

CHAPTER THREE

THE CONSULTATION PROCESS REQUIRED UNDER THE AIRPORTS ACT

3.1 The following chapter outlines the consultation process required by the Airports Act and contrasts this with the consultation process undertaken by Brisbane Airport Corporation during the development of the current Master Plan.

Consultation process required under the Act

3.2 Section 79 of the Airports Act outlines the requirements in relation to public comment. This section of the Act requires that:

(1) Before providing the Minister with a draft master plan for an airport - under Section 75, 76 or 78 - the airport-lessee must:

a) cause to be published in a newspaper circulating generally in the State or Territory in which the airport is situated a notice:

i) stating that the company has prepared a preliminary version of the draft plan; and

ii) stating that copies of the preliminary version will be available for inspection and purchase by members of the public during normal office hours throughout the period of 90 days after the publication of the notice; and

iii) specifying the place or places where the copies will be available for inspection and purchase; and

iv) inviting members of the public to give written comments about the preliminary version to the company within 90 days after the publication of the notice; and

b) make copies of the preliminary version available for inspection and purchase by members of the public in accordance with the notice.

2) If members of the public have given written comments about the preliminary version in accordance with the notice, the draft plan submitted to the Minister must be accompanied by a written certificate signed on behalf of the company:

a) listing the names of those members of the public, and

b) summarising those comments; and

c) stating that the company has had due regard to those comments in preparing the draft plan; and

d) setting out such other information (if any) about those comments as is specified in the regulations.

(3) Subsection (2) does not, by implication, limit the matters to which the company may have regard.¹

3.3 Section 80 of the Act refers to the issue of consultations. This section applies if an airport-lessee company provides the Minister with a draft master plan under Section 75, 76 or 78 of the Act, and if the airport-lessee company consulted with any government body, an airline or any other person prior to the "publication under section 79 of a notice about the plan".²

3.4 If Section 80 does apply then the draft plan submitted to the Minister must be accompanied by a written statement signed on behalf of the company:

a) listing the names of the persons consulted; and

b) summarising the views expressed by the persons consulted.³

3.5 The Act is silent on the way in which the 90-day public comment phase of the process or the consultations are to be conducted.

Consultation process undertaken by the Brisbane Airport Corporation

3.6 The following is a summary of the consultation and communication process the Brisbane Airport Corporation undertook during the development of the current Master Plan for Brisbane Airport:⁴

Meetings

3.7 Community organisations and representatives were contacted at the end of 1997 and early 1998 for briefings on the Master Plan process. Meetings were held by BAC managers with community groups, environmental groups, politicians, business groups, key aviation industry stakeholders and BAC staff. The list of meetings conducted both in the pre-public comment and public comment phases of the process are provided in Appendices A1-A8 and B1-B8 of the Supplementary Report to the Master Plan.

¹ *Airports Act 1996*, Section 79, p. 68.

² *Airports Act 1996*, Section 80, p. 69.

³ *Airports Act 1996*, Section 80, p. 69.

⁴ As described in BAC, Submission No. 128 pp. 12-15 and in Brisbane Airport Corporation Limited, *Master Plan 1998*, pp. 21-24, and in BAC Evidence, RRAT, 15 November, pp. 121-122.

3.8 On the day of the initial launch of the preliminary Draft Master Plan (17 May 1998), briefings were provided to state government ministers, the Brisbane Airport Consultative and Environment Committee, BAC staff, community groups, media and key stakeholders (including government agencies and airport tenants).

3.9 Following the release of the preliminary Draft Master Plan, meetings continued with community groups, individuals, business associations, political and government representatives.

Media

3.10 Newspaper advertisements announcing the start of the public comment phase for the preliminary Draft Master Plan were placed in local newspapers in March and April 1998.

3.11 Throughout all phases of the Master Plan process, BAC provided the media with information via media releases, interviews, background briefings, and letters to the editor.

