



Australian Government

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

Compliance Framework

Airports (Protection of Airspace) Regulations 2026

March 2026



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Introduction

Leased Federal Airports¹ (for the purposes of guidance, referred to as Airports) are nationally significant economic and transport infrastructure assets. The Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (the department) regulates the airspace above and around Airports under Part 12 of the *Airports Act 1996* ([the Act](#)) and the *Airports (Protection of Airspace) Regulations 2026* ([the Regulations](#)).

The Act and Regulations establish a system for the protection of airspace at, and around, airports in the interests of the safety, efficiency or regularity of existing or future air transport operations into or out of airports. Airspace architecture and its protection is complex and designed to be coherent with the International Civil Aviation Organization's (ICAO) Standards and Recommended Practices (SARPs) in Annex 14 to the *Convention on International Civil Aviation*, which are given effect in Australian legislation through the *Civil Aviation Safety Regulations 1988* where appropriate.

The Act and Regulations also provide a mechanism to assess proposals for, and manage intrusions into, prescribed airspace. Under section 182 of the Act, buildings, structures or things that are proposed to intrude into prescribed airspace constitute a 'controlled activity'². Section 183 of the Act specifies that controlled activities cannot be carried out without approval. Applications to undertake a controlled activity are subject to rigorous assessment processes under the Regulations, including by the Civil Aviation Safety Authority (CASA) and Airservices Australia (Airservices). Under the Regulations, the Secretary has delegated certain functions and powers to employees of the department and Airport Operator Companies (AOC)^{3,4}.

Unauthorised intrusions into 'prescribed airspace'⁵, or intrusions into prescribed airspace that are carried out other than in accordance with the conditions of an approval, may present an unacceptable risk to the safety of air transport operations and cause harm to human life. It may also disrupt the efficiency or regularity of the air transport network and have broader implications for the aviation sector.

The department shares its compliance responsibilities with AOCs. AOCs are the first point of contact for all compliance related matters. The department seeks to be an educative regulator and works closely with AOCs to provide regulated entities and the wider community with guidance and information to support compliance under the Act. Our regulatory posture and our approach to managing compliance matters, as outlined in this document, reflects this approach.

As part of a broader aviation regulatory ecosystem, the department, in collaboration with AOCs of Airports, CASA) and Airservices manages compliance and risk in a manner that is proportional, provides continued safe, efficient and/or regular air transport operations, and supports a sustainable aviation sector. Further information on how the Regulations fit within this ecosystem is explained in the regulatory environment section below.

¹ Leased Federal Airports are: Adelaide, Alice Springs, Archerfield, Bankstown, Brisbane, Camden, Canberra, Darwin, Essendon Fields, Gold Coast, Hobart, Jandakot, Launceston, Melbourne (Tullamarine), Moorabbin, Mt Isa, Parafield, Perth, Sydney (Kingsford Smith), Tennant Creek, Townsville and Western Sydney International (Nancy-Bird Walton).

² A controlled activity is defined under section 182 of the Act.

³ AOC means an airport-lessee company or an airport-management company of a Leased Federal Airport that is legally responsible for operating that airport under the Act.

⁴ The Secretary's power to delegate certain functions is detailed in section 26 of the Regulations.

⁵ Prescribed airspace is defined in section 181 of the Act. See also section 8 of the Regulations.

Purpose of this document

This Compliance Framework describes what regulated entities and the community can expect from the department in terms of compliance under the Act and the Regulations. It sets out how the department and AOCs can use regulatory powers and functions to encourage compliance with the requirements and objectives of the Act and the Regulations for the safety, efficiency or regularity of existing or future air transport operations into or out of airports.

The department has considered, and drawn on, other compliance frameworks, including across states and territories, in developing this Compliance Framework.

Who is this framework for?

The Compliance Framework aims to provide clarity to several key stakeholders including:

- regulators;
- regulated entities; and
- the wider community.

This framework sets out the department's commitment to regulated entities⁶ and the community regarding our approach to compliance. It explains what to expect from the department in our efforts and exercise of powers – and what we expect of regulated entities and the members of the community involved in the protection of airspace. This includes the behaviours expected of industry, and how the department and decision-makers take these behaviours into account.

