

Complaint handling in Australian airports

OWN MOTION INVESTIGATION

May 2007

Report by the Acting Commonwealth Ombudsman,
Dr Vivienne Thom under the *Ombudsman Act 1976*

REPORT NO. **03** | **2007**

Reports by the Ombudsman

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ISBN 0 9775288 5 5

Date of publication: May 2007

Publisher: Commonwealth Ombudsman, Canberra Australia

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EXECUTIVE SUMMARY

In 2005, the Ombudsman received a number of complaints concerning security-related matters experienced by passengers at airports. The circumstances of each complaint varied, but contained a common theme—an inability by the passengers to identify the officers complained about and the agencies to which they belonged. Those complaints suggested gaps in complaints management and performance feedback systems in airports.

Our initial exploration of these issues coincided with government reforms to increase security in airports and to consolidate the aviation security framework under one piece of legislation. The new regulatory framework tightened screening and security requirements, particularly at regional airports.

In June 2005, the Australian Government announced a review of security and policing at Australian airports by an international expert. The Right Hon. Sir John Wheeler completed his review (the Wheeler Report) in early September 2005. The review made 17 recommendations, including an increase in Australian Federal Police (AFP) and Australian Customs Service (ACS) officers at airports, upgrading of ACS video surveillance, and increased air cargo security arrangements. The report also recommended a review of the *Aviation Transport Security Act 2004* (Aviation Transport Security Act). In response to the Wheeler Report, the Australian government committed an additional \$200 million to security and policing at airports.¹

The number of government officers present in airports will increase in the medium term. These officers will be delegated broader powers to stop and search passengers and their baggage. Our complaints data suggests that as security requirements increase, there is a corresponding increase in complaints.

On 21 November 2005, the Ombudsman initiated an own motion investigation under s 5(1)(b) of the *Ombudsman Act 1976* (Ombudsman Act), to examine the adequacy of complaint-handling systems in airports. The investigation looked at the complaint handling systems of five agencies—Australian Customs Service, Australian Federal Police, Australian Quarantine and Inspection Service, Department of Immigration and Citizenship and the Office of Transport Safety in the Department of Transport and Regional Services.

Scope of investigation

The investigation was not intended to be a comprehensive analysis of the operation of each agency's complaint-handling mechanism. Nor was it intended to comprehensively review complaint handling in each airport. The aim of the investigation was to examine whether complaint management and performance feedback systems in the multi-jurisdictional airport environment were:

- visible and accessible to passengers
- consistent across agencies
- addressing systemic complaints affecting multiple agencies
- operating in a cooperative and collaborative manner.

Details of the methodology used in our investigation are in Part 1 of this report.

¹ J Howard (Prime Minister), 'Securing and Policing Australia's Airports', media release, Parliament House, Canberra, 21 September 2005. See http://www.pm.gov.au/News/media_releases/media.

Conclusion

The general conclusion of this report is that complaint-handling systems in airports can be improved. While agencies stated that their complaint-handling mechanisms complied with the Australian Standard on complaint handling issued in 1995, this standard has recently been superseded. A review of complaint handling in airports would enable compliance with the new standard.

The Ombudsman also considers that there are practical changes that can be made in the following four key areas:

- visibility
- accessibility
- learning from complaint handling
- inter-agency collaboration.

The recommendations in Part 4 of this report are aimed at improving performance in these areas.

Some agencies did not have a visible and readily accessible complaint-handling mechanism within airports. Agencies also varied in the manner in which they advertised their complaint-handling system and the methods by which passengers could make a complaint.

Although the agencies work closely together on many airport-related matters, each agency handles complaints separately. Agencies refer the passenger, rather than the complaint, to the appropriate agency when the complaint is made to the wrong agency in the first instance.

There is scope for agencies to work more collaboratively. A consistent and cooperative approach would benefit passengers and lead to more efficient handling of complaints. Exchanging complaint data would also help in identifying and preventing recurring problems. Although all agencies use complaint information to improve their operations, agencies could improve how this information is shared.

Ombudsman's jurisdiction to investigate airport complaints

This report also discusses the scope of the Ombudsman's jurisdiction to investigate airport complaints, in the context of new arrangements for the privatisation and management of Australian airports. Many public functions are now discharged in airports by non-government officers. The Ombudsman's jurisdiction to investigate complaints about these officers can depend on the nature of the activity being undertaken. Though the matter is formally unresolved, it is suggested later in this report that the Ombudsman does have jurisdiction in respect of action taken by airport operators to issue traffic infringement notices, and the actions of screening officers, but not the actions of airport security guards. This appears to be an anomalous result, and creates a possible accountability gap in dealing with complaints arising in airports.

This report also draws attention to some other recent reports dealing with the management of airports, by the House of Representatives Standing Committee on Transport and Regional Services (proposing an Aviation Ombudsman) and the Australian National Audit Office (concerning the management of privatised airport leases).

Dr Vivienne Thom
Acting Commonwealth Ombudsman

PART 1—INTRODUCTION

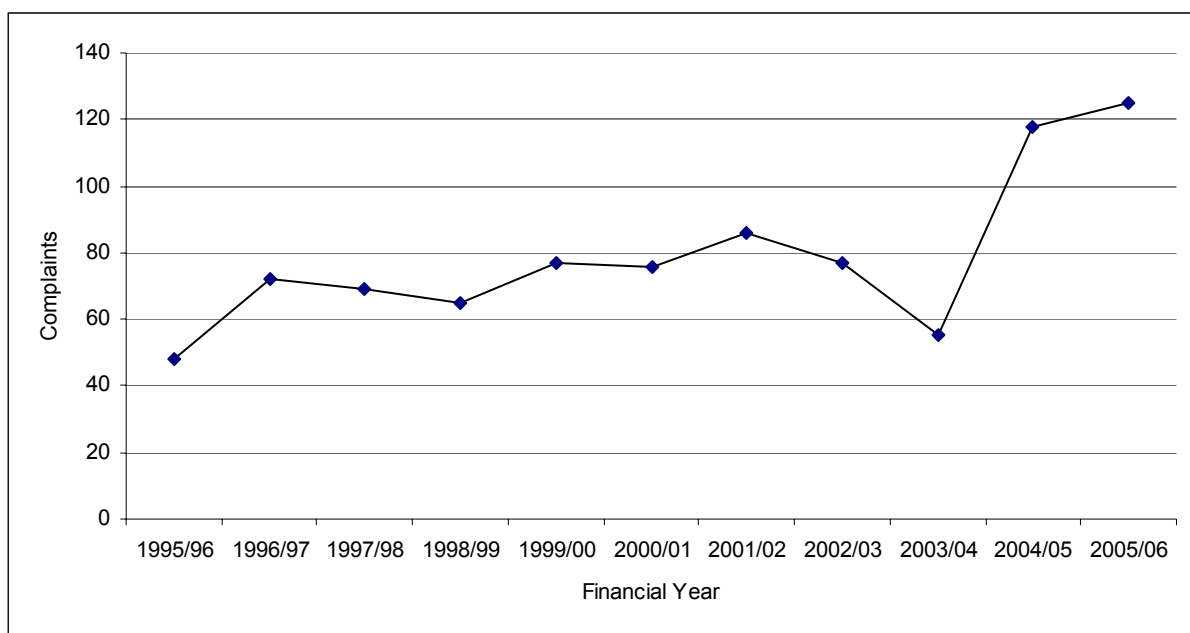
Background to the investigation

Increasing complaint numbers

1.1 In 2005–06, the Commonwealth Ombudsman received a number of complaints from people who had experienced ‘security-related’ issues while passengers at Australian airports. The circumstances of the complaints varied, but had in common an inability by the passenger to identify the airport personnel complained about and the agency to which they belonged. These complaints suggested gaps in complaint management and performance feedback systems in airports.

1.2 Preliminary research by the Ombudsman’s office suggested that the number of airport-related complaints was rising and that increased security measures (including check-in, screening and baggage handling) were a major contributor. Figure 1 shows the increase in complaints over the last 10 years.

Figure 1—Complaints to the Ombudsman originating in airports, 1995 to 2006



1.3 While these complaint figures are only indicative,² the increase in complaints parallels the growth in domestic and international air travel over the same period, as Figure 2 shows.

² This data is indicative only. It is based on complaints to the Ombudsman with the word ‘airport’ in the description of the complaint. The Ombudsman usually records the agency against which a complaint is made, rather than the location in which the complaint issue arose.

Figure 2—Moving annual totals of domestic and regional passenger traffic, 2002 to 2007³

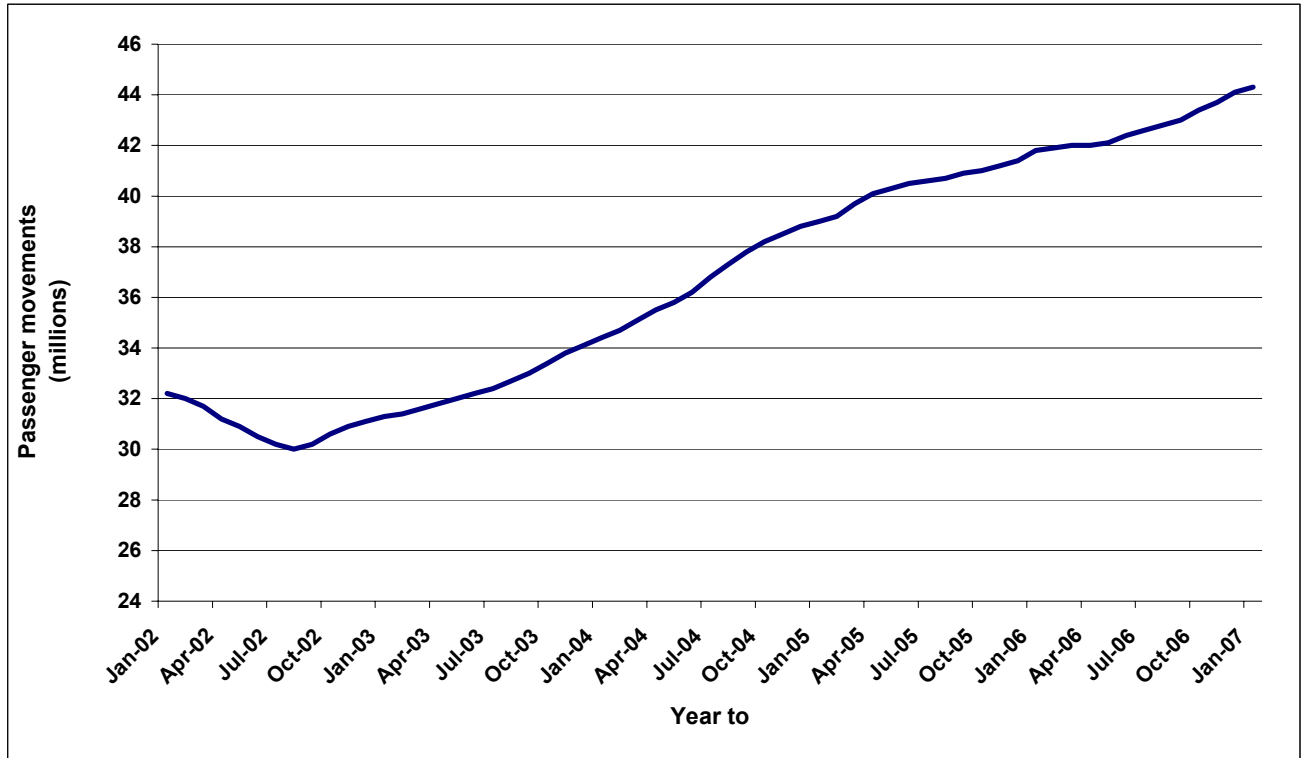
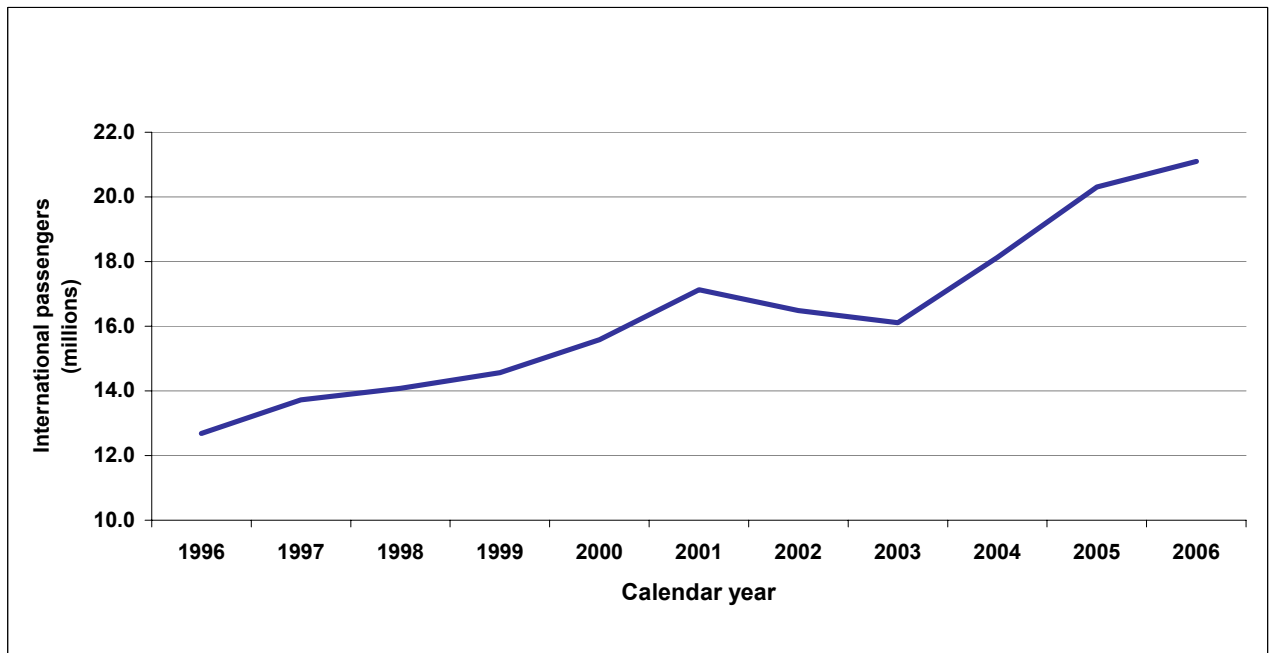


Figure 3—Total international passengers carried, 1996 to 2006⁴



³ Department of Transport and Regional Services, Bureau of Transport and Regional Economics Aviation Statistics, Domestic Airlines. See <http://www.btre.gov.au/statistics/aviation/domestic.aspx> as at 21 March 2007.

