

Facsimile Transmittal

Jetstar Airways
Operations Centre

Melbourne

Subject: Curfew Dispensation Request

Airport: Adelaide

Date: 29 August 2013

Duty Manager / Supervisor
Transport Security Operations Centre (TSOC), Canberra ACT
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Nicholas Tajudin
Jetstar Airways
Operations Centre Melbourne
Ph: 03 8628 3552 Fax: 03 9670 3650 Email: jqops@jetstar.com

Date Of Request		Airport	
29 August 2013		Adelaide	
Airline	Flight Number	Route Information	
Jetstar Airways	JQ 775	From ADL To MEL	
Aircraft Type	Aircraft Registration	Proposed Arr / Dep Runway	
A320-200	VQV	23	
Scheduled Flight Times (Local)		Estimated Flight Times (Local)	
Departure 2150 Arrival 2340	Departure 2315 Arrival 0105	Actual Flight Times (Local) Departure Arrival	

Number Of Crew / Passengers (Included in pax figure of 163)					
Flight Crew	Cabin Crew	Pax	Infants	*Wheelchair Pax	*Unaccompanied Minors
2	6	163			
*Stretcher Pax	*Persons In Lawful Custody				
Total Persons On Board					171

This curfew dispensation does NOT count as a "Quota Movement"

Reason / Justification For The Request

A/C vandalised on arrival into PER. 2 hours extended ground time due to engineering authority required

Regards
Nicholas Tajudin
Jetstar Airways
Ph 03 8628 3552
Fax 03 9670 3650

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CURFEW DISPENSATION APPLICATION

Adelaide Airport

Time and date of call: 21:44:00 , 29/08/2013

Aircraft involved: Jetstar Airways , JQ775 , VH-VQV , Adelaide - Melbourne , A320-200

Number of Passengers on-board: 163

Number of Crew on-board: 6

Circumstances leading to request:

Jetstar Operations advised the Department that aircraft VH-VQV was vandalised on a proceeding sector. The damage from the vandalised to the toilet area was substantial and delayed the aircraft for around 2 hours while repairs were made. The aircraft was damaged on its flight inbound to Perth, repairs were made and the aircraft departed Perth for Adelaide, and will now run late for its departure from Adelaide for Melbourne. Jetstar Operations are requesting Curfew Dispensation for late take-off from Adelaide no later than 23:15 SA LT. Estimated arrival into Perth was before 16:57 Perth Local Time 2 hour delay for repairs. Departure Perth was at 11:02z or around 18:57 Perth Local Time 2 hour flight time. Arrival Adelaide at 13:04z or 22:34 Adelaide Local Time **** Jetstar Airways written application received at 22:08 CB LT **** A/C vandalised on arrival into PER. 2 hours extended ground time due to engineering authority required

Fax requested? Yes

Approved No

Reason for approval/disapproval:

On this occasion the Delegate was NOT satisfied that the circumstances met the criteria required for issue of a Curfew Dispensation for the late take-off from Jetstar Airways flight JQ775 from Adelaide.

Condition One - Of Immediate Origin

The circumstance is NOT considered to be of an immediate origin as the situation became known to the operator at 16:57hrs PER Local Time (PER departure for ADL at 1857hrs PER LT, written advice from JQ (Received 22:08 CBR LT) suggests known two hour delay for repairs, indicating operator knew about damage at 16:57hrs PER LT). Condition 2 cannot be assessed as being met.



Australian Government

Department of Infrastructure and Transport

Condition Two - Of such a character that they could not have reasonably been foreseen

The circumstance is considered to be of such a character that it COULD have reasonably been foreseen. The operator knew about the circumstances around 4 hours before the commencement of the Adelaide Airport Curfew. Condition 2 cannot be assessed as being met.

Condition Three - Not reasonably able to be met by alternative arrangements

The circumstance IS considered to be able to be met by alternative arrangements. Condition 3 cannot be assessed as being met.

Comments:

2144 (RF) received a phone call from Jetstar, verbal application received. 2146 RF presented application to Duty Supervisor (JR). 2148 JR requested RF phoned Jetstar and ascertain flight timings, further information on the previous sector delays. 2148 RF phoned Jetstar and acquired information as requested. 2155 JR phoned Duty I/C and spoke with (AG). JR advised he intends to deny the application on the grounds it is not exceptional. AG agreed with JR assessment and justification for decision. 2200 JR denied the application. 2201 RF relayed JR decision to Jetstar who understood its conditions. 2208 Jetstar submitted written application. 2254 JR input details into WebEOC

Delegate:

Time: 22:00:00

Date: 29/08/2013



Australian Government

Department of Infrastructure and Regional Development

FOI request regarding a curfew dispensation application from Jetstar Airways

The Department of Infrastructure and Regional Development (the Department) received an FOI request seeking access to documents regarding a curfew dispensation application to operate during the curfew period at Adelaide Airport.

