

The Secretariat  
Senate Rural and Regional Affairs and Transport Committee  
Room SG:62,  
Parliament House  
CANBERRA ACT 2600

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**SUBMISSION BY THE FLIGHT ATTENDANTS ASSOCIATION OF  
AUSTRALIA (INTERNATIONAL DIVISION) RE:**

*CIVIL AVIATION LEGISLATION AMMENDMENT (MUTUAL  
RECOGNITION WITH NEW ZEALAND AND OTHER MATTERS) BILL  
2003*

1. The *Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand and other Matters) Bill 2003* intends to implement the mutual recognition of Australia and New Zealand Air Operator's Certificates (AOC), which are issued by the Civil Aviation Safety Authority (CASA) in Australia, and the Civil Aviation Authority of New Zealand (CAANZ) in New Zealand.
2. The explanatory memorandum accompanying the bill details the decision to proceed with the bill was made on the premise that<sup>1</sup>:

*“ Mutual recognition is based on an acceptance by both countries that their safety regulations result in the safe operation of large capacity aircraft in each of their Jurisdictions.”*

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<sup>1</sup> *Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand and Other Matters) Bill 2003, Explanatory Memorandum, at p1.*

3. One stated objective of the Amendment Bill<sup>2</sup> is to remove the current requirement for an operator in New Zealand or Australia to obtain and maintain an Air Operating Certificate (AOC) in both jurisdictions.
4. Specifically any Australian or New Zealand operator flying between Australia and New Zealand currently is required to hold and comply with two AOCs, one from Australia (issued by Civil Aviation Authority Australia (CASA)) and one from New Zealand (issued by Civil Aviation Authority New Zealand (CAANZ)).
5. Under the proposed Bill, an operator holding an AOC issued by CAANZ will be able to operate in Australia without the requirement to hold an AOC issued by CASA. Further an operator holding an AOC issued by CASA will be able to operate in New Zealand without the requirement to hold an AOC issued by CAANZ.
6. It is the submission of the Flight Attendants Association of Australia (International Division) that the premise detailed in the explanatory memorandum and referred to in paragraph 2 of this submission is fundamentally flawed.
7. There are operational differences between the Australian and the New Zealand Civil Aviation Safety Regulations. Specifically *Civil Aviation Order* (CAO) Section 20.16.3, Subsection 6, paragraph 6.1 provides as follows:

*Aircraft engaged in charter or regular public transport operations shall carry cabin attendants appropriate to the passenger compliment as follows –*

- (a) aircraft carrying more than fifteen but not more than thirty-six passengers shall carry a cabin attendant*
- (b) aircraft carrying more than thirty-six but not more than 216 passengers shall carry at least one cabin attendant for each unit of thirty-six passengers or part thereof*

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<sup>2</sup> *Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand and Other Matters) Bill 2003, Explanatory Memorandum, at p5*

*(c) aircraft carrying more than 216 passengers shall carry the number of cabin attendants as prescribed by CASA which shall not be less than one cabin attendant for each floor level exit in any cabin with two aisles*

8. Further *Note of Proposed Rule Making* (NPRM) Part 121, Subpart O, paragraph 121A.990, (3) provides as follows:

*An operator must ensure that the minimum number of cabin crew members is the greatest of the following:*

*(a) in an aeroplane carrying more than 36 but less than 73 passengers – 2 cabin crew members and in an aeroplane carrying more than 72 passengers – 1 cabin crew member for every 36, or fraction of 36, passengers carried (in each case not counting infants except for any infants who have the sole use of a seat)*

10. On 08 January 2002 CASA, after reviewing the cabin crew ratio<sup>3</sup> requirement published a *Civil Aviation Order* (CAO) Section 20.16.3 (Instrument Number SYAO/02/002), which prescribed the minimum number of cabin attendants for aircraft operated by Qantas Airways Limited as follows:

*(a) revoke instrument SYAO/01/239*

*(b) prescribe the number of cabin attendants to be carried on aircraft operated by Qantas Airways Limited and carrying more than 216 passengers to be at least one (1) cabin attendant for each unit of thirty-six (36) passengers or part thereof, with not less than one cabin attendant for each floor level exit in any cabin with two aisles.*

*This instrument does not affect the operation of subparagraph 6.1(d) and paragraph 6.2 of section 20.26.3.*

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<sup>3</sup> See Attachment A: “*Safety in Numbers*”, *Submission by FAAA in Support of the Current “1 to 36” Australian Cabin Crew to Passenger Ratio – Proposed Rule 121a: 990*

As detailed above the appropriate crewing levels with respect to large commercial flights when recently reviewed by CASA, were determined to be appropriate. How does this recent determination by CASA, which reiterates the existing safety standard with respect to crewing levels, sit with the proposal to have New Zealand registered aircraft operating without the same safety requirement.