For the broader public, this framework explains how the department's approach to regulatory compliance promotes positive outcomes in the broader public interest. It also explains our use of discretion in taking regulatory action.

What is compliance?

In this framework:

'Compliance' is the adherence by regulated entities and the wider community to the Act and the Regulations. Compliance is an ongoing process where regulated entities and the wider community must maintain an awareness of, and remain diligent in meeting, their legislative and regulatory obligations.

⁶ Regulated entities are discussed in the below regulatory environment section.

Regulatory environment

Compliance through education, engagement and enforcement are part of the broader regulatory environment in which responsibilities are shared with other agencies. For example:

- CASA is Australia's civil aviation safety regulator and Airservices is Australia's air navigation service provider. These agencies have statutory roles in the broader aviation regulatory ecosystem and are key stakeholders for airspace protection matters.
- AOCs, in addition to the Act and the Regulations, have certain roles and responsibilities relating to airspace protection under the *Civil Aviation Safety Regulations 1998* and the relevant Manual of Standards.
- Airport sites are Commonwealth land situated adjacent to or within areas where state, territory and local governments are responsible for land-use planning and development. While the safety, efficiency or regularity of air transport operations into and out of the airport are the paramount considerations, the Regulations support land-use planning and development outcomes that are compatible with safe, efficient or regular airport operations. As such, the Regulations place referral obligations on those state, territory and local government agencies, and Airport Building Controllers⁷ (for on-Airport site), to ensure that land-use planning and development decisions within the vicinity of Airports have regard to airspace protection requirements and are compatible with aviation operations.

While the Act and the Regulations are the primary pieces of legislation, they are part of the Commonwealth's broader regulatory environment and have touch points with other Commonwealth legislation such as *Civil Aviation Safety Regulations 1998*. For example, providing false or misleading information to the Commonwealth including, in an application under the Regulations to undertake a controlled activity, is an offence under *Criminal Code Act 1995*. As such, regulated entities should be aware of other related legislation to meet their obligations under Commonwealth legislation.

⁷ Airport Building Controllers are appointed under section 4.01 of *Airports (Building Control) Regulations 1996* or section 65 of the *Airports (Building Control) Regulations 2025* from 1 April 2026.


Our compliance objectives

The department's primary objective is to achieve the best possible outcome for the safety, efficiency or regularity of existing or future air transport operations into and out of Airports. As such, the department and AOCs provide information and proactively engage with stakeholders and the wider community to support awareness and deter non-compliant conduct. The department and AOCs regularly engage with industry, and state, territory and local governments on the requirements of the Act and the Regulations. We also provide advice and guidance to support regulated entities in meeting their regulatory obligations.

The department takes all non-compliance with the Act and the Regulations seriously and takes an approach that is proportionate to the level of risk. The department will address all non-compliance events strategically and efficiently, noting that isolated events or patterns of repeated misconduct and non-compliance may necessitate a more direct approach. We will also take all past performance and engagement on compliance matters into account.

Our compliance principles

Our compliance principles put our objectives into practice. These principles reflect our commitment to delivering our regulatory responsibilities and to ensuring a consistent approach to compliance. The principles include:

 <p>Accountability</p>	<p>We are responsible for our compliance response and are answerable for our decisions, including where we act or decide not to act. Our decisions will be informed by the available evidence.</p>
 <p>Proportionality</p>	<p>Our compliance responses will be proportional to the potential risks and/or implications to the safety, efficiency or regularity of air transport operations. Our success will be measured by the quality of our outcomes rather than the quantity of our activities.</p>
 <p>Consistency</p>	<p>We endeavour to ensure consistency in our response to compliance for matters of similar significance. However, this does not mean we adopt a one-size-fits-all approach. We will consider the circumstances and facts of each matter when deciding the nature of our response.</p>
 <p>Responsiveness</p>	<p>We commit to conducting our activities as efficiently as possible to minimise disruption and reduce the potential for further implications to safety, efficiency or regularity.</p>
 <p>Transparency</p>	<p>We will clearly communicate our expectations and demonstrate impartiality and integrity in all our compliance activities. We are willing to provide reasons for our decisions and be transparent about the avenues of complaint or appeal.</p>

How we deliver compliance

The department shares its compliance responsibilities with AOCs. AOCs are the first point of contact for all compliance related matters. As such, the department expects the authoritative guidance, advice and recommendations of an AOC be complied with to avoid escalation and to minimise potential risks or implications to the safety, efficiency or regularity of air transport operations.

