



Australian Government

Civil Aviation Safety Authority

Notice of Proposed Rule Making

Cabin Crew Ratios

Proposed Amendment to Civil Aviation Order (CAO) Section 20.16.3

This NPRM will be of interest to:

- air operators using aircraft requiring the carriage of cabin crew;
- operating crew members; and
- the travelling public.

Issued as part of the process of public consultation by
CASA's Standards Development Branch

Document NPRM 0905OS – February 2010

Foreword

This Notice of Proposed Rule Making (NPRM) is issued by the Civil Aviation Safety Authority (CASA) with a view to ensuring that Australian aviation safety requirements are current and appropriately address safety risks.

CASA's policies require that the aviation safety regulations must:

- be necessary to address known or likely safety risks;
- provide for the most efficient allocation of industry and CASA resources;
- be clear and concise; and
- where appropriate, be aligned with international standards and drafted in outcome based terms.

This proposed amendment to Civil Aviation Order (CAO) Section 20.16.3 addresses the assignment of cabin crew members to aircraft that require the carriage of cabin crew.

The NPRM proposes to align Australian requirements with those of leading International Civil Aviation Organization (ICAO) States by basing the minimum required number of cabin crew members for certain aircraft on the number used in the aircraft's successful emergency evacuation demonstration, subject to a safety risk management plan (SRMP) developed by the aircraft operator.

The current requirement bases the number of cabin crew on a ratio of 1 cabin crew member to 36 passengers carried.

Background

Currently, CAO 20.16.3 (6) requires that operators of aircraft engaged in charter or regular public transport operations and carrying more than 15 but not more than 216 passengers shall carry at least 1 cabin crew member for each unit of 36 passengers or part thereof.

Since 2006, CASA has permitted a number of Australian Air Operator's Certificate (AOC) holders to operate certain single aisle aircraft types with an assigned number of cabin crew at a ratio of 1 cabin crew member up to a maximum of 50 passenger seats installed.

These operators had applied to CASA for a revision of cabin crew numbers based on claims that the operations in Australia were able to be safely conducted using the number of cabin crew members used in the aircraft's successful emergency evacuation demonstration during the aircraft's type certification.

CASA assessed individual operators' safety cases, which included conducting emergency evacuation demonstrations. Where it was determined that no adverse effect on aviation safety existed, regulatory permissions were granted enabling such operations with a revised number of cabin crew members.

Following further consideration and reviews of implementation of safety performance under the revised number of cabin crew members, CASA believes that passenger safety can be maintained by formally adopting standardised international requirements and associated performance standards for aircraft evacuation capability.

The mechanism by which a revised standard will be offered to air operators is proposed to be an amendment to the relevant CAO allowing a revised number of cabin crew determined by a ratio of 1 cabin crew member up to a maximum of 50 passenger seats. This is the same standard as that used by aircraft manufacturers in aircraft design and subsequent evacuation certification of the aircraft type.

A Civil Aviation Advisory Publication (CAAP) is also proposed, in order to provide advisory material to operators transitioning to the 1:50 operating environment, if they opt to do so.

Proposed Changes in a Page

The time-conscious reader will obtain a quick appreciation of this NPRM through the Proposed Changes in section 2 of this NPRM.

A **text synopsis** of the proposed changes is provided as background (NPRM Section 3).


How you can help us

CASA is responsible under the Civil Aviation Act 1988, amongst other functions, for developing and promulgating appropriate, clear and concise aviation safety standards. In the performance of this function and the exercise of its powers, CASA must, where appropriate, consult with government, commercial, industrial, consumer and other relevant bodies and organisations.

Civil Aviation Act 1988 Paragraph 9(1)(c) and Section 16

To ensure clear and relevant safety standards, we need the benefit of your knowledge as an aviator, aviation consumer and/or provider of related products and services **by completing the Response Form** (in this NPRM or online) **and returning it to CASA by 6 April 2010.**

I would like to thank you for expressing interest in this proposal and emphasise that no rule changes will be undertaken until all NPRM responses and submissions received by the closing date **6 April 2010** have been considered.



