



**ACT Government Submission**  
**Development of a National Aviation Policy Statement**

**June 2008**

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# Introduction

The ACT Government welcomes the opportunity to provide input to the development of a National Aviation Policy Statement.

Given it is just on ten years since the introduction of private ownership of Australia's major airports, it is timely to review the existing arrangements to identify where problems may have arisen, to identify emerging issues and avenues to address these, and to provide a strong framework for the future development of Australia's aviation sector.

Since the major Australian airports were privatised there have been significant developments in the aviation sector, a sector which is a vital element of Australia's economy. Privatisation of the major airports has seen significant investment and expansion of the aviation facilities by the new owners that have provided improved services and other benefits for the travelling public.

However, it is also the case that non aviation related developments at airports have, in some instances, been problematic in terms of achieving appropriate synergies with State and Territory planning requirements and meeting community expectations.

The ACT Government has a major interest and stake in the development of the National Aviation Policy Statement. The Canberra International Airport is located in the ACT and plays a key role in the Canberra community as a major gateway for the ACT and region.

The ACT Government supports the Canberra International Airport as an important element of the ACT's economy, however, expansion of the airport must be well planned and managed to take into account a range of impacts, including economic, social, environmental and heritage.

The ACT Government supports the need for planning reforms at airports as recognised by all jurisdictions. Such approaches involve, in particular, a role for State and Territory planning authorities in reviewing non-aviation development at airports.

A range of environmental issues such as aviation emissions and climate change are becoming more important to the aviation sector. Aircraft noise and its ongoing effects on airport operations and the community is another issue that needs to be considered.

Consumer protection and security matters are also important issues to consider with increased numbers of the public travelling by air. This includes ensuring that the needs of people with disabilities are appropriately accommodated.

The ACT Government Submission addresses each of the above mentioned areas. The Government hopes that this submission will provide a useful contribution to the development of the National Aviation Policy Statement.

# 1. The Australian Aviation Industry

## International Services

### Passenger Services

There is an existing proposal for Canberra International Airport to be fully designated as an unrestricted international airport enabling expanded opportunities for direct flights to some overseas destinations. This will provide benefits to the ACT and the surrounding region for outbound and inbound passengers, inviting increased business travel and increased tourism.

The ACT and the Australian Capital Region would benefit from international business travellers being able to fly directly into and out of Canberra Airport, instead of flying to another major Australian airport for the international leg. This will save these travellers time and money and also enable ACT and region businesses to improve their standing and be more effectively promoted at an international level as being directly accessible by air.

Tourism in the ACT and region would also benefit from overseas tourists being able to fly directly to Canberra for stays in both the ACT and other parts of the region. There could be an opportunity for dedicated tourism package deals for the ACT and region to be developed on this basis. Residents of the ACT and region would also be able to fly directly to some international destinations, again saving time and money.

More broadly, the ACT Government suggests that an open skies policy be considered as part of this current process of aviation policy review. An open skies policy has the potential to increase competition, lower prices, boost services and increase traveller numbers. Adopting such a policy could also promote the development of additional international airports outside the major capital cities.

Allowing on-carriage on international flights would introduce further competition into both the international and domestic markets. It may also help increase efficiency of operations by reducing the tendency to operate partially filled domestic or international aircraft between major destinations. Such an arrangement may also support the development of Canberra as an international airport.

If an open skies policy was to be introduced, consideration would need to be given to what level of safety standards should apply. If Australian safety standards are higher than those that apply internationally, then this will impose additional requirements on overseas airlines wishing to operate in Australia. Notwithstanding, this is not, in and of itself, an argument to reduce domestic standards.

Allowing on-carriage on international flights on domestic routes could result in some quite dramatic impacts on both markets and will need very careful consideration. Introducing more international competition into the Australian marketplace would potentially place domestic-based carriers at a disadvantage and would need to be carefully considered. Australia is an 'end-of-run' location and such an approach could well force domestic operations offshore.

From a law enforcement and security perspective, any expansion of international airline operations into Australia may require additional border security infrastructure, such as customs, immigration and quarantine to be funded by the Australian Government.

