

Peter S

04 January 2025

Dept. of Infrastructure, Transport,
Regional Development, Communications and the Arts
GPO Box 594
CANBERRA ACT 2601

Dear Sir/Madam

**RE: PROPOSED AVIATION CUSTOMER RIGHTS CHARTER & AVIATION
INDUSTRY OMBUDS SCHEME CONSULTATION PAPER**

The Government is to be applauded for the proposed Aviation Customer Rights Charter and associated Aviation Industry Ombuds Scheme – it is sorely needed and long overdue. It is important that final scheme, whatever form it takes, is practical, achievable and enforceable.

One major consideration not covered in the draft Aviation Customer Rights Charter (ACRC) is the difference between treatment/rights for domestic and international travellers. Domestic travel is largely point-to-point within Australia whereas international travel usually involves overseas transfer points and connecting flights with other carrier involvement which complicate matters.

While not mentioned in the Consultation Paper, it is assumed that the proposed Aviation Industry Ombuds Scheme (AIOS) would be funded by the Australian Government – unless some form of funding participation from all carriers operating to/from Australia is intended. This does not appear to be explained in the Aviation White Paper.

Additionally, the ACRC may need to consider other services that impact on the travelling passenger aviation satisfaction - things over which the airline and airport authorities have no control – Federal Inspection Services (FIS) e.g. Customs, Immigration and Quarantine (CIQ) services. The CIQ need to be included in the charter to be truly inclusive in considering (international) aviation customer rights.

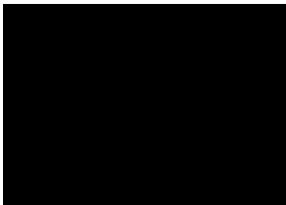
In the attached I have made various comments on the suggested broad outlines of Proposed Rights 1 through 6 as they are listed, from a practitioner's point of view and I ask they be considered in your overall deliberations.

I have also included at Proposed Rights 7, some additional items you may wish to consider for inclusion in the ACRC.

Finally, while it may not form part of the ACRC, passengers must be encouraged to secure appropriate travel insurance which often assists in bridging the gap between airline *Montreal Convention* legal limits and passenger expectations.

Thank you for the opportunity to comment. I look forward to seeing the updated ACRC version when it is available together with hopefully, answers to questions I have raised.

Sincerely

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Peter S

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PROPOSED AVIATION CUSTOMER RIGHTS CHARTER CONSULTATION PAPER

PROPOSED RIGHT No: 1

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

I have no comment and support **items a.** through **c.**

On **item d.** for persons with a disability or special treatment requests - it is imperative this information be communicated to the airline well in advance of travel, preferably at time of making the initial reservation.

For **Item e.** provision of information in languages other than English – this is a difficult if not impossible requirement.

For airlines – there are over 270 ethnic groups recognised in Australia with over 7 main languages (English, Mandarin, Arabic, Cantonese, Vietnamese, Italian, Greek etc.) and provision of information to meet all these different groups would be unrealistic.

For airports – who rely mainly on electronic signage, there is an international ICAO standard which dictates all signage is to be in the national language and English. To try and expand this to languages mentioned previously or vary these internationally accepted norms for Australia, is unrealistic.

For **item f.** – again, medical conditions including implants and prostheses if they impact on a passenger's travel must be advised to the airline ahead of travel. This can be particularly important when processing through passenger security screening checks.

For **item g.** – consideration needs to be given to some form of 'preferential treatment' to those low-risk travellers of 80 years of age and over in relation to security screening, implants, prostheses, removal of shoes etc. as is done in the USA and endorsed by US Homeland Security.

For **item h.** – See **item e.** airports above. All airport signage is developed to meet International Civil Aviation Organisation (ICAO) Standards and supported by ICAO approved picto-grams - now widely accepted throughout all forms of non-verbal communication media world-wide.

FYI – Around 25 years ago when Japanese tourism to Australia was at its height, Sydney Airport was asked by Tourism Authorities to include Japanese signage at Sydney Airport. The Japanese Embassy was contacted with this suggestion. The idea was immediately dismissed by the Embassy stating English was taught as a second language at all Japanese schools and Japanese tourist were quite capable of following English signage and/or international picto-grams.

PROPOSED AVIATION CUSTOMER RIGHTS CONSULTATION PAPER

PROPOSED RIGHT No: 2

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

For **item a.** - the 'key' to communication of an airlines **terms and conditions** in a 'clear, simple and transparent' manner is that they need to be directly linked to the fare or package that the traveller purchases – general information while useful – may not be appropriate and often causes confusion.

