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# Aviation Customer Rights Charter Consultation

Here at AirHelp, we believe that travel makes the world a better place and that strong passenger rights make travel even better and communities even stronger. Over the past 12 years, AirHelp has built software and products directed towards air passengers, travel sellers and airlines that have enabled us to check eligibility for compensation for millions of passengers around the world under multiple national and international regulations.

AirHelp celebrates Australia's initiative to strengthen Air Passenger Rights by introducing the Aviation Customer Rights Charter. We have previously provided our comments on the Aviation Green Paper, Pay on Delay Bill and Aviation Industry Ombuds Scheme, and with our vast experience in advocating for and upholding passenger rights worldwide, we want to share that knowledge, and provide our input on the proposed rights. Our goal is that Australia's Passenger Rights provide essential assistance to travellers, and simultaneously strengthen the entire travel industry. As when properly created, applied, and implemented, air passenger rights have been shown to reduce travel disruption, set clear standards for airlines, and ultimately improve consumer confidence.

## **1. Be treated with dignity and respect, in an accessible and inclusive environment**

We are aligned with the intention of this right. The goal of passenger rights is to ensure that airlines treat their passengers with care and dignity. They set the standard of fair treatment throughout the airline's service towards all passengers during all stages of a flight journey – including the crucial times when flights get delayed, cancelled, or otherwise disrupted.

The consultation paper rightly acknowledges that passengers are diverse and that all should be able to access airlines and airports safely and free from discrimination, regardless of their abilities. It is our experience that while flight disruptions affect all passengers, the impact is particularly acute for families travelling with small children, elderly passengers, and those with

reduced mobility or autonomy. These groups often face significant logistical challenges and may have additional needs which must be addressed in the regulations to ensure such passengers have equal access to air travel. These include:

- In the event of flight delays or cancellations, **passengers with additional needs** should be prioritized for assistance. This includes providing adequate care that meets their specific requirements, such as expedited rebooking, accessible accommodations, and any necessary medical or dietary support during disruptions.
- Airlines must ensure that **families travelling with small children** or groups including caregivers are seated together at no additional charge.
- **Elderly passengers** should receive priority services, enhanced mobility support and clear and accessible communication, ensuring a dignified and comfortable travel experience.
- **Mobility assistance** must be provided promptly and free of charge to passengers who require it, ensuring they can navigate airports and board flights with dignity and ease. This includes assistance for passengers with wheelchairs, prosthetics, or other medical considerations, and must be offered without undue delays to avoid compounding the challenges they already face.

Passenger rights regulations must be simple, transparent, and easily enforceable. Importantly, passengers must have access to straightforward channels for raising concerns or requesting assistance, ensuring that their rights are not just theoretical but actively upheld.

Another important element of passenger dignity and respect to be addressed by the Aviation Customer Rights Charter is clarity and **transparency in pricing**. Regulations should include directives on how to prevent so-called “junk fees” such as hidden and unclear surcharges for services such as baggage or priority boarding. Making airlines responsible for transparent pricing builds consumer trust and promotes fair competition.

Certain fees must be regulated and clearly advertised, ensuring that passengers know what they are paying for. E.g. fees for using certain payment methods or other mandatory charges.

Other fees should be simply banned, such as seat selection fees for families with children, who are required to sit together. Fees for essential services such as basic customer service, and essential communications should also be banned.

Additionally, cancellation fees should be regulated, for example, allowing passengers to free cancellation within 24h of booking.

## 2. Accurate, timely and accessible information and customer service

We appreciate the focus given to ensuring customers have timely and accessible contact with their airline. Our research also indicates this is vitally important to passengers, and considerably improves their experience when a disruption occurs<sup>1</sup>.

We endorse the Australian commitment to the creation of the Aviation Customer Rights Charter, but it is vital that the specifics, such as clear definitions, response times and requirements of airlines are set within the Charter, rather than leaving it to airlines to each decide their specific commitments to their passengers.

