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## **A SUBMISSION**

### **To the Federal Government's Review of**

### **AUSTRALIA'S AVIATION INDUSTRY A RESPONSE TO MATTERS RAISED IN THE ISSUE PAPER *April 2008*:**

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*Note: There are 103 Questions raised in the Issues Paper. All Issues are addressed in this Submission with the Responses numbered from 1 to 103 in consecutive order and matching those listed in the Issues Paper. Responses are of a Generalised Nature for the sake of Brevity:*

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**DISCLAIMER:**

***Whilst every effort has been made to ensure the material contained herein is accurate and correct as much as possible, the nature of this Submission – although comprehensive in its scope, is intended only as a Overview Document and as such should be regarded as a Starting Point for further Investigation using Data which may only be obtainable from Sources not available to the Author***

***Consequently, although all care has been exercised in its preparation, no responsibility can be assumed by the Recipient for the accuracy of the material contained within these Pages.***

A handwritten signature in black ink, appearing to read 'G. Banks', written in a cursive style.

G. Graham Banks

## 1.1 INTERNATIONAL SERVICES:

- (1) (a) Do Australia's International Air Services Policies serve Australia's National Interest and balance the need to have an Australian based industry with robust competition from International competitors? (b) What should our negotiating priorities and approach be in the future?

Response:

(a) The days when Australia had a National Carrier have passed as a result of Globalisation. Australia's future National Interests will be best served by the *serious* introduction of competition between Carriers on Australia's International Routes thus keeping costs down which will encourage more Tourist, Business, Freight and Charter flights between Australia and other Countries around the Globe.

- The correct balance can be achieved by allowing more participants to compete on existing Routes and establish new International Routes - encouraged by the imposition of lower Federal Government Taxes and Charges on Airlines and Passengers.
- Costs can also be contained by Monitoring and Regulating Aeronautical Charging by Airport Leasing Companies (ALC's) on all Major Australian Airports.

(b) By throwing open Australia's International Routes to other Carriers will allow genuine competition to occur thereby keeping costs down - at the same time increasing the numbers of Travelling Public to off-set the shortfall.

- The Federal Government should ensure that future Entrants to new and established International Routes to and from Australia *demonstrably* conform with ICAO and IATA Conventions.
- Entry to Australia's International Routes by new Carriers should be encouraged through appropriate (short-term) discounting mechanisms including incentives to establish various forms of Aviation oriented Infrastructure Developments on Australian Airport's ie: Maintenance Facilities, Freight Hubbing and Distribution Centres and Flight Catering, Provisioning and Preparation Establishments etc

(2) How might the Australian Government continue to develop improved competition and access to services while maintaining appropriate levels of Aviation Safety and Security?

Response

To encourage competition between Airlines and to establish new Routes to and from Australia, the Federal Government should review it's current Protection Policies to allow more International Carriers into the Marketplace.

- The Federal Government should encourage Carriers to establish new Routes to and from Australia together with their own Infrastructure requirements within Australia by offering incentives to do so on a *once-off* basis.
- As Australia is a signatory to the ICAO Convention the Nationality of all Carriers that intend applying for entry to Australian International Routes, must also be a subscriber to the ICAO Convention as a matter of course.
- All non-Australian Airlines intending to operate into and out of Australia should be subjected to the same level of competency checks as their Australian counterpart. This includes Flight and Cabin Crew Training, Equipment maintenance and Documentation – including adherence to ICAO and IATA Conventions.

- This could be undertaken on the Carriers Home Soil by Certified Representatives of the Australian Regulatory Body and appropriate Certification issued before the Carrier is allowed to commence operations into this Country.
- If any Carrier, Australian or otherwise that does not use or provide a Maintenance Facility for Airframes and/or Power Plants within Australia, the ATSB, CASA and/or any other relevant Regulatory Body of the Australian Government should inspect and Certify those Maintenance Facilities located in other Countries to ensure that work undertaken in such Facilities conform with the appropriate levels of competence in all aspects of Aircraft maintenance.
- The AFP should oversee and approve the installation of all Airport Security Systems and the training of Security Personnel to International Standards.
- Whilst Private Security Personnel may be employed on all Primary International and Domestic, Trunk Regional and Joint Military/Civilian Airports, the AFP should be directly responsible for the Training and Certification of all Personnel and Security Procedures to ensure National uniformity.
- Australian Regulators must also ensure that Australia rigidly adheres to ICAO Standards and Conventions – particularly making it a pre-requisite for Entry Approval. (*Refer to the Summary attached*).
- The Australian Government must encourage *genuine* competition between Australian Primary (International) Airports – most of which are now located within the boundaries of our Cities rapidly expanding Residential Areas. Such locations now generate significant and restrictive Environmental problems which affect every International Carrier’s ability to provide cost effective, around-the-clock Services to the Travelling Public
- Allowing new Primary Airports to develop in direct competition to existing Facilities will contain costs not only for Aviation Interests but for Local and State Governments as well. The introduction of New Airports will also provide the Nation with the latest in Aviation Technology and allow City Planners to create solutions for the ever-increasing congestion evident on our Metropolitan Road Systems.
- As a direct result of allowing *genuine* competition between Airports to occur, the probability of Foreign Carriers establishing major Maintenance Facilities on Airports within Australia becomes more realistic. Instead of Australian Carriers sending components overseas for maintenance, all work may now be undertaken within this Country which would ensure that the required standard of work is maintained.

(2) (a) *How will new routes, technology and business structures change the profile of Australia’s aviation market?* (b) *Given Australia’s evolving Aviation Sector, to which markets should the Australian Government seek to improve access?*

Response:

- (a) The Market Place will determine when and where new Routes are opened. This will **not** occur unless the Federal Government actively encourages new Carriers to enter the Australian Aviation scene with appropriate “once off” incentives.
- If new Routes provide the necessary *Levels of Return* to the Carrier, the long-term “spin-off” to all sections of the Australian Community will justify the initial out-lay by Government.
  - Although the Asian Business and Tourist Market will evolve at a far greater rate than elsewhere, the European and U.S. Markets will still continue to attract Business and Tourist Travel in expanding numbers.

(b) To cater for the expected increase in Traffic, it is even more crucial that our Airports keep pace with this evolving Market by providing access for Carriers at times **to suit their Individual Operations** and not unduly inhibit their operational requirements to suit local conditions.

- To conform with Local Restrictions make the expansion of Services by International Carriers into this Country most unattractive. The Federal Government's future Aviation Policy should be oriented around trying to provide Facilities that make the introduction of Services by Foreign Carriers as attractive as possible.
- Currently, **every** existing major Australian Airport cannot provide unlimited access for International Carriers – ie: restrictions placed on them through the imposition of Curfews, Noise Abatement Procedures, and the need to apply for entry Slots. etc .impose additional costs on the Carrier which preclude comprehensive Services being offered with the rationalisation of Flights the only answer.
- No Carrier can afford to have it's Hardware parked on a Ramp at some overseas Airport waiting for the Australian destination Airport to open - or conversely, to wait on an Australian Airport's Ramp waiting for the local Curfew to lift or the conditions applicable to Noise Abatement Procedures to be favourable. This costs money and it clearly follows that delay-free destinations will attract Carriers to offer more comprehensive Services than otherwise would be the case.
- As the next generation of Hypersonic Aircraft is introduced, (ie Sir Richard Branson's A2, the Japanese JAXA-NEXST – 1, the Boeing 2707 and the next derivative of the Russian TU 144LL) - amongst others, the Federal Government should be conscious of what is "over the horizon" and take steps to ensure that when such craft are introduced into International Routes within the next few years, our Airports are not lagging behind to such an extent that they will require further Legislative Amendments to ICAO Standards to allow such Aircraft to enter Australian skies. The introduction of the Airbus A380 Code "F" Aircraft is a classic example of the Federal Government's Regulator, CASA introducing amendments to ICAO Standards to allow this Code "F" Aircraft to operate into and out of Australian Code "E" Airports.
- Allowing new Airports to be constructed away from significant areas of population and protected by restrictions on Residential encroachment within at least 1000m of the Airport's boundary fence will assist International Carriers to provide the best possible Services at times to suit **their** Operational requirements where possible.
- When this situation finally occurs, International Carriers will regard Australia as a Country willing to allow them to (generally) plan their own Schedules rather than be subjected to limitations imposed on their Operations by local Environmental considerations – (Mainly noise).

(3) (a) How might the Australian Government best ensure all International Airlines flying into Australia maintain the highest of Safety Standards? (b) How might the Australian Government most effectively monitor and enforce safety Standards of Airlines that lease Aircraft rather than operating their own Aircraft?

Response:

(a) The Australian Government, through it's Regulator can ensure that all International Airlines - in the first instance and prior to approval of it's Application for Route Access provide the necessary Documentation and any other applicable Legal Certification that:

- Aircrew are qualified to the equivalent Australian Standard
- Cabin Crew is qualified to IATA Standard.
- The Carrier has an International Airline License (IAL)
- The Carrier has a Current Australian Air Operators Certificate

- The Carrier operates in accordance with the Montreal Convention on Liability.
  - The Aircraft conforms with the Manufacturers requirements particularly up-to-date “Time in Service” Documentation of all relevant components.
  - The Carrier has appropriate Insurances and a Security Program conforming with the Australian Transport Securities Act, 2004
  - Any other Agreement, License or Certificate appropriate for it’s International operations into and out of Australia
  - If the Australian Government demands Airlines conform with International Standards, then it’s Regulator should also adhere to the same Standards.
  - However, the ATSB should assume complete Overall Responsibility for the maintenance of Standards and under ATSB supervision, ensure that CASA carries out it’s Statutory role, including maintaining it’s independence and not become subservient to Political manipulation.
  - The same Regulations and Monitoring of Standards by the Regulator should apply to any Carrier whose operations involve the leasing or sub-leasing of Aircraft from another Party or Parties. The fact that a Carrier (either passenger or Freight) operates older Aircraft should not be a reason for a denial of access to Australian Routes or Airports.
- (b) The Regulator should have the responsibility to ensure that before a Carrier can take delivery of a Leased Aircraft, the Company from whom the Aircraft is Leased must provide to the Carrier, (with Copies to the Regulator), a Warranty that the Aircraft conforms in every respect to the required Australian Standards including a current Certificate of Airworthiness and a complete and current list of Manufacturers Modifications that have been completed and included in the Aircraft’s Maintenance Release.
- The Aircraft should adhere to the requirements of the *FAA Chapter II Acoustic Noise Suppression Model* either by the retro-fitting of “Hush-Kits” or Engine replacement.
  - The Federal Government should establish a small but highly specialised and mobile Unit under the direct control of the ATSB - solely to ensure that International Carriers only operate Aircraft within Australia’s Jurisdiction that are correctly maintained and serviced.
  - Any Self Regulation of Standards by International and Australian Carriers should be immediately abandoned and all facets of Aircraft Operation and Maintenance placed under the direct control of the ATSB/CASA
- (4) (a) *How might access to Australian destinations outside the four major Gateways of Sydney, Brisbane, Melbourne or Perth be increased?* (b) *What role could State Governments and Communities have in attracting foreign and Australian Airlines to Australia’s smaller International Airports?*

Response:

(a) Within Australia, there are 14 Designated International Airports. (including Broome, Port Hedland, Norfolk and Cocos Islands).

The U.K. has 17 International Airports. However, within the U.S, being (Geographically) about the same size as Australia, there are 74 International Airports, of which a high proportion being described as Trunk-Regional Airports. (Similar to Canberra, Townsville or Alice Springs etc).

- Most U.S. International Airports are owned by Private Corporations, State or local Counties - all of which are promoting their unique (*local and Regional*) attributes to World Markets, which in turn attracts Companies and Individuals to access the area *directly* from their respective Home Countries.
- As most Local Authorities within Australia do not have the resources to emulate the American experience, the Federal Government should be sympathetic towards the construction of more appropriately sited, Privately Owned Primary or Regional International Airports to replace the restrictive existing Capital City and some Regional Facilities.
- A Regional International Airport provides a desirable doorway for Visitors that have been attracted to the Area by Local Authorities or *Private Entrepreneurs* who have had the Vision to promote their “wares” directly to the World. Unless this scenario is adopted and expanded, other Nations (such as the U.S.) with a more visionary approach to the introduction of International Air-Services to destinations other than Capital Cities, will instead attract those Carriers who are seeking to expand their Operations. This outcome can only be attributed to the lack of Political Will, lack of Foresight and numbing Apathy by Governments at all levels.

(b) State Governments also have a responsibility to ensure that Commercial Interests in the Communities they serve receive whatever assistance is necessary through each State’s Overseas Trade Commissariats to promote and generate interest in the various resources available within a particular Region or District.

- As distinct from the Tourist Industry, Commercial realities indicate that direct International flights into and out of a Region’s heart-land makes a very attractive proposition for Businesses.
- Once International interest has been established in a Region that has a demonstrable need for quick, safe and efficient access, International Airlines, without doubt will rise to the occasion by applying to the Government for Route Access — which should not be denied provided the Applicant conforms with Conditions (*as set out under (4a)*).
- Apart from State and Federal Governments, the ability of Local Authorities (Councils) and Associated Communities to play a significant role in attracting Foreign and Australian Airlines to their Region or District is very limited. State and Federal Government’s Overseas Trade Commissariats, Regional Tourist Bureaus and Travel Agency Packages, have traditionally been the only cost effective way to attract overseas visitors – hence *Airlines* - to a Region.
- However, an Airline is entirely dependent on it’s “Bottom Line” requirement with “bums on seats” being the criteria and unless the Government, Council or Community can provide a good enough reason for a potential Carrier, whether it be an International or Domestic Airline, to introduce a Service that will be economically viable, a Carrier will not normally be interested.

(6) (a) *Should Australia continue to pursue an “open-cargo” Policy for dedicated Cargo Services? What cost-effective strategies could be employed to avoid delays in the transport of time-sensitive Air-Freight?*

Response:

- Geographically, Australia is well positioned to establish a significant International Air-Freight Industry. Intra-Asia Air-Freight (which is comprised of Nations located on the Eastern Pacific Rim), has grown in excess of 11% per year since 2003.

- Domestic Air-Freight should be regarded as a separate but integral part of the International Air-Freight Industry. Intra-Asia Air-Freight Traffic has grown much faster than International Air-Freight in the rest of the World over the past 5 years.
- The Intra-Asia Air-Freight Traffic Forecast is such that by 2023, using the current growth pattern as a guide, it can be shown that between 30 and 40 million Metric Tonnes of Airfreight will be moved between Pacific-Rim nations. *(Figures courtesy of World Cargo Forecasts 2007-8)*
- The Intra-Asia Air-Freight trade is characterised by relatively short distances between Markets with Australia situated virtually in the centre. This fact together with Australia's geographical position in relation to Pacific-Rim Countries, makes for the most efficient and cost-effective location for One Dedicated major Freight Hubbing Facility together with lesser Air-Freight Facilities scattered - where appropriate, around the Nation to service Local and Regional requirements.
- The opportunity therefore exists for the establishment of an Open-Cargo, dedicated International Airport - *Air-Freight Hub* – situated midway along the Eastern Seaboard of Australia that has minimal Environmental impact on centres of Population but within easy access to Commerce and Industry. The Freight Hub would collate Freight from all Sources for on-forwarding to International Destinations at any time, or Domestic Airports at times to suit Slot availability, or when Curfews or Noise Abatement Procedures are lifted. The Airport would be designed as a Primary Freight Hub with Passenger Traffic taking second place. The ideal Location for such an Airport is in Southern Queensland where a site already exists.
- The Freight Hub should encourage Australian Transport Operators to re-think the carriage of Freight by air instead of by Road Transport. This move will have far-reaching implications not the least being Road construction, maintenance and safety. This move would also minimise delays in the movement of freight into, Out-of and around the Nation and would save the Nation a considerable amount of money in maintaining the existing Road Infrastructure. (the reduction of Long-Distance, Overnight Road Transport Vehicles would be one immediate outcome).
- With China emerging as an Economic Giant on the World scene, with an expected Growth rate of some 5.8% per year, it may be crucial to Australia's interests to ensure that Infrastructure for such a dedicated International Air Freight Hub is in place as quickly as possible. In Summary, to make the Air-Freight Business attractive to prospective Operators, the following criteria should be adopted:
  - (1) One New Dedicated International Freight Airport Hub should be Established mid-way along the East Coast of Australia to offer around-the-clock Freight Services both Internationally and Domestically.
  - (2) The Airport should be located at a site that is relatively free from major Environmental problems associated with noise and Airspace restrictions.
  - (3) As most International (and most Domestic) Air-Freight Operators use older Converted Passenger Aircraft as the mainstay of their Fleets, the siting of the Air-Freight Airport becomes crucial. If suitably sited, Operators will continue to utilise older, (but completely serviceable), equipment thus keeping their operating costs low making competitive rates with minimal delays readily achievable.

(7) (a) *Are the current restrictions on Foreign Airlines accessing the Domestic Market appropriate?*  
 (b) *Should we be encouraging more International Airlines to operate from Australia to third Markets?*

Response:

(a) International Airlines should be able to compete on Domestic Routes. The current situation succeeds only in keeping costs higher than they should be. If an Australian Domestic Carrier cannot compete with International Carriers on similar Routes, then the Domestic Carrier's costs are probably too high due to the lack of competition.

- The introduction of an "Open Skies" approach to International and Domestic Civil Aviation – under strict supervision by the Federal Government's Regulatory Bodies ATSB and CASA, would ensure competition keeps those engaged in the Industry more efficient and therefore more cost effective.
- The same Federal Government Aeronautical, Navigational and Passenger Costs and Taxes that are currently imposed on all Operators should be reduced as more International Operators enter the Market and the imposition of Federal Government Charges and Taxes should be consistent across the board, ie: be the same for new International Operators as it is for Australian Carriers.
- Charges on Carriers whether International or Domestic by Airport Operators should be Market Driven and not Regulated by Legislation. This can only be achieved by breaking the current nexus between existing Airports by encouraging new Airports to be constructed in direct competition between those already existing.

(b) With the foregoing in mind, the Federal Government should be encouraging Foreign Carriers (both Passenger and Freight) to not only compete on Australia's International but on Internal (Domestic) Routes as well.

- As part of the process, New Entrants should be required to establish connecting Services to not-so-profitable Regional Centres as part of the approval process.
- It is crucial that Foreign Airlines be invited to establish "Hubs" within Australia not only to meet the demands of Passenger Traffic but for Freight as well.
- The establishment of "Hubs" on the Australian mainland will allow Carriers to better utilise their Equipment and provide a basis for the creation of new Routes and Services to and from "third" or new International Markets.
- Australia is ideally suited for such a Development as traffic between Asia and the Countries forming the Pacific Rim is likely to increase by a significant amount over the next decade.

(8) *How might existing Australian Airport Infrastructure best adapt to the challenge of processing large influxes of Passengers?.*

*Response:*

Existing Major Australian Airports - once "out of town", are now located within the Precincts of the Capital City they service making Expansion of Facilities difficult because of surrounding Suburban encroachment

- Existing Terminal Design is generally vintage 1960's, with Renovations and/or Extensions keeping pace with the increase in Aircraft movements.
- Existing Terminal Lay-Out is out-dated and inadequate when confronted with the arrival of more than one A380 type Aircraft each discharging over 500 passengers.
- Existing Australian Airports - *without exception*, continue to rely on the separation of Domestic Terminals from International Terminals – some in excess of 2 klms. Modern Airports are designed to handle large numbers of arriving or departing people and to facilitate their movement through the Airport, modern designers have included both International and Domestic Terminals within the same structure, and to break up the Terminal Precinct into 4 or more individual Terminals.

- Enlarging Existing Australian Airport Terminals is not the answer as there is virtually no space on any of the Existing Airports to do so. (Sydney Int'l is a prime example).
- Existing Surrounding Road Systems are inadequate to handle large Aircraft arrivals. Part of the problem is that the lay-out of existing Australian Airports is oriented around the outdated "Gate Arrivals" concept where Terminals are located close to the Airport's Boundaries with only one major road into and out of the Facility.
- The Airport Access and Egress road is often subjected to acute congestion during peak times however, if a road accident occurs, depending on its severity, the Airport may be virtually isolated until the accident is cleared. Terminals located Mid-Field with a major road system passing through the Facility will allow traffic to flow to and from the Airport in either direction thus minimising hold-ups.
- Baggage Handling Facilities at existing Major Australian Airports is adequate for current demand. However, at every Airport, the equipment needs to be replaced with modern technology capable of handling the simultaneous arrival of several A380 type Aircraft.
- Airport Security on all the Existing Major Airports requires up-grading. Current technology is responsible for passenger hold-ups on a daily basis.
- As there is no competition between Airport's the "take it or leave it" approach by Airport Operators does nothing to help ease the congestion which is evident around Check-In Counters and Baggage Collection Carousels at all major Airports.
- Apron Expansion on Existing Airports to allow several A380 type Aircraft to dock with other smaller Wide-Body Jets is almost impossible because of lack of space.

The processing of passengers is not limited to the "Check-In counters. As shown above, a number of factors have to be considered before the situation can be resolved. To address only one aspect by ignoring the others will not achieve the desired result.

(9) (a) *What are the implications of expanded International operations at Secondary Airports, including for Border Security? (b) Should Australia seek to limit International Airline and Charter Operations to a defined set of International Airports to ensure affordable Border Security?*

*Response:*

(a) Australia currently has 14 International Airports. They are **Adelaide, Brisbane, Broome, Cairns, Cocos Island, Darwin, Gold Coast, Hobart, Melbourne, Norfolk Island, Perth, Port Hedland, Sydney** and Townsville with all six Capital Cities and Darwin having their own International Airport.

