

24 April 2026

Committee Secretary
Senate Standing Committees on Rural and Regional Affairs and Transport
Parliament House
CANBERRA ACT 2600

By email: rrat.sen@aph.gov.au

Dear Committee Secretary

Aviation Consumer Protection Bill 2026 and related bills

Thank you for the opportunity to provide a submission to the Senate Standing Committees on Rural and Regional Affairs and Transport in relation to the proposed Aviation Consumer Protection Bill 2026 and its three related bills.

1. The **Australian and International Pilots Association** is a federally registered employee organisation, representing the industrial, professional and safety interests of pilots employed within the Qantas Group.¹ AIPA currently has over 2,500 members, based in different locations throughout Australia. AIPA's core objectives include providing industrial representation and services to its members as well as advocating for aviation safety at national and international levels. AIPA also advocates for aviation safety through its membership in the Australian Airline Pilots' Association, which is a member of the International Federation of Air Line Pilots' Associations.
2. The purpose of this submission is to recommend improvements to the Bill in order to ensure:
 - (a) the safety of consumers as well as that of crew operating above and below the wing; and
 - (b) that our members, who have overall statutory responsibility (in their personal capacity) for the safety of consumers, crew and cargo,² are able to fulfil their responsibilities – without commercial pressures arising from enhanced consumer rights.

Aviation safety concern

3. The bills seek to implement some of the policy recommendations arising from the Aviation White Paper.³ When introducing the Bill, The Honourable Catherine King MP referred to the White Paper as '... setting the direction for the aviation industry to give passengers a better deal and enhance competition, while ensuring the industry

¹ Qantas Group comprises Qantas Airways Limited and its wholly owned subsidiaries and related bodies corporate.

² For e.g., under reg 91.125 of the **Civil Aviation Safety Regulations 1998**, a pilot-in-command must ensure the safety of persons and cargo on the aircraft, and the safe operation of the aircraft during the flight.

³ *Aviation White Paper: Towards 2050* (August 2024).



maintains Australia's strong safety record—a record of which we are very proud.⁴ It is this safety record, that our submission deals with. While AIPA welcomes a stronger aviation consumer protection framework, we are concerned that the Bill, as it currently reads, may have unintended consequences on aviation safety.

4. While we infer from Ms King's second reading speech,⁵ that it is not the intention of the Bill to limit the operation of the *Civil Aviation Act 1988* (Cth) and its delegated legislation⁶ (collectively, **Civil Aviation Law**), this is not abundantly clear in the language of the Bill. For instance, clause 8 of the Bill clarifies the interaction of the Bill with the *Competition and Consumer Act 2010* and the *Civil Aviation (Carrier's Liability) Act 1959*; but it does not mention Civil Aviation Law. While this omission is taken to mean that the Bills is intended to operate in tandem with Civil Aviation Law – some provisions in the Bill leave open the possibility that delegated legislation authorised under the Bill, may indirectly impede pilots' ability to fulfil their statutory duties under Civil Aviation Law.
5. Clause 20 of the Bill empowers the Minister to determine an Aviation Consumer Protections Charter by way of a legislative instrument. The Charter may set out requirements that regulated entities must meet in relation to the offering or supply of regulated services. A regulated entity may be subject to pecuniary penalty for non-compliance of any Charter requirement. Clause 20 is briefly summarised below:
 - (a) Sub-clause 20(1) provides three purposes, for any of which, Charter requirements may be made. One such purpose being, 'protecting the consumers of regulated services.'⁷
 - (b) Sub-clause 20(3) of the Bill sets out the constitutional limits of the Charter.
 - (c) Sub-clause 20(4) provides a non-exhaustive list of matters that may be covered by the Charter. One such listed matter is 'the provision of information and assistance to consumers.'⁸
6. The language of clause 20 is broad and not subject to any express limitations. This leaves open the possibility that safety-related matters may practically fall within the scope of the Charter.
7. Under Civil Aviation Law, pilots must exercise their own judgement when considering numerous factors in determining airworthiness of the aircraft as well as safe operation of flight. These considerations may give rise to a pilot making decisions that require a flight to be delayed, cancelled, diverted or disrupted. In reality, pilots must balance these considerations with the commercial pressures imposed by airline-employers to operate a flight on time.
8. Further, a pilot-in-command must give directions necessary for safety purposes to passengers. Passengers must follow such directions.⁹
9. The obligation of 'provision of information and assistance' – when read in isolation – causes concern that consumers' expectations may be unreasonable and incompatible with the safe operation of flight. Pilots ought to be able to make difficult,

⁴ Commonwealth, *Parliamentary Debates*, House of Representatives, 1 April 2026, 20 (Catherine King)

⁵ Ibid.

⁶ Including, but not limited to, the *CASR*, *Civil Aviation Regulations 1988*, and various Manuals of Standards and Civil Aviation Orders. The Civil Aviation Safety Authority also publishes non-legislative instruments, determinations, information circulars and guidance materials.

⁷ Clause 20(1)(a) of the Bill.

⁸ Clause 20(4)(a) of the Bill.

⁹ See CASR, regs 91.220, 91.575.

safety-focused decisions or directions, without fear of retaliation from either consumers or airline-employers.

10. AIPA is currently engaged with the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts for consultation on a draft Charter. We are aware that the current draft of the Charter intends to place safety-related exclusions from the scope of the Charter. However, the Charter will be delegated legislation, authorised by the Bill, which may be amended from time to time within the remit permitted by the Bill. Accordingly, the Bill ought to provide clear guardrails for the Charter in order to prevent any unintended interpretation of the legislation.

Recommendations

11. Considering the concerns outlined above, it is recommended that the Bill and/or its explanatory memorandum be amended to clarify that:
 - (a) the Bill is not intended to limit the operation of Civil Aviation Law;
 - (b) any failure to offer a service due to safety purposes are outside the scope of the Charter and eligible complaints;¹⁰ and
 - (c) 'safety purposes' includes any decisions taken in order to reduce risk to safety of persons and cargo, and includes safety decisions or directions made by a pilot-in-command in accordance with Civil Aviation Law.

Should you have any questions in relation to this submission, please do not hesitate to contact us.

Yours faithfully



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¹⁰ As defined in clause 17 of the Bill.