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Ms. Samantha Palmer
Department of Infrastructure, Transport, Regional Development,
Communications and the Arts
GPO Box 594
CANBERRA ACT 2601
AUSTRALIA

By email: AviationConsumer@infrastructure.gov.au

IATA Response to *Aviation Consumer Protections* Consultation Paper – Primary Legislation

Dear Ms. Palmer,

IATA welcomes the opportunity to respond to the *Aviation Consumer Protections* consultation. As indicated in our previous submissions pertaining to consumer protection and discussions throughout this current process, we believe that a clear, concise and principles-based Charter would be a positive outcome for consumers, airlines and the Government alike, if it would succinctly state the expectations associated with air travel in the Australian context.

Whilst we acknowledge that advice provided in previous industry consultations has been heard, there remains a broad view amongst IATA members that industry input, based on extensive experience derived from operating in other jurisdictions, has not been fully considered in the latest set of proposals. The proposed structure for the scheme does not properly reflect the breadth of stakeholders across the aviation ecosystem who contribute to the consumer experience in the Australian market. IATA is concerned that while consultation has taken place, it remains insufficient in bringing stakeholders together to improve or address problems at source and improve the performance of the aviation system for the mutual benefit of all involved.

The design of the proposed scheme appears to have been heavily influenced by the failed models adopted in Canada and the EU. These regulations have had no impact on delays and cancellations, which are no lower than in Australia, because airlines already face strong commercial incentives to operate to schedule. Instead, the Air Passenger Protection Regulations (APPRs) and Regulation (EC) No 261/2004 (EU261) simply add cost to the system, costs which may ultimately need to be paid by passengers. Moreover, both the Canadian and EU regulations are bureaucratic and hugely expensive to administer. The Government is setting itself up to repeat those mistakes through the highly complex governance structure that it has proposed. In particular, the backlog faced by the Canadian Transportation Agency (CTA) illustrates the dangers of creating a “compensation culture” and making the relationship between passengers, service providers and the authorities adversarial rather than collaborative. The CTA initially estimated that the APPR would cost it approximately CAD1.4 million to administer when the scheme was introduced in 2019. By 2024, its estimate of its administrative costs associated with the APPR were 20 times higher at some CAD30 million per year.

As indicated in previous IATA submissions, Australia’s current approach to consumer protection, with its strong foundation in Australian Consumer Law (ACL), is widely considered global best practice for smart and proportionate regulation. The proposals set out in the latest consultation go significantly beyond what had previously been envisaged and represents a departure from the longstanding approach without a clear rationale for doing so or any form of impact analysis. International Civil Aviation Organisation (ICAO) guidelines in relation to regulatory



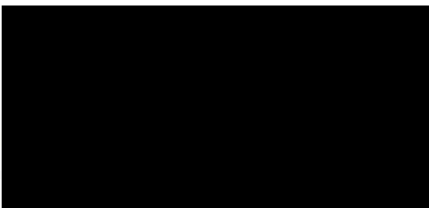
instruments issued by States¹ call for 'proportionate regulation'. It would be appropriate for the Government to demonstrate the costs and benefits of this scheme through a Regulatory Impact Assessment. Australia is well-respected for the quality of its impact analyses for similar programs. Transparency will be key to build trust on an effective Ombuds Scheme, and therefore we request the inclusion of such analysis to form part of the next stage of the consultation.

The consultation paper makes numerous references to incidents that occurred in the immediate aftermath of the COVID-19 pandemic, the first such widespread shutdown in 111 years of global commercial aviation. While there has been acknowledgement that the emergence from the pandemic era was at times fraught across the ecosystem, airline performance has now largely normalised to that of pre-pandemic with average on-time performance high and cancellation rates low. As the Government is aware, it is in an airline's best business interests to operate all flights as scheduled on-time. We encourage the Government not to solely be influenced by an unprecedented and isolated incident as the basis for the creation of new legislation.

In summary, the scheme in its current form does not align with the Government's stated policy objective to foster a competitive aviation sector. The scheme, with the prescriptive and punitive approach implied by the latest proposals, could be overly costly for airlines and significantly increase their business risks. We believe this more regulatory approach is not necessary as it's in an airline's best interest to operate on-time in order to remain competitive. Further, with its additional costs, the scheme could even act as a deterrent for airlines looking to enter the Australian market (whether this be a new domestic operator or international entrant). Similarly, Australian and international airlines may be less compelled to grow their services and may adjust their schedules to better manage the complexities and challenges of the proposed scheme. Finally, these adjustments may also contribute to higher airfares, as reduced capacity and increased operational constraints can place upward pressure on ticket prices.