*There should be no implications arising from Expanded International Operations such as that which is the "norm" at large Regional Airports in the US.*

(b) With reference to (a), the remaining 7 Designated Australian International Airports complete the current list of International Gateways allowing Foreign Airlines access to Australia. The current List should be expanded to include significant Secondary Airports such as Alice Springs, Ballina, Broken Hill, Canberra, Launceston, Maroochydore, Mt. Isa and Newcastle because:

- They are the centre of Tourist or Industrial Regions
- They take the pressure off existing Capital City Airports
- They allow Regional Tourist Businesses to offer better Promotional Packages.
- As the first point of entry, they place the Traveller immediately at their preferred destination, (or closer to it (in time) than otherwise would have been possible).
- Provides meaningful employment in a variety of vocations for local Communities.
- Makes Company relocation to Regional Centres more attractive.

- Places Primary Producers in direct contact with Overseas Markets
- Makes International and Domestic Freight Companies more competitive with Road and Rail Transport.
- Encourages smaller Regional Airlines to provide Feeder Services to other Centres
- Allows the Cost-Effective deployment of Security Services outside the main Centres
- Provides the first step in the decentralisation of the Nations Population.

## !2 DOMESTIC SERVICES

(10) (a) Does the deregulated Domestic Airline Market remain the best model for delivery of Australia's Interstate Air Services? (b) Are there any constraints on the ability of Australian-Owned Airlines to remain competitive with Foreign-Owned Airlines in the Australian market?

Response:

(a) The deregulated Domestic Airline Market is the best option for Service Delivery because:

- A deregulated Domestic Airline Market provides the best \$ value for the Public and encourages more people to move around the Country by air.
- The Federal Government should keep Taxes, Fees and Charges to the absolute minimum even if it means offering Services at a Loss. Any short-fall should be recovered over time by an increase in Traffic, Passengers and Freight.
- The deregulated Domestic Airline Market will only be accepted by the Travelling Public if the Federal Government's Regulator maintains a transparent, rigid but fair control over all aspects of the Industry.
- Deregulation of the Domestic Airline Industry can only succeed if ICAO Safety Standards are **not** continually being modified to suit the needs of Sectional Interests.
- The differences between ICAO Standards and the current "Bible" of the Australian Aviation Industry, MOS Part 139, should be carefully examined and adjusted to only reflect International Standards. **This course of Action should be Top Priority.**

(b) The ability for Australian-Owned Airlines to compete against Foreign-Owned Airlines is not in question. If Foreign-Owned Airlines are introduced into the Australian Domestic Airline Industry, it is crucial that a "level playing field" for all participants is transparent and maintained. ie:

- Availability of Development Capital on the same Terms and Conditions.
- Access and allocation of Capital City Slots is fair and equitable
- Flight and Cabin Crews are Australian - working under Australian Awards.
- Maintenance Facilities, whether on or off-shore, are subject to uniform certification requirements and inspections.
- Terminal Space at Local Authority or Privately Leased Regional Airports to be made available to all Participants at reasonable Terms and Conditions.

(11) Do the existing criteria strike the right balance between allowing Australian Airlines to access Global Investment Markets and promoting an Australian-based Aviation Industry?

Response:

It makes sense that if Australian Airlines achieve their objectives by accessing Global Investment Markets to raise Development Capital they should be encouraged to do so.

Although Australian Companies and Interests need on-going Investment Capital it is also crucial that the IRB scrutinises all Proposals to ensure that no latent or underlying problems arise.

- The promotion and advancement of an Australian-based Aviation Industry may, in some cases be entirely dependent on an injection of Foreign capital.

### **I.3 REGIONAL AND GENERAL AVIATION**

*(12) What should be the basis of Government and Industry Policy towards Air Services to Regional and Remote Communities?*

The Federal Government should continue to view the declining population of Regional and Remote Centres with concern. This being the case, to arrest this trend, amongst other initiatives, the Federal Government - together with State and Local Authorities should encourage Operators to extend Services to these Centres by offering incentives to do so - such as specifically discounted Fees and Charges and subsidies to approved Operators.

*(13) (a) Are Security and Safety measures adopted for Major Capital City Trunk Routes appropriate for Regional and Remote Services? (b) If not, what alternative measures could be adopted?*

*Response:*

(a) There should be no major changes to the Standards covering Security and Safety measures already in place at Capital City Primary Airports and Trunk Regional Airports.

- Major Secondary Airports should also adhere to the current Security arrangements. However, the Airport's Leasing Company, (ALC) should be responsible for the provision of basic Scanning Equipment for use in the Airport's Terminal.
- The Scanning Equipment would be available for use by Operators and may be subsidised by the Federal, State and Local Governments.
- Current (modified) Security measures adopted at smaller General Aviation Airports, and Remote area Airports should also be continued.
- As a Signatory to the ICAO (Chicago) Convention, with respect to relevant Safety measures or Standards applying to **all** Australian Airports, **there should only be minor reduction or changes to current ICAO Standards between major and Secondary Airports.**
- The willingness for the Previous Federal Government's Regulator to modify or delete certain ICAO Standards (*probably*) under Ministerial direction acting in response to the behest or agitation of Operators whether Airlines or Airports, should not occur.
- The changing of Standards to meet a given circumstance only succeeds in compromising Safety and ultimately affects Safety on Australia's Airports whether they be Primary, Secondary, Regional, GA or a local ALA.

(b) The Federal Government, through their Regulators should ensure rigid conformance with Current ICAO Standards by those involved in all aspects of Aviation within this Country - including Foreign Operators and Carriers as set out in the various ICAO Annexures.

(14) (a) How has micro-economic reform impacted on General Aviation Business and what strategies need to be in place to ensure that access to Airport Infrastructure does not impede Industry viability and growth? (b) Do the needs of General Aviation Operators warrant any changes to Airport Regulatory and Planning arrangements.

Definitions pertinent to this Response:

**Micro-Economic reform:** In this response, refers to the Privatisation of Federal Airports under the Airport's Act 1996 and subsequent Amendments.

**General Aviation Business:** Refers to that part of the Aviation Industry that engages in activities **other** than scheduled Commercial Airline Activity. This can include Operators of Charter, Flying Training,, Private Aircraft Hire, Aircraft Restoration and Maintenance Facilities etc.

This Response refers to Businesses conducted on Leased Federal GA Airports by Persons other than the Airport Leasing Company. This Response does not include Business carried out on GA Airports Owned by Local Authorities or non-Government Agencies.

**Airport Infrastructure:** Those items that are located on the Airside, ie; Runways, Taxiways, Aprons and associated items etc and those items that are located on the Landside, ie; Roads, Structures, Electrical, Telephone, Data Cabling, Water and Sewerage Reticulation etc.

**Regulatory Arrangements:** The Airport's Act, 1996 and attendant Regulations together with each Airport's Lease Terms and Conditions under which the successful Bidder undertook to Lease the Airport.

**Planning Arrangements:** In the context of GA Airports, the Planning arrangements refer to the administration of any on-Airport Development Proposals submitted by the ALC to the Federal Government's Buildings and/or Environmental Officer for approval.

**Note:** The new Federal Government has not been in office long enough to have made any significant impact on the Australian Aviation Industry. Hence, this Response is based entirely on the situation inherited from the previous Government.

**Response:**

(a) The sale of Government owned Federal GA Airports to Private Entities, has led to problems of which Archerfield Airport, in particular reflects what is generally occurring around the Nation. (Refer ATSB for a list of the Safety problems currently existing on this Airport as a result of the Micro Economic Reforms introduced by the previous Federal Government.

- The deliberate downgrading by ALCs of some GA Airports to frustrate growth which in turn affects the entire Australian Aviation Industry. ie; the down-grading of Archerfield Airport from a **Certified** to a **Registered** and from a Code **3C** to **3A** – the former meaning that CASA, the Federal Government's Regulatory Body does not now have to conduct Annual Safety Audits relying instead on the ALC's own Reporting Officer.

- The Archerfield Airport Reporting Officer continues to make fundamental Reporting errors - which in turn have been brought to the attention of the ATSB by the Archerfield Airport Chamber of Commerce as Safety on the Airport has been seriously compromised.
- Significant increases in Fees and Charges to the User both Aviation and non-Aviation oriented Businesses under the guise of Commercial Realities to encourage disaffected Tenants to relinquish their Leases on Renewal.  
*ie: Examples are: Flight Training Australia and Graham Cottee Plumbing non-renewal of their Lease with Archerfield Airport Corporation because of Lease Changes and massive increases in Lease payments. A typical Cross-section of Contract Breaches is listed below.....*
- Departures from the Terms and Conditions as set out in an ALC's Lease with the Commonwealth Government. *ie; The failure of DoTRD, to enforce conformity with the Act with respect to the Airport being maintained and continuing to evolve as an Airport. ie; The erection of the Queensland State Government's QES structure close to the main 10L/28R Runway effectively closes that runway to (Legal) night operations.*
- Large Aircraft are now prevented from using Archerfield Airport at any time. *ie; This has been achieved by the ALC by erecting structures within the 10L/28R OLS thus forcing the Runway to be shortened from 1471m to 1095m.*
- Reductions to the main Runway's length effectively prevents the owners of a DC4 Freight Aircraft from using Archerfield Airport – thus forcing the Resident Company to cease operations. The Aircraft is now idle on the Flight-Line unable to be (legally) moved from the Airport.
- The re-defining of the Terms of on-Airport Leases originally entered into by Businesses with the Federal Airport's Corporation. *ie; Redefining what Business can and what Business cannot be undertaken on the Airport.*
- Denial of legitimate access to the Airside by Aviation Businesses requiring access and which were originally approved by the FAC. *ie; a recent Court Case between Mr. S. Hammond and the Archerfield Airport Corporation in which it was demonstrated that Mr. Hammond was prevented from accessing the Airside to service his Clients Aircraft because the AAC demanded an annual \$2,750.00 Access Fee in the first year.*
- Removal of "Pepper-Corn Rent" Community Organisations from Airports. *ie; the Australian Scouting fiasco at Archerfield Airport during the closing months of 2007 which resulted in the demolition of the \$750,000.00 Scout's Air Activities Building and the severe downgrading of all Air Scouts Activity on the Airport. The reason given was that the Scouts Facility occupied a prime site which was required for more profitable redevelopment*
- Non-Standard Movement area marking and incorrect Visual Aids are still evident at Archerfield Airport in spite of continual reports to ATSB/CASA about the matter. *ie: refer the Archerfield Airport Chamber of Commerce Report to Minister Vaile dated April, 2007 with follow-up on the 18<sup>th</sup> of July, 2007 and subsequent Material to Minister Albanese..*
- Grass-Cutting on Archerfield Airport is seriously neglected with grass now at seeding length - ideal for flocking birds – thus increasing the chance of Bird-Strikes.
- The increased likely-hood of bird-strikes presents a significant Safety Hazard for Aircraft which is a direct result of a reduction in the number of "Cuts" per year by the Contractor – a significant Safety issue.
- The non-Renewal of Airport Leases when they fall due with the ALC attempting to assume ownership of any Improvements on the Lease Site with **no or a small fraction of it's Market Value** as compensation.
- If the Improvement is a Structure, *ie: a Hangar or Industrial Building*, most ALC's have a Strategy to then re-Lease the Asset back to the original Owner or another Party at a higher Lease-rate in breach of collateral agreements and official policy ex fac policy .

**Note: This Strategy has been adopted by ALCs of most - if not all of the Leased Federal Airports, including ALC's of the Nations Major International Airports.**

(b) The General Aviation Industry is in serious decline – most of the fault rests with the previous Government – not only through the Privatisation Process but through neglect by the Regulator to enforce adherence to the Lease terms and adherence to Standards both on Airports and Operators/Carriers alike – *arguably under Ministerial direction..*

As the Nation's Pilot reserves are now almost depleted with the Airline Industry recruiting Air-Crew from overseas, the immediate future looks grim. Strategies are urgently required to get the Industry back on it's feet and are likely to be:

- Bring each GA Airports back to the Standard it was at the hand-over from the FAC.
- **Urgently** Abandon the Task-Based Pilot Training and adopt the Skills-Based Concept
- Stop the decline in the ex-Federal GA Airports by forcing each ALC to adhere to the Terms of it's Lease. *ie: to ensure that a true balance exists between Commercial non-Aviation Realities and Aviation-Oriented Industry*, otherwise Aviation related Businesses domiciled on such an Airport may leave to seek a site on a smaller Aerodrome or Authorised landing Area (ALA) at which to conduct their Business - at least on a profitable footing.
- Ensure each ALC includes **the Spirit of the original FAC Master Plan** for the particular Airport in which there was a requirement to **nurture the Aviation Interests on the Airport** and to **maintain the Facility at least to the Standards left by the FAC at hand-over.**
- Whilst it is acknowledged that each GA, ALC has to run it's Leased Airport on Commercial lines, it is a fact that Operators engaged in the Australian General Aviation Industry are currently faced with across-the-board, substantial costs out of all proportion to similar non-Aviation Businesses without the ability to generate patronage on the scale that regular Public Transport (RPT) Operators are able to do. As a result, those involved in GA need all the assistance that the Federal Government can provide. It is suggested that this may take the form of:
  - (1) A reduction in Federal Government based Fees and Charges from the "User pays" concept as an incentive for Operators to remain in the Industry.
  - (2) A Review should be conducted of the costs associated with the Leasing of a Site on a GA Airport and attendant costs *ie: The mark-up charged to a Tenant by an ALC on Electricity Charges, Local Authority Water and General Rates etc.*
  - (3) A Review of Lease arrangements *ie: the discrimination by an ALC against an Individual or Company with respect to the issue of on Airport Leases - contrary to what was in place before Privatisation.*
  - (4) Although it can be argued that the foregoing is not in the "Interests of Commercial Reality", the GA Industry is **not** the same as non-Aviation Industry depending instead on a very select and limited Client base.
  - (5) Unless there is some form of Federal and State Government Support, the Industry will slowly die due to there being more profitable ways to earn a living than running a Flying Training Organisation, Air Charter Company, Aircraft Hire, Maintenance and Electronics and Airport Cafeterias etc etc.
  - The Support required to attract and keep people in the Industry is:
  - Reduce the Government's reliance on the User Pays Concept
  - Minimise Taxes, Fees and Charges from all levels of Government.
  - Ensure that GA Airports are regarded as Educational Facilities and function within the **Education Australia Revolution.**
  - **Allow the Aviation Industry to once again become Profitable**

- Initiate a Flying Training Scholarship Scheme similar to what was in place before and after WWII. This will rejuvenate Flying Training Organisations and ensure they remain viable to provide the Industry with sufficient Pilots and Aircrew.

(15) (a) How can General Aviation Operators, particularly small Business, establish viable Business Models that allow them to take advantage of current buoyant conditions in the Aviation Market?  
 (b) In particular, how do these Businesses meet the increased cost of skilled Labour and improve recruitment and retention of their skilled Workforce?

Response:

(a) For the General Aviation Industry to take advantage of the current buoyant economic Conditions, the situation on GA Airports needs to be significantly improved but first.....

A recognition **THAT CONDITIONS AT GA AIRPORTS ARE NOT BUOYANT – DESPITE “REPORTS” THAT CLAIM THEY ARE** - must be made.

This is mainly due to:

- **Extremely high base-costs make profitability almost impossible.**
- Anti-Aviation or ALC's recruited from unrelated, non-Aviation Industries control most of Australia's GA Airports. (ie: Child Minding and Retirement Village Owners etc).
- As Australia's Commercial Land-Bank is depleted close to main centres, GA Airports are viewed as occupying significant areas of prime land - making the Real Estate component extremely valuable for Residential or Industrial re-Development.
- Current GA ALC's on all Airports are making conditions intolerable for Users with the failing of the Facility their prime objective and the subsequent converting of their Airport Leases into very lucrative, non-aviation Industrial Developments.
- To achieve their stated goals, ALC's on GA Airports have raised costs to Tenants and Users ranging from increased Lease Payments, Aeronautical Charges and imposing charges on anything that will increase revenue to such an extent that many Operators simply cannot afford to provide a service to the Industry and as a result many have not renewed their respective Leases when they fell due or abandoned their premises before leaving the Airport. Those remaining have abandoned any plans for expansion. (ie; most Airport ALCs have raised Landing charges by over 600%).
- Before many Operators can take advantage of the current, buoyant National Economy, some form of Government control over ALC to prevent the non-renewal of an Operators Airport Lease. **Of all the Issues placed before an Aviation Operator - the threat of losing their place of Business on any Australian Airport (mainly a GA Airport) cannot be over-estimated.**

(b) The high and increasing cost of Labour is another but necessary factor in each Operators Business. It is not this alone that is responsible for the slow decline and eventual demise of the GA Industry. Aviation as a whole is an intensely competitive Industry. Operators can and will meet that challenge provided Governments at all levels are mindful of this fact and **genuinely** try to minimise the cost impost on all Sections of the Industry which makes entry for new Participants most unattractive for those already involved.

- The Federal Government should make a **genuine** attempt to rectify the situation where GA, ALC's are demonstrably trying to convert GA Airports into Commercial and Industrial Developments. The DoTRD, ATSB, CASA and the ACCC have all been made aware of the deteriorating situation for the past 10 years resulting in no change in Government attitude.

- Ensure that the recruitment and training of Labour is a **Skills-Based** and not a **Tasked-Based** Concept to allow a cross-migration of Skills within the Industry to satisfy the changing demands of the Employer.
- If the GA Industry is Viable it will attract the skills necessary for it's survival. Currently, in spite of the buoyant conditions seemingly apparent in other non-Aviation related Industries, GA can be currently described as being the "Cinderella" of Australian Business with little incentive to expand and thus create jobs because Aviation-related Businesses throughout the Nation are in **survival mode** because of high cost inputs from Governments and Airport Leasing Companies in particular.

*To Summarise:*

Those Aviation Businesses domiciled on GA Airports or are GA Operators do not require hand-outs *per-se*, but can survive and prosper **if their respective Leases are protected**, Governments at all levels **lower the imposition of Fees and Charges** – at least in the short term to allow recovery from the current down-turn and **ALC's of GA Airports should be forced to adhere to the Terms of their respective Leases** which includes ensuring that Airports remain, evolve and continue to function as Airports.

The foregoing and subsequent Responses have been prepared with the 1992 ALOP debacle in mind where many Aerodromes were handed over to Local Authorities in the form of *Deeds of Trust* some of whom, over time then proceeded to sell off the Asset.

*(16) What role should all levels of Government have in protecting Secondary Airport Infrastructure and in providing new Infrastructure?*

Definition of a "Secondary Airport"?

The Term "Secondary Airport" is no longer used to describe certain Airports, but in the past referred to Capital City, General Aviation Airports such as Archerfield, Bankstown, Janderkot, Moorabbin and Parafield.

Assuming the question relates to these Airports and not to Trunk Regional Airports such as Alice Springs, Cairns, Canberra, Gold Coast and Townsville etc, the Response below is tendered.

*Response:*

The Federal Government, State Government and Local Government should take a proactive role in ensuring that potential problems (*such as from the ALOP decision*) are avoided:

Federal Government:

- To ensure each Secondary Airport remains an Airport and evolves with Aviation as the Core Business of the ALC with Aviation Operators protected from eviction.
- As these Airports were Federal Airports before Privatisation, the pre-Privatisation Classification and Physical Characteristics should be maintained at a standard no less than that which was in place before Privatisation.
- New Legislation should be enacting to amend those parts of MOS Part 139 to ensure the Regulator (CASA) conducts **mandatory** Annual Audits/Inspections to all Certified **and** Registered Airports.
- An Audit should be conducted by an appropriate Authority to ensure that the Terms of each Airport's Lease are being adhered to and if not, a Notice of Rectification should be issued to the ALC with Penalties for non-compliance.

- By undertaking to monitor all of the above should protect the existing Airport Infrastructure and provide a solid basis for the Airport to evolve and Aviation to prosper. (Refer Peter Fiegehen, (ATSB) – Archerfield Chamber of Commerce Documentation, May 2008).

State Government:

- The State Government should adopt a responsible Aviation Policy that safeguards existing Airports, including Secondary Airports from excessive State Government Taxes, Fees and Charges and Local Government Development Approvals (Residential or Commercial) that could affect the operations of the Airport.
- The encroachment of Residential/Commercial Development on land adjacent to an Airport's Boundaries should be monitored and Local Government Development Approvals in the vicinity of an Airport scrutinised to avoid problems arising from the approval of Residential or other Developments close to or under Aircraft's Approach or Departure tracks.
- Major Infrastructure Works relevant to On-Airport Development should involve the State Government in the Approval Process to ensure the proposal is compatible with the Local Government's Town Planning objectives.

Local Government:

- If a Local Government, Council, Shire or Authority does not already own or has not assumed responsibility for an Airport established within it's boundaries, a close working relationship should be developed between the Controlling Entity and the Airport's Owner or Lessor with the objective of ensuring the Facility can grow and prosper to provide the necessary services to their respective Region or District.
- In conjunction with the State Government, the Local Government should only approve Developments that do not encroach on or inhibit Airport Operations.

(17) How can the General Aviation Industry provide the necessary Investment to renew the aging Aircraft Fleet? Is there a role for Governments?

Response:

There are many old Aircraft (eg: Tiger Moths) that are extremely airworthy. Age is not the determinative issue. In depressed conditions, maintenance is the first to suffer because of it's very high cost. Newer Aircraft need less maintenance – ageing Aircraft need more maintenance.

This can occur either from inadequate access to newly manufactured parts or inadequate attention to *on-condition* inspection items that are not mandatory replacements, lack of specific skills of Maintenance Engineers or Commercial cost-pressure issues on Operators.

