

Wes Morris Submission RE the Aviation Green Paper

Attention The Hon Catherine King MP, Minister for Transport and Aviation

Dear Minister King

What motivates an individual citizen to spend their weekend lodging a submission in response to the *Aviation Green Paper, Towards 2050*?

Well, on page 51 of that Green Paper one reads these following words:

"While a 'contact' does not indicate a breach of the ACL, it is indicative of rising concerns in the Australian community and gives further weight to longstanding advocacy by Australian consumer groups for aviation specific rules similar to European arrangements.

There are also calls for establishing an independent ombudsman to improve processes for handling consumer complaints or a Customer Rights Charter that includes minimum requirements for consumer protection and customer service."

Too right. In other words, the Australian travel customer knows that they are being completely ripped off by Airlines which know that they will never be held accountable for their appalling behaviour. The Government won't hold them to account. Not the ACCC. Not State agencies such as Fair Trading Offices. And certainly not the Airline Consumer Advocate, which operates as anything but an advocate for the airline consumer.

To be clear, this is not a criticism of the ACCC or of Fair Trading. It is a criticism of completely lax governing legislation.

Attached are two documents ie correspondence between myself and the Qld Office of Fair Trading. My particular complaint relates to Virgin Australia cancelling a flight, giving no reason for doing so other than 'operational reasons' [whatever the hell that means] and in the process ruining the start of a short holiday that my girlfriend and I had planned.

I subsequently contacted the ACCC, Queensland Fair Trading and the Airline Customer Advocate. There was, of course, no remedy and no outcome - because the current legislation allows and permits airlines to do whatever they like, in the full knowledge that they will never be held accountable for their actions.

I note, once again, these following words: "gives further weight to longstanding advocacy by Australian consumer groups for aviation specific rules similar to European arrangements."

I fully concur with that view and I hope that the views of individual airline customers, such as myself, will be taken in to consideration and will be acted upon by the Government.

Kind regards

Wes Morris

[Redacted signature block]

----- Forwarded message -----

From: **Hannah Howard** <[REDACTED]>
Date: Wed, Oct 11, 2023 at 1:14 PM
Subject: Reference Number - C [REDACTED]
To: WES MORRIS <[REDACTED]>

Dear WES MORRIS,

I'm writing to you regarding your complaint to the Office of Fair Trading (OFT) about VIRGIN AUSTRALIA AIRLINES PTY LTD.

In my last email, I advised I would contact the trader on your behalf to try to negotiate a remedy for you. Unfortunately, they weren't willing to give you a remedy.
I have enclosed a copy of their response for your information



Dear Hannah,

Thank you for contacting us on behalf on Mr Wes Morris. We have been unable to find record of receiving this complaint previously, so we are providing this response.

Firstly, based on the information provided via the Queensland Office of Fair Trading, it is unclear what outcome Mr Morris is seeking. However, based on feedback we have received from him both directly and via the Australian Airline Customer Advocate, we understand Mr Morris is seeking a refund of Lidija's utilised airfare.

We can only reiterate the information we have provided to Mr Morris both directly and via the Australian Airline Customer Advocate in that we will not be forthcoming with a request to have the airfare refunded.

Our [Conditions of Carriage](#) are clear in that we do advise that air travel is inherently uncertain and flight times and schedules do not make up part of the contract for travel. I have copied the relevant point below for quick reference.

12.5 As air travel is inherently uncertain, we may need to cancel or delay and reschedule flights or services due to reasons including (but not limited to) industrial action, landing restrictions,

airport loading restrictions, unsuitable weather conditions, technical problems, operational reasons, or any event beyond our reasonable control. Scheduled flight times are not guaranteed. We are not liable for any Loss which you may incur as a result of any such delayed or rescheduled flight or service, except as provided for under the Australian Consumer Law, other applicable Laws or Conventions or in accordance with our Policies.

I can confirm we have reimbursed \$210 in hotel costs which were a direct result of our schedule disruption.

However, we must reconfirm that we will not be providing a refund of the actual airfare used to travel to Perth, or any additional compensation, as travel was provided in line with the Conditions of Carriage.

