

EXPLANATORY STATEMENT

Sydney Airport Curfew Act 1995

Sydney Airport Curfew (Curfew Aircraft) Instrument 2015

The Act establishes a regulatory framework for the restriction of aircraft movements at Sydney Airport between the periods of 11 pm-6 am. Section 15(2) of the Act allows a jet aircraft of a type specified in regulations made for the purposes of subsection (2) to take off or land at Sydney Airport during a curfew period. Section 15(2) of the Act states the regulations may specify a type of jet aircraft that: a) has a maximum take-off weight of 34,000 kilograms or less; and b) complies with the maximum noise levels specified in Chapter 3 of the International Civil Aviation Organization Annex that is applicable to the maximum take-off weight of the aircraft; and c) complies with 90 decibels on take-off and 95 decibels on landing. Business and private jets are aircraft which are typically designed or configured to transport small groups of people of 19 seats or less.

In recent years, newer, quieter and more efficient jet aircraft models have been developed for use by private and business charters. However, at present these aircraft are not allowed to land at Sydney Airport during curfew periods – instead older, noisier aircraft and less efficient jet aircraft must be used because of outdated legislative instruments. The list of allowable aircraft for Sydney Airport has not been updated since 2005.

The Sydney Airport Curfew (Curfew Aircraft) Instrument 2015:

- will assist in reducing aircraft noise impacts in the surrounding communities through the use of newer, quieter and more efficient jet aircraft and give operators the ability to upgrade their fleet which will reduce business costs and provide improve efficiency; and
- will ensure that only aircraft that meet stricter 2006 International Civil Aviation Organization (ICAO) Chapter 4 noise levels would be permitted to operate during curfew in the longer term. Aircraft types which are currently on the list but which only meet the older and less strict 1977 ICAO Chapter 3 requirements would be grandfathered until 2022 to allow industry sufficient time to upgrade to newer aircraft. After that time only aircraft meeting the stricter noise levels would be allowed.

The Sydney Airport Curfew (Curfew Aircraft) Instrument 2015 will implement a Government election commitment and should reduce the overall noise impact on Sydney residents as business seek to introduce newer, quieter and more efficient jet aircraft

To put the operations in context, across the whole year in 2013 there were 161 movements of business aircraft during the Sydney curfew.

Amendment of the list of approved light jet aircraft required the publication of a notice in the Gazette pursuant to subsection 15(2) of the Act. Such a notice is a disallowable instrument. Subsection 15(6) of the Act requires that a consultation process be followed before such a

notice is published. This process is set out in clauses 3-6 of the Schedule to the Act, *Consultation Procedure* and involves the:

- preparation of a written proposal;
- publication of a notice in a daily Sydney newspaper inviting the public to make written submissions; and
- consideration of any comments or submissions received.

Consultation commenced with the aviation industry and the Sydney community with a notice of the proposed amendment published in the Sydney Morning Herald and the Daily Telegraph on 13 September 2014, inviting comments until 31 October 2014. The Department received 242 submissions related to the proposal. .

In response the Government will monitor the movements of permitted aircraft and work with industry to continue to minimise noise impacts through noise abatement procedures. Results of this monitoring will be reported to the Sydney Airport Community Forum.

The Sydney Airport Curfew (Curfew Aircraft) Instrument 2015 commenced on the day after it was registered on the Federal Register of Legislative Instruments.

A Statement of Compatibility with Human Rights is set out in the Attachment prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Sydney Airport Curfew (Curfew Aircraft) Instrument 2015

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Sydney Airport Curfew (Curfew Aircraft) Instrument 2015

The Sydney Airport Curfew (Curfew Aircraft) Instrument 2015 will allow for newer, quieter jet aircraft to operate into Sydney Airport during the curfew period. Currently only jet aircraft which meet an older International Civil Aviation Organization (ICAO) standard developed in 1977 are permitted to operate. Since the introduction of the previous instrument in 2005, ICAO has developed a more stringent noise standard which commenced in 2006.

The Sydney Airport Curfew (Curfew Aircraft) Instrument 2015 will permit newer, quieter and more efficient aircraft to operate which should reduce the total noise energy produced by jet aircraft during the curfew which will protect residents in surrounding communities. The introduction of newer, quieter, aircraft will also produce economic and environmental benefits through the use of more efficient jet aircraft. The Sydney Airport Curfew (Curfew Aircraft) Instrument 2015 will also phase out older, noisier and less efficient aircraft by December 2022, allowing industry sufficient time to upgrade their fleet without introducing an increased regulatory burden.

Human rights implications

The amendments made by this Legislative Instrument do not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.