

PROPOSALS

THE AVIATION INDUSTRY IS RECOGNISED AS ESSENTIAL, BUT IT SHOULD BE PROPERLY REGULATED FOR THE BENEFIT OF ALL CITIZENS. THERE IS CURRENTLY AN EXCESSIVE FOCUS ON ECONOMIC BENEFIT WITHOUT CONSIDERING ECONOMIC AND OTHER HARMS OF THE AVIATION INDUSTRY.

In addition to aviation's economic role , modernization, expansion and safety, this White Paper's scope should examine the following issues:

- (1) The paper should properly define the public interest for aviation's expansion and modernization i.e. include a realistic cost-benefit analysis of new development not limited to economic benefit (i.e. Social/community costs as well as benefits, e.g. Including environmental and citizen harms, other safety risks, pollution – not limited only to carbon emissions, and effective regulatory oversight of mitigations of social costs)
- (1a) The paper should review the considerable ongoing daily harms as well as the potential catastrophic dangers of residential overfly. In particular, the paper should review the scientific literature on the measured harms of aircraft noise on communities.
- (2) Expansion and regulation should not be based only on flawed modelling and projections provided by industry players
- (3) The paper should balance community input against lobbying by powerful commercial industry players and rich private interests with aircraft
- (4) Given the harms and likely increase in air traffic, the paper should investigate how to achieve an almost complete ban on residential overfly of commercial travel / freight operators, and private planes (excepting medical / defence emergencies)
- (4b) In particular, the paper should mandate a total curfew on night time operations resulting in residential overfly, even if this means cancelling flights or airlines changing flight schedules to match citizens needs and not vice versa.
- (5) The paper should commission proper on-going noise measurement (to hold operators to account) by an independent body under all major flight paths at frequent intervals within 30km of airports.
- (6) The paper should include an infrastructure plan for building of new airports 50km away from residential areas (only for communities who want them) to eventually replace existing airports, and an interim plan for the redesign of existing airports with proper runway design to achieve (4) and (5) above
- (7) The paper should explore how to implement proper air traffic control that seeks to minimize residential overflight while maximizing safety of aircraft using best practices and training
- (8) The paper should plan for infrastructure to provide fast quiet electric rail travel to airports ideally located 50km away from population centres and in areas where flight paths are over water or largely uninhabited land e.g. Flooding areas etc.
- (9) The paper should explore how to redistribute profits of private corporations running airlines and airports towards mitigating any harms caused and developing community

programs. These corporations privatize profits and do not pay for their social costs, while benefiting from publicly funded land / infrastructure / environment and government funding

(10) The paper should mandate the removal of all blanket regulatory exemptions for the aviation industry so that they need to justify operations and changes to operations to the government and community in terms of social and environmental costs: there should be a governing principle of *user pays* rather than *user profits at the expense of the community*

(11) The paper should examine how to force the use of quiet and fuel efficient aircraft in Australian airspace (jet, helicopter, turboprop) with mandatory noise/pollution limits under normal operating conditions for take-off and landing. If motor vehicles can be regulated in this way, so can aircraft.

(12) The paper should revisit BAC's lease and rewrite it to be fair to the citizens of Australia and in particular of Brisbane, with compensation to BAC if legally required by the original ridiculously one-sided lease arrangement.

(13) The paper should lay out how to remove conflicts of interest within AirServices by creating a separate body from AirServices Australia (with separate funding) for citizen consultations about noise, expansion etc. since ASA is funded by the industry, creating a serious conflict of interest. They have also shown themselves to be relatively incompetent at managing public consultations and providing information to the public. ASA should focus solely on traffic management but be accountable to the newly formed and staffed body (not staffed by industry insiders) representing citizen interests, as well as to the airlines and airports.

See below for Appendix 1 (*Background*) and Appendix 2 (*Harms of the current regulatory environment*)

APPENDIX 1: BACKGROUND

From their website AirServices claim to provide safe, secure, efficient and environmentally responsible services to the aviation industry *and community*. They claim to recognise that aviation operations, and updates or changes to these operations, can impact communities in *various ways (a euphemism??)*. They claim to be committed to *working with* (with?) communities to minimise those impacts. They claim to work *with* communities (*with communities is first placed?*), airlines, airports and others in the aviation industry to implement flight path changes.

They therefore run the Australian aviation industry's main interface on aircraft noise and related issues for the community. They also apologize that their Noise Complaints and Information Service experiences a high volume of enquiries which may cause a delay (*weeks*) in responding to your enquiry (*if at all*).

The recent good news from ASA and BAC about reduction in aircraft noise in Brisbane is patently false as there are increased flights over residential areas, regardless of the number of flights that use the over water option, often for only part of the flight path into or away from Brisbane airport.

Citizens are misled about the effects of aircraft on our lives by data from ASA (when it is available) which seems upon analysis to be incorrect, incomplete or presented in a fragmented manner that makes it difficult to evaluate (is this due to incompetence or a deliberate desire to mislead)?

Citizens are fed promises of future improvements through trials which tweak a few parameters *while never addressing the real issue of how to reduce reduce noise levels* i.e. to reduce overfly in residential areas and eliminate highly disturbing night-time flights over these same areas.

