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Chair
Rural and Regional Affairs and Transport
Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Chair,

RE: Inquiry into the Aviation Consumer Protection Bill 2026 and three related bills

Thank-you for the opportunity to provide input to the Aviation Consumer Protection Bill 2026 (the **Bill**) and its associated legislative framework. Brisbane Airport (**BNE**) has been, and continues to be, a strong supporter of an Aviation Consumer Protection Framework (the **Framework**). As mentioned in our various submissions to the Department of Infrastructure, Transport, Regional Development, Communication, Sports and the Arts (the **Department**), the Framework has the potential to provide a range of benefits to the travelling public, including enhanced accountability for aviation industry participants, an improved traveller experience, the ability to identify and drive systematic sector improvements, and increase transparency and trust in the aviation regulatory framework. Our position on the implementation of the Framework has been to ensure any interventions (whether via a regulator or independent adjudicator), are carefully balanced and calibrated to avoid added costs and complexity to industry with limited effectiveness to end users.

Summary of BAC's position

After reviewing the Bills introduced to Parliament on 31 March 2026, we are supportive of the overall structure and intended operation of the Framework. In particular, we strongly support the focus of the legislation on a direct consumer relationship between an aviation service provider and end user. As we have set out in detail via Departmental consultation, airports are a highly complex and multi-layered ecosystem characterised by multiple players interacting in over-lapping roles, including public transport provision, border services, air traffic control and baggage services. For those types of services, any issues which arise, be they delays, the absence of a service or matters of service quality or indeed the absence of a service are not within the direct control of BNE.

Other relationships affecting aviation service quality, including runway maintenance, fuel infrastructure, aerobridges and terminal maintenance, while the responsibility of airports, are governed via direct service level agreements with airlines, with defined performance benchmarks and metrics. Therefore, we believe the Bill's approach to defining *airline service* and *related services* as governed under the Framework, is well judged and reflects the reality of modern aviation operations. Similarly, we also support the definition of an *airport service* under the Bill, noting a focus of a direct consumer relationship and connected with or incidental to, transportation of a person by regular air transport.



However, there are elements of the Bill that highlight structural issues with the Framework. We believe certain elements should be better addressed to ensure a holistic approach to regulating customer and passenger outcomes. Other elements represent a fundamental misalignment between the scope of the Aviation Consumer Ombuds Scheme (the **Scheme**), its objectives, and the roles played by participants within the Scheme. We provide more detailed feedback below.

Including Government-based services

As discussed above, aviation represents a complex ecosystem of participants, with airlines, airports, ground transport operators and contracted service providers, providing services to facilitate the passenger journey. It is important to note government-based services also form an integral part of this ecosystem, including air traffic control, customs, immigration and biosecurity. The performance of government bodies providing these services, namely, Air Services Australia, Australian Border Force and the Department of Agriculture, Fisheries and Forestry, are an integral part of the airport experience, and by extension the passenger journey.

However, the Bill expressly defines the meaning of a *regulated entity* in s14 - a clause that implicitly excludes government-based services provided by those agencies, unless they are specified in rules made under s88. We believe where government agencies are responsible for specific actions resulting in passenger issues, these entities should be held accountable, as is required for other aviation participants under the Scheme. Alternatively, where a policy decision has been made not to bind these entities, decisions by an Ombudsperson should consider the impact of those government-based services on a *regulated entity*.

Similarly, the Bill should consider the requirement of government agencies to publish key performance metrics, where applicable. This approach will ensure consistency, improve performance across the aviation ecosystem and provide transparency to travellers responsible for funding government services.

Ensuring co-ordination of activities across Government entities

As advised to government during the development of the Framework, airports are already subject to an ongoing monitoring regime which requires assessments of airport facilities from a customer standpoint. Under Part 8 of the *Airports Act 1996* (Cth), the Australian Competition and Consumer Commission (ACCC) is required to monitor and report on the quality of certain services provided at major airports (**QSM**).

Under QSM, a range of subjective measures from passengers are collected via surveys, then calculated by the ACCC on a scale of 1 to 5 (very poor to excellent). Items included for measurement include airport access (e.g. space for pickup/drop off); check in services and facilities; security inspection; flight information and public address systems; and the standard of gate lounges. Results of airport performance are published on an annual basis by the ACCC, and measured against previous performance to provide an overall picture of airports' investment in passenger service. A similar monitoring regime does not exist for airlines.¹

Turning to the Framework, the Department has advised it will be undertaking a *National survey of Australian's air travel behaviour, experiences and attitudes* on an annual basis, to assist the Aviation Consumer Ombudsperson (ACO) in their assessment of Scheme member performance. While the approach may provide further insights into passenger experiences at both an airline and airport level, we think further guidance is required on whether and how data from the National Survey will

¹ ACCC. *Guideline for quality of service monitoring at airports*. June 2014.



complement existing QSM activities. We further note reference to the National Survey is not contained within the Bill or Explanatory Memoranda. Without co-ordinating the data and insights from both activities – and considering how this data will inform Ombudsperson functions – airport performance could be assessed by two different entities utilising data gathered by way of differing methodologies.

We also seek to highlight potential issues with the referral and information sharing provisions of the Bill. For example, under 44(3), the Ombudsperson may share information or documents with the Minister or Secretary; or with a Commonwealth, State or Territory. In sharing information, s44(4) states the Ombudsperson does not need to notify any other person of the Ombudsperson's plans to share information, or that the Ombudsperson has done so. We believe where information is shared about a Scheme member across Government entities – and in particular, commercial or sensitive information – in the interests of transparency and accountability, affected Scheme members should be notified.

