

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 – subordinate legislation (including the Aviation Consumer Protections Charter) [SEC=OFFICIAL]
Date: Friday, 24 October 2025 11:22:53 AM
Attachments: [australian-airports-association-submission-to-the-aviation-consumer-protections-subordinate-legislation-consultation.pdf](#)

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Submitted on 24 October 2025

Submitted by: Anonymous

Submitted values are:

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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 – subordinate legislation (including the Aviation Consumer Protections Charter)

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AUSTRALIAN
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AVIATION CONSUMER PROTECTIONS

AUSTRALIAN AIRPORTS ASSOCIATION (AAA)



CONTENTS

Executive summary	3
Q4 Definitions & scope	4
Q5 Complaint handling, performance benchmarks & customer service statements	5
Q8 Data collection, reporting & public disclosure	6
Q8,9 Funding & cost recovery	7
Q8,9 Governance & Implementation	8
Q9 Passenger entitlements & vouchers	9
Conclusion	10

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 comment on the subordinate legislation supporting the Aviation Consumer Protection Framework. The Association represents more than 340 airports and aerodromes across Australia together with more than 150 corporate members who provide essential goods and services to the aviation sector. Our membership spans large international airports, regional hubs and small, remote community aerodromes that are essential for social and economic connectivity.

Safety is the aviation sector's first priority. Operational decisions taken by airports and airlines to protect passengers, staff, assets and aircraft must always prevail over convenience or schedule. The subordinate legislation should recognise that safety-driven decisions, including those made in adverse weather or where passengers require additional assistance, may result in delays or service changes that can trigger complaints and that such outcomes are justified when taken to ensure a safe journey.

Airports share the Government's objective of improving the experience of travellers through fair, transparent and practical consumer protections. The subordinate legislation will determine whether this framework delivers those benefits in practice. The AAA's submission focuses on ensuring that the Charter and its supporting rules are clear, proportionate and workable for airports of all sizes.



Q4 DEFINITIONS & SCOPE

The subordinate legislation must provide clear and accurate definitions for key terms to ensure consistency and avoid duplication with other regulatory frameworks.¹ Clear definitions of airport services and accessibility services are essential to identify which parts of the passenger journey the Charter should cover and to ensure responsibilities are allocated appropriately. In doing so, it is important to distinguish between accessibility infrastructure provided by airports and accessibility services delivered by airlines, government agencies, or other operators. All obligations under the Charter should be read subject to safety considerations, including conditions such as strong winds, lightning and severe rain, where additional precautions may be required.

The AAA supports the inclusion of both airport services and accessibility services within the Charter but these must be narrowly defined to reflect how services are delivered in practice.

An airport service should be classified as a product when payment is made directly by the consumer to the airport. Airlines should remain responsible for services linked to a passenger's booking, including boarding, cabin assistance, and the handling of mobility aids and baggage, even when an airport contractor operationally delivers part of the process. Airports own and maintain the infrastructure that supports these functions, such as aerobridges and baggage systems, but do not operate these services or handle baggage directly. This distinction reflects operational reality and ensures accountability sits with the entity that controls and can resolve the issue.

Airport accessibility should be defined both geographically and functionally. Airports are responsible for providing and maintaining accessible infrastructure within the terminal precinct, such as accessible paths, signage, restrooms and facilities that comply with the Disability Standards for Accessible Public Transport 2002 (DSAPT). Airlines are responsible for accessibility services linked to a passenger's booking, including assistance from the kerb or check-in point through to boarding, in-flight support and the handling of mobility aids and baggage. This distinction reflects operational reality and ensures accountability sits with the entity that controls and can resolve the issue. Accessibility obligations should be implemented in a manner that preserves safety, for example by pausing or modifying boarding where high winds or heavy rain make the use of stairs or the handling of mobility aids unsafe.

