

Submission: Aviation Consumer Protections – Primary Legislation

Reform of the Aircraft Noise Ombuds Scheme

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Subject: Late Submission – Aviation Consumer Protections Consultation (Aircraft Noise Ombuds Scheme)

1. Introduction and Context

I welcome the opportunity to provide input to the Australian Government's consultation on **Aviation Consumer Protections – Primary Legislation** and the proposed **Aviation Industry Ombuds Scheme**, which will encompass a reformed *Aircraft Noise Ombudsman (ANO)*.

This submission arises from my direct experience as a member of the public affected by **Defence aircraft operations** during the *Royal Flypast for the King's Visit* in Sydney on **21–22 October 2024**. The incident involved a low-altitude formation over residential areas in Balgowlah Heights, New South Wales.

I subsequently lodged complaints with **Defence**, the **Aircraft Noise Ombudsman (ANO)**, **CASA**, and the **Office of the Australian Information Commissioner (OAIC)** under the *Freedom of Information Act 1982 (Cth)*. These efforts revealed a **systemic absence of external oversight** when Defence aviation activities cause civilian noise or safety impacts.

2. Systemic Issue: Absence of Independent Oversight

The current system fragments responsibility: - **Defence** investigates itself, citing security and operational sensitivities.

- **CASA** disclaims jurisdiction over military aircraft.

- **ANO** has authority only for *Airservices Australia* operations.

- **OAIC** review of Defence's FOI handling has been delayed for more than six months, with Defence failing to comply with statutory deadlines.

This structure leaves the public without any *independent avenue of accountability* where Defence aviation operations intersect with civilian life. The lack of transparency and accountability undermines public trust in both Defence and civil aviation governance.

3. Case Study: Defence Flyover Complaint (2024–2025)

Stage	Agency	Outcome
Defence Complaint	Acknowledged but internally investigated; no external verification of altitude or safety compliance.	
ANO Review	Upheld aspects of the complaint; found Defence's noise-management response "unreasonable".	
CASA Referral	Dismissed for lack of jurisdiction.	
FOI Requests	Defence failed to meet statutory deadlines under ss 15, 55DA <i>Freedom of Information Act 1982 (Cth)</i> .	
OAIC Review	Still ongoing; Defence non-compliant with OAIC procedural directions.	

The total process has now extended **one full year** without resolution or document disclosure. This outcome demonstrates the regulatory vacuum when noise or safety issues arise from Defence aviation activities.

4. Reform Proposals

I strongly support establishing an **independent, statutory Aircraft Noise Ombuds Scheme** within the broader **Aviation Industry Ombuds** framework.

The scheme should:

1. **Extend jurisdiction to Defence aviation** where operations affect civilian communities.
2. **Mandate disclosure and transparency** through binding information-sharing obligations.
3. **Allow direct public access** for complaints involving military aircraft noise or low-altitude operations.
4. **Provide the Ombuds with enforcement powers**, including:
 5. ability to compel information (modelled on OAIC powers under s 55R FOI Act);
 6. authority to make public findings and recommendations to the Minister for Infrastructure, Transport and Regional Development.
7. **Require Defence to publish periodic civilian-impact assessments** for ceremonial or training flights near populated areas.

These measures would ensure that all aviation operators—civil and military—are subject to **consistent, transparent, and independent oversight**.

5. Conclusion

The proposed Aviation Industry Ombuds Scheme represents a vital opportunity to close a long-standing accountability gap.

My case illustrates that, without legislative reform, members of the public have no effective recourse when Defence operations generate unacceptable noise or safety risks.

I commend the Department for progressing this reform and urge that the **Aircraft Noise Ombuds Scheme** be established with clear jurisdiction over Defence-related aviation activities.

Yours faithfully,

Jae [REDACTED]
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References

- *Freedom of Information Act 1982 (Cth)* ss 15, 55DA, 55R
 - *Aviation White Paper – Towards 2050* (Department of Infrastructure, 2024)
 - *Directions as to Certain Procedures to be Followed by Agencies and Ministers in IC Reviews* (OAIC, 2022)
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Links

- [Aviation Consumer Protections – Primary Legislation](#)
- [Aviation White Paper – Towards 2050](#)
- [Aircraft Noise Ombudsman – Progress on Ombuds Scheme](#)