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Ms Jeanette Radcliffe
Committee Secretary
Senate Rural and Regional Affairs and Transport References Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Ms Radcliffe

Senate Inquiry into the effectiveness of Airservices Australia's management of aircraft noise

I refer to your letter dated 3 March 2010 enclosing Submissions, 45, 56 and 82.

Please find attached Airservices Australia's response to the three submissions for the Committee's consideration.

Yours sincerely

Richard Dudley
General Manager
Corporate & International Affairs

9 April 2010

Attachment

SENATE INQUIRY INTO THE EFFECTIVENESS OF AIRSERVICES AUSTRALIA'S MANAGEMENT OF AIRCRAFT NOISE

SUPPLEMENTARY SUBMISSION
9 APRIL 2010

1. INTRODUCTION

Airservices Australia's expertise is delivered in a complex sector of the aviation industry, interwoven by a matrix of mutually dependent stakeholders. The specifics of this environment can be difficult to grasp and it is common for Airservices' role to be misinterpreted.

In perusing the Senate Inquiry submissions made public up to 16 March 2010, a large number contain inaccuracies or misunderstandings about Airservices' charter and these issues will be clarified in a separate supplementary paper.

However, three submissions (45, 56 and 82) which the Committee has brought to Airservices' attention go beyond reasonable criticism or confusion and warrant our response.

1.1 AIRPORT MASTERPLAN PROCESS

The Committee has received a number of representations that are linked to the Village Building Company's (VBC) endeavours to establish a residential development at Tralee (NSW) near the ACT border. The Canberra International Airport (CIA) and VBC are in a long-running dispute about related planning issues.

While residential development decisions are for relevant State and Local government authorities, Airservices may, and has provided input to the process when proposals are in the vicinity of flight paths. In the case of Tralee, the proposal intends to develop residential areas underneath or adjacent to existing flight paths into Canberra Airport.

A number of submissions to this Inquiry repeat issues previously raised about Airservices' role in the Australia Noise Exposure Forecast (ANEF) system. These issues have been contested for the best part of a decade – including legal action from VBC. This matter was conclusively dealt with by the Federal Court of Australia on two occasions, with both the original decision (August 2007) and full court appeal judgment (April 2008) finding Airservices' endorsement of CIA's ANEFs were appropriate against its legislated obligations.

Airservices is required to endorse the ANEF for technical accuracy, taking into account factors such as the runway configuration and aircraft types. Airservices has no role in developing airport master plan air traffic forecasts or whether these forecasts or future assumptions are feasible, achievable or have merit. Airports are accountable for this in their business planning.

1.2 PUBLIC STATEMENTS ON AIRCRAFT NOISE ISSUES

Submissions 45, 56 and 82 include comments that seek to impugn the character of senior Airservices' staff.

Firstly, it is not unusual for Airservices to go on the public record with its professional view on the impacts of aircraft noise on proposed residential developments that are near flight paths. For example, Airservices recently made a submission to the NSW Government's draft State Environmental Planning Policy for a proposed residential rezoning at Kurnell Peninsula.

Secondly, evidence presented by Airservices' CEO, Greg Russell, and General Manager Corporate and International Affairs, Richard Dudley, to a Senate Estimates hearing has been unfairly interpreted. The relevant transcript (see **Attachment A**) indicates that Airservices' role is to certify the technical accuracy of the ANEF.

Thirdly, Mr Dudley was also accused of using deceptive material at a public meeting in Perth on 3 February, 2010.

Mr Dudley attended a meeting of the Shire of Mundaring and made a presentation and answered questions for two hours. This included a slide (see **Attachment B**) which had two graphs comparing Perth flight tracks in January 2007 and January 2009. Perth has complicated airspace, comprising a large amount of military restricted airspace due to defence requirements, a busy fly-in fly-out hub servicing the mines, military and civilian flight training and air traffic volumes that are rapidly increasing. The purpose of the graphs was to demonstrate that all parts of Perth were being over-flown both before and after the introduction of WARRP. They were not intended to reflect the frequency, or concentration of flights or how noise is spread over the Perth area.

1.3 AGENCY INTEGRITY

A large number of submissions contain the view that Airservices is a regulator. In some submissions there is a belief that if Airservices is the aviation industry regulator a conflict of interest situation arises. This belief is simply not correct. While Airservices provides air traffic management and related services, it is not Australia's aviation or airspace regulator.

Airservices does not control the scheduling and frequency of aircraft movements and our services are provided on a fee for service basis with oversight by the Australian Competition and Consumer Commission regardless of the volume of services.

