

**Submission regarding the proposed Terms of Reference of the Aviation White Paper
2023**

10 March 2023

This submission relates to the scope of the following themes:

“airport development planning processes and consultation mechanisms that consider the impact and changing nature of aircraft noise and related expectations on the role of noise sharing and noise mitigation”.

“future industry workforce skills and training requirements”

“maintaining fit-for-purpose aviation safety, air navigation and aviation security systems and service delivery agencies”

“the role of airlines and airports in supporting regional economies”

These themes need to be expansive enough to include the following:

Noise review body

1. An independent body needs to be established as soon as possible to investigate and to build on commissioned reports (for example the Trax report) establishing what can be done to reduce noise exposure of the community resulting from airports. The breadth of its remit should be broad encompassing manpower, technology, recommended operating procedures, compliance and any other issues considered relevant. This body needs to publish the results of its report and to have the power to penalise failure to comply with the measures of the report.

Positioning of airports

1. There needs to be an extensive, exhaustive and wide ranging review of the positioning of airports, new runways, and associated infrastructure throughout Australia particularly with regard to the growth and development that is planned and the impact of this development on increasing noise levels and concurrent decreasing lifestyle experiences of major sections of our cities. This decreasing lifestyle is not good for our people, it is not good for tourism, it is not good for business and it is not good for our USP, our image around the world as a free, open and relaxed country. To achieve growth and development without destroying our lifestyles, airports and flight paths need to be positioned away from people and to be supported by accompanying infrastructure to deliver freight and people to their final destinations.
2. This review would need to take true leadership and avoid the “band-aid” approach increasingly evident.
3. A review could start with a review of the movement of air freight to regional airports taking advantage of infrastructure developments such as Inland Rail.
4. Aside from the obvious advantage of better lifestyles for people, such a move would assist regional development and help the environment by removing more trucks and more pollution from our roads.

5. Currently there is a disconnect between what is seen as a greater good of urbanisation with its provision of facilities and its reduced climate impact, and the desire to expand airports with their noise pollution making cities less desirable.
6. Cognisance needs to be taken of the fact that Australia, with its climate, is an outdoor community, both in its home life and in its leisure activities. We are not a community with unfavourable weather which spends most of its time indoors. Thus, what may be acceptable in a country such as, say, England, has a much greater deleterious impact in a country such as our own.
7. As part of this review consideration should be given to the need for flight caps and curfews to provide some amenity to the community. The impact of this should be modelled and the need for new airports should be assessed.

Completely new regulatory body/governance

1. A completely new regulatory body is needed with the responsibility of overseeing transparency, truth, accuracy and completeness of information provided to the public when any amendment to an airport master plan or a major development plan is proposed.
2. This body should ensure that transparent, complete and easily accessible information be provided to the public.
3. The body should have powers of enforcement, prosecution and issuance of fines reflective of the damage caused when information is misleading or just plain wrong.
4. It should also have the power to order compensation to affected people to remedy damage incurred as a result of misleading or incorrect information.
5. Airservices through its actions has completely lost the faith of the community. The office of Aircraft Noise Ombudsman, while respected, has no power to call to account those who negligently or criminally mislead the community.
6. On this latter point the office of the Aircraft Noise Ombudsman should be moved to come under the umbrella of the Commonwealth Ombudsman.

Credible community consultation

A credible consultation group on issues relating to airport development needs to be established and properly funded. This needs to include not only aviation corporations and regulatory bodies but representative members of potentially impacted communities. This body should prepare reports which should be tabled and properly considered as part of any airport plan and any major development plan. A written and public response to the report should be made by the body proposing the development plan.

Flight paths

1. Any major development plan should be accompanied not only by modelled noise contours but also by draft proposed flight plans as accurate as possible in the circumstances. It is accepted that some years may pass before any proposed plan may come to fruition and in that time there may be changes to types of planes and aircraft movements, but without proposed flight paths, the required accompanying Environmental Impact Statement loses much credibility.
2. Development of flight paths should be undertaken by credible experts. The criticism of the flight paths developed for Brisbane Airport by Trax International shows that such a serious infrastructure development needs better regulatory oversight to

ensure that the best possible paths are developed, taking into account in the following order, safety, noise pollution, airport and airline productivity.

