



Australian Federation of
Disability Organisations

Aviation Consumer Protection Bill 2026

Senate Rural and Regional Affairs and Transport Legislation Committee

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Acknowledgements

Aboriginal and Torres Strait Islander people

Australian Federation of Disability Organisations (**AFDO**) acknowledges Aboriginal and Torres Strait Islander people as the First Peoples and traditional custodians of the land now called Australia. We recognise their deep and continuing connection to Country and community. We pay our respects to the traditional custodians of Country where we work, connect, or meet, which always was, and always will be, Aboriginal land. We also pay our respects to Elders past, present, and emerging.

People with disability

AFDO acknowledges people with disability in all their diversity, particularly those individuals who have experienced or are continuing to experience violence, abuse, neglect, or exploitation. We also acknowledge their families, carers, supporters, and representative organisations and express our thanks for the continuing work done by the many people supporting, protecting, and advancing the rights of people with disability.

Language used in this document

AFDO has chosen to use person-first language (like "people with disability") in this document. Person-first language puts the person before the disability and values the individual by seeing them as a person, not a condition. This aligns with the CRPD and matches the language used by all governments in Australia. Most other Australian disability peaks also use person-first language.

We recognise many people with disability prefer identity-first language. Disability is a part of their identity and shows a connection to their community and pride in disability. Views on language reflect people's identities, experiences of disability, and community attitudes. It is a matter of individual choice and agency. AFDO respects everyone's right to choose how to describe their identity and experiences.

About AFDO

Since 2003, the Australian Federation of Disability Organisations (**AFDO**) has been the pre-eminent national peak for people with disability, championing their rights through our extensive member organisation network uniquely representing both disability-specific and cross-disability communities with a reach of over 4.5 million Australians.

We are, firstly, a Disabled People's Organisation (**DPO**), led, governed, and predominantly staffed by people with disability. We are also a Disability Representative Organisation (**DRO**) funded by the Australian government. The majority of our member organisations are DPOs, family led, or specific disability not for profits. This ensures that our work is informed by lived expertise and experience, truly representing our communities.

AFDO is a strong, trusted voice for the disability sector. We advocate on national policy, inquiries, and initiatives with the Federal and state and territory governments. We work to build a community where people with disability:

- have real participation in community life
- can build respectful, valued relationships
- participate socially and economically, and
- contribute as valued citizens.

Our vision

All people with disability can take part equally in all aspects of social, economic, political, and cultural life.

Our mission

Using the strength of our member organisations to harness the collective power of uniting people with disability to change society into a community where everyone is equal.

Our strategic objectives

- To represent the interests and united voice of our members and people with disability at a national and international level in all relevant forums.
- To build the capacity, profile, reputation, and sustainability of AFDO through the strength of our member organisations.
- To enhance the connection and influence in international disability initiatives by policy, advocacy, and engagement, focused on the Asia Pacific region.

Our members

AFDO's member organisations contribute to the national policy agenda and address issues that impact the lives of people with disability in Australia. We understand that disability-specific organisations play a key role in the provision of information and peer support to people with disability and their families. This role keeps them closely connected to their grassroots communities. Each community has its peak organisation that uses its voice to advocate on issues.

Information about AFDO's members can be found on [our website](#).

1 Acronyms and abbreviations

This list of terms may assist users of this document to understand what we mean when we use the following terms or abbreviations.

AS 10002:2022	Standards Australia, <u>Guidelines for Complaint Management in Organisations</u> (AS 10002:2022), 25 March 2022
ACCC	Australian Competition and Consumer Commission, which has responsibility for the consumer protection provisions in the ACL
ACL	Australian Consumer Law (<u>Competition and Consumer Act 2010</u> (Cth) sch 2)
ACO	Aviation Consumer Ombudsperson, who will play a complaints resolution role for individual consumer complaints
ACPA	Aviation Consumer Protection Authority, the new regulator proposed in the Consultation Paper
AFDO	Australian Federation of Disability Organisations
AHRC	Australian Human Rights Commission
AHRC Act	<u>Australian Human Rights Commission Act 1986</u> (Cth)
Consultation Paper	The Department's Aviation Consumer Protections Consultation Paper ¹
DDA	<u>Disability Discrimination Act 1992</u> (Cth)
Department	Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts
Explanatory Memorandum or EM	Explanatory Memorandum <u>Aviation Consumer Protection Bill 2026</u> (Cth) ²
Framework	The aviation consumer protection framework as proposed in the Primary Bill
Primary Bill	<u>Aviation Consumer Protection Bill 2026</u> ³

Proposed Aviation Standards	The disability standards for aviation travel as proposed in the White Paper
Public Transport Standards	<u>Disability Standards for Accessible Public Transport 2002</u> ⁴ , made under section 31 of the DDA
White Paper	The government's Aviation White Paper Towards 2050 ⁵

