



PERTH AIRPORT

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Regulatory Burdens Review
Productivity Commission
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PRODUCTIVITY COMMISSION REGULATORY BURDENS REVIEW – SOCIAL AND ECONOMIC INFRASTRUCTURE SERVICES 2009

Thank you for the opportunity to contribute to the Productivity Commission's review of regulatory burdens. Perth Airport is of the view that there are four key areas where regulation is unnecessarily burdensome, complex or redundant with regards to aviation in addition to what was noted in the draft report.

Those areas are:

- Inconsistent security requirements for international and domestic passengers;
- Conflicts between aviation regulation and disability discrimination legislation;
- Overly rigid and prescriptive safety and operational regulations preventing implementation of new technology; and
- Conflicts between aviation regulation and environmental legislation.

Inconsistent Security Requirements

The implementation of consistent security requirements for international and domestic passengers would have substantial benefits for Perth Airport and potentially other airports in Australia. If the security requirements were consistent, it would be possible to implement a Common Departure Lounge (CDL) when Perth Airport consolidates domestic and international operations as outlined in its Master Plan.

A CDL would allow both international and domestic passengers in the same departure lounge and would have the following benefits:

- It takes advantage of differing peak periods for international and domestic passengers. Since infrastructure is built to the size required at peak periods, what this means is that less infrastructure is required as the departure lounge can be smaller than the sum of international and domestic departure areas in stand alone facilities.
- There is a reduction in the duplication of facilities, both on the airfield (such as a reduced number of aircraft parking positions) and in the terminal (such as passenger screening facilities).
- Border control and security can be maintained and potentially even improved if there is no confusion over inconsistent practices.
- There are reduced overall operating, maintenance and capital costs (by eliminating duplication of services).

- Greater flexibility is provided to meet the demands of the changing aviation market (such as the growth in low cost carriers and continual technological improvements). For example, international and domestic demand responds to different factors and having common facilities provides the ability to maximise the use of capacity when one market is growing at a different rate to the other market.
- Retail operations at the airport are maximised because there is greater exposure of passengers to retail for longer periods of the day and the higher number of passengers means that more choice in retail can be supported.

The net result is that passengers would benefit from lower cost and ultimately better facilities.

Conflicts Between Aviation Regulation and Disability Discrimination Legislation

Airports can not comply with both requirements, particularly with regard to the movement of passengers from the terminal to aircraft. In particular, the disability legislation requires rest stops for walks beyond a certain distance. This can not be safely done on the walking path between the terminal and the aircraft, because rest point spacing in the standard is less than the clearances from aircraft operations and as such if installed compromises safety.

The passengers that would benefit from a resting point along the route are typically incapable of scaling the aircraft stairs and as such are handled differently by the airline as a risk management process. They are generally transferred from terminal to aircraft using a special wheel chair designed to be hoisted into the aircraft to prevent an injury to the passenger.

The legislation should therefore clearly give exemptions for specific circumstances where safety considerations prevent compliance with the disability standards.

Prescriptive Regulations

The aviation safety and operational regulations are rigid, overly prescriptive and lagging behind new technology and international best practice despite many years of review and reform the implementation of performance-based regulation is incomplete. The initial objective of regulatory reform programme was to achieve a two tier regulatory framework which has not been achieved particularly in relation to Civil Aviations Safety Regulations (CASR) Part 139 and Manual of Standards (MOS) Part 139. Airports have been operating under Safety Management System (SMS) process for a number of years but the safety and efficiency benefits of the SMS process can not be realised due to the over prescriptive nature of the MOS part 139.

What is required is the MOS 139 should be removed with the mandatory components being incorporated into the regulations and advisory material incorporated into Advisory Circulars which in effect become Acceptable Means of Compliance. This structure will achieve the objective of a two tier regulatory structure being the Act and the Regulations supported by Advisory Circulars and allow the benefits of the SMS to realised and allow flexibility within the airport environment take into account of local conditions and take advantage new technology.

Conflicts Between Environmental and Safety Legislation

Environmental legislation makes it an offence to harass, disturb their environment such as food sources or destroy the bird where as all of these actions are required under aviation safety requirements to manage wildlife hazards. It is patently silly to require airports to preserve bird habitats in a way that would encourage more birds into the airport area where they can potentially be a risk to aircraft.

Where there is a conflict between environmental legislation and aviation safety legislation then aviation safety should take precedence. Carnaby's Black Cockatoo is an issue at Perth Airport and it is not possible to comply with both environmental and aircraft safety requirements. Wildlife Hazard controls need to extend beyond the airport boundary regarding bird hazard management in particular. This would include for example grain handling facilities, landfill sites etc.

We look forward to the release of the final report.

Yours sincerely

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