

Aircraft noise, flight paths and engagement with the community

Public statement – 21 February 2025

The Office of the Commonwealth Ombudsman (the Office) received some 800 complaints in December 2023 relating to the Brisbane Airport's New Parallel Runway.

The complaints appeared to be part of a well-organised campaign.

Before complaining to the Office, the complainants had complained to Airservices Australia, the Aircraft Noise Ombudsman, the Civil Aviation Safety Authority, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department), and the Minister for Infrastructure, Transport and Regional Development (the Minister).

A central theme of the complaints was that, in the view of the complainants, no agency was engaging with their concerns or taking responsibility for the issues raised by the complainants.

In response to the complaints, we sought information from Airservices Australia, the Aircraft Noise Ombudsman, the Civil Aviation Safety Authority and the Department.

The Office's role is to ensure fair and accountable administrative action by Australian Government entities. Where we become aware of an issue in how an agency has delivered its services, we have powers under the *Ombudsman Act 1976* (the Act) to investigate.

Under the Act, it is a matter for the Office whether and how to carry out an investigation. Following an investigation, the Office can make comments, suggestions and recommendations. However, we cannot compel an agency to take action or make a specific decision.

What we found

There are a number of different government agencies with roles that can touch on aircraft noise.

Airservices Australia is a Commonwealth corporation responsible for safely and efficiently managing air traffic, including for flight path changes.

Among other services, it operates a Noise Complaints and Information Service.

It is accountable to the Minister and is governed by a board appointed by the Minister. Some of its functions are regulated by the Civil Aviation Safety Authority (CASA).

The Aircraft Noise Ombudsman (ANO) is a part of Airservices Australia. It does not report to any executives within Airservices Australia but rather reports directly to the board of Airservices Australia.

While it is intended to provide independent administrative review of Airservices' management of aircraft noise, including by handling complaints, it is not fully independent. It is established administratively rather than by legislation.

It has a Charter which provides that the ANO and the board of Airservices Australia may agree on terms of reference for reviews by the ANO, and the ANO advised us that the board does not have a role in setting the terms of reference for the investigation of complaints or in accepting or rejecting draft reports by the ANO.

While noting that advice from the ANO, we also note that the Senate Rural and Regional Affairs and Transport Committee has reported that "Airservices' Board Minutes—provided in response to written questions on notice from Senator McKim—revealed that the Board determines the terms of reference for ANO investigations and has previously rejected reports produced by the ANO."¹

CASA is a Commonwealth statutory authority which among other things regulates some of the functions of Airservices Australia.

¹ Senate Committee on Rural and Regional Affairs and Transport, *Report on Impact and Mitigation of Aircraft Noise*, tabled 27 November 2024, paragraph 6.117, p.174



It is overseen by a board which is appointed by the Minister.

The Department is a Commonwealth government department with policy responsibility for aviation. It administers the *Airports Act 1996* and supporting regulations.

It reports to and supports the Minister, including advising the Minister with respect to the Minister's oversight of portfolio bodies such as Airservices Australia and CASA.

Notwithstanding the various entities with responsibilities that might call for them to play a role in the event of significant concerns about aircraft noise, in practice the various agencies advised my Office that they regarded complaints about aircraft noise as a matter for Airservices Australia.

Concerns about aircraft noise at Brisbane Airport have been the subject of several reviews and investigations.

The issues around the Brisbane Airport flight path involving the use of a new parallel runway have been contentious since the commencement of operations in July 2020.

Prior to July 2020 there was a process of community engagement conducted by Brisbane Airport Corporation in association with government (including Airservices Australia who provided technical expertise at some sessions), commencing in 2005-2007.

The complaints to the Office alleged, among other things, that this process of community engagement was not conducted in good faith. This allegation has been the subject of scrutiny through several different review processes.

The Airservices Australia Board asked the Aircraft Noise Ombudsman (ANO) to undertake a review of Airservices Australia's systems for community engagement.

The review commenced in July 2019 and the ANO published their report in April 2020, making six recommendations to Airservices Australia.

Airservices Australia responded to the ANO's report on 25 June 2020, stating it accepted the six recommendations made by the ANO.

The ANO also conducted an Investigation specifically into complaints about the flight paths associated with the Brisbane Airport New Parallel Runway.



The ANO published their report in August 2021, making four recommendations to Airservices Australia – three of which related to Airservices Australia's approach to community engagement, including around flight path changes.

The ANO found that Airservices had not adequately addressed the question of whether the flight paths ultimately implemented at Brisbane Airport had a similar or different environmental impact to the flight paths originally proposed in 2007.

Airservices Australia responded to the ANO's investigation report on 11 October 2021, accepting the four recommendations made by the ANO.

Airservices Australia noted that over the two years prior it had been working to implement significant changes to improve its approach to community engagement.

