

April 29, 2010.

Senator Nash

Chair : Senate Standing Committee on Rural and Regional Affairs and Transport

**PO Box 6100
Parliament House
Canberra ACT 2600 Australia**

**Subject : Perth Hearing April 28, 2010
Inquiry into the Effectiveness of AirServices Australia's (ASA)
Management of Aircraft Noise**

Dear Chair,

I ask that you accept this further submission to the Committee following the public hearings in Perth yesterday. I am grateful for the opportunity to have addressed the Committee to support my submission (# 15) of January 29, 2010. I made reference to a regulatory capture and regulatory failure by ASA in my submission.

In evidence I quoted Ian Temby QC, when he said: ...

"The cost of regulatory failure is high, not the least of which is a loss of faith in the institutions of society"

I went on to say that the integrity of ASA had been bought into question to such a degree that nothing it says can be taken at face value. It is on that premise and what ASA officers subsequently told the Committee yesterday, that I write now.

Several Senators including yourself and Senator O'Brien showed great interest in ASA's document titled Environmental Principles and Procedures for Minimising the Impact of Aircraft Noise (the Principles), as revised November 2002. Members of the public providing submissions and evidence to the hearing agreed that it was a sound document but more honoured in the breach than in the observance by ASA and the industry. The senior officers of ASA present agreed that this was the primary document used to inform the public and direct staff, it was also the basis upon which ASA assessed the need or otherwise for a Environmental Impact Assessment under federal legislation.

When questioned as to why there was no formal environmental assessment made for the WARRP changes, the ASA's Ken Owen advised your Committee that there was no need, the changes were assessed by ASA as having little noise impact. When asked what amounted to significant noise impact in ASA's view, Mr Owen stated that 70 dBA would trigger a formal assesment. Please be advised that ASA's own Principles document makes no such statement. In fact the Principles clearly state at page 4, under point 2 ...

"A height of 5,000 ft AGL is considered to be the minimum acceptable altitude for the avoidance of significant noise impact on residential populations by jet aircraft. "

The vast majority of the re-routed WARRP flight paths have jet aircraft flying well below 5,000 ft AGL Perth and surrounding areas, a situation where the ASA Principles say that significant noise impact will result.

Clearly the WARRP planning should have triggered both a CASA Office of Airspace Regulation Environmental Assessment on a Form 80 and an ASA Environmental Assessment in terms of s160 of the EPBC Act. ASA seem to be making up new "principles" as they go along as the need suits their purpose.

Once again, this time in front of your Senate Committee, the integrity of ASA had been bought into question to such a degree that, nothing it says, can be taken at face value.

A Noise Ombudsman within ASA or other changes proposed in the aviation White Paper in relation to noise would only act as window dressing: the public interest dictates that responsibility for environmental outcomes be taken from this conflicted regulatory corporation.

I apologise for the need to request this further submission, the extraordinary evidence given by officers of ASA yesterday needs to be challenged.

Yours faithfully,

PETER J. STEWART