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# AVIATION CONSUMER PROTECTIONS: PRIMARY LEGISLATION

Submission to the Department of Infrastructure, Transport,  
Regional Development, Communications, Sport and the Arts



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# INTRODUCTION

Canberra Airport appreciates the opportunity to provide a submission on the *Aviation Consumer Protections: Consultation Paper*. The feedback offered seeks to assist the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts in designing the proposed aviation consumer protection framework and embedding it in the primary legislation.

Australians rely on a strong and effective aviation industry that places the needs of passengers at the centre of decision-making. With more than three million people visiting the Canberra Airport terminal each year, delivering high-quality and efficient services by the airport and its contractors is a central objective. When this occurs, passengers enjoy a more seamless and positive journey.

It is regrettable that over the past five years there has been issues in service delivery by some aviation industry participants, adversely affecting perceptions of the broader industry. These issues highlight the necessity of the framework and the establishment of the Aviation Ombuds Office (AOO) and the Aviation Consumer Protection Authority (ACPA).

The Aviation Consumer Ombudsperson (ACO) and the Aircraft Noise Ombudsperson (ANO) will have crucial roles in ensuring passengers receive appropriate protections.

Drawing on more than 25 years of operational experience, Canberra Airport provides recommendations to strengthen the proposals in the *Consultation Paper*. This submission sets out the airport's views on:

- Airport services
- Regulated activities
- Airport accessibility services
- Aviation Ombuds Office
- Aviation Consumer Protection Authority

It is hoped that the perspectives offered and refinements suggested will assist in finalising the primary legislation so the framework delivers meaningful protections for passengers while ensuring airports are not burdened with disproportionate regulatory obligations.

## AIRPORT SERVICES

While Canberra Airport supports the objective of passengers being provided with the opportunity to escalate complaints under the framework, there needs to be further refinement of the meaning of "airport service" to ensure it is workable in practice. Unless the scope of the framework is specific around airport services, there is the high likelihood of creating confusion among passengers, a duplication of existing consumer protections and additional regulatory and financial burden on airports.

The *Consultation Paper* describes an airport service as one provided by an airport that relates to the carriage of passengers, which they would reasonably expect to use and pay for. This is a very broad definition and requires considerable narrowing during the drafting of the primary and subordinate legislation. Without specificity, this definition will capture activities which airports are not responsible

for or those which protections are already offered under Australian Consumer Law. It is imperative that the legislative instruments contain a specific and unambiguous definition of what an airport service is. Canberra Airport believes that the legislation should not rely on a broad or open-ended definition of airport services but instead should specify the particular activities that fall within scope. This approach would provide clarity and avoid the risk of passengers seeking to lodge complaints about matters that are not properly covered by the framework.

As addressed in Canberra Airport's submission on the *Aviation Customer Rights Charter: Consultation Paper*, airports have very few instances of a direct consumer relationship with passengers. At Canberra Airport carparking is the most obvious example which is delivered under clear terms and conditions. Passengers who do make use of the carparks are already protected under Australian Consumer Law which offers avenues for recourse if they have concerns with the level of service received. Beyond carparking, all other services that relate to the carriage of passengers which would fall under the definition of a direct consumer relationship are provided by airlines or third parties, such as ground handlers, retailers or rental car agencies. These services are not the responsibility of airports and should be clearly defined under "airline service".

There is also confusion about the eligibility of individuals to lodge a complaint about airport services to the ACO. Case Study 2 in the *Consultation Paper* suggests that visitors to a terminal or airport facilities, as opposed to passengers, would not be considered to have a direct consumer relationship with an airport. If this is the case, then the framework must explicitly state that only passengers can make complaints to the ACO in relation to airport services. Further clarification is required because if the option to seek recourse through the framework is extended to visitors it would create situations where some peripheral activities could fall within the scope of the framework, despite not being linked to the passenger journey.

For instance, Canberra Airport offers runway tours during school holidays as a community engagement and education initiative for young people with an interest in the aviation industry. Attendees pay a small fee for this service which covers the hire of a bus and an airport-themed showbag. While a small fee is charged to attend, and therefore a direct consumer relationship is established, the service does not relate to the carriage of passengers. Attendees are simply visitors to the terminal and airport facilities. It would be inappropriate for activities such as this to be regulated under the framework. If the legislation is not tightly drafted, there is a risk activity like this could inadvertently be considered an airport service.

This also applies to many services provided to passenger and visitors free-of-charge in airport terminals. At Canberra Airport these include seating at gates, bathroom facilities, a prayer room, baggage trolleys, charging points, work benches and flight information displays. These are provided for comfort and convenience, rather than a service sold to those accessing the terminal. As these are provided at no cost, they do not fall under the definition of a direct consumer relationship and should not be within the scope of the framework. There again needs to be clear distinction in the primary and subordinate legislation as to what services provided by an airport can be referred to the ACO for review. Without this, passengers may mistakenly believe the ACO will accept complaints about matters such as the availability of seats at gates or the cleanliness of bathrooms. It is vital that clear guidance and public education accompany the implementation of legislation to ensure passengers understand the scope of the framework concerning airport services.

