



Australian Government

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

Airport Environment Regulatory Practice Statement

October 2022



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Email: aeo@infrastructure.gov.au

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Foreword

The Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (the Department) and its agencies provide policy advice, regulate and deliver programs, projects and services to support our regions, cities and territories.

One of our important regulatory responsibilities is the protection of the environment at airports on Commonwealth land. Our airports are significant national assets. As custodians of Commonwealth land, we provide an example to all in environmental protection. Environmental management is increasingly important to Australians.

Effective environmental regulation of airports is fundamental to achieving better environmental outcomes in the aviation sector. We do this through a network of Airport Environment Officers as required under the *Airports Act 1996* and the *Airports (Environment Protection) Regulations 1997*.

This Airport Environment Regulatory Practice Statement (Practice Statement) sets out our approach to delivering better practice regulation of the airport environment. Like all regulators we recognise that:

- one-sized regulation does not fit all, and
- regulation does not operate in isolation – rather, regulation is often just one aspect of Government’s overall footprint on economic, environmental, and social matters.

We consider the management and protection of the airport environment, while being cognisant of our broader regulatory environment. Our operating environment includes Australian Government frameworks, through to the individual activities of those we regulate and other stakeholders.


Taking a stewardship approach to regulation sees us treat regulation as an asset that we are all responsible for protecting, developing, and improving. This includes taking a whole-of-system approach to understand how different policy, program, and regulatory levers combine for environmental benefit.

To achieve our regulatory outcomes, we must respond and adapt to changes in different parts of the regulatory ecosystem. In our environmental regulation of airports, we achieve this by using a combination of regulatory approaches that are:

- principles-based;
- data-driven;
- outcomes-based; and
- risk-based.

Combining these regulatory approaches ensures our regulatory efforts are fit-for-purpose and implemented in a way that minimises harm to the environment and human health, while reducing regulatory burden. Our focus is on achieving these outcomes; improving our regulatory practice and ensuring all parties understand their roles and responsibilities.

This Practice Statement sets our Airport Environment Officers and the airports they regulate on a clear path to ensure all parties understand why and how we regulate. With this knowledge and direction we maximise opportunities for improved environmental outcomes.



Jim Betts

Secretary

Purpose of this document

As the environmental regulator at leased federal airports on Commonwealth land, the Department, through its network of Airport Environment Officers (AEOs), has responsibility for administering the environmental elements of the *Airports Act 1996* (the Airports Act) and the Airports (Environment Protection) Regulations 1997 (the Regulations). This Regulatory Practice Statement provides an overview of the governance framework under which the airport environment regulatory function sits and sets out the associated regulatory model.

It provides clarity about how regulated entities such as Airport Lessee Companies and other operators on airports can expect the Department to undertake its regulatory functions. It also allows the Australian community to understand how the regulatory function aims to deliver its objective of ensuring the protection of the environment at leased federal airports.

Introduction

Australian Government regulation underpins economic markets, protects the environment, advances societal protections and benefits all Australians.

As a Department we are committed to:

- reducing unnecessary red tape and improving regulatory efficiencies; and
- delivering better practice regulation – in the pursuit of regulatory outcomes.

This commitment extends to the Department’s regulation of activities on airports under the Airports Act and its associated regulations, including those relating to the protection of the environment.

On behalf of the Department, a network of authorised officers—AEOs—provide day to day regulatory oversight of the environment at 20¹ leased federal airports around Australia (Figure 1) and have specific, independent decision-making powers to ensure best practice environmental management. AEOs monitor compliance of regulated entities in accordance with the Airports Act, the Regulations and a range of relevant standards, codes, and other obligations.

This document seeks to establish clear roles and responsibilities for those operating in the aviation environment, including regulators, regulated entities and stakeholders. It forms a fundamental part of the Airport Environment Regulation Governance Framework presented in Figure 2.

This document aims to articulate a clear, concise and practical approach to:

- best practice environmental regulation at leased federal airports;
- creating and maintaining trust and confidence, through understanding regulatory roles and responsibilities; and
- supporting the shared best interests of the aviation environment.

This document sets out our regulatory practice principles and the way we intend to approach our regulatory responsibilities. These principles will help us advance:

- an outcomes-based approach to regulation;
- a risk-based approach to regulation; and
- the efficient delivery of regulatory services and achievement of regulatory outcomes.

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 Airports Act and associated regulations.

