

COMMUNITY AVIATION ALLIANCE AUSTRALIA

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Joint submission to the *Aviation Policy Review White Paper – March 2023*

Endorsed by:

- Brisbane Flight Path Community Alliance (QLD)
- Dingley Village Community Association (Vic)
- East Melbourne Group (Vic)
- Flight Path Forum – Sunshine Coast (Qld)
- Gold Coast Lifestyle Association (QLD)
- Hume Residents Airport Action Group (Vic)
- Jandakot Airport Action Group (WA)
- Moorabbin Airport Residents Association (Vic)
- Residents Against Western Sydney Airport (NSW)
- Southeast Coast Lifestyle Association (Tas)

Submitted by: 

1. Summary

We are an Australia-wide coalition of diverse community advocacy groups, collectively known as **Community Aviation Alliance Australia (CAAA)**. Our shared aim is to ensure that the impact of the aviation industry on Australian communities is given appropriate consideration in; overall aviation policy; regulation; flight path; and airport development.

This document responds to an invitation by the Minister for Infrastructure, Transport, Regional Development, Communications and Arts, for submission on the Terms of Reference (TOR) for the Review, the subsequent Green and White Papers associated with the Policy Review, and ultimately the legislative provisions adopted following the Policy Review process.

Due to contradictory information, it is unclear whether the submission is to be made ‘on’ the Terms of Reference (as per Minister’s letter of invitation) or ‘within’ fixed ToRs (intimated by Dept. officials). Therefore, our submission highlights areas we consider are vital and should be included in the review process and in content of the subsequent White Paper, if it is going to adequately address the concerns of communities, impacted by aircraft noise and pollution.

Suggested inclusions to the Green and White Papers and the reasons for inclusion are set out in the following submission pages.

2. Within ‘other significant issues raised’ ToR - community issues must be included in the white paper and considered as part of any recommended policy, legislative and practice changes to Government:

We welcome the review as an opportunity to improve Australia’s aviation sector for the benefit of all Australians, and were pleased to see the following item included in the drafting for the Green and White Papers:

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.

However, for the reasons outlined below, we urge that the review be expanded to specifically include:

- how to minimise the aviation sector’s impact on human health, including consideration of contemporary research and international best practice
- ensuring regulatory mechanisms adequately protect communities potentially affected by aircraft operations, distributing the benefits and cost of aviation fairly.

In addition, we also consider that the Policy Review includes an assessment of the outcomes of the 2009 Aviation White Paper, in terms of:

- A performance assessment of the outcomes achieved emanating from the 2009 White paper identifying what has not been achieved and the reasons why.
- An analysis of 2009 Green Paper issues that weren’t adopted by government policy
- An analysis of the effectiveness of current policies that were adopted after the 2009 Green Paper.

3. Reasons for the inclusion of the above issues

The following provides an explanation of the reasons and rationale we provide for the expansion of the Policy Review and associated explicit matters that require consideration in the White Paper.

3.1 The Current legislative and regulatory framework for Aviation is not fit for purpose

The legislative and regulatory framework for aircraft operations and aircraft noise is not fit for purpose and successive governments have failed to address community concerns even though these have been highlighted in Senate Estimates hearings, Parliamentary inquiries, independent reports, submissions to inquiries and countless Ombudsman’s reports etc.

From the perspective of aircraft noise affected communities, the current aviation regulatory framework is:

- a complex and fragmented amalgam of Commonwealth statutes, state and local government land planning legislation managed across multiple portfolios, departments, statutory authorities, and corporatised entities, heavily weighted towards promoting growth of the aviation industry – e.g., airport expansion and airspace efficiency;

