



**Senator the Hon Robert Hill**

Leader of the Government in the Senate  
Minister for the Environment and Heritage

Dr Brendan Nelson MP  
Federal Member for Bradfield  
Sydney Airport Community Forum Chair  
PO Box A301  
SYDNEY SOUTH NSW 1235

**19 JUN 2000**

Dear Dr Nelson

Your letter of 14 April to the Attorney-General, the Hon Daryl Williams AM QC MP, regarding protective legislation pertaining to airports and aircraft, in particular the *National Environment Protection Measures (Implementation) Act 1998*, has been forwarded to me for reply.

*The National Environment Protection Measures (Implementation) Act 1998* provides for the implementation of National Environment Protection Measures (NEPMS) in relation to activities of the Commonwealth and Commonwealth agencies. Under the Act the Minister for the Environment and Heritage may apply State and Territory laws implementing NEPMs to the activities of the Commonwealth and Commonwealth agencies, which would otherwise be immune from such laws.

If an activity involves a matter of national interest the Minister may make a declaration that an alternative Commonwealth regime for the implementation of the NEPM will achieve the appropriate environmental outcomes and is more appropriate than the application of State and Territory laws. If such a declaration is in force, State and Territory laws implementing the NEPM will not apply. It is also possible for regulations to be made excluding the operation of a particular provision of State or Territory law, or excluding a particular activity, if the Minister thinks it desirable because of considerations relating to a matter of national interest.

Matters relating to the management of aviation airspace or airports, including aircraft emissions, aircraft noise and on-ground airport management, may be prescribed by regulation as matters of national interest (except matters specified in subregulation 1.04 (2) of the *Airports (Environment Protection) Regulations 1997*).

The following matters have been prescribed (in regulation 4 of the *National Environment Protection Measures (Implementation) Regulations 1999*):

- (a) a matter relating to the management of Australian-administered airspace by Airservices Australia under the *Air Services Act 1995*;
- (b) a matter relating to the management of an airport that is an airport site within the meaning of the *Airports Act 1996*.

This is consistent with the Government's position that the Commonwealth continue to administer aviation and airport matters so as to ensure a consistent national approach to handling such issues. Given that the aviation industry operates on a network basis across Australia it would clearly not be appropriate to have different regulatory regimes applying in respect to aircraft operations and airports. We are not excluding the application of NEPMs from aviation matters, rather we are ensuring that such measures can be applied consistently across Australia through Commonwealth aviation specific legislation.

In relation to airports, the *Airports Act 1996* and the *Airport (Environment Protection) Regulations* made pursuant to that Act, establishes in conjunction with NEPMS, a Commonwealth system for regulating activities on airports that generate, or have the potential to generate, pollution or excessive noise. To ensure these outcomes are achieved, the Act and Regulations prescribe the development and implementation of an approved airport environment strategy and the establishment of environment standards.

Noise and engine emissions from aircraft in flight, or when landing and taking off from an airport, are regulated by the *Air Navigation (Aircraft Noise) Regulations* and the *Air Navigation (Aircraft Engine Emissions) Regulations* respectively. These Regulations put in place controls on aircraft noise and emissions through design and manufacturing requirements. This is consistent with the international approach to such matters and in accordance with our international obligations through the International Civil Aviation Organization (ICAO).

As you know, Australia has one of the quietest and cleanest aircraft fleets in the world and continues to be a key player within ICAO in working toward stricter aircraft noise and gaseous emission standards for new aircraft. The Australian airlines phased out their older "Chapter 2" equipment well ahead of international requirements and their fleet is now made up of modern "Chapter 3" jet aircraft.

Australia is also actively participating through the Kyoto Protocol fora, and ICAO, in developing greenhouse emissions options designed to address both national and international concerns. The National Pollutant Inventory NEPM

has as its principle aim, provision of information on emissions entering the environment. Since July 1998 larger industrial facilities have been required to estimate and report annually their emissions of the chemicals listed on the National Pollutant Inventory. This information is publicly available on an Internet database. Information on aircraft operations will be included in the database.

I am advised that aircraft flight paths and altitudes around airports are controlled through operational requirements. As you know, the flight path arrangements at Sydney Airport were arrived at through a major consultative process during the development of the Airport's Long Term Operating Plan (LTOP). These flight paths are codified in the Airport's formal Standard Instrument Departures and Standard Arrival Routes and in the operational documentation of Airservices Australia.

In developing these operational procedures and requirements the *Air Services Act 1995* explicitly places a responsibility on Airservices Australia to ensure that as far as practicable the environment is protected from the environmental effects of the operation and use of aircraft.

Yours sincerely

Signed by Minister Hill 19 June 2000
---

Robert Hill