Please let me know if you require any further information.

Kind regards,



Giles Kilham | Guest Relations Advisor

PO Box 1034 Spring Hill QLD Australia 4004

E VirginAustraliaCustomerCare@virginaustralia.com

Please consider the environment before printing this email.

If you need to reply to us, please ensure to include the reference code at the bottom of this email in your response.

ref:_00D90KkT5._5002tSCA9o:ref

As I advised in my earlier correspondence, the OFT cannot force a trader to give you a remedy.

Unfortunately, this means I am unable to assist you any further.

If you wish to pursue your complaint further, you can:

- take action in the Queensland Civil and Administrative Tribunal (QCAT)
- get independent legal advice.

QCAT is an independent tribunal with the power to assess and decide consumer and trader disputes. For more information on how to lodge an application in QCAT (fees may apply), visit www.qcat.qld.gov.au or phone 1300 753 228.

The following organisations provide free legal advice for eligible people.

- **Community Legal Centres Queensland** – www.communitylegalqld.org.au
- [or alternately for consumers outside Queensland] **National Association of Community Legal Centres** – www.naclc.org.au
- **Legal Aid Queensland** – www.legalaid.qld.gov.au

If you should need the OFT's services in the future, please visit www.qld.gov.au/fairtrading or call 13 QGOV (13 74 68).

Yours sincerely,



Hannah Howard (She/Her)
Assistant Compliance Officer
Case Assessment and Response Complaint and Program
Coordination
Department of Justice and Attorney-General

P: [REDACTED]
E: [REDACTED]

Monday to Friday



DJAG LGBTIQ+ Network Member – c
their whole self to work.

www.qld.gov.au/gov/lgbtiq

Please think about the environment before you print this message.

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**Queensland
Government**

Complaint Form

Reference code: VFC73KXG

Liquor, Gaming and Fair Trading Department of Justice and Attorney-General

Customer Reference Number

Submission Date

Getting Started

Purpose

This form is used to lodge a complaint with the Office of Fair Trading (OFT). Please fill out this form to the best of your ability. If you have not already approached the business/trader it is best to do so before lodging your complaint with us. Our experience is this will increase the likelihood of you obtaining the outcome you seek. You can find information on how to complain to a business on the OFT website (<https://www.qld.gov.au/law/your-rights/consumer-rights-complaints-and-scams/make-a-consumer-complaint/talk-to-business-first>).

Before You Start

You are able to save and close this form at any stage prior to submission of the form. You will be provided with a tracking code that will give you access to your saved form for 72 hours. Outside of this timeframe, you will be required to start the form again. You can also cancel this form at any time prior to submitting by closing this browser.

We normally contact you within 10 working days after receiving your complaint. If you have not heard from us by this time, we recommend you call us on 13 QGOV (13 74 68) or email us to confirm we have received it.

Privacy Notice

Liquor, Gaming and Fair Trading is collecting your information on this form to process your complaint under the Fair Trading Act 1989 and the Australian Consumer Law. Liquor, Gaming and Fair Trading usually discloses this information to the business/trader and other Australian and New Zealand fair trading agencies. Your complaint may be transferred to another agency.

Only personal information to ensure your complaint is appropriately dealt with, is provided to the business/trader you are complaining about. Your personal information will be used by LGFT to email you within information on matters of interest to your industry or business

Previous Complaint

Have you previously complained about this matter to the OFT? *

Yes	No
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Have you complained in writing to another government agency eg the Residential Tenancies Authority about this matter? *

Yes	No
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The most effective way to resolve a complaint is to discuss the issue with the business/trader.

Have you contacted the business/trader to resolve the issue? *

Yes	No
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Complainant Details

Your Details

Are you lodging this complaint on behalf of yourself or an organisation? *

Individual	Organisation
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Prefix	First Name *	Surname *
<input type="text"/>	<input type="text"/>	<input type="text"/>

Postal Address

Please select the address type. *

Street Address
PO Box
International Address

Please search for the address below. If you are unable to find the address, please select **"None of these match my address"** from the drop-down menu. *

If this address is a unit, shop or suite, entering your address as UNIT X, YY George St will provide you with better search results.

