

Chapter 6

Discussion and Recommendations

6.1 Aircraft noise is an unavoidable by-product of Australia's rapidly expanding aviation industry. Throughout this inquiry the committee has become increasingly aware that the management of aircraft noise is complicated by both the number of aviation parties involved and the common misunderstandings regarding the responsibilities of these parties. Notwithstanding this, the committee is confident that there are a number of practical opportunities available to improve noise management strategies.

6.2 The management of aircraft noise is a responsibility shared by a number of key stakeholders in Australia's aviation sector. While this inquiry has focussed on the effectiveness of Airservices Australia's management of aircraft noise, the committee has remained aware that ultimately an appropriate response to the management of this complex and emotive issue lies in the preparedness of each of the key stakeholders to approach their role in a committed, cooperative and collaborative manner. The committee has been particularly mindful that there are a number of key matters in relation to aircraft noise over which Airservices Australia has no responsibility or control, including the location of airports, the configuration of airport runways and the mix, density and scheduling of aircraft operations.

6.3 The committee also notes that the management of aircraft noise received significant consideration during the recent National Aviation Policy White Paper process. The committee recognises the commitments stated in the White Paper which indicate a preparedness to address a range of factors which contribute to the successful management of aircraft noise. These include:

- establishing an Aircraft Noise Ombudsman;
- regulating to limit the operation of older, noisier aircraft flying over residential areas;
- maintaining the existing curfew regime at Sydney, Adelaide, Gold Coast and Essendon airports;
- ensuring future airport operations are not constrained by incompatible development; and
- protecting existing and future communities from undue noise exposure through the implementation of an effective national land use planning regime for land near airports and flight paths.

6.4 However, the committee also notes that progress toward the implementation of each of these commitments is in the early stages and the committee received only limited evidence of practical initiatives undertaken to date.

Improving community consultation

6.5 A significant focus of this inquiry has been the extent to which Airservices Australia has effectively engaged communities affected by changes in flight paths, whether temporary or ongoing. While the committee notes initiatives being pursued by Airservices Australia to more effectively engage with affected communities, the committee considers that the significant dissatisfaction expressed by local communities around Australia is evidence that there are opportunities to improve Airservices Australia's management of aircraft noise and the manner in which it consults and engages with local communities.

6.6 The committee notes that the past ineffectiveness of community engagement has clearly contributed to a loss of community confidence in Airservices Australia. A lack of organisational openness and transparency, particularly with regard to the release of pertinent information and documents, has also given rise to community scepticism and mistrust. In light of the projected continued expansion in growth of the aviation industry, it is particularly important that the government and Airservices Australia move decisively to ensure this situation is addressed as a matter of some urgency to restore public confidence.

6.7 The committee considers that if aircraft noise is managed on the premise that the impact of aircraft noise will be shared, then Airservices Australia and other key stakeholders have a responsibility to ensure that the community is:

- aware of airspace policies and has access to clear information that explains these policies;
- consulted in relation to proposed changes to these policies;
- able to access effective avenues to complain and seek clarification;
- able to access an effective complaint resolution process;
- able to have confidence in planning processes; and
- able to seek independent review and assessment.

6.8 The committee notes that fragmentation of responsibility for the management of aircraft noise between a large number of industry stakeholders is a key source of frustration to individuals and communities and inhibits their ability to understand the roles and responsibilities of key aviation stakeholders, including Airservices Australia. The committee also notes that the shared nature of this responsibility also enables some industry stakeholders to define their responsibilities in narrow terms.

6.9 This situation is further exacerbated by the widely held perception that Airservices Australia places the interests of the aviation industry above those of local communities.

6.10 The committee is particularly concerned that Airservices Australia's obligation to comprehensively engage with communities regarding flight path changes should not be delegated to second parties, such as members of Airport Community

Consultation Forums. During this inquiry the committee noted a disturbing tendency for Airservices Australia to rely on such forums to understand and disseminate detailed and highly technical information to the community.