Grant Mazowita
Acting Executive Manager
Standards Development and Future Technology

9 February 2010

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* YOU CAN RESPOND ONLINE OR BY FAX, POST OR E-MAIL *	
A web-based online response form is offered as an alternative to the printed form in this NPRM. Online submission is the preferred method of sending your comments to CASA. If you are connected to the Internet, type casa.gov.au/newrules/ors into your web browser and follow the links for this NPRM.	
Annex A – Proposed Amendment to Civil Aviation Order (CAO)	
Section 20.16.3	A1
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Acronyms

AOC	Air Operator's Certificate
CAAP	Civil Aviation Advisory Publication
CAR	Civil Aviation Regulations 1988
CASA	Civil Aviation Safety Authority
CASR	Civil Aviation Safety Regulations 1998
CAO	Civil Aviation Order
EASA	European Aviation Safety Agency
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
ICAO	International Civil Aviation Organization
NFRM	Notice of Final Rule Making
NPRM	Notice of Proposed Rule Making
OBPR	Office of Best Practice Regulation
SRMP	Safety Risk Management Plan

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1. The Consultation Process

1.1 This NPRM is issued as part of CASA's regulatory development activities and invites consultation on a proposed amendment to the Civil Aviation Orders relating to cabin crew ratios on certain passenger transport aircraft.

1.2 The group of people involved in the development and formulation of the proposals contained in this NPRM consists of CASA and industry subject matter experts.

Industry

Greame Cleary – Australian and International Pilots Association
Joanne Leue – Cobham Aviation Services
Adam Mowbray – Virgin Blue
Guy Maclean – Flight Attendants Association of Australia (Domestic)
Brian Wilson – Flight Attendants Association of Australia (International)
Deborah Cybula – Qantas
Warwick Walesby – QantasLink

