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To: [aviationconsumer](#)
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Consultation name

Aviation Consumer Protections – primary legislation

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Question 1 – Does the proposed regulation of airline services, airport services and airport accessibility services cover the core elements of the aviation consumer experience? Are there any missing elements?

1. **Flight Disruptions and Cancellations** – While this is included, it is crucial that the Charter clearly covers not just refunds, but also **rebooking obligations across airlines, meal/accommodation entitlements, and compensation for denied boarding or downgrades**. Otherwise, the protections will be narrower than international benchmarks.
2. **Pricing Transparency and Ancillary Fees** – The Charter should explicitly cover **misleading pricing practices** such as drip-fees (e.g., seat selection, luggage, credit card surcharges), which significantly impact the booking experience. Without this, “flight bookings” regulation risks being too narrowly scoped.
3. **Frequent Flyer / Loyalty Schemes** – While these are in-scope, they should be regulated to ensure fairness in seat availability, point devaluation, and cancellation/refund policies. These schemes are often opaque and a source of significant consumer frustration.
4. **Complaint Handling** – Airlines should be required not only to have complaint processes, but also to meet **strict response timeframes** and provide clear escalation paths to the Ombudsman. Without enforceable standards, this risks being tokenistic.
5. **Out of Scope Risks** – While it makes sense to exclude government activities (e.g., Border Force), there is a risk of **airlines deflecting responsibility** by blaming airport operators, ground handlers, or contractors. The Charter should make clear that where an airline subcontracts a service (such as baggage handling), the airline remains responsible to the passenger.
6. **Missing Elements:**
 - a. **Tarmac Delays** – No clear provision exists for when passengers are stuck on aircraft for extended periods. The U.S. has strong protections here.
 - b. **Package Travel / Third-Party Intermediaries** – While travel agents are noted, the Charter should clarify consumer rights when flights are booked as part of packages or via online platforms (e.g., Expedia).
 - c. **Data Transparency** – Consumers should have access to performance data (on-time stats, cancellation rates, complaint volumes) to make informed choices.

Question 2 – Are there any operational or technical considerations regarding international flights that would affect their regulation under the framework?

Yes. International flights present unique risks for consumers that are not fully reflected in the current proposals:

- **Higher Financial Losses** – International passengers are far more likely to face significant non-recoverable expenses when flights are cancelled or delayed. These include prepaid accommodation, excursions, tours, and connecting transport arrangements overseas. Unlike on high-frequency domestic routes, passengers

cannot simply wait a few hours for the next flight; in many cases the next available option is the following day or later, at significant personal cost.

- **Rebooking Obligations** – Given the reduced frequency of international services, it is especially important that airlines be required to rebook passengers on other carriers where necessary to ensure timely arrival. Without this, passengers may be stranded abroad without reasonable alternatives.
- **Accommodation and Support Abroad** – When cancellations occur outside Australia, consumers are left especially vulnerable. Airlines must be obliged to provide (or reimburse) accommodation, meals, and ground transport overseas without arbitrary caps, as the cost and availability of accommodation can vary dramatically by location.
- **Clear Definition of “Within Airline’s Control”** – For international operations, it is vital that the framework avoids broad exclusions like those in Canada’s model, where even maintenance delays are considered outside the airline’s control. International passengers suffer disproportionately from such exclusions, given the higher costs and longer delays involved.

For these reasons, the framework should ensure that international passengers receive stronger and clearer protections, including mandatory rebooking across carriers and reimbursement of all reasonable expenses.

Question 3 – Are there any operational or technical considerations regarding airport accessibility services that would affect their regulation under the framework?

I welcome the intention to strengthen accessibility standards and co-design new obligations in 2025. To be effective, the framework should:

- Establish enforceable service standards (e.g., maximum wait times for mobility assistance).
- Impose penalties for non-compliance.
- Ensure accessibility complaints are clearly within the ACO’s remit, to avoid fragmentation across regulators.

Question 6 – Is the role of the ACPA as proposed sufficient to protect aviation consumers and lift consumer standards, while not imposing undue regulatory burden and costs on the sector?

And

Question 7 – Do the proposed functions and powers of the ACO provide sufficient capability to efficiently resolve consumer complaints and improve consumer standards? If not, what should change and why?

I welcome the creation of an ACO and an ACPA with court-backed enforcement. However, the paper states that **ACO determinations do not create legally enforceable rights for individual complainants**; instead, non-compliance must be **referred to ACPA**, which may pursue civil penalties or a performance injunction. This architecture creates an **enforcement gap** where compliance depends on regulator action rather than a direct right of redress for consumers.

Recommendations to close the gap:

1. **Make ACO determinations directly enforceable on regulated entities once accepted by the complainant.** Adopt a model akin to other Australian ombuds schemes where final determinations are binding on members if accepted by the consumer (e.g., AFCA), and **registrable as a court order or otherwise constituting a debt**. This gives consumers a clear, fast path to enforce outcomes while preserving the regulator’s systemic role.
2. **If the Government prefers the ACPA-only enforcement pathway, legislate guardrails:**
 - a. **Mandatory compliance period** (e.g., 10 business days) for airlines/airports to implement an ACO determination.
 - b. **Automatic consequences** for missed deadlines: escalating civil penalties, infringement notices, and interest on unpaid amounts, plus publication on a **non-compliance register** maintained by ACPA.
 - c. **Time-bound ACPA response** obligations (e.g., triage in 10 business days; decision to pursue in 30), so consumers aren’t stranded waiting to see if enforcement will occur.
3. **Clarity that “procedural compliance” includes following ACO determinations** and that ACPA can seek **injunctions to compel performance** (not only penalise). The paper gestures to this—codify it clearly in primary legislation and the Charter instrument.
4. **Transparency & deterrence:** quarterly public reporting of (a) determinations issued, (b) implementation within deadline, and (c) enforcement actions taken, by airline/airport.

These changes ensure the ACO has **teeth at the case level**, while ACPA focuses on **systemic uplift** and deterrence—so passengers aren’t left in the same position as today where they must pay out-of-pocket to escape unreasonable delays and then hope a regulator later intervenes.