The narrowly-focused industry-based mindset of the ASA 'experts' also led to the design of the second parallel runway in Brisbane based on the same 'expert' advice. This parallel runway was brought in with promises (SODPROPS) *that are are now apparently unworkable except in very specific conditions*.

The favoured political "solution" is the focus of this white paper. Please move away from just designing just another study, beginning another consultation and then throwing more money at the regulator who can expertly generate absurd non-solutions like spreading the pollution (spread the noise). Would this be acceptable if the solution to e.g. PFAS was just to dilute it into more residential areas?

After three years of consultations and complaints in Brisbane, where is the improved efficacy or efficiency of the ASA supervised system that has clearly failed its citizen stakeholders? There is no less harm (and indeed probably more harm) to its public stakeholders the residents of Brisbane.

Why for example is there a curfew in Sydney but not in Brisbane. Is it just because it was politically expedient there, revealing a double standard?

There may be convenience for some of having an airport close to the city, but is this enough to justify the ongoing infliction of a measurable and known (therefore deliberate) harm to many others? The private stakeholders (airlines and airports)

meanwhile continue to increase profits and are able to virtually ignore social costs by evasion of normal regulatory checks and balances on public harms through their status as an essential service.

Meanwhile millions are still squandered on allegedly predictive but flawed studies done by 'black-box' modelling, or on PR displays of "citizen consultation" or some new showcased "solution" that doesn't actually work, or implementing a new delaying tactic so that the economic stakeholders can continue on with business as usual.

Please watch the recent Senate Estimates Hearings to get an idea of how (seriously) prepared AirServices is to regulate noise – the responses to a few of the more probing questions (there were lots of vague unprepared ones, unfortunately) are cringe-worthy, demonstrating a high degree of unpreparedness and incompetence. .

If ASA processes have real benefits in reducing noise, then why not show doubters they are wrong and present real and complete flight data showing there is an overall reduction in noise. ASA will never debate the issue honestly, preferring to hide behind fake consultations or losing the data due to a computer systems 'glitch'.

One fundamental problem in ASA is that it was staffed and directed by a small section of Australian society, members of academia, government, tech and the airline industry, who are highly educated and privileged.

From the comfort of this privilege, this elite group feels justified being able to regulate air-traffic policy for the (*undefined*) public interest (which is actually almost exclusively dominated by economic and private interests), as opposed to the interests of average citizens whose daily lives have to deal with the economic and health consequences of that regulation. *That these leaders neglected to consider the lived experience of citizens under flight paths is unconscionable.*

Another fundamental problem is that ASA appears to be reactive. It either fails to foresee community issues or ignores them, then arranges consultations in response to complaints, and mainly ignores what the consultations tell them.

ASA has been captured by the airline industry

If ASA is not completely captured by BNC and the airlines, they should proactively design noise abatement policy initiatives (part of their apparent mandate) and put a priority and delivery date beside each of them. And hold themselves accountable rather than just continuing the down the easy path of tinkering and delay.

The primary culprit in this noise debacle is the so called Brisbane Airport Corporation (BAC), the operator of Brisbane airport (BNE). This is a private, un-listed Queensland profit making company alleges that they create economic opportunities for the city of Brisbane and the state of Queensland equating to more than \$4 billion annually (how calculated?).

BAC purchased a lease to public infrastructure (Brisbane airport) from the federal government in 1997 for \$1.4 billion under a 49 year lease with an option to renew a further 50 years. (just 1.4 billion with annual profits of what for 100 years?)

Under their leasehold tenure, BAC retains ownership and control of the airport in its entirety (*including the generated noise*) for the duration of the lease term up to 2096.

There is no evidence of BAC's collaborative relationships with citizens (as they claim in their PR operation) affected by their 24/7 operations, only with a deep lobbying capability and PR displays.

APPENDIX 2: HARMS OF CURRENT REGULATORY ENVIRONMENT

The current political and bureaucratic philosophy for 'essential' services (in this case Airlines and Airports) is that it is OK to create demonstrable harm to a few in the service of economic growth and/or the convenience and alleged safety of many, and therefore effective regulation of these services is specifically excluded from normal rules.

However, I would note the following general differences from other essential services like utilities and telecoms etc. and why Airports are a special case of iniquity.

- (1) The implementation is effectively overseen (not the case here as demonstrated in the evasive and incompetent responses of ASA in the recent senate estimates – also ASA is funded by the airline industry so has a fundamental conflict of interest in noise reduction)
- (2) There is an attempt at compensation to or mitigation of harms to those whose rights are infringed
- (3) The infringement is usually a one-off event, not continuous e.g. daily causing demonstrable physical and mental harm of aircraft noise – verified in scientific literature
- (4) While the infringement is perhaps painful to those whose rights are suspended, it is never *deliberate and ongoing physical and mental harm* – caused by day and night noise over 70db - the typical trigger of a noise complaint in a non-exempted industry. There are adequate studies of those harms from aircraft noise to not leave the level of suffering in any doubt.
- (5) It is not for the direct benefit of private profit making corporations (e.g. Brisbane Airport Corporation and airlines including Qantas who are expert at lobbying to get government privileges and funding, and to privatize their profits and socialize costs)

Exposing the un-Australian and deficient moral fibre of this philosophy needs to be publicized. The machinations of these regulators are only one or two steps down from forced sterilization as a social policy tool.