

**From:** [Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts](#) on behalf of [infrastructure.noreply@govcms.gov.au](mailto:infrastructure.noreply@govcms.gov.au)  
**To:** [aviationconsumer](#)  
**Subject:** submission to: Aviation Consumer Protections – primary legislation [SEC=OFFICIAL]  
**Date:** Friday, 3 October 2025 12:44:39 PM  
**Attachments:** [syd-submission-to-aviation-consumer-protection-framework-consultation.pdf](#)

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OFFICIAL

Submitted on 3 October 2025

Submitted by: Anonymous

Submitted values are:

## Step 1: Your submission

### Remain Anonymous

No

### Private Submission

No

### Published name

Sydney Airport

## Upload attachments

### File uploads

- [syd-submission-to-aviation-consumer-protection-framework-consultation.pdf](#)  
(228.02 KB)

## Step 2: Contact details

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**Consultation name**

Aviation Consumer Protections – primary legislation

OFFICIAL

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# SYD

5 October 2025

Stephanie Werner  
First Assistant Secretary  
Department of Infrastructure, Transport, Regional Development, Communications, Sports and the Arts  
GPO Box 594  
**CANBERRA ACT 2601**

Via email: [aviationconsumer@infrastructure.gov.au](mailto:aviationconsumer@infrastructure.gov.au)

Dear Stephanie,

**Re: Aviation Consumer Protections**

Sydney Airport (**SYD**) welcomes the opportunity to provide a submission to the Aviation Consumer Protections consultation paper (**the consultation paper**).

SYD supports the establishment of the Aviation Consumer Protection Framework (**the framework**) and thanks the government for their continued engagement with stakeholders throughout its design. Delivering a positive passenger experience at Sydney Airport sits at the core of our business, which is why we have a longstanding commitment to excellence in customer service.

SYD's submission to the consultation can be found at Attachment A. Please contact Kate [REDACTED] (General Manager, Government Relations) if you require any further information at [REDACTED]

Yours sincerely,

[REDACTED]

**Scott Charlton**  
Chief Executive Officer

## a) Primary legislation consultation questions

- 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?**

### Aviation reform to improve passenger outcomes:

SYD welcomes the framework and supports its intent to improve outcomes for passengers. Delivering for our passengers is a core value at SYD. We note the risk that the framework may be difficult to administer and could introduce additional complexity and cost.

While the framework aims to improve passenger outcomes, a more effective and sustainable approach may lie in progressing broader aviation reform to enhance system-wide efficiency.

Ultimately, addressing the structural and regulatory challenges that underpin the current inefficiencies that ultimately impact passengers will have a more meaningful and lasting impact than introducing a compensation framework to manage the symptoms.

For example, SYD welcomes the introduction of a 'Recovery Period' under the amendments to the *Sydney Airport Demand Management Act*, which temporarily allows up to 85 planes to take off or land, per hour, for up to 2 hours following a 'severe disruption'.<sup>1</sup> The settings must be correct to ensure the mechanism has meaningful impact on reducing delays and cancellations for passengers. This includes the indicative threshold for triggering a recovery period, set by the Department. SYD encourages the regular review of these settings to ensure they meet the policy intent.

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

### Assigning responsibility for international flight delays:

SYD supports the Aviation Consumer Ombudsperson's (ACO) ability to decline complaints that fall outside Australian jurisdiction. To strengthen this process, we encourage the implementation of prerequisite questions before a complaint is formally lodged. These questions should assess whether the complaint is within scope, helping to minimise vexatious, frivolous, out-of-scope, and trivial complaints that consume the time and resources of the ACO, airlines and airports.

For example, regarding international flights, many disruptions arise from factors beyond the control of Australian airports or airlines. These include air traffic control restrictions in other countries, adverse weather conditions, and infrastructure failures at overseas airports, all of which can delay arrivals into Australia. Additionally, enroute weather variations that differ from the original flight plan can affect estimated arrival times. While these delays originate offshore, passengers often perceive them as operational failures by Sydney Airport. Without

<sup>1</sup> Reforms to the Sydney Airport Demand Management Framework: [Reforms to the Sydney Airport Demand Management Framework | Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts](#)

clear distinctions in the framework, there is a significant risk that airports may be unfairly implicated in complaints for issues they cannot influence.

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

#### Removal of the direct consumer relationship:

SYD supports the intent to strengthen protections for passengers with disability. SYD notes that the proposal to allow accessibility-related complaints without a direct consumer relationship may result in unintended consequences.

