

Department of Infrastructure & Transport
GPO Box 594
Canberra ACT 2601

26 October 2025

Email: avitionconsumer@infrastructure.gov.au

Aviation Consumer Protections – Subordinate Legislation

The Australian Travel Industry Association (ATIA) welcomes the opportunity to provide feedback on the design of the subordinate legislation for new consumer protections to improve outcomes for aviation consumers.

As outlined in our previous submission, ATIA considers the proposed new consumer protections framework to be appropriately focused on addressing the key policy issue at hand, that is, aviation consumer dissatisfaction with how airlines have interpreted their obligations to passengers, lengthy delays in airlines' responsiveness to complaints, and unsatisfactory outcomes from complaints referred to the Airline Customer Advocate.

The proposed Charter standards appear to cover the core elements of the aviation consumer experience relating to the delivery of airline services and airport services. The Charter also covers elements of airport accessibility services, noting that new aviation-specific disability standards will also be introduced. Importantly, all consumers will be protected regardless of whether they book directly with an airline or through an airline's agent (travel agent).

ATIA strongly supports the proposal that travel agents will not be directly subject to the new scheme. Agents will be required to comply with certain requirements in the Charter (specifically, subsections 1(a) to (e)) and airlines will be responsible for ensuring any agent of the airline meets these requirements. This approach is consistent with international practice and reflects the established agent-principal relationship that exists between travel agents and airlines. We have provided further details on the nature of the agent-principal relationship, the current obligations airlines require of agents, and the regulatory oversight and complaints resolution processes with respect to travel agents in our previous submission, at **Attachment A**.

Specific Charter Requirements

Many of the obligations that travel agents will be required to comply with under the proposed Charter are reflected in varying forms in existing industry practices, such as those in airlines' commercial agreements with agents, associated terms and conditions, and related policies, providing a foundation that facilitates adaption to the Charter requirements.

ATIA's feedback primarily relates to proposed requirement 1(d), concerning the collection of passenger contact information.

The proposed requirement specifies the collection of both a mobile number and an email address. Under IATA Resolution 830d, agents are required to collect a mobile number *and/or* an email. While

agents will routinely collect both, in implementing this requirement, it may be more appropriate to request a passenger's preferred or primary method of contact. This approach recognises that some travellers do not retain their usual mobile number while overseas and helps ensure personal data collection remains proportionate.

In addition, in practice, there are some situations where the nominated contact, rather than the passenger, is the most appropriate point of communication. This should be recognised as part of the Charter. For example, fly-in-fly-out (FIFO) workers often travel as part of coordinated group movements managed by a crewing manager. The crewing manager needs updates to adjust rosters and shift allocations if flights are disrupted. They then communicate to the passengers once any necessary roster and travel changes have been made – meaning they are typically the primary contact for this type of travel. Similarly, for group travel, families, or people with disability travelling with carers, it is often the organiser or support person who must receive real-time updates to manage logistics or provide support. Allowing flexibility for either a passenger or a nominated contact ensures that essential information is received promptly and that the Charter can be applied effectively across different travel contexts.

In relation to the use of personal information, IARA Resolution 830d also clarifies that:

Members and BSP Airlines shall use these contact details exclusively for the purpose of operational notifications, e.g. flight cancellation, schedule change, etc. and shall not use the contact details for sales & marketing purposes.

Despite these existing provisions, there have been a number of instances where airlines and other suppliers have used contact details provided by agents for marketing purposes. It should be made explicit that this information must not be used for any purpose other than operational notifications, and there should be a clear process for airlines to demonstrate to the Ombuds that appropriate safeguards are in place to ensure contact information is used solely for operational notifications.

ATIA thanks the Department for the opportunity to provide feedback on the proposed Charter and subordinate legislation. We would be pleased to provide further information or clarification if required.

Yours sincerely

Ingrid Fraser

Director of Public Policy & Advocacy
Australian Travel Industry Association