Unless airport services are clearly and specifically defined in the legislation, the framework may inadvertently become a focus of frustration for passengers rather than an avenue for their concerns or issues to be remediated. If passengers are not provided adequate guidance and education on what specific airport services fall under the scope of the framework, they will likely make complaints which the ACO will reject, not only delaying resolution of their complaint but causing additional frustration. This may also place further administrative burden on airports and the AOO who will be required to redirect a significant number of ineligible complaints. This could draw the ACO's focus away from addressing those issues that directly impact the passenger journey. A misunderstanding of what specific airport services fall under the framework could also likely contribute to a perception among passengers that their complaints were not being adequately addressed or considered.

Canberra Airport, therefore, urges that the regulated activities which would fall within the definition of an airport service be precisely outlined during the drafting of the primary and subordinate legislation. Services should only be included if they involve a direct consumer relationship between the airport and a passenger and they are linked to that passenger's journey. Those eligible to seek recourse through the framework should be limited to passengers rather than visitors. Services provided by airports free-of-charge and as part of community engagement initiatives should be excluded to provide passengers with clear guidance on what activities fall under the remit of the framework. The implementation of the framework must be accompanied by a comprehensive education campaign so passengers understand what complaints they can legitimately make and what services fall outside the scope of the ACO. By addressing these suggestions, it will ensure the framework is not counterproductive and achieves its intended purpose.

## REGULATED ACTIVITIES

It is recognised that the proposed regulated activities are primarily delivered by airlines. Nevertheless, there are specific areas where Canberra Airport has a direct role, namely complaint handling processes and the provision of accessibility services within the terminal. Drawing on its experience in both areas, Canberra Airport is well placed to provide insights into how the framework can operate effectively in practice.

It is equally important to acknowledge that issues relating to flight disruptions, delays, cancellations and baggage handling will likely dominate consumer escalations to the ACO. While these are all the responsibility of airlines, Canberra Airport offers observations to support the development of clear regulatory expectations. By sharing its positive experiences, Canberra Airport seeks to contribute to a framework that delivers clarity for passengers, fair accountability for regulated entities and stronger consumer protections.

### Airport complaint handling processes

Canberra Airport is committed to delivering outstanding service to those using its terminal and airport facilities. As the gateway to the ACT and southern NSW, the terminal is one of the most visited buildings in the national capital region. With more than three million people using the terminal and airport facilities each year, Canberra Airport takes its responsibility to provide a welcoming and inclusive environment seriously.

Canberra Airport notes the proposal to include airport complaint handling processes as a regulated activity under the framework, which would allow passengers to escalate their concerns to the ACO where they are dissatisfied with an airport's initial response. In principle, Canberra Airport supports this proposal and welcomes measures designed to provide greater assurance and transparency to passengers, while emphasising that its existing high-standard complaints handling process already achieves the principles underpinning the framework.

To address and resolve any concerns identified by passengers, Canberra Airport has implemented a comprehensive and user-friendly process for feedback and complaints to be provided online, in person or over the phone. By adopting inclusive design principles, the Canberra Airport website has been developed to promote the sharing of feedback from passengers. Prominently displayed on the home page is a prompt for visitors to contact airport representatives to share any feedback relating to their use of airport facilities. By navigating to the 'Contact' page, passengers can access the appropriate phone numbers to speak with an airport representative or the option to submit feedback that is forwarded to specialist staff for investigation and response.

To further support passengers in providing feedback through the website, Canberra Airport has collaborated with Userway to include an accessibility widget across the site. This tool provides barrier-free access to online content for every passenger, with the ability to tailor their experience in line with their accessibility needs. Features such as larger text, screen reading and hiding images ensure the platform is inclusive of passengers with accessibility requirements. With more than 2.2 million visitors to the website each year, Canberra Airport recognises the widget as an important element in meeting the needs of its passengers.

The airport's social media accounts are also an ideal platform for feedback to be provided by passengers. Through engagement on posts or direct messages, passengers can interact in real time with Canberra Airport employees. If a matter cannot be resolved immediately, it is escalated to a specialist staff member or third-party for further follow-up. For those who do not have online access or prefer speaking with a Canberra Airport representative in person, the customer service office is located on the ground floor adjacent to the arrivals terminal. Staffed from 5:00am until after the last flight arrives each evening, the Customer Service Officers provide the necessary support and assistance to those seeking to provide feedback or lodge complaints.

Canberra Airport encourages passengers to share their feedback without judgment or reprisal. By providing complaints, compliments and general enquiries, passengers offer valuable insights about areas of the airport which are delivering exceptional service and those that may require further attention or investment. This is what ensures continuous improvement in service and delivery across Canberra Airport. From the traditional airfield and terminal functions to the retail centres and carparks, customer feedback and enquiries provide the benchmark necessary for the airport to continue to build on the commitment to delivering excellent customer experience.