Our submission seeks to address these concerns, and we look forward to working further with the Department on the development of the Charter and the Ombuds Scheme prior to its fully-fledged introduction to the Australian market. Please feel free to email me at [REDACTED] to further discuss any aspect of our submission.

Yours sincerely,



Matteo Zanmarini
Area Manager South West Pacific

¹ "Good regulatory practices" (ICAO, 2016). Available at: <https://www.icao.int/good-regulatory-practices>



Question One

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?

Proposed Governance Structure

IATA acknowledges that the proposed aviation consumer protection framework articulates a differentiated governance model, separating the roles of the Aviation Consumer Ombudsperson (ACO) and the Aircraft Noise Ombudsperson (ANO). However, it is unclear what the mechanisms are for collective industry engagement that will enable airlines, airports, and other stakeholders to contribute to recommendations and continuous improvement of the ombud scheme. We therefore request that serious consideration be made in this regard and that an appropriate consultation process is articulated in the scheme.

Regulated entities

Within the current parameters of the consultation paper, we are concerned that there are indeed missing elements of the passenger journey ecosystem (including for persons with disabilities) including Travel Agents, Air Navigation Service Providers (ANSPs) that need to be considered. The rationale used for excluding these elements is that consumers do not have a direct contractual relationship with these entities. However, they are indeed critical to the end-to-end consumer experience, falling outside the remit of airline and airport responsibilities. Should there be a service failure by the non-regulated entities, airlines and airports may have no means of redress or recourse from these entities. IATA is of the view that this needs to be addressed appropriately.

More granularly, the Government seems to have opted to exclude government authorities from any liability within the scheme, even if they are the source of delay. The exclusion of these key players will erode the effectiveness of the scheme and the ability to solve problems at their source.

By way of example, should Airservices Australia implement traffic restrictions due to staffing issues, they are not liable as part of the scheme. However, should delays be significant, airlines will be required to outlay vouchers and potentially refund customers under pre-defined parameters.

Airlines understand that if a delay is caused by the operating carrier, as opposed to the marketing carrier, a distinction not made in the consultation paper, they will support passengers throughout this delay. Indeed, most airlines have procedures and policies in place that go over and above ACL to satisfy customer needs in circumstances that are outside airline control, these new requirements are particularly onerous.

Airlines are disappointed by the notion that, under any of the structures outlined in Section 6 of the consultation document, they will be funding the ANO and its activities, including reports for noise created by military and non-commercial aircraft. We would encourage, as we have in previous submissions, that the funding and reporting structures for the two ombuds schemes be entirely separate and that reconsideration is given to the cost sharing component of the scheme.

Regulated flights

Whilst the framework considers international aviation regulation and acknowledges the existence of consumer protection schemes in other jurisdictions, it needs to be very carefully considered whether inbound international flights should be excluded as these services may already be subject to different and potentially incompatible consumer protection regimes in their country of origin. While we acknowledge the Department's reasoning for including these flights, attempting to overlay Australian requirements may lead to legal uncertainty, regulatory duplication, and confusion for both consumers and airlines. The framework should focus on clarity within Australia's jurisdiction, ensuring that the scheme is meaningful and practical for passengers without overreaching into areas governed by foreign laws.



Furthermore, with respect to international flights, the Warsaw Convention of 1929 and Montreal Convention of 1999 should be the primary legislative instruments governing the relationship between the passenger and the airline. As set out in IATA's Working Paper recently submitted to the ICAO Assembly on "ICAO Core Principles on Consumer Protection" IATA states that "*consumer regulation should only apply to events occurring within the territory of the regulating State, or outside that territory with respect to aircraft registered there*"². Alternatively, for ease of application and communication, the scheme proposed could be limited to departing flights from Australia.