CASA

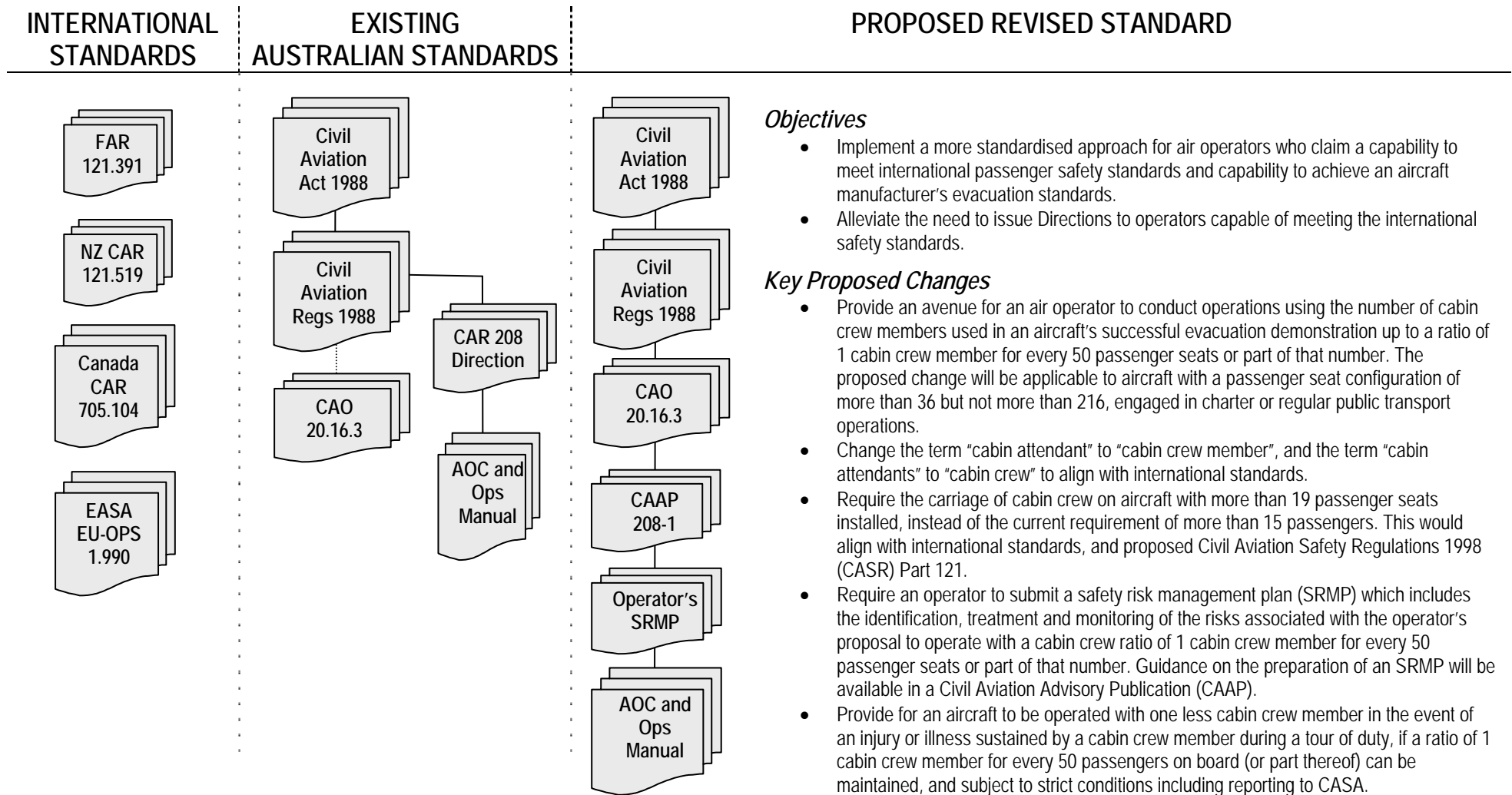
Grant Howard – Air Transport Inspector, CASA Operations
Nick Strange – Senior Researcher, Standards Development

What CASA does with your comments

1.3 At the end of the response period for public comments, all submissions will be analysed, evaluated and considered. Subsequent to the closing date for comments, a Notice of Final Rule Making (NFRM) will be prepared, and made publicly available in conjunction with the making of the Final Rule.

1.4 CASA is required to register each comment and submission received, but will not individually acknowledge a response unless specifically requested. However, the names of contributors will be published in the subsequent NFRM, except where CASA is specifically requested not to do so.

2. Proposed Changes in a Page



3. Synopsis of Change Proposals

3.1 Purpose of this NPRM

3.1.1 The purpose of this NPRM is to facilitate consultation on a proposed change to CAO Section 20.16.3 relating to cabin crew ratios.

3.1.2 The NPRM proposes an amendment to the Order which will permit an Australian operator, subject to CASA's acceptance of an SRMP, to assign a minimum number of cabin crew members at a ratio of 1 cabin crew member up to a maximum of 50 passenger seats installed.

3.1.3 The proposed change will be applicable to aircraft with a passenger seat configuration of more than 36 but not more than 216, engaged in charter or regular public transport operations.

3.1.4 The change will not provide for a lesser number of cabin crew members in normal operations than that demonstrated in an aircraft's successful emergency evacuation demonstration performed during the aircraft's type certification. Relief may be available for an aircraft to be operated with one less cabin crew member, subject to strict conditions, only in the event of mid-duty cabin crew member illness or injury.

3.1.5 The proposed amendment would amend the term 'cabin attendant' to 'cabin crew member', and the term 'cabin attendants' to 'cabin crew' to align with international standards.