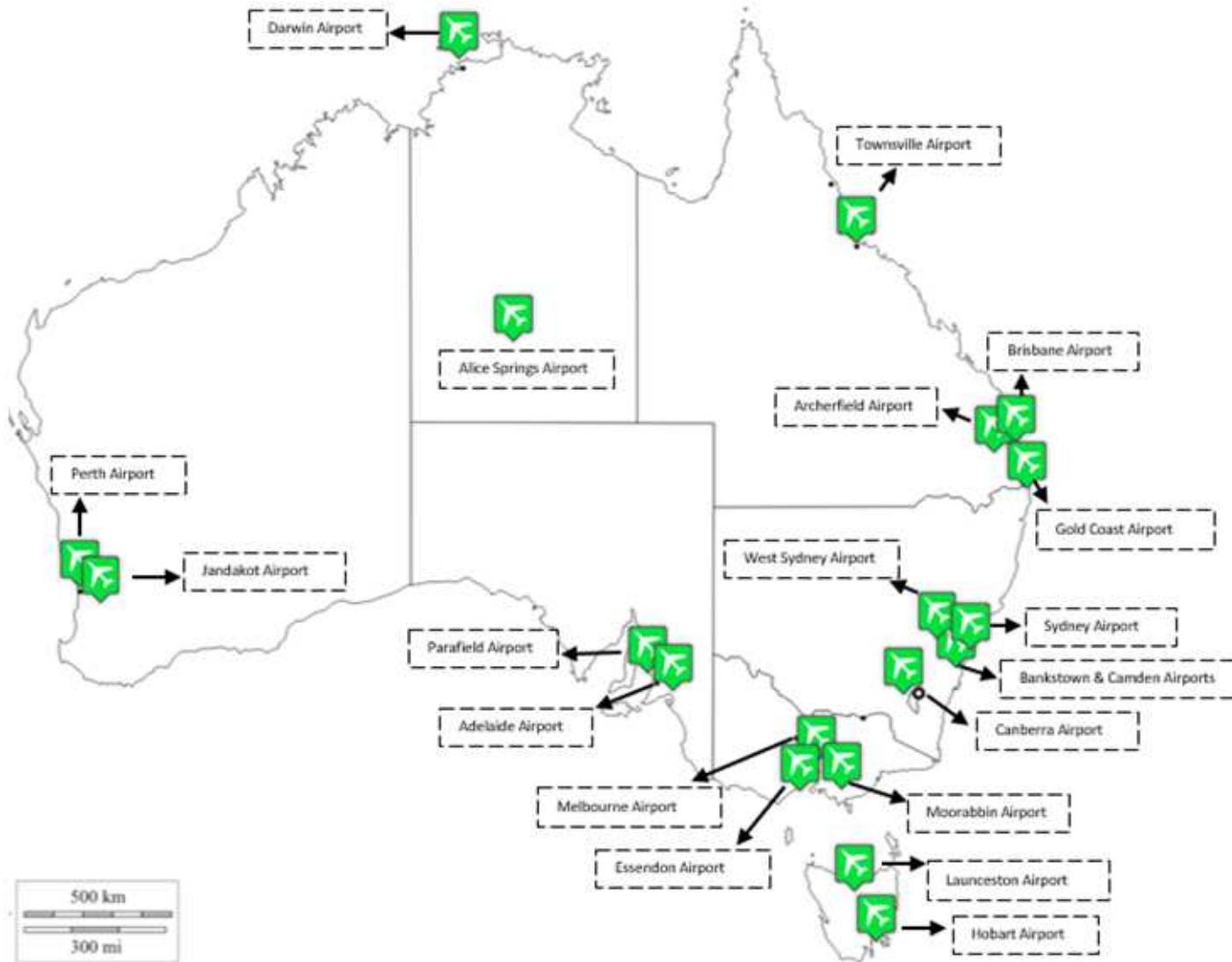


Figure 1. Twenty leased federal airports regulated by Airport Environment Officers under the *Airports Act 1996* and *Airports (Environment Protection) Regulations 1997*.

