



**SUBMISSION TO THE PARLIAMENTARY INQUIRY INTO THE  
and Three Related Bills**

**FOCUS: AIRCRAFT NOISE COMPLAINTS AND ENFORCEABLE OMBUDSPERSON POWERS**

17 April 2026

**1. The East Melbourne Group and its interest in the issues**

The East Melbourne Group (EMG) represents a community of nearly 5000 people in inner Melbourne. For more than a decade our community has been affected by the severe impacts of noise caused by aircraft flying over our homes, with resultant health and amenity impacts. This disturbance results from changes made by Airservices Australia, which were undertaken without consultation of the impacted communities in inner Melbourne.

The Aircraft Noise Ombudsman (ANO) undertook a review: *Investigation into complaints about flight paths over East Melbourne June 2021*. This review was highly critical about the lack of proper processes being followed. While Airservices Australia has subsequently improved its procedures, the unfortunate reality is that this improves things in the future, but was of no help in ameliorating the problems previously imposed on our community

We therefore see the current arrangement as failing in terms of assisting impacted communities and this experience has informed our current submission.

**2. How the Bills Address Aircraft Noise**

The bill package does include aircraft noise within its scope, which we welcome. Specifically:

- The Aviation Consumer Protection Bill 2026 establishes an independent Aircraft Noise Ombudsperson (ANO) to review the management of aircraft noise complaints by Airservices Australia and the Department of Defence.
- The Consequential Amendments and Transitional Provisions Bill provides for a smooth transition from the current non-statutory ANO — which sits within Airservices Australia — to a new independent, statutory ANO housed within the Department of Infrastructure, separate from both Airservices Australia and Defence.

This independence is a genuine improvement. Community confidence in the current arrangement is undermined by the ANO operating within the very agency whose conduct it reviews. Placing the ANO within the Department addresses that structural conflict, and we support it.



### 3. The Critical Gap: Review Powers Without Enforcement

#### 3.1 What the Bills Provide

For consumer complaints about airlines and airports, the legislation provides a strong enforcement chain: **the Aviation Consumer Ombudsperson can make binding determinations**, and the Aviation Consumer Protection Authority (ACPA) can pursue enforcement of those determinations through judicial processes if necessary. This gives consumer complaints real teeth.

#### 3.2 What the Bills Do Not Provide for Noise Complaints

The ANO's function is framed as reviewing the *handling* of noise complaints by Airservices Australia and Defence — not resolving them, and not making binding determinations. There is no equivalent enforcement pathway for noise complaints. Recommendations made by the ANO following a review can be accepted, modified, or effectively ignored by the agencies under review.

This creates a two-tiered system within the same legislative package: passengers with flight delay complaints get a binding determination enforceable in court, while residents suffering from aircraft noise get a review and a recommendation that carries no legal weight.

This disparity is not defensible. Aircraft noise is a significant and documented harm affecting communities under flight paths. It affects sleep, health and amenity. Communities deserve the same recourse as airline passengers.

### 4. Our Recommendation

We recommend the Committee amend the Aviation Consumer Protection Bill 2026 to strengthen the Aircraft Noise Ombudsperson's powers in two respects:

- **Enforceable recommendations:** The ANO should be empowered to make recommendations that are binding on Airservices Australia, subject to a reasonable timeframe for compliance. Non-compliance should attract consequences equivalent to those that apply when airlines fail to comply with ACO determinations — that is, the matter should be escalated for enforcement by the ACPA or through judicial processes.
- **Reporting and transparency:** The ANO should be required to publish the outcomes of all reviews, including whether its recommendations were accepted and implemented, within a specified timeframe. This ensures public accountability even where formal enforcement is not required.



**Recommendation:** That the bill be amended to empower the Aircraft Noise Ombudsperson to make recommendations that are binding on Airservices Australia and the Department of Defence, with non-compliance subject to enforcement by the ACPA or through judicial processes, consistent with the enforcement mechanism that applies to Aviation Consumer Ombudsperson determinations.

## 5. Conclusion

The bill package takes an important step in making the Aircraft Noise Ombudsperson independent. But independence without enforcement power is incomplete. A review body whose findings can be disregarded with impunity provides only the appearance of accountability.

We urge the Committee to close this gap and ensure that noise-affected communities have access to the same standard of enforceable redress as other aviation consumers. This single amendment would significantly strengthen an otherwise welcome reform.

Greg Bisinella  
President  
East Melbourne Group Inc.  
152 Powlett St  
East Melbourne Vic, 3002