



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**Main Committee**

**AVIATION LEGISLATION AMENDMENT  
(2008 MEASURES NO. 2) BILL 2008**

**Second Reading**

**SPEECH**

**Thursday, 5 February 2009**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

**Date** Thursday, 5 February 2009  
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**Questioner**  
**Speaker** Georganas, Steve, MP

**Source** House  
**Proof** No  
**Responder**  
**Question No.**

**Mr GEORGANAS** (Hindmarsh) (11.30 am)—It gives me great pleasure to rise in this place to speak in support of the Aviation Legislation Amendment (2008 Measures No. 2) Bill 2008. I would like to make a few comments in support of the government's bill as it has direct relevance to the residents in the electorate that I represent, the electorate of Hindmarsh, in Adelaide.

Within the electorate of Hindmarsh we have Adelaide Airport, which operates multiple perpendicular runways. The airport caters largely for the larger passenger jets, but it does service smaller passenger and transport courier aircraft. Some distance away in the seat of Makin—it borders Makin and Port Adelaide—is Parafield Airport, which I would say has the bulk of the light aircraft traffic and training in Adelaide. Both of these airports receive small- to medium-sized aircraft that necessarily approach over built-up suburban Adelaide. In the case of Adelaide Airport, aircraft fly over the suburbs of West Beach, Brooklyn Park, Glenelg North, Lockleys, West Richmond, Richmond, Cowandilla, Mile End, Henley Beach and Torrensville—and that is just to name a few. So you can see that Adelaide Airport and anything to do with aviation have a direct effect not only on the aircraft that fly in the skies but also on the residents who live below the air routes.

As I said, it is not only the crew of and passengers on the aircraft who are the intended beneficiaries of this bill. It is potentially those who live and work under the flight path—families, schools, businesses, aged-care facility residents and the general community who populate the suburbs which I mentioned and many other similarly exposed suburbs. Approximately 25,000 people reside around the Adelaide Airport. It is in a built-up residential area, apart from a small stretch over West Beach on the western side. So you can see that it is a very populated area. Any tragedy that occurred in the sky would have an enormous effect on those residents below.

The Aviation Legislation Amendment (2008 Measures No. 2) Bill 2008 has safety as its main focus. It aims to improve the safety of all concerned and of all stakeholders in a number of very different scenarios. I would like to concentrate on the ordinary day-by-day safety element that could potentially affect any of us any month of the year as passengers or as people who live in close proximity to a flight path. I would like to do this by focusing on the tragic incident that has been used as a prime example by the speaker before me of why legislative change is required. It is an incident that has been described within the media as one of Australia's worst air traffic disasters: the crash at Lockhart River.

On 7 May 2005 a Metro aircraft containing two pilots and 13 passengers was flying a regular public transport service from Bamaga to Cairns, Queensland, with an intermediate stop at Lockhart River. Approaching Lockhart River aerodrome, the aircraft proceeded to fly—almost certainly still in an airworthy condition—into the Iron Range National Park, where it impacted a heavily timbered ridge. The aircraft was destroyed by both the impact and the subsequent intense fuel-fed fire. All 13 passengers were killed. Neither of the crew members survived.

The coroner investigating the crash released his findings on 17 August 2007—in excess of two years after the event. The coroner was critical of pilot performance and the company's safety management systems and training practices. CASA, the Civil Aviation Safety Authority, was included in the coroner's deliberations, given its supervisory role with small operators and such companies' practices. It goes without saying that all of us continue to encourage CASA in the fulfilment of its critical supervisory and safety role. I understand that it became apparent that the company itself, or its parent company, had failed to meet its obligations in reporting 25 safety incidents. It may seem that the company was creating evidence of itself being a risk or an unacceptably high risk for the safety of passengers and its staff, and yet, unreported, the risk was unable to be identified and mitigated by the authorities.

Where a company fails to meet its obligations, there must be appropriate and sufficient recourse for authorities. Without consequence, one can expect compliance to decrease. After the event and after investigations, there was speculation as to whether the Director of Public Prosecutions would become involved and lay charges for noncompliance within its aviation responsibilities. This ended up being a moot point. The current 12-month statute of limitation on prosecutions limited potential DPP action. Whereas prosecution by the DPP may have

been a formality, none was possible. The federal minister stated his opinion that the 12-month statute of limitation is far too short a time to conduct proper investigations and have the option of pursuing further action. The then Premier of Queensland would have agreed with him.

I am sure that all of us in this place also agree that the statute of limitation needs to be increased from 12 months to give CASA, the Executive Director of Transport Safety Investigation and any responsible party including the DPP sufficient powers to request safety information, sufficient time to investigate events and sufficient time to prosecute those who put the safety of members of their own workforce, the public and customers at such high risk. I am sure all of us support this. I would fully expect the industry itself to support this amendment, be it passenger carriers or freight transport couriers.

It seems that within my electorate and perhaps elsewhere those interested in freight issues are somewhat at odds with the minister for transport and certainly me. Recently articles appeared in the media from different industry groups of aviation transport calling for the airport curfew in Adelaide to be dropped. There seems to be a campaign by the industry to convince itself that airport curfews are going to be watered down and ultimately made useless or unworkable. A constituent phoned my office saying that the freight company he works for and employees have stated quite categorically that the Adelaide Airport curfew will be scrapped. This is the rumour that is going around in the industry as a result of the industry's plan to carry cargo on large passenger jets and presumably a subsequent campaign to focus on invented inconsistencies in curfew arrangements.

As I said, I fully expect the freight industry to support the bill currently before the House, but I really regret its lack of support for the Adelaide Airport curfew. I regret the disregard for the public who sleep under or in close proximity to Adelaide Airport's flight path. I have been a resident of Mile End under the flight path all my life. Where I live, and in those other suburbs that I named, you can stand on the roof of your house and tickle the bellies of the planes as they go over. We know the pilots not by their names but by their faces because we look up and we can see them, and we wave to them. That is how close they are.

When you have an airport smack-bang near the CBD in a populated residential area, I think that is the price that you pay. The price that airports, transport companies, couriers and aircraft carriers pay is that they have a curfew. You need to have a good balance between the residents and business. While I expect that we and the industry agree on matters of aviation safety and the need for this bill to pass, we clearly disagree on matters of public interest—the public's highly reasonable expectation of being able to sleep at night. This is not something that I take lightly, so I decided to write to the minister to clarify what the position is. I will quote from the minister, who wrote to me last year after this rumour began. In his letter to me the minister stated:

I believe the current curfew arrangements at Adelaide Airport are working well and I will continue to oppose any changes to the current arrangements.

That message has brought considerable confidence to residents with homes under Adelaide Airport's flight path. Let me say here and now that there are no moves to water down the Adelaide Airport curfew. The minister opposes it and so do I.

Things are in the process of changing, though, in and around the aviation industry. Last year's aviation white paper advances the concept of consultative committees with expertise useful in assisting the minister's assessment of airports and draft master plans and consultative committees made up of airports and stakeholders, incorporating members of the community, carriers, state government departments and the airport itself—similar to the consultative committees in operation in Sydney and Adelaide. Both Sydney and Adelaide airports have had consultative committees in operations for years, and they have proven to offer great potential for frank communication and even collaborative effort.

The Adelaide experience has been a forum for people to voice their concerns and ask questions of the department, Airservices Australia and managerial units within the airport leaseholder itself. Such advances are to be encouraged wherever possible, as are those advances in the bill currently before the House. I encourage all members to support this bill.