

Sydney Airport Demand Management Amendment Bill 2024 [Provisions]

Thank you for the opportunity to submit our response -

Our conclusions are as follows:

The Sydney Airport Demand Management Act 1997 in section 6 currently provides for a maximum movement limit (cap) of 80 during any 60 minute period of the 17 non-curfew hours. The Amendment Bill in section 9A allows for 85 movements per hour in any number of the 17 non-curfew hours “when aircraft movements at Sydney Airport are significantly disrupted”.

This is in spite of the demonstrably false assertion that the Bill does not do so:

Importantly, the Bill does not change the existing curfew arrangements or daily movement cap at Sydney Airport. [par2 EM]

No evidence has been provided that the need for the proposed increase in the cap from 80 to 85 movements per hour, in particular circumstances, has ever existed or is ever likely to exist. This was not done by the Productivity Commission, Harris Review, Departmental Consultation, Impact Analysis Equivalent, Explanatory Memorandum or Minister's Second Reading Speech.

Should such a need ever arise, then existing provisions for exemptions within the Act would appear to be adequate. No argument to the contrary has been presented.

If aircraft that had been given a block slot were unable to operate within the allocated slot time due to a disruption, then it could be expected that this would lead to either:

- Cancellation
- Deferral
- Swap

during the remaining hours of the day.

If this could not occur or in circumstances that were otherwise determined to be exceptional, then the existing provisions of Division 5 of Part 3 of the Act, with respect to Exemptions, could be relied upon.

All proposed amendments to the Act with respect to the CAP should be deleted from the Bill. The one exception should be for the power to grant a dispensation under section 31 of the existing Act to be amended so that this were to become the responsibility of the Minister.

If amendments to the “maximum movement limit” (cap) are to be maintained then there are a number of additional issues which might be raised.

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