

Public hearing: Opening Statement

Airline Passenger Protections (Pay on Delay) Bill 2024

Thank you, Chair, and I would also like to thank all members of the Rural and Regional Affairs and Transport Legislation Committee for inviting the Australian Lawyers Alliance – the ALA – to appear at today’s public hearing regarding the Airline Passenger Protections (Pay on Delay) Bill 2024.

I am Victoria Roy, an ALA volunteer and Chair of the ALA’s Travel Law Special Interest Group. In my private practice, I specialise in international personal injury law, representing injured travellers so that they can access justice and compensation.

I would like to acknowledge the Traditional Owners of the lands on which this public hearing is taking place and also the Traditional Owners of the lands of where I am today, the Cammeraygal People. I pay my respects to all their Elders past and present, and to any Aboriginal and Torres Strait Islander peoples taking part in today’s public hearing.

The ALA is a national not-for-profit association whose members are dedicated to protecting and promoting access to justice, human rights, and equality before the law for all individuals. The ALA is represented in every state and territory across Australia, and we estimate that our 1,500 members represent up to 200,000 people every year nationally.

The ALA has been advocating for improved air passenger rights since the Covid-19 pandemic and given feedback on the consumer initiatives announced in the Federal Government’s Aviation White Paper.

Our members have identified two core legal problems that undermine air passenger rights in Australia:

1. First, there is no single, specific framework for Australian air passenger rights. Some Australian passengers flying internationally fall under foreign schemes, others do not. The *Australian Consumer Law* is vague and complex to navigate. As a result, it is hard for air passengers to understand what rights they have, if any, and many situations fall through the gaps.

2. Secondly, there is no simple, affordable and accessible way for air passengers to enforce the few rights they do have. The barriers to justice are too high.

We acknowledge that the proposed carriers' obligations rules and code of conduct in this Bill offer improved protections to air passenger rights.

The ALA strongly supports the establishment of carriers' obligations rules that apply to **all** flights to, from and within Australia.

However, the ALA considers that the carriers' obligations rules should also provide for an unambiguous right to financial compensation to passengers for delays that are within the airline's control. This inclusion would hold airlines accountable and incentivise them to run on time as occurs in jurisdictions with flight delay compensation schemes such as the European Union, the United Kingdom, Canada, Brazil, Turkey, India and countless others that Australia is trailing behind.

Additionally, we support compensation being available for not only the inconvenience but also financial losses flowing from the delay. The *Australian Consumer Law* is vague when it comes to compensable loss and damage, so the Bill is an opportunity to clarify what this means for air passengers.

The ALA also contends that the carriers' obligations rules should include the right to a refund for air passengers no matter what the reason for a cancellation. The very recent cancellations caused by Ex-Tropical Cyclone Alfred highlight this need because, frankly, passengers who have their flights cancelled due to weather events in many other jurisdictions have a clear right to a refund where Australians do not.

I can elaborate on these examples and others for strengthening this Bill, if the Committee would like; however, I am conscious of the time I have for this opening statement.

I thank the Committee for considering the ALA's recommendations in our submission, and thank you all again for the opportunity for the ALA to appear before this public hearing. I am happy to answer questions from the Committee.