

Joint Committee of Public Accounts and Audit

Review of Aviation Security in Australia

SUBMISSION COVER SHEET

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Comments by the Flight Attendants' Association of Australia on the Cabin Crew Perspective of Australian Aviation Security

Introduction and Background

The Flight Attendants' Association of Australia (FAAA) is the body representing the largest single professional group within Australian air transport. In representing this group the Association believes its role in relation to safety and security issues is most properly that of an independent quality control mechanism.

The FAAA contends that in contrast to the service orientated focus of airline marketing, the aviation role performed by cabin crew is best characterised as that of aviation safety and security professional. This mandated safety and security role is made explicit within the Annexes to the Convention on International Civil Aviation.

Annex 6 (chapter 12) states that cabin crew are "*required on board an aircraft to effect a safe and expeditious evacuation of the aeroplane and to perform the necessary functions in an emergency or in a situation requiring emergency evacuation.*" The security functions and obligations of cabin crew are further detailed in Chapter 13 of Annex 6, which requires that they be trained to "*minimise the consequences of acts of unlawful interference*" and to "*...contribute to the prevention of acts of sabotage or other forms of unlawful interference.*"

In recognition of these obligations ICAO Annex 2 specifically identifies cabin crew as a 'safety-sensitive' group. This primacy of safety and security is further reflected within ICAO's documentation such as the Cabin Crew Safety Training Manual, which states that "*cabin crew training is about safety ...their duties and responsibilities in air transport operation are safety related and their training should clearly reflect this*".

Considering that the number of flight deck crew has been reduced to two members within the majority of the world's air transport category aircraft, while the size and capacity of the modern aircraft cabin has simultaneously continued to grow — and that the cockpit door is now permanently locked — the cabin crew role has clearly evolved to higher levels of individual responsibility for safety and security outcomes. Within the modern aviation system cabin crew are now vital members of an integrated operational safety and security team.

The primacy of the cabin crew safety and security role has been confirmed by the U.S. the House of Representatives. A House Subcommittee inquiry into Aircraft Cabin Safety Staffing Standards concluded that:

“Clearly, safety is the one and only reason flight attendants are necessary on passenger carrying aircraft, not to be waiters and waitresses. These service aspects of flight attendants’ responsibilities are simply a feature added by air carriers for the convenience of passengers.”

The Association is therefore firmly of the view that cabin crew are primary participants who should be considered necessary and valuable consultation partners in the development of aviation security provisions, legislation and regulations. Although incidents such as the QF1737 alleged hijack attempt on 29 May 2003 clearly demonstrated the critical safety and security role of cabin crew, airlines and Government have for many years appeared reluctant to explicitly declare the primacy of crew members' safety and security obligations over customer service duties.

1. Aviation Security Consultation Issues

Aviation workers such as cabin crew are major stakeholders in their industry and their lives are as much at risk as those of passengers in the event of accidents, incidents, and unlawful interference. Cabin crew members carry a heavy responsibility for the performance of their safety and security duties and the lives of passengers may lie directly within their hands. These responsibilities must be matched to meaningful consultation rights.

Recognising the right of aviation employees to be independently consulted and to comment upon security requirements would significantly enhance a system of checks and balances. In this context cabin crew are part of an essential quality control process and have a direct and personal interest in the security of the air transport industry. Such checks and balances help ensure that safety and security concerns remain at the centre of aviation decision-making.

The FAAA agrees with the inclusive sentiment expressed within the Joint Committee Chairman's comment that "... All components of the aviation industry have a part to play in aviation security, including check-in staff, screening staff, baggage handlers, the airlines, the airports, and the regulators and security staff." This sentiment is also clearly reflected within the Transport and Regional Services Minister's second reading speech to parliament for the Aviation Transport Security Bill (2003) that "*The ... Bill recognises the responsibilities of all aviation security participants, from the largest airport operator down to the ordinary passenger. We must all be involved in aviation security.*"

The FAAA concurs completely with these views, however despite such rhetoric we do not to yet see their spirit or intent actually reflected in the consultative arrangements of Government or industry in relation to the development of aviation security provisions, legislation or regulations. For example, the Aviation Transport Security Bill (2003) and Consequential Amendments, was developed without any consultation with cabin crew, despite their specialist knowledge of the cabin operating environment and the intimate involvement they will have in applying, and being subject to, the legislation's security requirements.

In regard to the consultation airlines believe is appropriate with the aviation workers who will implement security provisions, the FAAA notes that the submission by Qantas to the Joint Committee contains multiple references for the need for Government to consult with industry. However, the only recognition the airline provides on the role to be played by cabin crew in developing Australia's aviation security framework is the obligation for unions and staff associations to encourage full compliance by their members with all aviation security regulations and requirements.