Like any government agency, we deliver our services without prejudice, according to regulation and with the safety of the travelling public at the forefront. In designing flight paths, Airservices makes all decisions based on the complexities of ensuring that aviation safety is paramount; that the national airways system is efficient; and, the potential environmental impact on communities is minimised. Any potential impact on future income streams is not a consideration.

Senator BACK—Thank you. Thank you, Chairman.

CHAIR—Thank you, Senator Back. Senator Nash, you are not going to talk about Perth Airport?

Senator NASH—No.

CHAIR—Can I talk about Perth Airport, just on this?

Senator NASH—You most certainly can.

CHAIR—I do want to depoliticise this, because I can understand the passion that goes around this noise, but what other options are there? You clearly said to us, Mr Russell, that Perth is open for business—my words, not yours. You have been a little slack there: you said the boom was five years. They have been going crazy in Perth for a lot longer than that. It is firing up again now. It was a safety issue and it is a little bit like highways. People buy homes on highways and they might be nice and quiet at the time, but three or four years later they want the trucks moved off them because they are noisy. I sympathise with the people in these suburbs that are affected but, crikey, what else do we do?

Mr Russell—Given the growth in air traffic and the prospects for more of it to come and given the complicated nature of the airspace—and I refer in particular to some areas of military activity to the north and west of Perth—there are not as many options as we would like in a normal design of airspace. To take the point of the earlier question, consistent with safety, where there are technology opportunities or different procedures that we can put in place in the way aircraft are flown, that is something we are continually on the lookout for to improve the impact on local communities and that is something we will continue to do.

CHAIR—I will make the statement—and I will not win any friends, but the truth has to be said—that there have been criticisms about the extent of the consultancy and all that with the local population. I will put my hand on my heart and my wallet on the table and say that, if you had consulted every single person who lives in those areas, none of them would have said, 'Sure, fly over.' Senator Nash.

Senator NASH—Thanks, Chair. Back to these questions around Canberra Airport, in an interview on 666 ABC Canberra on 28 August 2009, Minister Albanese stated: 'Of course, in the master plan what it does is, it puts forward a very ambitious plan in terms of forecast, in terms of maximum. I think people would not necessarily think that the approval means the government concurs that that's the level that it will be got to, but under the plan it's anticipated that the number of passengers would rise from around about three million now up to 3.9 in 2016 and up to 6.3 million by 2029.' Did Airservices or the department advise the minister on the accuracy of the growth projections in the plan and in the ANEF?

Mr Russell—Our brief is not to advise on the forecasts that are contained in those master plans but to advise technically if the noise assessments have been done correctly and that is what we did with respect to Canberra Airport.

Senator NASH—In terms of that technical assessment, the data in the plan and in the ANEF, what work was done to determine the accuracy of the assumptions that lie in that?

Mr Russell—With respect to the forecasts, no work was done. It was part of the airport's responsibility to produce forecasts—

Senator NASH—I guess that is my question. So you just took as read, took on faith, that what was in the plan from the airport was appropriately done?

Mr Russell—It is not our brief to question the forecasts of traffic movements.

Senator NASH—No, that is true, but as the plan goes to the minister, who has responsibility for ascertaining the veracity of their claims in the plan?

Mr Russell—I will ask Mr Dudley to enunciate that.

Mr Dudley—Through you, Chair: Senator Nash, the airport is in charge of producing the particular document that you are referring to. So if they come up with a proposal for how the airport is going to be used into the future and then they produce the document to which you refer, what we do is assess the technical feasibility of what they are reporting in that particular profile, in that particular document. Our legislated requirement is to assess the technical feasibility of what they are proposing. We do not assess whether it is feasible for them to do it or not; we assess whether it is technically feasibly for those sorts of traffic movements to occur on that runway configuration.

Senator NASH—In the ANEF for the plan, was there any technical analysis done of the numbers of night flights and the freight flights?

Mr Dudley—Again, given the parameters which the airport, as the proponent for the master plan, is putting forward, if they are advocating XYZ movements during XYZ hours during the day and the night, we are technically assessing whether that is feasible—given the runways, the way they are constructed, the configuration of them and the types of aircraft that are purportedly going to be using those runways, whether it is technically feasible to get to that type of operating environment.

Senator NASH—From your understanding, what did the airport do to determine the increase and what the number of flights would be? I am assuming that in that they have made some assumptions about how much it is going to expand and what traffic there would actually be. Do you know how they obtained that information?

Mr Russell—No.

Mr Dudley—No, how they put all of that master plan together is up to the airport.

