

TYABB

& District Ratepayers,
Business & Environmental Group
INC: No. A044078U
PO Box 155 Tyabb 3913
Covering Watson Ward & surrounds

Logo design by Andrew Batstone

President: Val Davis 0419 004 085

tyabb_and_district_ratepayers@yahoo.com.au

Secretary: Katrina Chalke 0412 292 816

15th August, 2008

The Honourable Anthony Albanese MP
Minister for Infrastructure, Transport, Regional Development and Local Government
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 8602

Dear Minister,

A Submission to the National Aviation Policy Review

We apologise for the lateness of this submission. We hope that you will, however, consider our concerns regarding unlicensed and uncertified airfields in Australia which deregulation has allowed to slip into a regulatory void.

Since the deregulation of federal aviation legislation in August 1991 a serious gap has emerged in the regulation, oversight and control of smaller airfields.

- These are no longer Licensed or Certified by CASA and as such operate in a regulatory void between multiple federal agencies such as CASA, DoTARs, Air Services Australia DIFRDLG and ATSB. These gaps are not filled by either state or local governments who defer all matters regarding aviation to the federal agencies who in turn claim that they have no jurisdiction over local matters. For example:-
 - CASA is unwilling or unable to define the term “populous area” although much of its regulation concerning operations and behaviour around small airfields is based on avoiding “populous areas”
 - CASA refuses to acknowledge, accept, or act in accordance with its environmental responsibilities, as laid out in the Civil Aviation Act 1988 part 9A2
- In parallel with the deregulation of smaller airfields, federal oversight of three significant classes of aircraft has moved to self-administration, viz:
 - Warbirds (ex-military types without normal civilian maintenance standards)
 - Experimentals (home built one-off types)
 - Ultralights (aircraft less than 600kgs Maximum Take Off Weight)

These are amongst the fastest growing categories of aircraft in Australia today, with most flown by amateur pilots. These aircraft operate with Federal Government issued noise exemption certificates as they do not meet the required ICAO noise standards. These certificates, unlike comparable motor vehicle certificates, are issued without scrutiny or

testing of any kind. It is a paperwork exercise and once issued the certificates are irrevocable regardless of any subsequent nuisance the aircraft may cause. Noise monitoring at Tyabb airfield has recorded multiple daily breaches of Australian Standard AS2021 for aircraft noise which specifies a maximum of 75decibels - or dB(A) - at the nearest residence. Many of the Warbirds have been recorded exceeding 100dB(A) or three times the acceptable level.

- To avoid the rising costs, strict regulations and oversight at Certified and Registered airports, many amateur pilots have migrated their Warbird, Experimental and Ultralight aircraft to unregulated airfields. Consequently many of these once small airfields close to populous areas now rival licensed and certified airfields in numbers of aircraft and annual movements, but with none of the controls or oversight. For example:

- **Essendon Airport, Victoria**
No of aircraft: 200 No. of movements per annum: 54,000
- **Mildura Airport (Victorias largest regional airport)**
No. Of movements per annum 18,000
- **Tyabb ALA, Victoria (Unlicensed & Uncertified)**
No of aircraft: 150 plus No. of movements per annum: 32,000

The current push to close Essendon Airport will only further exacerbate this problem in Victoria.

- No agency, or tier of government, will take responsibility for monitoring, controlling and policing these growing activities.
- In a letter dated the 13th Dec 2007 the Victorian EPA Southern Regional Manager informed the Local State Member Mr. Neale Burgess “The Victorian Government’s Statutory Role focuses on planning controls around airfields and does not include noise from aircraft in flight and noise from ground based activities associated with airfields”.
- The consequences of this regulatory void are rapidly escalating problems around the larger unlicensed and uncertified airfields of:
 - Noise disturbance with the associated health risks to adults and developmental risks to children
 - Loss of amenity and well being for nearby residents
 - Environmental pollution from the use of leaded aviation fuel by the majority of aircraft
 - Safety threats from less rigorously maintained and ‘enthusiastically’ flown ageing aircraft

We ask that the Committee investigate ways to regulate and control smaller unlicensed and uncertified airfields and the associated operations, particularly those of non ICAO noise compliant Warbird, Experimental and Ultralight aircraft to protect the communities affected by them.

In particular we ask the Committee to:

- Investigate the anomaly that allows, via Federal Government issued non revocable certificates, cheap imported aircraft to operate in and around communities creating unacceptable noise whilst DoTaRS subjects cheap imported motor vehicles to a most stringent testing and compliance regime that ensures these vehicles operate in a manner that complies with community expectations and acceptable noise levels.

- Establish a regulatory framework that addresses the current situation where no level of Government or Statutory body will accept responsibility for operations and community issues at non licensed airfields.
- Form a national reference body, comprising of representatives from communities affected by issues surrounding operations at non licensed airfields, to allow a united national approach for issue resolution and policy formulation in line with community expectations.
- Review section 9 of the Air Navigation Act which is managed separately and concurrently by Airservices Australia and DoTaRS. These two bodies between them administer five versions of the regulation 9A(2)(a)(b)(c) which are separated into pre-2001 and post-2001. Section 9 is unclear ,unmanageable, ambiguous and unenforceable
- Examine why CASA (at its highest levels) persistently and consistently will not acknowledge or act in compliance with its responsibilities as laid out in the Civil Aviation Act (revised 2005) which states:

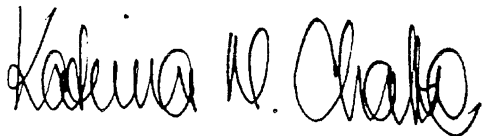
9A Performance of Functions

(1) In exercising its powers and performing its functions, CASA must regard the safety of air navigation as the most important consideration.

(2) Subject to subsection (1), CASA *must* exercise its powers and perform its functions in a manner that ensures that, as far as is practicable, the *environment is protected from:*

- (a) *the effects of the operation and use of aircraft; and*
- (b) *the effects associated with the operation and use of aircraft*

Yours sincerely,



KATRINA M. CHALKE

Secretary

Tyabb & District Ratepayers Group