⁴ Department of Transport and Regional Services, Bureau of Transport and Regional Economics, Aviation Statistics, Annual International Airline Activity 2006.

1.4 The Bureau of Transport and Regional Economics reports that there were 44.2 million domestic passenger movements in Australia in the year ending December 2006 and 21.3 million international passenger movements for the year ending November 2006.⁵ This represents growth of 6.4% and 2.4% respectively over the previous year.

1.5 The number of complaints made to the Ombudsman's office in 2005–06 could be considered to be statistically insignificant when compared to the number of passengers passing through airports during that period, and considering the number of factors that might cause complaints. The low number of complaints could be explained as passenger acceptance of heightened security and quarantine requirements. Against that, our initial research suggested that complaint-management systems in airports might not be obvious to air passengers.

1.6 Given the large number of people frequenting Australian airports, it was decided that the Ombudsman's office should consider the adequacy of complaint-handling systems in the airport environment.

Increased security measures

1.7 Our initial exploration of the issues coincided with government reforms⁶ to increase security in airports and consolidate the aviation security regulatory framework into one Act. The new framework tightened screening and security requirements, particularly at regional airports.⁷

1.8 Most provisions of the Aviation Transport Security Act and the Aviation Transport Security Regulations 2005 commenced on 10 March 2005. The regulations allow a transitional period until 9 March 2007 to enable airport and airline operators to comply with the new requirements.⁸ To passengers, it may appear that security requirements are being further tightened as airline and airport operators bring the required changes into effect.

1.9 On 5 June 2005, amid press reports of organised crime at airports, the Australian Government announced a review of security and policing at Australian airports by an international expert. The Right Hon. Sir John Wheeler completed his review (the Wheeler Report) and made 17 recommendations for increased security in early September 2005.⁹

1.10 On 21 September 2005, the Prime Minister issued a press release agreeing with the thrust of the Wheeler Report.¹⁰ The Australian government committed a further \$200 million to security and policing at Australia's airports. Key reforms include:

- the establishment of five new Joint Airport Investigation Teams (comprising AFP and ACS officers)
- increased air-side ACS border patrols
- an upgrade to the ACS closed circuit television (CCTV) system in airports

⁵ Figures available from <http://www.btre.gov.au/statistics/aviation> as at 7 March 2007.

⁶ Commencement of the *Aviation Transport Security Act 2004* and the *Aviation Transport Security Regulations 2005*.

⁷ The major changes include increased screening of passengers, carry-on and checked baggage, armed air security officers on many flights, counter-terrorist 'first response' functions and increased security by airport and airline operators, and general aviation pilots.

⁸ These transitional provisions only apply to airport and airline operators that were compliant with the provisions of the *Air Navigation Regulations 1947* immediately prior to 10 March 2005.

⁹ *An Independent Review of Airport Security for the Government of Australia*, the Right Hon. Sir John Wheeler, September 2005. See

http://www.aspr.gov.au/docs/Security_and_Policing_Review_PUBLIC.pdf

¹⁰ Media release available at www.pm.gov.au/news/media_releases/media.

- increased air cargo security arrangements
- an immediate review of the Aviation Transport Security Act and regulations made under the Act.

1.11 The number of government officers in airports will increase in the medium term. These officers will be delegated greater power to stop and search passengers and their baggage. Our complaints data suggests that as security requirements increase, there is a corresponding increase in complaints.

Complaint-management systems have not been reviewed

1.12 The Wheeler Report noted that there was no ongoing mechanism to draw together and assess regularly the threat of crime and criminality at major airports. There was concern that policing at major airports was 'often inadequate and dysfunctional' and stated that the causes included 'bureaucratic turf protection and unresolved Commonwealth/State conflicts over resources'.¹¹ The report recommended 'a changed culture of cooperation, sharing and openness ... across Federal, State and private sector agencies'.¹²

1.13 This office is concerned that issues of the kind identified in the Wheeler Report may impact as well on complaint-management systems within airports. Despite Wheeler's review of airport security, there has been no corresponding review of complaint management and performance feedback systems in airports.

1.14 Given the increasing passenger and government personnel numbers and the potential gaps noted above, it was decided that the Ombudsman's office would undertake an investigation on an own motion basis, in accordance with s 5(1)(b) of the Ombudsman Act, into the adequacy of certain aspects of complaint-handling mechanisms in Australian airports.

Scope and conduct of the investigation

1.15 This investigation was not intended to be a comprehensive analysis of the operation of each agency's complaint-handling mechanism. Nor was it intended to comprehensively review complaint handling in each airport. The aim of the investigation was to examine the unique nature of the airport environment and whether complaint-management systems in this multi-jurisdictional environment were:

- visible and accessible to passengers
- consistent between agencies
- addressing systemic complaints affecting multiple agencies
- operating in a cooperative and connected manner.

1.16 Our initial research on these issues involved the analysis of information of two kinds: information available on the Ombudsman complaint-management database; and information currently available to the public via agency websites, complaints brochures and service charters. Ombudsman investigation staff were provided with a guided tour of Brisbane Domestic and International Airports by a member of DOTARS' Office of Transport Security (OTS). The anecdotal experience of Ombudsman staff at airports was also taken into

¹¹ *An Independent Review of Airport Security for the Government of Australia*, the Right Hon. Sir John Wheeler, September 2005, Executive Summary page xi.

¹² See above footnote.

account. The initial research was condensed into an issues paper that highlighted areas of potential concern. The issues paper was distributed to stakeholder agencies.

1.17 To facilitate a whole-of-government approach to best practice complaint handling in airports, we invited agencies with a relevant interest in airport policy or airport operations, to participate in a multi-agency workshop to discuss complaint handling in this environment. The following agencies participated in the workshop:

- Australian Customs Service (ACS)
- Australian Federal Police (AFP)
- Australian Quarantine and Inspection Service (AQIS)
- Department of Industry, Tourism and Resources (DITR)
- Department of Immigration and Citizenship (DIAC)¹³
- Department of Transport and Regional Services (DOTARS)
- Inspector-General of Intelligence and Security (IGIS).

1.18 At the workshop, participating agencies were given the opportunity to share their experiences and discuss their current practices. At the end of the workshop, agencies were asked to fill out a self-audit checklist of their complaint-handling system, having regard to an International Standard on Complaint Handling: *ISO 10002:2004—Quality Management—Customer Satisfaction—Guidelines for complaints handling in organizations*. The checklist was modelled upon a similar self-audit checklist developed by the Queensland Ombudsman for an own motion investigation into the complaint-handling systems of 11 Queensland State Government agencies. The checklist identified key criteria against which visibility, accessibility, interactivity and systemic complaint reduction could be assessed. The self-audit checklist, the minutes of the meeting with agencies, and the agencies responses to our draft report, are published on the Ombudsman website.

1.19 Three of the agencies attending the workshop did not complete the checklist (IGIS, ITR and DOTARS) because they considered they do not have a physical operating presence in airports. The role of the IGIS is to oversight the Australian Security Intelligence Organisation (ASIO) and other intelligence services, which may operate in airports. DITR's interest in this study is confined to tourism policy (which is mentioned in Part 2 of this report at 2.24). DOTARS likewise felt that the checklist was not relevant to its role in relation to airports—although DOTARS' OTS has inspection staff that may enter airports.

1.20 This report consolidates the results of the research by the Ombudsman's office and the consultation with agencies. The report reflects the Ombudsman's concerns about airport complaint handling and the response of agencies to those concerns. The report highlights best practice and areas that may require further improvement.

¹³ At the time of the workshop this agency was called the Department of Immigration and Multicultural Affairs (DIMA). The new name and acronym have been used in this report.

PART 2—LEGAL AND POLICY CONSIDERATIONS

2.1 The matter of airport complaint handling has to be seen in a broader setting. It is now expected of all government agencies that they will have procedures in place to deal with complaints from members of the public. Those procedures should accord with complaint-handling standards that enjoy wide recognition across government and industry. The procedures should also be tailored to the particular complaint issues and problems that are likely to arise. This section deals with the broad range of considerations that can be relevant to airport complaint handling.

Complaints and complaint standards

2.2 The right to complain about government action is integral to democratic, transparent and accountable government. Complaints are also a critical performance feedback mechanism for agencies and can stimulate continuous improvement of government services.

2.3 The right to complain is enshrined in Australian law, notably by the Ombudsman Act. The Act confers jurisdiction on the Ombudsman to investigate complaints from members of the public about the administrative actions of most Australian Government departments and agencies, as well as companies contracted to provide government services to the public.

2.4 It has long been a principle followed by the Ombudsman's office that the primary responsibility for dealing with complaints from members of the public rests with the agencies to which the complaints relate. The Ombudsman will generally advise a complainant to first raise an issue directly with the agency before the Ombudsman will conduct an investigation. This gives an agency the opportunity to examine the complaint issue before there is an external investigation. Matters can usually be resolved informally and speedily in this way. The analysis and resolution of complaints can also feed directly into administrative improvement and policy development within the agency.

2.5 It is therefore important that each agency should have a visible, accessible and robust complaint-handling process. This principle is now firmly rooted in Australian Government policy. The Client Service Charter Principles issued by the Department of Finance and Administration in 2000 require all departments and agencies that deal with the public to have a service charter. An element of the Service Charter should be an explanation of the avenues available to clients of the agency to provide feedback and to make complaints. The agency should establish a mechanism to report on that data. The Principles recommend that agency complaint-handling procedures comply with the relevant Australian Standard adopted by Standards Australia, *AS 4269–1995 Complaints Handling*.

2.6 The Ombudsman's issues paper on airport complaint handling was circulated to agencies in November 2005, and the multi-agency workshop was held in February 2006. At that time, the Australian Standard *AS 4269–1995 Complaints Handling* had been under review for some time. The new Draft Australian Standard suggested the adoption of the International Standard *ISO 10002–2004—Quality Management—Customer Satisfaction—Guidelines for complaint handling in organizations*. In the interests of identifying current best practice we decided to use ISO 10002–2004 as the benchmark for our observations about complaint handling; the self-audit checklist was based on its provisions.

2.7 In the interim, a new Australian Standard *AS ISO 10002–2006—Customer Satisfaction—Guidelines for complaints handling in organisations* was published on 5 April 2006. It adopts most of the International Standard, but with modifications to ensure that it stipulates the characteristics of an accessible complaint-handling system. In preparing this

report we assessed the response of agencies to the self-audit checklist against the new Australian Standard AS ISO 10002–2006.

2.8 Since undertaking this assessment, the Ombudsman’s office has itself revised its *Better Practice Guide to Complaint Handling*.¹⁴ Like the Australian and International Standards, the Ombudsman Guide sets out the key elements of a good complaint-handling system: integration, accessibility, responsiveness, fairness, and efficiency. The Ombudsman Guide also discusses other elements that are essential to effective complaint handling, notably an agency culture that recognises the inherent value of complaint handling to the agency, people who are trained and supported in complaint handling, and systems that are responsive to the public and tailored to the agency.

2.9 The later analysis in this report of complaint handling in airports draws from all those sources. The analysis focuses on four themes that should guide the further development by agencies of their complaint-handling systems—visibility, accessibility, inter-agency collaboration, and learning from complaint handling.

Disability standards

2.10 A special issue in airport management is the assistance to be provided to and the facilities to be made available to any person with a disability. The development of complaints mechanisms in airports needs to take account of this issue. The *Disability Discrimination Act 1992* (DDA) s 29 provides that it is unlawful for a person administering a Commonwealth law or program to discriminate against another person on the grounds of the other person’s disability.

2.11 The Attorney-General’s Department in 1996 issued a discussion paper entitled *DDA Standards on Commonwealth Government Information and Communications*. The discussion paper highlights the areas that government departments should consider when generating information on government programs. An important area of government communications is providing information about how to make a complaint. This review considered whether such information was available to people with a disability in airports.

2.12 In 2002, the Human Rights and Equal Opportunity Commission issued *World Wide Web Access: Disability Discrimination Advisory Notes*.¹⁵ The advisory notes indicate that the Web Content Accessibility Guidelines that have been developed by the World Wide Web Consortium (W3C) provide the most comprehensive set of benchmarks for assessing the accessibility of web sites, and represent current international best standard in accessible web design. These guidelines were also considered as part of this review.

AFP complaints

2.13 Separate mention should be made of the legal framework for complaints against AFP officers. The AFP plays a prominent role in airport security. The legislation relating to AFP complaints was substantially changed during the period of this study.

