

Good morning,

Please find attached my views with respect to Airline Passenger (Consumer) Protections for the commercial aviation industry.

I confirm that I am okay for having my views published.

Many thanks

Chris Lim

Submission to Aviation Green Paper (via email)

By Chris Lim



**Subject: Airline Passenger Consumer Protections**

Elsewhere around the world, in Europe, Canada and USA, ‘Air Passenger Rights’ exist to protect consumers from opaque and predatory behaviour of airlines.

On mainland continental Europe, when a flight is delayed by more than three hours in a European Union country, each passenger receives a lump sum compensation, as explained in Table 1, on top of a full refund.

Table 1

250 euros	For flights up to 1500km (932miles)
400 euros	For flights between 1500km (932m) and 3500km (2174miles)
300euros	For flights beyond 3500km (2174miles), If 3 hours > delay >4 hours
600euros	For flights beyond 3500km (2174miles), If the delay >4 hours

In the U.S.A., the Department of Transportation (DOT) rules that for both domestic and international flights departing or arriving in the US, a passenger is entitled to a full refund, if the passenger’s flight is cancelled and the passenger choose not to travel.

It doesn’t matter if the cancellation was the airline’s fault or something beyond its control, like weather conditions. This policy of refund applies to any unused portion of the ticket; and importantly applies only if the passenger chooses not to travel. If the passenger takes up any suggestion for rebooking by the airline, the airline does not owe the passenger a refund.

In the U.S.A, any flight delay by at least 3 hours, the airline pays the passenger a fee of \$US100 (\$155).

When a Canadian flight is delayed, each passenger receives \$C400 (\$460).

But not in Australia, both Qantas and Virgin have their own opaque policies with respect to these scenarios and Qantas especially will string the passenger along and not pay any compensation if the company can get away with it.

Additionally, if you choose to change your flights before flying, both Qantas and Virgin charge a fee – but if the airlines choose to change your flights, passengers receive no compensation.

Table 2 shows the rights of passengers in Europe for different scenarios, the scenarios not caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken by the airline.

Table 2

Scenario	Passenger Rights
Fight was cancelled	The passenger has the right to choose between reimbursement or re-routing, and assistance at the airport. If the passenger is informed of the flight cancellation with less than 14 days' notice, the passenger has a right to compensation.
Flight was delayed	If the flight is delayed at departure, the passenger has the right to assistance, to reimbursement and a return flight, depending on the duration of the delay and the distance of the flight. If the passenger arrived at final destination with a delay of more than 3 hours, the passenger is entitled to compensation.
Flight was overbooked by the airline	The passenger is entitled to: a) compensation, b) the right choose between reimbursement, re-routing or rebooking at a later stage, and c) Assistance from the airline.
Passenger denied boarding	If the passenger is denied boarding due to overbooking, and the passenger does not voluntarily give up his/her seat, the passenger entitlements are as if the flight was overbooked by the airline.
Flight was upgraded or downgraded	If the passenger is upgraded, the airline cannot request any additional payment. If you are downgraded, the passenger is entitled entitled to reimbursement of a percentage of the price of your ticket, depending on the flight distance as follows: a) 30% - flights of 1500 km or less  b) 50% - flights within the Europe of more than 1 500 km and all other flights between

	<p>1500 and 3500 km</p> <p>c) 75% - flights not falling under (a) or (b).</p> <p>If the passenger has 2 or more connecting flights included in a single ticket, the passenger can only be reimbursed for the flight which was downgraded and not for the entire journey.</p> <p><b>The reimbursement should be paid within 7 days.</b></p>
Passenger missed the connecting flight	If you miss a connecting flight and arrive at your final destination with a delay of more than 3 hours, you are entitled to compensation. This compensation is calculated according to the length of the delay and the distance to your final destination.
Luggage was lost, damaged or delayed	<p><i>Checked-in luggage</i></p> <p>If your checked-in luggage is lost, damaged or delayed, the airline is liable and you're entitled to compensation up to an amount of approximately EUR 1 300. However if the damage was caused by an inherent defect in the baggage itself, you're not entitled to any compensation.</p> <p><i>Hand luggage</i></p> <p>If your hand luggage is damaged the airline is liable if it was responsible for the damage.</p>

### **RECOMMENDATIONS:**

For Australian consumer protection purposes, it would be excellent that the Australian government do the following:

- 1) Design a set of transparent policies and a clear matrix of parameters/scenarios and corresponding compensation amounts.
- 2) Introduce an appropriate timeframe for compensation and refunds, including legislation if necessary.
- 3) Form a new third-party regulatory body/ombudsman to actively investigate and adjudicate passenger complaints.