2 Executive summary

This submission is limited to the Primary Bill. We do not make any comments on each of the following that are within the terms of reference of the Committee's current inquiry:

- Aviation Consumer Protection Levy Bill 2026
- Aviation Consumer Protection Levy (Collection) Bill 2026, or
- Aviation Consumer Protection (Consequential Amendments and Transitional Provisions) Bill 2026

The Australian Federation of Disability Organisations (**AFDO**) welcomes the development of a new legislative framework for protecting passengers travelling, or wanting to travel, by air. We are also pleased to see that the Department accepted some of the key changes we sought to the Framework during the Department's public consultation before drafting the Primary Bill. However, we still have several concerns with some of the provisions of the Primary Bill and offer several detailed recommendations to ensure the aviation consumer protection framework that the Primary Bill will introduce is inclusive, accessible, and effective for all passengers, particularly people with disability.

Summary

AFDO supports the Primary Bill and strongly supports the position in the Primary Bill that the regulated entities under the Framework will be each of the following:

- (a) airlines operating domestic flights in Australia (whether or not an Australian airline)
- (b) airlines flying internationally from Australia
- (c) airlines flying internationally to Australia, and
- (d) Australian airlines flying internationally (irrespective of the port of departure or destination).⁶

AFDO also supports the removal of the concept of a "consumer" from the definition of "airline service".⁷ We remain concerned with the continuing necessary connection between an "airport service" and a "consumer"⁸ and for the need for the service to be "paid for directly by a consumer".⁹

Our recommended amendments are aimed to improve the Framework, strengthen protections for all people who travel by air, or use airports for purposes connected with, or incidental to, air travel, and align the Primary Bill more closely with the purposes and objectives set out in the Consultation Paper.

Recommendations

AFDO urges the Committee to recommend to the House each of the following amendments to the Primary Bill:

1. That the Primary Bill clarifies that the term “consumer” when used elsewhere in the Primary Bill (including the definition of “airport service” in clause 12) bears the same meaning and is used in the same context as the term is used in clause 17.
2. That clause 13 is amended to remove the requirement that the service must be “paid for directly by a consumer”.
3. That passenger security screening services are expressly included as an “airport service” covered by the Framework.
4. That the definition of “airport service” expressly excludes any “airport accessibility service”.
5. That the Minister’s power to make rules, particularly in relation to “aviation accessibility services” and “accessibility services” provided as part of an airline service, is exercised only following consultation with the Attorney-General, or the Minister responsible for section 31 of the Disability Discrimination Act. This requirement is necessary to ensure consistency between the Framework and the Proposed Aviation Standards. Any rules made under this power must be consistent with the Proposed Aviation Standards.
6. That the parliament determines the best way to overcome the constitutional limitations on applying the scheme to all flights in Australia, including intra-state flights, and amend clause 17(3) so that the scheme is uniformly applied to all air travel in Australia.
7. That the definition of “regular air transport” is amended to replace the requirement of payment of a “fee”¹⁰ with the concept of being “provided for valuable consideration”.
8. That the definition of “Australian airline”¹¹ is amended to read:

an airline company (being a constitutional corporation):

- (a) that is permitted to carry passengers, or passengers and freight, that is designated by Australia to operate a scheduled air service, and
- (b) whose constitution complies with section 11A(2) of the Commonwealth Air Navigation Act 1920.

9. That, in respect of the ACPA:

- (a) The Primary Bill creates a positive obligation on ACPA to undertake systemic monitoring, compliance and enforcement functions, and
- (b) ACPA's powers are expanded to include provisions similar to the AHRC's powers.

10. That, in respect of ACPA, the Primary Bill is amended to authorise ACPA to:

- (a) mandate compliance with AS 10002:2022 for complaint handling by airlines and airports, including accessibility, staff training, and performance monitoring, and
- (b) introduce compliance auditing and certification obligations for regulated entities.

11. That, in respect of ACO, the Primary Bill is amended to authorise ACO to:

- (a) implement a "no wrong door" approach to complaints, ensuring seamless referrals and cooperation between regulators
- (b) allow representative complaints and include obligations to assist complainants, modelled on AHRC processes, and
- (c) maintain AHRC's role in enforcing disability standards and avoid splitting compliance responsibilities across regulators.

Our detailed reasons in respect of these recommendations are set out below.

3 “Consumer”

The Consultation Paper proposed that:

- (a) the scope of the Framework would be limited to matters where there is a “direct consumer relationship” with an airport in the provision of an “airport service” or with an airline in the provision of an “airline service”, and
- (b) a “consumer” will “have the same definition as it does within section 3 of the Australian Consumer Law”¹²

AFDO is pleased that the Department accepted our submission and did not include the concept of a “consumer” in the definition of an “airline service”. We are also pleased that the Primary Bill does not seek to define a “consumer” in the same terms as the ACL. We remain concerned, however, that:

- (a) a “consumer”, and the requirement that the service is “paid for directly” by a consumer are essential requirements of the definition of an “airport service”, and
- (b) there is a lack of clarity with the meaning of the term “consumer” where it is used in the definition of an “airport service”.