2.14 Complaints against AFP officers have always been dealt with under separate legislation—the *Complaints (Australian Federal Police) Act 1981* (Complaints Act). Under the Complaints Act, any person may complain to the AFP or the Ombudsman about the actions of any sworn or unsworn member of the Australian Federal Police, including the Australian Federal Police Protective Service (AFPPS). Complaints are jointly managed by the AFP

¹⁴ Commonwealth Ombudsman Better Practice Guide to Complaint Handling to be published in 2007.

¹⁵ Version 3.2 of this document is available at www.hreoc.gov.au/disability_rights/standards/www_3

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Professional Standards Unit and the Commonwealth Ombudsman. The initial investigation is usually done by the AFP Professional Standards Unit, which then forwards the AFP investigation report to the Ombudsman for oversight. If satisfied with the investigation and the report, the Ombudsman notifies the complainant of the outcome of the complaint. If not satisfied, the Ombudsman may ask the AFP to investigate the matter further or make a comment about the investigation report. Alternatively, the Ombudsman may investigate the matter further.

2.15 The Complaints Act was repealed on 30 December 2006 by the *Law Enforcement (AFP Professional Standards and Related Measures) Act 2006*. Complaints to the Ombudsman about AFP officers are now handled under the Ombudsman Act. Complaints to the AFP about AFP officers are now handled in accordance with procedures outlined in the *Australian Federal Police Act 1979*. This Act confers a responsibility on AFP managers to deal with minor complaints in the context of an AFP member's performance agreement, while the AFP Professional Standards Unit will still investigate more serious or complex matters.

2.16 The Ombudsman (also designated the Law Enforcement Ombudsman) is to be notified of more serious complaints; a person who is dissatisfied with the AFP handling of a complaint may separately complain to the Ombudsman; and the Ombudsman is to undertake an audit at least annually of AFP complaint handling. Corruption matters concerning the AFP are handled by a new body, the Integrity Commissioner, assisted by the Australian Commission for Law Enforcement Integrity.

2.17 Our data suggests that a majority of the complaints received about AFP and AFPPS officers in airports relate to minor matters, such as rudeness or a misunderstanding of passenger responsibilities or members' powers.

Complaint handling in airports

2.18 Unique considerations underscore the importance of professional and effective complaint handling in Australian airports. Those considerations, which are discussed below, are in summary:

- airports can be a stressful environment for travellers
- many checks and controls are applied to travellers, some of them intrusive
- a large number of government and non-government agencies are involved in the management of airports, and their different role is not always apparent to travellers
- Australian Government tourism policy supports the streamlined and efficient processing of travellers through airports.

Tension points for passengers

2.19 Airports can be a stressful environment for travellers. The possibility is ever-present of issues arising that will be a source of complaint by travellers. The tension points in airport processing of travellers can be compounded by language and cultural factors. The sources of stress include:

On departure

- frustration resulting from long check-in queues and ignorance of airport procedures
- fear of missing a flight
- anxiety relating to invasive screening procedures.

During transfer

- frustration and fatigue as a result of delays in flights
- fatigue from many hours of being confined in an airplane
- jetlag from a change in time zones.

On arrival

- lack of familiarity with legislative responsibilities regarding immigration, customs and quarantine
- frustration resulting from delays in clearing border entry requirements
- fatigue from jetlag and many hours of confinement in an airplane
- lost baggage.

Checks and controls applied to passengers

2.20 Airport travellers can go through a large number of checks and controls in a short period of time.¹⁶ The controls can be both coercive and intrusive, resulting in a person's travel being restrained if they fail a test, and even detention or a fine. Uniformed personnel administer some of the controls. They include:

Initial departure screening

- personal screening for prohibited items¹⁷
- search of carry-on baggage for prohibited items
- explosive and/or drug trace tests
- passport or immigration status check.

Initial arrival screening

- interviews and searches under quarantine and customs laws
- imposition of duties under customs law
- confiscation of prohibited items under quarantine and customs laws
- passport, visa and immigration status check.

Searches on departure and arrival

- a request to remove items of clothing
- a request to submit to a search
- baggage searches
- medical examination.

Restraints

- refusal of entry
- physical restraint
- temporary detention
- arrest
- forced removal.

¹⁶ These are applied under the *Aviation Transport Security Act 2004*, *Customs Act 1901*, *Migration Act 1958* and *Quarantine Act 1908*.

¹⁷ Prohibited item means any item that could be used as a weapon or may be used to restrain a person. See s 9 of the *Aviation Transport Security Act 2004* and Regulation 1.07 of the *Aviation Transport Security Regulations 2005*.

Personnel operating in airports

2.21 Travellers at airports can encounter a range of personnel, who are variously employed by Federal, State and Territory Government agencies and by private companies. All categories of personnel can, depending on arrangements, have the authority to apply legislative requirements to travellers. Each agency or company operating in an airport will as a general rule have arrangements for dealing with complaints from travellers. But those arrangements will be different for each agency or company. This can be confusing for a traveller who is unaware of the agency or company by which an airport officer is employed. An illustration of this problem is given in the *Complaint falls between the cracks* case study.

2.22 To add to the potential difficulty facing any traveller wishing to complain, Australian Government agencies are subject to the jurisdiction of the Commonwealth Ombudsman, and State and Territory agencies to the jurisdiction of their respective Ombudsman. In some circumstances a complaint against a private company can be within the jurisdiction of an Ombudsman or similar body, but it is difficult to generalise. A brief description of the jurisdiction of the Commonwealth Ombudsman is set out in Table 1.

Table 1—Jurisdiction of the Commonwealth Ombudsman

Officers within jurisdiction	Officers outside jurisdiction (unless acting under delegation from DOTARS)
<ul style="list-style-type: none"> • AFP Protective Service Officers • AFP Police Officers • AFP Air Security Officers • ACS personnel • AQIS personnel • DIAC officers • DOTARS Aviation Security Inspectors 	Personnel from and agents of: <ul style="list-style-type: none"> • Airport operator • Airline operators • State or Territory Police • State or Territory agencies

Case study: *Complaint falls between the cracks*

Mr A and his family were airline passengers departing a large regional airport. Screening officers conducted a trace test on Mr A, which returned what was eventually proven to be a false positive result. Mr A was delayed 30 minutes while screening officers conducted further trace tests and searched Mr A’s carry-on and checked-in baggage; as a result he missed his flight. As there were no more flights until the following morning, Mr A was forced to outlay an additional \$400 for overnight accommodation for himself and his family.

Mr A complained to the airline operator, the airport operator and DOTARS, and sought compensation for his additional accommodation costs.

The airline operator agreed to change Mr A’s flight at no extra cost, but denied any responsibility for the cost of the additional accommodation.

The airport operator denied any liability for the actions of the screening officers as they had acted in accordance with the aviation security legislation. The airport operator suggested that Mr A complain to DOTARS.

DOTARS conducted enquiries and determined that the machine that had returned the false positive results was of the prescribed variety and appeared to have been maintained in accordance with the manufacturer's instructions. Therefore DOTARS could not ask the airport operator to pay Mr A compensation. DOTARS did not consider that it was liable to pay any compensation either.

Mr W's comment to this office was that his complaint had 'fallen through the cracks' and that no one was prepared to take responsibility for the issue. Nor was the Ombudsman's office able to obtain compensation for him. Mr A's complaint highlights jurisdictional concerns that are addressed in this report.

Australian Government tourism policy

2.23 Australian Government policy supports the efficient and untroubled movement of travellers through Australian airports. Inadequate complaint procedures and unresolved complaint issues are apt to undermine the achievement of that policy objective. The point was well made well in a submission to this investigation by DITR:

The manner in which travellers are processed at airports forms the first and final impression of Australia and can leave a powerful imprint on a visitor's experience. The Tourism White Paper launched by the Prime Minister in 2003, notes there are increasing external pressures to upgrade security, quarantine and border control mechanisms, that when combined with increased passenger volumes, can have a negative impact on the total tourism experience.

The Australian Government has made a commitment to work towards more streamlined and efficient processing of travellers through airports. Nevertheless the Department recognises that not all visitors' expectations may be met. The Minister for Tourism welcomes feedback from tourists on their travelling experiences, particularly if there is legitimate cause for complaint and they have not, in the first instance, been able to get satisfaction from the particular organisations involved. The Department only receives a very small number of Ministerial representations during the year from travellers and this is usually out of a desire to keep the Minister for Tourism informed of various issues rather than a request for the Minister to intervene on their behalf. While DITR is generally not the appropriate organisation to address complaints relating to airports, it notes that an overall picture of the nature and number of complaints may be a good indicator of possible underlying facilitation issues to be addressed.¹⁸

¹⁸ Email from DITR to Ombudsman's office dated 7 April 2006.

PART 3—RESULTS OF SURVEY OF AGENCY COMPLAINT-HANDLING PROCEDURES

3.1 This section analyses the results of the self-audit undertaken by selected agencies against a checklist prepared by the Ombudsman’s office. The agencies that participated in this self-audit were the ACS, the AFP, AQIS, DIAC, and DOTARS. The reason for including DOTARS is that the OTS within the department now has 80 inspection staff that may enter airports to ensure compliance with the aviation transport security framework. While these officers are not permanently stationed in airports and do not generally interact with members of the public, they are present in airports and interact with airport and airline operators, their employees and contracted personnel.

3.2 The checklist provided to the agencies asked whether their complaint-handling systems addressed four principles: visibility, accessibility, inter-agency collaboration, and learning from complaint handling. Those principles are commonly understood to be essential features of good complaint handling, especially in an environment where consumers may interact with more than one agency. The checklist given to the agencies cited the Australian Standards on three of those principles.¹⁹ They are:

Visibility: AS ISO 10002–2006 paragraph 4.2 reads:

Information about how and where to complain should be well publicised to customers, personnel and other interested parties.

Accessibility: AS ISO 10002–2006 paragraph 4.3 reads:

*A complaints-handling process should be easily accessible to all complainants. The characteristics of an accessible complaints-handling process include the provision of readily accessible information about the process, flexibility in the methods of making complaints (including that the process for submitting complaints should be flexible and include provision for oral complaints, or complaints in other formats) toll free or local call fee facilities for making complaints and special arrangements and/or support should be made available for complainants with specific needs (including availability of interpreters and cross-culturally trained staff).*²⁰

Information should be made available on the details of making and resolving complaints. The complaints-handling process and supporting information should be easy to understand and use. The information should be in clear language. Information and assistance in making a complaint should be available ... in whatever languages or formats that the products were offered or provided in, including alternative formats, such as large print, Braille or audiotape, so that no complainants are disadvantaged.

Learning from complaint handling: AS ISO 10002-2006 reads, at paragraphs 4.10 and 8.2:

The continuous improvement of the complaints-handling process and the quality of products should be a permanent objective of the organisation ...

All complaints should be classified and then analysed to identify systemic, recurring and single incident problems and trends, and to help eliminate the underlying causes of complaints.

¹⁹ See <http://www.sai-global.com>

²⁰ Italicised text represents additional information incorporated into the Australian Standard that was absent from the International Standard.

3.3 There is no Australian Standard dealing specifically with the fourth theme in this report, of inter-agency collaboration.

Visibility

3.4 Airports are busy, crowded and—for some—stressful places. It is important that people travelling through or visiting an airport be aware of their right to complain and how to exercise that right. Visibility of the complaint-handling procedures applying in the airport is paramount.

3.5 It was apparent to the Ombudsman's office that there were no obvious locations in airport terminals at which passengers could make complaints. Complaints to the Ombudsman confirmed this point. Many of the complaints were about airport officials who were beyond the jurisdiction of the Ombudsman. Some other complaints were not first taken to the agency complained about. Sometimes that occurred because the complainant was unable to identify the officer who was the subject of the complaint and the organisation that employed the officer. This is possibly a larger obstacle faced by international passengers to Australia, who may not be aware of their right to make a complaint or how to do so.

3.6 The following three case studies illustrate this problem of visibility. In the first, *Passenger complains about 'uniformed thugs'*, the complainant was unable to identify the uniform worn by the officer. In the second, *Passenger misidentifies officers*, it is probable that the complainant misidentified the uniform worn by a person. And in the third, *Officers refuse to identify themselves*, the complaint was that an officer refused to provide identifying details.

Case study: *Passenger complains about 'uniformed thugs'*

Mr B's wife escorted his eight-year-old granddaughter on a flight from Coolangatta to Sydney. He stated that 'uniformed thugs' at Coolangatta Airport demanded the child's identification and informed Mrs B that if they had a reasonable suspicion they had the right to detain, strip and photograph his granddaughter.

Mr B could not identify the 'uniformed thugs' so he sent his complaint to the office of the Prime Minister. That action set in train investigations by several agencies including DOTARS, the AFP, three airline operators, the airport operator and the operator's contracted security provider. Despite those investigations the identity of the officers complained about was not ascertainable and as a result the complaint was not able to be resolved.

Case study: *Passenger misidentifies officers*

While Mr C was at Sydney Airport, he observed two 'AFP members' patrolling the area in camouflage uniforms. The female officer was staring intently at her mobile phone, laughing and making comments to her male partner who seemed equally amused. Mr C complained that this conduct was unprofessional and stated his belief that using mobile phones during work time should not be allowed.

The AFP attempted to investigate this complaint. The identity of the officers, and the organisation for which they worked, could not be established. It is unlikely that the subjects of the complaint were AFP personnel, as AFP officers do not wear camouflage uniforms.

Case study: Officers refuse to identify themselves

Mr D complained that when he passed through a security gate at Canberra Airport, he was asked to remove his shoes. Mr D refused because he could not do so without discomfort in the absence of a shoehorn and no shoehorn was provided. As Mr D refused to comply with the security requirements, the screening officers contacted AFPPS in accordance with their standard operating procedures.

