

Senate Rural and Regional Affairs and Transport References Committee

**Questions on Notice – Thursday, 31 March 2011
CANBERRA**

Inquiry into Pilot Training & Airline Safety

Question Number/s	Page No's.	Witness	Question asked by	Answered
1-2	27, 37-38-	Qantas Group	Senators O'Brien & Xenophon	18/4/11
1-2	44-46	ATSB	Senator Xenophon	18/4/11
1-6	Add. Qs	ATSB	Senator Xenophon	18/4/11
1-6	54-55	Ms Neeteson- Lemkes	Chair	19/4/11

**SENATE RURAL AND REGIONAL AFFAIRS AND TRANSPORT
REFERENCES COMMITTEE**

Inquiry into Pilot Training & Airline Safety

**Public Hearing –Thursday, 31 March 2010
CANBERRA**

Questions Taken on Notice – Qantas Group

1. HANSARD, RA&T 27

Senator O'BRIEN—Sure. If we are looking at the issue of fatigue and it is suggested that shifts can be as long as 15 hours, what I would like to know is how frequently an employee would encounter such a shift. If it occurred, would that mean that they would automatically be rostered off for a set period? How does that work?

Mr Buchanan—There are rest periods that occur once a duty time limit like that has been extended and there are extended rest periods. We are happy to provide you with that information.

Senator O'BRIEN—That would be helpful to understand because if there is a delay in the system or a weather problem and there is no crew available or, for example, as I am also told occurs, cabin crew arrive at a place which should be the end of their shift but find that there is a staffing problem and they are asked to effectively perform another shift, that would be also where this extended shift arrangement would occur. I would be keen to know what guarantees the staff have of extended rest periods and limitations of those in position. If you can help us either now or on notice that would be good.

Mr Buchanan—To talk in broad terms about that, during the last few months in particular—as you can imagine—in aviation, disruption has been quite amazing given Christchurch, Japan, the Queensland floods, Cyclone Yasi, the volcanoes in Bali and a series of other events have caused us lot of disruption across our network. So you do get a lot of crew out of base, but what ended up happening was we had to cancel a lot of flying because we had crew out of base on rest periods, we had crew in the wrong base and we tried to move crew out of certain ports—like Alan was talking about with Tokyo. Therefore, we have had to cancel a series of flights because of those events. Rest periods are definitely adhered to when duties are extended, and I can give you some back-up on that. It is easy to focus on the anomaly. It happens in any industry and in any work. You can imagine a finance person when it comes to budget time. There are always periods of time when anomalies occur and people do work longer hours. I think the average hours is the best sign of the average amount of work people are doing.

Senator O'BRIEN—I would be happy if you could supply the additional information I requested on notice.

2. HANSARD, RA&T 37-38

Senator XENOPHON—For the sake of completeness—you may want to take some of these on notice, because there are time constraints—are the four cadets being employed on a part-time basis? If so, why is that? Can you reassure the committee that the four cadets will not have their future employment prospects harmed in any way as a result of the fact that this is something that has come under the scrutiny of the committee?

Mr Buchanan—Let me start with the second point. I can absolutely guarantee that anyone who wants to talk about safety in any of these sorts of formats, whether it be the ATSB, CASA or a Senate hearing, would never be in any way jeopardised or have their career in any way harmed.

Senator XENOPHON—These cadets have not come to it. It was via the union that these things were brought. Let's make that clear.

Mr Buchanan—There is no concern. We have no issue with that whatsoever. The pilots are all employed on a similar contract to how we employ pilots around the region. They are all paid hourly. The New Zealand pilots—remember when we got into discussions around salaries—are paid \$70 an hour. Then what we do is have a minimum guaranteed floor of hours that they get. The Australian pilots are the same. The cadets are paid \$96 an hour.

Senator XENOPHON—Secondly, what was the result for the crew of that go-around incident in Singapore where the allegation was that the captain was using or had a mobile phone in his hand something that? You may want to take that on notice. What Senator Heffernan raised initially was that the wheels were not down when they should have been down and it was a go around. Was there any administrative action taken in respect of the captain? Was the first officer praised for reporting the issue? Did the first officer return immediately to flying duty? I do not mind if that is on notice.

Mr Buchanan—I am happy to take that on notice. I would also say that that particular incident is an active investigation of the ATSB, so I would not want to prejudice it.

