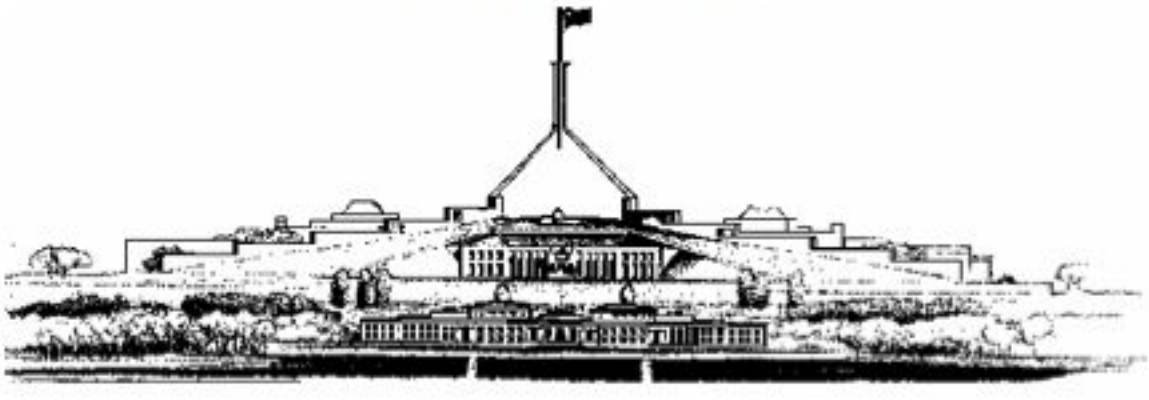
COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

PROOF

COMMITTEES

Rural and Regional Affairs and Transport Legislation Committee

Government Response to Report

SPEECH

Tuesday, 13 March 2012

BY AUTHORITY OF THE SENATE

SPEECH

Date	Tuesday, 13 March 2012	**Source**	Senate
Page	71	**Proof**	Yes
Questioner		**Responder**	
Speaker	Fawcett, Sen David	**Question No.**	

Senator FAWCETT (South Australia) (17:14): I seek leave to move a motion in relation to the government's response to the Rural and Regional Affairs and Transport Legislation Committee's report on the Airports Amendment Bill 2010.

Leave granted.

Senator FAWCETT: I move:

That the Senate take note of the document.

The Airports Amendment Bill 2010 seeks to make a number of amendments to the Airports Act 1996 that establishes a framework for the regulation of Commonwealth leased airports. These amendments and the Senate report came about in part because of a deal of community concern that developments taking place on Commonwealth leased land were not being coordinated with local authorities. This was having impacts on things like road infrastructure and the volume of traffic, and local communities felt that they did not necessarily have the opportunity to put their case forward. I was not here for the actual inquiry, not being in the Senate at the time, but I wish to take note of the government's response to the report and this report because I believe that there are some issues that go to the scope, the detail and the process that the Senate needs to be aware of before this amendment bill is considered.

Firstly, the scope: the concerns that were raised dealt largely with community and local government concerns about the impacts of airport and aerodrome development. The reality is that there is an equal amount of concern about developments on or around airports by aircraft operators and people who run aviation businesses. These concerns are not being taken into account in terms of providing either a viable basis commercially for them to go forward or, more importantly perhaps, the viability of the airport as a piece of national aviation infrastructure either to safely sustain its existing operations or to expand its operations to meet increasing demand into the future. The report, whilst acknowledging that the viability of an airport as an aviation asset is important, did not really go into any details on that level. It focused predominantly on where the community concerns and local government concerns had been raised. Whilst I understand and do not disagree with much of what is discovered or discussed in the first part, I do wish to highlight the fact that the report—and I assume therefore the government's response—is quite deficient in terms of dealing with the detail of impacts on the viability, either commercially or structurally, of developments on airports that are affecting aviation capability.

Secondly, in terms of the scope, this report deals only with leased airports. These are airports that were owned by the Commonwealth and then, through the Federal Airports Corporation, were leased under 99-year leases to third parties to operate them. The same issues, particularly for the impact of development on the viability of the airport, also apply to what are known as ALOP aerodromes. These are aerodromes that the Commonwealth gave to local government for the local government to operate on the basis of a deed. What we are seeing around Australia are a number of situations where aviation operations are coming under significant pressure because of developments on or off the airport —some, in fact many, not aviation related.