Mandatory overhauls or parts replacement usually are not a problem no matter what the Aircraft's age. Ie: engines, propellers, pressure hoses, heaters, tyres, brakes, radios, Instruments etc. Airframe, wiring, corrosion and model specific manufactured parts have been identified as issues needing urgent attention in older Aircraft.

The Regulator needs to assist the Industry and recognise that the maintenance of older Aircraft is not a new phenomenon; it is just that the waves of Aircraft purchased from the 1970's "Boom" means there are more of them today. (An Aircraft "Baby Boomer: situation).

CASA is part of the problem by having Laws and/or Practices whereby in effect only Parts from the Original Manufacturer can be used. Manufacturers have a Financial and Legal interest in creating obsolescence and ceasing to make Spare parts.

Using second-hand Parts from cannibalised Aircraft versus newly manufactured Parts is not preferable, but is in most instances the only Lawful method of compliance.

After Market Parts require an STC, and a Parts Manufacturing Approval (PMA) – however, in the past, CASA has issued few Australian STC's, with a very modest improvement by CASA in processing these Applications for Approval. CASA needs to apply a reasonable Certification basis applicable to the age of the Aircraft and Laws in place at the time of the Aircraft's manufacture.

Another major issue is that a CASA-issued STC is only valid in Australia, but Australian Manufacturers need access to Foreign Markets to obtain the Sales Volume needed to warrant their Investment. The US Federal Aviation Administration (FAA), has not given effect to the USA-Australia Free-Trade Agreement the Terms of which would oblige the USA to accept an Australian STC. **This is an urgent matter for the Australian Government to address.**

There are many Parts in Australian GA Aircraft that are, in fact, Car Parts, but are being used in Australian GA Aircraft. Applications such as Light-Bulbs, Gear Motors etc are merely restocked and a Part Number allocated by the Manufacturer to become Aircraft Parts. A Comprehensive list of such Parts is readily available and should be recognised by the Regulator as Approved Parts.

Other Commercially Manufactured and available off-the-shelf Items of an equal or better manufacture eg; Structural Sheet metal, Screws etc should also be approved In considering the ageing issues, the Federal Government, through it's Regulator should distinguish between Aircraft involved in RPT (Passenger carrying) Operations versus Private and Freight Operations and Flight Training.

Synopsis:

The General Aviation Industry is currently well served by numerous American, (North and South), European and Asian Light Aircraft Manufacturers. In the past, several attempts have been made to establish an Australian Aircraft Manufacturing Industry – but apart from a few small Ultra-Light Manufacturers, all have floundered over time. (ie: CAC (*Nomad*) and *Victa*).

Unfortunately, Australia does not have, nor is it likely to have an Aviation Industry large enough to support such a Light Aircraft Manufacturing Industry – in particular with the capacity to manufacture Spare Parts to the original Manufactures Specification – **Unless structured for the Export Market, there is simply no profitability for Australian Aviation Businesses under the current situation to justify any Investment in the Industry except in the manufacture of Ultra-Lights.**

- The age of the current Fleet of Light (General Aviation) Aircraft is not an area of significant concern throughout the Industry. Aircraft are subject to rigorous maintenance requirements and are virtually returned to new Aircraft condition following the completion of the specified Major Overhaul – at least in respect of Air-Frame and mechanical aspects.
- Those few Operators with adequate Cash-Flows usually lease their Equipment from Overseas manufacturers for a finite period with new Replacement Aircraft appearing on the Flight Line every 4 – 5 years.
- With respect to Operators engaged in Charter Work, Crop-Dusting, Training and Aircraft Hire etc, the same financing conditions and requirements placed on non-Aviation related Businesses by Financial Institutions will continue to be applied. There may be a Role for Government's to assist but it would probably be marginal at best and insignificant at worst.

- There is little Federal or State Governments can do in this area except to assist with the acquisition of Aircraft from Overseas Sources. Perhaps Taxes and Charges could be minimised to make such acquisitions more attractive.

(18) *Are additional measures required to ensure the continued safe operation of ageing Aircraft?*

Response:

- There should be no such thing as an “old” Aircraft. All Aircraft, whether used by Airlines or Private Pilots are subject to regular 100hr Maintenance Inspections and Major Inspections at intervals set out by the Manufacturer and approved by the Regulator.
- A relaxation of the strict code of Makers Certification of Spare Parts to allow Australian L.A.M.E. Certification of Parts made by others.
- As the Aircraft is virtually pulled apart and rigorously inspected by a qualified Aeronautical Engineer followed by the issue of a Certificate of Airworthiness (C of A), would be considerably cheaper if any Replacement Parts were procured or manufactured from sources other than the Maker.
- An ATSB Accident Report generally cites Human Error as being the reason for an Aircraft accident - when they (infrequently) occur.
- To introduce additional measures in an attempt to obviate Aircraft related Accidents would be an exercise in futility.
- Adequate Legislation current exists to ensure that Aircraft of any age measure up to the Terms of it's C of A and would only add another cost impost to the Operator.
- As the vast majority of Aviation related Accidents can be ascribed to Human factors or Pilot Error, a better result could be achieved by ensuring adequate Training Establishments for those participating in the Industry, ie Pilots, LAME's, Avionics and Component Manufacturers etc, are available within Australia.
- As the fleets of Airfreight Companies are generally well-maintained, superceded ex-Airline passenger Aircraft, it is important that the Regulators allow such Aircraft to participate in the Air-Freight Market-Place to ensure Operator's set-up costs are low which will generate competition between Carriers and keep prices down for the consumer. Generally only new Engine Technology separates the New from the Old.

#### **1.4 ADDRESSING SKILLS NEEDS IN THE AVIATION INDUSTRY**

(19) *What Strategies should the Industry adopt to attract, retain and Plan for their future Skills needs to remain competitive in a tight Labour Market, and how can these be improved?*

Response:

Pilots:

- Flying Training is a very expensive exercise. Like the Medical Profession, it takes several years before a person can start to earn an adequate Salary to justify the initial outlay.
- The **immediate** adoption of a **Skills-Based** and not **Task-Based** Training Regime.
- To over come the current shortage the following should be adopted:
  - (a) **State Government Public Schools should introduce Skills based Aviation related Vocational Training Curricular, instead of Tasked-Based.**

- (b) Although respective State Governments already have Curricular covering the Vocational Training of Students at Grades 11-12 who are interested in pursuing an Aviation Career, this could be expanded to include all students in Grades 9-10 but in a generalised Syllabus and without Student Work-Place participation.
- (c) Provide Australian Flying Scholarships similar to the scheme successfully introduced many years ago. This will provide Flying Schools with Australian Students.
- (d) Ensure Flying Training Organisations are encouraged to remain on GA Airports and not priced out of existence by ALCs with non-Aviation backgrounds.
- (e) Examine the imposition of the User Pays Cost Recovery process. Currently, every step in the Pilot's Training generates large and possibly excessive Fees and Charges.
- (f) The Federal Government should absorb and reduce these Charges or include them in the Flying Scholarship Scheme. **(Note, a reduction of Fees and Charges should only be introduced to those embarking on a Commercial Flying career).**
- (g) In the past, many Instructors were recruited from Flying School Commercial License Graduates. By working as an Instructor for a year or two allows a Graduate to build up Time prior to joining an Airline.
- (h) This should be encouraged by Government using some form of Financial incentives to Flying Schools and Graduates alike.

*Licensed Aircraft Maintenance Engineers; (LAME's):*

- More emphasis should be placed on TAFE Courses for the training of LAME's. The shortage of LAME's – particularly in the Australian Commercial Airline Industry is a direct result of the lack of incentives for young High-School or University Graduates to enter the Industry. This could be addressed by:
  - (f) The Federal Government offering Scholarships for the LAME training of appropriate persons (male or female) either at TAFE or University.
  - (g) Incentives provided to Airlines to have scheduled Maintenance of their respective Fleets carried out in Australian Maintenance Facilities including an Incentive to employ Graduates – on **Skills** rather than **Task-Based**.
  - (h) Although respective State Governments already have Curricular covering the Vocational Training of Students at Grades 11-12 who are interested in pursuing an Aviation Engineering (LAME) Career, this could be expanded to include all students in Grades 9-10 but in a generalised Syllabus and without Student Work-Place participation.
  - (i) The Federal and State Governments should institute Exchange Programs with Industry in other Countries to enhance the attractiveness of the local Industry for those interested in Aviation Engineering.
  - (j) This could be achieved by offering subsidies to existing Companies to send appropriate Staff overseas for a finite period of (say 2 years) and receive foreign replacement in exchange for a similar period.

*Air Traffic Controllers:*

- The same emphasis should be placed on TAFE Courses for the training of Air Traffic personnel.
- The shortage of ATC Personnel – particularly in Regional and GA Control Towers including the provision of En-Route and Meteorological Services is due to the lack of incentives for young High-School or University Graduates to enter all facets of this highly specialised Industry.

- Although the shortage of Labour is common across-the-board, the Federal Government should take the initiative in this highly specialised Industry by considering the following:
  - (k) The Federal Government should offer Scholarships for the training of appropriate persons (male or female) at dedicated Aviation Training facilities, or work with State Governments to set up TAFE courses.
  - (l) Although respective State Governments already have Curricular covering the Vocational Training of Students at Grades 11-12 interested in pursuing an Aviation Career, this could be expanded to include all students in Grades 9-10 but in a generalised Syllabus without Student Work-Place participation.
  - (m) The Federal Governments should institute an Exchange Programs with other Countries to enhance the attractiveness of joining the Australian Aviation Industry for those interested in Air Traffic Control in all it's various aspects.
  - (n) Federally Fund Air Services Australia instead of the current System.

(20) (a) What are the long-Term Training needs for the Australian Aviation Industry? (b) Where will the future pressures lie? (c) How do we ensure the Industry remains Internationally competitive in retaining key staff and in attracting new entrants to the workforce?

Response:

(a) There are several essential ingredients making up the Aviation Industry. The main being:

- Aircrew and Aircraft maintenance
- Airports, Navigational Infrastructure and Technical/Ground Staff
- Air Traffic Control and Meteorology

(b) The Long-Term Training needs for all of the above sectors have been discussed in the previous Response. However, future Pressures will come from:

- Retaining the Viability of the Australian Aviation Industry due to increasing costs - such as the high cost of Fuel and Environmental Problems arising from emissions affecting the Ozone Layer and increasing Global warming. Such issues may affect the World's Aviation Industry as well.
- Increased competition from Asian and other Overseas Interests affecting Australian Operators "bottom line" – thus affecting Training Programs and ultimately affecting employment prospects.
- After rising Operational costs force some Operators to restructure their Business and cut-back on staff and Services to enter the Low Cost Airline Market, such Operators will be facing fierce and mounting competition which will result in a high attrition rate.

(c) To remain competitive in any Market-Place the containment of costs is paramount. Some of the Fixed Costs such as Federal Government Taxes and Charges should be reviewed - particularly Aeronautical Charges and the Excise on Fuel imposed by Air Services Aust. A lowering of these Fixed Costs will make the task of competing with International Operators more achievable. Participants in the Australian Aviation Industry have always declared that they can complete – provided they are supported by some form of genuine relief from Government imposed Taxes and Charges and in so doing, will assist Business to recruitment new Staff.

(21) *How should the Australian Government and Industry work together to ensure the needs of the Aviation Industry are taken into account in its broader skills framework?*

Response:

Not only the Federal Government but all levels of Government should continue to set the Rules and Business have to work within the framework set by all levels of Government. This can only be achieved by:

- The Federal Government leading by providing the Legislative Framework within which the States and in turn Local Government will set Regional and Local Laws and (perhaps) By-Laws to ensure uniformity with respect to Issues arising from Employment and Employment Training by Businesses.
- The Federal Government's Regulatory Bodies such as the ATSB and CASA shall continue to Monitor the application of Federal Legislation through Regional Laws Local Government By-Laws where they apply to those involved or connected with the Aviation Industry.
- Where duplication currently occurs in the administration of applicable Federal Legislation relative to the Aviation Industry, this should be removed and assistance provided to State and Local Governments to reflect the intent and spirit of Federal Legislation.

(22) *Are Proposals such as a National Industry-Run Flying School to Train Instructors worth investigating and, if so, how might such a School operate?*

Response:

The current Arrangements have existed since Aviation became a Regulated Industry under the control of the Federal Government, which then produced the necessary Acts, Legislation, Regulations and Amendments during the years following the First World War - particularly with respect to Flying Training.

The burgeoning Commercial Aviation Industry during the years following WWI required the Federal Government to introduce Legislation covering the issue of a Pilot's License - particularly a Commercial Licence Course. This allowed a successful Student to earn money whilst gaining flying hours prior to entry into a Professional Flying Career.

To consider the introduction of a **National Industry - Run Flying School** to train Flying Instructors **only** is considered to be a duplication of existing mechanisms which may only lead to a significant increase in costs to Students - with no guarantee that it will solve the current Pilot shortage.

The location of such a Flying School would also create an obvious problem which can only be addressed by maintaining the decentralised system of Pilot Training that exists today.

Such a National Flying School Proposal may also lead to the demise of the existing Flying Training Arrangements where a mixture of *General Aviation, Airport based, Large, Medium and Small Operators* are currently providing the necessary Training of Pilots to Private, Commercial, Senior Commercial and Airline Transport License Standards with most meeting the requirement for entry into the Airline Industry.

Most Schools are not working to capacity and could, if required increase the number of Pilot Graduates - provided there was an incentive for young people with the necessary educational background to enter the Profession.

To attract Students to undertake Commercial Pilot Training: could involve:

- The provision of Scholarships to selected Australian Students to be used at Certified Training Schools located on Capital City GAAP Airports. Such Scholarships would cover the Students expenses in completing all levels of a Commercial Pilot's License.
- The provision of Regional Scholarships to approved Students for basic (Private License) Flying Training. The Scholarships could be converted to a Full Scholarship if the Student progresses to the completion of a full Commercial License Course.
- The Entry Criteria for Students may be based on:
  - (1) A minimum age of 16, and a maximum age of 30.
  - (2) The completion of a HSC or equivalent
  - (3) Open to Male or Female Person of Australian Citizenship
  - (4) Maximum duration of the Scholarship should be 5 years.
  - (5) Scholarship payments made directly to the Training School.
  - (6) Non-Transferable.
- The extension of a Federal Government Funded Air Training Scheme to the Scouting Association of Australia (or similar Organisation) to introduce young people to Aviation.

*In Summary*, a National Industry-Run Flying Training School for Instructors would centralise the Profession at the expense of Local Flying Schools who would lose the benefit of Graduates remaining with the Organisation to provide the necessary Instructors. The existing System is an efficient two-way street providing future Pilots for the Aviation Industry and Instructors to match.

The Flying Training Organisations need **Security of Tenure** on GA Airports and Government assistance by way of the minimisation of Fees and Charges to once again ensure Australia's Flying Training Organisations remain the first port of entry for those wishing to make Commercial Aviation their chosen Profession. *Flying Schools will do the rest!*

(23) *Are the Planning and Development mechanisms under the Airports Act working effectively?*

Response:

General Aviation:

The previous Federal Government believed that the granting of Leases to ALC's with non-Aviation backgrounds would introduce a non-Aviation component onto their respective Airports that would shift the focus of dedicated on-Airport Aviation Businesses away from a perceived "Tunnel-Vision" attitude into one that would bring a more realistic, Business-like approach to the running of their respective Businesses. *ie: Archerfield Airport, Queensland's largest GA Airport, is currently being Leased by Management lacking Aviation experience..*

Planning and Development of GA Airports should not be at the expense of On-Airport Operators who need **Security of Tenure** of their various Businesses above all else. To the uninitiated, General Aviation *per se*, has always appeared to the outside world to be comprised of dare-devil types who knew little about running a Business and to award the Lease of a GA Airport to a Consortia with Aviation background would be a recipe for disaster. Consequently, the selection of ALC's to Lease Federal GA Airports often passed over a Consortia of Aviation Interests in favour of non-Aviation Interests with the result that General Aviation has suffered to such an extent that recovery may be difficult.

Approved Airport Master-Plans meant little to an ALC who has been allowed by the Regulator to expand non-Aviation, on-Airport Commercial Developments at the expense of the Airport's Aviation expansion. The inclusion of elements of the original FAC Master-Plan should be foremost in the Government's attempt to stabilise the Industry.

As a consequence, non-Aviation Planning and Development on GA Airports has therefore expanded at the expense of Aviation which is in serious decline on all ex-Federal GA Airports. (Refer AOPA Media release since August, 2006 and subsequent exchanges between the Federal Minister, AOPA and other Aviation Groups about the problems surfacing on GA Airports).

The Airport's Act 1996 quite clearly sets out how the Federal Airports were to be Leased and what was to be expected from the Lessor. The previous Federal Government's failure to adequately monitor the situation has led to the current disastrous situation.

RPT Commercial Aviation:

With respect to the Primary Capital City Airports (ex Federal Primary Airports), the situation is slightly different. All ex Federal Airports are Leased by recognised Airport Operators. Under the Airport's Act, the Primary Airports, (Brisbane, Sydney, Melbourne, Adelaide, Perth and Hobart), have evolved because of Domestic and International demand however, the Federal Government has allowed each ALC to impose unrealistic charges on Carriers, carried out on - Airport Development Works contrary to the Local Authority Master Plan requirements and turned a blind eye to Community concerns about noise and other Environmental problems.

With respect to adjacent Non-Aviation Commercial Developments, the following example of how Brisbane Airport's location relative to Brisbane's CBD may present some problems for all concerned in the future.

To allow Brisbane's International Airport to evolve without restriction, a "Blind-Eye" approach by Government with respect to the approval of High-Rise Development in the City's CBD has been allowed to occur.

Currently there are Five Tower-Blocks in the City ranging in height from the *Brisbane Square* at 152m to the *Aurora* at 207m. Even higher structures are planned for the future. The Brisbane Airport's OLS – (Outer Horizontal) extends outward for a distance of 15,000m from the southern end of the 01/19 main Runway. (Refer MOS Part 139 Table 7.1-1).

The Outer Horizontal Surface has a Height of 152.5m. (AHD) - ( $150m + \text{Airport RL } 2.5 = 152.5m$ ). The Tower-Blocks in question are approximately 11,300m from the Threshold of RWY 01 – meaning that the *Aurora* penetrates the Outer Horizontal Surface by some 54.5m with the remaining four penetrating by smaller amounts.

Should an Aircraft run into any one of these five Buildings, it will be interesting to find out who will be blamed for approving their Construction in the first place.

Another example is the cynical approval by the previous Federal Government of the Brisbane Airport's Proposed Parallel Runway. Not only will the new Runway generate more noise over Brisbane Residential Suburbs to the West of the Airport, but after the Current Prime Minister's costly attempt to stop the Process a few years ago, against all well Researched and well-Documented Facts, the EIS went "according to BACL's plan" and the Project Approved by the Federal Government.

***It must now be clear that Major Airports - close to Capital Cities - create a range of potential problems that far outweigh the Convenience Factor.***

- This has occurred because of the lack of competition between Airports and the “blind-eye” approach by the Previous Federal Government to ensure ALC’s remained viable.
- To make things too tough might affect the “bottom lines” and thus jeopardising the entire Privatisation Process.
- The nett effect is now making travel by Air a needlessly expensive exercise. (The introduction of Low-Cost Air-Travel is very selective and only available through certain avenues with Airlines only offering a limited number of discounted seats on each Flight. Low Cost Carriers in other countries offer peak-hour Flights in which every seat is low-cost and available *over the counter*.)

**Regional Airports:**

These Airports are Leased by Entities that generally have an Aviation (Airport) background. However, as with the Primary Airports, the ALC’s have had a “dream-run” with respect to their on-Airport - mostly non-Aviation Developments which sometimes have only been possible by the intentional circumvention of the Terms of their respective Leases, bending the requirements of the Airport’s Act to suit Shareholders demands and ignoring Local Town Planning requirements to expand Airport Operations.

*(24) How can we improve consultation with State and Local Authorities and with the Community?*

*Response:*

Aviation in all it’s various facets has always appeared to all Levels of Government and the General Population (mainly in Country and Regional Centres) as being the province only of the elite and as a consequence does not generate a great deal of sympathy from these quarters - particularly when the Industry is having problems – which have, in the past been caused mainly by the lack of understanding of the importance of Aviation to the National Economy. Starting from the “grass-roots”, to address the communication gap, the following strategy in Country Centres should be adopted:

- (1) Those Airports owned and maintained by Local Authorities should be provided with additional financial support from both State and Federal Governments to upgrade their facilities to attract Aviation and Aviation Related Businesses to the Airport.
- (2) This may break-down the “Silver-Tail” Image that the average Community has for those connected with Aviation and could result in a sense of pride developing in the surrounding Community if the Facility evolves to a size that enables a modest Commuter Service to become established connecting the Community with inter and intra State Centres.
- (3) Following such a move, strategies should be adopted to involve the Community in Aviation-related Events sponsored by State and Federal Governments and conducted in conjunction with Local and District Shows.

*(25) Could the Regulatory Regime better facilitate genuine long-term co-operation between Airport Operator Companies and State and Local Governments on Land Use Planning?*

*Response:*

The only way this can occur is by the Federal Government relinquishing Ownership of all of the ex-Federal Airports Land.

- The Real Estate on which the Airport is established should then fall under the control of the respective State Governments which would then require each Airport to integrate with Local and Regional Land Use Planning Guidelines.
- The current situation simply excludes ex-Federal Airports from inclusion making it difficult for Local Authority and State Government Planners to “get it right” as the interests of the Airport Lessor’s Shareholders demand a degree of profitability to justify their investment in the Airport.