Airservices Australia has undertaken a number of projects since the Brisbane Airport's New Parallel Runway opened on 12 July 2020, including:

- a Post Implementation Review (PIR) which provided the opportunity for the community to provide feedback
- Airservices Australia (in conjunction with Brisbane Airport Corporation) submitted a safety case and supporting material to request an increase in the tailwind limit for Simultaneous Opposite Direction Parallel Runway Operations (SODPROPS) at Brisbane Airport, from 5-knots to 7-knots
- Trax International was appointed to conduct an independent review and make improvement recommendations across all aspects of the Brisbane PIR, with a particular focus on opportunities to limit and, where possible, reduce the impacts of aircraft noise
- noise improvement trials
- Noise Action Plan
- new Community Engagement Standard, published in September 2023.

In August 2022, Trax International's final report was released identifying 49 potential improvement opportunities to be implemented in four stages.

Airservices Australia is continuing to work on the packages developed by Trax International.

In August 2024, Airservices Australia advised that Trax International had been appointed to deliver packages three and four of the Noise Action Plan.



The Government has now proposed a number of significant reforms that relate to aircraft noise.

In February 2023, the Government released the Terms of Reference (TOR) for a new Aviation White Paper.

Following submissions on the TOR and public consultation period, the Government released the Aviation Green Paper.

Public consultation occurred during October and November 2023, with submissions closing on 30 November 2023.

On 26 August 2024, the Government released the Aviation White Paper – Towards 2050.

The Aviation White Paper contains 56 new initiatives, nine of which specifically relate to reducing the impacts of aircraft noise on Australian communities.

The White Paper recommends the creation of an independent Aircraft Noise Ombuds Scheme and an Aviation Industry Ombuds Scheme.

A Parliamentary inquiry has endorsed the proposed reforms.

On 6 February 2024, the following matter was referred to the Rural and Regional Affairs and Transport References Committee for inquiry:

The impact and mitigation of aircraft noise on residents and business in capital cities and regional towns, with particular reference to:

- the effect of aircraft noise on amenity, physical and mental wellbeing and everyday life of residents
- the effect of aircraft noise on small business
- any proposals for the mitigation and limitation of aircraft noise, including flight curfews, changes to flight paths and alternatives to air travel
- any barriers to the mitigation and limitation of aircraft noise, and
- any other related matters.

Submissions were invited addressing the terms of reference to assist the Committee with its consideration of the issues.



Seven hundred submissions were received by the Committee and some of the complainants to this Office gave evidence to the Committee at public hearings.

The report, which was tabled on 27 November 2024, made 21 recommendations.

The report comments extensively on the history of the aircraft noise complaints around the Brisbane flight path changes in 2020.

The Committee endorsed the White Papers' proposal for a new independent ANO and made a number of recommendations that specifically relate to aircraft noise and aircraft operations at Brisbane Airport.

The Committee also made several recommendations about the Department being involved in relation to aircraft noise issues, community consultation and the provision of information to the community.

Conclusion

Given the extensive reviews that have been and were being undertaken about aircraft noise issues, including with respect to Brisbane Airport, we did not think it would be useful to conduct an additional extensive investigation into the same issues.

Instead, we looked at a central issue of how the agencies had handled complaints, how they had engaged with each other about the complaints and how they had engaged with the complainants, and whether there was room to improve this.

Aircraft noise is a highly contentious issue for some in the community and it may not be possible to achieve safe and appropriate flight path and aircraft operation outcomes that resolve all such concerns.

There is also no single entity with responsibility for all the factors contributing to aircraft noise.

The Department advised us that it does not review or seek to intervene in Airservices Australia carrying out its responsibilities.

While it is appropriate that separate agencies respect each other's roles and responsibilities, at the same time departments need to be prepared to consider information pointing to potential concerns with the actions of portfolio bodies.



Complaints can be a very valuable source of information for agencies.

They can indicate potential significant issues and concerns that merit consideration.

While it may be understandable that an agency receiving complaints about the actions of another agency would at first refer those complaints to that other agency, when the agencies have overlapping or connected roles it is appropriate that they engage with each other and with those complaints.

It is also important that agencies engage with the complainants - so complainants feel heard and can understand, to the extent possible, what is happening in response to their complaints.

This can help build community confidence and trust in the actions of government actions.

Clearly the agencies involved here were engaging with each other about the substantive issues around airport operations, aircraft operations and aircraft noise - as demonstrated by the Government's release of the White Paper, the development of which would have involved all of the agencies and been led by the Department.

At the same time, however, the complainants perceived that none of the agencies were engaging with them or with the issues raised in their complaints, and consequently they formed the view that Airservices Australia was being given free rein to do as it chose.

In our view the agencies involved can all improve the way they engage with complaints and each other about the issues raised in complaints.

The entities responsible should work more closely and more effectively with one another regarding aircraft noise complaints to ensure that such matters are appropriately considered and responded to, that complainants feel heard and that communities are well informed about aircraft noise.

Having the Aircraft Noise Ombudsman established as a fully independent entity and able to provide fully independent oversight of aviation noise complaints should also assist these agencies to improve their approaches to complaint handling.

For more information visit ombudsman.gov.au or call 1300 362 072.