Senator XENOPHON—Sure. But in so far as you can without prejudicing any inquiry. Finally—this is from a partner of a Jetstar cabin attendant—there is an assertion made. I do not need to give you the email; I just want to put a couple things that were put to me. It says the sign-on time before flights has been reduced to fit in with longer duty periods. Has the sign-on time for cabin crew changed?

Mr Buchanan—Not that I am aware of. But I am happy to take that on notice and—

Senator XENOPHON—Sure. The other issue is that there is an assertion that a company memo was sent that said that cabin managers are no longer allowed to stand down staff if they feel that they do not have the required knowledge during the pre-flight briefing. You can either take that on notice or clarify that now.

Mr Buchanan—I am happy to take that on notice, but my understanding of the way that process works is that if the cabin manager has a concern they always talk to the captain and it is the captain who has responsibility for the safety of the aircraft who ultimately makes the call on standing down crew.

Senator XENOPHON—If you could you just clarify whether the cabin manager has ever had that authority and whether there has been any change to that I think that would satisfy that query.

Mr Buchanan—Okay.



18 April 2011

Ms Jeanette Radcliffe
Committee Secretary
Standing Committee on Rural Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Ms Radcliffe

**Pilot training inquiry:
Questions on Notice – 31 March 2011**

Responses to



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Responses to Questions on Notice – 31 March 2011

Senator O'Brien

Question 1

If we are looking at the issue of fatigue and it is suggested that shifts can be as long as 15 hours, what I would like to know is how frequently an employee would encounter such a shift. If it occurred, would that mean they would automatically be rostered off for a set period? How does that work?

Jetstar has two international flying shifts in this range which are rostered in accordance with the relevant labour agreements. Crew receive a minimum planned rest period, in accordance with the relevant labour agreements, equivalent to the duty time operated. Jetstar international cabin crew are rostered an average of up to two such duties a month, and as standard practice Jetstar rosters no more than three a month. If a shift is extended due to operational reasons, crew receive a minimum extended rest period in accordance with the relevant labour agreements.

Senator Xenophon

Question 2

For the sake of completeness – you may want to take some of these on notice, because there are time constraints – are the four cadets being employed on a part-time basis? If so, why is that?

Jetstar Cadets are employed on a part-time basis with a guaranteed minimum of 600 hours for a 12 month period. This provides flexibility for the business in line with seasonal demand and other demand changes. In reality, however, our pilots fly significantly more than this. Although data on cadet flying hour trends are not yet available, Jetstar expects that cadets will be flying between 850 to 950 hours per year.

Can you reassure the committee that the four cadets will not have their future employment prospects harmed in any way as a result of the fact that this is something that has come under the scrutiny of the committee?

Yes. We invest a significant amount of time and capital in the recruitment and training of these pilots. Such an outcome would be counter-intuitive and contrary to our interests.

Question 3

Secondly, what was the result of that go-around incident in Singapore where the allegation was that the captain was using or had a mobile phone in his hand something that? Was there any administrative action taken in respect of the captain? Was the first officer praised for reporting this issue? Did the first officer immediately return to flying duty? I do not mind if that is on notice.

Following this incident, both pilots were removed from duty on full pay for an internal investigation.

The First Officer was thanked in person by the Chief Pilot for his reporting of the incident and his participation in the following investigative activities.

The Captain decided to take early retirement. After completion of a training program, and following all necessary due process, the First Officer resumed flying duties.

Jetstar has liaised with the ATSB in relation to this event.

Question 4

Finally – this is from a partner of a Jetstar cabin attendant – there is an assertion made. It says the sign-on time before flights has been reduced to fit in with longer duty periods. Has the sign-on time for cabin crew changed?

Jetstar has not reduced its sign on time for cabin crew.

A number of years ago, Jetstar increased sign-on times for some first flights of the day where the duty period allowed. This allowed for earlier boarding of first flights as part of an on-time performance initiative. This was only done where this would not cause an issue with duty periods.

Question 5

The other issue is that there is an assertion that a company memo was sent that said that cabin managers are no longer allowed to stand down staff if they feel that they do not have the required knowledge during the pre-flight briefing. You can either take that on notice or clarify that now. If you could just clarify where the cabin manager has ever had that authority and whether there has been any change to that I think that would satisfy that query.

