



Australian Government

AiO

Interim Aviation Industry
Ombuds Scheme

Aviation Customer Rights Charter

Consultation Paper

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Acknowledgement of Country

First Nations people have the oldest continuing cultures in the world. It is fitting to reflect on the thousands of generations of traditional knowledges that First Nations people hold, and generously share.

We acknowledge the diversity of First Nations cultures, languages and practices across the country and the resilience of First Nations people in keeping these alive. In delivering this consultation paper, we recognise the importance of listening to the voices and perspectives of local First Nations people and responding to the uniqueness of each place.

We thank First Nations people for their continuing custodianship of, and care for, the Country that we live and work on today.

Table of Contents

Acknowledgement of Country	3
Aviation Industry Ombuds Scheme and the Aviation Customer Rights Charter	5
Proposed Aviation Customer Rights Charter	7
Proposed Right 1: Aviation industry customers have the right to be treated with dignity and respect, in an accessible and inclusive environment	8
Proposed Right 2: Aviation industry customers have the right to accurate, timely and accessible information and customer service	9
Proposed Right 3: Aviation industry customers have the right to prompt and fair remedies and support during and after cancellations, delays and disruptions	10
Proposed Right 4: Aviation industry customers have the right to safe and timely baggage handling and fair remedies for damage and delays	11
Proposed Right 5: Aviation industry customers have the right to the protection of their personal information	12
Proposed Right 6: Aviation industry customers have the right to provide feedback, make complaints and exercise their rights without retribution	13
What happens if your rights are breached?	14
Have your say	14
What happens next	14

Aviation Industry Ombuds Scheme and the Aviation Customer Rights Charter

Background

The Australian Government's 2024 Aviation White Paper announced the development of an Aviation Customer Rights Charter (the Charter) and establishment of an Aviation Industry Ombuds Scheme (AIOS).

Aviation customers have existing legal rights and protections under the Australian Consumer Law (ACL), enacted through the *Competition and Consumer Act 2010* (Cth). However, the Aviation White Paper process identified a range of instances where aviation customers' rights have not been upheld in practice.

Despite the protections of the ACL, submissions described situations where customers experienced difficulties accessing remedies, such as refunds, or redeeming travel credits for cancelled or delayed flights. Submissions also reported long delays in airlines' responsiveness to complaints, and unsatisfactory outcomes from the current industry-led body – the Airline Customer Advocate (ACA).

Following the 2024 Aviation White Paper consultation, the Australian Government announced it would legislate a new AIOS to hold the industry accountable for delivering on its obligations to customers.

The AIOS will have the power to issue determinations to resolve complaints and will be supported by a new regulatory function.

The Government consulted on the design of the legislated AIOS and associated regulatory framework between August and October 2024, and is planning to introduce legislation in 2025.

Aviation Customer Rights Charter overview

The Charter will help to ensure that aviation customers are receiving appropriate treatment from airlines and airports in Australia. Drawing on existing laws, the Charter outlines expectations that the Aviation Industry Ombudsperson has in relation to the way providers respect and implement those rights.

The Charter also draws attention to the need for airlines and airports to improve customer standards, make complaints processes accessible, ensure customer information is available and improve timely responses.

The rights within the Charter will inform the Aviation Industry Ombudsperson's complaints resolution process, and underpin any determination the Ombudsperson may give to resolve a complaint in a particular way.

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.

The final Charter will be released by the Aviation Industry Ombudsperson and will include guidance for industry and consumers. Customer satisfaction surveys will be utilised to measure effectiveness, and a review of the Charter will be conducted every 3 years.

The AIOS and Charter will be supported by a number of other consumer initiatives outlined in the Aviation White Paper, including:

- **A new 'show cause' arrangement**, requiring airlines to report the reasons for delays and cancellations to the Government.
- **New aviation-specific disability standards** as a schedule to the Disability Standards for Accessible Public Transport 2002 (Disability Transport Standards) under the *Disability Discrimination Act 1992*.
- **The creation of an independent Aircraft Noise Ombuds Scheme** as part of the AIOS.