- **Accessible information about their rights is essential for passengers.** If passengers do not know they have rights, they cannot use them. Just as passengers cannot exercise their rights if they do not understand them.
- **The Charter's language must be straightforward**, avoiding technical terms and legal jargon. Rules should be concise, as every additional exception or exclusion creates confusion for passengers who simply want clarity on the assistance they are entitled to.
- **The Charter should include clear, established definitions to prevent misinterpretation.** Particularly in the case of distinguishing between disruptions within an airline's control (e.g., staff shortages, technical faults, operating inefficiencies) and extraordinary circumstances (e.g., weather, war). There should be no exception for safety-related issues within the airline's control, as this could incentivize airlines to delay addressing issues until they become a safety concern.

We provide our [sample list of Extraordinary Circumstances](#) for your consideration.

- **Simply requiring airlines to outline the rights of passengers in their conditions of carriage is not enough.** Airlines must be required to inform passengers of their rights

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<sup>1</sup> 1 A survey of 1,363 passengers who had faced a significant disruption suggested that airlines can raise customer satisfaction levels by 60% by proactively providing adequate information about the disruption. <https://www.airhelp.com/en-gb/press/airhelp-survey-what-does-flight-disruption-cost-passengers/>

across multiple channels to ensure accessibility and visibility, particularly at moments of disruption.

- **Vague definitions such as “promptly” should be avoided in favour of reasonable, set timeframes**, such as 30 minutes after a cancellation or lengthy delay is known to the airline. Real-time updates on the specific cause of delays or cancellations should also be mandatory, so that, if necessary, passengers are able to challenge an incorrect rejection by airlines regarding refunds, compensation, or reimbursements.

When airlines are left to define these terms individually, it creates a fragmented system where passengers cannot rely on consistent treatment across different carriers. This lack of standardization leads to uncertainty, as passengers may be unaware of their entitlements or face varying policies depending on the airline. Ultimately, this approach undermines confidence in the system and creates unnecessary confusion, making it harder for passengers to navigate their rights in the event of a disruption. Clear legal mandates are essential to ensure fairness, transparency, and predictability for all travelers.

### **3. Prompt and fair remedies and support during and after cancellations, delays and disruptions**

Consumers depend on air travel and put themselves in the airlines’ hands. As a result, regardless of the cause of the disruption, airlines owe a **duty of care** to passengers when travel does not take place as scheduled. This includes the right to **rebooking** without charge, on the next available flight with both the airline’s own flights and its branded codeshare partners, or if the passenger chooses not to travel, a **refund** of the full ticket price.

More so, airlines must be required to cover the costs of **meals, accommodation, and transportation** for passengers affected by cancellations, denied boardings, or delays, with assistance beginning after two hours of delay. The exact entitlements, and when they kick in, must be expressly stated, so that passengers have the reassurance they need.

**However, the right to rebooking, refunds and care alone is insufficient** if the charter aims to genuinely provide passengers with fair remedies and support for flight disruptions. While these measures address immediate needs that arise, passengers also deserve **financial**

**compensation** to acknowledge the full impact and mental stress caused, as well as holding airlines accountable for preventable disruptions and incentivizing their minimization.

In 2022, flight disruptions **cost the Australian economy up to USD 1.5B with at least 9M<sup>2</sup> passengers affected by delays and cancellations**, resulting in a significant total cost of USD 41 per each air passenger carried by airlines.<sup>3</sup>

## Why Compensation is Necessary:

1. **Acknowledging Passenger Losses:** Flight disruptions, whether delays, cancellations, missed connections, or denied boardings, impose significant costs on passengers. These include lost time, missed commitments, and emotional stress. Compensation ensures passengers are not left to bear these burdens alone and creates a sense of justice.
2. **Incentivising Airlines to Reduce Disruptions:** Without financial consequences, airlines may lack the motivation to minimise disruptions. The introduction of compensation policies in Europe led to a 5% reduction in flight delays<sup>4</sup>—demonstrating that holding airlines financially accountable drives better service outcomes.
3. **Establishing Accountability:** Compensation ensures that the financial burden of disruptions falls on the responsible party—the airline. This principle strengthens trust between passengers and airlines and ensures fairness in the aviation sector.