3.1.6 The proposed amendment would also require the carriage of cabin crew on aircraft with more than 19 passenger seats installed, instead of the current requirement of more than 15 passengers. This would align with international standards, and proposed Civil Aviation Safety Regulations 1998 (CASR) Part 121.

3.1.7 The NPRM also contains a draft CAAP which provides guidance to operators on the transition to the 1:50 operating environment, if they opt to do so.

3.2 Background

3.2.1 CAO Section 20.16.3 (6) has remained with the same cabin crew to passenger ratio since 1960. In the 49 years since, significant improvements have been made in passenger safety, as demonstrated by advances in: aircraft design, reliability, continuing airworthiness, crashworthiness, crew member training, passenger capability, evacuation performance and survivability.

3.2.2 Some of these enhancements have become mandatory airworthiness requirements, reflected through the Federal Aviation Administration (FAA) and European Aviation Safety Agency (EASA) certification standards. These certification standards are enacted through the Federal Aviation Regulations (FAR) 25 Amendment 15 (1965) and the FAR 25 Amendment 51 (1980), stating that:

‘it is envisaged that aircraft certified to the FAR 25 Amendment 25-51 or later (or equivalent JAA/EASA certification standard) will be the minimum certification standard that will permit a variation in cabin attendant requirements. It will be applied as an operating standard for a ratio of one (1) cabin attendant up to fifty (50) passengers for all aircraft.’

3.2.3 Australian operational training requirements supporting the current 1:36 cabin crew to passenger ratio are represented in CAO Section 20.11. The crew member proficiency test requirement (Appendix IV) lists the minimum subject matter to be tested and applies to crew members of any sized passenger aircraft. Because the Order requires only a minimum standard, it is no longer regarded by the air transport sector as a basis of a modern system-based training and checking regime.

3.2.4 Since 2006, CASA has permitted a small number of Australian air operators, upon application, to conduct operations with an assigned number of cabin crew members at a ratio of 1 cabin crew member to a maximum of 50 passenger seats installed. The legislative instrument involved is made under the Civil Aviation Regulations 1988 (CAR) and is known as a CAR 208 Direction - Number of Operating Crew.

3.2.5 Applicants for a CAR 208 Direction were required to satisfy CASA that normal and emergency procedures, together with supporting operational systems and training, were capable of supporting an internationally recognised ‘up to 1:50’ model.

3.2.6 Applicants provided safety cases and risk assessments and where necessary operational changes were made to enhance safety in support of the application.

3.2.7 Applicants were required to demonstrate to CASA that the operator’s procedures and training resulted in an equivalent or better evacuation standard than that of the aircraft manufacturer together with evidence that the evacuation performance could continue to be met.

3.3 Reasons for change

3.3.1 One of the guiding principles in CASA’s standards setting function is the recognition that, where appropriate, CASA will align its regulations with the standards and practices of the leading aviation countries, unless differences are required to address the Australian aviation environment and these differences can be justified on safety risk grounds.

3.3.2 Internationally recognised guidance from the United States of America (FAA) and Europe (EASA) is framed around emergency systems and training that supports the number of cabin crew members used by the aircraft manufacturer in an emergency evacuation demonstration during the aircraft’s type certification process.

3.3.3 Australian operators, exercising a CAR 208 Direction, have demonstrated at least equivalent levels of passenger safety in normal operations as well as equivalent capabilities in emergency situations.

3.4 Objectives

3.4.1 CASA believes that further industry safety gains could be made by implementing a more standardised approach for air operators who claim a capability to meet international passenger safety standards and a capability to achieve the aircraft manufacturer's evacuation standards.

3.4.2 Amending the Order would also alleviate the need to issue Directions to operators capable of meeting the international safety standards.

3.5 Key change proposals

3.5.1 Provide an avenue for an air operator to conduct operations using the number of cabin crew members used in an aircraft's successful evacuation demonstration up to a ratio of 1 cabin crew member for every 50 passenger seats or part of that number. The proposed change will be applicable to aircraft with a passenger seat configuration of more than 36 but not more than 216, engaged in charter or regular public transport operations.