Removing the requirement for a direct contractual relationship means that individuals such as carers or companions who are not travelling themselves could lodge complaints. This may result in multiple overlapping complaints arising from a single incident. For example, if a lift is out of service, several passengers and their carers could each submit separate complaints, requiring airports to respond to each individually. This creates a disproportionate administrative burden and significant double handling, diverting resources away from improving accessibility infrastructure and services. Such a shift risks undermining the framework's goal of delivering better outcomes for passengers with disability.

To mitigate this, it should be clarified that only one complaint per incident should be permitted, regardless of the number of passengers or carers affected. This would help streamline the process and avoid duplication, while still ensuring that concerns are addressed.

Further, where no contractual relationship exists between the passenger and the airport, it must be clearly established that the airport is responsible for the relevant accessibility service. For example, SYD provides accessibility services for departing passengers from kerb to check-in, including disabled parking, drop-off spaces, toilets, and lifts. However, services such as wheelchair assistance from check-in to the gate fall under the airline's responsibility. Airports should not be held accountable for complaints relating to services they do not provide. SYD has already encountered this issue under other accessibility related complaint schemes.<sup>2</sup> Any framework must recognise these operational boundaries and align responsibilities with the appropriate entity, ideally informed by the upcoming aviation-specific Disability Standards.

It is also noted that in other consumer protection frameworks, a direct contractual relationship is typically required to enforce consumer rights.<sup>3</sup> This approach helps ensure that such frameworks remain both relevant and sustainable.

If the government proceeds with removing the requirement for a direct consumer relationship, the framework must define the standards expected of airports. These standards must be reasonable, clearly articulated, and ideally informed by the upcoming aviation-specific Disability Standards to ensure fair and effective implementation. Without such guidance, expanding the framework to include broader notions of accessibility for individuals without a

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<sup>2</sup> For example, in complaints to the Anti-discrimination Board of NSW and Australian Human Rights Commission, SYD is often identified where it is responsibility of the airline that is in question which takes resources to address these jurisdictional matters.

<sup>3</sup> For example: NSW Civil and Administrative Tribunal, Telecommunications Industry Ombudsman, Australian Complaints Authority.

direct consumer relationship could introduce significant risks and impose an unreasonable burden on airports.

Meaningful industry consultation on the development of these standards is essential to ensure they are practical, proportionate, and aligned with operational realities.

**6. Is the role of the ACPA (regulator) as proposed sufficient to protect aviation consumers and lift consumer standards, while not imposing undue regulatory burden and costs on the sector?**

SYD encourages consideration of the following matters when assessing the regulatory burden on the sector.

The regulators ‘own motion power’:

There are concerns about the regulator’s proposed ‘own motion’ powers, especially given the role of the ACO as the central channel for handling complaints and identifying systemic issues. The ACO is intended to resolve disputes not addressed by airlines or airports, promote best practice in complaints handling, and escalate relevant matters to the regulator. Allowing the regulator to initiate investigations independently, without a referral from the ACO or a passenger complaint, risks overlapping responsibilities and weakening the integrity of the complaints process.

If the regulator is to be granted ‘own motion’ powers, it is essential that defined minimum standards are published to justify when a unilateral investigation into perceived systemic issues is warranted. This would allow airports and airlines to understand the standards that are expected of them. These standards could include a threshold of serious risk to the public interest, along with a set number of passenger complaints received within a certain period. If the regulator initiates an investigation under these powers industry stakeholders must be appropriately notified.

Additionally, the Minister’s ability to guide the regulator should be transparent, with a public ‘Statement of Expectations’ published each year to help the sector plan accordingly.<sup>4</sup>

Duplication with Australian Consumer Law (ACL), and Australian Competition and Consumer Commission (ACCC):

There is concern that the regulator could duplicate functions already carried out by the ACCC and covered under the ACL. The ACCC currently handles complaints about the aviation sector, including issues such as flight cancellations, delays, refund refusals, misleading advertising, and poor customer service. The ACCC also monitors domestic airlines and major airports. These matters are already enforceable under the ACL, which provides strong protections for consumers across all industries, including aviation.

The ACCC exercised its ‘own motion power’, actively investigating systemic issues in the aviation sector and taking enforcement action against airlines for breaches of consumer law. Introducing another regulator risks unnecessary duplication, as several other regulatory

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<sup>4</sup> Statements of Expectations: [Statements of Expectations | Treasury.gov.au](https://www.treasury.gov.au/expectations)

bodies also address complaints against airports and airlines. This could complicate the regulatory landscape without delivering additional value.<sup>5</sup>

**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?**

Deviation from the complaint's escalation process:

The framework appropriately positions the ACO as a review point rather than the first contact for passenger complaints. SYD supports this approach, given its strong internal complaints handling process and commitment to resolving issues directly with passengers. Maintaining this principle is essential to preserve the integrity of the complaint's pathway.