We recognise that to positively influence behaviours and compliance with the Act and the Regulations, three conditions must be satisfied. Regulated entities and the wider community must:

- know and understand their obligations;
- be able to comply; and
- be willing to comply.

We believe that most people want to do the right thing and will comply if they understand their responsibilities and rights – and we seek to provide the tools and information that will allow regulated entities and the wider community to achieve compliance with these obligations.

The department encourages a cooperative approach and the use of a range of tools to support and assess compliance with the Act and Regulations. We commit to delivering on our objectives through the effective and strategic use of our powers and tools, in line with the following approaches.



Educate

We assist regulated entities and the wider community to be aware of, and comply with, the requirements of the Act and the Regulations through education. We make information publicly available and provide consistent and authoritative guidance to support an understanding and awareness of the regulatory requirements and expectations.



Engage

We communicate instances of non-compliance in an appropriate manner and apply a considered and proportionate regulatory response, rather than a one-size-fits-all approach to encourage a return to compliance.



Enforce

We use regulatory tools and powers in a considered way. We share intelligence with peer regulators⁸ and the respective AOC to apply the law when compliance matters are escalated to ensure outcomes in the interest of safety, efficiency and regularity of air transport operations.

⁸ For example, CASA, Airservices, the Australian Federal Police and the Commonwealth Director of Public Prosecutions.

Compliance model

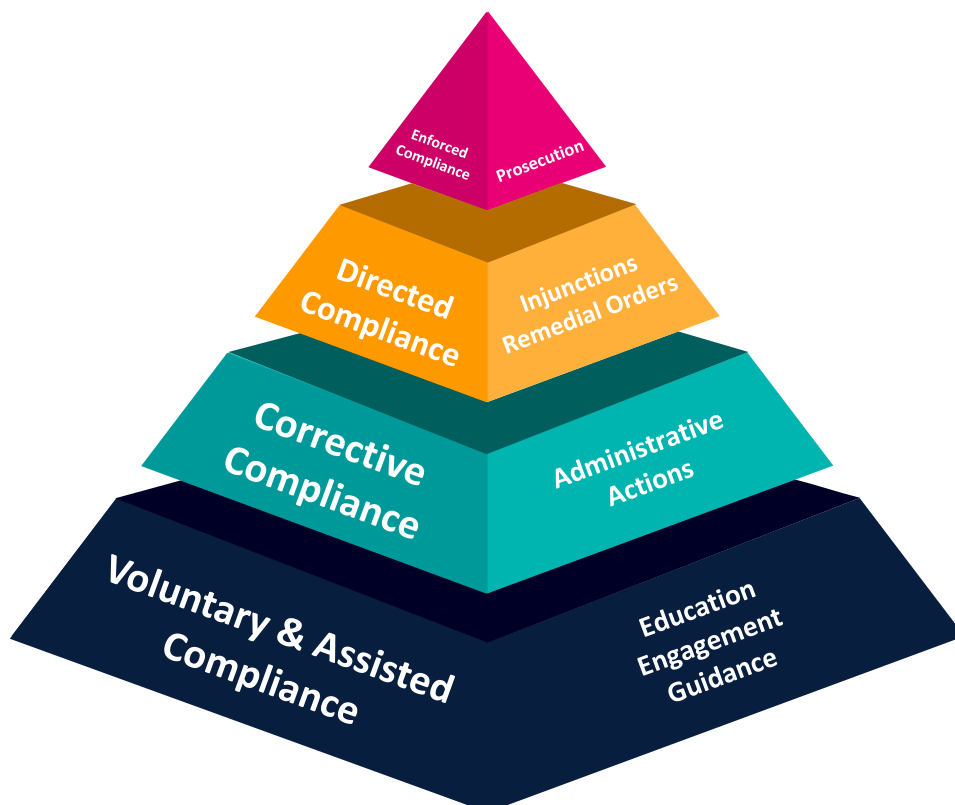
The department promotes voluntary compliance and good practice while applying escalating actions to address more serious non-compliance, systemic or recidivous breaches, sustained contraventions, or other misconduct that are not consistent with the requirements of the Act and the Regulations.

