



Australian Government

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

Airport Environment Compliance and Enforcement Policy

October 2026

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Document control

Refer to the following table for the approver and latest version of this document.

Version	Release date	Approver	Reason for update
1.0	October 2026	Assistant Secretary, Airport Environment	Initial release of document.

Table of contents

Document control	3
Purpose	4
Transitional arrangements	4
Introduction	4
Our approach to compliance	5
Our compliance principles	5
Our compliance posture	6
Our compliance model	6
Managing and monitoring compliance	7
Managing non-compliance	8
Enforcement measures	9
Evaluation and continuous improvement	10

List of figures and tables

Figure 1. Our proportionate compliance model.....	7
Figure 2. Compliance management.....	8

Purpose

The Department of Infrastructure, Transport, Regional Development, Communications, Sport and Arts (the Department) advises Government on the policy and regulatory framework for Australian airports and the aviation industry under the *Airports Act 1996* (the Airports Act), and the *Airports (Environment Protection) Regulations 2026* (the 2026 Regulations).

Part of our regulatory responsibilities focuses specifically on the protection of the environment at 20 leased federal airports across Australia. Our regulatory obligations under the Airports Act and the 2026 Regulations are delivered by a network of authorised Airport Environment Officers (AEOs).

This document has been developed to support AEOs and inform regulated entities –Airport Lessee Companies (ALCs), tenants and other stakeholders who contribute to, and influence the environmental management of leased federal airports, on our approach to environmental compliance and enforcement.

The information contained within this document does not reduce, extend or modify legislative obligations or powers contained in the legislation. This is an administrative document that assists but does not control regulatory, compliance and enforcement related decisions. Each decision will consider all matters relevant to the circumstances.

In the event of any inconsistency between this document and the legislation under which the Department or AEO exercises a statutory function, power or discretion, the legislation will prevail.

This document should be read in conjunction with the Airport Environment Regulatory Practice Statement and the Airport Environment Officer Operations Manual.

Transitional arrangements

The Airports (Environment Protection) Regulations were originally made in 1997 (old Regulations). They were repealed by the *Airports (Environment Protection) (Repeal and Consequential Amendments) Regulations 2026*, remade and replaced from 1 April 2026 by the Airports (Environment Protection) Regulations 2026. Despite the repeal of the old Regulations, under the saving and transitional provisions of the 2026 Regulations, the old Regulations continue to apply until the period ending immediately before 1 April 2027. Therefore, changes under the 2026 Regulations will not take effect until 1 April 2027, giving stakeholders 12 months to adapt to the new standards. The old Regulations continue to apply for all purposes during the transition period as if the repeal had not happened.

During this transition period, this document will provide reference to clauses in both the *Airports (Environment Protection) Regulations 1997* and the new *Airports (Environment Protection) Regulations 2026*. The old Regulations and the 2026 Regulations are collectively referred to throughout this document as ‘the Regulations’.

Introduction

Regulatory compliance and enforcement play a critical role in ensuring the safety, security and well-being of the travelling public through airports and those who work or reside nearby.

The department oversees regulatory compliance through the appointment of an AEO for each leased federal airport.¹ To ensure leased federal airports maintain sound environmental management and compliance with legislation and various environmental standards, AEOs work collaboratively with ALCs, and their tenants, using a risk-based and intelligence led approach to compliance and enforcement.

¹ Two leased federal airports, Tennant Creek and Mount Isa, are not subject to the land use, environment, planning and building control requirements under the Act and associated regulations.

Our approach to compliance

The Department aims to support a cooperative approach to environmental management, compliance and enforcement and encourages continuous environmental improvement for all activities at leased federal airports.

We consider and apply regulatory interventions in a consistent and informed way, and our regulatory interventions, if required, will be lawful, proportionate and fit-for-purpose. We regulate in a manner that encourages compliance, promotes best practice, establishes trust and is cognisant of our collaborative working arrangements with ALCs, their tenants and other operators on airports (e.g. construction contractors).