The subordinate legislation should also align definitions of accessibility services with the forthcoming aviation-specific Disability Standards under the Disability Discrimination Act 1992. Where the Charter and the Disability Standards address similar matters, they should be read consistently to prevent overlapping requirements and ensure airports and airlines can comply within one integrated framework. The framework should also clearly delineate responsibilities between complaint bodies to avoid duplication or 'forum shopping', which could increase administrative burden without improving outcomes.

More broadly, the Charter should complement rather than duplicate existing obligations under the Disability Discrimination Act, the Disability (Access to Premises – Buildings) Standards 2010 and the Disability Standards for Accessible Public Transport 2002. This will ensure consistency across all disability-related legislation and avoid multiple or conflicting compliance processes. Consideration could also be given to a phased expansion of the Ombuds scope to include accessibility matters once aviation-specific Disability Standards are in force.



¹ For example, the Disability Discrimination Act 1992, the Disability Standards for Accessible Public Transport 2002, the Australian Consumer Law, the Airports Act 1996, the Civil Aviation Act 1988 and associated CASA regulations, the Human Rights Commission Act 1986, and Australia's obligations under international human rights instruments such as the Convention on the Rights of Persons with Disabilities all regulate or influence aspects of the passenger journey and airport services.

Q5 COMPLAINT HANDLING, PERFORMANCE BENCHMARKS & CUSTOMER SERVICE STATEMENTS

The AAA supports a performance-based approach that ensures timeliness without imposing rigid deadlines. Acknowledging complaints within 24 hours and finalising most cases within 30 days is reasonable, provided these are expressed as performance benchmarks rather than fixed requirements. A target of 90 per cent of cases finalised within 30 business days maintains accountability while allowing flexibility for complex or multi-party matters. The legislation should also include a stop-the-clock mechanism that pauses timeframes when additional information is required. This mirrors standard practice in other regulated industries and ensures fair assessment of compliance.² The stop-the-clock mechanism should expressly include periods where safety-related actions or weather conditions require operations to be paused or adjusted.

For smaller regional and remote airports, automatic acknowledgment systems may not be feasible, particularly where staff work part time or facilities do not operate 7 days per week. The legislation should therefore allow for proportionate flexibility, recognising that acknowledgment may be manual and occur on the next available business day. Airports should be able to meet their Charter obligations through communication methods suited to their capacity. Many of these facilities are operated by local governments with limited staff and minimal infrastructure, and some have no website or terminal facilities beyond basic amenities. Their priority must remain the safe and reliable operation of essential air services. The subordinate legislation should therefore recognise existing local contact arrangements, such as council offices, shared email addresses or postal address, as sufficient to demonstrate compliance.

The AAA supports greater transparency but recommends that formal Customer Service Statements be required only for larger airports and major airlines. For airports, there should be a minimum threshold to function as an entry point such as handling more than one million passengers a year. A short statement outlining the complaints process, accessibility arrangements and escalation pathway would be appropriate. Smaller airports with basic online or public facilities could meet transparency goals through simple measures such as website information, local noticeboards or terminal signage. People can lodge a complaint via the means that are most suitable for the airport, whether that be via email or postal address. Where no public facilities exist, visibility through council communication channels should be considered sufficient.

Requiring every airport to publish and maintain a formal statement would add administrative cost without improving outcomes for travellers. The subordinate legislation should therefore include a clear passenger threshold and provide flexibility in how smaller airports meet transparency objectives. For larger airports, publishing the statement on their website would be appropriate to minimise cost. However, for smaller or council-run airports that do not maintain a website, the same objectives could be achieved through simple measures such as displaying information on local noticeboards, within terminal areas, or on the relevant council's website. For those publishing a statement, review every one to two years would be sufficient. Industry would also welcome plain-language guidance or a reference document outlining minimum expectations for complaint-resolution processes to ensure consistency across airports.

The AAA also supports the use of plain-language guidance to ensure consistent interpretation of subjective terms in the Charter. While concepts such as *reasonable* time are deliberately flexible and should not be narrowly defined in legislation, supplementary guidance issued by the Aviation Consumer Protection Authority could assist in promoting a shared understanding across industry. Practical examples explaining how terms like *prominent*, and *dignity* and *respect* might apply in common airport and airline contexts would improve clarity and support consistent implementation without limiting regulatory discretion.



