

MELBOURNE AIRPORT

Friday, 28 February 2025

Mr Steve Weber
Acting Interim Aviation Ombuds Person
Department of Infrastructure, Transport, Regional Development, Communications and the Arts
CANBERRA ACT 2601

Delivery by Webform: <https://www.infrastructure.gov.au/have-your-say/aviation-customer-rights-charter>

Dear Mr Weber

Melbourne Airport Submission: Aviation Customer Rights Charter

Australia Pacific Airports (Melbourne) Pty Limited (Melbourne Airport) welcomes the opportunity to respond to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts consultation paper on the Aviation Customer Rights Charter.

Melbourne Airport supports the government's commitment to strengthening consumer protections in the aviation industry and ensuring that travellers are more easily able to exercise their rights under the Australian Consumer Law and other relevant legislation. As Australia's busiest 24/7 airport, we emphasize the importance of aligning consumer rights frameworks with operational realities and global best practices.

While we endorse the establishment of the Aviation Industry Ombudsman Scheme and the Aviation Customer Rights Charter as measures to enhance consumer protection, this submission highlights several areas where the Charter could be improved. Our recommendations focus on delineating responsibilities between stakeholders, necessary areas of clarification, and ensuring that the Charter is practical, proportionate, and effective.

While not directly related to the content or drafting of the draft Charter, it is important to restate that the primary commercial relationship in the aviation industry is between customers and airlines and that airlines control most elements of the aviation journey. Airports are primarily providers of infrastructure and supporting services for airlines. In the context of contracts between airlines and airports, service level agreements, KPIs, and rebates are structured to guarantee that airport services consistently meet predetermined standards and performance benchmarks. It is vital that both the Charter and the Ombuds Scheme recognise this reality, and this is reflected in the proportional treatment of each type of industry participant.

Airports around the country endeavour to provide a high-quality customer experience for their travellers. While there will always be room for improvement, it is necessary to appreciate how few travellers make complaints relating to airport operations. In the calendar year of 2024, Melbourne Airport received approximately 4,500 complaints from the more than 35 million passengers that passed through the airport or less than 0.0001 per cent of travellers. These complaints relate to matters including parking, security and facilities amongst others. Melbourne Airport has invested in systems and resources to address complaints in a timely manner and will continue to improve its approach into the future.

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Roles and responsibilities of industry participants

Airlines, airports and government are the three primary components of the aviation industry and all have vastly different roles and responsibilities. Not only this, but as businesses, the operations of airports and airlines differ in a number of material respects. As currently drafted, the Charter does not appear to make this distinction which may cause confusion for consumers and unnecessary cost for industry.

A clear example of the distinction between airline and airport operations, is airline loyalty programs. The QF frequent flyer program has approximately 15 million members while the Virgin Australian velocity program has around 12 million members. Through these programs, airlines have a deep understanding of consumer preferences and the ability to provide timely information directly through their mobile applications. Airports do not have such databases and are instead set up to assist travellers when they are on site.

Lost or delayed baggage is an example of an issue that often causes confusion for passengers. Many passengers believe that airports are responsible for baggage handling however, under the *Civil Aviation (Carriers' Liability) Act 1959*, it is airlines that are responsible and liable for any compensation.

The final Charter should include a clear statement of responsibilities across airlines, airports and government agencies across the entirety of the customer journey so that travellers can easily understand which organisation to contact in relation to their specific issue or complaint. This should be presented in a simple and easy to understand format to reduce customer confusion and minimise the burden on industry in addressing misdirected complaints. We recommend that airports and airlines are consulted in the development of this information to ensure that it appropriately reflects the operational realities of the industry.

In our submission on the Aviation Industry Ombuds Scheme, Melbourne Airport recommended the inclusion of government agencies such as Airservices Australia and the Australian Border Force, in the remit of the Ombuds scheme given the vital role they play in the aviation industry and the potential impact they can have on delays, cancellations and other customer related issues. We understand that it is the position of the government that these agencies will not be included in the legislated scheme. In this case, the government must be prepared to manage the potential for perverse outcomes that will arise as a result of this decision. Not including government agencies will create situations where one traveller will be eligible for some kind of remedy because their issue was directly caused by an airline, and another traveller will be left without recourse because their issue was caused by a government agency. It should be the role of government to manage such situations through the provision of information to travellers.

Customer service charter

Proposed Right 1 includes the requirement for airlines and airports to implement a Customer Service statement or charter which will outline “their commitment to provide their services in a safe and dignified manner, and free from discrimination.” Melbourne Airport supports the development of such a statement or charter and would recommend that this is established at an industry-wide level. While it will need to be acknowledged that airlines and airports of different sizes will have unique requirements, setting a minimum service standard for the aviation industry will be of benefit for consumers as well as airlines and airports.

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The protection of personal information

Proposed Right 5 deals with the protection of personal information and acknowledges that customers share a wide range of information as part of their aviation journey. While this is true, the protection of personal information is already established under the *Privacy Act 1988* and is supported by the operations of the Office of the Australian Information Commissioner (OAIC).

Melbourne Airport contends that Proposed Right 5, should be removed from the Charter given the highly specialised nature of privacy matters and the existing skills, experience and resources of the OAIC. There is also an argument to exclude privacy matters from the Charter on the basis of minimising overlap with existing regulators like the OAIC. This is a better outcome for consumers in that their complaints will be investigated by properly skilled and experienced professionals from the OAIC while also improving the outcome for industry with minimised double handling of complaints and reduced regulatory costs.

