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To: [aviationconsumer](#)
Subject: submission to: Aviation Consumer Protections – subordinate legislation (including the Aviation Consumer Protections Charter) [SEC=OFFICIAL]
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Strengthening Australia's Draft Aviation Consumer Protections Charter (ACPC) Submission

Short comment

- Australian travellers have endured years of poor airline accountability and limited consumer protection.
- According to CHOICE, during COVID-19 fewer than one-third of passengers received refunds for cancelled flights; most were issued difficult-to-redeem credits. Qantas alone was estimated to hold about \$1.4 billion in unused credits and was awarded a CHOICE “Shonky” Award for its conduct. Customer service failures, excessive call-wait times and inconsistent policies have persisted.
- The Australian Government's draft Aviation Consumer Protections Charter (ACPC), and accompanying Aviation Consumer Ombuds Scheme (ACOS), aim to set minimum consumer protections are a welcome step, but without clear, enforceable standards they risk codifying weak expectations rather than creating real, automatic and enforceable consumer protection rights.
- The ACPC and the ACOS must deliver what the Australian Consumer Legislation (ACL) already promises — and align with stronger EU, USA and Canadian passenger-rights regimes.
- In its present form, the draft ACPC runs the risk of weakening rather than bolstering consumer protections, due to vague and subjective wording, lack of enforceability and gaps relative to ACL rights.

This submission highlights the purpose and context of the submission, key problems, how Australia lags behind other jurisdictions, the key messages, and recommendations for strengthening the draft ACPC, proposed new ACOS, and consumer protection rights.

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- [strengthening-australia-s-draft-aviation-consumer-protections-charter-acpc-submission-5th-october-2025.pdf](#) (99.85 KB)

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Consultation name

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

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Purpose and Context

- Australian travellers have endured years of poor airline accountability and limited consumer protection.
- According to CHOICE, during COVID-19 fewer than one-third of passengers received refunds for cancelled flights; most were issued difficult-to-redeem credits. Qantas alone was estimated to hold about \$1.4 billion in unused credits and was awarded a CHOICE “Shonky” Award for its conduct. Customer service failures, excessive call-wait times and inconsistent policies have persisted.
- The Australian Government’s draft Aviation Consumer Protections Charter (ACPC), and accompanying Aviation Consumer Ombuds Scheme (ACOS), aim to set minimum consumer protections are a welcome step, but without clear, enforceable standards they risk codifying weak expectations rather than creating real, automatic and enforceable consumer protection rights.
- The ACPC and the ACOS must deliver what the Australian Consumer Legislation (ACL) already promises – and align with stronger EU, USA and Canadian passenger-rights regimes.
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Key Problems:

Issue	Risk / Example
No automatic right to compensation	Unlike the EU and USA/Canada, Australia’s draft ACPC offers no guaranteed payments for flight cancellations or long delays. Without compensation, airlines face no deterrent to avoidable disruptions.
Refund rights too vague and subjective	“Timely” refunds lack deadlines. COVID-era failures show voluntary goodwill doesn’t work.
Ombudsperson lacks independence and power	The proposed ACOS complaints body has weaker powers than the Australian Financial Complaints Authority (AFCA) or Telecommunications Industry Ombudsperson (TIO); its decisions may not be binding and sanctions not strong enough or enforced.
Vague targets, not deadlines and imperatives	Airlines “should aim” to respond or refund – not “must”, with enforceable timelines.
Airlines still set the rules	Airlines retain unilateral control over flight refunds, credits and rebooking policies and compensation claims.
Poor customer contact standards	Passengers routinely face hours-long call waits and dead-end chatbots. No minimum customer service standards exist.

How Australia Lags Behind Other Jurisdictions:

Issue	EU (Reg. 261/2004)	USA (DoT / Bill of Rights)	Australian Draft ACPC
Compensation for delays / cancellations	€250-€600 cash, automatic.	Refunds only; no cash compensation.	None set or remedies are vague.
Refund timing	Within 7 days.	7 business days (card), 20 days (cash).	“Timely,” but no clear definition or enforceable deadlines defined.
Right to care (meals, hotels)	Mandatory for long delays.	Not federal law; voluntary commitments.	Mentioned, but no minimum enforceable

Issue	EU (Reg. 261/2004)	USA (DoT / Bill of Rights)	Australian Draft ACPC
			entitlement or deadlines.
Denied boarding (overbooking)	€125-€600 automatic.	Formula based on ticket price and delay.	Not clearly addressed.
Enforcement / Regulator Role	National regulators can fine airlines.	USA DoT has strong sanction powers and publishes compliance data.	Proposed ACOS, with limited authority and lacks strong sanction powers.

Bottom Line:

Australians still have no automatic compensation, no refund deadlines, no set standard terms and conditions, and no independent enforcement – well behind global best practice in the EU and USA. Don't leave Australians behind.

Key Messages:

- Stop letting airlines write their own rules. Make consumer refund and compensation terms, rights and deadlines automatic, not optional.
- A strengthened ACPC Charter and ACOS with teeth mean refunds that happen, compensation and customer support standards that count, and an ombudsperson that acts.
- If Europe and the USA can protect passengers, so can Australia.
- Consumer rights, compensation and deadlines must be clear, documented and automatic – not left to airline discretion, or for consumers to negotiate or litigate basic entitlements during stressful travel disruptions.

Recommendations:

1. Adopt automatic guaranteed aviation consumer protections rights and compensation rules, with enforceable minimum refund amounts and cash payments for flight cancellations and delays beyond defined thresholds (strongly aligned with the EU/USA models), whether they are within the airlines' control or not.
2. Set guaranteed terms and conditions with standard, consumer-friendly clear definitions for refunds and compensation within enforceable payment deadlines – within 7 business days for credit card purchases, 20 business days for cash.
3. Guarantee Right to Care standards with consistent terms, amounts and deadlines for compensation for meals, accommodation and transfers due to flight cancellations and delays over fixed hours.
4. Codify automatic denied boarding compensation rules.
5. Create a fully independent Aviation Consumer Ombudsperson – statutory, AFCA-style with strong oversight powers of comparable industry schemes (such as for banks and telecommunications) and with binding decisions and transparent reporting.
6. Convert ACPC "targets" to enforceable guaranteed compensation rights, terms and enforceable deadlines across refunds, complaint responses and compensation claims, including for damaged, delayed or lost baggage.
7. Preserve Australian Consumer Legislation (ACL) rights explicitly – mandate that the ACPC cannot reduce statutory consumer guarantees.
8. Publish compliance data – on-time performance, complaints handling, and claims and compensation paid.

Strengthening Australia's Draft Aviation Consumer Protections Charter (ACPC) Submission

- 9. Set minimum complaints handling, escalation and customer-service timelines and requirements – e.g. maximum airline and ACOS phone and email wait times, and access to human escalation.**
- 10. Make compensation a behavioural incentive – penalties must motivate airlines to reduce preventable delays.**

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