Inclusion of an Aviation Noise Ombudsperson

Part 4 of the Bill seeks to establish an independent Aircraft Noise Ombudsperson (**ANO**), located within the Department. We support this approach, given previous proposals by the Department to establish the ANO within the structure of the ACO. Our concern with the previous approach was that consumer protection and noise complaints are two distinct remits with little to no complementary characteristics.

In our view, the functions and characteristics of an ANO are directly related to government administration and service delivery, not matters centred around the conduct of industry within a commercial or consumer relationship. Seeking funding from private industry to support the review of government functions risked the perceived independence of the ANO being compromised. With reference to s24(2)(b) of the Bill (focussed on ACO funding via contributions from Scheme members), we presume the funding of the ANO will be fulfilled via a separate funding mechanism.

Ombuds Scheme Charging Framework

Section 24(2)(b) of the Bill states the operations of the ACO is financed through contributions made by Scheme members. Further detail on a levy is provided within the *Aviation Consumer Protection Levy Bill 2026 (Cth)* (**ACPL Bill**). Previous engagement by the Department has focussed on a levy and 'fee for service' cost recovery model.

We understand the ongoing viability of the Scheme relies on the ability of the Ombudsperson to adequately resource its functions, while ensuring the variable nature of a complaints function is appropriately expanded or contracted in line with demand. While a set levy provides stability and certainty for the Scheme, we would caution against the use of a variable fee, given the inherent costs and complexities of administering individual fees across numerous industry participants on a monthly basis.

Rather, we would recommend the use of a yearly levy, supported by data from the preceding 12 months. Where there is an over-collection of a levy relative to complaints against a participant, this can be reflected in the proceeding year's levy (and vice versa).

The use of a levy model is also better suited where the demand for services (and the effect of the provision of these services on costs) is unknown, as will be the case with the Aviation Ombuds Scheme. We note a high-level cost recovery model has not been provided as part of the Department's consultation on this Bill. As such, several inputs remain unresolved to ensure the charges raised by the Department reflect the efficient costs of providing services, including:



- Establishment costs, including advisory, administrative and operational;
- Ongoing operational costs, including staffing, processing, investigations and consultation; and
- Governance, including auditing and evaluation, annual reporting, compliance and planning.

While s11 of the ACPL Bill outlines matters to be taken into consideration in calculating administrative costs, industry does not have clarity on the calculation of a proposed costs until the development of Regulations under s10(6).

An alternative approach for the establishment of a cost recovery framework could be for a levy and membership fee to be deferred for the first 12 months of the scheme, allowing the Department to collate data and carefully integrate Ombudsperson functions across the sector. Levies could then be set using a more comprehensive evidence base, with the establishment costs and initial operation of the Scheme incorporated into the proceeding year's levies. This approach could help avoid issues with similar overseas models (e.g. Canada), with high demand leading to an extensive backlog of complaints (and in turn, unbudgeted costs).

Without a clear guide on the above-mentioned matters, a fee-based model will present a considerable financial risk to industry, which as described, will be expected to fully fund the establishment and operation of the Scheme.

Accessibility/Disability Matters

Part 2 of the Bill specifies the requirements that must be met in relation to the offering or supply of regulated services. While the focus of the Part relates to the Aviation Consumer Protections Charter, s20(4)(d) provides power for Charter requirements and standards to be determined for, or in relation to, matters within the meaning of the *Disability Discrimination Act 1992* (Cth). Given the ongoing development of the Aviation Disability Standards, we believe s20(4)(d) needs to be carefully calibrated to ensure obligations between the Aviation Consumer Protections Charter and Disability Standards are clear and workable, noting the responsibility of airlines to co-ordinate services for passengers at an airport under s11(3)(i). We note a multi-layered and overlapping approach to enforcing disability and accessibility matters will not only cause confusion to system users, but also risk 'forum shopping', driving administrative volumes (and therefore costs) across the system.

Airlines and airports are already required to comply with the *Disability Discrimination Act 1992* (Cth), including the *Disability Standards for Accessible Public Transport 2002* (Cth) (*Transport Standards*) and *Disability (Access to Premises – Buildings) Standards 2010* (Cth). The application of Aviation Specific Disability/Accessibility Standards – if not aligned and proportionate – risks adding further complexity to the regulatory framework, making compliance increasingly challenging and resulting in an inconsistent passenger experience through airport facilities.

We strongly support the Department's view that there would need to be arrangements with a range of other entities and the ACO to establish a framework of co-operation and co-ordination, especially to minimise duplication and regulatory overlap. However, the nature of these arrangements cannot be finalised until the appropriate Standards are considered and developed. In lieu of the Standards being finalised, BAC encourages government to consider a 'phased' approach to the establishment of the Scheme. The first phase could focus on passenger rights from a consumer perspective, with Scheme participants continuing to develop



Customer Service Charters and Disability/Accessibility Charters with the Department, in line with its ongoing consultation on these matters. Disability/Accessibility matters can also continue to be heard by the Human Rights Commission in the interim. The second phase can then incorporate an expanded Disability/Accessibility scope, with a clear delineation and scope for each relevant complaints body.

Notwithstanding the above comments, we continue to support the government objectives for a better passenger and consumer experience for air travel. We remain open to co-operating with government and the broader aviation sector to further develop the Scheme in a way that provides real benefits for the travelling public, while acknowledging the complexities of the aviation ecosystem.

If you have any questions regarding this submission, please contact Rishi Wijesoma on [REDACTED] or [REDACTED]

Kind regards

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Henry Tuttiett
Executive General Manager