## How Compensation Should Work:

Compensation should apply to all severe disruptions, including:

- Delays above 3 hours and schedule changes exceeding 2 hours
- Missed connections causing delays above 3 hours
- Cancellations
- Denied boardings where the airline is responsible, including overbooking

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<sup>2</sup> This was a decline from 21M+ passengers in 2018-19, primarily due to 60% fewer passengers caused by COVID-19

<sup>3</sup> [Cost of disrupted flights to the economy](#), p. 11

<sup>4</sup> Gnutzmann, Hinnerk & Spiewanowski, Piotr, 2018, Consumer Rights Improve Service Quality: Evidence From EU Air Passenger Rights, CEPOB #13.18.

Passengers should not have to negotiate fair compensation with airlines. Clear, legally established amounts ensure consistency and fairness. Compensation should start at AUS\$600 and increase for more severe disruptions, capped at a maximum of AUS\$2,400 to align with international standards.

Compensation should be independent of ticket price, as delays and cancellations impact all passengers equally regardless of their fare class. If there is to be variation in compensation amounts, it should compensate passengers fairly for the impact to their journey, with regard to the length of the delay.

### Compensation for delays:

Flight arrives	Domestic	International
3 - 5 hours late	AUS\$600	AUS\$1,200
Over 5 hours late	AUS\$1,200	AUS\$2,400

### Compensation for cancellations and overbookings:

For cancellations and denied boarding, to deter airlines from scheduling flights that they are not realistically able to operate or overbooking seats, passengers shall be entitled to compensation according to the table below:

Domestic	International
AUS\$1,200	AUS\$2,400

If passengers are rebooked on another flight and arrive with less than one hour delay to their final destination, the airline shall not be liable for paying compensation.

Notification periods must reflect real-world travel, with compensation where they don't. As cancellations incur major disruption, where passengers frequently have to reschedule their entire vacation, passengers should be entitled to compensation when flights are **canceled eight weeks before departure or less.**

### Compensation for schedule changes:

Flight arrives	Domestic	International
2 - 5 hours early	AUS\$600	AUS\$1,200
Over 5 hours early	AUS\$1,200	AUS\$ 2,400

Amounts stated in law should be regularly reviewed and index-linked in line with inflation, so that passengers continue to receive adequate compensation.

By introducing mandatory compensation, Australia can strengthen air passenger rights, promote fairness, and improve airline accountability. Passengers deserve more than care and rebooking—they deserve compensation for the inconvenience and losses caused by disruptions.

#### **4. Safe and timely baggage handling and fair remedies for damage and delays**

Delayed, lost, or damaged luggage remains one frustrating aspect of air travel for passengers. This issue is further exacerbated by the fact that airlines now charge additional fees for checked baggage, making it not just an included service but a paid one. When passengers pay extra for a service, they should have a reasonable expectation that their luggage will be handled with care and arrive safely and on time. If airlines fail in this duty, they should be held accountable through clear, enforceable consumer protections.

**As per the Consultation Paper, the Australia Aviation Customer Rights Charter should explicitly cover baggage protection to ensure airlines take full responsibility for luggage in their care.**

However, the current system, which places the burden of proof on passengers to demonstrate the value of necessary, lost or damaged items, can lead to lengthy disputes and inadequate compensation. To provide a fair and standardized remedy, we propose a standard minimum compensation of AUS\$300 is paid to passengers immediately for lost, delayed, or damaged luggage. If the passengers' costs amount to more, the passenger can submit evidence to claim the remaining value. As well as establishing a financial penalty for airlines who fail in their commitment to deliver passengers' luggage, this would establish a baseline level of protection and eliminate ambiguity, ensuring accountability and passengers are not left financially disadvantaged due to airline mishandling.

