



Australian Government

Government Response

Senate Rural and Regional Affairs and Transport References Committee Inquiry Report on the effectiveness of Airservices Australia's Management of Aircraft Noise

February 2011

Introduction

On 25 November 2009 the Senate referred the following matter to the Senate Rural and Regional Affairs and Transport References Committee for inquiry and report by 1 June 2010:

An assessment of the effectiveness of Airservices Australia's management of aircraft noise under its responsibilities to provide air traffic services and protect the environment from the effects associated with the operation of aircraft for which it has legislative jurisdiction.

In undertaking this inquiry, the committee shall consider whether Airservices Australia:

- (a) has conducted an effective, open and informed public consultation strategy with communities affected by aircraft noise;
- (b) engages with industry and business stakeholders in an open, informed and reasonable way;
- (c) has adequate triggers for public consultation under legislation and whether procedures used by Airservices Australia are compliant with these requirements;
- (d) is accountable, as a government-owned corporation, for the conduct of its noise management strategy;
- (e) has pursued and established equitable noise-sharing arrangements in meeting its responsibilities to provide air traffic services and to protect the environment from the effects associated with aircraft for which it is responsible;
- (f) requires a binding Community Consultation Charter to assist it in consulting fully and openly with communities affected by aircraft noise; and
- (g) any other related matter.

The committee subsequently resolved to extend the reporting date to allow for a more detailed examination of the issues.

Although the inquiry was prompted by concerns regarding aircraft noise and flight path changes at Perth Airport, the committee acknowledged the long standing issues associated with the management of aircraft noise at airports around Australia. Accordingly, the committee intended the report to be a broad assessment of the effectiveness of Airservices Australia's management of aircraft noise, rather than an exclusive analysis of the particular issues associated with a specific airport.

The Australian Government thanks the Committee for its examination of these matters and the recommendations it has presented for consideration.

Managing aircraft noise –Australian Government priorities

Airports are important economic and social assets for Australia. They underpin an air transport network that is responsible annually for over 50 million domestic journeys, 25 million international journeys and the movement of high-value and time-sensitive air freight. They generate and support half a million jobs in local communities through their support for the broader tourism industry. They also support essential medical and emergency services, flight training and other services.

Airports, however, have environmental impacts on local communities, in particular through the generation of aircraft noise. Aircraft noise management requires a careful balance between the protection of amenity of affected residents and recognition of the broader economic and social contribution of aviation activity.

Responsibility for aircraft noise management is shared between a number of key stakeholders including airlines and aircraft operators, Airservices Australia, airports, government regulatory and planning agencies and residents. The Australian Government is committed to playing its part in ensuring that the environmental impacts of aviation, including aircraft noise, are minimised.

In December 2009 the Australian Government released its Aviation White Paper, Flight Path to the Future, Australia's first ever comprehensive national aviation policy.

The White Paper included over 130 initiatives aimed at maintaining and improving Australia's aviation safety, supporting growth in the aviation industry, providing for greater planning and investment certainty for the aviation sector and minimising the environmental impacts of aviation activity. In particular, the White Paper confirmed a number of initiatives to ensure the impact of aircraft noise on communities living near airports and under flight paths is addressed as both Australia's aviation industry and communities continue to grow.

Since the release of the White Paper, the Government has implemented its commitment to regulate to restrict the operations of marginally compliant Chapter 3 aircraft, such as hush-kitted Boeing 727s, where they contribute to unacceptable levels of noise. New services using these outdated aircraft were prohibited at Australia's major airports from 1 July 2010 and pre-existing services ceased from 1 September 2010.

Consistent with the Aviation White Paper, an Aircraft Noise Ombudsman has been established to independently review noise complaints handling procedures and make recommendations for improvements where necessary and to improve Airservices' consultation arrangements and the presentation and distribution of aircraft noise-related information to the general public. Mr Ron Brent, the former acting Commonwealth Ombudsman, commenced as the inaugural Aircraft Noise Ombudsman on 1 September 2010.

The Government has a number of ongoing commitments to improve aircraft noise management in Australia. The Government will maintain the existing curfew regime at Sydney, Adelaide, Gold Coast (Coolangatta) and Essendon airports where communities have grown in expectation of these arrangements continuing.

The Government is working with state, territory and local governments to put in place an effective national land use planning regime for land near airports and flight paths in recognition of the key role played by state and local government land-use planning systems in constraining incompatible residential developments in noise-affected areas.

For the first time in a decade, a federal government has implemented a range of new measures to address aircraft noise and is working with communities, other levels of government, airports and stakeholders to continue to show leadership on this issue.