6.11 The committee believes that Airport Community Consultation Forums have an important role to play in effective community engagement. However, they should form only a part of a more varied and wide ranging approach to community consultation and should be actively supported to undertake their role. The committee considers that this support can be delivered through two key avenues. First, Airservices Australia must be a permanent and active member of all federal airport Community Aviation Consultation Forums. The committee considers that Airservices Australia's membership will raise awareness of the organisation's role and responsibility, build community confidence and trust and promote the flow of aircraft noise management information to communities.

Recommendation 1

6.12 The committee recommends that Airservices Australia should be a permanent member of all federal airport Community Aviation Consultation Groups.

6.13 Second, the committee notes the success of the community advocate position in providing the Sydney Airport Community Forum and the broader community with assistance, information and advocacy of the community interest on aviation issues. The committee considers that this approach should be applied in all cases where significant or extensive changes to the management of aircraft airspace or aircraft noise are proposed in the future. The committee believes that the appointment of a community advocate or independent community adviser in such circumstances will greatly enhance the effectiveness of community engagement and consultation.

Recommendation 2

6.14 The committee recommends that a Community Aviation Advocate position should be funded and established where significant or extensive changes to the management of aircraft noise or airspace are proposed to assist and represent local communities.

6.15 The terms of reference for this inquiry direct the committee to consider whether Airservices Australia requires a binding Community Consultation Charter to assist it in consulting fully and openly with communities affected by aircraft noise.

6.16 The committee notes that since the implementation of the WARRP, Airservices Australia has reviewed their community engagement processes and developed a new Communication and Consultation Protocol which was released in May 2010.

6.17 Airservices Australia told the committee that the Protocol was the product of consistent feedback received through airport forums and public representations

seeking clarity and transparency for Airservices Australia's community consultation and communication processes.¹

6.18 The committee considers that the development of the protocol is a positive step. However the committee is concerned that the development of the protocol appears not to have been the subject of effective consultation on the form such a protocol should take. The committee notes evidence received which suggests that at least one Airport Community Forum was not consulted during the development of the protocol and was simply provided with a completed, printed and published document.

Recommendation 3

6.19 The committee recommends that the Aircraft Noise Ombudsman undertakes a review of the Airservices Australia's Communication and Consultation Protocol to determine the extent to which the protocol:

- **was developed in consultation with Australian communities and will be subject to regular ongoing review;**
- **clearly articulates the roles and responsibilities of all stakeholders and the minimum standards of consultation which communities can anticipate, and**
- **commits Airservices Australia to providing readily available, easily understood and pertinent information (such as environmental noise assessments) to community consultation forums.**

6.20 The committee recommends that the Aircraft Noise Ombudsman report the findings of this review, together with appropriate recommendations, to the Minister for Infrastructure, Transport, Regional Development and Local Government and to the Australian Parliament and this committee.

An effective complaints mechanism

6.21 The committee notes concerns regarding the current mechanisms for lodging complaints. At the same time, the committee also notes the steps taken by Airservices Australia to enhance the service provided by the Noise Enquiry Unit.

6.22 The committee considers that the complaints mechanism should be the subject of a comprehensive and independent review with a view to the development of a clear set of procedures regarding the lodgement and resolution of complaints and for the collection and analysis of data. The committee notes that there is currently a high degree of scepticism and mistrust surrounding Airservices Australia's handling of complaints about aircraft noise. There is also a strong perception that no action is taken as a result of the individual complaints lodged or as a result of analysis of complaints data. The committee considers that public statements regarding the number

1 Airservices Australia, answers to questions on notice, 10 June 2010 (received 18 June 2010) p. 9.

of complaints lodged by individual complainants do little to address concerns that community complaints are not taken seriously.