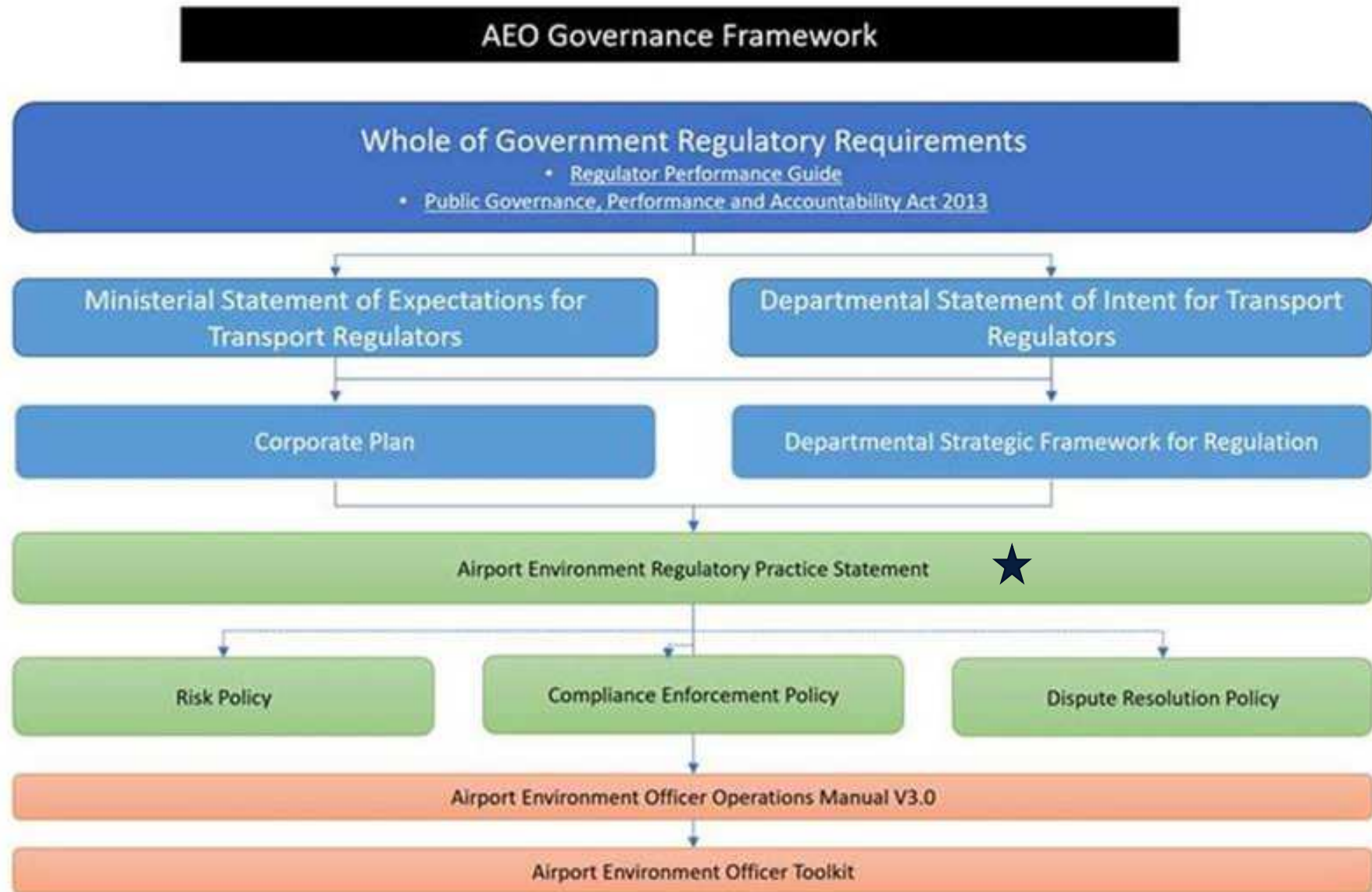


Figure 2. Airport Environment Officer Governance Framework showing where this Regulatory Practice Statement sits within the framework.

Our regulatory model

Our regulatory model sits within a broader government policy and legislative context, and clearly articulates the outcomes we seek to achieve through the regulatory roles and responsibilities of various stakeholders. It includes how we understand and engage with risk, our compliance and enforcement posture and how we work to ensure our regulatory practice meets our objectives and the expectations of our stakeholders.

Our regulatory model (Figure 3) shows how these elements fit together. Each element is explained in further detail in the following sections.

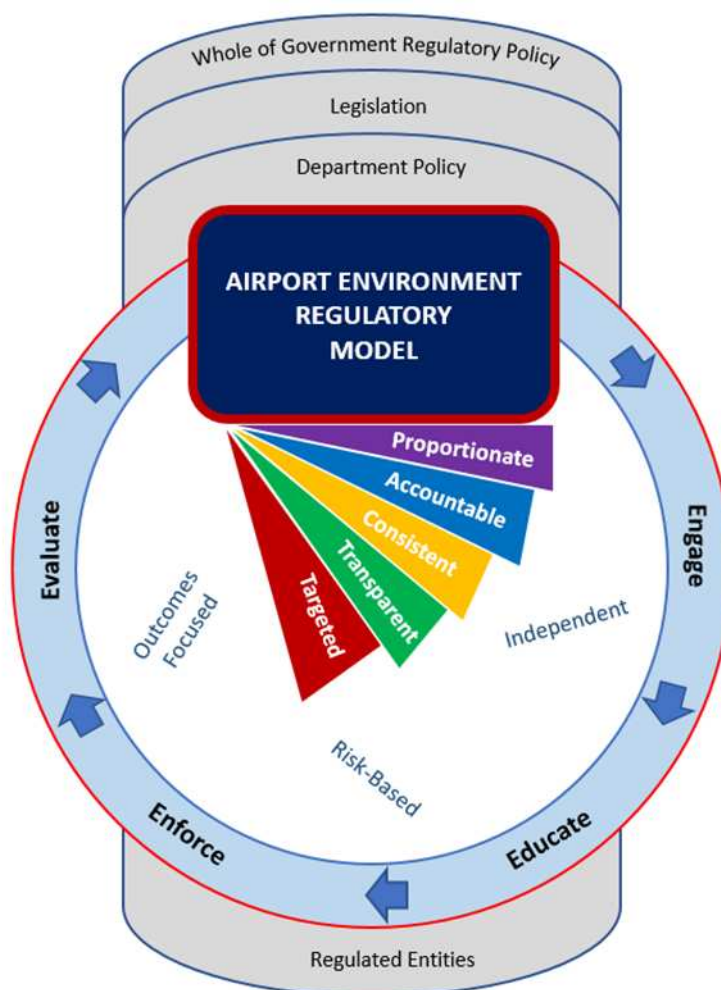


Figure 3. Our regulatory model.

Our regulatory operating context

Our regulatory frameworks and responsibilities

The regulatory function undertaken by AEOs is informed and shaped by various documents that are produced by and for government. These documents combine and interrelate to provide guidance across a range of regulatory responsibilities.