It is likely there would be a requirement for increased law enforcement response capability within airports, the extent of which is yet to be fully identified or explored. Analysis would need to be conducted in regards to anticipated volume, point of origin of passengers and nature of flights.

There would be resource implications for law enforcement agencies implicit in any expansion of international operations. A limited number of entry points provides for easier control from a border and law enforcement point of view.

Consideration also needs to be given to the establishment of investigative infrastructure and an increased law enforcement presence for potential offences committed at the border.

It is proposed that the Australian government accept responsibility for funding additional border security infrastructure and operational resources arising from expansion of airline operations into Australia.

### **Freight/Cargo Services**

An open skies policy is an approach that also warrants consideration in relation to freight/cargo services. This would promote the flexibility for other international carriers to fly into Australia and to also fly to regional centres rather than the major airports. Increased traffic density combined with a reluctance by major cities to host round-the-clock operations may also see the development of more regional hubs.

However, as for passenger services, the development of regional freight hubs may also require the provision of additional law enforcement and security requirements.

There has been concern in the ACT community in respect of the Canberra International Airport's proposal to establish a 24-hour freight hub, particularly in relation to noise from overnight freight services. The ACT Government understands these concerns and supports a balanced response that addresses both the requirements of the community and increased economic development. Aircraft noise issues, covered in more detail under Section 4 'Customer and Community Protection', is an issue that needs to be addressed as part of any consideration of an open skies policy approach.

### **Domestic Services**

*The objectives of deregulation of the domestic aviation industry in 1990 have been largely achieved. This includes a significant level of competition in the Australian domestic airline industry with services on major trunk routes now offered by four airlines offering a range of services and fare structures.*

*Australia already offers the opportunity for up to 100 per cent foreign owned domestic airlines to operate in Australia. This has significantly increased competition and investment in domestic markets, particularly in low cost carriers and regional airlines.*

*The Issues paper also notes that the current foreign ownership policy for Australian international airlines is designed to promote a strong Australian based aviation industry and is also driven by the requirements of Australia's numerous bi-lateral international air services agreements.*

To further increase competition in the domestic market, consideration could be given to an on-carriage arrangement that would allow international carriers to carry domestic passengers between Australian destinations.

If International carriers were to be allowed to operate in Australia's domestic market they would benefit by being able to operate their services more efficiently, increasing passenger loadings and providing competition for both Australian domestic and Australian-based international carriers.

The key benefit would be a likely reduction in overall air travel costs. This benefits both private and business travellers as witnessed by the European experience and, to a lesser but still significant effect, the Australian domestic experience.

The potential down-side is that if all carriers are international, Australia may be placed at a disadvantage if these carriers choose to reduce or discontinue operations involving Australia. On the other hand, by encouraging more carriers to enter the local market, the impact of withdrawal by an individual carrier is reduced.

The ACT Government supports domestic aviation but also supports mechanisms that will encourage the domestic industry to be more internationally competitive.

The ACT Government also wants to encourage increased competition by airlines from Canberra on domestic routes to all other Australian capital cities, both for business and private travel and inbound tourism.

The Canberra community has been disadvantaged by a lack of competition on some routes, resulting in high fares and a lack of choice and flexibility for customers. For example, on the direct Canberra to Sydney route, Qantas was the sole carrier for a number of years and this monopoly situation enabled Qantas to charge premium fares for both business and private travel. The re-introduction of a direct Virgin Blue service from Canberra to Sydney is understood to have improved this situation.

There are now growing pressures on airlines to scale back existing services on some routes to offset the increasing costs of aviation fuel and the introduction of new services into Canberra could also be impacted by this factor.

# **Regional and General Aviation**

## **Regional Air Services**

Regional air services play an important role in Australian travel because of the vast distances of some regional and remote communities from capital cities or major regional centres. It is considered important that existing regional services be maintained and new regional services be established consistent with demand.

Canberra International Airport houses a number of regional air services that provide direct routes to regional destinations. For example, Brindabella Airlines provides a direct Canberra to Newcastle service.

Security is a key issue for regional airports. It is suggested that the same security and safety measures be adopted for regional services as for major capital city trunk routes. It is also proposed that the Australian Government accept responsibility to fund additional costs for security/safety upgrades for regional airports.