- does not recognise the impact or quantify the direct and indirect costs of aircraft operations (such as noise, air and other pollution) on human health, community amenity, devaluation of property, mitigation or relocation – in sharp contrast to other forms of industrial or transport operations;
- does not consider the impact that aviation has on worsening global climate extremes;
- relies on State-based planning schemes to limit residential development around airports, which has failed abysmally and does not protect existing residences from continuing airport expansion or the development of new airports;
- limits the role of the Commonwealth regulatory agency (CASA) to managing aircraft safety and efficiency and, as such, entirely fails to protect Australian communities from being negatively affected by impacts such as aircraft noise and emissions;
- the various Acts that govern Aviation in Australia will require a comprehensive rewrite after the completion of the White paper to bring them into line and be effective contemporary legislation that gets the balance right between commercial imperatives, safety, compliance with ICAO, the public good and appropriate community protection for communities impacted by aircraft operations. This includes Airports Act 1996, Civil Aviation Act 1988 and Air Services Act 1995 and related legislation and subordinate regulation.
- Also in relation to the above, the Commonwealth is a signatory to the ICAO agreement. As such in redrafting the primary Aviation legislation the ICAO balanced approach guideline, resolution A39 -1 for community impacts should be adopted and referenced in the redrafted Airports Act.
- In summary, these deficiencies lead to affected communities having to arbitrarily, unfairly and unnecessarily absorb the costs of aircraft noise resulting from, for example:
 - a) development and expansion of airport infrastructure, such as new airports or runway changes at existing airports;
 - b) alteration to flight paths to accommodate increased capacity or changes to air navigation technology, without appropriate community input or consultation; and
 - c) cumulative increase in training flights around General Aviation airports.

3.2 Provisions of the EPBC Act do not provide enough guidance for regulators as to what is unacceptable as impacts on people and communities emanating from aircraft noise

There is an inadequate provision in the EPBC Act to protect communities from aircraft noise. Section 528 of the EPBC Act defines Environment to include: *(a) ecosystems and their constituent parts, including people and communities; and also includes the social, economic and cultural aspects of a thing mentioned in paragraph (a), (b), or (c).*

This definition is ambiguous with respect to the human environment and limits its consideration to be only part of a broader ecosystem. Future policy and legislation must recognise the human environment (or communities) in their own right.

For example, with respect to Commonwealth decisions on flightpaths, social impacts can include impacts on health and people's enjoyment of their homes, parks and gardens, their backyards and local community, but this consideration is excluded by a narrow interpretation of the term *social impact*.

In the EPBC Review the question was asked should there be greater focus on better guidance on the EPBC Act, including clear environmental standards? How effective has the EPBC Act been in achieving its statutory objectives to protect the environment and promote ecologically sustainable development and biodiversity conservation? AirServices in its response stated *“Improved guidance and standards should be provided to ensure greater clarity in areas such as aircraft noise impacts. It also went on to say ... The health and societal impacts of noise (including aircraft noise) are becoming a key focus area, particularly with the rapid growth in urban density, and the aviation and road transport sectors. Clearly linking the potential health impacts of aircraft noise in Australia to national guidelines and regulatory criteria would provide transparency to both the community and aviation industry on aircraft noise impacts in the residential setting”*. CAAA fully agrees and it is imperative that the White Paper explore this.

3.3 Absence of an effective Australian Community and Aviation Safeguarding Framework

Recent review of Flight Path Design Principles resulted in a further downgrading of outcomes related to community concerns. The principles relating to airport / airline efficiency and profits are implemented after safety considerations while principles related to community and environmental impacts will only be considered - *“where practicable, when possible and where they don't affect safety and airline efficiency”*. Just not good enough.

There is a need to overhaul and rebalance the current legislative framework giving greater attention to alleviating aircraft noise in flight and as part of this consider replacing the government's failed National Airport Safeguarding Framework (NASF) with a more balanced 'Australian Community and Aviation Safeguarding Framework' which would:

- a) Provide an equal voice for affected communities in aviation policymaking through a mandated representative community-driven forum to replace the current aviation sector-controlled community consultation process.
- b) Establish a genuinely independent body to provide effective scrutiny of aviation decision-making and operations. The current arrangement:
 - assigns responsibility for managing the community impact of aircraft operations to the air traffic control service provider, Airservices Australia (AsA), a government business whose operation depends almost wholly on fees from airlines without – according to their own admission during Senate Estimates – any regulatory powers to act in the best interests of affected communities is limited.
 - vests oversight of aircraft noise management within AsA, through its Noise Complaints and Information Services (NCIS) and the Aircraft Noise Ombudsman (ANO). The Statement of Expectations for Airservices Australia for the Period 1 July 2021 to 30 June 2023 does not require the NCIS to be anything more than an information response and data logging service. The ANO reports to the AsA Board and as such has a conflict of interest, thereby reducing the capacity for independent investigation of complaints. The ANO must be fully independent.
 - does not provide adequate opportunities for consultation about the impacts of aircraft operations on residents. CAAA members report that the Department's mandatory 'Community Aviation Consultation Groups' (CACGs) for federally leased airports need fundamental reform to be effective and have any credibility with affected communities. Currently CACG's have an over representation of airport, airline and Departmental members. Some have little representation of ordinary community members and others have no community reps at all. Lack of outcomes that address community concerns contributes to this situation.