6.23 The committee considers that such a review could be undertaken by the Aircraft Noise Ombudsman.

Recommendation 4

6.24 The committee recommends that an independent review be undertaken of Airservices Australia's procedures for the lodgement of complaints about aircraft noise and the extent to which complaints data is analysed and disseminated to relevant stakeholders with a view to more effectively managing aircraft noise issues.

Strengthening oversight and governance arrangements

6.25 There is a common perception within the community that Airservices Australia's relationship with the aviation industry poses a conflict of interest. This strongly held perception underscores the need for greater transparency, openness and accountability in the management of aircraft noise. The committee considers that the government and Airservices Australia must take urgent steps to address this perception and restore community confidence in Airservices Australia.

6.26 The committee considers the establishment of an Aircraft Noise Ombudsman is a positive initiative in this context. The Aircraft Noise Ombudsman will provide a much needed opportunity for individuals and communities to have their claims and complaints considered and responded to by an independent third party.

6.27 However, the committee shares concerns raised during this inquiry regarding the positioning of the Aircraft Noise Ombudsman within the organisation it is tasked to review. The committee notes the assurances of Airservices Australia that it has appropriate governance arrangements in place to ensure the independence and impartiality of the ombudsman. Notwithstanding these arrangements, the committee is concerned that community confidence in Airservices Australia has eroded to the point where the co-location of the ombudsman would simply serve to undermine the potential of that office.

Recommendation 5

6.28 The committee recommends that the Aircraft Noise Ombudsman must be established independently of Airservices Australia and report publicly and directly to the Minister for Infrastructure, Transport, Regional Development and Local Government and to the Australian Parliament.

Recommendation 6

6.29 The committee recommends that the Aircraft Noise Ombudsman should provide an annual report of its operations and this should include a description of the actions Airservices Australia has undertaken to implement

recommendations and, where appropriate, a description of those instances where appropriate action has not been taken.

A more robust process for forecasting noise exposure

6.30 The committee notes the concerns regarding the current ANEF processes, particularly the perception that the ANEF forecasts are open to manipulation by airport owner-operators. The committee considers that there is value in retaining the ANEF system as a land planning tool. However, the committee also considers that there is merit in placing the ANEF process on a more robust and defensible footing to provide greater confidence to the wider community that the forecasts are reasonable and conservative.

6.31 The committee notes that the current arrangements for review of the technical accuracy of ANEFs do not extend to consideration of whether the future traffic projections are appropriate or reasonable and does not review the assumptions which underpin the airport owner-operator's growth projections.

6.32 The committee is pleased to see the government's acknowledgement of the need to improve the ANEF system and in particular notes the government's commitment to work closely with all jurisdictions to ensure that optimum outcomes are achieved in the community's best interest, with particular focus on land use planning. The committee is particularly interested in the government's commitment to improve the technical processes and independence associated with the assessment and scrutiny of ANEFs. However, as the committee noted, no evidence was presented during this inquiry with regard to the practical form these improvements will take.

6.33 The committee considers that all parties to the ANEF process would be well served if the process were coordinated by a body which is independent of airport owner-operators. The committee recognises that a significant proportion of the data which underpins the ANEF is commercially sensitive and is provided on a confidential basis by air operators. For this reason it may be appropriate to locate responsibility for the independent coordination of the ANEF process within the Department of Infrastructure, Transport, Regional Development and Local Government which already has some responsibility for the Master Plan process.

Recommendation 7

6.34 The committee recommends that the government revise the current process through which ANEFs are developed to establish an independent body charged with the coordination of the process and the review of the accuracy and reasonableness of the data upon which the forecasts are made.

Recommendation 8

6.35 The committee recommends Airservices Australia review noise levels over affected areas with a view to offering a noise amelioration scheme compensating residents affected by aircraft noise consistent with that of other Australian capital city airports.

