



7 March 2025

Steve Weber  
Interim Aviation Industry Ombudsperson  
Department of Infrastructure, Transport, Regional Development, Communications and the Arts  
GPO Box 594  
**CANBERRA ACT 2601**

Via email: [REDACTED]

Dr Mr Weber,

**Re: SYD submission to the Aviation Customer Rights Charter – Consultation Paper**

Sydney Airport (**SYD**) welcomes the opportunity to provide a submission to the Aviation Customer Rights Charter (**the Charter**) consultation paper.

SYD appreciates the opportunity to work with government to improve outcomes for the travelling public and supports the establishment of the Charter and an Aviation Industry Ombuds Scheme (**AIOS**). Delivering a positive passenger experience at Sydney Airport sits at the core of our business, which is why (amongst other things) we have a longstanding commitment to excellence in customer service.

SYD's submission to the consultation can be found at Attachment A. Please contact Kate Pasterfield (General Manager, Government Relations) if you require any further information at [REDACTED]

Yours sincerely,

[REDACTED]  
**Scott Charlton**  
Chief Executive Officer

## (a) Introduction

SYD supports the establishment of the Charter and an AIOS, as part of the Government's broader objective to improve passengers' interactions with the aviation industry. Delivering a positive passenger experience at Sydney Airport sits at the core of our business, which is why (amongst other things) we have a longstanding commitment to excellence in customer service. Sydney Airport is Australia's largest international gateway and our nation's busiest airport – located only 8km from Sydney's CBD, it is one of Australia's most important infrastructure assets. On average 40 million passengers per year pass through Sydney Airport, yet Sydney Airport's complaint rate is remarkably low at just 0.01% of passengers. Of these, many relate to services beyond the control of SYD, including border staff and processes, airlines, retail staff and ground transport (e.g. taxis). Further data on SYD's response and resolution rates is set out in section (b) below.

From kerbside drop-off to take-off, a passenger's aviation journey involves multiple touchpoints and stakeholders. It is crucial that the Charter provides clarity regarding the responsibilities of service providers to ensure passengers have realistic expectations and that practical solutions can be delivered. SYD is concerned about the vague division of responsibilities among service providers under the Charter, including third parties who are not proposed to be members of the AIOS. This is discussed further in section (b) below. Feedback on individual proposed rights is contained in section (c) below.

## (b) The responsibilities of airlines, airports and government agencies

Passengers moving through Sydney Airport interact with a wide range of stakeholders. The Charter suggests a passenger's experience is impacted simply by airlines and airports; however, this is not the case. For example, a passenger's journey within a large international airport like Sydney Airport involves touchpoints with ground handlers, security personnel, retail staff, border force (immigration/emigration, tax refund scheme) (Australian Border Force), customs (Department of Agriculture and Fisheries and Forestry) and law enforcement (Australian Federal Police), air traffic control (Airservices Australia) and the management of take-off and landing slots (Slot Manager). Of the ~33,000 full-time-equivalent staff that work at Sydney Airport, less than two percent are directly employed by Sydney Airport Corporation Limited.

SYD understands that Government agencies and government-owned corporations, such as Airservices Australia, are not proposed to be members of the AIOS and consequently will not be subject to the Charter. For the AIOS and the Charter to achieve its mandate to "*hold the industry accountable for delivering on its obligations to customers*", it is crucial that all service providers are AIOS members and therefore subject to the Charter.<sup>1</sup> If the AIOS includes only airports and airlines as members, it will hinder the Charter's ability to maintain a consistent standard of conduct and effectively resolve complaints. We made this observation in our submission to the Department's AIOS consultation in October 2024.

The Charter should be supported by sufficient resources to educate passengers about the various stakeholders involved in their journey and their respective responsibilities. The Ombudsperson likewise should be equipped such that would enable it to expeditiously and cost-effectively assess who the appropriate stakeholder respondent(s) may be before involving them in a resolution process. For example, our October 2024 submission talks to the Ombudsperson having the power to collect information and, if necessary, require the production of targeted information that would be reasonably

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<sup>1</sup> Aviation Customer Rights Charter – Consultation Paper, December 2024, p. 5

required to facilitate the resolution of the matter. Similarly, the Ombudsperson must have responsibility for assigning complaints to the correct member of the Scheme to ensure complaints are directed to the appropriate party and handled efficiently, helping to manage passenger expectations effectively. SYD also seeks clarity on how the Ombudsperson will make decisions when cumulative factors and multiple stakeholders are involved.