Canberra Airport acknowledges that including airport complaint handling processes under the framework will provide greater assurance and transparency to passengers. It is recognised that for some passengers, knowing an independent avenue of review is available may offer additional levels of comfort when raising concerns or lodging a complaint. Canberra Airport's existing complaint handling processes reflect the principles underpinning the framework, particularly in terms of accessibility, clear communication channels, timely responses and a culture of continuous improvement.

It is therefore expected that only a very small number of complaints about Canberra Airport would require referral to the ACO. This is not because passengers are discouraged from lodging complaints, but because the airport is confident that the high-quality processes it has established will resolve issues at the first point of contact. With specialist staff trained to handle a broad range of feedback and a long-standing ethos of customer care, Canberra Airport already provides the level of service that the framework would seek to achieve.

Canberra Airport also notes the importance of ensuring that any regulatory process is simple, efficient and not overly burdensome for either passengers or aviation industry participants. Canberra Airport is ready to work constructively with the AOO to ensure that implementation is seamless and that the framework enhances, rather than duplicates, existing high-standard processes already in place at Canberra Airport.

A central objective of Canberra Airport's mission is to deliver an exceptional customer experience for those using the terminal and airport facilities. If this does not occur, a seamless process has been implemented for passengers to share their feedback and concerns, knowing they will receive a thorough and considered response. The sentiments outlined in the framework reflect the level of customer service that has been offered by Canberra Airport for more than 25 years. With careful design and clear expectations, the framework can provide passengers with a greater level of assurance that any feedback they provide to aviation industry participants will be responded to in an appropriate and respectful manner.

Canberra Airport provides in principle support to the inclusion of airport complaint handling processes within the scope of the framework. The airport believes this will give passengers additional confidence in their dealings with airports while acknowledging that Canberra Airport already has robust and accessible processes in place. With a focus on collaboration, transparency and continuous improvement, Canberra Airport looks forward to engaging with the AOO on the implementation of this initiative and continuing to set the standard for customer service in Australia's aviation sector.

## **Flight disruptions, delays and cancellations**

Canberra Airport is supportive of the proposal to include flight disruptions, delays and cancellations as a regulated activity under the framework. Providing an avenue for passengers to seek recourse from airlines through the ACO to obtain a refund, food vouchers, accommodation or other forms of assistance if their flight is unreasonably delayed or cancelled is appropriate. Passengers should not be left to deal with the consequences of operational or commercial decisions made by airlines and other aviation industry participants to delay or cancel flights.

Canberra Airport welcomes improved oversight to ensure passengers are treated appropriately by airlines. As this regulated activity will likely be the subject of most referrals to the ACO, it is important that a clear process is established to allow passengers to conveniently lodge complaints without facing an unnecessary administrative burden. By setting clear expectations for consumer protections, the framework can ensure passengers, including those from the ACT and southern NSW, are treated in a transparent, fair and accountable manner.

## Baggage handling

Canberra Airport supports the inclusion of baggage handling as a regulated activity under the framework. It is important for customers to be able to seek remedies in the event their personal items are delayed or damaged.

Although baggage handling is the responsibility of airlines and their contracted baggage handlers rather than airports, Canberra Airport is committed to ensuring that passengers have the right protections in place and that their baggage arrives with them at their destination port. The ability to escalate unresolved baggage handling complaints to the ACO is central to building confidence in the aviation industry.

Canberra Airport works closely with all airlines and their contracted baggage handlers to ensure minimal disruption is experienced by customers using the airport. Despite this, there are times where factors outside the control of Canberra Airport can cause baggage to be delayed or damaged. Airlines or their contracted baggage handlers are responsible for investigating and responding to complaints from customers about baggage handling.

Canberra Airport remains committed to providing exceptional customer service and support to those who encounter delays or damage to their baggage while using the airport's facilities. By supporting the inclusion of baggage handling as a regulated activity under the framework, Canberra Airport recognises the importance of passengers being able to access clear, fair and effective remedies when issues arise with their personal items. The ability to refer unresolved complaints to the ACO would provide passengers with additional assurance that their concerns will be handled appropriately and they will receive a fair and reasonable outcome.

## AIRPORT ACCESSIBILITY SERVICES

Canberra Airport has established itself as a leader on accessibility in the aviation industry. This has been achieved through significant investment in accessible infrastructure, the development of detailed disability facilitation plans and partnerships with accessibility organisations to deliver education and awareness programs. It is through these experiences and learnings that Canberra Airport is well placed to comment on the operational and technical considerations relevant to the regulation of airport accessibility services under the framework.

It is important that the framework provides the necessary protections for passengers with accessibility requirements. Canberra Airport is supportive of the proposal to include airport accessibility services as a regulated activity, despite there not being a direct consumer relationship between passengers and airport operators. It is important that if passengers experience issues with wayfinding, access to mobility devices and the use of airport facilities, they have an avenue to escalate complaints if required.

