



# Dissenting Report—Mr Paul Fletcher MP

## 1) Introduction

1. This Dissenting Report sets out my conclusions following the inquiry of the House of Representatives Standing Committee on Infrastructure and Communications into Cabin Crew Ratios on Australian Aircraft.
2. I disagree with the conclusion of the Chair's Report. In my view the evidence received by the Committee offers no satisfactory basis for Australia persisting with a 1:36 cabin crew ratio when a 1:50 ratio is recommended by major aircraft manufacturers Boeing and Airbus and is the regulatory requirement in the United States, Europe and other jurisdictions.

## 2) The right way to frame the question

3. The Committee has been asked to consider a serious question of public policy, raising issues of public safety, security and cost. That question is whether the legal minimum requirement for the number of cabin crew in certain passenger aircraft should be a ratio of 1:50 or 1:36.<sup>1</sup>
4. Several points bear upon this question:
  - The relevant specialist Commonwealth government regulatory body, the Civil Aviation Safety Authority (CASA), proposes a 1:50 ratio.

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<sup>1</sup> The question concerns aircraft with between 16 and 216 seats.

- Single aisle aircraft in the relevant size range (such as the Airbus 320 and Boeing 737) are designed on the basis of a 1:50 ratio.<sup>2</sup>
  - In the US, Europe and in fact in all International Civil Aviation Organisation (ICAO) jurisdictions except Australia and Canada, 1:50 is the ratio used.<sup>3</sup>
  - While the existing Australian ratio is based on the number of passengers, the ratio used internationally (and the one proposed by CASA) uses the number of seats.
5. The right way to frame the question facing the Committee is to ask whether there is any good reason for the cabin crew ratio used in Australia to diverge from the 1:50 ratio which is used in other developed nations, and recommended by the aircraft manufacturers (“**International Standard Ratio**” or “**ISR**”).
  6. If there is persuasive evidence that countries which use the ISR have inferior aviation safety or security outcomes to those in Australia, or that Australia’s use to date of the 1:36 ratio (“**Legacy Australian Ratio**” or “**LAR**”) has delivered tangible practical benefits for safety or security, then we should have no hesitation in continuing to diverge from the ISR. If there is no such evidence, we should adopt the ISR.
  7. The Chair’s Report seems to assume that adopting the ISR will result in there being more passengers for each cabin crew member than is the case today. A similar assumption was made by some witnesses, such as the Flight Attendants’ Association of Australia (FAAA). That assumption is not universally correct.
  8. If we start with the simplifying assumption of a fully loaded aircraft, then the number of seats equals the number of passengers. Even with this assumption, when we consider the range from 16 passengers to 216 passengers, using the ISR will produce no reduction in cabin crew when there are
    - Between 19 and 36 passengers
    - Between 50 and 71 passengers
    - Between 100 and 107 passengers.
  9. A more important point is that the ISR is calculated on a *per seat* basis; the LAR is calculated on a *per passenger* basis. There is limited discussion in the Chair’s Report of this point, but it makes a significant difference whenever an aircraft is not fully loaded. If the load factor is less than 72 per cent (that is, 36
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<sup>2</sup> CASA, Submission 5, p 12

<sup>3</sup> CASA, Submission 5, p 9

divided by 50), using the ISR will produce a minimum required number of cabin crew which is equal to, or *higher than*, the LAR.

### 3) No persuasive evidence that ISR produces inferior safety or security outcomes

10. The committee heard no persuasive evidence that using the ISR produces inferior safety or security outcomes.
11. Australia has very high aviation safety standards. Since 1966 we have had no fatal accidents on transport category aircraft where cabin crew were carried.<sup>4</sup>
12. Of course that reflects many factors including maintenance practices, pilot training and quality, aircraft age and quality, air traffic control systems and weather. The number of cabin crew is one factor in a complex mix. It is relevant in certain circumstances, particularly where there is an accident requiring a rapid evacuation.
13. CASA informed the Committee that there is no evidence, to its knowledge, of systematic differences between aviation safety in Australia and other countries due to the different cabin crew ratios. In its submission CASA noted the absence, to its knowledge, of any:
  - accident or incident investigation in a country that operates at a 1:50 ratio that has recommended an increase in cabin crew;
  - studies into cabin safety that have recommended an increase in cabin crew numbers;
  - evidence supporting a link between the Australian requirement for 1 cabin attendant to 36 passengers and Australia's aviation safety record;
  - any situation where the effective management of an event was enhanced as a consequence of a cabin crew ratio on that flight of being (up to) 1:36.<sup>5</sup>
14. Since 2006, CASA has given exemptions to a number of operators allowing them to operate using the 1:50 ratio. The committee received no persuasive evidence of any materially adverse safety consequences having flowed from these exemptions.

