

From: [Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts](#) on behalf of infrastructure.noreply@govcms.gov.au
To: [aviationconsumer](#)
Subject: submission to: Aviation Consumer Protections – primary legislation [SEC=OFFICIAL]
Date: Friday, 3 October 2025 6:04:15 PM
Attachments: [australian-airports-association-submission-to-the-aviation-consumer-protections-primary-legislation-consultation.pdf](#)

OFFICIAL

Submitted on 3 October 2025

Submitted by: Anonymous

Submitted values are:

Step 1: Your submission

Remain Anonymous

No

Private Submission

No

Published name

Australian Airports Association

Upload attachments

File uploads

- [australian-airports-association-submission-to-the-aviation-consumer-protections-primary-legislation-consultation.pdf](#) (849.01 KB)

Step 2: Contact details

First name

Sybilla

Last name

██████

Organisation (if applicable)

Australian Airports Association

State

ACT

Email address

[REDACTED]

Phone number

[REDACTED]

Email notification

aviationconsumer@infrastructure.gov.au

Consultation name

Aviation Consumer Protections – primary legislation

OFFICIAL



AUSTRALIAN
AIRPORTS
ASSOCIATION

AVIATION CONSUMER PROTECTIONS

PRIMARY LEGISLATION CONSULTATION SUBMISSION

AUSTRALIAN AIRPORTS ASSOCIATION (AAA)



CONTENTS

Executive summary	3
Summary of recommendations	4
Coverage of services (Q1)	5
International flights (Q2)	7
Accessibility services (Q3)	8
One million passengers per annum threshold	9
Funding and levies	11
Complaint handling	13
Role of the Aviation Consumer Protection Authority (ACPA) (Q6)	14
Diagram 1: Proposed alternative Ombuds structure	14
Functions and powers of the Aviation Consumer Ombuds (Q7)	15
International comparisons	15
Conclusion	16

ACKNOWLEDGEMENT OF COUNTRY

The AAA respectfully acknowledges the enduring connection of the Traditional Owners to the lands and waters across Australia.

We extend our respect to the wisdom and guidance of elders, both past and present. In sharing our narratives, we recognise that the Aboriginal and Torres Strait Islander peoples are the original custodians and storytellers of their ancestral homelands.



EXECUTIVE SUMMARY

The Australian Airports Association (AAA) welcomes the opportunity to contribute to the Government's consultation on the primary legislation for aviation consumer protections. Representing more than 340 airports and aerodromes across Australia, together with over 150 corporate members supplying essential goods and services to the sector, the AAA is the national voice for airports of every size. Our members range from the largest international gateways through to small council-owned facilities that keep remote and regional communities connected.

Airports are more than points of departure and arrival. They are essential national infrastructure that underpin connectivity for communities, freight and tourism, providing a lifeline for health services and aeromedical evacuations and enabling rapid response to natural disasters. Collectively, airports contribute more than \$105 billion to the Australian economy every year and support approximately five per cent of gross domestic product.¹ They support 650,000 Australians and act as powerful economic multipliers. In regional towns, airports are often the single most important piece of infrastructure and sustain participation in the national economy.

The current review of consumer protections arises from significant disruptions to passengers during and after the COVID-19 pandemic. Delays, cancellations and refund issues highlighted weaknesses in the aviation system. These issues have largely stemmed from factors outside airport control, yet they directly affect how travellers experience the journey. Airports are committed to playing a constructive role in restoring consumer confidence, but obligations must be proportionate and directed at the real drivers of complaints.

Travellers deserve fairness, transparency and accountability across the aviation system, particularly when journeys are disrupted. The AAA supports the Government's intent to strengthen the system and recognises that, internationally, the inclusion of airports would be a global first. With the right regulatory settings, airports can make a productive and balanced contribution. Care must be taken to ensure obligations are directed to parties with a direct consumer relationship, avoid duplication with existing frameworks and do not divert scarce resources at smaller regional and remote airports away from critical priorities such as safety, maintenance and accessibility upgrades.

The AAA notes that this stage of consultation is on the primary legislation, which establishes the architecture of the scheme and its institutions. Detailed design issues, such as levy structures, complaint timeframes and Ombuds powers will be reserved for the subordinate legislation process. Comments in this submission are therefore framed at the level of principle.