To assist in the drafting of the primary and subordinate legislation, Canberra Airport proposes the following matters should be considered to ensure passengers and regulated entities have a clear understanding of how airport accessibility services will be regulated under the framework. This will ensure the ACPA and the AOO will be able to effectively fulfil their responsibilities to both passengers and industry participants.

## Clear guidance on airport accessibility service responsibilities

In drafting the primary and subordinate legislation, there must be clear delineation of responsibilities between airports and airlines in the provision of airport accessibility services. As infrastructure providers, airports are primarily responsible for the delivery of an accessible and inclusive terminal precinct, through convenient parking options, kerbside drop-off and pick-up arrangements, clear wayfinding, assistance to navigate security screening and offering accessible amenities such as bathrooms and seating. It is these elements that support passengers with accessibility requirements navigate the airport in a safe and independent manner.

Airlines provide accessibility services to assist passengers move through the terminal should they require assistance. This includes wheelchair and mobility assistance, handling mobility aids, assisting with check-in and boarding procedures and providing necessary communication and information support. It is often these elements which are subject to complaints by passengers.

The ambiguity as to who is responsible for certain airport accessibility services could cause confusion and frustration for passengers, particularly when they encounter a problem. This may create situations where a passenger lodges a complaint with the incorrect regulated entity, causing a delay in their issue being resolved. Canberra Airport suggests that to address this, the primary and subordinate legislation must define the airport accessibility services that will be regulated under the framework and specifically outline which are the responsibility of airports and airlines. Clarity would improve consistency in the framework and reduce regulatory and administrative burden for passengers and aviation industry participants.

Providing clear legislative guidance would also improve operations for the ACO. If passengers are uncertain as to who is responsible for particular airport accessibility services, the ACO risks being inundated with complaints from the outset. Many of which could have been resolved directly had responsibilities been clearly defined in the legislation. This may hinder the ability of the ACO to conduct thorough and efficient investigations and erode passenger confidence in the framework.

It is noted that the responsible Minister will have the power to make rules that clarify and reduce the types of airport accessibility services that will be regulated. While this will provide convenience in amending the framework without parliamentary review, Canberra Airport requests that consultation with aviation industry participants be undertaken prior to any amendments being progressed.

Canberra Airport urges that a clear delineation of responsibilities for airport accessibility services be outlined in the primary and subordinate legislation to guarantee passengers receive timely and effective support under the framework.

## Achieving balance in the regulation of airport accessibility services

It is important that the framework is implemented in a manner that does not extend beyond the purpose of regulating consumer standards and complaints resolution. With the construction of the Canberra Airport terminal, accessibility was embedded within in the design, through the inclusion of lifts, accessible bathrooms, audio loop systems and tactile ground service indicators. These were delivered as part of long-term capital programs in adherence with government requirements. As such, significant investment and regulatory approvals were required. The framework should not impose additional

compliance requirements for the delivery of accessibility infrastructure, as it would create duplication and reduce the ability of airports to implement sustainable accessible services.

Accessibility is also supported through the provision of operational and digital services. At Canberra Airport, sensory maps, visual stories and a dedicated website accessibility widget are available to assist passengers with hidden disabilities, vision impairment or other specific requirements. These services require constant updating and review to ensure they meet contemporary standards. Any prescriptive regulation in the framework could inadvertently limit innovation and restrict airports from adopting initiatives to further support passengers with accessibility requirements.

The framework should be outcomes focused, ensuring that complaints can be addressed effectively and passengers are guaranteed consistent protections, without imposing standardised methods of service delivery. By striking this balance, the ACPA and the AOO will be able to provide assistance to passengers while allowing airports, such as Canberra Airport, to continue to invest in infrastructure and technology that support accessible travel.

## Accessibility concerns during security screening

At Canberra Airport, the majority of accessibility-related complaints received do not relate to services provided at the terminal precinct, such as wayfinding or kerbside drop-off and pick-up, but rather the treatment of passengers with accessibility requirements during the security screening process. Complaints generally relate to medical concerns and the screening of devices by Aviation Security Officers (ASOs), miscommunication issues and a lack of education and understanding of accessibility needs by ASOs. Each complaint is treated seriously and investigated by Canberra Airport in conjunction with its contracted screening provider. The complainant is kept updated throughout the investigation and provided a detailed summary at its conclusion.

Canberra Airport notes it is proposed that complaints relating to security screening will not be accepted for referral or case management by the ACO. This is appropriate given security screening is a regulated function with considerable oversight by the Department of Home Affairs. Implementing an additional complaints pathway for the screening process would create further administrative and regulatory burden for airports while causing confusion and inconsistency for passengers. Canberra Airport supports the exclusion of security screening from regulated activities.

There is, however, some ambiguity in the *Consultation Paper*. It states that the framework will cover “accessibility services available at an airport without the requirement of a consumer relationship”. Without clear guidance, passengers may assume that regulated airport accessibility services extend to security screening. This may create expectations that the ACO is the correct avenue for complaints resolution when this specific aspect of the passenger journey is not within scope of the framework.