This is incorrect. The Cabin Manager has always had the ability to recommend to the Pilot in Command to stand down a crew member if they feel the crew member is insufficiently qualified. It is the Pilot in Command that ultimately makes this decision. There has been no change to this.

Yours sincerely



for:

Robert Wood
Head of Government & International Relations
Government and Corporate Affairs

**SENATE RURAL AND REGIONAL AFFAIRS AND TRANSPORT
REFERENCES COMMITTEE**

Inquiry into Pilot Training & Airline Safety

**Public Hearing –Thursday, 31 March 2010
CANBERRA**

Questions Taken on Notice – ATSB

1. HANSARD, RA&T 44-45

Senator XENOPHON—Mr Dolan, thank you for coming back. I think this is the third time for this inquiry, but I appreciate it and the committee does too. I want to go back to the issue of resources and also experience. How many ATSB staff would have experience in high-capacity, regular public transport operations?

Mr Dolan—I would have to confirm that number, but we have three or four at the moment.

Senator XENOPHON—How recent would that experience be?

Mr Dolan—It would be somewhat dated now, although we attempt to give our people some experience at least in the groundswell side of modern aircraft operations. I try to keep them up to the bar but recognise that we cannot maintain them to the actual operational level required to fly these aircraft.

Senator XENOPHON—You could take that on notice.

2. HANSARD, RA&T 46

Senator XENOPHON—I have two other issues. I might need a moment to speak to my office about one of them because I have received some information on which we may or may not need to go in camera to put to the ATSB; it is in relation to someone who has expressed some concerns, not about the ATSB but about a particular operation. I just want to go to the windshear incident that Senator O'Brien referred to. I am trying to establish what the triggers are for a highlevel investigation. I appreciate that the ATSB is now looking at that incident at a higher level but, initially, the ATSB made a decision not to investigate further on the basis of information provided; is that a fair summary?

Mr Dolan—Correct.

Senator XENOPHON—Did that information consist of a report from the pilot?

Mr Dolan—A report from the operator which, we understand, was pretty much a verbatim report of the pilot.

Senator XENOPHON—That report obviously would have indicated that there was a windshear incident, but did it also indicate the rate of climb?

Mr Dolan—As I recall, although I will have to confirm this, the initial report did not go to rate of climb, but we made inquiries of the operator as to rate of climb.

Senator XENOPHON—Were those inquiries on the basis of looking at the flight data recorder?

Mr Dolan—On the basis of asking the operator what they had in terms of the flight data recorder.

Senator XENOPHON—Given that you are now investigating this, are you able to comment further? Can you advise whether you were notified as to the rate of climb at that time?

Mr Dolan—At the time of the initial report?

Senator XENOPHON—Yes.

Mr Dolan—As I say, my recollection is no, but I will confirm whether that is the case. I would prefer to take the question on notice to be absolutely sure.

3. FURTHER QUESTIONS FROM SENATOR XENOPHON

1. The “Investigation procedures and deciding whether to investigate” page of the ATSB website states that: “With aviation, classifying a transport safety matter is normally the task of the Notifications Officer; however, the Team Leader Notification and Confidential Reporting needs to liaise with the relevant Team Leader or Director.” The Organisational diagram on the website does not indicate Team Leader, Director or Deputy CEO positions. Could you please provide an expanded organisational diagram that shows all relevant positions?
2. Further, what are the qualifications of the Notifications Officer, the Team Leader Notification and Confidential Reporting, the relevant Team Leader and the Director?
3. To what extent does ATSB rely on operators to assist with the categorisation of events? If so, what are the benefits and drawbacks of that approach?
4. Does ATSB have a preference for reports to be made directly to the operator, who then decides on whether to report to ATSB? If so, what are the benefits and drawbacks of that approach?
5. Does the ATSB conduct regular visits to operators to review the SMS incident data, the standard of internal investigations and the risk registers, as well as to confirm compliance with the TSIA 2003?
6. Has ATSB ever conducted or contemplated conducting anonymous organisational safety culture surveys of operators?

ATSB RESPONSE TO QUESTIONS ON NOTICE from 31 MARCH PUBLIC SENATE HEARING

• **QUESTION ON NOTICE 1:**

Senator XENOPHON—Mr Dolan, thank you for coming back. I think this is the third time for this inquiry, but I appreciate it and the committee does too. I want to go back to the issue of resources and also experience. How many ATSB staff would have experience in high-capacity, regular public transport operations?