The Department provided the following information statement to the applicant.

A dispensation authorising an aircraft to operate during the curfew at Adelaide airport can be granted if there are circumstances justifying the take-off or landing.

Applications for curfew dispensations at Adelaide Airport are assessed by officers of the Department under the *Adelaide Airport Curfew Act 2000*, and the Adelaide Airport Curfew Regulations 2000. Officers have been instructed to take account of the following:

1. To assess whether the circumstances justify the take-off or landing of an aircraft, the circumstances must generally be :
 - of immediate origin;
 - of such a character that they could not reasonably have been foreseen; and
 - not reasonably able to be met by alternative arrangements.
2. Additional guidance is contained in a document issued by the Department 'Guidelines for dispensations for aircraft to operate at Adelaide Airport during curfew hours'

GUIDELINES FOR DISPENSATIONS FOR AIRCRAFT TO OPERATE AT ADELAIDE AIRPORT DURING CURFEW HOURS

1. Introduction

Adelaide Airport has a curfew in place under the Adelaide Airport Curfew Act 2000 (the Act) that applies to all aircraft operations between 11.00pm and 6.00am (local time).

The Act provides for the following:

- a curfew to apply at Adelaide Airport between the hours of 11.00pm and 6.00am (local time), except where the Act otherwise permits;
- a quota on arrivals by international passenger aircraft during curfew shoulder periods (11pm-midnight and 5am-6am);
- restrictions on movements by low noise heavy freight aircraft during curfew periods;
- nominated jet aircraft with maximum take-off weight of 34,000 kilograms or less, and that comply with (i) ICAO Chapter 3 noise standards and (ii) the "90-95 rule" are permitted to operate during curfew periods;
- propeller-driven aircraft with maximum take-off weight of 34,000 kilograms or less, and that comply with the maximum noise levels in Chapter 3, 5 (other than 5.1.3), 6 or 10 are permitted to operate during curfew periods; and
- an aircraft involved in an emergency, or otherwise granted a dispensation by the Department of Infrastructure, Transport, Regional Development and Local Government, is permitted to operate during curfew periods.

1.1 General Principle

In administering these Guidelines a key consideration will be the avoidance of any circumstances which could compromise the safety or security of an aircraft.

1.2 Aircraft involved in an emergency

Section 17 of the Act provides that an aircraft may take off from, or land at, Adelaide Airport during the curfew period if the aircraft is involved in an emergency. Section 17 states that an aircraft is involved in an emergency if:

- a. the aircraft is being used for or in connection with:
 - i. a search and rescue operation; or
 - ii. a medical emergency; or
 - iii. a natural disaster; or
- b. the pilot of the aircraft has declared an in-flight emergency; or
- c. the aircraft has insufficient fuel to be diverted to another airport; or
- d. there is an urgent need for the aircraft to land or take off:
 - i. to ensure the safety or security of the aircraft or any person; or
 - ii. to avoid damage to property.

In these circumstances operations may take place without prior approval for granting a dispensation.

1.3 Use of Adelaide Airport as an Alternate Airport

Adelaide Airport may be nominated and used as a planned or unplanned alternate airport during the curfew. For international operations, landings and subsequent take-offs are permitted during the curfew. For domestic operations, only landings are permitted.

Noise abatement procedure requirements as set out in section 3 of these Guidelines apply to such operations. The use of Adelaide Airport as an alternate during the curfew relates to situations where there is an urgent need for an aircraft to land or take off.

2. DISPENSATIONS

2.1 Arrivals

A passenger or freight jet aircraft (other than one permitted to land at Adelaide Airport during the curfew) planning to arrive at Adelaide Airport should not depart from its origin port unless the estimated time of arrival will be before 11.00pm local time. Where the estimated time of arrival will be at or after 11.00pm, a dispensation should be sought before departure.

A passenger or freight jet aircraft which had planned to arrive after 6.00am local time, and which subsequently arrives early, must hold until after 6.00am, or divert to an alternate airport, unless the statutory fuel reserves specified in the company operations manual will be reduced and the aircraft would be considered to be in an emergency situation.

2.2 Departures

A passenger or freight jet aircraft (other than one permitted under the Regulations to take off from Adelaide Airport during the curfew) must not depart from Adelaide Airport at or after 11.00pm local time.

Section 14 of the Act provides that an aircraft may take off during a curfew period if it received taxi clearance for the take-off before the start of the curfew period.

2.3 Dispensation circumstances

Section 18 of the Act provides that a dispensation may be granted authorising an aircraft to take-off from, or land at Adelaide Airport, in circumstances that would otherwise contravene the Act if there are circumstances justifying the take-off or landing.