The environmental regulation of leased federal airports has at its core three elements:

1. ALCs are required under the Airports Act to have, and operate in accordance with, an approved Airport Environment Strategy (AES) and comply with relevant legislation and terms of the airport lease.
2. While the ALC has the predominant responsibility for protecting the environment on the airport, everyone operating or working at an airport has environmental obligations under the Regulations (e.g. the general duty not to pollute).
3. The Department oversees compliance with the Regulations at each leased federal airport through the appointment of an AEO.

In line with the above, AEOs have clear regulatory responsibilities for (a) monitoring compliance of ALCs with the Regulations and (b) utilising enforcement measures where non-compliance is detected.

AEOs are provided with extensive training to undertake their compliance and enforcement role and ensure a consistent approach to regulatory decision making is applied across all airports. This is undertaken in accordance with the **Airport Environment Officer Operations Manual**.

Our compliance principles

In line with our Airport Environment Regulatory Practice Statement, we ensure our regulatory compliance activities and decisions are:

- **Proportionate** – Regulatory intervention is proportionate to the identified level of risk for an issue. Compliance and enforcement measures reflect the seriousness of the environmental issue when considering risk, consequences and any controls that have been implemented.
- **Accountable** – Delegations are in place and decision-making practices are supported by internal quality assurance measures. Decision makers (including AEOs) can explain regulatory decisions and are able to provide documentation to support any decision and regulatory action.
- **Consistent** – Regulatory programs are fairly and equitably administered. Decision makers utilise available policies and tools to ensure environmental issues that require similar regulatory approaches are dealt with in a consistent manner.
- **Transparent** – Regulatory processes are timely and transparent, and expectations are managed through client service charters. Decisions are impartial, balanced and made with integrity.
- **Targeted** – Targeted solutions promote stability, security and fairness. Regulatory activities are focused on those areas, which are considered to have the highest risk to the environment, human health and property.

Our compliance posture

Responsibility for ensuring regulatory compliance at airports is shared between the Department, AEOs, Airport Building Controllers (ABCs), ALCs and their tenants. The Department, and its authorised officers work within a regulatory framework and collaborate with ALCs and their tenants to ensure ongoing compliance with the Regulations and environmental standards. By promoting a culture of compliance and ensuring a shared understanding of expectations, collectively, we can strengthen compliance capability and pursue continuous improvement of regulatory outcomes and the effective management of the environment at leased federal airports. We do this by considering and applying regulatory interventions in the context of the following strategies:

- Engage—we identify and work with ALCs and their tenants about what the regulators' objectives are, and how ALCs and their tenants can comply with their regulatory duties and obligations.
- Educate—we provide or make information available to ALCs about their rights and responsibilities, and work with them to ensure they comply with their regulatory duties and obligations.
- Enforce—we identify ALCs that are non-compliant and use a range of enforcement options to bring the ALC back into compliance with their regulatory duties and obligations.
- Evaluate—we are committed to continuous improvement and monitor, measure, report and review our regulatory performance against our regulatory outcomes.

Our compliance model

Our compliance model (Figure 1) is risk-based and proportionate. It considers the risk of impacts of activities on the environment and human health, while also considering the attitude and behaviour of the regulated entity. This model allows us to determine how ALCs and their tenants individually engage with their regulatory obligations and enables us to tailor our regulatory responses to actual or suspected non-compliances accordingly. As the severity of risks increase, so does the severity of our regulatory response.

We foster a cooperative approach to environmental management and encourage continuous environmental improvement for all activities at the airport. We acknowledge that ALCs generally accept their legislative obligations and are proactive in managing environmental responsibilities.

Where patterns of environmental non-compliance arise, we will engage with ALCs and their tenants or relevant persons to educate and help them understand their legislative requirements to facilitate compliance with the Regulations or relevant environmental standards. Our response is more severe if a regulated entity is resistant, evasive or fails to account for its risks.

This model enables us to tailor our response – supporting compliant behaviour and taking proportionate regulatory actions in response to suspected or actual non-compliance.