The FAAA does indeed encourage its members to comply fully with aviation security regulations and requirements; however as aviation professionals and the end users of security provisions the proper role of cabin crew is far wider than this single dimension. In the post September 11 environment aviation workers can no longer simply be

directed to comply with security instructions; they must now be accepted as key stakeholders and be actively encouraged to fully contribute. Meaningful consultation is the only way to elicit the full contribution of *all* system participants.

2. Impact of Commercial Factors on Aviation Security Outcomes

The FAAA believes that within the current increasingly deregulated national and international aviation environment commercial factors are steadily gaining primacy over operational safety and security. In response to commercial pressure air carriers are placing a higher priority than ever before on the need for differentiation of the airline product. An organisational response to this need can be seen in the shift of responsibility for the operational control of cabin crew within Qantas from the flight operations department to the marketing department. Considering that cabin crew are primary aviation personnel the FAAA's view is that the safety and security consequences of such organisational changes are not always positive. Within the airline environment control of cabin operations should be retained as a core flight operations department responsibility.

The safety and security issues arising from high levels of competition within the air transport industry are especially acute for cabin operations as airlines and aircraft manufacturers now simultaneously seek to introduce product innovation and new features into the passenger cabin far more quickly than in any other area of aviation. The Association's experience is that cabin design and customer service initiatives often have important implications for aircraft safety and security.

In response, new security requirements often need to be developed as hazards which may arise from product innovations may not be adequately addressed within the existing aviation regulatory framework. However, the government's lack of recognition of the primary status of cabin crew has not to date facilitated a coordinated response to such potential security risks. For example, despite the unquestioned relationship between cabin operations and safety and security outcomes there are still no cabin safety specialists within the standards branch of the Civil Aviation Safety Authority (CASA). Within CASA cabin specialists are confined to the compliance division. Additionally, the Aviation Safety Forum (ASF), set up by the Government to provide strategic advice to the CASA board, does not have a member with specialist cabin safety expertise.

The FAAA suggests that a clear example of the impact of commercial factors upon operational safety, and of the results of this type of Government safety and security policy vagueness, can be seen in the current Qantas proposal to install self service bar units within their Longhaul aircraft fleet. The FAAA is strongly of the view that the active promotion of passenger self service of alcohol is inappropriate within the security sensitive aircraft environment and that evidence before the Association clearly suggests that access to alcohol onboard aircraft should, in fact, be reduced rather than increased. The Qantas marketing department on the other hand, says that the bar will provide a stylish environment where customers can choose to socialise or where they can pour themselves an alcoholic drink, while an article in the Australian newspaper's travel section on 29 August reports that *'the business class cabins will also have stand-up bars for guests wishing to indulge in a little mile-high networking.'*

The Association believes that the security of the aircraft, its passengers and crew would be impacted should passengers be permitted, and indeed encouraged through such promotional activities, to freely serve and access alcohol on an aircraft in flight. The FAAA contends that in line with longstanding US and Canadian laws, and proposed Australian Civil Aviation Safety Regulations (CASR), alcohol must only be consumed on an aircraft if the beverage has been directly served by a cabin crew member. Only in this way can an aircraft's crew maintain direct and positive control of a clearly identified security risk factor.

3. Security Screening Provisions

The FAAA believes that all persons accessing an aircraft and the airside areas must be fully and positively security screened. The Association does not believe that current screening provisions applied to support staff such as cleaning and catering personnel are sufficient. Screening requirements should apply equally to support ground staff as they currently do to all air crew members. Any person who has access to an aircraft after it has been security checked by its operating crew and declared sterile must be subjected to this level of security clearance.

The Association remains concerned that passengers are permitted to carry on to aircraft containers of liquid, such as bottles of mineral water. Should, for example, a one litre bottle contain an accelerant rather than water we are advised that an aircraft

could be destroyed if this material was ignited as the subsequent fire would be extremely difficult, if not impossible to control. Security staff should therefore remove such items from passengers or confirm their contents as a standard screening action.

The Association is concerned that not all airports, for example Mt. Hotham, have security screening facilities. In such regional locations passengers are screened when they disembark at a major airport, however, because they are already airside and may have ongoing connections this represents a serious security concern.

4. Biometric Technology

Qantas International cabin crew are currently utilising the biometric Smartgate system for customs clearance at Sydney international terminal. The FAAA's International Division was consulted during the development and implementation stages of the program and was subsequently provided with an opportunity to add value to the system and to encourage the Association's cabin crew membership to participate in its trial. As a direct consequence of their union's endorsement over 96% of cabin crew have enrolled in the project and are enthusiastic and comfortable with the use of this technology.