Mr D complained that the responding AFPPS officers backed him into a corner and surrounded him, preventing the rest of his family from reaching him. When the AFPPS officers asked Mr D for his name and details, he refused until the AFPPS officers provided their names. Mr D stated that the officers refused to provide their names and so he contacted the AFP on 000 to inform them that he had been falsely arrested. Some 40 minutes later the incident was resolved after a family member provided Mr D's contact details to the AFPPS officers and explained that Mr D had a mental health worry. When a police officer responded to Mr D's 000 call, he explained his concerns and was allowed to leave the airport. He remained dissatisfied with his treatment and made a subsequent complaint to the Ombudsman's office.

3.7 Those three case studies illustrate the difficulties that can arise if it is not easy to identify the status of an officer or person in an airport who is to be the subject of a complaint. Investigation of the complaint can be problematic. There can be delay and unnecessary complication in investigating or resolving a person's grievance. A complainant's dissatisfaction can increase, adding to the stress that sometimes accompanies travel. The inability of an organisation to clarify a complaint issue can also rob the organisation of the opportunity to draw insight or experience from the complaint and to strive for continuous improvement in airport administration.

3.8 The self audit asked agencies to describe the visibility of their complaint-handling mechanism in airports against the following criteria:

- passengers should be made aware of their right to compliment or to complain about the actions of government officials
- passengers should be able to identify the agency they are dealing with
- passengers should be able to identify where or to whom a complaint can be made
- a brochure, pamphlet or poster on the agency's complaint-handling system should be available or visible at customer service points
- information about how and where to complain should be well publicised to passengers, staff and other interested parties.

3.9 The agency responses on those issues are taken up below.

Making people aware of their right to complain and how to make a complaint

3.10 The results of the self audit indicate that agencies generally respond to this challenge in two ways: through publication of a complaints brochure or client service charter, and by providing information on the agency's website.

Brochures

3.11 Table 2 compares the information available in the complaints brochures or client service charters of four agencies.

Table 2—Content of complaints brochures or client service charters

Feature	ACS	AQIS	DIAC	DOTARS
Value statement	Yes	Yes	Yes	Yes
Methods of making a complaint	Yes	Yes	Yes	Yes
Standards for agency response times	Yes	Yes	Yes	Yes
Other languages	Yes (12)	No	Yes (27)	No
Includes contact details of:				
– Ombudsman	Yes	Yes	No ²¹	Yes
– Member of Parliament	Yes	No	No	Yes
– Minister	Yes	No	No	Yes
Includes information about transfer of complaints to other agencies	Yes	No	No	No

3.12 Three of those agencies—the ACS, AQIS and DIAC—make a feedback form or customer service charter brochure available at counters where passengers interact with their staff. The ACS and AQIS brochures include a reply paid envelope that staff actively offer to passengers when they express dissatisfaction.

3.13 The main risk is that passengers who interact with agency staff members who are not stationed at customer service points will not be made aware of the complaint brochures. For example, some ACS staff ask questions of passengers as they make their way to the customs counters or while they wait for their baggage in the baggage hall. Some AQIS officers patrol the arrivals area with sniffer dogs and therefore do not work from a customer service point. That said, it seems that most passengers will pass through at least one customer service point for the ACS and AQIS where a brochure is available.

3.14 The success of a brochure will also be reliant on a complainant seeing it at the contact point, understanding its purpose and picking it up. The design of the ACS ‘Complaints and Compliments’ brochure is noteworthy in meeting this challenge. The bright yellow happy and sad faces on a red background clearly symbolise the purpose of the brochure and make it easily identifiable. The ACS brochure also clearly sets out how a complaint can be made.

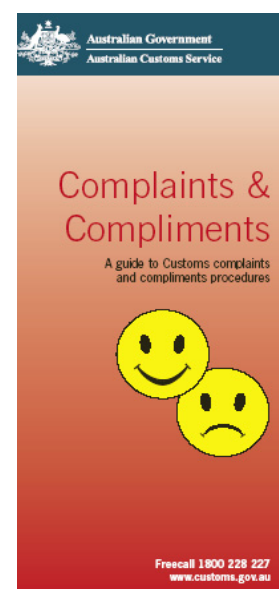


Figure 4—ACS Complaints and Compliments brochure

3.15 The ACS advises that passenger complaints represent 46% of the complaints it receives annually.²² Of those complaints, 11.1% are received via the reply paid feedback form included with their brochures.²³

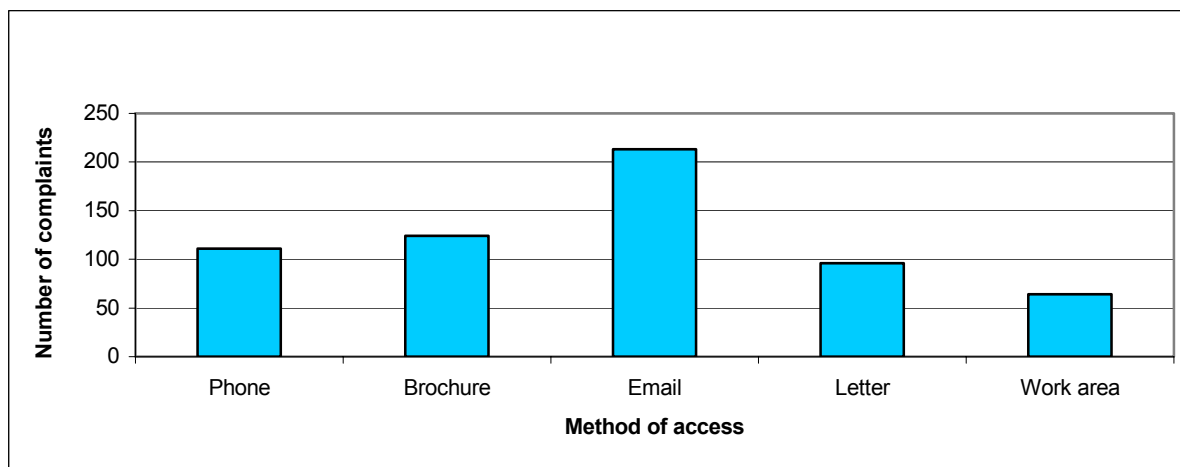
3.16 Figure 5 shows the methods by which customers make complaints to the ACS. Email is clearly the most frequently used method. The ACS does not record or solicit information about why customers choose a specific method for lodging a complaint. It is possible that this choice is influenced by the ACS Client Service Charter, which lists the different methods by which a complaint may be made.

²¹ DIAC includes a reference to the Ombudsman, but no contact details are provided. These will be included in feedback brochures and contact cards currently being developed. This will also be considered for the next reprint of DIAC’s charter.

²² Australian Customs Service, Complaints and Compliments National Quarterly Report, reports for the periods 1 July 2005 to 30 June 2006, ACS, Canberra. See <http://www.customs.gov.au>.

²³ Australian Customs Service, information provided to Ombudsman’s office by email dated 6 July 2006.

Figure 5—Top five methods by which complaints were made to the ACS from 1 January to 6 July 2006²⁴



3.17 DIAC advises that not all airports have customer contact points for DIAC staff, but provided no further information about how passengers in these airports are furnished with relevant information.

3.18 AQIS advised that the complaint and compliment section of its service charter was being revised to provide more information on the complaints process.²⁵ At the time of writing this brochure was being reprinted.

3.19 AQIS reported that it completed reviewing its client service charter in June 2006. AQIS advised that the revised charter would note external parties through which clients can make a complaint such as the Ombudsman. AQIS was also looking into providing a service with the Telephone Interpreter Service (TIS) for non-English speaking clients. We note, however, that the service charter available on the website at the time of publishing did include a reference to the Ombudsman, but did not include a reference to the TIS.

3.20 The AFP does not currently have a brochure outlining a person's right to complain. Information about the complaints process is provided verbally, but only on request. Two reasons given by the AFP as to why it has not taken the same approach as other agencies to make passengers aware of the right to complain were:

- The AFP, unlike other agencies, does not interact with passengers at client service points in airports. Protective service officers and police officers most often interact with passengers when called to a scene by another agency or organisation.
- The *Australian Federal Police Act 1979* imposes a mandatory reporting obligation upon AFP officers, to report any complaint made to an AFP appointee to AFP Professional Standards. This would ensure that appropriate action is taken, without the need for a complainant to lodge a formal complaint.²⁶

3.21 The danger in this approach is that it could have unintended consequences. A person may still wish to express dissatisfaction, without making a formal complaint. This can

²⁴ Australian Customs Service, work area complaints are usually provided by phone or email. These complaints are remotely entered onto the computer by the receiving ACS officer and dealt with from a centralised complaint handling area.

²⁵ AQIS response to self-audit checklist, received 28 March 2006.

²⁶ Under the new framework for AFP complaints introduced by the *Law Enforcement (AFP Professional Standards and Related Measures) Act 2006*, complaints relating to minor management or customer service matters can be resolved on the spot, and as a result may not be referred to or recorded by the AFP Professional Standards unit.

be useful performance feedback for an agency. This information will not be captured unless there is a process that is known to passengers for conveying their views to the agency. A further problem is that a passenger who is not made aware of their right to complain may not take the extra step to find out how to do so, or may say nothing through fear of being delayed or detained and possibly losing the cost of their fares.

3.22 A further concern is that a complaint reported to AFP Professional Standards may be an officer’s interpretation of a complainant’s issues rather than the issues actually raised by the complainant. The AFP does, however, in the course of investigating a complaint, make contact with the complainant to discuss the circumstances surrounding their complaint. This process allows the investigator to confirm their understanding of the complainant’s concerns and identify any remedy the complainant is seeking.

3.23 The AFP has informed the Ombudsman’s office that it is developing a suite of relevant publications to explain the new arrangements for complaint management, introduced by the *Law Enforcement (AFP Professional Standards and Related Measures) Act 2006* that commenced operation on 30 December 2006. The AFP advised these publications will include a complaints brochure for the public and an information package for AFP appointees. Officers required to conciliate minor complaints under the new complaints regime will attend formal training and an on-line training program will be made available to all AFP staff.

Websites

3.24 All five agencies provide information on their website about a passenger’s right to complain. Table 3 compares the information available on each of those sites.

Table 3—Complaints related information available on the agencies’ websites

Information on website	ACS	AFP	AQIS	DIAC	DOTARS
Client Service Charter	Yes	Yes	Yes	Yes	Yes
Service Standards	Yes—separate document	Included in charter; not specified	Specified in charter	Yes—separate document	Included in charter; not specified
Methods of making a complaint	Yes	Yes	Yes	Yes	No
Printable feedback form	Yes	No	No	Yes	Yes
Online complaint form	Yes	No	Yes	Yes	Yes
National complaint trends	Yes	No	No	No	No
Complaints policy	Full copy of policy and process flowchart	No	No	No	No
Location of information on website	Available from one page which is directly linked to home page	Links at various levels from home page	Links at various levels from home page	Links at various levels from home page	Links at various levels from home page

3.25 Our review of the agency websites identified the ACS website as the easiest to access and use. All complaints-related information is available from one link on the left hand side of the home page clearly marked ‘Complaints and Compliments’. This links to the Complaints and Compliments section of the website, which contains all of the above information set out in one screen with further links to key documents.

3.26 The ACS is the only agency to provide members of the public with details of its complaints policy and process. THE ACS is also the only agency to include reports about complaint trends on its complaints page. This shows a definite commitment to improvement and public accountability.

3.27 While DIAC and AQIS also have a feedback link available from most pages on their website, this link takes the user directly to the electronic feedback form and does not provide a link to other complaints information. AQIS took steps, after the multi-agency workshop, to highlight its contact arrangements on its home page (which is a clearly-labelled link from the Department of Agriculture, Fisheries and Forestry's home page).

3.28 The AFP has recently revitalised its website. It now includes a complaints page, accessible from a second-tier drop-down menu on the home page. This page provides a link to further information about the role of the AFP Professional Standards Unit. During this investigation we advised the AFP that while the 'Contact the AFP' page contained a long list of contact numbers, it did not contain the contact number for the AFP Professional Standards Unit. The AFP took action to correct this oversight.

3.29 The AFP website will be updated to include changes to the Professional Standards regime following commencement to the amendments to *the Australian Federal Police Act 1979* made by the *Law Enforcement (AFP Professional Standards and Related Measures) Act 2006*.

Posters

3.30 It was noted by Ombudsman investigation officers during a visit to Brisbane International Airport that only one poster relating to a passenger's right to complain was visible. The poster was at the collection point for ACS feedback forms. It was positioned at the side of the duty counter and was one of the last things passengers would see when leaving the baggage hall. The poster has the same yellow happy and sad faces on it as the ACS Complaints and Compliments form, making its purpose instantly recognisable without passengers having to read the words in the poster.

Other methods

3.31 The ACS states that information about how to make a complaint has been publicised in some customs-related magazines, as well as to the Customs Brokers and Forwarders Council of Australia Inc.

3.32 DIAC noted that its white pages telephone listing refers to the Client Service Feedback line, described as 'for compliments, suggestions or complaints about our service'. Other agencies do not include similar complaints information in their white pages entry.

3.33 DIAC also produces Client Contact Cards, which lists telephone numbers of potential interest to passengers, including the telephone number for complaints.

Assisting passengers to identify officers and the agency they wish to complain about

3.34 To assess whether Australian Government officers in airports are identifiable, we compared key features of their uniforms. Our comparative assessment is given in Table 4.