Whole of government

The Australian Government has a whole-of-government framework under which regulatory activities should be managed. This includes the [Regulator Performance Guide](#)² (the RPG), and regulator performance reporting under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

To be consistent with the RPG, the regulation of the airport environment should have regard to the principles for best-practice regulation that facilitate a consistent approach to regulation across government.

Principles of regulator best practice

Principle 1: Continuous improvement and building trust – regulators adopt a whole-of-system perspective, continuously improving their performance, capability and culture to build trust and confidence in Australia’s regulatory settings.

Principle 2: Risk based and data driven – regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leverage data and digital technology to support those regulated to comply and grow.

Principle 3: Collaboration and engagement – regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way.³

The Department works to continuously improve regulatory performance and ensure regulatory settings incentivise appropriate investment. The Department works closely with portfolio ministers to develop regulatory expectations and objectives, these are generally articulated through publicly available Statements of Expectations and responding Statements of Intent. To meet its obligations under the PGPA Act, the Department is required to report on regulatory performance in its Corporate Plan and the Annual Performance Statement, which must be consistent with the RPG.

As a regulator with legislated enforcement capabilities and access to a range of penalty provisions, including prosecutions, our prosecution processes must be consistent with the [Prosecution Policy of the Commonwealth](#)⁴.

The Department

Regulation of the airport environment operates within a broader departmental setting. It is important that the delivery of the AEO function aligns with departmental values and occurs within its governance framework. This will ensure consistency of regulatory tasks and coordination of policy objectives across the Department. The Department’s [Corporate Plan](#) (Figure 4) sets out the Department’s role, purposes and outcomes, against which

² Australian Government, Department of the Prime Minister and Cabinet (PM&C, 2021)

³ PM&C, 2021, p. 4

⁴ The full title of the document is, Australian Government, Prosecution Policy of the Commonwealth: Guidelines for the making of decisions the prosecution process (CDPP, 2021).

it measures its performance. Delivery of fit-for-purpose regulation is a fundamental part of the Department's role. It emphasises continuous improvement and takes a risk-based, collaborative and data-driven approach to administering effective regulation.