Other entities

Travel Agencies

There is a global issue being faced by airlines in relation to a breadth of travel agents, in particular online travel agents (OTAs), not providing the correct passenger contact details (or indeed any details) to airlines. This presents a challenge when airlines need to contact customers about any delays to their journey as the proposed scheme puts the onus on airlines to confirm passenger contact information at the point of check in. We therefore, to ensure that all involved in the process are involved in the scheme and the onus isn't placed solely on airlines. Travel agents should form part of the ombuds scheme, as they play a key role in the passenger travel journey and contribute to the overall service experience. We therefore submit to the Department that travel agents should be included in the scheme.

As previously outlined in submissions, IATA-accredited travel agents are required to follow the guidelines under the Passenger Agency Programme, Resolution 830d³. Resolution 830d concerns the recommendation for travel agents to provide passenger contact information to airlines.

It is important to note that Resolution 830d is a global standard that does **not** result in any punitive action if travel agents fail to include passenger contact details in the Passenger Name Record (PNR) of the reservation. Furthermore, the Resolution explicitly clarifies that passenger information must be at the passenger's consent and in compliance with any data protection directives or regulations. In the event the passenger exercises their right not to provide contact details, it is incumbent on the agent to indicate that the passenger has declined to provide such details, and to enter the refusal in the PNR (notwithstanding any applicable privacy legislative instruments).

The Department should consider that not all travel agents in Australia are IATA accredited, and therefore there would be a large proportion of travel agents that are not aware or required to consult the Resolution. As indicated above, complexities can arise in the provision of passenger contact data if a non-IATA travel agent books and tickets through an intermediary (i.e Wholesaler or Consolidator). In these circumstances there is a high risk that contact details are not transferred as the customer facing agent may not be the ticketing or booking agent.

A growing issue concerns OTAs which do not have a formal contractual relationship and therefore do not act as the "agent" of the airline in the same way as applies for accredited agents. These OTAs or intermediaries through their platforms sell tickets without the airlines' knowledge and often apply different conditions to the conditions of carriage of the operating airline. The challenges associated with OTAs are exacerbated when travel involves flights on two or more airlines under separate contracts of carriage. In such cases, the passenger may believe that they have purchased a single ticket, but the airlines involved may be unaware that the flights have been "packaged" together by the OTA. The scheme should either be extended to include travel agents or OTAs, including OTAs

² "Celebrating 10 years of ICAO's Core Principles on Consumer Protection"(ICAO, A42-WP/257, 01/08/2025). Available at: https://www.icao.int/sites/default/files/Meetings/a42/Documents/WP/wp_257_en.pdf

³ Resolution 830d. IATA. Available at: <https://www.iata.org/en/fmc-documents/66d008ff-94e1-4e26-bf5c-0e2b2c64ea56/>



domiciled outside Australia, or be accompanied by very clear communications that passengers may not be protected if they purchase travel through such channels.

As referred to above, in September 2025, IATA tabled its paper *Celebrating 10 Years of ICAO's Core Principles on Consumer Protection*⁴ at the 42nd Session of the ICAO General Assembly. The paper looks at the principles, as adopted in 2015 of the fundamentals of consumer protection schemes, and the principles that should be adhered to in the formation of these schemes. We have identified that this proposed scheme fundamentally does not adhere to these principles and specifically does not respect the second key principles of proportionality, whereby "*it is desirable to strike an appropriate balance between protection of consumers and industry competitiveness without prejudice to safety and security*".

Question Two

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

Information Collection

As outlined in our response to Question 1, it is important to make the distinction between direct booking and ticketing, done through airline websites, apps, or call centres, which gives airlines full control over pricing, customer data, and service delivery, while indirect bookings via intermediaries like travel agents or online platforms introduces additional layers in the booking process, higher costs, and regulatory risks such as data gaps and fare transparency issues. For international flights, regulation is influenced by global standards, national laws and safety protocol adherence which is not the case for intermediaries. It is also worth noting that in the United States, the Department of Transport recognises ticket agents as part of the complaint resolution program, requiring them to respond to consumer complaints and maintain accountability⁵.

Furthermore, a key operational concern remains on the collection of passenger contact data: direct channels reliably capture full details for communication and safety at the source, whereas indirect channels can result in incomplete or missing data, complicating customer service and regulatory compliance.

Offshore ports

It is pertinent that the Government, in the formulation of this legislation, recognises the scores of different consumer schemes that exist around the world in ports with direct links to Australia and otherwise. We are, as yet, unclear as to whether, if legislation is applied to international flights to Australia, it only impacts the passenger's journey from their final port prior to arrival on Australian shores, or their entire journey.