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<sup>4</sup> CASA Supplementary Submission 5.1, pp 7-8

<sup>5</sup> CASA Supplementary Submission 5.1, pp 7-8

15. The evidence received by the Committee from the Office of Transport Security indicated that adopting the ISR will make no difference to aviation security.

**Mr FLETCHER:** I would like to ask one further question based on that. In other words, as we deliberate on the view we should form on this

proposed change, the aviation security considerations, in practical terms, do not assist us and do not point in either direction?

**Mr Robertson:** On the evidence that is available that would be a fair assessment, yes.<sup>6</sup>

#### 4) Other Arguments

16. A number of other arguments were put. I did not find they offered persuasive support for Australia continuing to diverge from the ISR.

##### a) Because Australia has historically had a higher ratio

17. As the Chair's Report notes at paragraph 1.43, the main reason that Australia has used the 1:36 ratio is historical:

From the evidence received by the Committee, it is clear that the only real basis behind the current cabin crew ratio of 1:36 is that it was used in the early days of civil aviation in Australia, and has since been extrapolated as passenger aircraft have increased in size.<sup>7</sup>

18. Self-evidently, this is not a sufficient reason to continue to diverge from the ISR.

##### b) Arguments from the TWU and the FAAA

19. The Chair's Report extensively quotes the views of the Transport Workers Union (TWU) about the role of cabin crew in maintaining in-flight security. I do not understand why. Neither cabin crew ratios, nor in-flight safety and security, are issues about which the TWU has particular expertise. Its National Secretary told the Committee that the TWU does not represent cabin crew or any workers who have a role when an aircraft is in flight.

**Mr FLETCHER:** Mr Sheldon, what roles do your members perform on aircraft?

**Mr Sheldon:** They are baggage handlers, so they come into contact with the aircraft by putting bags in. They are freight loaders. A large

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<sup>6</sup> *Committee Hansard*, Canberra, 19 May 2011, p.57

<sup>7</sup> Chair's Report, para 1.43

proportion of passenger flights carry freight. They are catering staff that will truck the catering to the plane and load the plane with the catering shells.

**Mr FLETCHER:** Are any of your members in the aircraft in their occupation?

**Mr Sheldon:** I am sorry; we also have aircraft cleaners—they go in and out.

**Mr FLETCHER:** What about when the aircraft is in flight?

**Mr Sheldon:** No, we do not have people who are engaged in the work while in flight.<sup>8</sup>

20. In my view the opinions of the TWU should be given no particular weight in considering this question.
21. The FAAA were strongly in support of Australia continuing to diverge from the ISR. The FAAA exists to advance the interests of its members, who are flight attendants on Australian airlines. It is unsurprising that the FAAA opposes a change which it perceives as reducing the mandated minimum number of flight attendants on aircraft. However, the criteria for this decision are safety and security; they are not maximising employment prospects in the airline industry.
22. I acknowledge that the FAAA presented arguments based on safety and security considerations. I found those arguments less persuasive than the evidence provided by CASA and the Office of Transport Security.

### c) Because the ISR would bring cost savings and these are a bad thing

23. The Chair's Report at paragraph 1.71 speaks of the 'challenges in assessing operators' motivations in seeking exemptions to the 1:36 ratio' and notes that operators agreed that it had been primarily for cost reasons.<sup>9</sup>
24. This paragraph implies that it is prima facie a matter for concern that operators have been motivated by cost savings. I disagree. Of course safety must be the primary objective and operators must not do anything which compromises safety. However, if cost savings can be obtained without compromising safety, I see no objection at all to operators pursuing them. It is a question to be assessed on the evidence: does diverging from the ISR delivers safety and security benefits?

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<sup>8</sup> *Committee Hansard*, Canberra, 25 May 2011, p.11

<sup>9</sup> Chair's Report, para 1.71

25. The evidence provided to the Committee has not demonstrated material safety and security benefits. That being so, it makes good sense to pursue cost savings. After all, if adopting the ISR delivers cost savings, the benefits may potentially include:

- Lower airfares making it more affordable for Australians to fly
- Improving the breakeven economics of routes to particular destinations (especially in rural areas), allowing them to receive services which would not otherwise be possible
- Using the savings to fund other initiatives which have a greater safety and security benefit than is gained from diverging from the ISR.

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**October 21, 2011**