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Aviation Consumer Protections – primary legislation

OFFICIAL

## Queensland Airports Limited submission Aviation Consumer Protections Consultation Paper

Queensland Airports Limited (QAL) appreciates the opportunity to provide feedback on the Aviation Consumer Protections Consultation Paper (the Paper).

QAL supports the intent of the proposed aviation consumer protection framework to lift consumer standards and improve confidence in Australia's aviation system. As the owner and operator of four regional airports - Gold Coast, Townsville, Mount Isa and Longreach - we understand first-hand the importance of delivering a consistent, seamless and reliable experience for passengers.

### Background & context

QAL is the largest regional airport operator in Australia, welcoming nearly eight million passengers across our four airports in FY25. Gold Coast Airport is the sixth busiest airport nationally, while Townsville, Mount Isa and Longreach play critical roles connecting regional Queensland communities and supporting key sectors including trade, education, medical and emergency response services.

At the outset of this submission, it's important to emphasise that airports, proportionally, receive very few complaints each year. On average, across QAL's four airports, 0.0005% of customers complained after using our services in 2024. This equates to 372 of the 8.2m passengers that passed through our terminals.

We believe the Scheme's funding and compliance arrangements should reflect the source of complaints. While we are not privy to complete airline complaint data, we assume that the bulk of complaints, which have been the catalyst for the Charter and Aviation Consumer Ombuds scheme, are directed towards airlines and, in some cases, government agencies.

### Key recommendations

- 1. Defer defining airport accessibility services until after the release of the Aviation Disability Standards** - to ensure consistency, avoid duplication and give industry and passengers clear responsibilities.
- 2. Adopt a single point of contact through airlines** - airlines should remain responsible for accessibility services as part of their customer contract, with service levels negotiated with airports.
- 3. Accessibility services offered free of charge (e.g. therapy dogs and ambassador programs) should not expose airports to compliance risks or financial penalties.**
- 4. The term "resolution" needs to be clearly defined** – this could be the provision of a considered response or an outcome within the timeframe; it is not necessarily full satisfaction or financial compensation for the passenger.
- 5. Government provides clear definitions for further subjective terms such as "appropriate", "respect" and "dignity"** - ensuring they are interpreted in balance with mandatory safety and security requirements to avoid unrealistic expectations and unintended regulatory and cost burden.

6. **The same flexibility that is afforded to passengers in providing additional information is extended to regulated entities** - so that delays outside their control do not unfairly impact resolution timelines.
7. **Ensure accountability for Airservices Australia and other government agencies** - either by including them in the framework or, at minimum, establishing alternative mechanisms such as a Customer Service Charter and regular performance reporting through the Ombuds scheme.
8. **The Ombuds scheme should be supported by a strong passenger education campaign to clearly communicate which aspects of the aviation journey are covered and which are not** - in order to manage expectations and improve passenger outcomes.
9. **The Commonwealth underwrites the framework for the first two years** - allowing sufficient time for establishment, data collection and the design of a fair funding mechanism.
10. **Funding contributions should be based on complaint volumes by cause, rather than broad passenger numbers** - to ensure proportionality and that those most responsible for disruptions bear the largest share of costs.
11. **Airports should not be required to fund complaints outside their control, such as aircraft noise** - which are the responsibility of government and Airservices Australia.
12. **Ineligible complaints or complaints ruled in favour of airports should not be subject to activity-based charging.**
13. **The government carefully balances the administrative and cost burden on the sector with measures that will genuinely enhance passenger experience.**

## **Our position**

In this submission, rather than addressing the proposed primary legislation consultation questions directly (numbers 1, 2, 3, 6 & 7), we have provided our recommendations and points for consideration, focusing on three key areas of feedback, namely greater:

- **Clarity** on the responsibilities of different regulated entities, particularly where airports have little or no direct consumer relationship, as well as interactions with existing protection mechanisms and definitions for subjective terminology.
- **Consistency** across the sector, with all relevant entities either included in the framework or held to account through other means, so passengers have confidence in its application and clearly understand which parts of the aviation journey are covered.
- **Fairness** through a funding model that links contributions to complaint causes, ensuring those responsible bear the costs while airports are not held accountable for issues beyond their control, such as aircraft noise.