This submission provides reasoning for a proportionate and evidence-based approach and demonstrates why the Federal Government must focus on the true drivers of consumer complaints.



SUMMARY OF RECOMMENDATIONS

- Endorse the direct consumer relationship test and add Ombuds monitoring and public reporting for government-run services at the border, in air traffic control and biosecurity without financial determinations against agencies.
- Support the exclusion of security screening from the scheme and signpost Home Affairs complaint pathways while requiring the Ombuds to publish security related systemic insights.
- Implement a one million passenger per annum threshold to protect small regional and remote airports.
- Clarify that services delivered by airports under contract to airlines, including baggage systems, aerobridges and lounges, are airline services.
- Define airport services to mean only those services supplied by the airport itself under a direct consumer relationship, such as excluding retail outlets, food and beverage concessions or other independent operators within the terminal.
- Levy design to be risk based with strict eligibility screening, to government funding for complaints about government-run services and establishment phase co funding.
- Timeframes to include a 30-day provider response window with pause when information is outstanding and guidance that complaints be lodged promptly given typical 30-day CCTV retention.
- For international travel, cover outbound services and avoid duplication by applying a no double remedy rule where a comparable foreign scheme already applies.
- Governance to establish an independent Ombuds for complaints and systemic issues and a regulator for enforcement with clear roles and no duplication. The ACCC should remain under consideration for the enforcement role given its existing aviation monitoring powers and expertise.
- Sequence the Charter with disability standards, publish precedence rules and a gap analysis and keep technical accessibility requirements in disability instruments.
- Provide ministerial or regulator rule making powers to refine definitions and enable targeted exemptions so detail stays out of primary law.
- Explicitly confirm that non-regular public transport (non-RPT) airports are excluded from the Framework and that existing exemptions under Disability Standards such as aircraft under 30 Seats remain in place, to provide clarity for general aviation operators and passengers.
- Confirm that the Aircraft Noise Ombudsman continues to be funded through Airservices Australia's budget, consistent with its environmental management obligations and not through the levy.
- Ensure terms such as dignity and respect are clearly defined in subordinate legislation to provide consistent interpretation.
- Use clear terminology for complaint outcomes and distinguish complaints closed by the provider from complaints resolved to consumer satisfaction and require consistent transparent reporting of outcomes to the Aviation Consumer Protection Authority.



COVERAGE OF SERVICES (Q1)

The proposed regulation of airline services, airport services and airport accessibility services reflects some of the core elements of the aviation consumer experience, but it does not fully capture the system as passengers encounter it. Airlines are responsible for ticketing, scheduling, baggage, refunds and cancellations. These account for the majority of complaints. Refund requests and flight delays or cancellations were the two largest complaint categories to airlines in 2024, accounting for 35.6% and 29.1% of all eligible cases received by the Airline Customer Advocate.²

Airports provide infrastructure, passenger facilitation and customer service, and we are supportive of the proposal that only direct consumer relationships with the airport, for the provision of airport services, should be accountable. Accessibility responsibilities are shared, although many of these are already regulated under the Disability Standards for Accessible Public Transport (DSAPT), the Disability Discrimination Act (DDA) and state building codes. The AAA strongly supports the principle that obligations should apply only where there is a direct consumer relationship. Many airport functions, including baggage systems and aerobridges, are delivered through commercial agreements with airlines and the primary contractual relationship remains with the airline. This approach provides clarity for consumers and ensures accountability sits with the party that controls the service. Without clear allocation of responsibilities between airlines, airports and government agencies, there is a real risk of consumer confusion. Passengers will not understand why some complaints are in scope and others are not, and this lack of clarity could undermine confidence in the framework from the outset.

The consultation paper proposes that some accessibility services such as kerbside-to-check-in and baggage claim-to-exit be covered, even without a direct consumer relationship. The AAA acknowledges the intent of this approach but stresses that clarity is needed on how these obligations intersect with DSAPT, the DDA and forthcoming aviation-specific disability standards. Without this clarity there is a risk of duplication and conflicting requirements. Obligations applied outside of a direct consumer relationship should be clearly defined, proportionate and sequenced alongside the new disability standards.