Publicity material

3.12 The preliminary Draft Master Plan was distributed to Council, state and university libraries in Brisbane. The Plan was also made available for purchase at BAC offices (at a cost of \$35). In addition to the 193 which were sold, 402 copies were distributed to key stakeholders, shareholders, airport tenants, community and business groups, media and libraries.

3.13 Several BAC newsletters and a number of fact sheets were prepared and distributed to residents prior to the public comment phase of the consultation process.

3.14 An information brochure was prepared for local residents and a total of 100,310 copies of the brochure were mail-dropped to all residents and businesses within a 10 kilometre radius of the airport.

Information line and internet website

3.15 Throughout the public comment phase, a phone information line was staffed between 9.00 am and 4.00 pm on week-days.

3.16 All publicity material, including press releases, fact sheets and the executive summary of the preliminary Draft Master Plan were available on BAC's internet website.

Displays

3.17 During the public comment phase, two mobile library displays were placed in locations such as shopping malls and libraries. The displays were staffed by a BAC manager two hours per week. A permanent display was also set up at the domestic terminal at the airport.

Public comment on preliminary Draft Master Plan

3.18 The Brisbane Airport Corporation received 4,183 submissions in response to the preliminary Draft Master Plan. The majority (86.2%) of these submissions were from individuals who signed standard form letters. In addition to the form letters, BAC received 572 individual letters, 4 petitions and 2 emails. The top five concerns raised in these submissions were: noise, runways, air pollution, health impacts and social impacts.⁵

3.19 All submissions received a personal letter from the Managing Director and CEO of BAC, thanking them for their comments. In a large number of cases, replies to submissions also included a detailed analysis of points raised and an offer for further clarification of issues raised (or a meeting) if necessary. The submissions were then grouped into key areas of concern and their contents further analysed.⁶

3.20 The results of BAC's analysis indicated that the primary issue of concern to residents was noise. Of the 4,183 submissions received on the preliminary Draft Master Plan, 4,110 submitters indicated that they were concerned about noise. In contrast, 118 submitters raised concerns about the consultation process itself.⁷

3.21 The Brisbane Airport Corporation assert that as a result of the consultation process, 33 amendments were made to the preliminary Draft Master Plan prior to the submission of the Draft Master Plan to the Minister.⁸

3.22 BAC also prepared a Supplementary Report to the Master Plan which outlined the proposed amendments and provided a detailed summary of the public submissions and the review process.

3.23 The Supplementary Report and the Draft Master Plan were also made available to the public.

Criticism of the consultation process undertaken by Brisbane Airport Corporation

3.24 During the Inquiry, a significant number of individuals and residents' groups expressed their concerns to the Committee both in relation to the consultation process undertaken by BAC and the contents of the Master Plan itself. The issues raised both in submissions and at hearings can be summarised as follows:

- a) there was a lack of clear information provided by BAC, making it difficult to make informed comment or decisions;

⁵ BAC, Submission No. 128, p. 14.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid, p. 15.

- b) BAC failed to release flight path information;
- c) only a small section (three pages) of the Master plan were dedicated to investigation of alternative runway options;
- d) there was insufficient consideration given to alternative runway options;
- e) an independent analysis of all possible runway systems was required;
- f) BAC failed to consult appropriately with the community; and
- g) BAC failed to investigate the impact of aircraft noise on the health and lifestyle of residents.

3.25 A significant amount of the evidence presented to the Committee related to the current operations of the airport and the associated problems of aircraft noise. Evidence before the Committee indicated a clear public perception that the addition of any new runway would only exacerbate the impact of what is already a major problem.⁹

3.26 Comments such as the following from the Ban Aircraft Noise over Residential Brisbane (BARB) group were indicative of those made by a number of residents and community groups:

We feel they are repeating a mistake they made in the 1980's. They are building a runway parallel to the existing runway. We have already got a major problem with the existing main runway and they are going to compound that problem with the future growth at Brisbane airport.¹⁰

