

2010-11

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Air Services (Aircraft Noise) Amendment
Bill 2011**

No. , 2011

(Mrs Moylan)

**A Bill for an Act to amend the *Air Services Act
1995*, and for related purposes**

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1 **A Bill for an Act to amend the *Air Services Act***
2 ***1995, and for related purposes***

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act may be cited as the *Air Services (Aircraft Noise)*
6 *Amendment Act 2011*.

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.
12

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1, item 9	A single day to be fixed by Proclamation. A Proclamation cannot be made unless the Minister is satisfied that funds have been appropriated for the purpose of paying the salary and associated costs of the Community Aviation Advocate.	

1 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

4 (2) Any information in Column 3 of the table is not part of this Act.
5 Information may be inserted in this column, or information in it
6 may be edited, in any published version of this Act.

7 **3 Schedule(s)**

8 Each Act that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.
12

1 **Schedule 1—Aircraft noise**
2

3 *Air Services Act 1995*

4 **1 Paragraph 8(1)(d)**

5 After “environment”, insert “and residential areas”.

6 **2 Subsection 9(2)**

7 Omit “the environment is”, substitute “the environment and residential
8 areas are”.

9 **3 Section 10**

10 Repeal the section, substitute:

11 **10 AA must consult and cooperate**

12 (1) In the performance of its functions and the exercise of its powers,
13 AA must, where appropriate, consult with government,
14 commercial, industrial, consumer, aircraft noise, community and
15 other relevant bodies and organisations (including ICAO and
16 bodies representing the aviation industry).

17 (2) During consultations, AA must advise other parties of how they
18 can make a complaint about AA’s conduct, if they so wish. This
19 advice must include that AA is within the jurisdiction of the
20 Commonwealth Ombudsman.

21 (3) AA must widely publish the details of its consultations, both before
22 and after they occur.

23 **10A Consulting with communities**

24 *General*

25 (1) Where AA has decided to propose changes in the management of
26 flight paths or airspace which would have, or be likely to have, any
27 impact on the environment or individuals’ enjoyment of their place
28 of residence, AA must:

29 (a) arrange for consultations on the proposal under section 10;
30 and

- 1 (b) advise the Minister responsible for the *Environment*
2 *Protection and Biodiversity Conservation Act 1999* of the
3 consultations; and
4 (c) request the Minister to appoint a Community Aviation
5 Advocate to represent the affected parts of the community
6 during the consultations.

7 *Consultation in relation to Perth flightpaths*

- 8 (2) As soon as practicable after the *Air Services (Aircraft Noise)*
9 *Amendment Act 2011* receives the Royal Assent, AA must propose
10 a plan for the management of flight paths relating to Perth, which
11 may be either the current plan or a changed plan.
12 (3) The proposal is taken to be a proposal to which subsection (1) and
13 section 10 apply.

14 **4 After paragraph 13(a)**

15 Insert:

- 16 (ab) the need to minimise the impact of aircraft operations on the
17 environment and residential areas;

18 **5 Paragraph 22(1)(d)**

19 Repeal the paragraph, substitute:

- 20 (d) between 6 and 8 other members.

21 **6 After subsection 22(5)**

22 Insert:

- 23 (6) The Board must include an expert in environmental management
24 and a representative of an aircraft noise or related community
25 group.

26 **7 After section 74**

27 Insert:

28 **74A Complaints reporting**

- 29 (1) In its annual report, AA must provide detailed commentary on
30 complaints made in relation to its conduct.

- 1 (2) The commentary must cover the efficiency and effectiveness of
2 AA's handling of complaints.
- 3 (3) The commentary must cover the transfer of information and
4 complaints between AA and the Commonwealth Ombudsman.

5 ***Environment Protection and Biodiversity Conservation Act***
6 ***1999***

7 **8 Paragraph 160(2)(b)**

8 After "environment", insert "or individuals' enjoyment of their place of
9 residence".

10 **9 After section 160**

11 Insert:

12 **160A Community Aviation Advocate**

- 13 (1) Where the Minister receives advice under section 10A of the *Air*
14 *Services Act 1995* that Airservices Australia is proposing changes
15 in the management of aircraft noise or airspace which would have,
16 or would be likely to have, a significant impact on the environment
17 or individuals' enjoyment of their place of residence, or forms this
18 opinion through other means, the Minister must appoint a
19 Community Aviation Advocate in relation to these changes.
- 20 (2) The role of the Community Aviation Advocate is to assist, inform
21 and advocate on behalf of the parts of the community likely to be
22 affected by the proposed changes in subsection (1).
- 23 (3) The Community Aviation Advocate must be independent of
24 aviation interests.
- 25 (4) The duties, duration and basis of appointment, and remuneration of
26 the Community Aviation Advocate must be commensurate with the
27 work required in fulfilling the Advocate's role.