The AAA supports the exclusion of security screening from the consumer protections framework given there is no direct consumer relationship with screening providers and complaints should continue to be directed to Home Affairs.

To better reflect the consumer journey, the Ombuds should be empowered to monitor and publish systemic insights and performance metrics relating to government-run services including border processing, biosecurity and air traffic management. This preserves the direct relationship principle and improves transparency without imposing financial determinations against agencies.



² Airline Customer Advocate, [Annual Report 2024](#), 30 September 2025, p7.

The direct relationship test should specify that services delivered by airports or third parties under contract to airlines, including baggage systems, aerobridges and airline lounges, are treated as airline services for allocation and Charter compliance. Airport services should be defined narrowly as consumer-paid airport products supplied directly by the airport itself, while expressly excluding other independently operated services within the terminal. Definitions should remain flexible to allow refinement through subordinate rules over time.

The major weakness in the framework is the exclusion of government agencies. For passengers, waiting in long immigration queues or being delayed by air traffic control are all central parts of their airport experience. Yet the consultation paper proposes that these agencies be carved out of the scheme. This undermines credibility and creates a perception of selective accountability. Consumers do not separate their journey into segments managed by different entities. They expect a seamless experience and will not understand why they can lodge a complaint about signage or wayfinding but not about a missed flight caused by a border delay.

Accountability must follow control. The Ombuds should be empowered to monitor and publicly report on the performance of government agencies such as Border Force, Airservices and the Department of Agriculture, Fisheries and Forestry (DAFF). This ensures transparency and systemic accountability without imposing direct financial liability, consistent with the traditional Ombuds model of oversight of administrative practices. Airports cannot direct the work of Border Force officers or Airservices in its management of air traffic. Imposing responsibility for government performance on airports would be inequitable and unsustainable, particularly for smaller and regional facilities that already operate at a loss.

Excluding government agencies also raises equity concerns. Passengers with accessibility needs and those on tight schedules are often the most affected by delays and inconsistent treatment at borders. A passenger with a short international connection can lose their onward flight due to a border queue even where the airport itself has no control over processing times. Complaints arising from border processing should therefore be investigated and reported on by the Ombuds, with findings used to drive systemic improvements in government service delivery. Government agencies should be monitored and reported upon but not liable for consumer financial determinations. Excluding these agencies would be a missed opportunity to build public confidence in the performance of government services that are central to the passenger journey.

Airports receive very few complaints relative to passenger volume and established well-functioning processes are in place to address these concerns effectively. On average, 25.8 per cent of complaints at state capital airports are related to security and border agency issues. In 2024, three international gateways recorded 66.6 million passengers and 6,501 complaints relating to airport infrastructure and operations. This represents a passenger complaint ratio



of just 0.01 per cent, or one complaint for every 10,249 customers. This demonstrates that while complaints exist at Australian airports, they represent a minimal proportion of overall passenger interactions.

Further complaint data provided to the AAA by a major capital city airport for FY25 reinforces this point. Out of 8.7 million passengers, 531 complaints were received, representing just 0.006% of customers, or one complaint for every 16,384 passengers. The largest proportion of these complaints related to security screening (27.3%), followed by community impacts such as aircraft noise. This illustrates that airport complaints are relatively rare, and when they occur, they overwhelmingly relate to security processes and other matters outside the direct control of airports.

INTERNATIONAL FLIGHTS (Q2)

International operations introduce additional complexities that require recognition. Unlike domestic services, international travel is inseparable from the performance of border processing agencies, quarantine requirements and international airline practices. A missed connection caused by delays at immigration falls outside airport control, while baggage handling and compensation are matters for airlines. Airports have neither contractual nor operational control over these events.

Globally, consumer protection frameworks place accountability with airlines for matters relating to international passenger rights. The European Union's EC261 regulation³, Canada's Air Passenger Protection Regulations⁴ and the United States Department of Transportation⁵ all focus on airline obligations. None impose consumer protection duties on airports, recognising that airports do not control ticketing, flight operations or on-board service. Australia risks breaking with international practice if it seeks to hold airports accountable for matters beyond their remit. Any framework must make explicit that obligations for compensation and passenger entitlements on international flights remain the responsibility of airlines, consistent with International Civil Aviation Organization standards.