3.1 Lack of clarity

The Primary Bill does not define “consumer” in Part 1, Division 2 (Key concepts).

However, clause 17 does provide some guidance as to the meaning of the term, or the concept of a “consumer”, as that term is used in that clause. In doing so, it is clear that, at least in clause 17, the concept is sufficiently broad, covering any “individual” who has rights in connection with a “regulated service”.¹³

If our understanding of the intended meaning and scope of “consumer” in clause 17 is correct, our only concern with that formulation is that the Charter may seek to define “rights” by reference to “consumers” as defined in the ACL, or otherwise by requiring payment for services. In doing so, this will substantially restrict the effectiveness and purpose of the scheme.

It is not clear whether the term “consumer” when used in earlier provisions of the Primary Bill (in particular in the definition of “airport service”) has the same broad meaning. We submit that it should, and that it does, have that meaning. However, this must be clarified in the drafting of the Primary Bill.

3.2 “Paid for directly”

RECOMMENDATION 1

That the Primary Bill is amended to make clear that the term “consumer”, when used in the Primary Bill (including the definition of “airport service” in clause 12), bears the same meaning and is used in the same context as the term is used in clause 17.

Even if our interpretation is correct and this is clarified, we remain concerned with the requirement that a consumer must pay for a service at an airport before that service is considered an “airport service”. This additional requirement creates a marked and unnecessary distinction between services offered or supplied by an airline, and services offered or supplied by an airport.

This will create uncertainty and will result in the same services supplied at the same location will be within the Framework if supplied by an airline, but will be outside the Framework if supplied by the airport. This inconsistency, with respect, is a perverse outcome.

There is no plausible or justifiable public policy or other reason for this distinction.

The EM states that the definition of “airport services” is

intended to capture consumer-facing services provided by airport operators that have a sufficient connection with passenger travel by air.¹⁴

In this context it is helpful to consider a particular example that is referred to in the Primary Bill.

A note to clause 12¹⁵ provides examples of “airport services”. This includes “collecting or dropping off air passengers at an airport”. Collection or drop off of passengers is clearly a service for purposes connected with, or incidental to, transportation of the person or

another person by regular air transport. They are also services that are, or may reasonably be expected to be, acquired by a person as a consumer (whether within the context of that term as used in clause 17, or otherwise). However, this service will **not** be an airport service unless a consumer “pays directly for” that service.

Currently, the following major airports do not charge **any fee** for passenger drop off or collection:

Canberra, Darwin, Gold Coast, Hobart, and Launceston.

When Western Sydney International Airport opens, it will not charge any fee for kerbside passenger drop off or collection.¹⁶

The airports that currently charge a fee (including Sydney¹⁷, Melbourne¹⁸, and Brisbane¹⁹) have varying rules and costs. Most charge pick up or access fees for taxis and ride shares, but keep private vehicle drop off or collection (at least for a limited, short time) free.

Fees charged for a taxi or shared rides are charged by the airport and added to the fare paid by the customer to the driver. These charges, by the airport, for a service provided by the airport, **are not paid “directly”** by any consumer to the airport.

Under the current definition, none of these charges, nor any service provided by an airport for pick or drop off of passengers, will be a service in respect of which any person, including an air passenger, can make a complaint or seek redress under the Framework. This is in circumstances where airport charges of this kind are not currently regulated. Whilst the ACCC monitors landside access services²⁰ (which include pick-up and drop-off infrastructure and access arrangements) there is no power of regulation and no redress process available under the ACL.

The ACCC has consistently raised concerns that the current monitoring framework is an ineffective constraint on the behaviour of major airports, which hold significant market power.²¹

The Framework must allow “consumers” (as that term is used in clause 17) the ability to make a complaint about these, and any other services, offered or supplied by an airport for purposes connected with, or incidental to, transportation of the person or another person by regular air transport.

RECOMMENDATION 2

That clause 12(1) of the Primary Bill is amended to delete paragraph (d) “is paid for directly by a consumer for the service; and”, and to renumber the current paragraph (e) as paragraph (d).

3.3 Security screening services

The Consultation Paper proposed the complete exclusion of security screening services from the Framework. The way in which “airport services” has been defined (with the requirement the service is “paid for directly by” a consumer **and** the requirement that the service “is, or may reasonably be expected to be, acquired by a person as a consumer”) means that security screening services are not “airport services” under the Primary Bill. This will be the case, even if the requirement for payment is removed from the definition.

Again, we cannot identify any proper public policy reason or other legitimate basis for this exclusion. None has been offered, in the Consultation Paper or the Explanatory Memorandum.

