

6 March, 2025

Mr S Weber
Director, Aviation Consumer protection Scheme
Department of Infrastructure, Transport, Regional Development, Communications and the Arts
CANBERRA ACT 2601

Via email: aviationcustomerrights@infrastructure.gov.au

Dear Mr Weber

RE: AVIATION CUSTOMER CHARTER OF RIGHTS CONSULTATION PAPER

Perth Airport is Australia's fourth largest major airport, providing a critical link between the people of Western Australia and the rest of the nation and the world.

In 2024, almost 17 million passengers passed through our terminals, along with "meeters and greeters".

Providing a high-quality, inclusive and accessible terminal experience for all passengers is a priority for the Perth Airport team.

Perth Airport is committed to continuous improvement in customer service and has invested heavily in projects to improve access for passengers with disability.

In theory, the proposed Aviation Customer Rights Charter could help to better inform passengers about their rights when travelling. We urge caution, however, in the drafting of the charter to ensure it does not raise unrealistic expectations among the travelling public and does not encourage the Aviation Industry Ombuds Scheme (AIOS) to go beyond its proposed remit and take on a more activist role.

It is worth re-stating our previous advice on the AIOS:

The Ombuds Scheme cannot seek to be "all things to all people". Importantly, its scope should be appropriately focussed on compensation associated with the provision of air transport services and not unduly extend into compensation for the activities associated with travel, such as holiday bookings.

Its purpose and intent must be clearly defined and communicated. Failure to do so will lead to an inefficient and ultimately ineffective process.

This same principle of clarity and focus must also apply to the drafting of the Aviation Customer Rights Charter. Drafting a Charter with well-meaning but broad and vaguely worded statements of principle will only encourage a deluge of frivolous or vexatious complaints, placing unnecessary costs on industry and undermining the ability of the scheme to assist those consumers who may have a legitimate complaint.

The draft Charter may be a worthy attempt to define broad principles but it fails to recognise the complex legal and commercial real world that the aviation industry operates in.

It also opens the door for the Ombuds Scheme to be increasingly required to make judgement calls on issues where perceptions and feelings rather than facts are in dispute.

For example, a passenger who buys an airline ticket for a flight which is then cancelled should be provided with a timely and full refund. This is a fairly cut and dried issue to determine.

However, if a passenger claims to have been spoken to disrespectfully by an airport security screening officer or an airline staff member, and that worker denies the allegation, how would the Ombuds Scheme determine right or wrong on such claims months after the fact? The problem for airports and airlines is that the Charter is written in such a way as to assume or imply the passenger is in the right. If this bias then flows through to the Ombuds Scheme, airports and airlines will be denied natural justice.

Having noted that, Perth Airport welcomes the opportunity to provide comments in response to the Consultation Paper for the Aviation Customer Rights Charter.

These comments should be considered in parallel with Perth Airport's submission to the Consultation Paper on the proposed AIOS which covers similar and related matters. Consistent with the views expressed in that submission, thought needs to be given to the relative capacity of small, medium, and large airports to comply with the requirements of the Charter.

Overview

While airports play a significant role in the facilitation of air travel, it remains a fact that airport charges remain a relatively small component of airfares.

For FY24, Perth Airport's per passenger revenue (excluding government mandated security costs) was just \$13.60. In contrast, the ACCC has noted there had been a significant increase in airfares on key domestic routes since the withdrawal of services by Rex airline.

As Perth Airport noted in its AIOS submission, the significant spike in traveller dis-satisfaction in the post-Covid period was not driven by airport charges or airport behaviour. It was primarily a result of poor performance by airlines in relation to cancelled/delayed flights and delayed or lost baggage (in some cases exacerbated by Covid impacts on staff resources), and more significantly, the refusal of airlines to provide refunds to passengers for cancelled or significantly delayed flights.

As this consultation paper notes, there is already significant consumer legislation in place to protect consumer rights in relation to the timely provision of refunds. While it is not immediately apparent why a further level of bureaucracy is required to enforce already existing legislative rights and requirements, the proposed Charter may assist in better informing travellers of their rights as consumers.

It is essential that industry and consumers are provided with greater clarity as to the role and responsibilities of the AIOS, and how its processes will work.

