

Dissenting Report – Labor Senators

Labor Senators do not accept the committee's report.

Despite evidence being presented now to two inquiries into this Bill, the Government is proposing to introduce a new aviation regime, without having undertaken any research to justify the changes, or to assess the likely outcomes. Instead, the Government continues to rely on hearsay evidence that there will be benefits, but little or no costs.

Again, no evidence was presented to this inquiry that quantified the benefits of this proposed amendment to the Civil Aviation Act.

Labor maintains the view that the potential costs of the introduction of this legislation are likely to be considerable, but again, no research has been undertaken by the Government to articulate or quantify these costs – despite this being a recommendation included in the dissenting report when this bill was considered by the Committee in 2004.

The greatest potential cost to Australia is the impact on air safety.

Labor maintains the view that the Government has not presented any evidence to support the premise that Australia and New Zealand present “comparable safety outcomes”. No comparative study of the regulations and practices pertaining to Australia and New Zealand has been undertaken, rather, the Australian Government has relied on the fact that both Australian and New Zealand have met ICAO audit conditions.

Evidence was submitted to both inquiries that the ICAO audit process is no basis for a comparative ranking of safety systems. Labor cannot accept that the ICAO processes can be used as the only support for the basic premise of the Bill that the safety systems of Australia and New Zealand are comparable.

Operators with AOCs with ANZA privileges will seek to operate on Australian domestic routes, and it was acknowledged during the hearings that Virgin Pacific, established in New Zealand to take advantage of the lower cost structures, could seek to extend its operations into Australia.

Given that different safety regimes are in place between Australia and New Zealand – and that operators with AOCs with ANZA privileges will have access to a lower cost structure on this basis – Labor Senators believe it will be difficult for Australian Authorities to not approve applications for lowering of the safety standards on other

domestic routes in Australia. This will lead to an overall reduction in safety standards across the Australian aviation industry.

Labor Senators believe that this report fails to recognise the importance of cabin crew to operational safety. Evidence presented to the previous inquiry showed that research undertaken by Professor Galea at the Fire Safety Research Faculty at Greenwich University's School of Numerical Modelling has shown a clear correlation between higher crew ratios and more effective (and safer) aircraft evacuations. This fundamental research has not been recognised in this report. In addition, the role that cabin crew played in saving lives during recent aviation safety incidents in Toronto and Osaka was not recognised by the committee.

The report also fails to recognise that the Australian Government, following a Civil Aviation Safety Authority review of regulations relating to crew ratios, determined that crew ratios in Australia should not change.

Labor Senators believe that the basic analysis to compare the safety systems of the two regimes must be undertaken prior to the introduction of this Bill. It defies logic to undertake this basic research after the change has been made.

Labor therefore does not support the recommendation of the report – rather recommending that the Bill not be passed by the Australian Parliament.

Senator Anne McEwen (Labor Senator for South Australia)

Senator Glen Sterle (Labor Senator for Western Australia)

Senator Kerry O'Brien (Labor Senator for Tasmania)