Airports are directly responsible for delivering aviation security services, including passenger screening. Airports contract third parties to provide those aviation security services. The Department of Home Affairs sets the broad requirements and outcomes for aviation security services.²²

As with all other services, an airport (as the regulated entity) must be responsible where they contract out the provision of a service to another entity.²³

The EM **does not spell out any rationale** for this exclusion, such as:

- why consumer harm arising at screening points is outside the Primary Bill’s purpose; or
- why existing regulatory regimes are sufficient from a consumer-protection perspective.

There is no consideration or discussion in the EM of:

- passenger experiences at security screening, demonstrating that regulation is not required

- complaints, dignity, disability access, or procedural fairness at screening points, or
- the reasons consumer protections available to people travelling by air or others at airports should *not* apply where screening is undertaken by airports, irrespective of whether outsourced to private contractors.

There is also **no assessment** whether:

- security screening services involve consumer interactions capable of unfairness or discrimination
- any other existing laws provide remedies comparable to the protections in the Primary Bill; or
- the exclusion creates a regulatory gap for passengers, including people with disability.

This is despite the government acknowledging that a passenger's journey begins well before boarding and includes interactions with airports, security screening, and other services that shape overall travel experience.

These gaps also fail to recognise the significant issues with passengers experiencing security screening, including different experiences depending on the airport they are travelling through, and that for people with disability security screening can involve additional stress and uncertainty, including because processes may not be accessible, consistent or appropriately communicated.

Security screening is part of the passenger experience. It is also one of the most intrusive (and compulsory) passenger interactions in the passenger air travel system and is not a purely security-only activity.

How security screening is conducted affects dignity, accessibility and stress, particularly for people with disability. There is currently inconsistency and variability in screening practices so improving screening is a necessary passenger experience reform. These services continue to be the source of significant issues resulting in complaints for people with disability.

For all of these reasons, the Framework must apply to security screening at airports.

We urge the Parliament to include security screening within the Framework. If the government maintains the position to exclude security screening, we ask that the government clearly explains to the public, and the disability community in particular, the reasons why the exclusion is necessary.

RECOMMENDATION 3

That clause 12 of the Primary Bill is amended to expressly include within the definition of “airport service” security screening services of passengers and members of the public at an airport.

4 Accessibility services

At the outset, we disclose that AFDO is a “disability partner” of the Department in the co-design process and is also a co-chair of the steering committee for the co-design of the proposed aviation-specific disability standards under the DDA.

AFDO welcomes the decisions by the government to:

- (a) carve out accessibility services, including airport accessibility services, from the requirement for activities to be regulated based on a “consumer” relationship between the individual and the activity,²⁴ and
- (b) include accessibility services provided to a passenger while on board an aircraft as airline services where the aircraft is performing an airline service within the meaning of clause 11, ensuring that appropriate protections are in place for people with accessibility requirements during their entire passenger journey, from arriving at the airport ahead of a flight, to leaving the airport following baggage collection.²⁵

As currently drafted, the definition of “airport service” includes services that also fall within the definition of an “airport accessibility service”. However, an “airport service” requires that the service “is, or may reasonably be expected to be, acquired by a person as a consumer”, and is “paid for directly by a consumer for the service”. The definition of an “airport accessibility service”²⁶ does not include these limitations.

RECOMMENDATION 4

That clause 12 of the Primary Bill is amended to expressly from the definition of “airport service” any “airport accessibility service”.

We are also concerned with the significant potential for inconsistencies to develop between the requirements for accessibility services under the Charter and the mandated requirements of the proposed aviation-specific disability standards under the DDA that are currently being co-designed by the Department with people with disability. This is a particular risk given the proposed power of the Minister to make rules (through subordinate legislation) that clarify or reduce the types of services included as airport accessibility services²⁷ or accessibility services provided on board an airline, as an airline accessibility service.²⁸

RECOMMENDATION 5

That the Primary Bill be amended to provide that:

- 1 the Minister’s power to make rules must only be exercised in consultation with the Attorney-General (or the Minister with the authority under section 31 of the DDA to make Standards under the DDA), or
- 2 in the alternative, the Minister’s power to make rules pursuant to clauses 11, 12, or 13 must only be exercised in consultation with the Attorney-General (or the Minister with the authority under section 31 of the DDA to make Standards under the DDA).

That any rules made pursuant to these powers must be consistent with any aviation-specific disability standards and the Public Transport Standards, under the DDA:

5 Intra-state airline service

We appreciate that it may be unlikely that an intra-state airline service will not be offered by a constitutional corporation. We also understand the constitutional limitations on the Commonwealth's power to regulate trade or commerce within a state's boundaries. However, it is essential that the scheme is uniformly applied to all air travel, irrespective of the departure port and the destination port in Australia.

Members of the public expect (quite rightly) that the scheme will apply to **all domestic air travel**. This is not the case. Where the service is not offered or supplied by a constitutional corporation, and involves intra-state travel, no complaint is eligible.²⁹ This is unacceptable. We urge the Parliament to determine the best way to overcome the constitutional limitations on applying the scheme to all intra-state flights, as well as all other domestic, passenger air travel.