The AAA supports outbound coverage as a baseline and recommends a no double remedies rule where an equivalent foreign scheme already applies, so passengers are protected without duplication.



³ European Parliament and Council of the European Union, [Regulation \(EC\) No 261/2004](#), 11 February 2004.

⁴ Government of Canada, Justice Laws Website, [Air Passenger Protection Regulations SOR/2019-150 Canada Transport Act](#), 15 December 2019.

⁵ U.S. Department of Transportation, Aviation Consumer Protection, [Fly Rights](#).

ACCESSIBILITY SERVICES (Q3)

Accessibility is an area where the AAA shares the Government's commitment to lifting standards, but the design of the framework must reflect practical and legal realities. Airports provide the infrastructure that enables accessibility, such as lifts, aerobridges, ramps, accessible restrooms and wayfinding. Airlines are responsible for boarding assistance, provision of wheelchairs and in-cabin support. These responsibilities are set out in existing commercial agreements and are already governed by the Disability Standards for Accessible Public Transport (DSAPT), the Disability Discrimination Act 1992 (DDA) and, in some cases, the National Construction Code (NCC). The AAA notes that under the current Disability Standards, aircraft under 30 seats are exempt. It is important that this exemption continues to be recognised in the consumer protections framework so that expectations for very low-volume GA operators are clear and proportionate.

At the same time, the Government is developing aviation-specific disability standards. This work is welcome, but it makes clarity of intersection essential. The new standards will sit alongside the DSAPT, the DDA and state and territory building codes. Without an explicit framework showing how these instruments fit together, airports risk being caught between overlapping or conflicting requirements. Sequencing is also critical. The Department should conduct a comprehensive gap analysis and publish a clear precedence map that positions technical accessibility requirements within disability standards and consumer-facing obligations within the Charter and Ombuds scheme. Where practicable, Charter accessibility elements should commence only after aviation-specific disability standards are finalised so the two frameworks are mutually reinforcing.

It is also critical to avoid regulatory creep. Embedding airports too deeply in consumer-facing obligations risks drawing the Government into oversight of commercial arrangements and expanding regulation in unintended ways. A proportionate and targeted approach ensures the framework remains workable while avoiding future mission drift.

One model is to embed certain accessibility responsibilities within the commercial relationship between airlines and airports, similar to agreements governing baggage systems or aerobridge use. For major airports with multiple airline agreements and sufficient scale this approach could provide greater consistency across the passenger journey, particularly kerb-to-gate assistance, while maintaining incentives for collaboration. However, this model would not be feasible for all airports. Smaller facilities with limited airline relationships would struggle to apply it, and drawing government into oversight of commercial contracts would be counterproductive. If considered, this approach should apply only where practical and proportionate, primarily at major airports, with flexibility for others to meet obligations through alternative arrangements.

We also note the ongoing review of Quality-of-Service (QoS) metrics by the Department



(Aviation White Paper Initiative 15). Any consumer protection framework must align with revised QoS measures to avoid duplication and ensure a consistent monitoring approach. We further note that airport QoS is monitored by the ACCC under the Airports Act, and any new consumer obligations should be calibrated to complement rather than duplicate that regime.

Operational and technical realities also matter. Major airports already invest heavily in accessibility infrastructure and customer service programs. Smaller regional facilities, however, often operate with limited staff who balance compliance with day-to-day operations. A phased, capacity-based approach is therefore essential. Larger airports can lead the implementation of new standards while smaller facilities are given the support and time needed to build their capability. This ensures that improvements are meaningful and sustainable, rather than imposing obligations that risk reducing services or diverting resources away from essential maintenance and safety.

Passengers with disability are among the most affected by delays, inaccessible design and inconsistent support. For them, consumer protection must deliver tangible improvements rather than additional layers of regulation that blur accountability. The most effective way to achieve this is to align the new consumer protections framework with the forthcoming aviation-specific disability standards so that technical design requirements remain within specialist instruments, and consumer-facing complaint handling and service obligations sit clearly within the Charter and Ombuds system. This alignment would strengthen accessibility outcomes while avoiding unnecessary duplication and costs.