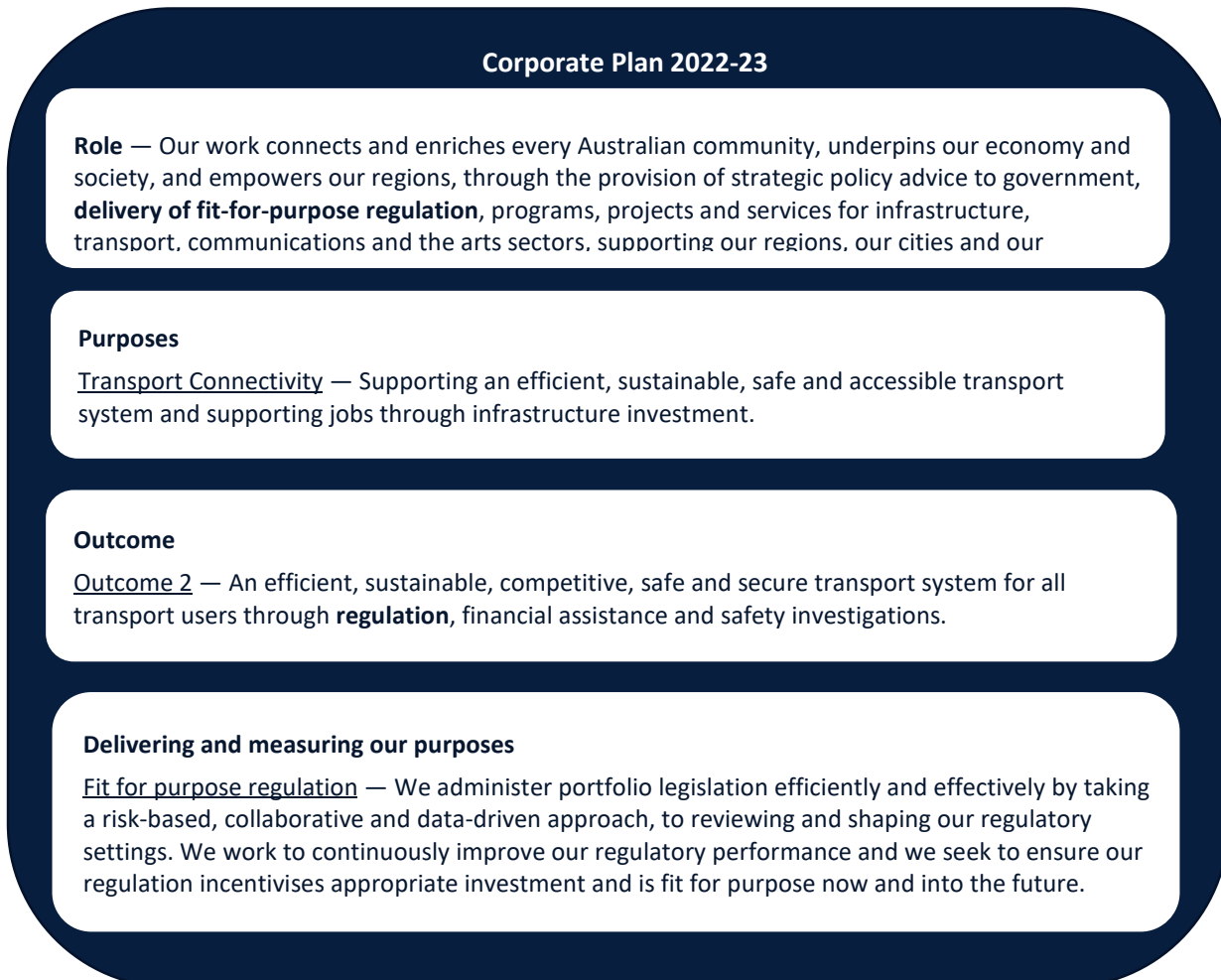


Figure 4. Airport environment regulatory function mapped to the Department's corporate documents.

To support and strengthen regulator performance, the relevant Transport Minister will issue a Statement of Expectations which provides clarity about government policy and objectives relevant to our Transport regulators, including the AEO function. The Department will respond to the Minister's Statement of Expectations with a Statement of Intent, identifying how government expectations will be met. Once finalised, these statements will be published on the Department's website. Reporting on the performance of departmental regulatory functions against the Statement of Expectations is included in the Department's Annual Report.

The Departmental [Strategic Framework for Regulation](#) (the Strategic Framework) provides guidance on ensuring safe, secure, and effective regulation of all targeted activities and regulated transport systems. The Strategic Framework articulates the Department's approach to best-practice regulation, including the development, implementation and management of regulatory activities and the approach to review and evaluation.

Legislation

Between 1997 and 2003, the Australian Government sold long-term leases (up to 99 years) for 22 Commonwealth-owned airports to the private sector. The Airports Act, which commenced in 1996, established the legislative framework to support 20 of these leased federal airports.⁵ The legislative framework includes the Airports (Environment Protection) Regulations 1997 (the Regulations).

The Regulations were made in 1997 with the aim of promoting better environmental outcomes at leased federal airports. The Regulations establish a system of regulation for activities at airports that generate, or have the potential to generate, pollution or excessive noise. The Regulations also support the preservation of native habitats and protection of culturally significant and historic sites.

The Objects of the Regulations are:

- (a) to establish, in conjunction with national environment protection measures made under section 14 of the National Environment Protection Council Act 1994, a Commonwealth system of regulation of, and accountability for, activities at airports that generate, or have potential to generate:
 - (i) pollution; or
 - (ii) excessive noise; and
- (b) to promote improving environmental management practices for activities carried out at airport sites.

The Airports Act and the Regulations operate in conjunction with other Commonwealth legislation (e.g. the *Environment Protection and Biodiversity Conservation Act 1999*) and State/Territory legislation covering matters not elsewhere provided for by the Airports Act and the Regulations (e.g. waste management).

The AEO function

AEOs are appointed under the Regulations to oversee and monitor the compliance of ALCs and their tenants against their environmental responsibilities at leased federal airports.

Under the Regulations AEOs have various powers to take regulatory action when non-compliance with the Airports Act or the Regulations is suspected or occurs.

AEOs are also authorised officers under section 233 of the Airports Act, which allows them to enter any airport premises and conduct searches (with the consent of the occupier) and to exercise monitoring powers, which include but are not limited to the power to search, inspect, take photographs, and ask questions.⁶

AEOs also oversee ALC and tenant adherence to various national standards, policies, procedures, plans and strategies as required by airport Head-Lease Agreements, Major Development Plans, and Airport Environment Strategies.

Supporting governance documents

This Practice Statement is supported by a number of additional documents related to the regulatory activities of AEOs. These documents include, but are not limited to:

- Airport Environment Compliance Enforcement Policy;
- Airport Environment Risk Policy;

⁵ Tennant Creek and Mount Isa airports are not subject to the land use, environment, planning and building control requirements under the Airports Act

⁶ Part 18 of the Airports Act 1996 sets out the monitoring powers of authorised officers under the Act.

- Airport Environment Dispute Resolution Policy;
- Airport Environment Operations Manual and Toolkit;
- Specific guidelines and policies; and
- Airport Building Control Operations Manual v.3.0.

Our main stakeholders

Many different stakeholders contribute to and influence the environmental management and regulation of leased federal airports. The table below summaries the main stakeholders and how they contribute to environmental protection at leased federal airports.