Mr Dolan—I would have to confirm that number, but we have three or four at the moment.

Senator XENOPHON—How recent would that experience be?

Mr Dolan—It would be somewhat dated now, although we attempt to give our people some experience at least in the groundswell side of modern aircraft operations. I try to keep them up to the bar but recognise that we cannot maintain them to the actual operational level required to fly these aircraft.

Senator XENOPHON—You could take that on notice.

- **ATSB Response:**

The ATSB has four investigators with experience as pilots in high capacity aircraft operations. The ATSB also has another investigator has worked as a simulator instructor on the Boeing 767 aircraft and another three investigators who have worked as pilots in regular public transport operations.

ATSB investigators have also received simulator training in high capacity aircraft, attended ground schools to learn about high capacity aircraft systems and received jump seat rides to become familiar with the operational environment.

Importantly, from an investigation perspective, all the ATSB's investigators are trained and acquire skills in evidence collection, interpretation, analysis and evaluation. After commencing with the ATSB it is a requirement that all investigators complete the accredited Diploma in Transport Safety Investigation. This diploma includes training in onsite fundamentals, investigative interviewing and human factors for transport safety investigations. The ATSB's investigators are trained to work out what questions to ask and then find the answers.

Background operational experience supports the investigation process but is not determinative of whether or not the relevant contributory and other safety factors involved in an accident or incident can be identified. Formal training as an investigator is critical to this capability as well as on the job experience in investigations involving high capacity aircraft.

Further, ATSB investigations occur in a team environment where experience and skills are drawn from across the Bureau as required. If those skills and experience need to be supplemented the ATSB may seek external expertise. The *Transport Safety Investigation Act 2003* allows for this through the appointment of consultants under section 16B.

For aviation accident investigations, Annex 13 to the Convention on International Civil Aviation sets out a framework where the ATSB may make use of accredited representatives in other countries to facilitate the provision of expert information from manufacturers. For example, where the ATSB requires expert information about a Boeing aircraft, an accredited representative would be sought from the National Transportation Safety Board in the United States where that company is located.

- **QUESTION ON NOTICE 2:**

Senator XENOPHON—I have two other issues. I might need a moment to speak to my office about one of them because I have received some information on which we may or may not need to go in camera to put to the ATSB; it is in relation to someone who has expressed some concerns, not about the ATSB but about a particular operation. I just want to go to the windshear incident that Senator O'Brien referred to. I am trying to establish what the triggers are for a highlevel investigation. I appreciate that the ATSB is now looking at that incident at a higher level but, initially, the ATSB made a decision not to investigate further on the basis of information provided; is that a fair summary?

Mr Dolan—Correct.

Senator XENOPHON—Did that information consist of a report from the pilot?

Mr Dolan—A report from the operator which, we understand, was pretty much a verbatim report of the pilot.

Senator XENOPHON—That report obviously would have indicated that there was a windshear incident, but did it also indicate the rate of climb?

Mr Dolan—As I recall, although I will have to confirm this, the initial report did not go to rate of climb, but we made inquiries of the operator as to rate of climb.

Senator XENOPHON—Were those inquiries on the basis of looking at the flight data recorder?

Mr Dolan—On the basis of asking the operator what they had in terms of the flight data recorder.

Senator XENOPHON—Given that you are now investigating this, are you able to comment further? Can you advise whether you were notified as to the rate of climb at that time?

Mr Dolan—At the time of the initial report?

Senator XENOPHON—Yes.

Mr Dolan—As I say, my recollection is no, but I will confirm whether that is the case. I would prefer to take the question on notice to be absolutely sure.

- **ATSB Response:**

On 2 Nov 2010, the ATSB received an occurrence notification from Jetstar in relation to a windshear event at Darwin Airport, involving one of their A320 aircraft that occurred on 31 Oct 2010. That notification met the requirements for a routine reportable matter (RRM) under the provisions of the *Transport Safety Investigation Act (2003)*. The report did not make reference to information about the affect of the windshear event on the performance of the aircraft, such as the aircraft's rate of climb or airspeed. The report received by the ATSB from Jetstar, verified as the same report submitted by the pilots, stated that:

- windshear had been encountered on departure
- there were no thunderstorm cells within 5 NM of the airfield
- the event occurred on rotation
- the company/Airbus windshear procedure was applied and the aircraft climbed out without further incident
- the crew received a wind check from ATC prior to departing of a 5 kt head wind
- ATC did not provide any weather observations to the crew

The occurrence notification contained other relevant information at the time, including the date, time, place, aircraft details etc.

