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Department of Infrastructure and Regional Development
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Via email – curfews@infrastructure.gov.au

Airport Curfew Administration Arrangements in Australia

The Australian Logistics Council (ALC) is pleased to provide a submission on the Department's Discussion Paper on airport curfew arrangements in Australia. By way of background, ALC is the peak industry body for the major Australian logistics supply chain customers, providers, infrastructure owners and suppliers. ALC makes the following observations on the Discussion Paper.

Granting of dispensations

The Discussion Paper notes that dispensation guidelines made under the Commonwealth suite of air navigation legislation contain guidance on what constitutes 'exceptional circumstances' that would permit the operation of aircraft outside of curfew periods. However, it appears somewhat odd that weather is on a list of factors explicitly excluded from being taken into account when considering whether dispensation should be granted in a particular case.

Self-evident safety and operational considerations would seem to dictate that in suitable circumstances, weather should be relevant when making a dispensation decision, particularly where a weather event is localised.

The late arrival of a flight at its destination airport will often delay subsequent flights scheduled to use that same aircraft. It has been estimated that it can take as long as a week for an airline to recover where they don't have a backup aircraft of similar capacity available to fly a scheduled route, owing to one of its aircraft being delayed in Sydney due to the curfew restrictions. Given that around 80% of airline freight is carried on scheduled passenger flights rather than designated freighters, this will also impact upon other parts of the logistics chain.

So as to minimise disruption and inconvenience, ALC suggests that an application for dispensation should be considered and a decision is made as to whether a weather event is sufficiently extraordinary so as to permit a landing (or to divert a flight) where a flight reaches a designated waypoint such as 20 minutes or 200 nautical miles from a relevantly regulated airport. This would assist in minimising disruption and inconvenience to airlines, passengers and others in the logistics chain depending on a particular freight arrival in a time critical manner.

Regulations and the curfew shoulder period

ALC members also report that there is some degree of un-alignment between primary legislation and regulations relating to the shoulder period. For example, the Sydney Airport Curfew Act 1995 allows international passenger jet aircraft flights to arrive at Sydney Airport between 5am and 6am and arrive or depart between 11pm and 12 midnight (known as the morning and evening curfew shoulder periods respectively).

For the morning curfew shoulder period, the Curfew Act would permit up to 35 aircraft movements per week (and no more than 7 on any one day), which may only be landings. However, the Curfew Regulations prescribe lower limits, being no more than 24 movements per week (and no more than 5 on any one day).

For the evening curfew shoulder period, the Curfew Act would permit up to 14 aircraft movements per week (and no more than 4 on any one day), which may be landings or take-offs. However, the Curfew Regulations prescribe zero movements between 11pm and midnight. By law, these flights must occur over Botany Bay or uninhabited parts of the Kurnell Peninsula, thus avoiding direct impacts on residential areas.

Aligning the Curfew Regulations with the Curfew Act could deliver benefits to the travelling public with no impact on nearby communities.

It is therefore appropriate for the Government to conduct a review of the subordinate legislation made under the two relevant pieces of curfew legislation (made for Sydney and Adelaide Airports) to ensure the policy contained in the subordinate instruments reflect the policy of primary legislation.

List of aircraft exempted from curfew

One of the challenges of expressly identifying models or classes of aircraft exempt from curfew is that the list must continue to be updated to recognise more modern aircraft capable of operating at satisfactory noise levels. For example, ALC members advise modern aircraft such as the B737 freighter have noise profiles similar to those currently able to operate during curfew.

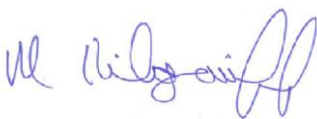
Productivity, competition and efficiency reasons suggest that a general review of the list of aircraft that can appropriately operate in the curfew period should be conducted. More particularly, it would be desirable for the Government to develop a capacity to introduce a dynamic capacity for aircraft proposed to be used by operators at relevantly regulated airports with the same noise profile (or less) as other approved aircraft to be allowed to operate during curfew.

Communication of curfew rules

Finally, ALC members have identified a need to explain in plain English the curfew rules so all stakeholder groups (including the public) as well as others such as operational staff and ground handlers (who may be asked about them by passengers who are unfamiliar with the rules) can understand them. Consideration should also be given to providing explanations in a large range of languages for the benefit of overseas carriers.

Please contact me on 0418 627 995 or at Michael.kilgariff@austlogistics.com.au should you wish to discuss the matters raised in this submission further.

Yours sincerely



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