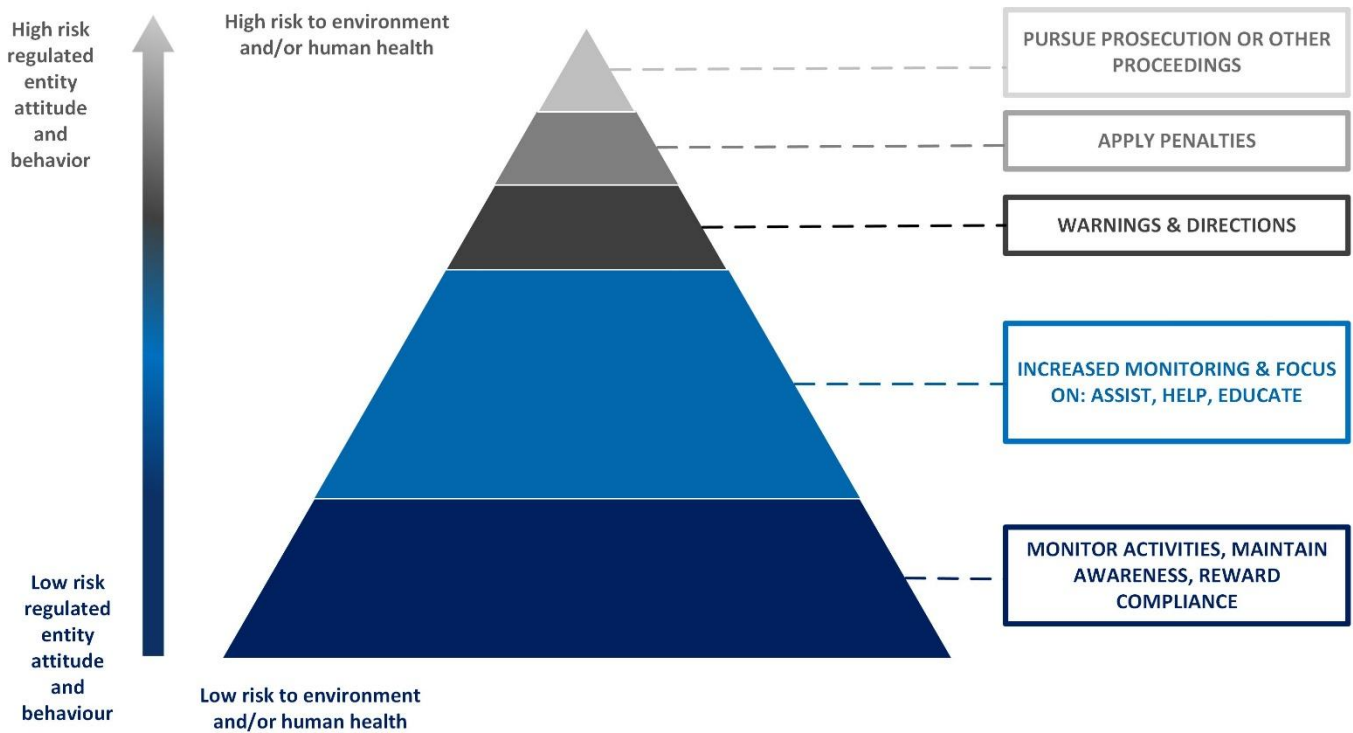


Figure 1. Our proportionate compliance model.