3.27 The lack of flight path information was also an issue of particular concern to individuals and community organisations. In evidence before the Committee, several witnesses indicated that it was difficult to make an informed judgement about how individual households and communities would be affected without accurate information about where the planes would be flying.¹¹

3.28 Mr Mervyn Elliott, a representative of the Sheldon Group stated that the consultative process served no purpose "if you cannot see whether or not you are going to be affected [by aircraft noise]".¹²

⁹ For example, Mr John Quinn, Submission No. 3, Ms Leanne Hunter, Submission No. 76, Ms Suzanne Cadigan, Submission No. 78, Mr David Breckenridge, Submission No. 106, C L Beard, Submission No. 108 and Evidence, RRAT, 15 November 1999, p. 19 and p. 32.

¹⁰ Ban Aircraft Noise over Residential Brisbane (BARB) Evidence, RRAT, 15 November 1999, p. 19.

¹¹ For example, Evidence, RRAT, 15 November 1999, BARB, p. 27, Sheldon Group, p. 31 and Hipwood Road Residents' Group, p. 39.

¹² Sheldon Group, Evidence, RRAT, 15 November 1999, p. 31.

3.29 The Hipwood Road Residents' group also raised the lack of accurate flight path information as a problem:

The fact that it is difficult to make assumptions about or determine future flight paths on present data is not a sufficient excuse not to provide that information.¹³

Brisbane Airport Corporation's failure to attend community meetings

3.30 One of the specific criticisms made of BAC in relation to lack of appropriate consultation with the community, was its reluctance to attend large public meetings.¹⁴

3.31 In evidence provided to the Committee, BAC indicated that the public comment phase of the process took place during state and federal elections and the issue of expansion of the Brisbane Airport had become highly politicised. It also indicated that it had attended public meetings that "were not orchestrated by any political organisation".¹⁵

3.32 However, the value of large community meetings as an effective consultative tool was questioned by both RAPI¹⁶ and by the Hipwood Road Residents' group:

Interaction between project proponents and large community meetings rarely produces positive outcomes. These types of meetings are usually hostile to project proponents. They are confrontationalist, they are rarely well chaired or managed and they are not a good forum for the presentation or understanding of technical issues.¹⁷

3.33 The Hipwood Road Residents' group also argued that they believed positive consultation takes place in small residents groups and urged BAC to concentrate its consultation efforts in small groups:

.... where the human behaviour dynamics are shifted and positive outcomes are more likely. Put quite frankly and simply, with anonymity gone people are better behaved in small meetings. They are more likely to listen to an alternative view and are better able to digest technical information.¹⁸

¹³ Hipwood Road Residents' Group, Evidence, RRAT, 15 November 1999, p. 39.

¹⁴ For example, Evidence, RRAT, 15 November 1999, BARB, p. 16 and Mr Neil Roberts, MLA, Submission No. 62, pp. 2-3 and Mr Kevin Rudd, MP, Submission No. 92, p. 30.

¹⁵ DoTRS, Evidence, RRAT, 15 November 1999, p. 139.

¹⁶ RAPI, Evidence, RRAT, 15 November 1999, p. 5.

¹⁷ Hipwood Road Residents' Group, Evidence, RRAT, 15 November 1999, p. 39.

¹⁸ Ibid.

Support for the consultation process undertaken by Brisbane Airport Corporation

3.34 In evidence provided to the Committee, BAC addressed criticism of its approach to the consultation process in the following way:

The Airports Act 1996 requires airports to seek 'public comment' - division 3, part 5, section 79. It does not require 'public consultation' as put forward in the terms of reference for this inquiry. The Act also provides very little guidance on the extent of public comment required. The procedures in the Act are in fact reactive. The Act relies on the public being proactive in response to a minimum requirement for the airport operator to publish advertisements and make draft copies of the master plan available. BACL has adopted a far more extensive consultation and public education program which has been extensively documented in our written submission.¹⁹