- does not adequately ensure the Department is overseeing the performance of regulators in mitigating the impact of the aviation sector on communities. Evidence of growing community dissatisfaction is abundantly provided by local and national media coverage, questions in parliament, attempts by opposition parties to amend the Airservices Act, and recent ANO systemic investigations of multiple complaints in Hobart, the Sunshine Coast, Brisbane, and East Melbourne.
- does not provide GA airport communities affected by aircraft noise with accurate and meaningful information nor involvement in decision making that affects their amenity. For example, there is no obligation for regulatory authorities or airports to act on submissions from communities affected by the operation of GA Airports to achieve a better balance between the needs of aviation and affected communities. Consequently, conflict between an airport and affected stakeholders will continue to escalate.

In summary the community wants a voice that is heard in aviation policy making and at the decision making table. Not a 'tick the box' so-called 'consultation process' after the decision making process is concluded, but a voice that is integrated from the start and equal to the voice of airlines, airports and government depts. and is an integral part of the information that is conveyed to government/minister in its decision making process about airport operations and impacts of aircraft noise.

3.4 An absence of strategies to deal with effects of climate change

Climate change and aviation affected Communities are increasingly aware of, and concerned by, the disproportionate impact of the aviation sector on climate change, which is arguably the greatest threat to both human society and, paradoxically, the future of aviation. Global heating risks to the safety, efficiency and operational integrity of flight operations at airports include those from sea level rise and storm surges, and from extreme land temperatures. They also include those from the actual continued operation of flights. Aviation is a major contributor, and the White Paper must deal with ameliorating its impacts.

3.5 Requirement for long term studies in to the Health impacts on communities by sustained aircraft noise and emissions exposure

Over the past few years, the health impacts of ultrafine particles have begun to be understood. In particular, recent studies have examined the role of aviation in the level of airborne particulates and the implications for the health of local communities. Constant incessant aircraft noise has been shown to contribute to a variety of health impacts including cardiovascular disease, sleep disorders, maternal health, mental health children's learning difficulties etc. In addition to passenger aviation operations, airports are freight hubs attracting significant heavy vehicle traffic as well as the many cars, buses and taxis transporting passengers and employees to and from airports. As such, airports create a concentration of polluting activities. Members of the community are increasingly concerned about the potential links to asthma and other chronic health problems.

Ineffective communication of health and education impacts Information provided to communities on aircraft noise is produced by airport operators in airport Master Plans, EISs, and other publications. The formats used vary between airports but are uniformly difficult for non-experts to understand and lack data on health and educational impacts. To gain community trust, this information must ideally be independently produced or, failing that, at a minimum subject to independent verification.

The White Paper should consider supporting longitudinal studies of health and educational outcomes for communities affected by aircraft noise and emissions exposure to underpin forward planning and guide the distribution of monies raised via levies to ensure they are targeted at addressing the negative impacts of the aviation industry.

4. Expand the focus of Review

To explicitly cover areas of concern to communities currently or potentially impacted by aircraft noise, we consider it vital that the review process include the following issues (in red). If it is not possible at this stage to alter the TOR's, then we request that these amended aspects be specifically included and canvassed in the White Paper.

The White Paper will examine the Government policy and economic reforms necessary to promote efficiency, safety, sustainability and competitiveness of the aviation sector out to 2050. Areas to be considered include:

- *aviation's role in economic development, trade and the visitor economy – general, domestic, regional and international aviation;*
- *how to maximise the aviation sector's contribution to achieving net zero carbon emissions including through sustainable aviation fuel and emerging technologies;*
- *changing aviation technologies and ways to position our policies, regulations and systems to encourage uptake and manufacturing of new, more efficient, transport and less intrusive technologies;*
- *how to minimise the aviation sector's impact on human health, including consideration of contemporary research and international best practice*
- *airport development planning processes, changes to air navigation 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;*
- *ensuring regulatory mechanisms adequately protect communities potentially affected by aircraft operations, distributing the benefits and cost of aviation fairly;*
- *how to support and regenerate Australia's general aviation sector;*
- *future industry workforce skills and training requirements;*
- *appropriate consumer protections and access to services;*
- *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; and*
- *other significant issues raised during the consultation process.*
- *an assessment of the outcomes achieved emanating from the 2009 White paper identifying what has not been achieved and the reasons why.*