Similarly, for the example quoted 'airport parking' operation of on-airport parking facilities are usually contracted out and these organisations have their Terms and Conditions on their website and meet their legal obligations to display advice on a sign when entering their facility.

While airlines have their own dedicated add-on charges e.g. specific seat, meals, checked baggage etc. and airports have passenger service charges, airport safety and security charges, and passenger movement charges, the majority of these are shown as add-ons so that the actual ticket price can be shown as low as possible and in some cases, both airlines and airports act as Government surrogates for fee collection.

For **item b.** the provision of 'clear and easy to understand' **conditions of carriage** - taking Qantas as an example: The Qantas Conditions of Carriage are available on the Qantas website, have 22 separate headings and runs to 45 x A4 pages, are written by legal experts and are often updated or changed..... What chance does the normal traveller have !

For **item c.** and **d.** At an airport, airlines traditionally only staff check-in counters 90 minutes before scheduled departure time. This effectively means that any communication of say, a departure delay, can only be communicated on the airport arrival/departure screens without any explanatory information. A check-in counter public address announcement may catch some passengers but will also miss others.

Airlines regularly collect passenger mobile phone numbers during the reservation process which airlines could use to communicate a text SMS with delay information etc. in a timely manner. Note – this information is not available to airport operators.

Trying to contact an airline customer service representative or call centre by telephone for arrival or departure information is virtually impossible.

For **item e.** – the call-back option is an excellent alternative to holding online listening to a recorded voice tell you how important your call is and how good the airline is.

For **item f.** - timelines for responses to queries or feedback must be realistic. Every effort must be made to avoid the 'automatic acknowledgement response' email now adopted by some Government departments.

PROPOSED AVIATION CUSTOMER RIGHTS CONSULTATION PAPER

PROPOSED RIGHT No: 3

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

Item a. – the ability for airlines and/or airports to keep passengers advised with ‘regular updates on the status of the flight and the expected departure times’ is limited.

As mentioned in **Proposed Right No: 2 c & d**, the use of text SMS messaging to passengers in these circumstances by the airlines would be useful and would certainly assist.

Most airports world-wide are now ‘announcement free’ and rely on display boards/screens to keep passengers informed. A constant cacophony of announcements was found to be useless and has been abandoned by airport operators unless an immediate danger is present e.g. a need to say evacuation the terminal. Display screens/boards have limited free character capability and the ability to show specialised displays are very limited.

Departure gate public address announcements by airlines can be useful but have limited ‘reach’ outside the surrounding passenger gate area.

Including something in the ACRC that is not achievable is of no use.

For **item b.** – the difference between domestic and international travel needs to be considered here. There is also the fact that if a more than 3 hour flight delay is experienced at the airport, there can be up to 300 passengers all seeking attention at the same time which is a virtually impossible situation for the airline. While passengers in airline VIP lounges can be accommodated, for general passengers this is a very difficult task.

The suggested Right works for domestic passengers but may not meet the far wider requirements of the international passenger, where such a delay could mean missing a cruise-liner connection, missing a very low frequency connecting flight, or simply being forced into additional expense by having to stay at an overseas hotel awaiting an alternate connection or say an additional days car parking charges.

Any airline refunds initiated by flight delays of more than 3 hours must be made expeditiously.

Item c. – sounds great on paper but may not be very realistic at the time of delay. Say, a couple travelling pays airline ‘A’ an amount of \$ 6,000 for their ticket. Due to the flight delay of airline ‘A’, the passenger is forced to re-book on airline ‘B’ and pay another \$ 6,000 – which they may or may not have available and any refund from airline ‘A’ will almost certainly, under current circumstances, take 30 days or more. Even the proposed 14 day suggested refund time leaves the traveller

substantially out of pocket through no fault of their own – possibly for the duration of their travel.

Note:

In days gone by, passengers in this situation were issued with an airline document called an Exchange Order which could be raised by airline 'A' to the value of the ticket and used by the passenger to pay for travel on airline 'B'. This was an excellent solution to the problem; however, use of exchange orders was eventually discontinued as they were found being used for illegal funds transfer.

Item d. & e. No comment.

Item f. Given Air Traffic Control delays are reasonably infrequent, this Right seems practical.