3.5.2 Change the term 'cabin attendant' to 'cabin crew member', and the term 'cabin attendants' to 'cabin crew' to align with international standards.

3.5.3 Require the carriage of cabin crew on aircraft with more than 19 passenger seats installed, instead of the current requirement of more than 15 passengers. This would align with international standards, and proposed CASR Part 121 (refer to NPRM 02110S which originally proposed to clarify cabin crew requirements).

3.5.4 Require an operator to submit an SRMP which includes the identification, treatment and monitoring of the risks associated with the operator's proposal to operate with a cabin crew ratio of 1 cabin crew member for every 50 passenger seats or part of that number. Guidance on the preparation of an SRMP will be available in a CAAP.

3.5.5 Provide for an aircraft to be operated with one less cabin crew member in the event of an injury or illness sustained by a cabin crew member during a tour of duty, if a ratio of 1 cabin crew member for every 50 passengers on board (or part thereof) is maintained, and subject to strict conditions including reporting to CASA.

3.6 Benefits and impacts

3.6.1 Air operators who adopt internationally recognised standards for passenger safety in operations would realise efficiency benefits in aligning to the international standards.

3.6.2 Air operators currently operating under a CAR 208 Direction for a revised number of cabin crew members have demonstrated that the adoption of internationally recognised standards has maintained at least equivalent levels of safety. No reduction in safety has been identified by CASA or any operator currently operating under a CAR 208 Direction. By requiring an operator to prepare and implement a formal SRMP, at least an equivalent level of safety can be achieved.

3.6.3 As a result of these amendments, some air operators may choose to assign a lesser number of cabin crew members to operations than currently required.

3.6.4 While the amendment to the CAO would change the basis for cabin crew carriage from the current requirement of 15 or more passengers to the proposed requirement of 19 or more passenger seats installed (as originally proposed in NPRM 02110S), it is not foreseen that this change will capture any operator.

3.6.5 The Office of Best Practice Regulation (OBPR) has assessed the proposed amendment and advises that the proposal is likely to have a low impact on business, and impose no or low compliance costs. Therefore no further analysis (in the form of a Business Cost Calculator Report or Regulation Impact Statement) is required (OBPR ref: 10932).

3.7 Implementation and review

3.7.1 The planning, monitoring and review of an air operator's transition to the new standard will be conducted during a transition phase. Thereafter, following the commencement of the revised cabin crew operations, monitoring and review would be conducted as determined by CASA's industry surveillance program.

3.7.2 Operators with a current CAR 208 Direction will be expected to address the more mature considerations identified in the CAAP. An operator's recent safety case combined with a post implementation review may be sufficient for an SRMP. However, CASA needs to consider each individual operator's SRMP and decide whether to approve it on an operator-by-operator basis. Oversight activities will from then on take place during CASA's normal program of surveillance without the need for further approvals.

3.7.3 Some consequential amendments to CAO Section 20.16.3 will be included in the final rule. These consequential amendments relate to references to subsection 6 of the CAO, and to instances where the terms 'cabin attendant' and 'cabin attendants' remain in the CAO.

NPRM Response Form

CABIN CREW RATIOS – PROPOSED AMENDMENT TO CIVIL AVIATION ORDER (CAO) SECTION 20.16.3

Please complete your response by 6 April 2010 and return it by one of the following means:

Online (preferred method) casa.gov.au/newrules/ors

Fax 1800 653 897 (free call)

Post (no stamp required)
CASA Standards Development Branch
Reply Paid 2005
Canberra ACT 2601, Australia

E-mail nprm0905OS@casa.gov.au

* A web-based online response form is offered as an alternative to the printed form in this NPRM. Online submission is the preferred method of sending your comments to CASA. If you are connected to the Internet, type casa.gov.au/newrules/ors into your web browser and follow the links for this NPRM.