## **(b) Proposed Rights**

### **Proposed Right 1**

*Aviation industry customers have the right to be treated with dignity and respect, in an accessible and inclusive environment*

SYD supports Proposed Right 1. This right highlights SYD's concerns about the exclusion of certain service providers from the AIOS. Passengers, particularly those with accessibility requirements, will interact with many service providers, most of which are not proposed to be members of the AIOS. To successfully implement this right, all service providers within the airport operating environment must participate in the AIOS and be held accountable for treating customers with dignity and respect, in an accessible and inclusive environment. At SYD for example, security screening is managed by a third-party service provider and has been identified as a common point of friction between passengers and airport staff. Security screening is essential for the safety and security of passengers, airport workers, crew, and aircraft, the rules and processes for which are largely set by the Government on national security grounds. Security staff already have access to face-to-face accessibility training via SYD to ensure the highest levels of customer care. However, it is equally crucial that passengers are educated about their responsibilities during this process to foster mutual respect between them and security staff, ensuring that all passengers are processed with dignity and respect, and in a safe, secure and efficient manner.

The practical application of this right, along with any enforcement by the Ombudsperson, must recognise and comply with other applicable existing laws, standards and regulations including around safety, security and anti-discrimination. These may change from time-to-time and be set by myriad bodies (state and federal parliaments, governments and statutory agencies to name a few). SYD recommends the Charter be drafted in a manner that reflects the dynamic nature of the industry and the rules which apply through a passenger's journey. We note that the Government has separately proposed the creation of new aviation-specific disability standards. Care should be taken to ensure alignment between those standards and the Charter.<sup>2</sup>

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<sup>2</sup> Aviation White Paper – Towards 2050, August 2024, p. 59

### *Case study – accessibility at Sydney Airport*

SYD is leading initiatives in Australia to ensure all passengers travel comfortably, and with respect and dignity, regardless of their needs or ability. For example:

- SYD has invested in a range of accessible and inclusive facilities, including accessible and gender-neutral bathrooms, changing places, parents' rooms, assistance animal relief areas, and accessible water fountains.
- SYD offers a number of digital supports, including ReciteMe digital accessibility tools and Google Live View with a 'wheelchair accessible' filter. These tools enhance the experience for all passengers, making navigation throughout the terminal, and our website, easier.
- In partnership with disability advocates, SYD launched a familiarisation tour trial for autistic students. The tour enables students to explore the airport journey step by step prior to their travel date, helping them feel confident and prepared for future travels.
- SYD offers free training for staff and onsite partners, including sessions in collaboration with with Autism Spectrum Australia (Aspect) and Guide Dogs NSW/ACT, training various key airport stakeholders such as Certis security and the Taxi Industry. More than 25 onsite partner organisations have been trained, with more than 100 hours of face-to-face training since 2020.
- SYD incorporates accessible needs into its research, website information, and sensory maps, ensuring continuous improvement based on passenger feedback and data. The airport collaborates with disability advocacy groups and conducts regular audits and workshops to enhance its services and inform decision-making.

Following a successful trial at our international Terminal 1 departures which commenced in early 2024, in late 2024 we launched an accessibility kerbside trial at Terminal 3 departures. The accessibility kerbside service involves a customer support team member being deployed to provide an additional level of customer service to passengers with accessibility needs who are being dropped off at the kerbside and need assistance into the terminal or check-in area. From check-in, the relevant airline and/or their ground handler takes over the assistance in accordance with their own policies and processes.

## Proposed Right 2

*Aviation industry customers have the right to accurate, timely and accessible information and customer service*

SYD supports Proposed Right 2, acknowledging the availability of customer service representatives may be impacted by an individual airport's operating hours as well as the operations of the domestic and international airlines it facilitates.

It is important to note that the four major airports, Sydney, Melbourne, Brisbane and Perth, are already subject to quality of service monitoring under the Australian Competition and Consumer Commission's annual airport monitoring of airports, which includes monitoring in relation to customer (passenger and airline) experience and the availability of key airport facilities (like check-in counters, security scanners and baggage carousels). The Charter should avoid duplicating any existing regulatory oversight, which would increase regulatory burden and costs.

### *Case study – customer service and complaint handling at Sydney Airport*

SYD's customer care team promptly responds to passenger enquiries, suggestions, complaints, and notes of thanks received via phone, email, social media, and our website. Over the last few years, we have significantly improved our customer care processes to ensure the timely resolution of complaints, and that each complainant is satisfied with their interaction with SYD.

Between 2022 and 2023, the total number of cases raised with SYD reduced by 15%, and our passenger care case handling time across all case types, as measured in days, decreased by 50%. In 2023, SYD resolved 95.5% of all cases raised with the remaining 4.5% being classified as 'unresolved' due to SYD not receiving a response from the passenger. SYD was especially pleased to record an 84% increase in the number of 'thank you' cases received between 2019 and 2023, with more than half of these cases specifically thanking Sydney Airport staff.

To assist passengers in planning their journey through SYD, live security wait times are provided on our website, helping passengers to manage their time and expectations before they arrive at the airport.

During periods of significant disruption or delay, SYD activates an additional on-the-ground support team to provide additional support and information and help prioritise the movement of time-sensitive passengers and baggage, as necessary.