Committee recommendations

The Committee examined a range of issues related to the existing regulatory framework for aircraft noise management in Australia, Airservices Australia's communications, consultation and complaints handling procedures, the role and governance of the newly established Aircraft Noise Ombudsman, aircraft movement forecasts for major airports, the application of the *Environment Protection and Biodiversity Act 1999* to aviation activity and the role of home insulation for the amelioration of aircraft noise.

The Government's responses to the Committee's ten recommendations are attached.

Recommendation 1

The committee recommends that Airservices Australia should be a permanent member of all federal airport Community Aviation Consultation Groups.

Response

The Government supports this recommendation.

The Aviation White Paper, which was released prior to the Committee's inquiry, recognised the view that Community Aviation Consultation Groups could work better if other industry stakeholders, including airlines, Airservices Australia (Airservices) and the Civil Aviation Safety Authority, were represented. This is already taking place.

Recommendation 2

The committee recommends that a Community Aviation Advocate position should be funded and established where significant or extensive changes to the management of aircraft noise or airspace are proposed to assist and represent local communities.

Response

The Government notes this recommendation.

However, the Government has already implemented mechanisms to improve community consultation and engagement in relation to airport operations and developments.

The Government requires all airports that are subject to the planning framework in the *Airports Act 1996* to establish and lead Community Aviation Consultation Groups. These groups can address planning and development issues and a range of other operational matters, such as aircraft noise, which affect airports' relations with their neighbours. The Government has released guidelines to assist airports in establishing these consultative groups.

The establishment of a Community Aviation Advocate position would constitute a duplication of the role intended for community representatives within the Community Aviation Consultation Groups.

Further, the Government has strengthened requirements for community consultation regarding major developments at airports through the passage of the *Airports Amendment Bill 2010*.

The Government has also established the position of Aircraft Noise Ombudsman to improve public information about the impacts of noise from aircraft operations, review community complaints and consultation processes and give communities an additional opportunity to address issues and complaints.

Recommendation 3

The committee recommends that the Aircraft Noise Ombudsman undertakes a review of the Airservices Australia's Communication and Consultation Protocol to determine the extent to which the protocol:

- was developed in consultation with Australian communities and will be subject to regular ongoing review;
- clearly articulates the roles and responsibilities of all stakeholders and the minimum standards of consultation which communities can anticipate, and
- commits Airservices Australia to providing readily available, easily understood and pertinent information (such as environmental noise assessments) to community consultation forums.

The committee recommends that the Aircraft Noise Ombudsman report the findings of this review, together with appropriate recommendations, to the Minister for Infrastructure, Transport, Regional Development and Local Government and to the Australian Parliament and this committee.

Response

The Government notes this recommendation and further notes this is a matter for the Aircraft Noise Ombudsman (ANO).

A core function of the ANO is to monitor and report on the effectiveness of Airservices' community consultation processes on aircraft noise-related issues (see ANO Charter publically available on the ANO website).

Given the independent nature of the ANO, any decision to review the Communication and Consultation Protocol and the extent of such a review is a matter for the independent ANO.

The ANO's discretion to identify and review issues is central to the independence of the ANO office.

The ANO will provide regular reports (including the findings of any reviews) to the Airservices Board and the Minister for Infrastructure and Transport, and produce a detailed annual report for publication (and tabling in Parliament as part of the Airservices Annual Report).

Recommendation 4

The committee recommends that an independent review be undertaken of Airservices Australia's procedures for the lodgement of complaints about aircraft noise and the extent to which complaints data is analysed and disseminated to relevant stakeholders with a view to more effectively managing aircraft noise issues.

Response

The Government notes this recommendation and further notes this is a matter for the Aircraft Noise Ombudsman (ANO).

A core function of the ANO is to review and make recommendations to the Board of Airservices Australia for improvements in aircraft noise enquiry and complaint handling, noise information provision and community consultations (see ANO Charter available on the ANO website). A review of the complaints procedures and noise information dissemination therefore falls within the remit of the ANO.

Given the independent nature of the ANO, any decision to review these matters and the extent of such a review is a matter for the independent ANO.

The Government notes that on 12 November 2010 the ANO announced his first review of the handling of aircraft noise complaints. The terms of reference for the review can be found on the ANO website.

Recommendation 5

The committee recommends that the Aircraft Noise Ombudsman must be established independently of Airservices Australia and report publicly and directly to the Minister for Infrastructure, Transport, Regional Development and Local Government and to the Australian Parliament.

Response

The Government does not support the recommendation to establish the Aircraft Noise Ombudsman (ANO) independent of Airservices Australia.

However, the Government fully supports the independence of the ANO and has ensured the ANO's role is fully transparent and his activities will be reported publicly.

