



Air Navigation (Aerodrome Flight Corridors) Regulations 1994

Statutory Rules 1994 No. 438 as amended

made under the

Air Navigation Act 1920

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taking into account amendments up to SR 2002 No. 13

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Contents

1	Name of Regulations [see Note 1]	2
2	Interpretation	2
3	Use of designated flight corridors	3
4	Designated flight corridors	4
5	Offence	5
6	Delegation	5
7	AA to monitor compliance etc	5
	Schedule	6
	Notes	7

1 **Name of Regulations** [see Note 1]

These Regulations are the *Air Navigation (Aerodrome Flight Corridors) Regulations 1994*.

2 **Interpretation**

In these Regulations, unless the contrary intention appears:

AA has the same meaning as in the *Air Services Act 1995*.

Aeronautical Information Publication means a publication, so described, published under regulation 4.12 of the Air Services Regulations.

Air Traffic Control has the same meaning as in the Civil Aviation Regulations.

air traffic controller means an employee of AA authorised under subregulation 102 (1) of the Civil Aviation Regulations to perform the functions of Air Traffic Control at Sydney Airport.

designated flight corridor, in relation to a runway, means a flight corridor designated under regulation 4 for the runway.

I.F.R. flight has the same meaning as in the Civil Aviation Regulations.

jet aircraft means an aircraft that is propelled by at least one engine that is a turbofan engine, a turbojet engine, an unducted fan engine or a rocket engine, but does not include an aircraft that is propelled solely by a propeller engine or propeller engines.

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

relevant propeller-driven aircraft means an aircraft to which section 14 of the Sydney Airport Curfew Act 1995 applies.

runway means a runway at Sydney Airport.

Sydney Airport means the airport known as Sydney (Kingsford Smith) Airport.

3 Use of designated flight corridors

- (1) A jet aircraft, or a relevant propeller-driven aircraft:
 - (a) for the purpose of approaching to land on a runway; or
 - (b) for the purpose of departing after take-off from a runway; must fly within, and not deviate from, the appropriate designated flight corridor for the runway.
- (2) Subject to subregulation (3), an air traffic controller may:
 - (a) instruct a jet aircraft, or a relevant propeller-driven aircraft, to deviate from, or not to fly within, a designated flight corridor; or
 - (b) approve a jet aircraft, or a relevant propeller-driven aircraft, deviating from, or not flying within, a designated flight corridor.
- (3) An air traffic controller must not give an instruction or approval under subregulation (2) unless it appears to the air traffic controller to be necessary to do so:
 - (a) having regard to the safety of the aircraft or any person; or
 - (b) to avoid damage to property.
- (4) In subregulation (1), ***appropriate*** means appropriate having regard to:

Regulation 4

- (a) the designated flight corridor or flight corridors for the runway; and
 - (b) the kind of flight operation concerned; and
 - (c) the designated flight corridor in respect of which a flight operation of that kind is specified in the Schedule.
- (5) It is a defence to a prosecution under subregulation 5 (1) that the defendant was acting in accordance with an instruction or approval given under subregulation (2).

Note A defendant bears an evidential burden in relation to whether or not he or she was acting in accordance with an instruction or approval (see subsection 13.3 (3) of the *Criminal Code*).

4 Designated flight corridors

- (1) For the purposes of regulation 3, in relation to jet aircraft, the flight corridor specified in Column 2 of an item in the Schedule is designated for the runway specified in Column 3 of that item in respect of the kind of flight operation specified in Column 4 of that item.
- (1A) For the purpose of regulation 3, in relation to a relevant propeller-driven aircraft that takes off from Sydney Airport during the period that begins at 11 p.m. on any day and ends at 6 a.m. on the next day, the flight corridor specified in item 7 in the Schedule is the designated flight corridor.
- (1B) For the purpose of regulation 3, in relation to a relevant propeller-driven aircraft that lands at Sydney Airport during the period that begins at 11 p.m. on any day and ends at 6 a.m. on the next day, the flight corridor specified in item 1 of the Schedule is the designated flight corridor.

Note Section 6 of the *Sydney Airport Curfew Act 1995* provides for a curfew period to operate at Sydney Airport between 11 p.m. on any day and 6 a.m. on the next day. Section 7 of that Act prohibits an aircraft from taking off or landing at Sydney Airport during a curfew period unless the aircraft is permitted to do so under Part 3 of the Act.

- (2) The points by reference to which the location and dimensions of a designated flight corridor are defined are the points determined in writing by the Minister.

- (3) A determination made under subregulation (2):
 - (a) must be published in the Aeronautical Information Publications; and
 - (b) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

5 Offence

- (1) If a jet aircraft, or a relevant propeller-driven aircraft, contravenes subregulation 3 (1), or fails to comply with an instruction or approval under subregulation 3 (2), the operator of the aircraft is guilty of an offence.

Penalty: 50 penalty units.

Note Section 23 of the *Air Navigation Act 1920* provides for certain defences in proceedings for offences against regulations made under the Act.

- (2) Despite subregulation (1), an offence does not occur unless, at the time when the contravention or failure to comply occurs, a determination in respect of the relevant designated flight corridor has been:
 - (a) made under subregulation 4 (2); and
 - (b) published under subregulation 4 (3).
- (3) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

6 Delegation

The Minister may delegate, in writing, the power to make a determination under subregulation 4 (2) to an employee of AA.

7 AA to monitor compliance etc

For the purposes of paragraph 8 (1) (f) of the *Air Services Act 1995*, the functions of AA include:

- (a) monitoring compliance with these Regulations; and
- (b) investigating any conduct that may constitute a contravention of these Regulations.

Schedule

(regulation 4)

Column 1 Item	Column 2 Flight Corridor	Column 3 Runway	Column 4 Kind of Flight Operation
1.	Flight Corridor A	Runway 34L	landing approach
3.	Flight Corridor C	Runway 34R	landing approach
5.	Flight Corridor E	Runway 16L	departure after take-off (I.F.R. flight)
7.	Flight Corridor G	Runway 16R	departure after take-off (I.F.R. flight)

Table of Statutory Rules

Notes to the *Air Navigation (Aerodrome Flight Corridors) Regulations 1994***Note 1**

The *Air Navigation (Aerodrome Flight Corridors) Regulations 1994* (in force under the *Air Navigation Act 1920*) as shown in this compilation comprise Statutory Rules 1994 No. 438 amended as indicated in the Tables below.

Table of Statutory Rules

Year and number	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
1994 No. 438	23 Dec 1994	23 Dec 1994	—
1995 No. 445	22 Dec 1995	28 Mar 1996	—
1996 No. 37	28 Mar 1996	28 Mar 1996	—
2002 No. 13	21 Feb 2002	21 Feb 2002	—

Table of Amendments

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ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 1	rs. 2002 No. 13
R. 2	am. 1995 No. 445
R. 3	am. 1995 No. 445; 2002 No. 13
R. 4	am. 1995 No. 445
R. 5	am. 1995 No. 445; 2002 No. 13
R. 6	am. 1995 No. 445
R. 7	rs. 1995 No. 445
Schedule.....	am. 1996 No. 37
