

To the Senate Rural and Regional Affairs and Transport Committee – Inquiry into the Airports Amendment Bill 2006.

The Alliance for a Clean Environment inc wishes to make the following submission.

ACE does not support the reduction of any public submission periods that are afforded under the Federal Airports Act. Reducing the ability of the public to make comment on a development from 90 days to 45 days is considered a regressive and mean spirited ammendment. Given that the agenda of most airport land corporations in Australia is to develop commercial and industrial developments in the surrounding residual lands, there is a duty of care for the federal government to provide fair and equitable opportunities for public engagement because of the serious impacts posed by industrial development on civil society and the environment. The average citizen is generally not looking out for development advertisements in newspapers.

Any changes to the Airports Act that allows for industrial development on airport lands in Australia needs to be rigorously assessed for a number of serious potential impacts. Such as....

- 1. Any industrial development has the potential to impact on the environment and health of the surrounding community.** Therefore, open, accountable and transparent Environmental Impact Assessments and Health Impact Assessments must be afforded to the citizens of that state. This is best carried out by the State governments who have the regulatory framework and local knowledge within each state to undertake this work
- 2. Any industrial development has the potential to impact on the safety and operations of aircraft and the services and operations of the airport.** In WA recently, a Brickworks received approval on Perth Airport land. Brickworks emit via stacks, large amounts of acid gases. Air pollution plumes can hang around at ground level for long periods under certain conditions (as is often the case in WA) Acid gases are known to be corrosive.ie Hydrogen Fluoride, Hydrochloric acid and Sulphur dioxide. The potential to corrode aircraft parts needs rigorous investigation so as to be certain air safety is not compromised. This has not occurred in WA or been required by the current federal government. International aviation authorities must be consulted and this has not occurred in WA.
- 3. State government's must have the authority to control all planning decisions and approvals processes and systems within their states for the protection of their constituents health, environment and civil rights.** Previous assurances given about MOU arrangements between states and the federal gov have failed, as in WA. MOU arrangements are not legal instruments and have carried no weight in protecting the environment or health of WA citizens. Protection of health and environments must

be underpinned by strong legal instruments. These instruments generally come under the jurisdiction of the states not the federal government.

4. The Federal Government does not have the regulatory framework to underpin industrial development on commonwealth lands. The setting of Ministerial conditions requires resources and expertise to ensure and measure compliance. The federal government does not have the local knowledge and expertise to determine and govern such processes.

5. Perth Airport land contains significant environmental and indigenous heritage value which cannot be replaced once lost. In WA, the airport corporation has allowed the overriding of the Indigenous Heritage Act, whereby land has been cleared without the appropriate approvals. Any significant heritage values on this site have now been lost forever.

6. Airports contribute significant air and noise pollution to the local environment and airshed. More industry can only increase pollution levels and exacerbate existing pollution impacts on the health of surrounding communities. In WA, a proposed brickworks will emit large amounts of acid gases. SO₂ and HCl have not been assessed in Australia for health and environmental impacts. In particular there have been no assessments made for stack emissions to air of these substances, despite many OH&S assessments tailored for workplace environments. Ambient and public health impacts of these substances have not been adequately investigated.

7. The rights of the industrial corporate citizen must not override the rights of civil society and the federal government has a duty of care to uphold this. Commonwealth land belongs to the people of Australia and therefore the federal government should be putting the long term benefits for the public ahead of the short term gains for corporations. Ecologically Sustainable Development and the protection of Children's Environmental Health should underpin all decision making about public issues such as airport land.

Any changes to the Federal Airports Act must include and support returning all planning and environmental protection legislative controls in relation to Airport land back to the State.

Furthremore, ACE would like the inquiry to investigate as a case study, the recent approval of a Brickworks on WA airport land. This case study would provide a valuable insight into potential issues that could arise elsewhere in Australia in relation to industrial development of airport land and how this Ammendment Bill can and will address those issues arising in WA and elsewhere. The effectiveness and reliability of the Federal Airports Act needs investigation as serious issues involving legal definitions applicable under the current Act are proving inconsistent and unclear, particularly in relation to Ministerial conditions that provide the only legal mechanism in relation to the operation of a noxious industrial development. It would seem timely and wise to consider the WA case whilst this bill is under inquiry and would reduce the need for duplication and further work later in the process of inquiry.

In particular ACE would like the inquiry to investigate whether the Federal Government had the authority to approve ammendment's to the Westralia Airport Corporations, Major Development Plan, that consequently allowed for the approval of a Brickworks and further noxious industrial developments at Perth Airport, overriding the legislative authority of the WA State Government to protect the health of their constituents, the environment and the indigenous cultural heritage of this land.

Thankyou for receiving our submission. We look forward to any oppportunity for further engagement with the federal government on this issue.

Yours sincerely,

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