RECOMMENDATION 6

That the Parliament determines the best way to overcome the constitutional limitations on applying the scheme to all flights in Australia, including intra-state flights, and amends clause 17(3), consistent with that determination, so that the scheme is uniformly applied to all air travel in Australia, including all intrastate air travel.

We note that our suggested amendment to the definition of "Australian airline", to require the airline to be a constitutional corporation, may address our concern.

6 Other definitional issues

6.1 "Regular air transport"

The definition of "regular air transport" requires the service to be "provided for a fee".³⁰ ADFO is concerned that this will unintentionally exclude from the Framework air travel that is pursuant to a ticket issued by redeeming loyalty or reward points, or a flight credit or other voucher.

These types of tickets must not be excluded from the Framework because no “fee” was paid.

RECOMMENDATION 7

The Committee recommends that the definition of “regular air travel” in clause 10 is amended to replace the words “for a fee” with “for valuable consideration” in paragraph (a).

6.2 Australian airline

AFDO supports the inclusion of a definition of an “Australian airline”.³¹ We remain concerned that the definition included in the Primary Bill will allow airlines to change their principal place of business or principal place of residence to limit their obligations under the Primary Bill. We think the definition should be aligned with the definition of an “Australian international airline” in the Commonwealth Air Navigation Act 1920 and, in the case of QANTAS, the QANTAS Sale Act 1992.

RECOMMENDATION 8

That the definition of “Australian airline in clause 10 is amended to read:

an airline company (being a constitutional corporation):

(a) that is permitted to carry passengers, or passengers and freight, that is designated by Australia to operate a scheduled air service, and

(b) whose constitution complies with section 11A(2) of the Commonwealth Air Navigation Act 1920.

Linking the definition to a constitutional corporation may also address our concerns with intra-state air travel.

7 ACPA

7.1 “Own motion” power

AFDO is pleased to see that the government proposes to give the ACPA (to be established within the Department) powers to conduct “own motion” enquiries, including the power to enquire into matters to identify and address systemic problems and emerging issues.³²

The EM states

ACPA will also undertake systemic monitoring, compliance and enforcement functions under the framework, including identifying patterns of non-compliance and taking regulatory action where appropriate.³³

However, there is nothing in the Primary Bill that places any positive obligation on ACPA to undertake any systemic monitoring, compliance or enforcement functions. We recommend that the Parliament includes these positive obligations on ACPA.

Also, the Primary Bill does not give the Minister the power to direct the ACPA to undertake an enquiry (similar to the position with the AHRC, under the AHRC Act³⁴). We urge the Parliament to include this power in the Framework.

We also urge the government to include provisions in the Framework based on and similar to Division 4B (Functions relating to systemic discrimination) of the AHRC Act. This includes:

- (a) a definition of “systemic aviation passenger issues”³⁵
- (b) authorisation for disclosure of information or contents of documents³⁶, and

- (c) penalties for hindering, obstructing, molesting or interfering with a member participating in an inquiry or a person acting for or on behalf of ACPA, while holding an inquiry or carrying out an investigation³⁷.

RECOMMENDATION 9

That the Primary Bill is amended to:

- 1 create a positive obligation on ACPA to undertake systemic monitoring, compliance and enforcement functions, and
- 2 expand ACPA's powers to include provisions similar to the AHRC's powers under the AHRC Act.

7.2 Airline and airport complaint processes

The Consultation Paper proposed that ACPA will be responsible for ensuring airline and airport complaint processes are robust, accessible and transparent.³⁸ The Primary Bill authorises ACPA to request documents or ask questions only about the matters specified.³⁹ These matters include

the performance of functions or duties, or exercise of powers, under or in connection with this Bill; ...eligible complaints, including the handling of such complaints by regulated entities.⁴⁰

It may be possible that ensuring a complaint is “robust, accessible and transparent” falls within the ability to enquire into complaint-handling processes. The success of the scheme will depend, to a significant degree, on the quality, rigour, transparency, and accessibility of the complaints handling processes. These issues are of such significance that AFDO considers that the Primary Bill must specifically and expressly state that this is an obligation of ACPA.

Further, we strongly recommend that the Framework expressly includes requirements for airline and airport complaint processes to comply with the Australian Standard AS 10002:2022. This standard provides a framework and guiding principles for organisations to manage customer complaints effectively, emphasising principles like commitment, fairness, and responsiveness, and outlines stages for planning, operation, and improvement of a complaints-handling system.