Table 1: Our main stakeholders and how they can influence environmental management and regulation at airports

Stakeholder	Influence
Airport Lessee Companies	Hold the primary responsibility for managing the airport in accordance with the obligations under the Airports Act and associated regulations. They are bound by clauses in Head Lease Agreements entered into with the Australian Government. ALCs are increasingly diversifying their economic base and tend to have multiple and diverse tenancies on the airport site.
Operators of an Undertaking	Any person or company operating a business or carrying out an activity, operation, or process on an airport e.g. sublessees or tenants. Their actions/activities can have an impact on the environment.
Australian Government	Central agencies set whole of government regulatory frameworks. Other agencies provide advice on matters under consideration by the AEO or as part of Major Development Plan or Master Plan processes e.g. in relation to heritage, matters of national environmental significance, specific contaminants and human health.
Department of Infrastructure, Transport, Regional Development, Communication and the Arts	Regulatory Authority administering the Airports Act and associated regulations. The Department also establishes the regulatory policy settings under which the AEO function operates and resources the function.
Local and State Governments	Airports may need to consider both local and state government stakeholders (e.g. environment protection agencies) if environmental matters extend beyond the airport boundary. The Regulations also allow for relevant State or Territory laws to operate and be enforced by State officials where a particular issue is not covered by the Regulations.
General Public	Individuals or groups who are potentially impacted by airport activities or have an interest in environmental protection more generally. Individuals and groups may lobby the Department, Ministers, ALCs or AEOs to address environmental concerns.

Regulatory outcomes

Our primary regulatory outcome is to:

ensure the protection of the environment⁷ at leased federal airports in accordance with the Objects of the Regulations and national guidelines and frameworks.

We also seek to contribute to:

an efficient, sustainable, competitive, safe and secure transport system for all transport users through regulation.

In doing so, our intent is to:

1. promote awareness of environmental issues and to ensure that management systems are in place to deal with the pollution, noise and other environmental impacts that are produced by and on airports. This is done with a view to reducing those environmental impacts and increasing public amenity over time;
2. ensure Master Plans and Airport Environment Strategies for leased federal airports comprehensively set out how airports will operate in a manner that maintains or improves environmental health; and undertake assessments and monitoring activities to ensure compliance with such standards; and
3. administer the Regulations efficiently and effectively by taking a risk-based, collaborative and data-driven approach to reviewing and shaping our regulatory settings.

To ensure regulatory outcomes are met, AEOs monitor a variety of environmental issues in their day-to-day regulatory role (Figure 5 below).



Figure 5. Typical environmental issues monitored by AEOs.

⁷ Noting that the 'environment', is considered broadly, as defined within the leases 'include, without limitation, the water, groundwater, soil, subsoils, air, biota and habitat and sites of heritage value or of significance to Aboriginal or Torres Strat Islander people on, above or below the airport site and the structures'.

Regulatory roles and responsibilities

In administering the legislation that protect the airport environment, the Department and AEOs work together with our main stakeholders, as well as individuals, groups, and organisations. Such entities generally reflect four key regulatory perspectives: regulators, regulated entities, stakeholders, and the wider community. In this part, we consider the first two groups, namely those who are either regulators or regulated entities.

Regulator

The Secretary

The Australian Government is the regulator for leased federal airports. The regulatory functions administered and overseen by the Department are delegated to the Secretary by the Minister. The Secretary is an authorised person under the Airports Act and has specific stand-alone functions and powers under the Regulations (e.g. review powers). The powers afforded the Secretary under the Regulations are formally delegated by the Secretary's Airports Delegation Instrument to the Deputy Secretary, First Assistant Secretary and Assistant Secretary responsible for the AEO function.

Airport Environment Officers (AEO)

The Department gives operational effect and on-ground delivery of the regulatory function through a network of authorised officers, the AEOs. An AEO is appointed by the Secretary and authorised under the Airports Act and the Regulations to exercise powers in relation to monitoring, investigating, and enforcing.

AEOs play a central role in the environment regulatory regime at leased federal airports and ensure effective monitoring, prevention and reduction of pollution at airport sites.

An AEO's daily activities support the intent of the legislation, which encourages a cooperative approach to environmental management and continuous environmental improvement for all activities at the airport. This is achieved primarily through provision of advice and supporting the implementation of the Airport Environment Strategy, and is aligned with high quality enforcement of the Regulations.

AEOs may also assist Airport Building Controllers (ABCs) in their assessment of building activities in accordance with the relevant criteria established under the *Airports (Building Control) Regulations 1996* (Building Control Regulations).

Airport Building Controllers (ABCs)

The Department has appointed ABCs at each leased federal airport. As Authorised Officers under the Airports Act, the ABCs ensuring that activities at leased federal airports meet the appropriate building and engineering standards in accordance with the Building Control Regulations.

Each ABC administers and advises airport operators on building control issues outlined in the Building Control Regulations, and implements the building approval system for ongoing building activity at the airport. The ABCs also liaise with AEOs on environmental issues relevant to the ABCs considerations under the Building Control Regulations, and may provide approval for building and works subject to the appropriate environmental conditions being met.

Regulated entities

Airport Lessee Company (ALC)

ALCs are private sector entities which entered into long-term lease agreements with the Commonwealth for airports on Commonwealth land.⁸ ALCs have primary responsibility for managing the broad duties and obligations, as set out in the Airports Act and its associated regulations, related to maintaining, developing and improving the airport precinct. As such, the ultimate responsibility for ensuring sound environmental management outcomes falls to the ALC and, to a lesser extent, airport tenants and operators of undertakings.