Senator NASH—How does the minister determine that that information is correct or indeed based on some genuine principles or information?

Mr Wilson—Developing projections in regard to the way an airport is going to develop is the responsibility of the airport. The projections in regard to growth of air traffic, growth of their business, are at the core of the master planning process, so it is their responsibility in terms of projecting how they are going to grow the business. As Mr Dudley has outlined, in developing the ANEF, that is then technically assessed; but in terms of determining the veracity of the projections, that is the business of the individual airport.

Senator NASH—But isn't that a bit like leaving the fox in charge of the chook house? If the minister is working off information that goes into a plan from the airport itself, about what the airport is going to be able to do, surely there needs to be some kind of check and balance for the information that the airport provides within that plan to be assessed? Does it not seem odd: information is supplied for a plan that has to be judged and on which the minister eventually has to make his determination of whether or not it goes ahead, but if the information is supplied by the airport who is standing to benefit by the implementation of the plan, where is the check and balance? I am trying to find that.

Mr Wilson—The technical aspects of the growth projections are checked by Airservices in terms of the capacity of the airport to grow to that capacity. But the business planning processes, the capacity of the airport and the veracity of those projections are the responsibility of the airport to determine. It is possible that they may grow more or less, but we provide advice to the minister on the technical capacity of the airport to handle the traffic and the projections of the growth of the traffic.

Senator NASH—It still seems a bit odd, but I am conscious of the time and that we are supposed to be in smoko. Sorry, Chair. Are there any reviews at any point in time at any sort of level of the processes for the endorsement of the ANEFs?

Mr Dudley—Through you, Chair: we go through a fairly vigorous process to satisfy ourselves, as the signing authority on the technical endorsement of those ANEFs, that we have challenged the proponent's assumptions about the technical capacity of its master plan. So there are checks and balances built into the actual process itself and then the check process is ultimately handed over as part of our information to the department for their ongoing assessment as well. But in terms of the technical assessment of the ANEFs, we have several checks and balances built into the process itself.

Senator NASH—Thank you.

CHAIR—Thank you, Senator Nash. Now we will go to a tea break, after which Senator Heffernan will have the call.

Senator HEFFERNAN—I want to ask a series of questions about noise.

CHAIR—That is what we will be talking about.

Senator HEFFERNAN—Including the Tralee noise, the removal of noise from Jerrabomberra to flight path 17 out of Canberra Airport—a range of questions surrounding those—and the objections of the Commonwealth to the state government.

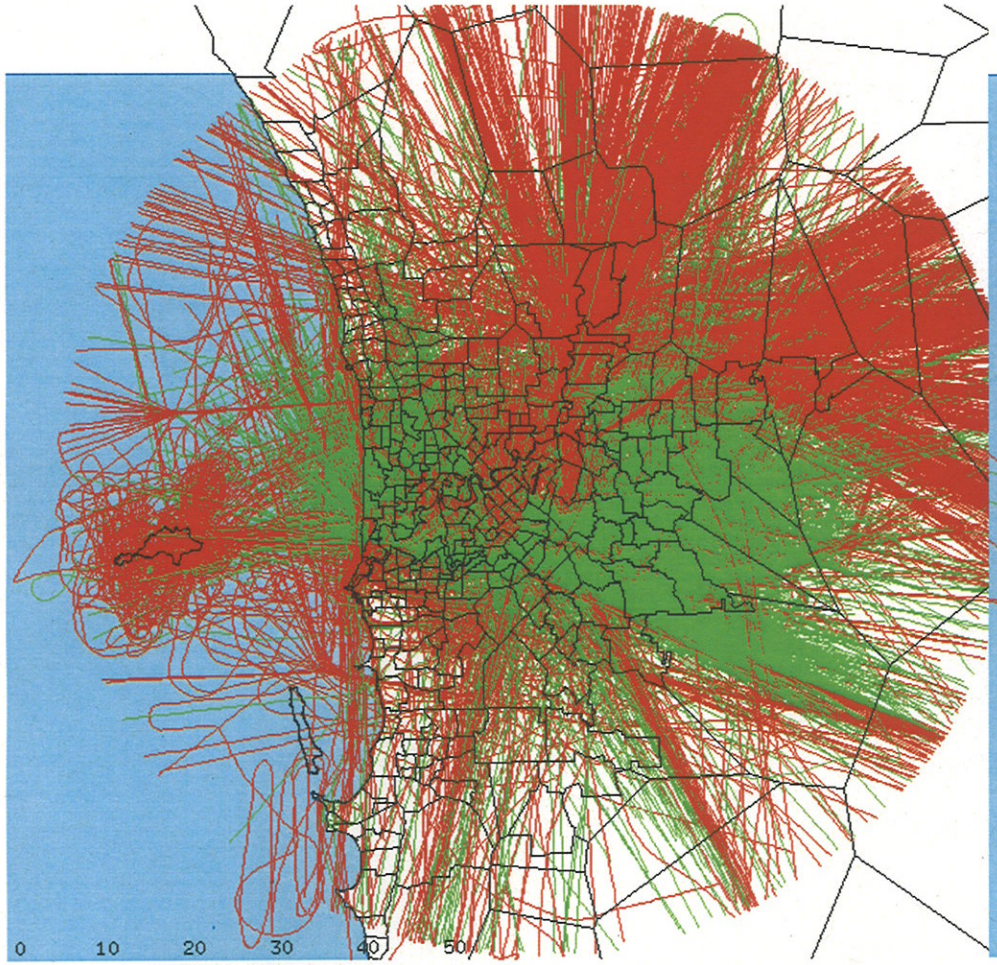
CHAIR—It is nice of you to put the officials on notice.