In particular, the Framework must set out the following mandatory obligations of airlines and airports, and mandate ACPA to assess the complaint-handling systems against these criteria:

- (a) to seek input from complainants, staff, and other stakeholders in designing the system⁴¹
- (b) to make the process easy and provide clear, publicly available, accessible information about how to complain and what types of support are available,⁴² including who they can talk to if they are dissatisfied with how their complaint is managed or the outcome of it⁴³, the external review or complaints process, and any relevant time limits.⁴⁴
- (c) to train and supervise staff, including clear guidance about which complaints they should escalate.⁴⁵ Staff training must also include:
 - (i) mental health first aid
 - (ii) disability awareness and disability confidence
 - (iii) cultural competence
 - (iv) trauma-informed approaches to complaint management, and
 - (v) enabling and managing storytelling by the complainant.
- (d) to adequately resource the complaints handling system, including:
 - (i) having enough trained staff to manage the volume and complexity of complaints
 - (ii) staff having adequate materials and equipment, to perform all necessary tasks⁴⁶
- (e) to monitor and report on the number or proportion of:
 - (i) complaints received
 - (ii) complaints addressed at the point at which they are made
 - (iii) complaints acknowledged after an agreed time
 - (iv) complaints finalised after a set time
 - (v) complaints referred to external dispute resolution agencies
 - (vi) repeat complaints or recurrent issues that have been complained about, and
 - (vii) improvements in procedures due to complaints⁴⁷

- (f) to regularly audit the complaint management system⁴⁸ and staff training in connection with the complaints handling system and obligations under the Charter, and
- (g) to ensure that if a complaint is lodged anonymously (in that it does not identify the complainant) but includes a way for the complainant to be contacted, to follow the usual steps of acknowledging the complaint and responding as appropriate.⁴⁹

7.3 Role in compliance auditing

The Consultation Paper proposed that ACPA would have a role in carrying out education and reporting functions to promote compliance and continuous improvement, and in promoting best practice conduct under the Charter.⁵⁰ These roles are not included in the Primary Bill. In addition to these important roles, we believe ACPA can significantly influence compliance, better monitor performance, and identify systemic or potential future issues by also implementing a system of:

- (a) compliance audits of regulated entities by ACPA, and
- (b) regulated entities being required, on a regular basis, to satisfy ACPA that they continue to comply with all requirements of the Charter by certifying their compliance with the Charter in accordance with any guidelines or requests made by ACPA.

This also requires the Framework to include obligations on regulated entities, in addition to complying with the Charter, to ensure they:

- (a) implement appropriate systems and document procedures to comply with the Charter Code
- (b) report to ACPA on their operations and compliance with the Charter in accordance with the requirements of the Framework and any guidelines issued by ACPA, and

- (c) cooperate with any ACPA compliance audits.⁵¹

RECOMMENDATION 10

That the Primary Bill is amended to authorise ACPA to:

- 1 mandate compliance with AS 10002:2022 for complaint handling by airlines and airports, including accessibility, staff training, and performance monitoring, and
- 2 introduce compliance auditing and certification obligations for regulated entities.

7.4 Proposed Aviation Standards

The Consultation Paper suggested that, as part of the co-design process for the aviation-specific disability standards under the DDA, consideration “could be given to a broader role for the ACPA with regard to compliance with” those disability standards.⁵²

AFDO is pleased to see that this proposal has not been incorporated into the Primary Bill. We would be extremely concerned if responsibility for compliance or enforcement of the Proposed Aviation Standards was shared between different regulators, or if the AHRC lost its role in respect of those standards.

However, we are concerned that ACPA will not have any knowledge or expertise in issues involving disability discrimination, or issues that are likely to arise under the Proposed Aviation Standards or the Public Transport Standards.

We support ACPA raising awareness of the Proposed Aviation Standards and the Public Transport Standards. We oppose any regulator other than the AHRC from being responsible for or involved in any compliance or enforcement roles for the Proposed Aviation Standards and the Public Transport Standards.

8 Proposed functions and powers of ACO

8.1 “No wrong door”

The Consultation Paper acknowledged that other laws will continue to have effect alongside the Framework. The Charter will not duplicate or cross-reference standards

under other laws. The Framework will complement existing consumer protections provided by the ACL.⁵³ We agree with this approach.

However, we are concerned that this has potential to create confusion and, as a result, dissuade “consumers”, within the meaning of clause 17, from making a complaint.

There is also a significant likelihood that a complaint may contain a mix of issues or alleged contraventions of the Charter, the DDA, the ACL, or other laws. We note the ability of the ACO to refer matters to other regulators, government bodies, an industry ombudsperson, or an entity operating an external dispute resolution scheme, where appropriate,⁵⁴ and the recognition of the need to establish a framework for cooperation and coordination, to ensure “regulatory systems work efficiently and effectively together to minimise duplication and regulatory overlap”.⁵⁵

The Consultation Paper proposed that in situations where a complaint encompasses multiple issues including some within and outside of scope the ACO may accept the complaint and the complainant could provide evidence for issues outside the scope of the ACO as contextual information only.⁵⁶ Further, if the ACO does not accept a complaint due to it being outside of scope, the ACO will, “wherever possible”, provide information to the complainant regarding other avenues available to resolve the complaint.⁵⁷ The government has not included these proposals in the Primary Bill.