To provide clear guidance to passengers and aviation industry participants, Canberra Airport believes it is necessary that the framework confirm that accessibility issues arising during the security screening process will remain outside the remit of the ACPA and the AOO. Management of these complaints should remain with airports through investigation by security providers with the option for passengers to escalate concerns to the Department of Home Affairs. Clear guidance in the framework on this point will guarantee passengers understand the correct complaints pathways and ensure there is confidence in the framework.

## Accommodating hidden disabilities

Although providing accessibility services at an airport is often considered in terms of physical infrastructure, there must also be consideration in the framework of hidden disabilities. While these are important and necessary elements to deliver an accessible and inclusive terminal, Canberra Airport also recognises the importance of providing support and assistance to passengers who have less visible special circumstances.

Passengers with sensory sensitivities, cognitive impairments, chronic illnesses and medical requirements may experience challenges during the airport journey. Over the past five years, Canberra Airport has developed a program of initiatives to support these passengers across the terminal and airport facilities. This includes the development of visual stories to help passengers familiarise themselves with the terminal journey before they arrive and the adoption of the Sunflower lanyard program to discreetly signal hidden disabilities. Canberra Airport plans to introduce familiarisation tours for passengers who may require additional reassurance before travel. It is these initiatives which demonstrate the need for aviation industry participants to consider a holistic approach to flexible accessibility services which are focused on supporting passengers with accessibility requirements.

To ensure that hidden disabilities are appropriately considered in the primary and subordinate legislation, reference must be broad to guarantee evolving disabilities can be captured without considerable administrative and regulatory burden. By creating a framework that is too prescriptive, there is the risk that it will not be able to accommodate emerging initiatives which could impede airports seeking to improve the passenger experience, particularly for those with special circumstances. The framework should be designed with a focus on outcomes for airports to place passengers at the centre of decision-making by delivering an accessible and inclusive environment. This will provide flexibility to airports to respond to emerging needs and adopt best practice as required.

Canberra Airport believes this approach would provide clear guidance to airports to consistently support passengers with visible and hidden disabilities. It will also encourage airports to innovate and invest in new accessibility services, as has been the experience at Canberra Airport. This will create a regulatory environment that protects passengers but also promotes improvement and adaptability among aviation industry participants.

## Importance of accessibility education and training

Canberra Airport recognises that for many passengers with accessibility requirements, their journey through the terminal is shaped as much by their interaction with airport employees as by the accessibility services that are available. A knowledgeable workforce can be central to the delivery of a seamless passenger experience without unnecessary stress, frustration or confusion.

In recent years, Canberra Airport has implemented extensive education and training for Aviation Security Officers, Airport Duty Managers and Customer Service Officers. These programs cover a wide range of topics that reflect the diversity of passengers with accessibility requirements. Training has assisted employees with responding to hidden disabilities, recognising and supporting the Sunflower lanyard program, assisting passengers who have medical devices and building awareness of neurodiversity. Each program has been conducted in collaboration with specialist organisations who provide accurate, informed and practical lived experience.

Delivering specific education and training has highlighted for Canberra Airport the value of implementing accessibility awareness in the culture of the business to support passengers with accessibility requirements. Providing physical accessibility services have been beneficial to improving the passenger journey through the terminal, but it has been enhanced by providing airport employees with the knowledge and understanding to apply accessibility procedures sensitively and consistently.

To remain effective, education and training must be an ongoing commitment. This ensures employees maintain confidence in correctly applying accessibility procedures and new practices can be incorporated into frontline service delivery. As such, Canberra Airport recommends that the ACPA and the AOO take an active role in developing and delivering education and training programs. This will ensure a standardised approach across the aviation industry. These programs should be provided to frontline employees free-of-charge and successful completion should lead to recognised qualifications. This would deliver a consistent national benchmark and elevate accessibility awareness across the aviation industry.

## **Recognising collaboration achieves accessibility outcomes**

Achieving accessibility outcomes and providing the necessary support to passengers with accessibility requirements requires ongoing coordination between various parties across the airport and terminal facilities. This includes collaboration between the proposed regulated and non-regulated entities detailed in the *Consultation Paper*.

While security screening and border processing have been excluded from the framework, it is important to recognise that these touchpoints during the airport journey can impact the confidence and comfort of passengers with accessibility requirements. This is why Canberra Airport has extended the program of accessibility training and education to include employees of the Australian Border Force, the Australian Federal Police and airlines. Each of these parties play a central role in engaging with passengers in the delivery of mandated screening and processing procedures.

Placing emphasis on collaboration underpins Canberra Airport's commitment to promoting a culture of accessibility and inclusion across the airport facilities, where no single interaction undermines the progress achieved elsewhere in the passenger journey. The framework must also recognise this. The responsibility for airport accessibility services do not rest solely with the regulated entities but depend on the involvement of other members of the airport eco-system, including those considered to be non-regulated entities.

