



Australian Federation of Air Pilots

**Response to Questions on Notice from the
Standing Committee on Rural and Regional
Affairs and Transport (RRAT) Inquiry into:**

**THE IMPACT AND MITIGATION OF AIRCRAFT
NOISE**

6 May 2024

Responses from the Australian Federation of Air Pilots ([AFAP](#)) to: Questions on Notice from Senator Canavan (received 15 April 2024)

1. Question received during AFAP evidence on 15 April 2024:

Mr Lutton: Yes. It's our understanding there's been no safety case performed on the proposal for increasing the tailwind limit.

CHAIR: Maybe you can take this on those. On page 42 of the final report on the PIR—I think this is an Airservices Australia document—it says:

A Safety Case was submitted to CASA on 29 April 2022 to increase the existing 5-knot tailwind limit for SODPROPS operations at Brisbane Airport to 7-knots. CASA is still considering this submission ...

This report was in December 2022, I think, so I'm not sure what's happened since then, but maybe you could take that on notice. Do you know about that, or are you not aware of it?

Mr Lutton: I'm not aware of it.

CHAIR: Alright. If you could take that on notice, that'd be great.

Response: The AFAP has reviewed its files and confirms that AusALPA (our safety and technical partnership with the other major pilot association in Australia, AIPA) was contacted by a consultant firm called “ALARP Solutions” who advised that they had been engaged by Airservices Australia to develop a safety case on behalf of BAC for CASA submission.

On 28 February 2022 ALARP Solutions convened a detailed briefing as part of a “Risk Review”. This briefing was provided to 33 people from 22 airlines and industry parties, including AusALPA. The purpose of this risk review and subsequent safety case (yet to be completed) was to advocate to raise the tailwind limit at Brisbane Airport from 5kts to 7kts.

The issues raised in the briefing which ALARP Solutions referred to as “operator engagement” was the basis for AusALPA to write to the CASA Director of Aviation, Ms Pip Spence on 17 March 2022 in the letter dated titled, “Normalising Tailwind Operations – Politics Threatening Aviation Safety.” This letter detailed our safety concerns and has been provided to the Senate Committee along with our submission and referred to in our evidence.

At the time of writing the letter to Ms Spence on 17 March 2022 we were aware that a safety case was intended to be submitted to CASA however **AusALPA did not get to see or review the safety case at all.**

AusALPA did request to have access to the safety case but were not responded to by Airservices on this request.

The AFAP (and AusALPA) has still not seen the safety case which Senator Canavan notes Airservices states was submitted to CASA on 29 April 2022.

2. Question received after AFAP evidence on 15 April 2024:

- **Can you please respond to evidence provided by the Brisbane Airport Corporation, around 3pm at the public hearing on 15 April 2024, regarding safety standards on tail and crosswind limits?**

Based on the transcript from around 3pm, the AFAP assumes that the evidence provided by the Brisbane Airport Corporation (BAC) to which the Committee refers is:

Senator COLBECK: But it's an international standard of five.

Mr Coughlan: The international standard's at five. There are airports overseas that at night do allow higher, for noise management. But it's an individual case for that airport.

Senator COLBECK: What was the basis of your submission to increase it to seven? What were the drivers for it, and who did you consult with?

Mr Boyle: There have actually been three applications over the last decade to restore the 10 knots—or to increase the tailwind limit. Following its removal, Airservices applied to CASA for 10 knots. That was rejected. BAC followed up with an application for 10 knots that was rejected around 2017. In 2022, post-opening—we now have more data on the operation of the runways—the decision was made to submit a safety case for seven knots, as that was seen as being a compromise between the five and the 10. We believe we would still get improvement in SODPROPS from seven knots. The safety case was actually prepared and submitted by Airservices, and they did consult widely. There may have been some confusion this morning because AusALPA were consulted on the safety case twice in February 2022. They made 11 individual submissions, all in opposition to the safety case. But they were certainly—

Senator COLBECK: So the position hasn't changed?

Mr Boyle: They were certainly consulted.

Senator COLBECK: I suppose, in the safety sense, this goes to a particular perspective in relation to a standard being a standard being a standard. That's why I asked the question about the number of airports in Australia that have a variation to the ICAO standard and the actual desirability of that.