AFDO urges the Parliament to go further, to ensure the process is as easy to use and as accessible as possible.

The Framework must provide a “no wrong door” complaints process, that quickly resolves issues with jurisdiction and provides the ability (and a positive obligation) of each regulator to refer directly to each other, and obligations on all of the regulators to co-operate in any complaint procedure or investigation.

“No wrong door” is a concept that acknowledges it can be hard for people to know where they must direct their complaint. Agencies must work collaboratively to help people find the right complaint pathway and avoid people getting stuck, frustrated, or lost on a “referral roundabout”. To the extent possible, complaints that fall outside an agency’s area of responsibility need to be recorded as a complaint and resolved by assisting the person to access the correct complaint pathway as seamlessly as possible.

For agencies with high levels of cross-over complaints

..the ideal to strive for is a referral system where, rather than sending a person to a new complaint pathway, complaints are transferred directly to other agencies (for example, under a memorandum of understanding).⁵⁸

A 'No Wrong Door' approach means that every door in the public support service system should be the right door, with a range of services being accessible to everyone from multiple points of entry. This commits all services to respond to the individual's needs through either providing direct services or linkage and case coordination, rather than sending a person from one agency to another.

Organisations must work together to:

- handle complaints efficiently
- inform complainants about who is responsible for their concern, and
- explain the complaints process to complainants.

Where possible, one organisation needs to be responsible for ongoing communication with the complainant.

This approach requires all the possible relevant regulators to establish business rules or arrangements with each other to:

- make clear who leads certain matters
- involve all relevant organisations
- share relevant information appropriately (with the complainant's express and informed consent, where relevant)
- plan for conflict resolution between organisations
- discuss and agree on processes and timeframes
- make decisions in line with agreed processes and timeframes, and
- record and implement all agreed decisions.

Where organisations frequently need to work together, the Framework must also consider:

- the best ways to improve public knowledge about which organisation to contact for specific issues
- how to include feedback about complaints in regular meetings or correspondence, and

- how to record information about complaints involving multiple organisations.

As a minimum (although, not our preferred option), the Framework must include provisions like those in the AHRC Act dealing with transfers of matters to other agencies.⁵⁹

8.2 Process for making a complaint

A streamlined and accessible reporting mechanism for travellers to make complaints, but also to report issues under the Framework (where a traveller does not wish to make a complaint but raise awareness of an issue or potential issue) must include a dedicated helpline, online portal, and mobile app, allowing for the reporting and collation of data.

AFDO strongly recommends that the process for making a complaint is modelled on the process under the AHRC Act⁶⁰, and includes the ability for a complaint to be lodged by a person aggrieved by the alleged acts, omissions or practices:

- (a) on that person's own behalf, or
- (b) on behalf of that person and one or more other persons who are also aggrieved by the alleged acts, omissions, or practices.

It must also allow for a complaint:

- (a) by two or more persons aggrieved by the alleged acts, omissions or practices:
 - (i) on their own behalf, or
 - (ii) on behalf of themselves and one or more other persons who are also aggrieved by the alleged acts, omissions, or practices, or
- (b) by a person on behalf of one or more other persons aggrieved by the alleged acts, omissions, or practices.⁶¹

However, a representative complaint may only be lodged if:

- (a) the class members have complaints against the same person
- (b) all the complaints are in respect of, or arise out of, the same, similar, or related circumstances,
- (c) all the complaints give rise to a substantial common issue of law or fact
- (d) the class members are described or otherwise identified (but it is not necessary to name them or specify how many there are), and

- (e) the nature of the complaints made on behalf of the class members is specified.⁶²

A representative complaint may be lodged without the consent of class members.⁶³

We also urge the Parliament to include in the Primary Bill the requirement for the ACO to take reasonable steps to provide appropriate assistance to a person, if it appears to the ACO that:

- (a) a person wishes to make a complaint under subsection, and
~~(b)~~(a) the person requires assistance to formulate the complaint or to reduce it to writing.⁶⁴

RECOMMENDATION 11

That the Primary Bill be amended to authorise ACO to:

- 1 implement a "no wrong door" approach to complaints, ensuring seamless referrals and cooperation between regulators
- 2 allow representative complaints and include obligations to assist complainants, modelled on AHRC processes, and
- 3 maintain AHRC's role in enforcing disability standards and avoid splitting compliance responsibilities across regulators.