There are numerous examples of this undesirable situation arising such as:

- A dispute between Sydney Airport (YSSY) and the City of Sydney Council over on-Airport non-Aviation Development,
- The dispute between Adelaide Airport (YPAD) and the Adelaide City Council over Runway Extensions.
- The dispute between Brisbane Airport (YBBN) and the Brisbane City Council over on-Airport, non-Aviation Developments.
- A Dispute between the Evan’s Head Airport Group and the Local Council over Approved Developments located close to Runways in order to close the Airport.

If such moves were to occur, any changes to existing Legislation would have to maintain the spirit of the Airport’s Act, 1996, which effectively guarantees that ex-Federal *or other existing Airports* will remain *and evolve* as Airports.

Without such guarantees, the “selling-off” of the Real estate to Private Interests may result if it is determined that the ALC’s “bottom-line” has become uneconomic for the Business to remain associated with Aviation.

*(26) How can we better integrate Investment on Airports with the funding and construction of improved Road and Rail links to and from our Airports?*

*Response:*

As every existing Australian Major (Primary) Airport is constructed on virtually the same site – (or close to the same site), on which it was originally constructed, (ie: Sydney (same), Brisbane (close), Adelaide (same), Hobart (same) and Perth (same), the encroachment of Residential Development up to the Airport’s boundaries has meant that Airport operations are affected in every case.

Even Melbourne Airport, once located at Essendon - (now surrounded by houses), is now itself in danger of becoming surrounded by Residential Developments within 5 years.

- *In a Nut-Shell*, every Major Australian Primary Airport is located in the wrong place.
- Where once the Facility was out-of town, City expansion now means the Airport is surrounded by Suburbia resulting in Airport Operational Restrictions such as Noise Abatement Procedures and Curfews, Slot Allocation and General Restrictions on Aircraft inbound and outbound tracks. *(Refer AIP’s for details on every Primary Airport).*

Moreover, even with the restrictions placed on Airport Operations because of their respective locations, the out-dated Lay-out and “Gate Arrival” location of Terminals on the edge of the each Airport - **at the end of the only access Road** effectively guarantees that problems of congestion will occur – particularly at Peak Times.

- All it needs is an accident on the only access Road and Operations at the Airport are usually suspended until the accident is cleared.

This is an unacceptable situation and any upgrading of the Access Road by adding a lane or two will not fix the problem.

**The recently announced Brisbane Airport Tunnel simply transfers the existing situation underground with the same (or worse) potential catastrophe resulting if a serious accident blocks the relatively small tunnel.**

To encourage and Integrate Investment on our (Primary) Airports, the situation as it currently stands should be recognised and plans to address the problem instituted.

To persevere with trying to make the existing Facilities work efficiently is only *“throwing good money after bad”*. A solution is:

- The Nation badly needs new Airports in order that Competition between Airports can take place.
- The existing Major Primary Airports and surrounding Infrastructure should not be continually upgraded with no chance of their becoming an efficient and attractive Gateways to the Nation.
- Proponents of New Airports, Primary or otherwise, should be encouraged to do so in order to provide the necessary competition between Airports that simply does not exist at the present time.
- As a consequence, all Airports are grossly inefficient imposing unrealistic Costs, Fees and Charges on Users, On-Airport Businesses and the Travelling Public.
- This is readily evident on all Major Airports where the lack of competition allows the ALC's to charge what they like in their drive for profit *at any cost*.
- Investors *are* loath to invest in Airports and Airport Infrastructure unless the Facility can evolve and provide sufficient ongoing returns for their Investment.
- The existing Facilities have long ago reached their “use-by date”, and need to be replaced with more modern and better located Airports minimising restrictions thus making Carriers more interested in providing Services and providing Environmental outcomes that ensure acceptance by the surrounding Communities.

(27) *What mechanisms might be used to ensure an effective ongoing dialogue between Airport Operators and their Local Communities?*

Response:

Currently, all Leased ex-Federal Primary, Regional and General Aviation Airports conduct – or claim to conduct, regular Consultative meetings (RAPAC) with Representatives of Local Businesses and Residential Communities.

This should be an effective method of discussing issues relative to the Facility and would be difficult to replace as a primary source of information about how Operations on the Airport affect the surrounding populace. However, whether the ALC does anything about Community concerns expressed at the regular Consultative Meetings is another matter.

- By acceding to Public concerns about noise emissions costs money particularly for Carriers who currently operate under extremely competitive conditions.
- There being no competition between Airports – *who cares!*

- If a Local Authority, State Government or other Public Institution through Investment in Shares in the Airport enjoys a seat on the Airport Lessor's Board, effectively precludes the views of the surrounding Community becoming an instrument of change.
- The adoption of the 4D Trajectory Arrivals plus RNP at Brisbane, Sydney and other Australian Airports is only oriented around Aircraft Operational costs – not to allay Community concerns about noise and Low-Level Aircraft Emissions.
- This is the main problem confronting these Major Airports and until such Airports are replaced or moved to more appropriate locations, there will always be antagonism between Airport Operators and the surrounding Community.

However, ALC's of all Australia's Primary Airports employ Public Relations Staff or Contractors to parry complaints and ensure that "splinter groups" do not cause too much trouble for their operations.

Residents situated under Aircraft Inbound and Outbound tracks are usually the most Vocal and in the past have been responsible for meaningful amendments to Aircraft movements – particularly during the evening.

This is most evident at Sydney, Brisbane and Adelaide where the three International and Domestic Airports are located adjacent to suburban areas.

*(28) How can the Regulatory Regime better ensure non-Aeronautical Developments do not compromise the Aeronautical requirements of Airlines and Airports?*

*Response:*

Although this Question relates mainly to RPT (Primary and large Regional) Airports, most usually have sufficient Land within their Precincts to include a mixture of Aviation and non-Aviation Developments working side by side and sometimes dependent on one another for the efficient running of their respective Businesses.

However, the current situation - particularly on GA Airports is that the strategy of most ALC's is to allow the Airport to run down to such an extent that Businesses related to Aviation leave to find a better environment.

This then changes the mix of Aviation and non-Aviation Businesses to a point where non-Aviation Businesses have become the predominant part of GA Airport Development with little Aviation oriented Businesses remaining.

This does not occur to the same extent on Primary and Regional Airports as their role is essentially the movement of people and Freight.

- Most GA ALC's do not have an Aviation Background and consider GA Airports occupy valuable land which could be re-developed as Commercial or Residential Precincts with the current Airport Tenants and Users sooner or later relocating to other, less expensive Aerodromes.
- All that is required of the Regulator is to ensure the Terms of the Airport Lease are adhered to and that better control of ALC's is essential to keep the Airport open.
- With respect to Airlines, it is not in the Airlines interest to have Safety Aspects and non-conformity to ICAO Standards compromised by an ALC on a Primary or Regional Airport.

To ensure that non-Aeronautical Developments do not compromise Aeronautical requirements, the Federal Government, through its Regulatory Body ATSB and CASA, should closely monitor conformance by each ALC to the Terms of its Lease which, under the Act, forces ALC's to place Aviation and its various adherents firmly at the forefront of its Business with non-Aviation Developments coming second.

*(29) How should the potential Commercial impact for off-Airport competition be taken into account in planning on-Airport non-Aeronautical Development?*

Response:

The amount of land that a large Primary, Regional or GA Airport occupies is anywhere between 1000ha to 3000ha. The Aircraft Movement Areas (Runways, Taxiways and Aprons) occupy around 65% to 75% of the available land and as such forms a relatively large part of the entire Precinct.

- As the land is currently “locked away” because it belongs to the Federal Government and cannot be sold by the ALC, the competition between off-Airport and on-Airport Leased Development is heavily weighted in the Airport's favour because of this fact.
- On-Airport Development Sites are Leased to appropriate Businesses because Lease Costs are generally lower than off-Airport sites. However, Airport Leases have one distinct advantage and that is the proximity to Air Transport.

This appeals to many prospective Tenants and so long as the On-Airport Development is well serviced, (Water, Sewerage, Power and Telephone etc), an ALC should have no trouble in attracting suitable Tenants.

*(30) How should guidance be formulated for Airport Operators and others about Public Safety Zones for locations at significant risk of on the ground fatalities from Aircraft Operations?*

Response:

The Queensland State Government's, State Planning Policy 1/02 requires the provision of Public Safety Areas (PSA s) at the end of the main Runways at the States Major Airports. Most, if not all States within the Australian Federation may have similar Legislation.

The Queensland Legislation requires the PSA to be trapezoidal in shape and extending outwards from the Runway's end for a distance of 1,000m.

The area is centred on the Runway Centre-Line with the Runway end being 350m wide tapering to 250m wide at the outermost end.

Although this requirement is currently the province of Local Authorities under State Government Planning Policy, **the Federal Government should now enshrine similar requirements in Federal Legislation for inclusion in MOS Part 139.**

The Queensland Legislation allows existing Airports to retain existing Developments located within the PSA such as Residential, however Manufacturing and Storage of Flammable Material, Stadiums and places of Public Assembly and Institutional Developments such as Hospitals, Schools etc, should be precluded.

However, for New or Up-Graded Runways, the PSA has to be enforced and all the Developments described above should be precluded.

**PSA's should now be implemented on a National Scale by the Federal Government's Regulator with a view to taking over the responsibility for their Implementation, Management and Control from each State and Local Government.**

*(31) How can the mechanisms for guiding Development around Airports be improved to ensure potential issues from Aircraft noise are fully addressed in Planning?*

Response:

Legislation at the Federal level should be introduced to control Residential Developments within a specified distance of an Airport Boundary similar to existing Legislation covering Building heights in the vicinity of Airports and the penetration of a runway's OLS.

The distance may vary according to local circumstances and the type of Airport - but essentially the Legislation should require the Airport Operator to produce a relevant Noise Chart (ANEC), (ANEF) or (ANEI) in order that the Local Authority in whose District the Airport is located can ensure that the Airport in it's current and possible future runway configuration is protected from the encroachment of Residential Housing. If Australian Airports had been protected in the past from Residential Development Approvals up to their respective boundaries, problems associated with noise may have been eliminated.

Future Airports, when constructed should enjoy the protection of such Legislation as Airline Operators as well as Freight, Charter and Flying Training Organisations quickly lose interest in the Facility if their operations are curtailed because of Curfews or Noise Abatement Procedures.

At State Government Level, the Local Government Act should be amended to include By-Laws that force Local Authorities to restrict Commercial and Residential Developments close to Airports – similar to that which exists covering Building Height and Penetration of the Airport's OLS by man-made obstacles.

*(32) How can we better ensure off-Airport Developments subject to State and Local Government Planning Regimes, such as Tall buildings, do not compromise the safe and effective use of Aviation Infrastructure?*

Response:

Most States control Developments around Airports through a range of Legislative measures similar to the Integrated Development Assessment System (IDAS) that currently exists in Queensland.

This Queensland Government's IDAS provides a Check-List (including Maps and Charts) for Developers and Local Government Planning Departments alike to ensure that Development Approvals in the vicinity of Airports do not interfere with Airport Operations.

The Check-List aims to assist Building and Development Applicants to prepare the required information for their Submission.

The information so provided may generate a response to the submission from Queensland Transport along the following referral triggers:

- Permanent or temporary encroachment into Airport Operational Airspace – Material Change of Use (MCU), Operational Work (OW) or Building Work (BW).

- Residential Development within the 25 Australian Noise Exposure Forecast (ANEF) contour for an Airport – (MCU), Reconfiguration of a Lot (ROL).
- Hotel Motel Hostel or Public Buildings within the 30 ANEF contour for an Airport – (MCU).
- Land completely or partly within Airport Public Safety Areas – (MCU), (ROL).

Other States have similar requirements imposed on the Planning Departments of Local Governments that require them to assess Development Proposals in the vicinity of Airports. To introduce further measures may mean duplication – however, the Federal Government should involve the ATSB and/or CASA in the Assessment and Approval Process of Developments adjacent to Airports **after** the Local Authority has completed its Assessment based on the State’s Legislative criteria and **before** the Local Authority issues the appropriate Approval Certificate or otherwise.

This requirement should obviate any future problems arising from inappropriate Developments within a specified distance of the Airports reference Point (ARP). Depending on the height of a structure this distance could range from 4000m to 15,000m. With respect to noise, the Airport’s ANEF should determine where Approvals for Residential Developments can be given by the Local Authority.

*(33) How can Future Airport needs best be addressed, recognising the importance of Airports as a Element of the National Economic Infrastructure?*

*Response:*

As all existing Major (Capital City) Primary Airports are now surrounded by Residential Developments that has resulted in the Regulator placing restrictions on Aircraft movements into and out of the Facility. Regional and some GA Airports face the same dilemma.

This has meant that:

- Regular Public Transport (RPT) Operators using the Airport are faced with having to provide Services that are not in the best interests of the Travelling Public. ie: International Services into Australia from an overseas Country must depart from that Country to arrive at an Australian Airport after the Curfew or Noise Abatement Procedure is lifted together with the availability of a satisfactory Slot.
- This may mean significant delays in the time of departure for the Traveller at the Departure Airport.
- The same applies for Domestic Services. Low-Cost Carriers would welcome the chance to operate Services at any time during the night to offer Flights that contain only Low-Fare Passengers - as distinct from the current situation where only a “sprinkling” of Passengers have discounted fares.
- Late night Air-Freight Services Operators – particularly those using (perfectly serviceable) converted last-generation Passenger Aircraft cannot utilise such Equipment during the evening as the Engine Technology does not conform with FAA Chapter 2 requirements.
- This confines Air-Freight to day-light hours or early evening schedules with resulting uncompetitive Rates to the General Public.

Operators of Road-Freight Transport and Passenger Bus Services currently operate around the clock on our National Road Systems and it is essential - **in the National Interest** - that new Airports should be constructed away from Residential Areas to allow Passenger and Air-Freight Operators to do the same.

(34) What are the current and Future Pressure Points in relation to Airport Capacity?

Response:

Preamble:

Every existing Major Australian Airport – except Melbourne, conforms with ICAO, Code “E” Aircraft Safety Standards. During 2007, this restriction was removed by CASA, under Federal Government Direction and accompanying Legislation to allow larger Code “F” Aircraft, (ie: the Airbus A380) to operate into Australian Code “E” Airports without any requirement to upgrade. (Melbourne Airport has already upgraded to conform with ICAO Standards).

The down-grading of ICAO Safety Standards to save Airport Operators millions of Dollars in Runway, Taxiway and Apron Widening has created a potential Safety Issue and as International Air Travel in the future will include large Aircraft similar to the Code “F”, A380, the Nations International Airports other than Melbourne should be required to conform with ICAO International Standards in order to maintain appropriate Safety Standards and the Capacity of the Facility can **be safely and fully utilised**.

The points raised in (33) concerning the inappropriate locations of the Nations existing Primary Airports continues to place costly restrictions on the operations of Carriers (both Passenger and Freight).

These Airports have adequate Infrastructures (Runways, Taxiways, Aprons and Terminals) that will allow a significant increase in their Capacity to handle International and Domestic Traffic without any up-grade of their Airport’s Infrastructure.

The fact that all but one Australian Primary Airport conforms with Code “F” ICAO Standards should be viewed with alarm as it will require only one incident involving a Code “F” Aircraft operating onto a Code “E” Movement Area to leave Australia’s International Safety Record in tatters.

In summary, the only Pressure Points affecting the Nation’s Primary Airport Capacity are:

- (1) The Location of all Australian Major Primary Airports close to Capital Cities and Residential Developments restricts 24/7 Operations.
- (2) Residents and Environment Groups mounting anti-Airport Campaigns.
- (3) The introduction of a system in which all Airlines have to apply for a Slot which is necessary if the Airline needs to gain access during Peak times.
- (4) Fuel Costs reducing Air Traffic.
- (5) No Australian Airport has currently installed a Category IIIc (no Decision Height) ILS enabling Aircraft to land in nil visibility.
- (6) Low-Cost Carriers are unable to compete because of high Operating Costs and unrealistic Fees and Charges imposed on Carriers by both the Federal Government and the Airport ALC.
- (7) The reliance on Federal Government Amendments to ICAO Standards to allow Aircraft larger than B747 (Code “E”) to use the Nations Primary Airports – except Melbourne. Those Airports should be forced to spend money to upgrade Movement Areas to ensure conformity with ICAO Standards which will ensure Safety is not being compromised in favour of expediency and Profits.
- (8) The Nation’s Regional and GA Airports also face the same problems. All of these Airports are capable of handling increased capacity but are “hamstrung” by Environmental Issues – mainly noise and inappropriate Locations.

(35) *Can the growing use by Civil Aviation of Joint-User or Defence owned Airports be safely and effectively accommodated.*

Response:

Whilst it is preferred that Military Operations be conducted from Dedicated Military Airports such as Amberley, Richmond and Williamstown etc, Joint User/Defence Owned Airports such as Canberra, Darwin, Townsville, Oakey, Wagga etc should be maintained as such because of possible future Defence needs.

The growing use by Civil Aviation of these Facilities does not (operationally) differ to any great extent because of the mix, as daily Military traffic (apart from abinitio Pilot Training) is usually relatively low – except during Military Exercises.

It can be argued that the Civil Aviation Component of a Joint User Airport operates under a more comprehensive Safety Regime than at a typical Civil Primary or Regional Airport where RPT Operations are conducted. The reasons for this may be:

- Control Towers may contain Military Personnel as well as Civilian Staff using better control mechanisms to be installed (Radars etc) providing a more comprehensive Traffic Separation System than that at Civil Airports.
- Movement Area maintenance is better under Military Control
- Electronic Navigational and Approach Aids are more comprehensive.
- Visual Aids (Approach, Runway, Taxiway, Apron and signage) are more comprehensive than Civil Aviation Airports.
- Military RFFS (Fire and Rescue Services) are better equipped than their Civil Airport Counterpart.

(36) *How can the protection of the Communities around Airports from undue Aircraft noise best be addressed as demand for Services continues to grow?*

Response:

As detailed in Response (34), there is no satisfactory answer to this question –

**Except to relocate the Airport or construct new Airports in areas that can be protected from Residential encroachment.**

However, when confronted by complaints by Residents of Affected Communities to Air Services Australia, the likely outcome is to simply place further Restrictions on Airport Operations.

These usually take the form of:

- Curfews
- Slots
- Noise Abatement Procedures
- Special Operational Procedures such as the Required Navigational Performance (RNP) gradually being introduced into Australian Airports which address Emissions and Noise by Aircraft tracking over Residential Areas.
- Special Inbound and Outbound Tracks to minimise Aircraft Noise *ie: at Sydney Airport where under the current LTOP arrangements, Aircraft Noise is shared around the surrounding Community.*

- Insulating Homes and sometimes Businesses from noise by installing Double-Glazing Windows and Noise Minimising Roof and Ceiling Batts.

None of these measures are satisfactory as it cannot address a noise problem experienced outside of structures but only achieves a negative reaction from Airlines and other Users of the Airport who have to adopt measures inflicted on them by the Regulator which in turn makes operating into the Facility unattractive by affecting the Carriers “bottom Line” – especially if Slots and Procedures make Flight Time longer than necessary.

(37) *As the Aviation Industry grows and changes with the advent of Low Cost Carriers and other Innovative Service Providers, should changes be made to the Regulatory Framework for the Pricing of Airport Services and Monitoring of Service Quality?*

Response:

To instigate changes to the Nations Regulatory Framework **simply** for the pricing of Airport Services and the Monitoring of Service Quality is indeed a **Serious Trap** that the Australian Government *through its Regulator* can easily (**and has**) fallen into over recent years in response to submissions by Australian Airport ALC’s and Airline Operators.

A Classic example is the decision, made by the Federal Government at the time, endorsed by CASA and backed by Legislation, (*The Rule Change*), to allow the introduction of the Code “F” Airbus A380 Wide-Bodied Jet before Australian Code “E” Primary Airports had completed the necessary Code “F” up-grades and whose arrival on the Australian International and Domestic scene has assisted Airports and Low Cost Carriers to maintain and/or increase their respective ” bottom-line” Profitability.

- Other Innovations that can (*or may*) provide a Cost-Effective Answer in the Provision of Services of *all types* have invited initiatives by successive Federal Governments to Authorise changes to its Regulatory Framework.
- These Changes have, not only assisted Airport’s and Carriers alike to increase profitability, but have resulted in the *watering-down* of ICAO Standards to such an extent that Safety on Australian Airports has been compromised
- Another Example: *being the Rule Change allowing Code “E” Aircraft to access the Code “C” Gold Coast Airport, and the amendment of ICAO Standards to allow Approaches from the north during Instrument conditions..*
- Australia, as a signatory to the ICAO Conventions - which form the backbone of our Safety Systems - should **not** modify those Standards – which have been designed by the International Regulator to provide uniformity in Safety Standards throughout the Aviation World.
- **The Australian Aviation Industry may end-up with a “Dogs Breakfast” of Rules and Regulations that significantly departs from ICAO Standards that inhibits rather than encourages Operators to provide Services at both ends of the RPT, Freight and Charter (non-Schedule) Markets.**
- **The danger is that Safety is being Compromised that could result in the loss of Public Confidence in the Industry.**
- The American, British and European Regulatory Authorities have more complex issues to address than Australia. Traffic Volumes, both en-Route and at Major, Primary and Regional Airports in most Northern Hemisphere Countries make Australia’s circumstances seem inconsequential.
- As Signatories to International Conventions covering Civil Aviation, Regulators in America, Britain and Europe, turn to the International Regulator I.C.A.O. for Standards covering the Design and Operation of Airports, Aircraft and Associated Technology.

- Such moves have resulted in the provision of uniform Standards covering known and expected Safety Issues in all aspects of Civil Aviation – including Airport Layout, Aircraft Movement Area Design and associated items.
- Australia is also a Signatory to ICAO Conventions but changes to the Regulatory Framework made over the years by the Federal Government through it's Regulator to increase the viability of an Airport's ALC is creating an intolerable situation where Operators believe that presenting the Government with a reasonable case, Standards may be changed to make the Facility more Profitable.