Your Details

Please provide relevant information below and indicate your acceptance or otherwise of the proposal presented in this Notice of Proposed Rule Making by ticking [✓] the appropriate boxes.

Your name: _____ ARN* (if known): _____

Organisation: _____ ARN* (if known): _____

*Aviation Reference Number, usually your CASA-issued licence or certificate number

Address: _____

Your telephone number (optional): _____ (to enable the Project Leader to contact you as necessary)

Do you consent to have your name published as a respondent to this NPRM? YES [] NO []

Signed: Date:

How are you responding to this questionnaire/proposal, i.e. whose views are represented in your response?

Private individual Aviation industry body/association Staff association/union Government agency/authority/department/council Aviation business owner/service provider Other

Please advise your main involvement in aviation:

Passenger/public consumer of aviation services Air crew for passenger-carrying activities Air crew for non-passenger-carrying activities Ground support for passenger-carrying activities Ground support for non-passenger-carrying activities Other (specify below)

* **Details:** _____

Are you satisfied with CASA's consultation on this issue?

Very satisfied Satisfied No opinion Dissatisfied Very dissatisfied

Key Change Proposals

CASA invites you to advise your comments on the subject matter proposed in this NPRM by indicating your preference by ticking [✓] the appropriate box and commenting below:

Provide an avenue for an air operator to conduct operations using the number of cabin crew members used in an aircraft’s successful evacuation demonstration up to a ratio of 1 cabin crew member for every 50 passenger seats or part of that number. The proposed change will be applicable to aircraft with a passenger seat configuration of more than 36 but not more than 216, engaged in charter or regular public transport operations

- proposal is acceptable without change
- changes would improve it, but it is acceptable (please provide details below)
- changes would make it acceptable (please provide details below)
- not acceptable under any circumstances

Comments or suggested changes (including an estimate of additional costs/impacts if applicable): __

Change the term ‘cabin attendant’ to ‘cabin crew member’, and the term ‘cabin attendants’ to ‘cabin crew’ to align with international standards

- proposal is acceptable without change
- changes would improve it, but it is acceptable (please provide details below)
- changes would make it acceptable (please provide details below)
- not acceptable under any circumstances

Comments or suggested changes (including an estimate of additional costs/impacts if applicable): __

Require the carriage of cabin crew on aircraft with more than 19 passenger seats installed, instead of the current requirement of more than 15 passengers. This would align with international standards, and proposed CASR Part 121

- proposal is acceptable without change
- changes would improve it, but it is acceptable (please provide details below)
- changes would make it acceptable (please provide details below)
- not acceptable under any circumstances

Comments or suggested changes (including an estimate of additional costs/impacts if applicable): __

Require an operator to submit a safety risk management plan (SRMP) which includes the identification, treatment and monitoring of the risks associated with the operator’s proposal to operate with a cabin crew ratio of 1 cabin crew member for every 50 passenger seats or part of that number. Guidance on the preparation of an SRMP will be available in a CAAP

- proposal is acceptable without change
- changes would improve it, but it is acceptable (please provide details below)
- changes would make it acceptable (please provide details below)
- not acceptable under any circumstances

Comments or suggested changes (including an estimate of additional costs/impacts if applicable): ___

Provide for an aircraft to be operated with one less cabin crew member in the event of an injury or illness sustained by a cabin crew member during a tour of duty, if a ratio of 1 cabin crew member for every 50 passengers on board (or part thereof) can be maintained, and subject to strict conditions including reporting to CASA

- proposal is acceptable without change
- changes would improve it, but it is acceptable (please provide details below)
- changes would make it acceptable (please provide details below)
- not acceptable under any circumstances

Comments or suggested changes (including an estimate of additional costs/impacts if applicable): ___

Additional information is available from:

Grant Howard, Project Leader

Post (no stamp required) Reply Paid 2005

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