The FAAA's International Division therefore supports the implementation of biometric technologies, however, the Association's preference is for the facial recognition methodology. Cabin crew find facial recognition less physically invasive, which is an important issue when considering the repeated exposure of cabin crew to it and the use of such devices in an environment such as the SARS crisis.

The Association notes the potential for serious privacy concerns in relation to the utilisation of biometric technology. In this respect the inclusion of a privacy commissioner on the Customs Service staff is a welcome response to such concerns. The FAAA reiterates the strong need to continue to consult with labour stakeholders on issues such as privacy as biometric systems are evolved.

Aviation workers are clearly prepared to play their part in the development of such worlds best security systems such as Smartgate. However, the Association highlights that the evolution of such systems are an infrastructure issue to which the Commonwealth should contribute appropriate funding as they directly facilitate the safety of air transport and provide a vital additional layer of aviation security.

5. Minimum Safety and Security Competency Standards

In response to the increased security obligations and responsibilities of cabin crew an ICAO working group is currently rewriting the ICAO Cabin Crew Training Manual in order to incorporate the wider security responsibilities contained within the ICAO Manual on the Implementation of the Security Provisions of Annex 6 (Doc 9811 AN 766 Restricted).

ICAO therefore clearly accepts the increased security role of cabin crew within the post September 11 aviation environment. Additionally, as indicated previously, ICAO identifies cabin crew as a 'safety sensitive' group. However, of the four groups broadly defined as safety sensitive (pilots, ATC, LAMEs and Cabin crew) the only group not required to demonstrate their safety and security proficiency to an internationally agreed minimum standard is cabin crew.

As a consequence of the critical safety and security nature of the cabin crew role the FAAA believes that evaluation of such minimum international competency standards should be undertaken by ICAO. The Association notes that the issue of cabin crew licensing is at an advanced stage internationally and is currently being currently before the US Congress and House of Representatives and being evaluated by the European Joint Aviation Authority. The FAAA requests that Australian Government support the creation of an ICAO working group to investigate the issues relating to the development of an internationally standardised system of cabin crew licensing, under ICAO oversight.

6. Unruly/Disruptive Passenger Behaviour

- a) The FAAA finds that the service levels that airline marketing programs promote are increasingly difficult for cabin crew to actually deliver due to the interrelationship between expanded product levels, maximised passenger configurations and the utilisation of minimum crewing levels. Potential service shortfall and misalignment between the expectations of customers and the level of service cabin crew are able to consistently deliver may result in a level of customer dissatisfaction that increases the potential for unruly/disruptive passenger behaviour.

- b) The trend towards minimum crew complements has important implications for aviation safety and security. Due to minimum crew numbers and expanded cabin service requirements all crew members may be forward of the wing during bar and meal service resulting in significantly reduced safety and security oversight of passengers in the rear of sections of an aircraft (for example, in the aft galley of aircraft such as the B767) at these times. The Association has received numerous security reports of crew returning to the rear galley to find passengers standing there smoking or dozens of discarded meal trays (over 40 in one instance) across the floor and wedged in every available space. On another reported occasion crew returned to find a passenger unconscious on the floor of the rear galley.

- c) The FAAA, through close consultation with the International Transport Workers' Federation (ITF), contributed to the ICAO working group's development of guidance material on the legal aspects of unruly/disruptive passenger behaviour, which concerned national legislation on certain offences committed on board civil aircraft. The 33rd ICAO General Assembly unanimously adopted this model legislation in Resolution A33-4.

The FAAA fully supports ICAO Resolution A33-4 and the associated guidance material, which facilitates its implementation. This Association notes that the model legislation contained within the guidance material clearly defines a hierarchy of certain offences committed on board civil aircraft, which places assault and other acts of interference against a crew member as the most serious offence.

The FAAA considers Australia to be a world-leader in terms of domestic legislation and policy relating to unruly/disruptive behaviour. However, we remain concerned with the jurisdictional issues which may arise in relation to offences committed on board international aircraft within Australian airspace or onboard an Australian aircraft transiting/arriving in foreign States.

For these reasons the FAAA strongly urges the Australian Government examine in detail the Resolution's guidance material, to implement Resolution A33-4 and to influence other States to also do so.

7. Funding of Aviation Security Infrastructure

The FAAA agrees with the points raised by the Qantas submission that the funding for aviation security programs should reflect the division of responsibilities for the implementation of aviation security and that this should guide the distribution of the associated security costs.