## **General Aviation**

The privatisation of the major airports has had a significant impact on General Aviation (GA) operations at major airports. If an airport is to be developed as a purely unrestricted commercial entity, without Community Service Obligations, then it will endeavour to maximise the return per square metre of developable land, and the return per landing or take-off. This will discourage GA aircraft from the airport as parking fees will likely rise to reflect the opportunity cost of these alternative uses. Typically GA aircraft, other than flying school aircraft, spend most of the time parked.

In addition, all aircraft have the same needs for landing slots, whether it is a Cessna or a Boeing – in fact, there is often a requirement for a longer gap between a large aircraft and a small aircraft than between two large aircraft, due to residual turbulence.

General aviation is also being impacted by the security demands on major and secondary airports. This may not be a major concern in other states and the Northern Territory, which have alternate GA airfields, but is a concern in the ACT where there is none.

At some time in the future, there may be a requirement to consider the relocation of existing GA operations from the Canberra International Airport. Key issues that would arise in this context would include whether there are alternative sites for a GA airport in the area and who would be responsible for covering infrastructure and associated operational costs for a new GA facility.

A clear policy direction would assist the ACT Government to address this matter. It is suggested that the Australian Government develop a specific policy on whether GA should continue to co-exist with passenger/freight/other services at major airports.

# **Addressing Skills Needs in the Aviation Industry**

Regional airlines have had difficulties recruiting and retaining pilots, with losses occurring to other domestic airlines.

As indicated under Regional Air Services, it is considered important that existing regional services be maintained and new regional services be established consistent with demand. The shortage of pilots to man these services will have an effect and appropriate arrangements should be put in place to ensure a continuing pool of new pilots are available for the regional airlines sector.

An Australian training program for new pilots would ensure that there is an adequate pool for our domestic and international carriers, limiting the need to recruit from overseas.

It is suggested that the Australian Government, in consultation with States and Territory Governments, in respect of their individual skills/training strategies and programs, and the Aviation sector, develop a national aviation pilot training program.

## **2. Aviation Infrastructure**

### **Airport Planning and Development**

All State and Territory governments support the need for planning reform at airports. This particularly relates to non-aviation related activities such as office building, retail/other commercial, entertainment, cultural and industrial uses that are currently permitted under Airport Master Plans.

The ACT has supported the approaches put forward by other States and the Northern Territory in terms of airport planning reforms. In addition, the ACT has been in a unique position in respect of planning arrangements for Canberra Airport, which were the responsibility of the National Capital Authority until removed in 2007 by the then Australian Government.

In recent years all state and territory jurisdictions have expressed concern about the development capacity of major airports outside the scrutiny of jurisdictional planning and environmental regimes.

The states and territories have pointed to the significant impact new airport developments are having on metropolitan planning processes and on local communities that have to meet the infrastructure costs associated with the off-site work necessary to support airport expansion.

State and Territory Governments have also pointed out the regulatory advantage gained by the airports vis-à-vis businesses that are subject to jurisdictional planning controls, which is inconsistent with national competition policy. It establishes a clear competitive advantage for airport operators through the avoidance of scrutiny under local planning systems, whilst having the opportunity to take advantage of those same

systems to gain an advantage over commercial rivals through the expansion of non-aviation based activities.

Such actions run contrary to the aspirations that the Federal Government has under the National Reform Agenda and Productivity Commission findings (in respect to national competition policy), as well as the principles and outcomes encouraged in the concept of competitive neutrality.

The ACT Government's submission to the Senate Standing Committee on Rural and Regional Affairs and Transport on the Airport Amendment Bill 2006 (January 2007) cites examples of the above issue related to the Canberra International Airport.<sup>1</sup>

### **Regulatory Regime**

The planning and development mechanisms under the Airports Act do not appear to be working effectively. They do not take adequate account of the impact of airport growth on metropolitan areas and communities.

The current lack of local/ State or Territory regulatory input on non-aviation uses provides unlimited capacity for growth, with no public scrutiny or assessment of cumulative impacts, such as those on infrastructure, and on broader spatial planning.

