

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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Attachments: [wes-\[REDACTED\]-submission-to-airline-charter-consultation-phase-2.pdf](#)

OFFICIAL

Submitted on 22 October 2025

Submitted by: Anonymous

Submitted values are:

Step 1: Your submission

Remain Anonymous

No

Private Submission

No

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Short comment

Recommendation #1: I would suggest and recommend that a clear definition of Flight Cancellation be developed.

Recommendation #2: That where airlines cancel flights, other than due to extreme weather events or terrorism or such like, passengers should receive all of the following:

- An immediate refund
- Overnight accommodation
- Local taxi fares and meals
- A cash payment of not less than \$300 to recompense the passenger for the suffering and dislocation caused by having their flight cancelled.

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- [wes-\[REDACTED\]-submission-to-airline-charter-consultation-phase-2.pdf](#) (201.81 KB)

Step 2: Contact details

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Consultation name

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

OFFICIAL

aviationconsumer@infrastructure.gov.au

Wes [REDACTED] Personal Submission to Part 2, Subordinate Legislation, Comments in Response to the *Aviation Consumer Protections Consultation Paper*, September 2025

Hon Catherine King,
Minister for Transport.

22 October 2025

Dear Minister King,

I have previously lodged a submission in regards to Phase One of this consultation process. This present document represents my submission to Phase Two of the consultations ie Subordinate Legislation.

Phase Two – Four Focus Questions

Thank you for the advice that phase two is designed to address the following kinds of issues:

Through this consultation, we want to hear from interested members of the public and industry on the design of subordinate legislation by 26 October 2025. The consultation questions relating to subordinate legislation are 4, 5, 8 and 9:

4. Do the proposed Charter standards 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?

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

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?

9. For each of the duration/situation timeframes listed in Table 4 of the consultation paper (1 to 3 hours, 3 to 6 hours, 6 to 12 hours and more than 12 hours) what are reasonable values for food and drink vouchers per meal, and how many food and drink vouchers should affected passengers receive?

Foundation Principles and Consumer Rights To Be Embedded in an Aviation Consumer Protections Charter

In order to appropriately address the matters listed above, we need a clear and certain starting point in regards to the realities of why this legislation is necessary in the first place. And in regards to that, and in regards to establishing some principles around these matters, I now reiterate some of the matters that I raised in my response to Phase One, as follows:

1. **People Before Profits:** Long and ever consistent experience by the travelling public shows that Airlines will always put commercial profit ahead of the interests of travellers. This fact and this reality needs to be a key consideration in addressing questions 4 – 9 in this Inquiry. So, if this Charter is in fact designed to facilitate and enable consumer protections, then there needs to be a clear statement that the travelling public have rights. And foremost amongst those rights should be the right to fly on the day that you booked your flight.

2. **Flight Cancellations Are Oftentimes a Commercially Informed Decision:** Given the lack of any effective independent Ombudsman process at present, and the complete lack of any transparency at present, members of the public can only speculate as to the specific reasons for flight delays and flight cancellations. Having noted that views are somewhat speculative – due to the lack of access to information – it is at present highly plausible that airlines cancel flights for a range of reasons, including for reasons of commerciality. Commerciality can relate to a range of issues, including maintenance schedules, including staffing rosters and including low passenger booking numbers.

In summary, the Charter of Consumer Protections should clearly articulate a number of principles and rights for the travelling public. Foremost amongst those rights should be the right to fly on the day that you booked your flight.

In Regards to the Cancellation of Flights, the Measures Proposed Within the Aviation Consumer Protections Consultation Paper of September 2025 Are Woefully Inadequate

This present submission does NOT seek to provide any suggestions or comments in regards to Consultation Questions 4, 5 and 8.

This present submission DOES provide commentary in regards to Consultation Question # 9:

9. For each of the duration/situation timeframes listed in Table 4 of the consultation paper (1 to 3 hours, 3 to 6 hours, 6 to 12 hours and more than 12 hours) what are reasonable values for food and drink vouchers per meal, and how many food and drink vouchers should affected passengers receive?

In regards to airline flight cancellations, the first thing to say is that I have a Masters Degree in Literacy but the definition of a flight cancellation, as provided at the top of page 48 of the Consultation Paper defies understanding and is currently inscrutable:

It is proposed that a cancellation is defined as a scheduled air service with a specific flight number to be operated between a specific origin and destination on a specific date which is not operated, less than 7 days prior to its scheduled departure time.

The definitions of Flight Disruption and Unreasonable Delay are exceedingly clear. But how would the proposed Ombudsman handle complaints about Flight Cancellations when the very definition of a cancellation is inscrutable?

Recommendation #1: I would suggest and recommend that a clear definition of Flight Cancellation be developed.

In the absence of any clearly articulated definition of a flight cancellation, I would propose that a flight be deemed to have been cancelled if the following occurs:

- Any proposed replacement flight occurs on the following or subsequent days ie not the same calendar day
- Any delay is greater than 4 hours
- If any delay results in the passenger missing a connecting flight.

Working on the basis of that fairly rudimentary definition of what a Cancellation would be, and with all due respect to the Department of Transport, I respectfully submit that the current wording and phraseology of the question serves only to perpetuate the status quo.

It is far from clear to me how the proposed range of consequences, as set out on pages 46 and 47:

- are any stronger than what is already the case under general consumer protection legislation, rights and current general practice; and
- are in any way a commercial disincentive to airlines to cease this frequent practice of cancelling flights for purely commercial reasons.

Merely providing a refund for a cancelled flight is woefully inadequate. When airlines cancel a flight for purely commercial reasons, they have already factored in the cost of the refund. And they have still decided to cancel the flight. Cancelling a flight for purely commercial reasons [low passenger booking numbers etc, but also including routine maintenance] is NEVER ACCEPTABLE behaviour.

There have to be strong commercial ie financial disincentives to ensure that the only reasons that flights are ever cancelled is due to unsafe weather and flying conditions. Period. End of story. No exceptions.

So, my response to the kinds of matters raised in Question 9 is that passengers who are affected by flight **cancellations**, except in extreme situations such as cyclones or airport closures due to fog etc, should be automatically entitled to receive a suite of compensations which are designed to act as a commercial disincentive to airlines to cancel flights.

Recommendation #2: That where airlines cancel flights, other than due to extreme weather events or terrorism or such like, passengers should receive all of the following:

- **An immediate refund**
- **Overnight accommodation**
- **Local taxi fares and meals**
- **A cash payment of not less than \$300 to recompense the passenger for the suffering and dislocation caused by having their flight cancelled.**

Only when it is made clear to airlines that flight cancellations are a very poor commercial option for them will airlines then choose not to cancel flights on commercial grounds.

Kind regards

Wes [REDACTED]

[REDACTED]