The ATSB assessed that the notification was not an immediately reportable matter (IRM) in accordance with the provisions of the *Transport Safety Investigation Act (2003)*, and a decision was taken not to investigate the occurrence. As the ATSB is resourced to undertake a finite number of investigations each year, the ATSB investigates selectively, as do many equivalent agencies internationally.

The ATSB's primary focus is on enhancing safety with respect to fare paying passengers, and in particular, those transport safety matters that may present a significant threat to public safety and are the subject of widespread public interest. The ATSB therefore needs to direct significant attention to identifying systemic failures in aviation, marine and rail mass public transport systems, that have the potential to result in catastrophic accidents and which are often characterised by large numbers of fatalities and serious injuries.

The following broad hierarchies for aviation operation types, which reflect the priorities described above, must be taken into account when deciding whether to investigate and when determining the level of investigation response:

1. Passenger transport - large aircraft.
2. Passenger transport - small aircraft:

- RPT and charter on small aircraft
- humanitarian aerial work (for example, RFDS, SAR flights).
- 3. Commercial (that is, fare paying) recreation (for example, joy flights).
- 4. Aerial work with participating passengers (for example, news reporters, geological surveys).
- 5. Flying training.
- 6. Other aerial work:
 - non-passenger carrying aerial work (for example, agriculture, cargo)
 - private transport/personal business.
- 7. High risk personal recreation/sports aviation/experimental aircraft operations

The level of investigation response is determined by resource availability and such factors as detailed below. These factors are presented in no particular order and may, depending on the circumstances, vary in the degree to which they influence the ATSB's decision to investigate and the level of response.

- anticipated safety value of an investigation, including the likelihood of furthering the understanding of the scope and impact of any safety system failures
- likelihood of safety action arising from the investigation, particularly of national or global significance
- existence and extent of fatalities/serious injuries and/or structural damage to transport vehicles/other infrastructure
- obligations or recommendations under international conventions and/or codes
- nature and extent of public, interest, in particular the potential impact on public confidence in the safety of the transport system
- existence of supporting evidence or requirements to conduct a special investigation based on trends
- relevance to an identified and targeted safety program
- the extent of resources available and projected to be available in the event of conflicting priorities
- the risks associated with not investigating including consideration of whether, in the absence of an ATSB investigation, a credible safety investigation by another party is likely
- timeliness of notification
- training benefit for ATSB investigators.

Many occurrences may fit the definition of an aviation safety accident or incident, but in isolation, may not represent a systemic risk to safe aviation and do not require individual investigation. Such occurrences may be referenced during trend monitoring of occurrences with similar factors.

Given the foregoing, and based on the original report received by the ATSB, it was assessed that the occurrence, while notable for future trend monitoring and analysis, was not remarkable in the context of environmental conditions that are encountered by aircraft from

time to time, and there was no suggestion of the aircraft's performance having been affected to the extent of a near accident.

Subsequent enquires by the ATSB to the operator regarding the circumstances of the occurrence following a question taken on notice at the 25 February 2011 hearing, reinforced the ATSB's original assessment of the occurrence.

During the 18 March 2011 hearing of the Senate inquiry, evidence was given to the Committee by members of the Australian International Pilots Association (AIPA) that the flight crew in this occurrence reported to them that they "thought they were going to die" and that the aircraft "stopped climbing for quite some period of time". This information was not consistent with information the ATSB had received in relation to the occurrence. As a result, in order to exercise powers under the TSI Act to formally obtain evidence and to clarify the circumstances surrounding the occurrence, the ATSB initiated an investigation into the occurrence on 21 March 2011.

The investigation has obtained the Quick Access Recorder (QAR) data relevant to the occurrence flight and initial analysis has been conducted by specialist flight recorder personnel, who have determined the following:

- fluctuations were apparent in the computed airspeed for a period of 20 seconds that were characteristic of a windshear event
- during the initial stages of flight, the aircraft's vertical speed (rate of climb) fluctuated, but always remained positive
- the rate of climb was below 1,000 ft/minute for a maximum of 5 seconds, reducing momentarily to a minimum rate of climb of 466 ft/minute
- the aircraft climbed to 1,500 ft in about 40 seconds, with an average climb rate of 2,250 ft/minute
- at all times during the takeoff, the aircraft was climbing with airspeed above 140 kts
- there was no recorded activation of the GPWS windshear warning during the event.