(38) *Is there sufficient transparency in the setting of Charges for Services at those Airports that are not subject to Price or Quality of Service Monitoring?*

Response:

There is currently no Monitoring of the imposition of Costs on Airport Users by the ALC or Owner of Regional or GA Airports generally centred on the following:

- Aeronautical (Landing) Charges
- Aircraft Parking Fees
- Airside Vehicle Access Fees
- On Airport Tenancy Lease Charges
- Periodic Levies, Power, Waste Collection, Water and Rates disbursement etc
- Landside Vehicle Parking Charges
- Environmental Levy

When challenged on the issue, ALC's of ex Federal GA Airports invariably argue that Commercial Realities dictate the quantum of Fees and Charges levied on Tenants and Users of the Airport.

Whilst fees and Charges relative to the Real Estate component of those domiciled on the Airport, Aeronautical Charging should be regarded as a different matter.

GA Aeronautical Charging by the ALC should be Regulated and consistent across the Nation. Currently Aeronautical Charges by ALC's is crippling Users - particularly Flying Training Organisations where a simple "Touch and Go" Training exercise can attract a charge of several hundred Dollars.

**This is forcing such Organisations to send Students to small Authorised Landing Areas (ALA's) where available, to conduct such Exercises which also adds to the costs of gaining a License.**

*The Claim that some Airports are subjected to Price or Quality of Service Monitoring is not correct. Charges vary between ex-Federal Primary Airports and the Quality of Service to relative to the Pricing Structure is often in question. The following Table compares Airport Turnaround Revenue:*

Airport Turnaround Revenue:

Airport Turnaround Revenue varies between every Australian ex Federal RPT Airport. An example of the difference between Eastern Seaboard Airports in Turnaround Revenue for one B747 Movement follows: (Figures 2006-7 courtesy of BARNZ)

Sydney	Melbourne	Brisbane
\$9666.00	\$6468.00	\$6032.00

Aeronautical Charging by an ALC to the Owners of RPT Aircraft using the Airport should be Regulated and consistent across the Nation.

Currently, because there is no competition between Airports, ex-Federal Primary and Regional Airports charge whatever the Industry can afford – such Charges being passed onto the Travelling Public by the Airlines either in the cost of a Ticket or other mechanisms.

Significant Increases in Aeronautical Charging by all Major Airports since Privatisation has occurred with the Regulator (apparently) powerless to do anything about the matter.

- The ACCC also has been unable *or unwilling* to take action against rampant Price hikes with the common reason given by ALC's that Market Pressures are the root cause of such movements.

The Method and \$ value of Aeronautical Charging is decided *entirely* by each Airport.

- The first being predicated on the published MCTOW (Aircraft Weight) of the Aircraft Type and Model per Movement (*one landing and one take-off*), together with a variety of add-ons such as Aircraft Parking and Ramp Charges, Terminal Charge, Passenger Services Charge, Noise Levy,.
- The other is a Per Passenger Charge instead of the MCTOW plus the other Charges already mentioned. ALC's currently use the *Per Passenger Charge* as this Method produces the highest returns due to high Passenger numbers.

In Summary, the Aeronautical Component of Airport Charges should be Regulated on all Airports. The Per-Passenger method should be removed and all Aeronautical Fees and Charges should be based on MCTOW, (or Ramp weight of the particular Aircraft) irrespective of the number of passengers or weight of Freight carried.

## 2.2 AIR TRAFFIC MANAGEMENT

(39) (a) How can Australia's Air Traffic Management System best take advantage of new and emerging Satellite Navigation technologies? (b) What is the role of Government in the take-up of the new Technologies? (c) Are there any Regulatory impediments to maximising the use of new and emerging Surveillance and Navigation technology?

Response:

- (a) The Australian fully automated Air Traffic Management Systems (TAAATS) is a World Leader in Air traffic Management (ATM).

The GNSS (Global Navigation Satellite System currently used around the Nation) as part of the ATM is continually under evaluation and assessment and represents the current State of the Art in Integrated Technology.

As AA is de-commissioning and removing as many existing Navigational Aids as possible, **the System currently favoured by AA does not offer any Back-up** for current Satellite Technology (GPS) and if a future conflict results in the destruction of these existing Communication and Navigational Satellites, the Military will be at a serious disadvantage and Regional Civil Aviation will grind to a halt because there are no back-up Aids available.

To address this situation and provide a proven System for Australian Civil and Military Aviation, **and not to allow Air Services Australia to inflict more Fees and Charges on Users**, the Australian Government should instead use the available Resources to install a Communications and Navigational Satellite over Alice Springs - in Australia's Heart - compatible with the American "**Wide Area Augmentation System**" which will then provide the necessary Navigational coverage **over the whole of Australia**.

- (b) The Federal Government should ensure that Air Services Australia's out-dated Proposal is diligently compared with the existing US *Wide Area Augmentation System* – particularly in the light of providing Services to Regional Centres.

Such Technology will require the installation of a Satellite in stationary orbit over the centre of Australia. However, not only will the new Satellite provide Nation Wide Navigational coverage, but additional benefits will flow in the Communications area.

Additional Funding should also be provided for Research into Systems that will be required to Manage the next generation of ultra-High-Speed, Hyper Sonic Airliners scheduled for introduction in the not to distant future.

- (c) By adopting the US Technology, through existing Treaties, Covenants and Agreements, most if not all of the expected impediments will be removed.

(40) *How do we enhance both Air Traffic Management Safety and Capacity and Efficiency?*

*Response - Courtesy of AirServices Australia*

Hopefully, Air Services Australia, (AA), is responding to the ICAO determination that an Augmentation System is required for Civil Aircraft to safely use GNSS as the Primary Navigational Tool.

- Augmentation Systems address recognised deficiencies in the accuracy, integrity, availability and reliability of GNSS signals.
- AA is playing a leading role in the development of two Augmentation Systems – GBAS (Ground-Based Augmentation System) and GRAS (Ground-Based Regional Augmentation System).
- The continued R&D being undertaken by AA has, as it's ultimate goal, the enhancement of Australia's ATM.
- Ultimately, new Systems will emerge that will provide the required levels of Safety.
- Federal Government will need to provide the necessary resources to enable the development of the Technologies mentioned above to proceed as quickly as possible.

**The serious Flaws currently existing in Air Services Australia's Funding - which has to entirely rely on Fees and Charges imposed on Users in order to maintain Services to Aviation should be closely examined and totally overhauled with the Federal Government taking over the Organisation's Funding Responsibility to reduce costs to the Industry.**

(41) *How effective have Australian Regulatory Agencies been in pro-actively assessing the Australian Air Traffic Management System and setting clear risk-based Safety and Efficiency outcomes requirements, having regard to International Developments?*

Response:

Air Services Australia already and very effectively provides Australian Aviation, Australian and International Customers with Solutions for Safe, Efficient, Effective and Environmental sound Airspace and Airside Systems and Services.

- AA provides clear, tested and Integrated Solutions for all facets of Air Traffic Control
- AA provides the latest Communications Technology and is currently instrumental in developing new Equipment to support and enhance the existing System.
- AA is at the forefront of hybrid ATM System development and new Technology implementation.
- AA is a World Leader in the development of ATM Systems and Technology that is used by many Overseas Countries.

*(42) Are we effectively aligning Airspace Classifications and the level of Services and Facilities provided to reduce risk to Passenger Transport Operations? Can we better identify Risk factors?*

Response:

The current Airspace System managed by AA, with Classifications “A”, “C”, “D”, “E” and “G” are continually under Review and Refinement since it’s implementation and is based on the US Model.

This System is used in several Countries around the World and demonstrably provides the best safeguards for Passenger Transport Operations.

*(43) How do we ensure the Development of Australia’s Air Traffic Systems is compatible with Global and Regional Systems.*

Response:

It is absolutely crucial that the Nation - remains a signatory to the I.C.A.O. Convention. The signing of the Chicago Convention many years ago, effectively binds this Nation to the ICAO Recommended International Safety Standards.

The Federal Government all too frequently in the past, has chosen to amend ICAO Rules and Regulations as reflected in MOS Part 139. The lowering of International Safety Standards in favour of Commercial Interests has resulted.

*(44) How can Australia’s Air Traffic Management Development be aligned with broader Policy considerations such as National Security and the Environment?*

Response:

Air Services Australia and it’s ATM Teams - in conjunction with the Federal Police and ASIO, through Ground Based and on-board State of the Art Electronic Devices and Detectors, Reactionary Systems, should work together to continually assess current Plans and Logistics

This should lead to the redefining and subsequent up-grading of Management Resources and where necessary amending existing Plans in order to provide an immediate and meaningful response to any given Situation whether it be through Terrorist Activity or accident involving an Aircraft en-Route or on an Australian Airport.

- If an Aircraft is subjected to Hijacking or Terrorist attack, special Procedures to counter this incident should be regularly and thoroughly tested through Exercises, both Desk-Top and Real-time, involving Air Traffic Management, Regional and Local Counter Disaster Groups together with the Airport's RFFS and local Police.
- The Exercises should test the Emergency Procedures on every Major and Regional Airport together with smaller en-Route Airports.
- Environmental Groups will also take a major part in those Exercises which test and Airport's ability to respond to any type of Disaster or Threat.

*(45) What steps need to be taken to ensure the Retention, Training and future Supply of Skilled Air Traffic Controllers and Associated Professionals?*

*Response:*

A complete overhaul of AA's Funding Arrangements should be undertaken as part of a Review to attract suitable candidates for selection as Air Traffic Controllers, ATC Personnel and Professionals employed in similar high-stress positions within the Industry. Personnel should be well compensated for this stressful Profession and on-the-job amenities not usually granted to other Employees should be part of the Job's Remuneration Package.

*(46) What should a National Air-Traffic Management Plan cover and who should be responsible for it's development and Implementation?*

*Response:*

Air Services Australia has the Expertise and Experience to determine the content of a National Air-Traffic Management Plan, and be responsible for it's Development and Implementation.

- To suggest another Body be created to undertake this responsibility will only lead to duplication and the splitting of Resources.

*(47) Are there ways in which the approach to Safety Management Systems could be enhanced?*

*Response:*

As Over-viewed under I.1 (4), I.3 (14) and other instances within this Response Paper, The Federal Government, through it's Regulator/s should adhere **absolutely** to the ICAO International Safety Guidelines.

- The ICAO Recommendations relating to International, Domestic and Local Aviation, have been determined over many years through consultations with International Governments, Aviation Administrators and Associated Entities.
- For Australia to keep amending these Recommendations *by Legislation* for Parochial Interests does nothing for the preparation of an SMS. As a Signatory to the ICAO Convention, Australia should ensure Safety Standards Conformity with the rest of the World.

*(48) Should the Governance Arrangements with CASA be strengthened to better support the Role of the Safety Regulator?*

*Response:*

The Australian Transport Safety Bureau (ATSB), appears to have a growing Role as the Over-Arching Governance Entity to Monitor the activities of CASA following many years of controversy between the two.

This may have occurred because of the problems that have arisen – particularly in the GA Industry as a result of the (*Probable*) Political manipulation of CASA's Role by the previous Federal Government in the application of Safety Standards to allow Private Operators (*both in the Airline Industry and Airport Lessors*) to remain Viable under the pretext of providing the Travelling Public with “better” Services and Options.

The Governance Arrangements with respect to CASA could be better strengthened by halting Political Interference by the Federal Government to allow this Authority to get on with it's job which is to ensure that the Regulations - as contained within the Act - are diligently Administered and the Aviation Industry is informed about exactly what is required and where it stands.

This not only contains costs but prevents duplication and mistrust clearly evident throughout the Nation. Such facts should become clear when the results of this Issues paper are analysed. In a “Nutshell”, there should be only One Safety Regulator. Either the ATSB assumes the Role entirely or CASA . Anything less creates confusion as currently is the case.

- ***The latest example of CASA's manipulation by others – (with the ATSB having to step in to correct the situation) - concerns the decision to restrict Instrument Departures at Queensland's Largest GA Airport, Archerfield Airport, This is as a result of the Airport's ALC (with CASA's approval), allowing the erection of structures (including the QES Facility) to occur within the main Runway's OLS. A NOTAM to this effect was issued by the ATSB during May, 2008.***
- ***The Current ALC has also reduced the Main Runway from 1471m down to 1095m. The seriousness of the Down-grade is reflected in the Operations of the State Government's Emergency Services Helicopter may be curtailed as all QES Missions are conducted from the Archerfield Facility under the IFR and that large Aircraft cannot now operate out of the Airport – A clear breach of the Airport's Act 1996 and the Terms of the ALC's Lease.***

(49) *How can CASA strengthen the way it relates to Industry while meeting the Community expectations of a firm Regulator?*

Response:

In a “Nutshell” the following should be adopted by the Federal Government:

- Provide CASA with sufficient Autonomy to “do it's job” free from Political Interference and ATSB monitoring – **or disband CASA..**
- Ensure CASA's “Tools” are based on accepted International ICAO Standards to which Australia is a Signatory and is Bound by such Treaties and Conventions pertinent not only International Safety Standards but Domestically as well.
- The Federal Government to cease introducing Legislative Amendments to such Standards in the interests of Expediency rather than Safety.
- With respect to Aviation, the ATSB's **only** responsibility should be as the Determinator of who or what is the Causation of Safety Breaches by Airport and/or Airline/Charter/Commercial/Private Operators and to provide the necessary Legal consequences for breaches of the Standards as determined by International Treaties and Obligations as they apply to Australian Aviation.

- Provide the Community with the Confidence that the Regulator (CASA) can *unquestionably* administer and provide a completely Independent approach to the introduction and administration of ICAO International Recommendations that the Australian Government is completely committed to using.
- There is no such thing as Local Conditions that allow Modification of existing International Safety Standards. Apart from Local/Regional en-Route situations, **Aviation is the same World-Wide.**
- No matter whether Passenger Carrying, Freight, Charter or Private Operations or Airport Physical Characteristics or subject to local Climatic Conditions, Terrain, Obstacle Considerations or even Local Customs or Ethnic/Cultural or Political Restrictions - Aircraft operate and function and require separation - most times under similar conditions.

(50) *How can the Australian Government and Industry ensure CASA completes it's long-running Regulatory Reform Process as soon as possible, to give clarity to Industry and to clear the way for new Approaches to meeting the Regulatory challenge?*

Response:

Only CASA has the Specialised Aviation Expertise that can complete and implement the Reforms in question.

The reason for any delay in the Process centres on Political Intervention and Interference by the previous Federal Government followed by the reassignment of the ATSB to the Role of Moderator – thus slowing down the process and producing uncertainty in CASA's ability to monitor and maintain Safety Standards both on Airports and Aircraft Owners and Operators.

To rectify the situation, the Federal Government should immediately redefine the Charters of both the ATSB, CASA and the Funding of Air Services Australia. This will pave the way for the removal of any existing and future misunderstanding that inhibit desirable efficiencies.

(51) *What changes could be made to improve how Australia's Aviation Safety Agencies work together?*

Response:

The Aviation Industry needs an unambiguous yet decisive Regulator to “apply the Rules” to the Industry in their individual endeavours to run profitable Businesses within the existing Regulatory Framework.

This can only be successful if the Regulator itself is confident that it has the Autonomy to do so without Political interference. Within the Australian Aviation Industry, there are three Principal Authorities whose Functions should be:

- (1) **The ATSB** – Responsible only for Investigations and Reports relevant to accidents/incidents relevant to all forms of Transport.
- (2) **CASA** – Responsible for the Administration and Implementation of Standards – including Safety Standards to all Sections of the Aviation Industry – **free from Political Interference.**
- (3) **Air Services Australia** – Responsible for the Administration of Australia's Air-Space and International Routes where they affect Australian Air-Space which may only be possible through new Funding Arrangements.

(52) *What steps can the Aviation Industry as a whole take to ensure it maintains Safety Standards as it grows and diversifies?*

Response:

All Industry, whether Aviation or any other Industry, will **always** understand a System that relies on Monetary Penalties or in worst case scenarios, Criminal Action to enforce Standards – particularly Safety Standards. Anything less only produces confusion and a willingness to cut-corners without fear of reprisal.

- Acknowledgement of and respect for a strong Regulator applying *across the-board and consistent* Standards particularly to ALC's of ex-Federal Airports.
- Complete adherence to IACO Standards
- Acceptance that Breaches of Standards may result in a Heavy Fine or at worst Criminal Action depending on the importance of the Breach.
- An increase in Field Surveillance Staff to work with Aviation Industry Groups to ensure breaches to Regulations are identified before implemented either intentional or otherwise.

(53) *What steps should be taken to ensure Australia maintains a high standard of Aviation Safety in the context of Global Developments.*

Response:

The Only Way to guarantee a high standard of Aviation Safety within Australia is to adhere **completely** to International Conventions, Treaties and Obligations - in this case, as reflected in ICAO Recommendations.

If a better Standard is devised in the future by an Australian Entity - as a signatory to the ICAO Convention, it is possible for Australia to submit such a proposal to the ICAO Organisation for Assessment and possible Adoption as part of the relevant ICAO Annexure.

(54) *What Issues should a 21<sup>st</sup> Century Aviation Regulator focus on?*

Response:

- (1) Encourage the relocation of Existing Major Airports away from Suburban Population.
- (2) Encourage Local Governments to provide "Buffer Zones" around new Airports to stop residential encroachment.
- (3) Ensure ICAO Standards are not "watered down" for Vested Interests
- (4) The Regulator should focus on ensuring all who are engaged in Aviation within Australia to adhere to published Standards with meaningful Penalties for breaches.
- (5) Immediately introduce Standards covering Code "G" Aircraft
- (6) Immediately commence the preparation of Regulations to address the imminent introduction of the next generation of Hyper-sonic Jet Airliners (*ie Virgin's A(2)*)'
- (7) Submit Proposed Standards to ICAO for discussion and adoption by that Organisation covering the introduction of Hypersonic Aircraft.
- (8) Ensure that each Regulator has autonomy based only on the implementation and Monitoring of Standards on all Airports – particularly ex-Federal.
- (9) Legislation should be introduced to delineate the roles of each Regulator.
- (10) Review all Fees and Charges to Users to encourage new Businesses into the Industry.

- (11) The 21<sup>st</sup> Century Regulator should be completely Independent and not be influenced by Political pressure.

(55) (a) Is Self-Administration a key factor in the growth of Recreational Aviation? (b) Is there more scope for some parts of the Industry to Self-Administer? (c) What are the opportunities and risks for the Industry, Regulators and the Community in greater "Self Administration"?

(a) Continued Self-Regulation of Recreational Aviation is not the reason for its current growth. A possible reason for the growing popularity of Recreational Aviation is:

- Cost of acquiring an appropriate a new or second-hand GA Aircraft manufactured by an established Company capable of mass-production.
- The Cost of on-going Maintenance of an average light Aircraft
- The Cost of Registration and Associated Fees of a light Aircraft etc
- The Cost of Pilot Training and associated Private Pilot's License
- The Cost of Fuel (AvGas) v the cost of MoGas
- The Cost of Air Navigation Charges, Landing fees and Charges

Most Recreational Aviators, as distinct from GA Pilots and Ultra-Light "Pilots" employed on Out-back Properties to muster cattle, operate from paddocks, or at best Authorised Landing Areas (ALAs), because attendant costs prohibit operations from "proper" Airports and by so doing, avoid the Rules and Regulations that currently exist to Administer and Control "normal" Aviation within Australia.

To introduce Self-Administration - and (perhaps) ultimately Self-Regulation to this Section of the Aviation Industry may lead to a serious decline in standards and may prove to be counter productive in the Government's attempts to monitor the Safety Aspects expected to prevail in all other branches of the Industry.

At some small Airstrips, clashes occur between Recreational Pilots and properly trained GA Pilots over procedures with disturbing regularity.

As an example, It is not uncommon whilst en-route VFR from any direction to the Gold Coast Airport, OCTA, and at 1500ft, or in the Airspace between Toowoomba and points west at a similar altitude, (outside the Oakey CTR), to encounter a Recreational Aircraft at the same level – clearly flying above their designed altitude which creates an unacceptable hazard which is due entirely due to the lack of adequate Training and:

- (b) There should be no parts of Recreational Aviation where there is scope for Self Administration. Because the standard of Pilot Training is far lower than what is required for a typical GA Private Pilot, if such a move was contemplated by the Regulator, would only lead to an unacceptable level of Airspace Violations, conflict with Aircraft under the command of properly Trained Pilots and at larger GA Airports, interfere with Circuit Work requiring normal Aircraft to extend a Circuit Leg to provide adequate spacing between Aircraft.
- (c) By passing the responsibility for the Administration of the Recreational Aviation Industry saves the Regulator and the Federal Government serious Money. This in turn may allow some Recreational Aviator to "Bend the Rules" not only in the construction of the Aircraft (if a Home-Built) but in its operation – particularly when the location is close to General Aviation Airports and Aerodromes.

In Summary, any Industry operates more efficiently and in the interests of all Parties, when it has Boundaries (Rules) to work within.

Provided the Rules are fair and make sense to the average Flyer, Industry generally prefers to have Rules already in place and regularly monitored by a Government Regulator through an Inspectorial System – either scheduled or random.

#### 4.1 AVIATION EMISSIONS AND CLIMATE CHANGE

*(56) What practical steps can the Aviation Industry take right now to reduce Greenhouse Gas Emissions? Are Carbon Off-Set Schemes enough?*

Response:

The Australian Federal Government should provide monetary incentives to co-ordinate the Research Institutions around the Nation for the serious Development of Technology that may assist in the lowering of Aircraft Greenhouse emissions.

