



## **Air Navigation (Aircraft Noise) Amendment (2021 Measures No. 1) Regulations 2021**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 09 December 2021

David Hurley  
Governor-General

By His Excellency's Command

Barnaby Joyce  
Deputy Prime Minister and Minister for Infrastructure, Transport and Regional  
Development

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## 1 Name

This instrument is the *Air Navigation (Aircraft Noise) Amendment (2021 Measures No. 1) Regulations 2021*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	14 December 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

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

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Air Navigation (Aircraft Noise) Regulations 2018*

#### **1 Subsection 4(1)**

Insert:

*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.

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

#### **2 Subsection 4(1) (at the end of the definition of *subsonic jet aircraft*)**

Add:

; and (c) is not an RPA.

#### **3 After subsection 6(2)**

Insert:

*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.

#### **4 Subsection 6(3)**

Omit “or a supersonic aircraft”, substitute “, a supersonic aircraft or an RPA”.

#### **5 Paragraph 6(4)(b)**

After “(2)”, insert “, (2A)”.

#### **6 Subsection 6(5)**

Before “(3)(b)(i)”, insert “(2A)(a)(i) and”.

#### **7 Subsection 14(1)**

After “supersonic aircraft”, insert “or an RPA”.

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**8 After section 16**

Insert:

**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.

**9 Subsection 17(1)**

Omit “or a supersonic aircraft”, substitute “, a supersonic aircraft or an RPA”.

**10 After section 22**

Insert:

**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.

**11 Paragraph 23(b)**

After “16(3)”, insert “, 16A(3)”.

**12 Paragraph 23(c)**

After “16(4)(a)”, insert “, 16A(4)(a)”.

**13 Paragraph 23(d)**

After “16(4)(b)”, insert “, 16A(4)(b)”.

**14 Paragraph 23(e)**

After “16(5)”, insert “, 16A(5)”.

**15 At the end of Part 5**

Add:

**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*.