Mr Boyle: To put that into context—

Senator COLBECK: I understand you're trying to resolve some problems. I get that side of it.

Mr Boyle: In terms of standards, ICAO has around 11,200 standards across the aviation business. If a country wishes to operate to a different standard, they file a difference with ICAO because individual CAAs or CASAs make their own assessments. At the moment, out of that 11,200, Australia has filed 4,280 differences with ICAO—so, of the 11,000 standards, we are different in 4,000 areas. From our perspective, we then don't understand from a risk perspective why you would not consider an application for seven knots on its merits.

Senator COLBECK: Just because there's been a whole range filed doesn't take away from the point about the consistency of the standard and not having to, from an operational perspective, look at variations all the time in an operational sense. That's why I asked the specific question about the desirability of it. Just because somebody has done it doesn't necessarily make it more desirable.

Mr Boyle: I don't disagree with you. I think global standards are a good thing, particularly for an industry like aviation. It is a global market or a global activity, so having consistency is important. Having a single standard, however—five knots—that applies to a very short grass runway in Papua New Guinea versus our 3.6 kilometre runway in Brisbane with extensive wind measurement—air traffic control sometimes seems to be challenging, and taking a risk based approach on an individual or airport basis seems reasonable particularly when the outcomes for the community could be so significant.

The general thrust of BAC's evidence appears to be that:

1. The AFAP (via AusALPA) was consulted in detail over the safety case for an increase in the tailwind limit for Brisbane Airport; and
2. It is common and usual to move away from ICAO standards.

The AFAP's response to the above BAC evidence is as follows:

1. As per our response to the first question, having reviewed our files, we accept that AusALPA was aware of an intention to develop a safety case and included in industry engagement by ALARP Solutions over what it referred to as a risk review of the proposal for a 7kt tailwind limit which would then lead to a safety case.
2. AusALPA did not see or review the safety case and AusALPA has still not been provided with the safety case.
3. The description of AusALPA's consistent opposition to any move away from the ICAO standard on tailwind limitations without significant and overwhelming justification is accurate.
4. The evidence from BAC that of approximately 11,000 ICAO standards Australia has filed differences to approximately 4000 ICAO standards is **not** a reason to file more.
5. The provision under the Chicago Convention for a nation State to file differences is provided with an intention that there are genuine reasons for the State to do so and the provision is not meant to be considered as an equally viable option as to the alignment of the States regulations with the ICAO standards. Differences are meant to be the exception, with States needing to provide reasons for this need.
6. Consistency of standards is very important for safety and the interoperability with the rest of the world. Australia as an aviation State has a significantly greater number of differences filed in comparison to other nations.
7. The broad characterisation of Australia having over 4000 differences to over 11,000 ICAO standards is also misleading. The vast majority of these differences are minor wording differences that achieve the same result. Changing the tailwind limit for the selection of a runway would be a major difference that reduces safety and is completely different to most of the 4000 differences which are minor wording differences in our legislation.
8. The AFAP is concerned that BAC is attempting to create plausibility for another difference (in this instance a significant safety difference) to be filed and added to the already excessive list of differences.

Responses from the Australian Federation of Air Pilots ([AFAP](#)) to:
Questions on Notice from Senator McKenzie (received 23 April 2024)

1. How does the AFAP propose to strengthen the regulatory oversight of Airservices Australia?

The AFAP believes that the current regulatory framework and practices do not sufficiently empower CASA, and their Office of Airspace Regulation (OAR) to adequately regulate Airservices Australia (AA).

Paragraphs 46-49 of our submission to this inquiry outline our concerns and ideas for improved regulatory oversight of Airservices by the regulator. In addition to that, a summary of the issues includes that the OAR doesn't have the oversight of the situation it needs. Nor does the other team with oversight. Currently, AA is regulated under Civil Aviation Safety Regulations (CASR) Part 172, which is done through CASA's Communications, Navigation and Surveillance Systems for Air Traffic Management (CNS/ATM) team.

This means, under current legislation, there is little CASA can do regarding punitive action and AA is aware of this. Additionally, the current framework also requires support from certain other senior management, which can be inconsistent and not forthcoming in certain examples. One example of this is provided by the AFAP in our submission at paragraph 46 (Avalon airport airspace).