In addition to review and analysis of the QAR data, the ATSB is seeking interviews with both crew members; however, they are currently away on leave until late April and as such the investigation will not be completed as soon as had originally been hoped. The investigation is also examining Darwin meteorological and air traffic services aspects of the occurrence.

- **ADDITIONAL QUESTIONS ON NOTICE FROM SENATOR XENOPHON**

1. The "Investigation procedures and deciding whether to investigate" page of the ATSB website states that: "With aviation, classifying a transport safety matter is normally the task of the Notifications Officer; however, the Team Leader Notification and Confidential Reporting needs to liaise with the relevant Team Leader or Director." The Organisational diagram on the website does not indicate

Team Leader, Director or Deputy CEO positions. Could you please provide an expanded organisational diagram that shows all relevant positions?

The current organisational chart on the ATSB website is up to date. However, the information concerning notifications needs to be revised. Team Leaders are now described as Managers, Directors are described as General Managers and there is no longer a Deputy CEO position.

When a notifications staff member receives a notification the process is as follows:

- Perform an initial assessment on the information relating to the notification
- Solicit (if necessary) further information from other parties
- Assess further (when there is sufficient information about the incident)
- Classify occurrence reports assessed as not warranting investigation (Level 5 – Data Entry) or are not a transport safety matter (Level 6)
- Refer to an investigation Manager or General Manager, all the occurrences that appear to be of a higher safety concern and which may warrant a Level 5 factual investigation or higher.

2. Further, what are the qualifications of the Notifications Officer, the Team Leader Notification and Confidential Reporting, the relevant Team Leader and the Director?

Ultimately the decision to investigate is made by the Aviation Investigation Branch which draws on skills and experience in its staff that has been drawn from across the aviation industry. However, with the respect to the Notifications and Confidential Reporting section, the occupied positions have the following background qualifications:

General Manager

Thirty-four years in aviation with 21 years service as an officer in the Royal Australian Air Force with extensive experience as an operative Air Traffic Controller and as an Air Traffic Services manager, as well as appointments in a range of command, personnel, project management, training and aviation safety related positions.

Thirteen years at the ATSB including as a Senior Transport Safety Investigator, Team Leader (Manager) of Notifications and Technical Analysis, Team leader (Manager) Aviation Investigations, Director Aviation Safety Investigation, and most recently, since July 2009, as General Manager Strategic Capability (which includes the Notifications and Confidential Reporting section).

Manager – Notifications and Confidential Reporting

Thirty-two years in aviation, having worked as a Royal Australian Air Force Load Master with experience in operations, as an instructor, and in search and rescue. In the RAAF the current Manager also worked as a Flight Data Officer in the Adelaide Traffic Management Unit.

The current Manager also worked in a range of roles in the former Civil Aviation Authority and Airservices Australia including in the following areas: Airworthiness, Database Management, Airspace and Charting and as a research/data officer. During his time at the ATSB he has worked as the notifications database manager and the Manager – Notifications and Confidential Reporting.

REPCON Manager

Twenty-five years experience in aviation including as a Licensed Aircraft Maintenance Engineer. The current REPCON Manager has worked as CASA Airworthiness Inspector, a Transport Safety Investigator in the ATSB before becoming the REPCON Manager. The REPCON Manager also has a restricted pilot's licence.

Notifications - Data Entry personnel

Presently the ATSB has six data entry personnel in the Notifications section. The background experience of the officers' includes pilots (various – RAAF, CPL, Private), Air Traffic Controllers, Flight Service Officers, Database Administrators, Aviation Administration Quality Assurance officers and they have experience in ICAO reporting systems.

3. To what extent does ATSB rely on operators to assist with the categorisation of events? If so, what are the benefits and drawbacks of that approach?

The ATSB does not rely on operators to categorise events. The *Transport Safety Investigation Regulations 2003* is prescriptive with respect to the events that must be reported. If the event occurs, then the reporter does not become involved in 'categorising' the event. The Regulations determine whether or not it is an Immediately Reportable Matter or a Routine Reportable Matter. Once reported, the ATSB then determines against its own categorisation system whether it is a level 1, 2, 3, 4 or 5 event.