There is broad agreement that aviation uses, direct or indirect, and defence uses on airport land should be exempt from State and Territory planning laws. The area of contest is the inappropriate use of the Australian Government Places power to provide cover for the exemption of other non-aviation uses.

The regulatory regime, whilst providing for continued Australian Government planning approval responsibility, should provide mechanisms whereby the Federal Minister can take into account the local land use, planning, environmental and infrastructure impacts when considering airport master plans and major planning proposals.

The ACT supports the adoption of a new model of airport planning regulation in order to improve metropolitan planning outcomes and airport/ Government relations. Such a model would be one where Australian Government continues to take the leadership in the regulation of aviation activities at airports.

It is suggested this be achieved by the Australian Government amending the *Airports Act 1996* to require the Federal Minister to formally consider State, Territory and Local Government planning and environment policies of the jurisdiction in which an airport is located, during assessment of Airport Master Plans and major developments.

In respect of the regulatory advantage gained by the airports on their non-aviation businesses, the Australian Government should ensure that these non aviation businesses are subject to relevant State/Territory and local planning provisions. If the Australian Government does not support this approach, it should provide clarification as to how, in relation to non-aviation development control, it will enforce conditions

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<sup>1</sup> See Parliament of Australia Senate website under "Inquiries 2006-2007" or [http://www.aph.gov.au/senate/committee/rtrat cttee/completed inquiries/2004-07/airports/submissions/sublist.htm](http://www.aph.gov.au/senate/committee/rtrat_cttee/completed_inquiries/2004-07/airports/submissions/sublist.htm).

of development approval placed on airport lease companies and what role State/Territory Governments would play in this.

### **Airport Master Plans**

As indicated above, planning for on-airport development should take into account endorsed plans and policies of the relevant local, State and Territory Governments. These typically address metropolitan growth issues such as infrastructure projects and priorities and environmental assessment processes.

A major concern to land use is airport noise. Because people react to aircraft noise in different ways, every attempt should be made to keep noise sensitive land uses well outside the airport approach and take off routes. Curfews due to aircraft noise are a major impediment to the commercial operation and responsiveness of airport operations. In the ACT, this is further complicated by cross-border issues.

Future airport needs could best be addressed by requiring full disclosure of information by airports of their proposed development and the associated on and off airport needs. This allows Governments to take account of these needs in their forward planning and infrastructure programs.

Concern has been raised with the lack of detailed information on the proposals in master plans. Key concerns include:

- master plans do not adequately consider airports within a strategic planning context and in the context of a government's existing policies or programmes;
- information contained in master plans is often inadequate to permit State, Territory and Local government and the community to properly assess the implications of proposed growth;
- there is no recourse for State, Territory and Local Governments to ask airport operators to augment and re-exhibit airport master plans to address the above matters, except through its comments on master plans; and
- master plans should be required to provide a full disclosure of information to the public - the community needs to be able to rely on documents produced by the airport, including master plans and major development plans as a full disclosure of the facts and discussion of the potential impacts of proposed development.

Information exchange between airports and communities could be improved by having minimum standards for matters to be addressed in master plans and major development plans and improved consultation procedures. It is suggested that the Federal Government consider revising arrangements for airport master plans to:

- provide sufficiently detailed information (same applies to major development plans);
- describe/list the changes from the previous approved master plan;
- assess the local, metropolitan, and regional implications of the master plan and major development plans;
- consider the impacts and relationships with adjoining and surrounding areas;
- outline any Australian Government endorsement of strategic direction indicated in the master plan;

- provide more detailed information about the infrastructure and service utility implications of the proposed development, including in relation to the timing of required works; and
- address contributions to off-site works and the process to engage with State and Territory Governments and Local Councils and service providers in planning for the new works.

Consideration of airport Master Plans and major planning proposals from airports would be improved through expert and independent assessment. This additional advice would then be available to the Federal Minister to assist in the final decision on Master Plans and major planning proposals, as appropriate.

It is suggested that an independent panel be appointed in each State/Territory to assess Airport Master Plans and major planning proposals. The independent panels could consist of three appointments by the Federal Minister for Transport, including the Chair of the panel and two from the State/ Territory Government, nominated by the Planning Minister in the relevant State/Territory.