We believe that amendments to the legislation and regulations are required. Until then, Airservices will continue to choose when it will be regulated as there is currently no means of penalties or viable means of accountability for Airservices by the regulator.

2. How does AFAP propose that Airservices Australia could better manage aircraft noise without compromising safety?

We refer you to our response to question 4.

3. Does the AFAP believe that the current legislative framework sufficiently empowers the aviation regulator to oversee Airservices Australia's operations?

No, refer to our response to question 1.

4. What are the AFAP's recommendations for an alternative body to handle aircraft noise issues, and how would this improve safety?

Such a body would need to coordinate with Airservices, the noise ombudsman, and vice versa.

The issues arises because Airservices has become very adverse to public criticism and politically savvy to obfuscate from accountability on the safety message and priorities. The nuanced nature of safety (safety is not binary but is technically complex), whereas a question of too noisy or not is a relatively straightforward question. This aids AA to obfuscate when there are attempts to hold AA to account.

If a body were established to consider noise on its merits and it had no prioritisation on safety matters, it could do so without any conflict in priorities. Likewise, if aircraft noise was removed from Airservices' responsibilities, then AA could focus on achieving best practice proposals with safety aims at their core. The body with the remit on aircraft noise could then make

submissions independently to consultations from Airservices, which Airservices would still be required to consider as part of its legislated obligations under s9 of the Air Services Act (1996).

The key difference to current practices would be that proposals would be merit based on the safety priority, with independent input on noise considerations too. Then AA would consider such environmental impacts, as per the legislated prioritisation.

5. How do AFAP members perceive the balance between aircraft noise mitigation and maintaining safe flying conditions?

Currently, some best practice opportunities are being hindered because Airservices won't even bring proposals to the consultation table, out of fear for being on the receiving end of correspondence and pressure from community noise-based complaints. Interestingly, many of these individuals and groups may perceive that Airservices does not do enough for them on aircraft noise matters but in our view, the community would be surprised at how pre-emptively timid Airservices is at avoiding controversy and to appease them by curtailing proposals and standard industry best practice.

The balance is skewed against safety-based proposals and decisions with noise considerations kill off proposals very early in the piece.

6. Can AFAP provide examples where noise abatement has directly conflicted with safety priorities?

The AFAP refers the reader to [our \(AFAP\) written submission to this inquiry](#) for examples of where noise abatement has conflicted with Airservices decision making priorities. We refer you to paragraphs 20 through to 39.

7. What are AFAP's views on the current noise abatement procedures and their effectiveness at Australian Airports?

If the aircraft can be operated within normal standards and practices, pilots are generally accepting of the need to minimise noise impacts upon the community, as per noise abatement procedures. However, the issues arise when the published procedures are applied in a manner that is different to that intended.

We refer to the example provided in our submission regarding the push to increase tailwind limits beyond the international standards, paragraphs 30-34. In addition, we also know that the effectiveness of procedures can and do become impacted by day-of-operations practices.

If the current operational runway is not the "into wind runway", then any request by pilots to use the "into wind runway" can be responded to by controllers with implied resistance. Pilots may be "persuaded" to accept the tailwind to prevent delays to their flight.

Formalised increases to tailwind criteria will likely result in less runway configuration changes with a reduction in complexity for air traffic control - easier workload for themselves. We informed Airservices independent consultants of this during their consultations (when they aimed to build a safety case for degrading the tailwind operations standards).

One of our concerns (of many) is that if we degrade the standards from 5 to 7 knots, then the controllers will start to use 8-10 knots of tailwind to achieve less runway direction transitions.

These implied delays and pressures have an effect to go beyond the intended safety limitations of the noise abatement procedures and the government and community should be aware that any further pressure to formalise an Australian divergence from the international standards only serves to degrade safety margins further.

8. Does the AFAP believe that current noise abatement strategies are in line with best practices from an international perspective, and if not, what should be changed?

We believe that Australian aircraft noise mitigation strategies are in line with international standards and best practice, as mentioned in response to question 7. Another area that the AFAP believes should be given greater influence to aid noise mitigation for the community is through better land-use planning criteria around our airports.