² For example, in Western Australia's environmental approvals and mining applications regimes, agencies "stop the clock" when awaiting further information or interagency processes, and the paused period is excluded from processing time calculations. See https://www.wa.gov.au/system/files/2022-05/DWER_Regulatory_performance_report_2021-22_Q2.pdf and https://www.wa.gov.au/system/files/2025-03/assessment-timeframes-mining-environmental-applications_0.pdf

Q8 DATA COLLECTION, REPORTING & PUBLIC DISCLOSURE

The AAA supports consistent data collection and reporting to enable effective monitoring of performance across the aviation network. The subordinate legislation should require the Aviation Consumer Protection Authority to develop a standardised reporting template with requirements scaled to the size and complexity of the regulated entity.

Data and reporting obligations should apply only to airports who have met a minimum set of criteria such as handling more than one million passengers a year. Smaller regional and remote airports should not be required to collect or submit data beyond their existing internal records. Where smaller airports choose to participate voluntarily, the legislation should provide simple and proportionate mechanisms.

Public reporting must be accurate and fair. Regulated entities should have a reasonable opportunity to review their data for accuracy and to provide a short explanatory statement before information is published. This will improve transparency and maintain confidence in the integrity of public reporting.



Q8+9 FUNDING & COST RECOVERY

The AAA acknowledges the need for a sustainable mechanism to fund the Ombuds scheme and associated administrative functions but it must be designed fairly. The subordinate legislation should give effect to a model that is proportionate, risk based and reflective of where most consumer interactions occur. A flat levy would unfairly penalise airports that generate few complaints and must therefore be avoided. While the AAA supports a levy model based on the direct consumer relationship principle, airports have raised legitimate concerns about potential indirect cost recovery impacts if airlines seek to pass levy costs through commercial arrangements.

The levy should be funded by airlines, recognising that they hold the direct contractual relationship with passengers and account for the vast majority of complaints. Larger entities with direct consumer relationships also have greater resources and higher complaint volumes. The detailed design of the levy should still be guided by the principle that costs are distributed equitably within the group of contributors and do not fall disproportionately on smaller participants or those with limited responsibility for consumer-facing functions. The Department could also consider a short establishment phase in which data are collected before levies are imposed, allowing the model to be calibrated annually against actual complaint volumes, with scope for annual adjustment to reflect over- or under-collection in the previous period.

Smaller regional and remote airports cannot reasonably be expected to fund the scheme. Almost 60% of regional airports are operating at a loss³ and many are reliant on intermittent government grants to maintain basic infrastructure. Requiring them to contribute financially would be disproportionate and could threaten their ability to remain open. This reinforces the need for the one-million-passenger threshold, which ensures that the vast majority of travellers are covered while smaller facilities are protected from obligations that exceed their capacity.

Airlines account for the overwhelming majority of passenger complaints and maintain the direct contractual relationship for ticketing, refunds, cancellations and baggage. Requiring airlines to fund the levy aligns with international practice and ensures accountability sits with those who control the relevant services. Airports already invest heavily in passenger experience, accessibility infrastructure and community engagement and should not be asked to cross-subsidise issues that fall outside their control.

The AAA also strongly advocates for partial government funding. First, the Commonwealth should provide ongoing funding for complaints that involve government agencies such as Australian Border Force, Airservices Australia and the Department of Agriculture, Fisheries and Forestry. These agencies directly control parts of the passenger journey, and accountability should follow operational control. Second, the Government should fund establishment and transition costs for at least the first two years to allow industry to implement systems, understand complaint volumes and adjust commercial arrangements before any long-term levy arrangements commence. The funding framework should also include transparent publication of the cost inputs used to set levies, including establishment, operational and governance costs.

Partial government funding is consistent with the principle that accountability follows control. The AAA notes that complaints about government agencies are already evident. In 2023–24 the Commonwealth Ombudsman received more than 800 complaints relating to the Department of Home Affairs, including the Australian Border Force.⁴ It would be inequitable for airports or airlines to fund the handling of such matters.



