

From: [Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts](#) on behalf of infrastructure.noreply@govcms.gov.au
To: [aviationconsumer](#)
Subject: submission to: Aviation Consumer Protections – subordinate legislation (including the Aviation Consumer Protections Charter) [SEC=OFFICIAL]
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Step 1: Your submission

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Civil Air Operations Officers Association of Australia

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- [251024-submission-re-aviation-consumer-protections.pdf](#) (525.11 KB)

Step 2: Contact details

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Consultation name

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

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24 October 2025

www.infrastructure.gov.au/infrastructure-transport-vehicles/aviation/aviation-consumer-protections

For the attention of the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

Re: Aviation Consumer protections

We refer to the current consultation being undertaken by the Department regarding Aviation Consumer Protections which aim to provide compensation and other rights to airline customers adversely affected by flight delays and disruptions.

The Civil Air Operations Officers Association of Australia (“Civil Air”) is a registered organisation under the *Fair Work Act (Registered Organisations) Act 2009*. Civil Air was established in 1948, and the Association has eligibility to represent members employed in civilian air traffic control and air traffic services in Airservices Australia. Civil Air directly represents over 85% of employees eligible to be members of the Union.

Australia has is one of the safest aviation environments in the world. Our air traffic control (ATC) system significantly contributes to this estimable reputation and air traffic control officers (ATCOs) play a critical role by ensuring the safe, orderly, and expeditious flow of air traffic.

Civil Air made a submission during the initial round of consultation for the Aviation White Paper in March 2023. Our membership has an intimate and enduring relationship with the Australian aviation sector, performing a key role in the daily operations of the industry, whilst maintaining regulatory and professional standards of safety and efficiency.

We note the definitions section in the consultation paper refers to delays which are outside of the airlines control. Relevant items to our Association are air traffic management restrictions or closure of an airspace and a relevant NOTAM issued by Airservices Australia that affects or restricts planned flight operations. If these issues exist, certain entitlements do not exist for customers.

Civil Air is generally supportive of the introduction of the ACPA and ACO. However, we encourage the Department to consider some additional aspects to the consequences of customers missing out on entitlements because the delay was caused by ATC short staffing, and particularly the impact upon the welfare of Australian Air Traffic Controllers.

There is a documented culture within Australian airlines misrepresenting the truth to passengers regarding the nature of delays. Our members have reported that when travelling as airline passengers they have heard in-flight announcements by airline pilots blaming ATC for delays when often the delay is caused by the profit-driven flight cancellation of those flights deemed not sufficiently full. If airline staff continue to misrepresent the truth to the travelling public at the reputational expense of ATC, uptake of applications for compensation will be affected.



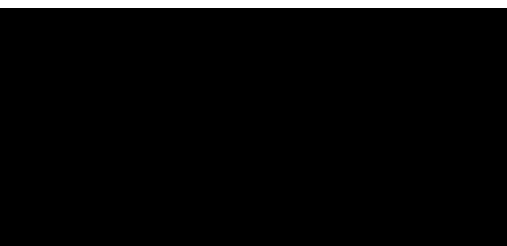
We have seen multiple reports in the media, particularly since 2022, where a delay is blamed on the sick leave of an ATC.¹ Airservices Australia has also publicly blamed sick ATCs for service variations, yet the Civil Aviation Safety Regulations require that if an air traffic controller is not fit-for-duty they must not exercise their air traffic control privileges. As noted in our submission to the Department in 2023, previous management decisions have led to critical shortages of ATCs nationally. As a result of these shortages, there has been an ongoing reliance on overtime and fewer relief breaks for ATCs. Historically, sick leave by ATCs would not have resulted in service variations as there were enough ATCs in the system to provide sufficient buffer to cover an absence. This buffer no longer exists. To avoid further service variations (and associated delays), our members are rostered overtime, they experience short notice cancellation of planned recreation leave and Airservices have now also reduced leave availability during school holiday periods, further increasing the pressure of ATCs with families. We note that it is both a legal responsibility for an ATC not to exercise the privileges of their license if they not fit for duty and a legal entitlement for employees to be able to access their sick leave without fear of becoming a news story.

Following the implementation in Europe of a similar compensation model to that which is proposed in Australia, there has been an organised online campaign to attack ATCs. RyanAir customers are encouraged to access the 'ATC Ruined Our Holiday' website where it is claimed that 'Air Traffic Control Ruined Your Flight'.²

Locally, we have had members exposed to threatening behaviours following the implementation of parallel runways in Brisbane and associated noise impacts on the local community. Facebook groups encourage attempts to find the identity of ATCs. In these groups there are ongoing defamatory remarks made about our members. We have helped our members through the terrifying experience of threatening hate mail in their home letterbox and provided our input to the Senate Committee for Rural and Regional Affairs and Transport inquiry into the impact and mitigation of noise.³

Australian air traffic controllers already face significant psychosocial hazards in the workplace. Aside from the high stakes and associated stress intrinsic to role, our members continue to report a poor workplace culture and shortage of staff. We encourage the Department to consider the effects of any implemented model on our members.

Yours sincerely,



Jess Walton
Vice President Communication

¹ <https://www.afr.com/work-and-careers/workplace/sydney-airport-to-halt-flights-due-to-staff-shortages-20250912-p5mujq>

² <https://www.atcruinedourholiday.com/>

³ https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/AircraftNoise47/Report