Endnotes

- 1 Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts, Aviation Consumer Protections Consultation Paper, Commonwealth of Australia, 8 September 2025, retrieved from <https://www.infrastructure.gov.au/department/media/publications/aviation-consumer-protection-consultation-paper>, last accessed 3 October 2025.
- 2 Explanatory Memorandum, Aviation Consumer Protection Bill 2026 (Cth), retrieved from https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r7469_ems_4aa6ad73-00ce-453b-9e1e-c8694b295813/upload_pdf/JC017870.pdf;fileType=application%2Fpdf, last accessed 14 April 2026.
- 3 Retrieved from https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r7469, last accessed 15 April 2026.
- 4 Retrieved from <https://www.legislation.gov.au/F2005B01059/latest/text>, last accessed 10 April 2026.
- 5 Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts, Aviation White Paper—Towards 2050, Commonwealth of Australia (2024) retrieved from <https://www.infrastructure.gov.au/department/media/publications/aviation-white-paper-towards-2050>, last accessed 10 April 2026.
- 6 Aviation Consumer Protection Bill 2026, clause 11(1).
- 7 Note 6.
- 8 Note 6, clause 12(1)(c).
- 9 Note 6, clause 12(1)(d).
- 10 Note 6, clause 10.
- 11 Note 6, clause 10.
- 12 Note 1, p. 9
- 13 Note 6, clause 17(1)(a).
- 14 Note 2 [100].
- 15 Note 6, p. 21.
- 16 See <https://www.westsydney.com.au/western-sydney-international-airport/getting-there>, last accessed 15 April 2026.
- 17 See <https://www.sydneyairport.com.au/pickup>, last accessed 15 April 2026.

- 18 See <https://www.melbourneairport.com.au/rideshare> and https://australiaairport.com/major_airports/melbourne_airport/public_transport.htm, last accessed 15 April 2026.
- 19 See <https://www.bne.com.au/passenger/to-and-from/pick-up-and-drop-off>, last accessed 15 April 2026.
- 20 See, for example, Australian Competition and Consumer Commission, Airport Monitoring Report 2024–25 (5 March 2026).
- 21 See Australian Competition and Consumer Commission, ‘Major airports increase infrastructure investment, but higher costs will likely flow through to passengers’ (Media Release, 5 March 2026), retrieved from <https://www.accc.gov.au/media-release/major-airports-increase-infrastructure-investment-but-higher-costs-will-likely-flow-through-to-passengers>, last accessed 15 April 2026.
- 22 Department of Home Affairs, "Security screening at airports", Commonwealth of Australia, retrieved from <https://www.homeaffairs.gov.au/about-us/what-we-do/travelsecure/security-screening-at-airports#>, accessed 30 September 2025.
- 23 Note 6, clause 16.
- 24 Note 6, clause 13(1) and clause 10 (definition of “accessibility service”).
- 25 Note 1, p. 28.
- 26 Note 6, clause 13(1).
- 27 Note 6, clause 13(1)(c).
- 28 Note 6, clause 11(4).
- 29 Note 6, clause 17(3).
- 30 Note 10.
- 31 Note 10.
- 32 Note 6, clauses 65 and 69.
- 33 Note 2, p. 7.
- 34 Section 35M(a), AHRC Act.
- 35 Section 35L(2), AHRC Act.
- 36 Subsections 24(3) and (4), AHRC Act.
- 37 Section 26(1), AHRC Act.
- 38 Note 1, p. 18.
- 39 Note 6, clause 65(3) and 69(3).

- 40 Note 2, [377].
- 41 Standards Australia, AS 10002:2022 (n 2).
- 42 Standards Australia, AS 10002:2022 (n 2), p 20.
- 43 Standards Australia, AS 10002:2022 (n 2), p 7.
- 44 Standards Australia, AS 10002:2022 (n 2) p 40.
- 45 Standards Australia, AS 10002:2022 (n 2), pp 38–39
- 46 Standards Australia, AS 10002:2022 (n 2), p 13.
- 47 Standards Australia, AS 10002:2022, (n 2) p 54.
- 48 Standards Australia, AS 10002:2022, (n 2) p 56.
- 49 Standards Australia, AS 10002:2022 (n 2), p 3.
- 50 Note 1, pp.17-18.
- 51 For an example of a regulatory model where the regulator conducts compliance audits and regulated entities have these additional obligations, see Private Health Insurance Code of Conduct, retrieved from <https://privatehealthcareaustralia.org.au/wp-content/uploads/Code-of-Conduct-2016.pdf>, accessed 3 October 2025.
- 52 Note 25.
- 53 Note 1, p. 23.
- 54 Note 6, clause 35(1) and (2).
- 55 Note 53.
- 56 Note 1, p. 25.
- 57 Note 1, p. 26.
- 58 Commonwealth Ombudsman, Better Practice Guide to Complaint Handling 2023, Commonwealth of Australia, 2023, retrieved from https://www.ombudsman.gov.au/data/assets/pdf_file/0025/290365/Better-Practice-Complaint-Handling-Guide-2023.pdf, last accessed 3 October 2025.
- 59 For example, section 46PZ, AHRC Act.
- 60 Part IIB, AHRC Act.
- 61 Section 46P(2), AHRC Act.
- 62 Section 46PB, AHRC Act.
- 63 Section 46PB(4), AHRC Act.

64 Section 46P(4), AHRC Act.