

Question on notice no. 63

Portfolio question number: SQ24-000151

2023-24 Additional estimates

**Rural and Regional Affairs and Transport Committee, Infrastructure,
Transport, Regional Development, Communications and the Arts Portfolio**

Senator the Hon. Matthew Canavan: asked the Department of Infrastructure, Transport, Regional Development, Communications and the Arts on 12 February 2024—

Senator CANAVAN: This particular sunset clause is in regulation, is it? It's in a legislative instrument?

Ms Werner: The sunset applies to all of the regulations after 10 years.

Senator CANAVAN: My point is that you don't need to come to the parliament, presumably, to extend the sunset period.

Ms Werner: Sorry, no.

Senator CANAVAN: You can change it through a-

Ms Werner: That would be a legislative instrument.

Senator CANAVAN: Yes, so another regulation can change it. Is that a disallowable regulation?

Ms Werner: Excellent question, Senator. I wouldn't want to mislead you; I don't know.

Ms Purvis-Smith: We'll take that on notice for you.

Senator CANAVAN: Take that on notice.

Senator McKENZIE: Can you do that in the next 15 days, before we get back to a sitting week, please.

Senator CANAVAN: You could possibly do it while we're here.

Ms Werner: I was thinking we can probably do that pretty quickly.

Senator McKENZIE: Possibly someone could check before 11 whether that's disallowable.

Answer —

Please find answer attached

Rural and Regional Affairs and Transport

QUESTION ON NOTICE

Additional Estimates 2023 - 2024

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Question Number: 63

Departmental Question Number: SQ24-000151

Division/Agency Name: DIV - Domestic Aviation and Reform

Hansard Reference: Spoken, Page No. 101 (12 February 2024)

Topic: Extension of the Sunsetting Instrument – Disallowable Regulation

Senator Matthew Canavan asked:

Senator CANAVAN: This particular sunsetting clause is in regulation, is it? It's in a legislative instrument?

Ms Werner: The sunsetting applies to all of the regulations after 10 years.

Senator CANAVAN: My point is that you don't need to come to the parliament, presumably, to extend the sunset period.

Ms Werner: Sorry, no.

Senator CANAVAN: You can change it through a—

Ms Werner: That would be a legislative instrument.

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Ms Werner: I was thinking we can probably do that pretty quickly.

Senator MCKENZIE: Possibly someone could check before 11 whether that's disallowable.

Answer:

There are three legislative instruments under the *Sydney Airport Demand Management Act 1997*:

- Sydney Airport Demand Management Regulations 1998
- Sydney Airport Slot Management Scheme 2013
- Sydney Airport Compliance Scheme 2012

These legislative instruments were due to sunset on 1 April 2024. On 15 March 2024, the Hon Mark Dreyfus KC MP, Attorney-General, made the Legislation (Deferral of Sunsetting—Sydney Airport Instruments) Certificate 2024, which deferred the sunsetting date to 1 April 2026.

The certificate is a legislative instrument and is subject to disallowance.