Even if the activities undertaken by certain entities are excluded from the framework, there must be acknowledgment by the ACPA and AOO that airport accessibility services are delivered through shared cooperation. Canberra Airport recommends that the framework recognises the value of such collaboration and provide flexibility for airports to continue building partnerships across the airport eco-system that enhance accessibility. This will help ensure passengers with accessibility requirements experience a seamless journey as they navigate each of the touchpoints across the airport, regardless of whether a regulated or non-regulated entity has responsibility for accessibility services.

# AVIATION OMBUDS OFFICE

Canberra Airport appreciates the establishment of the AOO to consolidate the administration of the ombuds scheme, support consumers and review Airservices Australia's handling of noise complaints. The consolidation of functions into a single office has the potential to improve transparency, build passenger confidence and ensure consistency in how complaints are managed and resolved.

Canberra Airport's views are informed by more than 25 years of experience working with Airservices to mitigate aircraft noise, by its strong record of minimising operational disruptions and by its active engagement in previous consultation processes on ombuds scheme design.

## Aircraft Noise Ombudsperson

Canberra Airport supports the proposal to incorporate the functions of the existing Aircraft Noise Ombudsman into the AOO. Concerns have previously been raised about the perceived independence and effectiveness of the existing scheme given it sits within Airservices and is tasked with reviewing how Airservices and the Australian Defence Force handle complaints about aircraft noise. Transferring the responsibilities of the existing Ombudsman to the AOO to establish the ANO would guarantee an improved perception of independence, providing greater transparency and building broader confidence that aircraft noise will be appropriately investigated. However, before establishing the ANO within the AOO, Canberra Airport urges consideration of an appropriate structure and proportionate funding arrangement.

Canberra Airport's position is informed by the extremely low number of aircraft noise complaints relating to operations at the airport. Over more than 25 years, Canberra Airport has worked closely with Airservices to mitigate the impact of aircraft noise on residents and businesses across the Canberra and Queanbeyan regions. This has included the use of preferred runways, night-time operating restrictions, curved arrival approaches using advanced navigation technology, altered departure routes to avoid residential areas and designated noise abatement areas where altitude restrictions are strictly enforced. The effectiveness of these procedures is reflected in the very low number of complaints received through Airservices' *Noise Complaint and Information Service*. Between September 2020 and August 2025, only 117 complaints from 77 complainants were received, equating to just 0.1 per cent of the 77,663 aircraft movements at the airport. The top categories of complaints related to standard flight path movements, helicopters, military aircraft and general aviation activity, with regular public transport (RPT) flights contributing a minimal number to the overall total. This extremely low number highlights the effectiveness of the noise abatement procedures at Canberra Airport.

Those who are dissatisfied with the investigation conducted by Airservices can elect to have the matter reviewed by the Aircraft Noise Ombudsman. With the actionable complaints received by the existing Ombudsman so low, including only one relating to Canberra Airport during the 2023-24 reporting period, it would be appropriate that the roles of the ACO and the ANO be fulfilled by the same individual. Canberra Airport does not support the establishment of an additional senior executive service (SES) level position which will be funded by aviation industry participants. With the staff and resources that will be allocated to administer the ACO, it is reasonable to expect that the AOO will be able to absorb the slight increase in workload that will be associated with the functions of the ANO. Canberra Airport believes this approach will deliver efficiency and consistency. A single ombudsperson would ensure

streamlined decision-making, avoid administrative and regulatory duplication and provide a single point of accountability for those wishing to lodge a complaint. It is critical that the proportionality of the workload of the ACO and the ANO be recognised during the formation of the AOO.

Given the low number of aircraft noise complaints relating to Canberra Airport likely to be referred to the ANO, it would be inequitable and unreasonable for the airport to be expected to fund the scheme through a flat annual levy. In 2023-24, Canberra Airport represented just 0.2 per cent of the 438 actionable complaints considered by the existing Ombudsman. Under the flat annual levy proposed in the *Consultation Paper*, Canberra Airport would be subsidising investigations relating to activity and operations conducted by other aviation industry participants. This is not fair or proportionate. Canberra Airport supports a funding model based on the proportion of engagement with the ANO by regulated entities. A levy model based on the number of complaints escalated to the ANO is a fairer and more transparent model. It will ensure that costs are borne by those whose operations facilitate the need for the ANO.

## Governance structure

Canberra Airport notes that the *Consultation Paper* outlines that “the government is still considering the most appropriate governance arrangements for the AOO”. To ensure similarity with other national ombuds schemes, Canberra Airport encourages the adoption of the governance model proposed in its submission to the *Aviation Industry Ombuds Scheme: Consultation Paper*. This would ensure aviation specific expertise is embedded in the oversight of the AOO from the outset.

The appointment of an independent, expert board of directors to oversee the AOO would provide confidence to passengers, regulated entities and the government that the ombuds scheme is fair, transparent and effective. A board with extensive aviation, consumer, management and governance experience would be crucial to monitoring the AOO’s performance and ensuring it meet its objectives under the framework.