General Criteria

Factors that will be taken into account in considering requests for curfew dispensations at Adelaide Airport include:

- the reason for the cause of the delay and whether the cause of delay is within the control of the operator;
- by what margin the expected time of movement falls into the curfew period; ie, is it shortly after 11.00pm or shortly before 6.00am;
- whether the aircraft is able to land on runway 05, or to take off from runway 23, ie, utilise an over water approach or departure;
- the number of passengers involved; and
- the severity of the likely hardship.

Further guidance on these factors is provided below:

Expected Time of Curfew Operation

In general terms, applications for dispensation that are able to provide assurance that an aircraft would be able to land, or take off, between 11.00pm and 11.30pm local time will be considered more favourably than an application that could not provide such assurance. Any application for operations after midnight, unless able to demonstrate exceptional circumstances, would expect to be refused.

Operational Conditions at Adelaide Airport

Where Airservices Australia's Air Traffic Services (ATS) advise that the duty runways at Adelaide Airport are Runway 05 for landings and Runway 23 for take-offs, the use of those respective runways should be stipulated in any curfew dispensation granted for a landing or take-off. The use of reverse thrust at idle levels would be required, where safety permits, in any approval for landings on either Runway 05 or 23. Landings on Runway 05 and departures from Runway 23 are designed to minimise aircraft noise impacts on residential areas of Adelaide.

The use of Runway 23 for arrivals should be considered only when Runway 05 is declared by ATS to be not operationally acceptable for arrivals. The use of Runway 05 for take-offs should be considered only when Runway 23 is declared by ATS to be not operationally acceptable for departures.

Full length runway departures are required wherever operationally acceptable.

Nature and Foreseeability of Circumstances

Where an aircraft is delayed due to weather or operational reasons (including mechanical problems or need to meet security requirements), the operator would need to establish that it was not possible to have foreseen the situation in sufficient time to make alternative arrangements.

Normally delays due to weather, mechanical or other technical considerations will only be considered where they occur in the immediately preceding sector. Delays due to events (including network problems) earlier in the day would not normally be considered favourably, unless the applicant is able to conclusively demonstrate that it had made every reasonable effort to resolve the problem.

Delays due to requirements to comply with security procedures, or to undertake short-term precautionary safety checks would normally support the granting of a dispensation.

Aircraft Capacity

An application for a dispensation involving an aircraft with a significant passenger load can expect greater consideration than for an aircraft that is almost empty. An application that involves airline management considerations (such as a need to reposition an aircraft or flight crew) should not be considered favourably and dispensation requests will generally be refused.

National Jet Systems BAe146 Maintenance Operations

There will be special consideration for BAe146 aircraft undergoing scheduled maintenance or major defect rectification at National Jet Systems' Adelaide Airport base. For those purposes, BAe146 aircraft may arrive at, or depart from, Adelaide Airport during the curfew, including repositioning flights to meet flight schedule commitments. All BAe146 aircraft for which National Jet Systems has responsibility for scheduled maintenance or defect rectification are covered by these dispensation arrangements.

National Jet Systems will seek a dispensation for each flight at the earliest possible time, and will provide a monthly report to the Department on such activity. That information will be incorporated in the Department's regular report to the Adelaide Airport Consultative Committee on curfew activity.

Passenger Hardship

An operator would be expected to make reasonable efforts to arrange, for example, accommodation for passengers that may be stranded. Where an operator had then not been successful in arranging accommodation for passengers in either Adelaide or other cities, the passenger hardship arising in such cases would be taken into account when considering an application for dispensation.

Reasonable Efforts to be Made

It is the responsibility of the operator to demonstrate that every reasonable effort has been made to avoid the need for a dispensation.

3. NOISE ABATEMENT PROCEDURES

During the curfew, aircraft should operate in accordance with the Noise Abatement Procedures set out in the Adelaide Airport section of Airservices Australia's publication "AIP-Departure and Approach Procedures".

4. ADMINISTRATIVE ARRANGEMENTS

Requests for curfew dispensations at Adelaide Airport should be made to the Department of Infrastructure, Transport, Regional Development and Local Government on telephone number **02-6274 6100**. All calls to this number, also used for Sydney, Coolangatta and Essendon airport curfew dispensation requests, are received by an answering service and immediately diverted to a duty officer of the Department of Transport and Regional Services responsible for handling dispensation requests.

The duty officer will contact the person seeking the dispensation, make a decision on the request and advise the aircraft operator of the decision. If appropriate, the duty officer will also advise Airservices Australia's Air Traffic Services at Adelaide Airport of the dispensation request and decision at the earliest practicable time.

The Act does not require that a dispensation be granted in writing, however, a written record of the dispensation request, together with the reasons for refusing or granting it, will be made.

November 2000

Operations Branch

Department of Infrastructure, Transport, Regional Development and Local Government

GPO Box 594

Canberra ACT 2601