³ Regional Capital Australia, [Not so Bonza outcome for regional airports](#), 29 April 2024.

⁴ Commonwealth Ombudsman, [2023-24 Annual Report](#), October 2024, p94.

Finally, the Aircraft Noise Ombudsperson should continue to be funded through Airservices Australia's budget, consistent with its existing role in environmental and community engagement. Asking airports to contribute to the cost of the ANO would expand the levy well beyond its intended purpose.

Of the options canvassed, the AAA's clear preference remains for airlines to fund the levy in full, supplemented by government co-funding for government-related complaints and establishment costs. The subordinate legislation should codify this approach to ensure the funding model is equitable, proportionate and aligned with the source of consumer interactions.

GOVERNANCE & IMPLEMENTATION

The AAA supports the establishment of an independent Aviation Consumer Ombudsperson that operates separately from the regulatory enforcement body but in close coordination to avoid overlap. The Ombudsperson should focus on investigating complaints, monitoring systemic issues and publishing reports and recommendations. Its determinations in relation to industry participants should be enforceable by the regulator, while findings relating to government agencies should remain advisory and aimed at systemic improvement. Enforcement functions should be exercised by a separate body, such as the ACCC, which already undertakes aviation monitoring and has established consumer protection expertise. In assessing complaints, the Ombudsperson should give primary weight to documented safety considerations and prevailing operating conditions at the time the decision was made.

This governance structure provides clear accountability, reduces duplication and maintains the independence of both the Ombudsperson and the regulator. The subordinate legislation should clearly define the respective roles of each body and confirm that ACPA will not manage individual complaints but rather perform oversight and policy coordination functions. Implementation guidance should focus first on education and collaboration before enforcement to build sector readiness.

The AAA also recommends that the subordinate legislation provide for a phased implementation period of 12 to 24 months, with initial focus on education, collaboration and guidance rather than enforcement. This transition period will allow airports and airlines to train staff, build processes and ensure readiness before compliance obligations take full effect.



Q9 PASSENGER ENTITLEMENTS & VOUCHERS

The AAA supports clear and fair passenger entitlements during disruptions but these responsibilities must rest solely with airlines. Airports provide the necessary infrastructure to support communication and accessibility during delays but have no contractual relationship with passengers and no mechanism to provide or fund compensation. Entitlements should be applied in a way that preserves safety in all circumstances, noting that adverse weather or other hazards may require boarding to be paused or methods of assistance to be adapted to protect passengers and staff.

The subordinate legislation should confirm that passenger care obligations, including food and drink vouchers, accommodation and rebooking arrangements, remain airline responsibilities. The value and form of entitlements should be determined through consultation between Government, airlines and consumer representatives to ensure they are fair, practical and consistent across the industry. To maintain proportionality across different operational contexts, the value and frequency of food and frequency of food and drink vouchers should also be calibrated by delay duration and service type with reasonable benchmark values based on typical airport retail pricing for one meal per 3-6 hour interval.



CONCLUSION

The subordinate legislation is central to translating the objectives of the Aviation Consumer Protection Framework into practical reality. Its success will depend on whether it recognises the diversity of Australia's airports, assigns responsibility to those who control services, and scales compliance obligations appropriately. It is also important that the legislation clearly defines the relationship between the Charter, the subordinate instruments and the Aviation Ombudsperson's remit, to ensure the Charter remains the primary reference point for expected service standards and is not undermined by broader complaint-handling powers. Embedding safety as an explicit interpretive principle will ensure the framework improves consumer experience without compromising the paramount objective of a safe journey.

By adopting the recommendations outlined in this submission, the Government can deliver a framework that strengthens consumer protections while remaining clear, fair and workable for industry. The AAA looks forward to continuing collaboration with the Department and Ombudsperson as the Charter and associated rules are finalised. Please contact Sybilla [REDACTED], Senior Manager Policy and Research, at [REDACTED] for further information.





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