SYD does not support the proposal that, in limited circumstances, the ACO may accept complaints directly from passengers who have not first attempted resolution with the airline or airport. The consultation paper did not provide examples to justify this exemption.

Bypassing the initial resolution process could undermine accountability, reduce incentives for airlines and airports to improve their complaints systems, and overwhelm the ACO with cases that could have been resolved earlier. It may also create confusion for passengers and lead to inconsistent and duplicated complaint handling. Premature escalation risks delaying outcomes and weakening trust in the overall framework.

To ensure fairness and efficiency, the framework should reinforce the requirement for passengers to first engage with the relevant airline or airport before escalating to the ACO.

## **(b) Subordinate legislation questions**

**4. Do the proposed Charter obligations cover the core elements of the aviation consumer experience relating to the delivery of airline services, airport services and airport accessibility services? Are there any missing elements?**

SYD recommends that the following matters be considered in the assessment of the proposed Charter obligations.

Complaints outside of the Charter:

The consultation paper states that the ACO would not be limited to accepting complaints within the scope of the Charter. It would also be able to consider complaints related to broader airline and airport services, provided there is a consumer relationship (excluding accessibility complaints). However, this broader scope is not clearly defined, raising important questions about the boundaries of the framework.

Given the complexity of the passenger experience, which involves multiple entities across different stages, it is unclear how the ACO intends to manage complaints that span more than one party. The consultation paper does not clearly outline how the ombudsperson would assess and allocate liability in cases involving multiple stakeholders, such as airlines and

<sup>5</sup> See for example, Australian Human Rights Commission, State based discrimination bodies and Office of the Australian Information Commission.

airports. Greater clarity is needed to understand how responsibility would be determined in such situations.

#### Charter updates:

While it's important for the Charter to remain flexible, frequent or ad hoc changes can create uncertainty for both passengers and industry. Clear expectations around future service levels are essential for effective operational planning. Any updates to the Charter should involve stakeholder consultation, public notification, and a reasonable implementation period especially where changes are complex or resource intensive.

#### **5. Do the proposed Charter obligations reflect reasonable standards? Are there any operational or technical considerations that would affect the ability of airlines or airports to meet the proposed standards?**

##### Encouraging legal representation:

SYD suggests that the framework should not extend to legal representation. The framework is intended to be informal and accessible, providing a low barrier forum for passengers to raise complaints without the complexity or cost of legal proceedings. Permitting or promoting legal representation may compromise these objectives, especially considering that passengers already have access to formal legal channels.

Allowing legal representation is likely to lead to both passengers and airlines or airports seeking representation. This would shift the process away from informality and accessibility and increase the risk of costly, lawyer driven disputes. This reflects the approach taken in existing consumer protection frameworks, where leave is typically required for legal representation, which SYD considers a reasonable safeguard.<sup>6</sup>

#### **8. If different cost recovery levies are applied to regulated entities based on the nature or size of their operations, what metrics should be used to differentiate them?**

##### Levy metrics to incentivise better passenger outcomes:

SYD acknowledges that while government entities play a role in the aviation passenger journey, no government funding will be contributed to the framework. Considering this, and in the interest of fairness, SYD believes that using passenger volumes as the primary metric for the annual levy unfairly penalises larger entities. High passenger volumes do not necessarily correlate with poor passenger outcomes.

We propose that the variable per matter levy, as outlined in Option 2, should carry greater weight as it more accurately reflects the actual regulatory burden. Linking levies to the number and nature of legitimate complaints received by the ACO and escalated to the regulator, ensures a fairer approach.

Using complaints data as a metric incentivises better passenger outcomes by encouraging entities to resolve issues before they escalate. It also motivates service improvements, as entities seeking to reduce their levies will invest in better passenger experiences. Over time,

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<sup>6</sup> See for example, Representing yourself: [Representation | NSW Civil and Administrative Tribunal](#) and Australian Human Rights Commission [Conciliation – how it works | Australian Human Rights Commission](#)

this creates a positive feedback loop that can help reduce the administrative burden on the framework.

**9. For the following duration/situation timeframes, what are reasonable values for food and drink vouchers per meal, and how many food and drink vouchers should passengers affected by air service delays receive:**

**1 to 3 hours?**

**3 to 6 hours?**

**6 to 12 hours?**

**More than 12 hours?**

As an airport operator, we appreciate the importance of ensuring passengers are supported during air service delays. However, Section 3 of the proposed Charter places responsibility for care and assistance, including food and drink vouchers, with airlines. Airlines and passengers are best placed to determine these matters, as these relate directly to service expectations and commercial arrangements.