Proposed Aviation Customer Rights Charter

Aviation Customers have the right to:

- 1. Be treated with dignity and respect, in an accessible and inclusive environment**
- 2. Accurate, timely and accessible information and customer service**
- 3. Prompt and fair remedies and support during and after cancellations, delays and disruptions**
- 4. Safe and timely baggage handling and fair remedies for damage and delays**
- 5. The protection of their personal information**
- 6. Provide feedback, make complaints and exercise their rights without retribution**

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

While most customers move through the aviation journey relatively seamlessly, many also experience a level of friction in their interactions throughout the airport and airline environments. Feedback suggests this often occurs as a result of a particular need or requirement which requires specific attention or assistance. Aviation customers are as diverse as the Australian community itself and they should be able to access airlines and airports safely and free from discrimination, regardless of their abilities. This right is intended to clearly state that customers should be treated appropriately by airports and airlines, regardless of where they are in their aviation journey, or their need for specific assistance.

What this right would mean for customers

- Airlines and airports will have a Customer Service statement or charter, which outlines their commitment to provide their services in a safe and dignified manner, and free from discrimination.
- They will be communicated with in a respectful and non-discriminatory manner, regardless of their circumstances.
- Their personal identity, cultural dress or religious practice (including clothing) will be respected during the whole travel experience.
- For a person with disability, airlines and airports will comply with the *Disability Discrimination Act 1992* and Disability Transport Standards across their aviation journey.
- Information provided by airlines and airports must be available to passengers in a range of accessible formats, including languages other than English.
- Airport and airline staff will be aware of how best to assist you if you have accessibility requirements or have medical issues requiring consideration, including implants and prostheses.
- Security screening at airports will be delivered with dignity, free from bias and in line with requirements set by the Department of Home Affairs.
- 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.

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

The provision of information by airlines and airports is a key concern raised by customers, with particular focus on the clarity and timeliness of the information being provided. This right is intended to strengthen the expectation that airports and airlines will provide the best possible information and service to customers, ranging from the legal obligations arising from ticket purchase, through to details about flight delays and cancellations, navigating a large airport, how long a customer should wait for information to be provided and that a traveller should have access to customer service within the airport itself.

What this right would mean for customers

- They will be provided with clear, simple and transparent terms and conditions that are easily available and identifiable when purchasing airline tickets and/or using airport services, such as parking.
- They will be provided with clear and easy to understand conditions of carriage (including all fees) by airlines, outlining their rights regarding delays, refunds, changes and cancellations.
- A customer service representative will be available at the airport and/or on the phone to assist.
- Information about delays, cancellations and disruptions will be provided to customers promptly after it is known by the airline.
- Any call centre should include the capability for a customer call-back option or voicemail, to ensure customers are not on hold for excessive periods of time.
- The airline and airport will have a customer service statement or charter which will outline their specific commitments to customers, including timelines for responses to queries or feedback.

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

When things go wrong with a flight, the response by an airline is the key measure of whether a customer will complain. Flight cancellations and delays are a major contributor to consumer dissatisfaction, particularly when customers do not know the reasons for the cancellations and delays. Over the past five years, the key concern of aviation customers has been how well, and how promptly, airlines respond to flight delays, disruptions and cancellations.

What this right would mean for customers

- If a flight is delayed, the airline should provide customers with regular updates on the status of the flight and the expected departure times.
- If a flight is disrupted or delayed for more than 3 hours, for reasons within the airline's control, customers should, at no cost to the customer, receive:
 - assistance to rebook with original or alternative airlines, without fees
 - the option to cancel time-dependent flights with a full refund
 - meals, meal vouchers/reimbursement or access to a lounge where food is available, where flights are delayed
 - accommodation and transfers where a customer is required to remain in an away-from-home port overnight
- If customers have had to book a new flight with another airline due to their original airline not having a reasonable replacement flight, then the original airline will refund the cost of the original flight.
- Customers should receive a refund for a cancelled flight within 14 days of the cancellation being notified, regardless of the fare type, where an alternative flight has not been agreed. The refund should be to the full amount paid by the customer, including baggage charges, pre-purchased meals, extra leg room fees and any payment fees and charges.
- The default position of airlines will be the provision of a refund in the original form of payment (including cash, credit or flyer reward points), with a travel voucher only being issued if the customer chooses that option.
- If a flight has boarded, but is disrupted through a delayed take-off for longer than 1 hour, subject to safety requirements, customers will be provided access to amenities, appropriate refreshments and regular information updates about the delay.