### ***Consultation***

There has been a strong level of community response in the ACT to the recent publication of the Canberra International Airport's Preliminary Draft Master Plan 2008, both in terms of submissions to the Airport as well as correspondence to government, articles and letters in local media and organised public forums.

Local communities are interested in airport matters and the Australian Government might consider whether the existing consultative mechanisms are adequate in terms of keeping the local community informed throughout the development and implementation phases of the airport master planning process.

A strengthened consultative process would enable both the Airport owners/operators and the local community to be more informed about each other's requirements, provide more transparency on implementation of proposals, enable a continuing exchange of information and promote harmonious relationships between these key stakeholders.

Such a process might include reports (made available to the public) on how the issues raised by stakeholders on draft master plans and major development plans have been addressed in final master plans. It could also include major development plans being made available to the public for comment, and monitoring compliance with consent conditions on approved major development plans (with results made available to the public).

A further suggestion is the holding of independent public hearings on airport master plans (typically released every five years), having regard to the strategic and long term issues these can raise for Governments and the community as a whole. Presently, the only public briefings on master plans are those initiated by the airports themselves, under their own conditions.

## **Integrated Management Approach**

There needs to be an integrated approach to management of airport operations on the basis that issues arising at one airport can have significant impacts on other airports. An example is the proposed upgrade of the Sydney east-west runway for safety improvements, which was advised as resulting in diversion of flights to Canberra.

The outcome of decisions on matters such as this may have economic, social and environmental consequences for the ACT Government, the city, the region as well as at a national level.

It is proposed that the Australian Government establish a consultative process with States and Territories to provide the opportunity for consultation on Airport Master Plans and any major variation to airport operations or development other than those from their own jurisdiction.

## **Non-Aviation Developments on Airport Land**

The emergence of significant non-aviation developments on airport land is creating major land use planning, infrastructure and environmental problems at the local level. The lack of planning restrictions on commercial development at airports raises a number of issues as follows.

- It leads to increased demand on local road infrastructure, which in addition to natural growth in traffic generation, places pressure on the road network around airports.
- It challenges established planning strategies of directing growth into town centres, which provide a focus for the surrounding residential population and are well served by public transport, appropriate community infrastructure and the arterial road network. Airports can often be disconnected from both surrounding urban areas and the public transport network, meaning the growth of commercial activities in such locations is not 'best practice' in terms of transport accessibility and minimising greenhouse gas emissions.
- The development of large scale retail developments at airports also threatens the viability of existing centres. Whilst it is desirable to allow full and proper use of airport land, this land should be developed in an orderly manner, taking into account the regional context and infrastructure implications.
- The scale of retail and commercial developments at airports has the potential to distort the pattern of spatial planning in some cities.

In August 2006, the State and Territory Planning Ministers and the Australian Local Government Association endorsed the following position and actions in relation to non-aviation airport development.

- That such development be planned as part of the region within which it is located and be subject to relevant state and territory planning laws, policies and procedures.
- That any land the Australian Government may subsequently acquire and lease to an airport lessee that is put to non-aviation use be also subject to relevant state and territory planning laws, policies and procedures.

- That all master plans and major planning proposals at airports be subject to review by an independent panel which assesses the proposals, including their impact on surrounding land uses, relevant local government planning schemes and infrastructure.
- Whilst non-aviation development control at airports remains with the Australian Government, it should provide clarification as to how it will enforce conditions of development approval placed on airport lessee companies and what role state and territory governments are expected to play in relation to these conditions.
- That these recommendations be referred to the Council of Australian Governments for consideration.

The former Federal Minister for Transport declined to support this resolution. However, his Government did promulgate a set of guidelines encouraging airport owners to plan new developments as though they would have to meet the local planning requirements.

Similarly, the Australian Transport Council (2007) and the Local Government and Planning Minister's Joint Committee (2008) have both supported the model of referring airport master plans and major planning proposals to an independent panel for review, with the non-aviation proposals to be assessed for their impact on local land uses, schemes and infrastructure.

The issue was raised at the 27 March 2008 Planning Ministers' conference by the states and territories. The Federal Minister agreed to further consider the matter and report back to the following Planning Ministers meeting in September 2008.