## **Clarity**

### *Definition of airport accessibility service*

The Paper defines “airport accessibility services” as any accessibility service available at an airport, regardless of whether it is provided by or on behalf of the airport or the airline. QAL is concerned that this definition lacks clarity and risks creating confusion for passengers.

Firstly, QAL asks the Department to consider that it is premature to attempt to define airport accessibility services in this framework, ahead of the release of the Aviation Disability Standards. Aligning the

Ombuds scheme with the forthcoming Standards would ensure consistency, avoid duplication and provide industry and passengers with clarity on responsibilities.

Currently, there is no nationally consistent approach to accessibility services across airports. Without agreed standards, it will be very difficult for the Ombuds scheme to apply consistent rules or hold entities accountable equitably.

As the Paper emphasises, airlines hold the direct customer relationship, as well as the relevant passenger information, including medical and accessibility requirements. Airports do not have access to this data, nor should they in detail, given the significant privacy and cyber security risks associated with sharing or storing sensitive personal information.

QAL believes the most effective way to deliver consistent passenger outcomes is through one point of contact, with airlines responsible for accessibility services as part of their customer contract, supported by clear service level agreements with airports where relevant. This model is already in place for other services such as baggage handling, where airlines manage the passenger relationship and negotiate with airports on service provision. Alternatively, accessibility services at airports could be approached in a similar fashion to security screening services, whereby standards are mandated, and airports act on behalf of all airlines to supply these services, with costs passed through to the airlines on a per passenger basis.

Such an approach ensures clarity, avoids confusion over definitions, and most importantly, delivers consistent and reliable outcomes for passengers.

Additionally, accessibility services provided free of charge, such as Gold Coast Airport's therapy dogs or ambassador program, should not be subject to compliance risks or financial penalties. The fear of such consequences could discourage airports from investing in these services, ultimately impacting passenger experiences through reduced offerings and a diminished travel experience.

### Complaint resolution timelines

QAL supports the proposed 30-day timeline for responding to complaints, noting that this is shorter than some comparable international schemes. However, greater clarity is required on what constitutes a "resolved" complaint.

In many cases, consumers may assume that resolution means financial compensation or a finding in their favour. This interpretation risks creating unrealistic expectations and could overwhelm the Ombuds scheme with vexatious or unjustified claims.

QAL recommends that resolution be defined more broadly as the provision of a considered response or outcome to the customer within the timeframe, not necessarily an outcome that fully satisfies the complainant. This would ensure the focus remains on timely handling, transparency and fairness.

The Consultation Paper notes that the Ombuds may exclude from the 30-day period any time taken for the passenger to provide additional information. While this is reasonable, the same flexibility should also apply to regulated entities where delays are caused by factors outside of their control. Without this balance, passengers could indefinitely extend the complaint process, which would undermine the efficiency and intent of the framework.

## Definitions

In addition to “resolve”, QAL recommends greater clarity around the use of broad terms such as *appropriate*, *respect* and *dignity*. These concepts are highly subjective, and without clear definitions there is a risk of inconsistent interpretation, increased complaints and therefore unintended regulatory and cost burden.

As mentioned in QAL’s submission on the Charter, relying on principle-based terms that are difficult to define, could lead to costly litigation dissecting what does and doesn’t constitute dignity or respect, particularly given financial remedies are available. QAL recommends that more clearly definable terms are considered, or greater context is given.

Safety and security are paramount for both airports and airlines. The use of subjective terms such as “dignity” and “respect” must therefore be balanced against mandatory safety and security requirements.

If terms such as “dignity” and “respect” are not clearly defined in the context of mandatory processes, regulated entities may be exposed to complaints for actions they are required by law to undertake. This risks creating conflict between compliance obligations and passenger expectations.

## Interaction with existing protections

As noted in our submission to the Charter, QAL recommends further clarity on how the proposed framework will interact with existing protection mechanisms, such as the Australian Human Rights Commission. Without clear boundaries, there is a risk of duplication and “forum shopping”, where passengers pursue multiple pathways in search of the most favourable financial outcome.