Currently, it is impossible to determine if any Individual, Company or Organisation is actively engaged in appropriate Research to address the problem.

If co-ordinated, such Research can be funded at a number of levels around the Country, and can come up with an answer to the problem within a reasonable timeframe, then it is feasible that Australia could make significant contribution to the *GIACC Program of Action* – within a short space of time.

As a Signatory to the ICAO Convention, the Australian Government should make every effort to justify its place on the GIACC Program by encouraging Industry **through Financial Incentives**, to come up with an answer.

The Carbon Off-Set Scheme may be just another Tax on Industry and the Public. It may be the “easy way” to address Greenhouse Emissions.

However, it may be far better to find ways to reduce or eliminate altogether these Emissions through Australia’s proven Track-Record for innovation which should be “harnessed” by Incentives to find the answer.

*(57) What measures should the Aviation Industry be taken in the Short – Medium Term to reduce Emissions, such as Clean Engine Technology and Clean Aviation Fuels?.*

Response:

The Aviation Industry throughout the World *including Australia*, face an identical problem. As suggested in (56), the Federal Government should **immediately** attract the interest of Research Institutions, Companies and Individuals by providing Rewards or Incentives to encourage such Entities to conduct the necessary Research and Development into:

- Improving existing Engine Technology (both Reciprocating and Jet) to make the existing Power-Plant suitable for Aviation Use without expensive modification.
- Research into the possibilities of changing from existing fuels ie: *Avgas, AvTur (F40), AvTur (F44) and Jet A1 (both Types)*, to a totally new concept in Aviation fuels for use in existing Power Plants. (*ie: Able to be used in existing Reciprocating Engines and large Jet Engines*).
- The Development of New Fuels such as Hydrogen or Natural gas.
- The Development of an entirely new method of Propulsion suitable for Aircraft.

(58) *Given the International nature of Aviation, what opportunities are there to minimise Greenhouse Emissions and Trade Permits through Emission Trading Schemes?*

Response:

Australia, in conjunction with the International Regulatory Body ICAO together with other Countries who subscribe to the GIACC Conference have no choice but to disseminate, debate, digest and implement the decisions made at future meetings of the Organisation.

Before that can occur however, with respect to Australia's participation, all the worthwhile suggestions put forward *as a result of the Responses to the Issues Paper and from other sources as well*, should be carefully documented and put forward at future GIACC Meetings to ensure that the final Consensus of Opinions necessary for the preparation of the *Program of Action* for ultimate is acceptable to the Public at large and Worlds Leaders in particular.

## 4.2 AIRCRAFT NOISE

(59) *(a) Could the ANEF System be improved or be supplemented by other Planning Tools to better explain the impact of Aircraft Noise? (b) Should State and Local Governments play a greater Role in Aircraft Noise Management? (c) What should be the responsibilities of Airports?*

Response:

(a) The current ANEF System is based on the American NEF System and is a Scientific Measure of the Noise Exposure on the ground around Airports.

- The Australian ANEF System is a variant of the US System but achieves essentially the same outcomes.
- Any proposed improvements to the existing System may not produce the desired results as **all** major Airports are now deeply imbedded in Suburbia thus making any improvement very marginal at best.

However, if the Federal Government is serious about addressing the current and serious decline in the Australian Aviation Industry, (as evidenced by the questions posed in the Issues Paper), consideration should be given to:

- Encouraging New Airports or Relocating existing Major Airports to areas that are relatively free from Residential Development.
- Producing ANEC, ANEI and the ANEF charts pertinent to a New Airport **before** Developments are approved in the new/relocated Airports vicinity.
- Ensuring Local Authorities do not allow Developments within the ANEF Contours through a requirement that all such Developments first receive Approval from the Federal Government's Regulator.

(b) Although the State of Queensland has it's Integrated Planning Act 1997 (IPA), which includes the State Planning policy (SPP 1/02 with Annexures), Environment Relevant Activity (ERA), and a Building Referral System all of which covers proposed or existing Developments adjacent to Airports,

The IPA through the IDAS Assessment Process is essentially aimed at providing Local Authorities with Guidelines to control Activities (including the Management of Noise) close to Airports. Other States and Territories forming the Australian Federation also have similar Legislation.

However, instances around the Country in which a Local Authority has ignored State and Federal Laws and proceeded to approve Developments close to an Airport – particularly after the handing over of the Facility to the Local Authority under a Deed of Agreement via the 1992 ALOP Process. (*ie: the Evan’s Head Fiasco*).

The Federal Government should as a matter of urgency, extend their involvement in the Assessment and Approval Process by:

- Ensuring Uniformity of Legislation exists between States
- Ensuring that the Relevant Federal Regulator over-views the Assessment Process with the Power to over-rule decisions made by the State’s EPA with respect to Applications made and Approvals given by Local Government covering Developments near Airports.
- Ensuring all Decisions made by the Regulator are based on Existing Standards and not to satisfy Commercial Vested Interests).

(c) Ex-Federal Airports – *in particular*, are completely dependent on Local Governments and ultimately State Governments to ensure that the Airport’s ANEF, the Airport’s OLS and the Airport’s Pans-Ops Surfaces are protected from certain types of Developments.

- However, Airports *per se*, are sometimes “*hamstrung*” by Local Vested Interests who in some cases have been able to influence Local Authorities to approve high-rise or inappropriate Residential or Commercial Developments that effectively compromises Operations and hence Safety on the Airport especially if the Development is a Residential Development, which *ultimately* may generate considerable Public agitation concerning Aircraft noise. (*Refer to Item 23*)
- The Airport can do very little in response as the Airport’s Viability depends on it’s Users and to restrict Operations because of a Noise Complaint emanating from a Resident who has just moved into a house located at the end of the Runway, makes life very difficult for the Airport Operator who can do nothing but blame the Local Council for approving such a Development at that location.
- To overcome the Problem, the same involvement by the Federal Government as described in (b), should be adopted.

(60) *Should emphasis be given to Airport/Community Partnership approaches, for example, based on locally negotiated Agreements rather than Generic Legislative Approaches?*

Response:

Experience has shown that a scheduled Community Consultative Process is the preferred option over “*big-stick*” Legislative approach to addressing Community concerns.

However, the problem could have been avoided in the first instance if those originally responsible for Regional and Local Town planning had displayed sufficient “*vision*” to recognise a future problem and accordingly place the location of a potentially large Airport well away from future City Residential Expansion Corridors.

However, over recent years, having accepted the Airport’s evolution from it’s original site, to what it has become, the Local Authority must now recognise that the Facility has to be either protected from further Residential encroachment or moved to a more appropriate location before Operational Restrictions or Public Agitation make it’s future viability in doubt.

(61) *Can techniques for sharing information on Aircraft Noise impacts be further developed to improve the supply of information to potential Property Purchasers and other affected Parties?*

Response:

A number of options are now available to potential Property Purchasers. However, as Price is the main Arbiter of any acquisition, with Location running a close second, a Purchaser with only a perfunctory idea of Values would *without doubt* immediately notice the proximity of the Property of Interest to something as large as an Airport. Having determined that the Property is close to a major Airport, the prospective Purchaser may be then swayed by the Price which is usually significantly lower than elsewhere.

However, if a Purchaser is still in doubt and does not take the time to weigh-up the Pro's and Con's surrounding the desirability of acquiring the Property in question, his only recourse is to wait for his Solicitor – *prior to settlement* - to advise him of any Caveats or other impediments affecting the Property including it's location relevant to an Airport or it's location relevant to the Approach and Departure Tracks of Aircraft using the Facility.

- To assist the Potential Purchaser to determine if the Property is susceptible to current or future Noise Impacts, the Airport together with the Local Authority should make available – *free of charge* - Maps and Charts of the General Area indicating the Airport's ANEF contour lines overlaying individual Lots within a 15,000m radius of the Airport.
- This should be made available to the General Public - and regularly updated as a Mandatory requirement of both the Airport Operator and the Local Authority.
- This Requirement should be introduced by the Federal Government's Aviation Regulator, reinforced by the State Government by virtue of Legislation similar to Local Government By-Laws covering Public Safety Areas (PSAs).

(62) (a) Which Airports in Australia need to remain Curfew Free and under what conditions?  
(b) Can Operations at Airports be better managed to ensure the Community is protected while at the same time providing night-time access?

Response:

- (a) No Australian Airport should have Operational Restricted imposed at any time. The imposition of Curfews on Airports to protect surrounding Communities from Noise and Emissions from Aircraft – particularly during the evening, ensures the Airport is operating inefficiently and at a fraction of what it is capable. However, in most instances, it is not the fault of affected Residents such conditions currently exist.

By imposing Restrictions on Carriers, Airlines and Freight Companies to operate into and out of Airports only during certain hours because the Airport is located close to *or surrounded by* Suburban Residential Developments makes the provision of Services to those Airports barely tolerable - simply because Carriers do not have a choice. Every Major Australian Airport is operating below capacity because of Curfews or Noise Abatement Procedures.

This is reflected in increased Costs to the Travelling Public as Flights cannot be tailored to take advantage of times other than during daylight hours or early evening. Airports currently allow some International Flights to depart during the late evening – contrary to Noise Abatement procedures where, for example at Brisbane International, the AIP's DAP-East, published Noise Abatement Procedures clearly indicate that for the Main 01/19 Runway, during the period 1200 to 2000hrs UTC (1000hrs to 0600hrs local time), landings shall be on RWY 19 (from the north over Moreton Bay) and Departures from RWY 01 (From the South, again over Moreton Bay).

However, the same Document also states that should the down-wind component exceed 10kts and the Runway surface is wet, the Aircraft's Pilot is permitted to request Arrival or Departure from the other end.

This effectively takes the Aircraft over populated areas on a regular basis – thus obviating the Procedure.

Brisbane International also utilises Slots to allow Aircraft to access the Airport during Peak Times (Morning, Noon and early Evening). Slots are necessary as Carriers have restricted access to the Airport and if allowed to operate at times to suit their preferred Service Schedules, Arrival and Departure times could be spread more evenly around the Clock – this minimising congestion during the Morning, Noon and Evening.

A worse situation exists at Sydney International where the AIP's DAP-East indicate that Restrictions apply between Monday to Friday and where different Restrictions apply on Saturdays and Sundays.

- The Noise Abatement Procedures for Sydney International occupy 9 pages of Procedures including diagrams of Corridors A to G which are designed to minimise Noise over populated areas.
- Concessions are offered for International Flights to allow their arrival at times during the late evening because the Carrier has no other choice – except to go elsewhere.
- This situation only increases costs to Carriers and when the application of Slots is taken into consideration, it is clear that someone has to bear the cost – and it is not the Carrier.
- AIP DAP-East indicate that Melbourne International has Noise Abatement Procedures in place between 0600hrs and 2300hrs (Local Time) which places Restrictions on Carriers both inbound and outbound that is also costly to conform to by Carriers and is reflected in the costs of travel to and from that Airport.
- With respect to large Regional and GA Airports, AIP DAP-East publishes Curfew Details and Noise Abatement Procedures for Airports such as Canberra, Gold Coast and Townsville with GA Airports Publishing Curfew and details concerning Noise Abatement procedures for Airports such as Moorabbin, Bankstown and Archerfield are published in ERSA..

*Summary:*

*Operations at every Major Airport located along Australia's East Coast are affected by Curfews and Noise Abatement Procedures usually activated at 2200hrs (10.00pm) and deactivated at 0600hrs Local Time.*

*The cost to Operators, Carriers and other Aviation related Industries could be dramatically reduced if Night Operations were not restricted. This, of course cannot occur because of the need to protect Communities surrounding Airports such as those mentioned above.*

*However, the Federal Government should accept that the current locations of all Major Airports whether they are International, Trunk Regional or large GA, is seriously impacting on the Australian Aviation Industry as a whole and therefore should institute a Long-Term Plan to relocate busy Airports away from Built-Up Areas.*

*Because the Federal Government has divested itself of Airport Ownership, encouragement and non-Financial Support should be provided to Others to undertake this Program.*

*As an example, the Consortia promoting the Jacobs Well International Airport to replace other badly located major Airports should be given serious consideration and offered non-Financial Support before the rapidly increasing population in the South East corner of Queensland forces Carriers, both International and Domestic to provide no more than enough Services to satisfy existing demand.*

*A cursory examination of Australia's Domestic Carriers Flight Schedules indicate that no attempt is being made to introduce innovative Packages to attract custom. All Carriers appear to be engaged in providing Low-Cost travel to a reasonable percentage of Australia's Travelling Public centred around existing Schedules.*

*To do otherwise only makes the provision of such Services uneconomic as no Access Guarantees can be given by Airports for times other than the current schedules. International Carriers are faced with the same problem. Only the relocation of Capital City and Major Regional Airports to less Environmentally Sensitive Areas will solve the problem.*

- (b) No Community can be entirely protected from Airport noise as detailed in (a), no matter what Procedures are laid down to avoid Built-Up Areas, the ultimate decision rests with the Aircraft's Pilot in Command who is charged with the responsibility for the Safety of his Passengers and Crew.

With no other options available, ATC can only provide Traffic Separation to allow the Aircraft to track as the Pilot in Command has requested – unless other situations dictate otherwise.

(63) (a) *How effective are the current Noise Enquiry and Noise Complaint Services?* (b) *Are there more effective ways to deal with People's complaints and requests for information?* (c) *Can the Services be better provided?*

- (a) Currently, Air Services Australia is responsible for the dissemination of Enquiries and Complaints arising from Aircraft Noise.
- The current system seems to be effective and provides the average affected Citizen with someone with whom they can lodge a complaint or make an enquiry.
  - To introduce a more effective method of processing complaints may be pointless and does nothing to eliminate or minimise the problem. Issues discussed in (62), are considered the only way to obviate the problem.
- (b) The more complex the System, the more the General Public becomes agitated. The current system is simple and cost effective and provides a "human voice" for a disgruntled Resident to speak with.
- (c) The objective of the Federal Government through it's Regulator should be to reduce or eliminate completely noise created by low-level Aircraft tracking over Residential Areas. This can only be achieved over a long period of time by either relocating people or by relocating the Airport. There is no other way!

### **4.3 CONSUMER PROTECTION**

(64) (a) *Are existing Consumer Protections and Airline procedures adequate in dealing with these challenges?* (b) *Is it possible to improve Passenger's Travel experiences without adding unnecessary costs to Airlines that would inevitably need to be passed on to all Passengers?*

Response:

- (a) Since the duopoly of Ansett and TAA ceased some years ago, Australians have gradually accustomed themselves to much lower standards of comfort and Service.
- (b) In previous years, the Federal Government owned all Airports and maintained strict control over those involved in the Australian Aviation Industry – including ownership of TAA and to provide “competition” between the two by providing subsidies to Ansett.
- This resulted in the provision of similar Services around the Nation with no real choice for those who travelled by Air.
  - Although Travellers had little flexibility in travel times, this was offset in some respects by the high standard of comfort and Service offered during the flight with meals and drinks served as a matter of course.
  - The Service was similar with the non-Government Airline, Ansett.

Today, Airlines within Australia currently offer “No-Frills” travel in which a component of every Flight is offered at a discounted price.

This has encouraged more people to fly between Cities rather than by Surface Transport. A higher class of Seating and Service is offered on the same Aircraft for those who wish to pay the appropriate Fare. Currently no Carrier offers to fill any flight *exclusively* with “No Frill” seating.

- To secure a seat on such Flights, the Traveller must book “on-Line” and pay by Credit Card with stiff financial Penalties for any changes made after purchase. Discounted Fares are usually quickly sold with the remainder of the Aircraft seating accommodating First, Business-and Full-Fare Economy Class Passengers.
  - The Terms and Conditions of Sale are available “On-Line” at the same time but left to the Purchaser to decide whether he or she wants to download the Information with the Ticket. Conditions of Travel following the Purchase of an Airline Ticket - *from any source*, are always available if the Consumer cares to ask.
  - Hence, the problem of Consumer Protection is only valid if such Information regarding the Terms and Conditions of Travel was not available to the Consumer at the time of Purchase.
  - Competition should be encouraged between Airlines – just as it should be encouraged between all Sectors of Commerce and Industry.
  - To offer competitive “No Frills” Travel - provided the Terms and Conditions of Travel are adequately set out in the Information available to Travellers during the process prior to purchasing the Ticket, is a legitimate method of gaining Patronage.
  - As a consequence, no case therefore appears to exist supporting the claim that the Consumers are not adequately protected from exploitation. **“What you pay for is all you get”**.
- (b) The average International and/or Domestic Traveller usually only wants to get from “A” to “B” by the most expeditious and Cost-Effective means possible.
- This is evidenced by the current take-up of Discounted Airfares offered by all Airlines and their Agents.
  - However, there will always be those who need to travel in a more luxurious style – similar to that of yester-year and most International but only one Australian Domestic Carrier provides Travellers with that choice.

- First and Business Class offers Privacy and Comfort at a higher cost, with Economy or Lower available at a much lower rate but in barely tolerable comfort.
- The long Sector duration of International Flights often generates physical fatigue but is usually accepted by the average Traveller as being *Part of the Deal*.
- Australian Domestic Airlines – particularly in the emerging Low-Cost Market, have inherently much shorter Sectors and thus Travellers are much more willing to put up with cramped leg-room between seats, no free Beverages or Food and the risk of Apron Boarding/Disembarking and Baggage off-loading under certain circumstances.
- With the advent of *serious* Competition between Airlines in the Low-Cost Market, the containment of costs arising from Government/Airport Fees and Charges becomes vital for the continuance of such a Market.
- It is therefore crucial that costs are contained in order that the Travelling Public can continue to do so by Air and not revert back to Road or Rail because the latter is significantly cheaper but takes a lot longer.

(65) (a) How can Airlines ensure Passengers are appropriately informed about Restrictions?  
 (b) Furthermore, are existing Airline Terms and Conditions reasonable?

Response:

- (a) It may be difficult to find a better way to inform potential Passengers than the current arrangements as described in (64). Passengers have to share some Responsibility for determining what is involved and the implications arising from the purchase of an Airline Ticket or to the consignment of Freight by Air.

Most people do not take the time to read the “fine print” but are quick to blame the Airline or Freight Company if things don’t go according to Plan.

Provided the Carrier has adequately furnished the “Terms and Conditions of Carriage” Document via an easily accessed and easily read medium, *no matter what the Terms and Conditions are*, then there should be no reason why a potential Traveller cannot make a rational decision about the standards of the Carrier with whom he or she wants to travel.

- (b) As with any purchase, it is up to the Purchaser to determine whether the Terms and Conditions covering the purchase of a Ticket will guarantee the Person not only a Seat on a particular Flight, but will safely take him and his baggage to their intended Destination.

If the Terms and Conditions do not meet with the Travellers expectations, then the Person should look elsewhere. To protect the Traveller to such an extent that the Carrier is continually in a state of Litigation, only serves to frustrate a Carriers intention to provide a reasonable Service at a reasonable price.

#### **4.4 DISABILITY STANDARDS**

(66) Are the Current Transport Standards adequate to ensure the removal of discrimination from Air Travel?

Response:

A comparison with Disability Standards applicable to other forms of Transport seems to indicate that:

- Public Amenities in Airport Terminals generally conform with DDA Standards, BCA and Local Government By-Laws.
- Airport Set-Down and Pick-Up areas generally conform with Standards.
- Boarding and disembarkation from Aircraft by Disabled Persons needs to be Reviewed. (ie: the use of a Fork-Lift to place a Person in a Wheel-Chair should be Reviewed).
- On-Board Amenities (ie Toilets) may be difficult to access for some disabled persons.
- Provision for On-Board Wheel-Chair restraints to allow a Disable Person to remain in the Wheel-Chair for the duration of the Journey would be a major incentive for such Persons to travel by Air. Manoeuvring from Wheel-Chair to Seat is a significant problem.

(67) *Are there recommendations arising from the recent Transport Standards Review that might be implemented to improve Services for People with a Disability?.*

Response:

The Writer is Unaware of any Recommendations - as none appear to have yet reached the Public Domain.

(68) *Are current Complaint and Compliance Mechanisms effective?*

Response:

Under the Disability and Discrimination Act, 1992, (DDA), all Complaints are currently processed by the Commission's Director through a Written Reporting System - Forms for such are available from Anti-Discrimination Offices or down-loading from the Internet.

The System at least puts the Situation into the Public Domain and if sufficient grounds exist for a Prosecution under the Act, the Director will institute Proceedings against the Offender.

The Commission seems to be capable of processing Complaints within a reasonable time, but it is noted that Complaints have fallen off over recent years (probably) due to Commerce and Industries conformance to Legislative requirements introduced and refined over the past 16 years.

#### **4.5 COMPENSATION ARRANGEMENTS IN THE EVENT OF AN ACCIDENT**

(69) (a) *Are Australia's Domestic Arrangements for Passenger and Baggage/Cargo Liability appropriate in the context of International Developments including the Montreal Convention?*

(b) *Is there a better System or Model for Compensating People?*

Response:

(a) As a signatory to the ICAO – 1999 Unification of Rules covering the International Carriage of Passengers and Baggage in the event of an Accident or Disaster.

- The Two-Tier Liabilities Facilitating swift recovery of Proven Damages without the need for lengthy Litigation, currently reflects the best System available for adequate Compensation that Australia can take in the event of a major Accident involving loss of Life and Property either within this Country or abroad.

(b) By continuing to Liaise with the International Body should provide the best way to keep abreast of International Developments in this area.

- Australia should not assume that the International Body is not capable of coming up with the best Protocols and to address the outcomes applicable to a major Aviation Accident - whether it concerns an International or Domestic Aircraft and those on board or Persons on the ground together with associated Assets and/or Structures.