Table 4—Key features of Australian Government agency uniforms

Feature	ACS	AFP	AFPPS	AQIS	DIAC
Shirts	Bright blue	Light blue with AFP patch on both sleeves	Light blue with Protective Service badge patch on both sleeves	Lemon yellow	Indigo ²⁷
Trousers	Dark blue	Dark blue	Dark blue	Khaki	Charcoal Grey
Jackets	Dark blue vests with white logo on left breast	Dark blue with AFP patch on both shoulders Some have word 'Police' on left front breast pocket	Not noted	Maroon jumpers with 'Quarantine' on the left breast	Charcoal Grey
Hats	Nil	Dark blue peak or baseball caps with AFP badge and chequered band	Dark blue peak with AFP badge	Nil	Nil
Department name	Customs on both sleeves	AFP badge on shirt sleeve	Protective Services Badge on shirt sleeve	Word 'Quarantine' on left front breast pocket	Logo on shirt front pocket
Name badges	No	AFP badge and officer name and rank	Protective Services logo and officer name	AQIS logo and officer name	Yes
Service number	No	ACT Police service number on shirt epaulettes	AFPPS service number on shirt epaulettes	No	No

3.35 It appears that Australian Government agency uniforms are sufficiently distinct to enable the relevant agency to be identified. All officers wear name badges and the name or logo of the agency is displayed somewhere on their uniform. Each agency has a standing guideline dictating that officers must identify themselves when requested by a member of the public.

3.36 In response to an Ombudsman recommendation in a report in 1993,²⁸ the AFP agreed that all uniformed members should have their service number embroidered on their shirt epaulettes. Where an AFP appointee does not wear a uniform they must show identification when speaking to members of the public and provide their name on request.

3.37 While the uniforms of AFP officers and AFP Protective Service officers are similar, misidentification is not overly problematic as complaints about all AFP appointees are forwarded to, and investigated by, AFP Professional Standards.

3.38 Why, then, are complainants unable to identify the officers they are dealing with? The answer, it seems, is that passengers do not make adequate use of the information that is available, for example, by failing to note identifying details on a uniform or misidentifying a uniform.

²⁷ DIAC changed its uniform from a white shirt, with navy pants and jackets to the above uniform during the research phase of this report.

²⁸ Commonwealth Ombudsman, *Ombudsman's report of investigations into complaints arising from demonstrations held at AIDEX* (September 1993).

3.39 There is some evidence that complainants direct their complaints to the wrong agencies. The ACS reports that in the last year it referred 260 complaints to other agencies (including AQIS and Security Guards).²⁹ In those cases, ACS advised passengers of the appropriate agency and provided the complainant with the relevant contact details. The ACS reports that it also receives referrals from the AFP. The large number of referrals across agencies demonstrates the importance of connected complaints-handling mechanisms in airports. This issue is discussed from paragraph 3.78.

3.40 Added steps are currently being taken by some agencies to assist identification. AFP Professional Standards is developing a complaints brochure that will picture and explain the different roles of the AFP and the AFPPS. With a view to making its officers more identifiable, DIAC has recently redesigned its border entry uniform. This uniform will include a three-piece charcoal grey suit with an indigo shirt. Name badges are also being redesigned by DIAC and were reprinted in June 2006. The name badges include clearer identification of the agency as well as each officer's name.

Accessibility

3.41 Our concern was to examine whether passengers could be inhibited from pursuing legitimate complaints because they do not know how or where to complain while in airports. Three particular issues are the design of airports, the time constraints on passengers, and the transitory nature of air travel.

3.42 Airports are designed to channel large numbers of passengers through large open spaces divided by several screening points (such as check-in counters, security screening points, boarding gates, and customs and quarantine screening areas). There are no clearly identified areas in airports for passengers to complain about government agencies. A passenger may need to be assertive to speak with an officer's supervisor. Even that may be confusing if supervisors and subordinate staff wear the same uniforms.

3.43 Time constraints due to flight schedules are another inhibition to making a complaint. A related problem is the transitory nature of passenger interaction with airport officers. It is always open to a person who is facing time constraints or who cannot see where to lodge a complaint to do so by another means after leaving the airport. Yet it is possible that many people who intend to do this fail to take that action after completing their journey or leaving the airport. Some of these issues are raised in the *Limited time to complain* case study.

Case study: *Limited time to complain*

Ms E and her fiancé were outbound passengers to Thailand where they had arranged to marry in two days time. Acting on an information report, the ACS stopped the couple to screen them for drugs. Drug trace scans and baggage searches proved negative, but the ACS suspected that the couple might have been carrying drugs internally, so the ACS involved the AFP.

AFP officers explained to the couple that the AFP could apply to a court for an order to detain the couple for a further 48 hours if there was a reasonable suspicion that they were carrying drugs. Alternatively, the couple could voluntarily submit to a medical examination. Given the time frames posed by their impending wedding, the couple agreed to submit to a medical examination. X-rays taken at a local hospital showed no drugs and the couple was allowed to leave Australia, although somewhat delayed.

²⁹ Australian Customs Service, National Quarterly Reports, from 1 July 2005 to 30 June 2006.

On her return from Thailand, Ms E complained that the couple felt forced to accede to the AFP request for a medical examination and that a vexatious informant had used AFP and ACS personnel in an attempt to ruin the couple's wedding.

3.44 The self audit asked agencies to describe the accessibility of their complaints-handling mechanism in airports against the following criteria:

- Has the agency removed barriers to lodging a complaint, including by:
 - not imposing or minimising charges and costs?
 - providing different methods of access?
 - providing information in different languages?
 - providing information at a number of locations about how and where to complain?
- Do agency staff assist passengers to make complaints?
- Are passengers provided with information about the process for handling complaints?

Removing the barriers to making a complaint

3.45 Agencies provide a number of different methods for making a complaint. The following description of agency practice is taken from the information provided by agencies in complaints brochures and service charters.

Table 5—Methods of complaint in complaints brochures or client service charters

Method of lodgement	ACS	AFP	AQIS	DIAC	DOTARS
In person	Yes	Not specified	Not specified	Not specified	Not specified
Phone	Yes	Yes	Yes	Yes	Yes
Mail	Yes	Yes	Yes	Yes	Yes
Fax	Yes	Not specified	Yes	Not specified	Not specified
Email	Yes	Not specified	Yes	Yes	Yes
Online	Yes	No	Yes	Yes	Yes
Complaint to Ombudsman	Yes	Yes	Yes	Not specified	Yes
Complaint to Member of Parliament	Yes	Not specified	Not specified	Not specified	Yes
Complaint to Minister	Yes	Not specified	Yes	Not specified	Yes

3.46 Where an entry reads 'Not specified' it does not mean an agency does not accept complaints in this manner; rather, the method is not specified in the Service Charter or complaints brochure. For example, a complaint made orally to an AFP officer will be recorded and referred to AFP Professional Standards. The AFP also accepts complaints via email and facsimile, though these methods are not listed in its Service Charter. It is also the case that AQIS accepts complaints in person, or via a letter written to the head agency, the Department of Agriculture, Fisheries and Forestry.

3.47 Generally, good administrative practice dictates that every complaint received by an agency, by whatever means, should be channelled to the appropriate area within the agency for a response. Though this is not explicitly stated by all agencies in their published material,

it appears that agency complaint-handling systems are robust enough to accept complaints in whatever form passengers provide them.

Cost

3.48 It is axiomatic that cost should not be a barrier to making a complaint. Table 6 shows the cost for a complainant making a complaint to an agency using the methods advertised in the service charter, the complaints brochure or on the complaints section of the agency’s website.

Table 6—Cost of making a complaint

Method of lodging a complaint	ACS	AFP	AQIS	DIAC	DOTARS
In person	No cost			No cost	
Phone	Free call or local call fee	Own cost	Free call or own cost	Local call fee at own cost (outside Australia, provide local contact number for nearest Australian mission)	Free call
Mail	Reply paid	Own cost	Reply paid	Own cost	Yes
Fax	Own cost		Own cost		
Email	Own internet and phone connection costs		Own internet and phone connection costs	Own internet and phone connection costs	Own internet and phone connection costs
Online	Own internet and phone connection costs		Own internet and phone connection costs	Own internet and phone connection costs	Own internet and phone connection costs

Note: Where a service is not specified in these media, the cell is shaded.

3.49 None of the agencies imposes a fee for making a complaint. Another means of removing the costs barrier is to provide a toll free or local call fee facility. All agencies, except the AFP, have provided that service.

3.50 The ACS and AQIS provide a reply paid complaints address for feedback forms or written complaints. This practice is to be commended; both on costs grounds and in showing that the agency is committed to receiving feedback.

3.51 Information provided by the ACS showed that email is the most frequently used method for complaining to that agency (see Figure 5, above). That raises the issue about whether email is an accessible format to all potential complainants. Figures from the Australian Bureau of Statistics indicate that in November 2000 only 2.7 million (37%) households had Internet access,³⁰ increasing to 5.98 million subscribers by the end of March 2005.³¹ There is a lower rate of Internet access among households with incomes less than

³⁰ Australian Bureau of Statistics, *Use of the Internet by Householders*, Canberra, November 2000. See www.abs.gov.au.

³¹ Australian Bureau of Statistics, *Internet Activity*, Canberra, March 2005. See www.abs.gov.au.

\$50,000 per annum, households without children under eighteen years, and households located in rural and regional areas.

3.52 Another issue arising in relation to the ACS concerned complaints made in person. The ACS quarterly reports do not record any complaints made in person, although ACS advised during the workshop that complaints are normally made to an ACS officer or his/her supervisor as incidents occur. The ACS subsequently clarified this information by explaining that:

- ACS officers may be too busy at customer service counters to record these complaints
- the issue may not have been recorded as a complaint if it related to the legislation being enforced, rather than the conduct of the ACS officer, and could be satisfactorily resolved by the ACS officer explaining the legislative requirements.

3.53 In either case, there is an issue for the ACS as to whether its data is capturing all the complaints made to its officers.

Providing information in different languages

3.54 Another accepted principle of good complaint management is that information about making and resolving complaints should be offered in different languages. Support should also be made available for complainants with specific needs, such as interpreters and cross-culturally trained staff.

3.55 The Charter of Public Service in a Culturally Diverse Society³² indicates that government services should be available to everyone who is entitled to them and should be free of any form of discrimination irrespective of a person’s country of birth, language, culture, race or religion.

3.56 While most services at Australian airports are provided in English, 20.95 million international passenger movements per annum mean that government officials deal with people from all over the world. These interactions can result in fines being imposed or passengers being detained. It is therefore vital that officials must be able to make themselves understood and that foreign citizens understand their rights and obligations when arriving in and exiting Australia. While some of this information will be provided through travel agents, government agencies should also advise passengers of their rights and responsibilities.

3.57 The visit by Ombudsman staff to airports revealed that there was little foreign language information available in the airport environment. A review was also undertaken of information available on the internet, as this is the most likely place that foreign passengers might look for such information. The table below compares the information available in languages other than English on each of the agency websites.

Table 7—Availability of documents in languages other than English

Information provided to public	ACS	AFP	AQIS	DIAC	DOTARS
Information about services, rights or obligations	Two documents in up to 12 languages	Nil	27 documents in up to 20 languages	22 documents in up to 33 languages	Nil re aviation security
Complaints brochure	11 languages	N/A	N/A	N/A	N/A
Service charter	Eight languages	English only	English only	27 languages	English only

³² Available on DIAC’s website at www.immi.gov.au/publications

Translated material

3.58 DIAC and AQIS lead the way in providing information about products and services in languages other than English. Until 1 July 2006, DIAC's website was overt in providing a link to translated material by a world icon on the home page. Regrettably, this feature was removed when DIAC redeveloped its website. AQIS, on the other hand, has an animated link on its home page, which cycles through the available languages.

3.59 DIAC is the only agency to provide its client service charter translated into 27 languages. Unfortunately, when we tried to access these documents on the internet, we were unable to do so. After the release of DIAC's redesigned website on 1 July 2006 the documents had been temporarily removed in order to update the translations. We note that these translations had not been reinstated as at 7 March 2007.

3.60 DIAC advises that brochures in all 27 languages may not be available at each international airport, yet DIAC staff will be able to download the relevant brochure from their computer where required. There is nevertheless a chance that if a brochure is not visible, a complainant will not know that they can ask for the brochure in a particular language, and thereby forego their right to complain.

3.61 The ACS, on the other hand, has incorporated a paragraph in various languages into both its Complaints and Compliments brochure and its client service charter, which briefly explains that customers can contact the ACS to comment.

3.62 Other agencies appear to provide their client service charter in English only.

Interpreters

3.63 The ACS advises that it keeps a register of in-house interpreters on its human resource system and has local arrangements in place to utilise AQIS officers who speak languages other than English, if available.

3.64 Information available on agency websites suggests that some agencies have similarly skilled staff. For example, a *Quarantine Matters* newsletter indicates that AQIS had nearly 200 staff who spoke languages other than English³³ and DOTARS' Annual Report indicated that 95% of staff in their External Territories Branch spoke languages other than English. Other agencies did not provide information; this may suggest that there was no organised way to utilise multi-lingual staff in an airport setting.

3.65 All agencies indicate that they use telephone interpreter services, where required. Only ACS and DIAC include the number for the Telephone Interpreter Service in their client service charter or complaint form.

Providing information in different formats

3.66 The Australian Standard on complaint handling (AS ISO 10002–2006) states that information about making and resolving complaints should be offered in alternative formats, such as large print, Braille or audiotape, so that no complainants are disadvantaged. We checked agency compliance with this criterion by using information available in brochures and annual reports.

³³ Australian Customs Service, *Quarantine Matters*, quarterly campaign newsletter, Issue 3 May 2005.

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3.67 Both the ACS and DIAC include the teletypewriter or text phone (TTY) number for people with a hearing impairment in their complaints brochure or client service charter. DIAC goes further and provides the National Relay Service and Speech-to-Speech Relay numbers as well. Other agency brochures provide no information about how people with disabilities can contact the agency.

