.
- (2) A noise certificate issued under regulation 6A of the old law that was in force immediately before the commencement of this section continues in force (and may be dealt with) as if it were a noise certificate issued under section 8 of this instrument.

Deemed certificates

- (3) A noise certificate deemed to be issued under regulation 8 of the old law that was in force immediately before the commencement of this section continues in force (and may be dealt with) as if it were a noise certificate taken to be issued under section 12 of this instrument.

Applications

- (4) An application for a noise certificate under regulation 5 of the old law that was pending immediately before the commencement of this section is taken, on and after that commencement, to be an application made under section 7 of this instrument.

Revocations

- (5) A notice given under subregulation 10(1) of the old law for which the prescribed period ends after the commencement of this section is taken, on and after that commencement, to be a notice given under subsection 13(1) of this instrument.
- (6) Despite the repeal of subregulation 10(4) of the old law by the *Air Navigation (Aircraft Noise—Repeal and Consequential Amendments) Regulations 2018*, that subregulation continues to apply on and after the commencement of this section

Section 27

in relation to a notice of revocation of a noise certificate given before that commencement.

27 Other approvals

Subsonic aircraft to which standards apply

- (1) A permission given under regulation 9A of the old law that was in force immediately before the commencement of this section continues in force (and may be dealt with) as if it were an approval given under section 14 of this instrument.
- (2) An application made under regulation 9A of the old law that was pending immediately before the commencement of this section:
 - (a) is taken, on and after that commencement, to be an application made under section 14 of this instrument; and
 - (b) any consultation undertaken under regulation 9AAA of the old law in relation to the application is taken to be consultation undertaken under section 15 of this instrument.

Supersonic aircraft

- (3) A permission given under regulation 9AA of the old law that was in force immediately before the commencement of this section continues in force (and may be dealt with) as if it were an approval given under section 16 of this instrument.
- (4) An application made under regulation 9AA of the old law that was pending immediately before the commencement of this section is taken, on and after that commencement, to be an application made under section 16 of this instrument.

Other aircraft

- (5) A permission given under regulation 9AB of the old law that was in force immediately before the commencement of this section continues in force (and may be dealt with) as if it were an approval given under section 17 of this instrument.
- (6) An application made under regulation 9AB of the old law that was pending immediately before the commencement of this section is taken, on and after that commencement, to be an application made under section 17 of this instrument.

28 Large marginally compliant aircraft

Restrictions

- (1) A notice issued under regulation 11 of the old law before the commencement of this section is taken, on and after that commencement, to be a notice issued under section 18 of this instrument.
- (2) However, paragraph 18(5)(a) does not apply in relation to such a notice.

Permissions

- (3) A permission given under regulation 12 of the old law that was in force immediately before the commencement of this section continues in force (and may be dealt with) as if it were an approval given under section 19 of this instrument.
- (4) An application made under regulation 12 of the old law that was pending immediately before the commencement of this section is taken, on and after that commencement, to be an application made under section 19 of this instrument.

29 Miscellaneous

Inspectors

- (1) An inspector that was appointed under regulation 14 of the old law and who had not ceased to be an inspector immediately before the commencement of this section is taken, on and after that commencement, to be an inspector appointed under section 21 of this instrument.
- (2) An identity card issued under subregulation 14(2) of the old law to an inspector mentioned in subsection (1) of this section is taken to be an identity card issued under subsection 21(2) of this instrument.
- (3) Despite the repeal of subregulation 14(2A) by the *Air Navigation (Aircraft Noise—Repeal and Consequential Amendments) Regulations 2018*, that subregulation continues to apply on and after the commencement of this section in relation to a person who had ceased to be an inspector before that commencement.

Delegations

- (4) A delegation made under regulation 4 of the old law that was in force immediately before the commencement of this section continues in force (and may be dealt with) as if it were a delegation made under section 24 of this instrument.

Part 5 Transitional and savings provisions

Division 2 Provisions relating to the Air Navigation (Aircraft Noise) Amendment (Delegations) Regulations 2019

Section 30

Division 2—Provisions relating to the Air Navigation (Aircraft Noise) Amendment (Delegations) Regulations 2019

30 Delegations

The amendment of section 24 made by the *Air Navigation (Aircraft Noise) Amendment (Delegations) Regulations 2019* applies to a delegation made by the Secretary on or after the commencement of this section.

