

**Rural & Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2012

**Infrastructure and Transport**

**Question no.:** 94

**Program:** n/a

**Division/Agency:** (AA) Airservices Australia

**Topic:** Gold Coast Airport Instrument Landing System

**Proof Hansard Page/s:** 68 (14/02/2012)

**Senator Macdonald asked:**

**Senator IAN MACDONALD:** With either or both, it has been suggested to me that you need a 15 kilometre straight glide path for the ILS, which would take the route over Surfers Paradise which, of course, would not be popular. Is that accurate? Currently they mainly come in over the sea and do a left turn.

**Mr Russell:** I would like to take that issue under notice, if you do not mind. It is subject to some further discussions that we are having with the airport next week. I am happy to provide an answer to you after that time.

**Answer:**

Aircraft are required to be stable in flight with wings level before a decision is made to land. The distance from the runway at which this is achieved can vary depending upon the aircraft type and weather conditions, however for commercial jet aircraft it is typically around 3 nautical miles in a straight line from the runway end in good weather. In poor weather this distance may be extended.

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**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2012

**Infrastructure and Transport**

**Question no.:** 95

**Program:** n/a

**Division/Agency:** (AA) Airservices Australia

**Topic:** Archerfield Airport Scout Facility

**Proof Hansard Page/s:** 69 (14/02/2012)

**Senator Fawcett asked:**

**Senator FAWCETT:** Can you give me an update on the status of the Queensland Scouts application to utilise some surplus Airservices land for their aviation facility?

**Mr Russell:** I am not familiar with those details. Can you let me know where and I will take it on notice to respond to you?

**Senator FAWCETT:** My understanding is they had applied to use some land adjacent to Archerfield Airport.

**Mr Russell:** I am not familiar with it. That is not to say that they have not, but I need to know more information and then I will get back to you.

**Senator FAWCETT:** Mr Mrdak, perhaps you could explain for me why the Scouts have actually had to apply for that land, given that they used to have a purpose-built almost million-dollar facility at Archerfield Airport?

**Mr Mrdak:** I do apologise, but I am not familiar with that issue. Along with Mr Russell, I will take it on notice.

**Answer:**

Airservices Australia (Airservices) can advise that in 2007, Queensland Scouts submitted a draft proposal to Airservices for the construction of several buildings on land adjacent (not owned by Airservices) to an operating air navigation aid. Queensland Scouts were subsequently advised by Airservices that a full technical assessment would be required to determine any impact of the proposed development on operation of the air navigation aid. The proposal did not contain sufficient detail for such an assessment to be done and to date no further information has been provided by Queensland Scouts to Airservices.

The previous sublease for a Queensland Scouts facility at Archerfield Airport expired on 31 December 2007.

In accordance with the provisions of the sublease the Scouts were required to remove the building on expiry of the lease.

We understand the Queensland Scouts have since entered into an arrangement with the Royal Queensland Aero Club which allows their use of the club's premises at Archerfield Airport.

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**Question no.:** 96

**Program:** n/a

**Division/Agency:** (AA) Airservices Australia

**Topic:** Airservices Australia Regulatory Functions

**Proof Hansard Page/s:** Written

**Senator Back asked:**

The Chief Executive Officer's Report (Greg Russell) dated 30 June 2007 in the 2006-2007 Annual Report of Airservices Australia, states:

***Airspace regulation***

*A milestone in the past year was the transfer of regulatory functions from the Airspace and Environment Regulatory Unit to the Office of Airspace Regulation in CASA, marking the end of Airservices involvement in regulation.*

Does Airservices acknowledge that the transfer of all regulatory functions from Airservices to CASA was as a consequence of the *Airspace Act 2007* together with the repeal of Part 2 of the *Air Services Regulations* which was titled *Airspace Management*?

**Answer:**

Yes, however Airservices Australia retained some regulatory functions relating to aircraft noise certification and the endorsement for technical accuracy of Aircraft Noise Exposure Forecasts.

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**Infrastructure and Transport**

**Question no.:** 97

**Program:** n/a

**Division/Agency:** (AA) Airservices Australia

**Topic:** Airspace Management

**Proof Hansard Page/s:** Written

**Senator Back asked:**

The *Airspace (Consequential and Other Measures) Act 2007* Schedule 3 Transitional Provision 1 - carried a note referring to this repeal of Part 2 as:

*“This item relates to the transfer of airspace management functions from Airservices Australia to CASA.”*

Does Airservices acknowledge that the function of “Airspace Management” was also transferred to CASA?

**Answer:**

No. Regulations relating to the classification of airspace were among those transferred to CASA, however the day-to-day management of aircraft operations within Australian airspace remains the responsibility of the air navigation service provider. The *Air Services Act 1995* requires Airservices Australia, as the air navigation service provider, to provide certain air navigation support services and facilities for aircraft operating within Australian-administered airspace.

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**Question no.:** 98

**Program:** n/a

**Division/Agency:** (AA) Airservices Australia

**Topic:** Airspace Management

**Proof Hansard Page/s:** Written

**Senator Back asked:**

I would now like to consider the implications of this transfer of powers and functions from Airservices to CASA in 2007 as it relates to the responsibilities of Airservices:

- a. under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act); and
- b. In procuring design services and in designating procedures such as *Required Navigation Performance – Authorisation Required* (RNP-AR) instrument approach procedures.