If Proposed Right 5 is maintained in the final Charter, clarification is required on a number of elements. These have been included in table 1 below.

Complaint resolution

Robust and responsive complaint handling procedures are in place at Melbourne Airport to address the relatively small number of complaints we receive each year. Melbourne Airport is continuing to invest in improving our systems to reduce response times and provide a high level of customer support to our travellers.

Melbourne Airport endorses the intent of Proposed Right 6 but contends that the requirement to 'improve ... complaint handling systems' is unhelpfully vague and does not recognise that many organisations already have mature and well-functioning processes in place. While continuous improvement is a worthwhile objective, applying such an ambiguous requirement will be difficult for participants to demonstrate and complex for government to enforce.

The inclusion of reasonable timeframes for acknowledgement and response of complaints is warranted but requires additional specificity to properly reflect operational realities. A 24 hour requirement for acknowledgement of a complaint is workable if the definition of acknowledgement includes an automated email response. For an initial contact from a team member, a period of 2-3 business days would be more appropriate. With respect to the 30 day timeline for resolution of complaints, Melbourne Airport recommends that this is revised to 30 days for resolution of 90 per cent of complaints. This change would provide allowance for the small percentage of complex cases and instances that require the involvement of external organisations and/or the provision of additional information from travellers.

Customer responsibility

In addition to the exclusion of government agencies, another key omission in the draft Charter is statement on the responsibility of customers when undertaking an aviation journey. Melbourne Airport recommends that a requirement be included in the charter for airline and airport staff to be treated with dignity and respect by travellers, including when dealing with complaints. We also recommend that obligations on the timely resolution of complaints should not apply instances where aviation industry staff are subject to abusive or inappropriate behaviour.

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Phased implementation

While airports and airlines already comply with many of the requirements outlined in the draft Charter, it is likely that the final Charter will impose obligations on the industry that will require significant capital and resource investments. To ensure that industry has the necessary time to comply with the final Charter, Melbourne Airport recommends that a phased implementation period. Giving industry 12-24 months to make the necessary changes within their organisations, policies and procedures is vital to support compliance for airlines and airports.

Requested clarification and implementation guidance

The draft Charter as currently written includes a range of requirements that do not include the requisite level of specificity to be applied in an operational context. A number of examples are included in the table below:

Table 1 – Requested Clarification

Reference	Context	Clarification
Right to be treated with dignity and respect in an accessible and inclusive environment	Melbourne Airport supports the intent of this proposed right.	How will the terms ‘dignity’ and ‘respect’ be defined for the purposes of this Charter? This right should also be extended to include aviation industry staff.
Information provided by airlines and airports must be available to passengers in a range of accessible formats, including languages other than English.	The Melbourne Airport website provides information in languages other than English as well as in some accessible formats.	What languages other than English does information need to be provided in? What accessible formats does information need to be provided in?
Wayfinding will assist in the easy navigation of airports, through signage provided in multiple languages and formats, and buildings designed to assist those with accessibility needs.	The updating of physical signage would be a significant undertaking and may not be workable, depending on what new requirements are applied.	What languages and accessible formats must be utilised? Can these updates be provided through digital tools rather than physical signage?
Clear information about airline and airport handling of personal information will be available on their website.	Melbourne Airport’s privacy policy is available to customers on our website. This policy was prepared to be consistent with our obligations under the Privacy Act.	Does this requirement go beyond the obligations in the Privacy Act?

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<p>Airlines and airports will only store any personal information for the necessary length of time to provide the service or as authorised by law.</p>	<p>In the course of providing services to customers (such as free Wi-Fi), they may consent to receiving marketing communications from Melbourne Airport.</p> <p>There may also be a difference between the time it takes for a service to be provided and the time that information can be stored by law.</p>	<p>What personal information is this intended to capture (i.e. names, email addresses, passport details, dietaries, accessibility requirements)?</p> <p>Does customer consent trump any obligations under the Charter relating to the storage of personal information?</p> <p>The Charter should specify if the requirement is the longer or shorter period if there is a difference between the time it takes to provide a service, and the time information can be stored by law.</p>
<p>Personal information (e.g., meal preferences) provided to a third party by an airline or airport for service purposes will be securely transmitted, handled appropriately, and disposed of promptly.</p>	<p>Aviation White Paper initiative 6 requires airlines to offer passenger assistance profiles to improve how travellers can communicate their accessibility needs to airlines.</p>	<p>How will this requirement interact with future passenger assistance profiles?</p>

Adequate implementation guidelines must also be developed and provided to industry following the finalisation of the Charter to support compliance with the new requirements. This material should include any specific requirements such as what languages other than English or what accessible formats must be utilised. These guidelines should ideally include the phased timeline for implementation and any other information necessary for industry to ensure their compliance.

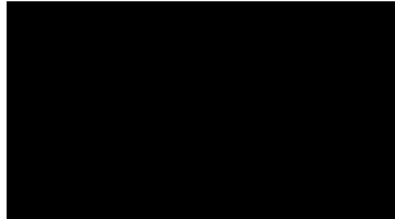
Melbourne Airport reiterates its support for the objectives of the draft Aviation Customer Rights Charter and the establishment of the Aviation Industry Ombuds Scheme. These initiatives represent a significant step toward enhancing consumer protections in the Australia aviation industry.

We welcome further engagement with the government and other stakeholders to refine the Charter and ensure it achieves its objectives in a practical, fair, and sustainable manner.

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If you have any questions or would like any further information, please contact Sharaf Khan, Policy and Industry Affairs Manager, by email [REDACTED] or mobile [REDACTED]

Yours sincerely



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