3.68 The Department of Agriculture, Forestry and Fisheries (DAFF) annual report indicates that it continues to offer a telephone typewriter service for clients with hearing and speech impairments, but does not advertise this service in its client service charter.

3.69 Annual reports for the ACS, DIAC and DAFF indicate that the agency websites meet the accessibility standards for people with disabilities. ACS includes all client-related information on its website in HTML format or PDF files created using Adobe Acrobat version 5 or above, both of which are readable by JAWS software for the visually impaired. During 2004–05, DIAC redesigned more than 75% of the content, structure and navigability across all of its web pages to achieve 95% compatibility with Braille text readers and substantial compliance with both Australian Government online targets and W3C Web Content Accessibility Guidelines. We were not able to locate any information regarding compliance by other agencies with the Web Content Accessibility Guidelines, but note that the DOTARS website is the only website providing the option to resize text on every page to assist vision impaired users.

3.70 The ACS annual report states that investigating officers dealing with people with disabilities use alternative methods of communication to ensure information is fully understood. The report does not specify what those alternative methods are.

3.71 DIAC's annual report for 2004–05 reveals that the agency redesigned its client contact card in late 2004, in consultation with the National Library Service. The new card was redesigned in a large print format using contrasting colours, to assist clients with visual impairment.

Assisting passengers to make complaints

3.72 All agencies indicated that information about how and where passengers can make complaints is available to all staff, and that staff are able to explain this information to passengers.

3.73 There are a few special rules and variations. Junior members of DIAC can take complaints, but are encouraged to refer passengers to a supervisor if a passenger wishes to make a complaint. In the AFP, a junior member can take a complaint, but only AFP officers of the rank of Sergeant (or equivalent) and above are delegated to handle complaints.

3.74 In response to a survey question about whether staff can assist a passenger to prepare a written complaint, ACS and DIAC state that staff are encouraged to do so. AQIS, on the other hand, states that the busy nature of airports limits the ability of staff to assist in completing feedback forms, but that staff can if needed explain how to complete a form.

3.75 The AFP indicated that verbal complaints can be received and that an officer who takes a complaint is required to forward a written description of the complaint to the AFP Professional Standards Unit.

Providing passengers with information on the process for handling complaints

3.76 It is clear that all agencies provide basic information about how and where to make complaints. Furthermore, all agencies have publicly affirmed on their website their commitment to continuous improvement in complaint resolution.

3.77 There is no similar practice of providing adequate information about how passenger complaints are processed. The leading agency in this respect is the ACS, which (as noted in Table 3) is the only agency that publishes its complaints policy on its website. This policy contains a user-friendly flow chart showing the path of a complaint from receipt to resolution. Moreover, ACS is the only agency to publish a summary of its complaints data on its website. The ACS National Quarterly Reports analyse trends in complaints and compliments over the last three months, and identify the underlying causes for those trends. These practices are to be commended for demonstrating the agency's commitment to good complaint handling and continuous improvement.

Inter-agency collaboration

3.78 A special focus of this study was upon the degree of collaboration between agencies in dealing with complaints that arise in airports. Integration and cooperation is important if agencies are to meet their objective of dealing helpfully and efficiently with passenger complaints.

3.79 Airports are a unique environment in which Australian Government officers work alongside and interact with each other, and with State and Territory Government officers and personnel from private organisations. Inter-agency collaboration has become all the more important with the increase in the number of government agencies that have a role in airports, and the steady and substantial increase in passenger traffic in airports.

3.80 It is also now expected of government agencies, in all fields of administration, that they should function in a 'whole-of-government' manner. This point was made by Dr Peter Shergold, Secretary, Department of the Prime Minister and Cabinet, in a preface to the Management Advisory Committee Report on *Connecting Government: Whole of Government Responses to Australia's Priority Challenges*:

There are many reasons that we should work in a whole of government way. Not least is the fact that every major challenge of public administration—ensuring security, building a strong economy, coping with demographic change and crafting social policy—necessarily requires the active participation of a range of central and line agencies.

Australians rightly demand the delivery of government programs and services in a seamless way. They should also expect that behind the scenes, all the resources of government will be brought to bear in the search for innovative solutions to the complex challenges of developing public policy.

3.81 Our complaints analysis suggested that passengers could become confused about the agencies they were dealing with in airports and, as a result, may not initially make a complaint to the correct agency. An issue we chose to examine was whether these complaints were being forwarded to the appropriate agency and whether agencies in airports worked together in an interactive manner.

3.82 In a multi-agency, multi-jurisdictional environment,³⁴ complaint-management systems should be responsive to the fact that many complainants will not understand the intricacies of jurisdiction or how to access the appropriate complaint-management system. Another problem can be that complainants who are referred from one agency to another may suffer ‘complaint fatigue’ and not pursue their complaint further. The more difficulty faced by a person in pursuing a complaint, the more they can question the effort required to obtain a remedy. The reluctance of people to register or pursue complaints also robs agencies of the opportunity to resolve consumer dissatisfaction, to improve performance and client service, and to gain feedback on problem areas in agency administration.

3.83 The self audit asked agencies to describe the interactivity of their complaints-handling mechanisms in airports against the following major criteria:

- Does the agency forward complaints to the correct agency?
- Do agencies work together to resolve complaints?

Referring complaints to the correct agency

3.84 There are no formal arrangements in place for inter-agency management of complaints in airports. Complaint referral between agencies seems nonetheless to be a common practice. This partly relies on the good working relationships that have been established between border agencies at international airports. Following is a description of the practices followed by agencies for complaint referral.

Australian Customs Service

3.85 The ACS performs functions on behalf of a number of Australian Government agencies.³⁵ When the ACS detects an issue of concern that is not an ACS responsibility, it contacts the relevant agency and asks for a staff member to attend the scene in order to exercise any relevant functions or powers. This is reflected in ACS quarterly statistics, which indicate that 267 complaints received by the ACS during 2005–06 were resolved by referral to other organisations.³⁶

3.86 In response to an Ombudsman question about referral processes, the ACS explained that if a complaint is not about the ACS, staff provide the complainant with the email and phone contact for the appropriate organisation. The explanation given is that the complainant can then be in control of the progress of their complaint. The ACS ‘Compliment and Complaints’ brochure could be read as suggesting a different practice:

If the comments included in this brochure relate to an organisation other than the Australian Customs Service, Customs will refer the comments to the relevant organisation and advise you of the contact details. If you do not want your comments referred please state this clearly in the comments box on the following page.

3.87 This advice in the ACS brochure, that information will be passed to another agency unless a person requests otherwise, appears to satisfy the requirements of Information Privacy Principle 11.

³⁴ A similar issue was considered by the Ombudsman’s office in *Report of the Ombudsmen and Privacy Commissioners to the Standing Committee of Attorneys-General on National Accountability Measures for Cross-Border and Inter-Jurisdictional Law Enforcement*, June 2004.

³⁵ Australian Customs Service Annual Report 2005–06, Canberra, 2006, pp 12 and 15. Agencies include the Australian Quarantine and Inspection Service, Department of Health and Ageing, Department of Industry, Tourism and Resources, and the Australian Taxation Office.

³⁶ Australian Customs Service, National Quarterly Reports for the period 1 July 2005 to 30 June 2006.

Australian Federal Police

3.88 If the AFP receives a complaint that appears to be about the member of another police force, the AFP will refer the complaint to the Ethical Standards Division of the relevant State or Territory Police Force/Service. This referral arrangement is facilitated by a strong working relationship between the professional standards units in Australian police forces. The AFP does not seek the permission of the complainant before making this referral.

3.89 The AFP provided no information about whether it has similar arrangements with other Australian Government agencies; however, the ACS reported it occasionally received referred complaints from the AFP.

Australian Quarantine and Inspection Service

3.90 Complaints made to AQIS that relate to the officers of other agencies are forwarded to the relevant agency. AQIS, like the AFP, does not seek permission from the complainant prior to referring a complaint. No information was provided about how AQIS responds to telephone complaints on matters that clearly concern other agencies.

Department of Immigration and Citizenship

3.91 DIAC reports that when it receives a written complaint relating to another agency, the letter is forwarded to the relevant agency directly. However, if DIAC receives a telephone complaint relating to another agency, the DIAC officer provides the complainant with appropriate referral information to allow the client to contact the appropriate agency directly.

Department of Transport and Regional Services

3.92 DOTARS indicates that it receives some complaints from members of the public regarding the actions of security officers and airline and airport personnel. Where the passenger's complaint requires further investigation, and does not relate solely to the legislative requirements of aviation security, the complainant is referred to the relevant airline or airport.

Do agencies work together to resolve complaints?

3.93 The experience of the Ombudsman's office is that complaints arising from incidents occurring in international airports generally involve more than one agency. The information provided by agencies suggests that there is no coordinated approach to complaint handling in this arena. Agencies do not provide the public with consolidated information about their respective roles and how to lodge complaints with each agency.

3.94 We received a mixed response to a question about whether agencies have procedures for joint investigation of complaints. The ACS reported that there are no such procedures, whereas the AFP, DIAC and AQIS indicated that arrangements for joint complaint investigation do exist. It is probable that these processes only relate to more serious complaints involving misconduct or corruption.

3.95 In response to a question about whether agencies meet regularly to discuss complaint trends and to identify and resolve systemic issues that cross agency boundaries, there was again a mixed response. The ACS, the AFP, AQIS and DIAC indicated that agencies meet regularly on a wide variety of issues, but there were conflicting answers on whether those meetings can consider issues relating to systemic complaints that cross agency boundaries. The ACS indicated that the inter-agency meetings did consider systemic

issues that cross agency boundaries. DIAC gave a different answer—these meetings do not discuss specific issues between agencies, rather trends and changes. AQIS indicated that complaints received by AQIS generally relate to AQIS specific issues that do not require involvement from other agencies.

3.96 We are aware that the National Passenger Processing Committee is a multi-agency committee, which includes the agencies considered in this investigation and is chaired by the ACS. Its role is to develop whole of government policy approaches to processing international air passengers and coordinating the statutory controls that are exercised by Australian Government agencies at airports. However, it is not clear that the role of the committee extends to identifying and addressing systemic issues across agency boundaries.

Learning from complaint handling

3.97 An effective complaint-handling system should facilitate continuous improvement in agency processes. As well as resolving individual complaints, the agency should analyse complaints and complaint data to identify the causes of complaints, recurring or systemic problems in agency administration, and complaint trends. There should also be a focus on continuous improvement in the complaint-handling system itself.

3.98 An added challenge in the airport environment is for agencies to share complaint issues and complaint data, to ensure that problems do not fall between the cracks of agency responsibilities. Agencies should work together to ensure that, across agency boundaries, systemic problems are identified and complaints are effectively handled. A particular concern of the Ombudsman's office in undertaking this study is that agencies deal with complaints in an isolated manner. The *Complaint issue not taken further* case study provides an illustration of how a straightforward complaint can be used to prevent a recurrence of the same problem.

Case study: *Complaint issue not taken further*

Mrs F was an elderly passenger who recently had a hip replacement. Something Mrs F was wearing repeatedly triggered the metal detectors at various security screening points. A screening officer asked Mrs F to remove her shoes and return through the screening point. Mrs F was frail, and it was difficult for her to comply with this request in the airport environment. For example, there was no seating available, nor was Mrs F offered a chair while she removed and replaced her shoes.

Other steps that could perhaps have been taken were not. Mrs F was not notified of her right to refuse, or to be taken into a private room to remove her shoes if she wished. Nor was she given the opportunity to be screened with a metal detector to identify whether it was, in fact, her shoes that were setting off the metal detector.

Mrs F felt that she was being singled out for unnecessary additional screening. When she refused to comply with the screening officers, the AFFPS was contacted. Mrs F later complained to the AFP about the incident, yet stated that the AFFPS officers had acted professionally. The AFP responded by informing Mrs F that it would not investigate her complaint further.

A step that was not taken by the AFP was to forward the complaint to the relevant airport or airline operator. Had this been done there would have been an opportunity to ensure that problems of this kind did not arise again and that AFPPS would not become involved in similar incidents.

3.99 The self audit asked agencies to describe their ability to reduce systemic complaints against the following criteria:

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- Does the complaint-management system collect appropriate data and identify recurring system wide problems?
- Is complaint information used to improve business practices and increase organisational effectiveness?
- Is the complaint-management system regularly reviewed to ensure that it is operating efficiently and effectively and responds to changing circumstances and needs?

Collecting complaints data and identifying recurring system wide problems

3.100 The ACS, the AFP and AQIS all reported that they have electronic systems to collect agency-wide complaints data and that this data is collected in sufficient detail to facilitate comparisons between previous periods and to identify agency-wide recurring complaints.

3.101 DIAC reported that the current database implemented within the Global Feedback Unit (GFU) allows only basic data collection. A new system is being developed which will ensure data reliability and integrity and will provide the ability to identify opportunities to improve service delivery and organisational processes. Reports are currently produced in DIAC on the number of complaints, their resolution, and referrals. The new system will allow greater scope for trend reporting and other analysis. This system will progressively be rolled out to all line areas, enabling centralised collection of agency-wide data on complaints. Evaluation of the data will determine the root causes of the feedback and whether remedial action is warranted.

3.102 DOTARS answered that it did not receive a large number of complaints from passengers; the probable reason is passenger acceptance of heightened security requirements. Complaints that were sent to the Minister were dealt with promptly. Complainants may be referred to either the relevant airport or airline if further investigation is required. No further information was provided by DOTARS about whether its complaint-management system captures data about the issues raised by complaints and whether such information could be used to improve services to the public.