We do this by employing a range of tools to encourage compliance and proactively prevent breaches of the Act and the Regulations, including education and working closely with key stakeholders, regulated entities and the wider community. Our compliance and enforcement actions are driven by a risk-based approach and are applied flexibly to target specific risks or misconduct.

Our compliance model recognises there are varying degrees of compliant and non-compliant conduct. We therefore seek to address low risk non-compliances through a collaborative process with regulated entities and the broader community including, through education, advice and authoritative guidance. While the Act provides the department with a range of remedies to address breaches of the Act, including court-based interventions, enforceable undertakings and remedial actions for serious offences.

We believe that most people want to do the right thing and will comply if they understand their responsibilities and rights, and we will continue to encourage proactive compliance with the Act and the Regulations. In deciding which compliance tool (or combination of such tools) to use, the first priority is always safety and to restore, as soon as practicable, the operational environment back to the safe, efficient and regular state that it was in prior to the contravention of the Act or the Regulations, or both. To achieve the best possible outcome for the safety, efficiency and/or regularity of air transport operations, enforcement actions will seek to maximise impact and leverage any outcomes.

Through the compliance and enforcement model we employ 4 approaches:



AOCs are at the forefront

AOCs are the first point of contact for all compliance matters. A person engaging in conduct that contravenes the requirements of the Act must be responsive and comply with the requests of the AOC. A person's failure to comply with the requests of the AOC may exacerbate the potential risks to the safety, efficiency or regularity of air transport operations and be escalated to the department for further consideration.

AOCs undertake daily obstacle monitoring, maintain regular community contact, and notify the department where support or intervention is required. Where appropriate, and based on a case-by-case, evidence-based assessment of risk, the department may escalate compliance activities.

Compliance actions

This section sets out the compliance and enforcement actions available to the department and AOCs. Note, this is not an exhaustive list, and each compliance matter is dealt with on a case-by-case basis.

Voluntary and assisted compliance

Education, engagement and guidance

Education, engagement and guidance constitute voluntary (general information and education) and assisted compliance (information provided in specific compliance instances). Both voluntary and assisted compliance functions operate as preventative control mechanisms. The department and AOCs publish guidance materials to support awareness and understanding of regulated entities' obligations under the Act and the Regulations. They also provide regulatory information to a person in relation to applications to undertake a controlled activities, as required.

AOCs regularly engage with their respective state, territory and local government authorities with responsibility for making or informing transport and land-use planning and development decisions, as well as industry bodies and local operators (e.g. crane operators, construction companies, developers, etc.) to promulgate information relating to the protection of airspace.

Notwithstanding the above, it is the responsibility of the person proposing to undertake, or undertaking, a controlled activity to ensure they are aware of, and that their conduct is in accordance with, the requirements of the Act.

Corrective compliance

Administrative action

The department or AOCs can undertake administrative actions which generally involve a person agreeing, in writing, to immediately stop the conduct of concern and to take other measures necessary to ensure the conduct does not recur.

In some cases, the Secretary (or a delegate of the Secretary) may accept an administrative resolution. For example, the Secretary (or a delegate of the Secretary) can issue warning letters where the Secretary (or a delegate of the Secretary) assesses potential risk flowing from conduct as low. Warning letters set out the description of non-compliance and the consequences and penalties associated with the breach or further breaches.

The Secretary (or a delegate of the Secretary) may also issue a Corrective Action Plan (CAP) in conjunction with a warning letter, where the department or AOC has identified specific actions the person or entity must adhere to in order to achieve compliance with the requirements of Act. The CAP will outline the types of action required to remediate the issues identified. The CAP will also include details on deadlines and further action that may be undertaken by the department or AOC if the corrective actions are not adhered to.

The Secretary (or a delegate of the Secretary) may also impose additional reporting requirements on a controlled activity to ensure corrective actions are in place and appropriately implemented. Reporting would ensure accountability against agreed actions.