ONE MILLION PASSENGERS PER ANNUM THRESHOLD

The establishment of a passenger threshold is essential if the proposed framework is to be credible and workable, the AAA suggests a one million passengers per annum threshold. Airports across Australia have been consistent in their message that this safeguard is the only effective way to prevent disproportionate obligations being imposed on facilities that lack the resources to comply.

Smaller regional and remote airports do not have the capacity to establish and maintain the same complaints handling and reporting systems as the nation's major gateways. These airports are often staffed by only a handful of council employees whose focus must remain on safety, compliance and maintenance. Diverting already limited resources into new administrative structures would inevitably compromise essential operations. Many of the smallest remote facilities do not even have a website or dedicated customer service staff, and some provide only basic terminal amenities such as a waiting room or toilet block, as seen at Bathurst Island Airport in the Tiwi Islands.



It is not credible to expect such facilities to manage complex consumer complaint obligations. If the Government does not adopt a threshold such as one million passengers annually. It must set out clear alternatives, including how exemptions will operate and what proportionate compliance options exist for very small regional and remote airports. These options could include scaled obligations, a shared regional compliance model, or simple requirements such as signposting Australian Consumer Law and disability protections rather than building full complaint systems. The AAA submits that if a threshold is not adopted, the Department must set out transparent exemption pathways and criteria from the outset. Exemptions could also be linked to infrastructure or operational capacity so that airports with only basic amenities or very limited staffing are not held to the same obligations as capital city gateways. It is important to note that an exemption is not an unprecedented request in aviation, with Home Affairs providing this for smaller regional and remote airports, applying a proportionate-based approach.

Financial pressures reinforce the case for a threshold. Approximately 60 per cent of council-owned airports already operate at a loss, running annual deficits and relying on intermittent government grants, or diverting money from local community services just to maintain runways and critical infrastructure.⁶ Even modest additional compliance costs could be unsustainable. If airports of this size were compelled to fund consumer protection mechanisms, the result would likely be reduced services, increased charges or even the risk of closure. The impact would be felt most acutely in regional communities, where higher airfares or fewer flights would cut directly against affordability and access.

The need for the establishment of consumer protections has been driven primarily by the behaviour of airlines in the aviation sector during and after the COVID-19 pandemic. The need for additional protections has not been due to the behaviour of regional airports. Removing these airports from the scheme will not unfairly disadvantage people residing in regional Australia. The application of Australian Consumer Law will still apply to all airports in Australia if there is a complaint that requires further examination. A clear threshold also provides legal and regulatory certainty.

Airports are already subject to a wide range of regulatory frameworks, including the Airports Act 1996, the Civil Aviation Safety Regulations safety regulations, the Disability Standards for Accessible Public Transport, the Disability Discrimination Act 1992 and state and territory building codes and planning laws. They are among the most heavily regulated entities in the transport sector. Overlaying an additional layer of consumer protection regulation without differentiation would create unnecessary duplication and complexity for facilities that do not have the capacity to manage it. Importantly, regional residents would continue to be covered under the Ombuds scheme for airline-related issues, which remain the largest source of consumer complaints regardless of whether their local airport is captured by the framework.

Regional airports are more than transport nodes. They are lifelines. They support aeromedical



evacuations, freight, tourism, education and family connections, and in many cases provide the only practical link between remote communities and the rest of the country. Burdening these airports with the same obligations as major city airports would be inequitable and risks cutting communities off from essential services.

The Government has been clear about its commitment to regional development, productivity and equity. Forcing small airports into compliance obligations they cannot afford would cut across these priorities. By contrast, retaining the threshold ensures that around 90 per cent of passenger movements are captured under the scheme while protecting the viability of regional airports that are essential to the social and economic fabric of Australia.⁷

The AAA also recommends that the Government explicitly confirm that non-RPT airports are excluded from the Framework, consistent with Department advice, and that exemptions under existing Disability Standards (such as aircraft under 30 seats) remain in place. This will provide clarity and manage expectations for general aviation operators and passengers while keeping the focus of the scheme on RPT services where consumer complaints arise.

The AAA's position is unequivocal. There must be a threshold applied to small regional and remote airports and we recommend an annual cap of one million passengers per annum. Without it, the scheme would impose regulatory costs that cannot be met, divert funds away from safety and accessibility upgrades and weaken the resilience of these vital network connectors. With it, the framework can achieve consumer protection objectives while sustaining the airports that keep Australia connected.