As part of their role, ALCs are responsible for preparing, maintaining and ensuring compliance with airport Master Plans, Major Development Plans, and the Airport Environment Strategy (AES). The AES is the basis on which environmental performance of airports is measured, and through which Airport Tenants are guided to meet environmental responsibilities. The AES is recognised as a critical component of the leased federal airport's environmental regulatory regime, and sits within the airport Master Plan.

The AES comprehensively details the ALCs environment management plan, including how the airport will be operated, and the activities undertaken so that the environmental quality of the airport is maintained or improved for the period covered by the strategy.

Airport Tenants

Sub-lessees (Tenants) and all operators of undertakings on airports have direct obligations placed upon them under the Regulations, including monitoring activities and complying with the general duties to avoid polluting, preserve habitats and prevent offensive noise.

They may also be required (through the AES) to produce an Environmental Management Plan. The Environmental Management Plan sets out how the operator manages its business to ensure the environment is protected and its obligations under the Regulations are met.

'Achieving good regulatory outcomes is almost always a co-operative effort: by government, amongst regulators, the regulated, and the broader community. Governance arrangements for regulators can be important to foster such co-operative efforts and build the legitimacy of any necessary, strong enforcement action. For these reasons, governance arrangements require careful consideration to ensure they promote, rather than hinder, the efficient achievement of policy objectives and public confidence in the operations of regulatory agencies'.⁹

Our approach to regulation

The Department employs a range of key strategies to deliver on its vision of being an effective and leading regulatory agency. These include ensuring that we:

- communicate with regulated entities in a clear, targeted and effective manner;
- undertake actions that are proportionate to the risk being managed;
- apply compliance and monitoring approaches that are streamlined and coordinated;

⁸ Between 1997 and 2003, the Australian Government sold long-term leases (up to 99 years) for 22 Commonwealth-owned airports to the private sector.

⁹ The Governance of Regulators (OECD, 2014, p. 15)

- are open and transparent wherever possible in their dealings with regulated entities;
- actively contribute to the continuous improvement of regulatory frameworks; and
- supports, where appropriate, the efficient operation of regulated entities.

Regulatory practice principles

The Principles of Good Regulation¹⁰ provide the foundation for the regulatory work of the AEO Network. As an acronym these principles are referred to as PACTT, which stands for:

- Proportionate;
- Accountable;
- Consistent;
- Transparent; and
- Targeted

These principles have been expanded and further contextualised in the *Strategic Framework for Regulation* to support the delivery of airport environment regulation (Figure 6).



Source: Department's Strategic Framework for Regulation, p. 9.

Figure 6: Our regulatory practice principles

¹⁰ Better Regulation Task Force, *Principles of Good Regulation* (BRTF, 2003).

Our regulatory workforce

Effective and efficient delivery of regulatory functions relies upon a professional, informed, skilled, and supported regulatory officer (AEO) workforce who are empowered to make sound, independent, consistent and evidence-based decisions.

The Department is committed to supporting its regulatory officers by enabling regular specialist skills refreshment and training and providing standards, guidance and tools to assist with regulatory decision-making that is aligned with best practice environmental regulation. It also aims to provide clear guidance of expectations to regulated entities to assist them in meeting their regulatory obligations.

The Department supports all staff engaged in regulatory activities and to understand their operating environment, including in terms of:

- the legislation, policies and plans – and their respective nature and intent;
- the industry sector and its stakeholders – and their challenges and drivers; and
- the national and sub-national context – in which all stakeholders are operating.

How we regulate

As a capable, competent, and credible regulator, at all times we:

- operate within our regulatory remit – and make lawful, considered and timely decisions;
- are accountable for and transparent about our regulatory activities – and have appropriate governance arrangements in place;
- take a balanced and proportionate approach – when responding to non-compliance;
- maintain focus – by prioritising and directing our efforts to regulatory outcomes;

By doing so, we align our regulatory efforts with the principles of regulator best practice, allowing us to:

- seek to continuously improve and build trust – by improving our own regulatory capability and performance, and trust and confidence in the entire regulatory system;
- be risk based and data driven – while reducing regulatory burdens, and leveraging digital and technological opportunities; and
- be committed to collaboration and engagement – by communicating responsively and implementing regulation in a modern and collaborative way;

How we engage, educate, enforce, and evaluate

When it comes to regulatory practice and regulatory delivery, ‘one size does not fit all’. For this reason, we use various strategies and techniques, including those outlined in Table 2.

Table 2: Our regulatory strategies¹¹

Strategy	As a Regulator we...
Engage	identify and work with regulated entities about what the regulator is trying to achieve, and how the regulated entity can (more easily) comply with their regulatory duties and obligations
Educate	provide or make information available to regulated entities about their rights and responsibilities, and how the regulated entity can (more easily) comply with their regulatory duties and obligations
Enforce	identify regulated entities that are non-compliant (and who usually have not responded to our engagement or education efforts) and use a range of enforcement options to bring the regulated entity back into compliance with their regulatory duties and obligations
Evaluate	are committed to continuous improvement and monitor, measure, report and review our regulatory performance against our regulatory outcomes

How we engage with risk

The Department is committed to maintaining effective and efficient regulatory frameworks that are fit for purpose and proportionate to risk. We use a risk-based approach to monitoring and compliance activities with a focus on achieving sound, practical outcomes. As a Department, we have a moderate appetite for regulatory risks and we have a low tolerance for systemic non-compliance with regulation.