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

Lost, damaged and misplaced baggage is a source of consistent frustration by aviation customers. This right is intended to reinforce the responsibility of airlines, airports and their baggage contractors, in the provision of a safe and timely baggage handling service and appropriate and timely remedies where there is damage or delay.

Airlines and airports have existing obligations for liability for loss or damage of baggage under the *Montreal Convention 1999* and the *Civil Aviation (Carriers' Liability) Act 1959* (CACLA Act). As announced in the Aviation White Paper, the Government will consult in the future on amendments to the CACLA Act, and supporting regulations, to increase the maximum compensation entitlement for passengers whose wheelchairs or other mobility devices are damaged or lost by domestic airlines.

What this right would mean for customers

- Luggage will be safely handled through the aviation journey, from originating airport to plane to destination airport, including on the tarmac.
- If luggage is temporarily lost by an airline, customers should be reimbursed for the necessary purchase of appropriate clothing and toiletries where this occurs away from the customer's home port.
- If luggage is damaged in the course of carriage, the airline will finalise a claim for damages in a timely manner.
- When any lost luggage is located, it should be delivered to the customer at the earliest possible time and at no cost to them.

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

A significant amount of information about each customer is collected as they move through their aviation journey, including biometric information, video footage, seat and meal preferences and other personal details. This right is intended to make clear that all of this personal information, regardless of who it is collected by, must be collected, held and disposed of, according to law.

What this right would mean for customers

- Clear information about airline and airport handling of personal information will be available on their website.
- Airlines and airports (including their contractors) will collect, handle and store any personal information, according to the law.
- Airlines and airports will only store any personal information for the length of time that is necessary for the provision of the aviation service they are providing, or as authorised by law.
- Personal information supplied to an airline or airport will be done securely, with minimal risk of compromise by unauthorised third parties.
- Personal information, (for example, meal preferences) that are provided by an airline or airport to a third party for the purposes of providing a service will be transmitted securely, handled appropriately and disposed of promptly.

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

In many cases where customers have made complaints or provided feedback to airlines or airports, those complaints have not been responded to, or have had no response for several months. This right is intended to improve the complaint handling processes of airlines and airports, their general receptiveness to complaints and the timeliness with which complaints are responded to. The rights under this Charter should be able to be exercised without adverse treatment or future retribution.

What this right would mean for customers

- Airlines and airports will improve their complaint handling systems, seeking to resolve customer complaints in the first instance and not require escalation to external complaints agencies.
- A family member, carer, advocate or legal representative will be able to support and/or represent a customer.
- Information will be supplied by the airline or airport on how to provide feedback or make a complaint, and how the complaint will be escalated if you are not happy with the response, including how to contact the Aviation Industry Ombudsperson.
- All feedback and/or complaints will be acknowledged by, and responded to, by the airline or airport in a reasonable timeframe (with a target of 24 hours to acknowledge and 30 days to resolve).
- Airlines and airports will facilitate the exercise of customer rights under the Charter without customers being concerned about retribution.

What happens if your rights are breached?

In the first instance, customers should seek to resolve the issue directly with the relevant airline or airport.

All AIOS members will be required to have appropriate mechanisms in place to allow complaints to be heard and responded to in a timely manner. If attempts to resolve the issue are unsuccessful, customers will have the right to file a formal complaint with the AIOS. The AIOS will be able to resolve issues by pursuing an issue directly with scheme members, and if required, by referring matters to the relevant regulator.

In the event that an AIOS member does not comply with its obligations under the legislation, the AIO will be able to refer matters to the new regulator for the AIOS.

Making a complaint to the AIOS will not preclude a customer from also pursuing a claim through a court or tribunal or other process, such as through the Australian Human Rights Commission.

It is expected that legislation to enact the AIOS and the new regulator will be introduced to Parliament in 2025.

Have your say

We invite your comments on the proposed Charter and any of the Rights listed above.

Submissions in response to this consultation paper are due by **28 February 2025**.

To make a submission, please visit www.infrastructure.gov.au/Aviation-Rights-Charter.

What happens next

The Interim Aviation Industry Ombudsperson will consider all feedback received as part of this consultation process in the development of the next version of the Charter.

The final Charter issued by the Ombudsperson will act as a strong guide for airlines and airports on the expectations about their conduct in relation to customer service, complaints, refunds, delays and cancellations.

The independent legislated AIOS will commence in 2026.