FUNDING AND LEVIES

The AAA acknowledges the need for a levy to fund the Ombuds scheme but it must be designed fairly. A flat levy risks penalising airports that generate few complaints. The levy must be proportionate, risk-based and take into account passenger numbers, complaint volumes and capacity to pay. At this primary legislation stage, AAA expresses principles only. Detailed levy design should be settled through subordinate legislation after consultation.

It is particularly important to recognise that smaller airports cannot reasonably be expected to fund the scheme at all. Many operate at a loss and are already reliant on intermittent government grants to maintain basic infrastructure. Expecting these facilities to contribute financially to a consumer protection scheme would not only be disproportionate but could threaten their ability to remain open. This is why the one million passenger per annum threshold is essential to ensuring that the vast majority of travellers are covered, while smaller regional airports are protected from obligations that exceed their capacity.



The consultation paper identifies an option that airlines fund the levy in full. The AAA strongly supports this outcome. Airlines account for the overwhelming majority of complaints and they have the direct contractual relationship with passengers for ticketing, refunds, cancellations and baggage. Requiring airlines to fund the levy aligns with international practice, ensures proportionality and avoids shifting costs onto airports that generate very few complaints relative to passenger numbers. Airports already invest heavily in customer experience, accessibility infrastructure and community engagement and should not be required to cross-subsidise issues they do not control. Major airports have very low direct complaints, it is likely a much smaller number again would seek out the Ombuds.

The AAA also strongly advocates for government co-funding. First, the government should provide ongoing funding for complaints relating to government agencies such as Border Force, Airservices and DAFF. These agencies directly control parts of the passenger journey and accountability should follow control. It would be inequitable for airports or airlines to fund complaints arising from government performance. Second, government should contribute to establishment-phase funding to enable industry to set up systems, understand likely complaint volumes and adjust commercial agreements with airlines before assuming any long-term responsibility.

Partial government funding is consistent with the principle that accountability should follow operational control. Notably, complaints about government agencies are already evident. In FY2023-24, the Commonwealth Ombudsman received 842 complaints regarding the Department of Home Affairs which includes the Australian Border Force, underscoring that accountability issues also lie with government.⁸

Finally, the AAA would like the Aircraft Noise Ombudsman (ANO) to continue to be funded through Airservices budget, consistent with its existing role in environmental and community engagement. To ask airports to pay for it would extend the levy well beyond its intended purpose. Airports already fund extensive community engagement through Master Plans, Major Development Plans, Environmental Impact Statements and Community Aviation Consultation Groups, and should not be asked to fund the ANO in addition.

Of the options presented in the consultation paper, the AAA's clear preference is for airlines to fund the levy in full, supplemented by government co-funding for government-related complaints and establishment costs.



⁸ Commonwealth Ombudsman, [2023-24 Annual Report](#), October 2024, p94.

COMPLAINT HANDLING

Prompt acknowledgement and timely initial responses are achievable for airports above the one million passenger per annum threshold. Complaints should be addressed within a reasonable period and the AAA believes a 30-day timeframe is suitable for most cases. Airports cannot guarantee resolution when outcomes depend on third parties such as airlines or government agencies. What airports can guarantee is a timely and respectful response. The detailed processes, service levels and escalation pathways should be determined in subordinate legislation following consultation.

The AAA emphasises that major airports already operate mature and effective complaint handling systems, with established processes, dedicated teams and regular reporting to Boards and regulators. These systems deliver consistent, timely outcomes and are benchmarked against international practice.

For smaller regional airports, resourcing constraints mean that regulatory obligations must be proportionate. Many rely on limited staff who balance operational and compliance duties across multiple functions. These facilities cannot be expected to replicate the systems in place at major airports, which is why the passenger threshold is so important.

Timeframes should be capable of being paused by either party. Consumers sometimes need time to gather documentation. Airports may need additional time when CCTV evidence must be reviewed or when third parties are involved. This flexibility ensures that the system is fair without being punitive.

The AAA also notes that airports often only retain CCTV for 30 days. This means that complaints raised long after the event cannot reasonably be investigated. For this reason, the subordinate legislation should encourage timely lodgement of complaints.