Staffing and training

1. Reports in the media have suggested that the air traffic controllers who are charged with keeping our skies safe are badly understaffed and at least in Brisbane it is reported that as a result they are suffering stress from a poor work environment.
2. Reports have also suggested that although our air traffic controllers may be talented and competent, the training they receive could be improved to better prepare them for the increased volume of flights that airports are currently experiencing and are proposing for the future.
3. This is obviously very relevant to safety.

Technology

1. Reports also indicate that our air traffic controllers have not been provided with the updated technology which would enable them to more easily regulate flights to improve safety and noise outcomes.
2. Again, obviously, this is very relevant to safety.

Cooperation with State, Territory and Local Governments.

The current levels of cooperation between the Commonwealth, State and Local governments are clearly inadequate, as are the ANEF contours used by State and Local governments to make development decisions.

State governments continue to allow development in areas badly affected by aircraft noise. There needs to be a review of the ANEF contours which are used to determine whether an area is suitable for residential or other development, particularly the development of schools, child care and aged care facilities. These contours need to be regularly reviewed in line with any airport development.

Noise: Measurement, Modelling, Complaints, Regulation

1. Reports from around the world indicate that it is generally believed that ANEF contours are an inadequate representation of the damage caused by noise pollution. The move is towards using both single noise events eg N70 etc, and particularly complaints from the community, as a better indication of the damage being caused by noise pollution. However it is evident the system for collecting and assessing noise complaints is far from satisfactory, and reports are that the attempt to locate noise monitors in parts of the city have been less than successful in providing an accurate picture of noise pollution due to, possibly amongst other things, location and failure of equipment.
2. It has also been noted that the analytic methods used for noise modelling, which noise modelling is used to provide information to the community on expected noise levels, do not produce an accurate result. These programs used to model noise levels should be revisited and redeveloped.
3. Airservices is the body given the responsibility of receiving and managing noise complaints and it is very obvious that their system is not working even remotely well. As mentioned above, given the need for this system to inform planning for residential and other development, including airport development, the system needs to be completely overhauled, made more accountable with periodic (and informative) public reports on the results.

4. Airports need to develop enforceable Noise Abatement Protocols which provide penalty for failure to comply. Airports need to provide a report on the application of these protocols and the airports need to be subject to governance if their enforcement is inadequate.
5. Noisy aircraft need to be penalised. This seems to be the time-honoured way of encouraging the use of better quieter aircraft. I am happy to stand corrected but I do recall reading that Australia did not introduce legislation relating to restrictions on noisy aircraft when it was recommended it be done in other countries around the world.
6. So far as I can determine there is no legislation regulating aircraft noise yet other levels of community noise can lead to prosecution for criminal behaviour. This is a disconnect, aircraft noise has consistently been rated as the most regularly intrusive noise. Legislation needs to be introduced.

Health / Commonwealth government liability

1. It is not difficult to find credible research on the deleterious effects of noise pollution not only on well being but also on physical health.
2. Particularly concerning for the future of our nation are the results of the research showing the effect of noise pollution on the cognitive ability of our young people. This is not just an individual issue, these are the next generation on whom our prosperity depends. Certainly in Brisbane the number of schools affected badly by flight paths is significant.
3. The government both in its development of plans for the future of aviation and in relation to the issues currently being experienced, has a duty of care to take cognisance of these reports and to respond. Failure to do so is not only morally wrong but it could also expose the Government to many and significant liability claims in the future.

Legislative action /Ministerial direction

The above matters need to be dealt with so far as is reasonably possible by legislative action or at the least by Ministerial direction. This is needed to ensure the changes are embedded in the system and are not subject to being ignored with impunity.