For example, this consultation paper notes that "in the event that an airport or airline does not comply with the AIOS, then the Ombudsperson will be able to refer matters to appropriate regulators for further action."

But the earlier AIOS consultation paper and the 2024 Aviation White Paper were clear in stating the AIOS will “direct airlines and airports to provide specific remedies to customers” and that “decisions made by the ombudsperson will be binding on airlines and airports.”

It is therefore not clear what matters this consultation paper believes would need to be referred to regulators, and whether those regulators currently have the regulatory authority or powers to deal with these matters – and if they did, why they would not already be intervening in these matters.

The Federal Government should provide industry and the public with clarity on these fundamental issues before proceeding further with the charter and Ombuds Scheme.

This should include clear delineation between the responsibilities of airports and airlines to avoid duplication and confusion.

Proposed Right 1: Aviation industry customers have the right to be treated with dignity and respect, in an accessible and inclusive environment.

General comments:

Perth Airport agrees in principle with the Proposed Right 1. However, the associated wording and background explanation points for this right raise a number of concerns:

- Use of loosely worded terms such as “should be treated appropriately by airport and airlines” should either be more clearly defined or alternatively removed. What is “appropriate”?
- References to complying with existing legislation is unnecessary.
- Provision of information to passengers “in multiple languages and formats” and “languages other than English” is problematic. DFAT states that more 300 languages are spoken in Australian homes. This wording needs to be tightened up or removed.
- The reference to “buildings designed to assist those with accessibility needs” is unnecessary as this already covered by existing building codes/standards.
- “Airport and airline staff will be aware of how best to assist you if you have accessibility requirements or have medical issues requiring consideration...” This is an extraordinarily broad requirement which airports and airlines cannot meet. The two examples given (implants and prostheses) may be relatively straight forward. But some passengers may have more complex medical, hidden disability or accessibility needs. This statement needs to be reworded to allow for reasonable responses by airports and airlines.
- The reference to the security screening process needs to be reworded to highlight the Government’s first priority is the safe and secure operation of air travel. Consistent with this non-negotiable responsibility, airports should seek to deliver screening services with dignity and respect.

Proposed Right 2: Aviation industry customers have the right to accurate, timely and accessible information and customer service.

General comments:

Perth Airport agrees in principle with Proposed Right 2. However, the associated wording and background explanation points for this right raise a number of concerns:

- “a traveller should have access to customer service within the airport itself.” Does this refer to the airline they have a commercial relationship with, or the airport? What is covered by the term “customer service” and what level of service is required? This is a very broad and potentially unworkable clause. Perth Airport is a 24 hour, seven days a week operation with five terminals and a General Aviation precinct spread out over a 2105h estate. This current wording could have significant implications for staffing levels, resulting in flow on costs to airlines (and ultimately passengers.)
- “airports and airlines will provide the best possible information and service to customers...(relating to) ...navigating a large airport.” This needs to be defined. Perth Airport currently provide wide ranging information on its website and phone app.
- In relation to delays/cancellations, “how long a customer should wait for information to be provided”. It needs to be noted that in some circumstances, the exact cause and the length of the delay is simply not known by the airline or airport.
- “a customer service representative will be available at the airport and/or on the phone to assist.” As per above, is this the airline who sold the ticket, or the airport? Low-cost carriers (usually operating international flights) may not have representatives on the ground at all times. Airports regularly receive customer queries and complaints from passengers who cannot contact their airline.
- “clear, simple and transparent terms and conditions that are easily available and identifiable” for services such as parking. This is a worthy aim but ignores the reality that consumers don’t usually read terms and conditions (no matter how simple). It also ignores the fact that airports (and airlines) operate within an increasingly litigious society and are entitled to protect their legal rights. Perth Airport does provide simple information on parking. Terms and conditions come into play in circumstances such as when customers overstay their purchased period or suffer damage to their vehicle which is outside the control of Perth Airport. Airports, like any other business, have the right to protect themselves from potential legal action.

Proposed Right 3: Aviation industry customers have the right to prompt and fair remedies and support during and after cancellations, delays and disruptions

Perth Airport agrees in principle with Proposed Right 3 as it goes to heart of the problems faced by consumers which led to the call for an industry ombuds scheme, that being the refusal of airlines to provide full and timely refunds for cancelled or excessively delayed flight.