If a customer is travelling from Country A via Country B to Australia and there are issues with their journey in Country A that then impact their connection in Country B for travel to Australia, is this covered under the legislation, or is this excluded. Similarly, if there is a mix of carriers on the same ticket where the passenger, through a travel agent (see our response to Question 1) has booked an itinerary on two carriers that don't have an interline agreement, is there an expectation that a passenger's failure to connect would fall under this legislation. The same question can be posed for a passenger's outbound journey from Australia via Country B to Country A. We would challenge the idea that Australian legislation be extraterritorially applied, as this has a higher propensity to conflict with that of other jurisdictions.

To extend the above example, should the legislation only apply to travel between Australia and Country B, there is a risk that a bureaucratic bottleneck may be created at this transit point to ensure that passenger contact information is collected prior to a passenger boarding the aircraft. In theory, within the parameters of IATA

⁴ Supra.

⁵ "Air Travel Complaints" (US Department of Transportation, 1 August 2025). Available at: <https://www.transportation.gov/airconsumer/complaint-process>



Resolution 830d and respective international laws, travel agents should be obligated to collect and provide passenger contact information.

The Government, in the development of legislation must also consider the broad range of offshore ports that exist and the breadth of offerings in each of these ports. While larger hub airports may be able to meet passenger needs, there are challenges with offering the same level of service or facility at smaller ports. This is only further amplified should the Government look to extraterritorially apply this legislation where passengers may be travelling from some very remote unpowered landing strips, or even domestically at airports outside the major centres. We therefore encourage the Government to consider this in the final verbiage of the legislation.

Extrajudicial Factors

The Government must consider that requiring check in staff to collect information from passengers can also not be regulated extrajudicially (i.e. where the point of origin is outside Australia). There are further challenges that arise from the collection of passenger data should check in occur 'upline' (i.e. at Country A in the above example). As it stands, passengers are not legally bound to provide contact details that work at every stage of the journey (i.e. their home port, destination and any transit points). Within this proposed legislation, they similarly are not legally bound to provide their contact details, only that airlines must request the information. The proposed regulation may conflict with any legislative instruments that exist at the passenger's point of origin (i.e. outside Australia).

IATA and its global body of members are keen to find a solution that can be implemented and want to find the right balance in the development of this package to ensure passengers are appropriately protected, while airlines are also able to physically deliver upon their obligations. Based on the current Charter, the Department has indicated a series of recommendations in this legislation that take into account the Australian domestic experience on larger carriers and does not consider the broader Australian regional and Pacific Island network where there is a diverse set of airlines operating domestically and internationally.

Question Three

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

IATA and its members are rigorous in their adherence to the *Disability Discrimination Act 1992* and Disability Transport Standards. We are currently working with the Department and key stakeholders to ensure that the process becomes even easier for all to travel by air, with members committed to adhering to the finalised legislation. Australia is currently in the process of developing a set of regulatory standards.

Before we can provide an effective response to this inquiry, we believe that these new standards must undergo comprehensive consultation and finalisation. It would be inappropriate to comment on standards that have yet to be formalised or implemented. It is crucial for the government to recognise that accessibility services and requirements differ across jurisdictions. To adequately meet the expectations of passengers with disabilities, particularly those travelling internationally, the government must understand that measures implemented in Australia may not be directly applicable or necessary in other regions. This awareness is vital to ensuring that any accessibility services developed are both contextually appropriate and aligned with the broader international standards.

In considering that security screening is one of the pain points regularly experienced by persons with disabilities (as being presently extrapolated through the consultation), we are concerned that it is not deemed a regulated entity. Considering that passenger complaints regarding their entire journey have the potential to be referred to the ombudsperson, we recommend reconsidering including security screening in the Ombuds Scheme.



It is important, irrespective of other consultations taking place, that the Department considers the IATA Resolution 700, the IATA guidance on the Safe Transport of Mobility Aids⁶ and “One Click Away” Best Practices⁷ to attain the global perspective on aviation standards for passengers with disabilities.