Proceedings suspended from 9.05 pm to 9.17 pm

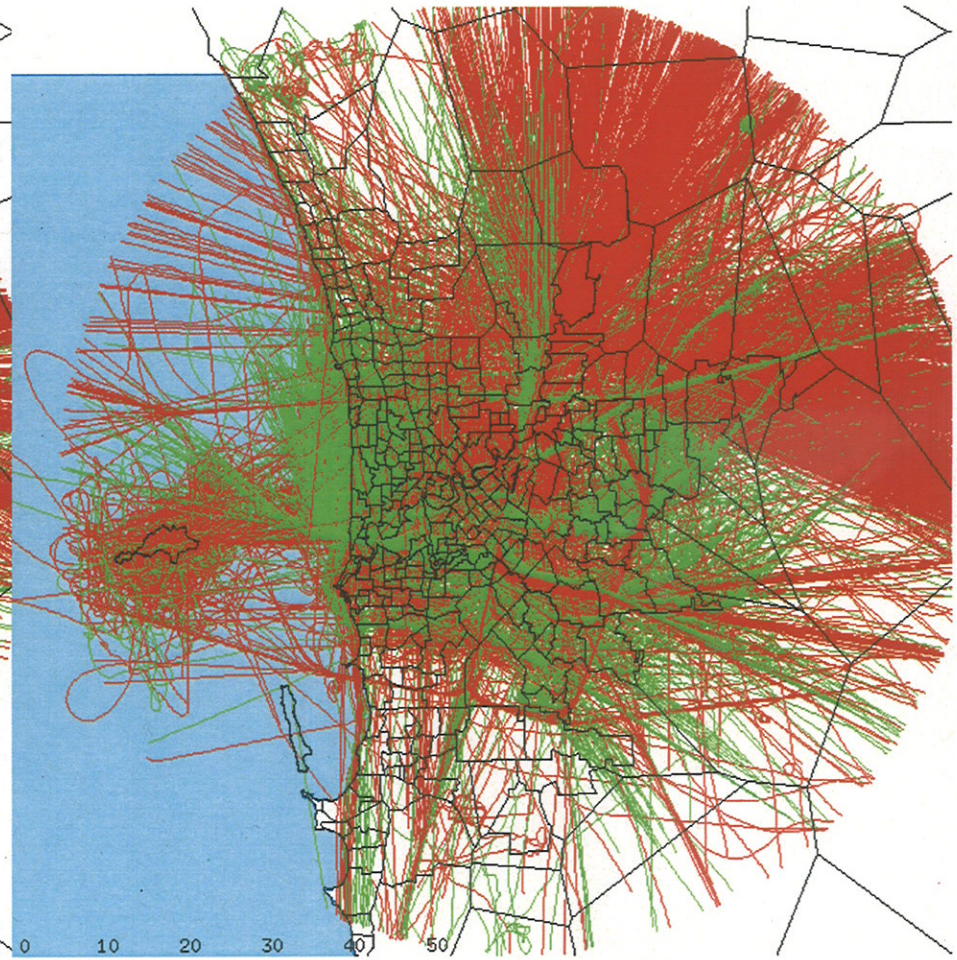
CHAIR—I believe Senator Macdonald has the call.

MUNDARING SHIRE INFORMATION MEETING

All arrivals and departures
Jan 2007, 8725 flights



All arrivals and departures
Jan 2009, 10274 flights



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Attachment B