It is proposed that all future non aviation airport development proposals be assessed within the context of the relevant State or Territory, regional and local government planning and environment policies of the jurisdiction in which an airport is located.

### **Airport Related Infrastructure Requirements**

Aviation and airports comprise a major modal form of transport. However, it is not the only major transport mode, and other forms of transport such as road, rail and sea need also be considered. Aviation should be seen as part of a larger transport network that needs to be integrated. For example, the Canberra International Airport has proposed that the Airport should become the location for a Very Fast Train (VFT) terminal in the ACT and therefore a major transport hub.

Federal, State and Territory Governments need to take an integrated approach in determining how the key components of our national transport infrastructure best link together – this should including existing components and account for future demand.

Infrastructure Australia (IA) has been established by the Australian Government to develop a strategic blueprint to unlock infrastructure bottlenecks and modernise the nation's key infrastructure assets. The major and key regional airports need to be considered as part of IA's strategic blueprint, in recognition of their status as key infrastructure assets.

In relation to infrastructure adjoining and supporting existing airports, this submission has already noted that airport development has a significant impact on state and

territory planning and infrastructure delivery. For example, such development can place strain on existing road networks that may not be programmed for augmentation for many years. It can also hasten the need for upgrading of key services and infrastructure by both Government and utility providers alike.

However, the planning rarely incorporates adequate engagement with the relevant local/ State or Territory Government or service providers. Nor does there appear to be a willingness to fund the costs of work that might be required in order to enable or mitigate the impacts of the airport expansion.

The ACT Government suggests that consideration be given to the development of an engagement strategy and infrastructure planning process to address the costs of off-airport works required to support future airport expansion. It is proposed that airports identify off airport infrastructure requirements required to support airport developments, in the context of Master Plans and major development plans. The Federal Minister for Transport would then have the responsibility to determine infrastructure funding arrangements in the context of considering Master Plans and specific development proposals from airports.

A key outcome of such a process could be an Infrastructure Plan that identifies the infrastructure investment required and an agreed financial contribution by the relevant stakeholders. The Infrastructure Plan should be overseen/enforced by the Federal Government. It would also allow for the timely provision of infrastructure by allowing Governments to plan ahead of any requirements, and would be likely to minimise community criticism of road congestion around airports, particularly where such airports are centrally located.

### **Car Parking Arrangements**

There is evidence that a number of major airports have substantially increased their car parking fees in recent years, which has led to concerns within the community that airports may be abusing their monopoly position in this regard.

The ACT Government supports the recent decision by the Federal Government to direct the Australian Competition and Consumer Commission (ACCC) to monitor parking fees at major airports.

Airports should be required to fully justify their decisions in respect of car parking arrangements taking into account key factors including the requirements of both airside and non airside users.

### **Provision of Emergency Services at Airport Precincts**

Responsibility for provision of emergency services at non aviation (non airside) precincts of major airports may require review to ensure that appropriate force responses can be made to events as they occur. The increasing number of non aviation developments at airports such as office buildings, retail facilities and hotels increase the potential need for emergency service responses to incidents at these establishments.

In respect of the Canberra International Airport, Air Services Australia, Aviation Rescue and Fire Fighting Service has responsibility for aerodrome (airside), and non

airside precincts. However, in terms of force capability, Air Services Australia does not provide a 24 hour service, gives priority to aviation fire-fighting and rescue services and has more limited capacity to deal with some specialised categories of urban fire fighting and rescue. For example, structural and high rise fires, hazardous materials and road accident rescue.

Legislative matters may also need to be considered. For example, do any of the Aviation Rescue and Fire Fighting Service responses require them to be an “Approved Provider” under the Emergencies Act 2004.

Similarly, the regulatory responsibilities of the jurisdictional brigades at airports (such as the ACT Fire Brigade) may need to be better defined. This particularly applies in regard to approving/enforcing safety measures within buildings on the airport precinct.

It is proposed that the Australian Government, in consultation with State/Territory governments, undertake a policy review of arrangements for provision of emergency services at non airside areas of major airports. Issues to be addressed would include legislative and regulatory requirements, force capability and funding issues associated with the provision of emergency services to airports, particularly those with significant growth in non-aviation uses.