3.35 The Brisbane Airport Corporation made note of the fact that they began their consultation process prior to the release of the preliminary Draft Master Plan for public comment. It also emphasised that the current Master Plan is not the final opportunity for the community and stakeholders to participate in the plans for the future development of the airport, and that it remains committed to consultation with the community.²⁰

3.36 The Tourism Council of Australia (TCA) was supportive of the consultation process conducted by BAC:

In reference to the consultation process, I cannot recall a consultation process for any long-term infrastructure development that has been more open and inclusive and, as an organisation, we participate in consultation on a daily basis almost. I do not think we have ever had such comprehensive coverage and willing cooperation from any proponent than we have through BAC.²¹

3.37 It was the also the view of the Royal Australian Planning Institute that the consultation process had been conducted well. They argued in evidence that the community had been given a number of options for accessing information, including briefing sessions, workshops and displays. The Institute also described the supplementary report to the Master Plan as a very useful document:

It is not often you can pick up a document after the event and track where your comment may have influenced the new amended version. That is

¹⁹ BAC, Evidence, RRAT, 15 November 1999, p. 121.

²⁰ BAC, Evidence, RRAT, 15 November 1999, p. 120 and Submission No. 128, pp. 12-15.

²¹ Tourism Council of Australia (TCA), Evidence, RRAT, 15 November 1999, p. 55.

something that all planners should be aspiring to and it is the one that our division would endorse wholeheartedly and I think that is a good outcome.²²

3.38 RAPI also commented on the lack of detail provided in the legislation. When asked for an opinion regarding the thoroughness of the process itself Mr Chris Buckley stated:

I think the Act is weak; it is very silent. There is no doubt that it describes a very minimalist approach to these things.

.... it is very legitimate that organisations that are doing planning which affects our lives are put on notice that they must beat the drum, which is the colloquialism that I use. They must be out there explaining the case, explaining their reasons more fully. The Act gives no encouragement for that. I think that is unfortunate.²³

Consultation mechanisms

Brisbane Airport Environment Committee

3.39 The Brisbane Airport Environment Committee (BAEC) was set up by the Brisbane Airport Corporation approximately eight years ago as a sub-committee of the Brisbane Airport Consultative Committee (BACC). The membership of the original BAEC and its terms of reference are included at Appendix 4.

3.40 The Committee has been notified of a review recently conducted by the Brisbane Airport which includes a proposal for changes to both membership and the terms of reference for the BAEC. The primary purpose of the newly structured committee is:

...to enhance co-operation between the airport community and the general community by providing a forum for dissemination of environmental information, solving problems and to consider, and where appropriate, make recommendations, on environmental issues and concerns which arise from, or impact on, the operation of Brisbane Airport.²⁴

The proposed changes to the membership of the BAEC

3.41 The committee will be chaired by BAC, and its membership will include:

- a) six community representatives nominated by the three levels of government;
- b) a representative of the traditional owners of the airport area;

²² RAPI, Evidence, RRAT, 15 November 1999, p. 4.

²³ Ibid p. 6.

²⁴ Terms of Reference for the restructured BAEC are at Appendix 5.

- c) two representatives from Airservices Australia;
- d) a representative from the Department of Transport and Regional Services;
- e) a BAC nominated expert on environmental issues;
- f) one representative from both Qantas and Ansett;
- g) a representative from the Brisbane City Council
- h) a representative from the Environment Protection Agency;
- i) a representative from the Boondall Wetlands Management Committee; and
- j) a representative from the Conservation Council of Queensland.²⁵

3.42 As well as an increased number of community representatives, BAC is proposing changes to the way in which these representatives are appointed. Future appointments will be made by the three levels of government.

3.43 The Committee notes that BAC has also announced the establishment of a Technical Group on Noise Management which will advise the BAEC on technological developments which may aid noise management.²⁶ The Committee welcomes these initiatives, in the expectation that these new committees will contribute to an ongoing consultation process with the community.

Labor Senators' View

3.44 It is the view of ALP Senators that the new consultation arrangement proposed by the Brisbane Airport Corporation will not satisfy the concerns of the Brisbane community over the extent to which their views will be taken into account in airport planning - especially in relation to runway placement and flight paths.

