



## **Flight Attendants' Association of Australia**

Joint Submission on:

## **Senate Rural and Regional Affairs and Transport Committee**

## **Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand) Bill 2005**

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FAAA Domestic/Regional & International Divisions

## **Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand) Bill 2005**

### **Updated Comments by the Flight Attendants' Association of Australia on the Cabin Crew Perspective of Mutual Recognition of Aviation Related Certification between Australian and New Zealand**

#### **Background**

The FAAA would like to thank the Rural and Regional Affairs and Transport Committee for hearing and accepting our submission on behalf of the aviation safety professionals employed as cabin crew members within Australia. The Association again reiterates the points we have raised previously in our joint submissions and within our evidence before the Committee<sup>1</sup>.

We wish to highlight that as a threshold issue the concept of Closer Economic Relations (CER) with New Zealand is not one that Australian cabin crew members oppose. Indeed, the FAAA agrees that there may be many benefits in the practical application of the principles of CER to appropriate regulatory processes.

We are, however, concerned with what may be the unintended consequences of the mutual recognition of aviation related certification between Australia and New Zealand. In this regard, the FAAA wishes to clearly highlight to the Government that not all aviation safety processes—especially those that have the potential to inflict catastrophic loss—are appropriate for automatic acceptance in terms of safety equivalence.

It is the submission of the FAAA that the provisions of this Bill should be amended in order to quarantine Australia's higher aviation safety requirements from a destructive level of commercial pressure that may well flow from the adoption of mutual recognition. Moreover, this Association submits that implementation of the Bill must not proceed without a detailed comparative analysis of the individual components of each country's respective aviation safety and security systems.

Air transport category operations conducted within Australia must not be permitted to compete on the basis of safety and security costs in order to access the possible economic benefits of CER.

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<sup>1</sup> [http://www.aph.gov.au/senate/committee/rrat\\_ctte/completed\\_inquiries/2002-04/civilaviation\\_nz/submissions/sub8.pdf](http://www.aph.gov.au/senate/committee/rrat_ctte/completed_inquiries/2002-04/civilaviation_nz/submissions/sub8.pdf) & [http://www.aph.gov.au/senate/committee/rrat\\_ctte/completed\\_inquiries/2002-04/civilaviation\\_nz/submissions/sub2.pdf](http://www.aph.gov.au/senate/committee/rrat_ctte/completed_inquiries/2002-04/civilaviation_nz/submissions/sub2.pdf)



## Submission

In relation to the mutual recognition of aviation related certification between Australia and New Zealand the FAAA is believes that the potential exists for unintended consequences to diminish Australia's "world's best" aviation safety system.

In particular the Association is concerned that:

1. No evidence has been presented by the Government to empirically determine or quantify the level of safety equivalence between the Australian and New Zealand safety systems. Rather, the Bill appears to rely upon an overly simplistic quasi-cumulative addition of the individual components of each system. The FAAA believes however that the Government's determination of a comparative totalised safety outcome between the Australian and New Zealand aviation systems is inappropriate and a distortion of the concept of safety equivalence.

Additionally, factors such as compliance with the International Civil Aviation Organisation's (ICAO) Standards and Recommended Practices (SARPS) and the successful completion of the ICAO's audit process are utilised by the Bill as an indication of safety parity. The FAAA again highlights, however, that ICAO audit processes are more properly to be considered a "snapshot" of safety compliance at a particular point, and as such simply contrasts system performance against the ICAO minimum benchmark standard. As acceptable means of compliance within each aviation system may well be different such factors cannot be used as a valid basis for the determination of a competitive safety ranking between these disparate aviation systems.

2. The Explanatory Memorandum for the Bill states that '*CASA has advised that an analysis of the safety systems has been conducted and both sides are confident that aviation can interoperate safely in the form being considered*<sup>2</sup>.' The FAAA is concerned that no such analysis, if it actually exists, has been made available for public scrutiny or been tested to confirm this conclusion.

The FAAA notes that the Government proposes to conduct an analysis of the safety impact of mutual recognition at a date *after* its implementation. We accept that this is certainly a large and complex task, however, as primary stakeholders cabin crew believe that this issue is of such fundamental importance to the safety and integrity of Australia's aviation system that the necessity of

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<sup>2</sup> Explanatory Memorandum, p.12



conducting a full comparative safety analysis prior to implementation is not only indicated, but critical.

