

Chapter 1

Introduction

The inquiry

1.1 On 30 September 2010, the Senate referred the following matter to the Senate Rural Affairs and Transport References Committee (the committee) for inquiry and report by 17 November 2010:

- (a) pilot experience requirements and the consequence of any reduction in flight hour requirements on safety;
- (b) the United States of America's Federal Aviation Administration Extension Act of 2010, which requires a minimum of 1500 hours before a pilot is able to operate on regular public transport services and whether a similar mandatory requirement should be applied in Australia;
- (c) current industry practices to recruit pilots, including pay-for-training schemes and the impact such schemes may have on safety;
- (d) retention of experienced pilots;
- (e) type rating and recurrent training for pilots;
- (f) the capacity of the Civil Aviation Safety Authority to appropriately oversee and update safety regulations given the ongoing and rapid development of new technologies and skills shortages in the aviation sector;
- (g) the need to provide legislative immunity to pilots and other flight crew who report on safety matters and whether the United States and European approaches would be appropriate in the Australian aviation environment;
- (h) reporting of incidents to aviation authorities by pilots, crew and operators and the handling of those reports by the authorities, including the following incidents:
 - (i) the Jetstar incident at Melbourne airport on 21 June 2007, and
 - (ii) the Tiger Airways incident, en route from Mackay to Melbourne, on 18 May 2009;
- (i) how reporting processes can be strengthened to improve safety and related training, including consideration of the Transport Safety Investigation Amendment (Incident Reports) Bill 2010; and
- (j) any other related matters.

1.2 On 17 November 2010, the Senate granted an extension to the committee's reporting date until the second sitting day of March 2011. A subsequent extension was

granted until 4 May 2011. The committee tabled an interim report on 4 May 2011, indicating that it required additional time to seek further evidence and intended to table its final report on 15 June 2011.

Conduct of the inquiry

1.3 Notice of the inquiry was posted on the committee's website and advertised in *The Australian* on 13 October 2010. The committee also invited submissions from individuals, organisations and agencies involved in the Australian aviation industry. The committee received 55 submissions, including 34 in camera (confidential) submissions. A list of public submissions is provided in Appendix 1.

1.4 The committee held public hearings in Sydney on 1 December 2010 and Canberra on 15 and 25 February 2011, and 18 and 31 March 2011. A list of witnesses is provided in Appendix 2.

1.5 The *Hansard* transcript of the committee's hearing is available through the Parliament's website at www.aph.gov.au. References to the *Hansard* throughout the report are to the proof transcript. Page numbers may vary between the proof and the official transcript.

Privilege matter

1.6 The Senate Standing Orders and Privilege Resolutions provide a number of important protections for witnesses who provide evidence to the Senate or Senate committees.

1.7 The entitlement of a witness to the protection of the Senate derives from Senate Standing Order 181 (SO181), which provides that:

A witness examined before the Senate or a committee is entitled to the protection of the Senate in respect of the evidence of the witness.

1.8 The obligation to ensure the protection of witnesses, as outlined in SO181 above, is augmented by Senate Privilege Resolution 6(11) (PR 6(11)), which provides that:

A person shall not inflict any penalty or injury upon, or deprive of any benefit, another person on account of any evidence given or to be given before the Senate or a committee.

1.9 Further, under Senate Privilege Resolution (PR1(18)), in any circumstances where the committee has reason to believe that a person has been subjected to or threatened with any penalty or injury in respect of any evidence given, the committee must take all reasonable steps to ascertain the facts of the matter. If the committee considers that the facts disclose that a person may have been subjected to or threatened with penalty or injury in respect of evidence given before the committee, the committee must report the facts and its conclusions to the Senate.

1.10 During the course of the inquiry, the committee received a report from a witness, who had provided evidence to the committee on an in camera basis, that the person had been subject to a penalty or disadvantage on account of the evidence that person provided to the committee.

1.11 As a consequence of this information, the committee determined that there was a possibility that the witness in question had indeed been subjected to a penalty or injury by virtue of having provided evidence to the committee in connection with the inquiry. In accordance with PR 1(18), the committee is therefore taking steps to investigate the matter by writing to a number of parties to ascertain the relevant facts of the matter.

Structure of the report

1.12 The report consists of three main chapters which consider the ten specific terms of reference for the inquiry.

1.13 Chapter 2 considers terms of reference (a), (b), (c), (d) and (e), concerning airline safety in connection with the issues of pilot experience requirements, recruiting and training and pilot retention. These terms of reference were considered together due to the inter-related nature of the issues involved.

1.14 Chapter 3 considers term of reference (f), (g), (h) and (i), concerning airline safety in connection with the issues of the capacity of the Civil Aviation Safety Authority and incident reporting and immunity, including the Transport Safety Investigation Amendment (Incident Reports) Bill 2010. As above, these terms of reference were considered together due to the inter-related nature of the issues involved.

1.15 Chapter 4 considers term of reference (j), which invited the committee to consider any other related matters. The issues considered in this chapter primarily relate to fatigue, cabin crew and flight crew.

Scope of the report

1.16 The committee notes that, given the nature of the airline industry, in which accidents and safety incidents can have such profound consequences, safety is an issue that, both in theory and practice, cuts across every aspect of airline operations.

1.17 Given this fact, and in light of the practical limitations applying to the conduct of the committee's work, it was necessary for the committee to limit its consideration of the issues raised through the inquiry. Consequently, the committee restricted the focus of the report to the central issues of pilot experience and the reporting of safety incidents.

1.18 The committee acknowledges that a number of significant issues, relating to such important areas as aviation maintenance and general aviation, are not therefore

addressed in detail in the report. However, the committee notes that such matters may be subject to inquiry by this committee or another appropriate body in future.

Acknowledgements

1.19 The committee acknowledges the contribution of all those individuals and organisations who prepared written submissions and those who appeared as witnesses. Their work assisted the committee considerably in its inquiry.