

29 March 2022

Attn: Jenna Raeburn  
GM Corporate Affairs  
Wellington International Airport Limited

By email only: [jenna.raeburn@wellingtonairport.co.nz](mailto:jenna.raeburn@wellingtonairport.co.nz)

Dear Jenna,

## **Response to Wellington International Airport Limited's request to amend an existing exemption from disclosure requirements under the Airport Services Information Disclosure Determination 2010**

1. We write in response to Wellington International Airport Limited's (**WIAL**) request to amend an exemption the Commission provided in 2021 (the **2021 exemption**) using powers under clause 2.9(1)(a) of the Airports Services Information Disclosure Determination 2010 (**ID Determination**).
2. Our letter, dated 12 October 2021, outlines the details of the 2021 exemption.<sup>1</sup>
3. We outline the background to the current request; and our response to your request, below.

### **Background**

4. Under clause 2.4(1) of the ID determination, within five months after the end of each disclosure year, every airport regulated under Part 4 of the Commerce Act 1986 (**Act**) (**regulated airport**) is required to disclose information relating to the quality of its specified airport services.
5. Clause 2.4(1)(a)(iv) requires the disclosure of the *Report on Passenger Satisfaction Indicators* set out in Schedule 14, and clause 2.4(1)(b) requires the public disclosure of those reports.

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<sup>1</sup> *Exemption Response Letter to WIAL*, dated 12 October 2021. Found on our website [here](#).

6. Under clause 2.4(2) of the ID Determination, every regulated airport must complete a passenger satisfaction survey every three months for:
  - 6.1 passengers about to board a domestic flight (**domestic surveying**); and
  - 6.2 passengers about to board an international flight (**international surveying**).
7. In this letter we refer to domestic surveying and international surveying together as **passenger surveying**.

#### *The 2021 Exemption*

8. WIAL is currently exempt from passenger surveying obligations in the ID Determination. The 2021 exemption provides WIAL an exemption from:
  - 8.1 the requirement to complete a passenger satisfaction survey in accordance with:
    - 8.1.1 clause 2.4(2)(a), relating to domestic surveying, for the quarters starting 1 July 2021 and ending 31 March 2022; and
    - 8.1.2 clause 2.4(2)(b), relating to international surveying, for the quarters starting 1 July 2021 and ending 30 June 2022; and
  - 8.2 the requirement to complete and publicly disclose the associated Passenger Satisfaction Indicators for those quarters in Schedule 14 (*Report on Passenger Satisfaction Indicators*) of the ID Determination.

#### **The Request**

9. On 9 February 2022, WIAL staff requested the Commission remove the condition from the 2021 exemption that requires it to provide an alternative means of service quality information for interested persons (the **alternative survey**).<sup>2</sup>
10. The recent community outbreak of the Omicron variant of Covid-19 (**Covid**) has meant a significant increase in Covid cases since the start of February 2022. WIAL does not believe it is able to conduct the alternative survey under these conditions, with its internal policies requiring physical distancing from passengers. It is on that basis it has requested this amendment.

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<sup>2</sup> Para 25, *Exemption Response Letter to WIAL*, dated 12 October 2021.

*Amendment Issued*

11. By this notice, under clause 2.9(1)(b) of the ID determination, the Commission amends the 2021 exemption, with reference to the letter dated 12 October 2021,<sup>3</sup> by:
  - 11.1 removing the “condition for exemption” outlined under paragraph 25; and
  - 11.2 replacing the words “31 March 2022” with the words “30 June 2022”, under paragraph 9.1.1.
12. For the avoidance of doubt, the effect this amendment will have on WIAL will be to:
  - 12.1 remove the requirement to continue to collect service quality information by way of an alternative survey for the duration of the exemption period; and
  - 12.2 extend the exemption period, that was set to expire at the end of Q1 2022, to include Q2 of 2022.
13. We consider the purpose of ID with regard to quality performance is currently unable to be practically met due to the operating environment created by Covid.
14. We also consider any quality information collected in a Covid-operating environment (if it were practically possible) to be of reduced value compared to the benefit it intends to provide to interested persons (relative to that information in a normal operating environment). It may be difficult for respondents to judge the quality of airport services based on efforts by that regulated airport, compared to quality implications as a result of Covid measures in place that are largely out of the airport’s control.
15. The reasons behind the amendment are outlined below.

*Removal of alternative survey*

16. New Zealand continues to record a significant number of new Covid cases in the community due to the outbreak of Omicron that started in January 2022.<sup>4</sup>
17. WIAL considers it cannot conform with its internal policies (that deal with Covid) while continuing to conduct the physical surveying of passengers, due to the increased transmission of Covid in the community.
18. Under these circumstances, we consider it reasonable for WIAL to pause its domestic surveying obligations due to health and safety concerns for staff and passengers. It is on this basis the amendment is granted.

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<sup>3</sup> *Exemption Response Letter to WIAL*, dated 12 October 2021. Found on our website [here](#).

<sup>4</sup> A timeline of important dates can be found [here](#).

*Extension of the exempt period*

19. Further, we consider the situation is unlikely to materially improve in the short-term, and, therefore, WIAL will continue to be affected in a similar manner, through at least Q2 of 2022. As such, we consider it appropriate to extend the timeframe for exemption to cover that period.

**Further Information**

20. This exemption may be revoked or further amended by the Commission at any time in accordance with clause 2.9(1)(b) of the ID determination.
21. A copy of this exemption response letter will be published on the Commission's website.
22. If you have any questions regarding this matter, please contact Rhys Williams at [rhys.williams@comcom.govt.nz](mailto:rhys.williams@comcom.govt.nz).

Yours sincerely

A handwritten signature in black ink, appearing to read 'S of Begg'.

Sue Begg,  
Deputy Chair