Effectively assessing the impact of aircraft noise

6.36 With regard to Airservices Australia's *Environmental Principles and Procedures for Minimising the Impact of Aircraft Noise* and whether there are appropriate triggers for review under the *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)*, the committee does not share the same confidence as Airservices Australia in their Environment Principles' ability to independently determine the grounds for 'significant impact' and has heard no evidence that it has sought advice on its responsibilities under the *EPBC Act 1999*.

6.37 In view of the long period of time that has elapsed since the publication was last reviewed (2002), and given Airservices Australia's obligations under section 160 of the *EPBC Act 1999*, the Environment Principles and Procedures need to more explicitly incorporate reference to the *EPBC Act 1999*. In addition, the processes and methodology outlined should be developed in consultation with the Commonwealth Department of the Environment, Water, Heritage and the Arts and be consistent with best practice in assessing the impact of new or increased aircraft noise.

Recommendation 9

6.38 The committee recommends that despite the completion of the Western Australian Route Review Project, sufficient grounds exist for the Minister for Environment Protection, Heritage and the Arts to review the changes to flight paths under paragraph 160(2)(b) of the *EPBC Act 1999* in response to stakeholder concerns.

Recommendation 10

6.39 The committee recommends that Airservices Australia be required to have regard to paragraph 160(2)(b) of the *EPBC Act 1999* and seek advice from the Minister for Environment Protection, Heritage and the Arts in advance of major changes to air routes around airports under its jurisdiction.

More effective management of aircraft noise at General Aviation Airports Procedure (GAAP) airports

6.40 The committee notes the particular aircraft noise issues associated with GAAP airports. These airports are among the busiest in Australia and support a diverse range of activities. Many of these airports are located in densely populated areas. The committee also notes that the ability of airport operators and Airservices Australia to manage aircraft noise at GAAP airports is limited and that there is also often a limitation on the extent to which noise sharing arrangements can be implemented.

6.41 Pilot circuit training at GAAP airports is a source of considerable concern to residents, both in terms of aircraft noise and community safety. The committee welcomes the steps taken by the Civil Aviation Safety Authority to date toward better management of the risks associated with GAAP aerodrome procedures.

6.42 The committee notes that the general aviation fleet still features a significant proportion of older aircraft, with the average age of aircraft over 26 years. The committee also welcomes the government's commitment in the White Paper to phase out older noisier aircraft. More broadly, the committee notes that advancement in technology and the increasingly complex and busy airspace necessitates an ongoing commitment to review and adjustment of aircraft noise management strategies.

Small, privately owned airports

6.43 The committee notes the concerns raised during the inquiry regarding the inadequacy of surveillance of smaller privately owned airfields. For the most part, these concerns relate to claims of poor communication around dispute resolution between airfield owners and the community of residents. The committee notes that private airfield operations appear to fall outside the statutory control of the relevant authorities.

Conclusion

6.44 A recurring theme throughout this inquiry has been the frustration felt by a range of stakeholders that there are no practical avenues for resolution of concerns regarding aircraft noise. The committee has considered the mechanism for lodging complaints administered by Airservices Australia and notes that this is primarily a mechanism for the provision of information and the collection of data. While Airservices Australia draws on this data in carrying out its wider obligations, it does not appear to be able nor is it required to seek to resolve the issues that are the cause of the complaints. Similarly, the consultation mechanisms currently in place appear to be directed more toward the dissemination of information rather than toward establishing a dialogue for reviewing policy and procedures.

6.45 The committee is concerned that under current legislation there does not appear to be any recourse for stakeholders to seek proper resolution of their complaints regarding aircraft noise, or indeed more broadly in relation to the activities of airport lessees and air operators. The committee appreciates that aircraft noise is a highly emotive area and gives rise to questions and issues that are difficult to manage and sometimes intractable. However, the committee is concerned that this management task is not assisted by legislation that appears to be silent on a dispute resolution procedure where consultation and community engagement have failed. The committee is of the view that this situation requires close consideration by the government with a view to clarification of the appropriate avenues for dispute resolution.

Senator Fiona Nash
Chair