The detail of the report is appropriate in that it looks to establish some national guidelines. One of the processes that is currently underway, in fact due this week for community consultation and responses, is the NASAG process which is seeking to engage all three levels of government around planning. But my same concern remains in that many of the considerations which address the viability of the airports, as opposed to the impact on communities around them, are not adequately captured in the NASAG process. For example, some of the elements that Queensland has at the moment in their planning are things like public safety areas on the approach and departure end of runways where statistically accidents tend to happen, with light aircraft that have engine failures. That is a critical safety thing which should be factored into a national planning framework drawing on the Queensland model, and yet the NASAG process has just put that off and said at some point in the future it will be considered. That is an example of one of the critical areas that should be considered as part of a national framework.

More importantly, the reason a national framework is required is to provide certainty to local government, to the state government, to developers of properties as well as to aviation operators, so that we are working

with a consistent set of guidelines. One of the problems at the moment is that the planning departments, often at local government and state government levels, do not have any depth of experience in terms of aviation operations, and there is very little understanding as to why some regulations are in place. Regulations are mankind's poor attempt to capture corporate knowledge and make sure that we do not repeat the mistakes of the past. Regulations talk about safety distances required, for example. At the end of a runway there is a runway-end stopping area that is required, so if an aircraft has to abort a takeoff when operating at its maximum weight for that type, it will have an area available if it needs to overrun the runway and come to a stop. That regulation is there for a good reason and must be taken into account if you have a master plan. For example, at Archerfield, on the one hand there is a proposal to extend one of the runways, 28, so we can increase capacity and utilisation of the airport while on the other hand, in the same master plan, light industrial zoning is approved in the area that would form that RESA, the runway-end stopping area, for the extended runway. If that planning is approved they have essentially cut off the potential for that airport to expand once something is built. There is a clear conflict between the Commonwealth requirement of the lease, which is to have the leaseholder develop and expand the airport to meet demand, and the local government, which is providing approvals for development that will prevent that expansion. Probably even worse are where safety regulations are not just in conflict like that but are put aside because people do not understand the implications.

A good example is at Bankstown airport where, because of the pressures of commercial development, they did a statistical analysis of the use of the cross-wind runway and decided it was not used very often and so it would be removed. Cross-wind runways, particularly for light general aviation aircraft, are a critical safety feature because there are cross-wind limits that determine when the aircraft can land safely. Without that runway, there is the potential for aircraft to be caught whilst airborne and unable to land safely or, as is now occurring, operators cannot actually continue their operations when the wind is out of limits. An analogy would be if you consider how many times you have needed a seatbelt in your car for real. For most of us, thankfully, that is almost never. If somebody suggested that you should remove all the seatbelts to save money, you would say no, because history tells us that if you do have an accident they are a good thing.

That is the basis of our regulation and that goes to things like buildings built close to airstrips which cause wind turbulence. We have seen here in Canberra instances of reports to the ATSB, the Australian Transport Safety Bureau, of aircraft which have had problems landing due to turbulence generated by those structures. We have seen obstructions into the airspace. We even have a case in Victoria where somebody on the boundary of an airfield has planted a stand of trees which, as they grow, will effectively reduce the useable length of the runway, which will limit its ability to be used for firefighting, agricultural purposes, RFDS et cetera. The local government has no planning authority at this stage to have those removed. So, at all levels of government, there is a requirement for a uniform, understood and consistently applied framework which means that we will not see development decisions taken by any level of government which will have a long-term detrimental effect to the national aviation capability that this country requires.

Lastly, on process, one of the drivers of this inquiry and these amendments was concern by the public that there was no transparency around what was happening and that they were not being consulted. I would like to put on the record that exactly the same concern exists on behalf of airline and aircraft operators, particularly charter and GA operators, in that they are often consulted but their feedback is that it is a very one-way discussion where they are told what is happening. As it is not transparent and there are no minuted outcomes which can be held up to public scrutiny, even if the people who attend the consultations object to a development because of these regulatory and safety issues, there is no ability for this parliament or other levels of government to actually hold a developer or an approving authority to account for why they have approved something that has gone against the wishes of the operators and may indeed be, at best, a loose interpretation of how the requirements or regulations should be imposed. We need a national framework, we need correct scope, we need consultation and we need transparency for both airport operators and the public.

Question agreed to.