11. *Note of Proposed Rule Making (NPRM) Part 121, Subpart A, Section 121A.001, paragraph 2, which regulates the operation of foreign registered aircraft engaged in regulated domestic flights that are commercial air transport operations flying within Australian territory reads as follows:*

*(a) Except in the case of operations permitted under sub regulation 121B.001(d), Civil Aviation Safety Regulation Part 121A applies to the operation of:*

*(1) Australian aeroplanes having a maximum take-off weight (MTOW) exceeding 5.700kg, or having a maximum approved passenger seat configuration for more than 9 passengers, engaged in commercial air transport operation;*

*(2) Foreign registered aeroplanes exceeding the MTOW or passenger seat configuration limit mentioned in paragraph (a) (1) and:*

*(i) engaged in regulated domestic flights which are commercial air transport operations; or*

*(ii) operated by Australian operators engaged in commercial air transport operations within Australian territory*

*(b) Except where a provision of this Part expressly provides to the contrary, this Part applies in addition to any applicable provision in any other Part of these Regulations.*

*(c) If a provision in this Part conflicts with a provision in Part 91 of these Regulations the provision in this Part applies.*

12. Currently the above legislative provisions apply only to Australian registered aircraft, excepting NPRM 121, Subpart A, Section 121A.001, paragraph 2 which has limited application to foreign registered aircraft.
13. Due to the different safety operational and other legal requirements in Australia and New Zealand, some competitive pressures are likely to occur. Specifically under the proposed Bill Australian registered aircraft will be required to maintain the current Australian cabin attendant compliment ratio of 1 cabin attendant for each unit of 36 Passengers or part thereof. New Zealand registered aircraft will be able to operate within Australia with a lower cabin attendant composition.
14. This in our submission would have the effect of lessening operational safety standards in Australia.
15. Further it would provide a competitive advantage to airlines operating with an AOC issued by CAANZ. This in turn would result in the loss of the existing level playing field with respect to minimum crewing levels.
16. Because of the above competitive pressures it is highly likely that Australian operators will seek to address the issue of imbalance, by vigorously lobbying CASA and the Government to reduce operational safety standards applying to Australian registered aircraft. Further the proposed bill provides an economic incentive to register aircraft in New Zealand as opposed to Australian registration of aircraft.
17. The primary object of the *Civil Aviation Act 1988 (CAA)* paragraph 3A is as follows:

*...to establish a regulatory framework for maintaining, enhancing and promoting the safety of civil aviation, with particular emphasis on preventing aviation accidents and incidents.*
18. It is the submission of the Flight Attendants Association of Australia that the proposed Amendment Bill is contrary to the primary objective of the Act.

19. Further it is our submission that the proposed Bill will reduce operational safety standards below the currently existing standards, posing an unacceptable risk to the traveling public.
20. In our submission the high professional standards within the Australian aviation industry supported by a well-established regulatory safety system, have resulted in Australia being one of the safest aviation nations in the world.
21. It is the submission of the Flight Attendants Association of Australia, that the proposed amendment to the current *Civil Aviation Act 1988*, and any variation to the *Civil Aviation Orders*, the *Civil Aviation Safety Regulations*, or the *NPRM* as a result of mutual recognition, must ensure the high professional safety standards and qualifications within the Australian aviation industry are maintained.

#### ATTACHMENTS:

ATTACHMENT A – Submission by the FAAA NPRM 02110S, “*Safety in Numbers*”, *Submission in Support of the Current “1 to 36” Australian Cabin Crew to Passenger Ratio – Proposed Rule 121a: 990*

Authorised by Michael Mijatov, Divisional Secretary, International Division, Flight Attendants Association of Australia.



