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**To:** [aviationconsumer](#)  
**Subject:** submission to: Aviation Consumer Protections – primary legislation [SEC=OFFICIAL]  
**Date:** Monday, 15 September 2025 10:37:16 AM  
**Attachments:** [aviation\\_consumer\\_submission.docx](#)

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Submitted on 15 September 2025

Submitted by: Anonymous

Submitted values are:

## Step 1: Your submission

### Remain Anonymous

No

### Private Submission

No

### Published name

Abhi

### Short comment

The current system provide no consumer protection and the airline lobby has managed to corner the current government to be grossly inadequate and ineffective. Qantas and Vigin have used their powers to force small airlines to go bankrupt and sadly the ministers has done nothing.

## Upload attachments

### File uploads

- [aviation\\_consumer\\_submission.docx](#) (37.9 KB)

## Step 2: Contact details

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**Consultation name**

Aviation Consumer Protections – primary legislation

OFFICIAL

# **Submission on the Proposed Regulation of Airline, Airport and Accessibility Services**

Author: [Your Name]

Date: [Insert date]

## **Introduction**

Air travel is an essential service for Australians. Yet the current framework provides little to no meaningful consumer protection. Passengers face inadequate remedies when flights are cancelled or delayed, when baggage is lost, or when accessibility services fail. At the same time, airports and airlines exercise market power, charging ever-increasing fees and delivering declining service quality.

The proposed framework (Charter of Aviation Consumer Rights, Aviation Consumer Protection Authority (ACPA), and Aviation Complaints Ombudsman (ACO)) is a welcome step. However, without enforceable standards, binding remedies, and meaningful accountability for airports as well as airlines, the reform will fall short.

## **1. Coverage of Core Consumer Experience – Are elements missing?**

The proposed Charter covers key touchpoints such as information, rebooking, refunds, baggage, accessibility, and complaint handling. However, several critical gaps remain:

- Automatic entitlements: Refund or rebooking must be guaranteed when flights are cancelled or delayed by 2 hours or more.
- Baggage standards: Require airlines/airports to provide essentials allowance if bags are not delivered within 4–6 hours, further payments after 24 hours, and lost-baggage claims after 21 days.
- Airport service accountability: Airports should be subject to enforceable service standards with penalties or compensation where services fail.
- Economic protections: Cap monopoly charges (airport fees, car parking) and mandate transparency in ticket pricing and executive pay.

## **2. International Flights – Operational and Technical Considerations**

Regulation of international flights must align with the Montreal Convention, which governs liability for delay, injury, and baggage. Domestic law cannot override treaty obligations, but it can strengthen passenger protections by requiring:

- Contractual commitments by airlines for stronger refund/compensation rights for flights from Australia.
- Lead carrier responsibility in multi-carrier journeys.
- Faster refund timelines (within 7 business days).

A tiered approach is recommended:

- Delay of 2–6 hours → refund or rebooking at passenger's choice.
- Delay over 6 hours → refund or rebooking plus meals/accommodation.

### 3. Airport Accessibility Services – Operational and Technical Considerations

Accessibility failures cause disproportionate harm to passengers with disability. To ensure accountability:

- Clear allocation of responsibility between airports and airlines.
- Mandatory service standards for waiting times, equipment availability, and staff training.
- Pre-notification rights with guaranteed timely service.
- Compensation available where failures occur.

### 6. Role of the ACPA – Is it sufficient?

The ACPA is the right body in principle, but it must have real enforcement powers:

- Ability to order refunds and compensation within set timeframes.
- Power to impose fines and corrective action plans.
- Collection and publication of performance data (delays, baggage, accessibility).
- Coordination with the ACCC on airport pricing oversight.

Without these powers, consumers will remain unprotected.

### 7. Role of the ACO – Are its powers sufficient?

The Aviation Complaints Ombudsman must provide fast, binding, low-cost dispute resolution. It should have:

- Power to make binding determinations up to at least \$20,000.
- Statutory deadlines for complaint resolution (within 60–90 days).
- Ability to refer systemic breaches to the ACPA.
- Guaranteed independence and funding.

If not empowered in this way, the ACO risks becoming another ineffective complaints body.

### Additional Measures Needed

1. Refunds & delays: Refund or rebooking guaranteed for delays  $\geq 2$  hours.
2. Baggage: Essentials allowance if baggage is delayed beyond 4–6 hours; flat payment after 24 hours; lost baggage claim after 21 days.
3. Airport service accountability: Airports must compensate passengers for severe service failures.
4. Economic protections: Cap monopoly charges, require transparent pricing, and link executive pay disclosure to service quality KPIs.

### Conclusion

The proposed framework is a welcome reform, but without enforceable rights, automatic compensation, and economic accountability for airports as well as airlines, the risk is that

consumer protection remains illusory.

This submission calls for:

- Automatic refunds at 2-hour delays
- Tiered baggage compensation
- Airport accountability with compensation rights
- Price and fee regulation for monopoly services
- Stronger powers for ACPA and ACO

Australia's aviation consumers deserve protections at least equal to those in other advanced jurisdictions. With the right design, this framework can deliver the fair, transparent, and accountable aviation system Australians need.