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Dr Jane Thomson
Committee Secretary
Senate Standing Committees on Rural and Regional Affairs and Transport
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Parliament House
Canberra ACT

Dear Dr Thomson

Air Services Amendment Bill 2018

Thank you for the opportunity to make a submission to the proposed *Air Services Amendment Bill 2018* (the Bill) which was referred by the Senate to the Senate Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 25 June 2018.

Our role

Airservices Australia (Airservices) is a government-owned organisation that provides safe, secure, efficient and environmentally responsible aviation services to the industry and travelling public.

Each year we manage more than four million aircraft movements carrying more than 156 million passengers, and provide air navigation services across 11 per cent of the world's airspace. Safety is, and will always remain, the most important consideration for Airservices when managing and designing airspace. This is a requirement of the *Air Services Act 1995*, and the expectation of the government, our customers and the Australian public.

Managing aircraft noise in Australia is a shared responsibility between Airservices, airlines and aircraft operators, airports, federal government agencies and state and local governments.

Airservices works with partners in the aviation industry to minimise the impacts of aircraft noise on communities around airports where possible and safe to do so. Our role involves:

- ensuring that flight departures and arrivals are designed to minimise noise impacts
- providing information about aircraft noise
- monitoring aircraft noise around major airports, and
- providing a national Noise Complaints and Information Service.

Airservices has no regulatory powers to establish maximum noise levels or enforce compliance related to aircraft noise. For further information on the different roles and responsibilities when it comes to managing aircraft noise, please see:

<http://aircraftnoise.com.au/working-together/who-is-responsible-for-what/>.

Context

The aviation industry is vital for a range of business, tourism, social and economic activities that the Australian economy and society rely upon. In Australia, high levels of domestic and international passenger growth at major airports are already testing capacity of airport infrastructure during peak periods and these activities are arguably the single greatest contributor to increases in aircraft noise. International air travel will grow strongly to 2030, with both domestic and international passenger movements through capital cities expected to almost double¹. To facilitate this growth, airlines, airports and governments are undertaking significant investment in major infrastructure projects, ranging from building a new airport or undertaking airport upgrades, to building new parallel runways in Brisbane, Melbourne and Perth. This requires Airservices to redesign flight paths to safely enable this growth and infrastructure development.

To complement the infrastructure on the ground, Airservices is responsible for the infrastructure of the sky – or airspace and air traffic management. In order to safely and efficiently facilitate a doubling of air traffic over the next decade, new flight paths must be designed and introduced and changes to existing routes must also be considered. Flight procedure changes are common for Airservices and at the time of this submission Airservices had 62 flight path changes across Australia in various stages of development. These range from minor changes resulting from decommissioning of ground-based navigational aids, to major changes to airspace to enable new parallel runway initiatives. Many of these changes are driven by the implementation of new and advanced satellite navigation technology, Australia's obligations to meet international safety standards, and the safety benefits of such upgrades.

While this unprecedented growth is good for business, tourism and the Australian economy, it also presents significant challenges. Aircraft noise is an inevitable consequence of aviation activity. The unfortunate reality is that airport locations are predefined and flight paths have to be placed somewhere which leads to sections of the community being unhappy with the outcome. Managing these issues is extremely complex. Airservices needs to facilitate aviation growth while balancing community impacts and maintaining the safety of air navigation as its most important consideration at all times.

The explanatory memorandum of the Bill states that the changes are being introduced to create greater protections for communities affected by aircraft noise. Airservices notes there are a number of existing mechanisms that already provide protections for communities related to aviation infrastructure proposals and noise impacts. A discussion of key proposals contained in the Bill follows below.

Melbourne Flight Path Plan

Airservices does not have the authority to alter airspace classification. This responsibility is the role of the Civil Aviation Safety Authority (CASA) under the *Airspace Act 2007*. CASA is the independent regulator responsible for considering and approving changes to all Australian administered airspace. Therefore, the proposed amendment to the *Air Services Act 1995* cannot give Airservices the authority to implement the changes for Melbourne that the Bill is seeking.

It should also be noted that the proposed flight restrictions would result in a number of adverse economic consequences for Melbourne, causing safety issues, delays to service

¹ Department of Infrastructure and Regional Development, *Trends: Transport and Australia's Development to 2040 and beyond*, 2016, https://infrastructure.gov.au/infrastructure/publications/files/Trends_to_2040.pdf

and impacts to tourism operations at Melbourne, Essendon and Moorabbin airports. This would in turn lead to knock-on effects at other airports.

It would impede the use of existing runways at both Melbourne and Essendon airports, departures and arrivals to Essendon would not be permitted, and inbound aircraft to Melbourne would not be able to fly instrument approaches, essential for the safe and efficient operation of the airport, as this procedure requires an altitude of 3000 feet (2000 metres equates to approximately 6500 feet). This would cause serious safety concerns for the industry, Airservices and CASA and would result in a significant financial and operational impact on Melbourne and Essendon airports, the airlines and other aircraft operators, and the broader Victorian and Australian economy.

Community Consultation

The Bill proposes a range of consultation provisions that either already exist or would increase the regulatory burden with no demonstrable outcome and at an additional cost.

Airservices already engages the community on flight path changes, airspace design, infrastructure projects, safety, and environmental issues through a number of community, industry and government forums and mechanisms.