Guidance on the Safe Transport of Mobility Aids: The IATA Guidance on the transport of mobility aids has been published with the aim of addressing identified issues and, where feasible, enhancing the safe transportation of mobility aids. This effort is intended to minimise the risk of damage and breakage through process enhancements, the development of new tools, training, standardization requirements across the industry, and design improvements for mobility aids. **“One Click Away” Best Practices vol.1:** A collaborative approach involving regulators, industry, and the community is crucial for enhancing accessibility in air travel. This includes adopting best practices for accessible websites to improve communication with passengers and clearly listing the services offered. It also emphasises the importance of initiating these actions at the start of the booking process to ensure passengers with disabilities receive the necessary support and information from the beginning of their travel experience.

These established industry recommendations would support the government in advancing initiatives aimed at improving the travel experience for passengers with disabilities.

Question Six

Is the role of the Aviation Consumer Protection Authority (ACPA) as proposed sufficient to protect aviation consumers and lift consumer standards, while not imposing undue regulatory burden and costs on the sector?

Core Legislation

IATA is disappointed by the proposed legislation, as while Australia had the opportunity to draft legislation that could lift the passenger experience, the current approach instead imposes significant additional regulatory burdens on airlines that will not only drive-up costs for airline operations, but will further complicate a passenger’s understanding of how the aviation ecosystem works both on domestic and international operations.

The proposal does not seek to rectify the root cause of issues, such as incorrect or incomplete passenger information being provided to airlines (making contacting passengers challenging). It similarly does not employ the principles of shared accountability and specifically excludes entities that have a direct impact on passenger experience and associated delays. If the Government is looking to introduce a scheme that will protect consumers and lift standards, then all entities associated with the end-to-end journey need to be included in the scheme.

It is concerning to note that airports’ liability is limited in the broader scheme. Should an airport have an infrastructural challenge (e.g. a runway issue) meaning that aircraft are unable to arrive or depart for a number of hours, would this be deemed a ‘safety issue’, thus excluding them from any liability, or would they be required to reimburse passengers for any resulting delay, as this is presently unclear in the legislation.

However, we note that the legislation rightly limits airline responsibility until a passenger disembarks the aircraft. We also acknowledge the significant investments being undertaken at a number of Australia’s airports, there may be circumstances in which a passenger faces delays to their overall journey as a result of a malfunctioning baggage belt meaning their time at their arrival port balloons significantly. In a similar vein, should a passenger face significant

⁶ Guidance on the Transport of Mobility Aids. IATA. Available at: <https://www.iata.org/contentassets/7b3762815ac44a10b83ccf5560c1b308/iata-guidance-on-the-transport-of-mobility-aids-final-feb2023.pdf>

⁷ ‘One Click Away’ Best Practices. IATA. Available at: <https://www.iata.org/contentassets/7b3762815ac44a10b83ccf5560c1b308/one-click-away-best-practices.pdf>



delays on arrival because of delays at Australian Border Force (e.g. SmartGate failure requiring manual processing during peak periods), this also impacts a passenger journey, and has the potential to extend their overall trip should they have an onward connecting flight. These are all service failures that impact the passenger journey that fall outside the airline's control, and thus should not be passed on to the airline. We encourage the Department to consider the end-to-end passenger journey, as well as the liability of airports and associated entities.

To effectively communicate with customers, it is pertinent that airlines are provided with up-to-date contact details. Should these not be provided, then it becomes more challenging for a customer to be made aware of any disruptions to their journey. We do not deem it appropriate for airlines or airports to be held accountable should intermediaries such as travel agents fail to provide correct contact details. This needs to be clearly spelled out in legislation and any other provisions of communication to passengers.

In a similar light, the legislation is seemingly focused on the Australian domestic experience, without taking into account that variety of international experiences. Should a passenger be away from their home country or out of mobile reception (as some airports even in remote parts of Australia are), then such a requirement is effectively inefficient. Airlines will request contact details during the booking flow on their own channels but will also be best-placed to understand how to advise customers of any delays in some of the more remote parts of their respective networks.

Reaccommodation of passengers

We have concerns with the suggestion that airlines will be required to reaccommodate passengers on alternate carriers, regardless of whether the situation is within or outside the airline's control. Where there are broader network disruptions across all carriers, trying to move passengers between airlines may not help them get to their destination any quicker. While an airline, at its discretion, may choose to move a passenger to an alternate carrier in the event of an extended delay within their control, we are of the firm belief that the passenger should remain within the original airline's ecosystem, unless the original airline deems alternate arrangements are more appropriate. Should a passenger move to an alternate airline which then posts its own extended delay, the passenger will be in a different ecosystem and thus their delay will only compound and the timing of their delay profile (with this alternate carrier) will have started from scratch, while the original airline would have a more holistic view of their journey.