3.103 It was also reported by DOTARS that the OTS is developing a code of conduct for screeners and is taking an active role in screener training initiatives. OTS is also currently preparing a further leaflet for passengers on the carriage of prohibited items, namely those required for use by diabetics, and a *Guidance Paper for the Screening of Culturally Diverse People* designed for use as a reference for screening authorities at Australian airports.

Using complaints information

3.104 The ACS, the AFP and AQIS all reported that senior management use complaint information to target problem areas and to improve policy and procedures as necessary. OTS reported that it received very few complaints.

3.105 DIAC reported that once its new electronic feedback database is fully implemented within all line areas, the department's ability to identify and rectify systemic issues and problem areas will be greatly enhanced. The system will ensure data reliability and integrity and will improve DIAC's ability to identify opportunities to improve service delivery and organisational processes. DIAC also advised that the GFU has been established as the centralised mechanism to collect and collate client feedback. At this stage airport staff do not have direct access to the feedback database.

3.106 An important part of any continuous feedback loop is that agencies report, both internally and externally, on how business improvements have been made as a result of

complaints information. This publicity can reinforce staff and public perceptions that the agency is committed to improvement and that it values the right to complain.

3.107 The ACS and the AFP advise that senior management report on complaint information both internally and externally—though we were not given specific information about these publications. We have earlier mentioned the ACS Compliments and Complaints Quarterly reports which are available on the ACS website: these reports do not, however, include information about how complaints have been used to improve business practice or organisational effectiveness.

3.108 Agency annual reports provide limited complaints analysis. Information is given in some reports on the number of complaints and compliments received, but there is no consistent practice across agencies. None of the agency annual reports describes complaint trends or how the agency addressed those trends to improve client service.

Reviewing the complaint-management system to ensure it is operating efficiently

3.109 There was a mixed response on this issue. The ACS, the AFP and DIAC all indicated that they regularly review their complaint-handling systems to ensure they are operating efficiently. AQIS indicated that it does not conduct such reviews. DOTARS provided no information.

3.110 There may be room for general improvement—or, at least, a review—of the agency complaint-handling systems. For example, the following specific issues have been noted by the Ombudsman’s office either in the course of this study or in complaint handling generally.

- The ACS seems not to record all complaints made in person to ACS officers in airports.
- The AFP records complaints that a passenger does not wish to pursue.
- The experience of the Ombudsman’s office is that there can be long delays in resolving AFP complaints.
- AQIS does not review its complaint-handling system to ensure its efficiency.
- DIAC is currently rolling out its GFU, yet the unit does not at this time extend its presence to airports

PART 4—CONCLUSION AND RECOMMENDATIONS

4.1 The general conclusion of this report is that complaint-handling systems in airports can be improved. The Ombudsman considers that there are practical changes that can be made in the four key areas described in Part 3 of this report. The following recommendations are made in order to improve the management of complaints in airports, and also to help agencies learn from complaints.

4.2 Recommendations were included in an earlier draft of this report that was given to agencies for their comments. The full agency responses are published on the Ombudsman website (www.ombudsman.gov.au) with this report.

Review of complaint systems

4.3 All agencies stated that their complaint-handling mechanisms complied with the Australian Standard on complaint handling issued in 1995. That standard has recently been superseded. Although the Australian Standard is only one of many guidelines on good complaint handling, it is appropriate that agencies pay close attention to it in devising their own complaint-handling systems. There is added reason to do so in light of the findings of this investigation, and the recent publication of a new Australian Standard.

Recommendation 1

The Australian Government agencies that play a role in the movement of passengers through Australian airports should review their complaint-handling systems against the recently published Australian Standard *AS ISO 10002–2006*.

Agency responses:

- The ACS, the AFP, AQIS and DIAC agreed with this recommendation, and will individually implement it on a staggered basis.
- The Professional Standards section of the AFP will review *AS ISO 1002–2006* to ensure that AFP complaint-handling practices, not otherwise governed by legislation, comply with the standard.
- DIAC is currently reviewing all aspects of its complaint-handling system, including compliance with *AS ISO 10002–2006* and the Ombudsman Better Practice Guide to Complaint Handling.
- The ACS will assess its complaint-handling system against *AS ISO 10002–2006* at its next review, scheduled for 2007.
- The AQIS Service Charter was reviewed in 2005–06 prior to the release of *AS ISO 10002–2006*. AQIS is scheduled to review its Service Charter within the next two years. This review will include an assessment against compliance with *AS ISO 10002–2006*.

Development of a joint complaint-handling mechanism

4.4 This investigation found that some agencies do not have a visible complaint-handling mechanism within airports. Agencies are inconsistent in the way they advertise their complaint-handling systems and the methods for passengers to make complaints. Agencies tend to deal with complaints in an isolated manner: an example is that agencies that are co-located usually refer on the passenger, rather than the complaint, when the complaint is

initially made to the wrong agency. Overall, there is a need for a coordinated approach to complaint handling in airports, to provide improved client service to passengers and to enhance agency accountability.

Recommendation 2

Agencies should develop a combined complaint-management system with a physical presence in major international airports. It is in those airports that there is most likely to be a multi-agency presence and high passenger numbers.

Recommendation 3

Agencies should do more to make passengers aware of complaint-handling mechanisms in airports.

One option that agencies should consider is an airport specific joint complaints brochure that includes pictures of the uniforms of each agency. Any such complaints brochure should:

- be translated into, or provide basic information in, the languages identified as the ten most commonly spoken languages by international passengers travelling to Australia (see www.immi.gov.au/statistics/stat_info/oad/totalmovs/totmova.htm)
- list all formats in which a complaint may be made
- incorporate contact information for disabled clients
- incorporate the number for the telephone interpreter service
- be available in a range of formats.

Recommendation 4

Agencies should develop a joint poster about the right to complain, including pictures of the relevant uniforms.

Agency responses:

- The ACS and AQIS expressed their commitment to addressing the issues highlighted in Recommendations 2 to 4, but do not support a joint complaint-handling system. They expressed concern that this proposal would significantly duplicate their current complaint-handling systems.
- DIAC said it would investigate the viability of implementing these recommendations with other relevant agencies, but noted concerns raised by other agencies that a joint complaint-handling system may cause duplication of current systems. DIAC also expressed concern that additional space, signage or resources at airports would need to be negotiated with airport authorities.
- The AFP noted that its complaint management is governed by specific legislation. The AFP does not consider it necessary or appropriate to participate in a combined complaint-management system in major international airports. The AFP will, however, ensure that it is represented on specific airport inter-agency forums where complaint trends can be identified and discussed with other agencies. The AFP will also work with other agencies should the recommendation for a joint complaint poster be supported.
- DITR responded differently to other agencies, expressing overall support for the thrust of this report and the recommendations, particularly those supporting a more coordinated and transparent complaint-handling mechanism at international airports. DITR noted that anecdotal evidence supports the view that passengers do not tend to differentiate the different agencies represented at the border and that development of a coordinated complaint management and reporting system appears to be a logical step, given the cooperation that already exists between border agencies.

Ombudsman supplementary comment

4.5 The Ombudsman remains of the opinion that a combined complaint-management system is desirable for Australian international airports. It would provide passengers with an integrated, visible and accessible complaint mechanism that could capture and resolve complaints as they occur. This would facilitate real-time resolution of issues, and could reduce the overall cost of complaint handling.

4.6 Agency complaint-management systems need not be duplicated to become integrated. The concern raised by agencies about the availability of space and signage at airports could be considered in the context of DOTARS' lease negotiations with the relevant airports.

Recommendation 5

The National Passenger Processing Committee (NPPC) should be given the role of coordinating cross-agency complaints reporting among member agencies. Systemic complaints affecting multiple agencies should be identified and resolved via this forum.

Agency responses:

- DITR supported this recommendation.
- The Department of Health and Ageing (DoHA) agreed that the NPPC is an appropriate forum for supporting a more coordinated government approach to complaint handling in airports.
- The ACS, AQIS and DIAC agree to refer this recommendation to the NPPC for consideration and response directly to the Ombudsman.
- The AFP does not support the NPPC being given the role of coordinating cross-agency complaints relating to conduct by AFP appointees, as those complaints must be dealt with in accordance with specific AFP complaints legislation. The AFP does, however, endorse senior AFP representation on this committee and will contribute to the discussion of systemic complaints and the development of strategic solutions to overcome incidents involving multi-agency issues.

Ombudsman supplementary comment

4.7 All agencies involved in the NPPC were asked to comment on this recommendation. The NPPC's view was not available at the time of completion of this report.

4.8 The Ombudsman acknowledges that legislation governs how complaints about individual AFP officers must be handled, but observes that the legislation does not control how the AFP should respond to cross-agency systemic issues.

Reform of agency complaint systems

4.9 If the agencies do not establish a joint complaint-management system as recommended in this report, each agency should review its own complaint system against the following recommendations. The recommendations deal with three issues: the development of posters and brochures to be placed in airports; making information about the complaint system available to non-English speaking people and those with a disability; and the transfer of complaints initially made to the wrong agency.

Recommendation 6

Each agency should incorporate a picture of the uniforms worn by staff of the agency, in the agency's service charter, complaints brochures and on web pages. Complaints brochures should be placed at airports with those of other agencies.

Agency responses:

- The ACS and the AFP agree with the recommendation to include agency identification in their publications. The ACS will include a picture of their uniforms at the next printing. The AFP will incorporate a picture of the AFP insignia into its new public complaints brochure.
- DIAC is currently developing a comprehensive communications strategy. Consideration will be given to including a picture of the DIAC border uniforms in the new communication material where this is deemed to be relevant.
- AQIS states that it is not feasible to include all uniform combinations in its service charter and Complaints and Compliments brochure. AQIS states that its uniforms in airports are sufficiently identifiable.
- AQIS and DIAC agree with the recommendation that agency brochures be placed together (where space allows). The ACS and the AFP did not comment on this proposal.

Recommendation 7

Each agency should develop a complaints poster featuring its uniform, which can be posted in airports.

Agency responses:

- The ACS, AQIS and DIAC saw merit in this proposal if signage and space availability could be agreed with the airport owners.
- AQIS stated that it would, in conjunction with other agencies, provide agency specific uniform posters linking them to Complaints and Compliments brochures at appropriate locations throughout international airports.
- The AFP stated that it would not be developing an agency specific poster at this time, but that it would make its public complaints brochure prominently available at each airport.

4.10 Other aspects of the agencies' information services can also be improved. These aspects fall into two broad categories: accessibility for non-English speaking passengers and people with a disability.

Recommendation 8

Each agency should include on its website home page a clearly marked 'complaints and compliments' or 'feedback' link, leading to a page containing or providing access to all complaint related information. The ACS complaints and compliments web page provides a suitable guide.

Agency responses:

- The ACS already complies with this recommendation.
- AQIS has a link to its electronic feedback form on its home page, though the link does not provide all complaints-related information.
- The AFP agreed with the recommendation. The AFP released an online complaints and feedback form in late 2006. The online form is accessible on the same pages as other information relating to complaints.
- DIAC agreed with the recommendation. DIAC currently has a link on its website to a web based feedback form that is accessible to clients globally, but is in the process of developing a comprehensive feedback handling communication strategy that includes a more prominent feedback link on the website home page. DIAC anticipates that this site will be expanded to include other relevant complaint-related information such as policy guidelines, links to the client service charter and information on how complaints are handled in DIAC.

Recommendation 9

Agency websites should include a direct link to the complaint pages of the other agencies.

Agency responses:

- The ACS, AQIS and DIAC see merit in this proposal and will investigate the viability of implementing it.
- The AFP noted that its external website relates to the functions of the AFP and not other agencies. As a consequence, the AFP has developed links from its site to the key stakeholders being the Ombudsman and the Australian Commission for Law Enforcement Integrity. The AFP expressed the view that a link from the Ombudsman's website to all agency websites would be more efficient than requiring each agency to maintain duplicate links to other agencies.

Ombudsman supplementary comment

4.11 The Ombudsman's website provides links to every major Australian Government agency, as well as the Australian Government entry point.

Recommendation 10

Each agency should ensure that its client service charter or complaints brochure:

- is translated into, or provides basic information in, the languages identified as the ten most commonly spoken languages by international passengers travelling to Australia. See www.immi.gov.au/statistics/stat_info/oad/totalmovs/totmova.htm
- lists all formats in which a complaint may be made
- incorporates contact information for disabled clients

- incorporates the number for the Telephone Interpreter Service
- is available in a range of formats.

Agency responses:

- The ACS and DIAC agree and already comply with this recommendation.
- The AFP agrees with the recommendation. The new AFP public complaints brochure will be translated into the seven languages most widely used by the Australian population. The brochure will list all formats in which a complaint can be made, and incorporate the Telephone Interpreter Service contact number. The AFP is updating its external website to improve accessibility and information regarding complaints. The AFP advised that the public complaints brochure will also be available as a printable PDF document (including the seven language translations) via the external website.
- AQIS agrees with the recommendation. The latest version of the AQIS Service Charter and AQIS Compliments and Complaints brochure provides basic information in eight languages; this list will be reviewed. The AQIS Service Charter does not specifically identify disabled clients, however the Charter states that when AQIS staff are attending to clients, they will be treated professionally, fairly, with integrity, respect and efficiency. DAFF (which includes AQIS) has a Disability Action Plan that articulates its commitment to improve accessibility for people with disabilities. The revised 2006 AQIS Service Charter includes contact details for the Telephone Interpreter Service and is presented in eight languages. The Service Charter is available in hard copy at all AQIS offices and airports. Copies are also sent to clients through the AQIS Bulletin mailing list and available through Industry Consultative Committees. The Service Charter is also accessible from the AQIS homepage.

Recommendation 11

Each agency should review complaint information on its website for compliance with the WC3 Web Content Accessibility Guidelines.

