

**To the Attention of the Australian Government, Department of Infrastructure, Transport,
Regional Development, Communications and the Arts**

Dear Sirs,

Please find attached to this email AirHelp's brief submission following the *Aviation Green Paper released on 7 September 2023 for the Aviation White Paper*.

AirHelp as an advocate of air passengers' rights submits this Position Paper for the Aviation Green Paper, which includes recommendations for the introduction of an Air Passenger Rights Regulation.

AirHelp is the world's largest company dedicated to helping passengers worldwide and has helped over 2M passengers get compensation since our foundation in 2013. We are certain of the benefits and positive impact of strong and unified regulation of air passenger rights, reducing flight disruption and reinforcing the integrity of air travel. We, therefore, fully support any initiative to introduce dedicated regulations to protect air passengers.

In light of the above, we remain at your full disposal for any clarifications or meetings that you may deem necessary to discuss the submission of this brief or any other related matters.

Additionally, we would like to register in order to receive updates on the progress of the Aviation White Paper to this email address.

Thank you.

Sincerely,

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The right way for Australian aviation

15 rules for effective air passenger rights

Here at AirHelp, we believe that travel makes the world a better place. And that good passenger rights make travel even better. So we encourage Australia's initiative to introduce dedicated regulations which address the needs of passengers not explicitly captured by existing consumer protections. Australian passengers travel widely, and many may already be aware of the international travel regulations that protect them when they do.

When properly created, applied, and implemented, air passenger rights have been shown to reduce travel disruption and improve consumer confidence. They also give clarity to airlines, and ultimately strengthen the entire travel industry.

After over 10 years, checking 15 million flights, and winning compensation for 2 million passengers, we understand the benefits and impacts various passenger rights have on travellers. We want to share that knowledge, and explain **the principles Australian passenger rights should follow, if they are to truly assist travellers.**

Principles at the core of effective air passenger rights

1. **Respect passengers**

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 — including the crucial times when flights get delayed, cancelled, or otherwise disrupted.

2. **Keep it simple**

If passengers can't understand their rights, they can't use them.

- The wording must be clear, and free of technical terms and legal jargon.
- Regulations must be succinct. Every additional exception or exclusion adds confusion for passengers, who simply want to know what assistance they will get.

3. **Easy access to information**

If passengers don't know they have rights, they can't use them.

- Airlines must be required to inform passengers of their rights, particularly at moments of disruption.
- They must maintain an independent central information portal providing clear explanations.
- Governments and airlines should work with specialist companies like AirHelp who provide credibility and impartiality by offering access to independent flight data and perspective.

4. **Enforce them!**

Too many passenger rights are ineffective simply because they are not enforced. Airlines ignore passengers, or reject claims for the wrong reasons.

- Require airlines to respond to passengers promptly.
- Ensure that passengers have an accessible route to enforce a claim – Australia's court system is prohibitively expensive, so an alternative route to justice must be available.
- Protect passengers' freedom to choose how to pursue their claim.

Specific rules for effective air passenger rights

5. **Set compensation amounts**

Establish the compensation amounts within the law.

- Don't leave it for airlines to debate what is a fair compensation when they have caused a disruption.
- AUS\$630 is the minimum level that functions as a penalty to airlines, and a real help to passengers facing disruption. But the amount should rise for longer flights and more severe disruptions.
- Don't link the amount to the ticket price. The consequences of a flight delay or cancellation is the same to a passenger, no matter how much they paid for their ticket.

6. **Consider inflation**

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

7. No “get out” clauses

If an airline is responsible for a disruption, it must pay — no exceptions.

- Use an established precedent such as *extraordinary circumstances* to differentiate disruptions within an airline's control (staff shortages, technical faults), from those that aren't (war, weather), which the airline isn't liable for.

8. Airlines bear the burden of proof

Passengers simply can't prove what was going on behind the scenes.

Airlines must prove they weren't at fault and be required to share transparent, informative updates with passengers — including the cause of a disruption.

9. Offer refunds

Let passengers choose the best way to continue their journey — or not.

The airline is responsible for transporting passengers to their final destination as soon as possible. But passengers must also be offered a full refund as an alternative choice, as any disruption can remove their purpose for travelling.

10. Offer competitor's flights

If air passenger rights are to minimise the impact of flight disruption to passengers, airlines must be required to book passengers on to competitors' flights where they don't have availability on their own network within 24 hours.

11. Set standards of care

When flights are disrupted, passengers require meals, drink, accommodation (and transport to it). Airlines must start to provide this assistance after 2 hours of delay. The exact entitlements, and when they kick in, must be stated, so that passengers have the reassurance they need.

12. Consider passengers with additional needs

Passengers who are parents, have reduced mobility, or autonomy, often have additional needs when they travel. Regulations must ensure such passengers have equal access to air travel, including:

- Groups that include parents, guardians, or caregivers must be sat together free of charge.
- Mobility assistance should be provided upon request with no undue delays and free of charge.

- Should a flight disruption occur, passengers with additional needs should be prioritised, and provided with care sufficient to their needs.

13. **Time for rebooking**

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 cancelled 8 weeks before departure or less.

14. **Cover luggage**

Delayed, lost, or damaged luggage is a major inconvenience to passengers. Airlines must be held responsible for luggage in their care, especially when many passengers today pay extra for their luggage transportation.

15. **Adequate time to claim**

There must be an adequate time after a flight to submit a claim, so passengers don't miss a window through no fault of their own. One year is the absolute minimum, but given that up to 85% of passengers currently don't know their rights, 3-5 years is preferable.

About AirHelp:

AirHelp is the world's largest company dedicated to helping passengers understand their rights and receive the compensation they are entitled to. We help passengers worldwide using passenger protections in the EU, UK, Brazil, Canada, Turkey, as well as the international Montreal Convention.

Since our foundation in 2013 we've helped over 2 million passengers get compensation, and countless others understand their rights. We've had representation in Australia since 2018, and already help thousands of Australian passengers when they fly internationally under air passenger rights laws such as the EU's EC 261.