Staffing

IATA and its members are of the view that, should a representative be required at the airport, they should only be required at times appropriate to the operation of the flight. We consider it appropriate for staff (whether airline staff or appointed ground handler) to be present at the airport to serve customer needs for times pertaining to the flight's regular operation and in the case of irregular operations. However, in extenuating circumstances, such as diversions, it may not be practical to have airline staff on the ground at the diversion port. As an example, should a foreign carrier be operating to Sydney and divert to Canberra where it doesn't maintain a presence, then it would not be feasible for the Charter to require the airline to have staff on-site as this simply is not practical. Under the current wording of the Charter, airlines would be required to have a staff member available at the diversion port.

International Experiences

In the European and Canadian context, it has been found that the regulatory burden of passenger protection schemes is significant. Data from European airlines suggests that administrative costs alone to adhere to EU261 account for over 0.5% of the overall airline cost base. This is before considering the associated remedies that airlines make for customers.



In Canada, the 2024 CTA proposal on complaint handling fees⁸ suggested that the actual costs experienced by the agency were up to 20 times higher than their initial estimates when the APPRs were first proposed. A cost recovery model was introduced, aimed at addressing the financial burden of processing air travel complaints. The proposal estimated annual costs to be approximately \$29.8 million, with a suggested fixed fee of \$790 per complaint, intended to recover around 60% of these expenses from airlines. This significant adjustment reflects the agency's recognition of the unexpectedly high operational costs associated with complaint resolution. These challenges were formally acknowledged in the CTA's 2023–24 Departmental Results Report, highlighting the gap between initial cost projections under the APPRs and the actual resource demands required to manage the volume and complexity of cases.

The consultation paper, in discussing proposed funding structures, makes reference to the sharp increase in consumer complaints in Canada following the introduction of the scheme. This highlights the dangers of fostering a 'compensation culture', creating an adversarial relationship between passengers, airlines and service providers, rather than nurturing an environment where all can collaborate on achieving the best outcomes for consumers.

To avoid replicating the costly and adversarial outcomes seen in other jurisdictions, IATA urges the Government to carry out a full and comprehensive impact assessment, covering fiscal and operational implications of its proposals to accompany any legislation, and to ensure that this impact assessment is subject to public consultation and scrutiny to ensure transparency and industry alignment. IATA and its members wish to avoid a repeat of the mistakes made in other jurisdictions, as we view Australia as being well-placed to, under ACL, to meet consumer needs.

The Government needs to consider whether this is a scheme looking to improve outcomes for consumers by targeting root causes, or whether this is simply a scheme that mandates arbitrarily hand out of vouchers (even when not feasible at ports with limited facilities) during delays to make their experience more comfortable. As we will explore in our response to the subordinate legislation, there have been numerous challenges to the provision of refreshments that have been repeatedly litigated in Europe, which have caused undue burdens on airlines, passengers and authorities alike.

Animals onboard

The Australian market is starting to allow small domestic animals onboard aircraft, and this remains at the discretion of airlines, in discussion with other bodies, as to whether they permit such carriage onboard their services. We encourage the Department to consider the practicalities associated with mandating airlines seat passengers away from animals if desired. While individually these Charter elements hold some logic, should a large family be sat near a passenger (who is sat in one of the designated seats for animals) on a full flight, there are considerable logistical challenges that would need to be undertaken during an already rapid boarding process. This is further exacerbated should there be broader disruptions where such things could not have been planned or foreseen (i.e. weather delays meaning passengers are travelling on different services or equipment to their originally booked service).

Customer Service Statements

In previous submissions on these matters, we have indicated that it needs to be clearly articulated where such statements need to be shown. The outline within the document remains vague in that it indicates 'a variety of contact points', which still does not explicitly indicate where these are required. We have also previously recommended that airlines should only be required to provide these in English and the language of their home country; the consultation

⁸ Consultation: Air travel complaints fee proposal. Canadian Transport Agency. Available at: <https://otc-cta.gc.ca/eng/publication/consultation-air-travel-complaints-fee-proposal>



paper indicates that it is to be available in languages "other than English...as reported by [ABS]", which provides no clarity around what formats or languages airlines must provide Customer Service Statements, and has the potential to be exhaustive. We reiterate that airlines should only be required to provide these online and at ports they service in English and the language of their home country.