Managing and monitoring compliance

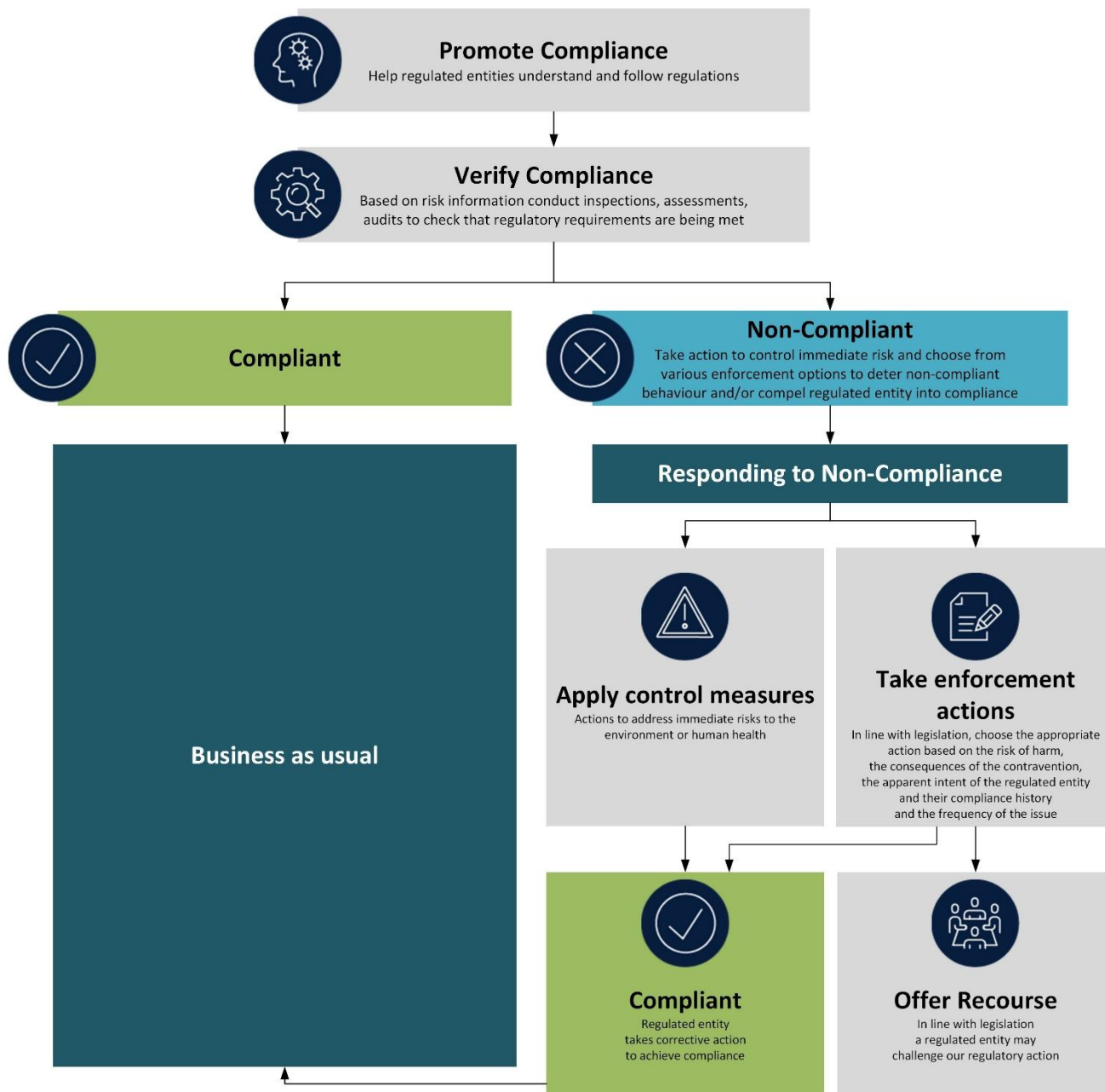
Under the Airports Act and Regulations, the AEO is responsible for monitoring the extent to which a regulated entity has complied with the Regulations, in order to determine what regulatory actions (if any) may need to be taken.

To assess a regulated entity's compliance with the Regulations, an AEO's powers under Part 5 of the 2026 Regulations and Part 6 of the old Regulations include, but are not limited to:

- conducting audits and inspections
- attending incidents on the airport site
- investigating or requiring a person to investigate instances of potential non-compliance
- requiring a person to arrange a pollution assessment
- making remedial orders
- requesting and assessing information from ALCs or occupiers on matters specified under the Regulations.

In addition, as part of the general compliance activities, AEOs also assess compliance against the ALC's AES and consider the information any report with which they are provided or that they request. Further information on our approach to monitoring compliance can be found at Part 4, of the **Airport Environment Officer Operations Manual**.

In conducting all compliance and enforcement activities, we aim to make decisions that are lawful, evidence-based and transparent. We consider factors relevant to each case. Our approach to compliance seeks to balance appropriate fairness for ALCs and relevant persons while achieving sound environmental outcomes. Our approach to managing compliance is demonstrated at Figure 2, below.