The Government is committed to confirming that appropriate mechanisms are in place to ensure that the ANO remains independent of Airservices' management structure.

The ANO is already independent and has the discretion to identify and review issues that fall within the powers and duties described in the ANO's Charter.

The ANO's Charter, includes the publishing of an annual report, will provide transparency in the ANO's operations and accountability.

Recommendation 6

The committee recommends that the Aircraft Noise Ombudsman should provide an annual report of its operations and this should include a description of the actions Airservices Australia has undertaken to implement recommendations and, where appropriate, a description of those instances where appropriate action has not been taken.

Response

The Government supports this recommendation.

As part of its Charter, the Aircraft Noise Ombudsman will produce an annual report for publication and provision to the Airservices Board, the Minister for Infrastructure and Transport and the public.

Recommendation 7

The committee recommends that the government revise the current process through which ANEFs are developed to establish an independent body charged with the coordination of the process and the review of the accuracy and reasonableness of the data upon which the forecasts are made.

Response

The Government does not support this recommendation.

The Government encourages airports to take as comprehensive and broad a view of future traffic in developing their Australian Noise Exposure Forecasts (ANEFs) and has supported the adoption by some airports of long range or "ultimate practical capacity" ANEFs which reflect a long-term view of the potential growth of traffic and noise.

The preparation of ANEFs by airports has assisted in reducing inappropriate development from encroachment on airport operations and ameliorating aircraft noise impacts on communities.

The Government has recognised that there is scope to improve the technical processes and independence associated with assessment and scrutiny of ANEFs. Airservices Australia and the Department of Infrastructure and Transport will be considering options to improve these processes.

The Government is committed to working in partnership with State and Territory Governments to improve land management and land use planning around airports and, ultimately, to establish a national land use planning regime near airports and under flight paths. A national regime would be an important step in balancing the interests of the local economy and the effective use of the airport with the preservation of the amenity and safety of surrounding communities.

The Government has established a National Aerodrome Safety Advisory Group (NASAG), including the Australian Government Department of Infrastructure and Transport and all State and Territory transport and planning departments to examine options for the establishment of such a regime. Part of NASAG's work will involve the development of alternative noise metrics to complement the use of ANEFs in off-airport planning.

Recommendation 8

The committee recommends Airservices Australia review noise levels over affected areas with a view to offering a noise amelioration scheme compensating residents affected by aircraft noise consistent with that of other Australian capital city airports.

Response

The Government notes this recommendation.

This Government has shown leadership in implementing a range of new measures to address aircraft noise, including banning older, noisier jets, putting into place better mechanisms for community consultation and engagement, and working on developing better land use planning around airports. These measures are important steps in balancing the interests of the local economy and the effective use of airports with the preservation of the amenity and safety of surrounding communities.

We will continue to work with communities, other levels of government, airports and stakeholders to address the impacts of aircraft noise.

The Aircraft Noise Insulation Programs implemented in Sydney and Adelaide provided insulation measures for public buildings in the 25 Australian Noise Exposure Index (ANEI), for houses in the 30 ANEI and for voluntary acquisition above the 40 ANEI. Residences in Perth in the vicinity of the aircraft flight paths introduced as a result of the Western Australian Route Review Project lie well outside these noise contours.

Recommendation 9

The committee recommends that despite the completion of the Western Australian Route Review Project, sufficient grounds exist for the Minister for Environment Protection, Heritage and the Arts to review the changes to flight paths under paragraph 160(2)(b) of the EPBC Act 1999 in response to stakeholder concerns.

Response

The Government does not support this recommendation.

The Department of Sustainability, Environment, Water, Population and Communities has considered the application of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to the Western Australian Route Review Project (WARRP) following the receipt of inquiries from the local community and others. Following inquiries, the Department formed the view that the WARRP did not require referral under Section 160 of the EPBC Act. The Department found that the review process of Airservices ensured that any significant environmental impacts that might arise from their activities would be mitigated.

Recommendation 10

The committee recommends that Airservices Australia be required to have regard to paragraph 160(2)(b) of the EPBC Act 1999 and seek advice from the Minister for Environment Protection, Heritage and the Arts in advance of major changes to air routes around airports under its jurisdiction.

Response

The Government supports this recommendation.

Section 160(2)(b) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires Airservices Australia and the Office of Airspace Regulation (within the Civil Aviation Safety Authority) to refer *the adoption or implementation of a plan for aviation airspace management involving aircraft operations that have, will have or are likely to have a significant impact on the environment* to the Minister for Sustainability, Environment, Water, Population and Communities for advice.

Airservices is further required under Section 160 of the EPBC Act to take account of advice provided by the Minister.