## Proposed Right 3

*Aviation industry customers have the right to prompt and fair remedies and support during and after cancellations, delays and disruptions*

SYD supports Proposed Right 3. It is appropriate that this right focuses on the provision of support and remedies by airlines which have the direct contractual relationship with passengers in a way that most other services providers in an airport environment do not. As we noted in our October 2024 submission, SYD supports a targeted show cause arrangement requiring airlines to report the reasons for delays and cancellations where this may be contested and giving the AIOS appropriate audit powers.

SYD suggests clarifying the following.

- Once a flight has boarded, the responsibility for ensuring customer comfort during delays falls solely on the airlines, who have the necessary access and control and contractual relationship with passengers.
- It is unclear what constitutes “adequate information” (for the purpose of providing “information updates”) and how the information is communicated between stakeholders about factors beyond their control, such as runway operations and weather disruptions. Again, it is crucial to delineate the responsibilities clearly and ensure that all parties involved are adequately prepared and resourced to meet these requirements. This will help avoid misunderstandings and ensure that customers receive consistent and reliable information and support during delays.

#### **Proposed Right 4**

*Aviation industry customers have the right to safe and timely baggage handling and fair remedies for damage and delays*

It is appropriate that the primary responsibility for compliance with these rights lies with the airlines, who have the direct relationship with the passenger and appoint the ground handlers responsible for ensuring bags are safely handled through the aviation journey. This includes covering the costs associated with compensating passengers for lost luggage and delivering lost luggage where the cause of the issue was airline or ground handler-related. It is current practice that airlines have primary responsibility for the passage of baggage and liability should remain with them.

#### **Proposed Right 5**

*Aviation industry customers have the right to the protection of their personal information*

SYD supports Proposed Right 5, but notes it may create unnecessary duplication and confusion, given the ongoing application of the *Privacy Act 1998* (the **Act**) and the Australian Privacy Principles contained in the Act. SYD considers that the Privacy Commissioner has the appropriate expertise to handle privacy complaints and ensure that privacy concerns are addressed appropriately.

SYD takes its privacy obligations seriously and regularly updates its Privacy Policy and associated documents to ensure compliance with current legislation and best industry practice. Examples include only retaining personal information for as long as is necessary, restricting access to that information to only persons required to undertake or perform the actions for which it was collected, and ensuring this information is housed in a secure digital environment.

If the Charter were to be legislated, the primary legislation should remain broad to allow for flexibility and detailed in the supporting regulations and instruments. This approach ensures that the Charter can adapt to evolving needs without potentially conflicting with existing frameworks. Once implemented, the Charter must be reviewed within 12 months to address any initial issues and identify areas that are not working effectively. This review process would be an important opportunity to reflect and refine the Charter to ensure it is fit for purpose and achieves its intended objectives.

Any changes to the Charter may also require amendment to the terms and conditions of contracts SYD has with third party service providers. Therefore, extensive consultation with stakeholders during the development phase of any changes is crucial.

## Proposed Right 6

*Aviation industry customers have the right to provide feedback, make complaints and exercise their rights without retribution.*

SYD supports Proposed Right 6. To implement this right, it is again important that customers can easily access educative materials outlining the roles and responsibilities of stakeholders in the industry to ensure complaints can be directed to the most appropriate party. The Ombudsperson must also work to assign complaints to the correct member of the Scheme to facilitate a prompt resolution

Consistent with other complaints handling schemes such as the Telecommunications Industry Ombudsman and the Australian Financial Authority, the Scheme should also not accept a complaint:

- if the complaint is not first received in writing;
- if the complainant has not first contacted the member. The member should have at least 10 business days to resolve a complaint before it can be considered by the Scheme;
- made more than two years after the complainant first discovered the matter. The Scheme may accept a complaint up to three years after first discovery only if there are exceptional circumstances to explain the delay and only if the Scheme determines (after seeking input from the member) that the member will not suffer significant harm because of the delay;
- if the complaint is so complex or of such significant monetary value that a court (or tribunal or regulator) would be the more appropriate forum in which to advance arguments about same;
- if the complaint is regarding personal injury or death;
- if the complainant is seeking compensation for losses that are not a direct cause of the complaint;
- if the Scheme is satisfied the member has made a fair offer to resolve the complaint and the consumer has not accepted the offer;
- if the complainant has reached a full and final settlement with the member (unless the complainant can demonstrate the settlement was obtained by fraud, duress, misleading or deceptive or unconscionable conduct);
- if it is wholly or in-part subject of actual or threatened proceedings in a court or tribunal;
- if there is a more appropriate place to deal with the complaint such as the Office of the Australian Information Commissioner, a court/tribunal, or another dispute resolution scheme.

## (c) Further consultation

It is critical that industry stakeholders be consulted prior to any further changes to the Charter. It should also be determined how regularly the Charter will be reviewed and updated. The AIOS consultation paper talks to the Charter being updated from time-to-time *“as the ombudsperson makes decisions on individual complaints and identifies common and emerging issues in the sector”* but the Charter consultation paper talks to a review every three years.<sup>3</sup>

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<sup>3</sup> Aviation Industry Ombuds Scheme – Consultation paper, August 2024