Adapted from the Department of Agriculture, Fisheries and Forestry 2023 compliance policy

Figure 2. Compliance management

Managing non-compliance

In instances of non-compliance, enforcement measures and decisions will be based on the circumstances around each individual case.

AEOs may utilise a range of regulatory interventions where non-compliance with the Regulations or breach of environmental standards is suspected or identified. This can include communication and engagement, monitoring environmental activities, education and awareness or administrative and enforcement measures.

Enforcement measures

To support proportionate and appropriate responses, the AEO may consider the following factors along with the specific circumstances of the matter as well as any other relevant considerations. This may include:

- the degree of harm to the environment and whether there was actual impact, or a potential for harm;
- the likelihood that the breach will recur
- the nature of the non-compliance, including whether it was minor, technical or administrative in nature
- the culpability of the offender, whether it be an individual or a corporation and whether there are aggravating or mitigating circumstances
- the history of the offender and whether enforcement measures are necessary to ensure compliance with the Airports Act and Regulations
- the nature and extent of any actual or potential impacts arising from the non-compliance, including impacts on people, airport operations, or the environment.
- need for both a specific and a general deterrent
- actions taken against others for similar offences in the past, ensuring a consistent approach is applied for regulatory decisions in relation to similar matters
- the precedent that may be set by a failure to take some enforcement action
- the extent to which the person or organisation has engaged constructively in addressing the matter, including their level of cooperation during compliance or the course of the investigative activities,
- whether specific directions, or orders have been issued, and whether they have been ignored or not implemented to the full extent of the initial order
- the time elapsed since the offence occurred and the likely outcome of enforcement proceedings
- the cost of enforcement and whether enforcement proceedings may be counterproductive to achieving environmental outcomes
- whether the breach has impacted surrounding land outside the leased federal airport site.

While the underlying theme of the Regulations is one of co-operative environmental management between the ALCs, other airport users, and the AEO, there may be occasions when enforcement of the duties and obligations becomes necessary to protect the environment. Part 6 of the 2026 Regulations and Part 7 of the old Regulations provide the AEO with powers of enforcement.

The AEO has a range of enforcement measures that can be employed. These may include, but are not limited to:

- **Formal Warnings** - used to advise a regulated entity of a compliance issue and encourage voluntary corrective action before stronger enforcement action is required
- **Directions** - used to require a person or organisation to take, or stop taking, specified actions to achieve compliance with the Regulations.
- **Notices²** - may be used to require a person or organisation to:
 - provide information or documents
 - prevent or minimise pollution
 - protect biota, habitats, sites and species or
 - prevent or minimise offensive noise.
- **Infringement notices** - used to impose a penalty for prescribed offences without commencing court proceedings, providing a timely and proportionate response to non-compliance.
- **Injunctions** - used to obtain a court order requiring a person to do, or refrain from doing, particular actions to prevent ongoing or imminent unlawful conduct and environmental harm.
- **Prosecution** - used for serious, repeated or significant breaches where court action is necessary to hold offenders accountable and deter future non-compliance.

Enforcement measures the AEO may impose can be one single measure or a combination of measures depending on what the AEO considers appropriate to the circumstances. The above list of measures may be viewed as a hierarchy of measures with the severity increasing as the list progresses

Evaluation and continuous improvement

The Airport Environment Compliance and Enforcement Policy sits within a hierarchy of government and departmental policies and obligations that shape how the Department regulates in response to environmental risks at leased federal airports. This hierarchy of government and departmental policies and obligations is set out in the Airport Environment Regulatory Practice Statement.

This policy will be reviewed and updated to incorporate changes to government and/or departmental policy, amendments to legislation, feedback from industry and other changes required by the department.

² From April 1, 2027, notices will replace Environmental Remedial Orders (EROs) made under regulation 6.18 of the old Regulations and Environmental Protection Orders (EPOs) made under regulation 7.01 of the old Regulations. EROs and EPOs made under the old Regulations will continue to have effect from 1 April 2027 as if they were made under the 2026 Regulations – see the application, saving and transitional provisions contained in Part 10 of the 2026 Regulations.