To promote confidence and transparency, QAL suggests that government commit to regular public reporting on the number of complaints referred to other frameworks or legal mechanisms. A quarterly report would provide valuable visibility of overlaps, help refine processes over time and ensure the new scheme complements rather than duplicates existing protections.

## **Consistency**

### Inclusion of Airservices Australia and other government agencies

QAL notes that the framework, as proposed, excludes Airservices Australia and other government agencies from coverage. These agencies play a critical role in the aviation system, and their performance directly affects passenger outcomes. For example, air traffic management constraints and border processing queues are often key drivers of delays, disruption and poor arrival experiences.

While airports do not have a direct customer relationship with Airservices - that sits between airlines and Airservices - the flow-on impacts are felt across the entire system, including by airports and passengers. If consumer protections are to be meaningful, passengers need confidence that the framework applies consistently across all entities that shape their journey.

Excluding government agencies risks creating uncertainty for passengers, particularly if expectations are raised that compensation or redress is available in some circumstances but not others. This could undermine trust in the Scheme and dilute its effectiveness.

If government agencies remain outside of the framework, then QAL recommends government considers other mechanisms to hold these agencies to account. A Customer Service Charter and regular reporting from the Ombuds scheme on their performance would provide greater transparency and fairness, while delivering more effective consumer protection outcomes.

### Security screening

As highlighted in QAL's submission on the Charter, from an airport operator service delivery perspective, the majority of complaints we receive each year relate to security screening. These often arise from misunderstandings, with some passengers believing they are exempt due to medical conditions or personal circumstances. In practice, screening is a legal requirement for all passengers, and airports are obliged to enforce it consistently.

Given that security screening is explicitly listed as out of scope in the Paper, it will be important for the Ombuds scheme to undertake a strong passenger education campaign. Clear communication about which aspects of the aviation journey are covered - and which are not - will help manage expectations, reduce confusion, and ultimately improve passenger experience outcomes.

## **Fairness**

### Funding model

QAL deems it appropriate that the Commonwealth underwrite the framework through its early years to ensure it is established on a sustainable footing. QAL recommends that the government underwrite the program for at least the first two years. This would allow sufficient time to establish the scheme, collect meaningful data and design a funding mechanism that fairly reflects responsibilities across the sector.

Beyond this establishment phase, the funding model must reflect the principle of proportionality. Airports account for a minute proportion of passenger complaints - across QAL's four airports in 2024, just 0.0005% of passengers who passed through our terminals lodged a complaint.

Data suggests that the vast majority of poor passenger experience outcomes arise from airline or government agency actions, particularly flight delays, cancellations, accessibility and baggage issues.

For this reason, QAL recommends that funding contributions are based on complaint volumes by cause, rather than broad passenger numbers. A model linked to complaint cause ensures that those entities most responsible for disruptions bear the largest share of costs, while those with limited involvement are not unfairly burdened.

A flat levy tied only to passenger numbers would introduce no incentive for improvements and would place disproportionate costs on airports that are evidenced to have very low complaint levels.

## *Aircraft Noise Ombudsperson*

We also note that some categories of complaints, particularly aircraft noise, fall far outside the control of airports, given airspace design, flight paths and approvals are matters managed by government and Airservices Australia.

Airports already meet strict regulatory requirements in this area. Expecting airports to fund the administration of noise complaints, without any capacity to influence outcomes, risks disincentivising effective community engagement by those who are actually responsible for managing noise.

## **Conclusion**

QAL supports the intent of the proposed framework and remains committed to working with Government and industry partners to deliver better outcomes for passengers.

We would like to emphasise the need for clarity in the responsibilities of different entities, consistency across the sector so passengers clearly understand which parts of the aviation journey are covered by the framework, and fairness in the funding model so costs are borne by those responsible for the majority of disruptions.

We thank the Department for the opportunity to contribute to this consultation and would welcome further engagement.

For further information, please contact: [REDACTED]