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28 May, 2009

Ms. Jeanette Radcliffe
Secretary
Senate Rural and Regional Affairs and Transport Legislation Committee
Parliament House
CANBERRA ACT 2600

Dear Ms. Radcliffe

NATION BUILDING PROGRAM (NATIONAL LAND TRANSPORT) AMENDMENT BILL 2009

Thank you for your letter of 20 May 2009 inviting the Australian Airports Association to make a submission in connection with the Committee's inquiry into the above Bill.

The Australian Airports Association (AAA) is a non-profit organisation founded in 1982 and represents the interests of over 270 airports Australia-wide, from the local country community landing strips to the major international gateway airports. There are a further 85 Corporate members representing aviation stakeholder companies and organisations that provide goods and services to airports.

The Charter of the AAA is to facilitate co-operation among all member airports and their many and varied partners in Australian aviation, whilst maintaining an air transport system that is safe, secure, environmentally responsible and efficient for the benefit of all Australians.

In this context the AAA is concerned to ensure that off-airport infrastructure such as road and rail networks, is optimal to support the major contribution that airports increasingly make to Australian industry including, in particular, national and international tourism. Australian airports have made and plan to make major investments in their infrastructure to meet present and forecast future air traffic volumes. However, the simple fact is that the preparedness of air passengers to travel is inherently linked to the ease and convenience with which they are able to access airports from their off-airport points of departure and destination. At some of our major Australian airports, there is a clear need for significant investment in off-airport road and rail networks, both to meet existing demand from air travellers and to justify airport investment in new infrastructure designed to grow commercial and tourism traffic to the benefit of all Australians.

Accordingly, the AAA's interest in the present Bill is to ensure that the legislation, once amended, will enable the Government to fund road and rail projects that meet this need for better airport access and egress.

The amendments to the Auslink (National Land Transport) Act 2005 proposed in the Bill are largely technical and, from the AAA's point of view, they are not controversial and they have our support.

However, we do ask that the Committee explore with the Government officials that appear before it how the legislation (both at present and as proposed to be amended) will apply to the types of infrastructure with which we are concerned. In this regard, we note that:

- the National Land Transport Network determined by the Minister under section 5 is to consist of roads and railways connecting a capital city or a major centre of commercial activity and an inter-modal transfer facility;*
- section 4 provides that an "inter-modal transfer facility" means a facility for the transfer of cargo or passengers from one mode of transport to another, provided that at least one of the modes of transport must be road or rail; and*
- funding under the Act for existing and new road and rail projects is dependent upon the road or railway being part of the National Land Transport Network.*

The AAA considers that an airport should fall within the definition of an "inter-modal transfer facility" - it is clearly a facility at which passengers and cargo transfer from one mode of transport (air) to either road or rail. Road and rail links from many Australian airports connect them to either capital cities or major centres of commercial activity. On this basis, therefore, the AAA would expect that the National Land Transport Network determined by the Minister would include roads and railways linking to all Australian capital city airports and a number of significant regional airports.

However, the current Ministerial determination of the National Land Transport Network under section 5 of the Act (which can be found at [http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrumentCompilation1.nsf/0/934E8DBC05E23D8CCA2575580076FB3C/\\$file/Network+Determination+comp3+FINAL+FRLI.doc](http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrumentCompilation1.nsf/0/934E8DBC05E23D8CCA2575580076FB3C/$file/Network+Determination+comp3+FINAL+FRLI.doc)) does not seem to meet this expectation.

The determination includes a number of road systems that connect with airport access roads, but does not extend to roadways around all airports that the AAA would regard as falling within the definition of "inter-modal transfer facility" as set out in the Act. Moreover, the determination appears to cover no present or proposed railways that provide airport access.

This would seem to suggest either that the present determination falls short of what is required by the Act or, alternatively, that the Government and its advisers regards airports as not being inter-modal transfer facilities.

If the former were the case, the AAA would hope that the Committee would be able to secure an assurance that a new and fully compliant determination would be made.

Alternatively, if the latter were the case, the AAA would hope that the Committee would recommend and secure agreement that a further amendment would be made to ensure that roads and railways connecting all Australian capital cities and major regional centres to their airports were eligible for funding under the Act.

I stress that the AAA is not pressing for any preferential funding status for airports (however welcome that might be). Rather, all we are seeking to ensure is that major airport road and rail links are eligible for, and thereby have the opportunity to compete with other road and rail systems for, funding under the Act. Only in this way can the community be assured that airports can make the optimal contribution to the Australian economy of which they are capable.

Please do not hesitate to contact myself, or the AAA Chairman [John McArdle - (08) 8308-9221 or 0418 830 252] if you require any elaboration of the above.

Yours sincerely,



Ken Keech
Chief Executive Officer