Contact

Please select your preferred contact method. *

Email	Phone	Post
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Please enter your email address below.

Email Address *

Please confirm your email address below. For security reasons you cannot copy and paste into this field.

Email Address Confirmation *

Under the *Information Privacy Act 2009* (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-014>) Liquor, Gaming and Fair Trading may not transfer your information outside Australia without your consent. Liquor, Gaming and Fair Trading is not aware of the location of the server on which your emails are stored nor the route they travel to reach there. By providing your email address you are consenting to receiving a copy of this form and future communication at the email address you provide to us.

Phone Details

Mobile *

Daytime Phone

Consent

Do you consent to the OFT disclosing your name and any other relevant details about your complaint, for example, what you bought and the date you bought it, during discussions with the trader about this matter?

Please note: our conciliation process, where we attempt to negotiate an outcome on your behalf with the trader, will not be able to go ahead if you do not agree to us disclosing relevant details

If you do not consent, we will record your complaint on our database, and we may investigate any possible breaches of fair trading legislation your complaint raises, however we will not be able to assist you to obtain a refund, repair or other redress. *

Yes	No
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If we decide that the trader has breached fair trading legislation and the case goes to court, are you prepared to assist us during that process (for example as a witness)?

Most complaints we receive do not proceed to court as they do not involve a breach of legislation we administer for which we can take enforcement action. In these instances we may attempt to conciliate the matter with the trader on your behalf to try to resolve the matter. See our complaint handling process. *

Yes	No
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Business / Trader Details

Trader Lookup

Look on your invoices, receipts or contracts to get the correct name and address of the trader. If you supply incorrect details it could take us longer to address your complaint.

How would you like to search for the trader? *

ABN	ACN	Name
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Please enter the name of the business in the field below and click the search button. *

Name

ABN	ABN Status	Entity Type	Main Trading Location
87417675317		Business Name	VIC, 3049

Did you find the trader you were searching for? *

Yes	No
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Trader Contact Details

Please provide any additional contact information for the trader you may have below.

Trader email address

Trader phone number

Transaction Details

Transaction Details

How did you pay the trader? *

Buy now / pay later
Credit card
Debit card
Online payment
BPay
Digital currency
Direct debit
Money order
Cheque / bank cheque
Cash
Money transfer
No payment
Other (gift card, etc)

How did you purchase the goods or services? *

Online retail
Telephone
In person
Mail / catalogue
Social media

When did you buy the goods or services? *

Date must be in the following format (DD/MM/YYYY)

When did you contact the trader about the problem? *

Date must be in the following format (DD/MM/YYYY)

Product/Service Price *

\$	621.51
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Amount Paid *

\$	621.51
----	--------

Amount you want refunded

\$	621.51
----	--------

Transaction Location

Do you have a physical address for the trader? *

Yes	No
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Please select the address type. *

STREET ADDRESS
INTERNATIONAL ADDRESS

Please search for the address below. If you are unable to find the address, please select **"None of these match my address"** from the * drop-down menu.

If this address is a unit, shop or suite, entering your address as UNIT X, YY George St will provide you with better search results.

275 GREY STREET SOUTH BRISBANE QLD 4101

Trader Website *

https://www.virginaustralia.com/au/en/#/

Details of Complaint

Please provide details of the complaint in the order they happened.

*Please note this is limited to 1200 characters, however additional supporting documentation can be attached later in this form. **

I purchased a flight ticket for my girlfriend, [REDACTED]. The flight was from Brisbane to Perth. Virgin Cancelled the flight. I was already in Perth. Virgin then put [REDACTED] on a flight that arrived in Perth the next day. The start of our short holiday was ruined.
--

What has the trader offered to do to resolve your complaint or what reasons have they given in refusing your request? *

VIRGIN DOES NOT PROVIDE REFUNDS FOR CANCELLED FLIGHTS.
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What would you like the trader to do to resolve the matter? *

