

June 17, 2010

**URGENT SUBMISSION**

**Senator Nash**

**Chair - Senate Standing Committee on Rural and Regional Affairs and Transport**

**PO Box 6100**

**Parliament House**

**Canberra ACT 2600 Australia**

*via email to: C'tte. Ex. Asst. - Lauren McDougall*

**Subject : Inquiry - Effectiveness of AirServices Australia (ASA) - Aircraft Noise  
Flawed Documents from and False Testimony by ASA**

Dear Chair,

It has come to my attention that ASA's initial Environmental Assessment of the WA Route Review Project (WARRP) dated November 14, 2007 and recently tabled by them at your Melbourne hearing is fatally flawed; the document is both erroneous and grossly misleading. The WARRP project for Perth was implemented on a false premise and avoided both ASA's own documented environmental principles and procedures; as well as a full assessment under the terms of s.160 ss (2)(b) of the federal EPBC Act.

I ask that you accept this further submission to the Committee given the tabling of flawed documents in Melbourne and apparent false testimony given in Perth by ASA's Mr Russell and Mr Owen. The initial Environmental Assessment for WARRP had been sought by a number of stakeholders from ASA for several years before being finally tabled at the Melbourne hearing a few weeks ago. At the base of page 4 of 4 the ASA officer has "signed off" the internal assessment and attested to the fact that a full assessment under the EPBC Act to determine "significance" was not required, the attestation was dated 14/11/2007. It is clear on its face that the WARRP was self assessed against invalid, outdated ASA criteria; please see the footers to each page of the 4 page assessment summary ... "first issued July 1999, last amended December 2001" and the redundant flow charts A and B on pages 2 and 3.

Were the WARRP assessed under the correct procedure amended in November 2002, see submission 15 Attachment 1, a full external assessment is required under the terms of the EPBC Act. See Attachment 1, page 4, point 2 defining "significant noise" and at page 13, the current valid flow chart Fig 1. Which states:-

*"Start – New or Modified Track? – Yes – Is Track Over a Residential Area? – Yes – Is Track Less Than 5000 ft AGL? – Yes – Full Assessment Required – End".*

At page 107 of the Perth hearing transcripts for Wednesday April 28, 2010, near mid page Senator O'Brien asks about the application of the ASA's environmental principles and procedures. At this point Messer's Russell and Owen appear to provide false testimony, given the details of the document subsequently tabled by ASA later at the Melbourne hearing.

It appears that ASA's abuse of process goes well beyond their documented principles and procedures. Could you please ensure that all Committee members are made aware of this apparent contempt.

Yours faithfully,

**PETER J. STEWART**