Clear terminology should be used for complaint outcomes. The proposed use of the term "resolved" may lead to consumer misunderstanding where a complaint is marked as finalised despite an outcome not meeting the consumer's expectations. The AAA recommends distinguishing between complaints that are "closed by the airline/airport" and those that are "resolved to consumer satisfaction." This will ensure reporting more accurately reflects the consumer experience and prevent misinterpretation of performance data.

While concepts such as "dignity" and "respect" are important and strongly supported by airports, their meaning is subjective and needs to be clear in a regulatory context. Without definitions or guidance, there is a risk of inconsistent interpretation across the sector, which could lead to confusion for both passengers and operators. Clear drafting would ensure that expectations are applied fairly and consistently and would also help avoid duplication with existing protections under Australian Consumer Law and existing human rights and anti-discrimination legislation.

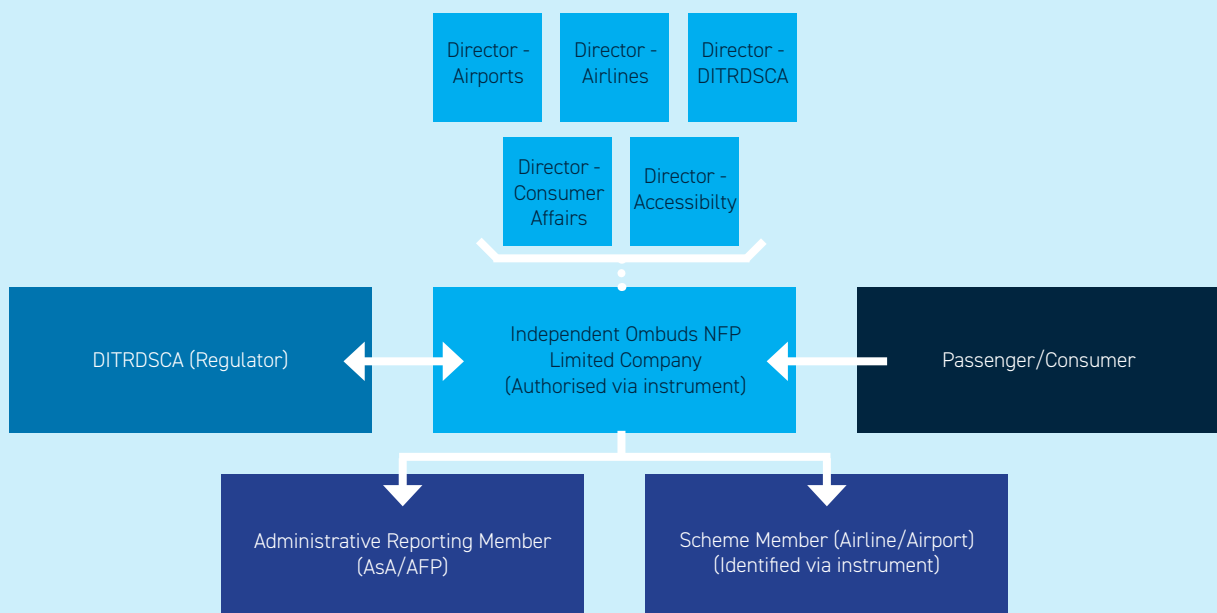


ROLE OF THE AVIATION CONSUMER PROTECTION AUTHORITY (ACPA) (Q6)

The AAA notes the Department's intent to separate dispute resolution through an independent Ombuds from enforcement functions exercised by a regulator. This architecture is acceptable provided functions are clear and non-duplicative. The Ombuds should investigate complaints and make determinations, while the enforcement body should confine itself to enforcing those determinations. ACPA should not manage individual complaints. At this primary legislation stage, the Act should set roles and accountabilities in principle, with detailed procedures and escalation pathways to be settled in subordinate legislation.

In the interest of efficiency and to avoid overlap, enforcement functions could be located within the ACCC (under the Treasury portfolio), leveraging its existing aviation monitoring role, while DITRDSCA retains policy and regulatory oversight. The Ombuds should be established outside government as an independent not for profit company with an independent Board of Directors drawn from industry and consumer groups. This model embeds sector expertise and consumer perspectives while maintaining independence. A conceptual diagram of this structure, consistent with the model proposed by Brisbane Airport Corporation, is provided at Diagram 1.