Division 3—Provisions relating to the Air Navigation (Aircraft Noise) Amendment (2021 Measures No. 1) Regulations 2021

31 Existing approvals relating to RPAs

- (1) This section applies if, immediately before the commencement of this section, an owner or operator of an RPA had an approval under section 17 for the aircraft to engage in air navigation.
- (2) The approval continues in force after the commencement of this section:
 - (a) as if it had been granted under section 16A of this instrument as inserted by Schedule 1 to the *Air Navigation (Aircraft Noise) Amendment (2021 Measures No. 1) Regulations 2021*; and
 - (b) subject to any conditions stated in the approval.
- (3) The approval continues in force for the period stated in the approval, unless it is revoked earlier.

32 Applications relating to RPAs made before commencement of this section

- (1) This section applies to an application made to the Secretary under section 17 before the commencement of this section if:
 - (a) the application is for the approval of an RPA to engage in air navigation; and
 - (b) the RPA is not an exempt RPA; and
 - (c) the Secretary has not made a decision on the application before that time.
- (2) The application is taken, immediately after the commencement of this section, to be an application made under section 16A of this instrument as inserted by Schedule 1 to the *Air Navigation (Aircraft Noise) Amendment (2021 Measures No. 1) Regulations 2021*.

Schedule 1—Noise standards and testing procedures for certain aircraft

Note: See section 8.

Aircraft noise standards and testing procedures			
Item	Column 1	Column 2	Column 3
	Type of aircraft	Provisions of Annex for noise standards	Provisions of Annex for test procedure
Subsonic jet aircraft			
1	Subsonic jet aircraft with: (a) a maximum take-off weight of 55,000 kg and over for which an application for a type certificate was submitted on or after 1 January 2018; or (b) a maximum take-off weight less than 55,000 kg for which an application for a type certificate was submitted on or after 1 January 2021	14.2, 14.3, 14.4	14.4, 14.5, 14.6, Appendix 2
2	Subsonic jet aircraft with: (a) a maximum take-off weight of 55,000 kg and over for which an application for a type certificate was submitted on or after 1 January 2006 and before 1 January 2018; or (b) a maximum take-off weight less than 55,000 kg for which an application for a type certificate was submitted on or after 1 January 2006 and before 1 January 2021	4.2, 4.3, 4.4	4.2, 4.3, 4.5, 4.6, Appendix 2
3	Subsonic jet aircraft for which an application for a type certificate was submitted on or after 6 October 1977 and before 1 January 2006	3.2, 3.4, 3.5	3.2, 3.3, 3.6, 3.7, Appendix 2 or 4.2, 4.3, 4.5, 4.6, Appendix 2
Propeller-driven aircraft			
4	Propeller-driven aeroplanes with: (a) a maximum take-off weight of 55,000 kg and over for which an application for a type certificate was submitted on or after 1 January 2018; or (b) a maximum take-off weight exceeding 8,618 kg and less than 55,000 kg for which an application for a type certificate was submitted on or after 1 January 2021	14.2, 14.3, 14.4	14.4, 14.5, 14.6, Appendix 2
5	Propeller-driven aeroplanes with: (a) a maximum take-off weight of 55,000kg and	4.2, 4.3, 4.4	4.2, 4.3, 4.5, 4.6, Appendix 2

Aircraft noise standards and testing procedures			
Item	Column 1	Column 2	Column 3
	Type of aircraft	Provisions of Annex for noise standards	Provisions of Annex for test procedure
	over for which an application for a type certificate was submitted on or after 1 January 2006 and before 1 January 2018; or (b) a maximum take-off weight over 8,618 kg and less than 55,000 kg for which an application for a type certificate was submitted on or after 1 January 2006 and before 1 January 2021		
6	Propeller-driven aeroplanes with a maximum take-off weight exceeding 8,618 kg for which an application for a type certificate was submitted on or after 17 November 1988 and before 1 January 2006	3.2, 3.4, 3.5 or 4.2, 4.3, 4.4	3.2, 3.3, 3.6, 3.7, Appendix 2 or 4.2, 4.3, 4.5, 4.6, Appendix 2
7	Propeller-driven aeroplanes with a maximum take-off weight not exceeding 8,618 kg for which an application for a type certificate was submitted before 17 November 1988	6.2, 6.3	6.2, 6.4, 6.5, Appendix 3
8	Propeller-driven aircraft with a maximum take-off weight not exceeding 8,618 kg for which an application for a type certificate for the type of aircraft or a derived version was submitted before 17 November 1988	10.4	10.2, 10.3, 10.5, 10.6, Appendix 6
9	Propeller-driven aeroplanes with a maximum take-off weight exceeding 5,700 kg and less than 8,618 kg for which an application for a type certificate was submitted on or after 1 January 1985 and before 17 November 1988	3.2, 3.4, 3.5 or 6.2, 6.3	3.2, 3.3, 3.6, 3.7, Appendix 2 or 6.2, 6.4, 6.5, Appendix 3
10	Propeller-driven aeroplanes with a maximum take-off weight exceeding 5,700 kg for which an application for a type certificate was submitted before 1 January 1985	5.2, 5.4, 5.5	5.6, 5.7, Appendix 2
11	Propeller-driven STOL aeroplanes	Not applicable	Guidelines set out in Attachment B of the Annex may be used for noise certification of propeller-driven STOL aeroplanes for which a certificate of airworthiness for the individual aeroplane was first issued on or after 1 January 1976