*(70) (a) Are the Minimum Insurance Standards appropriate? (b) Should the System be extended to require Insurance for Third party Surface Damage? (c) Does the Aviation Industry face any difficulties in accessing appropriate level of Insurance to cover their potential Liabilities?*

Response:

(a) Although most Insurance Companies offer appropriate Insurance Cover, the IATA Organisation provides information on the Minimum Standard of Insurance available to the International and/or the Domestic Traveller or Freight Consignee.

(b) This may prove to be too costly to implement and such should be discussed with the International IATA Organisation of which Australia is a member.

(c) No Idea

*(71) Is the Voluntary Family Assistance Code an appropriate measure to ensure Airlines meet their responsibilities in the event of an Aviation Accident and to what extent are Airlines complying with the Code?*

Response:

The Family Assistance Code (FAC), a Voluntary Code of Assistance, sets out the Australia's minimum standards for the provision of Assistance through each Airlines Family Assistance Plan to Victims, and the Families of Victims of a major Civil Aviation Accident involving loss of Life.

- The Civil Aviation Industry together with the various Response Agencies, ie RFFS, Ambulance, Hospitals and Police etc, agreed on the introduction of the FAC, which closely follows the ICAO, Circular 285 – *Assistance to Aircraft Victims and their Families*.
- As the application of Code by Australian's International and Domestic is Voluntary, however, Airlines have adopted the FAC or a Code based on the ICAO Circular 285 Model.
- Recent Accidents, ie: the Whyalla and the Lockhart River Disaster, appear to have been successfully resolved by the application of the Code following the completion of Legal Proceedings and Coroners Inquest.
- However, by making the adoption of the FAC by Australia's International and Domestic Airlines Mandatory, may only result in a further increase in Airline Operating Costs, which will be passed on to the Travelling Public.
- A better way may be to introduce a System in which a Passenger **has the option** to take out a "Once-Off" Insurance Policy for a specified Pay-Out in the event of an accident in which the Ticket Holder is Killed or Injured - essentially providing a Financial Cover similar to that offered in the current FAC.
- The "Policy" would be available at the time of Ticket Purchase and would be as simple as a Tick in the Box" with the cost added to the Ticket Cost.
- This System would remove the onus from the Airlines to the Passenger and, being optional, would obviate future Litigation and the need for the Regulator to comply.

## 5.0 AVIATION SECURITY

(72) (a) Could Australia improve its approach to protecting Air Travellers from threats while facilitating quick and efficient travel? (b) How can we improve the System to improve both Security Outcomes and Passenger Facilitation through Airports?

Response:

(a) The objective should be to provide every Flight with maximum Protection from Threats of any kind by subjecting every Departing Passenger, Baggage or Article of Freight to an approved Screening Process.

- The Wheeler Review commissioned by the Federal Government during 2005, clearly identifies problems inherent with Airport Security and sets out a series of Initiatives to address the Situation that affects all aspects of Airport Security.
- The Wheeler Review with respect to Australian Aviation Security should be read in conjunction with the UK Wheeler Report undertaken during 2002 which details the Security Situation experienced on British Airports.
- The 2002 Wheeler (UK) Review provides a background and a basis for the 2005 Australian Security Review.
- The impact of the Wheeler Review on Australian Airport Security should not be underestimated.
- As with the UK experience, the Review should provide the Federal Government with enough material to provide the Australian Travelling Public with sufficient confidence that the Federal Government and Industry is addressing the Problem.

For Passengers, the Process should be as fast and as efficient as possible.

Technology for the effective and non-invasive screening of Passengers, Baggage and Freight is in a constant state of evolution with the Australian Company RAPISCAN, well advanced in the provision of State-of-the-Art Personal, Baggage and Vehicle/Freight Scanning Systems that has been accepted and installed into a number of the major International Airports.

The Australian Government and its Regulator should encourage by whatever means the continued development of X-ray, Gamma-Ray Imaging, Neutron and Diffraction Analysis by Australian Companies but remain cognisant of Overseas Developments.

As an example, the RAPISCAN *Secure 1000* designed for "Hands-Off" Passenger Screening provides a quick and effective System for High Resolution Imaging capable of identifying concealed threat and contraband items with complete Personal Privacy.

- The *Secure 1000* can detect Explosives, Narcotics, Ceramic Weapons and other Organic material together with Metal objects quickly and easily. There are Products available from other (International) Manufacturers that can provide a high degree of detection.
- An Australian Development, the RAPISCAN *Secure 1000* type of Walk-Through Screening is infinitely preferred by Passengers to the standard "Pat-Down" physical search. The System is currently installed at Heathrow Airport and has been adopted by the US Department of Homeland Security for use throughout the US.
- The Company also develops and manufactures a large range of Equipment suitable of installation at Airports and other High Security Sites, Points of Entry and Embarkation.

(b) The entire question of Airport Security ranges from Personal Screening, Inspection of Baggage and Parcel, Mail and Small Parcel, Small Cargo and Pallets to Mobile and Vehicular Gantry Inspections.

- However, efficient, fast and (*privacy Protected*) processing of any Person or item should be the objective of every Airport's Security Section.

(73) *Is enough information available for Passengers to make well informed choices before they travel in order to comply with Security requirements?*

Response:

The amount of information currently available to International and Domestic Travellers is more than sufficient for the average Person to make an appropriate choice – *well before the time of travel* - of what to pack in a Suitcase or Hand-Luggage or what to Wear before deciding to travel to avoid any problems with Security on arrival.

The New Zealand “FLYSMART” System advises International Passengers about Security Measures and should be examined as a possible solution to this problem.

- Sufficient signage together with Airline/Travel Agent/ On-Line Information is available but if the Traveller chooses not to read the material, and pleads ignorance if required to remove such material on arrival at the Airport Security Check-In, it must be expected by the Person that if the item contravenes Security Regulations, if detected, may have to be either surrendered or dispatched by other means.

The General Public has now been subjected to many years of publicity regarding the tightening of Airport Security and the Traveller should now be aware that in order to provide a safe Travel Environment will, *unfortunately*, involve the prior screening of *everything* that is to be loaded on board a Passenger or Freight Aircraft.

(74) *Can more be done at our International Airports to assist Passengers to comply with Security requirements?*

Response:

As there should be no compromise on what a Passenger can or cannot take on board an Aircraft, Airport Security should diligently continue to monitor those intending to travel by Air, including what is contained in Baggage, Hand-Baggage and (especially) on the Individual.

- Adequate material now exists via numerous avenues for an average Person to read, view or listen *and digest* what is allowed.
- In the event that a person pleads ignorance, provided Airport Staff are adequately trained for such an occasion *and with respect*, there should be no compromise in administering the Rules.

(75) *Should more be done at Airports where Passengers leave for Australia to make clear our own Security Arrangements?*

Response:

Australia is currently a Signatory to both the ICAO and IATA Conventions.

Both Organisations set International Standards for Airport Security both for the Travelling Public and the consignment of Freight.

- By adhering to those Standards, Australia is seeking to maintain a degree of uniformity between Nations.
- However, *the Technology employed by Australia to maintain those International Standards* may be entirely different from other Countries.
- If the foregoing is accepted as a pre-requisite for people travelling or consigning Freight by Air to and within Australia, then the average International Traveller should be already aware of Australia's Security Arrangements each time Travel to this Country or the Consignment of Freight is undertaken.
- It is the responsibility of the Australian Government to ensure that all International Airlines continue to provide sufficient information *in relevant languages* to make the International Traveller completely aware of Australia's Security Arrangements including information about what to expect if travel by Air within the Country is required.
- As Australia is a Signatory to International Conventions covering International and Domestic Travel, Authorities are making every effort to Standardise such Security Arrangements between Nations which is essential to minimise misunderstandings.

*(76) What can be done by Government and Industry to achieve greater International Harmonisation of Aviation Security Measures?*

*Response:*

As with the application of International Safety Standards through the ICAO (Chicago) Convention, with respect to Australian Aviation Security Measures, the International Traveller, on arrival at any one of Australia's International Gates, will co-operate better with Authorities if Practices and Procedures utilised adhere to the Travellers reasonable expectations.

This can only be achieved if the Federal Government and it's Regulator adhere to International Standards. The Technology and Equipment used may be different but essentially, the Measures employed should be compatible with other (Subscribing) Countries.

*(77) Should Aviation Security remain the key focus for Government and Industry?*

*Response:*

The Federal Government, through it's Regulator should make every effort to maintain - and *if necessary* - increase it's current support for Research and Development of Technology applicable to Aviation Security – particularly Australian R&D Companies.

The aim should be to provide an efficient (quick), non-Invasive and Private scanning process of everybody and everything that embarks on a Commercial Aircraft whether it is a Scheduled Passenger, Freight or Charter Aircraft. Nothing less should be acceptable.

*(78) Should more attention be paid elsewhere?*

*Response:*

All forms of Public Transport including places where large numbers of People assemble are potential targets for Terrorists.

However, as distinct from Aviation, an attack on an Aircraft usually results in the destruction of the Aircraft and all on Board. With respect to other forms of Transport, and areas of Public Assembly, a Terrorist Attack is non-selective with many survivors.

- This criteria cannot be used as a basis for an argument however, the fact is that the Aviation Industry remains *and always will remain* an extremely emotive Topic and as such will be the preferred target for Terrorists.
- By destroying an Aircraft in flight produces a far greater impact on the Society to which the attack is directed than by mounting an attack on surface Transport. ( *ie; if a bomb is detonated in a train or bus, those closest to the blast will probably lose their lives - but most will survive. When an Aircraft in Flight is attacked – there are usually no survivors*)
- The Federal Government should not introduce Airport Type Security Systems onto Mass Public Transportation. To do so would produce more chaos than what it would prevent. The answer lies in Governments at all Levels undertaking Risk Management Projections covering attacks on Surface Transport and large Public gatherings.
- Although Responsibility for providing a Response to an Attack normally rests with the State's Counter Disaster Committees who have developed appropriate Plans and Procedures to respond to an Emergency whether it be Natural or Man-Made, it none the less falls into the Jurisdiction of each States Police Force in conjunction with the Federal Police to provide protection that is expected on Public Transport and at Public gatherings.
- It is generally accepted that it is virtually impossible to completely protect the General Public from any Attack mounted by a determined Terrorist.

Accordingly, Federal Government support for State and Local Security Measures applicable to non-Aviation Transport should be maintained and where appropriate increased but should remain separate from Measures taken to protect those travelling on or associated with Commercial Aviation.

*(79) Is enough being done to enhance Security in the Aviation Sector?*

*Response:*

Some of the Issues identified are listed below:

- Better Evaluation and Assessment of ASIC Pass Applications
- A review of the Cost to issue or renew as ASIC Pass.
- Elimination of Airport and Airline Employed Security Staff.
- All Airport Security Staff should be Trained and Employed by the Commonwealth to ensure Consistency of Standards and Uniformity of Training.
- Apron Boarding/Disembarking of Aircraft should be stopped. If Aircraft Cabin access cannot be provided through an Air-bridge, Passengers should be transferred by special Apron-Bus to and from an Aircraft parked in a stand-off location.
- Boarding Tickets should contain a photograph of the Passenger - automatically generated at the time of Issue to ensure the same person boards the Aircraft.
- Following the scanning of Personal Effects at the first Security Check-In Point a better System should be devised to prevent theft of Articles from the waiting Tray.

*(80) Are we thinking broadly enough about the likely threats we may face and how they may be countered?*

*Response:*

There is a danger that Paranoia may overtake Reason with respect to possible threats to Aviation Related Security.

- To address the situation, if more onerous Security measures are introduced, the more inefficient the System becomes and more inconvenience is placed on the Traveller.
- The likely threats have already been identified – but new, yet unidentified threats no doubt exist.
- To provide a System that guarantees 100% protection from any Terrorist Threat – whilst desirable, is unfortunately unachievable.
- The Federal Government may well be advised to retain, maintain and improve the existing system with a particular emphasis on the continuing introduction of Technological Innovation to provide efficient and accurate screening of People, Baggage and Freight.
- The exchange of Intelligence Information and other material between International Security Organisations is considered to be the first line of defence in the war against Terrorism.
- If Funding is to be increased to combat the threat, a large proportion of such Funding should be directed to the Appropriate Organisation such as the Federal Police and ASIO.

*(81) (a) Could Government spending on Security be spent more efficiently? (b) Could more focussed Security Measures provide a higher level of Security?*

*Response:*

*(a)* As suggested in the previous question, more money should be spent on providing the best equipment available to ensure that the Australian Intelligence Gathering Organisations receive relevant advice on possible threats including collaboration with other International Security Organisations to assist investigations.

*(b)* It is suggested that the Federal Government concentrate on:

- Improving Intelligence gathering mechanisms
- Providing support for Australian Industry in the provision of appropriate Technology to enable the efficient detection of weapons and banned substances.
- Require Airports to regularly undertake Exercises with all associated Agencies to identify Security deficiencies (if any) on a regular basis.

*(82) Could the requirements imposed on Industry be changed to achieve similar Security results as less cost, or greater Security at the same cost?*

*Response:*

Airport based Industry and it's adherence to Security Regulations is directly related to the type of Business being conducted, ie; *Measures introduced would vary from that required for a Business with access to the Airside such as a Courier to one whose Business centres around the provision of Food such as a Cafeteria or one involved with the retailing of Clothing.*

Accordingly, the question is subjective and impossible to address. However, it may be expected that Airport based Businesses would adopt more efficient Security Arrangements to suit their individual requirements - at a lower cost than that provided by Government.

*(83) (a) Is the current charging Regime for the Provision of Security Screening Services equitable between Major Metropolitan Airports and Regional Airports? (b) Should alternative Arrangements be put in place?*

(a) The criteria for the installation of Equipment and Technology should be set by the Federal Government through it's Regulator.

- The Criteria should be based on current Technology and such Criteria should be included in MOS Part 139 as the minimum Standard required for those Airports Classified as Security Airports.
- The Criteria (or Standard) should be updated as quickly as possible as new advances are made in this area and Applicable Equipment becomes available.
- There should be no Preferred Supplier simply requiring all affected Airports to keep abreast of what is available with a finite time-Frame in which to upgrade.

(b) No alternative Arrangements should be allowed. Standardisation of each Airport's Capability should be the objective.

*(84) Whether current Passenger Security Screening requirements based around Jet Aircraft should be extended to non-Jet Aircraft of similar Capacity, Speed and Weight?*

Response:

There should be no difference between Equipment or Technology used for Passenger Security Screening. Manufactures should offer different capacity Models of the same Equipment and Technology to cater for all types of Aircraft.

*(85) Is the Security Infrastructure at Airports adequate?*

Response:

The existing Security Arrangements at Major Airports appear to be adequate. However, incidents regularly occur which indicate that, although adequate, the Arrangements need constant monitoring and should be regularly reviewed and upgraded when necessary.

- Many of the Incidents relate to the inappropriate employment of some of the Security Personnel rather than the System itself.
- It is therefore suggested that before any person is employed in the Industry, a thorough and complete back-ground check of the Individual should be undertaken.
- The current checks may need to be reviewed to minimise the risk of employing Persons who then may use their position within the Australian Aviation Security Industry to assist others to breach the System.

*(86) The current focus of the Aviation Security System is Regular Passenger Transport Services. Should it be extended to include Aircraft providing, for example Charter Services?*

Response:

As suggested in (83) and (84), Standardisation across the board is essential – not only for RPT Services but Charter Operators as well, in fact the ALC's of every Major, Regional and General Aviation Airport (ie: those that already fall under the current Security Legislation), together with Passenger and Freight Aircraft Operators should have to conform with the existing and proposed Aviation Security Arrangements amended only to suit their particular Businesses.

*ie: A Freight Carrier would need to install special Scanning and/or Detection Equipment and Technology. A Charter Company may install equipment that uses the same technology but in a scaled down version.*

*(87) Should the Cost of Aviation Security at Particular Airports be more evident to Passengers?*

Response:

No! Anything to do with the provision of Security at Airports (and for that matter anywhere else), should be as discrete as possible. The current situation is barely tolerable to the average traveller who submits to the process because of a latent fear of a Terrorist Attack.

Modern Surveillance and Detection Technology not only is very efficient at doing it's job, but does so discreetly to ensure Passengers are not annoyed at the invasion of their Privacy.

*(88) Could Industry manage it's costs more effectively?*

Response:

Part of our Free Enterprise System is that if Costs exceed Income, the Business will cease to exist.

With respect to Aviation Security, most Businesses will balance the need for Security Equipment and associated operating costs against the provision of a Service to Clients and /or the General Public. If the provision of such a Mandatory Security System cannot be off-set by passing on the cost on to the Public, then the Business will have to find savings in it's Operating Costs.

This must be done without compromising Standards or cutting back on it's core Services. To become more efficient in what the Operator does best not only guarantees Profitability but increases it's Client Base and return Patronage.

*(89) Should we introduce New Technologies for Passenger Screening that can improve Processes even if they are more invasive or costly?*

Response:

The current Passenger Screening Technology is probably at the pinnacle of it's Development. The widely used Australian RAPISCAN - Secure 1000" People-Screening Technology reflects the least invasive System on the Market.

This Australian Company – together with several prominent Overseas Security Development Companies are continuing to develop non-Invasive Passenger Screening Systems that will eventually replace the current Technology.

- The Federal Government through it's Regulator should keep abreast of such Developments and not let ALC's, Airlines or other Private Entities introduce Systems that have not been assessed and approved first.
- In the fight against this ongoing and insidious Scourge, the Australian Government should ensure that the Standardisation of Equipment is paramount throughout the Nation.

(90) *Biometrics are an effective way to manage Arrangements at Airports and an improvement on current Practice. Is there Value in introducing Biometrics into Australia's Airports for People working there?*

Response:

ICAO has already endorsed the "Facelt-Argus" System Developed and Manufactured by Visionics is a huge step forward in Facial recognition.

- The Facelt System can automatically recognise a Face within it's field of view and match it to a World-Wide Data-Base.
- Such Technology is gradually being refined and will be offered to the International Aviation Industry in the near future.

Another Development by the *FINGERSCAN AUSTRALIA – Representing the IDENTIX Technology*, concerns the installation of Equipment at Airports (and any other Facility where Security is required) covering Airport Workers.

The prime function is to:

- Screen Airport and Airline Personnel before Hiring to ensure no past Criminal History
- Grant physical easy Access Rights to different Airport Locations.
- Control Access to Airport Computer Systems
- Uniquely Link Passengers to their Boarding passes, Baggage and Passport Control

For regular users of the Airport, a Traveller may be offered the "Fast Lane Option Card".

This is a System in which the Participant undergoes a complete Back-Ground check, provides Biometric information such as Iris Scan, Fingerprint or Facial Scan and for a pre-set Annual Fee, and is issued with a FLO Card.

- On entry to the Security Check-In Area, the FLO-Card Holder enters a special "Fast Lane" which will guarantee a speedy transit through the Check-In.

FINGERSCAN AUSTRALIA as the Australian Arm of the IDENTIX Group will offer Finger Biometrics Solutions to Airport Security to cover People working on Australian Airports.

- This, together with the Facial Recognition System is (probably) the future Technology that will make Airport Security more efficient for those who work at the Facility as well as for those who Travel.

The foregoing is but an overview of what can be expected of a System based on Biometrics. The matter of which System will be adopted in the future therefore remains with those who can adequately evaluate and make recommendations to the Federal Government.

- However, whatever decisions are made in the future, it is crucial that Standardisation be maintained so that Systems can be linked, Data can be transferred and accessed when required and Personnel can be exchanged and moved around the Country with the need to undertake a re-training Program before taking up the Position.

*(91) Should we expect the same Security Technology Standards from all Airports regardless of location, the same Traffic levels at the Airport, and the Costs?*

*Response:*

As mentioned in (83) and (84), Standardisation of Technology and Hardware should be paramount on all Major, Regional and Large GA Airports.

- The Hardware envisaged on the smaller Airports should be a scaled down version of that in use at the Major International Airports.
- This will maintain some degree of Uniformity which is essential to maintain efficiency and direct communication between the Centres where the equipment is installed – whether the location be at Rail, Sea or Airport Terminal.

Once the initial cost of installation is completed, the compatibility so achieved will slash the ongoing costs of providing Security at all of the Nations Airports Rail and Sea Transit Centres.

*(92) How can we improve/optimize Passenger Screening Arrangements within Australia?*

*Response:*

By keeping abreast of Technological Developments both within Australia and Abroad whilst Instituting the mechanisms outlined in the preceding Responses, besides Systems designed exclusively for Freight Operations, the Screening Arrangements should be of such versatility so as to Link the Article or Person being Screened to a separate Data-Base which will ensure that all measures have been employed to ensure identification is positive and correct in every way.

*(93) (a) Should Special Arrangements be put in place to enable Frequent Travellers who understand Security requirements, often Business Travellers, to move through Passenger Screening more quickly? (b) What type of Special Arrangements, if any, would be appropriate?*

*(a)* This matter was touched on under Response (90). The Fast-Lane Option (FLO Card - or similar), System could be easily and quickly introduced and under any Biometric Security System, such a System would provide the Business or Frequent Traveller with the “Express Processing System” with all the Traveller’s Personal Details encoded on a special Card which has to be personally presented and matched with an approved Biometrically Secured Identity Credential.

- If all Major Australian Airports installed the same equipment, the Business or Frequent Traveller could use the FLO Card at any Airport to quickly pass through Security.

(b) There are a number of Biometric Systems available - or under Development from Australian and Overseas Manufacturers.

- The decision on which System to adopt should be made by the Federal Government's Regulator following evaluation and discussions with the Industry as a whole.