When this Committee inquired into the Effectiveness of the Management of Aircraft Noise by Airservices Australia two of the 10 recommendations related to section 160(2)(b) of the EPBC Act which says:

*160(2)(b) the adoption or implementation of a plan for aviation airspace management involving aircraft operations that have, will have or are likely to have a significant impact on the environment;*

Part 11, Division 4, Subdivision A of the EPBC Act, which includes section 160, is entirely concerned with the:

*Minister's advice on authorising actions.*

1. Does Airservices agree that the authorisation of actions by another person is the function of a “regulator” and not the function of a “service provider” – and if not why not?
2. Does Airservices agree that “airspace management” is the function of CASA and not Airservices – and if not why not?
3. Why does the Airservices “About us” web page continue to state that: “Airservices Australia is responsible: for airspace management”

**Answer:**

Refer to Question 97.

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ANSWERS TO QUESTIONS ON NOTICE

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**Infrastructure and Transport**

**Question no.:** 99

**Program:** n/a

**Division/Agency:** (AA) Airservices Australia

**Topic:** Environmental Guidelines

**Proof Hansard Page/s:** Written

**Senator Back asked:**

Section 28 of the EPBC Act prescribes the:

*“Requirement for approval of activities of Commonwealth agencies significantly affecting the environment”.*

1. Is Airservices aware of this provision of the EPBC Act; Does Airservices consider its actions to be subject to this provision of the EPBC Act – and if not why not?

Airservices gave evidence to this Committee during the Perth hearings of the Airservices Inquiry (p.107) that:

Since 1997 the *Environmental Principles and Procedures for Minimising the Impact of Aircraft Noise* have been applied at every airport and wherever Airservices does air traffic procedure or flight path changes.

2. Is it correct to say that the environmental significance of all proposed actions causing aircraft noise have been determined by Airservices in accordance with this document?
3. Will Airservices confirm and explain to this Committee why the agency has never determined the environmental significance of any proposed action in accordance with the Guidelines produced for this purpose by the Department administering the EPBC Act, which has the title: *Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies Significant impact Guidelines 1.2 Environment Protection and Biodiversity Act 1999*
4. If any Environmental Assessments have ever been undertaken by Airservices where the significance of any environmental impact was determined in accordance with the *Significant Impact Guidelines* for Commonwealth agencies, will Airservices provide this Committee with copies of these Environmental Assessment Reports?

**Answer:**

1. Yes.
2. Yes.
- 3-4. Refer to Airservices Australia’s website.

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ANSWERS TO QUESTIONS ON NOTICE

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**Question no.:** 100

**Program:** n/a

**Division/Agency:** (AA) Airservices Australia

**Topic:** Required Navigation Performance

**Proof Hansard Page/s:** Written

**Senator Back asked:**

Turning now to the design and designation of procedures

On 24 June 2009 Airservices entered into a contract with *Naverus* to develop Required Navigation Performance (RNP) procedures (a form of Performance Based Navigation) for arrival and departure flight paths at up to 28 major airports around Australia over the next 5 years.

In September 2009 Airservices produced an Environmental Assessment of what is described as “*Qantas Proposed RNP Approach Procedures*” and this assessment also included some recommendations on the responsibilities of the “proponent” (the document was provided by Airservices to this Committee during the recent Airservices Inquiry).

In January this year Brisbane RNAV (RNP) Procedures were published as an AIP Supplement with a commencement date of 8 March 2012. These are described as Multi Variant Design (MVD) **proprietary** procedures which differ from public RNP-AR procedures in that they are designed for a specific range of aircraft/engine combinations. The document goes on to state that the charts will carry the GE Company Logo (it is understood that *Naverus* is now owned by GE). The document also states that these procedures will gradually replace the **proprietary** trial procedures which have been in operation at 17 locations across Australia (not including Perth or Sydney).

Please explain exactly what the word “PROPRIETARY” means as it is applied to both the “trial procedures” and the new “MVD” procedures which will now replace them:

- (a) Are these procedures being procured by Airservices under contract or some other arrangement and will Airservices have principal control and responsibility for taking the proposed action under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) ?
- (b) Who paid for the design of the Qantas Approach trial procedures in Melbourne?
- (c) Who paid for the design of the new Brisbane procedures?
- (d) What rights and responsibilities are retained by the designer or the airline and what precisely is the role of Airservices in these arrangements?
- (e) What is the continuing role of *Naverus* (now GE) under the 2009 contract and have any elements been varied since it was signed – particularly with respect to deliverables and delivery dates?

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**Answer:**

Proprietary Required Navigation Performance-Authorisation Required (RNP-AR) procedures are those designed by a third party to Airservices Australia to criteria approved by the Civil Aviation Safety Authority. The trial procedures are a proprietary product available for use by a specified aircraft operator and designed for use by one specific aircraft type. The Multi Variant Design procedures for Brisbane are proprietary and have been designed for use by a number of categories of aircraft rather than a single type and are not limited to a single operator.

- (a) The procedures are procured under contract and Airservices Australia has principal control and responsibility for taking the proposed action under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act).
- (b) Qantas.
- (c) Airservices Australia.
- (d) The intellectual property rights in all contract material are either licensed to or owned by the Contractor. The supply and use of this material by Airservices Australia is subject to the terms and conditions of the contract.
- (e) The contract, which is in the form of a Deed of Standing Offer, as originally signed with Naverus Inc remains extant. Under the terms of the Deed each order placed for procedures design forms a separate contract. If circumstances change after an order has been placed then deliverables and delivery dates can, and have been, adjusted.