4. Does ATSB have a preference for reports to be made directly to the operator, who then decides on whether to report to ATSB? If so, what are the benefits and drawbacks of that approach?

The *Transport Safety Investigation Regulations 2003* advise that the onus to report is on a responsible person. This includes pilots and other crew members, air traffic controllers and the owner or operator of the aircraft. If any of these persons become

aware of a reportable matter they must report to the ATSB. They are only excused if they have reasonable grounds to believe that another responsible has reported to the ATSB with all the required particulars.

The ATSB has no objections to the reports coming through the operator so that crew members do not have to fill out two separate reports and so that the operator can add additional information that the crew may not have been aware of (i.e. from data recorders).

5. Does the ATSB conduct regular visits to operators to review the SMS incident data, the standard of internal investigations and the risk registers, as well as to confirm compliance with the TSIA 2003?

The ATSB is not a regulator and does not conduct audits of operators. However, Civil Aviation Orders 82.3 and 82.5 require Regular Public Transport Operators, including High Capacity Operators, to have in place hazard and incident reporting systems. *Civil Aviation Advisory Publication SMS – 1(0) Safety Management Systems for Regular Public Transport Operations* refers, at paragraph 4.2.7, to the need to have in place a reporting system that enables the operator to meet its obligations under the Transport Safety Investigation Act and Regulations.

Because reporting processes must be included in an operator's SMS, they may become the subject of an audit by CASA. The ATSB has liaised with CASA officers in relation to these audits.

6. Has ATSB ever conducted or contemplated conducting anonymous organisational safety culture surveys of operators?

REPCON is available to persons to report concerns about an operator's safety culture. The ATSB will continue to promote and encourage the use of REPCON for this purpose which includes statutory protections for the reporter.

CASA CAAP SMS – 1(0) includes a requirement for an operator to have in place a 'just culture' as a part of the overall safety culture of the organisation. The implementation of a 'just culture' is something that CASA may look at in terms of compliance with the CAAP.

**SENATE RURAL AND REGIONAL AFFAIRS AND TRANSPORT
REFERENCES COMMITTEE**

Inquiry into Pilot Training & Airline Safety

**Public Hearing –Thursday, 31 March 2010
CANBERRA**

Questions Taken on Notice – Ms Monique Neeteson-Lemkes

1. HANSARD, RA&T 54-55

Senator HEFFERNAN—Is there any guidance to you as a crew member that you should have eight hours sleep in the previous 10 hours before you go on a back of the clock shift? That could be a bit of a pain if it is in the middle of the day in summer. What is the requirement of the pre-work period? You might be out at the football—or you might be home in bed. Does that make any difference?

Ms Neeteson-Lemkes—We personally think that it would make a difference, but the company does not have a requirement nor do they teach us how to rest before a certain type of duty.

Senator HEFFERNAN—I do not know how they would enforce it, but should they?

Ms Neeteson-Lemkes—I'll take that on notice for now, and get back to you with an answer.

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Inquiry into Pilot Training & Airline Safety

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CANBERRA**

Questions Taken on Notice – Ms Monique Neeteson-Lemkes

1. HANSARD, RA&T 54-55

Senator HEFFERNAN—Is there any guidance to you as a crew member that you should have eight hours sleep in the previous 10 hours before you go on a back of the clock shift? That could be a bit of a pain if it is in the middle of the day in summer. What is the requirement of the pre-work period? You might be out at the football—or you might be home in bed. Does that make any difference?

Ms Neeteson-Lemkes—We personally think that it would make a difference, but the company does not have a requirement nor do they teach us how to rest before a certain type of duty.

Senator HEFFERNAN—I do not know how they would enforce it, but should they?

Ms Neeteson-Lemkes—I'll take that on notice for now, and get back to you with an answer.

Answer: I'm unsure as to how you would enforce it as well. What my employers can do though is put parameters and limitations around types of duties rostered leading up to a back of the clock and after completion of the back of the clock. At the moment it's all over the shop. A Flight Attendant can be rostered a combination of earlies, standbys, lates and then a back of the clock. I've not met one Flight Attendant who hasn't said this not only plays havoc on their body but definitely affects the way they operate on flights as their bodies and sleeping are disturbed and their bodies aren't able to adjust. This has an adverse effect on safety whilst flying.