### **Building Height Limits Around Airports**

Off airport developments such as tall buildings may compromise the safe and effective use of aviation infrastructure. The Obstacle Limitation Surface (OLS) limits building heights in the vicinity of airports. However, it is also important that temporary structures be considered. Cranes are the most common intrusions into the OLS as they need to stand higher than the building under construction.

The Australian Government and airport operators should make known the requirements associated with tall structures around airports, in a non-technical, clear manner that can be addressed through relevant planning and other regulations.

## **3. Aviation Safety**

The ACT Government recognises the importance of aviation safety matters to the aviation sector and the requirement to ensure a safe aviation system to maintain community confidence and the future development of the industry.

The ACT Government considers that this matter is essentially the responsibility of the Australian Government and the aviation industry; and does not wish to make any further comments on this area.

## **4. Customer and Community Protection**

### **Aviation Emissions and Climate Change**

The Australian Institute released a report in January 2008 highlighting the impact that aircraft emissions are having on the global climate. The ACT Government is committed to working with the Australian Government, the States and the Northern Territory on a comprehensive emission trading system that will, in time, include ways to reduce aviation emissions.

The ACT's emission reduction target was developed to be compatible with targets adopted by the States and Territories, with Federal Labor's election policy and the policies of countries in the European Union. None of these targets address aviation emissions in the manner suggested by the Australian Institute report.

It is suggested that airports should also be required to address aviation emissions issues in their Master Plans, including the development of proposals to reduce emission levels.

## **Aircraft Noise**

### **Proposed publication of N70 diagrams**

In terms of helping people better understand the effects of aircraft noise, it would be beneficial if airports were required to publish N70 diagrams in addition to Aircraft Noise Exposure Forecasts (ANEFs).

N70 is an index which represents the number of aircraft events/movements which generate a noise level of 70dBA or higher at any given point. The N70 takes account of the accumulation of movements over time and is expressed as a number of events on an average day. Usually this is presented as the number of events above a specified noise level on an average day.

The National Acoustic Laboratories work that led to the adoption of the ANEF identified 70dBA as the noise level at which there was a significant adverse response and correlation with people's reaction to noise.

### **Aircraft Noise Issues – Canberra International Airport**

#### ***Existing arrangements***

In the *Canberra Spatial Plan*, the ACT Government has adopted the 20 ANEF contour as the limit within which suburban residential development will not be permitted. This is a means of striking a reasonable balance between allowing for development of specialised (but potentially noise-sensitive) facilities in areas close to flight paths to and from the Airport and achieving a reasonable degree of residential amenity for people living in the vicinity of the airport.

There are measures in place to handle aircraft noise, the most significant of which are limiting the expansion of residential development under the flight paths, the ongoing development of aircraft operating procedures that position aircraft further away from residential areas, and the endorsement by Airservices Australia of a new ultimate-capacity ANEF for the areas surrounding the airport.

The ACT Government's position in relation to limiting future residential development under the airport flight paths is clear and well-established, as evidenced by its public objection to potential residential development at Tralee, Environa and the Poplars in the ACT/NSW cross border area. Such development would likely lead over time, to strong complaints about aircraft noise from the new residents. This could cause adjustment to the flight paths in ways that could cause noise sharing over Canberra - an outcome that is not supported.

### ***Proposals in Canberra International Airport Preliminary Draft Master Plan 2008***

The 2008 preliminary draft Master Plan for the Canberra International Airport advises that noise from aircraft movements will grow significantly as the frequency of flights grows, the size of aircraft grows and as the increased frequency of night-time operations grows. The proposed significant increase in night-time flights would include all kinds of aircraft: jet, turboprop and piston-engine.

The proposal to increase night-time operations has, in particular, generated significant public debate and vocal opposition from organisations such as Curfew 4 Canberra, and the ACT Government acknowledges that there are pockets of residential development in Northern Canberra that are likely to be affected by increased activity at night.

It is critical that information relating to aircraft noise is accurate and objective. The ACT Government is strongly in favour of independent monitoring of noise levels from aircraft using the Airport to support an inquiry into, and assessment of, the future impact of aircraft noise on the Canberra community.

