



Department of Infrastructure, Transport, Regional Development, Communications, Sport
and the Arts
GPO Box 594
CANBERRA ACT 2601

6 October 2025

Dear Sir/Madam

Emirates' response to Aviation Consumer Protections consultation paper

We would like to thank the department for the opportunity to submit feedback on the Aviation Consumer Protections consultation paper.

Emirates believes that strong consumer protections are essential to maintain public trust in aviation. Customer experience is, and always has been, at the forefront of what we do. We strive to exceed global regulatory requirements by providing comprehensive care during disruptions, transparent communication and generous refund and re-booking options, and we have robust complaint-resolution policies to ensure that grievances are addressed quickly and fairly.

Emirates supports the Australian Government's general objective to enhance consumer protection standards and will work proactively with regulators to improve the travel experience for all passengers.

Below we provide some feedback on the primary legislation consultation questions (i.e. questions 1, 2, 3, 6 and 7). We will also endeavour to provide more detailed feedback in our 26 October submission.

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?

While the proposal addresses major components of the passenger journey, there are several gaps and issues where the framework could be refined or clarified, and be cognisant of operational realities:

Accountability of government and other key actors: The consultation paper excludes government agencies such as Airservices Australia (the national air-traffic control provider) and border agencies from any liability, even if their actions cause delays. Excluding these entities would erode the effectiveness of the framework because delays caused by public-sector bodies can have just as much impact on passengers as airline-caused disruptions. Similarly, ground handlers, catering companies and other non-airline service partners play



pivotal roles in the end-to-end journey. The Charter should include mechanisms to assign responsibility to such actors or to allow airlines to seek recourse when delays or service failures result from their actions.

Delay thresholds and passenger assistance: As an example of how consumer protections and operational realities intersect, Table 4 ('Minimum levels of assistance) in the consultation paper obliges carriers to provide food and drink vouchers after only a one-hour delay. To ensure consistency with international norms, it is recommended that the Charter adopt delay categories starting from two hours rather than one. A one-hour trigger is not only out of step but also impracticable in practice: distributing vouchers to several hundred passengers and directing them to concession areas at that stage of disruption risks compounding the delay.

Tarmac delays and on-board care: For clarity and consistency, the Charter should define a "tarmac delay", specify when the timing begins and ends, adopt delay thresholds and exceptions aligned with international requirements, and recognise that safety and operational constraints may justify not disembarking. Clearer tarmac delay protocols are needed to balance passenger welfare with operational and safety constraints.

Proportionality and regulatory impact assessment: The consultation paper does not provide a formal Regulatory Impact Assessment or detailed cost-benefit analysis of the proposed Charter and levies. A comprehensive impact assessment, including modelling of compliance costs and potential fare impacts, would enable stakeholders to evaluate whether the scheme's benefits justify its burdens. Proportionality also implies capping penalties for minor infractions and ensuring that levies do not discourage new entrants or reduce capacity.

Inclusion of travel agents, booking platforms and definitions: The framework focuses on airlines and airports as regulated entities yet travel agents and third-party booking websites play a significant role in the consumer journey. Consumers often book through agents and rely on them for refunds and re-bookings. Clear definitions of "airline" and "airport" are also necessary, and in that regard the framework should specify whether third-party suppliers such as ground handlers, fuel providers, catering companies, equipment providers, IT service vendors and other outsourced service providers are considered part of the regulated entity. Without such clarity, disputes could arise about who is liable when disruptions stem from services outsourced to these partners.

Transparency of levies and cross-subsidisation: The consultation paper proposes levies on airlines and airports to fund the ACPA, the ACO and accessibility services. While we support funding that enables effective oversight, the framework should publish the expected aggregated costs of the levies and explain how fees will be calculated so that carriers with



robust customer practices, like Emirates, do not end up subsidising entities that generate more complaints.