3. In addition to safety concerns, the Association also highlights the potential impact on inflight security outcomes if Australia's minimum crew requirements come under pressure as a consequence of Mutual recognition. The critical security functions of the cabin crew role, and the appropriateness of the 1:36 minimum crew complement requirements, were clearly demonstrated during the hijack attempt of flight QF1732 to Launceston.

The FAAA notes the requirement within the Bill for NZ registered aircraft to meet existing Australian security standards and expresses concern as to whether New Zealand's lower minimum crew complements will allow this condition to be effectively met.

4. The FAAA acknowledges the traditionally high standards of Australian air transport category operations and does not suggest that current operators are directly seeking access to lower standards. However, we note that the Trans Tasman aviation market is widely considered one of the most competitive in the world and that if commercial pressure increases in this market it may well influence future operators to compete on the basis of safety costs, if this option exists under Mutual Recognition.

As a consequence, current Australian operators might then find themselves in the position of having no option but to also seek access to lower safety compliance costs, especially in areas such as crew numbers. An example of this outcome might be predicted to impact flights to regional Australia on Dash 8 type aircraft where, as a cost saving measure, the current 2 cabin crew members required by Australian regulations could come under pressure to be reduced to a single crew member as permitted under New Zealand's rules. This would have important implications for both emergency evacuation efficiency and aviation security.

5. The Government has acknowledged that CASA has conducted a full review of the Australian minimum cabin crew complement requirement and determined that Australia's Civil Aviation Regulations provide for a higher level of safety than does the 1:50 crew to passenger seat ratio of New Zealand. This fact was accepted by Minister Anderson in Parliament and confirmed by CASA in evidence before the Committee through several statements indicating that



Australia's 1:36 crew ratio is a 'better ratio' than that of NZ and provides a 'preferable standard.'<sup>3</sup>

6. The FAAA is not critical of New Zealand's safety standards *per se*, however, it is our view that many of Australia's standards provide for a higher level of hazard mitigation than do corresponding New Zealand laws. Our experience has been that New Zealand's aviation regulations also provide more scope for the circumvention of proper safety requirements.

For example, the FAAA understands that that New Zealand does not have cabin safety specialists within the standards (rule development) division of the CAANZ or specialist cabin safety auditors within the CAANZ's compliance division. Our view is that this would clearly diminish the New Zealand regulator's ability to provide an equivalent level of oversight to that currently undertaken in Australia by CASA.

The Association's believes that this is essentially a resource issue reflecting New Zealand's assessment of aviation risk acceptability and the subsequent allocation of scarce resources. The FAAA highlights again that this does not in any way reflect upon New Zealand's ability to operate complex socio-technical aviation safety systems.

7. The Australian aviation system is generally noted as being one of the world's safest, while Australian air transport category operations have a safety records second to none. The FAAA respectfully highlights that New Zealand's aviation system, whilst certainly not considered unsafe, is not so noted.

Despite its relatively small size [volume] Australia's aviation system has been voted as one of ICAO's ten most important countries in international civil aviation by every General Assembly since the inception of the Convention on International Civil Aviation in 1944. Australia's extraordinarily safe record is due in large part to successive governments exercising complete sovereignty and control over the national aviation system. We are concerned, however, that this Bill seeks to transfer oversight of a portion of our national aviation system to a foreign country with what we believe to be lower safety standards.

8. The FAAA recognises that there are benefits in the concept of international process equivalence, however this issue should be viewed in the context that some processes, especially hazard mitigation strategies, must be assessed in

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<sup>3</sup> Transcript of Evidence, 29 August 2005.



relation to local jurisdictional requirements and prevailing national interest. For example, the FAAA notes the government's insistence that New Zealand financial organisations operating in Australia meet local banking regulatory standards.

9. The FAAA is concerned that this Bill might institutionalise a dual level of safety within the Australian aviation system, at least in the short to medium term (after which safety parity may be achieved at the lower level). This would result in a higher level of safety for passengers flying on Australian registered aircraft and a second, lower safety standard, for operations conducted by lower cost NZ aircraft.
10. The Explanatory Memorandum estimates the value of mutual recognition to be \$1000 dollars per average Australian family<sup>4</sup>. Professional cabin crew are of the opinion that the Government must not sell the higher safety margin available to Australian families for this sum. The additional Australian level of safety these families enjoy is worth far more than \$1000.
11. Lastly, we would highlight that commentators are attributing the recent increase in aviation accidents and fatalities to factors related to commercial pressure. The FAAA believes that the travelling public, when provided with the option, has clearly expressed a preference to pay for access to Australia's higher standards of aviation safety.

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<sup>4</sup> Explanatory Memorandum, p.7