PROPOSED AVIATION CUSTOMER RIGHTS CHARTER CONSULTATION PAPER

PROPOSED RIGHT No: 4

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

Again, there is a need to differentiate between domestic and international travel Rights where in domestic travel, baggage usually remains under the direct control of the initiating airline, but on international travel may involve other airlines and connecting flights.

While airline liability and compensation for loss or damage of baggage is governed by the *Montreal Convention* and the *CACL Act.*, establishing where the loss or damage actually occurred and who is responsible, can be a lengthy process. And if overseas carriers are involved and subrogating claims through foreign airlines etc., is required, the process can become protracted.

Item a. – is acceptable as an overall objective statement

Item b. - The wording 'temporarily lost' is not acceptable. The baggage is either available on the passenger's arrival or it is not.

Domestically, with the number of flights involved, baggage not available to a passenger on arrival can normally be restored within 24 hours.

However internationally, it can take far longer to locate, bring to Australia, clear Customs and be delivered to the passenger – and this fact needs to be recognized.

Question:

Does the ACRC apply to the airline outside Australia ?

A person travelling say, Sydney to Melbourne whose baggage is not available on arrival can be a totally different situation to the passengers travelling say,

Sydney to Zurich which involves several carriers and flight changes. Will the Australian ACRC Rights be honoured by the initiating airline or its agents in a foreign country – or will they apply ‘local’ rules ?

The balance of the wording suggested in this Right is acceptable noting that clear guidelines should be issued by the airline as to the limit of any such emergency purchases (so that there are not any unexpected disagreements and subsequent delays at time of reimbursement); and any such reimbursements must be made expeditiously.

Item c. - Handling of a damaged baggage claim, particularly if it occurred from international travel, is difficult – see comments above. Personally, I am not a fan of ‘timely manner’ and would prefer it replaced with the word ‘promptly’. Timely manner works in the airline favour and may conjure a totally different expectation from what the passenger expects - although having handled many of these claims over the years, realise how complex they can be.

Item d. – No comment.

PROPOSED AVIATION CUSTOMER RIGHTS CONSULTATION PAPER

PROPOSED RIGHT No: 5

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

No problems with **Items a. to e.**

Given mention is made in the preamble of ‘including biometric information and video footage’, it might be worthwhile mentioning in the ACRC that any such information collected by Federal Inspection Services, CIQ, AFP etc. will only be collected, held and disposed of according to law.

This is particularly important where passengers are constantly videoed, and passengers’ baggage may be ‘intercepted’ before it gets to the passenger while it is outside the passengers’ control.

PROPOSED AVIATION CUSTOMER RIGHTS CHARTER CONSULTATION PAPER

PROPOSED RIGHT No: 6

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

Items a. to c and e. no problem.

Item d. – 24 hour acknowledgement with a 30 day resolution period is fine if it can be achieved. If the matter looks like running out to 30 days, there needs to be an intermediate communication (possibly at 2 weeks) advising progress. If the matter involves monetary reimbursement or compensation, being out-of-pocket for 30 days (or more) can prove quite difficult for the passenger.

PROPOSED AVIATION CUSTOMER RIGHTS CHARTER CONSULTATION PAPER

POSSIBLE PROPOSED AVIATION CUSTOMER RIGHT INCLUSION

1. International airline passengers are asked to report to the airport a minimum of 3 hours prior to scheduled aircraft departure – why ?

This early passenger reporting causes lengthy queues of passengers with their baggage around unmanned check-in counters with nothing to do but stand around waiting for check-in to commence and causes unnecessary passenger aggravation.

Airlines traditionally don't commence passenger check in until 90 minutes prior to departure and then often with minimum staff to perform the task. This compressed airline check-in process, repeated over several international carriers, causes endless check-in lines, passenger terminal congestion and flows onto cause congestion in outwards immigration areas and then security screening, all with resultant aggravation.

It is suggested that something like the following be included in [Proposed Right No: 1](#)

International airlines will commence passenger check-in no later than 90 minutes prior to scheduled flight departure time and the number of airline check-in staff available will be appropriate to the number of passengers.

2. There is another [Right](#) worthy of consideration for inclusion in relation to lost baggage :

When compensation is eventually paid to a passenger by an airline after baggage is finally declared 'lost' - which often takes many months - airlines inevitably first deduct the amount paid to purchase 'emergency items' at initial time of loss, from any compensation. Given that often emergency purchases are items the traveller really doesn't require, this (airline) loophole should be closed off.