1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

Presented and read a first time

(SENATOR BOURNE)

A BILL

FOR

An Act to amend the *Air Navigation Act 1920* to extend the curfew and impose a maximum hourly rate of aircraft movements at Kingsford Smith Airport

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Air Navigation Amendment (Extension of Curfew and Limitation of Aircraft Movements) Act 1995*.

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Commencement

2. This Act commences on the day on which it receives the Royal Assent.

Principal Act

3. In this Act, **"Principal Act"** means the *Air Navigation Act 1920.*

Amendments

4. The Principal Act is amended by inserting the following section after section 26:

Amendment of Air Navigation (Aerodrome Curfew) Regulations

"26A.(1) In this section, **'Regulations'** means the Air Navigation (Aerodrome Curfew) Regulations.

"(2) Subregulation 3(1) of the Regulations is amended:

(a) by omitting the definition of **'curfew period'** and substituting:

'**"curfew period"** means:

(a) the period during each day commencing at the beginning of that day and ending at 6.30 a.m.; or

(b) the period during each day commencing at 10.30 p.m. and ending at midnight;';

(b) by omitting the definition of **'week'** and substituting:

'**"week"** means a period of 7 days commencing at 10.30 p.m. on a Sunday.'.

"(3) Regulation 6 of the Regulations is amended by omitting subregulations (3), (4), (5), (6), (7), (8), (9), (11) and (13).

"(4) Regulation 6A is amended by inserting after subregulation (1) the following subregulations:

'(1A) A notice is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

'(1B) A notice is not to take effect before the time within which the notice may be disallowed by each House of the Parliament has expired.'.

"(5) Regulation 7 of the Regulations is amended by omitting from subregulation (3) '11 o'clock' and substituting '10.30 p.m.'.".

5. The Principal Act is amended by inserting the following section after section 27A:

Restriction of aircraft movements

"28.(1) In this section, a reference to **'aircraft movements'** is a reference to aircraft landing at, or taking off from, Sydney (Kingsford–Smith) Airport.

"(2) Subject to subsection (3), the maximum hourly rate of aircraft movements may not exceed 55 or such other rate as is prescribed.

"(3) A regulation to increase the maximum hourly rate of aircraft movements provided for under subsection (2) must not take effect before:

5 (a) the Minister has:

(i) established a Commission under section 11 of the *Environment Protection (Impact of Proposals) Act 1974* to inquire into the environmental impact of the proposal to increase the rate; and

10 (ii) when the Commission has reported, published an environmental management plan consistent with the Commission's findings; and

(b) the time within which the regulation may be disallowed by each House of the Parliament has expired.".

15 **Amendment or repeal of Air Navigation (Aerodrome Curfew) Regulations**

6. The amendment of the Air Navigation (Aerodrome Curfew) Regulations by this Act does not prevent the amendment or repeal, by regulations, of the Air Navigation (Aerodrome Curfew) Regulations as 20 amended by this Act.

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