As a regulator, we consider a ‘regulatory risk’ to be something that interferes with or impacts upon our ability to deliver regulatory policy objectives or achieve regulatory outcomes.¹² Understanding and managing regulatory risks is a process which includes identifying, prioritising, and mitigating those risks. For this reason, taking a risk-based regulatory approach allows us to formally consider and respond to the environmental risks posed at airports, and then tailor individual airport AEO resourcing and regulatory activities accordingly.

At a high-level our regulatory risks include the:

- risks of harm to the environment;
- risks posed by regulated entities and other stakeholders; and
- risks arising from changes in the regulatory operating and receiving environments.

In the context of environmental regulation of leased federal airports, risks centre around activities that generate, or have the potential to generate pollution or excessive noise. At more of a functional level our regulatory risks include:

¹¹ Table 1 has been adapted from Navigating regulatory Language: An A to Z Guide (Pink, 2021, p. 99).

¹² Navigating Regulatory Language: An A to Z Guide (Pink, 2021, p. 240).

- specific existing or ongoing risks to the airport environment – for example land and water contamination or heritage management practices; and
- emerging or transitional risks – for example those posed by building development activity or newly identified contaminants of concern.

Monitoring compliance and having transparent processes and documentation to inform regulated entities of their obligations are fundamental to managing our risks and ensuring we are an effective regulator. The **Airport Environment Risk Policy** outlines our approach to assessing and responding to risks. It draws upon the Department's risk management guidelines and policies and clearly articulates how a risk-based approach is applied in the environmental regulation of leased federal airports.

Compliance monitoring and regulatory responses

The Department aims to support a cooperative approach to environmental management and encourages continuous environmental improvement for all activities at the airport. AEOs use a range of tools to promote and assess compliance with legislative requirements. As a regulator (through the Secretary, AEOs, and staff who are authorised persons under the Airports Act), we have access to a range of regulatory interventions where non-compliance is suspected or identified. Use of regulatory interventions is neither our first nor last response. Instead, regulatory interventions are used in a proportionate and integrated manner, with due consideration given to any general and/or specific interventions in place for regulated entities.

Our regulatory interventions occur across a spectrum, and vary in terms of their impacts upon regulated entities. They include, but are not limited to:¹³

- warnings (verbal and written)
- directions
- environmental remedial orders
- environment protection orders
- infringement notices
- prosecutions.

As mentioned in the Foreword and committed to in our Corporate Plan, regulatory interventions, if required, must be fit-for-purpose and used in context. Consideration and application of regulatory interventions occurs in the context of our Engage, Educate, Enforce and Evaluate strategies; and is cognisant of our collaborative working arrangements with other regulators.

Our **Airport Environment Compliance Enforcement Policy** outlines our approach to responding to and managing instances of non-compliance. Key determinants in resorting to regulatory interventions, especially those with greater impacts and consequences on regulated entities, include the:

- degree of harm or impact upon the environment, whether actual or potential;
- seriousness of the offence, relative to other instances of non-compliance;
- culpability of the regulated entity, whether it be an individual or a corporation and whether there are aggravating or mitigating circumstances;
- compliance history of the regulated entity, and whether enforcement measures are necessary to ensure compliance with the Act, Regulations, and rules; and
- level of contrition and remorse shown by the regulated entity, including any cooperation afforded to the regulator.

¹³ A full description of the regulatory responses available to AEOs are contained in the Airport Environment Compliance Enforcement Policy

Our approach to complaints and dispute resolution

For the purposes of this Practice Statement, we make the distinction between complaints:

- of a general nature – which typically relate to dissatisfaction of a ‘client’ or ‘customer’ around services they expected to receive, or the attitude and behaviour of staff they interacted with; and
- relating to regulatory functions – which typically relate to dissatisfaction of a ‘regulated entity’ (who has associated regulatory duties and obligations) around the regulator exercising regulatory powers, making regulatory decisions, use of regulatory discretion, and/or recommending, selecting, or applying of regulatory intervention. The Airports Act and Regulations provide for reconsideration and review of certain decisions.

The **Airport Environment Dispute Resolution Policy** sets out the principles, roles and responsibilities and process, for handling reviews, disputes and complaints of a general nature and those relating to our AEO regulatory function.

Evaluation and continuous improvement

As a Department, we are committed to the improvement of environmental management practices for activities carried out at leased federal airports, and we understand the importance of having clear oversight of the processes and performance of our regulators. At a minimum, the governance arrangements and supporting documentation outlined in this Practice Statement will be reviewed every two years or when significant changes occur, and will be further informed by regular AEO reporting to the Department. Evaluation also includes seeking and considering regular feedback from regulated entities (ALCs and their tenants) as well as other stakeholders.

Our evaluation and continuous improvement approach will promote the continuous improvement cycle to ensure our AEOs are supported by a best practice governance framework when undertaking their regulatory role and assist regulated entities in understanding the regulatory model applied to the environmental regulation of leased federal airports.