FULL REFUND

Do you have the name of a representative you have been in contact with? *

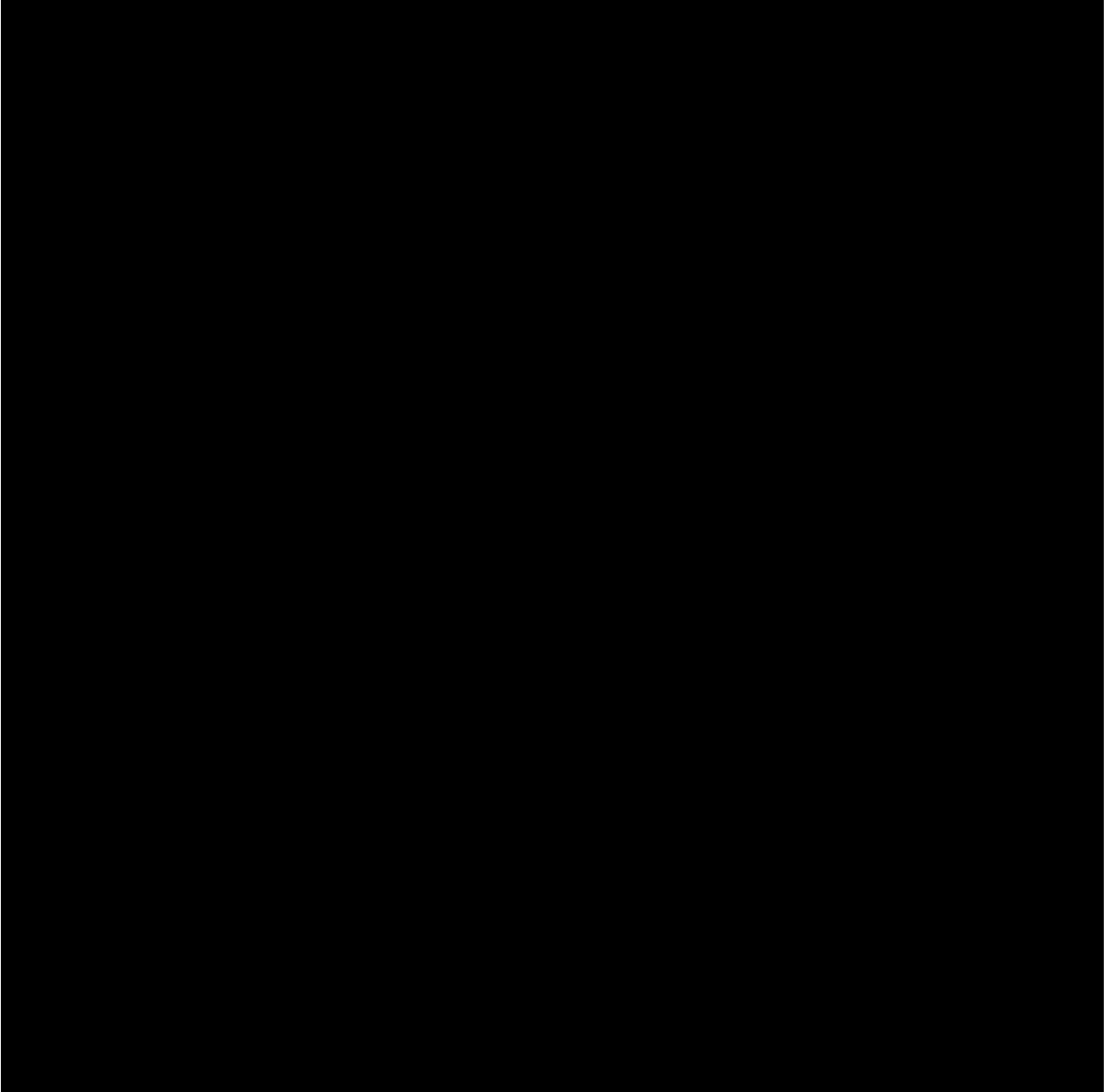
Yes	No
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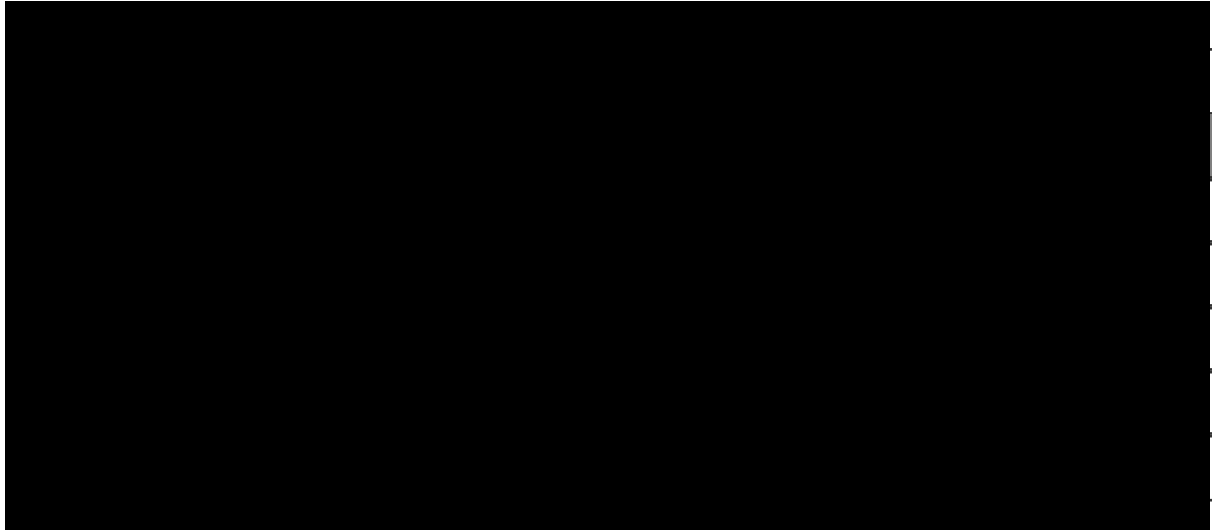
Name *