We believe that greater adoption of the National Airports Safeguarding Framework (NASF) principles is key to this. We note that the [Qantas Group submission to this inquiry](#) includes comments on this and we support all those contributions in their submission in section: "Land-use planning and management". We believe that a key flaw is that Governments have failed to implement these into legislation/regulation, instead relying on them only as guidance.

9. In what ways has Airservices Australia failed to prioritize safety in its operational decisions, according to AFAP?

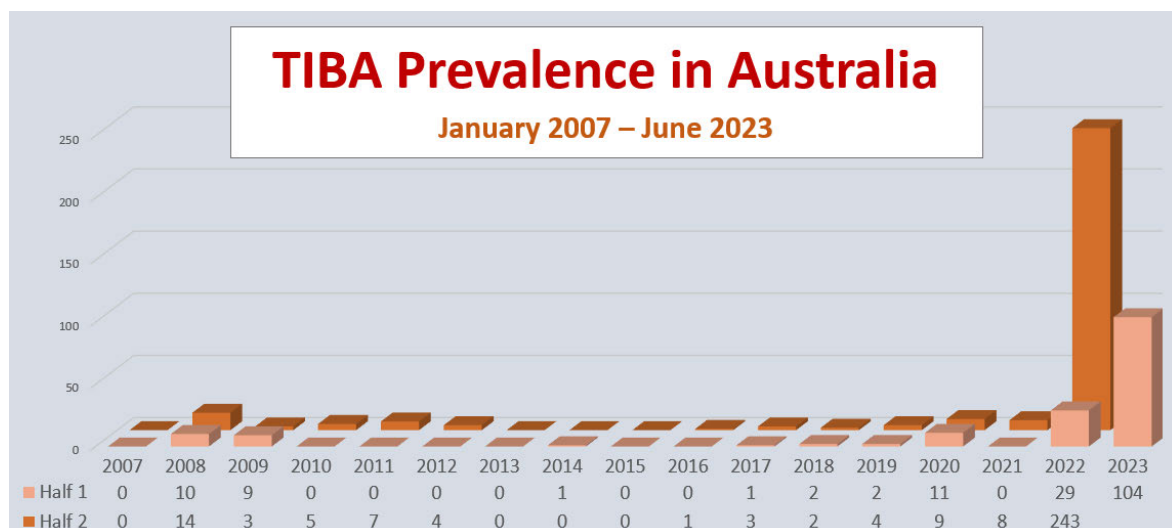
Airservices decision making has caused many portions of controlled airspace to be without services due to the significant failure of their workforce and resource planning.

Many portions of airspace (enroute airspace and terminal areas around some airports) have routinely and regularly been left without air traffic control services. These airspace areas have previously been risk assessed to have a classification of controlled services for them for the purposes of safety risk mitigation.

Airservices inability to provide services is because they have prioritized their own financial *wants* over the safety *needs* of the industry and travelling public.

Airservices misleads the public and government by stating that alternative procedures are available and applied but does not acknowledge that this degradation does come with an increase to the risk and is contrary to the intent of the standards.

One of the means that AA refers to is where pilots broadcast to each other instead of being controlled and separated by controllers. This is referred to as TIBA and according to the international standards, this is only meant to be utilised in exceptional circumstances and used on a very limited basis. The following graph (compiled from data we obtained through freedom of information), clearly shows that the result of poor resource planning and prioritization of financial wants has resulted in a loss of services well beyond that of only exceptional circumstances. Note: The data was obtained mid 2023.



In addition to this example, we refer you to those in our submission, paragraphs 20 to 39.

10. How do pilots adjust their operations in response to different flight path designs intended to mitigate noise?

Pilots operate the aircraft to standard operating procedures (aircraft and operator procedures). Predominantly, the main adjustment of operations is on the basis of where the aircraft is flown as an alternative to operations without a need for noise sensitivities included. For example, one (weather dependant departure) procedure out of Brisbane during noise abatement procedures (late night) 'requires climb over water to a higher altitude than normal before being able to cross the coast west bound.

Generally speaking, flight path designs either mitigate noise with lateral amendments or through vertical constraints. For example, flight paths for approach and arrival procedures that hold an aircraft higher than the normal desired flight profiles can reduce safety margins and enliven risk increases. Please refer to our written submission paragraphs 24-29.