Agency responses:

- The AFP and DIAC already comply with the WC3 Web Content Accessibility Guidelines.
- The ACS and AQIS agree with this recommendation. The ACS will conduct a review to ensure its on-line complaints site meets the guidelines. AQIS advised that it is currently migrating to a new departmental website that will be compliant.

Recommendation 12

Each agency should provide information relevant to passenger rights and responsibilities when travelling to or from Australia, in the languages identified as the ten most commonly spoken languages by international passengers travelling to Australia. This information should be available from the home page of each agency's website from an icon which would be recognisable to non-English speaking passengers.

Agency responses:

- AQIS already complies with this recommendation. AQIS has translated the ‘What can’t I bring into Australia’ brochure into 15 languages. The AQIS website features a scrolling language bar on the AQIS homepage which links directly to translated information.
- The AFP agrees to this recommendation in part. The AFP public complaint brochures will be available in the seven languages most widely spoken by the Australian population. The AFP did not comment on providing this information from an icon on its home page that would be recognisable to non-English speaking persons, but did state that the translations would be available on its website.
- The ACS and DIAC will consider this recommendation. The ACS has a number of brochures that outline passenger requirements and responsibilities when entering Australia. The ACS will consider translating the ‘Know Before You Go Brochure’ into the ten most commonly spoken languages by international passengers visiting Australia.

Recommendation 13

All agencies should institute a cross-agency referral process, whereby they transfer the complaint, rather than the complainant, to the appropriate agency. To this end, all feedback forms should include a statement that meets the requirements of Information Privacy Principle 11 (IPP 11), making clear the agency's intention to forward complaints to the relevant agency. Alternatively, a tick box could be placed at the bottom of complaint forms to enable complainants to consent to referral. Telephone complaint procedures should also be amended so that agency officers seek verbal permission from complainants to transfer complaints.

Agency responses:

- All agencies agreed to assess their compliance with IPP 11. This includes an assessment of how the agency obtains a complainant’s consent to the referral or transfer of their complaint.
- The ACS and the AFP do not support a process in which the agency automatically refers the complaint. The AFP indicated it would do so only where it had commenced an investigation and later identified that the complaint related to another agency. The ACS is concerned that the recommendation would require it to act as a complaints broker, and develop expertise in the functions of other agencies. For example, the ACS staff are not sufficiently trained to obtain relevant information on a complex quarantine matter in order to pass that information on to AQIS.
- DIAC will consider the viability of meeting this recommendation in relation to telephone complaints as part of the overall review of complaint-handling mechanisms.

Ombudsman supplementary comment

4.12 The Ombudsman adheres to the view that agencies should be prepared to refer a complaint, rather than a complainant, to another appropriate agency. Usually all this requires is to obtain an outline of the complaint from a person, and their contact details. Additional inquiries in complex matters can be made by the other agency upon receipt of the complaint. Australian Government employees are often better placed than members of the public to know where a complaint should have been directed.

Recommendation 14

Agencies should promulgate cross-agency complaint investigation guidelines that encourage inter-agency consultation during the investigation phase of a complaint.

Agency responses:

- The ACS, the AFP and AQIS stated that the current level of cross-agency consultation with Australian Government agencies operating at international airports is strong and does not require formal joint agency investigation guidelines or protocols.
- All agencies indicated that they consult with relevant agencies during complaint investigations if required. Consultation with agencies will also take place where it is possible that issues raised by passengers may involve other agencies.
- DIAC will initiate discussions with other agencies to identify whether any further guidelines are required to improve service delivery.

Ombudsman supplementary comment

4.13 The Ombudsman remains of the view that cross-agency complaint investigation guidelines are a necessary element in building constructive and integrated working relationships across co-located border agencies and in dealing effectively with complaints arising in airports.

PART 5—ADDITIONAL ISSUES

Jurisdiction of the Commonwealth Ombudsman

5.1 Until 19 December 2002, the Australian government was responsible for operating a number of federally-owned commercial airports under the *Federal Airport Corporations Act 1986*. Between 1997 and 2002, the government privatised all 22 of those airports. DOTARS is now responsible for administering Australian Government interests in the ongoing operation and management of privatised airports under the *Airports Act 1996*.³⁷

5.2 The Ombudsman's draft report raised questions about the jurisdiction of the Ombudsman to investigate complaints about public functions performed by officials in airports. A concern expressed in the draft report was that there were accountability gaps that had been exposed by numerous complaints to the Ombudsman. Further research has been undertaken on this issue, which is summarised below. This summary differs in some respects from advice previously given to complainants by the Ombudsman.

Parking inspectors

5.3 Eight Airport Operator Companies (AOCs)³⁸ issue parking infringement notices (PINs) on behalf of the Australian Government under the Airports (Control of On-Airport Activities) Regulations 1997 and the Parking Infringement Notices Scheme (PINS). DOTARS advised that the power to issue and withdraw PINs and to take legal enforcement action has been delegated to appropriate persons at each AOC. Depending on the airport, the officials who can issue these notices include security officers, ground transport managers and officers of the AFPPS. The AOCs are bound by the regulatory regime and by a contract with the Australian government to carry out their parking enforcement activities in a manner consistent with the Regulations.

5.4 DOTARS expressed its view that the conduct of officers who have the 'delegated' power to issue parking infringement notices should be the responsibility of the relevant AOC, as the employer and the party to the PINS contract. DOTARS does not consider that it has a complaint-handling role in relation to the conduct of these parking officers.

5.5 That view is contestable. The issuing of infringement notices in airports is a government activity that has been 'delegated' by DOTARS to others. Any officer who issues a PIN is not doing so on their own behalf or on behalf of their private sector employer, but in exercise of the power originally conferred upon DOTARS. Other provisions in the statutory framework support this view, for example:

- Regulation 7.10 provides that an infringement notice can be withdrawn only by the Secretary of DOTARS
- Regulation 7.11 seems to confer responsibility upon the Secretary of DOTARS for prosecuting a person in court for an offence under the legislation.

5.6 The Ombudsman is therefore of the view that the office has jurisdiction under the Ombudsman Act to oversight and receive complaints about the issuing of parking

³⁷ Department of Transport and Regional Services Annual Report 2005–06, p 109.

³⁸ The following airports participate in the Parking Infringement Notice Scheme: Sydney (Kingsford-Smith) Airport, Melbourne (Tullamarine) Airport, Brisbane Airport, Perth Airport, Coolangatta Airport, Townsville Airport and Launceston Airport.

infringement notices.³⁹ The customary approach taken by the Ombudsman's office in such matters is to investigate whether the government agency that has assigned (or delegated) a power by contract has implemented adequate procedures to ensure that the contractor (in this case the AOC) acts properly and in accordance with the regulations and standard operating procedures.

Screening officers

5.7 An earlier case study in this report (see '*Officers refuse to identify themselves*') concerned a complaint made to the Ombudsman about the actions of a screening officer and the complainant's attempts to resolve the complaint.

5.8 Persons who carry out screening are authorised or required to do so by the Secretary of DOTARS under Regulation 4.03 of the Aviation Transport Security Regulations 2005. Under the Ombudsman Act, that action is deemed to be taken by DOTARS and is therefore open to administrative review by the Ombudsman.⁴¹

5.9 DOTARS provided the following response to the concerns raised by the Ombudsman in the draft of this report that OTS does not appear to have access to performance feedback and complaints information about screening officers, who ultimately derive authority from the Aviation Transport Security Act.

The Department is currently examining the [Ombudsman's] comments in relation to aviation security with a view to ensuring that there are appropriate complaint mechanisms in place. Many of the complaints at airports with respect to security do not involve the actions of Commonwealth officials ... TSI's have an audit and compliance role in the regulation of airports and airlines. Notwithstanding this, the department is keen to establish a leadership role with respect to the performance of security screening at airports. The Department is developing a Screening and Clearing Code of Conduct for the benefit of passengers and aviation security screening officers at airports.

The code will be relevant wherever passenger screening takes place in airports, and will contain guidelines specifically dealing with the interaction between passengers and screening officers. As an added measure, the Department is focusing on developing information material that will advise passengers of their rights and additionally, will provide contact details should they wish to make a complaint about an experience that has occurred while going through a screening point at an Australian airport. It is expected that both the code and information material will be released in the early part of 2007.

Security guards

5.10 Under s 92 of the Aviation Transport Security Act, airport security guards have the power to physically restrain and detain a person until a law enforcement officer arrives if the security guard suspects that the person is committing or has committed an offence under the

³⁹ Under s 3 of the *Ombudsman Act 1976*, the definition of 'officer' of a department includes any person authorised to exercise powers or perform functions of the department on behalf of the department. Under s 3(5), action that is taken by an officer of a department shall be deemed to be action taken by the department if the officer takes the action in the exercise of powers or the performance of functions conferred on him or her by an enactment.

⁴⁰ See Brisbane Airport Corporation, 'Parking Restrictions FAQ's' webpage, November 2006. See <http://www.bne.com.au/content/standard.asp?name=ParkingRestrictionsFAQs>

⁴¹ Under s 3(4) of the *Ombudsman Act 1976*, if a person who is not an officer of a department takes action in the exercise of a power or the performance of a function that the person is authorised to exercise or perform, by reason of authority given by the secretary of a department, the action is deemed to be taken by the department responsible for dealing with the matter in connection with which the action is taken.

Act or the guard believes it is necessary to do so to maintain the integrity of screening areas at airports.

5.11 Security guards are in a slightly different position to screening officers, in that their authority derives from the Act and is not given by the Secretary of DOTARS. It is therefore doubtful whether they fall within the Ombudsman's jurisdiction. This is an anomalous result since, like screening officers, they are ultimately administering restraint and detention powers that are conferred by a Commonwealth Act.

Issues raised in other reports

5.12 Issues concerning the management of Australian airport leaseholds have been raised in other parliamentary and government reports.

5.13 In November 2003, the House of Representatives Standing Committee on Transport and Regional Services tabled its report on *Regional Aviation and Island Transport Services: Making Ends Meet*. The committee made 28 recommendations which included a proposal to establish an Aviation Ombudsman who would be appropriately skilled to consider all aviation industry related complaints. The committee envisaged that the duties of the Aviation Ombudsman would include, in addition to examining operational complaints, conducting confidential independent surveys of industry. These surveys would assess the effectiveness of the Civil Aviation Safety Authority's measures to improve the consistency of its interpretation of aviation regulations.

5.14 The Aircraft Owners and Pilots Association and the Regional Aviation Association of Australia have subsequently supported the recommendation to establish an Aviation Ombudsman. The Ombudsman's office responded to DOTARS that one option for establishing a separate Ombudsman service would be to confer a specialised Aviation Ombudsman role upon the Commonwealth Ombudsman, with additional resourcing. There are existing precedents for this approach, notably the specialised roles of the Commonwealth Ombudsman as Defence Force Ombudsman, Immigration Ombudsman, Law Enforcement Ombudsman, Postal Industry Ombudsman, and Taxation Ombudsman.

5.15 In Audit Report No 50 of 2003–04 the Auditor-General made nine recommendations to improve DOTARS' management of airport leases. DOTARS agreed to six recommendations and agreed with qualifications to the remaining three recommendations. The primary conclusions of the Auditor-General indicated that further attention was required in a number of areas, most notably:

Consideration of the merits of exercising the Commonwealth's contractual right to recover reasonable lease administration costs from the lessees ...

- Lease review meetings should be held with all airports at least once a year. Review outcomes should be documented, including an assessment of the level of compliance by lessees. Improved communication of review outcomes to lessees ... including by specifying outstanding issues that lessees are expected to address.
- The comprehensive reporting process provided by the Sale Agreements to enable effective monitoring of Development Commitment progress has not been consistently and rigorously implemented. Revised procedures promulgated in 2003 should assist in this regard, but the audit also identified inaccuracies in DOTARS' reporting on its performance in managing the Airport Leases and Sale Agreements.

5.16 The Joint Committee of Public Accounts and Audit (JCPAA) reviewed the Auditor-General's report in Chapter 6 of *Report 404: Review of Auditor-General's Reports*. During the hearings on this matter DOTARS provided information to satisfy the committee that it had

complied with a majority of the recommendations. However, the committee went on to make three recommendations and a number of comments relating to issues such as the adequacy and transparency of DOTARS' review of airport lessee obligations under lease agreements.

5.17 Notably, the committee commented that:

It is important to acknowledge that the Commonwealth has a significant residual interest in the federal airports now leased to private companies and consortiums. The government, through DOTARS, must ensure that these leases are managed properly and in accordance with the lease agreements.

5.18 As at March 2007, the government had not responded to the recommendations made by the House of Representatives Standing Committee on Transport and Regional Services in its report *Making Ends Meet* or the JCPAA's *Report 404*.

ATTACHMENT A—FIGURES, TABLES AND ACRONYMS

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Acronyms and abbreviations

ACS	Australian Customs Service
AFP	Australian Federal Police
AFPPS	Australian Federal Police Protective Services
AOC	Airport operator companies
AQIS	Australian Quarantine and Inspection Service
DAFF	Department of Agriculture Forestry and Fisheries
DoHA	Department of Health and Ageing
DIAC	Department of Immigration and Citizenship
DITR	Department of Industry, Tourism and Resources
DOTARS	Department of Transport and Regional Services
GFU	Global Feedback Unit
IGIS	Inspector-General of Intelligence and Security
IPP11	Information Privacy Principle 11
ISO	International Standards Organisation
JCPAA	Joint Committee of Public Accounts and Audit
Ombudsman	Commonwealth Ombudsman
OTS	Office of Transport Security, DOTARS
TIS	Telephone Interpreter Service