The Secretary (or a delegate of the Secretary) may deem that a variation or revocation of the approval is required. This means that a person may be required to redesign a structure, reduce the height, and/or adjust operational methods. Notwithstanding the above, it is the responsibility of the person proposing to undertake, or person undertaking, a controlled activity to ensure they are aware of, and that their conduct is in accordance with, the requirements of the Act.

Note, the Regulations specify the Secretary (or a delegate of the Secretary) must approve an application unless carrying out the controlled activity would interfere with the safety, efficiency or regularity of existing or future air transport operations into or out of the airport. However, the Secretary (or a delegate of the Secretary) takes all past performance and engagement on compliance matters into account when deciding whether to approve or refuse to grant approval for a controlled activity to be undertaken, as this information is a relevant consideration under 17(5)(b) of the Regulations.

Directed compliance

Remedial orders

Remedial orders are a form of directed compliance. Under subsection 187(1) and (2) of the Act, on application by the Minister, the Federal Court, if it is satisfied that it is in the interests of the safety, efficiency or regularity of existing or future air transport operations into or out of a particular airport, may make an order requiring a person:

- a) to carry out remedial work on; or
- b) to mark and/or light; or
- c) to reduce the height of; or
- d) to demolish, dismantle or remove;

a building, structure, or object that intrudes into prescribed airspace.

In addition to the Federal Court's powers under subsections 187(1) and (2) of the Act, the court, under subsection 187(3):

- a) has power, for the purpose of securing compliance with any other order made under this section, to make an order directing any person to do or refrain from doing a specified act; and
- b) has power to make an order containing such ancillary or consequential provisions as the court thinks just.

For example, where a person has intruded into secondary airspace without the necessary approvals under the Regulations, the AOC may request the person dismantle or reduce the structure to a height below prescribed airspace. Depending on the response, the matter may be addressed through administrative action. However, if administrative engagement does not achieve compliance, the matter may be escalated, including by seeking a remedial order to ensure compliance.

Injunctions

Under Part 15 of the Act, the Minister can seek an injunction from the Federal Court if a person has engaged, is engaging, or is proposing to engage in any conduct in contravention of the Act. Like remedial orders, injunctions are considered a form of directed compliance, where corrective controls are being implemented.

Subsection 183(1) of the Act prohibits the carrying out (or causing the carrying out) of controlled activities without approval, or a relevant exemption. Contravention of this provision is an offence, the penalty for which is 250 penalty units. In addition, subsection 185(1) of the Act makes failing to comply with a condition of an approval granted under the Regulations an offence. The penalty for contravening this provision is 250 penalty units.

In these circumstances, a restraining injunction could be granted under subsection 218(1) of the Act to halt a person from continuing to carry out the controlled activity, or to require the controlled activity to be carried out in a certain manner. The Court could also grant a performance injunction requiring the person to take positive action under subsection 218(4).

An injunction may be used, for example, where a serious and ongoing risk exists to the safety, efficiency or regularity of air transport operations. In circumstances where a person has not complied with a requirement and swift rectification is required, an injunction may be used to immediately halt the activity and prevent any further escalation of risk.

If an application is made to the Court under subsection 218(1) or (4), the Court may, before considering the application for a restraining or performance injunction, also grant an interim injunction restraining a person from engaging in such conduct⁹ (subsection 219(1) of the Act refers).

A breach of a Federal Court injunction constitutes contempt of court and may result in significant penalties, including fines or imprisonment. The penalties imposed will depend on the nature of the injunction and the seriousness of the breach.

⁹ When considering whether to grant an interim injunction, the court will take into account a range of matters, for example, if it sees there are urgent safety risks.

Enforced compliance

Criminal prosecution

The department may refer offences against subsections 183(2) and 185(1) of the Act to the Commonwealth Director of Public Prosecutions for criminal prosecution. Criminal prosecution is identified as enforced compliance and may be considered in the most severe circumstances, at the highest level of escalation, where a serious risk to the safety, efficiency or regularity of air transport operations occurred.

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	March 2026	Sarah Nattey, Assistant Secretary, Airports Branch	Document finalised and made available on department's website.