**If airlines charge extra luggage fees, passengers are also entitled to a refund of the fee if the service is not delivered.** I.e. luggage is lost or damaged beyond repair.

**Compensation should be processed in a timely manner, rather than leaving passengers waiting weeks or months for resolution. The standard minimum should be paid within 7 days, and subsequent claims should be assessed and paid within 30 days of submission.**

The standard minimum amount would also reduce bureaucratic delays, as airlines would no longer need to assess claims on a case-by-case basis for every lost or damaged bag. Ultimately, strengthening consumer rights in this area will incentivize airlines to improve baggage handling and ensure a more seamless travel experience for passengers.

## **5. Protection of personal information**

No comment

## **6. Provide feedback, make complaints and exercise their rights without retribution**

Too many passenger rights around the world are ineffective simply because they are not enforced. Airlines ignore passengers or reject claims for invalid reasons, leaving travellers without the protections they are entitled to. To address these issues, a robust framework must be established to ensure clear, fair, and enforceable processes for handling complaints and protecting passenger rights.

Airlines must adhere to clear, standardized guidelines for receiving and processing passenger complaints. The process should be straightforward, transparent, and accessible to all passengers or their representatives. This includes providing multiple, user-friendly channels for passengers to submit claims or feedback, such as online forms, email, and phone support. Most importantly, airlines should be legally obligated to respond to complaints promptly and resolve them within a defined time period.

The timeframes suggested in the Consultation Paper (24 hours to acknowledge and 30 days to resolve) are OK, but in the case of flight disruptions, most complaints will be similar i.e. arising from the same flights and events. As the airline can be expected to know whether a disruption was within their control or not, it is reasonable that such complaints should be resolved within



two weeks. Only in exceptional circumstances should resolution times exceed this, with a maximum of one month.

Airlines must provide clear and accessible methods of contact. More so, as we have pointed out during the Consultation for the establishment of an Australian Aviation Industry Ombuds Scheme, equal access does not mean equal opportunity. For this reason, to support passengers who lack knowledge of their rights, who may face issues due to language barriers or may have other additional needs, passengers must be provided with the option to take help from passenger protection groups. Third parties such as consumer protection groups fulfill an essential role bridging this gap and should also be able to file complaints, to help passengers receive the full protection afforded them. Governments and airlines should work with specialist companies like AirHelp who provide credibility and impartiality by offering access to independent flight data and perspective.

Furthermore, regulations must prohibit airlines from imposing restrictive clauses in their terms and conditions, such as "Contact Airline First"-requirements. Such clauses often limit passengers' freedom of choice in pursuing claims and do not necessarily lead to better customer service. Instead, passengers must be granted the flexibility to pursue their claims through any preferred channel.

## **About AirHelp**

AirHelp is an international company specialising in air passenger rights and helping passengers obtain compensation following a delayed or cancelled flight. Over 12 years we've assessed eligibility on over 20 million passengers' claims and helped millions more via the information on air passenger rights freely available on our website.

We currently support passengers under multiple passenger regulations, including Europe's Regulation (EC) No. 261/2004, the UK Air Passenger Rights and Air Travel Organisers' Licensing (Amendment), the Brazilian National Civil Aviation Agency Resolution No 400, the Canadian Transportation Agency's Air Passenger Protection Regulations, the Turkish Regulation on Air Passenger Rights (SHY PASSENGER), the Montreal Convention, and the recently introduced Passenger Rights Protection Regulation in Saudi Arabia.



AirHelp is a founding member of APRA, the Association of Passenger Rights Advocates, an organisation pushing for better passenger protections in the EU. We are also an active member of the European Tech Alliance, and we are currently advising policy makers in the USA on air passenger rights.

We've had representation in Australia since 2018, and have helped thousands of Australian passengers when they fly internationally under existing air passenger rights law.

More information about us can be found on our website, [airhelp.com](https://airhelp.com)