Submission on the

Sydney Airport Demand Management Amendment Bill 2024.

The Senate Rural and Regional Affairs and Transport Legislation Committee has invited members of the Sydney Airport Community Forum (SACF) to make submissions regarding the proposed Sydney Airport Demand Management Amendment Bill 2024. This submission concentrates on the recovery period aspects of the proposed amendments.

1. **There has not been a demonstrated need for the inclusion of a "Recovery Period".** As the Sydney Airport Community (SACF) representative on the Demand Management Technical Working Group, the Department's own consultant's simulations for the working group showed that, whilst in theory the ability to exceed the 80 per regulated hour movement cap would aid recovery, in practice because airlines cancel and consolidate flights when there is a delay it would seldom be required. Further, the work done by Tony Williams showed that in 2019 there were no occasions in the 2 hours following reaching the 80 per hour movement cap that the cap was reached again, demonstrating that there was sufficient spare capacity to accommodate recovery if required. Therefore, whilst simplistically appealing, in practice a recovery period is unlikely to actually be required and to make a material difference to recovery from disruptions. Until now the 80 movements per regulated hour cap has been a sacrosanct protection for the noise impacted community, and a recovery period provides for the first 'chink in the armour.'

2. **Do not include "and optimise" to the long title of the Act**. The purpose of the Demand Management Act has always been, as its title suggests, to "limit aircraft movements at Sydney Airport". The Demand Management Act is a response to the public outcry at the massive increase in flights over people's homes with the opening of the parallel runways in Sydney and changed operations that resulted. Inclusion in the title of the words "and optimise" is incongruous with the purpose of limiting aircraft movements. Although, it would appear to be indicative of the true intent of the proposed amendments to the Act, that being to water down this important protection for the noise impacted community.

3. **There is a need to define in the Bill what is a "disruption" and the disruption must always be significant.** The Bill talks about "certain disruptions" for the purpose of declaring a recovery period. Disruption is clearly a key concept in the bill that is not currently defined and needs to be. The lack of a definition of "disruption" leaves the use of a recovery period open to abuse. And this cannot just be left to the Regulations to define. Minor disruptions and delay, most often due to anticipated changes in the weather or daily operational issues are 'par for the course' in the operations of an airport and must not be the basis for declaring a recovery period. Disruptions must fall within a closely defined set of criteria, be themselves exceptional and significant, and have substantial impact

on operations for there to be a declaration of a recovery period. This should be covered in the Bill.

4. **The period before a recovery hour must remain a *regulated hour*.** Subsection 6 (3) states that a period is not a regulated hour if "it starts during or less than 60 minutes before (b) a recovery hour". This means that this period before a recovery hour is neither a regulated hour nor a recovery hour and therefore would not be covered by either the 80 movements cap of a regulated hour nor the 85 maximum movements of a recovery hour. Subsection 6 (3) as written would result in unregulated and unconstrained aircraft movements in the period before a declared recovery hour. This would seem to be an error in the drafting. There is no reason why this period before a recovery hour should not remain a regulated hour, just as the period before the curfew remains a regulated hour.

5. **Do not omit *Subsection 6 (5)* where it that states "subsection 35(2) (which requires the *Slot Management Scheme to be consistent with the limit)".** In the Amendment Bill the provision in the old subsection 35 (2) that the Slot Management scheme must be consistent with the maximum movement limit is replicated in the new Section 37 (1). Rather than omit this cross reference in Subsection 6 (5), simply replace the reference to subsection 35 (2) with subsection 37 (1). The purpose of Subsection 6 (5) is to set the maximum movement limit for the purposes of the slot management scheme. The Amendment Bill does not change that. There can be no reason to omit the provision. Simply change the reference.

6. **Only already scheduled flights should be allowed in the recovery period.** The Explanatory Memorandum states that the recovery period will only allow flights that are already scheduled for that day to take off and land (2nd paragraph). Yet this is not written in to the Amendment Bill itself. Such a requirement must be included in the Bill.

7. **There needs to be a time period in which a recovery period declaration and its reasons must be published.** Subsection 9A (7) requires the Minister to publish a recovery period declaration on the Department's website. However, there is no time period within which the publication of the declaration is required, nor is there a requirement for the reasons for the declaration to be published. For the purposes of transparency and accountably it is essential that the reasons be published along with the declaration. It would be reasonable for the declaration and its reasons to be published online within 2 business days after the declaration is made. This needs to be included in Subsection 9A.

8. **Clarity needs to be provided on what is a "whole hour".** It is unclear in Subsection 9 (B) when it states that a recovery period must be a "whole hour" if this means that a recovery period must be an hour starting on the hour or is just any declared 60 minute period? This should be clarified in the drafting

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