3.45 The BAC's proposals for a recast community consultation structure, while setting up a system for selection of community representation will, in fact, not allow the enhancement of community consultation. It is ALP Senators' strong conviction that a new consultation mechanism will need to have the endorsement of the Brisbane community. This could be expressed by indication of support from community groups that have been active and involved in the 1999 master plan process.

²⁵ The membership of the restructured BAEC is at Appendix 5. A Table detailing the membership of both the current and proposed committees is at Appendix 6.

²⁶ Media Release, Brisbane Airport Corporation, 20 July 1999.

Consultation models

3.46 The Committee regards consultation as a central principle in sound planning and decision making processes. It considers therefore, that it is worthwhile looking at different community consultation models in order to identify the various ways in which effective community consultation can be conducted.

3.47 The Committee notes, for example, that in 1997 the ACT Government produced an information kit on community consultation procedures. The kit includes a copy of the Government's Consultation Protocol and a Consultation Manual. The kit, which has been designed to assist ACT Government agencies plan and conduct more effective community consultation, defines the purpose of consultation and provides practical information and guidelines in relation to consultation processes.²⁷

Committee comment

3.48 The Committee considers that the Brisbane Airport Corporation conducted the public comment phase of the planning process in accordance with the requirements of the Airports Act. Indeed, evidence provided by the Queensland Division of the Royal Australian Planning Institute, suggested that it was a sound consultation process.²⁸ The Committee notes however, that whilst the Act outlines the minimum requirements for consultation with the public, this should not prevent additional consultation being undertaken by an airport-lessee.

3.49 The Committee is of the opinion that there is a community responsibility on BAC, as a responsible corporate citizen, to undertake meaningful consultation with the community so that affected groups and individuals can make informed judgements. The Committee does not accept that it is responsible or desirable corporate behaviour to limit consultation to the minimum required under the legislation, particularly when that legislation is deficient in the area of specifying consultation.

3.50 The Committee notes the relatively extensive consultation process undertaken by BAC with government, local industry and tourism organisations. Notwithstanding the actual consultation that took place, there was a strong community perception that the consultation with the public had been inadequate. This perception seems to have arisen as a result of the lack of publicly available information, such as that relating to flight paths. The appropriateness of the provision of flight path information is discussed in chapter four of this report.

3.51 The Committee is particularly concerned that the Brisbane Airport Corporation may not have been completely transparent with the local community on questions such as:

²⁷ Community Consultation Information Kit, Chief Minister's Department, ACT Government, December 1997.

²⁸ RAPI, Evidence, RRAT, 15 November 1999, p. 4.

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- a) the future need for double glazing;
 - b) the provision of full information on draft ANEFs of the various competing runway options to the community;
 - c) the reluctance of BAC to attend certain community meetings to which they were invited; and
 - d) the failure to provide the community with indicative figures on the likely capacity for increased bay usage if a parallel runway was constructed.

3.52 For these specific reasons, the Committee concludes that, when taken overall, the BAC's consultation process was deficient.

3.53 The Committee notes - in paragraphs 3.30 to 3.33 - that representatives of the Brisbane Airport Corporation provided reasons for not attending certain community meetings.

ALP Senators' View

3.54 ALP Senators consider that the Brisbane Airport Corporation did not conduct a proper public comment phase of the planning process. ALP Senators are strongly of the opinion that there is a wider responsibility on the BAC as a responsible corporate citizen which stands to profit significantly from any Brisbane Airport expansion, to hold meaningful consultation with the community so that affected groups and individuals can make informed judgement.

3.55 ALP Senators do not accept that it is responsible or desirable corporate behaviour to limit consultation to the minimum required under legislation, particularly when that legislation appears clearly deficient in the area of specifying explicitly consultation requirements.

3.56 In this context, ALP Senators consider that the BAC should have allowed for a more open consultation process, once it became apparent that interested groups were not completely informed.

