4.3 EXEMPTIONS

4.3.1 The restrictions in AIP ERSA Noise Abatement procedures and DAP Para 4.2 do not apply to a flight in the following circumstances:

(a) The aircraft is involved in an emergency; or
(b) The aircraft is taking off from Essendon Airport to resume a flight interrupted by an emergency involving the aircraft; or
(c) The aircraft is involved in a Police Air Wing operation; or
(d) A dispensation is granted by the Secretary, Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

4.3.2 For sub-paras 4.3.1 (a) and 4.3.1 (b), an aircraft is involved in an emergency if:

(a) The aircraft is being used for or in connection with:
  i. A search and rescue operation; or
  ii. A medical emergency; or
  iii. A natural disaster; or
  iv. A mercy flight; or

(b) The pilot of the aircraft has declared an in-flight emergency; or

(c) The aircraft has insufficient fuel to be diverted to another airport; or

(d) There is urgent need for the aircraft to land or take off:
  i. To ensure the safety or security of the aircraft or a person; or
  ii. To avoid damage to property.

Sub-para 4.3.2 (a) includes a flight to transport a person in need of medical attention, to transport an organ for urgent transplant, or to rescue a person from a dangerous situation.

4.3.3 State aircraft are exempt from curfew requirements (hours of operation and MTOW limits).

A State aircraft is an:

(a) aircraft of any part of the Australian Defence Force (including any aircraft that is commanded by a member of that Force in the course of his or her duties as such a member); and

(b) aircraft used in military, customs or police services of a country other than Australia.

State aircraft are required to apply fly neighbourly procedures at Essendon AD.

4.4 DISPENSATIONS

4.4.1 An operator may apply for a dispensation from AIP ERSA Noise Abatement procedures and DAP Para 4.2 in exceptional Circumstances.

4.4.2 A dispensation may be granted subject to conditions including, for example,

4.4.3 An operator may apply to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts for a dispensation to land at, or take off from, Essendon Airport during the curfew. All dispensation requests should be made through PH: 0466 548 063 (24 HRS), or by email to: chapter2@infrastructure.gov.au.

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