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Aviation Consumer Protections – subordinate legislation (including the Aviation Consumer Protections Charter)

OFFICIAL

Submission to the Federal Government: Draft Aviation Customer Rights Charter and Associated Aviation Protections

From: Ajust

Date: Friday 24 October

About Ajust

Ajust is an Australian AI-powered consumer advocacy platform helping Australians resolve issues with businesses quickly and fairly. We have helped over 20,000 consumers resolve issues with almost 1,000 businesses, tackling the 107 million hours consumers spend each year navigating traditional complaint channels. Our mission is to ensure consumers are heard, treated fairly, and get the outcomes they deserve.

Introduction

Ajust welcomes the establishment of the Aviation Consumer Protection Authority (ACPA), the Aviation Consumer Ombudsman (ACO), and the Aviation Customer Rights Charter (the Charter). These reforms reflect what we work toward every day – fair outcomes and practical support for consumers. Establishing a dedicated regulator and Ombudsman brings aviation in line with sectors like financial services and telecommunications, which already have clear oversight and dispute resolution mechanisms.

We support the reforms, but believe a major gap remains: third-party booking platforms and travel agents are not covered, leaving many travellers stuck when seeking refunds, cancellations, or timely dispute resolution. This submission draws on Ajust's experience assisting thousands of Australians with travel-related complaints, including data showing that at least 25% involve third-party booking providers. Airlines themselves are already difficult to deal with – for example, if a consumer wants to raise a complaint with Qantas or Jetstar they need to complete contact forms with many conditions and hurdles. Third-party platforms add another layer of difficulty, creating further obstacles for consumers – and even for an advocacy platform like Ajust to resolve issues in a reasonable time.

Consumer Experience and Systemic Issues

Ajust's casework highlights recurring challenges faced by travellers using third-party booking platforms:

- **Refund delays and denials:** Travellers paying for flexible or refundable options were often told refunds were in process, only to later be denied. In one case, a traveller lost \$9,000 when cancelling five flights booked through a third-party site.
- **Missed deadlines and poor communication:** A traveller waiting for a medical-related cancellation refund was told seven months later that a 60-day deadline for a refund request had been missed, despite never being notified of it.

- **Booking failures leading to additional costs:** Errors by third-party booking providers resulted in denied boarding and loss of subsequent reservations, forcing travellers to purchase replacement flights exceeding \$6,000.
- **Airline confirmation disregarded:** Even when airlines confirmed entitlement to a refund, third-party platforms sometimes failed to process it, leaving consumers financially disadvantaged and unable to make alternative arrangements.

These examples illustrate that gaps in regulation for third-party providers create unnecessary financial and logistical burdens for consumers.

Tangible Application of the Charter

One of the Charter's key strengths is the introduction of minimum levels of assistance, including rights to refunds, rebookings, and immediate food and accommodation support in the event of disruption. These measures are a significant advancement in alleviating the immediate hardship consumers face when flights are cancelled or delayed.

Ajust's view is that these protections should extend to travel agents and online booking platforms. While all flights affected by unreasonable disruptions are eligible for refunds under the Charter, many consumers who book through intermediaries must rely on travel agents to action the refund. Airlines cannot process refunds directly to consumers in these cases; the travel agent must request the refund from the airline and is responsible for returning the funds to the consumer.

This creates a regulatory gap. Minimum standards of customer service, complaint handling, and escalation to the Ombudsman will not apply to travel agents. As a result, refunds facilitated through intermediaries are not captured by the same protections afforded under the Charter, leaving consumers vulnerable.

Our experience shows that third-party booking platforms are some of the hardest businesses for consumers to raise complaints with. Many do not respond at all, and consumers often spend hours on calls, get cut off, or are passed between customer service agents (some based offshore and often with limited untraining). Resolving issues requires repeated back-and-forth, causing significant delays and leaving consumers stuck and financially exposed.

The scale of the problem is significant. In 2024, travel agents in Australia processed over 900,000 refunds, around 5% of all tickets issued.¹ Delays by intermediaries have major consequences, as timely refunds are essential for travellers to rebook or make new arrangements.

While the government has acknowledged that refunds accessed through intermediaries may take longer to process, the current framework only requires airlines to refund the customer (or intermediary) within 14 days. There is no equivalent obligation regulating the timeframe

¹ Australian Travel Industry Association - Aviation Consumer Rights Charter submission (March 2025). <https://atia.travel/Portals/0/Advocacy/250307%20-%20Aviation%20Rights%20Charter%20-%20ATIA%20Submission%20-%20Final.pdf?ver=GS1IkbLMXdgzbP51u9E1Q%3D%3D>.

within which travel agents must pass refunds on to consumers. Without enforceable standards, consumers face significant delays in receiving refunds and support.

Consistency with Australian Consumer Law

In retail, third-party sellers must make sure consumers can access their rights under the Australian Consumer Law. Aviation currently doesn't work the same way. Passengers who book through travel agents or online platforms often face delays or barriers when trying to get refunds or resolve other problems with their bookings. Holding travel agents and booking platforms responsible would give consumers the same clear, enforceable rights as in other sectors, no matter how they buy their tickets.

Recommendations

To strengthen consumer protections and ensure the Charter delivers meaningful change, Ajust recommends:

1. Include Third-Party Booking Providers under Regulatory Oversight

- Apply the Charter's minimum standards to all intermediaries involved in ticket sales - specifically the standard relating to complaint handling processes.
- Enable consumers to escalate disputes to the ACO when third-party providers fail to comply.

2. Clarify Refund and Compensation Obligations

- Establish clear timelines and accountability for compensation, not just for airlines but also for travel agents once they receive refunds from airlines i.e. 14 days to process funds once received.
- Enforce minimum notice requirements for travel agents to update consumers on the status of refunds or compensation, including reasons for any delay and expected timeframes for resolution.

3. Improve Transparency for Consumers

- Ensure travellers are informed at the point of sale about their rights and complaint options when booking through third-party platforms.

Conclusion

Ajust strongly supports the government's reforms, which introduce clearer complaint pathways and strengthen airline accountability. The Charter's focus on fair remedies and passenger support is a practical step forward, and reflects the outcomes Ajust works to deliver for Australian consumers every day. Unlike rigid compensation models used overseas, the proposed approach strikes a fair balance – it strengthens consumer protections without placing unnecessary costs on airlines that could drive up fares for travellers.

However, without extending protections to third-party booking providers, many consumers will still face barriers when seeking refunds or support. Aligning the Charter with existing Australian Consumer Law principles would ensure all travellers – whether booking directly or through an intermediary – have consistent and enforceable rights.

Ajust would welcome the opportunity to support the reform process further. We are open to collaborating with the government, drawing on insights from the more than 20,000 consumer cases we have supported. We can also play a role in connecting policymakers with consumers who have used our platform to share their experiences directly.

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