Run by airports, Community Aviation Consultation Groups (CACGs) are forums that have been established at most of the 21 federally leased airports since 2011. Some airports, such as Sydney, have long standing consultation groups that precede CACGs. CACGs are an effective way to keep the community informed and provide an important forum for the community to raise concerns with government agencies and the airport. The airports are responsible for convening CACGs which are led by an independent chairperson and comprise representatives from federal, state and local governments, industry groups, community representatives and the airport. Airservices attends all CACG meetings and provides briefings and advice on its operations, including potential noise impacts from flight path changes.

Airservices acknowledges there are opportunities to improve engagement at CACGs. We understand some airports struggle to attract community participation and information is not always disseminated effectively from members to the broader community. Airservices also recognises that CACGs are one of a number of information sources that are able to be accessed by the community. Information flow has improved over the years through the implementation of more user-friendly websites and technologies such as WebTrak (<http://www.airservicesaustralia.com/aircraftnoise/webtrak/>), which allows for greater detail of aircraft movements to be displayed.

Significant community consultation also occurs through Major Development Plans in accordance with the requirements of the *Airports Act 1996*. This occurs where airspace changes are required due to airport infrastructure projects, such as the new parallel runways at Brisbane, Melbourne and Perth. These consultations are extensive including advertising, a 60 day public comment period, and a requirement to give community views due regard. The Minister for Infrastructure and Transport is the decision-maker for these projects. As currently drafted, the Bill does not specify how the proposed consultation groups would fit with existing consultation frameworks and appears to unnecessarily duplicate existing arrangements which are generally considered to be working well.

Flight Path Review

The Bill proposes a flight path review procedure for all flight path changes made from 1 January 2012. Anyone directly impacted by take-off or landings or high intensity air traffic could request a review and Airservices would be required to conduct the review and consult.

This requirement is broad and as currently drafted could include enroute flight paths. Because flight path changes are regularly undertaken, this requirement would place a considerable regulatory burden on Airservices with no guarantee of an improved outcome for the community. Existing consultation processes have been in place prior to 1 January 2012 and are considered adequate. The Bill also fails to consider that additional review mechanisms would be required to review flight procedures designed by entities other than Airservices. Given that many of these flight path changes are linked to infrastructure projects (such as new parallel runways) or are being made to enhance safety, there could be significant economic and safety implications should they not be implemented within a reasonable timeframe. Flight procedures for new parallel runways are finalised after the Minister has approved the Major Development Plan and once construction has commenced. The possibility of a further review process would add additional constraints on Airport Lessee Companies (ALCs) and potentially affect the significant capital investments the ALCs have made to fund these infrastructure projects. The Bill does not anticipate these issues nor how they could be resolved.

Community Advocate

The Bill requires the Minister for the Environment to appoint a Community Aviation Advocate when Airservices proposes a change to the management of aircraft noise or airspace. The role of the Advocate is ill-defined and the Bill contains no specific requirements or qualifications other than the person must be independent of aviation interests. The Bill does not describe the powers or responsibilities of the Advocate and it is not clear if there is a responsibility to report back to the Minister for the Environment. It is also unclear how the Advocate would interface with all the existing community consultation processes already established.

Past experience indicates the limited effectiveness such a position is able to achieve and highlights the complexity where there is no single solution that is able to be delivered to the satisfaction of all parties.

Aircraft Noise Ombudsman (ANO)

An ANO has been in place since September 2010 and the Bill outlines a function that already broadly exists. The ANO's core functions are to monitor and report on the effectiveness of Airservices community consultation processes on aircraft noise issues, review the presentation and distribution of aircraft noise information, and review Airservices handling of noise complaints.

Airservices is responsible for managing complaints and enquiries about aircraft noise and operations through our Noise Complaints and Information Service (NCIS). This service is the Australian aviation industry's main interface on aircraft noise issues for the community. Complaints and enquiries help identify issues of concern and possible opportunities for improvement. This work is complemented by the role undertaken by the ANO. Since its inception, the ANO has conducted several reviews of Airservices aircraft noise operations, procedures and practices. The reports and recommendations are publicly available on its website and assist Airservices to continuously refine and improve the way we engage with the community. The recent ANO report into flight path changes at Hobart Airport and Airservices response is a good example of how the current system is working.

The ANO is funded by Airservices and appointed by the Airservices Board, in consultation with the Chief of Air Force, and administered by a Charter set by the Airservices Board. These governance arrangements are not consistent with those of other Commonwealth or state Ombudsmen and potentially raise questions about independence or at least could create a perception that independence is questionable. This can create mistrust and

cynicism within the community which detracts from the ANO's investigative work and analysis. Airservices is open to alternative governance models or arrangements which could enhance the ANO's independence and effectiveness.

Airservices Board

The Minister for Infrastructure and Transport is responsible for Board appointments, giving the government the ability to influence Board composition without increasing membership. The Government's oversight and appointment framework is adequate to ensure the composition includes a balanced, diverse and relevant skillset. Airservices does not agree that increasing Board membership will achieve better outcomes for the community, given the narrow qualifications for the additional positions and the legislative and fiduciary requirement that all board members must exercise their powers and perform their functions in the best interest of Airservices.

In closing, Airservices acknowledges there are always opportunities for improvement and these are regularly captured from our own internal reviews or those conducted by regulators. However, the additional consultation provisions in the Bill will only increase the regulatory burden and cost for no demonstrable outcome and, in some cases, could have adverse safety and financial consequences for the industry and travelling public.

I trust this information has been of assistance.

Yours sincerely

Jason Harfield
Chief Executive Officer

 May 2018