Schedule 1 Noise standards and testing procedures for certain aircraft

Aircraft noise standards and testing procedures			
Item	Column 1	Column 2	Column 3
	Type of aircraft	Provisions of Annex for noise standards	Provisions of Annex for test procedure
Helicopters			
12	Helicopters to which Chapter 8 of the Annex applies	8.2, 8.4, 8.5	8.2, 8.3, 8.6, 8.7, Appendix 2
13	Helicopters with a maximum take-off weight not exceeding 3,175 kg	11.3, 11.4	11.4, 11.5, 11.6, Appendix 4
Tilt-rotor aircraft			
14	Tilt-rotor aircraft for which an application for a type certificate was submitted on or after 1 January 2018	13.1, 13.2, 13.3	13.4, 13.5, 13.6, Appendix 2
15	Tilt-rotor aircraft for which an application for a type certificate was submitted before 1 January 2018	Not applicable	Guidelines set out in Attachment F of the Annex may be used for noise certification of tilt-rotor aircraft for which the application for a type certificate was submitted, or another equivalent procedure permissible under the Annex was carried out by the certifying authority, on or after 13 May 1998 and to provide data for land-use planning purposes
Other			
16	Installed auxiliary power units (APU) and associated aircraft systems during ground operations	Not applicable	Guidelines set out in Attachment C of the Annex may be used for noise certification of installed APUs and associated aircraft systems in: (a) all aircraft for which an application for a type certificate was submitted, or another equivalent procedure permissible under the Annex was

Aircraft noise standards and testing procedures			
Item	Column 1	Column 2	Column 3
	Type of aircraft	Provisions of Annex for noise standards	Provisions of Annex for test procedure
			carried out by the certifying authority, on or after 6 October 1977; and (b) aircraft of existing type design for which the application for a change of type design involving the basic APU installation was submitted, or another equivalent procedure permissible under the Annex was carried out by the certifying authority, on or after 6 October 1977

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Air Navigation (Aircraft Noise) Regulations 2018	29 Mar 2018 (F2018L00448)	1 Apr 2018 (s 2(1) item 1)	
Air Navigation (Aircraft Noise) Amendment (Delegations) Regulations 2019	12 Mar 2019 (F2019L00281)	13 Mar 2019 (s 2(1) item 1)	—
Air Services Legislation (Repeal and Consequential Amendments) Regulations 2019	25 Mar 2019 (F2019L00372)	Sch 1 (items 2–5): 26 Mar 2019 (s 2(1) item 1)	—
Civil Aviation Legislation Amendment (Flight Operations—Fees and Other Consequential Amendments) Regulations 2021	1 June 2021 (F2021L00673)	Sch 2 (item 4): 2 Dec 2021 (s 2(1) item 5)	—
Air Navigation (Aircraft Noise) Amendment (2021 Measures No. 1) Regulations 2021	13 Dec 2021 (F2021L01768)	14 Dec 2021 (s 2(1) item 1)	—

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 4	am F2019L00372; F2021L00673; F2021L01768
Part 2	
Division 1	
s 6	am F2021L01768
Division 3	
s 14	am F2021L01768
s 16A	ad F2021L01768
s 17	am F2021L01768
Part 3	
s 18	am F2019L00372
Part 4	
s 22A	ad F2021L01768
s 23	am F2021L01768
s 24	am F2019L00281
Part 5	
Division 1	
Division 1 heading.....	ad F2019L00281
s 25	am F2019L00281
Division 2	
Division 2	ad F2019L00281
s 30	ad F2019L00281
Division 3	
Division 3	ad F2021L01768
s 31	ad F2021L01768
s 32	ad F2021L01768