It is suggested that State and Territory governments give consideration to commissioning independent monitoring of noise levels where appropriate to compare with Airport commissioned reports.

## **Consumer Protection**

The consumer protection matters outlined in the issues paper are being considered by the Ministerial Council on Consumer Affairs. A recent report from Consumer Affairs Victoria (CAV) detailed the development of best practice airline and airport customer service charters, including the development of improved consumer protection in the form of voluntary passenger charters.

The CAV report found evidence to suggest that airlines do not always effectively handle complaints. The report provides details of an investigation into complaints against all four domestic airlines flying in and out of Victoria.

The CAV recommends developing voluntary airline customer service charters as has been done in the United States of America and to a lesser extent in Europe. The ACT Government supports further consideration of this approach.

# **Disability Standards**

## **Air travel requirements**

The Disability Standards for Accessible Public Transport 2002 Part 25.1 states that “All passengers must be prepared to pay fares.”

While the Australian Parliament is yet to decide whether to ratify the United Nations Convention on the Rights of Persons with Disabilities, the ACT notes that Article 20 of the Convention reads in part:

*Article 20 - Personal mobility*

*Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:*

*a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost*

The ACT suggests that the Australian Government give consideration to amending the current Transport Standards to reflect a policy position that is consistent with international positions and the new Convention. Such a policy might be limited in its application to (larger) providers with an annual turnover of a preset amount.

By way of example, in a ruling released on 10 January 2008 by the Canadian Transportation Agency, domestic airlines will no longer be allowed to charge extra fares for people with severe disabilities who need to travel with a caregiver or require more than one seat on a plane (for example for guide dogs). It also means those who are severely disabled by obesity will no longer have to fit into a single seat or pay more for extra space. This does not extend, however, to obese people who are merely uncomfortable in an aircraft seat. Nor does it apply to those people who want to travel with a companion for personal reasons or people who require caregiver assistance on the ground but not on the aeroplane.

## **Surface Public Transport**

The ACT Government monitors and reports against the progress of ACT surface transport operations in meeting the Transport Standards, which are made under the Commonwealth Disability Discrimination Act 1992 (DDA).

The onus of complying with the DDA and the Transport Standards rests with individual operators and providers of public transport services to the airport, such as taxi networks and operators and bus service providers. The first target date for compliance was 31 December 2007.

The Department of Territories and Municipal Services has prepared information sheets to assist providers and operators in understanding their obligations and to help ensure that the ACT's public transport operations meet the required targets.

A judgement about the adequacy of the current transport standards will be able to be

made once the current review of the standards is finalised and its recommendations are considered.

## **5. Aviation Security**

Aviation security is a key requirement on board and off board aircraft, and on airport precincts. Security requirements arise in a number of areas, including in respect of passenger and effects/baggage screening, freight operations, and immigration/customs requirements at international airports.

The adoption of various proposals in this submission may lead to requirements for increased aviation security arrangements. The following principles could be considered in respect of developing future aviation security arrangements.

- If airport throughput increases, the law enforcement capability and response should be reviewed with a view to augmentation.
- Aviation safety including security should remain the key focus for government and industry.
- There should be a consistent approach to passenger security screening regardless of aircraft type.
- There should be a consistent approach to passenger security screening regardless of flight type.
- New technologies should be evaluated and adopted as they become available. Any technological advances introduced into the aviation security environment have the capacity to impact on law enforcement resources due to an increase in detection of criminal offences.
- Legislation and regulations should be constantly assessed to ensure ongoing efficacy.

### **Wheeler Review**

There have been media reports in early June 2008 (*The Australian*, 2 June 2008) that the specialised airport policing units are experiencing significant problems. These units were set up to protect the nation's international airports in response to the 2005 Wheeler review of Airport Security.

The Wheeler review recommended the formation of specially trained on site police units to overcome problems with inadequate and dysfunctional security. The review called for co-operation between State and Federal police assigned to patrol the airports.

It is proposed that the Australian Government undertake a review of implementation of the recommendations in the Wheeler review, specifically including the establishment and operation of the specialised Airport policing units.