(94) *Do we adequately address the requirements of People with special needs?*

Response:

As such people represent only a small proportion of those travelling by Air, the existing Arrangements should be maintained but with appropriate Security Scanning equipment reflecting the Technology already in use for the average Traveller.

(95) *Are we consistent enough in the delivery of Services to Passengers.*

Response:

Each ALC/Airline – alone - has the responsibility to provide Adequate Passenger Services.

(96) (a) *Is the current Regime too heavy handed? (b) Could it provide a similar level of protection while reducing demands on Passengers, Industry and Workers?*

Response:

(a) In the light of existing International and the potential for the emergence of local threats, the Current Legal Framework is adequate for the task at hand.

The Travelling Public demands that the "full weight of the Law" is brought to bear on those attempting to circumvent the current Security Arrangements.

- To do anything less would only encourage those who are intent on causing disruption.
- The travelling Public is generally willing to put up with some initial inconvenience believing that this is but a small price to pay for peace of mind during the journey.
- Provided the reason for the inconvenience is readily apparent to the Traveller, most accept that it's great Insurance.

The Federal Government through it's Regulator, should monitor Developments in this area at Major Airports in other Western Democracies.

(b) There is no compromise with respect to Airport Security.

- Those Individuals or Organisations dedicated to breaching such Security Measures are only being detected because of the high Standard already in place.
- To reduce the current demands on Passengers, Industry and Workers simply encourages such Individuals or Organisations to attempt an incursion.
- If anything, the Legal aspects should be more onerous than those currently in place.

(97) *Are the Legislation and Regulations in need of simplification?*

Response:

The Aviation Transport Security Act, 2004 and attendant Legislation was introduced in 2005, and has been at the centre of the Security Arrangements ever since.

The Act applies to anyone who operates within the Australian Aviation Industry and provided no significant amendments are made in the future to the Legislation to “soften” the impact on Travellers, Workers and others associated with the Industry, will continue to maintain Australia’s reputation as one of the Worlds most Secure Nations.

- Although the Law should recognise and react to any changes that may arise in the future, the current Aviation Transport Security Act, Legislation and Regulations should not be compromised in any way in an attempt to simplify the Law.
- The Law covering existing Security Arrangements can never be too onerous. It is arguable that the “tougher” the Laws, the more they act as a deterrent to potential Terrorists.

*(98) (a) Has enough been done to enhance Air Cargo Security? (b) Are there alternative approaches to Air Cargo Security that should be examined?*

*Response:*

*(a)* The adoption of the 2005 Wheeler Review by the Federal Government regarding Airport Air Cargo Security identified short-comings in the Australian Air-Cargo System and since 2005, steps have been taken to rectify several of the more pressing deficiencies.

However, following the introduction of the Wheeler Review, the Australian Government took an additional step to monitor and build Security Capacity at Overseas International Airports as well as Australia’s own International and Domestic Airports covering both Freight Services and Passenger Traffic.

This move has provided the Australian Government with vital links to some of Australia’s Neighbours viewing this as a critical, integral and Strategic *Third-Pillar* of the Nation’s Domestic Aviation Security Platform.

*(b)* Although the Wheeler Review was instigated by the previous Australian Federal Government, the new Federal Government should complete the Recommendations contained within the Review before embarking on anything further.

- The Review essentially re-defined the relationship between Security Officials and Airport Operations by significantly increasing the Role of Policing in Aviation Security.
- The shifting of Primary Security and Counter-Terrorism Responsibility from Airport Operations to the Australian Federal Police (AFP), thus fulfilling one of the main Recommendations of the Wheeler Review.

The AFP then introduced and started implementing a new, Unified Policing Model for Airport Security at each of the designated “Counter-Terrorism, First Response (CTFR) Airports.

- As Australian Domestic Air-Cargo is not a significant Industry within Australian Commercial Aviation, it is only because of the inhibiting restrictions for night Operations placed on all Australian Major Airports by virtue of Curfews and Noise Abatement Procedures – making such an Industry an unattractive alternative to road Transport.

Because Air Cargo is only a minor Force within the Australian Aviation Industry, dedicated Equipment and Technology, applicable only to this specialised Industry is not installed on the Nations Major Airports.

- Most Freight is small enough to be containerised and is carried in the holds of a Scheduled Passenger Aircraft.
- Until Airports can operate throughout the night without restrictions, the Australian Domestic Air Cargo Industry will not be a viable Force in the Freight Transport Industry.

(99) *Is the Australian approach to Air Cargo Security consistent with the highest International Standards?*

Response;

As stated in (98), the Australian Air Cargo Industry is relatively insignificant when compared with Overseas Countries.

As such, equipment such as large Palletised Freight, Mobile, Gantry and Portal Scanners capable of detecting unlawful material without having to unload the Vehicle or Container.

Until the Australian Federal Government is serious about allowing the Domestic Air Cargo/Air Freight Industry to flourish in this Country, *with the added bonus of reducing the number of Heavy Transport Vehicles from the Nation's Roads*, then the hand-held Security Scanners currently employed to screen light Domestic Cargo Consignments together with a random physical check by Security Officers will remain as Australia's Front-Line Detection devices – such devices and methodology can be used for Passenger and Baggage Screening as well.

A similar situation is evident with respect to International Air Cargo Operations.

Until International Air Cargo Operators can access Australian Airports at times to suit their Operations, such Operators will avoid committing specialised Aircraft to Regular Services not because they want to – *but because they have no choice!*

- As a result, the installation of State-of-the-Art Air Cargo Scanning and detection Equipment is not required at this stage.

(100) *What can be done to improve the Robustness and Timeliness of Background Checks particularly for Applicants from Overseas?*

Response:

The current Procedures seem to be adequate with the processing of International Applications process through the normal Channels. It is difficult to comment on what Procedures are employed by INTERPOL, ASIO, the AFP or whatever other Entity is involved in the assessment Process to determine if the Applicant is acceptable for entry.

It is expected that the same cross-checks that are required for the issue of an Australian ASIC Pass or Australian Passport should be a basic requirement. It could be argued that it may be better to retain the current Process rather than risking the admission of a Person or persons through the streamlining of the System.

*(101) Should the ASIC eligibility Criteria be further strengthened?*

*Response:*

Provided a Person has a valid reason for requiring an ASIC Pass to enter a Restricted Area, and provided the current criteria is met by the Applicant, there should be no reason to reject the Application.

- To introduce additional Criteria that may preclude Persons on grounds other than those already in place may prevent many, otherwise worthy people, from meaningful employment for little or no gain.
- Since the ASIC System was introduced, few breaches of Security have occurred

*(102) What should be the Relationship between “Background Checking” of Staff and Access Control Arrangements?*

*Response:*

It is normal that an Airport is divided into a series of Zones ranging from Low to High Security. Before joining the Airport’s Work-Force, (whether the Employer is the Airport or another Private Company), depending on the type of Employment sought and it’s location on the Airport, the prospective Employee will have provided the prospective Employer with his Personal Details.

The Application’s Details would then be passed on to the Airport’s Security Section for Assessment following which, a decision should be made as to the Applicant’s appropriateness for the Position.

- If the Applicant reaches the required Criteria, then a Pass, relative to and lower than the Area sought should be issued.

This is the normal Process – which is simple and should not be changed. Should the Airport Security Section determine that the Applicant is a Security Risk, then not only should the Application be rejected, but the details should be kept on File with a copy to the AFP.

The Relationship between Background Checking and Access Control Arrangements is simply that those persons who do not qualify for entry to a High security Area will be only issued with a Category of Pass allowing entry only to a lesser area.

- The Pass will not only permit access to this Area, but Lower Category Areas as well.

*(103) Should Back-Ground Checking be extended to include Managers/Directors of Companies with Employees who hold an Aviation Security Identity Card?*

*Response:*

No one should be exempt!

## EXECUTIVE SUMMARY

As a former Federal Airport Corporation's Manager, (*Operations*), Airports are the Author's particular field of expertise. This Submission has been oriented (generally) around that aspect of Aviation – in particular with respect to the ex FAC Airports, Brisbane, Sydney and the Gold Coast.

However, *all* matters raised in the Issues Paper have been addressed and comments put forward – although providing only a general overview of each Topic which the Reader may accept as being the “tip of the iceberg” relative to the large volume of information available to all who care to delve beneath the surface in an attempt to arrive at the truth of the matter.

Over the past 6 months, the current Federal Government has accumulated a vast amount of Data concerning the parlous situation in Australian Aviation. The outcomes flowing from this Initiative may return the Nation to it's rightful place as a Leader in Civil Aviation Safety.

### **The Current Situation:**

The Previous Government's Privatisation Initiatives – whilst commendable in some aspects, has lead to a demonstrable and serious decline in Services to Aviation which has ultimately impacted on Safety.

This unfortunate outcome together with a relaxation of Controls necessary to Monitor and Regulate the Aviation Industry in toto, has led to the current state of the Industry and has in no small way resulted in the current Federal Government's attempt to stop the decline and put the Industry back where it was a number of years ago at which time, Australia played a leading Role in Aviation World-Wide.

In the context of ex-Federal Airports, the failure of Federal Government Agencies to continually monitor Airport Leasing Companies (ALC's), and their adherence to the Terms of their respective Airport Leases - **continues to impact on Aviation Safety.**

The Federal Government's Proposed White Paper should address this situation as a matter of priority. The declining state of Australian Aviation *and General Aviation in particular* - together with the rapidly increasing cost of Fuel (*Jet A! and AvGas etc*), is reflected in huge cost increases to the Travelling Public since Privatisation.

However, the lack of adequate scrutiny by the Regulator, (CASA), particularly of Airport Leasing Companies of Primary, Trunk Regional and General Aviation Airports – together with the lack of genuine competition between Airports, has been the main contributor to the problem.

For example, an emerging problem centres around ALC's not renewing Leases on their Respective Airports, instead offering inadequate Compensation for any improvements on the Site.

This Practice is “snow-balling” and is now evident on most, if not all ex-Federal Airports. *The ALC - following the acquisition of the Improvement (usually a Hangar, Office or Workshop etc)*, may then offer to lease the Improvement back to the original owner at a higher Rate.

Ex-Federal Airport ALC's currently do whatever they want (*almost*) with impunity - including “bending the Rules” with respect to Leases, raising Aeronautical Charging above what is reasonable, and on-Airport Developments contrary to Local Planning Guidelines,

It is well documented that **ALC's of all Airports** are defying Community Environmental concerns, and increasing costs to Airport Users (Aeronautical Charging, Car-Parking, Taxi Hire, Terminal Concessionaires etc), all designed to increase the Profitability of the ALC without fear of any meaningful retribution by the Regulator or the ACCC.

Much of the current problem has arisen because the Federal Government has encouraged the Regulator to "turn a blind eye" to instances of departures from Standards by Airport ALC's, Air Charter, Airline Operators and Aircraft Maintenance Engineers in order to ensure that the Airport Operator remains economically viable.

These instances have been well documented and have been widely publicised in the past. (ie: The Whyalla and Lockhart River Disasters etc), which has led to the current situation variations of which are now evident in all aspects of the Aviation Industry.

With respect to GA Airports, the deterioration of this Section of the Aviation Industry has resulted in a significant *down-turn* in Pilot Training and apart from Government Charges, is entirely due to increased costs inflicted on Users by ALCs which in turn has led to failing Airport Services and **no guarantees** that long-term Leases, (*most having been negotiated with the previous Federal Airport's Corporation*), will be honoured when they fall due. When challenged by the affected Party, the ALC - *backed by the Regulator* has simply advised that "*Commercial Realities dictate Lease Costs*".

It can also be clearly demonstrated that at Privatisation, Consortias *with no previous Aviation background whatsoever* were granted Leases over Australian **GA Airports** in preference to other Tenderers who had a demonstrable Aviation background together with the necessary Managerial and Administrative skills - *and in most instances provided a better Bid*.

Successful Consortias who bid for the **Primary Airports** were generally led by recognised Airport Companies whose prime objectives were to combine the Provision of Services to the Aviation Industry with making the Facility as profitable as possible. However, there is no suggestion that any of the *Primary Airport's ALCs* have neglected Aviation as the GA, ALC's have demonstrably done. These anti-Aviation ALCs have an Agenda to make the Airport in question so unviable that it may have to close and the land reverting to other uses such as Industrial, Commercial or Residential Developments.

To further illustrate the point, certain GA ALC's are now actively frustrating Airport Tenants and Users to a point where some GA Airports may eventually fail because of unacceptable cost increases, denial of Tenants legitimate expansion requirements and in some cases unwarranted banning of access to the Airside in order to conduct their legitimate Businesses.

This strategy, is in direct breach of the Airport's Act 1996, and was openly condoned by the previous Federal Government by directing it's Regulators to amend Part 139/ICAO Standards to assist ALCs to achieve the desired level of Profitability to avoid failure.

This was undertaken by virtually ignoring Tenants and Airport User protests. This had the effect of indirectly supporting each ALC to such an extent that most protestations ultimately ceased because the affected party either moved to another, more friendlier environment, or ran out of Money trying to fight the threat.

Such "blind-eye" approach – unless checked, will inevitably lead to Secondary (GA) Airport Real Estate reverting to Developments other than Aviation – thus achieving the long-term goals of some GA, ALC's whose lack of interest in furthering Aviation *and General Aviation in particular* has not changed since they were initially awarded their respective Leases.

With respect to Airport and Aviation Safety, as a Signatory to the I.C.A.O. Convention, the new Australian Government must up-hold the International Standards that have been, in the past, circumvented by being modified by Legislation to suit a particular Economic requirement.

*(Refer as an example to Rule-Change AS07/06 which changes and lowers the I.C.A.O. Standard for relevant Australian Airports to enable the recent introduction of the Airbus A380. The adoption of the Rule Change had the effect of ensuring that the huge expense required to up-grade Primary Airport Movement Areas was no longer an issue).*

*If an accident on an Australian Airport occurs in the future involving the A380 which can be attributable to the lowering of I.C.A.O. Standards – one wonders who will accept responsibility*

Further Examples of such departures from ICAO Standards to assist ALC's to remain viable are;

- Allowing the Airbus A380 (a Code "F" Aircraft) to use Australian Code "E" Airports (Refer M.O.S. Part 139 Chapter 2, and Table 2.1-1 and FRLI No. F2008L00088, - 10/01/08)

*Explanation:*

*The above Rule Change is conditional upon the provision of specific Runway and Taxiway Shoulder Treatment. However, if the above requirement - promulgated by CASA - was all that was needed to allow a Code "F" Aircraft to land and take-off on a Code "4E" Runway, then ICAO would have not introduced such a Code in the first place!*

*A Code 4"E" Runway is 45m wide whereas, a Code 4"F" Runway is 60m wide with the elevated Runway Lights set no more than 3m further out than the Runway Edge.*

*Apart from manoeuvring the large A380 on a narrow Code 4"E" - 45m wide Runway, should a crosswind component be introduced that is approaching the maximum allowable for the Aircraft, there is a danger that the into-wind wing (which is sometimes lowered as part of the cross-wind landing technique) may:*

- hit the ground and "dig in"*
  - the outboard engine may ingest one of the elevated Runway Lights which is located directly under the A380's outboard engine in a 45m wide Runway configuration. The clearance between the Engine Nacelle and a typical Elevated Runway Light on level ground is less than 1 m.*
  - The Taxiway and Apron dimensions for a Code "E" Aircraft are different for a Code "F" Aircraft. This difference recently resulted in an incident at Singapore Airport where the A380 Demonstration Aircraft, collided with a wall during manoeuvring on a Code "E" Apron.*
- :Allowing Boeing B767 and Airbus A300 Aircraft (Code "D") and B777/A330 (Code "E" Aircraft) to use the Gold Coast Airport when only Code "C" Aircraft (B737 and A320 Aircraft) can (Legally) use the Airport under I.C.A.O. Standards. (Refer MOS Part 139, Chapter 2 and Tables 2.1-1).
  - Approving Low Visibility Approaches to the Gold Coast Airport from the north by amending the relevant I.C.A.O. Standards thereby allowing large Aircraft to use the Airport during IMC conditions.
  - Allowing Wide-Body Code "E" Aircraft to operate onto the main 14/32 Runway with an inner edge of only 150m when the correct width should be 300m. (Refer MOS Part 139, Chapter 7 and Table 7.1-1, under non-precision, Code 4 Column)

*(Refer: Exemption from complying with the Airport's Inner Edge Width Requirements – BNEAD 00 with Reference to CAR. 892D).*

*Explanation:*

The Gold Coast Airport's Main Runway's physical characteristics remain as originally laid-out because there is absolutely no space to rectify the width problem and although the Runway was recently lengthened by some 458m into the Cobaki Wetlands – (a World-Listed Heritage and Endangered Species Area) – under I.C.A.O. Standards, the Runway's existing Inner Edge Width of 150m should in reality be 300m to provide the required safety margin for large Aircraft making an approach from the north under Instrument conditions..

The Rule Change effectively reduces the Safety margin, making landings from the north under IMC conditions unacceptably dangerous. (Note: a previous CASA Concession to allow B767 and A300 (code "D") to use the Runway was withdrawn by CASA in 2003 because of the elevated risk of an accident.

However, the Legislated Rule Change has "legally now fixed the problem" which had the Rule Change not been made, Aircraft larger than B737 or A320 would have been denied access under I.C.A.O Standards).

- Allowing breaches of the 1999 Regulatory Curfew to regularly occur in which Large Wide- Body Jet Aircraft are operating during the Curfew Period into and out of the Gold Coast Airport. (Refer Airports, (Environment Protection) Regulations and AIP's). – and the on-going denial of local Residents protestations.
- Allowing Aircraft to operate out of Brisbane Airport to the south contrary to Noise Abatement Procedures in effect during the hours 1200hrs to 2000hrs UTC (10.00pm to 6.00am), in which departures to the south over Metropolitan Brisbane may occur with ATC approval. (Refer AIP-Australia).

*Explanation:*

Local Meteorological conditions inevitably ensure that a land-breeze from the south west in excess of 5 knots will develop during this period. A take-off - if the Wind speed exceeds a 5 knots tailwind component should not be attempted if a Pilot considers it is unsafe and will normally request a departure to the south - irrespective of ATC instructions. The proposed new Parallel Runway will only compound the Problem.

- The "Blind-Eye" attitude of C.A.S.A. to on-Airport Developments which contravene ICAO Standards which has allowed an Airport ALC to erect structures within a Runway's OLS – thus creating significant Safety issues. (Refer Submission by the Archerfield Chamber of Commerce to the ATSB, 2007/8)

Each one of the above items appears to have been a deliberate move by the previous Government - through it's Regulatory Bodies ATSB and CASA. A Political decision made to ensure each Airport Leasing Company receives as much help as possible to ensure the Leased Business remains viable. (An unprofitable Business may be considered to have a damaging effect on the Airport Privatisation Program).

This has inevitably been at the expense of Aviation Safety. Some Examples of Departures from Airport Leasing Terms and Arrangements are listed below:

- Allowing Major Airport ALC's to ignore Local Planning Regulations to construct major Developments on their respective Airports.
- Such Developments have created problems for surrounding Businesses and Local Traffic. (Refer *BACL v Westfield/Centro & BCC* – Feb. 2005), and *SACL/Macquarie Bank v Sydney City Council* January 2006) etc etc.
- Allowing Environmental Issues and the concerns of affected Residents to be side-lined during the EIS stage of the Proposed Parallel Runway at Brisbane Airport.
- Allowing the extension of the Gold Coast Airport's 485m main Runway Extension south into the Cobaki Wetlands contrary to warnings by Environmental Agencies.
- Allowing ALC's (generally those on GA Leased Airports) to depart from the Terms of their respective Leases issued under the Airport's Act 1996.

- This is most apparent at Archerfield Airport where such Departures from Standards has allowed illegal structures to be erected within the OLS which then resulted in the downgrading of the Airport to such a point where the largest GA Facility in Queensland has become virtually useless as an Airport and as a major centre for Training and Maintenance.
- The same illegal structures affect the Main Runway's ability to conduct night operations – an essential QES requirement. (*Refer MOS Part 139 – 7.1-2*).
- Archerfield Airport's main Runway has been shortened by some 300m Contrary to the ALC's Lease requirements thus denying access for large G.A. Aircraft. (Refer Submissions made to ATSB by the Archerfield Airport Chamber of Commerce during 2007),
- Allowing ALC's (generally on GA Leased Airports) to harass and deny Airside Vehicle Access to Individuals and Companies whose work requires them to service Aircraft on the Flight Line - In spite of repeated complaints to DoTRD and the Minister by the affected Parties. The practice is being Litigated. (*Refer Action in the Magistrates Court of Brisbane Archerfield Chamber of Commerce v Archerfield Airport Corporation*).

The Entire Australian Aviation requires a complete overhaul – in particular General Aviation - if it is going to survive. Pilot Training is the first casualty as many Training Organisations are operating under extreme Financial Pressure brought about by ALC's imposing increasing costs making their Operations too expensive for prospective Students to gain a Commercial License.

*(an example is the cost impost on Student Pilot's "touch and Go" Training by ALC's which escalated from no cost to \$25.00 per Circuit. A Student may spend many hours doing this Segment of his/her Training which may amount to many hundreds of Dollars per Session). It is crucial that the many Submissions received by the Department to the Issues Paper are read and examined by those charged with the task and not gather dust on a shelf or relegated to the Waste Paper Basket.*

**The Danger is that the entire Exercise is nothing more than a Political Exercise which makes a lot of Noise, raises everyone's hopes - but at the end of the day, nothing changes!**

Those making Submissions to the Issues Paper hope that the time spent on preparing a Response Document will not be in vain and that the Federal Government will heed the concerns expressed and genuinely *and quickly* address the deteriorating situation in all Sections of the Aviation Industry

**END OF SUBMISSION**

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