

Committee Secretary
Senate Standing Committees on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Sir / Madam

SUBMISSION REGARDING AIRPORTS AMENDMENT BILL 2016

As a concerned Sydney resident impacted by aircraft noise, I wish to make a personal submission regarding the Airports Amendment Bill 2016 which proposes amendments to the Airports Act 1996.

One Section of that Act to which a proposed amendment refers is:

“Section 92(2B):

“The Minister may, by written notice, approve the shortening of the consultation period if the Minister:

(a) is requested in writing to do so by:

(i) the airport-lessee company; or

(ii) another person with the written consent of the airport-lessee company; and

(b) is satisfied that:

(i) the draft major development plan aligns with the details of the proposed development set out in the final master plan; and

(ii) the proposed development does not raise any issues that have a significant impact on the local or regional community.”

The proposal in the Airports Amendment Bill 2016 is to amend the Airports Act 1996 as follows:

“22 After subsection 92(2B)

Insert:

(2BA) If:

*(a) a request for a particular shorter period is made under subsection (2B);
and*

(b) the Minister does not make a decision on the request before the end of the period of 15 business days after the day on which the Minister received the request;

then the Minister is taken, at the end of that period, to have approved that shorter period."

I strongly disagree with this proposed amendment.

I submit that such applications from airport-lessee companies to the Minister to approve the shortening of the consultation period should not be taken as approved if the Minister does not make a decision within a particular time period. In fact, I would propose that it be **deemed to be not approved** if the Minister does not make a decision within a particular time period.

The risk is that it may not be reasonably practicable or even possible in some circumstances for the Minister to make a decision in a particular time frame. An airport-lessee could unreasonably use this to gain unfair advantage, to avoid reasonable consultation or to otherwise act to the detriment of the community.

Reasonable convention in such circumstances is for the Minister's decision to be postponed or for any proposed change to be deemed to be not approved by default.

In summary, I strongly believe that the proposed Amendment (2BA) shown above should not proceed.

Yours faithfully.

Robert Hayes

4 March 2017