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

International flights operate across multiple jurisdictions and are subject to international conventions and foreign government consumer-protection laws. Extending the Charter to inbound international flights could create conflicts with foreign regimes. The consultation paper itself acknowledges that applying the framework to flights already covered by another regime could lead to duplicative regulation and legal uncertainty. In practice, long-haul itineraries from Europe, North America and the Middle East generally fall under established passenger-rights regimes such as EU Regulation (EC) 261/2004, the U.S. Department of Transportation's consumer-protection rules, Canada's Air Passenger Protection Regulations (SOR/2019-150), and the United Arab Emirates' Civil Aviation Regulations – Passenger Welfare Programme (CAR-PWP). Similarly, the Charter should clarify that it does not alter liabilities already governed by international treaties such as the Montreal Convention of 1999. Imposing Australian-specific remedies on top of these may confuse passengers, complicate enforcement, and increase regulatory burden. In light of these factors, it is recommended that the Charter's application to international flights be restricted to those departing from Australia.

In that regard, Emirates' view is that the proposed legislation should only capture a "flight" (being one take-off and landing) and not the entire journey (as the term "Flight" has been interpreted by other entities such as the Court of Justice of the European Union). If the extended definition is used, Emirates would be required to provide the obligatory minimum levels of assistance in airports that have no connection with Australia.

Modern itineraries often involve multiple carriers operating under codeshare, interline or alliance agreements. The consultation paper's emphasis on a direct consumer relationship leaves uncertainty about how obligations apply when passengers buy tickets from one airline (marketing carrier) but travel on a partner carrier (the operating carrier). In the scenarios outlined in the consultation paper, the operating/disrupting carrier would often be best placed to provide immediate care (meals, accommodation, re-booking), while the marketing carrier is best placed to handle contractual communication and refunds. Requiring the marketing carrier to deliver on-the-ground care would be impractical where it has no staff or infrastructure at the affected airport.

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



Emirates understands that accessibility services and standards are being consulted on nationally with various stakeholders and we believe it would be appropriate to comment on standards once they are formalised.

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?

The ACPA should prioritise systemic problems and not become a forum for individual complaint resolution (which is the role of the ACO). The consultation paper states that the ACPA would initially focus on education and later on, serious breaches, but there is a concern that minor procedural errors could lead to disproportionate penalties. The enforcement policy should provide guidance on de-minimis breaches and allow airlines to rectify issues without immediate penalties.

Airlines are already subject to the Australian Consumer Law and therefore the proposed Charter should not duplicate obligations under the Competition and Consumer Act 2010. The ACPA should coordinate with existing consumer rights regulators to avoid multiple investigations for the same conduct.

The proposed penalty regime allows civil penalties proportional to the benefit or turnover of the entity. While proportionality is fair in principle, turnover-based penalties can impose excessive fines on large airlines for minor infractions. The regime should cap maximum penalties and require the ACPA to consider intent, harm and remedial actions.

The proposed framework would require airlines to contribute to both the Aircraft Noise Ombudsperson (ANO) and the Aviation Consumer Ombudsperson (ACO). Noise-related complaints often originate from military and non-commercial airlines. To ensure fairness, levies collected for consumer protection and accessibility services should be ringfenced, so that funds are used solely for those purposes and not diverted to noise-management or other programmes.

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?

The timeframes outlined in the consultation paper are, in ordinary circumstances, generally achievable. Nevertheless, flexibility is required for more complex cases, particularly those involving information from codeshare or interline partners, and for exceptional disruption events beyond the carrier's control, such as a pandemic or major system outage. In such objectively justified situations, strict adherence to fixed response deadlines may be impractical, and the Charter should provide for proportionate extensions.

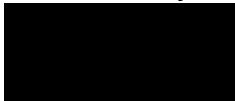


The ACO's determinations will be binding and enforceable by the ACPA. Airlines should have the right to seek review of determinations through an internal appeals panel or the Administrative Appeals Tribunal before enforcement. Without this, there is a risk of inconsistent decisions or overreach.

The proposal to fund the ACO through industry levies raises concerns about potential bias. To maintain independence, levy structures should be transparent and overseen by an independent body, and there should be safeguards against cross-subsidising non-aviation complaint handling.

The ACO's mandate should include identifying systemic issues and feeding these to the ACPA. It should also educate consumers about their rights and responsibilities including, for example, holding appropriate travel insurance, arriving on time for check-in, and providing accurate contact information.

Yours faithfully



Sophie Rice

Vice President, International and Government Affairs

Emirates