

Airports Act 1997 (Cth) (Act) review – Stage 1b

Department of Infrastructure, Transport, Regional Development and Communications

Queensland Airports Limited response

2 June 2022

Background

Queensland Airports Limited (QAL) is an Australian-owned, Queensland-based company that operates Gold Coast, Townsville, Mount Isa and Longreach airports. Established in 1998, QAL is the largest regional airport operator in Australia. QAL is a privately-owned company and its shareholders include superannuation and investment funds. QAL employs about 175 people directly, and its airport activities facilitate thousands more jobs across Queensland and in northern NSW.

Response

As stated in the phase 1A response, QAL management believes the Airports Act 1996 works well overall, allowing the efficient and effective operation of the three of our four airports within the group (Gold Coast, Townsville and Mount Isa airports) which are governed by this legislation.

We appreciate the opportunity for airports to participate in this review process and to potentially inform any regulatory change. As such, QAL has provided some feedback for the Department's consideration in the areas of Infringement Notices and the Definition of Airport Sites, which is part of the Stage 1B consultation process.

It is also worth stating that the regulations themselves will sunset unless this review process is completed by the Department, and ultimately Government. Therefore, it is critical that these regulations are in place to ensure the continued operation of the three QAL ports concerned.

Infringement Notices

There is an opportunity to streamline the infringements regime and, as such, we support Policy Option 3, particularly Option 3.2 – a bespoke framework. Further to this, adoption of the Regulatory Powers Act Framework would be an appropriate starting point, with further refinements offering the opportunity to reduce both red tape and the use of QAL resources in areas such as reporting. It is worth highlighting that this position would be subject to the Department consulting with QAL in preparing the new regulations.

Specifically, there is currently extensive reporting required on both a monthly and quarterly basis. It is suggested that the Department considers moving to quarterly reporting only – reducing red tape and streamlining the process.

Another example of the complex nature of this infringement notices system would be the regime in the Airports (control of on-airport activities) Regulations 1997, which gives QAL and other airport companies the power to manage illegal parking on airport. The current process, from the time an infringement is issued to when it is reported to the Department, is particularly time consuming – in fact it takes approximately 20 per cent of the ground transport administrator's time to undertake this process. In addition, this person also needs input from Commercial Revenue and Finance department members. As stated above, if this happened on a less regular basis, efficiencies could be gained.

Airport Sites

Any change to an Airport site (i.e. change in title reference or configuration of land) currently requires the approval of the Federal Government Executive Council and, as such, is administratively burdensome. If QAL's airport lessees need to subdivide any land (for development purposes for example), it would trigger a requirement to replace the regulations to note the new Airport Site. To provide important context, it is worth stating that the Gold Coast Airport site, for example, has three separate lots, while the Mount Isa Airport site has five, and the Townsville Airport site, which is a joint-user facility, has three.

Therefore, QAL supports the view outlined in the Australian Airports Association's submission (that the preferable option is Option 3, specifically Option 3.2), which would allow the Minister to declare an Airport Site by way of a legislative instrument. This would be a simpler approach if, for example, a minor titling change is required.

It is important to highlight that QAL's position on this potential change would need to be further considered in light of the specific proposed legislative instrument, and the process in obtaining the same, and whether the Minister would be required to act collaboratively with, or only at the request of the relevant Airport Lessee. Put simply, the new approach would need to be less burdensome than the existing regime for it to have any merit.