Board governance would also ensure ongoing strategic input and guidance are available to the ACO, supporting the development of a responsive and meaningful ombuds scheme. Canberra Airport suggests the board include an independent chair with substantial aviation sector experience and up to six non-executive directors who provide a balanced mix of aviation and consumer expertise. As airports will be a regulated entity under the framework, it is critical that at least one director has substantial airport experience. To support the establishment of the ANO within the AOO, one director should also have experience in flight path design and aircraft noise management. Consumer affairs experts would further strengthen the board’s ability to develop strategic objectives that reflect the interests of passengers.

This governance model would provide the AOO a solid foundation to meet its objectives under the framework and deliver fair and efficient outcomes for passengers and regulated entities.

## Expanding regulated entities

It is noted that the *Consultation Paper* states that Airservices will not be included as a regulated entity under the framework as it does not have a direct consumer relationship with passengers. While Canberra Airport acknowledges the rationale for this approach, it must also be recognised that the

actions and decisions of Airservices frequently have a direct impact on passengers. Staffing levels, infrastructure constraints and technology issues within Airservices result in delays and cancellations, creating the same inconvenience and cost for passengers as disruptions caused by airlines.

For the framework to ensure consumer protections and deliver confidence in the aviation industry, it is vital that it is applied to all entities whose operations or decisions which influence whether a flight is unreasonably delayed or cancelled. As noted in Canberra Airport's submission to the *Aviation Industry Ombuds Scheme: Consultation Paper*, airports rarely contribute to disruptions, delays or cancellations. Over the last decade-and-a-half, the operations and processes of Canberra Airport have contributed to just a very small number of disruptions.

By contrast, Airservices regularly contribute to delays or cancellations across the domestic aviation network. In the 2025 financial year, Airservices was responsible for 1.8 per cent of cancellations and 5.5 per cent of delays. Although this is an improvement on Airservices' performance in recent years, the impact on passengers remains significant. For them, the inconvenience and cost associated with unreasonable delays or cancellations is the same regardless of whether the disruption is due to the decisions of an airline or Airservices.

As regulated entities under the framework, airports may be deemed to have caused an unreasonable delay or cancellation and be referred to the ACO for review, while Airservices whose operational decisions contribute to more frequent disruptions, would not be held to the same level of accountability. This risks creating a two-tiered system where passengers disrupted by airlines, or on the rare occasion airports, have access to support and recourse, while those impacted by decisions of Airservices that caused delays and cancellations do not. This would weaken confidence in the framework and reduce the effectiveness of it.

To ensure a transparent approach, Canberra Airport recommends that Airservices be included as a regulated entity under the framework. This will allow passengers disrupted by operational decisions made by Airservices to seek recourse and assistance through the ACO.

## Delivering education and guidance

Canberra Airport welcomes the commitment in the *Consultation Paper* that the AOO will primarily be focused on early resolution and complaint prevention. That the ACO will "provide education and guidance to consumers...to help parties understand their right and obligations, access the ACO's complaints handling service and reduce consumer complaints" is supported by Canberra Airport. This educational role will be important to ensure passengers can resolve issues in a timely and meaningful manner without the need to escalate it to the ACO for review.

As detailed in this submission, addressing the ambiguity around what constitutes a regulated activity and which regulated entity is responsible should be a priority in the drafting of the primary and subordinate legislation. Passengers are often unable to differentiate which service is delivered by an airline or an airport, particularly inside the terminal. This can lead to frustration and unnecessary delays when a complaint is initially directed to an entity that does not have any control or influence over the service. Canberra Airport encourages the AOO, in collaboration with the ACPA, to provide clear and accessible information about the specific role and responsibilities of regulated entities and which of their activities falls under the scope of the framework. As the bodies responsible for the

implementation and management of the framework, there is an onus on the AOO and the ACPA to educate and guide passengers on the eligibility of complaints.

By providing passengers with this knowledge and guidance, complaints can be resolved more efficiently with the correct regulated entity, which is consistent with the framework's overarching focus on early resolution. Negating the need for escalation to the ACO would limit the regulatory, administrative and financial burden on regulated entities and provide a timely resolution process for passengers. This can only be achieved, however, through a comprehensive education and guidance program by the AOO in collaboration with the ACPA.

## Referral back procedure

Canberra Airport notes Stage 3 under the ACO's proposed complaint escalation process suggests that once a complaint is received, it will be immediately referred back to the regulated entity to be reinvestigated despite it already having been considered. This proposal requires reassessment, particularly if the regulated entity has previously found it has no obligations to respond to the complaint. Having the ACO request a regulated entity to again undertake a full review of the complaint will risk duplication, inconsistent outcomes for passengers and impose unnecessary administrative burden. A more efficient approach would be for the ACO to trigger the "refer back" stage when a complainant raises new information that was not considered by the regulated entity during its initial investigation. This would avoid re-opening investigations that a regulated entity has deemed to be finalised and ensures internal resources are only re-engaged on the complaint if new information becomes available.

Canberra Airport also believes the proposed 14 calendar days for the referral back period is too restrictive for complex matters or where the new information is substantial. It would be appropriate to extend this period to 28 calendar days to allow regulated entities to adequately consider and respond to new information without causing undue delays for the complainant.