[REDACTED]

Demographics

This information is used to help us better understand who uses our services and identify groups targeted by unscrupulous businesses.
You can complete this section in full, in part or not at all.





Background (more than one can be selected)

- Have a disability
- Aboriginal
- Torres Strait Islander
- South Sea Islander
- From a Non-English speaking background

What country were you born in?

If English is not your primary language, please indicate your primary language below.

Attachments

Attach any documents (such as receipts, contracts, warranties or copies of correspondence with the business/trader) that can be used to support your claim: The total size limit for attachments is 10MB. Your complaint will not be received if the total size of your attachments exceeds this limit. Allowable file types are:*.jpg, *.gif, *.png, *.pdf, *.bmp. Instructions on how to provide additional attachments will be provided upon submission of this form.

Click on the blue box below to upload the file. You may click on the blue upload button a total of 5 times to upload 5 different files.

[Electronic ticket receipt, April 21 for MS LIDIJA MEDOSH.pdf](#)

[Travel Reservation April 21 for MS LIDIJA MEDOSH.pdf](#)

[WM Correspondence with Virgin Australia.pdf](#)

Agreement

Signature

I declare that the information I have provided is, to the best of my knowledge, true and correct. I agree that the information I have provided may, if necessary, be revealed to the trader in correspondence or investigations concerning my complaint. I acknowledge that OFT may:

- Use information provided or later obtained to resolve, investigate or otherwise deal with the complaint, take enforcement action (if appropriate), and monitor the marketplace for investigative and law enforcement purposes;
- Refer the complaint to another government agency for consideration and attention if the matter falls within its jurisdiction



I agree *

Do you consent to the OFT contacting you in the future, for example to participate in surveys or other research to help us improve the OFT's services? *

Yes	No
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If your complaint is resolved after lodgement of this form, please advise us as soon as possible.

We normally contact you within ten working days after receiving your complaint. If you have not heard from us by this time, we recommend you email us at Brisbane.OFT@justice.qld.gov.au or call us on 13 QGOV (13 74 68) to confirm we have received it.