However, the associated wording and background explanation points for this right raise a number of concerns:

- As noted in our submission to the AIOS process, remedies must be limited to the conditions of carriage associated with the commercial relationship between the passenger and the airline.
- Some consideration should be given to whether the 3 hour limit is too short given Perth’s geography and the travel time required for a replacement service.

Proposed Right 4: Aviation industry customers have the right to safe and timely baggage handling and fair remedies for damage and delays

Perth Airport agrees in principle with Proposed Right 4. However, the associated wording and background explanation points for this right raise a number of concerns:

- Caution should be applied to the statement, “if luggage is damaged in the course of carriage, the airline will finalise a claim for damages in a timely manner.” The wording of this statement assumes the damage was inflicted by the airline. This statement could also put the Ombuds Scheme in a position where it has to determine if damage was caused by the airline/airport, or was pre-existing (e.g. in the cases where luggage has been deeply scratched). How would the Ombuds Scheme determine if such damage was caused “in the course of carriage”?

Proposed Right 5: Aviation industry customers have the right to the protection of their personal information.

Perth Airport does not support the inclusion of this right in the charter as this area is already extensively covered by existing legislation and is well understood by the general community. If an airline or airport suffers a significant data breach, the views of the Aviation Industry Ombuds Scheme would be the least of its worries.

Proposed Right 6: Aviation industry customers have the right to provide feedback, make complaints and exercise their rights without retribution

Perth Airport agrees in principle with Proposed Right 6. However, the associated wording and background explanation points for this right raise a number of concerns:


- There is no responsibility placed on the passenger/consumer. Airport and airline staff often face abusive or aggressive approaches from complainants. This cannot be tolerated. The Charter needs to include a clear statement that such behaviour is not acceptable and would negate the need for an airline or airport to respond.
- There must be a requirement on passengers to lodge complaints as soon as possible – if not immediately, then within a reasonable timeframe such as no longer than 7 days from the incident. Access to mobile devices coupled with online complaint portals means consumers can easily meet this expectation. Perth Airport has had one experience where a passenger lodged a complaint about security screening some six months after the event. Delays in lodging such complaints deny natural justice to airport and airline staff who may be dealing with hundreds or even thousands of passengers each day. There should be an acknowledgment in the charter that the longer a passenger leaves it to complain, the less likely it will be that the issue can be resolved to their satisfaction.
- “Airline and airports will improve their complaint handling systems...” This gives the false impression that all airports and airlines are currently deficient in their processes.

- “seeking to resolve customer complaints in the first instance”. The use of the word “resolve” is problematic. To passengers making a complaint, the only acceptable resolution would be for the airline or airport to accede to their request (which often involves demands for monetary compensation.) There is ample evidence available of false or unreasonable complaints being made by passengers. The words “address and respond” should be used as an alternative to “resolve”.
- The “24 hours to acknowledge” reference should be amended to 72 hours, to reflect the fact that many airports would not have non-operational staff working on weekends.
- The “30 days to resolve” reference should be amended to “with an aim to address and respond within 30 days.” It should be noted that issues involving airports can involve multiple interactions with complainants and airport stakeholders, particularly where passengers have provided incorrect information (e.g. incorrect terminal, wrong screening point, etc)

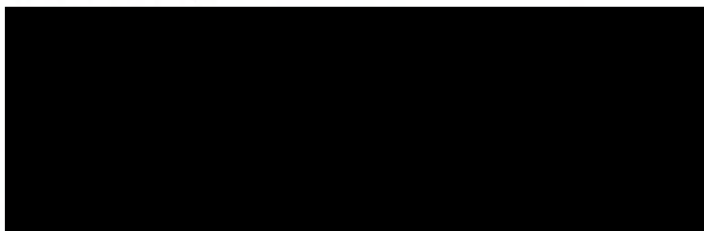
Conclusion

Perth Airport remains committed to continuous improvement in its provision of quality service to all passengers.

The commentary in this submission is intended to strengthen the proposed Charter by removing ambiguities and providing greater clarity to the travelling public, as well as participating airports and airlines.

We would welcome the opportunity to discuss our views in more detail and this can be arranged by contacting 

Yours sincerely,



GENERAL MANAGER CORPORATE AFFAIRS