# AVIATION CONSUMER PROTECTION AUTHORITY

Canberra Airport recognises the value of establishing a regulator to oversee the implementation and enforcement of the Aviation Consumer Protections Charter, particularly in addressing systematic and serious breaches. It is noted that the ACPA is intended to provide greater assurance to passengers that their complaints will be addressed and appropriate service standards will be applied by regulated entities.

While Canberra Airport is supportive of the establishment of the ACPA, it is important that its powers and functions are proportionate, targeted and efficient. All airports operate within a complex regulatory environment and, unlike airlines, have minimal direct consumer relationships with passengers. The *Consultation Paper* infers the ACPA may have the autonomy to initiate investigations, which highlights the need for a carefully designed framework to ensure consistency and fairness across all regulated entities. Without such care, there is a risk that additional administrative and financial obligations could be placed on airports for matters beyond their control.

As such, Canberra Airport urges consideration of the following during the drafting of the primary and subordinate legislation. These suggestions will achieve the objective of establishing a regulator to support consumer protections and lift the standards of regulated entities without creating duplication, cost or operational disruption for airports.

## **Administrative burden**

The “own-motion” power embedded in the ACPA will enable it to initiate investigations, collect evidence, compel the production of documents and require regulated entities to attend interviews. While these powers may be necessary to address systematic and serious breaches of the Charter by regulated entities, there is the risk that without safeguards, they could create administrative burden for airports if they are used regularly or applied to minor issues.

Canberra Airport already reports to a wide range of Commonwealth and Territory regulators, including the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts, the Department of Climate Change, Energy, the Environment and Water, the Civil Aviation Safety Authority, Airservices Australia, the Department of Home Affairs and various ACT Government agencies. Meeting the ongoing mandated reporting requirements set out by these bodies requires substantial commitment from employees with regulatory, legal and technical expertise. Increasing regulatory activity through reporting requirements set by ACPA will place additional workload on staff. There must be consideration of the proportionality of the administrative burden ACPA will place on airports. Responding to requests from ACPA could result in employees being diverted away from their primary role, being the operation of Canberra Airport, which could delay decision-making, impact the delivery of efficient customer service and increase compliance costs.

To guarantee the ACPA’s powers are exercised in an appropriate and proportionate manner, Canberra Airport recommends that they be applied only in the most pressing of situations where it is clear a regulated entity has wilfully engaged in conduct which breaches the Charter.

## **Education before penalties**

To ensure the objectives of the framework are achieved, Canberra Airport supports the emphasis on education and guidance during the initial operations of the ACPA. Enshrining consumers protections in the aviation industry will only be possible through shared understanding of rights and obligations by passengers and regulated entities. This will be achieved through clear, consistent and practical guidance rather than an immediate application of penalties. Early engagement will benefit regulated entities adjust their processes to align with the Charter, if their systems do not already do so, while avoiding unnecessary compliance costs.

As a result, Canberra Airport recommends that the ACPA develop guidance tailored separately to airports and airlines, recognising the different roles and responsibilities of each entity in the passenger journey. The ACPA should also consult widely with industry before finalising its enforcement and compliance strategy to ensure that obligations are workable in practice and do not duplicate existing reporting frameworks. In addition, Canberra Airport considers it important that the ACPA adopt a graduated response model, reserving enforcement action for systemic or deliberate breaches rather than one-off or minor incidents.

This will allow the Charter's standards to be embedded consistently across the industry by regulated entities, while reducing the risk of undermining the confidence of passengers. By prioritising education and collaboration, the ACPA can build trust with both consumers and regulated entities, therefore, reducing the likelihood of the need for referrals under the framework.

Canberra Airport suggests that for the first 24 months of the ACPA there be a clear focus on education and assistance to regulated entities, with penalties only considered once industry participants have had a reasonable opportunity to adapt to the new framework. Such a phased approach will help ensure the objectives of the Charter are implemented without unintended consequences for passengers seeking assistance or for aviation industry participants.

## Ensuring clear delineation

Canberra Airport recognises and supports the proposal that penalties be directed at the entity actually responsible for a breach of the Charter. It is therefore critical that the primary and subordinate legislation explicitly recognise the separate responsibilities of aviation industry participants and the identification of direct consumer relationships to assist the ACPA in achieving its function. Without clear delineation, airports could be subjected to inappropriate complaints or "own-motion" investigations by the ACPA for matters entirely within an airline's operational control. Guidance should make clear which regulated entity is responsible for the delivery of a regulated activity and therefore subject to any infringement notice or penalty from the ACPA.

## CONCLUSION

Drawing on more than 25 years of operational experience, Canberra Airport has sought to provide constructive feedback to strengthen the proposed framework and ensure it delivers meaningful benefits for passengers. A strong and effective aviation sector, supported by well-designed regulation and an appropriately empowered AOO and ACPA is essential to restoring confidence in the industry and improving the passenger experience. Canberra Airport looks forward to ongoing engagement with the Department as the framework is finalised and embedded in the primary legislation.

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