Question Seven

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?

Information Provision

As indicated in previous submissions, IATA and its members are firmly of the belief that there needs to be an education campaign to ensure that consumers are aware of their rights and responsibilities as a passenger. We believe the United Kingdom's air passenger travel guide⁹ to be an exemplary version of such an education campaign, as it clearly outlines a consumer's entitlements and duties. However, with rights come responsibilities; Airline staff regularly face abusive passengers (despite the resolutions within Montreal Protocol 2014¹⁰) in the air and on the ground. We encourage respect and discrimination-free behavior be reiterated as a *mutual* requirement in any education piece.

IATA supports the importance of the ACO in providing education and guidance to consumers and service providers to help improve awareness and knowledge, but this would be more powerful if extended to encompass performance of the broader aviation ecosystem.

Customer Communication

There is a requirement outlined in the consultation paper regarding Customer Communications. In the same way as the Charter, we believe that the limit of languages an airline offers be the airline's national language, English and, if deemed necessary, those spoken in its international ports. We implore the government to be explicit in what is and is not included as part of the airline and airport requirements around what information must be provided in accessible formats and foreign languages, while also considering associated practicalities.

Consumer Standards

Safety remains paramount in the aviation sector. Some requirements, including the wording of amendments that are to be made should there be a delay to a passenger's journey, are suggesting that airline staff should make decisions that are inconsistent with safety standards. The requirement to provide passengers with amenities or communication during a tarmac delay is unsafe, as staff are required to be seated. Under the definition provided within the Consultation Paper, an aircraft that is delayed at the end of a runway for 45 minutes awaiting take off would be required to provide passengers with amenities and communication, which would have the potential to not only cause safety risks, but further delay the aircraft's departure.

Similarly, the Department is proposing that unreasonable delays on some levels of assistance are based on the *scheduled arrival time*, rather than the scheduled departure time. As the Department would be aware, a flight from Sydney to Melbourne is typically scheduled as 1 hour and 30 minutes, while the flight time is generally closer to one hour. As such, should a flight take off 3 hours and 20 minutes behind schedule, there is still potential that the flight

⁹ Air passenger travel guide (UK Department for Transport, 25 January 2024). Available at: <https://www.gov.uk/government/publications/air-passenger-travel-guide/air-passenger-travel-guide>

¹⁰ Montreal Protocol 2014. ICAO. Available at:

https://www.icao.int/sites/default/files/secretariat/legal/CurrentListofParties/Montreal_Prot_2014_EN.pdf



will arrive less than three hours behind its scheduled arrival time. The practicalities of calculating the provision of services to passengers based on arrival time prior to their departure time is therefore not a practical option. This is further exacerbated during rolling delays and flights end up departing around the 'cut off time' before it moves into the next band of delay, where the flight could be delayed as a passenger is using their vouchers to purchase goods.

Provision of remedies under duress

We wish to again draw the Department's attention to the inability to provide a number of the remedies being suggested to passengers at regional and remote ports (including amenities, vouchers and accommodation), and indeed there may be challenges to provide accommodation to passengers during large events in major centres. While airlines can do their utmost to provide remedies to passengers, there needs to be considerations that there will be times where it simply is not possible to provide the remedies as outlined in the Charter due to reasons outside the airline's control. We request that the Department considers this in light of the viability of airlines presently operating to a range of onshore and offshore ports where there may not be sufficient facilities to cater for remedies outlined under the Charter. A requirement for airlines and airports to adhere to some of these requirements may draw the question of service viability into question.

Conclusion

IATA and its members would like to reiterate that when considering the design of the Ombuds Scheme, it is important that the regulatory burden imposed on airline is not overly prescriptive as this may limit the operational flexibility of the airlines. The Government must not underestimate the highly complex and safety-critical environment that airlines operate in, where decisions sometimes need to be made in real time to protect the safety and wellbeing of passengers and crew.

Further consideration is therefore needed to ensure that any obligations under the scheme are proportionate, practical, and aligned with the unique nature of airline operations and that stakeholders that go beyond airlines and airports be included in the scheme and held accountable for their role in the passenger journey.