DIAGRAM 1: PROPOSED ALTERNATIVE OMBUDS STRUCTURE



FUNCTIONS AND POWERS OF THE AVIATION CONSUMER OMBUDS (Q7)

The AAA supports the creation of a dedicated Ombuds for aviation, provided its scope is clearly defined. Consumers should be required to raise concerns directly with the service provider before escalating to the Ombuds. This ensures that straightforward issues can be resolved quickly and without cost. Where escalation is required, referral maps must be clear so that matters already covered by other regulators, such as the Privacy Act or the Disability Discrimination Act, are not duplicated.

The Ombuds should focus on investigating complaints, monitoring systemic issues and publishing reports and recommendations. Its determinations in respect of industry participants should be enforceable by the enforcement body, while its findings concerning government agencies should remain advisory and aimed at systemic improvement, consistent with the traditional role of Ombuds offices.

International practice provides useful guidance. The UK Civil Aviation Authority requires accredited Alternative Dispute Resolution bodies to conclude cases within 90 days of receiving all relevant documentation.⁹ Clear expectations for early acknowledgement and timely progress updates should be reflected in subordinate legislation, with scope for either party to pause timeframes where additional evidence is required.

INTERNATIONAL COMPARISONS

International experience demonstrates that consumer protection frameworks are most effective when they target the parties with a direct contractual and operational relationship with the passenger. In the European Union, Regulation EC261 places compensation obligations squarely on airlines.¹⁰ This reflects the reality that airlines control scheduling, ticketing and baggage handling, and therefore bear responsibility when disruptions occur. Airports are not included in the EU scheme because they do not manage these aspects of the journey. Unclear allocation of responsibilities will leave passengers confused about whether issues sit with the airline, airport or regulator.

In Canada and the United States, regulators also enforce obligations against airlines rather than airports. Canada's Air Passenger Protection Regulations¹¹ and the United States Department of Transportation¹² both make clear that airlines are responsible for compensation and passenger entitlements. Neither country places primary consumer protection obligations on airports.

If Australia were to impose disproportionate obligations on airports, it would risk diverging from international practice and repeating the mistakes seen elsewhere. Responsibility for consumer protections should rest with airlines, as they manage ticketing, scheduling and baggage. Airports do not control these services and imposing obligations on airports would



⁹ AviationADR, [Snapshot of Aviation cases – Q2 2024](#), Alternative Dispute Resolution for Aviation.

¹⁰ European Parliament and Council of the European Union, [Regulation \(EC\) No 261/2004](#), 11 February 2004.

¹¹ Government of Canada, Justice Laws Website [Air Passenger Protection Regulations SOR/2019-150](#) Canada Transport Act, 15 December 2019.

¹² U.S. Department of Transportation, Aviation Consumer Protection, [Fly Rights](#).

increase costs without delivering meaningful consumer benefit.

CONCLUSION

The AAA supports the principle of strengthening consumer protections in aviation. But for the scheme to be effective, it must be proportionate, aligned with operational control, and designed to avoid duplication. The establishment of a passenger threshold is critical. Obligations should follow a direct consumer relationship. Detailed design matters such as levy arrangements, complaint timeframes and Ombuds procedures should be finalised through subordinate legislation after consultation. The Ombuds should be established as an independent not-for-profit company with balanced governance, and enforcement functions should be exercised proportionately, preferably through existing agencies such as the ACCC. Government agencies must be included in Ombuds monitoring and reporting if the scheme is to reflect the true consumer experience.

With these adjustments, the framework will deliver real benefits for passengers, reinforce public trust, and advance the Government's productivity and equity agendas without imposing unnecessary burdens on airports or driving up airfares. The AAA looks forward to continuing to work constructively with the Department and to providing further detailed feedback on subordinate legislation later this month. If you have any questions or would like any further information regarding this submission, please contact Sybilla [REDACTED]
[REDACTED]





AUSTRALIAN
AIRPORTS
ASSOCIATION

AUSTRALIAN AIRPORTS ASSOCIATION (AAA)
Level 1, 55 Blackall Street, Barton ACT 2600

P: 02 6230 1110
E: info@airports.asn.au
W: www.airports.asn.au