

EXPLANATORY STATEMENT

Minute No. 13 of 2018 - Minister for Infrastructure and Transport

Subject - *Air Navigation Act 1920*

Air Navigation (Aircraft Noise – Repeal and Consequential Amendments) Regulations 2018

INTRODUCTION

The *Air Navigation Act 1920* (the Act) gives effect to the International Convention on Civil Aviation (the Chicago Convention) which regulates all aspects of international air transport.

Section 26 of the Act provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed.

OUTLINE

The purpose of the *Air Navigation (Aircraft Noise – Repeal and Consequential Amendments) Regulations 2018* (the Regulations) is to repeal the *Air Navigation (Aircraft Noise) Regulations 1984* (the 1984 Regulations) which sunset on 1 April 2018.

The Regulations also make consequential amendments to other instruments because of the *Air Navigation (Aircraft Noise) Regulations 2018*.

The Regulations:

- repeal the 1984 Regulations; and
- amend:
 - a) the Aircraft Noise Levy Regulations 1984;
 - b) the Air Navigation (Coolangatta Airport Curfew) Regulations 1999;
 - c) the Air Navigation (Essendon Fields) Airport Regulations 2001;
 - d) the Air Navigation Regulation 2016
 - e) the Airports (Environment Protection) Regulations 1997; and
 - f) the Civil Aviation Safety Regulations 1998.

Details of the Regulations are set out in Attachment A

A Statement of Compatibility with Human Rights is set out in Attachment B prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The Act specifies no conditions that need to be satisfied before the power to make the legislative instrument may be exercised.

The Regulations are a legislative instrument for the purpose of the *Legislation Act 2003*.

The Regulations commenced on 1 April 2018.

Details of the *Air Navigation (Aircraft Noise – Repeal and Consequential Amendments) Regulations 2018*

Section 1 – Name of Regulation

This section provides that the title of the *Air Navigation (Aircraft Noise – Repeal and Consequential Amendments) Regulations 2018*

Section 2 – Commencement

This instrument commenced on 1 April 2018.

Section 3 – Authority

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

Section 4 – Schedule

This section would provide that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Part 1 - Repeals

This Part repeals the *Air Navigation (Aircraft Noise) Regulations 1984*.

Part 2 – Amendments

Item 2 and Item 3

The Aircraft Noise Levy Regulations are amended to incorporate reference to the *Air Navigation (Aircraft Noise) Regulations 2018*.

Item 4

The Air Navigation (Coolangatta Airport Curfew) Regulations 1999 are amended to incorporate reference to the *Air Navigation (Aircraft Noise) Regulations 2018*.

Item 5

The Air Navigation (Essendon Fields Airport) Regulations 2001 are amended to incorporate reference to the *Air Navigation (Aircraft Noise) Regulations 2018*.

Item 6

The Air Navigation Regulation 2016 is amended to incorporate reference to the *Air Navigation (Aircraft Noise) Regulations 2018*.

Item 7

The Airports (Environment Protection) Regulations 1997 are amended to incorporate reference to the *Air Navigation (Aircraft Noise) Regulations 2018*.

Item 8

The Civil Aviation Safety Regulations 1998 are amended to incorporate reference to the *Air Navigation (Aircraft Noise) Regulations 2018*.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Air Navigation (Aircraft Noise) Regulations 2018

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Regulations

The Regulations:

- repeal the 1984 Regulations; and
- amend:
 - g) the Aircraft Noise Levy Regulations 1984;
 - h) the Air Navigation (Coolangatta Airport Curfew) Regulations 1999;
 - i) the Air Navigation (Essendon Fields) Airport Regulations 2001;
 - j) the Air Navigation Regulation 2016
 - k) the Airports (Environment Protection) Regulations 1997; and
 - l) the Civil Aviation Safety Regulations 1998.

To incorporate reference to the *Air Navigation (Aircraft Noise) Regulations 2018* as the *Air Navigation (Aircraft Noise) Regulations 1984* are repealed.

Human rights implications

The amendments made by this Legislative Instrument do not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**Deputy Prime Minister and Minister for Infrastructure and Transport, the Hon
Michael McCormack MP**