Beyond these imposed operations, pilots do have limited scope to adjust some operations but these have to remain within the designated operating procedures of the aircraft. For example, some scope is available for a slightly steeper climb angle after take-off, at a slower indicated airspeed. Such considerations must be taken within the context of the overall safety paradigm and risk assessment and cannot always be relied upon as an option.

11. How does AFAP view the role of technology in managing aircraft noise without compromising safety?

The use and assistance of technology in managing aircraft and the associated noise is a broad subject area. This can include technology used to develop weather forecasting, weather measuring, display and dissemination of weather related information to pilots, air traffic control and others. There are related technical systems that gather and disseminate information.

There are other technical influences of aircraft systems such as reverse thrust. Additionally, technology helps to manage and delineate metrics for such things as reduced power take off settings.

Technology is also used to collect data and collate it. This enables data trends to be revealed in a consumable manner and can lead to review and reform of practices to aid safety, economic and environmental outcomes. This information and practice helps to evolve aviation safety standards too.

Having said all of this, technology alone cannot manage aircraft noise without suitably trained and experienced professionals to understand and interpret what the technology is informing us of. It is this crucial human element that is key to ensuring that the management of the technology does not compromise safety.

12. In the view of AFAP, how should the legislated priority of safety be more explicitly integrated into Airservices Australia's operational mandate?

The legislated priority of safety is very clear and understood. However, it is the implementation of it at an operational level of Airservices that can be a challenge. The only way for this to be better integrated is for it to come from the senior manager and board of Airservices. The current practices indicate that there is room for improvement from the leadership and executive of Airservices. To better ensure that this occurs, greater levels and means of transparency and accountability are required.

- More explicit language in the Statement of Expectations.

- Reform of the ability of the regulator to regulate and mandate practices upon Airservices. (See response to Question 1 for more).
- Consider the need for Legislative amendments to achieve the objectives.
- Elected Government better holding the senior public servants to account through existing practices (Departmental, Estimates, Committees, listening to industry stakeholders etc.).

13. Can AFAP detail the safety benefits that would have been gained if the proposed standardized paths for Launceston airport had been implemented?

The AFAP is still hopeful that these standardised arrival and departure paths for Launceston will be implemented.

Please refer to paragraphs 16 to 23 our written submission, which includes general discussion and information on the safety benefits of standardisation as well as more specific information on the benefits of standardisation of flight path procedures.

The ATSB database can also be referred to for past incidents in this airspace.

14. What are the potential safety risks associated with the refusal to adopt new arrival procedures for Melbourne airport, according to AFAP?

The International Civil Aviation Organization (ICAO) identifies many safety risks in aviation to address but has identified and listed 5 high risk categories. One of which is that of Runway Excursions. This is where a landing aircraft, or an aircraft aborting a take-off, leaves the designated landing area (either laterally or longitudinally, i.e. off the end of the runway).

The avoidance of adopting normal standards and best practice, with the arrival procedure identified in our submission (paragraphs 24-29), increases the risk of runway excursion for arriving/landing aircraft. The consequences of which can range from minor to catastrophic depending on factors such as the energy state carried by the aircraft during the runway excursion and weather conditions (amongst other factors). The approach over Essendon into Melbourne Airport increases the chance of a high energy approach referred to as an unstable approach. Major airlines have had to adapt their procedures to reduce the risk.

Airservices won't even allow the proposal to be consulted. Noting that consulting on a proposal does not necessarily mean it will be adopted but it will mean that there will be an opportunity for the community to respond to Airservices with possible noise concerns.

15. Can AFAP provide an assessment of how the limitations on using the Gold Coast airport's primary approach have affected operational safety?

The AFAP has not conducted a safety study into the effect upon operational safety specifically for the example provided. Instead, we rely on and refer to the well-established international standards and best practices, many of which are outlined in the ICAO manuals and Annexes. However, for ease of comprehension for the non-technical reader, runway aligned approaches are known to be superior in safety to those not aligned with the runway, which is the particular instance we refer to at the Gold Coast. Data and incident occurrence review supports these assertions.

Our example here is not to be taken as an advocacy position for flight path alterations at the Gold Coast. Rather, we raise this example to help highlight that safety prioritisation is impacted by noise/environmental considerations more than many anti-noise proponents would appreciate.