The FAAA is strongly of the view that the provision of aviation security is an issue of infrastructure provision that is primarily a matter for funding by the Commonwealth. In this respect the Association notes that the activities of terrorists are not generally directly associated with service provision dissatisfaction, but rather are directed towards air transport assets in response to Government policy.

8. ASO Program

The FAAA supports the ASO program. The Association's view is that ASOs provide a valuable additional layer of security and are an asset onboard Australian registered aircraft. This view is reinforced by the current locked flight deck door policy which may require cabin crew to protect passengers with their lives. Within such extreme circumstances the possible assistance of an ASO would be a critical actual benefit or a potentially potent deterrent.

The Association has had close consultative links with the ASO program and found this to be a valuable opportunity to add value to the program's outcomes. The FAAA does however consider that an aircraft's operating aircrew must clearly retain the primary responsibility for the conduct of flight, the functions which facilitate the control passengers and of the factors contributing to safety on board an aircraft in flight. These obligations are made explicit in the ICAO Annexes and must not be diminished or assigned to other groups outside of the operating aircrew.

9. Chemical and Biological Incident on Aircraft in Flight

The FAAA notes the concern of the CSIRO in relation to the release of biological agents on-board an aircraft that could contaminate large number of travellers. The Association draws the Committees attention to our concerns regarding the adequacy of current mechanisms to address the discovery of Biological or chemical substances within an aircraft in flight. The Association does not believe it is

appropriate to discuss further operational security issues in the public domain, however we would be happy to discuss this portion of our evidence in-camera with the Committee.

10. Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand and Other Matters) Bill 2003.

The Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand and Other Matters) Bill 2003 has been presented to Parliament for consideration. A similar Bill mirroring the New Zealand component of this agreement is currently before the New Zealand Parliament.

The Bill provides for mutual recognition of aviation related certification between Australia and New Zealand (beginning with Air Operator Certification [AOC]) on behalf of air transport carriers operating pursuant to Single Aviation Market (SAM) arrangements. The principle underpinning this Bill is the Government contention that the Australian and New Zealand aviation systems, while utilising different processes, offer equivalent total safety and security outcomes.

The Flight Attendant's Association of Australia does not agree with this view or with the basis upon which it has been determined.

The evidence before this Association clearly indicates that in key operational areas the New Zealand regulatory compliance framework provides for a lower level of mandated safety and security hazard mitigation than does Australian law. For example, New Zealand registered aircraft are permitted to operate with less than 1 crew member per floor level exit and utilise a minimum crew/pax ratio that is not only inferior Australian requirements, but to US, EU and Canadian law as well. The FAAA believes that the fundamental premise of equalised total safety and security outcomes between the Australian and New Zealand aviation systems is invalid and a distortion of the concept of safety equivalence.

The FAAA understands that New Zealand law does not permit the carriage of armed Air Security Officers (ASOs). The Government contends that the non-deployment of ASOs by New Zealand does not lead to the conclusion that Air New Zealand has an inadequate aviation security program for their operations in Australia, however the FAAA does not accept this response. The New Zealand Government is not a high level target as Prof. Clive Williams of ANU has publicly identified

Qantas and Australia. The New Zealand Government has therefore not been required to apply the same level of security planning and oversight to its national aircraft. The Association believes the non carriage of ASOs on New Zealand registered aircraft operating within Australia would be reasonably expected to represent a softer target for terrorist actions.

FAAA Recommendations

In relation to aviation security within the Australian air transport system the FAAA makes the following recommendations to the Government and the Joint Committee of Public Accounts and Audit:

- The Government explicitly recognise the critical safety and security based nature of the cabin crew role and the evolving higher levels of safety and security responsibility of cabin crew members;
- The Government explicitly recognise the status of cabin crew as primary aviation participants and necessary consultation partners in the development of aviation security provisions, legislation and regulations;
- The Government recognise the impact of commercial factors on the ability of cabin crew to effectively perform their mandated safety and security responsibilities and provide legislative and regulatory support for the conduct of these critical duties;
- The Government ensure that all persons with access to an aircraft and airside areas be screened to the same standard as an aircraft's operating crew;
- The Government commit to fund the continued development of biometric technologies and to ensure the concerns of aviation labour stakeholders and addressed within the development process of such technologies;

- The Government support the evaluation by ICAO of internationally agreed minimum standards of cabin crew safety and security competence through the development of a cabin crew licensing regime;
- The Government actively support, and encourage implementation where necessary, ICAO's Resolution A33-4;
- Government commit to fund aviation security infrastructure where the division of security responsibilities indicates that the Commonwealth has carriage of this responsibility;
- The Government not permit the importation of inferior foreign safety and security standards and require that all aircraft operating within Australia comply with Australian safety and security standards.

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